# DEBATES

OF

# THE SENATE

OF THE

# DOMINION OF CANADA

## 1930

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## OFFICIAL REPORT

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**Editor: DAVID J. HALPIN**

**Reporters: H. H. EMERSON, B. P. LAKE**

**Reserve Reporter: THOS. BENGOUGH**

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FOURTH SESSION—SIXTEENTH PARLIAMENT—20-21 GEORGE V

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1930

# SENATORS OF CANADA

## ACCORDING TO SENIORITY

MAY 30, 1930

THE HONOURABLE ARTHUR C. HARDY, SPEAKER

(succeeding the Honourable Hewitt Bostock, P.C., who died April 28, 1930.)

| SENATORS. | DESIGNATION. | POST OFFICE ADDRESS |
|---|---|---|
| The Honourable | | |
| PASCAL POIRIER | Acadie | Shediac, N.B. |
| RAOUL DANDURAND, P.C. | De Lorimier | Montreal, Que. |
| JOSEPH P. B. CASGRAIN | De Lanaudière | Montreal, Que. |
| FRÉDÉRIC L. BÉIQUE, P.C. | De Salaberry | Montreal, Que. |
| JOSEPH H. LEGRIS | Repentigny | Louiseville, Que. |
| JULES TESSIER | De la Durantaye | Quebec, Que. |
| JAMES H. ROSS | Moose Jaw | Moose Jaw, Sask. |
| NAPOLÉON A. BELCOURT, P.C. | Ottawa | Ottawa, Ont. |
| EDWARD MATTHEW FARRELL | Liverpool | Liverpool, N.S. |
| LOUIS LAVERGNE | Kennebec | Arthabaska, Que. |
| JOSEPH M. WILSON | Sorel | Montreal, Que. |
| RUFUS HENRY POPE | Bedford | Cookshire, Que. |
| JOHN W. DANIEL | Saint John | Saint John, N.B. |
| GEORGE GORDON | Nipissing | North Bay, Ont. |
| NATHANIEL CURRY | Amherst | Amherst, N.S. |
| EDWARD L. GIRROIR | Antigonish | Antigonish, N.S. |
| ERNEST D. SMITH | Wentworth | Winona, Ont. |
| JAMES J. DONNELLY | South Bruce | Pinkerton, Ont. |
| CHARLES PHILIPPE BEAUBIEN | Montarville | Montreal, Que. |



20301

| SENATORS. | DESIGNATION. | POST OFFICE ADDRESS. |
|---|---|---|
| The Honourable | | |
| JOHN MCLEAN | Souris | Souris, P.E.I. |
| JOHN STEWART MCLENNAN | Sydney | Sydney, N.S. |
| WILLIAM HENRY SHARPE | Manitou | Manitou, Man. |
| GIDEON D. ROBERTSON, P.C. | Welland | Welland, Ont. |
| GEORGE LYNCH-STAUNTON | Hamilton | Hamilton, Ont. |
| CHARLES E. TANNER | Pictou | Halifax, N.S. |
| THOMAS JEAN BOURQUE | Richibucto | Richibucto, N.B. |
| HENRY W. LAIRD | Regina | Regina, Sask. |
| ALBERT E. PLANTA | Nanaimo | Nanaimo, B.C. |
| JOHN HENRY FISHER | Brant | Paris, Ont. |
| LENDRUM MCMEANS | Winnipeg | Winnipeg, Man. |
| DAVID OVIDE L'ESPÉRANCE | Gulf | Quebec, Que. |
| GEORGE GREEN FOSTER | Alma | Montreal, Que. |
| RICHARD SMEATON WHITE | Inkerman | Montreal, Que. |
| AIMÉ BÉNARD | St. Boniface | Winnipeg, Man. |
| GEORGE HENRY BARNARD | Victoria | Victoria, B.C |
| WELLINGTON B. WILLOUGHBY | Moose Jaw | Moose Jaw, Sask. |
| JAMES DAVIS TAYLOR | New Westminster | New Westminster, B.C. |
| FREDERICK L. SCHAFFNER | Boissevain | Boissevain, Man. |
| EDWARD MICHENER | Red Deer | Red Deer, Alta. |
| WILLIAM JAMES HARMER | Edmonton | Edmonton, Alta |
| IRVING R. TODD | Charlotte | Milltown, N.B. |
| PIERRE EDOUARD BLONDIN, P.C. | The Laurentides | Montreal, Que. |
| JOHN G. TURRIFF | Assiniboia | Carlyle, Sask. |
| GERALD VERNER WHITE | Pembroke | Pembroke, Ont. |
| THOMAS CHAPAIS | Grandville | Quebec, Que. |
| LORNE C. WEBSTER | Stadacona | Montreal, Que. |
| JOHN STANFIELD | Colchester | Truro, N.S. |
| JOHN ANTHONY MCDONALD | Shediac | Shediac, N.B. |
| WILLIAM A. GRIESBACH, C.B., C.M.G. | Edmonton | Edmonton, Alta. |
| JOHN MCCORMICK | Sydney Mines | Sydney Mines, N.S. |
| RT. HON. SIR GEORGE E. FOSTER, P.C., G.C.M.G. | Ottawa | Ottawa, Ont. |
| JAMES A. CALDER, P.C. | Saltcoats | Regina, Sask. |
| ROBERT F. GREEN | Kootenay | Victoria, B.C. |
| ARCHIBALD B. GILLIS | Saskatchewan | Whitewood, Sask. |
| ARCHIBALD H. MACDONELL, C.M.G. | South Toronto | Toronto, Ont. |
| FRANK B. BLACK | Westmoreland | Sackville, N.B. |

| SENATORS. | DESIGNATION. | POST OFFICE ADDRESS. |
|---|---|---|
| The Honourable | | |
| SANFORD J. CROWE | Burrard | Vancouver, B.C. |
| PETER MARTIN | Halifax | Halifax, N.S. |
| ARTHUR C. HARDY, (Speaker) | Leeds | Brockville, Ont. |
| ONÉSIPHORE TURGEON | Gloucester | Bathurst, N.B. |
| SIR ALLEN BRISTOL AYLESWORTH, P.C., K.C.M.G | North York | Toronto, Ont |
| ANDREW HAYDON | Lanark | Ottawa, Ont |
| CLIFFORD W. ROBINSON | Moncton | Moncton, N.B. |
| JAMES JOSEPH HUGHES | King's | Souris, P.E.I. |
| CREELMAN MACARTHUR | Prince | Summerside, P.E.I. |
| JACQUES BUREAU, P.C | La Salle | Three Rivers, Que. |
| HENRI SÉVÉRIN BÉLAND, P.C | Lauzon | St. Joseph de Beauce, Que. |
| JOHN LEWIS | Toronto | Toronto, Ont. |
| CHARLES MURPHY, P.C | Russell | Ottawa, Ont. |
| WILLIAM ASHBURY BUCHANAN | Lethbridge | Lethbridge, Alta. |
| PROSPER EDMOND LESSARD | St. Paul | Edmonton, Alta. |
| JAMES PALMER RANKIN | Perth, N | Stratford, Ont. |
| ARTHUR BLISS COPP, P.C | Westmoreland | Sackville, N.B. |
| JOHN PATRICK MOLLOY | Provencher | Morris, Man. |
| WILFRED LAURIER MCDOUGALD | Wellington | Montreal, Que. |
| DANIEL E. RILEY | High River | High River, Alta. |
| PAUL L. HATFIELD | Yarmouth | Yarmouth, N.S. |
| RT. HON. GEORGE P. GRAHAM, P.C | Eganville | Brockville, Ont. |
| WILLIAM H. MCGUIRE | East York | Toronto, Ont. |
| DONAT RAYMOND | De la Vallière | Montreal, Que. |
| PHILIPPE J. PARADIS | Shawinigan | Quebec, Que. |
| JAMES H. SPENCE | North Bruce | Toronto, Ont. |
| EDGAR S. LITTLE | London | London, Ont. |
| GUSTAVE LACASSE | Essex | Tecumseh, Ont. |
| HENRY HERBERT HORSEY | Prince Edward | Cressy, Ont. |
| WALTER E. FOSTER, P.C | Saint John | Saint John, N.B. |
| HANCE J. LOGAN | Cumberland | Parrsboro, N.S. |
| ROBERT FORKE, P.C | Brandon | Pipestone, Man. |
| CAIRINE R. WILSON | Rockcliffe | Ottawa, Ont. |
| JAMES MURDOCK, P.C | Parkdale | Ottawa, Ont. |

# SENATORS OF CANADA

## ALPHABETICAL LIST

MAY 30, 1930

| SENATORS. | DESIGNATION. | POST OFFICE ADDRESS. |
|---|---|---|
| The Honourable | | |
| AYLESWORTH, SIR ALLEN, P.C., K.C.M.G.... | North York..... | Toronto, Ont. |
| BARNARD, G. H..... | Victoria..... | Victoria, B.C. |
| BEAUBIEN, C. P..... | Montarville..... | Montreal, Que. |
| BÉIQUE, F. L., P.C..... | De Salaberry..... | Montreal, Que. |
| BÉLAND, H. S., P.C..... | Lauzon..... | St. Joseph de Beauce, Que. |
| BELCOURT, N. A., P.C..... | Ottawa..... | Ottawa, Ont. |
| BÉNARD, A..... | St. Boniface..... | Winnipeg, Man. |
| BLACK, F. B..... | Westmoreland..... | Sackville, N.B. |
| BLONDIN, P. E., P.C..... | The Laurentides..... | Montreal, Que. |
| BOURQUE, T. J..... | Richibucto..... | Richibucto, N.B. |
| BUCHANAN, W. A..... | Lethbridge..... | Lethbridge, Alta. |
| BUREAU, J., P.C..... | La Salle..... | Three Rivers, Que. |
| CALDER, J. A., P.C..... | Saltcoats..... | Regina, Sask. |
| CASGRAIN, J. P. B..... | De Lanaudière..... | Montreal, Que. |
| CHAPAIS, T..... | Grandville..... | Quebec, Que. |
| COPP, A. B., P.C..... | Westmoreland..... | Sackville, N.B. |
| CROWE, S. J..... | Burrard..... | Vancouver, B.C. |
| CURRY, N..... | Amherst..... | Amherst, N.S. |
| DANDURAND, R., P.C..... | De Lorimier..... | Montreal, Que. |
| DANIEL, J. W..... | St. John..... | St. John, N.B. |
| DONNELLY, J. J..... | South Bruce..... | Pinkerton, Ont. |
| FARRELL, E. M..... | Liverpool..... | Liverpool, N.S. |
| FISHER, J. H..... | Brant..... | Paris, Ont. |
| FORKE, R., P.C..... | Brandon..... | Pipestone, Man. |
| FOSTER, G. G..... | Alma..... | Montreal, Que. |
| FOSTER, RT. HON. SIR GEORGE E., P.C., G.C.M.G..... | Ottawa..... | Ottawa, Ont. |
| FOSTER, W. E., P.C..... | Saint John..... | Saint John, N.B. |

| SENATORS. | DESIGNATION. | POST OFFICE ADDRESS. |
|---|---|---|
| The Honourable | | |
| GILLIS, A. B | Saskatchewan | Whitewood, Sask. |
| GIRROIR, E. L | Antigonish | Antigonish, N.S. |
| GORDON, G | Nipissing | North Bay, Ont. |
| GRAHAM, RT. HON. GEO. P., P.C | Eganville | Brockville, Ont. |
| GREEN, R. F | Kootenay | Victoria, B.C. |
| GRIESBACH, W. A., C.B., C.M.G | Edmonton | Edmonton, Alta. |
| HARDY, A. C., (Speaker) | Leeds | Brockville, Ont. |
| HARMER, W. J | Edmonton | Edmonton, Alta. |
| HATFIELD, P. L | Yarmouth | Yarmouth, N.S. |
| HAYDON, A | Lanark | Ottawa, Ont. |
| HORSEY, H. H | Prince Edward | Cressy, Ont. |
| HUGHES, J. J | King's | Souris, P.E.I. |
| LACASSE, G | Essex | Tecumseh, Ont. |
| LAIRD, H. W | Regina | Regina, Sask. |
| LAVERGNE, L | Kennebec | Arthabaska, Que. |
| LEGRIS, J. H | Repentigny | Louiseville, Que. |
| L'ESPÉRANCE, D. O | Gulf | Quebec, Que. |
| LESSARD, P. E | St. Paul | Edmonton, Alta. |
| LEWIS, J | Toronto | Toronto, Ont. |
| LITTLE, E. S | London | London, Ont. |
| LOGAN, H. J | Cumberland | Parrsboro, N.S. |
| LYNCH-STAUNTON, G | Hamilton | Hamilton, Ont. |
| MACARTHUR, C | Prince | Summerside, P.E.I. |
| MACDONELL, A. H., C.M.G | Toronto, South | Toronto, Ont. |
| MARTIN, P | Halifax | Halifax, N.S. |
| MCCORMICK, J | Sydney Mines | Sydney Mines, N.S. |
| MCDONALD, J. A | Shediac | Shediac, N.B. |
| MCDOUGALD, W. L | Wellington | Montreal, Que. |
| MCGUIRE, W. H | East York | Toronto, Ont. |
| MCLEAN, J | Souris | Souris, P.E.I. |
| MCLENNAN, J. S | Sydney | Sydney, N.S. |
| MCMEANS, L | Winnipeg | Winnipeg, Man. |
| MICHENER, E | Red Deer | Red Deer, Alta. |
| MOLLOY, J. P | Provencher | Morris, Man. |
| MURDOCK, J., P.C | Parkdale | Ottawa, Ont. |
| MURPHY, C., P.C | Russell | Ottawa, Ont. |

| SENATORS. | DESIGNATION. | POST OFFICE ADDRESS. |
|---|---|---|
| The Honourable | | |
| PARADIS, P. J. | Shawinigan | Quebec, Que. |
| PLANTA, A. E. | Nanaimo | Nanaimo, B.C. |
| POIRIER, P. | Acadie | Shediac, N.B. |
| POPE, R. H. | Bedford | Cookshire, Que. |
| RANKIN, J. P. | Perth, N. | Stratford, Ont. |
| RAYMOND, D. | De la Vallière | Montreal, Que. |
| RILEY, D. E. | High River | High River, Alta. |
| ROBERTSON, G. D., P.C. | Welland | Welland, Ont. |
| ROBINSON, C. W. | Moncton | Moncton, N.B. |
| ROSS, J. H. | Moose Jaw | Moose Jaw, Sask. |
| SCHAFFNER, F. L. | Boissevain | Boissevain, Man. |
| SHARPE, W. H. | Manitou | Manitou, Man. |
| SMITH, E. D. | Wentworth | Winona, Ont. |
| SPENCE, J. H. | North Bruce | Toronto, Ont. |
| STANFIELD, J. | Colchester | Truro, N.S. |
| TANNER, C. E. | Pictou | Pictou, N.S. |
| TAYLOR, J. D. | New Westminster | New Westminster, B.C. |
| TESSIER, JULES | De la Durantaye | Quebec, Que. |
| TODD, I. R. | Charlotte | Milltown, N.B. |
| TURGEON, O. | Gloucester | Bathurst, N.B. |
| TURRIFF, J. G. | Assiniboia | Carlyle, Sask. |
| WEBSTER, L. C. | Stadacona | Montreal, Que. |
| WHITE, R. S. | Inkerman | Montreal, Que. |
| WHITE, G. V. | Pembroke | Pembroke, Ont. |
| WILLOUGHBY, W. B. | Moose Jaw | Moose Jaw, Sask. |
| WILSON, J. M. | Sorel | Montreal, Que. |
| WILSON, C. R. | Rockcliffe | Ottawa, Ont. |

# SENATORS OF CANADA

## BY PROVINCES

MAY 30, 1930

## ONTARIO—24

| | SENATORS. | POST OFFICE ADDRESS. |
|---|---|---|
| | The Honourable | |
| 1 | Napoléon A. Belcourt, P.C. | Ottawa. |
| 2 | George Gordon | North Bay. |
| 3 | Ernest D. Smith | Winona. |
| 4 | James J. Donnelly | Pinkerton. |
| 5 | George Lynch-Staunton | Hamilton. |
| 6 | Gideon D. Robertson, P.C. | Welland. |
| 7 | John Henry Fisher | Paris. |
| 8 | Gerald Verner White | Pembroke. |
| 9 | Rt. Hon. Sir Geo. E. Foster, P.C., G.C.M.G. | Ottawa. |
| 10 | Archibald H. Macdonell, C.M.G. | Toronto. |
| 11 | Arthur C. Hardy, (Speaker) | Brockville. |
| 12 | Sir Allen Bristol Aylesworth, P.C., K.C.M.G. | Toronto. |
| 13 | Andrew Haydon | Ottawa. |
| 14 | Charles Murphy, P.C. | Ottawa. |
| 15 | John Lewis | Toronto. |
| 16 | James Palmer Rankin | Stratford. |
| 17 | Rt. Hon. George P. Graham, P.C. | Brockville. |
| 18 | William H. McGuire | Toronto. |
| 19 | James H. Spence | Toronto. |
| 20 | Edgar S. Little | London. |
| 21 | Gustave Lacasse | Tecumseh. |
| 22 | Henry H. Horsey | Cressy. |
| 23 | Cairine R. Wilson | Ottawa. |
| 24 | James Murdock, P.C. | Ottawa. |

## QUEBEC—24

| | SENATORS. | ELECTORAL DIVISION. | POST OFFICE ADDRESS. |
|---|---|---|---|
| | The Honourable | | |
| 1 | Raoul Dandurand, P.C. | De Lorimier | Montreal. |
| 2 | Joseph P. B. Casgrain | De Lanaudière | Montreal. |
| 3 | Frederick L. Béique, P.C. | De Salaberry | Montreal. |
| 4 | Joseph H. Legris | Repentigny | Louiseville. |
| 5 | Jules Tessier | De la Durantaye | Quebec. |
| 6 | Louis Lavergne | Kennebec | Arthabaska. |
| 7 | Joseph M. Wilson | Sorel | Montreal. |
| 8 | Rufus H. Pope | Bedford | Cookshir |
| 9 | Charles Philippe Beaubien | Montarville | Montreal. |
| 10 | David Ovide L'Espérance | Gulf | Quebec. |
| 11 | George Green Foster | Alma | Montreal. |
| 12 | Richard Smeaton White | Inkerman | Montreal. |
| 13 | Pierre Edouard Blondin, P.C. | The Laurentides | Montreal. |
| 14 | Thomas Chapais | Grandville | Quebec. |
| 15 | Lorne C. Webster | Stadacona | Montreal |
| 16 | Henri Sévérin Béland, P.C. | Lauzon | St. Joseph de Beauce. |
| 17 | Jacques Bureau, P.C. | La Salle | Three Rivers. |
| 18 | Wilfred Laurier McDougald | Wellington | Montreal. |
| 19 | Donat Raymond | De la Vallière | Montreal. |
| 20 | Philippe J. Paradis | Shawinigan | Quebec. |
| 21 | | | |
| 22 | | | |
| 23 | | | |
| 24 | | | |

## NOVA SCOTIA—10

| | SENATORS. | POST OFFICE ADDRESS. |
|---|---|---|
| | The Honourable | |
| 1 | Edward M. Farrell | Liverpool. |
| 2 | Nathaniel Curry | Amherst. |
| 3 | Edward L. Girroir | Antigonish. |
| 4 | John S. McLennan | Sydney. |
| 5 | Charles E. Tanner | Pictou. |
| 6 | John Stanfield | Truro. |
| 7 | John McCormick | Sydney Mines. |
| 8 | Peter Martin | Halifax. |
| 9 | Paul L. Hatfield | Yarmouth. |
| 10 | Hance J. Logan | Parrsboro. |

## NEW BRUNSWICK—10

| | The Honourable | |
|---|---|---|
| 1 | Pascal Poirier | Shediac. |
| 2 | John W. Daniel | Saint John. |
| 3 | Thomas Jean Bourque | Richibucto. |
| 4 | Irving R. Todd | Milltown. |
| 5 | John Anthony McDonald | Shediac. |
| 6 | Frank B. Black | Sackville. |
| 7 | Onésiphore Turgeon | Bathurst. |
| 8 | Clifford W. Robinson | Moncton. |
| 9 | Arthur Bliss Copp, P.C. | Sackville. |
| 10 | Walter E. Foster, P.C. | Saint John. |

## PRINCE EDWARD ISLAND—4

| | The Honourable | |
|---|---|---|
| 1 | John McLean | Souris. |
| 2 | James Joseph Hughes | Souris. |
| 3 | Creelman MacArthur | Summerside. |
| 4 | | |

## BRITISH COLUMBIA—6

| | SENATORS. | POST OFFICE ADDRESS. |
|---|---|---|
| | The Honourable | |
| 1 | Albert E. Planta | Nanaimo. |
| 2 | George Henry Barnard | Victoria. |
| 3 | James Davis Taylor | New Westminster. |
| 4 | Robert F. Green | Victoria. |
| 5 | Sanford J. Crowe | Vancouver. |
| 6 | | |

## MANITOBA—6

| | | |
|---|---|---|
| | The Honourable | |
| 1 | William H. Sharpe | Manitou. |
| 2 | Lendrum McMeans | Winnipeg. |
| 3 | Aimé Bénard | Winnipeg. |
| 4 | Frederick L. Schaffner | Winnipeg. |
| 5 | John Patrick Molloy | Morris. |
| 6 | Robert Forke, P.C | Pipestone |

## SASKATCHEWAN—6

| | | |
|---|---|---|
| | The Honourable | |
| 1 | James H. Ross | Moose Jaw. |
| 2 | Henry W. Laird | Regina. |
| 3 | Wellington B. Willoughby | Moose Jaw. |
| 4 | John G. Turriff | Carlyle. |
| 5 | James A. Calder, P.C | Regina. |
| 6 | Archibald B. Gillis | Whitewood. |

## ALBERTA—6

| | | |
|---|---|---|
| | The Honourable | |
| 1 | Edward Michener | Red Deer. |
| 2 | William James Harmer | Edmonton. |
| 3 | William A. Griesbach, C.B., C.M.G | Edmonton. |
| 4 | Prosper Edmond Lessard | Edmonton. |
| 5 | William Ashbury Buchanan | Lethbridge. |
| 6 | Daniel E. Riley | High River. |

CANADA

# The Debates of the Senate

OFFICIAL REPORT

## THE SENATE

Thursday, February 20, 1930.

The Parliament of Canada having been summoned by Proclamation of the Governor General to meet this day for the despatch of business:

The Senate met at 2.30 p.m., the Speaker in the Chair.

### OPENING OF THE SESSION

The Hon. the SPEAKER informed the Senate that he had received a communication from the Governor General's Secretary informing him that His Excellency the Governor General would proceed to the Senate Chamber to open the Session of the Dominion Parliament this day at three o'clock.

The Senate adjourned during pleasure.

### SPEECH FROM THE THRONE

At three o'clock His Excellency the Governor General proceeded to the Senate Chamber and took his seat upon the Throne. His Excellency was pleased to command the attendance of the House of Commons, and that House being come, with their Speaker, His Excellency was pleased to open the Fourth Session of the Sixteenth Parliament of the Dominion of Canada with the following Speech:

Honourable Members of the Senate:

Members of the House of Commons:

It affords me much pleasure to greet you at the commencement of another session of parliament, and to be able to congratulate you upon the continued prosperity of the country. The year 1929 was the most productive year in the history of Canada. In industries, other than agriculture, employment reached the highest point on record; new construction was the largest known. Mining production was of unequalled value. Manufacturing production surpassed all previous records. There was vast increase in the development of hydro-electric power. The products of our fields and our herds reached higher standards of excellence and quality than at any previous time. The Dominion is already recovering from the seasonal slackness evident at the end of the year, and it is not to be forgotten that the bulk of the 1929 wheat crop still remains in Canadian hands for final disposition.

Our trade with foreign countries has shown marked increase. During the year additional Trade Commissioners' offices have been opened in several countries, and additional steamship services inaugurated to Australia and South America. Tenders have been called for proposed extensions of steamship services to India and British East Africa.

Our two railway systems have carried out extensive construction and development plans, and are contemplating further construction and developments. The final section of the Hudson Bay Railway has been completed. The construction of the Welland Ship Canal is now nearing completion. On the opening of the new canal the Upper Lake grain carriers will be able to reach Lake Ontario and Upper St. Lawrence ports. The work of providing suitable terminals is proceeding.

Legislation will be introduced respecting the several railway properties formerly privately owned and now embraced in the Canadian National Railway System.

For some time past my Ministers have been giving special attention to those problems which, for many years, have been a source of controversy between the provinces of Canada and the Dominion. Among matters of concern have been certain economic and financial readjustments deemed by the provinces essential to their being placed in a position of equality one with the other. To a greater or lesser extent, problems have arisen with respect to all the provinces of Canada. Those of the Maritime Provinces were investigated by the Royal Commission on Maritime Claims and have been in large part solved by the effect given to the recommendations of that body. Consideration is at present being given to the final revision of the financial arrangements contemplated by the Commission's report.

The provinces of Manitoba, Saskatchewan and Alberta have negotiated for many years with the Government of Canada for the return of their natural resources. The Province of British Columbia has sought the restoration to the province of lands comprising what is known as the railway belt and Peace River block. With the Provinces of Manitoba and Alberta and with the Province of British Columbia agreements have been reached, which will be submitted to you for approval. An offer similar in character and terms to that accepted by Alberta has been made to Saskatchewan with respect to the transfer to that province of its natural resources.

The Provinces of Ontario and Quebec have been concerned over the question of water

powers in their relation to navigation. It having become apparent, through a reference to the Supreme Court, that this question cannot readily be settled by judicial determination, a solution has been sought by conference which it is hoped will lead to a satisfactory settlement of this highly controversial problem.

My Ministers have also been making careful inquiry into the workings of the provisions and administration of the Pensions Act with a view to ascertaining what, in the light of past and present experiences, may be necessary to ensure full effect being given to the purpose of Parliament in that enactment. As a result your attention will be invited to legislation to make more adequate provision for the needs of the veterans of the Great War and their dependents.

The report of the Royal Commission appointed to inquire into the existing situation with respect to radio broadcasting in Canada will be presented for your consideration.

The report of the Royal Commission appointed to inquire into the classification and remuneration of technical and professional officials of the Civil Service of Canada will also be presented for your consideration.

During the year a complete re-organization was effected in the personnel of the Board of Grain Commissioners. Men of outstanding business, agricultural and scientific experience have been appointed to administer the Canada Grain Act. A Bill will be presented for the consolidation of the Canada Grain Act, in accordance with the recommendation of the Standing Committee of the House of Commons on Agriculture at the last session.

At the September meeting of the Assembly of the League of Nations, the Optional Clause of the Statute of the Permanent Court, providing for the submission of justiciable disputes to arbitration, was signed on behalf of Canada and all the other nations of the British Commonwealth. It will be submitted for your approval.

In accordance with the recommendations of the Imperial Conference of 1926, a conference was held in London during the past autumn to consider and report on certain phases of the operation of Dominion legislation and merchant shipping. The report of this conference will be submitted.

In the summer of last year, an invitation was extended by His Majesty's Government in Canada to all His Majesty's other Governments to participate in an Imperial Economic Conference in Canada at the earliest possible date. It was found that the convenience of the majority of the Governments could best be met by an arrangement to hold the Imperial Economic Conference along with the Imperial Conference in London in the early autumn of the present year. This has accordingly been arranged.

Canada, in common with the other members of the British Commonwealth of Nations, is participating in the Conference on the Limitation of Naval Armament, which was opened in London by His Majesty on January 21. It is confidently hoped that the discussions so auspiciously begun will result in a marked lessening of international rivalries and the growth of security and good-will.

The eligibility of women for appointment to the Senate of Canada has been declared by the Judicial Committee of the Privy Council, and I have been pleased, on the advice of my Ministers, to avail myself of the earliest opportunity to summon a woman to the Senate. For the first time in Canadian history, women have been accorded an equal right with men to representation in both Houses of Parliament.

Among other measures to which your attention will be invited are amendments to the Elections Act, the Bankruptcy Act, the Companies Act, and the Criminal Code.

Members of the House of Commons:

The Public Accounts of the last fiscal year and the Estimates for the coming year will be submitted for your consideration.

Honourable Members of the Senate:

Members of the House of Commons:

In again inviting your careful consideration to the important matters which will engage your attention, I pray that Divine Providence may continue to guide and bless your deliberations.

The Hon. the SPEAKER.

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

The sitting of the Senate was resumed.

Prayers.

## RAILWAY BILL

### FIRST READING

Bill —, an Act respecting Railways.—Hon. Mr. Dandurand.

## CONSIDERATION OF HIS EXCELLENCY'S SPEECH

On motion of Hon. Mr. Dandurand, it was ordered, that the Speech of His Excellency the Governor General be taken into consideration on Tuesday, February 25.

## NEW SENATORS INTRODUCED

The following newly-appointed Senators were severally introduced and took their seats:

Hon. Robert Forke, of Pipestone, Manitoba, introduced by Hon. R. Dandurand and Hon. J. P. Molloy.

Hon. Cairine Mackay Wilson, of Ottawa, Ontario, introduced by Hon. R. Dandurand and Right Hon. G. P. Graham.

## COMMITTEE ON ORDERS AND PRIVILEGES

Hon. Mr. DANDURAND moved:

That all the Senators present during the Session be appointed a Committee to consider the Orders and Customs of the Senate and Privileges of Parliament, and that the said Committee have leave to meet in the Senate Chamber when and as often as they please.

The motion was agreed to.

The Senate adjourned until Tuesday, February 25, at 3 p.m.

# THE SENATE

Tuesday, February 25, 1930.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

## COMMITTEE OF SELECTION

On motion of Hon. Mr. Dandurand, the following senators were appointed a Committee of Selection to nominate senators to serve on the several standing committees during the present session: the Honourable Messieurs Belcourt, Buchanan, Daniel, Graham, Robertson, Sharpe, Tanner, Willoughby, and the mover.

## TRIBUTES TO DECEASED SENATORS

### THE LATE HON. SIR EDWARD KEMP, HON J. D. REID, HON. N. K. LAFLAMME AND HON. B. C. PROWSE

Hon. RAOUL DANDURAND: Honourable members, since we last separated, in June, 1929, the Senate has lost four of its members, two of whom, Sir Edward Kemp and Hon. Dr. Reid, were members of the Privy Council.

Sir Edward Kemp was born in 1858 in the Province of Quebec and spent his early life there. When about twenty-five years of age, after having acquired some experience in industry in the city of Montreal, he moved to Toronto. Possessed of energy, foresight, and public spirit, from the moment he launched out for himself in the city of Toronto he rose rapidly. At thirty he was already in the public eye. He was interested not only in his own business but in economics generally, and we find him elected in 1895 to the high office of president of the Canadian Manufacturers' Association, and in 1899 to the presidency of the Board of Trade of the city. The following year he entered the House of Commons, and in 1911 became a Privy Councillor. He was made Minister of Militia in 1916, and Minister of Overseas Military Forces in 1917. In 1921 he came to this House. His career was characterized by steady and rapid progress towards the summit. He succeeded not only in his private interests but in public life as well, and was a leader in his community. Those of us here who had the privilege of being in close contact with Sir Edward found him always kindly and affable and a thorough gentleman. Though the son of a farmer, he had the bearing of an aristocrat. He was simplicity itself, kindliness personified, and an outstanding citizen.

Senator Reid, who was a contemporary of Sir Edward Kemp, was born at Prescott in 1859. He studied medicine, but deserted that field for industrial pursuits, which he in turn deserted for the larger field of politics. He entered the House of Commons in 1891, at the age of thirty-two, was re-elected continuously from that time till 1921, and, with the time that he sojourned among us, spent thirty-eight years in public life. He was Minister of Customs in 1911 and Minister of Railways and Canals in 1917.

We saw him in full activity and apparent good health to the final day of last session. I always admired his energy and strong conviction, and although he was sometimes aggressive, he was always loyal and kindly. By his death the Senate has lost a good member, and the people a good servant.

We have lost also Senator Laflamme, who was with us for only a very short time. When he entered the Senate he was already in poor health. He had been drawn into politics against his inclination, and he sat in the House of Commons from 1922 to 1925. He was reproached for having made the statement, when addressing the electors of Drummond-Arthabaska, that he did not need their vote, but that if they needed him they could elect him.

He was essentially a lawyer, and shone brilliantly at the Bar of the Province of Quebec in both civil and criminal matters. He had a large practice. His services were retained from one end of the province to the other in most important cases. He had an original mind and was a powerful dialectician, and was possessed of an independent spirit which party discipline could not curb.

The news reached us yesterday of the demise of Senator Prowse, of Prince Edward Island. Senator Prowse had been a member of this Chamber since 1901. He was born at Charlottetown in 1862. His commercial career was a successful one and he was one of the merchant princes of the Island. He served as councillor for the city of Charlottetown and was at one time mayor of his native city. He was a public-spirited man, a man of sound judgment and kindly heart.

To the families of our departed friends I extend, on your behalf as well as my own, our warmest sympathy.

Hon. W. B. WILLOUGHBY: Honourable members, I wish to add but a few words to the remarks of my honourable friend the leader of the Government with reference to the death of our late colleagues in this House. The honourable leader has given a chronological history of the important steps in their careers; so it will not be necessary for me, nor shall I attempt, to repeat what he has said in that respect.

I wish, however, to say a word with reference, first, to Sir Edward Kemp. His career was an extremely striking one. He came from the little English patch in the Province of Quebec, which has furnished so many distinguished men to Parliament and to commerce and industry in this country. Sir Edward Kemp was one of the very successful men recruited from that little settlement. Individually I am greatly indebted to him for his readiness at all times to give counsel to a junior like myself, particularly in matters of trade, commerce and finance, in which he was peculiarly capable of giving advice.

In spite of the demands of a successful career he was kindliness itself. Perhaps no other man in public life in Canada had a kinder heart or was more willing to extend a helping hand to relieve those in distress. I know of many occasions when he exercised this kindly spirit, but what I know is only a tithe of the many kindnesses that he performed.

He will be very much missed on this side of the House. The party to which I have the honour to belong will miss him. While his attachment to his party had not weakened, he had ceased to be a very keen partisan and always displayed a readiness to approach matters in a public-spirited way. We esteemed his counsel at all times, for his wide experience made it invaluable in our endeavour to legislate in the best interests of the country.

I had known the late Dr. Reid personally for a longer period than I had known Sir Edward Kemp, but after coming to this House I was not thrown into such close contact with him. The striking events of Dr. Reid's career have been succinctly related by the honourable leader of the House. As a Minister he was always very devoted to his department, particularly when he was charged with the responsibility of the Customs Department. Perhaps no Minister ever devoted more time and industry or gave more of his heart to the department over which he presided. I do not think that Dr. Reid was quite as much at home in the Department of Railways and Canals as he had been in the Customs Department. In the early days of the projected amalgamation of the various railways that now go to make up the Canadian National Railway System it was my pleasure, if not my duty, to attend the debates in the other House. The subject was a difficult one. The ramifications of the various companies were almost endless and nobody could understand them at all without the most careful scrutiny and attention. Perhaps nobody understood those matters as fully as Mr. Meighen, whose mind was peculiarly suited to dissecting the relationship of the various companies, co-ordinating them, and formulating a policy to bring them under one head; but the late Senator Reid did all that it was humanly possible for him to do, and the demands made upon him must have been very trying.



As to the late Hon. Mr. Laflamme, I had very little opportunity of becoming intimately acquainted with him. I remember well the first time I met him. It was in the city of Winnipeg, at a meeting of the Canadian Bar Association. He was there, I believe, as the representative of the Minister of Justice. One evening as I was wandering through the hotel where the meetings were being held, a young legal acquaintance of mine suggested that we should call on Mr. Laflamme. When I said that I did not know Mr. Laflamme this young colleague replied, "We will go anyway." So we called on Mr. Laflamme and passed a very pleasant evening with him. I feel, as a lawyer, that through his death this House has suffered a real loss. Having a pride in my profession, I am very eager to see our ranks recruited from time to time from the best legal talent in the other House. Mr. Laflamme was an acquisition to the Senate for the debating of matters in their constitutional or legal aspect. I recall that he made some very pertinent remarks last session with respect to the negotiation of treaties.

Senator Prowse I have known ever since my entry into this House. He had long preceded me. The honourable leader of the Government has recorded the steps of his career. He was a man of a very kindly nature; he had not an enemy in the House; and if he could diffuse a ray of pleasure he was only too glad to do so.

I sincerely join with my honourable friend the leader of the Government in extending to the families of these gentlemen our sincere sympathy.

I should be very happy if the right honourable the junior member for Ottawa (Right Hon. Sir George E. Foster), who was a colleague of the first named gentlemen, would say a few words to the House.

Right Hon. Sir GEORGE E. FOSTER: Honourable members, it is usual for this yearly recurring ceremony of remembrance to be participated in by the leaders on either side, and by those alone. While many members on both sides would probably desire to add their quota of remembrance of incidents that had occurred, our sentiments are ably and thoroughly expressed by the leaders, and the

other members of the Senate acquiesce in what they say. But in this case I feel thankful for the suggestion that I should say a word or two.

I do not intend to enter into the records of these four gentlemen, for that has been pretty thoroughly done by the honourable leader of the Government and the honourable leader of the Opposition; but on the ground of personal friendship and intimate collaboration, especially with two of those gentlemen, I am moved to say a word. They were amongst my older colleagues, and since I have been engaged in public affairs they have been very close and intimate in the way of counsel and co-operative work.

There are different kinds of ties that bind us together in friendship. The ties that bind public men together are closer among those who belong to the same side of politics, but extending beyond the bounds of party politics there is a sort of Freemasonry—shall I call it?—which unites all public men who are working for their country along their different lines of light and guiding. From my experience of public life—and I have had a rather long experience in that respect—I am happy to add my testimony, if testimony is necessary, of the strong conviction, which I have no doubt I share with many others, that public men according to their lights are moved by a spirit of love and self-denying service for their country. The bonds of intimate personal friendship are not overlaid, but strengthened and extended by the work that public men undertake in common for the larger and less selfish interests of country, of empire, and of humanity.

It is in thinking over the long years we have spent together that just at this moment I have a sense of personal loss, and in expressing that sense of loss I find a response in the hearts of many men on both sides of this Chamber, whether one or another stripe of politics binds them together. We think of our old friends and miss them. One can almost hear the sound of their voices in this Chamber. One can shut one's eyes and almost see the familiar faces, glowing with friendship; can feel the impulse and emotion of kindly thought, which, passing beyond the limits of party, distributes itself generally amongst confreres and companions in the work of public life.

A ceremony like this, if we may call it a ceremony, brings thoughts to us all of the swiftness with which life passes, and of the certainty that an end shall come sooner or later. To those that are left it brings a reminder of their duty to take up the torch that lights the path that our young nation is travelling. Canada will have a greater and more prosperous future if we who remain bear the torch as it should be borne, with our sense of responsibility increasing as those who are companions along a part of the way slip off in the dusk and leave us for ever.

## THE GOVERNOR GENERAL'S SPEECH

### ADDRESS IN REPLY

The Senate proceeded to the consideration of His Excellency the Governor General's Speech at the opening of the session.

Hon. Henry H. HORSEY moved:

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 Viscount Willingdon, Knight Grand Commander of the Most Exalted Order of the Star of India, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Grand Commander of the Most Eminent Order of the Indian Empire, Knight Grand Cross of the Most Excellent Order of the British Empire, Governor General and Commander-in-Chief of the Dominion of Canada.

May it please Your Excellency:

We, His 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.

He said: Honourable members, let me at once thank the honourable leader of the Government for giving me the privilege of moving the Address in reply to the Speech from the Throne.

The Speech itself, it seems to me, can be fairly well divided under two or three major headings. The opening paragraphs deal with Canada as a whole, her continued prosperity, her production and development. Under the second heading come several paragraphs dealing with the various provinces of the Dominion, and with the Dominion's relations to those provinces. Then follows a very important paragraph indeed, referring to soldiers' pensions. Lastly, under another heading, might be put the very important reports and other matters which will eventually come before Parliament for our consideration, but which I think can be better dealt with when they come specifically and in detail before us.

With your permission I should like to comment very briefly on a few of the mat-

ters under the first heading, with regard to Canada, its future, and its continued prosperity. The Speech itself makes a number of statements that I think go far to uphold that particular condition of prosperity. One statement is that 1929 was the greatest year for Canada in the matter of production. Well, if Canada produced totally more wealth in 1929 than in any other year in its history, surely that is one test of continuing prosperity. Then the Speech goes on to state that records have been made in the output of manufacturing products and in the value of mining output. It refers also to the great increase in the development of hydro-electric power and in the foreign trade of the country. It seems to me that these things are a good enough guarantee to uphold the statement that the country is continuing in its prosperity. If more were needed, and if time permitted, I could make quotations from the presidential addresses of practically every president of every chartered bank in Canada, and from the reports of trust and loan companies, insurance companies, and many industrial concerns. If that is so, it means that not only are profits being made for shareholders and directors in large manufacturing corporations, and for policy-holders in insurance companies, but also that there must be a tremendous amount of labour and a very large circulation of money in the country.

We all know that during the last two or three years the foreign trade of Canada has grown and increased to such an extent that our country has been raised from a comparatively low rating in this regard to one very much higher, and in some features she ranks ahead of all other nations in the world in proportion to population.

It is true that the Speech from the Throne declares that some slowing up occurred in the increase of prosperity during the last month or two of 1929, due to seasonal slackness and the withholding of some 200,000,000 bushels of wheat, by the wheat pools and grain merchants generally, I presume. But honourable gentlemen all know that this wheat must eventually be marketed, that we are now within a month or so of spring time, when the seasonal slackness must pass away, and that with the coming of spring tremendous development will commence along railway and other construction lines, and our people will be engaged in developing their natural resources. So we shall very shortly hear again the accelerated or the louder buzz of industry throughout the length and breadth of the country and Canada will leap once more into its stride for further and greater progress and prosperity.

Hon. Mr. HORSEY.

Nobody would dream that to the Administration belonged all the credit for this wonderful showing. We all know that many factors enter into the account. Our vast, varied and rich resources, the energy, industry and skill of our people applied to these, the direction and action of the Government, and in a sense over all, with all depending on it, an overruling Providence, have brought this to pass. But I think we must all concede that the Government should have a reasonable amount of credit for these results.

Take for example one department, that of Trade and Commerce, and see what the Government has done in this connection. It has established commercial intelligence offices in a large number of countries; since 1922 fifty per cent more such offices have been opened. They have more than doubled their personnel, and they have improved its quality to some extent. In every case where one of those additional offices has been opened, live university men have been selected for appointment, after passing strict examinations. Valuable knowledge has come to our exporters through those men, who have put our exporters into touch with the importers of those countries, and Canada has had an increased trade in every country where new offices have been opened.

The Government has also inaugurated steamship services with a considerable number of countries, paying small bonuses in this regard, and Canada's trade has been increased with every country with which a transportation service of this kind has been established. The Government has also negotiated trade treaties with a large number of countries, not only those connected with the Empire, but also foreign countries, and in every case our trade with such countries has been largely developed.

I have touched on only some features of one department, but I believe it could be shown that every department of the Government has helped, both directly and indirectly, towards the aggregate results in this continued prosperity.

We might now turn to the second heading that I have mentioned, dealing with matters in regard to the various provinces. I will read the first paragraph, referring to the financial arrangements that are under way in connection with the Maritime Provinces.

For some time past my Ministers have been giving special attention to those problems which for many years have been a source of controversy between the provinces of Canada and the Dominion. Among matters of concern have been certain economic and financial readjustments deemed by the provinces essential to their being placed in a position of equality one with

the other. To a greater or lesser extent, problems have arisen with respect to all the provinces of Canada. Those of the Maritime Provinces were investigated by the Royal Commission on Maritime Claims and have been in large part solved by the effect given to the recommendations of that body. Consideration is at present being given to the final revision of the financial arrangements contemplated by the Commission's report.

This paragraph I take to mean that the Government, through the Finance Department, is at present assessing and accounting in order to determine the proper sum to be paid as a permanent subsidy to the Maritime Provinces. When that has been done those provinces will be put on a parity with the other provinces, and in this way effect will be given to another recommendation of the Duncan Report. The paragraph also says that most of the recommendations in that report have already been carried out. That is so. I shall mention some of the things that the Commission recommended and that have been done. The ports of Saint John and Halifax have been nationalized. In this work the Government has expended from five to ten million dollars in equipment and improvements. Freight rates have been lowered twenty per cent, not only on the Canadian National Railways but on the Canadian Pacific Railway and on all the branch lines in the Atlantic district. It is calculated that this has already resulted in a saving of some three and one-half million dollars to the people of the Maritime Provinces. I understand that the railways of Prince Edward Island are being changed over to standard gauge. Improvements are being made to the harbour at Charlottetown, whereby the people of Prince Edward Island will be able to ship their products abroad with greater facility; and a second ferry will be provided for service between the Island and the mainland. Honourable senators will see that all the major recommendations of the report have been, or are in process of being, carried out. Suggestions that have not yet been adopted are still under consideration, and doubtless some of them will be given effect in due course.

The next paragraph of the Speech from the Throne reads:

The provinces of Manitoba, Saskatchewan and Alberta have negotiated for many years with the Government of Canada for the return of their natural resources. The Province of British Columbia has sought the restoration to the province of lands comprising what is known as the railway belt and Peace River block. With the Provinces of Manitoba and Alberta and with the Province of British Columbia agreements have been reached, which will be submitted to you for approval. An offer similar in character and terms to that accepted by Alberta has been made to Saskatchewan with respect to the transfer to that province of its natural resources.

It seems to me, honourable senators, that the Government deserves to be commended and complimented for so efficiently solving these western problems. An agreement has not yet been reached with Saskatchewan, but the Government has made an offer to that province along the lines of the arrangement made with Alberta.

As the paragraph points out, agreements have been arrived at with Alberta, Manitoba and British Columbia, terminating controversies that have baffled successive administrations for twenty years or more. When the necessary legislation has been adopted, Confederation will be rounded out, for the Western Provinces will have control and authority over their lands and natural resources in accordance with similar powers of the other provinces.

The next and last paragraph dealing with the provinces is as follows:

The Provinces of Ontario and Quebec have been concerned over the question of water powers in their relation to navigation. It having become apparent, through a reference to the Supreme Court, that this question cannot readily be settled by judicial determination, a solution has been sought by conference which it is hoped will lead to a satisfactory settlement of this highly controversial problem.

A conference already has been held between representatives of these two provinces and of the Dominion Government, and, although the Supreme Court decision did not deal with the question effectively, it is expected that the negotiations that are proceeding will lead to a satisfactory conclusion of the complicated dispute as to the ownership of water-powers in navigable streams.

I feel that the Government, because of the course pursued and the results achieved in all these negotiations relating to the provinces, has turned controversy and discord in the East and the West into harmony, contentment and happiness, and by so doing has made a tremendous contribution to national unity.

I had thought of saying something about the reference in the next paragraph to the Pensions Act, but I will refrain.

In conclusion, I wish to draw the attention of honourable members to the unique and historic paragraph that refers to the decision of the Privy Council as to the eligibility of women to be called to the Senate. As a result of that decision we have in this Chamber to-day the first woman Senator, Hon. Cairine Mackay Wilson. Those of us who know Senator Wilson well, who are acquainted with the background of her family history

and her own merits, realize what a splendid appointment it is. I believe the Senate of Canada is to be congratulated on this appointment, and perhaps honourable gentlemen will allow me to express my sentiments on their behalf by congratulating her and welcoming her to this august Chamber.

Hon. CAIRINE WILSON (translation): Honourable gentlemen, it is not by my own will that I am here. My impression is rather that I am among you because my services have been requisitioned. Needless to say, I have not sought this great honour of representing Canadian women in the Upper House. To the Government that has called me I return my sincere thanks. May I also, on behalf of the women of Canada, express my profound gratitude to the Government for having facilitated the admission of women to the Senate by referring to the courts the question of their right to membership.

I cannot forget the valiant part that has been taken by those women who have carried our case even to His Majesty's Privy Council. Canadian women owe a debt of gratitude for their success to those determined women who so fortunately intervened in the discussion, and whose names I have the honour to mention: Judge Emily F. Murphy, Mesdames Henrietta Muir Edwards, Nellie McClung, Louise McKinney, and Irene Parlby.

I have always been interested in public affairs, for I was brought up in an atmosphere in which politics were the chief source of conversation and the great concern of all. Being a firm believer in the doctrines of Gladstone, Edward Blake, and Laurier, it was quite natural that I should give my support to a cause that was dear to me, without, however, forgetting my domestic duties. I say this because I desire to remove the misapprehension that a woman cannot engage in public affairs without deserting the home and neglecting the duties that motherhood imposes upon her. Sometimes I am amused to hear this argument on the lips of certain fathers who are utterly indifferent to the upbringing of their sons and leave that solemn obligation to the mother alone.

A man is supposed to devote his time to the material needs of his family. No one disputes his right to participate in public affairs. But does such activity relieve him of his duties towards his children? Yet we constantly hear mothers complain of the husband's indifference about the supervision and guidance of his sons.

I trust the future will show that while engaged in public affairs, the woman, the mother of a family, by reason of her maternal instinct and her sense of responsibility, will remain the faithful guardian of the home.



I deem it a high privilege to address you in French. It is the language of the province in which I was born and grew up. I cherish tender recollections of my native province, the old French province of Quebec, where it is good to live, because of the broad spirit of tolerance that animates its people. In this connection I recall a thought that the honourable leader of the Government in this House (Hon. Mr. Dandurand) expressed at the Assembly of the League of Nations in Geneva. Speaking of the problem of minorities in Europe, he asked that they be treated not merely with justice, but with generosity. "Let us deal with them," he said, "in such a way as to make them forget that they are minorities." I avail myself of this opportunity to declare with pride that the English and Protestant minority in Quebec has never been made to feel itself a minority in that province. I desire to pay this tribute to my native province and cite it as an example for the whole of Canada.

I shall not discuss to-day the various questions mentioned in the Speech from the Throne. With my honourable colleagues I shall consider them when they are submitted to us in the course of the session.

(Text) Honourable gentlemen, it was my wish to enter this Upper House as unobtrusively as possible, but this privilege has unfortunately been denied me. Women have come so recently into public life that promotion has been almost too rapid. In my own case I feel the lack of preliminary training, but hope during this coming session to show you that I am at least able to listen and, I trust, to learn.

In the first place, I should like to thank the Government for the honour conferred upon me in naming me as the representative of the women of Canada in this House, and to thank the honourable senators for the cordiality of their reception. It has always seemed to me that I might find written above the door the antithesis of Tennyson's line, "Let no man enter in on pain of death." I owe my appointment to the bravery of the five pioneer women from the Province of Alberta who took the plea for the admission of women to the Senate to the highest court, His Majesty's Privy Council: they are, Judge Emily F. Murphy, Mesdames Nellie F. McClung, Louise C. McKinney, Henrietta Muir Edwards and Irene Parlby. To them I tender my thanks.

In our criticism of the entry of women into public life we are apt to forget that four thousand years ago Deborah judged Israel; and although women have made great strides since then, not one of us aspires to such a

position as hers. Born and brought up in the old Province of Quebec, and since my marriage a resident of Ontario, I feel that I may possibly have a better understanding of the viewpoints of the two provinces than those who have lived in only one. Since my childhood I have always been interested in public affairs, and I cannot remember the time when I did not regard the name of Gladstone with veneration.

While women's work is essential to civilization, it does not give much opportunity for the study of political development, but with the vote our responsibilities have increased. It is now our duty to familiarize ourselves with public questions and to use the vote to the best of our ability. Long custom has caused men to regard many abuses as necessary, but women come with fresh minds and are eager to redress existing evils. The education of the children has always been left largely in the mother's hands, from the days of Solomon to our own. Did not the author of Proverbs say, "A wise son maketh a glad father, but a foolish one is the heaviness of his mother"? The ideal method would be for the man to spare some time from his public and other activities to devote to the upbringing of his sons. Women will, we hope, always be a strong influence towards peace, for she who suffers to bring children into the world has a deeper appreciation of the horrors of war.

The various items in the Speech from the Throne to which the honourable Senator from Prince Edward (Hon. Mr. Horsey) has alluded will be discussed separately, and I shall not attempt to recapitulate them. But before resuming my seat I should like to thank the honourable gentleman for the very flattering terms in which he has referred to my appointment.

On motion of Hon. Mr. Willoughby, the debate was adjourned.

The Senate adjourned until to-morrow at 3 p.m.

## THE SENATE

Wednesday, February 26, 1930.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

### COMMITTEE OF SELECTION

Hon. Mr. DANDURAND moved concurrence in the report of the Committee of Selection.

He said: Honourable members, as there have been very few changes in the committees, and as this report was unanimously adopted by the Committee, I would ask leave to move that it be now concurred in by the House, so that the Committees may be called to-morrow. I may add that if the report is adopted now, any members who so desire may make representations respecting changes, and such representations can be dealt with by special motion.

The motion was agreed to.

### THE GOVERNOR GENERAL'S SPEECH

#### ADDRESS IN REPLY

The Senate resumed from yesterday consideration of His Excellency the Governor General's Speech at the opening of the session and the motion of Hon. Mr. Horsey for an Address in reply thereto.

Hon. W. B. WILLOUGHBY: Honourable senators, I preface the remarks that I purpose to make by assuring you that I shall not be very long. Since the Speech was disposed of very briefly in another House, where it is usually debated at great length, I do not see that it is incumbent upon me to detain honourable members by extended comment. However, I intend to make a few observations, and I have no doubt that several honourable gentlemen on this side of the House will express their opinions on the Speech from the Throne.

I should describe the Speech as a pean of performance, which gives no foretaste of what is going to be. As to the performance many of us may have different opinions, but we in this Chamber should have welcomed some indication of proposed legislation. That is what would have interested us, and, I believe, the people of the country as a whole. I did not expect that the Government would announce that an election was or was not going to be held. The public have to read the signs of the times for themselves, I suppose, and draw their own inferences.

I should like to compliment the mover of the resolution for the very pleasant and able manner in which he performed his task, and I may also, with equal propriety, extend my congratulations to the seconder of the motion. One would need a great deal of natural eloquence to display enthusiasm over the Barmecide feast that was spread out in the Speech from the Throne.

The Speech calls attention to the fact that the Economic Conference is to be held in London in connection with the Imperial Conference. Speaking for myself only, I think

that under the circumstances this decision is a wise one. I know how difficult it would be to secure the attendance of representatives from the various Dominions—presumably the only ones that would attend outside of those from Britain—if the Conference were held here in Ottawa, because the other Dominions as well as our own would want to be represented at the Imperial Conference in London, and to attend both conferences, one in England and one in Canada, would be a very serious encroachment on the time of public men holding office for the time being in the various Dominions in which they reside. For some of the Dominions access to the Old Country, in point of time, is undoubtedly easier than to Canada. Individually I make no complaint. As both conferences are being held in the same year, I think the solution is a happy one.

I have no doubt many of us conceive that very important questions will come before the Economic Conference. I do not know that some of the dreams of the League of Nations, not only as to world peace but also as to world tariff, or absence of tariff, are likely to be acceded to by Great Britain or any of the Dominions represented at that Conference.

Reference is made in the Address to the question of status, or rather to the questions that have to be resolved before we have, not merely equality of status, but absolute equality of legislative power. Those questions relate to our merchant shipping, our extra-territorial rights, and the Colonial Laws Validity Act. It is stated in the Speech that a solution has been found on those various questions to which I allude—there are only three or four altogether—and in respect to which we are at present precluded from enjoying an absolute equality in legislative power with the Imperial Parliament. I do not dissent from that result if it has been attained. If we have equality of status, as was proclaimed at the Peace Conference, I do not know why we should not have complete equality in legislative power and absolute extraterritorial rights. We had an early illustration on that point. Many honourable gentlemen will remember that in the old days of the Mackenzie Rebellion of 1837, when some of those who were convicted were exiled to Bermuda, we had an illustration of our lack of extraterritorial jurisdiction, as it was held by the Imperial Government that the Governor General in that instance had exceeded his powers. A similar proceeding at the present time might bring a similar result; but as the days of penal colonies are gone, I do not suppose that anything like that is likely to recur.

The Speech from the Throne has a reference to a very, very important topic that has engaged the consideration of public men in Canada for a long time indeed—the question of returning to the Prairie Provinces their natural resources. It is intimated that settlements have already been found in the cases of Manitoba and Alberta. We know that a commission sat for Manitoba, and I had the pleasure of reading their report. I understand that the Province of Alberta is ready to accept, so far as applicable to it, the conclusions that were arrived at by that commission. Then we have the Province of Saskatchewan left. I do not know absolutely whether the Province of Saskatchewan, since I have come down here, has actually acceded to the proposition of the Dominion Government, but my impression is that it has done so; that is, that the natural resources are to be returned as of 1905, and a legal enquiry is to be made as to the rights accruing to the Province of Saskatchewan between 1870 and 1905. That will probably be a matter for judicial determination, with the ultimate right of appeal to the Privy Council.

In my opinion the Province of Saskatchewan was constitutionally in an entirely different position from Manitoba, which became a province at a long prior date, and whose establishment as a province was ratified by an Imperial Act. Saskatchewan and Alberta were constituted as provinces in 1905. They were not established, nor was the basis of their constitutions settled, by an Imperial Act such as was passed with respect to Manitoba. The Province of Saskatchewan is, and from its beginning has been, potentially a much more important province than Manitoba. Territorially it is much larger and has a much greater portion suitable for agricultural development. Prior to 1905 largely, and since that time to some extent, land grants totalling some 30,000,000 acres in Saskatchewan were given for the purpose of building railways. A considerable portion was given in aid of railways in Manitoba, one of which was the Manitoba and Eastern, and railways in Alberta also received a large portion, but, speaking from memory, I do not think there was any reciprocity on the part of either Manitoba or Alberta in giving lands for the purpose of aiding railway construction in the Province of Saskatchewan.

In 1905, and long before that, apparently owing to a lack of rainfall, very large areas of land in Alberta were considered more suitable for grazing and ranching purposes than for what is commonly known as mixed farming.

Many of those areas have since been devoted to ordinary husbandry. Perhaps the fact that the areas in Saskatchewan were more suitable for immediate development as farm lands, once the railways were constructed, was the reason why those areas seemed at that time more attractive as subsidies to railway builders than lands in Alberta or Manitoba.

Another factor in this matter is that fortunately the Province of Alberta is magnificently endowed with minerals and has also a considerable amount of water-power. Though that water-power is partly in the park country at present, I suppose arrangements will be made that it will all be available for that province. The Province of Manitoba, while not containing coal in any remarkable quantity, as far as I know, is wonderfully endowed with water-power, which has been developed for years past. With cheap access to the power, Winnipeg is now becoming, and is bound to be in the near future, a great industrial centre. In the Province of Saskatchewan we have no water-power at present, and any small portion that may ever be developed away off in the Churchill River is too distant for economic transmission to the central or southern portion of that province.

It will be seen from what I have said that the conditions in Saskatchewan are not the same as those in Alberta and Manitoba, and for economic reasons, apart from any other, Saskatchewan might very properly refuse an offer that the other two provinces would be glad to accept. It is true that Saskatchewan hopes for mineral development of the pre-Cambrian area, which runs through the north-eastern portion of that province. Manitoba contains some of that area. I do not know that Alberta has any of that particular one, but it has very great mineral development in prospect, and has, immediately available, considerable resources from royalties on coal, from the possibility of water-power development, from ranch lands and from timber limits. We in the Province of Saskatchewan can hope for practically no immediate revenue from the turning over to us of the public lands. The Province of Manitoba, as the owner of water-powers, can derive considerable revenue not only through the private development of them, but probably also through development by the Province of Manitoba itself, and that revenue is bound to increase with the industrialization of the province. So I believe that the Province of Saskatchewan might well say that what would be suitable and agreeable to either of her sister provinces would not be equally suitable and agreeable to her. We should have at present no such revenues for carrying on provincial affairs as they would enjoy.

Speaking for myself, I have long entertained the opinion that we have an absolute right—this is not the time to discuss it in detail—a right to an accounting from 1870. If it be true that in 1870 it was contemplated that the Hudson Bay Territory and the Northwest Territories would enter Confederation, the Dominion Government should give such an accounting to the western provinces, particularly Saskatchewan and Alberta. I think the question cannot be settled by mutual arrangement between the Governments and we shall have to go to the final court, the Privy Council. If that court decides that the Dominion Government had at any time a right to alienate our lands, we must abide by the decision, for we shall have lost. But speaking as an individual, without having consulted with the Government of Saskatchewan on that aspect, I shall not be content until that right is either recognized or held not to exist, and that by a judgment of the ultimate court of the British Empire.

We have in the Speech from the Throne an allusion to the Pensions Act and the system that the Government proposes to put into force. I regret that that system was not adopted from the very beginning. Under the present system, if a man was conscripted and was passed by a medical doctor as fit for service, and later was invalided home, and it was shown that his disability was due to something prior to his conscription, he is out of luck. What is promised now, and what I think should always have been the practice, is that the medical record made of the man when he was finally passed and became a soldier will be taken into consideration, and if subsequently a disability developed it will be considered to be properly attributable to the war. If a man was wounded, there was no difficulty; but frequently a man was affected psychologically and the results did not become apparent for years. This is not a party matter and I am not discussing it in a party sense. I think all parties have been generous with the soldiers. The leaders on all sides have realized their duty towards the soldiers and have tried to do the right thing by them. Nevertheless, most men in public life and many in private life have had ex-soldiers come to them, stating that their claims had been rejected on the ground that their disability was due to pre-war causes. This Bill will rectify that condition, and will do a justice that I think we all agree should be done.

The next topic to which I shall refer has reference to the appointment of women to the Senate. I have already congratulated the seconder of the Address on the very admirable speech that she made to the House in both French and English. The appointment of a

woman to this Chamber is a new departure. Individually I have grave doubts that such a contingency was foreseen by the Fathers of Confederation. I read the report of our Supreme Court on the subject—in fact, I attended the court during the argument, for it was a very interesting subject—and the judges were unanimous in their opinion, and though they failed to convince the Privy Council, they convinced me. It has been wittily said of the Privy Council that it is the court of the last guess, and while I do not say that by way of reflection, the surprise that some of its judgments have caused would seem to bear that out. Take for instance its decision in the Newfoundland-Labrador case. Many people thought our own Supreme Court was correct in its judgment when it decided that under the Act a woman was not a person. I would not dare to call a woman a person anyway. The question was rather whether she was an eligible person. The matter has now been settled, and I think the people of Canada as a whole are very well satisfied that it has been settled as it has been. There are in this House and the other House many spheres of activity in which a woman's knowledge and experience enable her to make valuable contributions. It is rather remarkable that a daughter of Quebec, a province that denies its women the right to vote in provincial affairs, should be the first woman to have the honour of a seat in this House.

Hon. Mr. McMEANS: Pretty hard on Quebec.

Hon. Mr. WILLOUGHBY: We have had, as usual, some additions to the membership of this House, among them being the honourable member who until recently was Minister of Colonization and Immigration (Hon. Mr. Forke). We are not unfamiliar with the distinguished services that gentleman has rendered, and we congratulate him upon his promotion to this House. He is followed in the Cabinet, and very properly so, by another westerner, Mr. Crerar. Mr. Crerar, as you know, was a member of the Union Government, and before that was a very aggressive Progressive. I presume that now he is a straight Liberal, without any mental reservations.

Right Hon. Mr. GRAHAM: Without any presumption.

Hon. Mr. WILLOUGHBY: If honourable gentlemen had heard Mr. Crerar, as I have heard him, damning the Conservatives up hill and down dale, with the Liberals a good second, they might be inclined to agree that as a man gets older there comes a certain reform in his character.

Hon. Mr. FORKE: Perhaps the honourable gentleman will allow me to inform the House that Mr. Crerar was nominated by a Liberal Progressive convention.

Hon. Mr. WILLOUGHBY: But not a Progressive Liberal convention. It is a horse of a very different colour. Gentlemen may appear under a twofold light and call themselves Co-operatives, as they did in the Province of Saskatchewan. However, I think Mr. Crerar has found his real home; but nobody ever thought the Ethiopian could change his skin any more than the leopard could change his spots.

Hon. Mr. SCHAFFNER: He is still a leopard.

Hon. Mr. WILLOUGHBY: He is still the same animal.

Right Hon. Mr. GRAHAM: But he still has a whole skin.

Hon. Mr. WILLOUGHBY: I do not wish to say an unkind word about him. Our relations are friendly, and I wish the Government good luck with the new addition to its membership.

A great deal is said in the Speech from the Throne about the prosperity of the country. It is true that for two or three years there was perhaps a certain abnormal prosperity, the causes of which I am not going to attempt to analyze to-day. Undoubtedly the enormous expenditure on the development of our mineral resources was one of the most striking causes; or perhaps I should say the expenditure upon the search for minerals all over Canada. There was a very marked development also in certain other lines, particularly in the pulp industry. That has been so marked that it has been necessary to combine and unify some companies that were perhaps a little overextended, and to curtail production. On the whole there has been a great deal of industrial expansion during the past three or four years. Particular emphasis is laid upon building construction. This line of endeavour certainly has been very active throughout Canada. Unfortunately, I regret to state, building construction in Western Canada has come to an absolute standstill. I have been in the West for thirty years, and in my experience we have never had as bad times as we are experiencing at present. The city of Winnipeg has been suffering from a depression. This is due to some extent, and perhaps mainly, to the agricultural problem. In the Province of Saskatchewan we had the worst crop failure in thirty years, and it extended over a very wide area. This could not but be

reflected in the general conditions of the province. Construction in some of the newer places has ceased, and in the cities and towns on the Prairies, and in some of the villages, there is a great deal of unemployment, and public relief stations have been established, and I fear the end is not yet.

Fortunately there were average crops in certain areas in the provinces of Manitoba and Saskatchewan, but I could take you over an area extending from thirty miles north of Moose Jaw to the American boundary, and extending perhaps a hundred miles east and west, where there was an almost complete failure. This condition must be reflected in the trade of the country. It has been very disastrous to the farmers, and has had its effect on the earnings of the railways, and on bank clearings, as well as other forms of business activity. Although the railways sometimes say that they are quite independent of the farmer and the earnings on the grain hauled—and we admit that the rate is very favourable—still their whole equipment is designed and prepared for the hauling of the grain. At the present time that equipment is lying idle and great numbers of men have been laid off, particularly by the C.P.R.; to which no man can object, because the work is not there to be done. Thus there is brought about a very deplorable condition.

Some people say that the Pool is largely responsible. I am not a member of the Pool, nor am I speaking on its behalf here, but in my opinion it is doing much to develop co-ordination and co-operation among the farmers of the West. It may be that the Pool did not have the power in the world markets that it was hoped it would have. Orderly marketing is a proper slogan for the Pool, but it may be that its members have been unwise. I am not criticizing them at all, but they may have overheld in their eagerness to reap a higher price in the world market than was warranted; and no doubt they have been met by the opposition of those who wished to put them out of business. My observation of the Pool is that it has developed a spirit of satisfaction that did not exist before in many parts of the West. As a westerner I should be extremely sorry to think that the farmers were exploiting the idea that the hand of the manufacturer, the industrialist, the financier—the hand of everyone was against them. I do not believe that is so. I think we all prosper or sink together. I think the success of the farming industry is linked up closely with the industrial life of Canada. Their interests have grown too large, there is too much money at stake, they produce too large a volume of produce for shipment, for any company or bank or financial institution in Canada to overlook them as a material and important factor in the production of wealth in this country. Mr. Crerar's name is connected with a rival concern. I am not criticizing that. So far as I know, it is doing its work admirably. It is simply a company of farmers and landowners in the West organized to enable them to sell their grain wherever they wish, and because I own a small tract of land I am a member of Mr. Crerar's company. As you know, in the Pool you are obligated under your contract for five years to sell it all your grain and not bootleg any elsewhere. That is an entirely different form of contract. I do believe the Pool has moderated the opinion of people in the West that the people of the East are trying to exploit them. I do not think the East has any such object in view, and I think the Pool, with its opportunity for propaganda and instruction, has a peculiarly good chance of getting acquainted with the general trend of business throughout Canada, and that the individual farmer is very much more amenable to a proper and honest presentation of the case of the industrialists and financiers than he has been heretofore.

The farmers have had an unprosperous year, and I do not think we are helping them as much as we could. The New Zealand Treaty was a death blow to the dairy interests of this country. When an honourable senator who is not present to-day called some of us together for the purpose of discussing the Australian Treaty after it had come over to this House, we foresaw that competition with New Zealand—not Australia, particularly—could not be maintained by this country on an equal basis. I have never had a great dread of competition from Australia in butter. While on a visit to that Dominion I found that the rainfall over a great portion of the country is as light as it is over all Western Canada. But the situation in New Zealand is different. That is a small, compact island, practically all the interior being within about one hundred miles of the seashore; the climate is so admirably suited for the raising of cattle and the carrying on of the dairy industry that I doubt whether it is excelled for these purposes anywhere in the world, even in Denmark. When I saw the great natural advantages the New Zealanders possessed in these respects over Canada, I realized that they were going to be very keen competitors of ours. I will tell honourable members something I have not mentioned before, that when the treaty was being considered in a group, of which I was a member, we seriously

thought of opposing it; but we forebore because we thought it would be an ungracious act to disapprove in the Senate of a treaty with a sister dominion following an understanding arrived at on a personal visit by a Minister of the Government of this country.

I realize, as we all do, that some manufacturers derive important advantages from the trade with New Zealand, but I do not think that the benefits received by this country are a quid pro quo for the gains accruing to New Zealand under the treaty. I am anxious that we should have friendly relations with the other dominions, but trade arrangements between us and any of them should be such as to give us an equivalent return for the concessions we make. Farmers along the boundary in Quebec and Ontario who are in the fresh milk business, the most profitable part of the dairy industry, and are shipping their produce to New York, know what we are suffering because of this treaty. The Saskatchewan Dairy Association at its meeting in the city of Moose Jaw—and I may say I did not attempt to influence the members—objected to the continuance of our treaty with New Zealand so far as butter is concerned. I have, in common with all other honourable members on this side of the House, the kindliest feelings towards the other parts of the Empire, but when we make treaties the interest of our own people should come first, and this is quite consistent with a spirit of good-will. Let the representatives of other countries look after their own people. I venture to suggest to the Government that some different arrangement should be made with New Zealand. It is not for me to suggest what change should be made. In the three Prairie Provinces we have devoted considerable attention to the diversification of farming. Townspeople used to learnedly advise the farmers to cease growing only wheat, to diversify their products, but as soon as the dairy industry began to go ahead, it was made unprofitable because our tariff gates were thrown open to the world.

There has been great commercial and industrial activity in Canada for two or three years past, but apparently we are moving very rapidly on the down grade now. There was a period when the prices of stocks and commodities were highly inflated; now the water has been taken out of the stocks and the people of Canada will probably find that they lost more than they made from their speculations on the exchanges. Some individuals were fortunate enough to escape the catastrophe, but I fancy the man on the street has been a loser. The temporary profits that were received from stocks undoubtedly had a beneficial effect on general business conditions for a time, and perhaps some of the money so received was spent in the creation of new enterprises. The storekeeper whose speculations made profits for him overnight perhaps bought more goods the next morning, but, as I say, the period of moneymaking did not last long, and now that it is over the average Canadian is worse off because of those abnormal conditions. Honourable members would be surprised at the number of bucket shops, as they are called, in the Prairie Provinces. In Moose Jaw, a city with a population of from twenty to twenty-five thousand, we have five exchange houses, in Regina there is a larger number, and even in communities of five or six hundred people you will find one of these houses dealing in stocks. Well, we have the experience and they have the money.

I have spoken longer than I had intended, though I have not discussed other matters to which when listening to the Speech from the Throne, I thought I should refer.

Hon. R. DANDURAND: Honourable members, I join with the honourable leader on the other side in welcoming the first lady member of this House, not only for her personal qualities, but because she represents the better half of humanity as exemplified by our mothers, our wives and daughters. During the last six years I have had the great honour, with other Canadians, of representing Canada at the League of Nations. I have met there a number of women representatives from various countries. I have found them equal to their male colleagues in many a field, and I have no doubt that there are in all the provinces Canadian women who can be sent to the Canadian Parliament and will rank among the elite in brains, judgment and culture. It is our great privilege to have one among us. I congratulate her upon the speech that she delivered yesterday.

I desire also to congratulate the honourable mover of the Speech from the Throne, whom, I believe, we were hearing for the first time in this Chamber, and whom I hope we shall hear often.

I desire at the same time to join with my honourable friend opposite (Hon. Mr. Willoughby) in the welcome to the ex-Minister of Immigration (Hon. Mr. Forke), who now sits among us. He represents a large element in the West. My honourable friend knows that the new representative from Manitoba was elected by the Progressive Party, and has been the leader of that party in the other House. I notice that my honourable friend, the leader on the left, has been wondering how the principles of the Progressives could

fit in so easily with those of the Liberal Party. I desire to remind him that before the farmers of the West formed themselves into a separate party their leaders were mostly in the Liberal Party. In fact, the sole representative of the Progressive Party in this Chamber, the honourable gentleman from Assiniboia (Hon. Mr. Turriff), sat for a number of Parliaments in the other House as a Liberal. I know that the Progressives were the advanced wing of the Liberal Party in economic matters, and the Liberal Party had to consider the views of that wing of the party. The history explaining the motive actuating the advanced Liberals of the West in forming a distinct Progressive Party has not been written, but I have a strong impression that that movement received considerable impetus when they found that the East had denied them reciprocity in natural products at the election of 1911. I confess that I should have felt quite dissatisfied if I had been an agriculturist, after the egotistic stand taken by the industrial producers; and I have already in this Chamber expressed the view that it was the reaction from the stand taken by the manufacturers in the election of 1911 that gave strength to the Progressive organization. After twenty years the Progressives still remain the advanced wing of the Liberal Party, and it is no surprise that they have shown some sympathy for Liberalism. They could hardly be claimed by my friends opposite as their allies. One group is the antipodes of the other.

If I rose simply to answer the criticisms of my honourable friend on the other side, my task would be an easy one indeed, because I can think of only the last question raised by him, that relating to the Australian-New Zealand Treaty, as being a criticism of the policy of this Government. It is true that he suggested that the Speech from the Throne might have given a clearer idea of the legislation that will come before this Parliament during the present session, but if he will look at the Speech from the Throne he will find there a program as large and important as was ever submitted to this Parliament.

Of course, a number of items mentioned or discussed in the Speech from the Throne refer to performances of the Government during the last twelve months. It is not amiss that Parliament should be informed of what has been accomplished by its executive during the preceding year. As to what will be submitted to this Parliament, he will find that the program embraces legislation "respecting the several railway properties formerly privately owned and now embraced in the Canadian National Railway System." My honourable friend knows how complicated the question is, and how difficult is the solution to be found. This is one of the items that will engage our attention during this session.

Hon. Mr. WILLOUGHBY: My objection to that is that it does not indicate, in any way whatever, what they contemplate.

Hon. Mr. DANDURAND: Well, this document may be quite voluminous if all the various railways that have been absorbed are to be dealt with. Parliament will also be called upon to consent to the agreements made with Manitoba, Alberta and British Columbia.

My honourable friend has referred to the Pensions Act. Again he will find from the Speech from the Throne that that matter will be brought before this Parliament in the form of a Bill, which is a somewhat technical one.

Then there is the statement in the Speech that "the report of the Royal Commission appointed to enquire into the existing situation with respect to radio broadcasting in Canada" will be presented to Parliament, and I am under the impression that it will come in the form of a Bill. My honourable friend is aware of the report of that Commission.

A Bill will also be presented "for the consolidation of the Canada Grain Act, in accordance with the recommendation of the Standing Committee of the House of Commons on Agriculture at the last session." Is this not sufficiently definite?

The next statement concerns the signing of the optional clause respecting the Permanent Court of International Justice. There again there will need to be a resolution ratifying the signature of Canada to that optional clause.

My honourable friend will also find that the Government intends bringing before Parliament amendments to the Elections Act, the Bankruptcy Act, the Companies Act, and the Criminal Code. No detail is given as to those bills, which involve a number of technical questions.

Hon. Mr. WILLOUGHBY: They are hardy annuals.

Hon. Mr. DANDURAND: They are hardy annuals, some of more importance than others. It seems to me that the Government has fairly brought before Parliament a general declaration of the program for this session. I wish to refer briefly to the signing of the optional clause, which is a most important step bringing us nearer to permanent peace. The matters in dispute between the peoples can be divided generally into two classes; the issues that are called justici-

able questions, and those that are political. The justiciable questions arise in the interpretation of treaties and international law, and are questions which undoubtedly must be brought before a judicial tribunal. We all agreed to recognize the Court of International Justice in 1920, but no nation at that time bound itself compulsorily to submit to that Court all its differences touching the interpretation of treaties or international law. Each nation recognized the Court, contributed to its maintenance, and accepted the idea of going before the Court with a special case, by special understanding with another country; but the statute respecting the Court included a provision, clause 36, which declared that the nations could, either when they joined the Court or later on, agree to submit to it compulsorily all difficulties coming within the class of justiciable questions. The great powers hesitated to bind themselves, though the smaller nations were eager to do so. The small nations had but their right to assert, while the great nations could rely upon their might. The problem was to have the great nations come down to the level of the small nations, just as in the case of a great corporation and a humble individual appearing on an equal footing before a court of justice. It took some time for them to agree to submit to the Hague Tribunal all questions of a justiciable nature that might arise. Germany, last year, was the first to do so: being disarmed, it stood fairly on a plane with the small nations, and was desirous of showing that it intended not to arm, but to rely upon justice. For four years we had been awaiting the action of the great nations, and I am happy to say that at the last session of the Assembly, in September, Great Britain led the great nations in declaring its adherence to that clause; then France and Italy followed, and I think Japan also. But I desire to say that, as Great Britain recognized, it did not lead the Empire in this movement. It was Canada, the oldest Dominion in the British Commonwealth, that took the lead. The newspapers in Europe gave credit to Canada for having in February last, during the last session of Parliament, declared that it intended to sign the clause, and I may say that I heard representatives of Great Britain, journalists among them, commend Canada for having made that official statement, because it helped to clarify the situation in Great Britain. Up to that moment there was an impression that Great Britain hesitated to sign the clause on account of the unwillingness of some of the nations to do so, but when Canada declared that it was desirous of signing there was a movement in Great Britain in favour of accepting a like obligation.

I may add that in the year one event stands out as promising greater peace in Europe; it is the settlement of the war debts at the Hague Conference in December and January last. This settlement will be a powerful factor for peace, because it removes very many causes of friction, which was felt not only in the Assembly but more especially in the Council of the League. For the last five or six years there have been constant recriminations and discussions between Hungary and Rumania as to the rights of Hungarian optants in Transylvania. There has also been considerable friction between Poland and Germany. There were difficulties in the Balkans between Bulgaria and the other members of the League in that region. There were also difficulties in Austria. Many of those differences arose from the unsettled conditions relating to the war debts, which materially affected the budgets of those various countries. There has been a general clearing up of those differences, and I believe that the slackening of tension will be felt in Geneva. I may say that in January last, for the first time, I noticed considerable improvement in the relations between Poland and Germany—a degree of cordiality which had hitherto been lacking.

There remains to be settled the great question of disarmament, now being discussed in London. Strenuous efforts are being made to reach an agreement for some reduction in naval armaments. I shall not dwell on this matter. I may say that the main question is one of security and there is involved to a certain degree the factor of prestige. Nations have signed the Briand-Kellogg Pact, binding themselves to abandon war as an instrument of national policy, but they feel that the moment has not yet come when they can dispense with their means of defence. One needs to travel but little in Europe to realize what prestige means. Some of the countries that are represented at the present conference in London claim that they require certain tonnage, which I am sure they do not intend to build up to, but which would mean for them a certain status in the community of nations. I well recall some words that fell from the lips of M. Briand when, in 1921, he returned to France from the Washington Conference somewhat dissatisfied with the apportionment of naval tonnage to his country. A journalist asked him, as he was boarding his ship in New York: "Has not a certain coolness developed between those two

close friends, Great Britain and France? Has not the entente been somewhat shaken?" M. Briand said: "No, the entente will continue; we shall travel together, but abreast, not in tow." When Mr. Snowden, at The Hague last autumn, held out for the full share that was due Great Britain in the settlement of reparations, Lloyd George used the same expression. He said, "At last Great Britain asserts itself and is no longer in tow by France." Honourable members will realize that prestige is a very important factor, but the chief difficulty will be to give the nations a proper sense of security.

There is one great country that can give this necessary assurance, if it will only adopt an attitude a little more sympathetic towards Europe, and that is the United States of America.

My honourable friend has referred to the London conference respecting certain phases of the operation of Dominion legislation and merchant shipping. This meeting was convened for the purpose of harmonizing Imperial legislation with the resolutions adopted at the conference of 1926. I have hurriedly gone over the report, which is now before us, and I wish to congratulate the conference and its experts on the good work they have accomplished. There are some matters that are difficult to reconcile in working out a general system of laws that will satisfy the Dominions and our elder sister, Great Britain, but I think that good results will follow from the work that has been done.

I desire to draw the attention of honourable members to the Report of the Royal Commisison on Technical and Professional Services, which was signed by Mr. Beatty, President of the Canadian Pacific Railway, Sir George Garneau, and Mr. Murray, the President of the University of Saskatchewan. I am not familiar with the rates of pay that have been recommended by these gentlemen, but I have read with considerable interest their statement concerning the importance of the Civil Service of Canada, the ability and merit of the men who are at the head of the various branches, as well as the experts by their side. It is gratifying to find men of the calibre of these Royal Commissioners so public-spirited as to be willing to undertake such a task and to give us the benefit of their experience. For many years I have wondered how the salaries that were paid to members of the Civil Service compared with the remuneration for similar duties outside. These three gentlemen have given us their views on this question. Until I was asked to represent the Government in this Chamber I had no idea of the vast amount of work carried on in the various branches of the Public Service, and of the high order of ability of the men who are directing it. But as Government Bills came to this Chamber and were entrusted to my care, it was my duty to get into touch with the technical official who knew most about the proposed measure, and in that way during the last eight years I have met a large number of professional and technical men who are giving intelligent and devoted service to the country. This is not the first time that I have expressed admiration for the officials of the Civil Service, and I am happy to observe that the Royal Commissioners in their report express the same sentiment.

I will not follow my honourable friend in a discussion of the rights of the western provinces in their relations with the Dominion of Canada, since the question as it relates to one of the provinces is still under consideration.

My honourable friend has spoken of the crop failure in the West. In 1923 we heard a great deal of the failure of the crops in southern Alberta and southern Saskatchewan. The situation was really most discouraging, and it was felt that the best solution would be to offer land elsewhere in the Northwest to the settlers in that part of the country which has been affected by the drought. If I am not mistaken, there were five consecutive crop failures in that particular section of the Northwest. On the other hand, there is some satisfaction in the thought that it usually takes but two or three good crops to enable the West to recover. I only hope that Providence will look kindly upon the West, and that within the next two or three years, or even sooner, the situation will have been remedied.

My honourable friend has spoken of the Australian and the New Zealand treaties as having played havoc with the dairying industry in the Northwest. He has declared, however, that he does not shut his eyes to the fact that advantages have accrued to Canada from the signing of those treaties. All I can tell my honourable friend is that the operation of those two treaties has not been lost sight of by the Administration. The relations between Canada and the other parts of the Commonwealth will be reviewed at the Imperial Conference, and it is hoped to evolve a general system that will be acceptable to all. When I speak of a general system, I am not thinking of free trade within the Commonwealth. I do not know what conclusions the Imperial Conference may reach. I do know, however, that if men of goodwill

from the various parts of the Commonwealth sit down together in London, to see what they can freely exchange to their mutual advantage, some system can be devised which may be of benefit to the Dominion of Canada and to the sister nations as well.

Hon. F. B. BLACK: Honourable members it is difficult to extract much juice from a dry orange, and it has been pretty well demonstrated, I think, by the speeches to which we have listened, that it is difficult to get very much meat from the Speech from the Throne. I read the Speech from the Throne with as much interest as I could muster, and also the speeches made in this and the other Chamber by the movers and the seconders of the Address, and, while I enjoyed them all, I was reminded very forcibly of the title of one of Shakespeare's plays—"Much Ado about Nothing."

I am going to follow in the footsteps of my leader and be as brief as possible in what I have to say. The honourable gentleman who moved the Address (Hon. Mr. Horsey) referred to one particular feature of outstanding importance to the Maritime Provinces—the complete carrying out of the recommendations of the Duncan Report. Lest we forget that that report has not been entirely implemented, may I refer to a few of the recommendations yet to be fulfilled? We might almost have inferred from the remarks made by the mover of the Address in this House that so far as the carrying out of the recommendations contained in the report is concerned the Maritime Provinces are satisfied. I want to disabuse his mind of that idea. At the same time, I do not wish to complain. I desire to say that what has been done in carrying out those recommendations has been of very great benefit to the people of the Maritime Provinces.

In his remarks yesterday the honourable gentleman said that some $3,200,000 had accrued to the Maritime Provinces because of the adjustment of freight rates. I think that is quite correct. Nevertheless, it is well to keep in mind the fact that that money is given to the Maritime Provinces simply in return for money that in previous years had been taken from them. That does not go far enough. It does not restore to those provinces the money that was taken from them on freight rates from 1912 until 1928, when the recommendations under the Duncan Report first came into effect. We do not complain of what has been done, but we want it completed. We want still to keep before the people of Canada the just claims set forth by our people—the obligations under the Confederation pact that have not been carried out. We never ask for more than our just dues, and we think that to a large extent we are going to get them when full effect has been given to the recommendations in this report.

But, as I have said before, my reason for speaking to-day is to disabuse the minds of the people outside of the Maritime Provinces of the idea that the report has been implemented to the full. In order to refresh your memory I wish to refer to some of the main features in regard to which the recommendations contained in the report have not yet been fulfilled. It is true that the freight rates were to be reduced 20 per cent between Levis and the East, over what was originally the Intercolonial Railway and additions thereto prior to 1912. It was stated in this House and in another place that that 20 per cent reduction had been carried out. That is not quite a fair statement of the case. If you turn to page 22 of the report you will find the following:

> We recommend, therefore, that an immediate reduction of 20 per cent (so that 192 will become approximately 155) be made on all rates charged on traffic which both originates and terminates at stations in the Atlantic Division of the Canadian National Railways (including export and import traffic, by sea, from and to that division), and that the same reduction be also applied to the Atlantic Division proportion of the through rates on all traffic which originates at stations in the Atlantic Division (excluding import traffic by sea), and is destined to points outside the Atlantic Division.

Now, a reduction of 20 per cent was made on the freight that originated in our own provinces, but the reduction does not apply to all exports and imports. I am quite aware that the railway authorities will explain that the reason for this is the existence of certain freight agreements with other railways. We expect that this recommendation will be carried out, and we are anxious that honourable members should not get the impression that this has been done.

There are in connection with interprovincial freight rates certain factors that work decidedly to the disadvantage of the Maritime Provinces. No doubt honourable members will be surprised to know that although the freight rate on a certain article from a point in Ontario to the city of Saint John is about 46 cents a hundred pounds, the rate from the city of Saint John to the identical place in Ontario is about $1.86 a hundred pounds. That is just another condition that we of the Maritime Provinces expect to have adjusted in order that all parts of the Dominion may receive similar benefits from freight carriers.

The adjustment of freight rates has been of great benefit to the Maritime Provinces, but

I can assure honourable members that the good effect of the Duncan Report has not been confined to the small actual savings in money that have resulted. Its most beneficial effect has been to bring the Maritimes back into full accord with Confederation, and to convince the people of those three provinces that once more they are really a part of this Dominion. There is no longer the feeling of isolation that so long existed, which was partly due, perhaps, to a lack of foresight and attention on the part of those who were sent here to represent our people in days past. In other words, the result of the report has been very largely psychological. Formerly in the Maritimes there was a feeling of unrest, of dissatisfaction, of depression; and secession was advocated because it was felt that we were never going to get the rights to which we were justly entitled. No country whose people are in that state of mind can prosper.

There is another matter in respect to which the report has not been implemented, although about three and a half years have elapsed since it was issued. Honourable members will see by referring to page 19 of the report that a good deal was said about cash bonuses to be paid to Nova Scotia, New Brunswick and Prince Edward Island. The report reads:

> We recommend that immediate interim lump-sum increases should be made in the payments to the three Maritime Provinces as follows;—
>
> | | |
> |---|---|
> | Nova Scotia.. .. .. .. .. .. .. | $875,000 |
> | New Brunswick.. .. .. .. .. | 600,000 |
> | Prince Edward Island.. .. | 125,000 |
>
> These interim payments should be continued until the Dominion Government has had time to complete its investigation and reassessment.
>
> In suggesting the foregoing sums we have fixed what we believe to be the minimum addition that the three Maritime Provinces should have in any such revision, particularly taking into account past history and the fact that in some aspects of their claim there is a retrospective or retroactive feature. They claimed that any revision should provide for a fixed sum in respect of the retroactive element. We are unable to recommend that form of payment, but have preferred to take the retrospective feature into account in naming a minimum.

And the report goes on to say that that is left to the consideration of Parliament. The revision that in 1926 was recommended to be retroactive has not been made, and the additional subsidies have not been paid to the provinces.

I desire to call attention to two other matters with regard to which there has been no attempt, so far as I know, to carry out the recommendations of the report. We expect the Government will follow the suggestions; we still have faith, although we have seen no evidence of action. I refer now to the steel and coal industries in the Maritime Provinces, particularly in Nova Scotia. If honourable members will allow me, I shall read brief extracts. On page 36, under the heading "Customs Tariff on Coal," there is this paragraph:

> Several features of the Customs Tariff in its relation to coal were brought to our attention both by the Government of Nova Scotia and by the operators of the coal mines. These we feel ourselves precluded from dealing with, since they are a matter properly to be considered by the Tariff Advisory Board; but we may be permitted to say that we are impressed with the need for reconsideration of the Customs Tariff in its relation to coal, anthracite and coke, and we recommend that the Tariff Advisory Board should be asked to give immediate consideration to the subject.

And on page 37, under the heading "Steel and Customs Tariff":

> In respect of this matter, we do not conceive it to be our duty to express any opinion, since the question is, as we were informed by the Chairman of the Tariff Advisory Board, who met us at our request, at the present moment under the consideration of that Board. But we do regard it as our duty to record that the significance of this industry to the Maritime Provinces was forcibly brought home to us, not only in the manufacturing towns we visited in the Maritimes but also throughout the agricultural districts of the Maritimes. We record this in order to emphasize the need for prompt action.

And with regard to bounties, on page 38:

> Having regard to the bounty system previously applied, and to this aspect of the application of the drawback, we recommend that a bonus should be given in respect of steel when Canadian coal is used in its manufacture, and that the bonus should be calculated on the basis of the present drawback for every ton of coal used in such manufacture.

In other words, there is a recommendation there that something be done to bonus the production of coal in the Maritime Provinces, particularly in Nova Scotia, and that a bounty be granted on steel when Canadian coal is used in its manufacture.

These are the four items to which I wish to draw the attention of honourable members. All these matters are important in the industrial life of the Maritimes, and in regard to two of them the Province of Nova Scotia is vitally interested and is counting upon the support of the Government. As I have said, we have got some benefits from the freight rates. We expect to have the report implemented to the last letter, and I can assure honourable members that when that is done the people of the Maritimes will be perfectly satisfied. They felt that the report, which was made by a tribunal presided over by a man of high standing, who was entirely uncon-

nected with Canadian affairs, justified the claims that they had made year after year to both Houses of Parliament.

In conclusion, I wish to add my compliments to the mover and the seconder of the Address. The new member of this House who seconded the Address showed skill and political sagacity beyond that possessed by most of us, as honourable members will realize if they read her address, for she knew that there was nothing in the Speech from the Throne to discuss, and she did not discuss it.

Hon. C. P. BEAUBIEN: Honourable senators, I should like to deal as briefly as possible with the first part of the Speech from the Throne, but before doing so I want to extend my sincere congratulations to the mover of the Address in Reply. I have been a member of this House for quite a few years, but I have rarely listened to language more dignified and more suitable for this Chamber; it was language of a style that probably many of us have long wished we had been able to acquire. I should like as well to congratulate the Government upon the nomination of the honourable senator who seconded the Address. There has been a great departure from the constitutional traditions of this House, but if anything could comfort those who thought this departure was too great, it was, without any doubt, the excellence of the choice that was made in the appointment of Hon. Senator Wilson. There could not have been a happier selection of a representative of the women of this country and of the many excellent qualities that distinguish them. May I congratulate the honourable senator on her maiden speech? I should like to express particularly the appreciation of those of us who come from the Province of Quebec for the compliment paid to the French language in her skilful and pleasing remarks. In proving her qualifications to occupy a seat in this Chamber Hon. Senator Wilson has given further evidence of her graciousness.

I freely confess that I was somewhat surprised at the first part of the Speech from the Throne. It sounded to me as if it should have been written in the past tense. A great proclamation has been made by the Government of the prosperous times that we are enjoying throughout the land. The honourable leader on this side of the House has stated briefly the conditions that exist in his province at the present time. If honourable senators were to go to Montreal and visit municipal refuges for homeless people who every night beg for a bed and something to eat, they would not agree with the Speech from the Throne. If honourable members could be present at meetings of city councils where there are discussions of the pressing need to go ahead with public works in order to find jobs for those who have no bread; if honourable members could hear the report that was made recently by Alderman Shubert, who says that not for years has there been so much suffering as there is at present in the city of Montreal; if I could show honourable members the able-bodied men who are organizing by the hundreds to beg for food from door to door, the difficulty of reconciling the existing situation with the Speech from the Throne would be evident at once. An urgent meeting of mayors of different cities was held in Winnipeg for the purpose of organizing some relief. The acuteness of the situation is plain to everybody, except, I am sorry to say, the Minister of Labour. This is the more regrettable as he is in a better position to help.

When I listened to the Speech from the Throne I was thinking of the queer effect that it would have on the hungry men who went from door to door, humiliated because they had to beg for bread. That condition by no means exists only in my province and in Montreal. Just allow me to quote a newspaper that certainly cannot be suspected in the present instance of political bias. This is what the Citizen of this city has said:

> No use coming here for work from outside; never before in the history of the city has the Union Mission, the hostel for indigent men, been so crowded at this season of the year as it is to-day. The officials are becoming alarmed, as each day brings in its quota of homeless, hungry and penniless men.

Will anybody doubt the good faith of this paper? What is happening in Montreal and in Ottawa is repeated, unfortunately, throughout the land. What news do we get from Winnipeg? What news do we get from Edmonton? What reports do we get from Vancouver, where hundreds of men rely upon municipal authorities for aid because they have no bread? So, after four years of great abundance, a period of abundance greater perhaps than we have ever had in this country, this prosperity peters out in one night. How can one explain the abrupt transition from apparent prosperity to stagnation and want? That is the question that I want to bring forcibly before this House, if I can. You have abundance, apparently you have great prosperity, and in one moment it is gone. It means this, that the prosperity you had was much more apparent than real. When a man works very hard, but makes very little, he has hardly any chance to lay aside a penny for a rainy day. Our people, it is true, have worked hard, and you have wonderful figures

to show the activity in all branches of industry; yet at the slightest reaction the result of it all is gone. Why? Because the people of this country have not had a chance to lay aside a reserve for the hard times that must always follow prosperous days. That is the situation as it strikes me at the present time.

Two explanations have been given, and I will refer to them very briefly. The first is that we have had a short crop in the West. That is true, but the Minister of Commerce has estimated the loss in that respect at $138,000,000, which is less than seven per cent of the total agricultural production, and less than three and a half per cent of our total agricultural and industrial production for 1929; and to my mind it does not in the least explain the complete change that has taken place in the condition of Canada. What is the second reason given? It is the stock exchange reaction. But everybody knows that that could affect only a small proportion of the population, estimated at three per cent. How could it change in one day a condition of absolute prosperity to one of dullness in business? No, honourable gentlemen, there must be other reasons.

But, alarming as that symptom is, there is a condition very much more serious, and unhappily it always exists: it is the continued and increasing exodus of our population to the United States. Now, honourable gentlemen, I want to deal at once with the answer that is given by the Government in this connection. They say: "Yes, it is true that we have lost a great many of our citizens, but they are trekking back." Did I not hear that statement in this House last year? And has it not been echoed in a certain portion of the press of the country?

I have tried to investigate the return of our Canadians. I wrote to the Bureau of Statistics at Ottawa, asking them to be good enough to give me the figures regarding our compatriots whom we have been losing during the last year; and, not to my surprise, but, I might say, to my great disappointment—for it is not the first time it has happened to me—I was politely referred to the Statistical Department at Washington. It is rather curious that though we have an excellent Bureau of Statistics that carefully records where we send our butter, or wheat, or hams, or bacon, or whatever Canadian agriculture or industry may produce, and though that Bureau keeps track of our goods from the time they leave our shores until they arrive at their destination, yet as to our own people no effort has ever been made to trace those who are lost to us. So I wrote to the Department of Immigration in Washington in order to obtain their report, and I want to refer my honourable friends on the other side to page 40 of this report. There the number of immigrants from Canada to the States for the year ending June, 1929, is given as 64,440. On the very same page can be found the number of emigrants who have come to Canada, but it is painful to ascertain that out of 30,527 persons leaving for Canada, the number that Canada has reclaimed dwindles down to 2,706. The rest, numbering 27,821, are classified in the report under the term "non-emigrant." That term is defined on page 1 of the report as follows:

> The non-emigrant is one who departs after having been admitted temporarily, or a permanent alien resident who departs with the intention of returning to this country.

Of course that is not what we are looking for. The man who departs from the States after having been admitted only temporarily is no loss to Canada; he remains permanently settled in this country. The man who leaves the States temporarily, but returns to live there permanently, is no gain to Canada. The report establishes that out of 30,527 people shown as having returned to Canada, 27,821 are not reclaimed at all; they either have had their domicile in Canada, and continue to have their domicile here, or have had their domicile in the States and continue to have their domicile there. Therefore, of the 64,440 people that we lose, we get back only 2,706. Unfortunately, this is clearly confirmed throughout this report.

If you look at the percentage, given at page 201, of those who leave the States and come back to us permanently, what do you find it to be? For last year it was four per cent of the 64,000. The previous year it was two per cent. What was it the year before? Two per cent. So it is true that when they go they are gone for ever. Tell me, have you ever met a man that came back? I have never in my life—I say it in all sincerity—met a Canadian who settled in the States and came back to Canada. These American statistics constitute the only evidence available. That is the evidence to which we are referred by the authorities here in Ottawa.

Hon. Mr. DANDURAND: I think I can refer my honourable friend to several agents of Canada who would bring him to a number of villages and townships which have been settled exclusively by Canadians returned from the United States.

Hon. Mr. BEAUBIEN: Very good. I am glad that my honourable friend has called my attention to that. That is true, but it only bears out the deplorable conclusion drawn

from this report. The Quebec Government within the last twenty-two months, from March, 1928, to December, 1929, have spent $184,000 for the purpose of repatriating Canadians from the Province of Quebec. They have a wonderful organization, and they use the influence of the Church, which as you know is great, thank goodness, with my people. They have just submitted their report to the Legislative Assembly of Quebec. How many people do you think they got back in about two years? Only 1,480. As far as I know, this is practically the only organization of this kind functioning throughout Canada, and it is not surprising that they got most of the 2,700 Canadians who returned during 1929.

Unfortunately, that is not the whole story. In last year's exodus, I am sorry to say, it is apparent that our loss started to increase again. In 1925 it was 102,000. In 1927 we lost 84,000. In the year ending June, 1929, the loss was down to 64,000, but since the month of June we have lost 39,684. Has it ever struck you, honourable gentlemen, that we are losing virtually one-half of our natural increase throughout the land?

Hon. Mr. FORKE: I have the statistics, and I will bring them to this House at some other time. In the years 1927 and 1928 more people came into Canada than left Canada. In 1929 nine more people left Canada than came into this country.

Hon. Mr. BEAUBIEN: Certainly, but the effect of your fine policy reminds one of the old fable of "Le Tonneau de Danaïdes." The courts had condemned certain daughters of the King to pour water into a tremendous hogshead that had holes in the bottom, and the water was running out all the time. We are losing Canadians, and you appeal to foreigners to come and replace them, but not one thing is done to keep our Canadians here. I do not deny that we received during the year some 140,000 immigrants from across the water. The trouble is that those immigrants may not stick. Your policy of bringing in more people to grow wheat and increase our production is no consolation for those who year after year see large numbers of their compatriots leave the country, and in particular the Province of Quebec, which has not the chance that the other provinces have of making up for those losses by immigration.

Now may I read a letter which should make us pause and think? It is dated January 20, 1930, and is as follows:

Honourable Sir:

In reply to your letter of the 18th instant, I wish to state that the parish of St. Marcel de Richelieu has suffered very much from the exodus of Canadians to the United States. If you went to Woonsocket you would meet a number of people from St. Marcel.

Formerly a parish exceeding 210 families, it numbers to-day about 100 families. Over fifty farms are shut down.

St. Julie range is completely closed. The other ranges are very much affected.

The young people are leaving one after the other. Last year over thirty persons left us. To keep many others I had to apply to the Government of Quebec for help—which, happily, has been given to me.

Yours very truly,

Albert Ducharme,
Parish Priest.

That, honourable members, is a very alarming symptom, and I am afraid that it is chronic.

An English statesman of high repute, no less a man than the Prime Minister of Great Britain, no doubt well disposed towards Canada, declared recently that although potentially one of the richest countries in the world Canada was not magnetic enough to hold her own children. Certainly Mr. MacDonald did not intend to speak harshly of Canada, but could any more cruel criticism be levelled at our country?

Let us see whether Canada is responsible for this or not. Everybody knows that since the World War we have entered upon another war, of another kind—an industrial and commercial war—but nevertheless a struggle for life. Nobody knows that better than the honourable leader of this House, who has represented us so successfully and so brilliantly at Geneva. He knows that since the Great War various countries have been bombarding one another with exports and entrenching themselves behind higher and higher tariff fortifications. If I remember correctly, it was at one of those meetings at which the industrial situation of the world was being discussed that our honourable colleague achieved one of his greatest successes. He announced to the whole world that since the war Canada had reduced her tariff no less than three times.

Hon. Mr. DANDURAND: Four times. It was reduced twice by the preceding Administration and twice by the present one.

Hon. Mr. BEAUBIEN: That may be. Let us be perfectly impartial and lay the responsibility where it belongs. Since the war Canada reduced her tariff no less than four times. That, indeed, was very generous treatment by Canada of the rest of the world.

Hon. Mr. DANDURAND: Of Canadian consumers.

Hon. Mr. BEAUBIEN: Very well, of Canadian consumers. I have heard that argument time and again, and it has left me in a quandary. Can anybody draw a distinction between the producer and the consumer in Canada? My honourable friend speaks as if we had a leisured class in this country. The honourable gentleman is a lawyer. Is he a consumer or is he a producer? Why, he is manufacturing the instruments which make business transactions possible throughout the land. Without him and without the legal profession where would business be? I ask you, is a millwright who repairs machines in a factory a consumer or a producer? Without him the machines could not function and would not produce anything at all; therefore he is a producer as well as a consumer. Scan the land as you will, and because there is no leisured class in this country you will not find a man that is not a producer as well as a consumer.

Canada has been indeed very generous, if not profligate, in her tariff reductions. She has torn down her tariff walls and invited the other nations of the world to invade our markets. And they have done so. But should we not pause to ascertain what treatment Canada has received in return. First of all, how have we been treated by the Mother Country? What have we received in exchange for the preference extended to the British producer with such marked benefit to him and at such heavy cost to us? The following figures for our fiscal year 1928-29 will show conclusively. Our total imports from the United Kingdom amounted to $194,029,573, of which $123,393,818 received the benefit of the Canadian preference. That means that 64 per cent of the total imports came under this preference. Now let us reverse the proposition and take the exports. The total Canadian exports to the United Kingdom amounted to $429,730,485, and the total of such exports coming under the British preference amounted to $14,905,896, or 4 per cent. In other words, we gave to the British exporter a preference on 64 per cent of his total exports to this country, and in return he was generous enough to give us the preference on 4 per cent of our total exports to his country.

Hon. Mr. CASGRAIN: Would the honourable gentleman tell us on what the preference is given? I did not think they gave us any preference at all.

Hon. Mr. BEAUBIEN: Motor cars, rubber goods and musical instruments come under the preference.

Hon. Mr. CASGRAIN: And tobacco.

Hon. Mr. BEAUBIEN: That is not an over-generous reciprocity, and it seems strange in view of the fairness of the British people. Why do they treat us like that? Possibly, if I may open a page of illustrious history and refer to the remarks made many years ago by Canadian statesmen and quoted in the British Parliament by Mr. Thomas, the Secretary for the Colonies, in 1926, the situation will be explained.

During a debate in the Canadian Parliament a week ago, Mr. Lapointe, the Canadian Minister of Justice, said that "Canada was giving Great Britain a preference in her market of her own free will, but mainly because it suited Canada to do so."

Mr. Graham—

—a gentleman whom we have the great honour of counting amongst our members in this House—

—said at that time, "That preference was given to Great Britain out of the heart of the people of Canada, but not altogether from altruistic motives, because Canadians believed, and it has turned out to be true, that giving preference to the Motherland would be mainly for the benefit of their own country."

The British Parliament has ever since remained under the impression that in granting the British preference Canada's main object was to serve her own selfish interests; so these declarations and others of the same kind have resulted in Canada being robbed of any acknowledgment by Great Britain of what we did for her.

But let us pass on rapidly and ascertain how the other members of the British Empire have reciprocated Canada's treatment in their favour. Since the war their tariffs have been either generally or partially increased as follows: one tariff increase has been made by East Africa, Malta, Mesopotamia and Palestine; two tariff increases have been made by New Zealand, Newfoundland, Barbados and Jamaica; three tariff increases have been made by Australia, the Irish Free State, British Honduras and Trinidad; four tariff increases have been made by British India; five by British Guiana.

Now let us deal with our special friends, those countries to which we extend the benefits of the most-favoured-nations clause. One tariff increase has been made by Argentine, Colombia, Italy and the Netherlands; two by Switzerland; three by Finland, Esthonia, Czechoslovakia and Roumania; four by Denmark, Japan, Norway, Spain and Belgium; five by France and Portugal.

What tariff treatment has been meted out to us by the rest of the world? Since the war there have been: one tariff increase by Uruguay, Honduras, Nicaragua, Siam and Persia; two tariff increases by the United

States, Chili, Guatemala, Cuba, Egypt, Austria, Greece and Turkey; three by Bolivia, Ecuador, Paraguay, Germany and Latvia; four by San Salvador and China; five by Peru and Poland; and six by Mexico.

From the 88 nations with whom we deal, in return for our four tariff reductions we have received 143 increases in tariff.

Hon. Mr. DANDURAND: And we have increased our exports.

Hon. Mr. BEAUBIEN: I am coming to that. I am so glad that my honourable friend prompts me as I go along. We have increased our exports, it is true, and I think we are the second nation in the world in the matter of exports per capita. But what is the result when we come to balance accounts? It simply amounts to this, that of the 88 nations with whom we barter goods, only eight have not increased their protective tariffs since the war (Bermuda, British Sudan, Gibraltar, Hong Kong, Costa Rica, Lettonia, Sweden and Venezuela). To these relatively small countries, our exports in all amounted to slightly over ten million dollars last year. This has been the reward of our profligate fiscal policy.

During the calendar year 1929, with all countries except the United States, we have realized a favourable balance of 257 million dollars, 95 millions of which result from our trade with the United Kingdom. The full amount of this favourable balance of 257 millions we have surrendered to the United States, with 91 millions to boot. With the country to the south we have ended the year on the wrong side of the ledger to the extent of more than 348 million dollars, which must necessarily be added to our huge indebtedness of $3,645,000,000 to our American neighbours.

We buy from the United States now goods to a value of $900,000,000 annually. Without any doubt if we had proper fiscal legislation we could, after a little time, manufacture and produce here two-thirds of the goods represented by that huge sum. I have made a careful calculation of the tropical fruits, anthracite, cotton, and other products that we have to import because we cannot produce them in this country, and they do not amount to over $200,000,000 a year. But even if we say $300,000,000, it means that each year we are paying to the United States practically as much as we pay to the industrial workers throughout Canada. We pay, in fact, less than $700,000,000 to our 600,000 industrial employees.

Hon. Mr. DANDURAND: Will the honourable gentleman permit me to ask him a question? Has he made a study of the various items that he says we could manufacture in this country, in order to determine the proportion that it would not be profitable to produce here?

Hon. Mr. BEAUBIEN: I thought I had made that clear. I segregated from our imports everything that I knew we could not produce here.

Hon. Mr. DANDURAND: That is not an answer to my question.

Hon. Mr. BEAUBIEN: And I arrived at a residue of less than $200,000,000. To that I added $100,000,000 to provide for things of which I could not be sure, bringing the sum up to $300,000,000. If the honourable gentleman is qualified to answer his own question, I should be very much surprised. I cannot definitely state whether in the vast quantity of goods represented by $600,000,000 there would not be some that we could not produce profitably in this country. No one could be certain as to that; in a debate of this kind that is a question that cannot be answered. It is possible that things of that class may exist, but I would remind the honourable gentleman that I have added $100,000,000 for a margin of safety. These huge figures are appalling. Of this sum of $600,000,000, possibly one-half represents wages; I should probably be safe in saying that a much larger proportion is paid for labor. This means that we are paying the full wages of some 300,000 American breadwinners, who are competing against us all the time, and that we are supporting altogether about 1,500,000 people in the United States. To put it in another way, every Canadian family of six has been forced to adopt and to entirely provide for an American ward. Do honourable members think that our people would stand for that if they knew of it? Is it surprising that, while our people are saddled with such an excessive burden, a comparatively small reaction will upset our prosperity?

But there is more. My own division is inhabited by truck farmers, dairymen, fruit growers, and many who do general farming. How their particular business is doing can be shown by a few statistical references. They have been on their knees time and again before the Tariff Commission asking it to protect them against the United States with their early sunshine, and showing that it was impossible for them to compete with the early and the normal crops of practically every State from Louisiana to New York. What has been done for them? Practically nothing. What is the result? In agricultural and vegetable products our imports from the States are as follows; and remember that I

have taken only the five years of prosperity, because I think the judgment of this House and of the country should bear upon the Government in the light of that period of abundance, and in relation thereto.

The imports from the United States in 1925 were $76,661,849, and in 1929 they were $103,434,545. What progress have we made against that? In 1925 we sold them $42,587,129 worth, and in 1929 $51,279,147. Let us see what has been the difference in the total of our imports and our exports with the United States on such commodities since 1920. From 1920 to 1929 the total excess of imports from the United States over exports of agricultural and vegetable products reached the enormous sum of $359,052,667, also to be added to our debt to that country, which already exceeds $3,600,000,000.

Now let us see how our poor farmers stand against the competition of the world. It is not necessary to give you many figures. Again I will compare 1925 with 1929. We exported butter to the value of $9,917,516 in 1925, and in 1929, $583,065; the business practically disappeared. We exported milk, fresh, and cream, to the value of $7,784,222 in 1925, and this has fallen down to $5,661,792. Condensed milk has fallen from five millions down to three, and seeds from sixteen millions to three.

How has it worked the other way? The butter imported in 1925 was worth $39,315, and in 1929 it was $12,714,253. We imported fresh vegetables in 1925 to the value of four millions, and now it is eight millions. Canned vegetables imported in 1925 amounted to one million and in 1929 to two millions. With the permission of the House I will place these figures on Hansard.

Imports and exports of certain farm products in 1929 as compared with 1925:

| Exports | 1925 | 1929 |
|---|---|---|
| Milk (fresh and cream) | $ 7,784,222 | $ 5,661,792 |
| Milk (condensed) | 5,088,441 | 3,625,361 |
| Seeds | 16,626,955 | 3,928,782 |
| Animals (liv.) | 22,110,978 | 16,453,235 |
| Butter | 9,917,516 | 583,065 |
| Cheese | 34,575,980 | 18,503,575 |
| Eggs | 985,693 | 423,572 |
| Hay | 2,619,298 | 1,799,831 |
| Meats | 37,715,281 | 15,773,743 |
| Bacon and hams | 29,055,490 | 6,868,645 |
| Imports | | |
| Butter | 39,315 | 12,714,253 |
| Fruit | 27,022,194 | 34,069,957 |
| Vegetables— | | |
| Fresh | 4,272,027 | 8,069,717 |
| Canned | 1,191,834 | 2,037,391 |

Imports and exports of agricultural and vegetable products to and from the United States in 1929 as compared with 1925:

| | Exports | Imports |
|---|---|---|
| 1925 | $42,587,129 | $ 76,561,849 |
| 1929 | 51,279,147 | 103.434,545 |

From 1920 to 1929, the total excess of imports over exports of agricultural and vegetable products from the U.S. has reached the enormous sum of $359,052,667.

But there is another phase of this matter that we cannot overlook, and to my mind it is much the gravest part of the problem we have to face. Bad as has been the unfavourable balance of our trade with Uncle Sam, a much more alarming feature is the progression of that unfavourable balance. Let us see. Our imports from the United States in 1925 amounted to about $500,000,000. Last year they were a shade below $900,000,000. Our unfavourable balance with the States within the same period of four years has increased by virtually four hundred per cent. In 1925 it was $92,000,000; it is now $348,000,000. During the same period our exports to the United States have increased by barely 23 per cent, that is, $417,000,000 in 1925 to $545,000,000 in 1929.

Now, the question is a fair one, when is that going to stop? It must stop. The Americans already have one-quarter of our market. Their goods have overflowed the protective dyke that we have, because it was too loose. I read what the Minister of Finance said lately in the West, that we on this side of the House were for high tariff. I was surprised. We are in favour of a tariff that protects—protection that protects. If flood-dykes are even slightly too low, they are no dykes at all. Evidently, judging by the results, our tariff is too low. Our territory is being invaded, flooded all over by American goods, and if the Americans have their way, our farmers will continue going back home with their full loads at night, as they can be seen doing to-day by hundreds. Why? Because, by the grace of the Government, the Americans sell their products, intead of our compatriots selling theirs.

What is true of agriculture is true of industry. How is the cotton industry? You know that when you look at the reports of cotton companies. Old companies that used to pay their dividends as regularly as the Bank of Montreal, now cut their dividends, not only on the common stock, but on the preferred. That cannot be denied. What about the woolen industry? It has been suffering great hardships, but the Government appears to ignore its trouble. What about the iron and steel industry? Perhaps the biggest concern of the kind in the British Empire has been practically driven to the wall, though it has $120,000,000 invested in it.

Hon. Mr. CASGRAIN: In the hands of a receiver.

Hon. Mr. BEAUBIEN: What does it get in the way of protection? Something like

seven per cent. And do you know that even at the present time iron or steel can be imported much more cheaply than we can afford to produce it? What is the Goverrnment going to do about it?

Now, I wish to call attention to one phase of this situation. My honourable friend who leads the House could give us better information than I can in this respect, but I will do my best. Lately we have seen a very interesting conference of no less than twenty-six European nations at Geneva. What were they meeting for? They were going to form the United States of Europe. That is a polite term; but what was their real object? To combine and protect themselves against the invasion of American goods. If any one in this House doubts this purpose, I have at hand excerpts from a newspaper clearly demonstrating that this is the purpose pursued by those twenty-six nations.

Hon. Mr. BELCOURT: Would my honourable friend permit me to ask him a question? Is not their purpose really to do away with the customs between one and another of their respective countries?

Hon. Mr. BEAUBIEN: I will answer that by reading a telegram published in the Star of the 15th instant, a despatch from Geneva:

> Europe negotiating its first peace-time armistice, is facing a situation fraught with greater potentialities than the truce which ten years ago ended the greatest war in history. Delegates of 28 countries, 26 of which are European, are undertaking to conclude a so-called "Customs truce," the object of which is not only to remove the economic causes of war, but to consolidate the Old World on a united front in its commercial competition against the new, namely, the United States.

Honourable gentlemen, I think there is not the slightest doubt that those twenty-six nations, representing no less than 200,000,000 people and over $200,000,000,000 in wealth, have found it necessary to stand shoulder to shoulder and protect themselves against the competition of the United States. Anybody who has travelled in Europe could see the terrific rate at which American goods are penetrating everywhere on the continent, being admirably advertised, and backed by the best, most systematic and richest selling organization in the world. There are twenty-six nations of Europe, three thousand miles away, with unbounded wealth and admirably developed industry, each one of them highly protected, and still all of them endeavouring to realize Napoleon's dream of the blockade of Europe, to protect themselves against the United States.

We are cutting down the protection of our tariff walls right under the artillery of Uncle Sam, which bombards us incessantly with exports. Here we stand, a nation of nine and a half million people with a total wealth of twenty-six billions of dollars, unprotected from the world, having thrown down our defences. We say to Uncle Sam and to the other nations of the world, "Come along and meet us in our open market." The Americans have accepted the invitation, and their exports are coming in at the rate of $100,000,000 more every year. Every year our balance of trade falls, and this last year we were humiliated by seeing our currency, our good Canadian dollar, depressed at the rate of from 1 to 2½ per cent, which means an annual loss to our country on our remittances to Uncle Sam of from $8,000,000 to $15,000,000.

I have here an excerpt from the Gazette of the 22nd instant, which quotes the Intelligence Journal, in which Mr. Harrison Watson, the Canadian Trade Commissioner in London, reports that in 1929 the exports to Great Britain of practically all our leading food products have seriously declined. He says:

> Shrinkages in volume in some of the more important lines are as follows: flour, 23.7 per cent; bacon, 35 per cent; hams, 14.9 per cent; cheese, 21.3 per cent; canned salmon, 9.3 per cent.
>
> The export trade in live cattle, of which so much was expected a few years ago, completely disappeared in 1929, when not a single animal was shipped to this country.

With the British market slipping fast away to Australia and New Zealand; with Mr. Snowden stating that he is going to recall the very slight preference given us; with all markets throughout the world closing against us; with Uncle Sam barring and bolting his door against us, so that we shall not even have a look in, we keep on smiling and calling to the world to come in and compete with us. One-quarter of our market is gone, and at the present rate of progress another quarter will go within five years. Do you not think that there is some reason to pause and reflect? Do you not think that, after all, the facts I have laid before the House may explain how it is that our apparent prosperity has vanished in a night? Do you not think that if the Canadian nation is busy, it is lean and without reserves to meet the needy days that may well be approaching? Yet the Government continues to proclaim, as it has done in the Speech from the Throne, that everything in the land is perfect, that everybody is happy, that nobody has any cause whatever to complain.

What is the reason of all this? Might we not as well be perfectly frank about it? It

is not that the Government is not composed of distinguished men. I would not say that. After all, is it not true that the only answer to my question is political expediency?

Hon. Mr. SCHAFFNER: That is it. That is the word.

Hon. Mr. BEAUBIEN: Political expediency. The Minister of Labour sees nothing. No! He does not see the poor man in the long bread line. The Minister of Finance hears nothing. Oh, no! He is too busy reciting his credo of free trade in the West. The other Ministers neither see nor hear. They sing the chorus to their own laudation, stating that everybody is prosperous, that everybody in the land is happy—and there is not one thought for those who are hungry and looking for jobs, and those who are boarding up their houses and trekking to the States with their families with no hope of returning. I sometimes ask myself, is this possible? To use the words of the poet,

> Breathes there a man with soul so dead,
> Who never to himself hath said,
> This is my own, my native land!

On motion of Hon. Mr. Casgrain, the debate was adjourned.

The Senate adjourned until to-morrow at 3 p.m.

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## THE SENATE

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Thursday, February 27, 1930.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

### PROHIBITION OF LIQUOR EXPORT TO THE UNITED STATES

#### DISCUSSION AND INQUIRY

Hon. R. H. POPE rose in accordance with the following notice:

That he will call the attention of the Senate to the question, and inquire, whether the Prime Minister has given assurance, or undertakings, to any person, or persons, representing the Toronto Globe newspaper, or the Manitoba Free Press newspaper, or to any other person, to the effect that the Government would submit a measure to Parliament for the purpose of prohibiting the export of spirituous liquor from Canada to the United States.

He said: Honourable senators, the matter referred to in the notice standing in my name involves the Government in a serious responsibility. In common with many other people, I have been particularly interested in this question because for some weeks it has been rumoured in the streets of cities and towns in various parts of the country that the Government intended to take action with a view to preventing the exportation of liquor from Canada to the United States of America. This is a very serious suggestion, because if it were put into effect it would deprive a number of provinces of a great deal of revenue. I shall speak particularly of my own province of Quebec, and I can say that if we were prevented from exporting liquor to the United States the Provincial Treasury would lose $2,000,000 in taxation, which it now spends on the upkeep of our roads. There are many of us who do not see why this country should make an effort along the line that is intended, according to rumour, when the United States does nothing to prevent the smuggling of cigarettes and other articles into Canada in violation of our customs laws.

In order to prohibit the export of liquor over the border it would be necessary for us to spend a tremendous sum of money in maintaining a strong preventive force across the continent. What that sum would amount to I do not know, and I doubt that anyone could do anything more than make a guess, unless he had an opportunity of becoming familiar with the many details that would be involved, but there is no doubt that it would run up into the millions. Such a force would interfere with the activities of American citizens who are engaged more or less directly in this export, and honourable members can imagine what serious issues might arise in dealing forcibly with Americans under our flag. Great risk would be taken by our Government without any possibility of return to this country. There would be a widespread disturbance of existing legislation and of international harmony. The United States may promise to co-operate to a certain extent, but I do not know of a single arrangement made with us that they have carried out without a long delay, if they have carried it out at all. There is a widespread sentiment throughout this country that the United States should mind its own business and that we should mind ours.

It would be different if the quantity of liquor that we are sending over to the United States were large in proportion to their total consumption. The fact is the very opposite, and on that account we could not hope to advance the cause of temperance if we were able to abolish entirely the shipment of our liquor to them, for we could not deprive

them of one-tenth of the spirits they drink. At any rate, prohibition is not temperance, but an extreme action in the opposite direction.

Some Hon. SENATORS: Hear, hear.

Hon. Mr. POPE: All our provinces, with possibly one or two exceptions, are controlling the consumption of spirituous liquors within their own territories, and thereby they derive certain revenue. Visitors from abroad, we are pleased to say, come to the Province of Quebec in the summer to stay with us and spend their money. I am sure no one would object to a friendly outsider buying a bottle of good Scotch whisky in this country and going to the nearest hotel for a little enjoyment. That is one of the results due to the efforts of the prohibitionists. My honourable friend (Hon. Mr. Lynch-Staunton) has just suggested that we should keep those visitors out, but I say no, let them come in and spend their money. We have to build roads for the people from outside to travel on.

If there is any truth in the street rumours that assurance was given to representatives of the Manitoba Free Press and the Toronto Globe, I should like to ask why this was done. Was a promise made for political purposes? Are we in the Province of Quebec to be deprived of valuable revenue in order that certain partisan agencies may be exploited by these two newspapers? If honourable members will read an article in the Press by Colonel Porter about the old days, they will find that the American Government took no action to prevent the shipment of liquor to the Indians in the West, and this country had great difficulty in maintaining peace and order. Our neighbours to the south did not try to regulate conditions up here, and I feel that we should not interfere with what goes on in their territory now. If they want prohibition let them have it, but I object to the Government of this country undertaking a tremendous burden in order to further the plans of any political party, whether Liberal, Progressive, or any other.

We had an illustration two or three years ago of the risk involved in matters of this kind, when a change was made at Halifax concerning steamers carrying liquor abroad. What was the result? The business that had been done in Halifax was transferred to Newfoundland. The consumption of liquor did not stop, but this country lost a considerable amount of money because of that change.

A large number of gentlemen have come to the Capital from the cities of the West to discuss the unemployment situation. Is it the intention to relieve unemployment by putting an army of men all along the frontier?

In the part of the Province of Quebec where I live there is a forest, and it would be very easy there to smuggle liquor into the United States. If exports are prohibited by law the province would lose revenue, but the liquor would still find its way across the border. Our taxes are high enough now; there are few who are so fortunate as not to feel the heavy burden that we are carrying. Therefore I repeat that I can see no good that would come from legislation which would deprive us of revenue and would not result in accomplishing its real object. I was told that a caucus was held in another place by each of two political parties to-day. I do not belong to any political party in particular.

Hon. Mr. DANDURAND: That is worth mentioning.

Some Hon. SENATORS: Hear, hear.

Hon. Mr. POPE: The applause, and the comment made by my honourable friend, are an endorsement of the veracity of my statement. I understand that at one of the caucuses—I will not say which one—they spent half a day in discussion that principally comprised serious opposition to proposed legislation. The argument at these caucuses shows that a very considerable portion of this country is opposed to an attempt on the part of the Government to turn the tide of liquor flowing to the south. I did not get this information concerning the caucuses from a leak. It is impossible to hold such a gathering without everybody knowing what goes on. Such information always comes out, and I believe that what happened to-day was sufficiently important to make a strong impression on the Government. The whole question is a very serious one and I should like to be informed what the intention is.

Hon. Mr. DANDURAND: My honourable friend from Bedford (Hon. Mr. Pope) brings before this Chamber a very important subject in the form of an inquiry. I am not prepared to follow him in that field at the moment. Some other occasion may arise when the matter may be examined into from many angles. All I can say is that I bring a reply to my honourable friend. It is that the Prime Minister regards as strictly confidential many of the communications that he has had with

different persons on the subject of liquor clearances, and would regard any answer to this inquiry as a disclosure of a matter of confidence, which disclosure he is not prepared to make.

Hon. Mr. POPE: Thanks.

Hon. Mr. McMEANS: I guess that is satisfactory.

## THE GOVERNOR GENERAL'S SPEECH

### ADDRESS IN REPLY

The Senate resumed from yesterday consideration of His Excellency the Governor General's Speech at the opening of the session and the motion of Hon. Mr. Horsey for an Address in reply thereto.

Hon. J. P. B. CASGRAIN: Honourable members, my first words must be words of congratulation to the proposer of the Address. I had the pleasure of being invited with him, in Montreal—we were the only males—to a gathering of charming and beautiful ladies, every one of whom, eager to be a senator, displayed a great deal of zeal for the party at present in power. On that occasion, as usual, the honourable gentleman made a very good speech. It is easy for him to make such a speech, for he is an old campaigner, having once been a candidate for the House of Commons. The ladies, I thought, were eyeing him in such a way as to indicate that if they could not be senators themselves, they would like to be a senator's wife, had the honourable gentleman been free.

As to the seconder of the Address, the honourable member from Rockcliffe (Hon. Mrs. Wilson), I sat with her father in this House from the day when he became a senator until he left the House never to return. His daughter has inherited her father's sterling qualities, and she has improved on him a little in her knowledge of the French language. I do not believe that during the thirty years I have been in this House there has ever been a nomination that met with so much approval throughout the country. As proof of this, witness the fact that the Montreal Star and the Montreal Gazette have agreed for the first time in many years. That is but one proof of the unanimous acclaim that this appointment has met throughout the length and breadth of the country.

The honourable leader of the Opposition (Hon. Mr. Willoughby)—if I may so describe him, though it is quite true, as the honourable leader on this side says, that there is no opposition in this House—spoke with his usual moderation and that excessive modesty which characterizes him and which comes from deep reading. He would have this House regard him as a very humble man. That is to my mind the surest sign of greatness.

Some Hon. SENATORS: Hear, hear.

Hon. Mr. CASGRAIN: He deplored the fact that the negotiations for the return of the resources of Saskatchewan were not entirely satisfactory to that province, and that it had no water powers or forest reserves such as Alberta had. But Saskatchewan is pretty well off. I remember full well that at one time Saskatchewan guaranteed the capital and the interest on certain branch lines of the Grand Trunk Pacific, and I recall quite well also that Saskatchewan has ever since enjoyed the use of those lines, and will still continue to do so. Furthermore, I hear that more railways will be built there. But what happened when the railways were taken over by a previous Government? That Government took everything holus-bolus and saddled the guarantees and the bonds and coupons, which to-day would run into an enormous sum, on the Dominion Exchequer, to which Ontario and Quebec are making large contributions.

The Province of Saskatchewan to-day has twice as many miles of railway per capita as has the great Province of Ontario, and it has four times as many miles of railway per capita as the old Province of Quebec. The railway mileage of Saskatchewan is one and a half times that of Quebec, although its population is only one-third of that of Quebec. I think it is only right and just to Ontario and Quebec that those things should be taken into consideration in the settlement, and it seems to me that if any money is to change hands a fine opportunity is offered for Ontario, Quebec and the other provinces to get some of it. I do not say that it was unwise to subsidize or build those railways; but why should there be four times as much railway mileage in Saskatchewan, per capita, as in Quebec? In Quebec there are 500 persons per mile of railroad, while in Saskatchewan there are only 125; so either there is too much railway mileage in Saskatchewan or we have not enough in Quebec.

Hon. Mr. LAIRD: The Federal Government owns those lines now.

Hon. Mr. CASGRAIN: I am not intending to be antagonistic in what I am saying. I wish only to see fair play and justice. The prosperity of Saskatchewan is wonderful. The quantity of wheat grown there in a good year is equal to that grown in the other two Prairie Provinces.

Hon. Mr. LAIRD: It is more than that.

Hon. Mr. CASGRAIN: Of course they get a bad year now and again in the south, owing to dry weather or some such cause, but how can that be helped? We are told that this year the C.P.R. is going to spend some fifty million dollars on the improvement of its lines, in addition to building some new lines. The Canadian National is also spending at least an equal amount, I should judge, since it has 22,000 miles of railway as compared with the Canadian Pacific mileage of 14,000. But, after all, where would the western provinces be if it had not been that Ontario and Quebec paid the piper? And when you pay the piper you usually have the privilege of calling the tune.

The honourable leader of the Opposition (Hon. Mr. Willoughby) touched upon another point, but he did it in such a mild way that I do not think it did receive the attention that it should. I refer to the status of Canada since the conference of 1926. I would direct the attention of honourable members to an article that appeared in "The Nineteenth Century and After," by Sir John Marriot, a member of the British House of Commons. In that article he says that only one Dominion, the Union of South Africa, ever voted approval of the report of that conference. Whether that is true or not, that is his statement. Anything I say here I have taken from the written article; I cannot vouch for it myself. I shall perhaps say later on why they were in a hurry to approve of that report.

The change of status has not been notified to any foreign government; so that until it is so notified the foreign governments are perfectly excusable, in case of a major crisis involving warfare, if they send belligerents here to engage in all the acts of war that they choose. Not only the foreign governments but even the League of Nations has not been notified—and this is a pity, because it would have given them something to do—and the matter has never been mentioned in the British House of Commons.

Now, if General Hertzog's claim is right, that Great Britain on that occasion in 1926 granted absolute sovereignty and abandoned all rights it ever had or could have had in that South African territory—these are the words of Sir John Marriott in his article in January—if all that has been done and South Africa is a sovereign state, and as such can independently declare war, is it sufficient for the Mother of Parliaments and the Dominion Parliaments simply to acquiesce, without any legislation or without any notice to foreign powers?



Any action taken at the conference of 1926 may be all right within the Empire, just as in this room, if we were unanimous, we could agree to almost anything; but what about the belligerents themselves? They are free to say whom they will attack, and where. Suppose a major crisis arose: the belligerents could go down to Cape Town, and no matter what Mr. Hertzog may think, they could say, "England has declared war, and we are at war with England, and we will bombard Cape Town if you do not give us the keys of the city and all that is in it." And what could Mr. Hertzog do?

There was also the Lausanne Treaty. From that the Dominions were excluded; they were not called in. I read lately that in connection with the great Versailles Treaty they were called in twice—first as members of the British Empire, and then as different entities; and they were naturally glad to sign, for this was a historic event, and it was gratifying to have their names on that wonderful book, and they were anxious to please the powers. But Sir John Marriott remarks that when the Lausanne Treaty came here our Prime Minister made a very adroit statement; he said that we were to have none of the obligations, and only by the volition of the House of Commons should we benefit by that treaty; we should not have anything to do with it unless we chose. But what about the belligerents who subscribed to that treaty? Are we still at war with the Turks, or are we not? That is the great question. Those poor Turks were a party to the treaty, and I think that this present Government, out of charity and kindness, should tell them, "Now, don't come near Canada, because we are still at war with Turkey, though you don't know it."

Then there was the Locarno Pact, and the Dominions were not considered at all in that. The Dominions seem to be considered only when they are particularly wanted or invited. I have been told that when the Versailles Treaty was being made, all that their representation could hear as to what was going on was what was told them when a messenger boy or somebody came out from where the great powers were deliberating. By tipping the boy they might learn whether the great powers were quarreling or were unanimous; but they did not know very much about the proceedings until after the meeting. As to the Locarno Pact, if the Minister of South Africa is right, we had nothing to do with the action taken there. I believe that under that pact it was agreed to guarantee the frontiers between France and Germany and between Belgium and Germany; and, mark you, England was to send out the whole force

of her great fleet to carry out that pact. Suppose a major crisis arose there, or suppose another war broke out. Should we be bound by that Locarno Treaty or not? That is the question I put to the Senate. God forbid that I should try to answer any of these questions; but there you will see our exact position.

The King-Emperor receives many different kinds of advice. I am glad that Divine Providence has been pleased to spare his life, but it is enough to make anyone ill to have to take so much different advice. He has to take the advice of the Cabinet in England, and advice from here, and from Australia, from New Zealand—even from Hertzog, who says he has nothing to do with him now. But His Majesty still has to take his advice, for there is no law to the contrary. Now suppose the Cabinet Ministers of Canada advise His Majesty in a certain way, and, for reasons that we need not enquire about, Australia advises him the other way. Who is going to decide? He will have to take his choice.

Recently Mr. Ramsay MacDonald thought fit to recognize the Soviet Government. Do we want to recognize the Soviets? I could make a speech on that subject alone. I received information through what may be called a family talk, and I am sure that if I told what I know about the Soviets in Canada honourable gentlemen would not admit that they would have anything to do with the Soviets. But their Government has been recognized, and good constitutional authorities say that because it has been recognized by the Imperial Government the Soviets can come to Canada now just as though we had recognized them. That is a question for constitutional lawyers to debate, and after the debate there would be some on one side and some on the other.

But consider the position of His Majesty. In Washington he has four representatives. If they were to agree, one would be quite enough, and if they were going to quarrel and disagree, four would be too many. The only links that now remain between the Dominions and the Motherland are those with the Crown and the Judicial Committee of the Privy Council; and Ireland will not admit even that much. The other day the Privy Council gave a judgment that did not suit the Irish, and they said, "We are an independent Free State." Well, if honourable gentlemen think this situation is to endure, I am sorry to say I do not think so. There must be a settlement. If some of the Dominions want to cut loose, the amputation will be a painful operation, even to people of this country, but amputation is preferable to septic poisoning.

As to what took place at the conference: Mr. Bruce, who was then the Prime Minister of Australia, stopped in Montreal on his way home, and I had lunch with him, and after lunch I took him to one side and said, "Tell me, have any changes been made at this last conference?" He said, "None at all." I said, "Thank God." But this view did not seem to agree with that of the powers here or elsewhere.

Coming back to the honourable leader of the Opposition, I think one of his principal complaints was about New Zealand butter. We made a treaty with New Zealand, and when we sell them $4 worth of commodities they sell us $1 worth of butter or something else. So it is a treaty by which this country makes 400 per cent; yet the honourable gentleman suggested that it should be abolished.

Hon. Mr. LAIRD: Has the honourable gentleman any figures to verify that statement as to 400 per cent?

Hon. Mr. CASGRAIN: I got that from the very best source that anybody in this House can find. When we make a treaty we cannot expect that the other country will buy our goods and we shall buy nothing from them. I leave it to the honourable gentleman who has just interrupted me: can you pretend that you will buy nothing from them?

Hon. Mr. McMEANS: That is what the United States do with them.

Hon. Mr. LAIRD: I do not pretend that, but I disagree with your four-to-one suggestion.

Hon. Mr. CASGRAIN: We can fight that out afterwards. Now, there is a more serious problem, one that is in the mind of everybody and affects every class of people in this country; that is the action of the Wheat Pool. The authorities governing the Pool thought that they could defy creation—that they could corner wheat. That has been tried the world over, but it has never been done, and I do not believe it can be done. They were forgetting that there is a wheat crop coming in every month of the year, and I could name the various countries from which wheat comes in from January to December. These gentlemen from west of the Lakes out to the foot of the Rocky Mountains seem to forget that for a long time before a bushel of wheat was grown there, people all over the world were eating bread and never missing western wheat at all. The sad thing about it is that people have been allowed to find substitutes for the very thing the western farmers want to sell.

Some years ago I was visiting Port Sunlight, where Lord Leverhulme has a wonderful factory, and for a very few pence the employees there could get a dinner. I was surprised how cheap it was, and I asked what was given them, and was told that they were given roast beef—and you know there is nothing better in the world than the roast beef of old England. They were also given potatoes, but without bread. I asked about this, and the reply was: "Why should they eat bread when they are eating potatoes? One or the other is quite sufficient." We all remember the potato famine in Ireland in 1846 and '47, when the potatoes rotted because of too much rain. Potatoes had been used as a substitute, and there are other substitutes.

In addition to substitutes that operate against the Pool, there are agents and brokers in England who make a living out of handling wheat business, and when the Wheat Pool was formed they determined that they were not going out of business, for they had offices and probably families to keep up. So they concluded that if they could not get wheat from Canada they would get it from somewhere else, and they did. That is the reason why ten times more wheat went into England from Argentina in September last than in the corresponding month of 1928. In October the same thing happened, and in December five times more wheat went into England from Argentina than last year. Those months—September, October and November—covered just the time those brokers would have been buying our wheat, but the Englishman is proud, and, like other people, he does not like to be dictated to. Individually he is a little more independent than others. He said, "If you intend to hold this wheat and think you can dictate to us, we will just let you see that you are not the only people on earth that grow wheat." The buyers have established relations with other countries, and thus wheat is being obtained, and substitutes are also being used, so that when Mr. McPhail and Mr. McIntyre and the third member of the Wheat Pool, Mr. McLeod, went across and spoke to those brokers, I happen to know that the brokers said, "We are not interested at all."

We absolutely need the British market for our wheat. If we lose it, what is going to become of the Northwest? Wheat growing is the staple industry of this country, and particularly of the western plains. What is going to become of it? To-day we have lost that market only temporarily, I hope. I trust that we shall recover it, but we have lost it for the present. For instance, we have lost it to the wheat of Eastern Prussia, which is subsidized to the extent of 13 shillings 6 pence a quarter, which means about 42 cents a bushel.



It may be of interest to honourable members to know—it is not in my notes, but I just happen to remember it—that the wheat crop in the Northwest this year amounted to 220,000,000 bushels. Would it surprise you, honourable members, to hear that in France they had a crop of 320,000,000 bushels, of which they still have 120,000,000 bushels left? In France flour is sold in sacks weighing 280 pounds each, and the Government pay 20 shillings a sack, as bounty, which means 1¾ cent a pound. I may say that I have taken these figures from a newspaper published by Lord Beaverbrook, which no doubt you have all read. He would hardly start a campaign by telling what was not true, and I take it for granted that he is right. The cost of such sacks of flour in England is 37 shillings, and in France 57 shillings, and it is rather extraordinary that in spite of this, bread is cheaper in France than it is in England.

We have had a short crop, which is a great pity, but I am told that there is some of the 1928 crop still left. You must remember, however, that to carry a bushel of wheat costs 1¾ cent a month for storage, interest, and insurance. You can imagine what that means on the 1928 wheat. But every cloud has a silver lining, and if the Pool does not succeed, the effect may not be so disastrous after all, and for this reason, that if they had secured the price they were trying to get, everybody else would have started producing wheat, and next year there would have been such a glut of it on the market that the producers would probably have had to dispose of it without profit, and perhaps at a loss. I am afraid they will not attain their goal, but it is a consolation to many people to know that other countries will not be starting to grow wheat next year, and that therefore we shall be able to dispose of our crop, which I hope will be a large one.

Now I come to a statement appearing in Mining Truth, of Spokane, Washington, of the 16th of January, and made in the course of an address by a very well known journalist and economist, Mr. P. A. O'Farrell, whose name, I am sure, is familiar to many here. He says that the American per capita consumption of wheat per year is 300 pounds, while that of the rest of the world is 100 pounds. Of course there are some countries, like France, where the people consume more than the average, and England, where a great deal is used in the manufacture of biscuits

for ships' stores. If everybody ate the white man's bread—the bread that we use in this country—about 300,000,000 tons of wheat or 10,000,000,000 bushels would be necessary, and to raise that quantity of wheat 1,000,000,000 acres of land would be required. At present in the whole world there are 350,000,000 acres in wheat. If all the nations of the world consumed wheat at the same rate as the United States, three times as much as could be grown on the Prairies, the Northwest could safely produce all that it is capable of producing. But I am afraid we shall have to wait a little while for that, or we might produce so much that it would kill the market. The Pool must be in rather straitened circumstances, because it is public knowledge that it is being called on for more margin. Anyone who has had anything to do with the stock market recently knows what that means. That being so, the Governments of the provinces said, "We will stand behind the Pool;" but the banks said, "We would rather see you sit down and put it in writing."

Hon. Mr. LAIRD: Is the honourable gentleman aware that the banks have issued an authoritative statement in which they say that on no occasion did they call on the Wheat Pool for more margin—that they were perfectly satisfied with the position of the account?

Hon. Mr. CASGRAIN: Then what is the matter with those three premiers? They must be crazy.

Hon. Mr. LAIRD: They are not crazy at all. They volunteered their efforts in the interest of the western farmer.

Hon. Mr. CASGRAIN: Why did they bring in legislation?

Hon. Mr. LAIRD: They had to, because a letter guaranteeing the accounts would not be effective. It had to be done by legislation, and that is why legislation is being brought in. But the banks have specifically stated that they did not ask for the additional margin.

Hon. Mr. CASGRAIN: They are passing those laws just for fun. They do not intend to give those guarantees at all.

Hon. Mr. LAIRD: They do.

Hon. Mr. CASGRAIN: Then why are they doing it?

Hon. Mr. LAIRD: The reason is that we have very aggressive Progressive and Conservative Governments in the western provinces, and they decided to assist the farmers, if necessary.

Hon. Mr. CASGRAIN: Well, we will leave it at that, for we shall never get anywhere by arguing. They could not do it by Order in Council, for I know from sad experience that an Order in Council is not worth a snap of the fingers. All they would have to do would be to go to the Exchequer Court and plead that the King can do no wrong, and the Court would say that it was no good and that it might as well be thrown into the furnace. The banks are the trustees for the money of their depositors, and as such are responsible and must call for more guarantees; and apparently they are doing so, and laws are being passed, and no doubt they will be passed unanimously and without much discussion. To my mind that is the worst thing that ever happened in this country. I take it that in the great provinces of the Northwest six out of every ten farmers are in the Pool, and I wonder what is being done for the other four.

Hon. Mr. McMEANS: They do not need it.

Hon. Mr. CASGRAIN: Why? If things go wrong they will be taxed. It is all wrong from start to finish, and if there is any way of vetoing that legislation it should be vetoed in the interest of those very provinces. If the provinces are called upon, they will have to raise the money by taxation, and the people who get no guarantee for their grain will be taxed. Then the provinces themselves may say that the Pool has been badly administered; and they may have to step in, and they may find that too much money was being paid to certain people.

Now, I do not want to prolong this discussion unduly, but I should like to say that we in Canada are no worse off—we are probably better off—than are the people in the United States. A wonderful article appeared in the Atlantic Monthly last March, in which it was proven beyond question that out of eight farmers in the United States seven are just one jump ahead of the sheriff, because one out of eight was quite enough to supply all the wheat required. Honourable members should remember that since the introduction of the gasoline engine there has been a tremendous transformation in production methods, and because of the use of machinery and the consequently small number of men employed there has been a striking decrease in the cost of harvesting wheat. The McCormack firm, which is well known as manufacturers of farming implements, gives in an advertisement the names of a family, comprising a man, his wife and his daughter of fifteen years of age, who are cultivating 160 acres. The mother

does the housework and chores, and when the father goes to his meals the daughter, who took a degree at school last winter and in the summer returned to the farm, operates the combine. I never saw one of these machines in operation, but I understand it is a marvellous piece of mechanism, which can perform several kinds of work; and according to the statement attributed to the girl it is as easy to control as a motor car. The manufacturers of the combine claim that it could cut all the wheat on the 160 acres in, I think, about 22 hours. Now, if machinery is going to take employment away from seven out of every eight farmers in the United States, what is going to happen? Mass production on the farms will send labour into industrial centres and make the unemployment situation there more serious than it already is.

I should like to refer to some of the remarks by my honourable friend from Montarville (Hon. Mr. Beaubien). He made a very eloquent speech, as he always does, but I cannot agree with all he said. According to him there is such an exodus of our people to the United States that this country is going to ruin, and the prosperity of which we have heard so much is a sort of castle in Spain, which could not withstand the pressure of the most gentle zephyr. But Mr. E. W. Beatty has publicly stated that the country never had more prosperous times and his company, the Canadian Pacific Railway, is going to spend $50,000,000 this year. The presidents and general managers of the banks have been singing songs of joy about the material success of the country, and the big trusts and industrial companies showed better balance sheets this year than ever before. Now, honourable senators, you can take your choice of these statements. I am sure the honourable member for Montarville was sincere in what he said, but there are a great many people, who are in a position to know the facts, whose version of the state of affairs is entirely contrary to his.

The honourable gentleman blames all our alleged troubles on the tariff—at least, that is what I understand from his remarks, and I listened carefully. He says, in effect, that if the tariff were changed everything else would be all right. Honourable members will remember that prior to Confederation in 1867 the four provinces of Ontario, Quebec, New Brunswick and Nova Scotia had their own separate customs revenue, and at the time of the union it was decided that there should be a uniform duty applicable all over the country in place of the varying rates that had existed. That uniform rate was set at 10 per cent, but since then it has, like Topsy, "just growed," in certain directions.

The strongest advocates of free trade that I ever met were some manufacturers who had appeared from time to time before the Tariff Board. So far as I can make out, those manufacturers would like to have all the raw products they use on the free list, and everything of their own manufacture protected by a high tariff. If the Tariff Board has never done anything else, it has at least demonstrated that very many manufacturers are free traders in their own interests and protectionists as far as everyone else is concerned.

Sir John A. Macdonald continued the tariff at 10 per cent for a time, until he was faced with a deficit, when the uniform rate was raised to 15 per cent. After the Mackenzie Government had been in power two or three years they decided that the country was in a very bad financial condition and that the remedy for the situation was another raise in the tariff. In those days I happened to be a French translator of the House of Commons Debates, and I frequently spent leisure moments in the gallery. The presumption of Sir John A. Macdonald and Sir Charles Tupper, who was sitting next to him, was that the Government intended to boost the rate to 20 per cent, and they were prepared to contend that the people would not stand for such an additional burden. But the Government's proposal was to raise the duty up to only 17½ per cent. When this was declared I saw Sir Charles Tupper put into his desk the notes of the address he had intended to deliver, and he made instead a good protectionist speech. That shows what a strange thing politics is, because if the Government of that day had set the tariff at 20 per cent. the Liberal Party would have been the advocates of protection, while the Conservatives would have come forward as the champions of free trade.

Hon. Mr. SCHAFFNER: Five per cent made the difference.

Hon. Mr. CASGRAIN: I have the authority of an extremely well informed man, the late Sir Clifford Sifton, for saying that during the last fifty or sixty years the tariff as a whole has not varied one per cent. Some manufacturers have got concessions when their party was in power, and later when another party came into office there was a transfer of the duty to other items. I have read in Hansard the boast of the Right Hon. Arthur Meighen that his party had reduced the tariff. What do honourable gentlemen think of that for the Conservative Party?

Hon. Mr. McMEANS: They will be in power next time.

Hon. Mr. CASGRAIN: Well, perhaps they will reduce the tariff again. Forty years ago one could hear speeches of exactly the same type as are made to-day concerning emigration, though perhaps there was not so much eloquence then. It was contended then that the country was rapidly drifting to ruin, and some who held this view made impressive estimates of what it had cost parents and the parish to raise a young man up to the time he had emigrated to the United States in search of employment. I remember that young men of certain ages were appraised at from $1,800 to $2,200, and this sum was multiplied by the number of youths in this class who had gone across the border. That was forty years ago. But there is more than that. I am sorry that the honourable member from Compton (Hon. Mr. Pope) has gone, for I should have liked him to hear this. In the year 1888, when the National Policy was in full swing, I happened, as a land surveyor, to make the cadastral survey of the three townships of Compton, Whitton and Ditton in that county, and in order to get the name of the owner I frequently had to go to one, two, three, and sometimes four or five farms to get the information, because there were padlocks on the doors and boards on the windows of the farm houses.

Hon. Mr. BEAUBIEN: Would my honourable friend allow me just one question? What he is telling us of the history of forty years ago is very interesting, but will he tell us whether he is acquainted at all with a newspaper in Montreal called the Herald, which within the past twelve months has published a series of very able articles on protection, claiming that it is required in the interests of the farmer as well as of the industries of the country?

Hon. Mr. CASGRAIN: Yes. I will tell you why.

Hon. Mr. BEAUBIEN: Is that true?

Hon. Mr. CASGRAIN: Yes. That is why I have severed my connection with the Herald.

Some Hon. SENATORS: Oh, oh.

Hon. Mr. BEAUBIEN: May I ask when that painful severance was consummated?

Hon. Mr. CASGRAIN: On Monday last. I stood it as long as I could, and I could not stand it any more.

Some Hon. SENATORS: Oh, oh.



Hon. Mr. CASGRAIN: Forty years ago we were making speeches on the same subject. They were not as eloquent as those of the honourable member for Montarville. At that time we used to see shiploads of immigrants landing at Point Levis. In those days it cost them only a pound to make the crossing. They had their own bedding, and pretty poor food, I suppose. Those people, when they landed, were taken to a shed where a man named O'Brien used to give them meals at the country's expense. He charged fifty cents a meal, and they were "some" meals. If there was one thing that used to hurt me, it was to see native-born Canadians on the station platform with their wives and children, and their goods tied up within the four corners of a quilt, trekking to the United States. Perhaps the mother would be seated on the bundle, giving dry bread to her children. At the same time these immigrants, to whom we owed nothing, were being fed, and in addition they were actually getting, free of cost, tickets to wherever they were going in Canada, whereas our own people had to purchase tickets to the nearest point in the United States, where they hoped to find work. That was in the benign reign of my honourable friend's friends, when Sir John Macdonald was in all his glory.

I have always claimed that immigration drives the native-born away, and I have many good reasons to advance in support of my claim. For instance, in Winnipeg, Professor A. R. Lower, professor of history at Wesley College, is preaching the doctrine of the absolute exclusion of immigrants in this country. He holds that the population is not increased by accessions to the country, but that growth comes from good lands producing commodities, and the demand for those commodities. Canada, he says, will always have enough men to do its work. Yet only two years ago 10,000 harvesters were imported from the other side.

Hon. Mr. DANDURAND: Eight thousand.

Hon. Mr. CASGRAIN: I thought it was only eight thousand. Ten thousand were supposed to be imported. In any event, how many of those people remained in the country? Such a scheme is absurb. The most that those men could possibly work would be thirty-seven days, and at $5 a day they would not earn enough to pay for their passage out and back. Those men went back home and gave Canada a bad name. That was the craziest scheme there ever was, and many of the other immigration schemes that are being carried on all the time are nearly as bad.

What did Hon. Frank Oliver say in Saturday Night last year? He should know something of the Northwest, having been a pioneer, a journalist, and Minister of the Interior. He said, "In the Northwest we want no more wheat producers."

You say you want population; that population will make the country rich. If that is so, what about China with its 400,000,000 inhabitants, and India, with its people living on five cents a day? There is population and there are resources in those countries. It is not the number of people but the quality that counts. Take Holland and Denmark with their populations of two and a half or three million people. They are prosperous because the people are intelligent and work; they are educated and know what to do. Professor Lower says we shall always have as many people as we want in Canada. Then he adds: "If you want population you have to develop industry—develop your coal industry and your iron industry." Our trade balance against the United States is composed of just two items, coal, amounting to $50,000,000, and iron, amounting to $350,000,000. Develop your coal mines! Perhaps it can be done by way of the tariff or by way of bounties. In any event develop them! I remember that Mr. Fielding, who had been Prime Minister of Nova Scotia and knew the situation, brought in a system of bounties. That never cost this country one dollar, because the ports of entry where the bounties were paid received through the customs more than was paid out in bounties. But suppose that had not been so: all the bounties amounted to was $15,000,000, and commodities were produced to the extent of $500,000,000, of which $250,000,000 went in wages to the men. That was because Mr. Fielding was familiar with the situation, and the result was that for every dollar paid out the country got back $33. That is a good investment, and that is what should be done if we want this country to go ahead and have a big population.

Hon. Mr. STANFIELD: What would the honourable gentleman advocate?

Hon. Mr. CASGRAIN: If you want to get back your English market for wheat, keep out the American anthracite that comes in here and let Welsh anthracite come in. We import 3,800,000 tons of anthracite, of which only 600,000 tons come from England. Put the duty high enough so that the American coal will not come in and you will help coal development in England. You will get back your wheat market too, because in return England will find some way of protecting your wheat against competitors. I would recommend everybody to read the paper that Lord Beaverbrook has just issued in that connection. There is a lot of information in it.

Now, honourable members, I have taken almost too much time, but I just want to recall a prophetic view, and perhaps a solution for England and the United States. I have here an article from the Toronto Globe entitled "The London Naval Wreck." Some of the older senators will remember a dinner that was given to Sir Richard Cartwright in the Houses of Parliament on the occasion of the fiftieth anniversary of his entry into Canadian public life. With his unequalled eloquence—which was such that the reporters in this House or the other, taking it down verbatim, never had to change a word—he reviewed the events of that period and said that few could have thought that in 1870 Louis Napoleon would be a fugitive from his capital. Then, lifting the veil of the future, with fifty years of intellectual and political life behind him, he prophesied that we of the then younger generation would see a rapprochement between England and the United States of America, and that the two mighty Anglo-Saxon peoples would form such an alliance that any nation or nations would hesitate before ignoring it. The hour has come. If to-day the London Naval Conference could bring forth such a reunion that the old Union Jack and the glorious Stars and Stripes would be entwined after 155 years of separation, we in Canada, being the bond of union between the two great nations, free from the nightmare of fear and confident in their might and wealth, could rejoice and be glad to behold them, under the guidance of Providence, worshipping the same God, though at different altars, praying in the same language, and with common ideals and aspirations marching together towards the same goal—the peace, liberty, happiness and prosperity of mankind.

Hon. GUSTAVE LACASSE (translation): Honourable colleagues, while I do not wish to prolong unduly this debate on the Address in reply to the Speech from the Throne, I cannot refrain from expressing to the honourable senator from Rockcliffe (Hon. Mrs. Wilson), on behalf of the French-speaking people of this country, our deep appreciation of her generous gesture in making her first speech in this House in the language that is spoken by the majority in her native province, which is also one of the two official languages of Canada. And it gives me much pleasure to say that she has done it with the grace and

charm that are so becoming to the feminine manner.

I desire also to make a few remarks in reply to the very interesting speech of my honourable friend from Montarville (Hon. Mr. Beaubien).

(Text) Honourable colleagues, I was just expressing in a few words my feeling of deep appreciation to the honourable lady senator (Hon. Mrs. Wilson), whose presence has graced this Chamber since last week, and in doing so I have availed myself of the beautiful language by the use of which she stamped herself as one of the most gracious and broad-minded members of this honourable assembly. I also compliment the mover of the Address on his eloquent and able presentation.

Now I wish to refer for a few minutes to the speech delivered yesterday by my honourable friend and colleague from Montarville (Hon. Mr. Beaubien). The honourable gentleman from De Lanaudiere (Hon. Mr. Casgrain) has already answered a few of the more important points. I do not hesitate to say that the honourable senator from Montarville is going to be the most abundantly quoted author in the course of the next Federal election. I regret, however, that his words will be deprived of the dramatic action which characterizes all his performances on the floor of this House, and I am afraid that as a result they will lose much of their effect.

We are about to listen again, with more or less attention and interest, to the oft re-edited song of blue ruin. I challenge my honourable friends across the floor to lay at the door of the present Administration the responsibility for the weather conditions in the West and to burden them with blame for the long drought which is too often responsible for crop failures. I was somewhat surprised yesterday that my honourable friend from Montarville (Hon. Mr. Beaubien) failed to blame the Government for the Great Flood and the assassination of the Czar of Russia, and for all the other calamities that have taken place between those two events, because, judging from his remarks, there are very few evils for which, in the mind of the honourable gentleman, the present Administration is not responsible.

Furthermore, surely the present Canadian Administration cannot be blamed for the stock fluctuations on Wall street or for the recently adopted industrial methods—particularly the principle of mass production and the gradual substitution of the steel shaft for the human arm.

I happen to live near a city which is the third largest industrial centre of this industrial Province of Ontario; I live almost under the shadow of the great Ford industry, and without entering into details I want to give here to-day just a few figures to show that the cloud is not as dark as my honourable friend from Montarville wants us to believe. I have in my hands a press report stating that while in the city of Detroit, right across from the city of Windsor, a single concern a few days ago was discharging 1,500 men, the Ford Motor Company of East Windsor were adding to the number of their workers since the first of February 1,000 more men. Now, those are facts, and recent ones; those are the official figures from the staff of the company.

I mentioned a while ago the adoption of new manufacturing methods, and particularly the building or using of machinery instead of human help. Apparently the manufacturers themselves have realized that everything is not right within their own walls, and here is a press report publishing the following statement from the lips of Mr. Campbell himself, the General Manager of the Ford Motor Company of Canada:

> President Campbell's statement on Saturday respecting the operations of the Ford Motor Company of Canada is decidedly satisfactory. Approximately 1,000 men have been added to the company's pay rolls since the first of the present month and the employment now totals 5,663, on a five days per week basis. With the new minimum wage scale of $7 this means that every workman is making at least $35 weekly.
>
> One of the interesting features of Mr. Campbell's statement has to do with the hope of the company to stabilize employment at a steadier level throughout the year, getting away from some of the seasonal aspects of the business that are unfortunate from labor's standpoint. The aim is to distribute production over a longer period of time. This is an excellent plan and everyone hopes that it will work out well, because it means much to the community as a whole.

May I add that, according to recent statistics of the Border Chamber of Commerce—which makes a monthly survey of industrial conditions in the district—1,000 more men were employed in January, 1930, than in January, 1929.

We should not take too much to heart the temporary depression in business. Other countries are suffering from the same disease at the present time. Australia has her own problems. There is a large number of idle people in Australia, and in England it has been a problem that has passed into the chronic stage. Of course, it is not for us to interfere with the business of the neighbour, but it is our paramount duty to keep order within our own house.

I should like to say a few words with reference to immigration, but my honourable friend from De Lanaudière (Hon. Mr. Casgrain) has

covered that ground thoroughly well, and I will not presume upon your patience this afternoon. If I were invited to express an opinion, I would simply say that from my everyday observation in the Border Cities, and in view of the large influx of foreign population there, I for one would favour, not the raising of our tariff, but what to my mind is much more important, the shutting of our gates to stem the flow of immigration. But as to the exodus of our people to the United States, let me say for your information and that of my honourable friend, that for eight months I have not been called upon as a medical man to issue a health certificate to anyone wishing to cross over. Two or three years ago, long before we encountered such a terrible period of stagnation, I used to issue regularly perhaps two or three certificates a week. Now, I am not partisan enough to say that the reason why our Canadians are not trying to cross over as usual is that the Administration of this country is making a paradise of it, but I do say that very likely, indeed undoubtedly, conditions are not so good across the river. I should be quite interested in getting from the honourable senator from Montarville (Hon. Mr. Beaubien) the real reasons that he has in his mind in explanation of the fact that in this country we have, after two or three centuries of thriving existence, a population of but ten millions, whereas in the United States, after about the same number of years, they have a population of 120 millions. Is it because Canada has had from the beginning a Liberal administration? There must be some other reason. As a matter of fact, the one Administration which clung to power longer than any other was a Conservative Administration.

There was an argument used a few days ago with reference to the great responsibilities in dealing with the problem of unemployment. It was said elsewhere that it was a matter for the municipal administrations to deal with first, then the provincial, and thirdly the federal authorities. I think that opinion is absolutely a sound one. Just a few days ago I noticed in a newspaper that in this neighbouring city of Hull the council had seen fit to grant some manufacturers the privilege of a fixed assessment for a number of years, and that the opinion of the Mayor was that it would help greatly to bring about a wave of prosperity, because it would put that particular industry on a sounder basis, give more confidence to its managers and eventually induce them to employ more men. Here is a municipality which by itself is dealing with the problem of unemployment.

In closing I want to say that at this particular time in the history of our country, it is, I think, of paramount importance that every man of influence and every man of action, instead of singing the song of blue ruin, should preach confidence in our resources and in the brilliant future that is in store for Canada; and I would rather listen to the revered voice of one of our greatest and most venerable old men in this country, Sir William Mulock, who just a few days ago, at the age of 89, in concluding a speech in Toronto, said: "I still have morning in my soul."

Hon. G. D. ROBERTSON: Honourable members, the observations made by the honourable gentleman who has just taken his seat indicate to me that he has undoubtedly taken some pains to ascertain the conditions existing in his own locality, but I question whether he understands very definitely and intimately the conditions that exist throughout the rest of Canada. I do not intend to enter into a long discussion of the statements made by previous speakers, as I do not wish to prolong this discussion, but I desire to refer to what I think are the subjects that are really interesting to the people of this country; and they are more serious than some honourable gentlemen seem to realize.

I did not have the pleasure of listening to the honourable gentleman from Montarville (Hon. Mr. Beaubien) yesterday, owing to my absence from the House, but I judge from the criticisms that have been made of his remarks, and from the replies, that he must have painted a picture that was pretty nearly true to the facts, and perhaps did not altogether please honourable gentlemen opposite. There is no gainsaying the fact that the Address itself is peculiar, in that it varies from anything that I have ever heard in the years that I have been in Parliament, because it deals almost entirely with the past and makes very little reference to the future, and such reference is in very indistinct and non-committal terms.

But there are two or three main subjects which I do think merit discussion and serious consideration by all the people of Canada, regardless of political affiliations, because of the desire on the part of our Canadian people to discover if possible what is wrong, and why the conditions are as they are in this young country, with its still untapped natural resources, with its virile population, and with the opportunity it would afford for every person to be employed and happy if proper policies, so far as governmental activities are concerned, were in existence. If such policies can be brought about, surely there is room for all of the small population that we have in this country to be gainfully employed.

What little I have to say shall be directed first to a serious criticism of the statement that prosperity continues in Canada. I am really surprised that any Government should have the audacity to make a statement of that sort to the Canadian people under such conditions as exist in Canada to-day; but inasmuch as the Government itself, by the Speech that it placed in His Excellency's mouth to deliver to Parliament, has referred more to the past than to the future, I take it that the Government could not and will not object to some retrospective views covering a few past years.

I think it has been conceded that the Government ought not to be too severely criticized for sins of omission during the first year or two of its life. I remember very well that in the first two years that the present Government was administering the affairs of Canada—1922 and 1923—it was repeatedly suggested: "Well now, give us time; do not charge our conduct and the result of it until a little time has elapsed and the people have time to see that our policies are succeeding." That suggestion was generally accepted, I think, for 1922 and 1923. Then in 1924, as honourable members will remember, the Prime Minister of Canada brought down to Parliament a policy that was stated to be the means by which real prosperity and progress would be brought to the Canadian people; and I have no doubt in the world that the Prime Minister and his advisers, when they formulated and submitted that policy, were sincere and believed what they said. I want to point out this basic fact, that, as history records, after every great war there has been a period of depression, followed by a period of expansion and development which has been in almost every case remarkable. The United States Civil War perhaps is a case within the recollection of many. At any rate, that fact is true in history and experience. So from the end of 1920, when the depression first came to Canada after the Great War, we had to pass through that period, and by 1922 or 1923 we were getting past it and were again on the upward turn. Then in 1924, as I have said, the Government of the day brought down its policy by which permanent prosperity was to come to Canada. Nine years have now elapsed since the present Government took office, and I therefore assume that no fair objection could be raised to a discussion of what has transpired as a result of that policy.

In 1924, in bringing down the Government's policy, the Prime Minister stated it very definitely, and lest I should err, I should like to quote the words that he used at that time. On May 15, 1924, the Prime Minister said:

> The Liberal Party has aimed at all times where tariff matters are concerned to reduce the cost of living, and also to reduce production cost by removing in part, and in some cases in whole, the duties on the implements of production of the basic industries. We are endeavouring in that way to increase production in the basic industries of agriculture, mining, lumbering and fishing, with the hope and expectation not only that those industries will be benefited, but that the whole manufacturing industry of the country, which is necessarily based upon the basic industries, will also be benefited, the trade, commerce and finance of the country similarly benefited, and also, but by no means least, that the consumers of the country will be benefited through obtaining in larger quantities and at lower prices the commodities which they require for daily consumption.

In theory, very beautiful indeed. As to its effect in practice, we shall discuss that in a few minutes.

At that same session of Parliament another principle was laid down as the policy of the present Government: the Prime Minister stressed the necessity, in his opinion, of swelling the tide of immigration to Canada and the Empire throughout all that year. He said, on March 3 of that year:

> Of course, during the period of war no effort was made to bring in immigrants. Immediately after the war the immigration machinery was set in motion. The offices on the other side remained closed. My right honourable friend did nothing to start immigration to this country during the entire time that he was in office. As every one knows, immigrants are not brought to the country in a day; a great deal has to be done in the way of advertising, in the way of establishing immigration offices for the purpose of giving information and the like, and it takes some little time before a movement will begin to set in from one country to another. When we came into office, we began immediately to establish that machinery. We opened offices in Europe, and particularly in the British Isles, and to-day we are beginning to see the fruits of our work in the tide of immigration which is now setting toward our shores.

Therefore it is apparent that in 1924 this Government stood for a swelling tide of immigration and reduction of duties, particularly on the implements of production, to reduce the cost of living to consumers. Those who have carefully followed the Government's activities through the succeeding years can reach only the one inevitable conclusion, which is that this fiscal policy has increased the price of the implements of production to the Canadian farmer, has closed most of the plants manufacturing them, has created a monopoly of this trade in the hands of a few, and increased the importation of these

implements of production to the extent of 400 per cent in four years.

What happened as a result of the adoption of that policy? The Government was able to pass the necessary legislation in the session of 1925; that we know; and in 1925 the general election occurred, and the farmers of Canada, who constitute a very large and very important element in our society, said: "We will support that. We will try it out. We believe that might work. If we can get the cost of our implements of production reduced, it will be helpful." The working men and wage-earners said, "If a reduction in the cost of living can be brought about, that will be beneficial to us." I believe these two elements in society, the farmer and the industrial worker, were the determining factors as to what party should govern this country. The Government succeeded in getting a majority that enabled it to hang on to power by the eyelashes in 1925, and proceeded to give effect to the policies it had advocated in 1924.

The duties were removed from implements of production, and I remember very well, and the records will show, that the Government forecast a reduction of $30 in the price of an eight-foot binder. But has any honourable member heard of a farmer being able to buy a binder at a reduction of $30? On the contrary, the records prove that the cost of binders is higher to-day than it was in 1924. Instead of receiving a benefit from the removal of the tax, the farmer has sustained a substantial loss. In 1925, the year this legislation was passed, implements valued at $6,000,000 were imported into Canada, and the rest of the machinery that was used on farms was made in this country by some 52 factories. In 1928, which is the last year for which statistics are given in the Year Book, the Government's own reports show that there were imported into Canada implements of production valued at $29,000,000, and meanwhile half a million of Canadian workmen had emigrated to the United States in search of employment and were helping to make those very implements in American factories. Therefore in addition to other losses the farmer was deprived of the market requirements of half a million of Canadian citizens who had gone abroad to earn their living.

The next question that one naturally asks is whether the cost of living has been reduced. If honourable members will refer to the reports issued by the Department of Labour they will find that in December, 1923, which was not far from the time when the Government made its declaration of policy to which I have referred, the cost of living for an average family was $21.21, and five years later, in December, 1929, it had risen to $22.11, roughly a dollar a week increase, despite the promise made to the people that there would be a reduction in the cost of living. The farmer believed he would be able to buy his implements more cheaply, and he was fooled; the industrial worker believed that it would not cost him so much to live, and he was fooled.

The increase in the importations of farm machinery and equipment rose from 6¼ million dollars in 1925 to 29¼ million dollars in 1928, almost 400 per cent. Had the Government not adopted the policy which was announced in 1924, had there been no reductions in the duties on implements of production, I believe that the farmer would have been able to buy his implements more cheaply than he now can, and that we should not have witnessed the closing of 38 out of 52 factories and the consequent giving of a monopoly in farm machinery to a few manufacturers, who, in my opinion, have been able to fix prices.

We perhaps may be able to profit by surveying the result of the Goverment's policy. The removal of taxes by tariff reduction and the abolition of sales tax on implements of production used in agriculture, unfortunately, did not reduce the prices that the Canadian farmer had to pay; for the records show that, notwithstanding the rather substantial reduction in production cost, the price of these implements rose and is higher to-day than in 1924.

May we for a moment view the results of the Government's fiscal policy from the broader standpoint of the country's trade? I have referred to it first from the standpoint of the farmer and the industrial worker, who are the two most important classes of society in this country. I need not dwell longer on their unfortunate experiences since 1925. But what has been the effect on the country's trade as a whole? The tariff tinkering process has resulted in a rise in our imports from $796,000,000 in 1925 to $1,109,000,000; that is, an increase of $312,000,000 for goods which for the most part might have been manufactured in Canada by Canadian workmen. That might not be so bad if there had been a corresponding increase in our exports, but unfortunately during the same period the value of the goods we shipped to other countries of the world fell from $1,069,000,000 in 1925 to approximately $990,000,000 in 1929—a decrease of $79,000,000. I submit, honourable members, that these figures show a decline in prosperity.

Now in what industries did this shrinkage occur? Was it in agriculture? If so, the agricultural industry must have suffered. If

the agricultural industry suffered, then the industrial worker also must have suffered, because agriculture is a basic industry on which many others depend. In the short period of four years covered by this revised fiscal policy it has been rather clearly indicated that the cause of our present business depression and unemployment problems has changed a favourable national trade balance into an adverse one.

A more detailed analysis of the trade situation reveals some further interesting facts, when we discover what these increased imports consist of. The importations of agricultural products into this agricultural country increased by fifty-five million dollars. The importations of animal products into this grazing country increased by twenty-four millions of dollars. This country, being an agricultural, meat-producing and dairying country, might reasonably be expected to provide most of the food requirements for its ten million people, but in 1928, $238,000,000 worth of the produce of the soil and $41,000,000 worth of meats of all sorts were imported —an increase of $37,000,000. These imports of commodities natural to our country have contributed substantially to the discouragement of the farmer and to the abolition of employment opportunities for farm labourers and other wage-earners.

Now, besides agricultural products we imported, among other things, wood products. Of course, in most instances these wood products were highly manufactured. Nevertheless, our imports of wood products in this land of vast forests was increased from $38,000,000 in 1925 to $51,000,000 in 1928. At the same time the imports of iron and iron products, which my honourable friend (Hon. Mr. Casgrain) has referred to, rose from $134,000,000 in 1925 to $259,000,000 in 1928. If those increases of $138,000,00 had not occurred, and the Canadian requirements of those two basic commodities had been supplied by Canadian industries and labour, very few, if any, Canadians would have had to leave their home land to find employment elsewhere.

In addition to the unfortunate trade situation, of which the country's false fiscal policy is the chief cause, two other factors have contributed to create the present lamentable unemployment situation in Canada. One is the constant advance of science and invention in this electrical and mechanical age, wherein machines are rapidly superseding human labour in industry, and the other is an immigration policy which is obsolete, foolish in the extreme, and defeats the very purpose for which it ought to be designed, namely the protection and welfare of Canadian interests.

We have one-seventh of the world's coal supply lying under the Province of Alberta alone. We have also in Western Canada boundless stores of iron, of oil, of gas and many other things, all surrounded by a large farming community—an ideal situation for building up a balanced population and carrying on advantageously the industries of agriculture and manufacturing. I look upon the Province of Alberta as the one province in the West that is going to develop industrially some day. It is the heart of the country west of the Great Lakes, being centrally situated where it ought to be possible for industry to prosper and employ several millions of increased population, who would provide home markets for the farmers throughout that district.

Last fall I visited the Turner Valley. I was there two days and remember full well the impression made upon me. I tried to count the oil derricks—I think I counted some 160—many of them of steel and some of wood, all towering towards the sky. There were many huge drilling outfits boring wells, the engines and boilers propelling them busily at work. There were scores of miles of iron pipe already laid, and many more waiting to be coupled up. There was no railway within fifteen miles of the valley, but there were huge tractors of tremendous strength and power hauling heavy trucks loaded with materials into this hive of activity. Roads were being built, and I saw some of the most modern and efficient road-building equipment that it has ever been my privilege to see. It was a tremendous development, and, one would say, an evidence of wonderful progress. Yet, after two days of travelling up and down the valley, I came away feeling disheartened and disappointed because I never saw a single piece of equipment or machinery that had on it the mark "Made in Canada."

Three weeks ago, when I was in the city of Winnipeg, I saw it reported in a Winnipeg daily paper that a solid train of thirty-five flat cars had entered Canada at North Portal, on the C.P.R., loaded with gasoline engines for distribution in the Province of Saskatchewan. How can we ever expect to build up Western Canada and put a large population into that country so long as we import everything that is used in those western provinces, and ship to the foreign markets of the world practically everything produced in those provinces? It cannot be done, honourable members, and that is the tragedy of the West today. Our friends, the good people of the West, who have endured the hardships of pioneering in that country, are gradually

learning, and as time goes on will learn more rapidly, the lesson learned in the Province of Ontario forty years ago, when it was becoming industrialized, namely, the necessity of providing home markets.

Then there is the question of immigration. In 1923 the first assisted immigration scheme was put into effect. That plan has been revised once a year ever since, with the exception of 1927, when it was revised twice. The bars were being let down further and further year after year, and new agreements were being made, to render it easier for immigrants to enter our country, until finally—I think I am correctly informed—within the last year immigrants have been coming from the British Isles into Canada practically without cost to themselves, there being a nominal fare of two pounds for a man and his wife to Quebec or Montreal, and three pounds more to Calgary. And this was advanced to many of them, and regardless of how many there might be in a family, all the children under nineteen years of age came in at the expense of the British and the Canadian Governments.

Hon. Mr. CASGRAIN: Some paid nothing at all.

Hon. Mr. ROBERTSON: Nobody under nineteen years of age paid anything under this plan. I submit, honourable members, that that policy is unfair to Canada and to the Canadian people. If that were all, it would not be quite so bad. But mark you what happens when those children from the British Isles reach the age of twenty-one, if they have been fortunate enough to accumulate $500 and can produce it. A number of Provincial Governments and the Federal Government are under agreement to advance to such an immigrant reaching the age of twenty-one years the sum of $2,500 in the form of a loan, amortized in 25 years, to set him up in business and put him into competition with the Canadian-born boy, who cannot get that assistance.

A few weeks ago, in the month of January, I happened to be talking to a number of railway men in Northern Ontario, with the general manager of the company present, and I made some observations with reference to the unemployment insurance problem. When discussing the question I advanced the information that, in my opinion, under this system existing in Canada, of bonusing and stimulating immigration, we should always have unemployment and that it was not possible or sensible to undertake to deal with the one question of unemployment insurance until we had first uprooted the cause of all the unemployment. I stated that I deemed it unfair that the immigrant boy could come to this country at the expense of the Canadian Government, and on reaching the age of twenty-one be given a loan of $2,500 to set him up in business, whereas the Canadian-born boy, with whom he competed, could get no such assistance. Two days afterwards one of the most prominent and influential newspapers in this country, without knowing anything about the facts, did me the honour of giving me a column editorial and said I was a crude Socialist. I have been called the tool of the capitalist, the betrayer of the labour men, by Communist newspapers, but I was somewhat surprised to get public mention of this sort by a newspaper that did not know what had been said and knew nothing about the facts.

Hon. Mr. CASGRAIN: What newspaper was that?

Hon. Mr. ROBERTSON: It was a Montreal paper. My honourable friend should know. I think now the people of Canada are awakened to the seriousness of the matter, just as my honourable friend from Essex (Hon. Mr. Lacasse) said a little while ago, and I know that in another place there are many members from Western Canada who are very much exercised and alarmed over the conditions and who feel that subsidized immigration must stop if we are going to balance our situation here.

Take the unemployment situation, which in Canada is most serious. It is due to three main causes: one, the continued influx of assisted immigration; second, the advance of science and invention in providing mechanical equipment that is displacing labour; third, the shrinkage in the goods produced in Canada to sell to the world. All these things contract the employment opportunities, making them less from year to year.

In December last there was brought to the notice of the Government by personal communication from certain influential and nation-wide organizations a request that the Prime Minister would take cognizance of the situation and assist in remedying it, because unemployment was going to become serious. Three days, I think, after that communication reached the office of the Prime Minister he gave his answer from London, Ontario, over the air, telling the people of Canada that there was no unemployment in Canada; not telling them in those words, but stating that Canada was blessed above all the nations of the earth in that its people were employed and happy.

The Minister of Labour proceeded to broadcast that statement as the view of the Government, and he met with a good deal of criticism and adverse comment as a result; and I know in my own heart that the Minister of Labour did not do that on his own initiative, because he knew the statement was not correct.

A few days afterwards the statement was slightly changed: it was to the effect that if there was unemployment it was of no concern to the Federal Government, because it was the duty of the municipalities and the provinces to deal with unemployment, and that the representatives of the provinces, in a conference that was held some time previously, had requested the Federal Government to mind its own business, while they would take care of theirs. That brought forward a reply from, I think, the premiers in three different provinces, saying that no such request was ever made to the Federal Government, and that they themselves, on behalf of their provinces and their people, urged the Federal Government to come to their assistance in this situation, and it has not been done.

Honourable members will perhaps recall that our good friend the Prime Minister of Canada is prone from time to time to work himself up into a passion, a state of holy indignation, in abusing the old Tory Party. He does not even recognize the Conservative Party in Canada; the old Tory Party is the hobby. "The protector of the interests," "the friend of the capitalists," "the oppressor of the poor," and such names as those are used. I am sure I could remember a number of others. However, when I heard his statement over the air from London to the effect that there was no unemployment, I thought, surely if the Premier of Canada knew the facts he would not have delivered such an utterance.

A few days later I was in the city of Montreal, and in the morning paper I saw an announcement that on that day a relief station was going to be opened on Craig Street, where the hungry were to be fed and the cold unemployed men were to be warmed. I went down about one o'clock that day to see if it was patronized, and I found it was patronized very well. I enquired of a policeman at the door if there had been many men in, and he said that over 1,300 had been fed so far, since they opened at 10.30 that morning. He further told me that this was only one of four or five such places in Montreal where food was being dealt out to people who were poor and unemployed and in need.

About a month after that—I do not remember the exact date, but near the middle of January—I was in Montreal again one day, and I saw in the morning paper again a verbatim report of a speech of the Premier of the Province of Quebec, delivered on the Address at the opening of the Legislature of that province. In it he reiterated in effect the words used by the Premier at London the month before. I thought to myself: "Is it possible that there is no unemployment in the Province of Quebec and in the city of Montreal? I will slip over and see this relief station—this soup-kitchen as it is commonly called—that was opened and operated under the bounty of Lord Atholstan, of the Montreal Star, and see whether or not unemployment still exists, whether hungry men are still waiting to be fed. I went down there and saw a line of men three men wide, extending out Fortification Lane to the Post Office, because the place was full and they could not get in at the time and had to wait out in the cold. I should think that half of them had no overcoats, and at least half of them were under thirty-five, and many under twenty.

Hon. Mr. CASGRAIN: You saw those people, and I see them every day, but do you know there are no native-born Canadians among them?

Hon. Mr. ROBERTSON: I can answer that. I stood beside Mr. Little, who directs that work under Lord Atholstan, the donor, and after we had talked for about half an hour and he had given me much information, I said: "Where there are so many hungry men, there must be some hungry women and children. Where are they?" He said: "Well, we cannot take care of them here. Women and children could not come in here. But I will show you what we do." And he showed me the means by which food was being sent to many a home in the city of Montreal, and that was done wholly gratuitously by that old Tory.

I had never met Lord Atholstan up to that time, but I want to say that when I came out of that place, some of those utterances which I mentioned some time ago came to my mind, and I thanked God for the "old Tory" who was not the oppressor of the poor, who was not the champion of the interests, but who stooped to aid, while the first Minister of the country passed by on the other side, looking upward, unable to see unemployment.

I believe that the industrial workers of this country are roused as never before to the conviction that they have been deceived by the Government into the belief that their lot would be improved.

There is another important point to which I wish to refer. For seventeen years the

women of Canada have had the opportunity and the responsibility of exercising the franchise, and I am glad to see that they are taking more and more interest in public affairs. I believe that none of our people are more deeply interested in the happiness and welfare of the rising generation than are the mothers of the children now at school. I believe that every mother's ambition is that her child shall have all the education that he can possibly get, and that as the child grows up he shall have a reasonable chance to earn a comfortable living by his own industry in the land of his birth; and I hope that those women who read parts of the discussion that has taken place in this debate here and elsewhere will give deep and earnest consideration to existing conditions. I trust they will realize the true state of existing conditions and rise to the responsibility when they are given an opportunity to improve them. What is the outlook for the hundreds of thousands of adolescent children who are just about to step across the threshold into the active struggle of life in this country to-day? Policies and theories that were good for days gone by do not fit modern conditions. The opinions of Sir Clifford Sifton on immigration were perhaps good at the time he formed them, but they are not suitable now; and no one knows this better than the people in the West, because they are the most deeply affected. There must be a more balanced population throughout the country before we can make the best of our industrial and agricultural opportunities, and I believe the farmers throughout the land are rapidly coming to that point of view.

May I now make a few remarks with particular reference to the industrial workers? It has been my privilege to work for and with them, to try to advance their interests, over a period of many years. They have patiently swallowed panaceas of the type that was handed out in 1924, and they have endured exile from their native land in order to get employment. Approximately 800,000 industrial workers left Canada between 1922 and 1929.

Hon. Mr. CASGRAIN: Seven years.

Hon. Mr. ROBERTSON: The head tax exacted by the American Government rose from $8 in 1921 to $20 in 1924. If we assume $12 to be the average paid during that time, the 800,000 emigrants from this country contributed from their all too meagre resources a sum of about $9,500,000 for the privilege of leaving home. During that same period we received approximately an equal number of immigrants from foreign countries, and the Government of Canada expended approximately $18,000,000 to induce them to come here. An interesting book by Robert England, which has recently been published and is distributed by the Canadian National Railways, states:

> The combined expenditure of the Dominion Government and the two great railways is not much less than $5,000,000 annually for immigration and settlement purposes.

Hon. Mr. CASGRAIN: Is it not a fact that most of the people who left Canada to go to the United States were not born here, but came from abroad and used this country as a sort of gateway?

Hon. Mr. ROBERTSON: I am sorry that I have to differ with my honourable friend. The quota laws seriously restrict the entry into the United States of non-Canadians, and the American immigration records refer to Canadian-born citizens. Comparatively few persons born outside this country have gone from here across the border, as they were able to gain admittance only under the quota law. But there is no longer the same tide of immigration flowing into the United States as there was four or five years ago. Why? Simply because ten years ago the United States foresaw what was coming and partly closed its doors against foreigners from the whole world, excepting North America. But in spite of the increase in the head tax and other measures that were taken with a view to limiting immigration, the United States reached about a year ago what might be called the saturation point, because the use of machinery in industry had reduced the demand for labour, and because population had grown tremendously from the natural increase in a country of 120 millions of people. So at the present time the United States cannot absorb our surplus labour. Only yesterday I noticed a newspaper item which stated that 798 Canadians employed by the City of Detroit had been arbitrarily dismissed from their positions and would have to come back to Canada in search of work.

Faced as we are with an increase in imports, a decrease in exports, with roughly 100,000 unemployed in the country and assisted immigration still flowing in, with the outlet to the United States for our surplus labour being closed, I submit to honourable members that the time has come when the Government of Canada ought seriously to consider making a very drastic change from the foolish policy which they enunciated in 1924. Let us endeavour to take a broader view of the necessities of our own people, and while doing so support policies on which to

build a broader and better Canada by and for our own people first, with good-will towards the people of other countries as a secondary consideration.

Hon. Mr. HAYDON: May I ask the honourable gentleman a question?

Hon. Mr. ROBERTSON: Certainly.

Hon. Mr. HAYDON: Would he say that increased protection of industry would satisfy?

Hon. Mr. ROBERTSON: I will say this, believing it to be absolutely true: that if we had increased protection and if in 1924 we had not decreased our tariffs, hundreds of thousands of Canadian workmen would never have left Canada, the Canadian farmer would have had a greatly expanded market at home, and there would not be the unemployment situation that we have to-day.

Hon. Mr. HAYDON: May I ask one more question? The honourable gentleman will admit the United States is a fairly highly protected country. How does he fit his argument to the fact that there are four million unemployed there to-day?

Hon. Mr. ROBERTSON: I say in reply to my honourable friend that I have already answered that very question by stating that the use of machinery in industry in the United States, whereby labour is being constantly thrown out of employment by the thousands, plus the natural increase, accounts for the difficulty they are having. There are many employers in the United States who to-day are standing for a five-day week or a six-hour day, saying that it is the only way in which they will be able to absorb the population. Furthermore, the one country that has been able to prove beyond peradventure the benefit of a protective policy is France. There are not to-day twenty-five thousand unemployed men in France.

Hon. Mr. HAYDON: Not for that reason.

Hon. Mr. ROBERTSON: If my honourable friend does not want the reason, very well. I should like to say this, however. In every country save France you find a different situation. Why is Lord Beaverbrook coming down with this new policy in England? In my humble opinion it is because the British people have come to the place where they are beginning to realize that they must change their policy, even though it is a hundred or more years old, and must take care of their own people first, as I have been proposing that Canada should endeavour to do.

At six o'clock the Senate took recess.

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The Senate resumed at eight o'clock.

Hon. Mr. LAIRD: Honourable members, before proceeding with the discussion, I wish to make a few comments in regard to the remarks made this afternoon by the honourable gentleman from De Lanaudière (Hon. Mr. Casgrain) and call the attention of this House to what struck me as being the very remarkable position taken by him upon several important questions.

I would refer first to his criticism with regard to the railway branch lines in the Province of Saskatchewan that were taken over some years ago and embodied in the Canadian National Railway System, and his complaint that the guarantees given by the Provincial Government for construction of those roads were assumed by the Federal Government at the time the lines were taken over. The facts are as he stated them, but it is equally true that it was not at the request of the Province of Saskatchewan that those lines were taken over. The Government of the day took them over for good and sufficient reasons, and for their own reasons; and, having taken over the property, it was only logical that at the same time they should assume the outstanding securities that the province had issued against them. I might add that those lines are perhaps the most profitable lines in the whole Canadian National System; so that this country lost nothing by the transaction, but on the contrary bolstered up other lines, in other parts of Canada, which were not so fortunate in their earnings.

I can hardly reconcile the criticism coming from my honourable friend from the Province of Quebec in this regard. Honourable members of this Chamber will recall that a year or two ago—I think it was during the last session—legislation went through this House appropriating the enormous sum of about $28,000,000 for the purpose of purchasing a number of railroads in the Province of Quebec which the Government knew, and which we knew, had never paid their way, and which probably will never pay their way, and which are known from one end of this country to the other as the cats and dogs that were gathered in by the Canadian National Railway System at that time. I did not hear any criticism from the Province of Saskatchewan because of the Government's action; and I think it would have come with better grace from gentlemen from some other province than Quebec to suggest, now that the Province of Saskatchewan is closing the transaction for taking over its public resources, that the guarantees assumed by the Federal Government in exchange for those

branch lines in Saskatchewan should be considered as a claim against the province in the deal. That claim has never been urged before. I should like to know whether the honourable gentleman spoke on behalf of the Government of the day when making that suggestion, and whether, when we get to grips on the financial features of the resources question, we are to be confronted with a bill for the subsidies given to branch line railways in Saskatchewan.

Another feature of his remarks to which I would draw attention is the question of the operations of the Wheat Pool. I propose to deal with that at greater length later on, but possibly I might mention some aspects of it at the present time. He laid particular emphasis on the statement that the wheat pools were speculating on margin and that the banks had called for more margins. I took occasion to contradict that statement at the time, as I knew it was not correct, but since the House rose I have been able to locate some official records which will substantiate my statement. This is the official statement issued by the pools in regard to their dealings with the banks:

> Summarizing, the pools' margin with the banks is still well maintained, which means that the pools have on deposit with the banks collateral valued at more than 15 per cent in excess of the present bank loans to the pools.

A conference was held by the Prime Ministers of the three Prairie Provinces in order to determine the form of the legislation that it was necessary to pass in the various legislatures, giving effect to the verbal and letter agreements in that respect, and the statement issued by them is as follows:

> In the meantime, the Governments desire to make plain that this action is only in order to supplement the undertaking already arranged and not because of any impairment of the pools' margin with the banks or because of any doubt of the pools' financial position, as the pools have at present on deposit with the banks collateral valued, at current market prices, at more than 15 per cent in excess of the total of the banks' loans to the pools.

These official statements successfully dispose of the honourable gentleman's claim that the pools have been speculating beyond their means, that they have attempted to corner the wheat market, and that the serious trouble that now overshadows the wheat market is attributable to too ambitious a scheme on the part of the pools and to bad management on their part.

It is not my intention to enter into a detailed examination of the Speech from the Throne, as the opportunity to discuss it more in detail will come later on, as the session progresses. At the outset of the brief remarks I propose to make, may I take this opportunity of extending a welcome to our distinguished colleagues who have just become members of this Chamber, the honourable gentleman from Brandon (Hon. Mr. Forke) and the honourable lady from Rockcliffe (Hon. Mrs. Wilson).

The honourable gentleman from Brandon has been much in the public eye for many years, and needs no introduction to the members of this House. We are glad to welcome such a distinguished addition to our numbers, and to see him so happy and comfortable in his new environment. I gather from some of the honourable gentleman's speeches which I have read somewhere at some time, that he did not always possess the same friendly feeling towards this Chamber that he apparently does to-day. In fact, as I recall it, he considered the Senate rather as a fifth wheel to the coach of state, which could easily be dispensed with without loss to the country. However, we all know the old adage that circumstances alter cases, and let us hope that what to him at one time appeared a very unnecessary and useless body will now become a most important and indispensable part of our parliamentary institutions. No doubt my honourable friend's appointment was part of the general scheme of things whereby the Senate was to be reformed; but whatever was the basis of it, we extend the hand of fellowship to him and trust that he will have many years of useful service before him.

While we are all glad to welcome the honourable member from Brandon, I think even he will agree when I say that we are doubly glad to welcome our lady colleague, whom we designate by the distinguishing title of the honourable lady from Rockcliffe. Our only regret on this side of the House, perhaps, is to see her so comfortably seated to the right of the Speaker. I would advise my honourable friends opposite to treat her well, for women are sometimes fickle in their friendships, and she well knows that, metaphorically speaking, our arms are outstretched to her, and we shall be only too glad to welcome her to a seat on this side should her first love grow cold or indifferent to her.

In the midst of her great triumph as the first woman senator in the Dominion I would remind her that her appointment involves a sacrifice of at least some of the time-honoured prerogatives that women have enjoyed from time immemorial. One of these privileges is that of saying the last word. I would suggest to her that this privilege, by practice and tradition, is accorded to the Government leader in this House, and she will now have to bow to the inevitable and allow a mere man to exercise this privilege in

future. Trained in the strict school of domesticity, she has no doubt exercised for many, many years, this right which she now relinquishes, and the pang involved in saying farewell to it must be painful indeed. Still, this does not mean that parliamentary rule shall govern in her own household, and she will continue to exercise the woman's privilege in the environments of her own home as heretofore.

The appointment of a woman to membership in the Senate is an historic event. Never has it occurred before, and it signalizes a new departure which carries with it great significance, as it constitutes the recognition of women's rights not heretofore recognized. While this is true, it is perhaps well that we should have an understanding of the significance of her appointment. In her delightful address, with which we were charmed, she claimed to be "the representative of the women of Canada" in this Chamber. While not for a moment daring to enter into any controversy on the subject—for I know from experience how useless such argument usually is—may I point out that our fair colleague is hardly correct in so designating herself. She is a senator from the Province of Ontario, and is one of the representatives in this Chamber of all the people of Ontario, men, women and children. She stands in a position no different from that of any other member of this House: no one of us represents any particular class, creed or sex, but each member is here to speak for all the people. It is possible that in the effluxion of time lady senators may be appointed from my own province of Saskatchewan, and I should regret very much, in that event, being deprived of the honour and privilege of representing the women of Saskatchewan as well as the men and the children. I am forced to challenge, as courteously as I may, my honourable lady friend's claim to represent the women of Canada, for fear that, if it is left unchallenged, other women may repeat similar claims in other provinces, and it may become a recognized principle.

May I conclude my references to her by saying that this delightful gesture in the direction of Senate reform is welcomed with joy and approval by all of us, and particularly by members on this side of the House.

I wish to congratulate the mover of the Address in reply (Hon. Mr. Horsey) for his very careful and considerate presentation of the case on behalf of the Government. I was very much encouraged by the rosy picture which he painted of the prosperity of the country, showing that 1929 was the most productive year this country has ever had, and that our enormous foreign trade was constantly increasing. He referred in glowing terms to the way in which our interests are being looked after in various parts of the world by trade commissioners sent out by the Government He told us, too, the banks, insurance companies and industrial concerns had enjoyed enormous earnings and prosperity. Taken as a whole, his remarks had a very cheerful effect upon me, because I had heard somewhat disquieting rumours as to conditions in the country, which caused me much concern. When I left this Chamber and went to my hotel, I met a gentleman from my home city of Regina, and in the course of conversation with him I learned that he was one of a delegation of representatives of every Canadian city from Fort William to Vancouver, who had come to Ottawa to ask the Government for assistance in the relief of unemployed men and their families. Naturally I was very much surprised to hear this, and I made further inquiries of this gentleman. He told me that in Regina, which has a population of about 60,000, the city is supporting 450 families, that in this relief work $40,000 has already been spent, and it is expected that this figure will be increased to $70,000 before the winter is over.

When I heard these things I began to fear that there was something wrong with the very assuring statement my honourable friend made in this House at the very time that the deputation was presenting its claims for assistance from the Federal Government on the ground that destitution had become so widespread that the provinces could no longer cope with it and the matter was of national concern.

The honourable mover of the Address quoted figures in support of his statement that our foreign trade was growing satisfactorily. I was very pleased to hear that, because, like most Canadians, I am sincerely interested in the welfare of this country, but unfortunately I was again doomed to disappointment. That very afternoon I happened to run across official records relating to our foreign trade, and I found that in 1926 we had a favourable trade balance with the rest of the world of $275,000,000, that in 1927 it had dropped to $151,000,000, which figure was maintained approximately in 1928, but in 1929 there was a complete change, and we had an adverse balance of trade of $90,000,000.

Hon. Mr. DANDURAND: Does my honourable friend realize how different those figures would have been if the western crop had found its way to Europe as usual?

Hon. Mr. LAIRD: It may be that there are certain factors which will in part explain these figures. I have not made a sufficiently deep analysis of the situation to be able to speak definitely as to that. I am merely stating the fact, which is that an adverse balance of trade of some $90,000,000 exists, and this is very much to be regretted, whatever may be the circumstances, as I think my honourable friend from De Lorimier (Hon. Mr. Dandurand) will agree.

The honourable mover of the Address referred to our "continuing prosperity," and observed:

> It is true that the Speech from the Throne declares that some slowing up occurred in the increase of prosperity during the last month or two of 1929, due to seasonal slackness and the withholding of some 200,000,000 bushels of wheat, by the wheat pools and grain merchants generally, I presume.

My honourable friend was apparently under the impression that the fact that 200,000,000 bushels—or, to be more correct, 250,000,000 bushels—of the western wheat crop have not yet been sold, is responsible to a considerable degree for the general depression throughout the country. Now, with all deference to him, I submit that he is mistaken in that point of view, because when a farmer delivers a load of wheat he receives from the Pool an advance of $1 a bushel on the basis of No. 1 Northern, receiving further instalments when the grain is sold, according to the prices realized by the Pool. It cannot be said that the present unfortunate conditions are due, to any appreciable extent, to the fact that the farmers have received only $1 a bushel for their wheat, because there have been many years in the past when that was the full price paid.

A statement recently issued by the Bank of Montreal in this regard deals pointedly with this phase of the matter, as follows:

> It is not from the unmarketing of last season's crop the prairie farmers suffer and business activity is curtailed, but by reason of the near-failure of the harvest in many fields and an aggregate yield less by half than that of the previous year. Upon the crop gathered, growers received a substantial payment several months ago—in the case of Pool members a dollar a bushel, No. 1 Northern basis—and their concern is now the amount of the final payment to be made to them. The price at which the supply carried over is ultimately sold will determine this, but for the smaller crop of 1929 farmers have received as much, proportionately, as for the previous harvest.

But what is worrying us most in Western Canada at the present time is that the very existence of the Pool is at stake. It is a very important organization, with enormous assets in thousands of interior elevators and a number of costly terminal elevators, and if it should cease operations the farmers would suffer greatly through being deprived of the service that it affords. I am glad I have the opportunity of correcting the opinion of my honourable friend from De Lanaudiere (Hon. Mr. Casgrain). He apparently has the same idea that is held by many other people. The facts are that in the Prairie Provinces 45 per cent of the total crop is raised by non-pool farmers who sell their grain in their own way, and it is highly probable that their crops have been turned into cash long ago. The 160,000 farmers who constitute the membership of the pools produce 55 per cent of the total crop. The Pool owes a small final payment on the crop of 1928, and also whatever payment is due over $1 a bushel for the crop of 1929, and it still has in its possession approximately 250,000,000 bushels of wheat unsold, which the banks are carrying. In addition, it is faced with the prospect of another crop coming on the market within five or six months, and in the meantime it will be necessary to market the 250,000,000 bushels at present on hand, in competition with crops coming from other parts of the world.

Another feature of the western situation which does not appear to have been given much consideration is that whereas the farmers formerly have been able to finance their operations in the spring by using the payments they receive from the Pool, this year they will be without such assistance and will be forced to go to the banks for money to finance the putting in of their crops. The banks are already heavily drawn upon, and if they have to make further advances to the farmers in the spring, the resulting scarcity of money will be felt all over the country. The banks have not called for margins, as I think I have clearly shown from the statements I have read, although an honourable gentleman suggested this afternoon that such a call had been made.

The whole situation in Western Canada is undoubtedly extremely serious and the Governments of the three Prairie Provinces have stepped in and guaranteed the banks against loss that might be incurred in carrying the crop. The provinces took this action quite voluntarily when they realized just how acute the situation was. The ambitions of the western farmers have been realized to a very large extent in the formation and operation of the Pool, and no one knows better than those who live in that part of the country what a disaster it would be if the pools could not continue to carry on. But the difficulty is not confined to the West; the

business stability and general welfare of the whole Dominion are involved.

Just what the solution of the problem will be, only time can tell. It is the first time in our history that we have been faced with such a situation, and while the present grave circumstances continue, it behooves all who have the true interest of the country at heart to avoid captious criticism as far as possible. But of course there has been complaint, and it has been asked, "Who is to blame for the existing situation?" and "Why did the Pool not sell as much as possible of the wheat at from $1.60 down to $1.35 while the price was declining?" Some people have even gone so far as to charge that the Pool tried to corner the market and to withhold the wheat until the prices rose. But I wish to state emphatically that at no time within the last five months have the wheat pools of Western Canada refused to sell any portion of the crop that remained on their hands at the regular market price as indicated on the Winnipeg Grain Exchange. It is possible the present difficulty is caused in part by the fact that the wheat pools decided it would be in their interest to discontinue using the Winnipeg Grain Exchange for selling facilities, and instead to establish their own selling agencies. In accordance with that decision, they located their own selling agencies in all the wheat purchasing countries of the world, and whether this procedure has been one of the causes of the present state of affairs, time will probably tell. But I wish to repeat my statement, which cannot be successfully challenged, that at no time within the last five years has the Wheat Pool declined to sell any portion, large or small, of its holdings of wheat on the basis of the ruling price on the Winnipeg Exchange at the time. In fact, it would have been glad to do it.

There has been a great development in the grain business in Western Canada, and no co-operative movement can assume the great proportions of this company without having developed animosities among other business interests, competitive or other; and I suppose it is a feature of all business that we may expect criticism and suggestions that are not always fair. We may expect statements to be made which possibly are not founded on fact, and reports to be circulated which are not always intended to promote the welfare of the wheat pools. I imagine this has been done in this case, and it has helped to accentuate the situation that now exists in Western Canada. I think they possibly made a mistake in not giving to the world the information that they have been ready at all times during the past five months to sell any portion of their holdings at the market price.



Hon. Mr. HUGHES: What prevented that?

Hon. Mr. LAIRD: I cannot understand why they did not make that announcement; but for some reason it was not made until it was made in Parliament the other day, although I was informed of it as I was coming down to the opening of this House.

In the shadow of what might easily become a financial calamity in this country, and in view of the large holdings represented by the wheat pools, the marketing of which involves so much, honourable gentlemen should be careful in making statements that may have a far-reaching effect and do much injury.

Under the circumstances the provincial governments had no hesitation whatever in lending assistance, and in my opinion they were right. If they had not done so, their inaction might have led to serious consequences in the country. The situation now has become so widespread in its import that to my mind it approximates a national issue. Provincial governments have their limitations, and it is just a question whether conditions are not of sufficient national significance to warrant the participation of this Government with a view to doing something to relieve the situation. I have been a little surprised that such an interest has not been taken before by this Government. The three Prairie Provinces are represented in the Government by five ministers, two of whom occupy the important portfolios of Finance and Agriculture, and if anyone should be able to keep in touch with the situation and have a true appreciation of it, surely those two ministers should. Possibly to those gentlemen the situation has not assumed the dangerous proportions that it has to those of us who live nearer the scene of operation, or it is possible that they may have under consideration some general scheme for solving it. There was a time during the war when the national Government stepped in and took over the control of the wheat crop in Canada for the public welfare. I believe that in some respects the situation is more serious at present than it was at that time—but for other reasons, of course—and I should like to suggest to the Government that they should take a keener interest in this subject than they apparently have done up to the present time. Perhaps sooner or later—and it has been suggested within the last few days that it will be sooner rather than later—this Government will go to the western farmer and ask for his encouragement and support. Then it will be for those people to ask some very pertinent questions of the Government as to what they have done, or offered to do, or what they have suggested in this emergency.

It is not for me to suggest what they can do. We have read in the Speech from the

Throne about trade commissioners who have been located in the different countries of the world. We are aware of the trade treaties that this Government have made with various countries, some of which have recently put into effect tariffs against our wheat—in one instance of 56 cents a bushel, and in another of over 70 cents—and it is possible that the Government might say to those countries: "Is it not about time that we made some revision of these treaties? If you are going to virtually prohibit the importation of wheat into your country, is it not time that we withdrew some of the privileges that we accord to you in our market?" At least the question could be dealt with by the Government as a national question, in an effort to see whether something could not be done to extend our sales in countries whose prohibitive tariffs have closed their markets to us.

I have concluded what I have to offer on this subject, and I would urge upon the Government in the strongest and sincerest possible way that if there ever was a time when the farmers of Western Canada required assistance and encouragement and some suggestion from the national Government, it is the present time; and if some such encouragement is not given the Government will have some serious questions to answer when they go to those people and ask for their support.

Hon. J. J. HUGHES: Honourable members, first I wish to refer very briefly to the statement made by the honourable mover of the Address in reply to the Speech from the Throne (Hon. Mr. Horsey), in which he referred to the provinces down by the Atlantic Ocean. He said:

> Freight rates have been lowered twenty per cent, not only on the Canadian National Railways but on the Canadian Pacific Railway and on all the branch lines in the Atlantic district. It is calculated that this has already resulted in a saving of some three and one-half million dollars to the people of the Maritime Provinces.

That statement, standing alone and without explanation, might convey to those not familiar with all circumstances the idea that the remission of those freight rates to that extent was a very generous contribution to the welfare of the Maritime Provinces. I wish to make this explanation. From the year 1916 to the year 1920 the freight rates on the railways in Canada were largely increased, and on that part of the National System which was formerly called the Intercolonial they were increased twenty per cent more than on any other part of the National System. The reduction recommended by the Duncan Commission was just to take off that excess increase in rates. I presume that the honourable gentleman in his calculation of three and one-half million dollars referred to one year only. If the reduction amounted to that sum for one year, then there would be a considerable amount due to the Maritime Provinces because of the unjust rates that had existed for several years. The mere taking off of the twenty per cent of the excess increased rates did not square the account.

I have listened attentively to the speeches made by different honourable gentlemen, particularly those of the honourable member from Montarville (Hon. Mr. Beaubien), who always speaks well, the honourable member for Welland (Hon. Mr. Robertson) and the honourable gentleman who has just taken his seat (Hon. Mr. Laird). I think they all hold the idea that the balance of trade is a good barometer to show whether a nation is making money or is trading unfavourably; that, for instance, if the balance of trade is in our favour it is proof that we are trading successfully; that if it is against us, it is proof that we are trading unsuccessfully. I think that does not follow; a great many other factors have to be taken into account; and I think that if the members of this House could agree upon a fundamental principle we should then be more likely to come closer together in regard to the details.

I will try to show by illustration that the statement I have made in regard to the balance of trade is correct, and I would ask my honourable friends to please give me their attention. Take any commodity. Take the article of wheat for example. For the sake of easy computation I will take one hundred thousand bushels at a price of $1 a bushel. Say that some Canadian shipped that cargo to London or Liverpool and sold it at a profit. I do not care what the profit is—say twenty-five or fifty per cent. Suppose he sold it for $150,000—that would be an excellent profit—and instead of bringing back the money or a bill of exchange he invested it in merchandise: the export entry would be $100,000 and the import entry would be $150,000. In that case the import would be fifty per cent greater than the export. He made an excellent bargain, he profited well, and his country necessarily profited to the same extent. The reverse of that, of course, would be true if he sold at $75,000, or a loss of 25 cents a bushel, and brought back $75,000 worth of merchandise. In that case the export entry would be $100,000 and the import entry $75,000, and the balance of trade would be in our favour, although the merchant might be nearly ruined and his country would have made a loss. I

think that is conclusive in showing that you cannot always take what is called the balance of trade as proof that you are trading successfully or unsuccessfully. Of course that would apply to trade in all articles, let them be what they may.

Trade is in itself a good thing. Trade is what differentiates, largely at all events, the civilized man from the savage. Trade differentiates the progressive nations from the unprogressive, and the more trade we do the more progressive we are. Governments do not trade with one another, except perhaps to some extent in time of war, when everything is upset. In normal times trade is carried on by individuals, companies or corporations; and no two men living, no two entities in existence, will engage in trade unless they think it is going to be to their mutual advantage. They may be mistaken. At all events this is correct, that no two individuals or entities will continue in trade unless it is to their mutual advantage. And if those individuals or entities belong to different nations and are trading to their mutual advantage, it follows as the night follows the day that their trading must be to the advantage of their respective countries, let the trade balances be what they may. Therefore, business men, merchants, traders, are the best judges of whether trade is profitable or not, and, according to my belief, the interference of governments in trade matters should be very little. They can help, but by unwise interference they can also do a great deal of harm. There is, I think, a sure method of arriving at a conclusion as to whether a country is trading profitably or not. In my opinion there is nothing mysterious or abstruse about trade or political economy. It is absolutely the same as individual economy.

Now, this is the proposition I will lay down. Providing the country is paying for all it imports, paying all its current obligations, increasing the value of the estate, paying off its debts, and not going into debt, its trading is profitable. I think that statement is as true as the multiplication table, or as any axiom in Euclid.

I will trouble the House with very few figures, because somehow or other figures can be manipulated to prove almost anything, but if honourable gentlemen find any flaw in the figures I submit or in the reasoning I am trying to make, I shall be glad to know it, because I want to be right in this matter if possible.

Now, taking our position in Canada for the last few years, I think it cannot be disputed that we have been paying off the national debt. I have not the figures, but my impression is that the reduction has been around $58,000,000 a year; perhaps a little more. Some time ago I heard the statement that if we continued paying at our present rate we should wipe out our national debt entirely in forty years. And while we are doing that we are paying off all our other obligations.

Hon. Mr. ROBERTSON: Is my honourable friend keeping in mind the fact that the Government of Canada have endorsed, by way of guarantee on the railway account, larger amounts than have been paid off on the public debt during the last few years?

Hon. Mr. HUGHES: For which the National Railways are responsible.

Hon. Mr. ROBERTSON: But the Government of Canada are the guarantors of the notes.

Hon. Mr. HUGHES: I know they are the endorsers, but if the value of the railways has been increased to the extent of the borrowing, then the country is not the poorer.

Hon. Mr. ROBERTSON: If; that is right.

Hon. Mr. HUGHES: We are increasing the value of the estate; we are increasing our national wealth very rapidly, according to the figures obtained from the Statistical Branch of the Department of Trade and Commerce, both per capita and absolutely. Here are the figures. The per capita wealth in 1921 was $2,525; in 1925, $2,772; in 1926, $2,842; in 1927, $2,907. Our national wealth in 1921 was $22,195,000,000; in 1925, $25,673,000,000; in 1926, $26,691,000,000; in 1927, $27,668,000,000.

Hon. Mr. ROBERTSON: All based upon the 1921 census, was it?

Hon. Mr. HUGHES: The first table I gave was based on the population.

Hon. Mr. ROBERTSON: Was the capital wealth based on the 1921 population or based on the population of the years quoted?

Hon. Mr. HUGHES: I cannot say as to that. In six years our total national wealth increased from 22 to 27 billions—over five and a quarter billions. I do not know the figures regarding other countries, for I have not had time to obtain them, but I think ours must be equal to those of any other country in the world. At all events they must be very gratifying, and I think these facts are unanswerable. I think such a comparison is a reliable test as to whether we are progressing or receding.

I have sometimes heard the statement—not in this debate, though I think it is a

natural inference from much that is said—that one nation can swamp another with cheap goods. I want to make a very brief remark about that idea. It is not practicable, and under world conditions it is not possible, for any nation to do that. But if it were possible, what harm would it do? Suppose that some other nation—I do not care which one—made up its mind to swamp us with goods, that is, to give us goods for nothing at all—to give us all the food and clothing we needed and not to charge us anything. Surely that would not be an enemy nation. It would be the most generous nation in the world so far as we were concerned, for we should have its people as servants, as slaves, and they could not object. But, since of course that would not be possible, let us suppose they gave us food and clothing at fifty per cent of what they were worth. That would be a very generous act. They would have to take something in payment, and in doing so they would not injure our industries. The fear that some other nation will harm us by selling us cheap goods is the greatest fallacy in the world. In business it is not practicable for any nation to injure us in that manner, and it is never even tried in any large way. In the last analysis trade is barter. Nations or individuals cannot in the long run sell unless they buy. There must be barter and by that means and no other can a nation deal properly and successfully.

May I illustrate that point? At the close of the war the nations of Europe, particularly Great Britain, were heavily in debt to the United States. Great Britain is making a herculean effort to meet that obligation, but the debt will have to be paid in kind or it will never be paid at all, for it can be paid in no other way. I will endeavour to explain that. The United States are opposed to taking goods in payment, because that method would injure their industries. The only thing left is gold, which has an international value, and they have to take payment in that. When they get more gold than they want to use, the balance is of no use at all; they have to dig holes in the ground, and line those holes with cement walls, and have steel doors on them, and appoint men with shotguns to guard the doors. They might as well have shore sand or stone there. That gold at some time or other has to be taken out and exchanged for goods. If it were never taken out, it would never be worth anything. The United States did not want that money, and they did not keep it; they immediately lent it to other countries; largely to Germany, and in some measure, to France. At some time, let it be fifty or a hundred or a thousand years from now, they will be obliged to take payment in kind for the capital and interest, or they will never get payment at all. If the interest goes on accumulating in Europe and they never collect any part of that, and never collect the capital, of course the debt is never paid. The only value that a trading nation is to get is by exchange in goods. All profit is made by taking goods from where they are comparatively cheap to where they are comparatively dear.

I think it would follow from that—I am not sure—that all nations of the world could trade with one another, and the imports of all would be greater than the exports of all, because they were all selling at a profit. I have tried to lay down what appeared to me to be the fundamental principles of trading, and if we could agree on these we might come closer together in regard to the details.

It will be noticed that the figures I gave come down only to the year 1927. Those are the latest I could get from the Statistical Branch of the Department of Trade and Commerce, but in a short time, I believe, we can have the figures for 1928.

The honourable member for Welland (Hon. Mr. Robertson) and the honourable member from Montarville (Hon. Mr. Beaubien) stressed the statement that there prevailed in Canada at present a great deal of unemployment, much distress and a very serious state of affairs. No doubt there is unemployment in Canada. They wish to make a comparison of this country with the United States that would show to the disadvantage of Canada, but there is a great deal of unemployment in the United States also, though I have not the figures.

Hon. Mr. DANDURAND: The total is three or four millions.

Hon. Mr. HUGHES: I know it is away up in the millions. The Federation of Labour puts it as at least three million persons unemployed in the United States at the present time. I have received letters from relatives in Boston saying that the number of unemployed at present is greater than it has been for the last twelve or fifteen years and that distress and privation are greater than at any time within their remembrance. I have heard similar statements from New York, and, I think, from all the towns and cities in the northern States.

We know that for some time past agricultural conditions in the United States have not been good and that the farmers have been in distressed circumstances; that six-sevenths or five-sixths of those in the western United States were just one jump ahead of the

sheriff. I saw in one evening paper that in 1928 there were 492 banks in the western United States that failed, and that the number of failures in 1929 was still greater. Well, we have nothing like that in Canada, and the thought comes to me that if the remedy suggested by those honourable gentlemen, that is, high customs duties, would be a good remedy for us, how in the world is it that it does not work well in the United States? There is the largest home market in the world —120 million people—and farmers are not prosperous there. There they have protection a good deal higher than in Canada, yet they are not as well off as farmers here. How is that? The medicine does not work well there, and if my honourable friend were a medical man, he would not ask us to take it.

Hon. Mr. BEAUBIEN: Is my honourable friend aware that the United States is by far the richest country in the world? Is he aware that the wealth of the American nation has been doubled in ten years, and that it has $360,000,000,000 as compared with good old Britain's $80,000,000,000?

Hon. Mr. HUGHES: I am aware of some of those things.

Hon. Mr. BEAUBIEN: How does the honourable gentleman explain them?

Hon. Mr. HUGHES: They do not weaken my case at all. I will explain. Though the wealth of the United States is very great, it is no greater per capita than ours, and it is not well distributed, being in the hands of few people. The farmers of the United States are not wealthy. Is not that a serious state of affairs? We do not want to have conditions like that in Canada. If the medicine they have been taking in the United States has contributed to that condition of things, and I think it has, I for one do not want it for Canada. Our esteemed opponents, who are good Canadians, tell us, or at all events imply by their statements, that everything will be all right if we put on more taxation—more customs duties. My honourable friend from Bedford (Hon. Mr. Pope) nods his head.

Hon. Mr. POPE: Yes; stick them up.

Hon. Mr. HUGHES: Stick them up? And should we get more prosperity?

Hon. Mr. POPE: Yes.

Hon. Mr. HUGHES: If anybody can ask you to believe that, I do not think it is much use to argue with him.

Hon. Mr. POPE: No, not a bit. You are right there.

Hon. Mr. HUGHES: It is contended that the way to increase the prosperity of the country is to increase the taxes, for that is what a raise in customs duties means. If the right honourable the junior member for Ottawa (Right Hon. Sir George E. Foster) were in his place, I would remind him that away back in 1891, when he was Finance Minister of Canada and I was much younger than I am now, he reduced the duty on sugar and stated in his budget speech that by so doing he lowered the taxation of the country by some millions of dollars. All the newspapers supporting the Government at that time reiterated the statement that the people were being saved a very large sum of money. Now, if by taking off duties there is a reduction in taxation, it follows that by putting on duties there must be an increase in taxation.

Hon. Mr. POPE: I remember very well the instance to which my honourable friend refers. There was an increase in the consumption of sugar; people spent more money on sugar; that is all.

Hon. Mr. HUGHES: The honourable gentleman from Welland (Hon. Mr. Robertson), who is a man of experience and always makes an interesting speech, told us this afternoon that 500,000 workmen had left Canada since 1925 because they could not get work in this country.

Hon. Mr. DANDURAND: Because we had freed the instruments of production.

Hon. Mr. HUGHES: Yes, largely because of the reduction of duties on agricultural implements.

Hon. Mr. ROBERTSON: And our imports of agricultural implements were greater by $23,000,000 in 1928 than in 1925.

Hon. Mr. HUGHES: The honourable gentleman said that during those years 500,000 of our workmen had gone to the United States. Well, I have in my hands a copy of the Labour Gazette for February of this year, the current number, and on page 197 there are shown the index numbers of employment by industries.

Hon. Mr. DANDURAND: That is a comparison of the employment figures?

Hon. Mr. HUGHES: Yes.

Hon. Mr. ROBERTSON: That has nothing to do with the number of people who went to the United States.

Hon. Mr. HUGHES: All right, but I shall read the statement. Taking 100 as the average

index number, the table shows that in 1925 the employment in all industries was 84.9, and this number goes on increasing every year —I shall not read the whole statement—and on December 1, 1929, the figure stood at 119.1.

Hon. Mr. ROBERTSON: May I indicate to my honourable friend where he may find accurate information which will enable him to verify the statement I made this afternoon as to the number of our people who have gone to the United States? If he will consult the Canada Year Book, which is issued by the Department of Trade and Commerce, he will see there the number of our citizens who have emigrated year by year across the border.

Hon. Mr. DANDURAND: But I would draw the attention of my honourable friend from Welland (Hon. Mr. Robertson) to the fact that there were more men employed in industries in Canada in 1929 than there were in 1925.

Hon. Mr. ROBERTSON: Certainly. Why should there not be?

Hon. Mr. BEAUBIEN: We lose one child out of two to the United States.

Hon. Mr. DANDURAND: There has been a steady movement for twenty-five years to the New England States.

Hon. Mr. HUGHES: On January 1 of this year, according to the table from which I have been quoting, the index figure stood at 111.2. Now, is there any other country that is doing better than that? I should like to read a brief statement which appears in the Labour Gazette on page 197:

> The losses in employment registered in manufactures were larger than on January 1, 1929 and 1928, but smaller than in most other years on record. The index, though slightly lower than at the beginning of 1929, was considerably higher than January 1 in any other year since 1920.

Hon. Mr. DANDURAND: Hear, hear. That does not look like blue ruin.

Hon. Mr. HUGHES: No, I should not gather from that statement that there was very little employment in this country. The number of persons employed in industries has been going up all the time.

Hon. Mr. DANDURAND: The wheels of industry are turning faster.

Hon. Mr. HUGHES: There has always been a certain amount of migration to the United States. All over the world northern people are travelling to the south, and that perhaps explains to some extent the departure of people from our country. Then, again, the large American cities are undoubtedly a strong attraction, and Canadians, because of their character and fibre, seem to make a greater success there than people from any other country.

Hon. Mr. ROBERTSON: Has my honourable friend not heard that members of Congress are bitterly complaining because the number of Mexicans coming north into the United States has been larger than the number of Canadians going south?

Hon. Mr. HUGHES: There can be no doubt that we have been progressing. Honourable gentlemen opposite say that we are not going ahead as quickly as we should, but it is admitted that our farmers are better off than those of the United States. It is commonly said that agriculture is the basic industry of this country and that if the farmers are prosperous everybody else must be prosperous. Well, no one can deny the prosperity of our farmers, but we are asked to adopt a system that has not operated in the best interest of the farming communities of the United States. I say we should be extremely careful before we take any such action. It is hard to get a Scotsman to believe that a policy that has brought about the conditions existing in the country to the south of us would be a good policy for Canada. We should enact legislation that experience has shown is best suited for ourselves. I am reminded of a story I read somewhere, in which Canada was compared to a man who was persuaded by a patent medicine vendor to purchase a bottle or two of an alleged remedy. The man did not live long afterwards, and on his tombstone there was written: "I was well; I wanted to be better; I took some medicine, and here I am."

Hon. Mr. ROBERTSON: That is what the unemployed say now.

Hon. Mr. HUGHES: Canada is well, compared with the United States, but we are asked to take the medicine that has brought about unhealthy conditions in that country.

I have in my hand what I think is excellent proof that every province in the Dominion has been enjoying good times. In January there was a Conference of Provincial Premiers in this city, and interviews with them were published in the Ottawa Evening Journal on January 14. It is not necessary for me to say that these Premiers are not all of one stripe of politics: some of them are Liberal and some Conservative. If honourable members will permit me, I shall read some brief

extracts from their statements. Here is what Prime Minister Saunders, of my own province, Prince Edward Island, said:

The island is, however, prosperous; 1929 has been a successful year.

I can bear personal testimony to that. And the Premier said further:

To the year 1930 we look forward with confidence and optimism. Our people, in common with Canadians generally, are conscious of that urge resulting from a sense of past achievements and the promise of great destiny in store for Canada.

Prime Minister Rhodes of Nova Scotia said:

There has been a distinct improvement in conditions surrounding our steel-coal industry and prospects for stabilized winter employment are most promising. Real progress has been achieved in the development of our mines other than coal, notably at Stirling, in Cape Breton, where the zinc-lead deposit has about reached the point of regular production, and in the further development of our gold mines and the Malagash salt industry.

Taken as a whole the outlook for the coming year is distinctly bright. I am fully confident that marked as has been our progress during the past few years, there are even better things in store for this province. Our future is assured. The extent of our progress and prosperity depends largely upon the amount of individual effort which we are prepared to put forth.

And here is what Premier Baxter of New Brunswick said:

New Brunswick has enjoyed one of the most prosperous years our people have ever known, with agricultural and industrial activity especially marked and a substantial upbuilding taking place in virtually every field of development.

I am sure my honourable friend from Montarville (Hon. Mr. Beaubien) will be glad to hear that.

Hon. Mr. DANDURAND: That was New Brunswick?

Hon. Mr. HUGHES: Yes. That part of Canada is not going to the dogs. Premier Baxter went on to say:

The financial position of the province has been markedly improved this year by the successful culmination of negotiations which had been in progress for some time to have the Saint John Valley Railway taken over from the province by the Federal Government as part of the Canadian National Railways System.

Premier Taschereau of Quebec said:

In spite of many counteracting factors, general prosperity has prevailed throughout the Province of Quebec during 1929. Much advance has been made in some of the most important domains, notably in agriculture.

That is all right for Quebec. Here is what Premier Ferguson of Ontario said:

During the past year Ontario has maintained the steady progress that has long been characteristic of this province. In all important departments there has been satisfactory advance and in many ways the outlook for the future has been improved.

Hon. Mr. DANDURAND: Hear, hear.

Hon. Mr. HUGHES: And he goes on to say:

In the considered judgment of our financial experts, the position of Canada is fundamentally sound, and this is especially true of the Province of Ontario. We are constantly growing and expanding and our faith in the outlook is firmly established by experience. I am glad of the opportunity to give voice to this note of confidence and to extend at the same time my hearty good wishes for the New Year to all I may be privileged to reach.

Well, that does not look as if we were in a bad way and needed patent medicine. The Premier of Manitoba said:

It is a common belief that Manitoba is a purely agricultural province. It is true that agriculture is still her chief maintenance, but during recent years other industries have sprung up, and have grown and prospered until to-day the annual value of their gross output closely rivals that of farm products.

Listen to this further statement of the Premier of Manitoba:

The year 1929 has seen sustantial progress in this direction. During the past year 36 new manufacturing concerns have been established in Manitoba, while 22 others have expanded their plants. The total output, it seems certain, will substantially exceed that of 1928, which was estimated at $159,252,000.

Hon. Mr. DANDURAND: Hear, hear.

Hon. Mr. HUGHES: And Hon. Mr. Anderson, Premier of Saskatchewan, said:

The Province of Saskatchewan has experienced phenomenal growth and development during the twenty-five years which have passed since the province was organized in 1905.

The future progress of Saskatchewan rests upon the firm foundation of the productive effort of our people, aided by a discriminating immigration policy. Capital from Eastern Canada and the British Isles is increasingly available for the development of our natural resources. The achievements of the past have been considerable. But we have merely scratched the surface of our vast resources, and there is every indication that the future holds in store tremendous possibilities for the people of Saskatchewan.

Alberta, Premier Brownlee:

At the end of another year the Province of Alberta finds itself in a strong financial position. At the end of March, 1929, the fourth successive surplus was reported.

Then he goes on:

Our industrial development continues to expand, the annual payroll of the industries under the Workmen's Compensation Act having increased over 60 per cent in the past three years.

We face the end of the year therefore in a spirit of confident optimism, believing that the next few years, at least, will be years of continued development, both agriculturally and industrially.

Premier Tolmie of British Columbia said:

British Columbia has just closed another active year in all its primary lines of industry. Completed returns should show that the forestry output for 1929 will surpass all previous records for quantity, though owing to falling prices values will be somewhat lowered. In spite of the lull in the lumber market the companies are showing signs of renewed activity in the coming year, and plans for a number of new logging railways have been approved.

With new mines discovered and old mines developing, with all our primary industries expanding, with additions contemplated or in progress in our abundant hydro-electric power, there appears at this time to be no good reason why 1930 should not be a banner year for British Columbia.

Is there any country in the world that can make a better showing? Possibly the United States can. I do not know. In some respects I should say no. I do know, however, that there is no other country in the world to-day that is in as favourable a position and progressing as fast as Canada. So it was well within the truth to refer in the Speech from the Throne to our "continuing prosperity."

Hon. Mr. DANDURAND: Would my honourable friend allow me to say a few words on the question of unemployment, and to explain the situation that we now face? He will remember that in 1923 there was something of a crisis in Canada. Financially we were somewhat downhearted, our railway situation was not good, the balance was very much against us, and we all wondered how the situation could be remedied. My honourable friend will remember that we appointed a Committee of the Senate to inquire into the railway deficit and to see whether there was not some solution of the dangerous problem that confronted us. That Committee heard men of high standing in the railway and financial world. What did they all say? They repeated the statement made by Lord Shaughnessy a few months before he died; they were unanimous in saying that our only salvation lay in an increase of population. I remember that at a great function in Montreal Lord Shaughnessy said that with three millions more of population we could save ourselves. That statement was echoed by men of high standing. We all were convinced that that was the only solution, and throughout the land the press, Conservative, Liberal and Progressive, repeated the declaration: "We need more population." It seemed obvious that with such large deficits on our railways we could improve the situation only by means of more consumers and a larger population in the West, and there was a universal demand for increased population. The Government in its efforts to increase the population was supported by the whole of public opinion in Canada, including, I think, every member of the Senate Committee. We soon found, however, that the railway situation was improving before we got those three millions of additional population.

Now we are in 1930, and we hear from Saskatchewan, Manitoba and Alberta that assisted immigration should stop. But this is the season of unemployment in Canada, at all events in the East. There is always a certain amount of unemployment in Montreal from November until the opening of navigation. The unemployment situation has been accentuated, and the number of unemployed increased, I think, by the efforts that have been made by the Government, supported by public opinion, to obtain a larger volume of immigration. I lived through the crisis of 1923, and felt that it was necessary that the procession should start again from the British Isles, if possible, towards the fertile plains of our West. It has been found that many people who declared that they were coming here to settle on the land have moved towards the cities. I saw a statement of the number of immigrants who had drifted from the farms into the city of Toronto. We cannot go against the will of a province that says that it is desirous of receiving a population of a certain kind, and I do not know of any power by which the Dominion Government or any other Government could go contrary to the opinion that was voiced. The situation confronting us is the result, I believe, of the policy carried on, which seemed to be the only salvation of this country.

Within twenty-four months of the inquiry that was made by a Committee of this Chamber we found that the statements and convictions of the gentlemen who appeared before us, which were shared by others, had a false basis, for within that period the Canadian National Railways began to go forward and develop and increase their surpluses. I recall a member of Parliament at one time asking facetiously why we did not sell those railways for a dollar. At that time no group of men, no syndicate, Canadian, British or American, would have expected those railways to do as they did, even if a bonus had been given of $25,000,000 a year for ten years. The deficit was over $10,000,000. Nevertheless, within twenty-four months the income of the railways would have justified anyone in paying $800,000,000 for them. They had $40,000,-

000 of a surplus. There is such buoyancy in this country, such extraordinary activity, that I cannot for a moment feel depressed by the very interesting statement my honourable friend has made. Canada is on a sound basis, Canada is prosperous, and I believe it is the best country in the world in which to live.

Hon. J. D. TAYLOR: Honourable members, the obvious rejoinder to the remarks of the honourable leader with respect to immigration is that, immigration having been found the problem of the moment, the Government of which he is a member have virtually dropped the Immigration Department and transferred the Minister to this Chamber.

Hon. Mr. DANDURAND: No, it has altered it. It will alter the conditions of its operation.

Hon. Mr. TAYLOR: That is the way the honourable gentleman sees fit to describe it.

Hon. Mr. DANDURAND: It will co-operate with the provinces.

Hon. Mr. TAYLOR: As I see it, the Government have abdicated; so far as the gravest problem of the moment is concerned, they have gone off the job, scrapped the Department, and transferred the Minister to the Senate. And they now ask the Senate's approval of their good work.

I heard from the honourable lady who so gracefully seconded the Address (Hon. Mrs. Wilson) the suggestion that we might well search the inscriptions over the doors of this building for inspiration every morning. With that in mind I scanned the inscription over the door by which I usually enter, and I found these timely words: "The end crowns the work." I thought that those words applied very fittingly to the recital in the first paragraph of the Speech from the Throne, where we read that in 1929 we reached the peak of employment—and, inferentially, of prosperity—in this country. In passing I would say that the contribution of the Government to employment and prosperity certainly was negative. However, they take the credit for having reached the very summit of those desirable results, and then they proceed to admit that from that summit they have gone down within a few months to the lowest depths of despair with respect to unemployment, notwithstanding the buoyancy of honourable gentlemen. To the knowledge of every one of us, unemployment is greater than it has been for fifty years. I speak whereof I know, from experience extending during that period from Ottawa clear through to the coast, when I say that there is greater unemployment and distress now than ever there has been before during my lifetime. And when we look to the Government, so willing to claim credit for the peak of prosperity a few months ago, to see what they are doing, what de we find? They say in effect: "Never mind, you hungry men and women. Go home and tell your families that there is some ray of encouragement in this—that there is corn in Egypt." And they proceed to take credit because there remain in Canada to-day unsold, and at the moment unsaleable, 250,000,000 bushels of wheat.

One would think that, it having been deemed advisable to remind Parliament of the calamity that has come upon the agricultural community, there would be some suggestion in the Speech, or, if not in the Speech, then in the addresses of the honourable gentlemen supporting it, to indicate that the Government were seized with the gravity of the situation and were endeavouring to do something to remedy it. Yet there is not one word, either in the Speech from the Throne or in the speeches of those honourable gentlemen, to indicate that the Government have any intention of attempting to intervene in the matter in any way. It seems almost incredible that in the face of the greatest reverse that has ever come upon industry in Canada, a threatened calamity, as the honourable member from Regina (Hon. Mr. Laird) has told us to-night, to one of the agricultural institutions upon which we have looked with pride as an evidence of super-enterprise on the part of Canadians, the Government should mention the wheat remaining in Canada unsold, and admit by their silence that they have no intention of attempting to lift their fingers to relieve the situation.

We heard virtually no argument in support of the Government's contention until the honourable gentleman from King's (Hon. Mr. Hughes) spoke to-night. He asked us to take comfort from the fact that we are paying off some of the debt of Canada, and that if we go on as we are going we may have it paid off in forty years. He might have added that if we increased the taxes somewhat we might get rid of the debt in thirty years or even less, but he seemed to be entirely oblivious of the fact that the reason why we are paying off the debt is that the Government before this Government imposed upon the country taxes, arising out of the necessities of the war, which from the beginning have been found more than sufficient to pay off the whole charges of the debt. If he had been well posted he might have added that if we are paying off our debt it is entirely due to the

super-taxes imposed upon the trade of this country because of the war.

When asked about the increase in the railway debt he made a frivolous statement to the effect that the railways were an asset worth the whole amount of the debt upon them—and this in connection with the Address in reply to a Speech indicating, with respect to these railways, new legislation which, it is common rumour, has for its purpose the wiping off of about one billion dollars of railway debt, which is now for the first time admitted to be in excess of any valuation that could reasonably be placed upon those railways. One billion dollars about to be written off, and the honourable gentleman wants to close this debate with the statement offered to the Senate that the railways are worth all the money that we have put into them.

Hon. Mr. DANDURAND: I think my honourable friend is in error in his last assertion. The statement was that if the railways had increased in value to the extent of the moneys invested in them lately, in the borrowings that were alluded to by the honourable gentleman from Welland (Hon. Mr. Robertson), then there was an asset. I failed to notice that that statement covered the whole cost of the railways. I think the question of the honourable gentleman (Hon. Mr. Robertson) bore on the late borrowings, those of this last year.

Hon. Mr. TAYLOR: Well, I think it is also true that the borrowings of the last few years have amounted to just about the billion dollars proposed to be written off, which would indicate that the railways were solvent fifteen years ago, but that now, under the guidance of this Government, they have reached such a condition that they have to make a reasonable showing before the financial world, and we are called on to scrap that one billion dollars and add it to the national debt of the country.

The honourable gentleman at the same time scraps the balance of trade, which has been the greatest element of pride in every Address of the Government at present in power. We have had dinned into us year in and year out, their tremendous success in securing what they called a favourable balance of trade, although they knew, and we knew, that that favourable balance of trade was being secured only through the device of shipping out of Canada raw materials to be increased in value tenfold across the line, instead of keeping them at home to provide employment for our people. Now the balance of trade has disappeared from that outgo of our raw materials, and we are told, as the last note in the debate on the Address, that all this talk about a favourable balance of trade has been in error; that we have been wrong all the time; but that now, at the last, we are on the highroad of prosperity because the balance is three or four hundred millions against us for the year 1929.

We have been referred to the United States as an example of a country with some difficulties, and we are asked to believe that Canadians are justified in sitting down in idleness, in the face of what has happened to us, just because the United States, which has had a protective fiscal system like ours, has also had its troubles. But what a contrast with the United States! What a contrast! Are honourable gentlemen oblivious of the fact that the last presidential election turned solely on the promises of the rival candidates as to the measure of relief they would give to all branches of industry in the country if their party were successful; that there was no attempt there to dodge the issue of threatened disaster to business; and that each party vied with the other in making lavish promises of what they would attempt to do if they got the power? And are honourable gentlemen oblivious of the fact that President Hoover has made most extraordinary efforts and taken most unusual courses, since he has come into power, to relieve general distress in the United States, with respect to agriculture particularly? Have the honourable gentlemen heard of the revolving fund of $500,000,000 put immediately at the disposal of the Board of Agriculture appointed there to handle the very surplus of grain in the United States that is the counterpart of our surplus of grain here, as to which this Government have no interest, and propose to do nothing? One of the first acts of President Hoover was to put $500,000,000 at the disposal of the Board to take care of that grain, to make it an asset of the Government, an article of trade which the Government could dispose of, and to afford immediate relief to the farmers who had possession of it. Yet it is not to be forgotten that we in Canada say, as against this horde of hungry men in every city, that we have 250 million bushels of wheat in reserve; and of course the hungry men are not being told that that grain is virtually owned by the banks and that they can get it only when they pay dollar for dollar for it.

One might ask, "What would you have the Government do?" It has been suggested in broad terms, if not in exact words, by several honourable gentlemen who have spoken on this Address. The quantity of unworked natural resources that goes from the

Province of British Columbia, to be worked up or manufactured outside the province, is more than enough to take care of all the unemployment in the province. This matter is not new. The Government have been urged year after year to impose an export duty so that our ore might be refined in the province, and so that our timber might be manufactured there. But while no notice is taken of those suggestions, the Government, against the regulations now in force, issue permits whereby the logs for which no demand can be found in British Columbia, on account of the dullness of the period, may be exported to the United States. They are already being exported to Japan from privately-owned lands without any permission from the Government. But to that export of logs the Government have added special permission to export some of our best timber for manufacturing in the United States, and when manufactured there it is sold in Australia, to the exclusion of British Columbia lumber, which we are endeavouring to introduce into that market. Such conditions no doubt prevail all over Canada.

In British Columbia we have the finest fisheries in the world, yet so far from assisting us to maintain them, this Government have disposed of them one by one. I brought up the matter of the seal fisheries last year, but it will bear repetition. They disposed of the seal fisheries under a treaty accepted with very great reluctance by British Columbia, in 1911, on the promise of this Government that it would be limited to fifteen years. It was intended to be ten years, and was made fifteen. The term of fifteen years has long since gone by, and it appears that the seal have been stripped from our industry in perpetuity, because in the four years that have since elapsed the Government have done nothing about it.

The Halibut Treaty was handed over to an international commission appointed in 1924. In the series of years intervening the commission has made two or three reports about the life of the halibut, duplicating evidence already in government publications here and in British Columbia, but has done nothing whatever to stop the rapid extinction now going on of the halibut, one of the greatest fishery interests. We had last year the promise of the appointment of a Minister of Fisheries whenever the moment should be opportune—something recommended by a commission organized by this very Government—but nothing has been done, although more than two years have elapsed since the recommendation was made to the Government; and we find in the meantime that a further industry of British Columbia, that of the sock-eye salmon, is menaced by the lack of some supervising head at Ottawa to direct the affairs of the Department of Fisheries.

I will not go into the matter of the Fisheries Treaty further, because it is still under negotiation, except to say that the treaty of last year was withdrawn by this Government from the Commons because both parties, at Ottawa and Washington, recognized when once attention was called to it, that the treaty was too remarkable and too ridiculous in its provisions to be seriously entertained. The principals have not weakened in their desire to have a treaty. It was carelessly presented by this Government a year ago, and has been withdrawn for an amendment to put it into some reasonable shape. As I see it, such a thing as that could not have occurred if there had been a Minister of Fisheries to take that treaty before his colleagues of the Government for consultation before it was ever sent down to Washington.

I had no intention of taking part in this debate, and I shall not prolong it except to say that after listening for two days to speeches of the honourable gentlemen opposite, and finding that they avoided altogether the essence of the situation, it seemed to me incumbent upon some person to call attention to it at this stage of the debate. Therefore I rose to make my protest that in the face of a situation so serious as that which confronts Canada in unemployment, and in wheat particularly, this Government have no suggestion whatever to make of any action intended on their part, but intend simply to continue to drift.

Hon. Mr. DANDURAND: I confess that I cannot answer the criticism of my honourable friend on the question of the fisheries in British Columbia, for I am not sufficiently acquainted with the matter; but I hope before this session ends to be able to bring a satisfactory explanation to the honourable gentleman, justifying the action of the Government, because, as to the Sock-eye Treaty, my information is that the trouble is that Washington changed its mind, and not Canada.

Hon. Mr. ROBERTSON: Would my honourable friend permit me to make one observation in connection with railways, in answer to what he said a while ago? I think my honourable friend's remark left the impression that within a period of some twenty-four months the Canadian National Railways had been transformed from a serious obligation to a wonderfully profitable asset.

Whether he intended to indicate that that was due to governmental activity, he did not say, but his remarks might be so construed. I desire to point out to him, in connection with railways, the fact that about the period to which he refers the situation of the railways was that business was falling, the cost of living had at that time somewhat declined, and the 185,000 railway employees in Canada, by agreement, accepted a reduction in their incomes that amounted roughly to $28,000,000 a year. Then on top of that came this wave of improved operation of railways, of new mechanical appliances, of what we commonly term the mechanization of industry, which has proceeded so rapidly that there are to-day more than 20,000 fewer men employed on the Canadian railways than there were at the date to which my honourable friend refers. Operating expenses have also been greatly reduced on account of that improved machinery; that is, the equipment for the purchase of which a very large portion of this $400,000,000 that the Government guaranteed on behalf of the railways has been used—larger engines, better machines, better power, better mechanical appliances of every sort. All of these have had the effect of reducing the amount of human labour required.

I hope that the honourable gentleman will not be carried away by the idea that this great change which he mentions in the financial situation of the National Railways is due at all to governmental activity. It has been brought about, first, by reason of the railway employees accepting a substantial reduction in wages to meet the reasonable needs of that time, as everybody seemed to see them; and ever since that reduction they have suffered by thousands the loss of their employment, so that to-day there are 15,000 railway men out of employment who expected to be employed up to this time of the year when the wheat product would commence to move as it usually does.

Hon. Mr. DANDURAND: I did not intend to refer to the causes that brought about that change in the railway situation, but it is one of the most extraordinary performances in the life of a nation that I have seen during my time, so rapidly did the situation develop and become transformed.

The Address was adopted.

The Senate adjourned until Tuesday, March 25, at 8 o'clock p.m.

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## THE SENATE

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Tuesday, March 25, 1930.

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

### POST OFFICE BILL (NEWSPAPER OWNERSHIP)

FIRST READING

Bill 2, an Act to amend the Post Office Act (Newspaper Ownership).—Hon. Mr. Greisbach.

### TIMBER MARKING BILL

FIRST READING

Bill 10, an Act to amend the Timber Marking Act.—Hon. Mr. Dandurand.

### SUPREME COURT BILL

FIRST READING

Bill 11, an Act to amend the Supreme Court Act.—Hon. Mr. Dandurand.

### PATENT BILL

FIRST READING

Bill 14, an Act to amend the Patent Act.—Hon. Mr. Dandurand.

The Senate adjourned until to-morrow at 3 p.m.

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## THE SENATE

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Wednesday, March 26, 1930.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

### NEW SENATOR INTRODUCED

Hon. James Murdock, of Ottawa, Ontario, introduced by Hon. R. Dandurand and Right Hon. G. P. Graham.

### EXPORT BILL (INTOXICATING LIQUOR)

FIRST READING

Bill 15, an Act to amend the Export Act.—Hon. Mr. Dandurand.

## PRIVATE BILL

### FIRST READING

Bill 25, an Act respecting the Dominion of Canada General Insurance Company and to subdivide the unissued capital stock.—Hon. Mr. McGuire.

## PENSIONS AND RETURNED SOLDIERS' PROBLEMS

### SPECIAL COMMITTEE

On the Order:

Consideration of a message from the House of Commons to the Senate to acquaint Their Honours that a Special Committee has been appointed to meet with a similar Special Committee of the Senate, if such Committee be appointed, to consider and, during the present session, to report upon matters referred to them relating to pensions and returned soldiers' problems.—Hon. Mr. Dandurand.

Hon. Mr. DANDURAND: Honourable members, since this message reached the Senate I have had occasion to discuss the policy to be pursued by this Chamber in response to the kind invitation to join the Committee of the House of Commons in their work. Some doubt has arisen in the minds of a number of members of this Chamber as to the possibility of a Committee of the Senate sitting jointly with a Committee of the House of Commons on a Bill and other matters referred to them by the Commons, as the report of such a Committee must be the report of a Committee of the House of Commons to that House. In view of this impediment, I beg to move:

That a message be sent to the House of Commons to inform that House that the Senate does not deem it opportune to appoint a Special Committee to act jointly with a similar Special Committee of the House of Commons to consider matters referred to that Committee by the House of Commons relating to pensions and returned soldiers' problems, for the reason that they could not participate in the final decisions of that Committee, which must report to the House of Commons.

That the Senate recognizes the necessity of avoiding as far as possible the duplication of work on that Committee, and with that end in view the Senate has agreed upon the names of the Senators who will later be asked to form the Special Committee to whom will be referred whatever legislation in this connection may reach this Chamber. They are the Hon. Messieurs: Belcourt, Black, Béland, Blondin, Buchanan, Gillis, Graham, Griesbach, Hatfield, Laird, White, Macdonell, MacArthur, Rankin, Taylor, White (Pembroke).

The above named Senators will, when notified, be pleased to attend the sittings of the Special Committee of the House of Commons.

The motion was agreed to.

The Senate adjourned until to-morrow at 3 p.m.

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# THE SENATE

Thursday, March 27, 1930.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

## PRIVATE BILL

### FIRST READING

Bill B, an Act respecting a certain patent of the R. M. Hollingshead Company.—Hon. Mr. Haydon.

## LEAGUE OF NATIONS SOCIETY

### DISCUSSION POSTPONED

On the notice of motion:

By the Right Honourable Sir George Foster: That he will draw the attention of the Senate to the progress and present position of the League of Nations Society and the participation and standing of Canada therein.

Right Hon. Sir GEORGE E. FOSTER: Honourable members, I beg leave to move that the order standing in my name be discharged and set down for Thursday, April 3.

Hon. H. S. BELAND: In this connection, may I ask the right honourable gentleman whether his motion has reference to the League of Nations Society in Canada, or to the League of Nations proper, or to both? The motion refers to the League of Nations Society. I know we have such an organization in Canada.

Right Hon. SIR GEORGE E. FOSTER: Primarily it has relation to the League of Nations generally, but our society in Canada is part of the League, and some allusions may be made to that.

The motion was agreed to.

## TRADE WITH BRITISH WEST INDIES

### PROPOSED RESOLUTION

Hon. H. J. LOGAN rose in accordance with the following notice:

That he will move the following resolution: Resolved, That in the interests of Canada, the British West Indies, and of the British Empire as a whole, Canada should admit all tropical products coming direct from the British West Indies to Canadian ports, free of customs duties.

He said: Honourable members, in 1925 we formed with the West Indies a new treaty, known as the Canada-British West Indies Trade Agreement, in which each country agreed to make certain concessions. The prin-

cipal concession which we undertook to grant is contained in Article I of Part 1 of the Trade Agreement and reads as follows:

Subject to the provisions of The Customs Tariff, 1907, and to the provisions of Article II hereof, the duties of customs on all goods (other than tobacco, cigars, cigarettes, and spirituous or alcoholic liquors) being the produce or manufacture of any of the Colonies aforesaid imported into Canada which are now subject to duty or which may be made subject to duty at any future time shall not at any time be more than fifty per cent of the duties imposed on similar goods under the General Tariff of Canada.

The British West Indies on their part, in Article IV, agreed to give us general preferences. Article IV reads as follows:

Subject to the provisions of Articles V and VI hereof the duties of customs on all goods (other than tobacco, cigars and cigarettes) being the produce or manufacture of Canada when imported into any of the Colonies aforesaid which are now subject to duty or which may be made subject to duty at any future time shall at any time be in the case of

(a) the Bahamas not more than seventy-five per cent,

(b) Barbados not more than fifty per cent,

(c) British Guiana not more than fifty per cent,

(d) British Honduras not more than sixty-six and two-thirds per cent,

(e) Jamaica not more than seventy-five per cent,

(f) Leeward Islands not more than sixty-six and two-thirds per cent,

(g) Trinidad and Tobago not more than fifty per cent,

(h) the Windward Islands not more than sixty-six and two-thirds per cent,

of the duties imposed on similar goods when imported from any foreign country.

At the same time Canada gave to the British West Indies certain special preferences. We agreed in the first place to preferences on sugar. I will not enter into details on this item of sugar, because the treaty contains a very intricate and extensive list, but one clause in this regard reads:

The Customs Tariff of Canada shall provide that sugar above number 16 Dutch standard in colour when imported by a recognized sugar refiner, for refining purposes only, upon evidence satisfactory to the Minister of Customs, shall not be subject to these duties, i.e., the duties on sugar over number 16 Dutch standard, specified in item 134 of the Canadian Tariff.

Provided that sugar as defined under item 134 of the Customs Tariff of Canada shall receive a preference of not less than 25 per cent of the duty charged on foreign sugar.

We made bananas free. The result of this provision has been that, whereas in 1924-5 there was a total importation into Canada from the British West Indies direct of only 2,400 or 2,500 stems of bananas, during the past year there have been imported direct from the British West Indies no less than 3,000,000 stems of bananas, which have come into this country free of customs duty.

Then, as to other items, Canada agreed to make these concessions:

| | |
|---|---|
| Cocoa beans, not roasted, crushed or ground ..per 100 lbs. | A preference of $1.50 under the intermediate tariff and $2 under the general tariff. |
| Lime juice, raw and concentrated, not refined ..per gallon | A preference of 15 cents. |
| Limes, fresh..ad valorem | Free, as against a general tariff of 15 per cent. |
| Arrowroot..per pound | Free, as against a general tariff of 1½ cents. |
| Cocoanuts, imported by ship direct to a Canadian port..per 100 | Free, as against a general tariff of 75 cents. |
| Cocoanuts, n.o.p., if not imported by ship direct ..per 100 | A preference of 50 cents. |
| Grapefruit, imported by ship direct to a Canadian port..per 100 lbs. | A preference of $1 under the general tariff. |
| Grapefruit, n.o.p., if not imported by ship direct..per 100 lbs. | A preference of 50 cents. |
| Rum, specified in customs tariff item 156a.... | A preference of $2 per gallon on the strength of proof. |
| Rum specified in customs tariff item 157b.. .. | A preference of 60 cents per gallon on the strength of proof. |
| Onions..ad valorem | Free, as against a general tariff of 30 per cent. |
| Cocoa butter..per lb. | Free, as against a general tariff of 2 cents. |
| Coffee, green..per lb. | Free, as against a general tariff of 3 cents. |
| Ginger and spices, unground, n.o.p..ad valorem | Free, as against a general tariff of 12½ per cent. |
| Nutmegs and mace, whole or unground..... ad valorem | Free, as against a general tariff of 20 per cent. |

| | |
|---|---|
| Pineapples in air-tight cans or other air-tight packages, n.o.p., the weight of cans or other packages to be included in the weight for duty..per lb. | ½ cent. |
| Angostura bitters..per proof gallon | $5. |
| Sponges of marine production..ad valorem | Free, as against a general tariff of 17½ per cent. |

The West Indies, on their part, gave us special concessions. Barbados, Trinidad and British Guiana granted the following preferences:

| | |
|---|---|
| On flour, two shillings per barrel of 196 pounds. | |
| Apples..per barrel | 50 cents. |
| Beef, salted and pickled..per barrel of 200 lbs. | $1.50. |
| Boards, planks, scantling, shingles and lath (not of pitch pine)..ad valorem | A preference of not less than 66⅔ per cent. |
| Boots and shoes..ad valorem | A preference of not less than 66⅔ per cent. |
| Butter..per 100 lbs. | $1.50. |
| Cement..per cask of 400 lbs. | 2 shillings. |
| Cheese..per 100 lbs. | $1.50. |
| Cocoa, prepared:<br>in Trinidad and British Guiana..per lb.<br>in Barbados..per 100 lbs. | 4 cents.<br>Free, as against a general tariff of $2. |
| Confectionery.. | An ad valorem preference of not less than 66⅔ per cent or 4 cents per pound, according to the method of assessing the duty. |
| Cordage.. | An ad valorem preference of not less than 66⅔ per cent or 6 shillings per 100 pounds, according to the method of assessing the duty. |
| Fish, canned, preserved, dried, salted, smoked or pickled.. | An ad valorem preference of not less than 66⅔ per cent or 2 shillings per 100 lbs., which is to be a preference of not less than 66⅔ per cent according to the method of assessing the duty. |
| Lard..per 100 lbs. | $1.50. |
| Milk, condensed..per case of 48 lbs. | 1 shilling. |
| Pork, salted or pickled..per barrel of 200 lbs. | $1.50. |

There were also some special preferences given in reference to spirits and brandy, gin, etc.

That, in a few words, was the trade treaty which was consummated in this city in 1925. In that treaty Canada agreed further to provide certain ships. After a good deal of delay we have provided five of the finest ships that sail our waters, as I think will be acknowledged by any person who has travelled upon them at any time. They are superb. I had the pleasure of going down on the initial trip of the Lady Nelson, and I can assure honourable members that the people were much pleased with the ship, with her speed, with her cold storage facilities, and with the provision made for the accommodation of passengers. But these ships cost Canada about $11,000,000, and we have that money invested in them.

Now the question arises, are we getting out of this West Indies Trade Agreement all that we expected to get? We import into Canada about $100,000,000 worth of tropical products, yet the total amount of products brought from the West Indies was only a little over $20,000,000. So, even at present, with this agreement in force, we are not by any means securing a large quantity of our tropical products from the British West Indies.

Hon. Mr. HUGHES: Would the honourable member permit a question there? Would he mention from what country we imported the other articles?

Hon. Mr. LOGAN: Principally from the United States of America, notwithstanding that many of the articles we import from that country are very inferior in quality to the

products of the British West Indies; for instance, grapefruit.

The United States of America have perhaps taught us a lesson in dealing with those outlying islands. About twenty-five years ago, when the United States took over the island of Porto Rico, they abolished all duties between Porto Rico and the United States, making the trade between those countries as free as air. Since that time the trade has increased by not less than 800 per cent.

Now, the question is whether we in Canada should not to some extent follow the lead of the United States of America. No doubt the point will be raised that we should have a reciprocal tariff. But I want to put before you the fact that the people of the West Indies are far from wealthy or affluent, and are suffering under very great disadvantages. At the present moment they are trembling at the threat of Great Britain to take off the preference on sugar. I do not believe they are able to reciprocate in the matter of taking off the duty. May I point out further that the tariffs of the West Indies are negligible as compared with ours: for instance, they regard 10 or 15 per cent as a high tariff, while we do not regard 30 or 40 or even 50 per cent as extremely high.

I submit, honourable members, that at this time we should hold out to the West Indies more inducement to trade with us; in other words, that our import trade with those Islands should be free of any customs tariff.

What would the reduction of revenue amount to? I have here a statement of imports from the West Indies, which shows that in the year ending March 31, 1929, we collected on alcoholic beverages coming from the British West Indian Colonies $385,844; on other distilled spirits, $126,360; on cocoa beans, not ground, $6,067; and on coffee, green, the very small sum of $31. And there are other items. The whole amount of duty collected on goods imported from the British West Indies in 1929 was only $2,029,974. Of that sum the duty on sugar not above No. 16 Dutch standard amounted to $1,403,424, and on sugar above No. 16 Dutch standard, $64,422. This shows that the total duties collected on products other than sugar, coming to Canada from the British West Indies, amounted to only about $500,000. I will admit that the problem of sugar is a difficult one, but I repeat that at this time the Government of Canada should consider the advisability of holding out a helping hand.



These are the days, honourable members, when we should be doing something in the way of Empire building, of drawing together more closely the far flung parts of the Empire. While the inhabitants of those little islands have been blessed by nature with great fertility of soil and a beautiful climate, they are nevertheless a comparatively poor people. They have prospects of development if we can assist them in some way to increase the production of those islands. I do not think we should deal with the West Indies as we would deal with any other country in the world. Those islands are the part of the Empire that is nearest to us. Why should we not, as a big brother, hold out to them the hand of kindness, and encourage them in every way possible? It seems to me that nothing else that we can do would better assist the development of British trade.

The people of the British West Indies are extremely loyal. When I was down there as a Commissioner in 1924 and 1925, travelling from one island to the other, I was struck with the intense loyalty that was evident everywhere—a loyalty of the purest and best character, and just as great as that of the people of the Dominion of Canada.

Many inducements are being held out to those people to trade with the United States. But it is not their desire to trade with the United States; they desire to develop their trade with us; and if we can assist them to increase that trade by throwing off the duty, such action would be, I think, in the best interests not only of Canada, but of the Empire as a whole. As I have already stated, we have $11,000,000 worth of ships travelling between Canada and the West Indies. If we can encourage the importation of more goods into this country from those islands by taking off the duties on the goods produced there, we shall be helping to make these ships more profitable, and we shall also be helping our railroads, which will have the transportation of the goods in Canada. All in all, I submit, honourable members, that the course of action which I am proposing would be in the best interest of Canada, particularly of our consuming public, in the best interest of the West Indies, and of great benefit to the whole British Empire.

I do not desire to press this motion to a vote. I gave the notice of motion simply in order that I might call the attention of the Government to the condition of affairs that exists, and ask them to consider very seriously the question of abolishing the duty on products coming from this tropical zone.

Hon. Mr. TANNER: As my honourable friend is well informed on this subject, I should like to ask him for some information. As I understand it, the treaty of 1925 contains a special tariff schedule. Can my honourable friend tell the House the value of goods that came into Canada from the British West Indies under the schedules of the treaty last year?

Hon. Mr. DANDURAND: Perhaps my honourable friend could put those figures on Hansard.

Hon. Mr. LOGAN: If I may, I will put the figures on Hansard. I will give the honourable gentleman the imports into Canada from the West Indies for the years 1927, 1928, and 1929.

Canada's Imports from the British West Indian Colonies, with Duty Collected thereon

| | Bermuda | British Guiana | British Honduras | British West Indies | Total Br. W. I. Colonies |
|---|---|---|---|---|---|
| Total imports, 1929.. .. .. .. $ | 61,771 | 4,873,237 | 260,519 | 15,443,389 | 20,638,916 |
| Duty collected thereon.. $ | 4,146 | 574,156 | 405 | 1,451,267 | 2,029,974 |
| Total imports, 1928.. .. .. .. $ | 53,643 | 6,072,172 | 157,925 | 17,349,312 | 23,633,052 |
| Duty collected thereon.. $ | 4,766 | 633,540 | 849 | 1,309,748 | 1,948,903 |
| Total imports, 1927.. .. .. .. $ | 112,185 | 4,592,106 | 262,262 | 13,858,533 | 18,825,086 |
| Duty collected thereon.. $ | 1,734 | 471,639 | 2,970 | 1,273,734 | 1,750,077 |
| Imports, 1929, Under Various Tariffs— | | | | | |
| Dutiable: | | | | | |
| Under preferential tariff (agreement 1925).. .. .. .. .. $ | 6,711 | 4,783,879 | 42 | 10,504,829 | 15,295,461 |
| Duty collected thereon.. $ | 979 | 560,849 | 9 | 1,279,529 | 1,841,366 |
| Under general tariff.. .. .. .. $ | 10,540 | 44,343 | 1,320 | 290,316 | 346,519 |
| Duty collected thereon.. $ | 3,167 | 13,307 | 396 | 166,659 | 183,529 |
| Under treaty tariff (from foreign countries via B. W. I.).. .. .. .. .. .. $ | .... | .... | .... | 43,101 | 43,101 |
| Duty collected thereon.. $ | .... | .... | .... | 5,079 | 5,079 |
| Free: | | | | | |
| Under preferential.. .. .. .. $ | 7,948 | 30,655 | 45,187 | 4,427,702 | 4,511,492 |
| Under all other tariffs.. .. .. $ | 36,572 | 14,360 | 213,970 | 177,441 | 442,343 |

Hon. Mr. TANNER: That is not the point I was asking about. My observation is that those imports are scheduled under general tariff, preferential tariff, and treaty tariff. I thought my honourable friend could perhaps tell us how much came in under the treaty tariff.

Hon. Mr. LOGAN: Under the preferential tariff, in 1929, we brought in $15,295,461, upon which we collected $1,841,366; under the general tariff we brought in goods to the amount of $346,519, upon which we collected $183,529; under treaty tariff we brought in goods to the amount of $43,101, upon which duty was collected to the amount of $5,079. Goods were imported free of duty, under the preferential tariff, to the value of $4,511,492, and under all other tariffs to the value of $442,343.

Hon. Mr. TANNER: If I caught the figures correctly, the sum and substance is that under the treaty tariff we imported $43,000 worth of goods. Does that figure represent the value of the treaty with respect to importations?

Hon. Mr. LOGAN: No.

Hon. Mr. TANNER: I am sorry to trouble my honourable friend, but some of us in Nova Scotia, like himself, are interested in this matter. How about exports from Canada? I understand that we have this steamship service from Canada to the British West Indies for the purpose of developing direct trade. Is there still much of the Canadian trade going through the United States? Can my honourable friend give us the figures for 1929?

Hon. Mr. LOGAN: I cannot give the honourable gentleman that information. Not a very large amount is going through the United States. We exported direct to the West Indies in 1927, $17,702,013; in 1928, $19,145,155; and in 1929, $20,524,366. From this the honourable gentleman will see that the increase in exports from Canada has amounted to about $3,000,000 in three years.

Hon. Mr. WILLOUGHBY: Could the honourable gentleman give us some figures as to the exports of the United States to those same possessions? I presume that on goods coming from the British West Indies to the United States there is no preferential treat-

ment. What would be the export from the British West Indies to the United States, and vice versa? Porto Rico, of course, is an illustration of the development of trade in consequence of the absolute abolition of duty. I do not suppose there would be any duty.

Hon. Mr. LOGAN: There is no duty.

Hon. Mr. WILLOUGHBY: So the comparison with the very enormous growth in that trade would not enlighten us very much. I am not speaking adversely, but am asking for information.

Hon. Mr. LOGAN: I have not at present the information in reference to the imports and exports to and from the United States.

Hon. Mr. WILLOUGHBY: Those figures would illustrate whether our trade has grown materially at the expense of the United States, or whether it is new trade that has been developed.

Hon. R. DANDURAND: Honourable members of the Senate will agree, I am quite sure, that this country has done fairly well by the West Indies in attempting to develop trade under the treaty of 1925, and that we might very well allow a little more time to test the value of that treaty before passing judgment upon it. I will draw the attention of the Minister of Trade and Commerce, and the Minister of Finance, to the remarks of my honourable friend, and to his desire to improve still further upon the arrangement arrived at in 1925. Of course he will realize that all these schedules are the result of conferences between the two countries, and that some time was expended upon the matter before an agreement was reached. I believe that the Minister of Finance, knowing the sacrifices that we have already made under the treaty, will be perhaps a little slow to proceed further in that direction; yet I feel that whatever we can do to increase the importations of tropical products from the British West Indies will be to our advantage and to the advantage of intraimperial trade.

Hon. Mr. TANNER: Honourable members, I am going to suggest that, as my honourable friend has given the House a great deal of information on a subject which, in our province, at all events, is of very great interest, the House might very well devote to the matter a little further consideration. I for one should like to have an opportunity of going a little more carefully into the subject, and therefore I would move the adjournment of the debate till next Thursday.



Hon. J. J. HUGHES: Honourable senators, I should like to say a few words in support of the general idea that we ought to do everything in our power to promote trade with the British West Indies and every other part of the British federation of nations. I think that general idea will meet with a wider acceptance in Parliament and throughout the country at the present time than it has met with in the past. Our neighbours to the south do not appear to be so favourable to trading with Canada now as they were some years ago. In the exercise of their undoubted right, they appear to be moving in the other direction. We will not murmur nor complain about that, I think, but rather we will put forth greater efforts to develop our own country and the great commonwealth of nations to which we belong. I do not think we could very well complain, even if we felt inclined to do so, because some twenty years ago our neighbours were willing and eager to trade with us and made us an offer—

Hon. Mr. McMEANS: That is getting to be a matter of ancient history now.

Hon. Mr. HUGHES: Yes, and all the more regrettable, in my opinion. In the exercise of our undoubted rights, we declined their offer; our Parliament and our country intimated that we did not value that trade as highly as formerly. It is our duty now to take things as we find them and to endeavour to make use of the resources of our own country. It looks as if the United States would not renew the offer of twenty years ago during the lifetime of the present generation, nor perhaps of the next generation. While we want to live on friendly terms and to trade with every nation in the world that is willing to do business with us, we shall not protest if any nation gives us to understand that it would rather not have our trade.

I could not hear all the questions that were asked of the honourable mover of the resolution (Hon. Mr. Logan), nor could I hear all his replies. I should like to ask whether he can give us information as to the trade, export and import, that we carried on with the West Indian Islands for the five years prior to the treaty, and for the period since the treaty came into operation. Can he tell us whether that trade has grown or decreased, and to what extent, since the treaty has been in force?

Hon. Mr. LOGAN: The trade has grown very materially, but I have not the figures with me.

Hon. Mr. HUGHES: Perhaps the honourable gentleman would have the figures with him when the discussion is resumed, because I think the figures would be—

Hon. Mr. CASGRAIN: Illuminating.

Hon. Mr. HUGHES: Yes, illuminating.

On motion of Hon. Mr. Tanner, the debate was adjourned.

## EXPORTATION OF PROHIBITED MERCHANDISE

### ORDER FOR RETURN

Hon. R. H. POPE moved:

That an Order of the Senate do issue for a Return to include copies of all communications, correspondence, proposals, proposed treaties, treaties, reports of conferences and negotiations, and other papers, documents and writings, of every nature, that relate to export or shipment, between or to the United States and Canada, respectively, of merchandise prohibited under the respective laws of the United States or Canada, or both.

Hon. Mr. DANDURAND: The honourable gentleman has moved for an order for a return—

to include copies of all communications, correspondence, proposals, proposed treaties, treaties, reports of conferences and negotiations, and other papers, documents and writings, of every nature—

—that passed between the Government of the United States and this Government, I suppose?

Hon. Mr. POPE: Yes.

The motion was agreed to.

## GREENE DIVORCE PETITION

### MOTION

Hon. L. McMEANS moved:

That the Committee on Divorce be authorized to consider and report upon an application for refund of the Parliamentary fees paid during the last Session upon the petition of Ruth Elizabeth Greene, praying for a Bill of divorce.

Hon. J. BUREAU: Honourable members, I thought an application was made by the same party again this year, and I should like to know whether the object of the motion is to have the deposit that was made last year used on this year's application.

Hon. Mr. McMEANS: The object of the motion is merely to enable the Committee on Divorce to deal with the matter. The thing will be safeguarded in every way.

Hon. Mr. BUREAU: How does the matter stand?

Hon. Mr. McMEANS: I cannot give the honourable gentleman that information at the present time. There was an application for a refund of fees, and we could not deal with it unless we had the authority of the Senate. The motion is merely to authorize the Committee on Divorce to consider the application and to report upon it.

The motion was agreed to.

## TIMBER MARKING BILL

### SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 10, an Act to amend the Timber Marking Act.

He said: Honourable members, the object of this Bill is to empower the Exchequer Court, when so requested, to remove old timber marks that have been registered for a number of years and are no longer in use. There is in the Trade Mark and Design Act a provision similar to that which is now to be incorporated in the Timber Marking Act. That is the whole object of the Bill. I move the second reading.

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

### CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on this Bill.

Hon. Mr. Robinson in the chair.

The Bill was reported without amendment.

### THIRD READING

Hon. Mr. DANDURAND moved the third reading of the Bill.

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

## SUPREME COURT BILL

### SECOND READING POSTPONED

Hon. Mr. DANDURAND moved the second reading of Bill 11, an Act to amend the Supreme Court Act.

He said: Honourable members, the purpose of this Bill is to amend section 37 of the Supreme Court Act. That section, as amended in 1920, defines the conditions under which special leave may be granted to appeal from a provincial court other than a court of highest resort in the province. Two conditions are mentioned in the section as it stands. There has been a difference of opinion as to whether the two conditions must exist, or whether they are only alternative. This Bill

is intended to remove any doubt as to that, and to provide that the two conditions must exist.

The Bill is somewhat technical in its form, but the members of the legal fraternity who have examined it find that this will reconcile the members of the Supreme Court, who were not at one as to the meaning of the clause of 1920.

Hon. Mr. CASGRAIN: Does that mean that appellants can go to the Supreme Court without going to the court of last resort?

Hon. Mr. DANDURAND: Yes, provided the amount be over $2,000.

Hon. Mr. WILLOUGHBY: The honourable leader of the House spoke to me in reference to this Bill, and I started to read it, but was interrupted, and I have not had an opportunity of looking over it. I want to know its meaning. I do not know it now, and the Bill is highly technical.

Hon. Mr. DANDURAND: Then I move to discharge the order and place it on the Orders of the Day for the next sitting of the House.

The motion was agreed to.

## PATENT BILL

### SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 14, an Act to amend the Patent Act.

He said: There are in this Bill two amendments. The first deals with the length of the period during which a patent already filed in a foreign country that has an agreement with Canada may be filed in this country. The other amendment allows the production of a copy of the foreign patent in order to save time and expense. These amendments have been suggested by the judges of the Exchequer Court.

Hon. G. D. ROBERTSON: Honourable members, I do not purpose to discuss the details of this Bill, but I would enquire from my honourable friend the leader of the House whether he could give us any information respecting the reciprocal rights that are extended between countries in the registering of patents. It has come to my notice that some countries are refusing to register Canadian patents, and I understand that this is detrimental to Canadian interests. That is, our citizens cannot get a patent registered in certain foreign countries, and therefore they have to purchase there the article that they may want to use as a part of some machine that is being constructed here. I understand that Germany is a country that is exercising



that privilege, not only against Canada, but against many other countries, for the purpose of conserving to her own people and her manufacturing plants the sole right of manufacturing certain articles. They think this course desirable from the standpoint of the industries of their own country. That being so, as I believe it is, I would ask if the policy of the Government is that Canada should grant patents promiscuously upon request from any country.

Hon. Mr. DANDURAND: I am not in a position at this moment to answer my honourable friend's question, but in order that I may not lose sight of it, I will not move the third reading after the Bill comes out of Committee, but will defer the motion for the third reading until I get the information that my honourable friend desires.

Hon. Mr. ROBERTSON: Thank you.

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

### CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on the Bill.

Hon. Mr. Copp in the Chair.

On section 1—effect of application for foreign patent if same applied for in Canada:

Hon. Mr. WILLOUGHBY: The whole amendment, apparently, would be for the defence of our own patentees, and I take it that this would be an improvement on the present system.

Hon. Mr. DANDURAND: Yes.

Section 1 was agreed to.

Section 2, the preamble and the title were agreed to.

The Bill was reported without amendment.

The Senate adjourned until Tuesday, April 1, at 8 p.m.

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# THE SENATE

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Tuesday, April 1, 1930.

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

## PERMANENT COURT OF INTERNATIONAL JUSTICE

### DECLARATION ON BEHALF OF THE DOMINION OF CANADA

Hon. Mr. DANDURAND: I beg to lay on the Table a copy of the declaration under

Article 36 of the Statute of the Permanent Court of International Justice, with respect to the Optional Clause, which was signed at Geneva on September 20, 1929, on behalf of the Dominion of Canada; also a list of the countries that have ratified the Optional Clause, or have signed it but not yet ratified it; together with a list of the countries to which the clause is open for signature.

I would suggest that these documents be printed in Hansard so that they may be available for reference by members of the Senate.

Permanent Court of International Justice

Declaration made by the Hon. Raoul Dandurand before signing the optional clause on behalf of His Majesty's Government in Canada.

Geneva, September 20, 1929.

On behalf of His Majesty's Government in Canada, and subject to ratification, I accept as compulsory ipso facto and without special convention, on condition of reciprocity, the jurisdiction of the Court in conformity with Article 36, paragraph 2, of the Statute, for a period of ten years and thereafter until such time as notice may be given to terminate the acceptance, over all disputes arising after ratification of the present declaration with regard to situations or facts subsequent to said ratification, other than:

disputes in regard to which parties have agreed or shall agree to have recourse to some other method of peaceful settlement, and

disputes with the Government of any other Member of the League which is a Member of the British Commonwealth of Nations, all of which disputes shall be settled in such manner as the parties have agreed or shall agree, and

disputes with regard to questions which by international law fall exclusively within the jurisdiction of the Dominion of Canada,

and subject to the condition that His Majesty's Government in Canada reserve the right to require that proceedings in the Court shall be suspended in respect of any dispute which has been submitted to and is under consideration by the Council of the League of Nations, provided that notice to suspend is given after the dispute has been submitted to the Council and is given within ten days of the notification of the initiation of the proceedings in the Court, and provided also that such suspension shall be limited to a period of twelve months or such longer period as may be agreed by the parties to the dispute or determined by a decision of all the members of the Council other than the parties to the dispute.

R. Dandurand.

Extract from the Seventh List of International Agreements concluded under the auspices of the League of Nations

January 14, 1930 (completed according to recent information)

| Countries which have ratified the Optional Clause | Countries which have signed but not yet ratified the Optional Clause | Countries to which the Clause is open for signature |
|---|---|---|
| Abyssinia | Union of South Africa | Albania |
| Austria | Australia | United States of America |
| Belgium | Canada | Argentine Republic |
| Brazil | Costa Rica | Bolivia |
| Bulgaria | Czechoslovakia | Chile |
| Denmark | Dominican Republic | China |
| Esthonia | France | Colombia |
| Finland | Guatemala | Cuba |
| Germany | Irish Free State | Ecuador |
| Great Britain | Italy | Hedjas |
| Greece | Latvia | Honduras |
| Haiti | Liberia | Japan |
| Hungary | Lithuania | Nicaragua |
| India | Luxemburg | Paraguay |
| Norway | New Zealand | Persia |
| Netherlands | Nicaragua | Poland |
| Panama | Peru | Roumania |
| Portugal | Salvador | Kingdom of the Serbs, Croats, and Slovenes. |
| Spain | Siam | Venezuela |
| Sweden | | |
| Switzerland | | |
| Uruguay | | |

## APPROPRIATION BILL No. 1

### FIRST READING

Bill 47, an Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1931—Hon. Mr. Dandurand.

### SECOND READING

Hon. Mr. DANDURAND moved the second reading of the Bill.

He said: Honourable members of the Senate, this is the usual procedure by which Parliament is asked annually to vote a certain portion—one-twelfth or one-sixth—of the supply. In the present instance the sum of $142,625,436 is asked for, which is sufficient to cover the two months of April and May of the present year.

With the leave of the Senate, I move, seconded by the Right Hon. Mr. Graham, that this bill be now read a second time.

Hon. Mr. POPE: Is that for one month or two months?

Hon. Mr. DANDURAND: Two months.

Hon. Mr. POPE: Is that the usual thing?

Hon. Mr. DANDURAND: Yes.

Hon. Mr. POPE: The usual thing?

Hon. Mr. DANDURAND: I say "usual" because, as far as my memory goes, while out of eight or ten Bills one may have been for a month, the general practice has been to cover a two-month period. There are honourable members of the Senate who have been on the Treasury benches and know what the tradition is.

Right Hon. Sir GEORGE E. FOSTER: It is generally two months.

Hon. Mr. POPE: It is my innocence that makes the question possible.

Hon. Mr. WILLOUGHBY: Honourable members, I have no objection to the passing of this Bill. It has always been the understanding, on the vote of one-sixth of the supply, that if any question should arise as to the propriety of the expenditure it could be dealt with subsequently. I presume that is true now.

Hon. Mr. DANDURAND: My honourable friend in making his reservation, and I in agreeing to it, are adhering to tradition.

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

THIRD READING

Hon. Mr. DANDURAND moved the third reading of the Bill.

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

## THE ROYAL ASSENT

The Hon. the SPEAKER informed the Senate that he had received a communication from the Assistant Secretary to the Governor General, acquainting him that the Right Hon. Mr. Justice Anglin, acting as Deputy of the Governor General, would proceed to the Senate Chamber this day at 9 p.m. for the purpose of giving the Royal Assent to the Interim Supply Bill.

## EXPORTATION OF PROHIBITED MERCHANDISE

RETURN

Hon. Mr. DANDURAND laid on the Table a return including:

Copies of all communications, correspondence, proposals, proposed treaties, treaties, reports of conferences and negotiations, and other papers, documents and writings, of every nature, that relate to export or shipment, between or to the United States and Canada, respectively, of merchandise prohibited under the respective laws of the United States or Canada, or both.

Hon. Mr. POPE: Am I in order, Mr. Speaker, in asking that this return be printed for the information of the members of this House? I have been asked to make that request.

Hon. Mr. DANDURAND: I doubt very much whether that could be done by such a request, or without notice of motion. These are important documents, nine-tenths of which have been on the Table of this Chamber for over a year. There was no question last year of moving to have the documents printed. If my honourable friend, whom we shall certainly have the advantage of hearing during this session on this matter and others, should find it interesting to draw the attention of the Senate to some part of this correspondence, he would be welcome to do so.

Hon. Mr. POPE: Yes, but there was no occasion last year to ask for the printing. I think it should be recognized that this correspondence is far more important at the present moment than it was when certain portions of it were laid on the Table of the House previously. Legislation is coming before us which demands our serious attention, without regard to the side of the House on which we sit. I have been requested by members on both sides of the House to ask that this correspondence be printed. I admit that it is not my duty to insist on this, but I make the request because honourable members on both sides of the House so desire. It is all right for me to read the correspondence, but they may not have seen it. However, it is not for me, although I am a Pope, to dictate the procedure that should be followed.

## PRIVATE BILLS

FIRST READINGS

Bill 23, an Act to incorporate Estate Trust Company.—Hon. Mr. Haydon.

Bill 27, an Act respecting the Canadian Pacific Railway Company (Division of Capital Stock).—Hon. Mr. Haydon.

SECOND READING

Hon. Mr. HAYDON moved the second reading of Bill 27.

He said: Honourable members, with the leave of the Senate, I would move that this Bill be now read a second time.

Hon. Mr. McMEANS: Will the honourable member explain the Bill, so that we may know something about it?

Hon. Mr. HAYDON: The purpose of the request for leave to move the second reading now is that the Bill may be before the Railway Committee on Thursday next. The Bill is a simple one, containing only two clauses. The first provides that the par value of the shares of the Canadian Pacific Railway Company may be changed from $100 to $25. In the second clause of the Bill the number of directors is increased by the repeal of the clause now providing for them, and the substitution of a provision whereby the number shall be such, not exceeding twenty-four, as shall be fixed by by-law.

Hon. Mr. McMEANS: What is the object of reducing the stock from $100 to $25?

Hon. Mr. HAYDON: May I adopt the answer given, rather privately, across the floor of the Chamber, to the honourable gentleman from Winnipeg? This change would make it easier to deal with the shares in public, and, as my honourable leader says, would allow the honourable gentleman from Winnipeg, as well as the leader on this side, to deal in shares.

Right Hon. Mr. GRAHAM: It makes for a wider distribution.

Hon. Mr. HAYDON: And gives a larger liberty to sell and buy.

Hon. Mr. McMEANS: I thought the stock jobbing was being surrounded by certain restrictions.

Hon. Mr. HAYDON: I do not think anybody would say that the Canadian Pacific Railway was in any business of that kind.

Hon. Mr. McMEANS: The honourable member has brought in a Bill and has moved the second reading, but I cannot find that he has given any satisfactory reason for it. It is true that the Bill has met with approval in another place, but surely the honourable gentleman does not undertake to father it in this House without being able to tell us what it is about.

Hon. Mr. CASGRAIN: Honourable members, I have heard the reasons expressed.

Hon. Mr. McMEANS: The honourable gentleman is not connected with this at all. He is not the sponsor of the Bill.

Hon. Mr. HAYDON: The chief reason, as I understand, is that the directors of the Railway Company are holding their annual meeting in the month of May, when they will consider this and other questions, and if the Bill can be given second reading and be considered in committee and then given its third reading before the adjournment of this House, which I understand is likely to extend for a couple of weeks from the middle of next week, the directors of the Company will feel free to make their arrangements.

Hon. Mr. McMEANS: Are we to give it a third reading without having any explanation? That would be a sort of drop-a-nickel-in-the-slot system.

Hon. Mr. HAYDON: No; I am asking for the second reading so that the Bill may go to the committee and be considered as carefully as any other Bill.

Right Hon. Sir GEORGE E. FOSTER: I think the honourable gentleman from Winnipeg (Hon. Mr. McMeans) is bound to press for further reasons. It is not very clear.

Hon. Mr. CASGRAIN: May I speak now?

Hon. Mr. McMEANS: No, I do not think so.

Hon. Mr. CASGRAIN: Well, I will take the liberty. We have free speech in this country. It has been advertised on the stock exchange, and elsewhere, that the Company wants to get a larger number of shareholders. Many companies have split up their stock for the purpose of giving the poor man a chance. I know my honourable friend from Winnipeg will be only too glad to see that the poor man gets a chance.

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

FIRST READING

Bill 28, an Act respecting the Eastern Canada Savings and Loan Company.—Hon. Mr. Tanner.

SECOND READING

Hon. Mr. TANNER moved the second reading of Bill 28.

He said: Honourable members, I hope that my honourable friend from Winnipeg (Hon. Mr. McMeans) will not question me as closely as he did my honourable friend from Ottawa (Hon. Mr. Haydon). I understand that if this Bill is given the second reading tonight it will necessarily have to go before the Banking and Commerce Committee. In explanation, I may say that the Bill is presented on behalf of the Eastern Canada Savings and Loan Company, of Halifax, which company was founded a long time ago and has been operating conservatively and successfully. Under the provisions of the Loan Companies Act it is necessary to ask permission of Parliament to sell some real estate which the company owns, and the purpose of the Bill is to give that permission. I may add that the Bill has been submitted to the

Department of the Government that supervises loan companies and has been approved by Mr. Finlayson. I hope that this explanation will be satisfactory and that the House will consent to the second reading to-night.

Hon. Mr. McMEANS: Well, this explanation is very much more satisfactory than was given in connection with the other Bill.

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

## MANITOBA BOUNDARIES EXTENSION BILL

### FIRST READING

Bill 42, an Act to provide for the extension of the boundary of the Province of Manitoba in the Northwest Angle Inlet of Lake of the Woods.—Hon. Mr. Dandurand.

## PREVENTIVE OFFICERS IN NOVA SCOTIA

### DISCUSSION AND INQUIRY

Hon. C. E. TANNER rose in accordance with the following notice:

That he will inquire of the Government what is the name, place of residence, or duty, rank or position, and salary and allowances, of each person in the service of the Department of National Revenue in Nova Scotia, as Preventive Officers, for prevention of liquor smuggling; and that he will call attention to the subject matter.

He said: Honourable members, I am asking the Government for names and other particulars in respect to preventive officers of the Department of National Revenue who are acting for the prevention of liquor smuggling in Nova Scotia. The subject is perhaps a little more interesting than usual, inasmuch as there is a suggestion, I believe, that we should not only prevent liquor from coming into the country, but also take a forward step and prevent it from going out. I am a little interested in ascertaining how far we have been successful in the matter of keeping liquor out. I remember that two or three years ago, when the Government decided to appoint a special preventive force, the Department of National Revenue, through their spokesman who appeared before our Committee, gave us assurance that the very best men available would be selected, and although some of us were a little doubtful as to the probable effectiveness of this force, the necessary legislation was approved in this House.

I have learned that there are 69 preventive officers on duty in Nova Scotia, 35 in New Brunswick, and 9 in Prince Edward Island—113 in the Maritime Provinces. But that is not all, honourable gentlemen. I have discovered in my researches that on the waters along the shores of the Maritimes is a large fleet of war vessels armed and otherwise equipped for the purpose of keeping illicit liquor out of the provinces. I find that there are no less than 29 such vessels. I have here a list, which gives the armament of each and the number of the crew. The ships are armed with rifles, three-pounder guns and six-pounder guns. I do not know whether they are muzzle loaders or breech loaders. I must confess that I was a little surprised to find that there was such a large fleet and that it was supported by so large an army on land.

Hon. Mr. LAIRD: Does the list include the Niobe and the Rainbow?

Hon. Mr. TANNER: No; I think the Niobe and the Rainbow are now helpless.

Hon. Mr. MACDONELL: Do all these war vessels form part of the great Canadian Navy?

Hon. Mr. TANNER: I do not know that I can answer that question. There is a special preventive force, a special preventive navy, for the particular purpose of preventing people from landing liquor illicitly on the shores of the Maritime Provinces—or, in the more vulgar phraseology, preventing smuggling.

I am not going into much detail, but I would say from my observations, and from information obtained from people in Nova Scotia who are well informed—and I am speaking only of Nova Scotia in this regard—that notwithstanding this large armed fleet which is supposed to be patrolling our Atlantic Coast, from 50 to 75 per cent of the liquor consumed in the Province of Nova Scotia is smuggled into the province.

Hon. Mr. McMEANS: They must be pretty thirsty.

Right Hon. Mr. GRAHAM: How much would that be?

Hon. Mr. TANNER: That may seem to be a reflection on the people of the province, but I have to state the facts, notwithstanding.

Hon. Mr. FORKE: The honourable gentleman has made a statement, but is it correct? He has said that at least half the liquor consumed in the Province of Nova Scotia is smuggled in. Is that a fact?

Hon. Mr. TANNER: I know the newspapers are continually full of reports that small quantities and occasionally large quantities of liquor are being discovered from time

to time in the province; but, notwithstanding the gathering in of such quantities, I believe it is quite within the mark to say that at least 50 per cent of the liquor that is consumed in the province comes in from the outside. That is no surprise to people who know the facts. For instance, I have right in my hand a report of the annual meeting of a very well known temperance organization in the province, the Sons of Temperance, which has long been alive, although perhaps not active until recently, and has been carrying on a campaign of education along temperance lines for a great many years. At its annual meeting in Halifax in November of last year its chief organizer made the statement that provincial prohibition could not be enforced in Nova Scotia, because of the extensive coast line. I hardly believed that that was true, and I discussed the matter with the gentleman personally afterwards, when he assured me that the newspaper report of his speech was correct, and his opinion was accepted without any demur by the people who were present at the meeting.

I believe, honourable members, that the whole expense occasioned by 29 war vessels and 69 armed men is absolutely ineffective, and that the financial outlay is money wasted. I am not going to discuss the effectiveness of the force now, although I may have something to say when I see the names of the officers. I had occasion to report one personally to the Minister of National Revenue after an observation I made a year ago, and I think he was dismissed. I am afraid there are a good many more like that man.

Hon. Mr. McMEANS: How do they vote?

Hon. Mr. TANNER: I do not know how he voted. I never inquire about a man's politics on occasions of this kind. We are dealing with this matter on a very much broader line than my honourable friend from Winnipeg is disposed to deal with it. I repeat, honourable gentlemen, that the money we spend on this force is wasted. In Nova Scotia there was an overwhelming vote against prohibition and we are now adopting there a system similar to that in Quebec, Ontario and other provinces. I have stated here once before, and I am going to say it again, that there is only one common-sense way to prevent smuggling, and that is to make it unprofitable for the smuggler. I cannot conceive why the Government does not recognize that. Once the duties are cut down so that there is no profit in smuggling, then the illicit business will cease, but unless that step is taken we may retain armed forces on land and on water, but they will not keep liquor out.

Hon. R. DANDURAND: Honourable members, I am very much surprised at the implication in the remarks of my honourable friend. He seems to desire to convey the idea that the people of his province are not absolutely abstemious.

Hon. Mr. TANNER: They do not pretend to be.

Hon. Mr. DANDURAND: Of course, I know from what country many of them come. That reminds me of a speech made by Mr. Duncan Fraser, of Guysborough, who accompanied a curling club to Scotland. On one enjoyable evening speeches were being made, and Scots from the other side were boasting of their lochs and mountains, and Mr. Duncan Fraser said: "Your lochs would be mere ponds in Canada; your mountains would be mole-hills. The whole of Scotland could be dropped into the middle of one of our lakes, and it would create hardly a ripple: we would not notice it but for the smell of whisky." Scotland manufactures whisky, and other countries drink it.

Now, I have in my hand a list of the names of preventive officers in Nova Scotia. My honourable friend spoke of New Brunswick, but that province is outside the bounds of his inquiry. I have perused the list of these officers, which is somewhat lengthy, and I find that most of them have fine Scotch names. I think my honourable friend will recognize some of his compatriots among them.

Nova Scotia

| Name | Place | Rank | Salary |
|---|---|---|---|
| | | | $ |
| Logan, A. T. | Halifax | Divisional Chief, Customs Excise Preventive Service (Gr. 1) | 3,500 |
| Callow, W. H. | Advocate Harbour | Customs Excise Enforcement Officer | 1,320 |
| Chapman, G. P. | Tidnish River | Customs Excise Enforcement Officer | 200 |
| Christie, B. M. | Meteghan | Customs Excise Enforcement Officer | 1,500 |
| Coutreau, G. J. | Wedgeport | Customs Excise Enforcement Officer | 1,440 |
| Crossley, G. B. | Yarmouth | Customs Excise Enforcement Officer | 1,700 |

Nova Scotia—*Concluded*

| Name | Place | Rank | Salary |
|---|---|---|---|
| | | | $ |
| Currie, D. G. | Tatamagouche | Customs Excise Enforcement Officer | 1,320 |
| Dakin, R. A. | Wallace | Customs Excise Enforcement Officer | 1,320 |
| Dauphinee, A. T. | Sandy Point | Customs Excise Enforcement Officer | 1,440 |
| Daw, R. | Halifax | Customs Excise Enforcement Officer | 1,700 |
| D'Eon, C. E. | Pubnico | Customs Excise Enforcement Officer | 1,440 |
| Digdon, F. W. | Mulgrave | Customs Excise Enforcement Officer | 1,320 |
| Ferguson, T. C. | Canso | Customs Excise Enforcement Officer | 1,200 |
| Fraser, W. A. | Liscomb | Customs Excise Enforcement Officer | 1,500 |
| Gough, H. V. | Halifax | Customs Excise Enforcement Officer | 1,000 |
| Healey, T. J. | Halifax | Customs Excise Enforcement Officer | 1,500 |
| Kelley, R. B. | Mahone Bay | Customs Excise Enforcement Officer | 1,500 |
| Kennedy, F. Z. | Ingramport | Customs Excise Enforcement Officer | 1,440 |
| Larson, A. H. | Halifax | Customs Excise Enforcement Officer | 1,700 |
| MacDonald, M. A. R. | Sheet Harbour | Customs Excise Enforcement Officer | 1,400 |
| MacDonald, N. | New Glasgow | Customs Excise Enforcement Officer | 1,500 |
| MacDonald, Wm. H. | Halifax | Customs Excise Enforcement Officer | 1,700 |
| MacLeod, J. A. | Halifax | Customs Excise Enforcement Officer | 1,700 |
| MacMillan, G. L. | Isaac's Harbour | Customs Excise Enforcement Officer | 1,440 |
| McLaughlin, B. H. | Lunenburg | Special Customs Excise Officer Grade 2. | 1,920 |
| McNab, F. G. | Pictou | Customs Excise Enforcement Officer | 1,320 |
| Nash, E. E. | Ingramport | Customs Excise Enforcement Officer | 980 |
| Nickerson, E. B. | Yarmouth | Special Customs Excise Officer Grade 2. | 1,920 |
| Nickerson, H. E. | Barrington | Customs Excise Enforcement Officer | 1,440 |
| Oakes, J. J. | Halifax | Special Customs Excise Officer Grade 2. | 1,800 |
| Peterson, A. L. | Lockeport | Customs Excise Enforcement Officer | 1,440 |
| Pugh, H. D. | Halifax | Special Customs Excise Officer Grade 1. | 1,800 |
| Robson, S. | Clam Harbour | Customs Excise Enforcement Officer | 600 |
| Smith, F. E. | Halifax | Customs Excise Enforcement Officer | 2,400 |
| Synott, J. D. | Dartmouth | Customs Excise Enforcement Officer | 1,500 |
| Tobin, J. A. | Jeddore Head | Customs Excise Enforcement Officer | 1,320 |
| Vincent, H. E. | Truro | Customs Excise Enforcement Officer | 1,500 |
| Wood, W. J. | Windsor | Customs Excise Enforcement Officer | 1,320 |

Cape Breton

| | | | |
|---|---|---|---|
| Young, Angus | North Sydney | District Chief (Special Inspector of Customs and Excise) | 2,940 |
| Alden, C. F. | Boulardarie Island | Customs Excise Enforcement Officer | 600 |
| Bourinot, M. J. | Mira | Customs Excise Enforcement Officer | 1,320 |
| Burns, A. | Cheticamp | Customs Excise Enforcement Officer | 1,440 |
| Campbell, A. J. | Inverness | Customs Excise Enforcement Officer | 1,440 |
| Corbett, L. J. | Lingan | Customs Excise Enforcement Officer | 1,320 |
| Crowdis, J. H. | Louisburg | Customs Excise Enforcement Officer | 1,440 |
| Curry, Jos. | Glace Bay | Special Customs Excise Officer Grade 2. | 1,800 |
| Egan, M. F. | L'Ardoise | Customs Excise Enforcement Officer | 1,440 |
| Graham, D. | New Waterford | Customs Excise Enforcement Officer | 1,320 |
| Holmes, W. A. | St. Peters | Special Customs Excise Officer, Grade 1. | 1,500 |
| Kehoe, L. V. | Mira Bay | Special Customs Excise Officer, Grade 1. | 1,500 |
| Kennedy, J. W. | Sydney | Special Customs Excise Officer, Grade 2. | 2,160 |
| Lamond, W. A. | Sydney Mines | Special Customs Excise Officer, Grade 2. | 2,040 |
| MacDonald, A. D. | Bay St. Lawrence | Customs Excise Enforcement Officer | 600 |
| McDonald, R. D. | Cheticamp | Customs Excise Enforcement Officer | 1,440 |
| McCuish, N. | Gabarouse | Customs Excise Enforcement Officer | 1,320 |
| McCready, C. J. | Little Bras D'Or | Customs Excise Enforcement Officer | 600 |
| McKay, A. | Glace Bay | Special Customs Excise Officer, Grade 2. | 2,040 |
| McKenzie, J. H. | Boulardarie Island | Customs Excise Enforcement Officer | 600 |
| McKinnon, D. A. | North Sydney | Special Customs Excise Officer, Grade 3. | 1,920 |
| McLean, J. S. | Port Hood | Customs Excise Enforcement Officer | 1,440 |
| MacLean, R. C. | Boulardarie Island | Customs Excise Enforcement Officer | 660 |
| Nicholson, N. D. | Port Morien | Special Customs Excise Officer, Grade 1. | 1,500 |
| Spray, J. E. | Gabarouse | Customs Excise Enforcement Officer | 1,440 |
| White, W. S. | New Victoria | Special Customs Excise Officer, Grade 1. | 1,500 |

No allowances made to Preventive Officers, but actual expenditures incurred on departmental business are paid by the Department.

The Senate adjourned during pleasure.

## THE ROYAL ASSENT

The Right Honourable F. A. Anglin, the Deputy of the Governor General, having come and being seated at the foot of the Throne, and the House of Commons having been summoned, and being come with their Speaker, the Right Honourable the Deputy of the Governor General was pleased to give the Royal Assent to the following Bill:

An Act for granting to His Majesty a certain sum of money for the public service of the financial year ending the 31st of March, 1931.

The House of Commons withdrew.

The Right Honourable the Deputy of the Governor General was pleased to retire.

The sitting was resumed.

## POST OFFICE BILL (NEWSPAPER OWNERSHIP)

### SECOND READING

Hon. Mr. GRIESBACH moved the second reading of Bill 2, an Act to amend the Post Office Act (Newspaper Ownership).

Right Hon. Mr. GRAHAM: Explain.

Hon. Mr. GRIESBACH: I am going to move that the Bill be sent to the Committee on Miscellaneous Private Bills.

Right Hon. Mr. GRAHAM: If the Bill is going to be sent to a committee, I have no objection. Otherwise, I should like to discuss it.

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

## SUPREME COURT BILL

### SECOND READING

The Senate resumed from March 27 consideration of the motion of Hon. Mr. Dandurand for the second reading of Bill 11, an Act to amend the Supreme Court Act.

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

### CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on the Bill.

Hon. Mr. Casgrain in the Chair.

The Bill was reported without amendment.

## PRIVATE BILLS

### SECOND READINGS

Bill B, an Act respecting a certain patent of the R. M. Hollingshead Company.—Hon. Mr. Haydon.

Bill 25, an Act respecting the Dominion of Canada General Insurance Company and to subdivide the unissued capital stock.—Hon. Mr. McGuire.

## EXPORT BILL (INTOXICATING LIQUOR)

### MOTION FOR SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 15, an Act to amend the Export Act.

He said: Honourable members of the Senate, I do not know that I can give a better summary of the purpose of this amendment than by reading the explanatory note contained in the Bill before us.

The purpose of this amendment is to authorize officials of the Dominion Government having charge of liquor in bond and the granting of clearances to vessels to refuse to release such liquor or to grant such clearances where the granting of such release or clearance in any case would facilitate the introduction of intoxicating liquor into a country where the importation of such liquor is forbidden by law.

I need not inform the members of this House of the need for this legislation. It originates in an Act called the Volstead Act, which was passed by our neighbours to the south, and which prohibited in their country the manufacture, sale, and importation of alcohol. Prior to that enactment there was no need for any such legislation as is contained in the Bill now before us, because the United States distilleries met all the requirements of the citizens of the United States. At that time Canadian distilleries were not interested in trade with that country. Suddenly the people of the United States decided to establish prohibition, and to provide constitutional machinery for that purpose. When the proposed legislation came into force the world at large witnessed the most extraordinary spectacle of men of all nations invading that closed territory. Men of the underworld, so to speak, appeared on the surface, ready to risk their all, even their lives, in order to enrich themselves by violating the laws of the American republic. The Atlantic was covered with all kinds of ships, both sailing vessels and steamships, carrying liquor to a country that by its laws refused to receive it. It seemed like a revival of the zeal that impelled the Crusaders of old, except that in this case the enthusiasts were moved by the possibility of ill-gotten gain. They came from every point of the horizon and we witnessed a formidable invasion of a country, against that country's law. Many men risked their lives in the attempt to land their cargoes on the shores of the United States. Prior to this

no one would have suspected that outside of penitentiaries and jails there could be found so many rum-runners, smugglers and law-breakers as were invading that country. The newspapers informed us that rows of steamers loaded with liquor for the United States were lying at anchor on the Atlantic a few miles off the American coast.

The first move on the part of our neighbours to put an end to this business was made not with Canada but with Great Britain. In 1923 the American Government asked Great Britain to co-operate in having the domestic laws of the United States respected. They asked Great Britain to agree to an extension of the territorial limit. Three miles off the coastline had been the limit ever since the American Colonies separated from Great Britain, and is the limit recognized by international law.

Hon. Mr. GRIESBACH: By the law of all countries.

Hon. Mr. DANDURAND: By the law of all countries, with this exception, that neighbouring countries on the Baltic have entered into agreements to extend certain limits for the purpose of protecting those countries against liquor smugglers. For centuries Great Britain has been Mistress of the Seas and quite jealous of its power and jurisdiction; so it hesitated to help the United States. However, a convention between His Majesty and the President of the United States of America respecting the regulation of liquor traffic was signed at Washington on January 23, 1924, and ratifications were exchanged on May 22, 1924. After some formal words at the beginning, the preamble reads as follows:

Being desirous of avoiding any difficulties which might arise between them in connection with the laws in force in the United States on the subject of alcoholic beverages;

Have decided to conclude a convention for that purpose.

That was the intention and the motive of both parties. Then the convention goes on:

Article I:

The high contracting parties declare that it is their firm intention to uphold the principle that three marine miles extending from the coastline outwards and measured from low-water mark constitute the proper limits of territorial waters.

Article II:

(1) His Britannic Majesty agrees that he will raise no objection to the boarding of private vessels under the British flag outside the limits of territorial waters by the authorities of the United States, its territories or possessions in order that inquiries may be addressed to those on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavouring to import or have imported alcoholic beverages into the United States, its territories or possessions, in violation of the laws there in force. When such inquiries and examination show a reasonable ground for suspicion, a search of the vessel may be instituted.

I pass the second clause of that article and come to the third:

(3) The rights conferred by this article shall not be exercised at a greater distance from the coast of the United States, its territories or possessions, than can be traversed in one hour by the vessel suspected of endeavouring to commit the offence. In cases, however, in which the liquor is intended to be conveyed to the United States, its territories or possessions, by a vessel other than the one boarded and searched, it shall be the speed of such other vessel and not the speed of the vessel boarded which shall determine the distance from the coast at which the right under this article can be exercised.

That treaty was ratified by the Canadian Parliament. We recognized, with Great Britain, that an effort should be made to help the United States in the enforcement of their domestic laws. In the course of that same year, 1924, the United States turned to this country and asked our Government to discuss a treaty for the suppression of the smuggling of liquor across the border from Canada. A treaty was drawn up and received the sanction of this Parliament in 1925. The preamble is as follows:

His Majesty, the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada, and the United States of America, being desirous of suppressing smuggling operations along the boundary between the Dominion of Canada and the United States of America—

I would draw the attention of honourable members to these words:

—being desirous of suppressing smuggling operations along the boundary between the Dominion of Canada and the United States of America, and of assisting in the arrest and prosecution of persons violating the narcotic laws of either government, and of providing as to the omission of penalties and forfeitures in respect to the carriage of alcoholic liquors through Alaska into the Yukon territory, have agreed to conclude a convention to give effect to these purposes and have named as their plenipotentiaries:

I omit the names.

Article I is as follows:

The high contracting parties agree that the appropriate officers of the governments of Canada and of the United States of America respectively shall be required to furnish upon request to duly authorized officers of the other government, information concerning clearances of vessels or the transportation of cargoes, shipments or loads of articles across the international boundary when the importation of the cargo carried or of articles transported by land is subject to the payment of duties; also to furnish information respecting clearances of

vessels to any ports when there is ground to suspect that the owners or persons in possession of the cargo intend to smuggle it into the territory of Canada or of the United States.

(2) The high contracting parties agree that clearance from Canada or from the United States shall be denied to any vessel carrying cargo consisting of articles the importation of which into the territory of Canada or of the United States, as the case may be, is prohibited, when it is evident from the tonnage, size and general character of the vessel, or the length of the voyage and the perils or conditions of navigation attendant upon it, that the vessel will be unable to carry its cargo to the destination proposed in the application for clearance.

We found from experience that this treaty fell wide of the mark, although it covered the then existing practices of the rum-runners. The rum-runner cleared for a near port on the Atlantic and gave a bond or paid duty. If he gave a bond, it was annulled when he returned a certificate from the customs officials of the country to which the liquor was destined. If he paid duty, he of course was not required to return the certificate of the customs officer. This procedure curbed considerably the activities of the rum-runners. Clearance would not be given to a small boat that could not put to sea. The rum-runners were undoubtedly hampered by the treaty, but they gradually discovered that they could secure a direct clearance to a United States port, and a return of the sales and the clearances to United States ports fairly indicates the extent of their operations by direct export. In 1920 there were exported from this country to the United States 1,286 gallons of whiskey; in 1921, 1,616 gallons; in 1922 there was an increase to 20,228 gallons; in 1923 there were 28,568 gallons; in 1924, 244,576 gallons; in 1925, 415,282 gallons; in 1926 an increase to 794,624 gallons; in 1927 there were 1,163,165 gallons; in 1928, 1,128,152 gallons, and in 1929, 1,126,399 gallons. As honourable gentlemen will see, a large increase occurred between 1925 and 1926, and there was a still further increase in 1927, after which there was a slight decrease.

If honourable members look at the reports from the Bureau of Statistics they will find that there was a similar movement of ale, beer and porter during those same years, whereas before the passing of the Volstead Act there was no trade in those articles. In other words, prior to the passage of the Voldstead Act, when it was legitimate, there was no trade in whisky, ale and beer, but when it was declared illegitimate the trade became profitable.

It has been said, and the statement may be repeated here, that the Canadian Government was somewhat tardy in bringing the present Bill before Parliament; that the delay in this respect lured capital into the distilling business; that in 1922 there were but ten distilleries in Canada, and on the 1st of January this year there were twenty-seven distilleries registered. It may also be said that in 1922 there were in bond in Canadian warehouses 8,000,000 gallons of proof spirits, that in 1926 there were 11,000,000 gallons, and on the 1st of January last there were 36,593,869 gallons. I suggest to my honourable friends, however, that they ponder over this situation. It may be alleged, and I think it has been alleged in the press, that considerable injury will be done to the distilleries if this business is stopped at this date; but surely, honourable members, these 36,593,000 gallons of spirits have not been distilled for the American trade, for last year only 1,126,399 gallons were sold to the United States. There must be, therefore, some other reason for the development of the trade. Undoubtedly, new conditions have brought it about. Eight provinces have been opened to that trade, and surely the people who have been investing their money in distilleries have been doing so in order to carry on a legitimate business, and not for the illegal or doubtful trade with the United States, carried on in a way of which we are all aware, and which I shall describe in a moment.

Though it may be said that the action of the Government is tardy, we all recognize that public opinion plays an important part in democracies, and public opinion had to be educated and brought to realize the true situation. The press of the country also had to be educated, because large metropolitan newspapers in Canada had been for many months carrying on a campaign against the legislation that is now before us.

Furthermore, I would ask what representations were made in Parliament in favour of prompter action on the part of the Government. I have not heard many voices raised, either in the popular branch or in this Chamber, in favour of the action that we are now taking. One voice may have been raised here, but, if so, it was not within my hearing, owing perhaps to my absence from the House.

Now, what is the policy behind this Bill? It is a policy that has twice been endorsed by this Parliament; once when we endorsed the British treaty and acted jointly with Great Britain in assisting the United States to defend itself against the assaults that were being made upon it, and once when we passed and ratified a convention intended to curb smuggling. The action that the Government are taking by this Bill is very simple. It does not affect the question of temperance or of prohibition, nor does it attempt to protect our neighbour's shores. The United

States will attend to the enforcement of their own prohibition laws. All the Canadian Government desire is to cease being a party, officially, to the smuggling that is going on under our own legislation. Without Government co-operation this trade must stop, and the Government simply ask that they be allowed to withdraw their hand. They have decided that they will not allow national agencies to be used in such a trade. There lies our responsibility.

This trade is being carried on in violation of the domestic laws of our neighbour. What is our part in it? An application is made to an excise official for the export of liquor to the United States. Such an application may be made by a Canadian or by an American. I am told by the officials of the department that such applications are made mostly by Americans. They will not even pay a commission to a Canadian, but come and attend to the affair themselves. They do not wish to share with our citizens. At the very outset the Government are aware of the nature of the transaction. Our official cannot help knowing with whom he is dealing, because the permit he issues shows the destination of the liquor, and he knows that the liquor cannot legally enter the United States. The law of Canada does not preclude him from giving a permit, without which the liquor could not be moved from this country. Without such a permit it could not be transferred from the distillery even to an export dock, because it is by our authority that the goods are moved from the distillery to the port or the border line. Without that permit the Canadian Customs officer would not let the goods pass. It is to a Customs officer that the permits are handed. When he receives a permit he receives also a form of customs entry from the owner of the goods. This describes the merchandise and gives the place of destination, the name of the foreign consignee, the name and tonnage of the ship, and certain other particulars. The Customs officer, after checking the goods, puts his signature on the customs entry, and if the liquor goes into a vessel the captain then obtains his clearance papers. Once the liquor has been transferred from the Customs official it can re-enter Canada only in the same way that foreign goods enter—by means of a customs entry. So the Federal authorities, through their Customs officials, are aware all the way through the transaction that their agents are the link between the distiller and the bootlegger or smuggler.

Hon. Mr. GRIESBACH: The honourable gentleman has described to us the procedure. The Customs officer has put the liquor on board the boat, and he has given his clearance certificate. There is one further thing that he has to do under the treaty, and that is to notify the American Customs, seven hundred yards away, on the other side of the river, that he has put on board the Saucy Sally, or whatever the name of the vessel may be, so many cases of rye whiskey, that the name of the captain is so and so, that the vessel is about to depart from a certain wharf. Theoretically that is what he has to do. Would the honourable gentleman tell us, does he do it?

Hon. Mr. DANDURAND: There was a meeting here of high officials from Washington and our own officials in January of last year, and it was stated at that conference—my honourable friend will see it in the discussion that took place elsewhere, where the report was read and cited—that this precaution had been fairly and honestly carried out by the officials of the Canadian Government, but that it did not work.

Hon. Mr. BLONDIN: Why?

Hon. Mr. DANDURAND: Because the rum-runner who had the boat and the clearance certificate was acute enough to know of this signalling from one side of the river to the other, and when he had declared that the consignee was at Detroit, at such and such a street, he made it his business to keep clear of Detroit, disappeared in the darkness, chose his own time, and made a landing wherever he could. The whole discussion in January last demonstrated that in spite of the good faith of both parties and the loyal carrying out of their obligations under the convention, their efforts were futile. That is why I say that all through the transaction our employees know that it is a monstrous deception. They all know that they are being made parties to the trade that is being carried on by the smuggler, the rum-runner and the criminal on both sides of the rivers and lakes.

Hon. Mr. FORKE: May I suggest that that was not a treaty; it was only an agreement.

Hon. Mr. DANDURAND: It was a convention approved by this Parliament—by the Commons and the Senate.

Hon. Mr. GRIESBACH: What is the difference between a treaty and a convention?

Hon. Mr. DANDURAND: We have been allowing this demoralization of our own staff to continue for too long a time. Here are men, all representatives of the Canadian Gov-

ernment, who are lending their good offices to the carrying of liquor into the hands of the smuggler. Though these documents name a point of destination in the United States, it is known to every man who handles the cargoes that the ship is not going there; it is going anywhere but there. Thus the Canadian Government have been lending our agencies, instrumentalities and authority to the carrying of liquor from the distillery into the hands of the smuggler.

Hon. Mr. TANNER: There is no doubt it is a very bad Government.

Hon. Mr. FORKE: Perhaps my difficulty is due to my ignorance, but I should like to get this thing straightened out. I understand that at the meeting where that agreement was drafted there were none but officials.

Hon. Mr. DANDURAND: My honourable friend is speaking of January last?

Hon. Mr. FORKE: Was there ever a convention?

Hon. Mr. DANDURAND: Yes. I have cited the convention that was entered into.

Hon. Mr. FORKE: Who were the contracting parties?

Hon. Mr. DANDURAND (reading):

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada, and the United States of America, being desirous of suppressing smuggling operations along the boundary between the Dominion of Canada and the United States of America.

Hon. Mr. GRIESBACH: Is that a treaty or a convention?

Hon. Mr. DANDURAND: I say a treaty, because I find it is so designated in another place.

Hon. Mr. GRIESBACH: What has the honourable gentleman from Brandon (Hon. Mr. Forke) to say?

Hon. Mr. FORKE: I should like to have it specifically stated that when a boat was to be loaded with a certain shipment of liquor the officials had to telephone over. Was that ever mentioned in a treaty or convention?

Hon. Mr. DANDURAND: Yes; it was agreed that the parties were required, upon request, to furnish to duly authorized Government officers all information pertaining to the clearance of vessels, or the transportation of cargoes, shipments or loads across the international boundary, when the importation was subject to the payment of duty.

My honourable friend from Pictou (Hon. Mr. Tanner) has said that it is really a very bad Government that could tolerate such a thing for so long. I have just drawn his attention to the fact that we did, from one step to the other, help jointly with Great Britain in trying to curb smuggling along the borders of the United States of America, and we helped separately by that treaty. It took some time for the rum-runners to adjust themselves to new conditions, but they gradually found out—what apparently they had not known—that by paying down the $9 excise tax, they could actually go, or pretend to go, to a designated American port.

Hon. Mr. GRIESBACH: Would the honourable gentleman mind if I asked a question just at this point? The common practice was that any liquor distilled in Canada, when taken out of a warehouse for use in Canada, paid excise, but when taken out of a bonded warehouse for export to a foreign country paid no excise.

Hon. Mr. CASGRAIN: That is right.

Hon. Mr. DANDURAND: They paid no excise if they gave a bond for double the amount of the excise duty.

Hon. Mr. GRIESBACH: That has always been the law.

Hon. Mr. DANDURAND: Yes, but they could pay the excise if they pleased.

Hon. Mr. GRIESBACH: Is the honourable gentleman quite sure of that?

Hon. Mr. DANDURAND: I am quite sure.

Hon. Mr. GRIESBACH: The honourable gentleman is quite sure that the law has always been that a man who took liquor out of a bonded warehouse for shipment from Canada had always the choice of giving a bond for double the amount, or paying excise?

Hon. Mr. DANDURAND: I might say that my information is all the more direct on that point because I desired to know whether at any time there had been a change in regulations whereby, instead of a bond being given, the excise duty could be paid for export. The answer of the chief official of the Department of Customs was that no alteration had taken place in the law, and that prior to the Volstead Act the royalty on liquor for export could be covered either by a bond or by the excise duty.

Hon. Mr. GRIESBACH: In that connection I suggest that my honourable friend read the speech of the right honourable the Prime Minister. In his speech in another place the

Prime Minister gave a memorandum showing how the excise is paid. The impression distinctly conveyed to my mind was that there are two methods, but there is no choice; that it is specifically provided that on any export to the United States the excise shall be paid. On exports to the United States you cannot give a double indemnity bond; you must pay the excise. In exporting to a foreign country you can give a bond for double the amount of the excise. A reading of the Prime Minister's speech gives the impression that there are those two distinct methods, one dealing with export to foreign countries where there is no prohibition, the other with export to the United States.

Hon. Mr. DANDURAND: There are not two methods, and I am sure I can confirm that statement by a written declaration from the customs officials, which I can bring to the Senate at the committee stage. Goods could be exported either under bond or excise to the United States, but at a certain time—I do not know precisely when—the officials refused to accept the bond on exports to the United States. So evident was it that the certificate could not be obtained from the customs official of an American port that the Canadian officials refused to take a bond on exports to the United States, and said, "You will have to pay the excise duty." The alternative did exist until our official refused, either directly or on instructions from higher officials, to allow a bond on exports to a country that was under a prohibition law. It stood to reason that the goods could not legally be delivered at any American port. Therefore, at a certain time the alternative ceased to be allowed, and it became necessary to pay excise.

Hon. Mr. GRIESBACH: That is very interesting. That more nearly squares with the Prime Minister's statements. The question I wanted to ask my honourable friend was how this provision is evidenced. Is there a regulation of the Customs Department which specifies that the excise shall be collected in a case like export to the United States? In the Prime Minister's speech on the 14th of March, page 623 of Hansard, you find three methods definitely stated for collecting this revenue on sales to a purchaser who intends to export to the United States. In the most definite form this suggests to my mind that there must be in existence somewhere either an amendment to the Act, or a regulation issued by the Customs Department or the Minister of National Revenue, which specifically instructs customs officers as to what they are to do. Surely if there is such an instruction we ought to be told about it.



Hon. Mr. DANDURAND: I do not know the form of the instruction, or when it was given, but I suggest that the law generally allowed, for export, either a bond or the payment of excise. At a certain time, as it was quite evident that no bond could be cancelled by any certificate from an American customs officer declaring that he had received the goods, that alternative was discontinued by some kind of direction or action from a higher official or by the action of the officials themselves.

Hon. Mr. GRIESBACH: It is proper to suggest to the honourable gentleman that they had a bad Government.

Hon. Mr. DANDURAND: I interviewed the officials most thoroughly in order to get all the information they could give me, but my memory is somewhat at fault as to the precise time when this limitation went into force.

Now, honourable gentlemen, I think I have described to you under what kind of law and regulation the liquor left our distilleries, and under our protection was delivered into the hands of the smuggler. I say under our protection, because the law was made by the Canadian Parliament. One of the most vexing features of this whole procedure is that in the operation we have collected $9 a gallon. Not only have our officials been the link between the distillery and the rum-runner, but we have been associated in the process to the extent that we have received $9 per gallon on whisky exported.

Hon. Mr. ROBERTSON: Would my honourable friend be good enough to make clear to the House under what law or compulsion the Government violated its own treaty with the United States?

Hon. Mr. DANDURAND: There was no violation of the treaty with the United States. The officials of the American Government who came to Ottawa in January of last year and remained for a number of days in conference with our officials, clearly stated, and repeated more than once, as my honourable friend will find in the debates that took place elsewhere, that they were quite satisfied that the Canadian officials had done their duty. But the treaty had been made to meet certain conditions, and those conditions were completely transformed by the ability of the rum-runner to adapt himself to the situation.

I could read a statement made by some of the gentlemen who came here, but I need not do so if my honourable friend will take my word that they declared themselves to be satisfied as to the sincerity and the loyalty of the Canadian Government officials, who

furnished all the information that they had obligated themselves to furnish under the treaty. But the United States representatives said: "This is not sufficient. Could you not go one step farther?"

That was in January. I may say that in August last the Prime Minister, perhaps after examining very seriously into the matter, came to the conclusion that our position was an untenable one, and asked the law officers of the Crown whether the Government could not by regulation or order in council stop the action of those excise and customs agents. He was informed that the law was such that there was no way out of the difficulty except legislation, and I think he announced that legislation would be submitted to Parliament at this session. I was not in the country then, but such was the news that I read while abroad, as to the attitude of the Prime Minister.

Those who, in this Chamber and outside, are now, like myself, cognizant of the state of things, will think and say that it is time to amend this law. I find this statement by Admiral Billard, who was at that conference of officials in Ottawa in January last year:

> I would like to leave a thought with you as we are adjourning. The discussions have been most interesting. I am going to ask you to take this thought away with you—that we shall not be like the chap who could not see the forest on account of the trees. Our purpose is fundamental. It is not whether, under a certain program, certain practices are carried out. It is a matter of a great, friendly power that has been assisting us in this work right along—of a great, friendly power now sanctioning the importation into its neighbour's territory of an article strictly prohibited by that neighbour. There has been just a bit of inconsistency in the matter.
>
> Some of you have brought out the lack of legal obligation on the part of Canada to help us, others have brought out most gratifyingly a disposition to help as you have helped. I just wish to leave this thought with you—of two great neighbours, friendly, with mutual interests, and a situation whereunder you sanction the importation of an article into a sister country, the admission of which is absolutely prohibited.

This is an appeal from a highly responsible official of the American Government right at our door. I know that people are going about asking whether we should put ourselves out in order to be friendly to our neighbours, and contending that we owe them no more than cold justice dictates, and that we should not take the initiative. But the initiative was taken by Great Britain.

I would draw the attention of honourable members to the fact that our geographical situation is a peculiar one. We are separated from a mighty republic by a border line running from the Atlantic to the Pacific, and it is our duty to avoid doing anything that would indicate an indifferent or hostile spirit towards our neighbours. It is for us to blaze the way in showing amity, even if new legislation be necessary. No nation can feel a conscientious reproach for a generous act loyally performed. On the Government rests the responsibility in foreign affairs. It knows what is necessary in order to preserve proper international relations, because it is kept informed of events all over the world. I repeat that the responsibility is upon the Government, and I pray that honourable members will leave the responsibility there.

Hon. W. B. WILLOUGHBY: Honourable members, I intend to move in amendment that this matter be referred to a Committee, and for that reason I shall not discuss the question as fully as I otherwise would. If it should be the opinion of this Chamber that the matter should be referred to a special Committee, every honourable member will be in a position to discuss the whole situation when the Committee makes its report, accompanied by the evidence taken before it.

However, there are one or two points upon which I wish to make some brief comments now. The honourable leader of the Government (Hon. Mr. Dandurand) has attempted to make an excuse, as I understand it, for the delay on the part of the Government in dealing with this matter. He made no reference to the report of the Customs Committee, which was drafted after a very extensive and expensive inquiry, and which recommended that clearances should not be accorded. That was in 1926. The Government could have brought this proposed legislation before Parliament long before this, if it had seen fit, and possibly even if the Minister of National Revenue had been agreeable. But, as the public knows, he has never expressed himself in favour of this legislation. He was not in favour of it last year, and I assume that he takes the same stand now. In other words, the Minister who should have had most to do with the legislation that is now proposed, is, as far as the public has been informed, opposed to this legislation.

I believe in preserving the most friendly and peaceable relations possible with our neighbours to the south. I am not sure, however, that our country of nine or ten millions of people can afford to be particularly generous with the 120 millions to the south of us. We in Canada know from what we read in the newspapers and public journals of the United States that there is considerable inefficiency in the enforcement of their sump-

tuary prohibition law. That is discussed in their leading papers almost daily. It would appear from a so-called straw vote taken by the Literary Digest that a majority are opposed to the Volstead law. We should have reason to feel differently disposed if there were a genuine desire on the part of the bulk of the American people to comply with their own law. Undoubtedly many honourable members have travelled extensively in the United States in the last few years. It has been my pleasure to visit a few places there, and I confess that I never attended a social function across the border where liquor could not be obtained. As a rule it was very much in evidence.

The honourable gentleman (Hon. Mr. Dandurand) has referred to the action of Great Britain in entering into a convention to extend the territorial waters of the United States from three to twelve miles off the shore, or to the distance a pursuing boat could travel in an hour. Well, that has not prevented the shipment of liquor from Great Britain to the United States. No doubt it has made the work of the rum-runner a little more difficult, but, in the language of the street, he gets there all the same. The records show that, and we know it is a fact. Moreover, the rum-runner has access to the British, French and Dutch West Indian Islands, if not to the American, and certainly he has no trouble in getting into Mexico. If we were to pass the proposed legislation, do honourable members think it would prevent to any considerable extent the importation of liquor into the United States? Notwithstanding our treaty, as the honourable gentleman has told us, the exportation of whisky from this country across the border has grown from some 700,000 gallons in 1926 to something over 1,000,000 gallons in 1929.

If we grant that it is our duty to try as far as possible to co-operate with a friendly neighbour in the enforcement of laws against acts that are inherently criminal and wrongful, that is not a reason for supporting this Bill, for I venture to say the great majority of people in this country do not believe that the consumption of liquor is an act that falls into that classification, or that it is morally wrong. Many people may consider it unwise for various reasons to consume liquor, but they would not look upon it as an offence against morals. We should not be violating any law that is regarded throughout the world as fundamentally moral if we continued the Act as it is at the present time. We gave concrete evidence of our friendliness when we passed the Act of 1924, and I do not know whether the United States Government have come to us asking anything further. As I understand it, the proposal is that we should tender an extension of the privileges we are now conceding to them. I think that the possibility of an approaching election may have had some influence on the mental outlook of some gentlemen. I refer, not to the honourable gentleman who proposed the legislation so eloquently to-night (Hon. Mr. Dandurand), but to the Premier of this country.

Hon. Mr. DANDURAND: There was no question of an election in August last, when the Prime Minister declared his intention.

Hon. Mr. WILLOUGHBY: I do not intend to discuss any statement that was made at that time. It was not current in the country. In fact, I heard of it here for the first time. I certainly think everyone was surprised when the measure was brought down in the other House; and I may say that I am surprised by the warmth with which the honourable gentleman has advocated the passing of the Bill here.

When legislation is intended to curb actions that are not inherently immoral, we have a right to consider the economic sacrifices that will have to be made if the legislation goes into effect. It has been indicated by the honourable gentleman (Hon. Mr. Dandurand) that fresh expenditure of capital has been made by persons engaged in the manufacture of liquor since 1924, since the convention was entered into, and that the number of distilleries has increased from 10 to 27.

Hon. Mr. DANDURAND: That statement was made elsewhere.

Hon. Mr. WILLOUGHBY: We will assume it is true. Are those people who have made that investment—and who have made it legally—to be suddenly prevented by this Parliament from lawfully disposing of their legitimate products? There was a great deal of expenditure of labour in connection with the increase in the number of distilleries. The export of liquor brings in a large revenue at the present time, of which Canada seems to be very much in need. That $9 a gallon is not to be despised. I do not want to be considered as opposing the Bill merely on economic grounds, although in these times of mounting costs and diminishing revenues the income that is derived from this exportation is very important. It is of material value in connection with the employment situation in Canada, for labour is engaged not only in operating the distilleries, but also in the erection of buildings and plants and the extension of operations.

Let us suppose that in a year's time, if this Bill is passed now, the United States should come back and say, "You gave us a convention in 1924, and another one in 1930, but we want something more." If we pass this legislation we shall be simply paving the way for further demands upon us, for the institution of further penalties to be imposed on those engaged in the sending of liquor to the other side. We have offered to receive American preventive officers on our soil, but the United States Government have not taken advantage of that. We are willing to protect their officers in this country. Why are they not sent over here?

As I have said, I hope to have the opportunity of dealing with this matter more fully at a later date. In the meantime, I wish to move an amendment.

Hon. Mr. DANDURAND: Before making his motion, could the honourable gentleman tell us whether he thinks it proper that the agencies of the Government should be placed at the disposal of the liquor business, to be a link between the distiller and the rum-runner? I think that is the vital question. The only thing that the Government is concerned with is to keep its skirts clear from this odious situation and prevent itself from being used as a go-between for the distiller and the rum-runner.

Hon. Mr. WILLOUGHBY: There is nothing to prevent the adoption of any method other than the present one to get the revenue of $9 a gallon. I do not think it was necessary for us to notify the American authorities of everything that was going on. The present method is only one of very many that may be adopted by our Government to collect revenue, without putting our officials into touch with the bootleggers and smugglers.

I have indicated in my few remarks that I think this subject might well be inquired into by a special Committee of this House. I think we have a right to know to what extent the trade has grown, to what extent there has been a growth of capital invested, particularly since 1924, what revenue the Dominion Government derives from the exports, and any other germane facts. It has been said that the present Act should be discontinued for the sake of fraternal and amicable relations with our neighbours to the south. I do not think that is so at all. It has been contended that if there is not some change in the Act, it will not be well for us from the point of view of international relations. I want to know what our international duties and relations are. That is something that very few honourable members could definitely state at the present time, perhaps.



I therefore move in amendment:

That the Bill be not now read a second time, but that it be referred to a Special Committee, to be selected by the Senate, for the purpose of first obtaining information as to the effect the passing of the said Bill would have on the economic, national and international conditions and relations of Canada.

Hon. R. DANDURAND: Honourable members, I need not hesitate very long in making a decision on such an amendment. If I was slow in rising it was because I wanted to see if anybody wished to precede me.

The speech of my honourable friend was critical of the principle of the Bill. He spoke of the damaging effect which the adoption of this legislation would have. Speaking for the Government, I do not intend to follow him on that ground. The loss to private individuals or to the Government of Canada is of but slight interest to me when I am facing a problem of national morality. I think I have stressed the point that under the present law we are made the associates of the worst elements in the world—people who are thriving on the violation of the laws of the United States. My honourable friend says that he does not feel that he is breaking any ethical or moral laws in associating the country with this trade. In my opinion, the performances of the men engaged in it are so repugnant to the public that no man who has the least respect for his own or his country's reputation will stand up and say that he is engaged in the trade. So we are dealing with the shadiest elements in the land. I am not speaking of the distiller who carries on his business legitimately, and whom I respect while he continues to do so. I am not very much interested in the loss that a distiller may sustain through the fact that we refuse to lend our help to him in reaching the bootlegger. My honourable friend might investigate for months or years, but he would not alter my view on that point.

As to the national interest, I say that in this country there is a large body of quiet people who have been alarmed at the state of affairs which has been laid before them, and who will baulk at participating in such trade.

In international affairs we have, I think, a clean record. Canada is a young nation, but she holds her head high. Henceforth any participation in this trade will not be ignored. The distillers, without question, can sell to anyone approaching them at their warehouses all the liquor they distill. That is their business, and I will not complain of that. But

when they ask the Government of Canada to help them to direct their liquor into a foreign land to which it is a crime to send it, I think we must cry halt.

Hon. Mr. ROBERTSON: Why does the Government do it? Why does it direct it there, in the face of its own treaty?

Hon. Mr. DANDURAND: The treaty of 1924 does not deal with this point.

Hon. Mr. ROBERTSON: It purports to suppress smuggling.

Hon. Mr. DANDURAND: At the reading of this treaty in the other House a prominent legal gentleman facing the Government asked, "Why did you not make a clean job of it by prohibiting clearances?" We did not make a clean job of it, but we made such a bargain as covered at the moment the activities of the bootlegger. He was asking for clearance to a foreign port in a ship of a few tons; he was asking for clearance to the Bahamas when he was going just across the Detroit river or across Lake Ontario. That was provided for, but we did not go far enough to dispose absolutely of the situation. We are doing that now.

My honourable friend says we should have to inquire into the economic, the national and the international aspects of this treaty. Well, even though my honourable friend is not a Privy Councillor, the exalted position he occupies would, I think, justify the Prime Minister in allowing him to delve into the records of our external affairs. International affairs are not discussed in the open; records are not brought to Parliament. There are such things as confidential documents that pass between states. I would draw the attention of my honourable friend to the declaration made by Sir Esme Howard when he landed in London, that he could not sufficiently thank circumstances—or was it Providence?—for having, while he was in office, brought a Canadian Minister to Washington; that so complex and numerous were the questions arising between Canada and the United States that he trembled still at the thought of the responsibility that had been his while he alone was Ambassador for Great Britain and Canada. This is an aspect of things which my honourable friend could not investigate. He must take the word of the one who is responsible.

My honourable friend, I regret to say, has spoken of impending elections. They may come soon or they may come late. But when he has the responsibility of the administration of the affairs of this country he will not be affected in certain matters by clamourings from outside. My honourable friend has spoken of the national interest. May I say that the House of Commons, whose members, according to his idea, are soon to face the people, have almost unanimously adopted this legislation. That, of course, does not prevent this Chamber from expressing an opinion; it will express an opinion; but let us, I pray, express it in this Chamber, not in a dark hole-and-corner meeting where the representatives of private interests will surround the committee table. I do not want to see the private interests in this matter. I have been flooded with their literature. I know what some of them stand to lose, though, as I have said, the twenty-nine or thirty million gallons of liquor in bond are surely not for the country to the south of us, since only one million gallons sold last year were for that country.

My honourable friend must know that there has been an investigation as to the importance of this trade. We have a record of the permits issued and the amount that was collected. I have from the Dominion Bureau of Statistics, and I can pass it over to my honourable friend, a complete record of the operations in this connection from 1911 to 1929. The figures would not vary between this Chamber and the committee room. I will get from official sources any information for which my honourable friend may ask; but I refuse to be dragged into a committee where we should have private interests coming to tell us what they stand to gain by this illegitimate trade. They played a hazardous game; their liquor was going into corrupt hands. I am not very much interested in what they were gaining by that illegitimate business. I hope they will find legitimate channels into which their product may flow.

Hon. Mr. McMEANS: Does the honourable gentlemen intimate to the honourable members of the Senate that any committee appointed by this honourable body would be influenced by any private interest?

Hon. Mr. DANDURAND: I say a committee appointed for the purpose of investigating the various questions raised by my honourable friend would be absolutely useless. There is a question of principle upon which my honourable friend is deferring an expression of opinion.

Hon. Mr. McMEANS: Would the honourable gentleman answer my question? Does he for one moment suggest that any committee appointed by this body would be influenced by any private interests?

Hon. Mr. DANDURAND: No, I do not say that, but I say that all the private interests will congregate around that committee to give

vent to their disappointment at the discontinuance of the trade. We have been the target in a campaign that has been carried on, and have received representations even from the lithographers throughout the land. They say that they would be injured if this legislation were to go through, because they would not have the printing of as many labels as they have had in the past. It is true that they will not print labels for a million gallons of whiskey sent, under our surveillance, to the United States, but surely twenty-seven distilleries have not been organized and established for the purpose of carrying on that kind of trade with our neighbour. If they have, they have been very improvident, because only one million gallons of their product have found their way into the United States.

I have asked that the Senate of Canada decide as to the principle of this Bill irrespective of who may be hit, and the question which I have already put I repeat once more: Shall the Canadian Government, representing the Canadian people, be a party through its agents to the carrying on of this trade? I would ask my honourable friend not to insist upon his amendment.

Hon. Mr. MACDONELL: Eleven o'clock!

Hon. Mr. TANNER: Honourable members, I suppose we shall have to try to discuss this subject without any more heat than is being exhibited at present if we are to come to a cool decision, and I presume that, even if my honourable friend's (Hon. Mr. Willoughby's) motion is not to prevail, and we are not to have a committee, the leader of the House will give us time for discussion.

Hon. Mr. DANDURAND: We might vote on the amendment and then continue the debate.

Hon. Mr. TANNER: I do not desire to sit up all night, and I would take the liberty of moving the adjournment of the debate. I presume we shall be given time to discuss this matter.

Hon. Mr. DANDURAND: If my honourable friends opposite are not disposed to test the House on the amendment presented, and desire to continue the discussion to-morrow, I will agree.

On motion of Hon. Mr. Tanner, the debate was adjourned.

The Senate adjourned until to-morrow at 3 p.m.

## THE SENATE

Wednesday, April 2, 1930.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

### PRIVATE BILLS

#### FIRST READINGS

Bill 29, an Act to incorporate the St. Nicholas Mutual Benefit Association.—Hon. Mr. Griesbach.

Bill 30, an Act respecting the Canadian Pacific Railway Company branch lines.—Hon. Mr. Laird.

#### SECOND READING

Hon. Mr. LAIRD moved the second reading of Bill. 30.

He said: Honourable members, with the leave of the Senate, I would move that this Bill be now read a second time. The Railway Committee, I understand, will meet to-morrow, and it is the desire of the company that this Branch Lines Bill and the Bill already before the House be dealt with simultaneously by the Committee.

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

### EXPORT BILL (INTOXICATING LIQUOR)

#### EXPLANATIONS

Before the Orders of the Day:

Hon. R. DANDURAND: Honourable senators, before the Orders of the Day are called I wish to make a statement. My honourable friend the leader on the other side (Hon. Mr. Willoughby), who moved an amendment to the motion for the second reading of the Export Bill, expressed surprise last night at my statement that the Prime Minister had declared last year what the policy of the Government would be. My honourable friend, like myself, has been travelling outside Canada to some extent and has not been able to follow daily occurrences in this country. I have here a clipping from the Toronto Globe of the 2nd October, 1929, under the heading "Liquor Clearance Ban to Come Next Session, Premier King Intimates." It is a despatch from Ottawa, and, with the heading, reads as follows:

Liquor Clearance Ban to Come Next Session, Premier King Intimates.—Legislation seems certain following opinion by Department of Justice that shipments cannot be stopped by Order in Council.—New Act needed to halt exports.—

Statement of Prime Minister following Cabinet Council is believed to mean ultimate stopping of export of liquor to United States.
(By William Marchington, Staff Correspondent of The Globe.)

Ottawa, Oct. 1.—That the Government is definitely moving toward the prohibition of liquor clearances from Canada to the United States, and will probably introduce legislation at the approaching session of Parliament, was indicated by Right Hon. W. L. Mackenzie King, Prime Minister, following the Cabinet meeting this afternoon.

Asked by the correspondents whether there had been any developments since his intimation, in August, that the Government had been impressed with the efforts the United States is making to suppress the illicit importation of liquor into that country, the Prime Minister stated that the Cabinet some time ago had instructed the Department of National Revenue to draft a regulation dealing with the matter of liquor clearances, and submit it to the Department of Justice for an opinion as to its validity.

No Authority at Present.—In compliance with that instruction, the Commissioner of Customs submitted to the Justice Department a proposed regulation, couched in the simplest possible terms, and the opinion of the Department of Justice was that the Governor in Council had no authority to stop by Order in Council shipments of liquor from Canada to any country wherein the importation of liquor is prohibited or restricted.

In reply to further questions, the Prime Minister stated that an Act of Parliament would be required to prohibit the traffic, which now goes chiefly across the Detroit River and the Great Lakes, and it would be for Parliament to decide whether such an Act would be passed at the forthcoming session. Whether the Government would introduce a Bill to make the necessary changes in the law would be disclosed in the Speech from the Throne.

To Refuse Clearances.—The Prime Minister's statement to-day was construed to mean that the Government has definitely decided to accede to the request of the Government of the United States, and refuse absolutely to grant clearances to liquor-laden vessels destined for the neighbouring Republic. This course has been strongly advocated by The Globe, the Manitoba Free Press and other newspapers and by influential citizens and supporters of the Government in all parts of the Dominion.

Should the Government bring down a bill at the coming session of Parliament—and there now seems to be little doubt of it—it will win the approval of thousands of people, throughout Canada, who have long felt that the Dominion should have no connection, officially or otherwise, with the smuggling of liquor into the territory of a large and friendly neighbour.

Hon. Mr. GRIESBACH: Honourable senators, before the Orders of the Day are called I should like to renew a discussion which I had last night with the honourable leader of the Government (Hon. Mr. Dandurand), with a view to clearing the ground for a further discussion of the Export Bill.

Hon. Mr. DANDURAND: I ask permission to have Mr. Taylor, of the Department of National Revenue, come to the floor.

Hon. Mr. DANDURAND.

Hon. Mr. GRIESBACH: The question that I asked of the honourable leader of the Government last night was whether or not the law had always permitted to an exporter the alternative of either paying the excise or giving a bond for double the excise, and when the practice was adopted of paying excise for the purpose of exporting to the United States. I referred to the speech of the Right Honourable the Prime Minister in another place, as reported in Hansard of March 14 of this year, in which a form of procedure was given and from which it would appear that at some time and under some circumstances some officer of the Government issued a regulation or memorandum to provide specially for exportation to the United States, with the payment of excise, as distinguished from exportation to other countries. Prior to prohibition in the United States there was no necessity for any such provision: the practice must have originated after prohibition. I should like to know by whose authority and by means of what circulars, or in what way, the practice has been inaugurated by the Government.

Hon. Mr. DANDURAND: Honourable senators, the statement I made last night was that prior to the Volstead Act the law covering the exportation of liquor provided that a bond might be given or excise duty might be paid. That law has never been altered to this date, but after the Volstead Act came into effect the distilleries ceased to ask for a bond, inasmuch as there could be no return certifying that the goods had reached a customs officer at a port in the United States. It was the demand for the bond that ceased, and the excise duty was collected instead. The alternative always existed, and still exists, for all countries that are not under a prohibition law. It would continue, in posse, with regard to the United States, but that the giving of a bond would mean the forfeiture of double the duty; so the shipper, instead of giving a bond on a cargo for an American port, would simply come in and deposit the money.

I am informed that the procedure which followed, and which I described, for the issuing of a permit to allow of the transport of liquor from the distillery to the port of exit, was arranged with the provincial authorities, in order to make sure that there should be no short-circuiting. Sir Henry Drayton was here about two years ago interviewing the authorities to see that such liquor shipped from the distillery would leave the country and would be outside the jurisdiction of the Province of Ontario.

Hon. Mr. BELAND: It seems that in some cases a bond of twice the amount of excise duty was demanded. I should like to know in what particular cases that was done.

Hon. Mr. DANDURAND: It is still being done. It is the law that when a shipper asks for the right to export liquor to any country not under prohibition, he may give a bond, representing double the duty, to insure that such merchandise shall reach the port indicated in the ship's statement. When a certificate comes from that country that the merchandise has reached there and has been delivered, then the bond is annulled; so the shipper pays nothing, either in excise or otherwise. There is no charge on goods going out of the country.

Hon. Mr. HUGHES: I think it is incorrect to refer to the prohibition law in the United States as the Volstead Act. Prohibition in the United States is the result of an amendment to the constitution.

Hon. Mr. DANDURAND: Yes. There are two laws.

Hon. Mr. HUGHES: The Volstead Act defines the alcoholic content of the beverages that may be used.

Hon. Mr. DANDURAND: Yes, the honourable gentleman is right.

## EXPORT BILL (INTOXICATING LIQUOR)

### MOTION FOR SECOND READING

The Senate resumed from yesterday the adjourned debate on the motion for the second reading of Bill 15, an Act to amend the Export Act, and the amendment thereto.

Hon. C. E. TANNER: Honourable members, my honourable colleague on this side of the House (Hon. Mr. Willoughby) has moved an amendment to the motion for a second reading of the Bill. The amendment is as follows:

That the Bill be not now read a second time, but that it be referred to a special committee, to be selected by the Senate, for the purpose of first obtaining information as to the effect the passing of the said Bill would have on the economic, national and international conditions and relations of Canada.

The honourable leader of the House yesterday took the view that such a committee would be useless. But to-day we have, right before our eyes, an illustration of the fact that this committee would be very useful indeed, and is very necessary. Sitting in front of the honourable leader, on the floor of the House, we have an official of the Department of National Revenue, I presume. Why is he here? He is here, as we have just observed, to pass information to the leader of the House in order that he may be able to answer intelligently the questions put to him by honourable members. Now, if my honourable friend the leader of the House is not completely informed in regard to the questions that arise under this proposed legislation, how can he expect the ordinary member of the House to be in a position, as he ought, to understand the question fully, to exercise wise judgment, and to vote intelligently? If it is necessary to have an official of the Department here, it is more necessary to have a committee who could ask that gentleman and other persons to come and give them information. The members of the committee would sit around the table, and any member could make enquiry, as he is entitled to, and examine witnesses called, and thus learn the merits of this Bill, so as to judge whether it is in the public interest that it should be supported by honourable members of this House. I say that my honourable friend has demonstrated that there are great merits in the amendment moved by the honourable member for Moose Jaw.

Hon. Mr. DANDURAND: Will my honourable friend allow me? I did not know but that a technical question might be put to me, and I wanted to be sure that I had the support of the official of the Department.

Hon. Mr. TANNER: For what other reason would he be here?

Hon. Mr. DANDURAND: And I find that my statement was exact.

Hon. Mr. TANNER: For what other reason would he be here? If my honourable friend is not sure, what about myself? What about the honourable member who was asking the question? What about the former minister of the Crown, who was a minister in this Government? He had to ask a question. Then what about the ordinary member? I do not think that my honourable friend can, by any manoeuvring, get away from the conclusion that he has demonstrated before this House and the country that there is real and urgent need for understanding this Bill, its possible consequences, and its relationship to the public interest in Canada, and to public interests outside of Canada.

I had intented to say a word or two further in regard to the committee. I thought the Senate prides itself upon its deliberateness and the splendid and effective work of its committees, and that this was one of the great traditions of this honourable House. Often I have heard the statement made by honourable members, even by my honourable friend

the leader himself, in this House and outside, that when we want good work done in the public interest we send a measure to one of our standing committees or to a special committee. I am sure I am correct in saying that honourable members have not been slow to express the view that it was then that we got the best results. I am at a loss to understand why my honourable friend should so suddenly lose all confidence in the committees of this House. In this amending Bill is there nothing suggested that requires the careful consideration of the best minds in this House? Is there any more effective or more successful way of giving it such consideration than to refer it to a special committee? Have we not demonstrated year after year that a special committee of this House will do better work in a week or two than will be done in many weeks in another place in this building? We have been proud of that, and my honourable friend the leader has been proud of it; yet in this very important matter, bearing upon great vested interests in this country, and relating, as he has told us, to questions of international concern with which we are not all familiar, when it is proposed that there should be a reference to committee in order that we may without semblance of hurry get to the bottom of these affairs, and know where we stand and see clearly what to do, my honourable friend rises and, discarding all his previous sentiments in regard to the efficacy of our committees, tells us that the proposed committee would be useless.

Honourable members, I do not accept that dictum. I adhere to the doctrine, which I have endeavoured to explain, that if we are to do right in this matter, we must take time, and that there is no better way to go about the work than to turn this matter over, for inquiry and investigation, to a committee of the leading members of the House. Let them call whom they will, and inquire where they like, and find out all about this matter, and then come back to the House and enable it to give a judgment that is fundamentally wise.

Why should we hurry? My honourable friend has told us that this matter has been under consideration for a very long time; in fact, for a number of years. If it has taken the Government five or six years to make up their minds on the subject, why should honourable members of this House be grudged not only a committee of inquiry but a few days within which to arrive at a full understanding of the subject? When we have had before us questions like the St. Lawrence waterways, involving international issues and international concerns of the highest importance to the country, there has been no hesitation in sending them to a special committee for the purpose of inquiry and investigation. My honourable friend had no compunction in turning over to a committee of inquiry all that was involved in that question. Surely there are greater international interests concerned in the proposed St. Lawrence waterways development than are involved in the question of stopping some liquor from going out of this country and dribbling, perhaps, into the United States. Another great and momentous question that I might mention, the safeguarding of the rights of the men who served this country during the war, and the rights of their wives and their children, was sent to a special committee. Is this question about a little liquor, a dribble in comparison with the quantity that the people of the United States make for themselves, of such high and mighty importance that we cannot trust a Senate committee even to look into it? The interests and welfare of the returned men who fought on the battlefields of Flanders, and of their wives and children, are insignificant in comparison, I suppose. No! No Senate committee shall lay their hands upon this question of a little liquor getting into the United States. The reason is, I presume, that they might not understand it and they might make a mistake about it. At least, this is the only conclusion that I can come to, in view of my honourable friend's dictum in that regard.

As I say, I have some faith in the Senate and in its committees. I believe it is necessary to have the fullest inquiry. I will not say whether I am going to vote for this Bill or not, but I want to know about it. I differ from my honourable friend when he says that a great majority of people in this country desire it. I take issue with him on that. I believe the majority of the people of this country do not want this legislation. All we have to do is to open our eyes and read the press, and listen to what people are saying. My honourable friend says that the people on the other side of the line want it. I take issue with him again. I do not believe the people of the United States want it. I can well believe that some of the politicians over there want it. I am saying only what everybody knows, that it is nothing but a political party football. Anybody who travels through the United States and observes what is going on knows that it is only a political party football. It has been since the beginning, and is to-day. As for the people at large, I believe the great majority of them are opposed to it.

Right Hon. Sir GEORGE E. FOSTER: Just for the sake of clearness, will my honourable friend allow a question? He has expressed a belief as to what our people think about "it" and what the people on the other side of the line think of "it." What is the "it" involved? Does he mean that the majority of the people in the United States do not want this Export Bill, and that similarly our own people do not want it, or is he referring to the sentiment of the people in each country with regard to the liquor traffic?

Hon. Mr. TANNER: I do not think the people are interested in this particular Bill. I should not like to repeat some of the language I have seen in letters from people of importance in the United States. The language they use, on the assumption that Parliament is going to pass the Bill, is certainly not very complimentary. Nor do they intimate that there will be any reciprocity on the part of the United States in regard to it. Of course that does not surprise anyone, because the politicians of the United States were never known to give very much, although they may be asking for or expecting a good deal. What I am referring to particularly is the fact that I do not think public sentiment in this country is in favour of legislation of this kind—I may be wrong—nor do I believe that public sentiment in the United States is in favour of this legislation or the legislation which is now on the books of that country.

Right Hon. Mr. GRAHAM: My honourable friend says he is not sure that popular opinion in this country is in favour of this legislation. How would he account for the vote in another place, where the members are supposed to represent directly the views of the people?

Hon. Mr. TANNER: My right honourable friend had a seat in that Chamber for a number of years. I think it should hardly be necessary for him to ask me to explain why, on occasions, that House passes legislation which would never be passed if the members sincerely expressed their real views. On occasions when legislation has come up to this House from another place, the message that was conveyed, not with it, but in the air, was that those who had passed it would be very pleased to see it defeated in this House.

Hon. Mr. DANDURAND: Has that message come to my honourable friend?

Hon. Mr. TANNER: We live in a world in which we understand one another. In the political world we have at least some understanding of political moves, and I say that in my judgment both sides in the other House are playing politics with this Bill. I do not know that I am in a position to give judgment.

Right Hon. Mr. GRAHAM: Inferentially, if they are playing politics they are doing something that they think will please the electorate and get them votes. This would indicate that they feel that the people are with them in the vote they have given.

Hon. Mr. TANNER: They think that, but I do not think it.

Some Hon. SENATORS: Oh, oh.

Hon. Mr. TANNER: I say I do not think it. They may think it. Sometimes a man who is looking on at a game of chess or checkers can see the moves very much more clearly than the man at the table. Personally I have had a little experience with both sides of this question, and I know that if I were going to take my chances on election—if I were merely going to look for votes, I would not vote the way those gentlemen voted.

When my honourable friends interrupted me, I was going to say that there is a statement here with which I should like to take issue. It is a statement by my honourable friend the leader of the House. In the course of his remarks he said:

> All the Canadian Government desire is to cease being a party, officially, to the smuggling that is going on under our own legislation.

I do not know whether my honourable friend intended to make that statement as strong as he did, but I listened to the subsequent part of his address and I came to this conclusion, that the uninformed man, the man listening to the tenor of the honourable gentleman's address, and to words such as I have quoted, would draw no other inference than that the Government of Canada and the officers of the Government of Canada are positively and actively engaged in the business of smuggling liquor into the United States; that the Canadian Government and the Canadian people are the ones who are doing the smuggling.

Hon. Mr. DANDURAND: Who are feeding the smugglers.

Hon. Mr. TANNER: That is a very different aspect of the matter and one to which I am going to call attention. My honourable friend said:

> All the Canadian Government desire is to cease being a party, officially, to the smuggling that is going on under our own legislation.

My honourable friend understands, and I understand; but what I am endeavouring to state is that the uninformed, ordinary man would come to the conclusion that the Government of Canada is in the smuggling business,

whereas the fact is that all the duty, all the concern of the officers of this country is to protect its revenue. Every step they take is for that purpose and for no other. My honourable friend should have made that clear. He should not have left the matter as he did.

Why do those officers protect and safeguard this liquor and see it on board ship? It is because in the Province of Ontario and the Province of Quebec there is only one lawful selling agency, the legal vendors, who, as I understand it, have the right to buy liquor from the distillery or brewery, and consequently it is the duty of the Dominion officials to see, first, that the revenue is paid, and secondly that that liquor does not go into any other hands than those of the legal vendors in Canada, who are the only ones entitled to buy such goods. Now, I say that by his remarks my honourable friend—perhaps it was done unwittingly; I am not charging him with doing it purposely—led me to the conclusion that I have mentioned, which I do not need to repeat.

My honourable friend also said that this policy had been endorsed by Parliament several times—twice, I think he said. What my honourable friend did not explain, and what I should like to know, is, why the conviction was so long in sinking into the mind of the Government. When they submitted those treaties and resolutions to this House why did they not take the step that they are taking now? My honourable friend says that no doubt they did not become fully convinced—

Hon. Mr. DANDURAND: No. My honourable friend forgets that I stated that we took steps to meet conditions as they developed. From the British treaty to our treaty there was an advance made towards trying to curb smuggling. The new conditions that developed, which the smuggler discovered, enabled him to take advantage of our law and regulations, and necessitate the further step that we now propose.

Hon. Mr. TANNER: Yes, but the developments in this export of liquor to the United States occurred shortly after the treaties were made. Conditions one year ago, say, were not different from what they are to-day. In 1929 there was just as much immorality—if it be immorality—and there was just as much violation of international relationships as to-day. My honourable friend was not ready in 1929 to make any such proposal as he now makes.

Hon. Mr. DANDURAND: I beg the honourable gentleman's pardon. I have just cited an interview given to the press by the Prime Minister on the 1st of October, saying that the matter had been seriously gone into by the law officers of the Crown last summer.

Hon. Mr. TANNER: I am referring to a year ago, which is not a very long time. The Right Honourable the Prime Minister may have been suddenly converted, like the man who was travelling to Damascus; he may have seen a great light in October. But I am saying that in 1929, just a year ago, there was no hurry about it, as far as the Prime Minister was concerned. He may or may not be right now, but it is the duty of honourable members of this House, who perhaps have not seen the same light, to know the facts; and we should be very glad to have the Prime Minister come before our Committee and tell us, in this connection, what converted him, what changed his mind, what gave him a new heart. In March and April of 1929 he had a stony heart; you could not drive a peg into it. His mind was closed to argument, to reason, to international appeal. Let us have a committee, before which the Prime Minister can appear and tell what happened in October last. Was that the time he was thinking about having an election, I wonder. A common rumour says that last fall he wanted to go to the country, but was overruled. Now it is said that he wants to have an election in June or July, with two sessions this year.

Hon. Mr. DANDURAND: My honourable friend has a very good imagination.

Hon. Mr. TANNER: We shall all be lucky if that happens; we shall be very lucky indeed, because in addition to having two sessions we shall have a new Prime Minister.

My right honourable friend (Rt. Hon. Mr. Graham) asked me a short while ago about the vote in another place. Perhaps if he would make a few inquiries underground he might find out that the prospect of two sessions in 1930 had something to do with the vote in another place. I do not know, but there are stories about it.

I regard this whole question as a very serious and grave one in every respect. I think it is the first time since 1867 that a measure has been presented to Parliament as a threat of a kind from the Prime Minister. We read that in another place the Prime Minister, in the course of expounding this measure, gave Parliament to understand that if this Bill were not adopted he would no longer carry the responsibility of Minister of External Affairs for this country; by which he meant, I presume, that he would retire from the responsibility in that regard. I say that was

a threat of a kind. But I find compensation for it in the reflection that, after all, Canada is not a one-man country. No matter how great the leader of a Government in this country may be, there has always been found somebody willing, ready and able to take his place and to carry on the work that the position entails. So if this honourable Chamber should decide that this Bill is not in the public interest, and if the Right Honourable the Prime Minister should decide to retire, I am not at all fearful that there will be a calamity or a cataclysm. I feel sure that someone will be found—it may be my honourable friend opposite (Hon. Mr. Dandurand)—to take on the burden and carry out the great work of the Prime Minister.

The Prime Minister made a distinct statement in another place in regard to this business, in these emphatic words:

> Distilling and brewing is a perfectly legal and legitimate business, and is so regarded.

Further on he said:

> Then it is said that the manufacture and sale of liquor for consumption and export is under our laws a perfectly legitimate business. I do not dispute that for one minute.

So I want to put it on record here that the Right Honourable Leader of the Government in another place has pronounced his benediction on the legal and legitimate character of the business that we are now discussing.

As I understand it, there are important industries in this country related to, and in a certain measure interlocked with, the distilling and brewing business. Large sums of money have been invested in all these industries. Men have put capital into them for the good of the country, because the businesses are legal and legitimate. As a consequence, large numbers of people are employed throughout this country. We find, too, that this Government, over a period of years, has encouraged and sponsored the development of these industries, and that no notice has ever been given that a time might come when the Government would use a club on them. The people of the country have co-operated in the extension of these undertakings, because every province to-day, with one exception, has divested itself of what is called prohibition. Not only did the Federal Government protect and foster these industries, but it took good care to draw from them large sums of money in taxes of various kinds, which money was spent for public works and other purposes in this country.

Now, what is about to happen? These legal and legitimate businesses, if this Bill goes through, will receive a severe blow. In another House the Minister of National Revenue likened brewing and distilling to the boot and shoe business, or any other kind of business in Canada, one being just as legitimate as the other. Why should these industries be singled out for such a severe blow? Would the leader of the Government here, or the Government itself, propose to strike a blow at the boot and shoe business, or any other which it had fostered and protected, without seeing that there should be some compensation? In a word, after having built up these industries, and encouraged, protected and fostered them, and milked them for taxes, the Government comes along—it may be, in a paroxysm of virtue— and says, "We are going to strike you a blow, possibly destroy a large part of your business, but you will get nothing." We do not take the land or property of the meanest citizen of this country or injure his business without compensation, but in this instance we have not a word as to compensation.

Worse than that, honourable members: when a special committee of this honourable body is suggested for the purpose of considering all these matters, so that the men who have invested their money, and also the representatives of workmen, might appear, state their case, and ask for consideration, the honourable leader of the Government turns to us and says: "It is useless. We will not do it." I want to ask whether it is not the inherent and fundamental right of every British subject not only to be protected in his rights and property, but also to have the opportunity of being heard? Is there any body in this country more fitted for, or more specially charged with, the duty of protecting the people and hearing their grievances than the Senate of Canada? I say there is not. But my honourable friend says such a procedure is useless. Why is it useless? Is it because my honourable friend wants to ram this Bill through without full consideration? Is it because he wants what we call railroading of legislation in this regard? It should not be. We are here as a deliberate body. We have been accustomed to take time. It is our business to take time. The Lord knows we have plenty of time to do this work. Instead of adjourning so often, let us sit and hear the people, and render justice to them.

I referred a few moments ago to the situation existing when this matter was before another House one year ago and we had a long and carefully considered judgment from the Government of the day. What was that judgment? Every aspect of the question was considered. The members of the Government knew then as much as they know to-day; they have not learned a tittle in

the twelve months. They have no more information than they had then. There is not placed before us to-day one statement of fact that was not before both Houses last year. What did they say last year? I am going to cite to the House a few of the remarks made by the Minister of National Revenue, speaking for the Government of the day—the same Government that is now in power. That Minister said, among other things:

I believe it is literally impossible for a wet country to lie adjacent to a so-called or ostensibly dry country without a flow of liquor proceeding from the wet to the dry.

Again, he said—and it is known to-day—that during the war Canada was dry and the United States was wet. Liquor flowed freely into Canada from the United States, and the United States did nothing to stop it.

Hon. Mr. BEIQUE: Were the United States Government asked to stop exporting from the United States?

Hon. Mr. TANNER: I do not know whether they were asked to stop it or not.

Hon. Mr. LYNCH-STAUNTON: Were we asked to stop?

Hon. Mr. TANNER: Nor am I very sure that we are asked to stop exporting now. I am not here to defend the Minister of National Revenue, but I am giving what he said a year ago. He went on to say that after the conference of January, 1929, the Government of Canada communicated with the Government of the United States, and offered to permit customs officers of the United States to be stationed at the Canadian docks from which liquor was shipped. The Minister added the remark that the United States refused this offer and said that the only thing that would serve their purpose would be for the Canadian Government to stop the issue of clearances. Then the Minister made this statement:

When liquor is destined to the United States the excise is paid and it is then just as legal to export that liquor as any other commodity —boots and shoes, furniture, iron and steel, or anything else that can legally be exported.

Also this important statement:

The boats that are carrying this liquor to the United States are almost 100 per cent United States boats; they are not Canadian boats at all.

This disposes of the suggestion that we are carrying on this smuggling. We are not carrying on this smuggling; it is the Americans themselves who are carrying on the smuggling, and, as I hope to show later, it is not our duty and responsibility, but the duty and responsibility of the American Government to look after their own people. In other words, the Minister pointed out that while they were asking Canada to deny clearances to these American boats, these same boats could go in and out of the United States without let or hindrance, without having to report, or having to clear the United States Customs; and I understand the same conditions exist to-day. The Minister of National Revenue very properly reminded them that in what they are asking us to do they are asking for more than they do themselves.

Another statement of the Minister is that he visited Detroit River district, where liquor is shipped; that on the river, in a launch, he could see the United States customs office, and he was told that the boats frequently crossed in the daytime. I want to take a few minutes to read what the Minister said at page 2696:

The chief export points are the Windsor district and the Bridgeburg district. I have said something which may appear a criticism of the United States. I have no desire to be offensive, but I think there are some facts I should place before the House in view of the statements made that we are not dealing in a friendly way with our neighbour to the south. It has been stated that these boats go across at night. That is not entirely true. I took the trouble last fall to go down to Windsor. I was offered safe conduct by a liquor exporter and went out on a launch on the Detroit River. I could see the United States customs office on the other shore, and I could also see that it was not difficult to detect any boats that left the Canadian shore to go to the American side. While in Windsor I got into conversation with a man engaged in the business of exporting liquor. I asked him, "Do you cross in the daytime?" He answered, "Yes, quite often." I said, "How is it they do not get you?" He replied with a smile, "It just happens that they are not there when we go across."

Our inspector went to Windsor not so very long ago. He did not select any special day. While there, on January 14, he observed the following vessels cross the river to Detroit in daylight with cargoes of liquors:

"Ben," J. King, master,
10 quarter barrels beer
11 cases whiskey

"Rat," J. Sales, master,
24 cases whiskey
5 cases wine
1 case brandy

"Rat," A. Jacks, master,
19 cases whiskey
1 case wine

"Rabbi," I. Straight, master,
5 half barrels beer
8 cases whiskey

"Bird," J. Bloom, master,
18 cases whiskey
8 cases Bourbon
1 case Scotch whiskey

"Bar," J. Peters, master,
13 cases whiskey
4 cases Bourbon
3 cases brandy

That was in one day. Those boats went over in broad daylight. I leave members to draw their own inferences from that state of affairs.

The Minister of National Revenue left that point there. The Minister also read a report which I am going to take the liberty of repeating. It is a report from the Bridgeburg district, by the Collector there, to the Commissioner of Customs:

I wish to give you a short account of the rum-running at this port, and our procedure in the matter. There are about twelve boats plying between here and Buffalo, N.Y., the river at this point being about half a mile wide. Some days we only have two or three boats out, and on other days the whole fleet will make a trip. The liquor and ale are brought from the distillery and brewery by truck, arriving here about two o'clock in the afternoon. The boats are all loaded and clearance granted about 5 p.m. and they are compelled to leave by 6 p.m. Some of these boats carry from 800 to 1,000 cases, and on their arrival on the American side it takes from two to three hours to unload them. No effort as far as we can see is made by the United States authorities to seize any of these boats, as the United States Customs are always notified by us an hour or two before the boats leave, and occasionally we notify them as the boats are leaving, giving them the names of the boats and the quantity of liquor or ale on board. We have had high customs officials from Buffalo, special agents and officers connected with the coast guard come over to the Canadian side, watch these boats load and pull out. It is a well known fact that some of these boats land within a few hundred yards of the United States customs office at the foot of Ferry Street and unload without being disturbed.

Some few weeks ago, no doubt you saw in the press where it was stated that a truck had drawn out on the Peace Bridge, and unloaded the ale down on the bank on the American side by tying a rope around the cases and lowering them to the river bank. As a matter of fact this ale was unloaded from one of the rum boats plying between here and Buffalo, right under the Peace Bridge, within a few hundred yards of the customs house.

Our officers who check these boats out were informed by one of the rum-runners that they had no trouble in landing their cargo, as they were assisted by the officers of the dry squad on the American side, and it would appear that such must be the case when seven or eight boats will leave here, and land their cargoes, sometimes taking them three hours to unload, without any casualties.

These boats are loaded directly opposite from the United States customs office at Black Rock. You can stand by the window in that office and look across, and see every case that is loaded on the Canadian side. I know if conditions were reversed that we would have all these boats tied up in less than a week, and if the officers on the American side wish to put a stop to this business they could do it in about the same length of time.

Hon. Mr. LYNCH-STAUNTON: What year was that?

Hon. Mr. TANNER: May 21, 1929. That is the judgment of the Minister of National Revenue, supported by that special report from the Collector of Customs at Bridgeburg to the Commissioner of Customs at Ottawa.

The Minister of National Revenue made a further statement, namely, that under the treaty of 1924 the Canadian Government agreed to give to the United States information of all clearances of vessels leaving Canadian ports carrying liquor to the United States. Then he went on to say:

I am not going to suggest any reason, but peculiarly enough we were requested by the United States Government to discontinue the giving of telephone notices to the collector at Detroit, and in accordance with that request such notices were no longer given at that port. They asked us then to give them weekly reports rather than daily reports by telephone, and we have acceded to their request.

In view of what I have just read from the report of the Collector at Bridgeburg, one can easily conclude why the United States authorities did not want notices sent to them—why they did not want the telephone information The gentlemen with whom they were co-operating might be hindered in their operations if the information were given.

The Minister touched upon another aspect in his statement, declaring that if clearance were not granted the traffic would be forced underground, to the corruption of the Canadian people.

Then the Minister referred to another important point, namely, the question whether or not, if legislation of this kind went through, this country would have to undertake the responsibility of seeing that the law was enforced. In other words, he discussed the question whether we should then have to undertake to keep liquor out of the United States in addition to keeping it out of our own country. This is what Mr. Euler said on that subject:

There are those who say—and I have in mind now particularly a prominent Toronto newspaper—that if we passed a law prohibiting the granting of clearances, we would at least have washed our national hands of an offence against a friendly neighbour, and that, having done that, we would be under no obligation to spend money or time to uphold the laws of the United States. I cannot agree with that view. I cannot escape the conclusion that we then assume a responsibility which now rests upon the United States. As the matter stands, if there is any violation of law it is a violation of United States law. As it would be under the new law, it would be a violation of Canadian customs law. The law is the law, and we cannot shirk responsibility as readily as that sug-

gestion would make it appear. If a Canadian customs law is violated, surely it becomes the duty of Canadian customs officers to see that that violation is punished. I am not trying to exaggerate; I do not think I am drawing a fanciful picture at all, but I say that if we are under an obligation in the Department of National Revenue to see that violations of the law are punished, surely we shall need to establish a preventive force a good deal larger than the one we have now, which, I may say, is giving me enough trouble as it is. I am sure the most ardent prohibitionist will not say that this country should be under any obligation to spend large sums of money in employing many men to see that that law prohibiting the exportation of liquor is not violated. Nations have not yet become quite so altruistic as that. Besides that, we would not succeed; although it might be lessened to some extent. After we had passed a law of that kind and liquor still continued to flow into the United States I feel sure that our neighbours would yet be much inclined to criticize and we would continue to get the blame.

That was the considered judgment of the Government of the day in 1929, a year ago, as uttered by the Minister of National Revenue in another place. And I think that what he says is elementary, namely, that if we pass a Canadian law on this subject we are bound to enforce it, to live up to it, to honour it.

Hon. Mr. DANDURAND: If my honourable friend will permit me to interrupt him—we are bound to see that permits are not issued with the consent of excise officers in the distilleries. We stop the distillers from selling to those who are exporting to the United States, and thereby we attack the evil at its source. I admit that the rum-runner may go to the Provincial Liquor Commissions, but in doing so he goes beyond Federal jurisdiction.

Hon. Mr. TANNER: I say, honourable members, that we go further. We have been led as if we had a halter around our necks, step by step, as I shall show in a few moments. Once these people get us committed to this law, there will be other steps, for we shall be committed to the principle of keeping liquor out of the United States. That principle is greater than this legislation, but it includes this legislation. By adopting this law we go beyond the legislation itself and adopt the wide principle; and Mr. Euler, who is a colleague of my honourable friend the leader of the Government, and who sits in Council with him to-day, is on record as recognizing that fact. Surely they do not differ! Surely they agree! Surely they are of one mind! They should be. Mr. Euler says—and he speaks truly: "Let us adopt this principle and it will not be long until there is another call from Washington saying: 'We are not satisfied. You must go a step further. If the liquor is coming in other ways you must see to it that those other ways are blocked up.'"

My right honourable friend who sits next to the leader (Right Hon. Mr. Graham) was leading the House on the 23rd of May last, when this subject was discussed, and he was no more friendly to the proposition than was the Minister of National Revenue. He made some pretty strong statements, which I am sure he will recognize when I read them; and I believe he will stand up for them to-day, because he is not accustomed to making statements one year and climbing out from under them the next. This is what my right honourable friend said when he was speaking for the Government in this House on May 23, as shown at page 285 of the Senate Debates:

I do contend that our friends across the line are more eager to co-operate when they want something than they are when we want something.

A very true statement indeed.

At page 286 he said:

So long as the United States continues to select men to carry out the provisions of such measures as the Volstead Act from a party and political standpoint, it cannot hope to succeed thoroughly in their enforcement.

Also a very true statement—as true to-day as it was last year.

Again at page 286 he said:

I am told also that a very large percentage of the men engaged in rum-running are American citizens. American officials could locate those men and could take them in charge as soon as they reached American territory, if they really wanted to enforce the Act.

That also is self-evident.

Then my right honourable friend, like the Minister of National Revenue, went on to give a little of his personal experience. He said:

Several years ago, being a representative of the county of Essex, I was moving in and out along the border for some years, and what I saw led me to the conclusion that the attempted enforcement of its own laws by the United States was worse than a joke. The customs authorities on the other side of the line, not very far from a big city, would watch certain fellows start out with a boat load of liquor, and when they thought the boat was sufficiently close to the American side they would find it convenient to disappear. What would be the use of notifying those officers, except to tell them when to get away from their posts? I am not exaggerating at all. Any person who knows the conditions on the border will thoroughly agree with me.

I think every honourable member of this House will agree with the right honourable gentleman.

A further remark was this:

Why cannot the United States do the same with regard to its own tonnage and its own sailors? They come into our territory, and the American Government knows that they are coming into our territory to violate the law of the United States. Why does it not take charge of that tonnage and confiscate it, and punish its own citizens?

That also is a very reasonable and proper suggestion.

Then my honourable friend said:

But this I do say, and I say it boldly, that in my humble judgment the United States ought to be more in earnest, more practical and less political in its enforcement of the Volstead Act before calling on any sister nation to do much more than we have done.

And he added this little lesson to our neighbours across the line:

For a time, you will remember, we were very dry, particularly in Ontario. During that time we never had any aid or sympathy from the United States in stopping the flow of liquor from the other side. I am mentioning this just to show the attitude of many of our people.

Then my right honourable friend said:

Many of our druggists to-day buy alcohol at a very low price because it has been smuggled in from the United States.

Another statement which I should like to put on record is this:

What I want to impress on honourable gentlemen is that the United States, in wishing us to go further than we have gone, to go further than Great Britain has gone, should at least do her very best to enforce her own law. If she wants us to do something, she should reciprocate, and reciprocate very heartily.

Hon. Mr. FORKE: Of course the honourable member knows that the quantity of liquor taken into the United States decreased fifty per cent last year. I have the figures here and can give them if you will allow me to read them.

Hon. Mr. TANNER: I do not think it is very material at this stage. My honourable friend can make his speech later on.

I have endeavoured to give, as briefly and accurately as possible, a bird's eye view of the convictions of this Government, as voiced by the Minister of National Revenue and my right honourable friend opposite, one year ago. I call them convictions, because I presume they were very sincere. They gave their reasons. They had all the facts before them. Now, I am submitting that conditions to-day are exactly the same as they were a year ago, and I want to know, if that was the considered judgment of the Government only twelve months ago, its members having before them every fact relative or pertinent to the matter, why are we to-day asked to take the step that we are asked to take? What warranty have we that those honourable gentlemen who change their minds so quickly without giving reasons and without stating grounds will not do so again? I have no fundamental complaint about a man changing his mind if he gives me his reasons and states his grounds, but we are asked to do something without any explanation except that the Prime Minister saw a light somewhere. He may have seen the wrong kind of light. How do we know? He saw a light of some kind in October, and behold! what was dark twelve months ago is now fully illuminated to my honourable friends opposite; but not to us.

Right Hon. Mr. GRAHAM: You are still in the dark.

Hon. Mr. TANNER: We ask for a committee in order that the light may be brought to us. We have just as much right as honourable members opposite to know about this, because we have to exercise our judgment, we have to decide by our consciences whether we are doing right or doing wrong. As I have already stated, if we pass this Bill we have no guarantee that six or nine or twelve months hence the Government will not come to us and say: "We were wrong and we want to reverse our judgment now. We have no reason to give; we can say only that we were wrong." Therefore I repeat, honourable senators, that now, while honourable members of the Government are swithering, is the time to get down to fundamentals. We should find out whether the Government's opinion in 1929 was a sound one, and, if not, why it was not. My honourable friend who leads the Government in this House (Hon. Mr. Dandurand) made a speech yesterday in support of the Bill, but —I say it with all respect—he gave no reasons why we should vote in favour of the measure. Honourable members who refer to his address in Hansard will find that no grounds are stated as to why there should be a change now; everything my honourable friend said yesterday might have been said twelve months ago with just as much force and truth; not a new thing was disclosed. Why should we not have this committee? If there is something that has not been exposed, let us see if a special committee can reveal it.

What is, in substance, the story of this affair? We followed the example of the Mother Country in agreeing, at the request of the United States Government, that vessels might be searched within twelve miles of the American coast. That was the first bending of our knees at the dictation of Washington. Next, we undertook to give notices concern-

ing shipments and the sailing of vessels. Our third concession was the setting aside of a certain number of docks, so that there could be no doubt as to the places from which the vessels sailed. Then we tendered to the American Government the right to send officers over to Canadian docks, to enable them to see the liquor being loaded, and if they so desired, to signal across the river to their own customs officers. That was a generous offer on our part, but it was not accepted.

We are now asked to go further and enact legislation that would result in a heavy loss of revenue, the sacrifice to some extent of what is a legal and legitimate business in this country, and, as the Minister of National Revenue made clear, the establishment of a much larger preventive force than we now have, at correspondingly greater expense.

It has been pointed out by both the Minister of National Revenue and the Acting Minister whose remarks I have quoted, that the vessels engaged in the carrying of the liquor are American-owned and manned by United States citizens. Therefore, the American Government has jurisdiction over the ships and their crews. As our Collector at Bridgeburg said, if our neighbours wanted to stop the traffic they could do so in a week. The situation is easily visualized: each shore of the river is visible from the other side, and the vessels cross in broad daylight. Why were American officers not placed on Canadian docks so that they could signal necessary information to their colleagues on the other side? The inevitable conclusion is the one to which my right honourable friend opposite (Right Hon. Mr. Graham) came, that the responsible American authorities are bluffing, and that they are endeavouring to save their own faces by making it appear that we in Canada are wholly responsible for this illegal traffic. It is impossible to believe that the United States Government could not crush this traffic if they wanted to, when they have the power to seize the vessels and make prisoners of the crews. I submit that the American Government do not want to enforce the law.

I should like to draw the attention of honourable members to the fact that at the conference held in Ottawa last year between representatives of the United States and of this country, it was admitted by one of the American delegates that 98 per cent of the liquor consumed in his country is either manufactured there or imported from places other than Canada. In other words, only about 2 per cent of the intoxicating beverages that the American people drink come from this country. It is estimated by some persons who have carefully inquired into the situation, that there are annually made in the United States over one thousand million gallons of liquor for home consumption. The other day I was reading in a United States paper that in Chicago they manufacture their own beverages and put Canadian labels on the bottles. An American who thinks he has purchased Canadian rye whisky, for instance, may in reality have got nothing more than home brew.

It is my belief that the majority of the people of the United States are opposed to the Eighteenth Amendment. The Literary Digest is at present engaged in taking a poll on prohibition. I understand such affairs are given serious consideration in that country, because in the last two presidential election campaigns that publication forecast the results with a high degree of accuracy. Up to the 5th of April, I observe, out of 2,000,340 votes recorded in the present poll, the results were: for enforcement of the prohibition law, 553,337; for repeal, 848,751; for modification to permit the sale of beer and light wines, 598,252. The vote for repeal and for modification being added together, the majority against prohibition to date is 893,666. Any honourable member who travels across the border can observe that there is a growing body of opinion opposed to the enforcement of the present law.

I have in my hand an editorial that appeared on March 12, 1930, in the New York Times, which is recognized as one of the leading newspapers of the world. The writer was commenting on an extraordinary vote by the National Republican Club of New York, which is the centre of the Republican Party's activities in that State. A year ago that Club went on record as favouring the Eighteenth Amendment, but in March of this year it voted 461 to 347 in favour of repeal. The editorial reads in part as follows:

> With events at Washington and evidence coming from many parts of the country, this unexpected vote of the National Republican Club cannot fail to be held indicative of a rising revolt against the extremes to which prohibition has been pushed. It is not an issue made by politicians. They have been afraid of it, and still wish to avoid it. Nor is it, as Mr. Hughes indignantly termed it in the presidential campaign of 1928, "a sham issue." It springs from the fundamental convictions of citizens who have become persuaded that a terrible mistake was made by the ratification of the Eighteenth Amendment. The demoralization and miseries which it has dragged in its trail have become so conspicuous and repulsive that an immense resentment has sprung up. In the presence of such a demonstration, parties and politicians cannot longer hide themselves in the dark. They must come out into the light and take their stand. As for New York Republicans, they must now see that the issue is irrepressible. They will have to do their best to meet it, in the knowledge that if they do not, they will be broken by it.

The Government of the United States are aware of the existing situation; they know of this popular revolt; they are not ignorant of the fact that powerful interests in that country are opposed to the present prohibition law. Knowing that their political lives are in the balance, they are see-sawing on the question of enforcement of this law. They are held back from enforcement by the fear of political influences. And what do they want to do? What are they doing? They are pointing to Canada as if Canada were the one source from which liquors were being supplied to the people of the United States. Our characters are being blackened by the propaganda carried on in the United States by the politicians, and the newspapers supporting certain classes of politicians. We are being represented all over this world as if we supplied 100 per cent of the liquor consumed in the United States, and I say that this Government are assisting those gentlemen by the action they are taking.

The very statement that my honourable friend (Hon. Mr. Dandurand) made yesterday supports their contention. Did my honourable friend point out that only two per cent of the liquor in the United States goes from Canada? No one will find that in his statement, but the uninformed man, listening to his speech, and having read the American newspapers and the speeches of those American politicians, and heard about the iniquities of Canada and Canadians, would be convinced beyond peradventure that virtually every gallon of the liquor that is consumed by the 120 millions in the United States is produced in Canada, and shipped over by this army of rum-runners on the fleet of ships as to which so many lurid remarks are being made. We are the offenders, and that is just the impression that the United States Government want, because it shields them. They are pussyfooting because they know their own nation is divided, and they know that if they put the law into force their political lives would probably end. They pussyfoot, and they hang us up for world ridicule, and we very meekly bow our knees and say, "Oh, yes, we are the guilty people; we are doing it all."

Hon. Mr. DANDURAND: So it would appear if we continued, and did not pass this law.

Hon. Mr. TANNER: This Government say: "We are doing it all. We will do anything you ask us to do." And that is what the Government are doing. We give the United States authorities the twelve-mile limit, and we send them telephone messages, and we offer to let their officers come over to the Canadian side and run the business, but they say that is not enough. The more they get, the more they want; and they want more in order that they may be able to say, "Oh, those Canadians are still drenching our land with liquor—they are still flooding us with liquor—they are the most awful people in the world." They would have the world believe that there is a perfect Niagara of whiskey going over from Canada, and all the time the United States themselves are making a thousand million gallons a year, and they are not doing a thing about it. My honourable friends smile, but I have been over there. Why do the United States authorities not stop the illegal manufacture? Because they are afraid to go into the mountains in the South. If their officers went there they would never come out; they would never be heard of again. Consequently the supply never stops. Down South every man of those prohibitionists who are clamouring for this law has his gallons of corn whiskey underground, ripening; yet he is talking prohibition, and challenging Canada, and putting all the blame on Canada for the liquor. I know that. I have been down there and have been told by people who know the situation. My honourable friend opposite (Hon. Mr. Dandurand) never gets into such company; he is too good.

That is the situation as I see it. Those people are in a hole. They dug the hole themselves, and jumped into it, and now they are clamoring for us to pull them out. Why can they not pull themselves out? I am mighty sure that if we were in a hole they would not lift their little finger to help us out. They never did, and they never will unless they get well paid for it. Of course if they get enough in return they will do anything.

I am not saying that these are not good people. I am talking particularly about the politicians over there. I say they are dictating to us in the matter. They are not sending us written orders, but they are doing it by constant pressure. When we give them something they say, "That is not enough; come across again;" and we come across with something more. Then they say: "That is not enough; come across again;" and we come across very obediently. It cannot be called dictation, but it is the constant pressure of the big brother who feels his strength. There are 120 millions of them, and they think that we are a little afraid, perhaps, to resist them. Consequently they are applying pressure. When we said, "Send your officers over," they said, "Oh, that is not enough; you must cut out the clearances." When we cut out clearances, do you think they will be satisfied? Is

there anybody foolish enough to dream that there will not still be liquor over there and that they will not still blame us? Why, it would be only next year when they would want something else; and of course if my honourable friend's Government is in power, there is nothing too good for Washington. They get whatever they ask. No matter how much the Canadian spirit is humiliated, no matter how much the Canadian nation loses, Washington must be satisfied.

Hon. Mr. DANDURAND: That is the Tory cry of old.

Hon. Mr. LAIRD: A pretty good cry in 1915.

Hon. Mr. DANDURAND: I have heard it all the fifty years that I have been in politics.

Hon. Mr. LAIRD: Did you hear it in 1915?

Hon. Mr. DANDURAND: Always.

Hon. Mr. TANNER: Just by way of a climax, let me again quote my right honourable friend opposite as to this mockery of enforcement, out of which all their troubles arise. A supporter of the Government in another place, when he was opposing this Bill, characterized it as "humbug, cant, hypocrisy." My right honourable friend opposite (Right Hon. Mr. Graham) said, "The attempted enforcement of its own laws by the United States is worse than a joke." That is just what I am saying. He and I are in agreement. He further said—and I repeat this: "Our friends across the line are more eager to co-operate when they want something than they are when we want something."

Hon. Mr. DANDURAND: That is quite human.

Hon. Mr. TANNER: I do not know whether my honourable friend opposite will combat the statements that I quoted from the Minister of National Revenue, but I want to emphasize, in a few words, the point that if this legislation is enacted it becomes a Canadian law and commits us to a policy of prevention of the export of liquor from Canada into the United States, and, as the Minister of National Revenue and others have pointed out, we must stand by that policy. It is of no use for us to say we will not do it; we shall be bound to do it—bound to see that that law is carried out; and that will involve us in an unknown expenditure. So the Minister of National Revenue said, and I submit that his statement is a sound and correct one.

The Prime Minister, in submitting this Bill, told Parliament and the country that there was some great impending international peril, which would be certain to fall upon Canada if we did not do a friendly act in this regard. I do not know that I need spend much time on that aspect of the matter, because since the statement was made the peril has exploded. In fact there is no peril; it was only a figure of speech. No one thinks that the people of the United States are going to declare war on this country if this Bill be not passed. For one thing, there are more Canadians now in the United States than there are in Canada. I do not think they would take up arms against us. If I am right, there are more people in the United States opposed to this kind of legislation than in favour of it; so it would be a very divided country. I think the dream of the Prime Minister in that regard need not be considered very seriously. It was only a dream.

Hon. Mr. POPE: A nightmare.

Hon. Mr. TANNER: If we attend to our business, and they attend to theirs, as they have the habit of doing, they can save themselves, and we do not need to go to their rescue.

I am still in favour of the amendment, and of further investigation and enquiry into this measure before it is adopted. I may be wrong, but I see in this Bill continued subserviency to the United States Government. I see in this simply legislation dictated from Washington, and when I vote for legislation in this House I want legislation whose genesis is in Canada, and which is wholly legislation for Canada.

The more we give those people, the more they want. I admire them as a people, not speaking particularly of their governments. As far as their government administration goes, they are the most relentless, selfish people in the world; and they are right, for they are looking after their own country and doing their duty by their own country. I wonder whether any honourable member of this House can remember any time since 1867 when, in negotiations between Canada and the United States, that country made any agreement that did not give them far more than they gave to this country. Such is their history in regard to us, and I say that it is sound ground for them to take as a nation. I wish to Heaven we had governments in this country that would take the same attitude, that would stand up for Canada, and see that Canada got the better bargain, instead of giving it to the United States.

What are they doing now? Are they taking our interests into consideration in the tariff that they are framing? Why, we are not

considered at all; they never think of us. How are we getting along about the diversion of water by Chicago? We have been talking about that for fifteen or twenty years. Oh, they are very polite, but are we getting anywhere? How would it be if we were 120 millions and they 9 millions? Would they not have been down the tree long ago? Talk about friendly relationships and the comity of nations! There is no such thing in the book over there. We have been frigging around about this diversion from the Great Lakes, and we are not half an inch nearer a solution than we were when they started to steal the water. They are stealing it to-day, and will keep on stealing it, and they will give us polite explanations, but explanations will not fill many buckets nor raise the water level much. What are they doing in London to-day in international matters? They say: "Here we are. If you gentlemen can accommodate yourselves to our position we will make an agreement with you. But you have to come up to our terms." If England, France and Italy choose to accept the terms laid down by the United States there may be a bargain; if they do not, there will be no bargain. That is all there is to it. As I say, I am not criticizing them; I am admiring them for looking after their own interests—for fighting for, and defending, and establishing their own interests. But I should like to see Canada take a leaf out of their book—I should like to see Canada take the whole book—and stand up for her rights. Oh, yes, we sing "O Canada, we stand on guard for thee," but most of the time we are down on our knees facing that way. If there were less grovelling and more standing on guard, it would be better for this country. These are my views, honourable members.

I may be wrong, but I should like a committee to look into all these matters. I should like to know whether Canada is really the chief malefactor; I should like to know whether, as a matter of fact, the United States could save themselves, or whether it is necessary for us to go and save them. I think we are entitled to a committee. We have plenty of time. We do not need to be in a hurry. My honourable friend opposite (Hon. Mr. Dandurand) and his colleagues have been five or six years thinking this over. Can we not have a few days? Must we jump into the hole right away? Why can we not have a week or two to think the matter over and inquire into it?

In conclusion, may I repeat that my honourable friend has demonstrated that we ought to have a committee, so that we could call before us gentlemen like the man sitting in front of him, to answer questions and clear up doubts in the minds of honourable members of the House.

Hon. N. CURRY: Honourable members, probably I know as much as any other member of the House about the feeling of the people of the United States in regard to prohibition. For fifty years I have had extensive dealings with citizens of the United States, and during the past thirteen years I have had a winter residence in Bermuda, where a great many American citizens go. I have met and entertained many of them in my house, and in return have been entertained by them. As a consequence I know their feelings pretty well. These people are among the most reputable citizens of the United States. At a dinner not long ago, in chaffing some of them about not obeying the laws of their country, I said they reminded me of an old neighbour of mine in Nova Scotia who came to my house one afternoon. Before he went away I asked him if he would have a glass of whiskey with me. He had a voice that you could hear a mile, and he said: "I belong to the Good Templars and to the Sons of Temperance, but I never refuse anything good to drink." So he had a big "snifter." When I told them about this man these people said: "You cannot affront us by saying that. The shoe fits, and we put it on. We in the United States feel somewhat as you do about prohibition, and we are going to fight it until it is killed."

This was true of the ladies as well as the gentlemen. One lady said that before prohibition came into force she never thought anything about liquor, but that as soon as the order went out, "You cannot do this," or "You cannot have that," she started in to make wine from currants and gooseberries and cherries. She even went so far as to make synthetic gin.

These people also referred to the Union League Club, which was referred to by the honourable member who has just taken his seat (Hon. Mr. Tanner). That Club, as probably most honourable members know, was formed during the American Civil War for the purpose of keeping the Union entire, and it has been regarded ever since, I think, as an institution that has done more than any other to mould public opinion and keep legislation in the proper channels. That Club by a very large majority has expressed itself as opposed to prohibition, and wishes to have the Eighteenth Amendment either repealed or declared a dead letter.

The honourable member who has just taken his seat (Hon. Mr. Tanner) spoke also of the percentage of liquor that goes into the United

States from Canada. His figures, I think, are as accurate as any that can be secured. Now, if Canada withholds her two per cent of the liquor that goes to the United States it will not make a particle of difference in the quantity consumed there. The man who is drinking liquor to-day will not miss one glass in a year, because the other nations and the moonshiners will readily make up the deficit and supply a great deal more. So the question all boils down to the moral aspect of the case, and if we do not prevent the people of the United States from drinking as much liquor as usual, what shall we be accomplishing? The average man in the United States to-day thinks no more of having his own bootlegger than he does of having his own doctor. When he wants something to drink, all he has to do is to telephone his bootlegger, who will deliver anything he wants to his house. The passage of this Bill will mean simply that the Government of Canada will lose about $10,000,000 in revenue, and that the distilleries and breweries in this country will lose a similar amount. In other words, we are giving up about $20,000,000 a year for absolutely nothing. The change in the moral standard would be infinitesimal; it would be as a fly compared to an ox.

At the present time a number of very prominent legal lights in the United States are studying the legality of the Eighteenth Amendment with a view to having it declared illegal. The Tenth Amendment, which was passed many years ago, was to give greater liberty to the subject. The Eighteenth Amendment takes away that liberty, and there is a very strong feeling that in the very near future it will be declared illegal.

Therefore, considering the remarks that have been made, and the evidence that has been submitted, I feel justified in stating that I cannot and will not vote for this Bill.

Hon. JOHN LEWIS: Honourable members, I am of the opinion that this Bill might be selected as an example of the type of Bill which ought not to go to a committee. I am rather confirmed in that view by the speech of the honourable member from Pictou (Hon. Mr. Tanner), who instanced the action taken in regard to the Pensions Bill. The Pensions Bill is not only unlike this Bill; it is its exact opposite. It is the kind of Bill that ought to go to a committee. The reason is this. Everyone in this House and the other House agreed that something should be done to amend the Pensions Act and to make it more liberal, but there was disagreement as to the method. Therefore the Bill, very properly, was sent to a committee in order that what was desired might be accomplished. Here we have exactly the reverse. We have a Bill as to the principle of which we disagree. The speeches that have been made from the other side of the House have been directed against the principle of the Bill, not against its details or towards providing that more care should be taken in its framing. This is a Bill of the simplest character, covering but one page and consisting of about three hundred words, which could be read in two minutes; and neither the mover nor the seconder of the amendment, nor the honourable member who last spoke, has suggested that there is anything obscure in the Bill or that there is any necessity to send it to a committee to be remoulded.

The honourable member for Pictou (Hon. Mr. Tanner) gave what appeared to be one plausible reason for the appointment of a committee, when he said that there was an official of the Civil Service sitting on the floor of this Chamber and giving certain information to the honourable leader of the Government here (Hon. Mr. Dandurand). But the information he is giving is not with regard to how far the Bill would be workable and how it could be most effectively carried out, but as to what occurred in the past—a matter of history which, however interesting it may be, has nothing whatever to do with the Bill now before the House. I do not care what has happened in the last four or five years. Things may have been done which should not have been done, and perhaps mistakes have been made, but all that is irrelevant.

It is said that a special committee could discover what loss of revenue would result if the Bill were put into effect. That could be discovered in five minutes if this Bill were sent on for consideration by this House in committee.

Hon. Mr. LAIRD: Why does not the honourable gentleman give us the information now?

Hon. Mr. LEWIS: I am not bound to give that information at the present time.

Hon. Mr. LAIRD: The honourable gentleman knows what the information is. Why does he not give it to the House now?

Hon. Mr. LEWIS: I do not say that I am able to give the information; I say it could be ascertained in a few minutes by any honourable member who wanted to get it.

Hon. Mr. LAIRD: I think the honourable gentleman is in the same boat as the rest of us. We do not know what the facts are.

Hon. Mr. LEWIS: Well, it is easy enough to find them out.

Hon. Mr. LAIRD: If it is easy, why does the honourable gentleman not give us the information?

Hon. Mr. LEWIS: The estimated Customs and Excise revenues were:

| | |
|---|---|
| For the fiscal year 1927..... | $12,667,097 |
| For the fiscal year 1928..... | 15,185,577 |
| For the fiscal year 1929..... | 15,117,000 |
| From April 1, 1929, to January, 1930, inclusive, 10 months.... | 10,514,276 |

There is the whole thing. Why is it necessary to have a committee to get that information?

Hon. Mr. GRIESBACH: The honourable gentleman has been good enough to answer a question by the honourable member from Regina (Hon. Mr. Laird), and I am wondering whether he would be able to tell me how many states of the American Union have passed legislation to aid in the enforcement of prohibition, and what amounts, if any, they have contributed yearly for that purpose. That is a germane question.

Hon. Mr. LEWIS: I do not profess to be an encyclopedia of knowledge. I repeat that it is not necessary to have a special committee, because such questions could easily be answered in the usual way when the House is in committee.

Hon. Mr. GRIESBACH: Who will answer the questions?

Hon. Mr. LEWIS: I suggest that the honourable gentleman should find out the information himself.

Hon. Mr. LAIRD: The honourable gentleman cavalierly disposed of my question by reading some figures from a paper in his hand, and said that was an answer to the question. May I ask him to tell us what those figures covered?

Hon. Mr. LEWIS: My honourable friend is able to get the facts in the same way that I can. This question is a simple one, and he can easily get the information if he wishes to.

Hon. Mr. LAIRD: Why not give it to us now?

Hon. Mr. LEWIS: No; I wish to make my speech in my own way; I have no desire that honourable gentlemen on the other side should speak for me.

Another reason that we were given as showing the necessity for a special committee was that we should discover whether the distillery people have been lured into investing their money in their business, and to what extent their profits will be reduced if the export of liquor to the United States is cut off. Well, that too is a matter upon which information could be given by honourable gentlemen before the Committee of the House. It is a question of principle rather than of detailed economics. So far as I am concerned, I think that the owners of distilleries which have been engaged in the business of supplying liquor to bootleggers have no moral claim whatever. No attempt is being made to interfere with their legitimate trade in supplying liquor to bodies which sell it under systems of provincial control, nor is it planned to interfere with their export business so far as it is permitted by law. I repeat that I do not consider that the supplying of liquor to bootleggers is a business on which any moral claim can be founded.

Hon. Mr. DANDURAND: Hear, hear.

Hon. Mr. GRIESBACH: May I ask the honourable gentleman a question?

Hon. Mr. LEWIS: Yes.

Hon. Mr. GRIESBACH: Does the honourable gentleman differ with the right honourable the Prime Minister's statement that the business of supplying liquor to persons exporting it to the United States is perfectly legal and legitimate? That is what the Prime Minister said.

Hon. Mr. LEWIS: I have not a brief for the Prime Minister. I do not remember what he said. I am not pretending to pass judgment upon the distilleries for any business that they have been able to get away with, but I say that it is utterly ridiculous for them to contend that the trade which this Bill would prohibit is one that we are morally bound to protect.

Still another reason advanced for the appointment of a special committee is that it could hear evidence as to the national and international factors that are involved. Well, surely it is not necessary for us to listen to experts on such matters; rather we should take up these points in a broad way in this Chamber. They are matters of opinion.

In the latter part of his speech the honourable gentleman from Pictou (Hon. Mr. Tanner) strongly denounced the present Government—and I suppose that it was meant to include all Liberal Governments—for being subservient to the United States. Are we

going to call large numbers of witnesses before a special committee in an effort to determine whether or not the Government is subservient to the United States? Is it necessary to have witnesses examined upon stale political cries of which, I think, everybody ought to be tired by this time?

Right Hon. Mr. GRAHAM: Hear, hear.

Hon. Mr. LEWIS: The honourable member for Pictou (Hon. Mr. Tanner) made some allegation of an attempt to choke discussion, which I thought was rather an unfair comment on his part, in view of the fact that he had been allowed to speak for about two hours without interruption. But honourable gentlemen who are in favour of the Bill, instead of trying to prevent discussion, are rather supporting a wider discussion, because instead of relegating the whole question to a small committee where a lot of outsiders could air their opinions, we are trying to confine the debate to this Chamber, where every honourable member could be heard. In this way every member of the Senate would be kept informed of the situation, and I think this would be preferable to sending the Bill into a sort of lethal chamber.

I put my support of this Bill upon one simple ground, and that is the maintenance of the self-respect of Canada. The honourable gentleman from Pictou (Hon. Mr. Tanner) made reference to what he called our subserviency to the United States, but I do not know of anything more humiliating to this country than that it should continue to feed the business of bootlegging. It is immaterial to me whether the proportion of Canadian liquor consumed in the United States is only 2 per cent of the whole. I think as a matter of fact the proportion is small. I must say, by the way, that although I read American papers very closely, I have never seen any suggestion there that the bulk of the liquor used in the United States came from this country; nor have I ever heard of any offensive or threatening remarks towards us on the part of the United States. I have read a great deal of criticism passed by Americans of their prohibition law, but that criticism is directed against their own Government and institutions, and their own lawbreakers. It may be that in some isolated case a newspaper over there has gone beyond this in criticizing us, or that some congressman or senator has made unflattering remarks about us, but so far as my observation goes, their attitude towards Canada has been the reverse of threatening—it has been exceedingly friendly.



Hon. Mr. McMEANS: Has the honourable gentleman read the remarks of an American college professor to the effect that they ought always to use the big stick with Canada?

Hon. Mr. LEWIS: Well, that is one of the isolated cases to which I referred. The Literary Digest reviews public opinion as expressed through the press all over the country, and I must say that the general tenor of their remarks concerning Canada has been extremely friendly, as it ought to be. I agree that we have done nothing that we need be ashamed of, and what we are doing now I regard not as an act of subserviency, but simply one of self-respect, an attempt to wash our hands of an undesirable business, so that no longer may there be any blame attachable to us for giving a sort of legal sanction to an illegal trade. What our neighbours may do after that is none of our business. Whether or not they enforce their law, or whether the export from Canada is a very small proportion of their consumption or not, is a matter of no concern to us. Once we have cut ourselves off from giving an appearance of legality to what is a wholly illegitimate business, I think that our duty will be done.

Hon. G. D. ROBERTSON: Honourable members, time will not permit of any long discussion, but I have a few observations I should like to make in favour of referring this Bill to a committee, on grounds that seem apart from anything I have heard voiced here as yet. My arguments arise out of the fact that after this Bill was discussed in another House, within the last few weeks, on its second reading, it was intimated by the Government that they thought favourably of suggestions that had been made, and that on March 22 negotiations were opened with the United States Government, through its Canadian Legation, for the purpose of working out an amendment to the existing treaty. In my humble opinion, if we are going to negotiate a treaty with our neighbour successfully, it must be on a reciprocal basis, and if he is asking us for anything, we have a right to ask him for certain things. So I believe it would be the part of wisdom to refer this Bill to a special committee, giving that committee certain directions as to what duties it was expected to perform, and giving it a little time to get the necessary information and complete its work. If the negotiations were speeded up meanwhile, as perhaps they ought to be, in view of the seriousness of this subject in the estimation of the Prime Minister of Canada, an amendment to the treaty that would probably be satisfactory to both coun-

tries might very well be negotiated before this session of Parliament is over. The result would be that this Senate, by having wisely taken the action suggested in the amendment now before us, would have rendered useful service to Canada and its people.

Time does not permit one to go into the details of this to-night, and I beg leave to move the adjournment of the debate for to-day, but I give honourable gentlemen this brief outline of the reasons that I intend to advance in support of the amendment to refer this question to a special committee in order to obtain certain information.

One thing I should personally like to know is, what evidence there is, if any, of any serious calls from the United States for this legislation. On looking at the records we see that the exportation of intoxicating liquor in 1929 was less than in 1928, and that in 1928 it was less than in 1927. What is the crying need that has suddenly sprung up for this action on Canada's part? Then I should like to know—and it is only from experts, such as officials of the Departments of Justice and of National Revenue, that we can get this information—is it true, or is it not, that Canada will be definitely committed to the enforcement of the law, and be responsible for its enforcement and for all the expenses thereby entailed, which the United States under present conditions must bear if it is going to keep liquor out.

Several other points, perhaps, quite as relevant, will come up in the course of our discussion. It seems to me there is no justification for dealing now with a matter that has been before Parliament since 1924. In 1925 and 1926 treaties were negotiated. In 1926 the Customs Inquiry Committee and the Royal Commission followed. Recommendations were made by the Committee and by the Royal Commission appointed by the present Government; and if the recommendations of both these bodies had been carried out they would have rendered this proposed legislation unnecessary to-day.

Years have gone by since that time, and now, by reason of the present discussion, the Government have set out to negotiate certain amendments to the treaty. Let us not, as the Senate of Canada, put an obstacle in the way of the Government's success in negotiating a treaty that will be beneficial to the Canadian people.

On motion of Hon. Mr. Robertson, the debate was adjourned.

Hon. Mr. DANDURAND: First order to-morrow.

## PATENT BILL

### THIRD READING

Hon. Mr. DANDURAND moved the third reading of Bill 14, an Act to amend the Patent Act.

He said: In moving the third reading of this Bill I desire to place on Hansard the answer that I had promised to the Hon. ex-Minister of Labour (Hon. Mr. Robertson) when we were in Committee on the Bill:

There are no reciprocal rights concerning the grant of patents between different countries. It is not known that any country refuses to grant patents to citizens of Canada. A Canadian citizen may obtain a patent in any country on compliance with the laws of that country. (The refusal by a foreign country to grant a patent to a Canadian citizen could not affect his right to make an article in Canada for use as part of a machine constructed in Canada.)

Canadian citizens are not refused patents by Germany on the ground that they are Canadian citizens.

Canada does not grant more privileges to citizens of other countries than are granted to citizens of Canada in any other country.

Moreover, under the terms of the International Convention for the Protection of Industrial Property, of which Canada and some fifty other countries are members, Article 2 provides that:

"Persons within the jurisdiction of each of the contracting countries shall, as regards the protection of industrial property, enjoy in all the other countries of the Union the advantages that their respective laws now grant, or may hereafter grant, to their nationals, without prejudice to the rights specially provided by the present Convention. Consequently they shall have the same protection as the latter, and the same legal remedy against any infringement of their right, provided they observe the conditions and formalities imposed on nationals."

Germany being also a member of the Union, it follows that a Canadian citizen who obtains a patent in Germany is given the same legal remedy to protect his patent rights in that country as is given to citizens of Germany, and the same is true of all countries of the Union.

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

## SUPREME COURT BILL

### THIRD READING

Bill 11, an Act to amend the Supreme Court Act.—Hon. Mr. Dandurand.

## INDIAN BILL

### FIRST READING

Bill 22, an Act to amend the Indian Act.—Hon. Mr. Dandurand.

The Senate adjourned until to-morrow at 3 p.m.

## THE SENATE

Thursday, April 3, 1930.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

## PRIVATE BILLS

### THIRD READINGS

Bill 27, an Act respecting the Canadian Pacific Railway Company (Division of Capital Stock).—Hon. Mr. Robertson.

Bill 30, an Act respecting the Canadian Pacific Railway Company (Branch Lines).—Hon. Mr. Robertson.

### FIRST READING

Bill C, an Act respecting the Capital Stock of the Ottawa Electric Railway Company.—Hon. Mr. Belcourt.

## ROYAL CANADIAN MOUNTED POLICE

### ORDER FOR RETURN

Hon. Mr. GRIESBACH moved for a return showing:

(1) The rank.
(2) The name.
(3) Date of promotion to present rank.
(4) Age as of April 1, 1930.
(5) Period of service completed as of April 1, 1930, of all the commissioned officers of the Royal Canadian Mounted Police.

The motion was agreed to.

## LIQUOR EXPORT

### INQUIRY

Before the Orders of the Day:

Right Hon. Sir GEORGE E. FOSTER: I should like to bring to the attention of my honourable friend opposite (Hon. Mr. Dandurand) and my colleagues in the Senate a matter arising from an item appearing in this morning's press. In order to base my question, I will read a short extract:

Coast Guardsman Wounded in Clash—Launch Believed Rum-laden Escapes After Exchanging Shots With Patrol Boat

(Canadian Press.) Windsor, Ont., April 2.—Two members of the United States coast patrol and three men in charge of a 36-foot launch, believed to have been heavily loaded with liquor, exchanged a dozen or more shots in mid-river late to-night. When the fusillade ended the rum-runners' craft bore witness to the engagement with four .48 caliber bullet holes in its hull.

According to information given the Sandwich police, at least one of the patrol boat's crew was wounded. Their ammunition exhausted, the men in the liquor ship headed back at full speed for this side of the river—

Hon. Mr. DANDURAND.

That is the Canadian side.

—while the American patrol craft, its engine apparently labouring, limped back to its Detroit station.

This raises a very interesting and somewhat disturbing question, and is apropos of the subject at present before the Chamber. What I should like to ask is whether the Government has any information, or, if it has not, whether it will procure as much information as it can, as to the authenticity of this despatch.

It appears that a craft laden with rum, procured either illicitly or under permit from the Canadian Government, left the Canadian shore some time in the afternoon or evening; that not only was it rum-laden, but it had a very efficient armament of guns and ammunition. In proceeding towards the American border it encountered officers of the law, placed there to protect the revenues of the United States and uphold the law. They opened fire, and a war-like engagement followed. The rum-runners, finding that they could not get across, put back again to the Canadian shore.

Had this vessel a certificate of clearance signed by an officer of this Government, which put them in possession of the contraband? If they had not, should not measures be taken to stop the illegal procuring of liquor to load such craft? In any case, do we allow harbourage and protection on the Canadian border to rum-laden craft lying in wait for an opportunity to evade, if possible, or waylay, officers of a sister Government who are protecting the revenue and upholding the law of their country? I think it is very necessary that we should have the facts of the case. This report may be a canard, but it is fathered by the Canadian Press.

Hon. Mr. DANDURAND: Would the right honourable gentleman tell me in what paper this appears?

Right Hon. Sir GEORGE E. FOSTER: It is dated Windsor, Ontario, April 2. It is sent by the Canadian Press, and appears in the Ottawa Citizen.

Hon. Mr. DANDURAND: I have no information on this matter. I had not read the despatch. I will try to obtain information if there is any to be procured.

Hon. Mr. LYNCH-STAUNTON: Would the honourable leader of the Government bring down all Orders in Council and regulations made since 1921 regarding the clearance of ships carrying intoxicating liquor, or should I move for them?

Hon. Mr. DANDURAND: I will bring down anything that is procurable.

Hon. Mr. LYNCH-STAUNTON: I cannot expect anything that is not procurable.

## EXPORT BILL (INTOXICATING LIQUOR)

### SECOND READING

The Senate resumed from yesterday the adjourned debate on the motion for the second reading of Bill 15, an Act to amend the Export Act, and the amendment thereto.

Hon. GIDEON D. ROBERTSON: Honourable members, during the closing moments of yesterday's session I outlined briefly the line of thought that I wished to present to this House for consideration, particularly in support of the amendment moved by the honourable leader on this side of the House. I do not intend to go into any great detail in discussing the Bill itself, except to connect it up with the thoughts I have in mind.

Bill 15 is an Act to amend the Export Act, and the proposed amendment that it be referred to and considered by a special committee of this House before being enacted into law is, I think, quite relevant and proper. Several questions have arisen in this House within the last forty-eight hours which indicate quite clearly the desirability of pursuing such a course. It has developed that the honourable gentleman who leads this House so efficiently (Hon. Mr. Dandurand) is not himself in possession of important information that the House desired, and it has been necessary for him to obtain the assistance of an official of the Department of National Revenue. I think it is highly desirable that not only the gentleman who was here yesterday, and who has an extensive knowledge of operations under the Customs Act and of the excise duties, but other officials, from the Department of National Revenue and the Department of Justice, should be available to a committee in order that they may discuss these matters freely. They cannot do so in the House, where they have no right to raise their voices, but can only answer in a whisper the queries of the Minister. Entirely apart from that, there are other reasons why I support the proposal to appoint a committee.

Please be assured at the outset that I am not intending in any way to oppose the Bill itself. So far, at least, I do not intend to oppose it; but I do think that there are considerations which ought to be seriously studied before any action is taken.

The object of this Bill, which has come from the House of Commons, is to amend the Export Act, chapter 63 of the Revised Statutes, 1927. To my mind, the provisions of that Act have considerable bearing upon what would happen if Bill 15 were adopted. Chapter 63 provides that export duties may be imposed by proclamation; that is, by proclamation of the Government, without a revision of the tariff by Act of Parliament. Section 3 of the Export Act provides that on certain articles—on nickel contained in matte, on ores which contain copper, on lead ores, and on lead and silver ores—the Governor in Council may by proclamation published in the Canada Gazette impose, remove and reimpose certain export duties. The Governor in Council may also authorize the export of deer killed in this country. Section 4 of the Act reads:

> The export duties provided for by this Act shall be chargeable after the publication of the proclamation by which they are declared chargeable or imposed.

Now, by Bill 15, which will become a section of the Export Act, if passed, it is proposed to add to the articles on which the Government may by Order in Council and proclamation impose or remove export duties, and I think it is important that men who have had more experience than I in the understanding of the law and how it operates should give some attention to what effect this will have. It might be that the Government of the day—probably not this Government—would then have power to impose an additional export duty, or to remove the duty, without consulting Parliament or any person interested.

That, to my mind, raises another question. We see in the return issued by the Department of National Revenue each month a summary of the revenues collected, under the heads of customs duties, excise duties, and excise taxes. That raises the question, under which of these headings is the revenue to be classed that now flows to the Government from the export of liquor from Canada, which is referred to in Bill 15. I think it is true that under the regulations now existing, which regulations, I believe, were enacted by the Government without the authority of Parliament, that not being necessary, $9 a gallon of duty or tax is payable before liquor can be released for export. If by any chance it were possible to class that revenue as a duty and not a tax, it would open up great possibilities. There, I think, is a point that merits careful consideration by the House or by a special committee. With millions of gallons of intoxicating liquor in Government stores, upon which the present regulations require the payment of that large tax or duty, whichever it may be legally termed, the raising of that tax or duty for a little while might have far-reaching and important consequences. I just mention that in passing, because it occurs to me that such action might be taken without the consent or knowledge of Parliament.

Now, honourable gentlemen, reverting to the Bill itself and to the antecedent legislation and treaties that have a bearing upon it, one is impressed with several rather outstanding facts that may or may not relate directly to the Government's policy and intention in bringing in this Bill. It is certain, and it has been amply demonstrated, that the exportation of liquor to the United States, where its importation is unlawful, has occupied and excited the public mind of this country for several years; and when one reviews briefly, as I hope to do without wearying you, the progress that has been made in the attempt to stop the flow of that illegal traffic during the past six years, one is rather skeptical that the utmost effort has been put forward by the Government.

In 1923, which is the first year for which I have a record of this matter, the exportation of liquor from Canada to the United States was not excessive, amounting to 28,506 gallons for the entire year. However, the authorities in the United States seemed to feel that that was too much. The quantity coming in from Canada was small as compared with the quantity coming in illegally, or at least irregularly, from other places. The United States, properly, I think, turned their attention first to the stemming of the tide of importations from those other sources. In 1924 they negotiated with Great Britain a treaty to regulate the traffic and reduce the flow of illicit liquor into their country. Canada ratified that treaty in the 1924 session of Parliament—on March 21 of that year, I think. The flow of liquor from Canada was apparently not seriously retarded by it, for the United States in the same year negotiated with us for a treaty for the suppression of smuggling between the two countries, and such a treaty was made that year by the Minister of Justice on behalf of the Dominion and by the proper American authorities. One would suppose that after the treaty with the British Government and that with our Government, in particular, the United States would find themselves possessed of sufficient safeguards to enable them to enforce the Eighteenth Amendment.

Concurrently with the signing of these two treaties the export of liquor from Canada to the United States was increasing. The quantity exported rose from 28,000 gallons in 1923 to 244,000 gallons in 1924. It is true that the treaty with Canada was not concluded until June 4 of that year and was not ratified by the Canadian Parliament until June of 1925. There may be some force in the contention that its effect would not be felt until perhaps the end of 1925. I have already remarked that the exportation in 1924 amounted to 244,000 gallons. In the year 1925, the year in which the treaty was ratified by the Parliament of Canada, the exportation of liquor increased to 415,000 gallons.

By this time it had become quite apparent that the American treaties with Great Britain and Canada were not having the expected result of suppressing smuggling, and public opinion became aroused to such a degree that there were reverberations in another place, and a parliamentary inquiry into the situation was instituted. I well remember the very considerable discussion that followed the presentation of the report of the special committee, which was composed of members of the three political parties in the other Chamber. Only one member of that large committee dissented from the report. It had considerable influence in another place and on honourable members of the Senate. At that time the Government promised a tightening of the Customs regulations, and I am sure the hope was entertained generally throughout the country that a real reduction would be effected in the quantity of illegal liquor shipped from Canada into the neighbouring country; but the fact is that from the figure of 1925, which, as honourable members will recall, was 415,000 gallons, the exportation rose in 1926 to 794,000 gallons.

In 1926 there was an election, and in addition to promises which the Government made to Parliament, they pledged themselves to the people that if they returned to power they would see that the recommendations of the special parliamentary committee were enforced. The Government were returned and they were charged by the people with the responsibility of honouring their pledge, and I am sure that throughout the country it was hoped that there would be a substantial lessening of liquor exports from that time on. By 1927 the Government made a further show of seriousness in this matter by appointing a Royal Commission to examine into the whole question again. The parliamentary committee had confined its sittings to Ottawa and its work to the taking of evidence from persons who were thought to be able to give information. The committee's report did not seem entirely satisfactory to the Government of the day; so a Royal Commission were sent out to rove over the whole country. I think they sat in every province and probably every city from Halifax to Vancouver, both included. They concurred in the recom-

mendations of the parliamentary committee, as stated in the following extract from their report:

We also express our entire concurrence in the recommendation of the special committee of the House of Commons as contained in paragraph 10 of that committee's report. An effective method of carrying out the intent of the treaty referred to would be to prohibit clearances to vessels or vehicles of all kinds carrying a cargo of liquor to the United States, contrary to the laws of that country.

That was in 1927. After that it was thought there would surely be a distinct falling off in the exports of alcoholic beverages to the States; but we find that the volume in 1927 amounted to 1,163,000 gallons, in spite of the existing treaties and of the reports of the parliamentary committee and the Royal Commission.

In the following year nothing was done except to exchange correspondence between the Canadian Legation or the British Embassy in Washington—I do not think our Legation was in existence the whole of that year—and certain American authorities. That correspondence is familiar to any honourable members who have read the documents that were presented in another place. In 1928 there happened to be a decrease in the volume of exports, but in 1929, as a result of the correspondence to which I have referred, a meeting was held at Ottawa between representatives of the two Governments for the purpose of discussing ways and means for tightening up the treaty so that it would be mutually satisfactory. There was submitted to that conference at Ottawa a certain proposal, which the United States authorities considered would meet with their requirements, but to which the Canadian Government apparently were not willing to agree at that time. I shall read but one paragraph of the proposal as submitted by Secretary Kellogg. He suggested the insertion of the following words as an amendment to the treaty:

The high contracting parties agree that clearances of shipments of merchandise by water, air or land from any of the ports of either country to a port of entrance of the other country shall be denied if such shipment comprises articles the introduction of which is prohibited or restricted for whatever cause in the country to which such shipment is destined, provided, however, that such clearance shall not be denied on shipments of restrictive merchandise when there has been complete compliance with the conditions of the law of both countries.

After several days the conference came to an end without reaching any agreement. So far as the public know, there were no further negotiations. According to the records, there was a further decrease of liquor exports in 1929. About the 1st of October of last year, according to information given to this Chamber by the honourable gentleman who leads the Government here (Hon. Mr. Dandurand), the Prime Minister announced through the press that effective steps would be taken to suppress this so-called evil, and special legislation would be introduced at the present session of Parliament. The form this proposed legislation takes is Bill 15, which goes farther than Secretary Kellogg's proposal in the matter of meeting the desires of the United States authorities.

One cannot help wondering why this question suddenly became so important in October of last year, and why there has been such an acceleration of activities as is evidenced in the speeches made by the leaders of the Government in both Houses. The right honourable the Prime Minister has clearly indicated his unwillingness to continue the administration of the Department of External Affairs if this legislation is not passed, and the honourable gentleman who leads the Government in this House has been similarly strong in his advocacy of the Bill.

When looking at the figures of the export shipments I became curious as to the extent to which this country and the Government of this country have been instrumental in debauching the people of the United States. In the year 1929 we exported to the neighbouring country 1,126,000 gallons of liquor. As I have had to do a little accounting in connection with railway business—and railway companies have a reputation for demanding accuracy in these things—I decided to compute the quantity of liquor that our exports would average for each person in the United States, and I found that if there were an equal distribution of our 1929 exports, it would amount to slightly less than one-thirteenth of a pint for each American citizen. That is the serious business that has caused the Prime Minister to contemplate withdrawing from the responsibilities of his exalted office. I wonder whether our people who have considered the question at all believe that the supplying of an average of one-thirteenth of a pint of liquor annually to the people of the United States is such a serious question as the Prime Minister would have us believe.

Hon. Mr. DANDURAND: That is not the question. Whether we are shipping one gallon or a hundred thousand gallons, the principle remains the same. The question we are asked to decide is whether the Government, who represent the Canadian people, should act as a go-between—as a link between the distiller and the rum-runners. The quantity of liquor involved is immaterial.

Hon. Mr. ROBERTSON: I am quite in accord with what my honourable friend says, and I think he will appreciate this as I go along. The question before the House at the moment is: Shall Bill 15 be referred to a special committee for examination and consideration of what the effect would be if it were to become law? The Government insist that the Bill should be passed through without inquiry, and there is some objection to that in this Chamber.

On March 22 the Government, for some reason best known to themselves, opened negotiations with the United States Government through the American Legation at Ottawa for an amendment of the treaty of 1924, which treaty was asked for by our neighbours and was made to please them. The proposal that Secretary Kellogg submitted to the conference at Ottawa, to which I have already referred, was that the two countries should be equally responsible for prohibiting the transportation from one country to the other of contraband goods, whether liquor, tobacco, drugs or other such things, and this should be agreed to by treaty. I hold that both Governments will be in a far better position to negotiate a fair and reasonable treaty concerning these goods if this Bill is not given the Royal Assent until we are at least near the end of this session of Parliament, because then our Government would not be embarrassed by the passing of this legislation. I agree with my honourable friend (Hon. Mr. Dandurand) that there is a principle before us for consideration, but I hold that this principle has already been endorsed by the existing treaty, which pledges the Governments of this country and of the United States to endeavour to suppress smuggling.

The Department of National Revenue publishes each month a pamphlet showing the duties collected, the value of the trade, the various expenses, and so on, for the month. I hold in my hand the Department's bulletin for March. On page 11 appears a photograph of containers of alcohol, 80 gallons altogether, confiscated by the Canadian preventive officers at Hemmingford, Quebec, I think. The picture shows the automobile and the sixteen cans, each containing five gallons. The preventive officers happened to see a fellow smuggling into Canada those eighty gallons of alcohol manufactured in the United States. If both countries now agree that the existing treaties are not working satisfactorily, and now propose to remedy the situation, would it not be fair to provide that clearances shall not be granted for the export into Canada of alcohol manufactured in the United States? Should not the Government of Canada be quite as interested and enthusiastic in having the United States agree to impose restrictions on shipments into this country as they are in trying to prevent even a drop from going out? The more one inquires into this question the more one appreciates the necessity for deliberate action. Why should we want to rush through a Bill that is entirely one-sided and that will take away from Canada millions of dollars of revenue and throw out of employment many hundreds, maybe thousands, of workers? One million gallons for one hundred and twenty millions of people, or one-thirteenth of one pint per person per year, is Canada's contribution towards this great debauchery of our friendly neighbours.

Hon. Mr. DANDURAND: The honourable gentleman forgets the principle.

Hon. Mr. ROBERTSON: I am more than ever fixed in the belief that there ought to be a special committee appointed to deal with this subject, and that it should be given time to sit down and carefully survey the whole situation.

Now, honourable members, I want to go a step further and refer to a few things that I think ought to be considered by the Government in negotiating the amendments to this treaty. Here is an opportunity that has not come to Canada since 1924, to negotiate a treaty with our neighbour that will be satisfactory to both and will operate fairly between them. Surely the parliamentary inquiry of 1926 demonstrated very clearly to the people of Canada, not only that improprieties were going on in the handling of liquor, but that large quantities of silks and other dutiable articles were being smuggled into Canada, with the result that the loss of revenue to Canada was serious indeed. Parliament in its wisdom at that time appointed a large committee, which made an exhaustive inquiry, lasting over several weeks; but as it was impossible to survey the whole field, a Royal Commission was appointed. They both did very good work, and I may say without hesitation that the gentleman who acted for the Commission did his work diligently and sincerely. The recommendations of that body indicate that the Commission concurred in the recommendations of the parliamentary committee. What did the commissioners find, and what did they, directly or by implication, recommend? They recommended a considerable number of things that are not dealt with in the treaty, the ratification of which was prior to the making of their recommendations. Now that the two Governments are negotiating to amend the treaty of 1924, it must surely be in order to suggest that certain

things should be considered in their negotiations. Liquor is not by any means the only thing to be considered. I do not suppose many honourable members had the time, or took the time, to peruse the 42,000 pages of evidence taken before the Customs Committee in 1926, but there is a record that will prove to the satisfaction of any fair-minded man that there are other articles of merchandise passing back and forth across the international boundary in violation of the treaty, and that they should receive some consideration.

I should like to mention briefly just two or three. There is one item that I am particularly interested in, from the standpoint, not of personal profit, but of my interest in the working people of the Dominion of Canada. It is true, as honourable gentlemen who sat on the committee of inquiry in 1926 know, that hundreds of thousands of dollars' worth of merchandise made in the United States by prison labour came into Canada and was sold in the open market to Canadian purchasers in competition with the products of Canadian workmen. I say to the Government and to the House that that is a matter that ought to receive the attention and consideration of the Government if they have any thought of, or sympathy for, the hundred thousand workmen in Canada who are to-day out of employment. Now that the United States want something from Canada, is it not opportune that we should say to them: "If we are to grant the favour that you are asking in connection with some of these things that are troubling you, the least you can do is to give us something in return, and one thing you can do is to dispose of your prison made goods in your own country"?

As honourable gentlemen may be aware, nearly every state in the country to the south of us has certain laws prohibiting making over old mattresses and that sort of thing, putting new cases on them and reselling them. If honourable gentlemen could follow the bills of lading and the way bills they would find that carloads of that sort of stuff, which cannot be sold to the people of the United States, are being shipped here and sold to your family and to mine. Who knows but that you may to-night be sleeping on a mattress on the stuffing of which some smallpox patient may have died? These are things that demand and deserve the attention of governments when they are negotiating on treaties concerning matters of vital importance to their people.

May I refer to another matter? Honourable gentlemen will recall a long drawn out discussion regarding goods being brought into one end of a building, which was in the United States, and finding an exit at the other end of the same building, which was in Canada.

Right Hon. Sir GEORGE E. FOSTER: And vice versa.

Hon. Mr. ROBERTSON: Yes, and vice versa. That practice ought to be prohibited and suppressed. The newspapers told us only the week before last that the President of the United States was about to designate highways along the international border over which international traffic might legally flow. Is not that a question of interest to Canada? Might not the Canadian Government well say to the American Government, "We wish you would consult us about that"?

Hon. Mr. CASGRAIN: The bootlegger would know where not to go.

Hon. Mr. ROBERTSON: Those are, I hold, some of the things that ought to be discussed and considered. I think that this House might very well either postpone the final consideration of the legislation till a later date in the session, or, better still, appoint a special committee that could examine, among other things, while Parliament is still in session, the details of the few matters I have mentioned.

The debate to-day is upon the amendment of the honourable leader on this side of the House (Hon. Mr. Willoughby), and I have tried to advance some reasons why I regard as important, not so much the Bill itself as its connection with the Export Act and the possible effect on the administration of that Act of adding to it, without due thought, the provisions of this Bill. I do think the Government would not have introduced this legislation if the treaty negotiations upon which the Government have set out had been commenced before Parliament met. Therefore, it seems to me that it would be wise for this House, and for my honourable friend leading this House—a gentleman for whom I have the greatest respect—to agree to the appointment of a special committee, or in any event to a postponement of the final decision on the Bill until further progress has been made with the treaty negotiations, which, perhaps, may be concluded before Parliament prorogues.

Hon. F. L. BEIQUE: Honourable members, the honourable gentleman who has just taken his seat has given some figures as to the quantity of intoxicating liquor exported during the past three or four years. I do not know where he secured his figures, but I have obtained from the Commissioner of Excise—

Hon. Mr. ROBERTSON: The figures were all taken from the address of my honourable friend the leader of the Government (Hon. Mr. Dandurand) as recorded in Hansard.

Hon. Mr. BEIQUE: I was going to say that I have obtained figures which are to this effect: the quantity of domestic liquor entered for consumption and exported in bond, respectively, during the past three years—

Hon. Mr. DANDURAND: In bond?

Hon. Mr. ROBERTSON: Where to?

Hon. Mr. DANDURAND: All countries?

Hon. Mr. BEIQUE: I will give the figures. In 1927-28 the consumption was 1,896,357 proof gallons. The quantity exported in bond was 579,420 proof gallons. In 1928-29 the consumption was 2,016,802 gallons, and the quantity exported in bond, 1,143,176 gallons. In 1929-30 the consumption—

Hon. Mr. DANDURAND: Which means domestic consumption?

Hon. Mr. BEIQUE: Yes, domestic consumption. The 1929-30 consumption was 1,814,351 gallons in eleven months, and the quantity exported in bond, 1,421,687 gallons. Of the 3,144,000 proof gallons of liquor exported in bond, it is estimated that 75 per cent, or 235,800 proof gallons, were exported to Kingston (Jamaica), Nassau (Bahamas), and the Islands of St. Pierre-Miquelon. These figures would tend to show that the quantity exported to the United States during those three years was not very large.

The honourable member for Welland (Hon. Mr. Robertson) is supporting the amendment, which asks that this Bill be referred to a committee, on the ground, as I understood him, that the committee should inquire into these things. Yesterday the honourable gentleman made these remarks:

In my humble opinion, if we are going to negotiate a treaty with our neighbour successfully, it must be on a reciprocal basis, and if he is asking us for anything, we have a right to ask him for certain things. So I believe it would be the part of wisdom to refer this Bill to a special committee, giving that committee certain directions as to what duties it was expected to perform, and giving it a little time to get the necessary information and complete its work.

The honourable gentleman did not state, and I should have been interested to learn, what duties would be assigned to the committee. Judging from his general remarks, it would be duties having regard to the changes that should be made in the existing treaties.

Hon. Mr. ROBERTSON: I thought I stressed that point at the beginning of my remarks by indicating the necessity and desirability of having a clear interpretation and understanding of what effect the passing of Bill 15 would have upon the Export Act, chapter 63 of the Revised Statutes. That is a thing which such an able gentleman as my honourable friend might very well make clear before a committee.

Hon. Mr. BEIQUE: The meaning of the treaty?

Hon. Mr. ROBERTSON: And the interpretation of chapter 63, to which this Bill is an amendment.

Hon. Mr. BEIQUE: I am sure the Bill is quite clear. It is confined to preventing clearances or the making of entries for goods of a certain type for export to any country where liquor is prohibited. That is clear. We need not send the Bill to a committee for the purpose of ascertaining its meaning.

Hon. Mr. ROBERTSON: I hesitate to interrupt my honourable friend, but I should like him to be clear on that. Bill 15 is a proposal to add certain provisions to section 7 of chapter 63 of the Revised Statutes. Chapter 63 permits the Government, by Order in Council and proclamation, to impose or withdraw export duties upon the articles named in the Export Act. This Bill would bring liquor into the same category. That is what I had in mind.

Hon. Mr. BEIQUE: The Bill before us is clear. It is merely amending the Act mentioned by the honourable gentleman to this extent:

8. (1) Notwithstanding the provisions of any other statute or law or of any regulation made thereunder or of any bond, agreement or other instrument relating thereto

(a) no intoxicating liquor now or hereafter held in bond or otherwise under the control of officials of the Dominion Government under the provisions of the Excise Act, the Customs Act or any other Statute of Canada, shall be released or removed from any bonding warehouse, distillery, brewery or other building or place in which such liquor is stored in any case in which the liquor proposed to be removed is destined for delivery in any country into which the importation of such liquor is prohibited by law;

(b) it shall be unlawful to grant a clearance to any vessel having on board any intoxicating liquor destined for delivery in any country into which the importation of such liquor is prohibited by law;

(c) it shall be unlawful to make any entry for exportation of any intoxicating liquor, destined for delivery in any country into which the exportation of such liquor is prohibited by law.

I have never seen a fairer Bill than this, and it is confined to a single subject, the authorization of Government officials to refuse to release liquor from bond and refuse to grant clearances to vessels with liquor cargoes in cases where such liquor would be consigned to a country into which the importation is prohibited by its own laws.

Hon. Mr. ROBERTSON: Will the honourable gentleman permit me to ask him a question?

Hon. Mr. BEIQUE: Certainly.

Hon. Mr. ROBERTSON: Does my honourable friend agree that if Bill 15 is passed, chapter 63 of the Revised Statutes, the Export Act, will be made to include another article, namely liquor, and that the Governor in Council will then be empowered to place an export duty upon liquor, at will, or to remove at will any existing duty, without consulting Parliament?

Hon. Mr. BEIQUE: That refers to a point that is foreign to the Bill and would be matter for another amendment. I am dealing with the position taken by my honourable friend (Hon. Mr. Robertson). He is supporting the amendment to refer the Bill to a special committee, and I am trying to find out the reason for his attitude. If the Bill were referred to a special committee, what could that committee do except, as the honourable gentleman suggests—at least, as I understand him—to inquire into the changes which would result in the existing treaties between Canada and the United States. I understand that was the ground upon which the honourable gentleman supported the amendment.

Hon. Mr. ROBERTSON: Yes, largely upon that ground.

Hon. Mr. BEIQUE: Then I should like to ask the honourable gentleman a question. Does he consider that the making or amendment of treaties is a matter that can be initiated by Parliament? Does the initiative not rest entirely with the Government? Can either House of Parliament deal with such matters except upon a Government Bill? The honourable gentleman has had a long experience in parliamentary affairs, and I am sure he will not assert that Parliament has any such initiative power. Therefore, I submit, in so far as the treaties are concerned, a special committee would be powerless.

Hon. Mr. WILLOUGHBY: Surely we might state certain limits beyond which the Government could not go in negotiating a treaty.

Hon. Mr. BEIQUE: You could not do that in dealing with this Bill. As I have said, Parliament has no initiative in respect to treaties and can deal with them only through a Government Bill. That is the point I am making.

While listening to the honourable gentleman from Pictou (Hon. Mr. Tanner) and some other honourable gentlemen, yesterday, it occurred to me that they were forgetting that several provinces have had a form of prohibition until recently. Ontario did not do away with prohibition until June 1, 1927. Quebec has had the Liquor Control Act since February 25, 1921, and I am not referring so much to that province. The dates when the other provinces dispensed with prohibition are:

New Brunswick, April 20, 1927.
Manitoba, February 7, 1928.
Saskatchewan, January 16, 1925.
Alberta, April 12, 1924.
British Columbia, April 2, 1921.

I think the honourable gentleman was a prohibitionist in his own province—I speak subject to correction—and I must confess that I was somewhat surprised to hear from a new convert on that question, as he is, a lecture to the United States because they have a prohibition law.

Hon. Mr. ROBERTSON: Would the honourable gentleman quote from any remark of mine to which he has reference?

Hon. Mr. BEIQUE: I am speaking of the honourable gentleman from Pictou (Hon. Mr. Tanner). I hope honourable members who are not disposed to agree with the Bill will refrain from criticizing the legislation of foreign countries. We should limit this discussion to our own affairs. It is a matter for the United States to decide what kind of legislation they shall adopt in regard to liquor, and so far as I am concerned, I shall not have anything at all to say about their laws.

The Bill would not place this country in any new position. The Canadian Government, acting under the authority of Parliament, has already taken a stand on this question of liquor exports, in accordance with the treaties. The treaty of 1924 reads:

Being desirous of avoiding any difficulties which might arise between them in connection with the laws in force in the United States on the subject of alcoholic beverages;

That was the object, to avoid difficulties which might arise between the two countries. That treaty was made between Great Britain and the United States and was ratified by the Canadian Parliament. By Article II it was provided that American officers could board private vessels under the British flag outside the limits of territorial waters for the purpose

of ascertaining whether there were on board any alcoholic beverages destined for the United States. In 1924 there was drawn up a treaty between the American and Canadian Governments, and it received the sanction of this Parliament in 1925. Article I reads:

> The high contracting parties agree that clearance from Canada or from the United States shall be denied to any vessel carrying cargo consisting of articles the importation of which into the territory of Canada or of the United States, as the case may be, is prohibited, when it is evident from the tonnage, size and general character of the vessel, or the length of the voyage and the perils or conditions of navigation attendant upon it, that the vessel will be unable to carry its cargo to the destination proposed in the application for clearance.

The intention of the two Governments was clearly enunciated. They agreed upon adopting means to prevent the importation of intoxicating liquor from Canada into the United States. The object of the present Bill is the same: it is merely to facilitate the carrying out by the Canadian Government of its treaty obligations.

I should like to ask the honourable leader on the other side of this Chamber (Hon. Mr. Willoughby) a question. If Great Britain were to pass a law prohibiting the sale and importation of liquor within the British Isles, would he consider it proper for the Canadian Government to permit their officers to release liquor for exportation to the British Isles or to issue clearances to vessels engaged in such an export trade?

Hon. Mr. WILLOUGHBY: No; I frankly say that I should not be agreeable to that.

Hon. Mr. BEIQUE: I am sure my honourable friend would take the same attitude if such prohibition legislation were passed by any other European country; France, for instance.

Hon. Mr. WILLOUGHBY: I have declared myself not against the existing law at all, but on the modus operandi which is before us.

Hon. Mr. BEIQUE: I repeat that we are dealing with a question that is exceedingly simple. If it would be our duty towards the Government of Great Britain to prevent Canadian officers from releasing liquor or issuing clearances for liquor destined to the British Isles, surely we are likewise in duty bound to take the same attitude toward the United States. In fact, we have stronger reason here, because we are under special treaties. Therefore I am at a loss to understand why it should be thought necessary to send this Bill to a special committee to go into that question.



I repeat, the proposed legislation is intended merely to prevent Canadian officers from assisting in violating American law and the letter and spirit of treaties between the two countries.

Hon. Mr. WILLOUGHBY: I am not going to anticipate what other honourable gentlemen will say, but I do not think there is any necessity for the present system of clearances and the giving of Government authorization. I think that the Government should not have introduced this system of clearances at all.

Hon. Mr. DANDURAND: It is the law.

Hon. Mr. BEIQUE: That is the law as we have it on our books.

Hon. Mr. WILLOUGHBY: That system was intended merely for statistical and revenue purposes.

Hon. Mr. DANDURAND: Whatever its purpose, it is the law.

Hon. Mr. BEIQUE: Yes, that is the law, and it is because there is such a law that it is necessary to pass further legislation to prevent clearances for the United States.

Hon. Mr. WILLOUGHBY: Honourable gentlemen opposite are not satisfied with the law and they want to change it.

Hon. Mr. DANDURAND: Certainly.

Hon. Mr. BEIQUE: The law as it stands on the Statute Book has been abused by smugglers and possibly by distillers, and the Canadian Government is desirous of putting an end to that sort of thing. It has been abused to the extent of facilitating the exportation of liquor from Canada to the United States in violation of the treaty. Now, is it suggested that in the face of its treaty obligations the Government should allow the abuses which have obtained for several months, or possibly for years, to continue? Is it not the duty of the Government to close the door to those abuses so far as it is in its power to do so? That is the only question, and I say the Government has that duty under the treaties of 1924 and 1925.

Some honourable gentlemen seem to be concerned with the consequences of the passing of this Act, or to fear that it will entail a very large loss of revenue. As far as I am concerned, I do not think that if the Government has a duty to perform towards a foreign country the question of whether there is a loss of five or ten millions should cut any figure at all. I say that the Government should discharge its obligations irrespective of the loss which may be sustained. I doubt very much, however, and in this I am

agreed with the honourable leader on the other side (Hon. Mr. Willoughby), whether this measure will prevent liquor from being exported to the United States. It is my opinion that the distillers will very likely arrange to ship their goods to Jamaica, Cuba, and St. Pierre-Miquelon, and then the Canadian Government will not be concerned.

Hon. Mr. WILLOUGHBY: Why not? If you have a strong suspicion that it is going there, why not?

Hon. Mr. BEIQUE: The Bill is not intended to prevent that. Under this Bill it will be open to the distillers to export their goods to England or to any European country, or to St. Pierre-Miquelon, Jamaica, Cuba, or any other island not coming within the category described in the Bill. I am quite sure—and the honourable gentleman expressed the same opinion—that these people will find some way of selling their goods, and I think he will find that instead of this legislation depriving the country of revenue it will very likely have the contrary effect. I think the distillers will pay the $9 per Imperial gallon instead of exporting the goods under a bond, because the moment the $9 is paid they can dispose of their goods as they see fit, provided they do not, to the knowledge of the Canadian officers, send their goods to the United States or to any prohibition country.

I think it is incumbent upon the Government to discharge its full duty in the matter. It is a question of propriety or impropriety. It would be improper on the part of the Canadian Government not to introduce, and on the part of this honourable House not to pass, this legislation, which is as clear as it can be made, and which has received the almost unanimous approval of the members of the House of Commons. It would be improper to show any indication that the members of this House are disposed to support the smugglers or to help the distillers or anybody else to introduce intoxicating liquor into the United States in violation of the treaty.

Hon. Mr. WILLOUGHBY: May I ask the honourable gentleman, as a distinguished lawyer, whether he is satisfied that there was any obligation to come to Parliament for this legislation? I know it has been stated elsewhere that it could be regulated by Order in Council. Has the honourable gentleman given that any personal consideration?

Hon. Mr. BEIQUE: I must confess that I have not considered the matter at all; but whether or not what is desired could be accomplished by Order in Council, there is nothing to prevent its being done by Act of Parliament. We have an Act of Parliament before us.

Hon. H. W. LAIRD: Honourable members, this House is asked to pass this Bill, No. 15. It is a simple Bill, in very few words, and might have passed without much comment but for the speeches which accompanied its introduction in another Chamber and in this House. Those speeches were of an alarming nature. There are no alarming symptoms in the Bill, but in view of the serious situation suggested in the speeches to which I have referred, the curiosity of the House and of the country has been attracted to this question, and everybody is asking what it is all about.

In introducing the Bill in this Chamber the honourable leader of the Government in this House was apparently not at ease, as he usually is. It is always a great pleasure to see him handle legislation here. He does it so well, so logically, with such ease, and with such a thorough knowledge and grasp of his subject that when he gets through there is usually very little left to be said. But I thought that in his presentation of this Bill I discovered a semblance of labouring. I know not whether he did not have all the information at his disposal, or whether his conscience was pricking him a little. It might have occurred to him that he was putting the cold steel into friends of the party he represents, which friends were certainly friends in need in the year 1925. The services of those friends were very welcome in that year, but apparently they are not so welcome at the present time. Possibly it was the knowledge of the disastrous effect this Bill might have upon erstwhile friends which acted upon the mind of the leader of the Government when he was presenting the Bill.

The honourable member from Pictou (Hon. Mr. Tanner), who followed the honourable leader of the Government, openly admitted that he did not have the information necessary to enable him to give an intelligent vote on this question, and consequently he supported the amendment of the leader on this side of the House asking that the Bill be referred to a committee so that information could be secured upon which to base an intelligent judgment. That honourable gentleman pointed out that when he asked for certain information from the leader of the House, the leader himself was apparently in need of information, for he had to seek it from a department official and only after having carried on conversation with him for some

time was he able to give it second-hand to the House.

Then the honourable gentleman from Toronto (Hon. Mr. Lewis) came to the rescue in support of the Bill. But he openly admitted that he did not have the information necessary to warrant his giving a vote; and the best evidence of that fact was that when he was asked how much displacement of revenue there would be under the proposed Bill, he innocently read a paper handed to him by somebody else, which simply stated the amount of revenue for the last five fiscal years, without any regard whatever to the question of displacement.

In view of this general lack of information, I felt that in order to form an intelligent judgment, I must try to get the information for myself. As a result of the researches which I have made I find that this question dates back a number of years. Without labouring it at any length, I intend to refer to one or two incidents in its history. Apparently it arose out of the customs inquiry of 1926, when a recommendation was made that clearances of liquor to the United States should be discontinued; but although the present Government has been in power since then, no apparent action was taken on the recommendation of that committee. In 1929, some three years after, we find that a conference between the representatives of the United States and Canada was held here in the city of Ottawa. That is the first action that was attempted after the report of the committee of inquiry.

Now, as a result of that coming together of the Canadian and American representatives, the Canadian officials agreed to make certain concessions and to facilitate our American friends' enforcement of the liquor law on the other side of the line. Apparently, however, they did not agree to go to the extent of stopping clearances to the United States. As I say, that was in January, 1929, and we heard nothing further of the matter until April 20, 1929, when the United States officially communicated with the Dominion of Canada asking that their request be implemented.

Hon. Mr. DANDURAND: I think my honourable friend is in error. I put on Hansard yesterday a report of an interview with the right honourable the Prime Minister on the 2nd of October, in which he said he had consulted the law officers of the Crown, who had informed him that he could not proceed under Order in Council, but would have to move for legislation; and this would be announced in the Speech from the Throne. That was the first of October, but the action of the Prime Minister as to his right to proceed under Order in Council was anterior to that date.

Hon. Mr. LAIRD: I was referring to the representations made by the Government of the United States, and I think I am right in stating that the first representation made by them was dated April 20, 1929. That was a statement made by Mr. Phillips, the accredited American representative, and it reads as follows:

> While the Government of the United States appreciates the gracious offer of the Canadian Government to permit American officials to transmit information of this kind from Canadian soil, it remains convinced that the only effective means of dealing with the smuggling problem along the border is the conclusion of a treaty amending the convention of June 6, 1924, to the end that clearance be denied to shipments of commodities—

Now, note this:

> —from either country when their importation is prohibited in the other.

His suggestion is reciprocal.

Now, apparently there was no action taken upon that request of the American representative for a whole year. The official correspondence was brought down, and a close scrutiny shows no action taken on that application from the United States. Then this Bill appears, and it seems that a desperate situation has arisen in the meantime, and a proposal is made to stop clearances forthwith. It is not, mind you, a proposal for a reciprocal treaty, for stopping smuggled merchandise from passing from one country to the other: it is a one-sided proposal to stop the clearance of liquor from Canada to American soil.

In presenting the Bill the Prime Minister used some very strong terms. I cannot remember any other occasion when the Prime Minister was so intensely in earnest in presenting a proposal to Parliament. He evidently had a very strong opinion upon this question, and in order that you may be able to observe the emphasis of his contention, I purpose reading what he said on March 14 in introducing this Bill. He said:

> The Government is taking this step because it feels with respect to its own officials—

You will notice that in his correspondence he pays a great deal of attention to the officials of the Canadian Government; he has great consideration for them.

> —it feels with respect to its own officials that it should not countenance on the part of the customs and excise officials, any procedure, however legal or innocent, that would cause it to appear that the Government is facilitating the work of rum-runners and smugglers.

And later, at page 637, he says:

That this country should countenance anything of that kind along its borders, that it should lend assistance through the instrumentalities of government to the people who seek to make money in that way, or to facilitate their activities by actions, however innocent, of its own officials is something too abhorrent to contemplate.

And later, on the same page:

A frightful Nemesis would certainly await a nation that was indifferent to the moral right or wrong of a situation such as is involved in a procedure of the kind.

Those are pretty strong statements, but, strong as they are, the Government leader in this House is equally strong. As he wound up his speech, on page 87 of Senate Hansard, he had this to say:

That is why I say that all through the transaction our employees—

Notice the great emphasis he has laid upon the employees—

—know that it is a monstrous deception. They all know that they are being made parties to the trade that is being carried on by the smuggler, the rum-runner and the criminal on both sides of the rivers and lakes.

The honourable gentleman from Toronto (Hon. Mr. Lewis), in supporting this case, was equally strong in his statement. After four years of inaction by the Government he wants to "maintain his self-respect." After four years of accumulation of dirt he wants to "wash his hands" of the whole transaction, to use his own words. So, to recapitulate, and to use the words of these gentlemen themselves, the Government proposes to stop clearances, first, on high "moral grounds"; second, to protect the officials from practices "too abhorrent to contemplate"; third, to avoid a "dreadful Nemesis" which, ghost-like, is following them; fourth, to stop a "monstrous deception"; fifth, to restore our "self-respect," which has been trailed in the mud for four years; and, sixth and finally, to "wash our hands" of the four years' dirt, and enable us to assume our natural complexion.

Now, this is evidently the terrible situation that is confronting the Government. It impressed me as such, and no doubt impressed many others in this Chamber, until my honourable friend from Pictou (Hon. Mr. Tanner) addressed this House yesterday and put the question from a different angle. He said all this talk was a bugaboo. He suggested that there was an election in sight, and that instead of this being a great "moral question," it was proposed to be used as an election cry. I had great confidence in my friend from Pictou, and still have great confidence, but in view of important statements made by the leader of the Government, and the very strong language he used, I was not disposed to take my friend's interpretation of it until I got further information. So I decided to pursue my investigations still further.

On looking at a map of the Province of Quebec I see down in the Gulf of St. Lawrence two little islands called St. Pierre and Miquelon, and they belong to France. I also see some islands down on the eastern coast of southern United States, the West Indies, where there are some British islands, some Dutch islands, and some French islands. Taking this little island of Miquelon first, what is there on it? Nobody lives there; there is no industry there. The only signs of life on the whole island are some very large warehouses and some docks. Ships come there not only from Canadian distilleries, but from all parts of the world, to unload liquor by the shipload. The same thing can be said about the West Indies: at each of these national ports there are large warehouses and docks, and ships come there from all over the world and unload cargoes of liquor.

Now, as sensible men, let us ask, why is this liquor going to the island of Miquelon? Nobody lives there; so it is obvious that those shiploads of liquor cannot be consumed there. Why do they go there? Everybody knows that they break bulk there and are taken in smaller coastal vessels and peddled along the eastern coast of the United States, and trickle into the United States in that way. The same thing takes place in regard to the West Indian Islands. We know that for liquor brought from all parts of the world ports in the West Indies are used as stopping places, and the liquor is taken in smaller vessels and trickles into the United States, as it does from Miquelon.

We propose by this Bill to stop clearances to the United States, and to do it on highly moral grounds and on the ground of good neighbourliness. We want to live on good terms with our American friends and assist them wholeheartedly in enforcing their prohibition law. So we are stopping clearances direct to the United States. But we are not stopping clearances into Miquelon, though we know that the liquor is going into the United States, probably the next day. We are not going to stop shipments to the West Indian Islands, although every honourable gentleman in this House knows that the liquor sooner or later finds its way into the United States.

If we are so conscientious in this matter and want to protect our officials and not put them in the invidious position of giving clearances which they know are given for improper

purposes, why are we prepared to allow them to give clearances to Miquelon when they know that the liquor is going to the United States the next day? Why are we perfectly willing to allow those officials to give clearances to the West Indian Islands when they know that the liquor is going into the United States? After all, if it comes to a matter of conscience, principle and high moral conduct, and if we take the stand in one case of stopping direct clearances into the United States, how can we allow clearances of liquor which we know is going there by an indirect route?

In view of all these circumstances the confidence I first had in the strong appeal made by the Prime Minister and by the honourable leader of the Government in this Chamber received somewhat of a shock when I found that they were prepared to debauch the people of the United States via Miquelon and the West Indian Islands, but were not prepared to debauch them by means of direct shipments. It looks to me that this Bill is straining at the gnat and swallowing the camel. We want to stop the small amount that is now being sent into the United States from Canada, but we are prepared to swallow the principle of unlimited quantities being shipped the next day from other ports to the same destination. Thus, instead of "washing our hands," as our honourable friend from Toronto suggested, I submit that by stopping these clearances we shall not wash even the tip of our little finger, but shall leave our hands still soiled, as he suggests they have been during all these years.

My honourable friend from Pictou (Hon. Mr. Tanner) read at some length the statements made by the Minister of National Revenue in another place a year ago, in which he defended the action of the Government at that time in refusing to stop these clearances.

Hon. Mr. WILLOUGHBY: He says he is of the same opinion still.

Hon. Mr. LAIRD: My friend from Pictou read the statements made by Hon. Mr. Euler, Minister of National Revenue, and it is not necessary for me to repeat them. We all know them. We remember hearing him make the statements during the last session. They have been quoted all over the country ever since, and I think they were received with great unanimity, not only in the House of Commons of Canada, but throughout the country generally, because at that time he was standing up for a strong Canadian principle. Well, a year ago the honourable leader of the Government in this House was a colleague of that Minister in the Government, and on the principle of collective responsibility I imagine he is equally responsible for the statements of the Minister at that time. That was before Nemesis became active; but the other day, after hearing the strong speech made by the Prime Minister when introducing this Bill, the Minister of National Revenue made another statement. Note that this was not a year ago; this was only three or four days ago. I find at page 968 of the Commons Hansard, almost at the very time that our friend was raising the question in this House, Mr. Euler spoke as follows:

> I have no intention of speaking at any great length, sir, and at the outset of my few remarks I may say that I have no apologies to make for anything I said last year with regard to this question of liquor clearances. The views I held then were held honestly; I hold them to-day.

So that not only were all these statements about injustice to the United States, and the claims or requests that these clearances should be stopped, repudiated in this manly fashion by the Minister of National Revenue a year ago, but he added, "I make no apologies for having made those statements, and I am of the same opinion now as I was then."

Later on he said:

> I am not going to take refuge behind those remarks; as I said before, I have no apologies whatever to offer for what I said last year. The views I then held I hold now.

Now, four days ago the Minister of National Revenue was a colleague of our friend the leader of this House. I ask the honourable gentleman how he reconciles his statements with those of his colleague in the other House. As a member of the Privy Council, the Minister of National Revenue had access to the same documents, papers and information that my honourable friend had, and yet he has nothing to complain about; he says he takes exactly the same position this year that he did last year, and he has no apologies to make for it. He goes on to say:

> While I still believe there will be great difficulties in the carrying out of the terms of this Bill, I will say frankly that if there are other considerations—and I am not saying that I express any adherence to those considerations—if there are other considerations of national importance which outweigh the objections which I raised last year, then surely I am justified, as a member of the Government of Canada, and especially when backed up by the unanimous opinion of the members of this House, in yielding to the will of Parliament.

It will be noted that he says, "if there are other considerations." He does not say that there are other considerations. If there were other considerations that he knew of—and he, being a Minister of the Government, would certainly know if there were other considera-

tions—then his course might be different. He says, if there are; not that there are; and his course has not changed; so, apparently, there are no other considerations.

Hon. Mr. DANDURAND: He voted for the Bill.

Hon. Mr. LAIRD: Yes, he voted for the Bill, but I ask my honourable friend how he can possibly reconcile the position of his colleague in the Government in making the statement that he did, and at the same time voting for that Bill.

Hon. Mr. DANDURAND: The honourable the Minister of National Revenue said—I am subject to correction as to the words, but I know what thoughts he conveyed—that he invited the views of Parliament on this matter; he was desirous of being enlightened by those views and would welcome discussion and expressions of opinion. I understand no voice was raised on either side of the Commons at that time in the way of criticism of the statements that he was making, or in the way of offering him advice. The Government, looking at the events as they developed, decided during the summer that a stop should be put to the practices that were then prevailing.

Hon. Mr. LAIRD: Of course if the Minister invited expressions of opinion on the part of the House, he was rather late in the day in doing so, as it was just after the conclusion of his speech that a vote was taken.

Now the situation resolves itself into this. I am confronted at this moment, first, by the fear and foreboding of the Prime Minister and the leader of the Government in this House. I am confronted, secondly, by the statements of the Minister of National Revenue, that he is not scared a bit. I am confronted, thirdly, by the absence of representations in the correspondence from the United States as to no action being taken on the part of the Dominion of Canada. And I am finally confronted by the surety that the traffic will continue as in the past, via Miquelon, even if this Bill is enacted.

We are asking for information. Why should we not get it? This Bill is one of the most important items of proposed legislation that have come before this Chamber in years, yet we are expected to deal with it in an off-hand fashion without availing ourselves of facts which could be placed at our disposal. The honourable leader of the Government in this House cannot help us, nor can my honourable friend from Toronto (Hon. Mr. Lewis). In these circumstances, surely the logical course is to have a committee where the whole thing could be gone into thoroughly.

I think that it is fair that honourable members who are opposed to the amendment should ask what information we require which could not be given in Committee of the Whole House. I will now attempt to outline the things we should like to know and the information which can be given only through a special committee.

First, honourable members should be informed how much revenue will be lost to the country by the operation of this law if it is passed.

Hon. Mr. DANDURAND: That is already known.

Hon. Mr. LAIRD: I presume the facts to which the honourable leader of the Government refers are those which were read by the honourable member from Toronto (Hon. Mr. Lewis) yesterday, which merely stated what the revenue was in the last five years. But we are anxious to know what revenue will be lost to the country.

Hon. Mr. DANDURAND: Is the honourable gentleman anticipating that the business will expand and that there will be a corresponding growth in the revenue? He must realize that we can give him nothing but the facts; not an estimate of the activities of bootleggers on the Detroit River. I wonder what information we could be expected to give beyond the facts.

Hon. Mr. LAIRD: I wonder too, and so do other honourable members. However, I have stated the first thing we want to know, and now I will enumerate some other things.

Second, what would be the effect on employment generally?

Third, what amount of invested capital is affected directly or indirectly by the proposed Bill?

Fourth, is the present enforcement law satisfactory and adequate, and will the proposed Bill make enforcement easier or more difficult in the future?

Fifth, what is the cost per capita for enforcing the present liquor law in the United States, and what would be the cost per capita to the Canadian people for enforcing the proposed law on the Canadian side?

Sixth, the leader of the Government says that the need for this legislation originates in an Act called the Volstead Act in the United States, and we should know what is being done by the Government of that country to enforce its own law.

Hon. Mr. DANDURAND: The curiosity of my honourable friend is too great.

Hon. Mr. LAIRD: I am not through yet; I have not shown all my curiosity yet.

And the seventh item on which we should like to be informed is: Are we justified in giving away our hand by means of the proposed Bill, and, after having done so, entering into a treaty with the United States covering other items, not nearly so important?

That, I think, is an outline of information which this House should be given. Certainly it would not do us any harm to know these things. It is all very well for my honourable friend from De Salaberry (Hon. Mr. Beique) to proclaim that his conscience will be satisfied by withdrawal of permits for direct shipment to the United States, and at the same time his conscience will be satisfied if the liquor is shipped to the United States via St. Pierre and Miquelon. I have very great admiration for my honourable friend and for his opinion, and I was a little surprised to hear him make that statement.

Hon. Mr. BEIQUE: I beg the honourable gentleman's pardon. I think he is not quoting me correctly. I said that no clearances or releases should be given by Government officials if they had reason to suspect that the liquor in question would be exported to the United States.

Hon. Mr. LAIRD: The honourable gentleman is a lawyer and knows that this Bill would bind clearances to the United States only, and that there could be no interference with clearances to countries that have not a prohibition law.

Hon. Mr. BEIQUE: If my honourable friend will refer to the figures which I received from the Commissioner of Excise and gave to this House, he will find that 75 per cent of the liquor exported went to the British Islands and to St. Pierre and Miquelon. The Government had no reason to suspect that these goods were not intended for the destinations stated. Can the honourable gentleman state what quantity of liquor is consumed in Cuba? How could the Government determine the quantity that should be allowed to go to Cuba or to any other place where importation is not prohibited? It is not the duty of the Government to act as a detective agency in tracing liquor to its final destination.

Hon. Mr. LAIRD: I think the honourable gentleman must have misinterpreted what I said, and in order that there may be no mistake I shall repeat it. I ask him, in view of his attitude against direct shipments of liquor to the United States, how he can conscientiously justify the export of liquor to St. Pierre and Miquelon when he knows that it will be sent from there to the United States.



Right Hon. Mr. GRAHAM: He does not know that.

Hon. Mr. BEIQUE: I do not know that. If this Bill passes, clearances can be made for shipments to England, to France, or to—

Hon. Mr. LAIRD: Or to the United States.

Hon. Mr. DANDURAND: No, not to the United States.

Hon. Mr. BEIQUE: Not to the United States.

Hon. Mr. LAIRD: Yes, from these other places to which it is shipped from this country.

Hon. Mr. BEIQUE: I have no means of knowing what quantity of liquor may reasonably be consumed in St. Pierre and Miquelon, or in Cuba. Of course, if the quantities being sent from this country to those places were obviously excessive, it would be, I think, the duty of the responsible Canadian official to whose attention it came to refuse to issue clearances for such obviously excessive quantities. But if the quantities being exported to Jamaica or to Cuba or elsewhere were within reasonable bounds, I do not consider it would be the duty of the Government to prevent clearances.

Hon. Mr. LAIRD: If my honourable friend from De Salaberry (Hon. Mr. Beique) is of the opinion that none of the liquor which we ship to the West Indian Islands and to St. Pierre and Miquelon is re-consigned to the United States, I will venture to say that he is the only honourable member of this Chamber who thinks so. I should not like to suggest that that is the honourable gentleman's opinion, because he has one of the keenest minds in this House, and I have the utmost confidence in his judgment. I should be very much disappointed if my honourable friend were to say that his conscience would be appeased by the prevention of direct shipment of liquor to the United States while nothing is done to stop the flow into that country via Miquelon and other places.

Hon. Mr. BEIQUE: If the honourable gentleman will allow me, I will reply to him in this way: I consider that my duty as a member of Parliament is to help the Government to discharge its obligations, and not to inquire how they are discharged. I take it for granted that Government officials will act honestly.

Hon. Mr. LAIRD: Now, let me go a step farther in regard to these clearances. The Government apparently have satisfied their consciences in preventing officials being placed

in invidious positions, by withdrawing the privilege of direct clearances to the United States and allowing the liquor to reach that country indirectly through other places, to their own knowledge. The honourable leader of the Government (Hon. Mr. Dandurand) dealt at some length with the question of principle and morals as affected by this Bill. Now, I should like to ask him whether he would be prepared to enlarge this Bill to cover the stoppage of all liquor going to the United States or to Miquelon or to any other place, when it can be determined, or is known, or reasonably certain, that the liquor subsequently reaches the United States.

Hon. Mr. DANDURAND: I will tell the honourable gentleman that this Bill simply seeks to put a stop to the exportation of liquor to countries into which the importation is illegal. We intend that no liquor under the control of the federal authorities shall be released when the destination is one of those countries. Officials will be supplied with a list of what are known—to use a popular expression—as dry countries, and they will refuse release and clearance for export to any such places. In that way no officials of the Government will be co-operating in the activities of rum-runners and bootleggers. The Bill clearly distinguishes between countries into which the importation of liquor is legal and those which are under prohibition laws. My honourable friend wants to know whether the Government would go a step farther than the Bill contemplates and endeavour to trace liquor that is sent to so-called wet countries and may be short-circuited or long-circuited to the United States. But Canada is not going to undertake preventive work on behalf of the United States.

Some Hon. SENATORS: Hear, hear.

Hon. Mr. DANDURAND: The Government of that country will have to look to the enforcement of their own laws. This Bill has to do with the actions of our own officials, and nothing more.

Hon. Mr. LAIRD: I wonder whether the honourable gentleman thinks that the consciences of the officials will be satisfied when they grant clearances to Miquelon for liquor which they know will shortly afterwards be transshipped to the United States. It is well known that the shipping of liquor to St. Pierre and Miquelon is a mere subterfuge, and I submit that granting clearances for exportation to those islands, and refusing them for direct shipment to the United States, is nothing but cant and hypocrisy.

The honourable member from Pictou (Hon. Mr. Tanner) suggested that the United States are relentless and grasping on occasions. Now, suppose we pass this Bill and the American Government next year put to us the same proposition that I put to the honourable leader of the Government in this Chamber a few minutes ago. Suppose they say to us: "You know that this liquor which you are exporting to Miquelon does not remain there; you know that it is re-forwarded into the United States. Now, we should like you to cease exporting liquor to those islands." Can the honourable gentleman (Hon. Mr. Dandurand) suggest what the answer of the Government would be if such a proposal were made?

Hon. Mr. DANDURAND: My honourable friend apparently forgets that the United States could not make that request without making a similar request to the world at large. The American Government have simply asked that we should follow the principle of the declaration contained in the treaty of 1924 and try to prevent smuggling across our own border. That was the request that was made in the submission by the American authorities at the conference which was held here in January of last year, which submission my honourable friend knows was in Mr. Phillips' letter of last year. The Governments of the two countries are in daily contact on various matters, and so far our neighbours have made no suggestion that we believe to be out of the way. If they at any time should do so, we should plainly tell them where we stand.

Hon. Mr. LAIRD: The honourable gentleman says that the United States could not ask us for anything more than they would ask of the world at large.

Hon. Mr. DANDURAND: They could not.

Hon. Mr. LAIRD: I should like to ask my honourable friend, then, whether the United States have made any request, such as they have made to us, to the Government of Great Britain. Has the American Government requested France to prohibit the clearance of shipments of wine? Has any suggestion been made to the Dutch Government, which has colonies in the West Indian Islands? And has Mexico been approached in a similar way? I should like to know whether the United States have asked any other country than Canada to take the step which we are now told we should approve.

Hon. Mr. DANDURAND: That is not the same question that my honourable friend put to me before. He asked me what our answer

would be if the United States next year were to ask us not to grant clearances for the shipment of liquor to Miquelon. I say that the United States could not ask us to take that action without asking all other countries concerned. I would point out that the first request by the United States for co-operation in the enforcement of their domestic laws was made to Great Britain, and that request was responded to without hesitation and without any apparent fear of subserviency. For the last fifty years a favourite argument of a certain party on the hustings has been that Canada is subservient to the United States. My honourable friend knows that very well.

Hon. Mr. LAIRD: I never heard of it.

Hon. Mr. DANDURAND: The United States asked Great Britain to agree to the extension of the territorial waters from three to twelve miles, and Great Britain did agree. It was understood that that was for the purpose of helping in the enforcement of the Volstead Act.

Hon. Mr. LAIRD: I think I am safe in saying that a very large body of public opinion in this country would not be surprised if the United States made such a request at some time in the future, and they are very much in doubt as to what reply would be given to them if this Government were in power.

Hon. Mr. DANDURAND: It is always the same trend of thought.

Hon. Mr. POPE: And we have never been wrong.

Hon. Mr. MacARTHUR: Before an election.

Hon. Mr. TANNER: We are ready for annexation.

Hon. Mr. DANDURAND: Loyalty is the last refuge of the rum-runner.

Hon. Mr. TANNER: Anything at all for the Yanks.

Hon. Mr. LAIRD: I do not think that by bringing in this Bill the Government are showing any disposition of loyalty to friends of theirs in the past.

Hon. Mr. DANDURAND: I do not know whom the honourable gentleman means. My honourable friend does not talk of distillers as friends of mine?

Hon. Mr. LAIRD: No, not yours personally.



Hon. Mr. DANDURAND: It may be extraordinary, but I do not know one distiller, nor even a shareholder in a distillery. All around me there may be shareholders and distillers, but I do not happen to know them.

Hon. Mr. LAIRD: I am very near the conclusion of my remarks. I want to close by a reference to a suggestion which I think is desirable and which is called for by this amendment. I have suggested information along several different lines. I submit to the leader of the Government that it is desirable to have this information; I submit that it is necessary for us to have it; I submit that it would not do any of us any harm to have this information, and that it is only such information as we have received in other cases. When there was a lot of doubt and discussion with regard to the potentialities of the Hudson Bay and the construction of the Hudson Bay railroad, this House appointed a special committee of investigation and held numerous sessions and published the results of their work in pamphlet form. The work done by that committee formed the basis of the authentic information appearing in the newspapers, and of arguments pro and con on the public platform, and was the so-called bible on the subject of the Hudson Bay and its possibilities. That was a great work done by this House. Another great work done by this House was accomplished by the St. Lawrence Waterways Committee, headed by the honourable gentleman from Pictou (Hon. Mr. Tanner), a year or two ago. I also recall lengthy sittings of the Banking and Commerce Committee upon the subject of the National Railways, and the very interesting proceedings in that committee and the volume of valuable information acquired at that time. I have often heard my honourable friend himself (Hon. Mr. Dandurand) say that he was proud of the committees of the Senate and the work they do.

Hon. Mr. DANDURAND: Quite so.

Hon. Mr. LAIRD: Then why does not the honourable gentleman exercise his pride by having a committee appointed to do the research in this instance? There is no question that the information is desirable; there is no question that a special committee of this House is best qualified to get this information, because it can never be forthcoming in Committee of the Whole. Under the circumstances, and in view of the fact that we have ample time, I appeal to my honourable friend to grant us the concession asked for in this amendment. I think such action would redound to the credit of this

Chamber in the country; I think it would redound to the credit of the party which the honourable gentleman represents, and would show the people of the country that there is no desire to jam this legislation through this House without its members first having full and complete information such as they have had before when being asked to vote upon a question of such importance.

Hon. G. LYNCH-STAUNTON: Honourable members, I shall be very brief. I begin by stating that I am a mere acquaintance with the demon rum. I am not a special friend; I have no share, and never have had, in any of his promotions, and my sympathies are all against him. I am not going to discuss this question from a party point of view. It should not be a party question.

The honourable members on the other side of the House will, as is natural, unless they have very violent prejudices against this measure, vote the way the Government requests them to vote. Honourable members on this side of the House, if they were on the other side, unless they had violent prejudices against it, would probably vote with their party.

The Bill passed the other House without much discussion, and it probably will pass this House. It seems to me that we ought to try to give it fair and impartial consideration. From all the information I have gained in listening to the discussion, I have come to the calm conclusion that it is useless to pass it. I may be entirely wrong, but I have heard no argument advanced showing the utility or usefulness of this Bill. The honourable leader of the Government (Hon. Mr. Dandurand) says that the quantity of liquor which is to go into the United States cuts no figure; he says that the question is entirely a moral one. True, the right honourable leader of the Government urged the passage of the Bill on the ground that the refusal to pass it might be treated as an unfriendly act.

Hon. Mr. DANDURAND: Is the honourable gentleman in using that word referring to me?

Hon. Mr. LYNCH-STAUNTON: The right honourable leader of the Government. He said that it was so serious, such a possible cause of war between us and the United States, that he would not—

Hon. Mr. DANDURAND: The Prime Minister has not used that expression.

Hon. Mr. LYNCH-STAUNTON: It would be an unfriendly act, and universally in diplomacy an unfriendly act means something that will bring on war. That is the polite way in which the diplomats phrase a threat of war.

Hon. Mr. DANDURAND: Will my honourable friend cite the text of the declaration?

Hon. Mr. LYNCH-STAUNTON: I have no ulterior object in saying this. All I say is that, as I have read the speeches of the Prime Minister, he stated that the absence of this legislation was or might be something which in his opinion might raise a very hostile feeling between us and the United States, and which in the end might bring about serious conditions between us and the United States, and that he would not continue to be the Minister of Foreign Affairs unless the proposed measure was endorsed by the House or by the country. In other words, in plain English, if the House dared to vote against that Bill he would go to the country. Whether that is what he meant or not, that is what we universally took him to mean. A few days afterwards he said that was not what he meant. It reminded me of what I saw in an issue of Punch not long ago. A butler who was showing a gentleman to his bedroom said, "This, sir, is the haunted chamber, but it is my belief, sir, that the ghost is deceased." So Mr. King came back to the House after telling them about the haunted chamber, and said, "It is my belief that the ghost is deceased."

Now, the question is whether we ought to have this committee. It will not prevent the Bill from going through. It will not do any harm at all, and it will satisfy the members of the House. Such procedure is not unprecedented. I cannot see what use the Bill is at all. I think we ought to be satisfied first that it will be effective legislation. We ought to be satisfied that it will not do us hurt. If it is of no use to the Americans and injures us, we ought not to pass it.

What will happen when the Bill goes through? It will be unlawful to take out of warehouses liquor for export to the United States. It will be unlawful to give clearances to vessels carrying liquor to the United States. That is the sum and substance of the Bill. What is the practice now? The present practice is that an exporter, when he comes to the warehouse to purchase a supply of liquor, is asked where it is to go. He says, "It is for export." Then he is told, "You must furnish a bond that you will bring back a certificate of landing from the foreign country to which you are taking it, or you must pay the duty." As he intends to take it to the United States and knows that he cannot bring back a certificate, he pays the duty.

Hon. Mr. CASGRAIN: The excise.

Hon. Mr. LYNCH-STAUNTON: I call it the duty. He pays the duty, the charges the Government impose on liquor that is not exported. What is going to happen in the future? That man will take the liquor out, declaring that it is going to St. Pierre, and the Government will ask him for a bond. Then he will take the liquor to St. Pierre and bring back with him a certificate of landing, and he will get back his bond, and the liquor will go to the United States. We shall lose the duty which we should have got if he had told the truth, namely, that it was destined for the United States; because, as he could not get a certificate of landing in the United States, he would have been obliged to pay excise. If he takes the shipment to St. Pierre he pays no excise at all. That is where we lose on the transaction, and if we lose on that transaction and the Americans do not gain from it, why on earth should we pass the Bill?

Everybody knows—at least, everybody says he knows—that the export will go on. It will go via St. Pierre rather than across the lake, and eventually the merchandise will land in the United States. The gentlemen engaged in this business will be put to some trouble. It is much easier to run it across the river and land it among the complacent officers at Detroit than to take it away off to St. Pierre and then land it at some other place where the officers are equally accommodating. Possibly these gentlemen will not sell as much; but they can afford to sell less, because they will not pay the excise, which I understand is $9 a gallon. If they sold half as much by taking it to St. Pierre, I should think they would be money ahead. So, as far as I can see at the present moment, nothing will be gained by the Bill, but it will work an injury to us.

If it can be shown that I am in error in that, if it can be shown that the liquor that goes to the United States directly will not go there indirectly, that will certainly remove all the objections I have to the Bill. But I am sincerely impressed with the fact that this legislation is futile and is a mere gesture; that it will be followed by a large loss of revenue upon liquor which we manufacture and send to the United States anyway. It seems to me that the argument advanced by the best authority on the Government side, the Minister of Inland Revenue, is convincing proof that the legislation will be ineffective, and it follows that no benefit will be done to the United States and that great injury will be done to us and to our business.



Now, I want to make just a few criticisms of the wording of the Bill. Some day some person will say that this Bill was drawn by an Irishman.

Right Hon. Mr. GRAHAM: I do not believe it.

Hon. Mr. LYNCH-STAUNTON: No Irishman ever made such a bull as is in this Bill.

Hon. Mr. DANDURAND: But the suggestion my honourable friend mentions does not come from an Irishman.

Hon. Mr. LYNCH-STAUNTON: Anyhow, paragraph (c) of the Bill says:

> (c) it shall be unlawful to make any entry for exportation of any intoxicating liquor, destined for delivery in any country into which the exportation of such liquor is prohibited by law.

Will anybody tell me whether that is Choctaw or English?

Hon. Mr. DANDURAND: There is a clerical error, which can be corrected at the Table. The importation is prohibited by law. I should have drawn the attention of the Senate to the fact that there is a clerical error there.

Hon. Mr. LYNCH-STAUNTON: Did not the Bill pass the House of Commons with that in it?

Hon. Mr. DANDURAND: I do not know. I think it occurred between the two Houses.

Hon. Mr. LYNCH-STAUNTON: It being six o'clock, I would move the adjournment of the debate.

Hon. Mr. DANDURAND: Did the honourable gentleman declare that he was through with his remarks?

Hon. Mr. LYNCH-STAUNTON: I am through.

Hon. Mr. DANDURAND: If there are no other speakers, I will ask the House to divide.

Hon. Mr. POPE: They will not divide just now.

At 6 o'clock the Senate took recess.

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The Senate resumed at 8 o'clock.

Hon. RUFUS H. POPE: Honourable members, I have been connected with this House for a number of years, as everybody knows, and I never anticipated that the Government would bring in a public measure affecting the revenues of the country, affecting the

industries of the country, and affecting the revenue authorities, without first appointing a committee of investigation, so that we might be able by searching for information to find out what effect the proposed legislation is likely to have throughout Canada.

As to prohibiting liquor from going into the United States of America, I do not think the wording of this Bill will have any effect whatever. I live near the border of the United States. In that locality there is a hotel, half of which is in Compton County and half in Vermont. Compton County has had the Scott Act for about fifteen or twenty years and that hotel, situated on the boundary line, has had a wonderful experience. It used to have a reversible bar: when the American officers came up the bar was in Canada, and when the Canadian officers went down the bar was in the United States of America. When the officers of both the United States and Canada arrived at the same hour—which was very unkind of them—the poor old bar could not turn from one to the other, and it was closed up. I was there about six weeks ago, and I found a first-class bar which is entirely on the American side. You can get any kind of liquor you want there. The alcohol was made in the United States. It is cheaper. Many of the hotels in the community in which I live use alcohol made in the United States, because it is cheaper; for they avoid the payment of excise duty on it. There is plenty of liquor of every variety in my locality, and, so far as I can ascertain from those visiting different parts of the United States, all that I have said of that locality applies also to the United States of America, from the north to the south.

If we could do anything for temperance, there would be an entirely different story to tell, but the day when anything could be done for temperance has gone by. When I was a youngster we had temperance lodges, and we had lecturers and teachers coming and telling us the evils of the use of alcohol. We do not have those now. Prohibition destroyed temperance. Prohibition is not temperance, but an extreme, and intoxication is the other extreme. I take a drink occasionally, and I do not believe in either one extreme or the other.

If we intend doing temperance work by having our officers assume the responsibility of prohibiting liquor from going to the United States, when the United States officers themselves cannot keep it out, I have no hesitation in saying that we are wasting our energy and our time, and complicating rather than simplifying matters. The troubles between the United States and Canada will be intensified if this Bill is passed. The enforcement of the law will be costly for us, for we shall have to pay for the machinery of enforcement.

Shortly after the opening of this session I inquired whether the Prime Minister had made statements to certain newspapers or persons concerning this question, and the reply I got was that he considered as strictly confidential many of the communications that he had had on the subject of liquor clearances and he was not prepared to disclose the correspondence. As a member of the Senate of Canada, which is an independent House, and, I hope, not under the influence of any outside organization, I feel that in dealing with questions of international importance that are laid before us we are entitled to the complete correspondence and other documents which will show what led up to the introduction of legislation that is proposed. But in this instance we are denied those things. I have pages of stuff here dating back five or six years; we all have read it, but there is nothing in it to explain why we should charge ourselves with the responsibility implied by this Bill. And when we say that we want to look into the question and ascertain what is involved we are told that it is not in the interest of Canada that we should make inquiries.

I have already said that I believe the passing of this Bill would be detrimental to the Province of Quebec; that it would lose a couple of million dollars in revenue. I am not acquainted with Hon. Mr. Taschereau; I never saw the gentleman; but I know he is Premier of that province and I sent him a telegram inquiring what effect this Bill would have on the Liquor Commission down there. I have his reply, which is as follows:

> Impossible to say now what effect proposed legislation would have on business of our Liquor Commission.

He does not say that the legislation would have no effect on the Commission, but he is unable to make a forecast. In my opinion, this Bill if passed would result in a serious depreciation of revenue in every other province except Prince Edward Island, which has no liquor control Act. I have discussed this question with many honourable members on both sides of this House and I have been unable to find one who could elucidate the situation satisfactorily. I am at a loss to know why we should assume the responsibility of making this Bill into law while we are in such complete ignorance of the whole question.

Some honourable gentlemen may say that politics is at the root of the division of opinion in this Chamber, but is there any justification for coming to that conclusion? Is it true that we in this House have drifted so far away from independence that we are controlled by political agitation or partisanship? We have heard rumours of caucuses in another place, where pressure has been brought to bear with a view to whipping members into line. If there is any truth in those rumours I say that that is another reason why we should have an investigating committee to get at the real facts.

This Bill would be a serious blow to the industrial and economic situation in this country. I have been handed a memorandum which shows that in 1922 there were 69 breweries and 10 distilleries in Canada and these have increased in number from year to year so that there are now 86 breweries and 27 distilleries. A large number of people are employed in these businesses, and shareholders are scattered throughout the Dominion. Is the Senate of Canada going to have a hand in destroying the investments of our people? I realize that there are some honourable gentlemen who have not put their money into distilleries, and I may say that I have never invested any that way, but still I think we owe a duty to those who have done so. Distilleries are legal industries and as such are worthy of our support. They have become established in conformity with the law of the land, like other enterprises, and I think that we are entitled to know to what extent the industries concerned would be affected by this Bill.

The honourable gentleman from Toronto (Hon. Mr. Lewis) has said that he is very proud to belong to the Liberal Party. Well, I think if I came from Toronto and were a Liberal I should be proud too. It is a matter of distinction up there, where there are so few members of that party.

When honourable members on the other side of this Chamber say that we on this side are anti-American and extremely British, that is a compliment which I accept to its fullest extent. No one can confer higher praise upon me and the party to which I belong than to say that we have always stood for the Union Jack, for Canada, and for this country's independence of the United States and other places. The Conservative Party has taken that stand in the past and will continue to do so in the future, and we were never more united in this connection than we are to-day. If the Stars and Stripes is going to be hung up in this Chamber—I do not say it is—it will have to be put on the other side; we absolutely refuse to have it over here. Whenever there has been any weakening on the part of this country towards the United States, it has not been the fault of the Conservatives. I have in mind an occasion when I was a member in another place and we were told that if we dared to put an export duty on logs destined south of the border we should not be allowed to run a train on any track in American territory. When the Conservative Party came into power the duty was put on, and the trains continued to run the same as before. If we want our neighbours to the south to respect us—and I am sure we do—we should stand firmly on our feet, and show our determination to protect Canadian industry, and seek to improve the employment situation in this country so far as we can. If this legislation is going to have a very bad effect upon our industries and the employment of labour, then I think that we should be given the fullest opportunity of investigating the present situation and the future probabilities. I may say that I have attempted to study this question from both the viewpoint of the provinces and the broader outlook of the national interest, and I fail to understand why honourable members on the other side are afraid of a special committee. I would ask the honourable leader of the Government (Hon. Mr. Dandurand) why he is afraid of such an investigation? Has anything happened in the past that he fears to have investigated?

Hon. Mr. DANDURAND: There is nothing to investigate.

Hon. Mr. POPE: Is the honourable gentleman fearful lest something will be dug up concerning money that was taken from the people in 1926?

Hon. Mr. DANDURAND: I have never taken money from anybody.

Hon. Mr. POPE: I did not say you personally did, but your party did, as some honourable members within the hearing of my voice know.

Some Hon. SENATORS: Order!

Hon. Mr. DANDURAND: I have heard that there were subscriptions to the funds of both parties, and that people are very eager to contribute to them.

Hon. Mr. POPE: Quite right. Is the honourable gentleman afraid that that will be investigated?

Hon. Mr. DANDURAND: Oh, no.

Hon. Mr. POPE: Then why can we not have a committee?

Hon. Mr. DANDURAND: Is that what the honourable gentleman wants to investigate?

Hon. Mr. POPE: I want to investigate the whole thing.

Hon. Mr. DANDURAND: We are drying up the source of political subscriptions.

Hon. Mr. POPE: We are drying it up?

Hon. Mr. DANDURAND: Yes, by this Bill.

Hon. Mr. POPE: Then why not let us investigate and find how dry it is going to be? That is a new idea. Does the honourable leader of the Government not know that the liquor that leaves this country destined for St. Pierre and Miquelon and islands to the south is really en route to the United States? That is common knowledge. The liquor will be placed on boats that ply on the St. Lawrence River and some Yankees will come along and take the cargoes to their own country. How can we stop them? We might attempt to put a stop to that sort of thing and cause a lot of friction between the two countries, and run up a big bill of expense for ourselves, but that is all we can do.

Hon. Mr. DANDURAND: Would the honourable gentleman allow me to ask him a question?

Hon. Mr. POPE: Certainly; two.

Hon. Mr. DANDURAND: Does the honourable gentleman think it is the proper thing for this country to put its seal of approval upon cargoes of liquor destined directly to the United States of America, when we know that it can only be taken into that country in violation of their laws, through the activities of smugglers and rum-runners?

Hon. Mr. POPE: I am not discussing that at all; I never have discussed that, and I have not said that that would be proper. What I said was that the liquor we export elsewhere will find its way to the United States.

Hon. Mr. DANDURAND: That is something else.

Hon. Mr. POPE: It will find its way to the United States in spite of any legislation that we pass, but we shall have the expense of the preventive force. If the honourable gentleman cares to make inquiries he will find that most of the bootleggers are American citizens. That was not so ten years ago. Our people have got sick of American jails and they no longer run the risk of being put into them. The Yankees come close to the Canadian border and take delivery of the liquor. How can we stop that sort of thing?

Hon. Mr. DANDURAND: At least we will not lend any assistance to the carrying on of that traffic.

Hon. Mr. POPE: But you do take the excise duty and it forms part of the revenue of this country. You cannot stop the export of liquor. Is the Government going to put a preventive force along the whole international boundary of three or four thousand miles?

Hon. Mr. DANDURAND: That is on the general question of smuggling.

Hon. Mr. POPE: There is smuggling of liquor into the United States and that is what you want to try to prevent. The Government are not endeavouring to ship liquor south of the border. Even my right honourable friend the junior member from Ottawa (Rt. Hon. Sir George E. Foster) would not make any such statement. Everybody knows that we are not going to lower ourselves to that degree. But I submit that if this measure is passed it will be necessary to have a corps of preventive officers the entire length of this country, paid by the Dominion Government, and the liquor will still get through to our neighbours.

Hon. Mr. DANDURAND: Will my honourable friend allow me to make a statement?

Hon. Mr. POPE: Certainly.

Hon. Mr. DANDURAND: The Government of Canada will not do anything of the kind. The Government will not put an extra man on the border nor elsewhere to help the United States enforce their own laws. We are desirous simply of cleaning our hands of the business.

Hon. Mr. POPE: Then I tell the honourable gentleman that American citizens will come over to this side and if they cannot find liquor anywhere else they will grab it out of the Provincial Commissions' warehouses during the night and transport it across the border. They will go that far and farther, because you cannot stop a large percentage of the 120 millions of people over there from drinking whisky.

If the Government do not intend to carry out the provisions of this legislation, if the whole thing is a farce, then I say that is an attitude unworthy of the representatives of this country. The honourable leader (Hon. Mr. Dandurand) has said that the Government are not going to do anything; they are not going to increase the preventive force; they want the Act passed and then will have the Royal Assent given and no further action will be taken. That is exactly what was done in connection with the Scott Act all over this country. The Act was passed and councils voted in favour of it, but the people continued

to drink whisky. And now apparently it is intended that this Act should be passed and handed over as a present to the United States with this message: "Accept this as a gift from us. Now take care of yourselves. We will have nothing more to do with your liquor problems." Does the honourable gentleman think that legislation founded upon that principle is sound? I submit that the Government will have to do their duty, whether they want to or not, and that will include something more than the signing of a piece of paper. The responsibility rests upon the Government—

Hon. Mr. DANDURAND: Not further than the Act itself.

Hon. Mr. POPE: Yes, further than the Act itself. I will read you the Act itself if you wish. It will not take long; it is very short.

Hon. Mr. DANDURAND: And it is very clear.

Hon. Mr. POPE: The Bill says:

The Governor in Council may make such orders and regulations as he may consider necessary for giving effect to any of the provisions of this section.

Now, this is going to be a fraud against the United States of America. The Governor in Council can make such regulations as he may consider necessary for carrying out this Act; but the honourable gentleman tells me that the Government are not going to do anything.

Hon. Mr. DANDURAND: But the honourable gentleman did not read the Bill.

Hon. Mr. POPE: I have read the clause which says that the Governor in Council is to put it into effect as he sees fit.

Hon. Mr. DANDURAND: Oh, no.

Hon. Mr. POPE: Oh, yes. I will read the rest of the Bill:

8. (1) Notwithstanding the provisions of any other statute or law or of any regulation made thereunder or of any bond, agreement or other instrument relating thereto

(a) no intoxicating liquor now or hereafter held in bond or otherwise under the control of officials of the Dominion Government under the provisions of the Excise Act, the Customs Act or any other Statute of Canada, shall be released or removed from any bonding warehouse, distillery, brewery or other building or place in which such liquor is stored in any case in which the liquor proposed to be removed is destined for delivery in any country into which the importation of such liquor is prohibited by law;

(b) it shall be unlawful to grant a clearance to any vessel having on board any intoxicating liquor destined for delivery in any country into which the importation of such liquor is prohibited by law;

(c) it shall be unlawful to make any entry for exportation of any intoxicating liquor, destined for delivery in any country into which the exportation of such liquor is prohibited by law.

Hon. Mr. DANDURAND: That is the Bill.

Hon. Mr. POPE: Then it defines what intoxicating liquor is, and there is this section:

The Governor in Council may make such orders and regulations as he may consider necessary for giving effect to any of the provisions of this section.

Hon. Mr. DANDURAND: Yes, the Governor in Council may make orders for giving effect to the legislation, to see that it is carried out.

Hon. Mr. POPE: If that law is carried out it will prevent liquor from going into the United States.

Hon. Mr. DANDURAND: That is not what the Bill says.

Hon. Mr. POPE: What good is it, then?

Hon. Mr. DANDURAND: The Excise Office will not be allowed to release liquor from distilleries for export to the United States and no clearances will be given; that is all.

Hon. Mr. POPE: Oh, no. Other conditions will be covered by order of the Governor in Council. There will be more money for the election. There will be another grand subscription; the money will roll into the Government's coffers.

Hon. Mr. McMEANS: They will need it, too.

Hon. Mr. POPE: But it will not do them any good. Before the election the Order in Council will be made and everything will be done in a great hurry. The Government will say to some distillery: "You have so many gallons of liquor. Get it out before we pass the Order in Council. We have to go to a conference over in England." A million tons of money rolling in to buy votes in the Dominion of Canada! A sweet victory in favour of temperance! A wonderful act of temperance! The astonishing thing to me is that this House should be held up by such legislation, by such a proposition as this is, or by the opportunity that it offers. The opportunity is there. There is no getting away from it, and my honourable friend does not deny it. That is one thing I will say to

his credit—he does not deny that the money is coming in, or will come in. But he denies us the privilege of finding out just how.

Now, to return, as I am not a lawyer—

Hon. Mr. DANDURAND: The honourable gentleman studied law.

Hon. Mr. POPE: I studied enough to keep out of it. I discovered at a comparatively early age that I had a conscience.

Hon. Mr. DANDURAND: And the honourable gentleman went into politics.

Hon. Mr. POPE: I drifted into national life.

Some Hon. SENATORS: Oh! Oh!

Hon. Mr. POPE: Not politics; national life. I wish we had more young men to-day drifting into national life, and not into politics along the narrow lines that have been visible in this House to-day. What we need is broader vision, national and international. I remember when the word "politics" meant something. It meant Confederation, the building up of Canada, the construction of the C.P.R. and the Intercolonial for national development, the building of piers and wharves, the acquisition of the great territories of the West which are now the Prairie Provinces. Those were great national political achievements, and I am proud to say that every one of them was brought into being by the party represented on this side of the House, and was opposed by the party of honourable gentlemen on the other side.

Hon. Mr. DANDURAND: Will my honourable friend allow me to remark that many of the leaders have been members of the Bar. I might name Sir John A. Macdonald, Sir George Etienne Cartier, Sir A. A. Dorion, Sir Edward Blake, Sir John Thompson, Sir Wilfrid Laurier, the Hon. Mr. Bennett, the Hon. Mr. Willoughby, and others. My honourable friend should not speak with so much disdain of the members of the Bar.

Hon. Mr. POPE: I am delighted to know that the honourable gentleman has found some excuse for being a lawyer. I am glad that after searching the records he has found among the thousands who have been lawyers four or five who became great. I dare him to search on.

Under the circumstances I have just mentioned, why can we not have a little committee? For Heaven's sake, why can we not have a little committee just to look into the details of this? It is not a big thing to do. We have plenty of time. The senators sit only once in a while. I suppose that when they go away they will be absent another month. "Thirty days from date"—you know what that means. Why subject this House to ridicule by not making it useful? Is not this a revising body? Are we not supposed to be constituted for the purpose of revising legislation that comes from another place? Is not that our business to a very large extent? And are we compelled to revise legislation without looking into it? I never heard of such a thing in all my life, honourable gentlemen. It is well for us to smile and laugh; but there is an underlying principle that we should not vitiate, but perpetuate—that whenever there is work for a committee of this House on any public question we should have a committee, and it should be given the privilege of looking into the details.

Honourable gentlemen say we are opposed to the United States. I am not opposed to the United States, but I want their people to stay at home and mind their own business. If there is anything that I am more proud of than the United States, it is Canada. I say, let us stay at home and mind our business and refuse to interlock our affairs. In this way we shall avoid the difficulties, trials and tribulations that surely follow such interlocking legislation as that which is proposed now. Do you think for a moment that the United States are not going to insist upon that legislation being religiously fulfilled? Do you think they are going to accept just four lines of printed matter? Not at all. They are going to demand fulfilment at any cost, and before you are through with it you will wish a thousand times that, if only for national reasons, you had given us a committee of investigation and had allowed us time to look into this matter.

We Canadians occupy the better half of the continent of America. We have the greater future on this continent, because Canada has not been exploited to the same extent as the United States. Someone says: "Oh, but if you don't give the United States its own way the people will come over here with arms and guns and take possession of Canada." Well, I want to tell them that when they come here they will find British soldiers here, they will find Canadian soldiers, they will find men coming from the Argentine and from Mexico and from everywhere else, because the United States have no friends, internationally, except people that bow to their will. They have no friends on this continent. If you think they have, where are they? Point out one nation. They have none. They are autocrats. They think that all they have to do is to be autocratic towards us and they

will get their way. And if we bow down they will say, "Nice people up there."

Now, I presume we are not going to be allowed to have a committee; I presume that it is going to be refused to us; I presume that the vote in this House is going to be against it. As far as I am concerned, until a committee shows me some reason for being in favour of the Bill, I can see nothing in it to attract me as a Canadian. I am opposed to it. But, as everybody knows, I am in favour of investigation, and if in the committee any good reason were shown why what is proposed in this Bill should be done—that it is national or international, and not political—I should be disposed to support it. But I will not do that without investigation. I regret that we are refused the opportunity to investigate this question. I do not think it is fair that we should be refused that opportunity. Unless you give us an investigation, you cannot escape the slur on the street. The slur on the street says there is boodle money, and that if an investigation takes place we shall find out about the money the alcohol people gave you in 1926.

Hon. Mr. LACASSE: What about 1929?

Hon. Mr. POPE: Or 1929, or any other time you like.

Hon. Mr. LACASSE: What about 1929 in Ontario?

Hon. Mr. POPE: I hope they were just as lucky as you were in 1926. You cannot prove one thing. If I am given the opportunity, I can prove what I am talking about; but you dare not agree to the appointment of a committee with the right of investigation, and you know it. As honourable gentlemen sitting in this House, and people in the gallery within hearing of my voice, are aware, I am not alone in this matter, and if you dared to yield to the demand for an investigation we would at once show you where you got off, and where you will never get off again.

Some Hon. SENATORS: Oh! Oh!

Hon. Mr. POPE: Useless! Dumb as turtles sitting on a rock!

Some Hon. SENATORS: Oh! Oh!

Hon. Mr. POPE: It is wonderful! I have seen funny things, but isn't it wonderful to see twenty-four dummies?

Hon. Mr. LACASSE: Order!

Hon. Mr. POPE: You dare not come forward; dare not give us the privilege of investigating; dare not open the doorway so that we may walk in; dare not let independent, honest, patriotic people walk into a committee to see what is happening in matters of this kind. When the flow of liquor goes one way it does not go the other; and I am quite sure that what flowed into your barrel did not flow into ours. How I should love to have that committee investigate and vindicate your position of purity! Nothing would give me greater pleasure than to discover that the public life of Canada, on both sides, was as pure and white as the driven snow.

I am not going to detain you longer. A man could continue almost without end on this subject, producing facts and figures, but honourable gentlemen who preceded me have cited figures and there is no need for me to give those figures again. I am opposed to the principle of not having a committee of investigation on an important question that comes to the Senate from another place. I repudiate that principle; and if the opportunity is given me, I will vote against it. That is all I can do.

Hon. G. LACASSE: Honourable members, I do not intend to speak at length, but will give a few of the reasons that induce me to vote as I shall. I desire to bring to the attention of this House a few facts which will demonstrate why, notwitstanding the lengthy utterances to which we have been listening during the last two or three days, there is still a strong suspicion in my mind as to the alleged necessity of referring this question of liquor exportation to a special committee of this House. Why, my honourable friends are so conversant with all the aspects of the problem that there seems to be hardly any room left in them for additional information. I purpose also to draw the attention of this House to a few contradictions which I have noticed while patiently listening to the numerous arguments put forth by honourable gentlemen opposite.

There is one question which I should now like to ask my honourable friends. A decision has already been given elsewhere in regard to this matter—an almost unanimous decision—and I ask what induced the political cousins of the honourable members opposite to take the stand which they did. Was it that the Tory press throughout the length and breadth of this country failed to convince them as to what was the proper stand to take, or was it that the soundness of the Liberal arguments convinced them? What was it? Was it the fear of public opinion? This would not be sound reasoning on their part, because they have stated here many a time that public opinion in this country is opposed to

this legislation. I repeat, what induced the political cousins of the honourable gentlemen opposite to take an almost unanimous stand on this issue in another place?

I for one, honourable members, think that the question at issue now is not a temperance question. The main ground upon which I base this contention is the fact that gentlemen elsewhere, covered with the glory which they won in a recent provincial election, have taken such a radical stand within a very few months after their triumph at the polls. I am referring of course to the Ontario members. The stand which they have taken here might be regarded as a "dry" stand, which is absolutely astounding on the part of people who were such enthusiastic supporters of the very opposite policy in the provincial arena.

Hon. Mr. McMEANS: Would the honourable gentleman speak a little louder? We cannot hear him.

Hon. Mr. LACASSE: I beg to remind the honourable gentleman from Winnipeg that the first compliment I received when I entered this Chamber was that my voice was strong enough to be heard by anyone here, even the oldest member, and I was encouraged along that line by one of his most venerable friends. If my honourable friend finds that my arguments are too strong for him, I sincerely apologize, but he will have to digest them just the same.

I maintain that this question is a commercial, moral, and international question. Let me draw the attention of the House to a few points, or objections, which were raised against the enactment of the proposed legislation.

First, it is claimed here and there that we shall be responsible for a tremendous loss in our revenue. How can my honourable friends account for that argument when they say that the Bill will not affect exportation at all? Here is a little contradiction which I find in their own words, and which I ask them to explain. As a matter of fact, I think that the abolition of the export trade in liquor will give a tremendous impetus to tourist trade in Canada and that tourists will leave much more money in the country while they are here.

Secondly, this new legislation will prevent what I may call back-smuggling. By that I mean—and I know for a fact, because I happen to live in a district where smuggling is done every day—that when loads of liquor go over to Detroit, for instance, the boats come back full of goods smuggled from the United States, and thus our country is deprived of a legitimate source of revenue. On the other hand, I admit that the Province of Ontario will be the greatest sufferer by this change of legislation, because the law in Ontario does not permit the different brands of beer to be advertised. But I appeal to Mr. Ferguson to accommodate his legislation to the new regulations and to give the Province of Ontario a liquor policy more or less in accord with the principles of the law in operation in the Province of Quebec. Then you will see the good friendship which the Americans will show, in spite of taking the risk of becoming the victims of the wrath of the honourable member from Bedford (Hon. Mr. Pope). I like to call them my friends anyway, and sympathetic neighbours of this country.

In regard to investments, it is claimed that this legislation will materially affect the amount of money invested by the distillers and brewers of this country. That may be so, but only to a certain extent. My honourable friend from Winnipeg must check me if I am speaking too loud.

Hon. Mr. McMEANS: Go on; you are doing very well.

Hon. Mr. LACASSE: That is the first candid opinion we have got from across. From my own investigation I know for a fact that in some cases, if not in all, 75 per cent of the money invested in the manufacture of liquor is American money. I have figures here pointing to that. Anyway, I can safely make that declaration so far as my district is concerned. On a stretch of possibly fifteen miles on the Essex border we have five breweries and one distillery, and I know that at least 50 per cent of the money invested there is American money. This afternoon I heard that those investments would be badly treated by the proposed legislation, nearly all the shareholders having been induced to invest on the representation that the investment was safe. Well, I believe that they have had fair warnings. A year ago they had a warning from the Prime Minister. I believe the incident of the I'm Alone was also a fair warning to them. The more recent pronouncements from the Prime Minister gave them another warning, and I think that if they had anticipated that they could not induce honourable members opposite to block this legislation, they would not have invested so much money in the game.

I should like to make a reply to one more question. We have noticed that here and there huge profits have been made by the good friends of my honourable friend from Bedford—the bootleggers. What has become of that money? I happen to live in a district where there is a large number of bootleggers, and I am not at all the richer for it. In other

words, a large proportion of the money made in that game was never used for the benefit of this country at large, but was carried back across the border and spent in the United States, in excursions to Florida and elsewhere.

Now as to employment, having made a personal study of the situation in my own district, I know for a fact that the enactment of this Bill will mean the throwing out of employment of possibly 200 persons, and I am very sorry for that. I sympathize with those families, but on the other hand I contend that all trades and businesses built on a wrong principle eventually lead to false prosperity, and that artificial prosperity is one of the many reasons explaining to some extent the relative stagnation of business at the present time.

It has been argued again and again that the Prime Minister of the country is giving one more proof of his good feeling, his excessive feeling of friendship, if I may put it that way, towards the United States; and one of the expressions used by my honourable friend from Pictou (Hon. Mr. Tanner) yesterday was, "Nothing is too good for Washington." On the other hand, it has been declared here by the same speaker that most of the people in the United States are not in favour of the measure. How can those two statements be reconciled? I grant that my honourable friend may be right once, but he cannot be right twice, when one statement is in contradiction of the other. I may say also that already we have felt the beneficial result from this proposed legislation, because only a few days ago the ban against Canadian employees in the city of Detroit was lifted by the civic authorities of that city. That is an expression of good feeling on the part of Americans towards Canadians, and I think that we should reciprocate in sincere friendship, and continue to be proud of the peace that has existed for a hundred years between these two countries, which is a unique example in the history of the world.

It has been said also that the people of the United States have not so far given us sufficient proof of their real and earnest desire to enforce their own laws. That may be true in some instances, but I should like to ask my honourable friends opposite whether our Canadian police officers should not cooperate with the American administration in trying to stem the increasing wave of crime in this North American continent, in spite of the fact that the criminality here and there along the line, in Chicago and elsewhere, is continually growing.

I will take this Chamber into my confidence for a few more moments and declare, in all sincerity, that as a Canadian citizen, as the father of a family living on the border, I have misgivings at the thought of possible international complications. I know that my honourable friend from Bedford has large armies to draw upon. I know he is ready to do his part always—to wave the flag in time of peace. But think, for instance, of this possibility, which any day may become an accomplished fact. Take the case of a good Canadian citizen, a British subject living on the shore of the Detroit River. After supper he sits on his verandah and reads his newspaper in his own country while his children are playing in front of his porch. At the same time smugglers and rum-runners are taking a cargo over to Detroit, and the minute they leave Canadian waters a bullet from the other side, aimed at one of the smugglers, happens to hit one of the children of that citizen. Thus Canadian blood is shed, and for this an official bullet from Uncle Sam is responsible. What are going to be the consequences? Suppose I am the father of that child. Even if I receive excuses and apologies from Washington—even if the President himself sheds regretful tears—a human life is gone forever, a Canadian citizen is killed by the official bullet of a friendly nation. Now, this is not only a possibility, but it is an actual fact, for a few days ago a man happened to be shot on the Essex border by an American bullet. He was taken to the hospital and fortunately survived. Today, to my great astonishment, members of this Parliament are opposing a measure which is a preventive against a repetition of such sad incidents. I will go further and say that one member in particular—

Hon. Mr. LAIRD: I would ask His Honour the Speaker if that is in order.

Hon. Mr. LACASSE: I am referring to an accomplished fact. If this is not in order—

Hon. Mr. LAIRD: I submit it is not in order, because it is a criticism of a member of the other Chamber, and such criticism is not in order in this Chamber.

The Hon. the ACTING SPEAKER: I think my honourable friend had better not discuss that subject.

Hon. Mr. LACASSE: I will cheerfully withdraw these last remarks if they are not in order, although I have not gone to the extent of calling my honourable friends across the floor a set of dummies. I will refrain from adding anything further to this discussion, for fear I may be out of order again. If I have

been out of order it is because I have followed the bad example set by my honourable friend from Bedford (Hon. Mr. Pope), who is a much older member of this Chamber.

Hon. ARCHIBALD B. GILLIS: Honourable members, I have just a word or two to say. I am sure it is somewhat of a disappointment to almost all the members of this House to find at this stage that we are refused a committee to investigate this very important matter. I do not think there has been a single occasion since I have been in this House where a matter of such importance as this was not referred to either a standing or a special committee to ascertain all the details in connection with the Bill. In view of the very pointed statements made by the honourable senator from Bedford (Hon. Mr. Pope), I can scarcely see how the honourable gentlemen can very well ignore them, and persist in refusing a committee of this House to investigate these things, and also to secure information in connection with the proposed legislation.

Hon. Mr. DANDURAND: Surely my honourable friend must have noticed that a large part of that speech by the honourable member from Bedford was in a jocular vein.

Hon. Mr. GILLIS: Nevertheless the statements were uttered, and they will remain on our Hansard for all time to come, and they cannot very well be ignored.

Hon. Mr. DANDURAND: But they are not serious. We all know that they are not serious, and my honourable friend himself knows that they are not serious.

Hon. Mr. GILLIS: But where are you going to discriminate? Where are you going to draw the line between what is serious and what is jocular? You should draw a distinction somewhere, and as far as I can see, it will be utterly impossible to do so in the statements made by my honourable friend from Bedford.

But my particular object in rising was to ask a question. As to the effect of this Bill when it becomes law, to what extent will it curtail the shipments of liquor to the United States? It is true that if this measure comes into force no clearance will be granted to any vessel that is supposed to go to any port of the United States. Take a concrete example of what may happen—what is bound to happen. A man comes to a distillery and wants to buy, say, 100 cases of liquor, and he has to get clearance. He goes to the officer who will grant that, and the officer asks him, "Where are you going to send this liquor?" The answer will be, "To the United States," to which the officer will reply, "We cannot grant you a clearance for the United States." Then the exporter will decide to ship to the United States via Miquelon, and clearance will be granted at once.

Hon. Mr. HARMER: Oh, no; that is hardly a fair statement. The Government official would not grant a clearance if the destination were declared to be the United States.

Hon. Mr. GILLIS: I think my honourable friend misunderstood me. I did not say that the true destination would be declared, but the exporter would say he was going to ship to Miquelon and clearance would be promptly granted. So it follows that there will be no reduction in the quantity of liquor that has been going across the border within the past few years, but the Dominion treasury will be very much the poorer if this small Bill becomes law.

Much has been said about neighbourliness in this discussion, but it is quite clear from the attitude of the Senate and the House of Representatives of the United States that they are going to build a higher tariff wall against everything we produce. If we are faced with a duty of 42 cents a bushel on the wheat we should like to sell to that country, why should we go out of our way to help them enforce their laws? Surely if they are not able to have their own regulations respected, we should not be asked to go in and assist them, as this Bill contemplates, when in any event we could not hope to accomplish very much.

Some Hon. SENATORS: Question!

Hon. Mr. WILLOUGHBY: It is evident that a large number of honourable members are absent to-night, and I should be sorry to see the Bill advanced to third reading without their having an opportunity to express themselves if they so desire. I am willing that the amendment should be recorded as rejected on division, and that the Bill should be given a second reading without division and go into committee to-night, if in return the honourable leader of the Government would agree to the postponement of the third reading until after the Easter recess.

Hon. Mr. DANDURAND: Can the honourable gentleman give a reason why the third reading should be postponed so long?

Hon. Mr. WILLOUGHBY: I have given a reason. Several honourable members on this side of the House are absent, and some of them did not anticipate that the question would be coming up at this stage. Not one of the senators from British Columbia on this side of the Chamber is present, and I have had

telegrams stating that some of them would like to participate in the debate. There are a number of other honourable gentlemen who, I feel sure, would like to express their views. I think that honourable members present will be willing to give those who are absent an opportunity of taking part in the discussion of the third reading. I dare say there are some honourable members absent from the other side of the House who would like to be present before the debate ends.

Hon. Mr. DANDURAND: I have no objection to listening to the views of any honourable members of this Chamber, but I should not like to leave this piece of legislation suspended during the Easter recess unless I were assured that honourable members on the opposite side would regard the second reading as a guarantee that the Bill would be given the third reading. There may be present a majority of honourable members who are in favour of the Bill, but we are willing to have the bells rung so that all who are in the building may record their votes. If we are to be faced with a solid resistance from the other side of the House when the motion is put for the second reading, I do not think it is fair that we should be asked to postpone the third reading until a time when many of the supporters of the Bill who are now present may not be here and more opponents may be in the Chamber. If my honourable friends who have been supporting the amendment would give me an assurance that they will not object to the third reading, I should then be disposed to agree to the honourable gentleman's suggestion.

Hon. Mr. GILLIS: It is always the privilege of any legislative body to take any stand it desires on the third reading of the Bill. You cannot deprive us of that right.

Hon. Mr. DANDURAND: Certainly not, but will my honourable friend tell me whether, if the Bill is given a second reading to-night, and the principle is thereby endorsed, he will vote for the third reading?

Hon. Mr. WILLOUGHBY: I will speak for myself only. Having accepted the principle of the Bill, I shall not oppose the third reading.

Hon. Mr. McMEANS: But my honourable friend should consider that he may have a change of heart.

Hon. Mr. WILLOUGHBY: No; I can speak for myself.



Hon. Mr. DANDURAND: There is no Whip on this side of the House and I do not know how the honourable members who are here intend to vote. I have not counted the supporters of the Bill. However, if half a dozen of the honourable gentlemen facing me would take the same stand as the honourable leader on their side, I should certainly be agreeable to the postponement.

Hon. Mr. GILLIS: We might as well proceed with the third reading at once as give that assurance.

Hon. Mr. BELCOURT: Oh, no.

Hon. Mr. STANFIELD: Can the honourable leader of the Government depend on all on his side of the House to vote for the motion?

Hon. Mr. DANDURAND: I think that the honourable members on this side who vote for the second reading this evening would vote for a third reading after the Easter recess. Can my honourable friend from Colchester (Hon. Mr. Stanfield) say the same thing?

Hon. Mr. STANFIELD: I can say that if the honourable members who are on the same side of the House as the honourable leader of the Government vote for third reading, there need be no fear about the passing of the Bill.

Hon. Mr. LAIRD: The honourable leader of the Government (Hon. Mr. Dandurand) has not yet stated whether he refuses to agree to the appointment of a special committee. I should be sorry to know that he has made up his mind to that extent.

Hon. Mr. DANDURAND: I said at the outset of the debate that, speaking for the Government, I could not accept the amendment, because I think the Bill is simply a question of principle upon which we can vote without further investigation. My honourable friend from Regina (Hon. Mr. Laird) has stated several reasons why there should be a committee, but I am sure that I could take one after the other of his contentions and convince him that they are weak and that we do not need a committee.

Hon. Mr. LAIRD: I am afraid that all my love's labour is lost.

Right Hon. Mr. GRAHAM: It is on Hansard.

Right Hon. Sir GEORGE E. FOSTER: Honourable senators, I have been so interested and entertained by the arguments to which I have listened yesterday and to-day, that I

postponed until now any remarks that I have felt like making. I wanted to learn, if possible, what arguments, if any, I would consider of sufficient weight to lead me to vote to send this measure to a special committee. As an old parliamentarian and rather close observer of parliamentary procedure, I do not consider that this measure is, or that any similar measure under similar circumstances would be, a proper subject for a special committee. A special committee such as has been moved for by the honourable gentleman to my right (Hon. Mr. Willoughby) would have a tremendous amount of work to do if it proceeded to gather all the information which some of my honourable friends on this side of the House have demanded. To go into the economic conditions of Canada, the national situation, the international relations, and so on, as each of these subjects would be affected by this Bill, would require the sitting of a committee over a very long period, and on that account it seems to me that the amendment was rather in the nature of a dilatory motion than of one which, if agreed to, would result in securing useful information. Therefore I was, and still am, opposed to the amendment.

I want this measure, which has been brought down by the Government five years later than it should have been brought down, voted upon and passed. I have very good reasons, I think, for my attitude, although I have not obtruded those reasons upon honourable gentlemen. I have been listening attentively, and have derived a great deal of comfort as well as information. Sometimes when I look at my honourable friend from De Salaberry (Hon. Mr. Beique) and think that he and other old campaigners and workers in public life, including myself, are reaching a time when we shall be obliged, whether we like it or not, to pass our work over to others, a feeling of sadness comes over me at the prospect that our country will be bereft of the services of my honourable friend—I am not speaking of my own now—and I wonder whether public life will not be very much the poorer when such a one finishes his work. I am led to think of what will become of the country when he passes and when I pass, as I soon must. Well, I have derived wonderful comfort from this debate, because I have found on both sides of the House young men of strong physique, of bright intellect, who know so much and are so positive in their knowledge that I begin to look upon my departure with fewer misgivings for the country. And when I consider further that, despite all their positive knowledge of subjects over a wide area, they have a voracious appetite for still further information, I feel that I shall be able to pass away by and by with the assurance that our country's future is in good hands.

My heart-strings had been touched a little as I had been led to consider what is to become of the poor brewers and distillers when this legislation passes. But I derived comfort from my honourable friend from Regina (Hon. Mr. Laird), who tells me—and I think his statement has been reiterated by others—that the liquor which we prevent from being exported from Bridgeburg to Detroit will be shipped through St. Pierre-Miquelon, the West Indian Islands, Mexico and South America. What do the brewers and distillers think about the situation? They say: "It is all the same to us; one way is as good as another. If we cannot ship through Detroit we will ship through St. Pierre." My honourable friend can hardly take the two propositions and hold by both.

Hon. Mr. LAIRD: In one case the country gets the excise duty and in the other it does not.

Right Hon. Sir GEORGE E. FOSTER: Yes, but it is the brewers and distillers that I am looking at. And when I feel assured that they will sell just as much—and maybe more, because the spout will be larger down at St. Pierre—why, I confess that my bowels of sympathy for the brewers and distillers have rather dried up.

I still feel that amongst all this exuberance and strength and power, and future promise, I owe a little bit of duty to two sections of the Canadian people. I owe a duty to the Government that is in power at the present time. Then I feel that it is my duty to people outside of this House, in Canada, and maybe to a section of people outside of Canada, to put my views somewhat to the front so that they may be compared with the views that have been so carefully and shrewdly and skilfully advanced by honourable gentlemen on both sides of me. That duty I want to perform. I feel it my duty also to administer a proper chastening to the Government some time before this matter goes out from this Chamber. The question is as to when that shall be done. If, for reasons which have been advanced by my honourable friend to my right (Hon. Mr. Willoughby), the third reading is left until after the House meets again, I shall then take the opportunity of discharging that duty.

I am going to vote for this Bill. Every criticism that I have heard—and criticisms have been well applied in another part of this

building, and to a large extent in this Chamber also—every criticism, while in most cases justly deserved by the Government and its adherents, is a reinforced argument for affirmative action on this Bill at the present time. I think the gentlemen who have very strongly criticized the delays of the Government have thereby put themselves in a position where they should grasp at the chance of standing by this legislation now that it has come before them. Therefore, if it is of any assistance in coming to a conclusion along the lines which have been proposed, I may say that my vote is certain for the measure on the second reading, in committee, and on the third reading.

Hon. Mr. WILLOUGHBY: I may say to the honourable leader of the Government that the conclusion of the proposition he has made is hardly fair to me or to this side of the House. I do not want to have any strings attached to the third reading of the Bill. I can see that the amendment would be defeated to-night, and therefore I ask, "Why vote on it?" The honourable gentleman has a perfect right to call for a vote if he wishes. I am not ashamed of my vote. I am willing to concede the principle of the Bill, and to go into committee to-night, but the third reading will have to proceed in the regular manner.

Hon. Mr. MICHENER: Had a vote been taken I should have liked to express my views, but there has already been considerable time consumed in the discussion of this question. If a committee were appointed, I should have no objection; at the same time I should not like my vote to be interpreted as meaning that I am opposed to the Bill. I am in entire accord with the Bill and think it is high time it was passed. I quite agree with all the arguments advanced by the leader of the Government. If it is any comfort to him, I can assure him that he will have my support in connection with the Bill, and I think I am expressing the views of some of my friends when I say that they will follow the leader in that respect.

Hon. Mr. DANDURAND: I do not want to make any unfair proposal. I am ready to accept the judgment of my colleagues as to my constant desire to do the fair thing. The honourable gentleman who closed the debate last evening (Hon. Mr. Robertson) asked this afternoon if there would not be some advantage, in case we rejected the proposal to appoint a special committee, in adjourning the third reading till after Easter. Well, I simply put this question, which my honourable friend answered. Will the honourable gentlemen who are facing me, or some of them, an appreciable number of them, state their views as to the principle of the Bill, so that I may know where we shall stand when we come to the third reading? That seems a fair proposition. I owe it to my friends who have been put to considerable inconvenience in remaining here to let them know. I simply expressed a desire to know whether honourable gentlemen opposite, having accepted the principle of the Bill, would endorse it on the third reading. Of course they could only bind themselves individually. I did not ask the honourable gentleman to speak for the Conservative party, which he represents in this House so satisfactorily; I simply wanted to know that honourable gentlemen in voting for the second reading were not saying, "We will let the second reading pass, but will vote against the third reading."



Hon. Mr. CASGRAIN: One thing at a time is enough.

Hon. Mr. ROBERTSON: Inasmuch as I discussed this question this afternoon, I presume that my honourable friend's remarks are directed at me. I intended to make it clear that I am not opposed to the principle of the Bill, but that I am of the opinion that it would be well to have the final passage of the Bill delayed as long as possible this session in order that we may get the greatest advantage from the negotiations now pending with the United States in regard to the amended treaty. It is not, and never has been, my intention to oppose the Bill on the third reading; but it is my desire to do as much as I can to give Canada at least an even break in the negotiations which the Government has asked the United States Government to consider. I do not think I can put my position more clearly than that. I intend to vote for the amendment moved by my honourable friend (Hon. Mr. Willoughby), because I believe it is in the best interests of all that the Bill should not pass at this time; but I have no desire to see it defeated.

Hon. Mr. DANDURAND: I stated a few moments ago that I had no objection to the proposal which came from my honourable friend that the amendment be rejected on division, that the second reading and the committee stage be taken to-night, and that we postpone the third reading until we meet again, in order that members who are now absent may have an opportunity of expressing their views on the Bill. I indicated, however, that I wanted to know where I should stand. I am responsible for the Bill in this

House. I am ready to accept the declaration of honourable gentlemen opposite that when they vote for the second reading of the Bill they accept its principle and will not retrace their steps upon the third reading.

The suggestion which the honourable gentleman from Welland (Hon. Mr. Robertson) has made is one which I cannot reconcile with the action of the Government in bringing this Bill before this House. The question of principle is one thing, and the question of freeing ourselves from the responsibility of joining hands with the bootleggers at the frontier is another. The negotiations carried on do not alter the situation, and we want to be prepared to meet it by means of the present legislation.

This being said, I desire to place upon Hansard a record of what has been done so far with the American Government. I read first a letter from Secretary of State for External Affairs dated March 22, 1930.

Sir,

I have the honour to refer to Mr. Phillips' note No. 349 of April 20, 1929, with regard to measures under consideration for the further control of smuggling operations along the border between Canada and the United States, and particularly to Mr. Phillips' statement that the Government of the United States was convinced that the only effective means of dealing with the smuggling problem along the border would be the conclusion of a treaty amending the Convention of June 6, 1924, to the end that clearance be denied to shipments of commodities from either country when their importation is prohibited in the other.

The Canadian Government has been giving further consideration to the question in the light of experience in Canada as well as of developments in border enforcement by the authorities of the United States, and has reached the conclusion that further action is desirable as regards both the special problem of the smuggling of intoxicating liquors and the general problem of commercial smuggling.

As to the export of intoxicating liquors from Canada, which involves the use of governmental agencies in the release of liquors from bond as well as in the issue of clearances, it has been considered advisable that action should be taken forthwith by Dominion legislation. A bill has accordingly been introduced into the House of Commons to amend the Export Act, the main purpose of the amendment being to require officials of the Dominion Government having charge of liquor in bond and the granting of clearances to vessels to refuse to release such liquor or to grant such clearances where the granting of such release or clearance in any case would facilitate the introduction of intoxicating liquor into a country where the importation of such liquor is forbidden by law. This measure has received second reading in the House of Commons and is now being considered in detail in committee. It will be observed from the copy of the bill which I enclose that it is general in its terms, applying to export to any country where the importation of intoxicating liquor is forbidden by law.

As to the general problem, it will be recalled that in discussing the holding of a conference to consider the various proposals put forward for further action to ensure the prevention of smuggling, the Canadian Government indicated, in February, 1927, its desire that the discussion should not be confined to the question of the smuggling of liquor but should cover all forms of commercial smuggling from each country into the other. The Canadian Government believes that the present would be an opportune time to conclude with the United States a treaty as suggested amending the Convention of June 6, 1924, to provide on a reciprocal basis for the denial of clearance of shipments of merchandise by water, air, or land from either country to the other when their importation is prohibited by the latter, and for such further reciprocal measures for the suppression of smuggling as may be found feasible.

The Canadian Government would therefore be prepared to take the necessary steps at an early date for the conclusion of such a convention.

Accept, Sir, the renewed assurances of my high consideration.

W. L. Mackenzie King,
Secretary of State for External Affairs.

B. R. Riggs, Esq.,
Chargé d'Affaires of the
United States of America,
Ottawa.

The answer from the Chargé d'Affaires is dated the 24th of March, and is as follows:

Sir:

I have the honor to acknowledge the receipt of your note No. 24 of March 22, 1930, conveying the Canadian Government's proposal for the conclusion of a treaty between Canada and the United States of America amending the Convention of June 6, 1924, and providing for denial of clearance to shipments of commodities from either country when their importation is prohibited in the other.

I have brought the contents of your note to the attention of my Government and will take pleasure in communicating with you further upon receipt of a reply.

I avail myself of the occasion to renew to you, Sir, the assurances of my highest consideration.

B. Reath Riggs,
Chargé d'Affaires.

The Right Honourable
William Lyon Mackenzie King,
C.M.G., LL.B., LL.D.,
Secretary of State for External Affairs,
Ottawa.

On the 1st of April came the reply from the American Government:

Legation of the United States
Ottawa, Canada,

April 1, 1930.

Sir,

I have the honor to refer to your note of March 22nd last, in which you state that the Canadian Government is of the opinion that the present would be an opportune time to conclude with the United States a treaty amending the Convention of June 6, 1924, to provide on a reciprocal basis for the denial of

clearance of shipments of merchandise by water, air or land from either country to the other when its importation is prohibited in the country of destination, and for such further reciprocal measures for the suppression of smuggling as may be feasible.

In response it gives me pleasure to inform you, on instructions from my Government, that the United States is prepared to conclude such a treaty at an early date. My Government hopes to be able to submit a draft of such a treaty within a few days for your consideration.

I avail myself of the occasion to renew to you, sir, the assurances of my highest consideration.

B. Reath Riggs,
Chargé d'Affaires.

The Right Honourable
William Lyon Mackenzie King,
C.M.G., LL.B., LL.D.,
Secretary of State for External Affairs,
Ottawa.

The reply of the Canadian Government dated the 2nd of April, 1930, reads as follows:

Ottawa, 2nd April, 1930.

Sir:

I have the honour to acknowledge your note of April 1, 1930, on the subject of a proposed treaty amending as suggested in my note of March 22, 1930, the Convention of June 6, 1924, to provide on a reciprocal basis for the denial of clearance of shipments of merchandise by water, air, or land from either country to the other when their importation is prohibited by the latter, and for such other reciprocal measures for the suppression of smuggling as may be found feasible.

It is gratifying to learn that the Government of the United States is prepared to conclude such a treaty at an early date. It is noted that it hopes to submit a draft of such a treaty within a few days for the consideration of the Canadian Government.

I may state, for the information of the Government of the United States, that the Canadian Government has also the draft of such a treaty in preparation, and will be prepared to arrange at an early date for discussion looking to the conclusion of an agreement.

Accept, Sir, the renewed assurances of my high consideration.

W. L. Mackenzie King,
Secretary of State for External Affairs.

Mr. B. Reath Riggs,
Chargé d'Affaires,
Legation of the United States of America,
Ottawa.

I have given the Senate the information as to the correspondence that has passed between the two Governments to date, and I intend, in due time, as far as is in my power, to keep the Senate informed of the procedure under the terms of this correspondence as it develops.

Hon. Mr. GRIESBACH: My honourable friend agrees that the burden of that correspondence is to the effect that, so far as the refusal of clearance to ships carrying liquor to the United States is concerned, it is not to be bargained with; that we have agreed beforehand that that would be done, and while it may form part of the treaty, we do it in any event, whether treaty or not. It forms no part of the consideration for any reciprocal proposals from the United States.

Hon. Mr. DANDURAND: I have said that the present action of the Government concerns its own view of its duty towards the Canadian people, whom it represents, and that declaration of principle as to the ethics that should govern Canada in the present circumstances is not a matter to be altered by whatever outside or extraneous conditions may exist or may develop. I think I have made myself very clear as to the fact that, standing upon a sound principle, one which we believe to be wholesome for the country, I cannot and would not recede from that declaration. I suppose that the impending treaty may cover similar ground in its extensions, but I want to answer fairly, squarely and sincerely the question which my honourable friend has put, though I think the answer was implied in my previous statement.

Hon. Mr. GRIESBACH: That would be the answer to the honourable gentleman from Welland (Hon. Mr. Robertson) on the suggestion that the matter be postponed?

Hon. Mr. DANDURAND: As I have said, I do not connect the two situations. I intended this Chamber to know how the negotiations stood at this date; but we retain our position as to what is the duty of Canada.

The proposed amendment of Hon. Mr. Willoughby was negatived.

The motion of Hon. Mr. Dandurand for the second reading of the Bill was agreed to, and the Bill was read the second time.

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into committee on the Bill.

Hon. Mr. Robinson in the Chair.

The Bill was reported without amendment.

THIRD READING POSTPONED

Hon. Mr. DANDURAND: Honourable gentlemen, I am asked by His Honour the Speaker when this Bill will be read the third time.

Hon. Mr. POPE: Next May.

Hon. Mr. DANDURAND: This question relates to the Easter holidays. The House

of Commons are coming back on the 24th of April. I told this Chamber that I was entirely in its hands—though I did not need to tell the Chamber, because it goes without saying—as to the question of adjournments. My idea was that since the Commons would return on the 24th of April, in view of the length of time spent by that House in the discussion of questions that come before them, I thought it would not scandalize or hurt the feelings of the members of this Chamber to suggest that we should come back on the 6th of May instead of the 24th of April. That is, we might take the whole of the following week. If nobody demurs on this adjournment, I will have the third reading of this Bill put down for the 7th of May.

Before this question is put, I should like, speaking in the name of the Senate, to emphasize the remark I have already made, that some of the statements of my honourable friend from Bedford (Hon. Mr. Pope) were certainly made in a jocular vein. He has been an old campaigner, and sometimes he draws largely on his imagination. I feel that I am somewhat responsible for the ethics in this Chamber, and I think I should be remiss in my duty if I did not say that there are sometimes expressions which should be challenged at once. When they are uttered at the rate of 300 words a minute it is rather difficult to challenge them, but I am sure that I am doing the fair thing by my honourable friend in suggesting to him, and he would be doing the same by himself in accepting the suggestion, that rather than allow some of his remarks of this evening to go on Hansard he should revise his manuscript.

Hon. Mr. TANNER: I should like, in that connection, to say that I hope that very suggestion of my honourable friend will be applied to the remarks that were made by the other side to-night, which should also be eliminated from Hansard.

Hon. Mr. DANDURAND: I would say, likewise, that the honourable gentleman from Essex (Hon. Mr. Lacasse) has not had a long experience in this Chamber, and he perhaps did not know that one must not refer to members of the other Chamber; and I think he did abide by the decision of His Honour the Speaker when he ruled that the point of order was well taken.

Hon. Mr. POPE: My remarks were so mild that really I do not think any portion of them need be expunged, but when I read them, if any animadversions reflect on the integrity of any person in this House, I will withdraw them. If I find any such I will let you know.

Hon. Mr. DANDURAND: I think we should be jealous of the reputation of our public men. I have risen more than once in my place to defend the reputation of public men who did not belong to my party, but who had had responsibility in connection with the affairs of this country.

Hon. Mr. BUREAU: During the debate an honourable senator raised a question about the word "exportation" in the twenty-seventh line of the Bill. My honourable friend the leader said there would be an amendment suggested. Would it not be well to make it now?

The Hon. the SPEAKER: The correction was made in committee.

Hon. Mr. BUREAU: I thought the Bill was reported without amendment.

Hon. Mr. DANDURAND: It is not an amendment; it is taken simply as a clerical error, and the Clerk of the House is empowered to correct it.

On motion of Hon. Mr. Dandurand, the third reading of the Bill was placed on the Orders of the Day for May 7.

## PRIVATE BILL

### SECOND READING

Bill 23, an Act to incorporate Estate Trust Company—Hon. Mr. Haydon.

The Senate adjourned until to-morrow at 3 p.m.

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# THE SENATE

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Friday, April 4, 1930.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

## PERMANENT COURT OF INTERNATIONAL JUSTICE

### COMPULSORY ARBITRATION—RESOLUTION OF APPROVAL

Hon. Mr. DANDURAND moved the following resolution:

That it is expedient that Parliament do approve of the Declaration under Article 36 of the Statute of the Permanent Court of International Justice, signed at Geneva in respect of the Dominion of Canada, on the 20th day of September, 1929, and that this House do approve of the same.

He said: Honourable members, the purpose of this resolution is the ratification of the signature by the Dominion of Canada to Article 36 of the Statute of the Permanent

Court of International Justice. This clause of the statute, commonly called the optional clause, because it need not be subscribed to, should be termed rather the obligatory clause. When the Versailles Treaty was drafted the League of Nations was organized with a view to eliminating war in the settlement of international differences, and substituting the principle of arbitration.

The sections of the Covenant that deal with the settlement of differences by arbitration, to insure peace, run from 11 to 17. I will content myself with reading but two, articles 13 and 14. Article 13 reads as follows:

The Members of the League agree that whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration.

Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration.

For the consideration of any such dispute the court of arbitration to which the case is referred shall be the court agreed on by the parties to the dispute or stipulated in any convention existing between them.

The Members of the League agree that they will carry out in full good faith any award that may be rendered, and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto.

Article 14 reads:

The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

Honourable gentlemen who have followed the efforts made prior to the war to bring about a better understanding among nations and to establish the principle of arbitration throughout the world will remember that there were two great international conferences held at The Hague, one in 1899 and one in 1907. At those conferences were convened representatives of all the nations of the world. I cannot at this moment recollect the exact number of nations represented, but there were delegates from the Governments of probably forty or fifty nations, including all the great powers. They were agreed upon the necessity of an international court, and they constituted a tribunal of arbitration, with panels composed of delegates from various countries. Yet this was not a Permanent Court of International Justice, and at the second meeting, in 1907, they devoted arduous efforts to the establishment of such a court. They made considerable headway, but adjourned before they had succeeded in finding a method of selecting the judges. In that respect there remained considerable difficulty to be surmounted, some nations or groups of nations fearing that they would never be able to obtain representation in the court. However, though they went no further that year, all the nations recognized the principle that a Permanent Court was necessary.

Seven years later came the war, and it was not until 1920, when peace had been restored, and the League of Nations organized under Part I of the Versailles Treaty, that the Permanent Court of International Justice was established. As honourable gentlemen may have noticed, Article 14 of the Covenant declares that the Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice; and the Assembly, at its first meeting, set about creating that court. Upon report from the Council the court was created and the difficulty which was met with in 1907 as to the selection of members of the court was overcome. So for the last ten years that tribunal has been functioning with a full membership, appointments having been made from time to times as vacancies occurred through death or resignation. At the last Assembly a work of considerable importance was done in remodelling the formation of the court, and I expect to lay before the House later a report on that work.

Fifty-two nations signed the protocol of the Permanent Court of International Justice and some forty have officially ratified it. They recognize the court and adhere to it without binding themselves to refer to that tribunal any differences that may arise between themselves and any other member of the League. Those countries simply express their adherence. But in the statute of the court there was a proviso that members might make it obligatory upon themselves to submit all disputes of a justiciable nature to the court. Clause 36 of the statute of the court contains that proviso, which I shall now read:

The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in Treaties and Conventions in force.

The members of the League of Nations and the States mentioned in the annex to the Covenant may, either when signing or ratifying

the protocol to which the present Statute is adjoined, or at a later moment, declare that they recognize as compulsory ipso facto and without special agreement, in relation to any other Member or State accepting the same obligation, the jurisdiction of the Court in all or any of the classes of legal dispute concerning:

(a) The interpretation of a treaty;

(b) Any question of international law;

(c) The existence of any fact which, if established, would constitute a breach of an international obligation;

(d) The nature or extent of the reparation to be made for the breach of an international obligation.

The declaration referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain Members or States, or for a certain time.

In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

Several States have expressed adherence to this option since 1920, but none of them were what are known as first-class powers. The greater nations remained aloof, and it was not until 1924 that two of the first-class nations, Great Britain and France, declared their willingness to sign the optional clause, when the Covenant was amended by what is called the protocol of 1924. The purpose of this amendment was to fill up the loopholes through which it had been possible to declare war. It was declared that the members signing the protocol would bind themselves to sign the compulsory clause now under review, clause 36, which I have read.

For the first time, I believe, in the history of the world two nations of the front rank agreed to a status of equality before the law. I wish I had as thorough a command of the English language as some honourable members of this Chamber, in order that I might describe the enthusiasm with which this action by Great Britain and France was received and acclaimed at the Assembly of 1924. To form some idea of the significance of the action of those two great powers one has only to remember that out of the fifty-odd nations which send representatives to Geneva more than forty have no naval or military force for the defence of themselves, or for purposes of aggression to obtain what they consider to be their rights. So those small nations felt that for the first time they were really being given a sound basis of security for the maintenance of their rights. They rejoiced because at last any differences as between them and any other member, great or small, of the League of Nations, with respect to a treaty, would be decided not by the sword but by a learned and peaceful tribunal. So it is little wonder that the Assembly shook with the acclamations of the delegates when it was reported that the protocol had been unanimously adopted by the two commissions, known as the First and Third Commissions, which had to deal with it.

Unfortunately, an election took place in Great Britain; I mean, unfortunately for the success of the movement to which I have referred. Far be it from me to express an opinion as to the domestic policy of a sister nation. The Government that then came into power decided, for reasons which to it appeared valid, to reject the protocol, and even to go farther, for it pronounced against the underlying principle of compulsory arbitration, which was the foundation of the whole structure of the protocol. The high hopes of the Assembly were shattered, and despondency followed. For four years the Assembly virtually marked time. The only steps towards peace that might be mentioned were the original agreement made and signed at Locarno for the maintenance of peace on the Rhine, and the attempt to insure peace on the other side of Germany, between Poland, Czecho-Slovakia, Serbia and Roumania on the one hand and the Central Powers on the other.

It was in 1924 that the protocol was signed, and in 1925 that it went by the board. For four years, as I have said, no real, substantial gain was made by the Assembly. Then it so happened that by a turn of the wheel of fortune the MacDonald Government, which had proposed compulsory arbitration, was returned to power. The situation at Geneva changed. In September last the British Prime Minister, in pursuance of the principle that had guided him in 1924, brought to Geneva the acceptance of Great Britain. The effect on the Assembly was magical and instantaneous. The British Prime Minister then suggested that those members who had not yet signed the protocol providing for the compulsory reference of disputes to the Hague Tribunal should by a concerted move be induced to sign at that meeting of the Assembly.

Perhaps it would be well to place on Hansard a reference that was made to the influence that the domestic policies prevailing in England exerted upon the progress of the League at Geneva. I have in my hand an excerpt from an article that Sir Herbert Samuel cited lately in the House of Commons when speaking on behalf of the Liberal Party in favour of the ratification of Mr. MacDonald's acceptance of the optional clause. I have stated that the League had been virtually marking time for four years, and Sir Herbert Samuel imputed that inaction to the preceding Government. From a brilliant article in French, by an Oxford professor, in Le Journal de Genève, Sir Herbert Samuel read an extract

which I think is worth citing for the purpose of showing the influence of Great Britain in world affairs. It is as follows:

The period of stagnation in the League was due to England's policy of inaction. The impetus given to the League by the MacDonald Ministry accounts for the activity that we are witnessing to-day.

This article appeared in September, after Mr. Ramsay MacDonald had declared that he would sign the optional clause on behalf of Great Britain.

This spectacle should make the English understand what an enormous responsibility rests upon them in international affairs. If they halt, the League of Nations halts; if they advance, the League of Nations advances.

But it would be a mistake to think that the League of Nations in an automaton, with its levers in London. Many psychological and political reasons explain this curious situation. In the first place, since the League of Nations can make progress only by the voluntary acceptance of international obligations, it is natural that each country should consider as its maximum duty the standard set by the greatest power in the League. Each country is a bundle of tendencies that are different, even antagonistic. So long as the nationalist tendency is uppermost in the standard country, so long is a similar tendency encouraged in the other countries. But the very fact that many nations have at once followed England's example in assuming this obligation proves that the desire to subscribe to it was ready to manifest itself. All those—and they are many—who hesitate to follow the right path for fear of being misled, those who are afraid that their good-nature may be mistaken for folly, feel reassured when the Englishman, whom everybody knows to be practical, and whom everybody believes to be shrewd, takes the right path. And when the kinsmen of Castlereagh sign, the kinsmen of Talleyrand and those of Machiavelli take up their pen.

I might say here that in the winter of 1924-25 Canada, with Great Britain, rejected the protocol; but instead of repudiating its underlying principle, compulsory arbitration, or compulsory adherence to the Court of International Justice, Canada declared that it was inclined to adhere to the court and to study the means whereby the principle of arbitration might be extended. It communicated its view in a despatch dated March, 1925, which I have had occasion to read to this Chamber.

In 1926 the Imperial Conference was convened, at which it was agreed that none of the Governments belonging to the Commonwealth would take action towards the acceptance of compulsory arbitration without some further discussion. Such discussion was begun by the Canadian Government in February, 1929, with all the members of the Commonwealth, and continued till it reached its conclusion in September at Geneva.

Hon. Mr. DANDURAND.

When we reached Geneva a special committee of the Canadian delegation was formed, at the request of the other members of the Commonwealth, to discuss the form that our adherence would take, and the conditions under which, by our signature, we would agree to the clause. All the members of the Commonwealth concurred in the view that disputes arising between members of the Commonwealth should be settled by other means than by an appeal to the International Court. The Canadian Government would have preferred to make a separate declaration of policy on this point, without an express reservation, but a strong desire was expressed that Canada should join with the other members, and we concurred.

The Irish Free State signed without any reservation outside of the two mentioned in clause 36—reciprocity and the limit of time. Great Britain, Canada, Australia, New Zealand, South Africa and India signed separately the following document:

On behalf of His Majesty's Government in Canada and subject to ratification, I accept as compulsory ipso facto and without special convention, on condition of reciprocity, the jurisdiction of the court in conformity with article 36, paragraph 2, of the statute, for a period of ten years and thereafter until such time as notice may be given to terminate the acceptance, over all disputes arising after ratification of the present declaration with regard to situations or facts subsequent to said ratification, other than:

disputes in regard to which parties have agreed or shall agree to have recourse to some other method of peaceful settlement, and

disputes with the Government of any other member of the League which is a member of the British Commonwealth of Nations, all of which disputes shall be settled in such manner as the parties have agreed or shall agree, and

disputes with regard to questions which by international law fall exclusively within the jurisdiction of the Dominion of Canada,

and subject to the condition that His Majesty's Government in Canada reserve the right to require that proceedings in the court shall be suspended in respect of any dispute which has been submitted to and is under consideration by the Council of the League of Nations, provided that notice to suspend is given after the dispute has been submitted to the Council and is given within ten days of the notification of the initiation of the proceedings in the court, and provided also that such suspension shall be limited to a period of twelve months or such longer period as may be agreed by the parties to the dispute or determined by a decision of all the members of the Council other than the parties to the dispute.

This was signed on behalf of the Dominion Government by myself.

The reservations are self-explanatory. The first relates to disputes for the submission of which to some other method of peaceful settlement provision is made by existing or

future agreements. Conventions dealing with special subjects such as reparations, or with technical matters such as copyright, frequently contain provisions setting up special tribunals to deal with disputes which may arise as to the meaning or application of their terms. When that is the case the dispute will be dealt with as provided in the agreement, and will not be submitted to the court at The Hague. This is the effect of the exclusion of the first class of disputes.

I have already referred to the second reservation. The third reservation is strictly declaratory. On certain matters international law recognizes that the authority of the State is supreme. When once it is determined that the subject-matter of a dispute falls within the category of cases where this is so, there is no scope for the exercise of jurisdiction by the international tribunal. The formal reservation to this effect makes explicit what has long been recognized as a matter of course.

The final condition attached to our declaration of acceptance is a proviso enabling disputes to be referred to the Council of the League before they are dealt with by the court. This is to cover disputes which are really political in character though juridical in appearance. This formula places this country in the position of a State which has agreed to a treaty of arbitration and conciliation providing for the reference of all disputes to a conciliation commission before they are submitted to judicial settlement. It would cease to operate from the moment when the Council decided that it was better that the question should be submitted to the court, and, therefore, declined to keep the dispute under consideration. Within these limits, however, the proviso would apply to any justiciable dispute, whatever its object.

The Council must act within twelve months. If it has made no decision on the matter, the parties have an absolute right to go directly to the Hague tribunal, the Permanent Court.

Canada has signed the Briand-Kellogg Pact renouncing war as an instrument of national policy. It will be recalled that Article 2 of the Treaty for the Renunciation of War as an Instrument of National Policy, to which Canada is a party, provides that:

> The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

This treaty, however, does not provide any machinery for the pacific settlement of disputes. As regards disputes of a justiciable character, therefore, it is possible to consider signature of the optional clause as the logical consequence of the acceptance. Acceptance of the optional clause means that disputes falling within its terms will receive from the Permanent Court of International Justice a definite solution which the parties to the disputes are bound, under Article 13 of the Covenant, to "carry out in full good faith." If the Pact of Paris is to be made fully effective, it seems necessary that the legal renunciation of war should be accompanied by definite acts providing machinery for the peaceful settlement of disputes.

Our signature is one among those of forty nations. I am confident that I am in agreement with most of the thinkers of the world in believing that adherence to the Permanent Court of International Justice is a most momentous advance towards a higher civilization. Thereby a new habit of thought is induced, a new mentality which will gradually develop, and principles of law and justice are proclaimed as against brutal force. Tomorrow the nations assembled at Geneva will all be moving towards another goal, pointed to and agreed to in the Paris Pact, which bears our signature—the compulsory settlement of all disputes of a non-justiciable character through conciliation and arbitration.

I move the adoption of this resolution, seconded by the Right Hon. Mr. Graham.

Hon. Mr. GRIESBACH: Before the honourable gentleman sits down, may I ask him to tell us, first, how the judges of this court are selected, what is their tenure of office, and how they are maintained as to salary; and, secondly, what is the position of the United States? Are they in or are they out of this court?

Hon. Mr. DANDURAND: I would ask my honourable friend to await the presentation that I shall make of the amendment to the Statute of the Court to allow the United States to join. That in itself will be a debate of some importance, and I know that the right honourable gentleman, the junior member for Ottawa (Right Hon. Sir George E. Foster), will take a leading part in it, inasmuch as he was representing Canada in 1926 when the question of the entry of the United States to the court was first debated, and when the reservations made by the United States were deemed, in one particular, to be objectionable. Last year, through the intervention of Mr. Elihu Root, a means was found whereby the United States could adhere, and when the entry of the United States comes up for discussion I shall be in a position to give a full and complete answer to the inquiry of my honourable friend.

Hon. Mr. GRIESBACH: Can my honourable friend answer the other question, as to the appointment of judges?

Hon. Mr. DANDURAND: I will explain how it is working. They were appointed for ten years, and as their mandate expires next year, it will be necessary in September next to appoint a whole new panel. We are increasing the panel and are abandoning the appointment of substitutes, who during the past ten years were a part of the court. In the course of the next week I shall be in a position to give my honourable friend full details on that score.

Hon. Mr. MICHENER: Honourable members, while listening to the honourable leader of the Government's review of the progress of the Permanent Court of International Justice I could not help wondering just how effective that court would be in the prevention of war. The Hague Tribunal, of which I think all the countries engaged in the Great War were members, was, of course, not a court of justice, but a diplomatic court. Nevertheless, it was supposed to be a clearing house for differences of opinion. Germany was a member of that tribunal, yet in the face of the progress we thought we had made, there sprung, like a bolt from the blue, the greatest war in human history.

There is to-day, unfortunately, a great difference of opinion as to the effectiveness not only of the court, but of the League of Nations, and the pacts which have been agreed to since the League of Nations was organized. Since that time we have had the Washington Conference for the reduction of naval armaments, we have had the Locarno Pact, and the Kellogg Treaty. The Kellogg Treaty in itself practically outlawed war. It penalized any nation which was the aggressor in case of war, by the recall of the nationals of the other countries that were signatories to the pact, and practically outlawed such a nation as far as commercial and economic relations were concerned. That, on the face of it, would seem to be a very effective pact to secure the nations who had signed it against any aggressor; nevertheless, at the London Conference we find France declaring that before she will feel justified in reducing her navy she must have special security from certain nations which are parties to the conference. One cannot help wondering why the Kellogg Pact in itself should not be sufficient security to France or to any other nation which has subscribed to it, without further and special security being given by the United States and Great Britain. Of course we all know that we have made all this progress within a very few years, and that the will of the world to-day is very different from what it was at the time of the Hague Tribunal. The question I had in mind, however, while the honourable gentleman was speaking, was: Just how far are these pacts effective for the purpose for which they have been created ?

Right Hon. Sir GEORGE E. FOSTER: Honourable members of the Senate, I have on the Order Paper for Tuesday next a notice, partly of inquiry and partly of reflection, upon the very matter which has been brought up by my honourable friend behind me (Hon. Mr. Michener). I hope to be able at that time to lay before the Senate a brief but comprehensive summary of the progress that has been made from the inception of the League of Nations in 1920 until the present time. Perhaps my honourable friend would defer his inquiry until Tuesday, when not only I but other members of the Senate will take up that phase of the question more particularly.

To-day we have had presented to us information with reference to the signature by Canada of the so-called compulsory clause of the Statute of the Tribunal of International Justice. There is great cause, I think, for congratulation as to the progress which has been made in respect to the reference of justiciable disputes to a court of international importance and scope rather than to the arbitrament of arms. When my honourable friend (Hon. Mr. Dandurand) was speaking of the progress that was made and the fillip that was given along the whole line of League activities by the adoption of the protocol of 1924, and making a comparison with the lack of progress from 1924 until last year, it struck me that anybody listening to him might relate that lack of progress to all the work of the League of Nations. My honourable friend was referring to only one of the many phases of the League of Nations, that which related to the settlement of justiciable disputes between members of the League. The progress of the League in all its other activities outside that particular line was not retarded; there was no period of stagnation, but instead a steady advance.

But when we come to speak of the matter of the justiciable lines of dispute we must take cognizance of one or two facts. The protocol of 1924 really touched high-water mark as regards the ideals of the League of Nations. It banned war in all cases of dispute. The difficulty which was encountered was as to the practical realization of those ideals, and it was on that point that the British Government took the course it did.

There was, however, one very remarkable event that occurred after 1924, which it is well for us to bear in mind, and that was the inclusion of Germany in the League of Nations in 1926. When that took place it meant not only that the greatest anti-allied power of the war was added to those which then and thereafter were to co-operate with one another on the lines of peace, but that there was another great power and an effective worker added to the ranks of adherents to Article 36 of the protocol; because Germany intimated at once its intention to adhere to the compulsory clause and exert its weight and influence in favour of pacific and judicial settlements of international disputes.

Although Great Britain, for reasons which were quite apparent and were in a certain sense entirely justifiable, felt that it could not at that time go as far as to ratify the protocol, it did take a distinct line of action which ultimately resulted in the negotiation and settlement of the Locarno pacts. The onus was thrown upon Great Britain, if it could not see its way clear to fulfill the purposes of the protocol of 1924, to suggest some other method which would lead to progress towards the ideals which it was not able to realize fully at that time. The method which was taken resulted in negotiations being successfully concluded in what we call the Locarno pacts; that is, Great Britain, together with Italy, became the guarantor of the security of the western boundary lines between Germany and France, and that led to the conclusion of those pacts under which both France and Germany obligated themselves never to go to war in an attempt to settle disputes concerning that western boundary and all other differences that might arise between them. The guarantors, Great Britain and Italy, undertook to see that those obligations were carried out—

Hon. Mr. GRIESBACH: By force.

Right Hon. Sir GEORGE E. FOSTER: By whatever methods were necessary, but if force became necessary force would have to be applied.

Hon. Mr. GRIESBACH: The words are, "will come to the aid."

Right Hon. Sir GEORGE E. FOSTER: Exactly, "will come to the aid." But will come to the aid in what way? There are, of course, different methods by which force may be applied towards accomplishing the end in view. If Germany or France were to violate, or to show any tendency towards violating, the obligations which they mutually undertook for the preservation of peace, the respecting of existing boundaries and the settlement of any differences by judicial methods, then Italy and Great Britain would use their influence and power against the aggressor and in favour of the victim; and whatever means were necessary—diplomatic, economic, financial, or, if it were impossible to avoid it, as a last resort, the force of armament—whatever means were necessary to take would be taken. That is, these obligations were meant to be carried out, and a violator of the pact would encounter the united resistance of Great Britain and Italy.

While the guarantee was absolutely positive with regard to the western boundary, it applied in a modified way to the eastern boundary along the line of Prussia and Germany; and Germany practically obligated itself never to seek by force a change in the eastern boundary; but it did not agree never to urge the concession in whole or in part of any rights to which it might conceive itself entitled in that respect, under the article of the League of Nations Covenant which provides for such a readjustment in the course of the operations of the League from year to year.

Hon. Mr. DANDURAND: Clause 19.

Right Hon. Sir GEORGE E. FOSTER: Well, that was a very notable and beneficial step in addition to what had gone before, and in substitution, for the time being, of Great Britain's inability to rise to the full height of the ideals which were held aloft in the protocol of 1924.

It might be well for us to consider for a moment here what was the primary difficulty encountered by Great Britain when it came to the point of considering the enforcement of what we call the sanctions against an aggressor. These sanctions were of differing natures. Diplomatic pressure might be applied. Diplomatic pressure is a strong force when backed by influential Powers, and in matters arising out of a threatened or real violation of the obligations of members of the League of Nations, such pressure would probably generally effectuate the purpose. If diplomatic pressure were not sufficient, it would be followed by economic or financial pressure, and one can easily see what an important and effective agency that is for the peaceful settlement of disputes. If all those methods proved insufficient, then came in the sanction of actual force. Important cases might arise in which this force would be best exerted by blockade, through the medium of naval operations, to prevent, if possible, intercourse between the citizens of any nation in the League that was not a party to the dispute, and the aggressor nation violating its obligations with respect to another member of the League.

Hon. Mr. GRIESBACH: What about those who are outside the League?

Right Hon. Sir GEORGE E. FOSTER: When you come that far, it becomes very plain what nation would have to shoulder the great responsibility of a naval blockade to make effective the economic and commercial sanctions. It would be Great Britain herself, and the British fleet would be the chief factor and agent in making effective that final exhibition of force necessary to discipline the recalcitrant power. The very moment that the British Government, with its fleet, should undertake to make good that sanction by means of a naval blockade, there would arise the question as to the attitude of countries not belonging to the League of Nations. Such countries, having given no mandate to the power that is carrying out that final sanction, are not under obligation to support it. The great outside country always in view is the United States of America.

Those of us—and I think there are several in this Chamber—who are conversant with what took place between 1914 and 1917, before the United States made its entry into the war, know just how difficult was the role of Great Britain, as a great naval power, in enforcing the blockade against the enemy nations. They know, as well, how tense was the situation, and how strong were the influences that United States commercial interests brought to bear upon it, and they know what regard must be had to any such situation in the future. If the United States were itself a member under the obligations of the League, it would have to be a supporting power; but the fact of the United States being outside, and having a tremendous commerce and interchange with other nations, or with the nation that might be under blockade, indicates with what caution Great Britain must act before undertaking such an immense burden of responsibility. Whilst it was fair to suppose that the peace proclivities and the peace tendencies of the United States are on a high plane as regards abstinence from war, and the use of peaceable means for the absolute and final settlement of differences, yet her possible action in any given case was never known. The United States herself had never said, and has not yet said, what her attitude would be if, in such a case as I have mentioned, Great Britain as chief naval power undertook to apply the sanction. The United States has not indicated what in such a case would be her attitude, and whether or not she would make it difficult, and perhaps impossible, for Great Britain to carry out the sanction in a full and complete manner.



My honourable friend behind me (Hon. Mr. Mitchener) has spoken with reference to the pact, and that has also been alluded to by my honourable friend opposite (Hon. Mr. Dandurand). The pact itself is a most excellent declaration of peace intentions, but after it has declared its two principles—first, that no nation that signs it shall have recourse to war as an instrument of national policy for the settlement of disputes with other nations, and, secondly, that no other than pacific means shall be adopted by those who have signed the pact for the settlement of their disputes—there the pact ends. There is no machinery provided by which, if one of the sixty nations that have signed that pact violates the obligation, and threatens or enters into war, the other signers of the pact may take action. But in the League of Nations there is a perfected machinery, and just now the most powerful nations of the world are trying to adapt this machinery to the purposes of both pact and League. The League of Nations, with a view to bringing the ideal obligation in both League and pact to the common high level of the abrogation of war in all cases, is seeking a common formula of mutual understanding, so that in the last instance, where force becomes absolutely necessary, there may be no danger of clashing interests rendering common action impossible or ineffective. That formula has, I believe, been settled by the committee which was appointed by the Council of the League of Nations to arrive at a method of procedure which should, so to speak, equalize the ideals and ultimate obligations of both the pact and the League of Nations and provide for common action.

In London to-day we see the spirit and tendency of the peace-loving world as grouped in the League and as signers of the Peace Pact. It is that some method shall be found to remove all doubt, that when the obligations of either the League of Nations or the Paris pact are threatened or violated by one of its signatories, the powers both of the League itself, with its membership, and of the Briand-Kellogg pact, with its membership, shall have unity of purpose and action towards the would-be aggressor or brigand. That is the ideal solution, and when that is reached—as there is every ground for believing it will be reached, with patience and good will and the vast moral sentiment of humanity behind it—there will be practically no further difficulty with reference to the discipline of recalcitrant nations from time to time, although Russia still remains out of the League. The difficulty is as to the attitude

of the United States, and not so much as to the attitude or influence of Russia as a naval and commercial power.

I do not know whether I have answered to the idea that I had in view, which was to say that I should not like anyone to have the impression that when my honourable friend referred to the stand-still years in the League, he referred to anything else than the progress along the line of participation in the World Court in regard to justiciable matters of dispute.

Hon. Mr. DANDURAND: The right honourable gentleman is quite right. My view was limited to that sphere.

Right Hon. Sir GEORGE E. FOSTER: I think it is a wonderful thing, after ten stormy, hard years following a four-years war of unprecedented scope—unprecedented destruction of human life and of material wealth —that amid all the burdens which were thrown upon the League—which were no product legitimately belonging to it, but were left to it by this vast cataclysm to which I have alluded—to-day we have an institution so universally respected, so world-wide in its activities, so strong in its influence and character, and so successful in the lines of its activities, that it has conquered the scepticism of the world, and, what is more, won the admiration, the fealty, the respect and loyalty of humanity itself.

Oh, no, the League of Nations has not revolutionized humanity, but let us ask ourselves, if we will: if there had been no League of Nations, no opportunity for the delegates of fifty-four representative Governments to meet together every year and for three or four weeks to sit down with one another and learn one another's circumstances and points of view, and day after day and hour after hour consult with one another, become acquainted and friendly, and in an atmosphere of peace and tranquillity as opposed to war, cultivate relations, bring about agreements, and remove prejudices and rising dissensions, what would have been the condition of Europe to-day, and the condition of the world?

Let us be reasonable, but let us be generously appreciative. Against the custom of thousands upon thousands of years, when nations had no other line than war as an ultimate resource, no other custom prevalent and constant, it was a stupendous undertaking to reverse the engine, so to speak, and set the train in an entirely different direction upon the rails of peace and good-will, judicial process, arbitration and conciliation. World mentality had to be absolutely reversed, and directed towards another goal, and according to other ideals. That so much has been reached is a matter for wonder and for congratulation; and instead of putting even a single objection, other than by way of suggestion as to what remains to be done and what appears not to have been effectually accomplished, we should incline all our energies to develop the League's activities along the line of encouragement and optimism with reference to the future, based upon what has been attained in the past. And no small part of that great progress has been achieved during this last year, under the leadership largely of our own Motherland and sister Dominions. That progress has been made towards facilitating the reference of all possible disputes to this judicial tribunal appointed by the nations, which tribunal has overcome the scepticism and won the respect of the entire world and is now regarded as a court of vital power, a body with adequate force behind it. This is a great achievement, and Canada has taken an honourable—I am not going to make any further claim—an honourable and active part in bringing it about.

Hon. H. S. BELAND: Honourable members, I shall not take very much time with the few remarks I have to make. Having first listened closely to the able presentation made by the honourable leader of this House (Hon. Mr. Dandurand) of the case of Canada with regard to the Permanent Court of International Justice and particularly to the optional clause, and then having heard the brilliant dissertation by the right honourable member from Ottawa (Right Hon. Sir George E. Foster), one of the most experienced, if not the most experienced, of the parliamentarians of Canada, I cannot fail to express my satisfaction at the prospect of another debate in this Chamber in the near future upon perhaps a wider subject connected with the League of Nations. To-day I shall content myself with a few words about the World Court, usually designated as the Hague Court.

My honourable friend (Hon. Mr. Griesbach) who asked a question of the leader of the House a few minutes ago, desired to know how the court was constituted. I do not presume to give that information; that is a matter to be dealt with by the honourable leader; but perhaps I may be allowed to state what is common knowledge, that the court comprises eleven fully qualified judges, elected by the Assembly and Council; which I assume means that to be elected a judge of the court a candidate must have the approval of a majority of the members of both branches of the League of Nations.

Hon. Mr. DANDURAND: Hear, hear.

Hon. Mr. BELAND: They are elected for a period of nine years. Besides those eleven full-fledged judges, there are four deputy judges, or substitutes, who likewise are elected by the Assembly and the Council. The president and vice-president of the court are chosen by the judges themselves.

Visualizing the Hague Court from the standpoint of a layman, of a man who has not had a legal training, it appears to me the main service which the court will render to humanity will be in delaying the taking of forceful measures on the part of one nation against another. In my estimation, delay in threatened international hostilities is of the highest importance.

If honourable senators will cast their minds a short distance into the past, they will remember that about a quarter of a century ago there was introduced in another place a measure which became known, after its passage through Parliament, as the Industrial Disputes Investigation Act. Briefly stated, what was the purport of that legislation? Of course, the word "arbitration" was mentioned. Necessarily a board was to be appointed in order to investigate conditions between both parties to a dispute in the industrial world—the industrial world in such instances being confined to what is known as public utility services. Was it expected that after the Act came into force the differences between employers and employees would not be as bitter as before? Certainly not. The chief purpose of the Act was to say, in effect, to employers and employees: "If you have a disagreement which is likely to bring about either a strike or a lockout, you shall not resort to either of those means until the State has intervened. You will, as it were, lay down your weapons, and you will wait until the State, through its Government, has intervened, appointed a board, made an investigation, rendered an award; and when that is done, if you, the employer, or you, the employees, are not satisfied, you can, if you so choose, resort to the strike or to the lockout."

I take that to mean delay. And what did delay do in numberless cases which occurred after the passing of the Act? What happened? Passions which in the first place were aroused to a very high pitch of intensity could not find expression in immediate action. They had to wait, and they waited. And whilst the board was appointed, and whilst it was investigating, the press of the country, the public speaker, the man on the street, gave publicity to the main points of the dispute, and the result was that there was created and moulded a public opinion which in time—in the course of the weeks or months occupied by the investigation—was brought to bear one way or the other.

Public opinion is very seldom mistaken. There is, as we know, a philosophical thesis which says that the consensus of opinion is the criterion of truth. The Industrial Disputes Act has resulted in the settlement of hundreds of disputes between the two agencies of the industrial world; disputes which otherwise would have resulted in strikes or lockouts and very serious inconvenience to the public generally.

It is my impression that the World Court will have about the same effect, though honourable gentlemen may think that there is a wide difference between disputes between nation and nation and disputes between employers and employees in the same country. There is no doubt that there is some difference, but there is throughout the world, and especially in Canada, an honest press, which is imbued with the desire and the determination to keep the public rightly informed. There are numerous papers in Canada which, in case of international complications, would not hesitate at all to sound a note of warning to the powers that be, if they thought the position of Canada was not tenable. That may not be done the first day; it may not be done the first week; but if a dispute arises—I understand it must be of a justiciable nature before it can be referred to the World Court—during the investigation of the court public opinion will form in all countries not directly interested, and will be brought to bear upon the parties to the dispute, and that, more than the award itself, will result in a peaceful settlement.

I confine my remarks to this to-day, and I am extremely happy as a humble member of this House to be able to support the adherence of Canada to the optional clause of the World Court.

Hon. Mr. ROBERTSON: On behalf of my honourable friend the leader on this side of the House (Hon. Mr. Willoughby), who has been required to leave the Chamber temporarily, and who, I understand, desires to say a few words, I beg to move the adjournment of the debate.

The debate was adjourned.

## MANITOBA BOUNDARIES EXTENSION BILL

### SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 42, an Act to provide for the extension of the boundary of the Prov-

ince of Manitoba in the northwest angle inlet of the Lake of the Woods.

He said: Honourable members, this Bill is for the purpose of transferring to the Province of Manitoba two and a half acres contained in the northwest angle inlet of the Lake of the Woods, jutting across the line into the Province of Ontario. It comes as a result of a treaty entered into between Canada and the United States concerning the boundary line, which followed the meridian to the northwest angle inlet of the lake. Later, when a survey took place, that point was moved a considerable distance south, where a monument was set up, and Canada came into possession of those areas jutting into the Province of Ontario. The Bill provides for their transference to the Province of Manitoba, and has the approval and consent of the Province of Ontario. The schedule describes the two parcels of land, which I think represent about two and one-half acres. No objection has been taken to this procedure. The land for a long time was thought to belong to the United States, but the survey revealed that it was part of Canadian territory. The only question was in what province it should be included, and Manitoba is the favoured one.

Hon. Mr. ROBERTSON: May I inquire from my honourable friend whether the people who are living on this territory are to be transferred and to become Canadian citizens?

Right Hon. Mr. GRAHAM: How many are there?

Hon. Mr. ROBERTSON: I do not know.

Hon. Mr. FORKE: Is there a gold mine there?

Hon. Mr. BELCOURT: The transfer of the population, if any, would follow automatically, would it not?

Hon. Mr. DANDURAND: I do not know whether any people are there, but by the declaration as to where the line passes, if there are any they are supposed to be in Canada.

Hon. Mr. ROBERTSON: I mentioned it merely that we might avoid international complications.

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

THIRD READING

Hon. Mr. DANDURAND moved the third reading of the Bill.

He said: Honourable members, I do not think it will be necessary to refer the Bill to the Committee of the Whole House. The purpose of the Bill is simply to confirm the decision to include these two parcels of land in the Province of Manitoba. We cannot alter the Bill.

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

## PRIVATE BILL

SECOND READING

Bill 29, an Act to incorporate The Saint Nicholas Mutual Benefit Association.—Hon. Mr. Griesbach.

## INDIAN BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 22, an Act to amend the Indian Act.

He said: Honourable senators, this Bill contains a number of amendments to the Indian Act. The principal amendments include an extension of the school age of Indian children by one year, and a provision that the Superintendent General may direct that a child be detained in a residential school under certain circumstances until he or she is eighteen years of age. Provision is made to prohibit Indians of the Western Provinces from selling their cattle without the consent of the Indian Agent; and to enable the Superintendent General to operate farms on Indian reserves for the instruction of Indians in farming and the supplying to them of seeds. Section 105 has been given by the courts an interpretation that was not generally understood, and the object of the amendment is to make the section clearer. The provision in the Act with regard to the seizure of vehicles, vessels, and other conveyances used in the liquor traffic has been extended to apply to motor cars and other means of transportation. Owing to the tendency of Indians to squander their time and money in poolrooms, provision has been made for bringing Indians before a public magistrate, stipendiary magistrate, or Indian Agent, or two justices of the peace, and the court may forbid the person who owns or is in charge of a poolroom to allow an Indian who has been found to be a frequenter to enter that poolroom for the space of one year.

These and the other amendments can be considered separately, and more extended explanations can be given, when the Bill goes into Committee. I shall be content with second reading of the Bill to-day.

Hon. Mr. WILLOUGHBY: I suppose this Bill emanated from the Department of Indian affairs.

Hon. Mr. DANDURAND: Yes.

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

## DIVORCE BILLS

### FIRST READINGS

Hon. Mr. WILLOUGHBY, on behalf of Hon. Mr. McMeans, Chairman of the Committee on Divorce, presented the following Bills, which were severally read the first time:

Bill D, an Act for the relief of Nora Kathleen Eayrs.

Bill E, an Act for the relief of Herbert Chick.

Bill F, an Act for the relief of Albert Edward Saunders.

Bill G, an Act for the relief of Marjorie Gladys Picken.

Bill H, an Act for the relief of Percy Victor Hobbes.

Bill I, an Act for the relief of Raymond Garbutt Little.

Bill J, an Act for the relief of Constance Bertrand Murray.

Bill K, an Act for the relief of Florence Isabell Naughton.

Bill L, an Act for the relief of Lucy Beryl Marshall.

Bill M, an Act for the relief of Herbert Vincent Crisp.

Bill N, an Act for the relief of Elsie May Scott-Peer.

Bill O, an Act for the relief of Archibald Charles Henry Morris.

Bill P, an Act for the relief of Lillian Caroline Maud Wood.

Bill Q, an Act for the relief of Herbert Nelson Vaughan.

Bill R, an Act for the relief of George Henry Symons.

Bill S, an Act for the relief of Myrtle Margarette Hilton.

Bill T, an Act for the relief of Kathleen Mary Davies.

Bill U, an Act for the relief of Walter Joseph David Penly.

Bill V, an Act for the relief of Louis Battaino.

Bill W, an Act for the relief of Edith May Smith.

Bill X, an Act for the relief of Mary Helen Burgess.

Bill Y, an Act for the relief of Cyril Douglas Gordon Stuart Ackerman.

Bill Z, an Act for the relief of Wilfred Gordon Ure.

Bill A1, an Act for the relief of Herman Michael Coleman.

Bill B1, an Act for the relief of Gertrude Ann Elizabeth Griffiths.

Bill C1, an Act for the relief of William Francis Addison.

Bill D1, an Act for the relief of Ella Daisy Griffith.

Bill E1, an Act for the relief of Thomas Edmund Appleyard.

Bill F1, an Act for the relief of Alexander Robb Kennedy.

Bill G1, an Act for the relief of Constance Mary Wright.

Bill H1, an Act for the relief of Charlotte Gertrude Brown.

Bill I1, an Act for the relief of Albert Davis Blagrave.

Bill J1, an Act for the relief of Maud Alice Whipps.

Bill K1, an Act for the relief of May McFarlane.

Bill L1, an Act for the relief of Eva Verona McColeman.

Bill M1, an Act for the relief of Thomas Brown.

Bill N1, an Act for the relief of Irene Adèle Maria Gregory.

Bill O1, an Act for the relief of Margaret Piton.

Bill P1, an Act for the relief of Henry Cutler.

The Senate adjourned until Tuesday, April 8, at 8 o'clock p.m.

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# THE SENATE

Tuesday, April 8, 1930.

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

## McDONALD WILL CASE

### INQUIRY

Hon. Mr. McMEANS inquired of the Government:

1. If they have received any communications, or complaints, regarding Judge Stubbs, or the McDonald Will case, and if so, what steps, if any, have they taken.
2. If there is any intention on the part of the Government to hold any investigation.

Hon. Mr. DANDURAND: Certain communications of this nature have been received, and the subject is receiving consideration.

## EXPORTATION OF INTOXICATING LIQUOR

### ORDERS FOR RETURNS

Hon. Mr. GRIESBACH moved:

That an order of the House do issue for a return showing:

1. The total amount and value of intoxicating liquors known or estimated to have been exported from Canada to the United States which was afterwards found in Canada by Dominion or Provincial officers during the years 1926, 1927, 1928 and 1929.

2. And including copies of all correspondence or representations from Provincial Governments of Canada asking the Dominion Government to refuse clearances to vessels carrying liquor as cargo to the United States.

The motion was agreed to.

Hon. Mr. MACDONELL moved:

That an order of the Senate do issue for a return to include copies of:

1. All correspondence, if any, from any officer or employee of the Department of National Revenue or of any society or association representing the officers and employees of the Department of National Revenue, protesting against or criticizing the conditions of employment governing the present system of granting permits to remove liquor from distilleries and breweries for export, and of granting clearances to vessels carrying liquor to the United States.

2. A statement of the total number of employees of the Department of National Revenue whose duties are directly concerned with the removal of liquor from distilleries and breweries for export and with the granting of clearances to vessels carrying liquor to the United States.

The motion was agreed to.

Hon. Mr. GILLIS moved:

That an order of the Senate do issue for a return showing:

1. The number of vessels of Canadian ownership carrying liquor as cargo which cleared from Canadian ports for United States ports during the years 1926, 1927, 1928 and 1929.

2. The number of vessels of United States ownership carrying liquor as cargo which cleared from Canadian ports for United States ports during the years 1926, 1927, 1928 and 1929.

3. The nationalities of the captains and crews of these Canadian and United States vessels.

4. The number of those vessels which exceeded five-ton burden.

5. The average size in gallons of the cargoes on each trip of these vessels during the above years.

The motion was agreed to.

## PERMANENT COURT OF INTERNATIONAL JUSTICE

### REVISION OF STATUTE—RESOLUTION OF APPROVAL

Hon. Mr. DANDURAND: I desire to lay on the Table a copy of the protocol for the revision of the Statute of the Court of International Justice, signed at Geneva, in respect of the Dominion of Canada, on the 14th of September, 1929; and I give notice of the following motion:

That it is expedient that Parliament do approve of the protocol for the revision of the Statute of the Permanent Court of International Justice, signed at Geneva, in respect of the Dominion of Canada, on the 14th of December, 1929, and that this House do approve of the same.

With the leave of the House, I would submit this as a motion now, in order that I might at the same time present the facts relating to this matter and to another protocol, which will follow; so that the discussion of which notice has been given by the right honourable gentleman from Ottawa (Right Hon. Sir George E. Foster) may cover the resolutions for the acceptance of the optional clause and the ratification of the protocols which I have in hand.

The protocol of signature of the Statute of the Permanent Court of International Justice was executed at Geneva ten years ago, in 1920. We may say, therefore, that the World Court of Justice has already existed for something like a decade of years.

The original suggestion concerning the re-examination of the Statute of the court was put forward by the French Government. They thought that it would be desirable, after eight or nine years' experience, and in view of the general re-election of the judges that would take place in 1930, to consider whether certain improvements should not be made in the Statute of the court, without affecting the essential framework, and without claiming to reverse any of the principles by virtue of which the court had received almost universal international recognition.

The French Government submitted its proposal to the Assembly, which adopted it unanimously. The Council was requested to organize the work, and for that purpose constituted a committee of jurists or legal experts, and, in conformity with the Assembly's wishes, invited a representative of the United States Government to participate. Mr. Elihu Root, a United States jurist of world-wide reputation, took part in the revision of the Statute, which increased the possibility of American approval. The United States have recently signed: (1) the protocol for American adhesion; (2) the protocol of signature of 1920, and (3) the protocol for the revision of the statute, which I am now submitting to this Chamber.

This committee of jurists met at Geneva in March, 1929. Their report, which contained a draft proposal relating to the revision of the

Statute, was afterwards (12th June, 1929) submitted by the Council to a conference of states parties to the Statute of the Permanent Court, which met at Geneva on September 4, 1929, for the purpose of examining the amendments of the Statute and the recommendations formulated by the committee of jurists. The conference gave a very full and thorough consideration to the whole matter. I may say here that the right honourable the junior member for Ottawa (Right Hon. Sir George E. Foster) participated in this work n a manner which did honour to Canada. The conference adopted and approved a draft protocol, which was finally approved by the Tenth Assembly of the League of Nations at its meeting on the 14th September. The protocol was signed by myself on behalf of the Dominion of Canada.

The amendments to the Statute are embodied in the annex to the protocol, and it may not be necessary to deal with them in detail. It may suffice to say that the Assembly did not contemplate recasting completely the Statute of the court, and had in view merely the possibility of supplementing or improving the Statute in the light of the experience already acquired. It is in this spirit that the work which has resulted in these amendments has been accomplished.

According to recent information, fifty nations have signed this protocol. We have also been informed that the instrument of ratification by His Majesty in respect of the United Kingdom was deposited some weeks ago.

The present protocol is subject to ratification, if possible, before the 1st September, 1930, and shall enter into force on that date provided that the Council of the League is satisfied that those signatories whose ratifications of this protocol have not been received by that date have no objections to the coming into force of the amendments to the court Statute therein set forth.

The substantial changes in the Statute of the court as set forth in the annex to the protocol are as follows (the references are to the Articles in the original Statute):

Article 3.—The court shall consist of fifteen members instead of eleven full judges and four deputy judges as at present.

Article 4 is amended to provide for the participation of States, not members of the League but adhering to the court, in the election of judges.

Article 8 is amended to bring it into conformity with the change noted in Article 3.

Article 13 is amended to define the procedure to be followed in the case of the resignation of a member of the court.



Article 14 is amended to define the procedure to be followed in filling a vacancy in the court.

Article 15 in the present text is the second sentence in the former Article 14.

Article 16 is amended to prohibit a member of the court from engaging in any work of a professional nature.

Article 17 is amended to bring it into conformity with the change noted in Article 3.

Article 23 provides that the court shall remain permanently in session except during the judicial vacations, which will be fixed by the court. Hitherto the court session has begun each year on the 15th June. In view of the change, provision is made for special leave for judges from non-European countries.

Article 25 provides for the internal ordering of the court.

Article 26, providing for the optional hearing of labour cases by a special panel of the court, is amended by deleting the third paragraph of the present article, and by providing for recourse to the summary proceedings defined in Article 29.

Article 27, providing for the optional hearing of cases relating to transit and communications, is amended in the same sense as Article 26.

Article 29, providing for summary procedure with a view to speedy despatch of business, is amended by increasing the number of judges in the special chamber from three to five.

Article 31 is amended by deleting the references to deputy judges (abolished by the protocol), and by adding the provision for representation of interested nationals, which is transferred to this Article from Articles 26 and 27.

Article 32, relating to the judges' indemnity, is slightly modified.

Article 35 is amended to provide for the adherence to the court of states not members of the League.

Article 39 is slightly altered by providing that the court may, at the request of any party, authorize the use of a language other than English or French.

Article 40, providing for the notification of cases, is amended to meet the situation arising when states not members of the League adhere to the court.

Article 45.—The English text is slightly changed; the French text remains unaltered.

A new chapter, Chapter IV, is added to the Statute of the court, setting forth in Articles 65, 66, 67 and 68 the procedure to be followed in the case of advisory opinions, along lines already indicated in the memoran-

dum on the protocol concerning the accession of the United States of America to the protocol of the 16th December, 1920.

Last week, when I presented the protocol for ratification of the optional clause, I was asked how judges were appointed to that court. I will answer that question now. The national groups nominating candidates for the Permanent Court of International Justice are constituted along the lines laid down in Article 44 of the Hague Convention No. 1 of 1907. This article provides for the appointment by each State of four persons at the most, of recognized competence in questions of international law and of the highest moral character, who may or may not be its own subjects. The maximum number of candidates which any group may nominate is four, and of these two only can be of the nationality of the group.

Hon. Mr. CASGRAIN: It is from those four they pick them, is it?

Hon. Mr. DANDURAND: Every country may send four names, but the number of the judges to be elected in September next is limited to fifteen.

I was also asked what were the emoluments attached to the position of a judge of the International Court. Under the resolution of the First Assembly of December 18, 1920, the judges were to receive 15,000 florins as annual salary, 100 florins per day as duty allowance, and 50 florins a day as allowance for subsistence for days spent at The Hague. Calculated on the basis of 200 days to be spent on duty in each year, the allowances amounted to 30,000 florins maximum. The committee of jurists therefore suggested a fixed salary of 45,000 florins for each judge, and an additional special indemnity of 15,000 florins for the President, and a special allowance for the Vice-President. This suggestion was approved by the Supervisory Commission and by the Tenth Assembly. The judges are paid in florins because they sit at The Hague.

I will move the resolution for the adoption of this protocol.

Hon. Mr. POPE: What is that in dollars and cents?

Hon. Mr. DANDURAND: That salary represents $18,000 a year.

Hon. Mr. BELAND: Will the honourable gentleman state for what period the judges are elected?

Hon. Mr. CASGRAIN: Nine years, is it not?

Hon. Mr. DANDURAND: Yes, nine years.

Hon. Mr. CASGRAIN: It would be very interesting to hear from the honourable gentleman what reservations the United States made before joining that court.

Hon. Mr. DANDURAND: I shall inform my honourable friend in a moment.

Hon. Mr. WILLOUGHBY: I am going to deal with the subject in a few minutes.

The Hon. the SPEAKER: Does the honourable gentleman desire to have his motion put?

Hon. Mr. DANDURAND: Yes.

The Hon. the SPEAKER: Then we ought to have a message to send with this down to the House of Commons.

Hon. Mr. DANDURAND: I am not prepared to state that we shall proceed by a message, because there may be a separate motion in another place. I do not intend to press for the adoption of the resolution at this sitting of the House. The debate on the motion may be adjourned until to-morrow—though, of course, I have no objection to the immediate adoption of the motion.

Hon. Mr. WILLOUGHBY: Honourable senators, I adjourned the debate at the last sitting and I had intended to make a few remarks on the ratification of the protocol which the honourable gentleman has brought in to-night.

Hon. Mr. DANDURAND: The amendment to the Statute of the Permanent Court of International Justice?

Hon. Mr. WILLOUGHBY: Yes. I could proceed now, or when the order is called for the continuation of the debate.

Hon. Mr. DANDURAND: The honourable gentleman might give us his views on this matter now, if he is ready.

Hon. Mr. WILLOUGHBY: I prefer not to make my remarks in fragments.

Hon. Mr. DANDURAND: The honourable gentleman may move the adjournment of the debate until to-morrow.

Hon. Mr. CASGRAIN: Before the debate is adjourned, may I say that the impression I have formed from what I have read in the press is that the United States join this court, but they are going to be the judge every time—

Hon. Mr. DANDURAND: That is not the question now. The question of their accession to the court will be dealt with shortly.

On motion of Hon. Mr. Willoughby, the debate was adjourned.

## PERMANENT COURT OF INTERNATIONAL JUSTICE

### ACCESSION OF THE UNITED STATES—RESOLUTION OF APPROVAL

Hon. Mr. DANDURAND: Honourable senators, I desire to lay on the Table a copy of the protocol relating to the accession of the United States to the protocol of signature of the Statute of the Permanent Court of International Justice, signed at Geneva, in respect of the Dominion of Canada, on the 14th September, 1929.

With the leave of the House, I move the following resolution:

That it is expedient that Parliament do approve of the protocol relating to the accession of the United States to the protocol of signature of the Statute of the Permanent Court of International Justice, signed at Geneva, in respect of the Dominion of Canada, on the 14th September, 1929, and that this House do approve of the same.

Hon. Mr. WILLOUGHBY: I should like that to stand over in the same way.

Hon. Mr. DANDURAND: I will give my explanations now, so that they may go on Hansard, for the information of the honourable gentleman from De Lanaudiere (Hon. Mr. Casgrain).

The history of this protocol is largely connected with that of the other, relating to the revision of the Statute of the Permanent Court. This protocol provides for the adherence of the United States to the Permanent Court of International Justice.

It may be recalled that on the 24th of February, 1923, the President of the United States transmitted a message to the Senate, accompanied by a letter from the Secretary of State, dated February 17, 1923, asking the favourable advice and consent of the Senate to the adherence on the part of the United States to the protocol of December 16, 1920, which created the Permanent Court. A resolution was adopted by the Senate on the 27th of January, 1926, expressing the consent of the Senate to the adherence of the United States, without acceptance of the optional clause for compulsory jurisdiction, and subject to five reservations.

A conference was held at Geneva in 1926, at which the United States were not represented, and at which a draft protocol was agreed to, which was unacceptable to the United States.

Fortunately, in 1928, the United States again took up the matter, and did so at the very moment when the committee of jurists was meeting at Geneva for the revision of the Statute of the court. Mr. Elihu Root, who had been invited by the Council to participate in the re-examination of the Statute, was entrusted with the duty of bringing a letter from the United States Secretary of State asking that the negotiations in regard to the accession of that country to the Statute of the court might he re-opened. On the 19th of February, 1929, Mr. Frank B. Kellogg wrote to the Secretary of the League, explaining the position of the United States. A similar communication was transmitted to each of the signatories of the protocol of 1920. The committee of jurists had thus a double task. It had first to re-examine the Statute, and subsequently to consider the letter from the United States Government.

The second part of the work was dealt with in a report prepared by Sir Cecil Hurst, to which was attached an important document, namely, the draft protocol concerning the accession of the United States to the Statute of the Permanent Court. The work was considered by the conference of States parties to the protocol of signature of the Permanent Court, which was held early in September, 1929, and the draft protocol prepared by Sir Cecil Hurst was adopted without alterations by the conference.

I may explain that that conference of States was composed mostly of members of the League of Nations, but its work could not be confined exclusively to them, because there were States which were not members of the League, such as the United States of America and Brazil, who had delegates at that conference.

The protocol was finally approved by the Tenth Assembly of the League of Nations at its meeting on the 14th of September, 1929. It was signed by myself in respect of the Dominion of Canada. Some fifty-one nations have signed it. The instrument of ratification by His Majesty, in respect of the United Kingdom, had already been deposited.

On the 9th of December, 1929, the United States signed the protocol of signature concerning the Permanent Court, of 1920; on the 14th of September, 1929, the protocol concerning the revision of the Statute; and on the 14th of September, 1929, the protocol relating to their accession to the protocol of signature of the Statute.

I will now give an abstract of the protocol concerning the accession of the United States to the Permament Court of International Justice.

Article 1. The states signatories accept the five reservations requested by the United States Senate in 1926, upon the terms set out in the following articles:

Article 2. The United States shall participate in the election of the judges of the court on equal terms with the States members of the League.

Article 3. No amendment of the Statute of the Court may be made without the consent of all the contracting States.

Article 4. The court shall render advisory opinions in public session after notice and opportunity for hearing.

Article 5, setting forth procedure in the matter of advisory opinions, is the kernel of the agreement. It provides that "with a view to ensuring that the court shall not without the consent of the United States entertain any request for an advisory opinion touching any dispute or question in which the United States has or claims an interest," the Secretary-General shall inform the United States of any proposal before the Council or Assembly for obtaining an advisory opinion, and thereupon, if desired, an exchange of views as to whether an interest of the United States is affected shall proceed "with all convenient speed" between the Council or Assembly and the United States.

Hon. Mr. CASGRAIN: Is that Article 5 that my honourable friend is reading there? It is not like the text.

Hon. Mr. DANDURAND: No; it is a paraphrase of the text. When a request for an advisory opinion comes before the court, the Registrar will notify the United States, as he now notifies the members of the League. If difficulties develop, proceedings may be stayed until an adequate exchange of views between the Council or Assembly and the United States takes place.

Right Hon. Mr. GRAHAM: That is the Council of the League of Nations?

Hon. Mr. DANDURAND: The Council of the League of Nations. If, after the exchange of views above provided for, it appears that no agreement can be reached, the United States can withdraw from the court without "any imputation of unfriendliness or unwillingness to co-operate generally for peace and goodwill."

Article 6 provides that the provisions of this protocol shall have the same force and effect as the provisions of the Statute of the court.

Article 7 states that this protocol shall be ratified, and shall come into force as soon as all States signatories to the protocol of December 16, 1920, have deposited their ratifications.

Article 8 provides: (1) That the United States may at any time withdraw from the court. If and when the United States exercises its right of withdrawal, this protocol ceases to be in force. (2) That each of the other contracting States may at any time notify the Secretary-General that it desires to withdraw its acceptance of these special conditions attached to the United States' adherence to the protocol of December 16, 1920. If and when two-thirds of the States signatories shall have notified the Secretary-General to this effect, this protocol shall cease to be in force.

The fifth reservation of the American Senate is substantially embodied in Articles 4 and 5 of the present protocol, which provides that advisory opinions shall be rendered in public hearings after due notice, as the Senate demanded. Its further requirement, that the court should not, without the consent of the United States, entertain a request for an advisory opinion touching any dispute or question in which the United States has or claims an interest, has been met by the procedure worked out in Article 5.

Hon. Mr. CASGRAIN: Have the other countries the same rights?

Hon. Mr. DANDURAND: The other countries have bound themselves by their adherence to the court as then constituted, and the protocol which is now submitted has for its object the obtaining of the adherence of the United States of America to the court and its coming under the jurisdiction of that court. The main objection of the United States, contained in the Fifth Reservation which it made, is to the fact that the Council can ask the court for advisory opinion; but it has not yet been decided whether the Council can ask for such opinion by a majority decision of its members. The United States felt that it would be handicapped if it agreed to advice being asked by the Council on matters which might affect the United States, and the whole discussion that has taken place within the United States and between the Council of the League and representatives of American public opinion has borne upon this point.

Now I may read the statement of Mr. Politis, who was the Rapporteur from the Council to the Assembly. He said:

> No difficulty has at any time been felt with regard to the acceptance of the conditions laid down by the United States in the Senate resolution of January 27, 1926, except in so far as they relate to advisory opinions. A simple solution of these difficulties would have been found had it been possible to agree that the system of asking the court for an advisory opinion upon any particular question should be abandoned altogether. So drastic a solution, however, is not at present feasible. The system of asking the court for an advisory opinion has proved to be of substantial utility in securing a solution of questions which could not conveniently be submitted to the court in

any other form. It has also on occasions enabled the parties to a dispute to ask for the submission of their differences to the court in the form of a request for an advisory opinion when they were for various reasons unwilling to submit them in the form of international litigation.

Another method by which satisfaction might easily have been given to the conditions laid down by the United States would have been that of adopting a rule that in all cases a decision on the part of the Council or of the Assembly to ask for an advisory opinion from the court must be unanimous.

If that rule had been laid down, the United States, having the same right as any member of the Council to express an opinion, could have vetoed the decision to ask for advice.

As was pointed out in the Final Act of the Special Conference of 1926, it is not possible to say with certainty whether a decision by a majority is not sufficient. On this point, all that is possible is to guarantee to the United States a position of equality with the States which are represented in the Council or the Assembly of the League.

This is effected by the procedure adopted, which satisfied one of the main framers of the Statute of the court, Mr. Elihu Root, and also, I believe, the Secretary of State for Foreign Affairs of the United States.

Hon. Mr. BELCOURT: May I ask the honourable gentleman a question? When the Council applies to the court for an opinion, are the parties convened before the court and given an opportunity of expressing their views before the court gives this advice to the Council?

Hon. Mr. DANDURAND: Oh, yes, the parties are called. My honourable friend will find that—

Hon. Mr. BELCOURT: It does not say that.

Hon. Mr. DANDURAND: In clause 2 of the protocol I have a full answer to the honourable gentleman's question.

The United States shall be admitted to participate, through representatives designated for the purpose and upon an equality with the signatory States Members of the League of Nations represented in the Council or in the Assembly, in any and all proceedings of either the Council or the Assembly—

Hon. Mr. BELCOURT: That is confined to the selection of judges.

Hon. Mr. DANDURAND (reading):

The Court shall render advisory opinions in public session after notice and opportunity for hearing substantially as provided in the now existing Articles 73 and 74 of the Rules of the court.

I will read the Rules.

Hon. Mr. DANDURAND.

Hon. Mr. BELCOURT: I have looked for that, but have not been able to find whether the parties are represented or not.

Hon. Mr. DANDUDAND: I have here Rules 73 and 74:

The Registrar shall forthwith give notice of the request for an advisory opinion to the members of the court, to the members of the League of Nations, through the Secretary-General of the League, and to any States entitled to appear before the court.

Hon. Mr. BELCOURT: That is merely the communication of the request. I want to know whether the parties have an opportunity to be heard.

Hon. Mr. DANDURAND (reading):

Members, States, and organizations having presented written or oral statements or both shall be admitted to comment on the statements made by other Members, States, or organizations in the form, to the extent and within the time limits which the Court, or, should it not be sitting, the President, shall decide in each particular case. Accordingly the Registrar shall in due time communicate any such written statements to Members, States, and organizations having submitted similar statements.

Hon. Mr. BELCOURT: That does not make it clear to me.

On motion of Hon. Mr. Willoughby, the debate was adjourned.

## TRADE WITH WEST INDIES

### PROPOSED RESOLUTION

On the Order:

Resuming of the adjourned debate on the motion of Hon. Senator Logan, That in the interests of Canada, the British West Indies, and the British Empire as a whole, Canada should admit all tropical products coming direct from the British West Indies to Canadian ports free of customs duty.—Hon. Senator Tanner.

Hon. Mr. WILLOUGHBY: I have been asked to say, on behalf of the honourable gentleman from Pictou (Hon. Mr. Tanner), who is unable to be here to-night, that he would like this debate adjourned until after the vacation, and I would so move.

Hon. Mr. LOGAN: I wonder whether that could not be changed to Thursday.

Hon. Mr. WILLOUGHBY: I have just delivered to the House the message the honourable senator gave me. Whether the matter is pressing or not, I do not know.

Hon. Mr. LOGAN: The honourable gentleman from Pictou (Hon. Mr. Tanner) writes me:

I only received the statistics from the Bureau to-day, and in any event I want to go through them carefully. Perhaps it is best to let the matter stand until after the recess.

But I want to impress upon you that this matter should be discussed before the Budget is brought down. The information that we have from another place is that it will be brought down shortly, and perhaps it will be too late after the Easter holidays to discuss this question. I suggest that the Order stand until Thursday.

Hon. Mr. WILLOUGHBY: I do not know when this House will adjourn.

Hon. Mr. LOGAN: Thursday, I understand.

Hon. Mr. WILLOUGHBY: I have no authority either to assent to the request or to dissent from it. Thursday may suit the honourable senator from Pictou well enough.

Hon. Mr. LOGAN: Suppose we postpone it until Thursday: then, if the honourable senator insists on adjourning the debate, he may do so.

The Order was discharged, and was placed on the Order Paper for Thursday next.

## PRIVATE BILL

### SECOND READING

Bill C, an Act respecting the capital stock of the Ottawa Electric Railway Company.—Hon. Mr. Belcourt.

## INDIAN BILL

### CONSIDERED IN COMMITTEE AND REPORTED

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 22, an Act to amend the Indian Act.

Hon. Mr. Beaubien in the Chair.

Sections 1 to 8 were agreed to.

On Section 9—amusements on the Sabbath:

Hon. Mr. BELCOURT: Honourable members, at first blush I am not disposed to support this proposal without some explanation. I cannot very well see why Indians should not be allowed to take part in public games, sports, races, athletic contests or other such amusements on the Sabbath. I should like to know the reason for this provision.

Hon. Mr. DANDURAND: I was in the same position as my honourable friend, but by giving a few hours to an examination of the discussion elsewhere, I was able to get considerable light on the subject. I think my honourable friend will find the reason in a few words in the side-note:

Serious complaints have been made with respect to the assembling of boisterous and undesirable crowds on Indian Reserves on the Sabbath to attend public games and contests such as football, baseball and horse-racing, etc. These games attract especially the undesirable elements from the adjoining municipalities. This amendment will enable a band that has been afflicted in this way to make regulations to provide for the situation.

We are authorizing the chiefs of the band in council to protect the members of the band against a very unhealthy condition. A similar power is given to municipalities throughout the land. It is needless to say that if the baseball game or football game is not for money it will hurt only the participants' sense of Sabbath observance. It has been remarked elsewhere that some people who go to church, as well as some who do not, have no hesitation in playing golf on Sunday, and their case would be parallel with that of a crowd of young men or boys playing baseball on that day However, there have been serious complaints, and the Department think that the band should be given some authority for their own protection.

Hon. Mr. GRIESBACH: What day is the Sabbath? Is it Saturday or Sunday?

Hon. Mr. DANDURAND: That raises the further question: what about the pagans in those bands, who do not recognize any Sabbath? I think it may well be left with the Council to decide what is best for the maintenance of order among the band.

Hon. Mr. BELCOURT: Would my honourable friend read section 101 of the Act? This is an addition to that clause. We do not know what is the purpose of section 101. It is not given here in the notes.

Hon. Mr. DANDURAND: I have not the Indian Act at hand at the moment.

Section 9 was agreed to.

Sections 10 to 15, inclusive, were agreed to.

On section 16—Indian wasting his time in a poolroom:

Hon. Mr. FORKE: I should like to say, in regard to that section, that I know of instances where Indians spend all their money and all they have in poolrooms, and I think it well that they should be prohibited, if possible, from entering them.

Hon. Mr. CASGRAIN: Does that cover also the half-breed?

Hon. Mr. FORKE: I am speaking about the Indians. There is a reserve near my home at Pipestone. The practice is a great detriment to the Indians.

Hon. Mr. CASGRAIN: In the West it is hard to tell whether a man is an Indian or a half-breed.

Hon. Mr. DANDURAND: My honourable friend's remark reminds me of a somewhat humorous occurrence. Mr. Monk was member for Jacques Cartier county, which faces the Caughnawaga Reserve, on the opposite side of the river. One day he came to my office to tell me that two of the best citizens of Lachine, local hotel keepers, had been sent to jail for three months for giving a glass of whiskey to two Indians who resembled white men, and that it was heart-breaking to see the wives and children who were present when those two honest citizens were hauled to jail. Mr. Monk wanted to know whether he should not write to the Prime Minister, Sir Wilfrid Laurier, who happened to be acting Minister of the Interior at the time. I told him he should. Two days later he came in with a letter from Sir Wilfrid Laurier, which said: "At last! at last! I understand why the people of Jacques Cartier prefer you to me: they cannot distinguish between an Indian and a white man. I will have those two innocent men released."

Section 16 was agreed to.

On Section 17—control of public games on the Sabbath:

Hon. Mr. FORKE: What is the difference between this section and section 9? It will be observed that the wording of the side-notes is exactly the same.

Hon. Mr. BELCOURT: But they refer to different things.

Hon. Mr. GRIESBACH: Different sections of the Act.

Hon. Mr. FORKE: But the amendments are made for the purpose of accomplishing exactly the same thing. There is some reason for it, no doubt.

Hon. Mr. DANDURAND: As far as my recollection goes, this section is intended to keep the white man off, while the other one was to control the Indians within.

Hon. Mr. FORKE: I do not think so. The two sections accomplish exactly the same purpose. There must be a reason for the same language, or surely it would never pass the House of Commons.

Hon. Mr. DANDURAND: There was a discussion on it in another place, and from that it is clear that one section relates to the outside people who attend those games, and the other section adds to the power of the Council itself to control the games.

Hon. Mr. BELCOURT: There are two distinct purposes. Section 185 gives the Council power to control by by-law, and in the other case section 101 deals with the chief or chiefs, who are the fathers of the Council. Probably that is why there is need for repetition.

Section 17 was agreed to.

The preamble and the title were agreed to.

The Bill was reported without amendment.

## DIVORCE BILLS

### SECOND READINGS

Bill D, an Act for the relief of Nora Kathleen Eayrs.

Bill E, an Act for the relief of Herbert Chick.

Bill F, an Act for the relief of Albert Edward Saunders.

Bill G, an Act for the relief of Marjorie Gladys Picken.

Bill H, an Act for the relief of Percy Victor Hobbes.

Bill I, an Act for the relief of Raymond Garbutt Little.

Bill J, an Act for the relief of Constance Bertrand Murray.

Bill K, an Act for the relief of Florence Isabell Naughton.

Bill L, an Act for the relief of Lucy Beryl Marshall.

Bill M, an Act for the relief of Herbert Vincent Crisp.

Bill N, an Act for the relief of Elsie May Scott-Peer.

Bill O, an Act for the relief of Archibald Charles Henry Morris.

Bill P, an Act for the relief of Lillian Caroline Maud Wood.

Bill Q, an Act for the relief of Herbert Nelson Vaughan.

Bill R, an Act for the relief of George Henry Symons.

Bill S, an Act for the relief of Myrtle Margarette Hilton.

Bill T, an Act for the relief of Kathleen Mary Davies.

Bill U, an Act for the relief of Walter Joseph David Penly.

Bill V, an Act for the relief of Louis Battaino.

Bill W, an Act for the relief of Edith May Smith.

Bill X, an Act for the relief of Mary Helen Burgess.

Bill Y, an Act for the relief of Cyril Douglas Gordon Stuart Ackerman.

Bill Z, an Act for the relief of Wilfred Gordon Ure.

Bill A1, an Act for the relief of Herman Michael Coleman.

Bill B1, an Act for the relief of Gertrude Ann Elizabeth Griffiths.

Bill C1, an Act for the relief of William Francis Addison.

Bill D1, an Act for the relief of Ella Daisy Griffith.

Bill E1, an Act for the relief of Thomas Edmund Appleyard.

Bill F1, an Act for the relief of Alexander Robb Kennedy.

Bill G1, an Act for the relief of Constance Mary Wright.

Bill H1, an Act for the relief of Charlotte Gertrude Brown.

Bill I1, an Act for the relief of Albert Davis Blagrave.

Bill J1, an Act for the relief of Maud Alice Whipps.

Bill K1, an Act for the relief of May McFarlane.

Bill L1, an Act for the relief of Eva Verona McColeman.

Bill M1, an Act for the relief of Thomas Brown.

Bill N1, an Act for the relief of Irene Adele Maria Gregory.

Bill O1, an Act for the relief of Margaret Piton.

Bill P1, an Act for the relief of Henry Cutler.

## PERMANENT COURT OF INTERNATIONAL JUSTICE

### COMPULSORY ARBITRATION—RESOLUTION OF APPROVAL

The Senate resumed from April 4 the adjourned debate on the motion of Hon. Mr. Dandurand for the adoption of the following resolution:

That it is expedient that Parliament do approve of the Declaration under Article 36 of the Statute of the Permanent Court of International Justice, signed at Geneva, in respect of the Dominion of Canada, on the 20th day of September, 1929, and that this House do approve of the same.

Hon. W. B. WILLOUGHBY: Honourable members, I was taken somewhat by surprise to-night. The honourable leader of the Government introduced a motion for the ratification by this House of his action in signing the protocol on behalf of Canada, and also addressed us on the American ratification. I did not like to interrupt him, but I felt at the time that the whole procedure was out of order, and I think so still. The subject was not on the order paper at all.

Hon. Mr. DANDURAND: But my honourable friend failed to notice that I asked leave of the House to change my notice of motion into a motion, in order that in this connection the members of the Senate might have the advantage of being able to read in Hansard to-morrow the statements of fact relating to the protocols. My only idea in submitting as I did the two statements that are now before the House, for consideration to-morrow or another day, was that this procedure would give my honourable colleagues more satisfaction and less work than the more formal procedure. The questions involved can be discussed intelligently to-morrow or at an early date.

Hon. Mr. WILLOUGHBY: I did not notice that the honourable gentleman asked leave of the House. Speaking for myself, I certainly would not have refused it, but I did not observe that it had been asked. Obviously, in matters in which there is no dispute, and perhaps no different point of view on this side of the House, and particularly with regard to the League of Nations, we are always glad to hear the honourable gentleman.

The remarks I intended to make were to be brief, and for the purpose of being precise and not yielding to the temptation to wander all over the lot, I had committed most of my remarks to writing. The honourable gentleman dealt with the adhesion to the Permanent Court of International Justice by Canada and by the United States. I may in the course of my brief remarks touch upon one or two other aspects, though perhaps what I have to say would have been more novel if my honourable friend had not made his antecedent statement.

Hon. Mr. DANDURAND: Does my honourable friend intend to refer to questions which are not already before the House?

Hon. Mr. WILLOUGHBY: I think I should be perfectly in order in doing so and in moving the adjournment of the debate.

The adhesion by Canada to the Permanent Court of International Justice is undoubtedly approved by the people of Canada. All questions relating to the League of Nations and to the said Permanent Court have been given much attention by at least two honourable members of this House, namely the leader of the Government (Hon. Mr. Dandurand), who has held the highly honourable position of President of the Assembly of the League, and the right honourable the junior senator for Ottawa (Right Hon. Sir George E. Foster), who has been in this Chamber the foremost advocate of the League and the exponent of everything relating to its establishment and work.

I shall attempt not to generalise, but rather to confine my remarks to specific matters.

The subject of the International Court has had some interest for me, as perhaps it has for all members. I have been more or less familiar with it for some years, as well as with the efforts made by the Hon. Elihu Root, of the United States, for the establishment of the court, and with the campaign of education carried on by the Carnegie Foundation for Peace and by other institutions.

But for the advent of the League of Nations and the Covenant therein relating to the settlement of disputes by court methods and not by war, the court, I believe, could never have been successfully established. Before the League of Nations came into existence, all attempts to get such a court with membership extending over the civilized world proved to be barren.

In this connection we are at all times reminded of the difficulty arising from the fact that the United States is not a member of the League of Nations. Fortunately for the world, that country has seen fit to become a member of the court. Public attention was drawn to the fact recently by the selection of Mr. Justice Hughes for membership in the court, which position he was obliged to relinquish on his appointment as Chief Justice of the United States.

The qualifications for appointment to the court are properly placed on a very high plane. Article 2 requires that the Permanent Court of International Justice shall be composed of a body of independent judges, elected regardless of their nationality from amongst persons of high moral character who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

The court consists of eleven judges and four deputy judges, with provision made in Article 3 of the Statute for the organization of the court that such number may be increased to fifteen judges and six deputy judges.

Article 4 provides that such judges shall be elected by the Assembly and the Council from a list of persons nominated by the national groups in the Court of Arbitration; and provision is made for the representation of members of the League of Nations not represented in the Permanent Court. The lists of candidates shall be drawn up by national groups appointed for this purpose by their Governments, under the same conditions as those prescribed for members of the Permanent Court of Arbitration by Article 44 of the Convention of The Hague of 1907 for the pacific settlement of international disputes.



The members of the court shall enjoy diplomatic privileges and immunities when engaged in business of the court. There is a unique provision in Article 24, that if the President considers that for some special reason one of the members of the court should not sit on a particular case, he shall give him notice accordingly; and in the event of a disagreement between the President of the court and the member of the court as to such sitting, the court shall decide. If any member of the court feels that, for special reasons disclosed by him, he should not participate in the hearing of the case, he is to so inform the President.

Provision is made by Article 29 for the speedy despatch of business by the formation annually of a chamber composed of three judges, who, at the request of the contesting parties, may hear and determine cases by summary procedure.

The jurisdiction of the court, under Article 36, comprises all cases which the parties refer to it, and all matters specially provided for in treaties and conventions in force. Article 42 provides that the parties shall be represented by agents and may have the assistance of counsel or advocates before the court; and the procedure will consist of written or oral arguments, or both, on behalf of the parties appearing. Article 55 states that the question shall be decided by a majority of the judges hearing the case. In the case of an equality of votes, the President or his deputy shall have a casting vote.

Article 56 provides for giving reasons for the decision, and the names of the judges who took part in the decision; while, under Article 57, dissenting judges have the right to deliver a separate opinion.

Under Article 59 there is a provision that would not be applicable to civil cases in the ordinary way in the courts of a country, namely, that no binding force, except as between the parties and in respect of the particular case, shall be given to the decision. That, of course, is quite a reversal of the ordinary principle, that decisions are based on precedents. Article 60 provides that there is no appeal. There are many other provisions in the Statute creating the court, to which I shall not refer.

An informative article, of which I will read a part, appeared in the Toronto Mail and Empire in April, dealing with the activities of the court:

> Thirty-four such treaties were registered with the secretariat in 1929, as compared with fifteen in 1928 and six in 1927. By the end of 1929 the number so registered was one hundred and thirty. . . . .

Of the thirty-four treaties registered in 1929 eleven provide for conciliation only; the other twenty-three ensure the compulsory settlement of disputes. As regards their provisions, there is a difference between the twenty treaties concluded with the United States of America and the others. These twenty treaties consist of nine treaties of conciliation which present no special features and eleven treaties of arbitration of one standard type. The latter provide for arbitration in the case of disputes of a legal nature only and include four kinds of reservations: disputes coming within the domestic jurisdiction of states; disputes affecting the interests of third powers; disputes affecting obligations under the Covenant of the League of Nations, and disputes affecting the Monroe Doctrine.

In treaties concluded by other countries there is an increasing tendency to provide in the same document for conciliation, arbitration and judicial settlement, and eleven out of fifteen treaties are drafted on these lines. There is also a growing tendency to avoid reservations and the treaties concluded with other countries than the United States have few or no reservations. In legal disputes the Permanent Court of International Justice is designated as the competent tribunal, and several treaties go further and invest that court with jurisdiction in all disputes.

The United States made its adhesion to the court subject to these five reservations:

1. That such adherence shall not be taken to involve any legal relation on the part of the United States to the League of Nations or the assumption of any obligations by the United States under the Treaty of Versailles.

2. That the United States shall be permitted to participate through representatives designated for the purpose and upon an equality with the other states, members, respectively, of the Council and Assembly of the League of Nations, in any and all proceedings of either the Council or the Assembly for the election of judges or deputy judges of the Permanent Court of International Justice or for the filling of vacancies.

3. That the United States will pay a fair share of the expenses of the court as determined and appropriated from time to time by the Congress of the United States.

4. That the United States may at any time withdraw its adherence to the said protocol and that the Statute for the Permanent Court of International Justice adjoined to the protocol shall not be amended without the consent of the United States.

5. That the court shall not render any advisory opinion except publicly after due notice to all states adhering to the court and to all interested states and after public hearing or opportunity for hearing given to any state concerned; nor shall it, without the consent of the United States, entertain any request for an advisory opinion touching any dispute or question in which the United States has or claims an interest.

These reservations were acceded to by the court and the other nations.

Nations members of the League are found all over the world, but it was thought particularly desirable that the adhesion of the United States should be procured. A protocol of the court was made on September 14, 1929, providing for the adhesion of other nations which had not signed the protocol of December 16, 1920; and providing, so far as the United States is concerned, that it should be in the same position as if it had signed the protocol of December 16, 1920.

There is no doubt that the establishment of this court has greatly facilitated the settlement of international disputes by conciliation, when possible, and by court adjudication when conciliation has not been effective. If such a court had been in existence during the last one hundred years, many of the most exciting and disturbing questions and disputes between nations might have been more peaceably and satisfactorily adjusted. Canadians have never been very satisfied with the arbitration which resulted so disastrously for Canada in leaving a great stretch of the State of Maine jutting away up into this country and cutting off New Brunswick from easy access to the rest of the Dominion; involving the building of the Intercolonial Railway on its present site at a cost, not only for construction but for permanent maintenance, much higher than otherwise would have been necessary. Honourable senators will remember that the English Government, which guaranteed the bonds, insisted upon the Intercolonial Railway taking the present route, because at that time the relations between Canada and the United States were affected by the American Civil War, which had not long been ended. The location of that railway was the cause of the choice of the present route of the Transcontinental through New Brunswick. Canadians were little satisfied with the decision arrived at by the arbitration tribunal in the Oregon dispute; and still later there was the disastrous arbitration between Canada and the United States in regard to Alaska. I am not going to enter into a detailed discussion of any of those awards. They are not germane to the matter before the House, beyond a mere reference. Had the matters never been dealt with, it may be assumed that both the United States and Canada would have been willing to submit them to the peaceful arbitration of the court, although not compelled to do so under the Statute.

The final copestone that crowned the efforts of those who advocated the establishment and widening of the powers of the court was the acceptance of the optional clause by the various nations that adhere to the court. It is an acceptance with limitations. I have dealt with the most important limitations, which concern the United States. I shall not

say much about the limitations with respect to Canada. Virtually they are, in short, that the court is not seized of jurisdiction to deal with matters between the Dominion and the Motherland, or between the various Dominions. That is the main limitation, so far as we are concerned.

As I have said, we have in this Chamber at least two honourable gentlemen who have made a reputation in connection with the League of Nations. The honourable leader of the Government in this House (Hon. Mr. Dandurand) has held the high office of President of the Assembly, one of the greatest honours that could be bestowed on a Canadian; the right honourable the junior member for Ottawa (Right Hon. Sir George E. Foster) has been a protagonist of the League of Nations ever since its inception, and has lectured on it all over Canada on many occasions, and in many parts of the United States. We feel that so far as the League is concerned, Canada has been well and ably represented, and we are proud of the reputation we have in that regard.

Hon. Mr. BELCOURT: Hear, hear.

Hon. Mr. CASGRAIN: The honourable gentleman spoke in some cases of compulsion, and some of conciliation. Will he explain how any nation can be compelled to do anything?

Hon. Mr. WILLOUGHBY: If a country takes advantage of the optional clause of the Statute, then that country is submitting to a court hearing and trial.

Hon. Mr. CASGRAIN: Yes, but when you are not satisfied with the judgment, what happens?

Hon. Mr. WILLOUGHBY: There is no appeal.

Hon. Mr. CASGRAIN: But how is the court going to enforce its judgment?

Hon. Mr. BELCOURT: There are many ways.

Hon. Mr. CASGRAIN: I should like to know what ways there are. That is something I am trying to find out.

Hon. Mr. WILLOUGHBY: There is no army or fleet to enforce the judgment of this World Court.

Hon. Mr. CASGRAIN: The countries act just as they please, then?



Hon. Mr. DANDURAND: No. If my honourable friend would allow me to make a statement—

Hon. Mr. CASGRAIN: I should be very glad to know. This court cannot send a subpœna; it has no sheriff. What kind of court is that?

Hon. Mr. WILLOUGHBY: A court of conscience.

Hon. Mr. DANDURAND: My honourable friend does not forget that Great Britain entered into the last war, which was the greatest cataclysm that history has recorded, because it had put its signature upon a document.

Hon. Mr. CASGRAIN: You have not read the speech of Lloyd George to-day?

Hon. Mr. DANDURAND: Oh, yes, I have read the speech of Lloyd George, and I have read statements that were made by Mr. Asquith, who was Prime Minister of Great Britain. There was considerable difference of opinion in his Cabinet, but he won the support of the Cabinet, with the exception of three members who resigned; and thus Great Britain vindicated its honour by refusing to disavow its signature. When a State binds itself voluntarily to submit to the decision of the court in all justiciable matters or differences that may arise with other countries that have assumed the same obligations, that State has taken such action before the eyes of the world. I think that henceforth, because of the world-wide knowledge of the responsibility of each State, and because of the facility for obtaining information on international matters, the force of public opinion is the force with which nations will have to reckon.

Hon. Mr. CASGRAIN: It is amazing that after such a few years the honourable leader of this House has forgotten the scrap of paper.

Hon. Mr. DANDURAND: It is because a country treated a document which it had signed as if it were a scrap of paper, that that country did not achieve its objective. It is now generally recognized that Germany failed because it had the moral conscience of the world against it.

The motion of Hon. Mr. Dandurand was agreed to.

The Senate adjourned until to-morrow at 3 p.m.

# THE SENATE

Wednesday, April 9, 1930.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

## PRIVATE BILLS

### THIRD READINGS

Bill 28, an Act respecting the Eastern Canada Savings and Loan Company.—Hon. Mr. Tanner.

Bill 25, an Act respecting the Dominion of Canada General Insurance Company and to subdivide the unissued capital stock.—Hon. Mr. Beique.

Bill 23, an Act to incorporate the Estates Trust Company.—Hon. Mr. Beique.

## EXPORT BILL (INTOXICATING LIQUOR)

### INQUIRY

Hon. Mr. LYNCH-STAUNTON inquired of the Government:

1. Is it the intention of the Government if Bill 15, "An Act to amend the Export Act," becomes law to do more than refuse the clearances therein mentioned?
2. If this Bill becomes law, does the Government contemplate the increase of the staff of the Department of National Revenue or other staff of preventive officers or to incur any expense to prevent the export of liquor to any foreign country?

Hon. Mr. DANDURAND: If my honourable friend had been here when I spoke, he would have had an answer to his inquiry. I stated that the action of the Government would be purely and simply that stated in the Bill itself. The answer to the second part of the inquiry is no.

## LEAGUE OF NATIONS SOCIETY

### DISCUSSION

Right Hon. Sir GEORGE E. FOSTER rose in accordance with the following notice:

That he will draw the attention of the Senate to the progress and present position of the League of Nations Society and the participation and standing of Canada therein.

He said: Honourable members of the Senate, it would probably not be questioned if I were to assert that the one great, unique development of the period since the conclusion of the war has been the institution which we are about to discuss in this Senate, the so-called League of Nations. No one will deny that within this period there has been developed a new spirit, which is more or less dominant in the operations of the different communities of humanity united in the form of nations. Neither, I think, will it be denied that that development is one to be welcomed in the interests of the progress not only of individual nations but of humanity as a whole.

It is beneficial and entirely useful that advantage be taken of periods of growth in the development of any line of activity, and it is peculiarly advantageous at the present time to take advantage of the tenth year in the history of the League of Nations to make a fairly compact presentation of what have been its course and accomplishments. I myself had the privilege and the advantage, which I must always consider it to be, of attending the Peace Conference itself, and the inception of the League of Nations, in so far as its covenants or articles of association are concerned, and of being present at the League's first annual assembly. Afterwards I attended other meetings of the Assembly, and last year I was at the tenth and latest annual assembly. Therefore it is somewhat competent for me to pass a judgment upon, or to make a presentation of the history and the accomplishments of, the League during the first decade of its existence. But it must be evident to honourable members of this Chamber that I am not capable, either physically or otherwise, of attempting a close and detailed statement of all the operations and developments of that institution during those ten years. That would require vastly more time and more ability than I am able to give to the subject, and more time than you could reasonably grant me.

Hon. Mr. CASGRAIN: We will grant you all the time you want.

Right Hon. Sir GEORGE E. FOSTER: So that what I say will be necessarily sketchy. I am not going to take up any time in detailing the difficulties and the mistakes, if there have been any, of the League. I start with this simple assertion, that I do not think even the most enthusiastic adherent of the League of Nations has ever been, or is now, of the opinion that the goal aimed at, the ideal held up, has been even approximately reached, or that it will be reached within the lifetime of any who are now listening to me. It may be that the ultimate goal will not be attained for many generations to come. But I will leave the presentation of that side of the case to those who constitute themselves special critics of the League. A beginning has been made, the road has been sketched, the goal has been set in the far distance, and we are

making appreciable progress towards ultimate realization of the great objective at which we are aiming.

I will make a few remarks first as to the entity of the League itself. Ten years ago, in the office of the Foreign Minister of France, in Paris, there assembled representatives of eight nations, with about half a dozen of more or less prominent members of the Peace Conference, and there was held the first council of the League of Nations, which was participated in by the representatives of France, Great Britain, Italy, Japan and some other countries. The work of that meeting of the Council was limited to the election of a President, Léon Bourgeois, and a General Secretary, Sir Eric Drummond, who had been appointed by the Peace Conference itself as the General Secretary of the coming League. Lloyd George, Lord Curzon, Sir Edward Grey, and a few others were at that assembly as spectators and as sympathizers. That was what might be called the birth of the League of Nations. Its habitat was confined and restricted; it was a moneyless being at that time, and a claimant for charitable shelter first at Paris, then at London, to which its first meeting was adjourned, and afterwards at Geneva. The only business done after the election of officers on that 16th day of January, 1920, was the appointment of the commission to take charge of the administration of the Saar. The meeting then adjourned, to resume in London. Well, that was a very humble and unimpressive birth for an organization which, from that time until the present, has been steadily improving and advancing.

It is well for us to take a few minutes to consider to what extent the League as an organization has progressed. From a beginning of two men and a handbag it has developed into one of the most extensive and important organizations that have ever existed. It now has a habitat more worthy of its importance, and a permanent home is in course of construction on the shore of the great lake of the city that has been chosen as headquarters. Alongside there has already been erected an imposing building, in which is carried on the cognate and correlative work of the International Labour Organization. It has a Council of fourteen members; not simply fourteen individuals, but fourteen nations. We must always bear in mind that when we count heads, either in the Assembly or in the Council, we are numbering not merely individuals, but the nations that these delegates represent for the time being. Five of the Council of fourteen are permanent members, representing the Great Powers, and nine are appointed for terms of three years each and represent the whole body of the association collectively. I might state here that the Council, to whose first meeting I have already referred, has up to the present met fifty-eight times, the fifty-eighth council having been convened in January of this year. That is an average of a little more than five council meetings a year. The Assembly is made up of a possible delegation of about 160 members, each nation being represented by three delegates. There again we must not forget that these delegates are not merely individuals, but in each case represent a national government and a more or less powerful administration. Working in and through and with those two bodies there is the Secretariat, which now numbers about 600 persons and is probably one of the most select, capable and experienced secretariats that the world has ever known. I have given a brief outline of the general contour of the organization.

But we do not get an adequate idea of the organization which is there working out the ideals and principles of the League of Nations unless we take into consideration the fact that there are at least eighteen or twenty great committees or commissions, which are nominated, appointed and controlled by the Council and the Assembly. In every chancellery in every country of the world these committees have members or correspondents who are carrying on research, gathering information, exerting influence, and they form a highly important part of the working body of the institution itself. It might be well for me to mention a few of those committees or commissions.

There is, for instance, the Preparatory Disarmament Commission, which consists of thirty members chosen from twenty-nine different countries, in which the United States, Russia and Turkey are also represented. The research work of that commission is extensive, technical and complex. Information is being gathered preparatory to that convention of the world which will sit sooner or later, and which will come to conclusions based on the work of the present Preparatory Disarmament Commission, as to what the world will ultimately do in the matter of disarmament.

Then there is the Economic and Financial Commission, which is made up of 204 members and divided into twelve committees. These are dealing constantly with fiscal and economic questions, such, for example, as the reconstruction of Austria, Hungary and Bulgaria, and the repatriation of Greek refugees and exiles from all quarters of the world. That commission has a tremendous influence and

scope of usefulness. It represents all the different nations and is consequently in action, not simply sitting at Geneva and enjoying the reputation of working with and for the main institution, but always seriously at work on various problems of world-wide importance.

Another very important branch deals with health. This organization consists of 213 members from all countries of the world, and is divided into 22 subcommittees. It deals with general health, infant welfare, tuberculosis, cancer, smallpox, sleeping sickness, malaria, standardization of sera, plagues and epidemics, the opium question, leprosy, and venereal disease. It is conducting research in every part of the world where the necessary information is available.

Then there is the very useful Committee of Communications and Transit, consisting of 220 members representing all nations. It is divided into subcommittees which are dealing with Ports and Maritime Navigation, Inland Navigation, Rail and Road Traffic, Buoyage and Coast Lighting, Maritime Tonnage, Measurements, River Law, Transport Statistics, Aircraft Landings and so forth. No one who thinks for a moment of the condition in which Europe, to go no further, found itself at the end of the Armistice and the beginning of the peace era, or who has the least idea of the divisions, rivalries, jealousies and fierce nationalistic antagonisms which existed between countries, and of all the hindrances and difficulties which they placed in the way of communication and trade, can minimize the useful and unceasing work of that great commission in mitigating such differences and in developing between nations a reasonable, humane and human method of transacting business one with another.

Then there is, to take a different phase, the Committee on Intellectual Co-operation. Outside of material interests, there are also the great spiritual and intellectual forces which make for unity among the nations of the world, the intermingling and cohesion of which play an important part. So this Intellectual Committee of 130 members, divided amongst all the different nations forming the League, is dealing with university relations, science, bibliography, arts and letters, intellectual rights, instruction of youth in the aims of the League, the interchange of teachers, gifts of books to what may be called indigent universities—for there were many such after the war—and so on.

I will not take up time in going through all these different commissions. There are about twenty of them which are incessantly and constantly at work.

There you have a picture, very inadequate, it is true, of the present organization of the League contrasted with that of ten years ago. That contrast is undoubted, and constitutes a veritable fact, and so far as growth and progress are concerned, is properly conducive to an optimistic feeling as to the work of the League of Nations.

Now, having touched upon the organization, let me call the attention of my fellow senators to the activities and achievements of the League of Nations. I could, if I had time and you had sufficient patience, take each one of these separately—first the activities, and afterwards the achievements in each activity—but I shall treat them very briefly, massing the two together.

What have been the activities and the consequent achievements of the League of Nations within ten years? Those activities can be roughly, though not quite accurately, divided into political, financial and economic, judicial, humanitarian—which include a large group of related subjects and organizations—and intellectual activities. The political activities are very often linked up with the financial and economic, as a matter of course, and less often with the judicial, the humanitarian, and the intellectual.

It is well for us to keep always in view the fact—I do not know whether we do so or not, but for fear that we do not, I will mention it—that when the institution of which we are speaking was established, a new principle was imported and infused into international relations. In 1914 Austria placed her ultimatum before Serbia. Whether it was based upon a desire to obtain the territory of Serbia, as she had obtained, a few years before, the territories of Bosnia and Herzegovina, or whether it was due to a desire to assist her ally in an eastward march, or whether it was purely punitive for the death of the Archduke, who had been assassinated in Sarajevo, makes no matter for the purpose I have now in view. The doctrine of the nations of the world at that time and from time immemorial was: "Hands off! When two nations are trying to adjust a dispute it is contrary to international custom to interfere; it is the sovereign right of nationhood for one power to adjust claims with another nation on entirely independent grounds." It is, I think, the general opinion of statesmen and publicists that if at that time there had existed an organization such as we have today in the League of Nations—as broad in character, as strong in power, and as swift in action—and it had been set in operation when Austria showed her designs on Serbia,

the war would have been averted. But such was not the case, and a world war resulted.

The new principle that has been imported is this: that the adjustment of a dispute between two nations, A and B, is not solely the concern of those nations. It is no longer claimed or conceded that the other nations, either by comity or by international custom, are precluded from interposing. The new principle now prevalent and dominant is that there is a third party in every one of such cases, and that third party is the rest of the world. How far from possible it would have seemed, when Austria preferred her ultimatum to Serbia, that as a result of that ultimatum and whatever might follow it as between those two countries a million British people should bite the dust, and millions in the British Empire should become widows and orphans! There is an instance of the interest of the third party. That interest is the dominant spirit which to-day guides international relations. It is no longer considered impertinent or obnoxious for outside nations to say, when difficulty has arisen or is threatening between two other nations: "Come now! We have some interest in this as well as you. Implications and consequences, more complex and more certain to-day than ever before in the history of the world, make it possible that such a dispute, if not settled in a peaceable way, will result very much to our disadvantage and hurt." The League of Nations is built up upon that principle, and it is the duty as well as the right of any nation —a right which is no longer questioned—to call the attention of its fellow members and of the League itself to any disturbance which, in this age of intertwining interests in international affairs, is likely to have a detrimental or injurious effect upon any of the nations of the world.

So one of the strong lines of political action has been the prevention of war by the settlement of disputes such as, under the old regime, would have led almost inevitably to war. There are no water-tight compartments in the world to-day. War is very different now from what it was two hundred or a thousand years ago. A war, wherever it starts, has implications and possibilities and consequences which menace the civilization of the world. Therefore there stands to the credit of the League—be generous enough to admit it—one notable achievement. In at least seven different cases disputes which under the old regime would have led to war, and to all its consequences, have been successfully prevented by the efficient work of the League of Nations. I need not recall these instances to you. If you are desirous of learning about them you can, for a few cents, provide yourself the information in much better form than I could give it to you.

Along the line of political activity the League goes farther. There is the question of reparations. Although that was and is a financial question involving an immense money indemnity and very large and widely distributed payments, it is also a political matter. The Peace Conference was not able to set a figure. The question of fixing the amount of reparations was left over to a Reparations Commission, and then was handed down, with all its heartburnings and difficulties, to the League of Nations, which was supposed to mollify the feelings of different nationalities hitherto adverse to one another. Although the Reparations Commission was not appointed by the League of Nations, yet it is true that the different amendments and ameliorations in that connection really had their birthplace in, and received their impulse from, the spirit and work of the League of Nations itself. So we have, through a tortuous series of years and negotiations, the indemnity pared down to a fraction of what was demanded in those exuberant and antagonistic days when war fever was high in the blood of nations, and when reason, in many cases, had to take an inferior place. The Dawes Plan, the Young Plan, and the agreements which have arisen out of them may fairly be attributed to the League, its desire for peace and its endeavours to calm and mitigate the differences between nationalities.

I should be led a long way if I were to follow this matter out. The Locarno Pact also was one of the political results of the spirit of the League.

Hon. Mr. DANDURAND: The offspring of the protocol.

Right Hon. Sir GEORGE E. FOSTER: Out of the Locarno Pact came the consequential agreements along the line of conciliation, arbitration, and judicial process, until on the 31st of December, 1929, there were 130 bilateral agreements for the settlement by such methods of disputes between nations. Last year witnessed the notable progress made in the adoption of the compulsory clause of the Statute of the Permanent Court of International Justice. At this date 24 nations have ratified and are bound by this clause, 15 others have promised speedy ratification, and 41 have declared acceptance.

Let us pass on from the political to the financial and economic results of the League. In 1922 the Brussels conferences, attended by

the expert representatives of, I think, thirty-eight or thirty-nine different governments of the world, made an exhaustive examination into the existing financial conditions and the possible future conditions, primarily of Europe, and laid down a plan of operation which has been applied in greater or less degree by every chancellery in Europe and found fruitful application in multiplied and beneficial economic adjustments. There was the brilliant and effective demonstration of the work of this commission in the reconstruction of Austria and of Hungary, and in lesser degree of Albania, Esthonia and other national groups. Then there was effected the repatriation of 487,000 captive soldiers, who were brought thousands of miles from their places of incarceration in camps and in prisons. Then there was that wonderful occasion when more than a million Greeks, or persons of Greek descent, or of Greek fealty, who had been chased out from Asia Minor before the fury of the victorious Turkish army, were taken in charge by the League of Nations, the only institution which could act effectively in a major undertaking of this kind, and were settled in Greece. That was an operation which commanded and won the admiration and respect of the whole world, and it has worked out successfully. There was also the repatriation of refugees to Bulgaria and some smaller States.

There were two reasons why no other institution or country could have done the work which the League did in those cases. In the first place, every country was financially exhausted at the end of the war and could not provide funds sufficient; and, secondly, a country that attempted to intervene would be immediately suspected of ulterior motives and its efforts would not be kindly regarded. But the League is impersonal; it represents humanity as a whole. Because of its efficient administrative methods, the League has been able to obtain the confidence of the banks and other financial institutions, and so to raise loans for vast undertakings, to some of which I have referred. I think the sum required for the Grecian experiment was $65,000,000. The financiers made the loans because they had faith in the basic resources of the country concerned, if given a chance to recuperate, and they felt that that chance would be given because the League of Nations, through its commissioners, was guarantee that the money should be put to the best use.

Hon. Mr. CASGRAIN: Has all that money been paid back to the banks? And if so, by whom?

Right Hon. Sir GEORGE E. FOSTER: No, all the money has not been paid back; it remains as a loan, upon which interest is paid. There are certain resources in the country concerned, upon which the obligations are based. Of course, it will take time for exhausted countries to pay their debts. But in the cases mentioned, the loans are secure, interest is paid regularly and the bonds have appreciated.

I will pass hurriedly on to the judicial branch. That has already been dealt with rather extensively on the floor of this Chamber. Some of the most advanced nations had been cherishing for many years the ideal of an international tribunal, before which certain classes of disputes—and, if possible, all manner of international disputes—could be taken and decided on their merits, and the judgment of the court duly carried out. That is the least expensive, the most reasonable and an entirely humanitarian method of settling disputes between nations. But for reasons which have already been referred to here, it had hitherto been found impossible actually to establish such a court. The nearest approach to it were the arbitration tribunals, but they are as different from courts as they possibly could be. Since the institution of the World Court, arbitrations à la Hague tribunal have decreased to their present comparatively small number, for reasons which can easily be given. The League of Nations had imposed upon it the duty of setting up such a court, and two years afterwards the tribunal was actually established. The court has made gradual but persistent progress. Its capability is not now in question; everywhere the reasonableness of its procedure and the justice of its decisions are lauded. Up to the present time it has given some sixteen decisions on what may be called major subjects—some of them very important and none of them unimportant; and it has rendered seventeen decisions along the line of advisory opinions, which have been extremely useful—in fact, almost essential—in the carrying out of the work of the League.

Let us take a hypothetical case to illustrate how the advisory opinion of the court works. Here is the representative of Poland and there is the representative of Czechoslovakia. A dispute has arisen between their respective countries. Czechoslovakia stands behind the representative which it sends to the court, and it becomes a matter of national importance that he should return to his country with a judgment in its favour. Poland looks to its representative in the same way. But these two delegates may know in their own minds that one is right and the other is

wrong. How can one of them return home if he is defeated? Public opinion has not yet been developed in all European countries to a sufficiently high standard to ensure the view of such matters from a strictly judicial standpoint. Failing to agree before Council, they agree to the friendly suggestion: "Here is our court. Why not submit the matter to it, and if the court decides that you are right and I am wrong, then we can go back—you to no triumph, because you have simply got what is your right, and I to no defeat, because I have been denied by a court which we both have helped to constitute and to which we both have appealed?" It is because of the prompt and facile working of the court in the matter of advisory opinions that the League of Nations was unable to accept the Fifth Reservation of the Senate of the United States, for such a reservation would have resulted either in absolutely barring or in delaying the handing down of advisory opinions of the court; and it is necessary that an advisory opinion should be obtained quickly and applied promptly, in order to prevent disputes growing to wars.

Not one of the decisions of the World Court has been disputed. Every decision which it has made has been heeded and respected. The other day I read in an American paper a statement which was made by the late William H. Taft, an ex-President, and an ex-Chief Justice of the Supreme Court of the United States. He stated that there was crying and vital necessity for such a court in international relationships, and he ventured the opinion that it was only a matter of time before it would become dominant and permanent. He thought that probably some international force would be required in order to make the decrees of the court effective.

Hon. Mr. CASGRAIN: Hear, hear.

Right Hon. Sir GEORGE E. FOSTER: And that was the outstanding objection to the institution of that court by the League.

Hon. Mr. CASGRAIN: Yes.

Right Hon. Sir GEORGE E. FOSTER: Well, facts are stronger than theories, and facts are still stronger than estimations which rest on very poor theories. The fact that the court has handed down so many decisions which have received world-wide approval goes to show that there is an innate desire and willingness on the part of human beings, however they may be congregated into nationalities, to honour the decrees of a court which is properly constituted and which has the necessary ability and experience and justifies its decisions. In some of those cases first-class powers were opposed by small nations, by what are called third-rate powers and even fourth-rate powers, but in every instance the decision of the court was respected and obeyed.

Hon. Mr. BELCOURT: Hear, hear.

Right Hon. Sir GEORGE E. FOSTER: The weakness, as some people might say, of the League of Nations from its inception, and, to a certain extent, of the court, has been that one of the greatest nations of the world has so far declined to become a member. Well, while we will concede a certain amount of weight to that, I for one am not prepared to go so far as to say that the League or the court will die of inanition, even if one very great power is outside of one or both organizations. The prestige and influence of either organization would undoubtedly be increased if that great power were a member, but humanity will not be kept from its onward march along the road of reason and right because one or more nations may not at a certain time see fit to give co-operative aid in the great work. But there has been a great change in American sentiment. I read the other day in the New York Times some reminiscences of one of its old correspondents, who stated that in an interview the late President Harding—he was not President at the time of the interview, but he was on the election boat—was asked what he thought of the League of Nations and what effect it would have in the elections. Mr. Harding put his hand on the shoulder of the interviewer and said, "Friend, the League of Nations is dead." He made a similar assertion after the election, and I am not sure that a diligent searcher could not find remarks of the same tenor made by men very high in the official counsels of the United States. But the League of Nations is not dead. The man who made that assertion—fortunately or unfortunately—has passed away, but the League of Nations still exists, and is robust. To-day not only is the great majority of public sentiment in the United States of America favourable to the ideals and the work of the League of Nations, but officially that country is very much more favourably inclined towards the League.

I happened to be on the committee which in 1926 took into consideration the reservations made by the United States, and after a series of sessions, extending over some ten or fifteen days, we came to certain conclusions, recommended the adoption of all the reservations but one, and practically the adoption of half of that one, and set out a certain method by which there might be a reconsideration as to that fractional part of a reservation by the United States in order that a basis of

compromise and settlement might be reached. Three years ago it so happened that I was in Geneva and sitting upon a similar convention where the whole matter was discussed. After a jurists' commission had looked into the matter, with the assistance of the counsel of Elihu Root, who pretty well understood the attitude of official United States, a modus operandi was agreed upon. That modus operandi is embodied in the three protocols which have been signed by President Hoover and which will, I have no doubt, be adopted by the Senate of the United States. That marks a progression that is grateful to us all, not only to those of us who find that our past ideals have not been wrong and that in the march of progress the United States have come to a reasonable settlement of the difficulty.

I hope that after the end of this year we shall see two things: one, a World Court made more permanent and more effective by the exclusion of deputy judges, and the bringing of the tale of full-fledged judges up to fifteen. For what reason? Because the work of the court demands it, and consequently full time has to be given by the fifteen judges to the preparation and conduct of the judicial work which, in ever increasing volume, is coming before them. I hope also to see on the roll of judges presiding at that great court a representative officially recognized by the United States of America, to take the places so worthily filled by Basset Moore and Charles Evan Hughes. This is within view, and one cannot but be very well pleased at such a probable result.

Now, I have pretty well tired myself, and I have probably sent half of you on the other side to sleep.

Some Hon. SENATORS: No, no.

Right Hon. Sir GEORGE E. FOSTER: Consequently I am not going to prolong my remarks. Those that I do not utter are as good as those that I have uttered; in fact, I am inclined to the belief that they are still better, and I am sorry that my abstention must doom to disappointment an eager and expectant audience.

I wish in closing to touch two points. First I desire to draw attention for a moment to the difference in atmosphere—shall I call it? —the difference in atmosphere which surrounds the work of the League of Nations to-day and that which surrounded it ten years ago. Then the caution of certain governments impelled them to touch the League of Nations in its inception, not as an unclean thing, but as something to be waited for in a spirit of calm reserve, to see how it would develop in its early youth. France herself was officially skeptical; Germany was antagonistic to a degree; the United States treated it officially with contemptuous indifference, refusing even to answer correspondence from it. Amongst its more ardent defenders were Great Britain, the British Dominions, Japan, the small Scandinavian and middle European States, and the States of South America, whose ideals are always pitched high, and who welcomed the appearance of a world organization for peace with fervour and zeal. But we did not find any premiers at the first assembly; we did not find any foreign minister at the first assembly. We found delegates of ability, it is true, but the official atmosphere was rather depressing.

What is the situation to-day? At the League of Nations to-day we find scores of foreign ministers, premiers and ex-premiers. The very best that a nation can give is not considered too good; and the nation that sends an inferior delegation must make up its mind to take a back seat at the League of Nations Assembly and Council.

What is the situation in Europe? We find there that the most vexing questions have been settled. Take the question of reparations, which, from the basis of a forced signature to an illogical and unreasonable instrument—under which were the old war furies and hates and distrusts—was brought down to a reasonable basis to which nations could voluntarily agree. That question carried with it the old sores of the occupation of German territory, of military supervision, of administration by foreign methods and foreign parties upon the soil of the Fatherland. There were discussions of questions the existence of which had in them the seeds of continuous discontent. But now they have been settled. The attitude of one nation to another is very different. The atmosphere is full of ozone, oxygen to the nth degree—all that is necessary for vitality and strength and persistent endeavour.

How about Canada? Canada helped to win the war, disastrous and unnecessary as that war appears to have been, so far as necessary accomplishment is concerned. Canada helped to make the peace. Canada was one of the builders of the League of Nations, and not an inefficient or unintelligent constructor and mechanic. Canada has stood by the League loyally, without fee or reward, and she has had the advantage that comes from that connection.

Is it not clear that it was not alone Canada's part in the war, with all the devotion and heroism shown by Canadians, and it was not her part in making the peace—and that

was a great and admirable part—that gave to Canada the place in the family of nations which has been accorded to her? Another and a vital factor has been her membership and co-operation in the League of Nations itself. It was that which raised to a maximum Canada's acquaintanceship with the nations of the world, and all over the world, from Liberia to Japan, from Norway to India, because of her association in that great international undertaking, men know Canada in person and in nationhood as they never else would have known her. So Canada owes something to the League of Nations for the position which she occupies, and for the recognition and admiration that she receives. She owes to the League of Nations her opportunity to step up little by little from the lower flights of municipal and provincial and national politics into that wider and higher region of international politics and international life. Her national life loses nothing thereby; it gains in real worth and intensity. The higher the atmosphere, the wider the horizon of our public men, publicists, thinkers, and the great mass of our people. That is a boon for which we are not sufficiently thankful, and for which we can never be too thankful.

Now, one last word. Canada has a responsibility. She has to carry out her undertaking in reference to the League of Nations in accordance with its ideals and in consonance with her professions. And she has a duty to perform at home, as well as abroad. What is that duty? It is, by precept, by example, by assistance, to spread that information and cultivate that public sentiment without which, every one of our statesmen has declared—and the world knows it—the League of Nations cannot be upheld in permanency and in strength. By assistance? Yes. By assistance other than the hundreds of thousands of dollars which go for the support of the outside work of the League; by assistance towards cultivating a sentiment of deep conviction and active sympathy and co-operation with the designs and ideals of the League. And by precept? Why, and for how long, are we going to keep in our Estimates an item of $22,000,000 for war training, if we are honest in saying that we do not want war and believe that we shall have no war? Of all dispiriting and demoralizing influences the worst is to be set at work with no goal before one. I can hire a man and set him at digging holes for twelve hours, and then set him filling them up again; I can continue that for the time of his natural life—which will not be very long if he has any spirit. Why, then, if we are going to have no war, do we use our money and our manhood in the production of war paraphernalia, in equipment and exercise, and in the study of the destructive methods of war? What war can Canada have? Honest Injin, what war do we contemplate or are we able to undertake? And why, as Canada has given one great earnest of her policy, her pride, and her ideal, in the way in which she carries on, and has carried on for one hundred years, with her neighbour to the south, should we not transfer abroad to other parts of the world a policy equal to that shown to our neighbours south of the line? Why, and for how long, are we to keep on increasing our expenditure in this regard? Has not the time come when we should commence our own disarmament? I am not unreasonable, not unduly in haste. But, for the sake of our own reputation and the cause that we have at heart, let us make a beginning. The time is coming when the strong analytical brains and ingenious minds of our people will no longer be exercised and their energies expended on the useless work of digging holes and filling them up again, or of carrying on years of research and then, instead of reaching an accomplished end, marching up a blind alley and failing to apply what we have at such cost fitted ourselves to perform. Keep to what has been decided as the necessary basis to ensure national law and order. Gradually put into operation your precepts by practical example. Get rid of the waste of money and the waste of brains and of manhood now used in perfecting an art never to be applied. There are other lines of endeavour equally honourable, and far more useful than the profession of war. The call to the youth of to-day is to a service nobler than any warlike service, calling for the butchery of human beings, and the waste of productive power, and the destruction of material wealth. All about us there is a waste of material, of mentality, of moral and spiritual fibre. Let us inflame the minds of our youth with a desire to enter these fields where no drum beats, where no flag flies flauntingly to lure them forward, but where a sense of duty and a high estimate of what is worth while will be transmuted into the progress, mental and spiritual, of the country which we all love so well.

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

Hon. Mr. DANDURAND: Honourable members, I had intended to offer some remarks in reference to the notice which has been placed on the Order Paper by the right honourable the junior member for Ottawa (Right Hon. Sir George E. Foster). It is usual under the circumstances for the repre-

sentative of the Government to close the debate, but, as there may be other honourable members who desire to make some remarks in support of the principles so brilliantly laid down by our friend, I hesitate to proceed now, and will postpone what I have to say until the honourable the senior member for Ottawa (Hon. Mr. Belcourt) and others who wish to do so, have spoken. And, I desire to add, I think we might well leave for a few days the remarks of my right honourable friend in order that they might penetrate the whole length and breadth of the Dominion of Canada.

Some Hon. SENATORS: Hear, hear.

On motion of Hon. Mr. Belcourt, the debate was adjourned.

## INDIAN BILL

### THIRD READING

Bill 22, an Act to amend the Indian Act.—Hon. Mr. Dandurand.

## DIVORCE BILLS

### THIRD READINGS

Bill D, an Act for the relief of Nora Kathleen Eayrs.

Bill E, an Act for the relief of Herbert Chick.

Bill F, an Act for the relief of Albert Edward Saunders.

Bill G, an Act for the relief of Marjorie Gladys Picken.

Bill H, an Act for the relief of Percy Victor Hobbes.

Bill I, an Act for the relief of Raymond Garbutt Little.

Bill J, an Act for the relief of Constance Bertrand Murray.

Bill K, an Act for the relief of Florence Isabell Naughton.

Bill L, an Act for the relief of Lucy Beryl Marshall.

Bill M, an Act for the relief of Herbert Vincent Crisp.

Bill N, an Act for the relief of Elsie May Scott-Peer.

Bill O, an Act for the relief of Archibald Charles Henry Morris.

Bill P, an Act for the relief of Lillian Caroline Maud Wood.

Bill Q, an Act for the relief of Herbert Nelson Vaughan.

Bill R, an Act for the relief of George Henry Symons.

Bill S, an Act for the relief of Myrtle Margarette Hilton.

Bill T, an Act for the relief of Kathleen Mary Davies.

Bill U, an Act for the relief of Walter Joseph David Penly.

Bill V, an Act for the relief of Louis Battaino.

Bill W, an Act for the relief of Edith May Smith.

Bill X, an Act for the relief of Mary Helen Burgess.

Bill Y, an Act for the relief of Cyril Douglas Gordon Stuart Ackerman.

Bill Z, an Act for the relief of Wilfred Gordon Ure.

Bill A1, an Act for the relief of Herman Michael Coleman.

Bill B1, an Act for the relief of Gertrude Ann Elizabeth Griffiths.

Bill C1, an Act for the relief of William Francis Addison.

Bill D1, an Act for the relief of Ella Daisy Griffith.

Bill E1, an Act for the relief of Thomas Edmund Appleyard.

Bill F1, an Act for the relief of Alexander Robb Kennedy.

Bill G1, an Act for the relief of Constance Mary Wright.

Bill H1, an Act for the relief of Charlotte Gertrude Brown.

Bill I1, an Act for the relief of Albert Davis Blagrave.

Bill J1, an Act for the relief of Maud Alice Whipps.

Bill K1, an Act for the relief of May McFarlane.

Bill L1, an Act for the relief of Eva Verona McColeman.

Bill M1, an Act for the relief of Thomas Brown.

Bill N1, an Act for the relief of Irene Adèle Maria Gregory.

Bill O1, an Act for the relief of Margaret Piton.

Bill P1, an Act for the relief of Henry Cutler.

## PERMANENT COURT OF INTERNATIONAL JUSTICE

### REVISION OF STATUTE—RESOLUTION OF APPROVAL

The Senate resumed from yesterday consideration of the motion of Hon. Mr. Dandurand for the adoption of the following resolution:

That it is expedient that Parliament do approve of the protocol for the revision of the Statute of the Permanent Court of International Justice, signed at Geneva, in respect of the Dominion of Canada, on the 14th of December, 1929, and that this House do approve of the same.

Hon. G. D. ROBERTSON: Honourable senators, I understand that my honourable friend the leader on this side of the House (Hon. Mr. Willoughby), who is absent for the moment, in his address last night made the remarks which he had intended to apply to this order and the following one. Therefore the motion of my honourable friend the leader of the Government (Hon. Mr. Dandurand) may proceed, so far as we are concerned.

The Hon. the SPEAKER: Honourable senators, before putting this motion I should like to point out that the procedure that has been followed in this case is somewhat peculiar. The motion refers to the approval of Parliament, but if it is passed it will express the approval only of the Senate. I understand that if the motion is agreed to, the honourable leader of the Government in this Chamber (Hon. Mr. Dandurand) purposes to make another motion for an address to the House of Commons, informing that House of what has been done by the Senate. I think that this is a form of procedure that has been followed only once before in this House, namely in 1919, and I do not think that the House was quite seized of what it was actually doing at that time. That was in connection with the Versailles Treaty, when a resolution was moved in the same way as this has been, and nothing further was done concerning it. My view of the situation is that, by proceeding in this way, if the motion is agreed to we shall be doing nothing more than passing a resolution of approval by the Senate; that would not amount to an approval by Parliament, and, in my opinion, would not really be a ratification of the treaty. I have made this statement because I think the honourable senators should understand what they are doing in the matter.

Hon. Mr. CASGRAIN: May I ask the Hon. the Speaker how we are going to ratify it?

The Hon. the SPEAKER: I think the honourable gentleman who moved the motion will reply to that question.

Hon. Mr. BELCOURT: I do not know to what extent it is proper for a member of this House to go in expressing acquiescence in an opinion given by His Honour the Speaker. Generally speaking, I would say that a decision of his is final and precludes further discussion; but if it be permissible for me to say so, I should like to state that I entirely agree with him in the opinion he has expressed. The ratification of a treaty is a matter for Parliament, and not merely for one House; there must be joint action by the two Houses. Ratification by the Senate alone would not be a ratification of a treaty, and in the same way a ratification by the other House would not be a ratification. It seems to me that the procedure that should be followed in this instance is that this House should take whatever action honourable members think proper on the question of the ratification of this protocol, and then advise the other House of what action has been taken here. If this Chamber approves of the protocol, and if the other House, after having been advised of the action of this Chamber, takes exactly the same action, then the protocol will be ratified. Otherwise it will not be.

Hon. Mr. CASGRAIN: Perhaps it is impertinent for a land surveyor to talk on a subject of this kind, but in my humble opinion we have a Parliament composed of three branches: the Governor General, the Senate and the House of Commons. I have always understood that nothing was finally approved until the approval had been signified by those three branches.

Hon. Mr. DANDURAND: Honourable senators, the procedure that has been followed in submitting these three protocols to the Senate is the same as that which was followed in the short session of 1919, when the Versailles Treaty was submitted to this Chamber. The submission was made in the very terms of the present resolution, and concurrently the other House proceeded to deal with a similar resolution. On the adoption of the resolution by this Chamber there was no message sent to the other House respecting the action that was taken here, nor did the other House, when it approved of the treaty, communicate in any way with this Chamber. I think my honourable friend from Ottawa (Hon. Mr. Belcourt) does not realize that the Parliament of Canada is not ratifying these protocols. The protocols have been adhered to at the instance of the Government, and it is the Government of Canada that will ask His Majesty to ratify—

Hon. Mr. BELCOURT: Will my honourable friend permit me to interrupt him? The motion is: "That it is expedient that Parliament do approve . . ."

Hon. Mr. DANDURAND: Yes. If my honourable friend will allow me to finish—

Hon. Mr. BELCOURT: Ratification and approval here are synonymous terms.

Hon. Mr. DANDURAND: No, they are not synonymous terms. The ratification is effected by an instrument emanating from His Majesty the King. In Great Britain treaties are not submitted to Parliament. One was

submitted, the Treaty of Versailles, but it was expressly declared that that was not to be taken as a precedent. The signing of a treaty is considered to be a ministerial act. The policy of the present Government of this country has been to submit all treaties to Parliament for endorsation. The Government now comes to both Houses of Parliament and asks each for its approval of the signing of the protocol. The adoption of this resolution would not be even an authorization to ratify. The motion reads:

That it is expedient that Parliament do approve of the protocol for the revision of the Statute of the Permanent Court of International Justice, signed at Geneva, in respect of the Dominion of Canada, on the 14th of December, 1929, and that this House do approve of the same.

Now, if the Senate refused to approve of the protocol, but the other House, by a separate resolution, did approve, the Government might well decide to advise His Majesty to ratify, or the Government might refrain from taking such action. It is not necessary that approval should be given by the two Chambers. That is why the Government in 1919 simply submitted—

Hon. Mr. BELCOURT: Will my honourable friend permit me to ask him a question? Suppose both Houses refused to approve, what then?

Hon. Mr. DANDURAND: If both Houses refused to approve, then the Government would be bound by the opinion of the two Houses. But if there was a difference of opinion, if the Senate approved and the other House rejected, I should take it for granted that the Government, which is but the executive of Parliament, and especially of the other House—in fact, the Government's very life depends upon securing the confidence of the majority of the members of the other House—would refrain from following the advice of the Senate.

Hon. Mr. BELCOURT: Oh, no, no.

Hon. Mr. BEAUBIEN: May I ask the honourable gentleman a question? Did he sign the protocol in the name of Canada? If so, does he hold that the signature affixed by him in the name of the country is now valid, or does he think that an Act of Parliament is required to ratify it?

Hon. Mr. DANDURAND: My answer is in the negative. An Act of Parliament is not needed to validate that signature.

Hon. Mr. BEAUBIEN: Then the signature is valid? It requires no ratification?

Hon. Mr. DANDURAND: Oh, no. It requires the ratification of His Majesty the King, on the advice of his Council; but there is the intervening procedure, which the Government deems proper, of consulting the two branches of Parliament. The British Government does not bind itself to submit all its treaties to Parliament for approval. It signs, and it obtains ratification by the King. As I have said, there was one great exception, the Treaty of Versailles, but it was stated that that should not be taken as a precedent.

At all events, there is now just a question of procedure. I have presented this resolution for approval by the Senate. The House of Commons has on its Order Paper a similar resolution to be approved by that House. "Parliament" is not the Parliament composed of the three powers that my honourable friend (Hon. Mr. Casgrain) has mentioned, but is simply the Houses of Parliament, which are asked to give their adherence to the procedure taken and to the signature given. Now the question arises: Shall we send a message to the House of Commons? My own opinion was that it was not necessary, because the House of Commons could take cognizance of our action as recorded in our Debates.

Hon. Mr. BELCOURT: That would apply equally to a Bill: they would be told to look at our records.

Hon. Mr. DANDURAND: I beg the honourable gentleman's pardon. A Bill has to be adopted by the two branches of Parliament and signed by the Governor General.

Hon. Mr. BELCOURT: So will the resolution have to be.

Hon. Mr. DANDURAND: Not at all. It is simply for the purpose of informing the Government that the two branches of Parliament are agreeable to the Governor in Council advising His Majesty to ratify.

Hon. Mr. FORKE: But if they were not agreeable, what then? If one House adopted the resolution and the other rejected it, would not that be ridiculous?

Hon. Mr. DANDURAND: Not at all. If the Upper Chamber rejected it and the House of Commons adopted it, then it would be for the Government to decide whether or not it should abide by the opinion of the House of Commons and proceed with the ratification.

Hon. Mr. BEIQUE: I understand that the honourable leader of the House takes the position that the ratification is within the power of His Majesty on the advice of his Cabinet.

Hon. Mr. DANDURAND: Yes.

Hon. Mr. BEIQUE: Then the resolution should read differently, I think. The resolutions of both Houses should read: "That the House approves of His Majesty ratifying." As this is a question of procedure of some importance, and as what we do may be treated as a precedent, I would suggest that the honourable leader allow the matter to rest, and that he ascertain whether or not the resolution should be amended. We ought to be sure that we are proceeding regularly.

Hon. Mr. DANDURAND: My honourable friend is in error when he says that this resolution should be in the form of an advice to ratify. It is not for Parliament to give that advice.

Hon. Mr. BEIQUE: "Approves of His Majesty ratifying."

Hon. Mr. DANDURAND: I do not think that would be the proper procedure. The only difficulty between His Honour the Speaker and myself is the use of the word "Parliament" instead of the word "Senate."

Hon. Mr. BEIQUE: If it is Parliament that is to approve, an Act would have to be passed; but I put to the honourable leader a question which he answered to the effect that it is not Parliament that will ratify the protocol, but His Majesty as advised. If this is so, ratification is a privilege of the Crown; and if it is a privilege of the Crown, then we can only say that we concur in the approval by His Majesty.

Hon. Mr. DANDURAND: My honourable friend would have no objection, I suppose, to this part of the resolution:

> That it is expedient that Parliament do approve of the protocol for the revision of the Statute of the Permanent Court of International Justice, signed at Geneva in respect of the Dominion of Canada.

If you approve of the signature it is an approval of the protocol.

Hon. Mr. BELCOURT: I still maintain that the position I have taken is the correct one. What is the motion? It is that Parliament do approve. I submit that Parliament can approve only by a joint act of the two Houses. Parliament is composed of two Houses, and certainly one House cannot give the approval of Parliament. If, as was suggested by the honourable member from Brandon (Hon. Mr. Forke), one House were to vote for approval, and the other against it, the result would be the very reverse of approval. To me that is as plain as the nose on one's face. The two Houses must be parties to the approval; otherwise there is no approval; and it is proper practice and procedure for this House to let the other House know that we have approved.

Hon. Mr. CASGRAIN: It seems to me that all the authorities say that once His Majesty has given approval to a treaty, that is final. So all of this talk is of no use.

Hon. Mr. DANDURAND: I would cite May's Parliamentary Practice, Thirteenth Edition, page 607:

> Communications are also made to both Houses by members of the royal family, which are either delivered by members in their places, or conveyed to the House by letters addressed to the Speaker.
>
> Such being the direct and formal communications between the Crown and Parliament, it may be added that the presence of ministers in both Houses maintains the closest relations of the Crown with the legislature. The representation of every department of the state in Parliament, and the principles of ministerial responsibility, long since established in our constitution, bring the executive government and the legislature into uninterrupted intercourse and combined action. Where no formal communication between the Crown and Parliament is technically required, the introduction of a measure by his Majesty's ministers attests the royal approval.

So when a minister in this Chamber or the other moves a resolution there is an implied authority which allows him to speak with the consent of His Majesty.

Hon. Mr. BELCOURT: That is not the point at all.

Hon. Mr. DANDURAND: That is one of the points raised.

Hon. Mr. BELCOURT: That has nothing to do with it.

Hon. Mr. DANDURAND: That does not answer the point raised by my honourable friend, but I am coming to that.

> The practice that has been followed in recent years, in order to obtain parliamentary approval of treaties, is to present the treaty before the two Houses of Parliament after signature, but before ratification, and to obtain resolutions from both Houses recording the approval of Parliament.
>
> The form used indicates an approval by Parliament. It is as follows:
>
> "That it is expedient that Parliament do approve of the treaty signed at on the of which was signed on behalf of Canada by the Canadian representative acting under full powers issued by His Majesty:
>
> "And that this House do approve of the same."

Hon. Mr. BEIQUE: What is my honourable friend reading from?

Hon. Mr. DANDURAND: A memorandum received from the legal adviser of the Department of External Affairs. I give it only for what it is worth in logic.

It has been suggested that this procedure is not parliamentary approval, but simply approval by two of the Houses of Parliament without the concurrence of the Governor General or Crown.

The object of the procedure is to enable the two Houses of Parliament to supervise and control the exercise of the treaty-making power by the Crown. In a strict sense it is not parliamentary approval that is required, but approval by two parts of Parliament to the action of the third part.

It would not be proper to adopt any form of procedure that involved the approval by the Crown, because the Crown cannot be expected to approve of its own action. Further, it would not be desirable that the Governor General as such should approve, because it would be improper for the Governor General to express approval of action by the Crown.

It might be suggested that the word "Parliament" should be omitted from the resolution, and that instead should be substituted some other phrase, such as "the Senate and House of Commons"; or, "both Houses of Parliament." It is submitted that this change is not necessary. The word "Parliament" is used in two senses: (1) In the strict and technical sense, as defined by the British North America Act, Parliament means the King, Senate and House of Commons. (2) The word "Parliament" has in common usage another meaning, when parliamentary action or parliamentary control or supervision by Parliament is concerned. Common usage justifies such phraseology when it refers to control or supervision by one or both Houses of Parliament over the executive. Consequently, it is quite proper to speak, in Great Britain, of parliamentary supervision over the Government, or of the British system as a system of parliamentary government: or to refer to the responsibility of the executive to Parliament, or the control of the executive by Parliament. Therefore, common usage would justify the use of the term "that Parliament do approve," when the approval is of an act of the Crown and where the approval is expressed by one or both of the Houses of Parliament, without any express action by the Crown itself.

Apart from common usage, there is a series of precedents in Canadian parliamentary practice extending from 1871 to date. Resolutions of the House referring to control or supervision by Parliament have been construed and acted upon as meaning control or supervision by the two Houses of Parliament without joinder of action by the Crown.

The 1923 precedent is anomalous and could not be followed to-day, as it is inconsistent with the present day practice relating to channels of communication between this Government and the Crown. It might not have been objectionable in 1923 to accept a resolution requiring transmission of parliamentary resolutions by the Governor General to the King: to-day it would not fit in with the present machinery. Further, it may be suggested with deference that the question of transmission of advice to the Crown in relation to ratification is a purely executive function, and that transmission of the resolution itself by the direction of the Houses of Parliament would not be in accord with modern constitutional practice. The proper practice is submission of advice to His Majesty by His Canadian Ministers to the effect that His Majesty should ratify the treaty. The advice might or might not, in the discretion of the Ministers, acquaint His Majesty with the fact of parliamentary approval, but it would be unfortunate to establish precedents controlling the manner of, or nature of advice to be tendered in relation to the ratification of treaties.

I have no objection to modifying the two resolutions that are before us by striking out the word "Parliament" and inserting the words "the Senate" and I would ask His Honour the Speaker if that would conform to what he believes to be the proper form to be adopted.

Hon. Mr. BELCOURT: Of course.

Hon. Mr. DANDURAND: I am asking His Honour the Speaker.

The Hon. the SPEAKER: That would be a better form.

Hon. Mr. DANDURAND: I conferred with His Honour the Speaker more than once in regard to this matter, but I hesitated to accept his advice because the resolution approving of the Optional Clause, and containing the word "Parliament," had already been adopted in this House; and the notices that are on the Order Paper of the House of Commons make use of the word "Parliament." I thought that inasmuch as the notices regarding the three protocols now being passed by this Chamber, and to be moved in the other Chamber, make use of the word "Parliament," we might pass them in that form and at the same time register our reservation as to the procedure to be followed in future. I see the force of the statement by His Honour the Speaker, that, since this is a resolution of the Senate, which is to be transmitted to the other House simply for its information and not with a request for its approval, we should substitute the word "Senate" for "Parliament." But my difficulty is that a resolution has already been passed by this Chamber in the terms of the two which are under consideration now.

Hon. Mr. BEAUBIEN: May I make a suggestion to the honourable leader of the Government? If he hesitates to change the wording of the resolution to such an extent that it might not appear to express the approval of Parliament, then perhaps the wording could be changed to read:

Resolved that the Senate believes that Parliament should approve. . . .

Hon. Mr. CASGRAIN: Oh, no, no.

Hon. Mr. BEAUBIEN: If that were done, it would be possible to get an expression of the Senate's approval. That is all that can be obtained.

Hon. Mr. BELAND: I understand that wording to imply subservience to the other House.

Hon. Mr. BEAUBIEN: Not at all. The only thing we can express here is the opinion that Parliament should approve, and the only approval we can give is the approval of the Senate.

Hon. Mr. BELAND: In what particular language? Will my honourable friend explain that?

Hon. Mr. BEAUBIEN: In the language that I have just used. The Senate can do no more than what I suggest there.

Hon. Mr. BELAND: In what language?

Hon. Mr. BEAUBIEN: "The Senate expresses the opinion that Parliament should ratify—"

Hon. Mr. CASGRAIN: That is not what the honourable gentleman said before; he said "believes" before.

Hon. Mr. BEAUBIEN: The resolution states, "that Parliament do approve." As my honourable friend from Ottawa (Hon. Mr. Belcourt) has pointed out, it would be necessary to have the resolution voted upon by both Houses in order to obtain the approval of Parliament. It is quite evident that there is no intention to have both Houses express approval.

Hon. Mr. DANDURAND: Oh, yes there is. The other House is moving on the same lines.

Hon. Mr. BEAUBIEN: But that is not the way to secure the approval of Parliament. That is the way to get an expression of opinion from each House.

Hon. Mr. DANDURAND: From the two Houses of Parliament.

Hon. Mr. BEAUBIEN: No, an expression of opinion separately by each House; but that does not mean the approval of Parliament.

Hon. Mr. BELCOURT: Honourable senators, it would seem that we have been playing a sort of foolish game. My honourable friend (Hon. Mr. Dandurand) tells us that the approval of Parliament is not at all necessary. Then, why has it been asked? Why has the matter been discussed? I do not think that that is a fair position to take in this House, or that it would be fair in the other House. The approval of this Chamber is either necessary or it is not. If it is not necessary, this motion should not have been made. I think my honourable friend is wrong when he says that it is not necessary to have the approval of this House. Strictly speaking, that may be true, but according to practice—



Hon. Mr. DANDURAND: According to the policy of the Government.

Hon. Mr. BELCOURT: According to the universal practice, not only in this House, but, I think, in the Imperial Houses as well, it would be necessary to have approval. However, my honourable friend completely removes the objection which I raised, if he confines his motion to the action of the Senate, and says so in so many words. My objection was that the motion asked for the approval of Parliament. Now, if it is only the approval of the Senate that is to be expressed, however perfunctory it may be, and if the Senate alone is made to act in the matter—that is, if the word "Senate" is substituted for the word "Parliament"—my objection will no longer hold. But I must express my view that it is a rather extraordinary thing that we should be asked to approve of this, and then at the last moment be told that our approval was not necessary.

Hon. Mr. DANDURAND: I do not know who made the statement to which my honourable friend is referring, that it was not necessary to have the approval of this House; but I have told my honourable friend that it is the policy of the Government to submit all treaties to both Houses of Parliament.

Hon. Mr. BELCOURT: But my honourable friend distinctly told us that our approval was unnecessary, because the Crown alone has the power to ratify or not to ratify.

Hon. Mr. BEAUBIEN: The only thing that the honourable leader wants is the moral approval of this House; nothing else.

Hon. Mr. DANDURAND: The moral approval will become formal by the passing of the resolution.

Hon. Mr. BELAND: It has been suggested that if the other House approved of the protocol and the Senate refused to concur, it would be open to the Government to go even to the length of advising His Majesty to assent to the ratification of the treaty.

Hon. Mr. BELCOURT: Will my honourable friend let me say that it would be equally true if both Houses refused, according to the honourable gentleman's (Hon. Mr. Dandurand's) interpretation.

Hon. Mr. BELAND: I am surprised at the stage we have reached in the development of the Constitution of this country. I had understood that beyond the voting of supplies to His Majesty, any matter of public interest in this country in which the Government was concerned had to be approved by both Houses. I should like to be shown where it is stated in the Constitution—not in the English Constitution, for that is not written, but in the Canadian Constitution—that a treaty of peace may be assented to by His Majesty's representative in Canada without the concurrence of both Houses of Parliament.

Hon. Mr. DANDURAND: I do not intend to go farther in the expression of opinion on theory, beyond what we have before us. The Government is submitting a similar resolution to each House of Parliament separately, for the approval by each House of the signature to these three protocols, and will be governed by the treatment these resolutions receive. I do not know what would be the action of the Government in the event of some things happening which have been suggested. I have given my personal view as to the discretion of the Government if there should be a divergence of opinion between the two Houses on such a resolution—

Hon. Mr. BELCOURT: If both Houses refused to approve, what then?

Hon. Mr. DANDURAND: Then that puts the thing at the discretion of the Government.

Hon. Mr. BELAND: Then you place this Chamber in a condition of inferiority?

Hon. Mr. DANDURAND: Well, I cannot say—

Hon. Mr. BEIQUE: If the honourable member will allow me, I would say that I am under the impression that His Majesty, as advised by the Cabinet, can approve of a treaty of this kind without the approval of this House or the other House.

Hon. Mr. BELAND: Oh, no.

Hon. Mr. BEIQUE: I am under that impression.

Hon. Mr. DANDURAND: That is the British practice.

Hon. Mr. BEIQUE: That is the British practice. Now, I would side very strongly with my honourable friend from Lauzon (Hon. Mr. Beland) in this respect, that if that theory is not well founded, then the consent of Parliament would be necessary, and there would have to be the consent of both Houses. I doubt very much that it would be proper for the Crown, acting on the advice of the Cabinet, to disregard one branch of Parliament.

Hon. Mr. BELAND: May I submit a concrete case? Let us suppose that both Houses refused to approve the protocol. According to the declarations we have heard from the honourable leader of the Government (Hon. Mr. Dandurand), it would be competent for the Government to advise His Majesty to assent to the ratification. Suppose further that to-day the Government advised His Majesty to approve of the treaty; that to-morrow there should be a motion by a Minister to go into Committee of Supply, and that a member of the other House should move in amendment that the Government was wrong in advising His Majesty to approve of the treaty. If that amendment were supported by a majority in the other House, would His Majesty ratify the treaty then?

Hon. Mr. CASGRAIN: The Government would go out of office, and that is all there would be to it. A Government that could not get a treaty ratified would have lost the confidence of Parliament and would have to give way to another Government.

Hon. Mr. BELAND: I asked the honourable leader of the Government what would happen.

Hon. Mr. WILLOUGHBY: The honourable leader has already signed on behalf of Canada?

Hon. Mr. DANDURAND: Yes.

Hon. Mr. WILLOUGHBY: I think that all this House can do is to approve of that action. The Crown does the rest.

Right Hon. G. P. GRAHAM: Honourable senators, I think we have been discussing something that is in the air and nowhere near at hand. We have been conjecturing what might happen if something else happened. There have been suggestions of what would take place if one House approved and the other House did not, or if both did or did not approve of the protocol. These things migh be dealt with when we come to them, if we ever do. In my opinion, we are discussing a hypothetical case—a situation that has not arisen and may not arise.

Hon. Mr. BELCOURT: It is the wording of the motion that has brought about the discussion.

Hon. Mr. BEIQUE: You are setting a precedent.

Right Hon. Mr. GRAHAM: For years we had nothing but secret treaties made by the Government, without any authority from Parliament to sign, and without any ratification. I think that, with the approval of everybody in this country, the Prime Minister announced a few years ago that any treaty made by Canada would be submitted by the Government to both Houses. That is the procedure that has been followed in this case. Now, the Government, or any member of the Government, would not likely have signed the treaty unless it was considered highly probable that the treaty would be approved by Parliament. We are looking for trouble that is not even in the offing. Let me get into the realm of imagination, too. My honourable friend (Hon. Mr. Beland) gave us a hypothetical case. Well, if I were the Prime Minister and one of my ministers had signed a treaty which was rejected by Parliament, I would appeal to the country and ask the people what they thought about it. Under our system there is a quick way of dealing with such a situation. In the United States the Government stays in power until a definite period expires, whether its actions meet with the approval of the people or not. I repeat that if I were Prime Minister and a treaty were rejected by Parliament, I would appeal to the people of the country and ask them whether or not the Government acted rightly.

Hon. Mr. BELCOURT: So far as I am concerned, I am quite prepared to withdraw the objection I made, in view of the amendment proposed by the honourable leader.

Hon. Mr. DANDURAND: I am not proposing an amendment.

Hon. Mr. BELCOURT: Yes, you are.

Hon. Mr. DANDURAND: I understood His Honour the Speaker not as making a ruling, but as expressing an opinion as to what would be the better practice. His Honour the Speaker recognized that the precedent which we are following now was made in 1919. I do not know whether he stated also that during the same session another practice was followed, and a message was sent to the other House. In 1919 a resolution of approval of the Versailles Treaty was passed by this Chamber, and a similar resolution was adopted by the other House, but there was no message from one Chamber to the other in either case.

Hon. Mr. BELCOURT: That is not an answer to the present difficulty.

Hon. Mr. DANDURAND: No, but apparently there is a precedent, and that precedent has been followed in this case. I was under the impression that it had been followed in other cases, but I have been told that it would be difficult to find another precedent. At all events, now that this discussion has taken place, I have no objection to substituting for the word "Parliament" the word "Senate," so that the resolution would read:

That it is expedient that the Senate do approve of the protocol for the revision of the Statute of the Permanent Court of International Justice, signed at Geneva, in respect of the Dominion of Canada, on the 14th September, 1929, and that this House do approve of the same.

Hon. Mr. BELCOURT: That is what I call an amendment.

Right Hon. Mr. GRAHAM: Is it not the practice to use the word "Senate" in place of the words "this House?"

Hon. Mr. ROBERTSON: That is what the resolution now says.

Right Hon. Mr. GRAHAM: It says "Parliament."

Hon. Mr. ROBERTSON: No. Honourable members, the resolution itself might be quoted with profit. But before quoting it, may I say that while listening to the discussion I was reminded of a remark made to me on many occasions by an old friend of mine, a former Minister of Railways who is no longer amongst us. He said, "If you want to get a thing mixed up so that nobody can understand it, get a few lawyers discussing it."

Hon. Mr. BELCOURT: That is the old jibe. We are all accustomed to that.

Hon. Mr. ROBERTSON: If honourable members will refer to the resolution they will see it reads:

That it is expedient that Parliament do approve of the protocol for the revision of the Statute of the Permanent Court of International Justice, signed at Geneva, in respect of the Dominion of Canada, on the 14th September, 1929, and that this House do approve of the same.

Now, if it is expedient that Parliament do approve, surely the same resolution would be submitted to both Houses, and each House would approve on its own behalf. Thereby Parliament would have carried out what is said to be expedient. I do not see anything wrong with the resolution, from the layman's point of view.

Hon. Mr. BELCOURT: But it was wrong as it stood before. My honourable friend (Hon. Mr. Dandurand) is not prepared to admit that.

Right Hon. Mr. GRAHAM: But the honourable gentleman (Hon. Mr. Robertson) has read the original resolution.

Hon. Mr. ROBERTSON: Yes.

Right Hon. Mr. GRAHAM: I do not see anything wrong with it.

Hon. Mr. ROBERTSON: No, there is nothing wrong.

The Hon. the SPEAKER: Honourable senators, I raised this question because I wanted the House to understand what it was doing, and I thought it possible that honourable members did not realize that in passing the motion they would be creating a precedent. Inasmuch as this House adopted last night a resolution in the following terms—

That it is expedient that Parliament do approve of the Declaration under Article 36 of the Statute of the Permanent Court of International Justice, signed at Geneva in respect of the Dominion of Canada, on the 20th day of September, 1929, and that this House do approve of the same.

—probably it would be best to leave the other two resolutions which stand on the Order Paper to-day in the same terms, with the definite understanding that this procedure will not be considered a precedent for the future.

The motion of Hon. Mr. Dandurand was agreed to.

Hon. Mr. DANDURAND moved:

That a message be sent to the House of Commons to acquaint that House that the Senate has adopted the following resolution:

That it is expedient that Parliament do approve of the protocol for the revision of the Statute of the Permanent Court of International Justice, signed at Geneva, in respect of the Dominion of Canada, on the 14th September, 1929; and that this House do approve of the same.

The motion was agreed to.

## PERMANENT COURT OF INTERNATIONAL JUSTICE

### ACCESSION OF THE UNITED STATES—RESOLUTION OF APPROVAL

The Senate resumed from yesterday consideration of the motion of Hon. Mr. Dandurand for the adoption of the following resolution:

That it is expedient that Parliament do approve of the protocol relating to the accession of the United States of America to the protocol of signature of the Statute of the Permanent Court of International Justice, signed at Geneva on the 14th September, 1929; and that this House do approve of the same.

The motion was agreed to.

Hon. Mr. DANDURAND moved:

That a message be sent to the House of Commons to acquaint that House that the Senate has adopted the following resolution:

That it is expedient that Parliament do approve of the protocol relating to the accession of the United States of America to the protocol of signature of the Statute of the Permanent Court of International Justice, signed at Geneva on the 14th September, 1929; and that this House do approve of the same.

The motion was agreed to.

## PERMANENT COURT OF INTERNATIONAL JUSTICE

### COMPULSORY ARBITRATION—RESOLUTION OF APPROVAL

Hon. Mr. DANDURAND moved:

That a message be sent to the House of Commons to acquaint that House that the Senate has adopted the following resolution:

That it is expedient that Parliament do approve of the declaration under Article 36 of the Statute of the Permanent Court of International Justice, signed at Geneva, in respect of the Dominion of Canada, on the 20th September, 1929; and that this House do approve of the same.

He said: This is necessary because a resolution approving the declaration under Article 36 of the Statute of the Permanent Court of International Justice was adopted last evening, but no message was sent to the House of Commons.

The motion was agreed to.

## PRIVATE BILLS

### FIRST READINGS

Bill 32, an Act respecting the Interprovincial and James Bay Railway Company.—Hon. Mr. Gordon.

Bill 33, an Act respecting the Algoma Central and Hudson Bay Railway Company.—Right Hon. Mr. Graham.

## DIVORCE BILLS

### FIRST, SECOND, AND THIRD READINGS

Hon. Mr. COPP, on behalf of Hon. Mr. McMeans, Chairman of the Committee on Divorce, presented the following Bills, which were severally read the first, second, and third times, and passed:

Bill Q1, an Act for the relief of George Collier Draper.

Bill R1, an Act for the relief of Dorothy Keen Rupert.

Bill S1, an Act for the relief of Carrie Jane Vardon Coffin.

Bill T1, an Act for the relief of Effie Laberta Corrigan.

Bill U1, an Act for the relief of John Tremblay.

Bill V1, an Act for the relief of Cornelius Taylor Spencer.

Bill W1, an Act for the relief of Ada Emily Harris.

Bill X1, an Act for the relief of Charles Gordon Stanley.

Bill Y1, an Act for the relief of Harry Jackson Carr.

Bill Z1, an Act for the relief of Charles Ernest Aimé Holmes.

Bill A2, an Act for the relief of Margaret Malvina Cole.

Bill B2, an Act for the relief of Quartus Bliss Henderson.

Bill C2, an Act for the relief of Otto Vernon Riepert.

Bill D2, an Act for the relief of Mary Ritchie.

The Senate adjourned until to-morrow at 3 p.m.

## THE SENATE

Thursday, April 10, 1930.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

### PRIVATE BILL

#### THIRD READING

Bill C, an Act respecting the capital stock of the Ottawa Electric Railway Company.—Hon. Mr. Belcourt.

### THE ROYAL ASSENT

The Hon. the SPEAKER informed the Senate that he had received a communication from the Assistant Secretary to the Governor General, acquainting him that the Right Hon. F. A. Anglin, Chief Justice of Canada, acting as Deputy of the Governor General, would proceed to the Senate Chamber this day at 5.45 p.m. for the purpose of giving the Royal Assent to certain Bills.

### PRIVATE BILLS

#### FIRST READING

Bill L2, an Act respecting the Calgary and Fernie Railway Company.—Hon. Mr. Spence.

#### SECOND READING

Hon. Mr. SPENCE moved the second reading of the Bill:

He said: Honourable members, with the leave of the Senate, I would move the second reading of this Bill now, so that it may be referred to the committee. The reason for doing this is to prevent its being unduly delayed during the recess.

The Bill provides for the building of a railway from Calgary to Fernie, through a district that is not now served by any railway. I am advised that all parties interested, including the railway companies, will give their consent when they appear before the committee.

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

### LEAGUE OF NATIONS—CANADA'S REPRESENTATIVES

#### ORDER FOR RETURN

Hon. Mr. TANNER, on behalf of Hon. Mr. Stanfield, moved for a return showing:

1. The names of all delegates or representatives from Canada, whether senators or members of the House of Commons, or otherwise, attending on behalf of Canada at any meeting of the League of Nations, in any one or more of the years, 1927, 1928 and 1929, with the number of attendances, if more than one, in any of the years aforesaid, and the amount paid to each delegate or representative for expenses of such attendance.

2. Also the names of officials of the Government, if any, who attended at any such meeting as referred to in clause 1, in any of the said years, the object in view for such attendance, and the expenses in each year of such attendance.

3. The total amount expended by the Government in the said three years in any way connected with the League of Nations.

4. The amount of money contributed, if any, to the Permanent Court of International Justice in each of the said years.

5. The name of any member of the Senate or House of Commons or official of the Government making any attendance in connection with the said court during the said years, and the expenses of each paid by the Government.

6. The names of any delegates representing Canada, attending the Economic Conference of the League of Nations, and the expenses of each.

The motion was agreed to.

### EASTER RECESS

#### MOTION

Hon. Mr. DANDURAND rose in accordance with the following notice:

That he will move that when the Senate adjourns to-day it do stand adjourned until Tuesday, the sixth of May, at eight o'clock in the evening.

He said: Honourable members, inasmuch as the House of Commons is going to adjourn for a somewhat prolonged period, I think it is the desire of honourable members that we should do likewise. I am going to suggest

therefore, that my motion should be amended to read "the thirteenth of May," instead of "the sixth of May," and I will move it in that form.

Hon. Mr. POPE: Why not say until after the next general election? Why should we set a date?

Hon. Mr. DANDURAND: If my honourable friend is able to fix that date, I would ask him to take us into his confidence.

Hon. Mr. POPE: Having received the information in confidence, I am not able to give it to my honourable friend when so many members are sitting around him in the House; but if he desires to meet me afterwards I shall be glad to give him the information.

Right Hon. Mr. GRAHAM: It should not be done with closed doors.

The Hon. the SPEAKER: Is the House to reassemble at 8 p.m. standard time or daylight saving time?

Hon. Mr. DANDURAND: It will be daylight saving time—city of Ottawa time.

The motion, as amended, was agreed to.

## PRIVATE BILL

### THIRD READING

Bill 29, an Act to incorporate The Saint Nicholas Mutual Benefit Association.—Hon. Mr. Griesbach.

## DIVORCE BILLS

### FIRST, SECOND AND THIRD READINGS

Hon. Mr. COPP, on behalf of Hon. Mr. McMeans, Chairman of the Committee on Divorce, presented the following Bills, which were severally read the first, second and third times, and passed:

Bill E2, an Act for the relief of Mildred Alma McCallum.

Bill F2, an Act for the relief of Amy Lucinda Jenkins.

Bill G2, an Act for the relief of Mabel Monk.

Bill H2, an Act for the relief of Harry Edward Elvidge.

Bill I2, an Act for the relief of Mabel Robb Blaiklock.

Bill J2, an Act for the relief of Emily Anderson.

Bill K2, an Act for the relief of Helen Marie Ferguson.



## POSTPONED ORDERS OF THE DAY

Hon. Mr. DANDURAND: Honourable members, according to a practice of this Chamber, items that appear on the Order Paper for days when the Senate is adjourned are carried over to the first sitting after the adjournment. I ask that the Clerk be authorized to transfer to the Order Paper for Wednesday, the 14th of May, item No. 1 of Wednesday, the 7th of May, namely, the third reading of Bill 15, an Act to amend the Export Act. Honourable senators will notice that this order was set down for the day following the date on which we intended meeting after the Easter adjournment. I am asking that, with the leave of the Senate, the order be put forward to the day following the date upon which we have now decided to resume. I do this in order that there may be more honourable members present when the motion for third reading is made. A number of honourable senators do not always make it a point to be here on the opening evening after an adjournment.

Hon. Mr. BELCOURT: Honourable members, may I inquire what happens to the items that stand in the names of other honourable senators for days when the House will be adjourned? For Friday, the 11th of April, there are two orders, one standing in the name of Hon. Senator Gordon and the other in the name of Right Hon. Senator Graham, and on the 7th of May there is an order for resuming the adjourned debate on the motion of Right Hon. Sir George E. Foster. What happens to these orders?

Hon. Mr. DANDURAND: They are in the hands of the senators whose names appear on the Order Paper. They may proceed, or they may move to have the orders postponed.

Hon. Mr. BELCOURT: There will be an order of the House, then, that these three items to which I have referred shall be placed on the Order Paper for the day that the Senate resumes?

Hon. Mr. DANDURAND: I am referring to only one item. The others all go automatically to the day that the Senate resumes.

Hon. Mr. BELCOURT: That is why I rose. If my honourable friend had made his remark applicable to all the orders, I would not have said anything.

Hon. Mr. DANDURAND: Does the honourable gentleman desire that all the orders be transferred to the 14th of May? My idea was that they all should go to the 13th, except the one to which I have referred.

Hon. Mr. BELCOURT: I am sorry; I did not understand that.

## VEHICULAR TRAFFIC BILL

**FIRST READING**

Bill 21, an Act for the regulation of Vehicular Traffic on Dominion property.—Hon. Mr. Dandurand.

## INSURANCE BILL

**FIRST READING**

Bill 35, an Act to amend the Insurance Act.—Hon. Mr. Dandurand.

The Senate adjourned during pleasure.

## THE ROYAL ASSENT

The Right Honourable F. A. Anglin, the Deputy of the Governor General, having come and being seated at the foot of the Throne, and the House of Commons having been summoned, and being come with their Speaker, the Right Honourable the Deputy of the Governor General was pleased to give the Royal Assent to the following Bills:

An Act to amend the Timber Marking Act.
An Act to amend the Patent Act.
An Act to amend the Supreme Court Act.
An Act respecting the Canadian Pacific Railway Company (Division of Capital Stock).
An Act respecting the Canadian Pacific Railway Company (Branch Lines).
An Act to provide for the extension of the boundary of the Province of Manitoba in the Northwest Angle Inlet of Lake of the Woods.
An Act to amend the Indian Act.
An Act respecting The Dominion of Canada General Insurance Company and to subdivide the unissued capital stock.
An Act respecting The Eastern Canada Savings and Loan Company.

The House of Commons withdrew.

The Right Honourable the Deputy of the Governor General was pleased to retire.

The sitting of the Senate was resumed.

The Senate adjourned until Tuesday, May 13, at 8 p.m.

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# THE SENATE

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Tuesday, May 13, 1930.

The Senate met at 8 p.m.

## SPEAKER OF THE SENATE

Hon. A. C. HARDY, having taken the Clerk's chair, rose and said: Honourable members, I have the honour to inform you that a Commission has been issued under the Great Seal, appointing me Speaker of the Senate.

The said Commission was then read by the Clerk.



The Honourable the Speaker then took the Chair at the foot of the Throne, to which he was conducted by Hon. Messieurs Belcourt and Willoughby.

Prayers.

Hon. N. A. BELCOURT: Your Honour, your colleagues offer you their congratulations upon your elevation to the speakership of this honourable House, and their very best wishes as well. We all hope that you will enjoy the exercise of your high function, and we assure you that you may always count on our loyal assistance and co-operation for the maintenance of the honour, dignity, and integrity of this honourable House.

The office of Speaker of the Senate is one which has always been very highly regarded and much coveted. By rule and practice the appointment is one which belongs to the Government and is not, like the Speakership of the House of Commons, left to the suffrages of the members. In your case it must be especially gratifying, since your appointment was based on the selection of your Senate colleagues. In the name of all I extend to you our hearty congratulations and cordial good wishes.

Some Hon. SENATORS: Hear, hear.

Hon. W. B. WILLOUGHBY: Honourable members, I rise to voice my entire concurrence, and, I am sure, that of every honourable member of this side of the House, in the felicitations that have been so happily expressed towards His Honour the Speaker.

Your Honour, you are not as old a member of this House as some of us—and in that you are fortunate—but you have been a member of this Chamber long enough to appreciate our mode of doing things, and I know that you have always been a highly interested participant in the work that has made a particular appeal to you. I am sure that you will have the support of every member on this side of the House in your high office. Fortunately we are a body that is very easy to control. We do not try to find fault with the Chair. We had nothing but commendation for everything that the late Speaker did. I am sure that Your Honour's tenure of the office will be one of profit to the House and of pleasure to yourself.

The Hon. the SPEAKER: Honourable senators, very briefly I wish to thank the honourable leaders on both sides of the House for their kind words, and particularly for their promise of co-operation. Perhaps it is not my place to say anything in reply, but I do wish to make one statement. As I think all honour-

able members know, I have taken this Chair under a personal physical handicap, and if I am to give satisfaction to the Senate it can only be with your assistance and, I may say, with your indulgence; and I crave that indulgence now. I would not have ventured to impose myself on this Chamber had I not known, what is common knowledge, that the session is likely to come to an end in the near future, probably within a very few weeks. That is my excuse. Otherwise I would not have placed myself in a position where it would be necessary to ask for your indulgence. I have been, of course, as all honourable senators are, attached to one side of this Chamber, but I can assure honourable members, and especially those to my left, that during the time I have the honour to occupy this Chair I shall not know sides, I shall not know any division or line in this House; and I hope to co-operate in every way with all honourable senators.

## SUSPENSION OF RULES

Hon. Mr. BELCOURT, with leave of the Senate, moved:

That from and inclusive of to-day until the end of the Session Rules 23 (f), 24 (a), (b), (d), (e) and (h), 63, 119, 129, 130 and 131 be suspended.

He said: Honourable members, before this motion is put, I should like to say that I have communicated it to my honourable friend the leader on the other side of this House, and I am making the motion with his consent. By way of explanation may I say that because of the desire to proceed with the work on hand as speedily as possible, in view of the probability of an early termination of the session, it has been found advisable to suspend these rules, which have reference to delays between different readings of bills, for posting of notices, and so on. I may add that a similar motion has been adopted in another place.

Right Hon. Sir GEORGE E. FOSTER: What is the general effect?

Hon. Mr. BELCOURT: The general effect is to do away with certain delays between readings; for instance the delay for posting, or the delay after petitions have been considered by the Committee on Standing Orders. Sometimes, I think, under the rules, a whole week must elapse after the Standing Committee has reported on the petition, before a Bill can be presented.

Right Hon. Sir GEORGE E. FOSTER: Would it permit the three readings and the passage of a Bill at one sitting?

Hon. Mr. BELCOURT Yes. I quite understand that there may be some occasions when it may not be convenient or desirable that some of these rules should be suspended, and I am quite sure that in cases of that kind we shall be able to agree upon the question whether the rules should be followed.

The motion was agreed to.

## EXPORT OF LIQUOR FROM GREAT BRITAIN TO UNITED STATES

### INQUIRY

Hon. R. H. POPE inquired of the Government:

1. Does a ship's manifest, sailing from Great Britain to a United States port and carrying intoxicating liquors, show an entry of such on the manifest?
2. Is there any prohibition by Great Britain on the shipment of alcoholic liquors into the United States?

Hon. Mr. BELCOURT: I have these answers from the Department of External Affairs:

The reply from London is to the effect that, in regard to the second question, the position is that there is no prohibition on the exportation of intoxicating liquor from Great Britain, but that in practice intoxicating liquor is never exported to the United States. In regard to the first question, it is stated that the practice of ship owners is to enter in the ship's manifest particulars of all cargo carried. The manifest carried on an outward bound ship is not, however, an official document and the Customs law does not prescribe the particulars to be shown therein, but in view of the fact that, as stated above, intoxicating liquor is not in practice exported to the United States, the question of manifest is not considered to be of material importance.

## PREVENTIVE OFFICERS IN MARITIME PROVINCES

### INQUIRY

Hon. Mr. HUGHES inquired of the Government:

1. What is the name, place of residence or duty, rank or position, salary and allowances of each person in the service of the Department of National Revenue in New Brunswick, Nova Scotia and Prince Edward Island, as Preventive Officer for prevention of liquor smuggling?
2. During the years 1928-1929, what Cruisers and other vessels did the Government have on service for the prevention of the unlawful landing of liquors in the Maritime Provinces?
3. What was the tonnage of each Cruiser and vessel?
4. How many officers and other members of crew served on each one?
5. With what was each Cruiser or vessel armed?
6. How many Preventive Officers and other persons were there in service during said years in each Province, Nova Scotia, New Brunswick

and Prince Edward Island, for above mentioned purpose of preventing smuggling of liquors?

7. What was the total cost in each of the years 1928-1929 of the above mentioned Preventive Service (a) on the land, and (b) on the water?

Hon. Mr. BELCOURT: The answers are very long, with page after page of names of men, their addresses, rank and salaries, and other details. I hope honourable members will not expect me to read all this.

Right Hon. Mr. GRAHAM: Put it on Hansard.

Hon. Mr. BELCOURT: I will hand the answers in and they will appear on Hansard.

1.

New Brunswick

| Name | Place | Rank | Salary |
|---|---|---|---|
| Gagnon, L. A. | St. John | Division Chief, Gr. 1.. .. .. .. .. .. .. | $3,540 |
| Allen, C. W. | Port Elgin | Customs Excise Enforcement Officer.. | 1,500 |
| Berrie, J. C. | St. John | Special Customs Excise Officer Gr. 3.. | 2,340 |
| Bowes, J. A. | St. John | Special Customs Excise Officer Gr. 1.. | 1,800 |
| Chiasson, L. A. | Lameque | Customs Excise Enforcement Officer.. | 1,320 |
| Craig, W. F. | Perth | Customs Excise Enforcement Officer.. | 1,500 |
| Crawford, A. | St. John | Special Customs Excise Officer Gr. 2.. | 2,040 |
| Cumming, F. M. | Buctouche | Customs Excise Enforcement Officer.. | 1,500 |
| Dinsmore, T. J. | Campbellton | Customs Excise Enforcement Officer.. | 1,500 |
| Gauvin, P. O. | Tracadie | Customs Excise Enforcement Officer.. | 1,440 |
| Kelly, M. J. | Grand Falls | Customs Excise Enforcement Officer.. | 1,440 |
| Legoff, Wm. H. | Richibucto | Customs Excise Enforcement Officer.. | 1,440 |
| Lynott, C. H. | St. George | Special Customs Excise Officer Gr. 3.. | 2,160 |
| Matchett, L. B. | Neguac | Customs Excise Enforcement Officer.. | 1,500 |
| MacKinnon, J. R. | Moncton | Customs Excise Enforcement Officer.. | 1,500 |
| McMullon, W. F. | St. Andrews | Customs Excise Enforcement Officer.. | 1,440 |
| McLaughlin, F. H. | Bathurst | Customs Excise Enforcement Officer.. | 1,320 |
| Morin, W. J. | Edmundston | Customs Excise Enforcement Officer.. | 1,440 |
| Picard, W. F. | Edmundston | Customs Excise Enforcement Officer.. | 1,440 |
| Porter, W. J. | St. Stephen | Customs Excise Enforcement Officer.. | 1,440 |
| Quartermain, A. E. | Newcastle | Customs Excise Enforcement Officer.. | 1,440 |
| Richardson, H. | North Head | Customs Excise Enforcement Officer.. | 1,440 |
| Robichaud, P. G. | Shippigan | Customs Excise Enforcement Officer.. | 1,200 |
| Ryder, L. P. | Fredericton | Customs Excise Enforcement Officer.. | 1,500 |
| Savage, E. B. | Shediac | Customs Excise Enforcement Officer.. | 1,500 |
| Shaw, C. M. | Centreville | Customs Excise Enforcement Officer.. | 1,500 |
| Soucie, E. F. | St. Leonard | Customs Excise Enforcement Officer.. | 1,500 |
| Springer, J. B. | Chatham | Customs Excise Enforcement Officer.. | 1,440 |
| Theriault, M. | Caraquet | Customs Excise Enforcement Officer.. | 1,440 |
| Veniot, A. G. | Moncton | Special Customs Excise Officer Gr. 1.. | 1,800 |
| Verret, P. E. | Clair | Customs Excise Enforcement Officer.. | 1,500 |
| Wallace, A. G. | Dalhousie | Special Customs Excise Officer Gr. 1.. | 1,680 |
| Whalen, E. J. | Woodstock | Customs Excise Enforcement Officer.. | 1,500 |

Nova Scotia

| | | | |
|---|---|---|---|
| Logan, A. T. | Halifax | Divisionl Chief Gr. 1.. .. .. .. .. .. .. | $3,500 |
| Callow, W. H. | Advocate Harbour | Customs Excise Enforcement Officer.. | 1,320 |
| Chapman, G. P. | Tidnish River | Customs Excise Enforcement Officer.. | 200 |
| Christie, B. M. | Meteghan | Customs Excise Enforcement Officer.. | 1,500 |
| Coutreau, G. J. | Wedgeport | Customs Excise Enforcement Officer.. | 1,440 |
| Crossley, G. B. | Yarmouth | Customs Excise Enforcement Officer.. | 1,700 |
| Currie, D. G. | Tatamagouche | Customs Excise Enforcement Officer.. | 1,320 |
| Dakin, R. A. | Wallace | Customs Excise Enforcement Officer.. | 1,320 |
| Dauphinee, A. T. | Sandy Point | Customs Excise Enforcement Officer.. | 1,440 |
| Daw, R. | Halifax | Customs Excise Enforcement Officer.. | 1,700 |
| D'Eon, C. E. | Pubnico | Customs Excise Enforcement Officer.. | 1,440 |
| Digdon, F. W. | Mulgrave | Customs Excise Enforcement Officer.. | 1,320 |
| Ferguson, T. C. | Canso | Customs Excise Enforcement Officer.. | 1,200 |
| Fraser, W. A. | Liscomb | Customs Excise Enforcement Officer.. | 1,500 |
| Gough, H. V. | Halifax | Special Customs Excise Officer Gr. 2.. | 1,700 |
| Healey, T. J. | Halifax | Customs Excise Enforcement Officer.. | 1,500 |
| Kelley, R. B. | Mahone Bay | Customs Excise Enforcement Officer.. | 1,500 |
| Kennedy, F. Z. | Ingramport | Customs Excise Enforcement Officer.. | 1,440 |
| Larson, A. H. | Halifax | Customs Excise Enforcement Officer.. | 1,700 |
| MacDonald, M. A. R. | Sheet Harbour | Customs Excise Enforcement Officer.. | 1,440 |
| MacDonald, N. | New Glasgow | Customs Excise Enforcement Officer.. | 1,500 |
| MacDonald, Wm. H. | Halifax | Customs Excise Enforcement Officer.. | 1,700 |
| MacLeod, J. A. | Halifax | Customs Excise Enforcement Officer.. | 1,700 |
| MacMillan, G. L. | Isaac's Harbour | Customs Excise Enforcement Officer.. | 1,440 |
| McLaughlin, B. H. | Lunenburg | Special Customs Excise Officer Gr. 2.. | 2,040 |
| McNab, F. G. | Pictou | Customs Excise Enforcement Officer.. | 1,320 |
| Nash, E. E. | Ingramport | Customs Excise Enforcement Officer.. | 980 |

Nova Scotia—*Concluded*

| Name | Place | Rank | Salary |
|---|---|---|---|
| Nickerson, E. B. | Yarmouth | Special Customs Excise Officer Gr. 2.. | 1,920 |
| Nickerson, H. E. | Barrington | Customs Excise Enforcement Officer.. | 1,440 |
| Oakes, J. J. | Halifax | Special Customs Excise Officer Gr. 2.. | 1,920 |
| Peterson, A. L. | Lockport | Customs Excise Enforcement Officer.. | 1,440 |
| Pugh, H. D. | Halifax | Special Customs Excise Officer Gr. 1.. | 1,800 |
| Robson, S. | Clam Harbour | Customs Excise Enforcement Officer.. | 600 |
| Smith, F. E. | Halifax | Special Customs Excise Officer Gr. 3.. | 2,400 |
| Synott, J. D. | Dartmouth | Special Customs Excise Officer Gr. 2.. | 1,500 |
| Tobin, J. A. | Jeddore Head | Customs Excise Enforcement Officer.. | 1,320 |
| Vincent, H. E. | Truro | Customs Excise Enforcement Officer.. | 1,500 |
| Wood, W. J. | Windsor | Customs Excise Enforcement Officer.. | 1,320 |

Cape Breton

| | | | |
|---|---|---|---|
| Young, Angus | North Sydney | District Chief.. .. .. .. .. .. .. .. | $2,940 |
| Alden, C. F. | Boulardarie Is. | Customs Excise Enforcement Officer.. | 600 |
| Bourinot, M. J. | Mira | Customs Excise Enforcement Officer.. | 1,320 |
| Burns, A. | Cheticamp | Customs Excise Enforcement Officer.. | 1,440 |
| Campbell, A. J. | Inverness | Customs Excise Enforcement Officer.. | 1,440 |
| Corbett, L. J. | Lingan | Customs Excise Enforcement Officer.. | 1,320 |
| Crowdis, J. H. | Louisburg | Customs Excise Enforcement Officer.. | 1,440 |
| Curry, Jos. | Glace Bay | Special Customs Excise Officer Gr. 2.. | 1,800 |
| Egan, M. F. | L'Ardoise | Customs Excise Enforcement Officer.. | 1,440 |
| Graham, D. | New Waterford | Customs Excise Enforcement Officer.. | 1,320 |
| Holmes, W. A. | St. Peters | Special Customs Excise Officer Gr. 1.. | 1,500 |
| Kehoe, L. V. | Mira Bay | Special Customs Excise Officer Gr. 1.. | 1,500 |
| Kennedy, J. W. | Sydney | Special Customs Excise Officer Gr. 2.. | 2,160 |
| Lamond, W. A. | Sydney Mines | Special Customs Excise Officer Gr. 2.. | 2,040 |
| MacDonald, A. D. | Bay St. Lawrence | Customs Excise Enforcement Officer.. | 600 |
| McDonald, R. D. | Cheticamp | Customs Excise Enforcement Officer.. | 1,440 |
| McCuish, N. | Gabarouse | Customs Excise Enforcement Officer.. | 1,320 |
| McCready, C. J. | Little Bras d'Or | Customs Excise Enforcement Officer.. | 600 |
| McKay, A. | Glace Bay | Special Customs Excise Officer Gr. 2.. | 2,040 |
| McKenzie, J. H. | Boulardarie Is. | Customs Excise Enforcement Officer.. | 600 |
| McKinnon, D. A. | North Sydney | Special Customs Excise Officer Gr. 3.. | 1,920 |
| McLean, J. S. | Port Hood | Customs Excise Enforcement Officer.. | 1,440 |
| MacLean, R. C. | Boulardarie Is. | Customs Excise Enforcement Officer.. | 660 |
| Nicholson, N. D. | Port Morien | Special Customs Excise Officer Gr. 1.. | 1,500 |
| Spray, J. E. | Gabarouse | Customs Excise Enforcement Officer.. | 1,440 |
| White, W. S. | New Victoria | Special Customs Excise Officer Gr. 1.. | 1,500 |

Prince Edward Island

| | | | |
|---|---|---|---|
| Barbour, G. H. | Charlottetown | District Chief.. .. .. .. .. .. .. .. | $2,760 |
| Bradley, Leo | Charlottetown | Customs Excise Enforcement Officer.. | 1,720 |
| Martin, P. C. | Port Borden | Customs Excise Enforcement Officer.. | 1,320 |
| Matheson, W. K. | Alberton | Customs Excise Enforcement Officer.. | 1,320 |
| McIntyre, J. J. | Georgetown | Customs Excise Enforcement Officer.. | 1,440 |
| McPhee, J. J. | Souris | Customs Excise Enforcement Officer.. | 1,320 |
| Platts, F. J. | Summerside | Customs Excise Enforcement Officer.. | 1,440 |
| Shaw, N. A. | Montague | Customs Excise Enforcement Officer.. | 1,440 |

2, 3, 4 and 5.

| Name | Registered tonnage | Crew | Armament |
|---|---|---|---|
| Baroff.. .. .. .. .. .. .. .. .. .. .. | 48 | 15 | 4 rifles |
| Bayfield (Returned to owners Dec. 1928).. .. .. .. .. .. .. .. .. .. | 114 | 28 | 5 rifles |
| Bayhound.. .. .. .. .. .. .. .. .. .. .. | 78 | 16 | 2 rifles |
| Conestoga.. .. .. .. .. .. .. .. .. .. .. | 57 | 19 | 2 rifles |
| Constance.. .. .. .. .. .. .. .. .. .. .. | 126 | 19 | 6 rifles |
| Fleurdelis.. .. .. .. .. .. .. .. .. .. .. | 92 | 23 | 6 pounder gun |
| Margaret.. .. .. .. .. .. .. .. .. .. .. | 278 | 40 | 17 rifles and 6 pounder gun |
| Scatarie.. .. .. .. .. .. .. .. .. .. .. | 83 | 8 | 3 rifles |
| Vigilant.. .. .. .. .. .. .. .. .. .. .. | 243 | 34 | 3 rifles |
| No. 2.. .. .. .. .. .. .. .. .. .. .. | 19 | 6 | 2 rifles |
| No. 3.. .. .. .. .. .. .. .. .. .. .. | 13 | 6 | 2 rifles |
| No. 4.. .. .. .. .. .. .. .. .. .. .. | 63 | 11 | 4 rifles and 3 pounder gun |
| No. 8 (Sold Apr. 1929).. .. .. .. .. | .. | 1 | .. |
| O-27.. .. .. .. .. .. .. .. .. .. .. .. | .. | 3 | 1 rifle |
| O-28.. .. .. .. .. .. .. .. .. .. .. .. | .. | 3 | 2 rifles |
| O-29.. .. .. .. .. .. .. .. .. .. .. .. | .. | 3 | 2 rifles |

2, 3, 4 and 5.—Concluded

| Name | Registered tonnage | Crew | Armament |
|---|---|---|---|
| No. 10 | .. | 2 | .. |
| Beebe | 5.86 | 3 | 2 rifles, 1 machine gun |
| Behave | 5.86 | 3 | 2 rifles, 1 machine gun |
| Bristle | 6.12 | 3 | 2 rifles, 1 machine gun |
| Ellsworth | 9.56 | 4 | 2 rifles |
| Guardian | 5.86 | 3 | 1 rifle |
| Neguac | 8 | 3 | 2 rifles |
| Tenacity | 3.24 | 3 | .. |
| Whippet | 5.86 | 3 | 2 rifles, 1 machine gun |
| Whirl | 6.12 | 3 | 2 rifles, 1 machine gun |
| Tillicum | .. | 1 | .. |
| Bayman | 9.56 | 4 | .. |
| Customs A | 24 | 4 | .. |
| Volunda II | 23 | 2 | .. |

6.

| | 1927-28 | 1928-29 |
|---|---|---|
| Nova Scotia | 42 | 40 |
| Cape Breton | 24 | 29 |
| New Brunswick | 33 | 33 |
| Prince Edward Island | 8 | 9 |

7.

| | | 1927-28 | 1928-29 |
|---|---|---|---|
| (a) | Nova Scotia | $100,602 13 | $ 87,904 14 |
| | Prince Edward Island | 13,297 47 | 15,155 68 |
| | New Brunswick | 63,522 33 | 52,037 07 |
| (b) | Nova Scotia | 376,616 80 | 386,612 80 |
| | Prince Edward Island | 15,732 12 | 5,022 40 |
| | New Brunswick | 132,311 59 | 89,980 59 |

## TRIBUTES TO DECEASED SENATORS

### THE LATE HON. MESSRS. DESSAULLES AND BOSTOCK

Hon. N. A. BELCOURT (translation): Since our recent adjournment death has claimed from the Senate, where it so often performs its sad function, two distinguished victims.

Hon. Mr. Dessaulles had an exceptionally long life, having attained the marvellous age of 102 years and some months; and it was a life remarkally well filled. For ten years alderman and twenty-four years mayor of his native city, always elected by acclamation; for four years representative of his constituency in the Legislative Assembly, and for twenty-four years a senator, Hon. Mr. Dessaulles devoted nearly sixty-three years of his life to the service of his fellow citizens and his country. In the course of his brilliant and fruitful career he witnessed the political development of the Dominion at all stages, from its inception to its present state of full expansion, and towards its steady social, economic and national advancement he always contributed to the utmost of his ability. The public confidence and esteem which he earned while still a young man he succeeded in retaining by constant devotion and unfailing dignity.

Four generations have been aided by his counsel and splendid example. He was the friend of all the political leaders from the time of Papineau to the present day, and was intimate with most of them.

Hon. Mr. BELCOURT.

Throughout his life he went about doing good, quietly and without ostentation. Now that he is dead, it may well be said of him that he has merited in an eminent degree the title of "vir probus." His name and his fame will endure, and will often be cited as an example for future generations.

We ask the family of our late distinguished colleague to accept the tribute of our ardent admiration for him, and to them we tender the expression of our most profound sympathy.

(Text) The Easter holiday of the session of 1930 will be long and painfully remembered, because of the passing from our midst of our venerable and distinguished centenarian dean and of the admirable and universally esteemed Speaker of our Senate.

In the case of the Hon. Mr. Dessaulles, our grief is somewhat mitigated because of the marvellous age at which he had arrived. In the sudden and wholly unexpected demise of the Hon. Mr. Bostock we are profoundly shocked and grieved. Only a month ago he was here with us, apparently in good health, performing with that very dignified and courteous manner the functions of his high office. Those of us who were present during the last hour which preceded the Easter adjournment will remember the ability, impartiality and firmness with which he maintained the application of our rules of procedure.

His loss is a great one to the Senate, nay, to Canada. Our late Speaker furnished a

very useful and meritorious career in the public and social life of Canada. Elected to the House of Commons nearly thirty-five years ago—in 1896—he became in 1904 a member of this House, and for more than a quarter of a century he performed with constant ability, loyalty and impartiality, in turn, the duties of member, leader and Speaker.

In the conduct of the newspaper founded and published by him in his adopted province of British Columbia he displayed remarkable distinction and a very high sense of the duty owing to his readers.

In social matters, in his efforts to render service to his fellow men, to better their condition, he showed constant devotion and unremitting effort. His kindness, like his charity, like his generosity, was unlimited. He earned the affection and admiration of all those whose good fortune it was to come into contact with him. He always enjoyed, as he really deserved, the highest respect for business honour and integrity and he will ever be remembered with deep esteem and affection.

To the devoted lifelong companion who was so much admired and beloved by all those who had the privilege to enjoy her friendship and hospitality, who were greatly touched and edified by her devotion and loyalty to her husband and the beauty of their marital and family life, and to all her family, I hope I may, for and in the name of every member of this House, offer the expression of our abiding remembrance, of our great esteem and admiration for our distinguished colleague and Speaker, and the expression as well of our most profound and sincerest sympathy in their irreparable loss.

Hon. W. B. WILLOUGHBY: Honourable members, it was not my good fortune to be intimately acquainted or to have intimate relations with the late Senator Dessaulles. He was a member of this House long before I came to it, and although my appointment does not date back as far as some, I am now beginning to feel that I am one of the ancients. I did have the honour, however, of slightly knowing the late Senator Dessaulles personally. He did not participate very actively in the proceedings of this House during my time here, but I learned enough of him to know that although he did not address us in words he had a keen mind. From my little personal intercourse with him I know that to almost the last day he was as competent as almost any member of the House to appreciate the importance of any question that came before the Senate. He was of distinguished French Canadian lineage, coming from one of the old French families, and was allied through marriage with the patriots of 1837. Thus he was a typical representative of the Province of Quebec.

The honourable gentleman who has just spoken (Hon. Mr. Belcourt) has dealt with the late Senator's civic and parliamentary services. From reading of him I know that for twenty-five years he occupied the position of mayor of his home town, being elected without contestation twenty-four times. That in itself is a remarkable tribute not only to his personal popularity, but to the services rendered by him.

Many of us were present in the House at the ceremony when Senator Dessaulles was presented with his portrait on his one hundredth anniversary. It is not given to many of us to hope to live to such an age as he attained. We shall be very fortunate if we enjoy to a considerably lesser age the good health which was his almost to the last. At the time of that presentation the late Senator walked with a firm step and spoke in a firm tone; not very loudly, but quite clearly and distinctly, and without difficulty; which was a remarkable feat at his years. I believe that to his very last days in this House he retained all his faculties. He will be missed as one of the links with the past, particularly by his old confreres from the Province of Quebec, many of whom in his younger years enjoyed a more intimate touch with him than we more recent appointees to the Senate.

The honourable gentleman opposite (Hon. Mr. Belcourt) has referred also to the death of our late respected Speaker (Hon. Mr. Bostock). I had the honour of knowing him before I came into this Chamber. There is sometimes a similarity of sentiment and of outlook on life on the part of those who have lived in the West for a long time. It has been my lot to live in the West for a longer time than I should like to confess. Senator Bostock also lived there for many years, going to British Columbia in 1893. He came into the House of Commons in 1896, and was appointed to this House in 1904. He had a long career in the public service. He was extremely well known all over the Province of British Columbia and in the Prairie Provinces generally. Senator Bostock was one of those splendid Englishmen who have come to this country and helped to make Western Canada what it is. He was an outstanding example of the English gentleman at his best, and both he and his family exercised a fine type of leadership. He brought to this House a social charm and simplicity of manner and was always approachable in anything connected

with the work of the Senate. I have known of Speakers—I will not say here in Ottawa—who have seemed to take pride in checking up the little slips made by new members. If it ever became necessary for the late Speaker to correct a member, he did it not in a tone of reproof, but rather by way of gentle reminder.

I saw our late Speaker even later than did the honourable gentleman who has just spoken. It was necessary that I should remain here four or five days after the House adjourned, and I had the privilege of attending the reception given by Senator Bostock to the English public school head masters who visited this country. He was looking then just as we had always been accustomed to see him. He did me the honour of introducing me to the leader and some other members of that delegation. All the members of this House, and their wives and friends, have been on innumerable occasions the recipients of the kindly hospitality of Senator Bostock and his family. He will be greatly missed, and his successor in office will find it difficult indeed to surpass him in the performance of his duties.

I was astonished when a gentleman in my own city, who had known the late Senator Bostock in the early days, when he first went to British Columbia, informed me that he had always had the idea that the Senator was subject to such an illness as that which carried him off. I never suspected, and I do not know that any other member of this House did, that he was suffering from any malady that would shorten his life. His sudden death came as a tremendous shock to us all. Fortunately, more than one gentleman on this side of the House was able to attend his funeral, and I am sure that it would be interesting to hear from any of those honourable members.

Hon. S. J. CROWE: Honourable members, I had the honour of being one of the representatives of this House at the funeral of the late Speaker. The funeral was largely attended by people from all over his province, especially from the riding which he represented. Men drove from one hundred to one hundred and fifty miles to attend the services. The funeral of our late Speaker was one of the most unique funerals I have ever attended, and if the Senate will bear with me for a few moments I will endeavour to describe it.

The service was held in a little chapel on a bluff just above the railway station at Monte Creek—a chapel which was built by the late Senator in memory of his son who was killed overseas. The service, which was most impressive, was conducted by the curate, and the Bishop of Kootenay came a long distance to be present. After the service at the chapel, the body was placed on a farm wagon and escorted to its last resting place by men who had been in the employ of the late Senator on his ranch. The casket was covered with the flag of his country, the Union Jack. The wagon was hauled by a pair of old horses which had been great favourites of his, to a plateau surrounded by pine trees, high above his recent home, and there, in his own land, he was buried. It was apple blossom time, and the trees were all in bloom, and after the service at the graveside was over, Mrs. Bostock and her daughter covered the casket with blossoms from a large basket. It was a very touching scene, one which I shall never forget, to see the wife of this gentleman, with whom she had lived so many years, placing these apple blossoms on his casket.

There were five Senators present, two from Alberta and three from British Columbia. After the burial we were invited to have tea at the home of Mrs. Bostock, and to meet her there. When we had expressed our sincere sympathy in her great loss, Mrs. Bostock very touchingly asked us to convey her thanks to the Senate, and to the Senators, who had sent wires of condolence and letters of sympathy, and to express her appreciation of the many kindnesses that she and her husband had experienced at the hands of the members of this House. After we had our tea, Mrs. Bostock's daughter shook hands with every person who had entered the house. I heard it stated by more than one that the late Senator was a perfect English gentleman—as high a compliment, I think, as could be paid to any man.

Hon. E. MICHENER: Honourable members, as one of the members of this House who lived near enough to the country home of the late Speaker to be present on the sad occasion referred to, I with the honourable Senator from Lethbridge (Hon. Mr. Buchanan) was privileged to represent the Province of Alberta. The leader of the Government (Hon. Mr. Belcourt) has expressed the sentiments of love, respect and confidence which we all felt, and the leader on this side of the House (Hon. Mr. Willoughby) has emphasized the fact that few men have such qualities of heart and mind as were possessed by the late Speaker—qualities which commanded the respect and confidence of all, irrespective of creed, party or class.

He was evidently a true lover of nature. His comfortable ranch home stood beside a beautiful stream, sequestered in the mountains, where he could enjoy the silences and the grandeur of the natural surroundings. The

home itself was characteristic of the late Speaker. He lived there, by a beautiful hillside, among his gardens and the flocks that roamed the ranch. That is the place he loved, and that is where he died.

The honourable gentleman from Burrard (Hon. Mr. Crowe) has described some details of the funeral, which indeed was very impressive. It was grand in its simplicity: the little church on the hill, the simple service, the flag of the Empire covering the casket, over which were strewn branches of cherry and apple bloom, the banks of flowers sent from far and near, and the cortege to the burial ground on the hillside of the late Speaker's farm. The body was borne by labourers on his ranch. The love, sorrow and sympathy expressed by all classes formed a tribute such as is rarely paid to the memory of any man. All seemed to mourn the passing of the form that would never again travel those slopes, the voice that would never again be heard in that beautiful setting. The body lies near a cluster of pines overlooking the old farmhouse, surrounded by foothills and the larger hills in the distance, a fitting resting place for him who was our late Speaker.

I said to his helpmate in life, "The Senate to me will not be just the same without the Hon. Mr. Bostock as its Speaker." He has gone the way of all flesh; he has undergone that great change; he has passed through that portal we call death, through which we all must go.

Hon. THOMAS CHAPAIS (translation): With the leave of my honourable colleagues I would add a few words to the tributes that have just been paid the two honourable members of the Senate who have passed away since our last adjournment.

During the few years I sat in the Senate with Hon. Mr. Bostock I learned to respect and admire him in a very special manner. Mr. Bostock represented among us the best British parliamentary traditions. As a citizen and public man he was above reproach.

May I also, in my turn, express the sorrow that we all felt at the death of Hon. Senator Dessaulles. His fine personality I regarded with real veneration, and I am happy to associate myself with my honourable colleagues in this Chamber in laying upon his grave the flowers of remembrance and regret.

I deem it particularly fitting that those of his colleagues who have come from the same province as himself should render to his memory a special tribute of respect.

Mr. Dessaulles represented in the Parliament of Canada a bygone age, a whole century of history that passed away with him when he was laid in the grave. As the honourable leader of the Senate said a few moments ago, the family of Mr. Dessaulles was among the most distinguished in the Province of Quebec. He was the nephew of one of the giants of our history; of a man who has left in Canadian annals an indelible mark; of a man whose ideas and principles I am far from sharing, but whose career has left a luminous trail in the parliamentary annals of Canada,—Louis Joseph Papineau, the great tribune of one of our saddest and most dramatic periods.

Mr. Dessaulles was the nephew of this great tribune of the people. The honourable leader of the Senate, a few moments ago, sketched in an eloquent manner the different phases of his career: first, member of the Municipal Council of the city of St. Hyacinthe for many years, then for twenty-four years, I think, mayor of his native town, afterwards member of the Legislative Assembly of the Province of Quebec, and finally for twenty-five years member of this Chamber.

Mr. Dessaulles, apart from his family relations, had a remarkable personality, which won the esteem and admiration of all who came in contact with him. He was a representative of that old school which we had in the Province of Quebec, now unfortunately tending to disappear, but of which we still possess, thank God, some splendid examples—of that old political school, disinterested and patriotic, devoting itself to the public weal; and as we contemplate the career of our honourable colleague, covering a whole century and extending to the venerable age of 102 years, we mourn at this tomb that has just been closed.

Honourable members, it is not my desire to pronounce over this tomb a funeral oration. I wished simply to call the attention of this Chamber to the eminent qualities that distinguished the noble personality of Mr. Dessaulles. He has been in the full sense of the word a great citizen, a great patriot, a parliamentarian worthy of the respect of all his colleagues. His death has caused universal regret. The most sympathetic and most sincere tributes have been paid to his memory. It is in fulfilment of a special duty that in the name of the senators from the Province of Quebec I place upon his grave the tribute of our respect and our admiration.

## ALBERTA NATURAL RESOURCES BILL

### FIRST READING

Bill 17, an Act respecting the transfer of the Natural Resources of Alberta.—Hon. Mr. Belcourt.

## MANITOBA NATURAL RESOURCES BILL

FIRST READING

Bill 18, an Act respecting the transfer of the Natural Resources of Manitoba.—Hon. Mr. Belcourt.

## WAR VETERANS' ALLOWANCE BILL

FIRST READING

Bill 19, an Act respecting War Veterans' Allowances.—Hon. Mr. Belcourt.

## DIVORCE BILL (ONTARIO)

FIRST READING

Bill 20, an Act to provide in the Province of Ontario for the dissolution and the annulment of marriage.—Hon. Mr. McMeans.

MOTION FOR SECOND READING POSTPONED

Hon. Mr. McMEANS moved the second reading of the Bill.

He said: Honourable members, as this Divorce Bill has been through this House so often and discussed so thoroughly, and as the time of dissolution is approaching and a great many divorce petitions are still being filed, I think we might show our appreciation of what has been done in another place by giving the Bill a second reading now.

Right Hon. Mr. GRAHAM: I am against it.

Hon. Mr. CHAPAIS: I have the honour to move the adjournment of the debate.

Hon. Mr. BELCOURT: I think the second reading might wait until to-morrow, at least.

Hon. Mr. McMEANS: Very well. I have no desire to force the issue at all. I thought the motion might expedite the business of the House. Let it be put on the Order Paper for second reading to-morrow.

## PRIVATE BILLS

FIRST AND SECOND READINGS

Bill 24, an Act respecting a certain patent of George Yates.—Hon. Smeaton White.

Bill 26, an Act to incorporate The Cornwall Bridge Company.—Hon. Mr. McGuire.

Hon. Mr. WILLOUGHBY: I have a remark to make which I think is applicable to these Bills. I have no objection to them at all. We are trying to speed up the business of the House. But it is only proper that we should reserve the right to discuss the merits of a Bill even at a later stage than the second reading, if discussion should become necessary.

Hon. Mr. BELCOURT: I quite agree with that.

Hon. Mr. CHAPAIS.

Bill 34, an Act to amend an Act to incorporate the Canadian Bible Society Auxiliary of the British and Foreign Bible Society.—Hon. Mr. Haydon.

Bill 44, an Act respecting a certain patent of Edgar D. Crump.—Hon. Mr. Griesbach.

Bill 45, an Act to amend the Act to incorporate the Imperial Trust Company of Canada.—Hon. Mr. Macdonell.

FIRST READINGS

Bill 46, an Act to incorporate the Consolidated Life Insurance Company of Canada.—Hon. Mr. Blondin.

Bill 52, an Act to incorporate the Consolidated Fire and Casualty Insurance Company.—Hon. Mr. Blondin.

## RAILWAY BELT AND PEACE RIVER BLOCK BILL

FIRST READING

Bill 41, an Act respecting the transfer of the Railway Belt and Peace River Block.—Hon. Mr. Belcourt.

## MILITIA PENSION BILL

FIRST READING

Bill 43, an Act to amend the Militia Pension Act.—Hon. Mr. Belcourt.

## EXCISE BILL

FIRST READING

Bill 48, an Act to amend the Excise Act.—Hon. Mr. Belcourt.

## FAIR WAGES AND EIGHT HOUR DAY BILL

FIRST READING

Bill 49, an Act respecting Fair Wages and an Eight Hour Day for Labour employed on Public Works of the Dominion of Canada.—Hon. Mr. Belcourt.

## WINDING UP BILL

FIRST READING

Bill 53, an Act to amend the Winding Up Act.—Hon. Mr. Belcourt.

## SASKATCHEWAN NATURAL RESOURCES BILL

FIRST READING

Bill 58, an Act respecting the transfer of the Natural Resources of Saskatchewan.—Hon. Mr. Belcourt.

## EXCHEQUER COURT BILL

FIRST READING

Bill 122, an Act to amend the Exchequer Court Act.—Hon. Mr. Belcourt.

## ALBERTA CRIMINAL PROCEDURE BILL

FIRST READING

Bill 123, an Act respecting criminal procedure in Alberta.—Hon. Mr. Belcourt.

## RAILWAY BILL

FIRST READING

Bill 124, an Act to amend the Railway Act. —Hon. Mr. Belcourt.

## FOOD AND DRUGS BILL

FIRST READING

Bill 125, an Act to amend the Food and Drugs Act.—Hon. Mr. Belcourt.

## MARINE DEPARTMENT BILL

FIRST READING

Bill 126, an Act respecting the Department of Marine.—Hon. Mr. Belcourt.

## FISHERIES DEPARTMENT BILL

FIRST READING

Bill 127, an Act respecting the Department of Fisheries.—Hon. Mr. Belcourt.

## SALARIES BILL

FIRST READING

Bill 128, an Act to amend the Salaries Act. —Hon. Mr. Belcourt.

## COMPANIES BILL

FIRST READING

Bill 9, an Act to amend the Companies Act. —Hon. Mr. Belcourt.

## ROYAL CANADIAN MOUNTED POLICE BILL

FIRST READING

Bill 132, an Act respecting the Royal Canadian Mounted Police.—Hon. Mr. Belcourt.

## JUDGES BILL

FIRST READING

Bill 133, an Act to amend the Judges Act. —Hon. Mr. Belcourt.

## FISH INSPECTION BILL

FIRST READING

Bill 134, an Act to amend the Fish Inspection Act.—Hon. Mr. Belcourt.

## NATIONAL PARKS BILL

FIRST READING

Bill 135, an Act respecting National Parks.— Hon. Mr. Belcourt.

## BIOLOGICAL BOARD BILL

FIRST READING

Bill 137, an Act to amend the Biological Board Act.—Hon. Mr. Belcourt.

## PRIVATE BILLS

FIRST READINGS

Bill 38, an Act respecting the Highwood Western Railway Company.—Hon. Mr. Buchanan.

Bill 54, an Act to incorporate Pine Hill Divinity Hall.—Hon. Mr. Logan.

SECOND READINGS

Bill 32, an Act respecting The Interprovincial and James Bay Railway Company. —Hon. Mr. Gordon.

Bill 33, an Act respecting The Algoma Central and Hudson Bay Railway Company. —Right Hon. Mr. Graham.

## INQUIRIES FOR RETURNS

Before the Orders of the Day:

Hon. Mr. GRIESBACH: Honourable members, before the Orders of the Day are called I should like to ask the honourable gentleman who is leading the Government when he proposes to let us have some returns we have asked for, notably one I asked for on the 2nd of April, with respect to the Royal Canadian Mounted Police.

Hon. Mr. BELCOURT: I can tell my honourable friend that I inquired this morning for that very return, and I am doing everything I can to have it expedited. I hope to have it to-morrow.

Hon. Mr. GRIESBACH: That was ordered over a month ago.

Hon. Mr. POPE: The honourable senator from Saskatchewan (Hon. Mr. Gillis) desires to ask the same thing with regard to an inquiry of his.

Hon. Mr. BELCOURT: That also will be coming to-morrow, I think.

## PROPOSED SMUGGLING TREATY

INQUIRY

Hon. Mr. TANNER: I should like to ask the honourable leader of the House whether he can give any information as to what progress, if any, has been made in the negotiations which we understood were to be carried

on between the Government of Canada and the Government of the United States in regard to a treaty on the subject of smuggling. Perhaps my honourable friend is not able to make a statement to-night, but I desire to ask him if he would inquire into the matter with a view to having a statement on the question to-morrow.

Hon. Mr. BELCOURT: I shall endeavour to find out something.

Hon. Mr. TANNER: A very important Bill is on the Orders of the Day for to-morrow.

Hon. Mr. BELCOURT: I quite realize that.

Hon. Mr. TANNER: And I think we should have that information before we proceed with the Bill.

Hon. Mr. GRIESBACH: And the returns also.

## VEHICULAR TRAFFIC BILL

### SECOND READING

Right Hon. Mr. GRAHAM moved the second reading of Bill 21, an Act to provide for the regulation of Vehicular Traffic on Dominion property.

He said: Honourable members, I might explain that in 1928, I think, the Government passed Orders in Council regulating traffic on Dominion property. There was a good deal of complaint. It was found that while it could pass Orders in Council and regulations, there was no way to enforce these. So a Bill has been brought in to give the Government certain authority to handle the traffic on Dominion property. The Bill provides only for that, and therefore I am asking that the Bill be referred to Committee of the Whole and put through to-night.

Hon. Mr. WILLOUGHBY: The regulations had been passed, I presume, but the Government had no power to pass them—is that it?

Right Hon. Mr. GRAHAM: They had not the power to do anything with them.

Hon. Mr. BELCOURT: I might perhaps add this explanation, that the difficulty was that, although the Governor in Council had power to pass the regulations, there was really no sanction.

Hon. Mr. WILLOUGHBY: There was no statutory authority?

Hon. Mr. BELCOURT: No; and there was no way of imposing a penalty. Anyone who broke the regulations could not be brought before a court.

Hon. Mr. TANNER: I think this Bill is a very good one. As I understand it now, the matter will be placed in the hands of the Governor in Council; that is, the Government will make regulations and will have the power to enforce them, which they have not now.

Hon. Mr. MURPHY: They will be able to prescribe penalties.

Hon. Mr. TANNER: I hope that when the regulations are made people who bring cars up on the Hill here will not be divided into two classes, as they are at present. That is to say, the common man is required to park his car in a space that is allotted for parking, but a Cabinet Minister can park his car in front of the steps that lead up to the Senate. I am at a loss to understand why a member of the Government, who drives a publicly owned car, should disregard the regulations at the present time. I should think a Cabinet Minister should be a light before all the world and an example for everyone. But the practice right along has been that cars occupied and used by Cabinet Ministers are parked in front of the steps leading up to the Senate Chamber. I have seen a row of seven, eight or nine of them there myself. If I bring up my car I am told by a policeman to take it to the parking space. If Cabinet Ministers want to park their cars in front of the building, let them take them over to the entrance to the House of Commons. I hope that when these regulations are made there will be no distinction drawn as there is now, and that Cabinet Ministers will be placed on a level with ordinary men who own cars, and we shall all be treated alike.

Some Hon. SENATORS: Hear, hear.

Right Hon. Mr. GRAHAM: I fully sympathize with the remarks of my honourable friend. I have done both: I have driven a publicly owned car, and now I am driving my own.

Hon. Mr. McMEANS: You have parked in both places.

Right Hon. Mr. GRAHAM: I think the measure is a good one, and that every member of this House will agree that some regulation is needed to control the traffic. The Government is empowered under this Bill to appoint officers to see that the regulations are carried out, and power will also be given to enforce the regulations.

Hon. Mr. BELAND: In this connection I might say that sometimes a disagreeable situation develops. On days when the Senate is not sitting—for example, on Saturday afternoon—a member of this House may drive his car up on the Hill and leave it, away from the ordinary route of traffic, in front of the building, just for the purpose of going inside and getting his mail from the Post Office. This takes a matter of from forty to sixty seconds. The constable in charge will not permit this; he says that he has instructions to forbid parking of cars in front of the building. An instance of this kind happened to me, and any explanation on my part was useless. I disregarded the constable's orders, went inside to get my mail, and proceeded away when I found that I had a registered letter—but without money. I came back later and left my car at the same place, entirely clear of the ordinary route of traffic. It was near the entrance to the basement, where it could not cause any annoyance whatever to anyone. I went into the building. When I came out, the constable threatened me with all kinds of dire punishment if I repeated the deed. I remarked to him that that was not parking; that any regulation should be intelligently interpreted and carried out, and that some discretion was required on the part of the officer in charge. He said he could not permit it any longer, or at any other time. So now a Senator who is a little older than I am, and who may have some difficulty in walking, if he drives his own car and stops to get his mail, will have to park, not in front, where the Ministers' cars are parked, but on the east side, and he will have to walk all the way to the Post Office and back again to his car. This is, of course, a very trifling matter, but it seems to me that some intelligence should be displayed by the constables who have to carry out the regulations.

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

CONSIDERED IN COMMITTEE

On motion of Right Hon. Mr. Graham, the Senate went into Committee on the Bill.

Hon. Mr. Robinson in the chair.

The Bill was reported without amendment.

THIRD READING

Right Hon. Mr. GRAHAM moved the third reading of the Bill.

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

## INSURANCE BILL

SECOND READING

Hon. Mr. BELCOURT moved the second reading of Bill 35, an Act to amend the Insurance Act.

Right Hon. Mr. GRAHAM: What is it about?

Hon. Mr. BELCOURT: This Bill adds new paragraphs to section 120 and section 126 of the Insurance Act. As honourable members are aware, insurance companies from time to time have to deposit with the Receiver General securities as guarantee for the due fulfilment of their contracts of insurance. Sometimes these companies are liquidated, either voluntarily or under the Winding Up Act, and in several instances the liquidator has been prevented from getting possession of the securities in order to realize upon them in the liquidation proceedings. Honourable members will see how difficult it is to liquidate unless the liquidator is in possession of these as well as the other assets of the company, and one of the objects of the Bill is to enable him, on application to the court, to get these securities for liquidation purposes.

Section 126 of the Act is intended to limit the distribution of assets by way of dividends during the early years of a company's existence, and in the case of companies which have a large capital it has been found that this provision is somewhat embarrassing. The purpose is to release these companies from the provisions of that section.

The other sections of the Bill are consequential upon those amendments. I do not insist upon our going into the Bill this evening, but shall simply move the second reading.

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

## LEAGUE OF NATIONS SOCIETY

DISCUSSION POSTPONED

On the Order:

Resuming the debate on the motion of the Right Honourable Sir George Foster:

That he will draw the attention of the Senate to the progress and present position of the League of Nations Society and the participation and standing of Canada therein.—Honourable Senator Belcourt.

Hon. Mr. BELCOURT: Honourable members, I have prepared some observations upon this subject since the debate was adjourned, but I do not know whether I should take up the time of the House in making a speech, because there may not be much time for anything but the strict business of the House.

Some other members may wish to speak on the subject, and I would ask that this Order be postponed so that it may be taken up to-morrow or some other day.

Hon. Mr. BELAND: Thursday.

Hon. Mr. BELCOURT: We will leave it on the Order Paper, and if the opportunity arises I shall make my observations. It may be that when the Estimates are taken up again in the other House there will be ample time to discuss a subject of this sort. I repeat that I have gone to some little trouble in the matter and should like to make my speech, but shall only do so if it will not interfere with the real business of the House.

The Order stands.

## DIVORCE BILLS

### FIRST READINGS

Hon. Mr. McMEANS, Chairman of the Committee on Divorce, presented the following Bills, which were severally read the first time:

Bill M2, an Act for the relief of Verna Gladys Stannard.

Bill N2, an Act for the relief of Christina McVicars.

Bill O2, an Act for the relief of Vivian Francis Young.

Bill P2, an Act for the relief of Erie Godwin Havens.

Bill Q2, an Act for the relief of Ruth Elizabeth Greene.

The Senate adjourned until to-morrow at 3 p.m.

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# THE SENATE

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Wednesday, May 14, 1930.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

## PATENT BILLS

### SAVING CLAUSE

Hon. Mr. BEIQUE presented the Report of the Standing Committee on Miscellaneous Private Bills on Bill B, an Act respecting a certain patent of the R. M. Hollingshead Company.

He said: Honourable members, every session we have a number of Bills to empower the Commissioner of Patents to revive applications, some of which have been forfeited for as long as two or three years. This particular case goes back to 1927. The Committee has deemed it advisable to adopt a standard saving clause to be inserted in all Bills of this kind. It is intended to protect, in reasonable measure, the public or manufacturers who have commenced to manufacture when an application has been forfeited. The clause reads:

> If, during the period when the application was forfeited and before the date of publication of the notice of the petitioner's intention to apply to Parliament for the passing of this Act, any person has acquired any right in respect of the inventions to which that application had reference, then, in the event of the Commissioner of Patents making, as provided for by section one of this Act, an order restoring and reviving that application, every such right shall be deemed to have had and to have the same force and effect as if this Act had not been passed; but nothing in this section shall be deemed to derogate from the provisions contained in sections seven and eight of the Patent Act or to deprive the applicant of any benefit therefrom.

The clause has been fully considered by the Law Clerk and myself, and we are both satisfied that it is a proper one to be inserted in Bills of this kind. I give this explanation so that when the law is being interpreted by the courts it may be better understood.

In the present instance the last portion of the clause would be unnecessary, but we have included it in order that the whole clause may be applied to future Bills. The clause is intended, as I have stated, to protect a man who has commenced to manufacture, and who has established a business while he was entitled to do so because no patent had been issued covering the manufacturing rights of the article in question, or because the application which had been made had lapsed or been forfeited.

The last part of the clause is to protect the inventor. Under the Patent Act the inventor has a right to stop the manufacture if he applies for his patent within the time mentioned in sections 7 and 8 of the Patent Act, or within one year, if his patent has been issued in a foreign country.

The Report was concurred in.

## PRIVATE BILLS

### FIRST AND SECOND READINGS

Bill 136, an Act respecting the Calgary and Fernie Railway Company.—Hon. Mr. Spence.

Bill 121, an Act respecting the St. Clair Transit Company.—Hon. Mr. Little.

## DIVORCE JURISDICTION BILL

FIRST READING

Bill 31, an Act respecting jurisdiction in Proceedings for Divorce.—Hon. Mr. McMeans.

## DIVORCE BILLS

FIRST, SECOND AND THIRD READINGS

Hon. Mr. McMEANS, Chairman of the Committee on Divorce, presented the following Bills, which were severally read the first, second and third times, and passed:

R2, an Act for the relief of Muriel Palmer.

S2, an Act for the relief of Elizabeth Anderson.

T2, an Act for the relief of Edith Elizabeth Gibson.

U2, an Act for the relief of Margaret Wallace.

V2, an Act for the relief of Mary Ellen Peever.

W2, an Act for the relief of Annie Emily Simpson.

X2, an Act for the relief of Abraham Gleadall.

Y2, an Act for the relief of Ann Pisano.

Z2, an Act for the relief of Florence Louise Pretoria Pollock.

A3, an Act for the relief of Alma Vera Cochrane.

B3, an Act for the relief of Edith Jane Cartwright.

C3, an Act for the relief of Annie Hewitson Taunton.

D3, an Act for the relief of James Henry Loree.

E3, an Act for the relief of Cecelia Leta Rice.

F3, an Act for the relief of Audrey Lillian Connelly.

G3, an Act for the relief of Robert Webb.

H3, an Act for the relief of Lillian Martha Cecile Martin.

I3, an Act for the relief of Antoine Joseph Bourdon.

J3, an Act for the relief of Irene Clarice Bunting.

K3, an Act for the relief of Lawrence Wellington Robertson.

L3, an Act for the relief of Gordon Robert Foster.

M3, an Act for the relief of Andrew Chauncey Sanders.

N3, an Act for the relief of Isador Simpson.

O3, an Act for the relief of Royal May Frances Hider.

P3, an Act for the relief of Margaret Caroline Watson.

Q3, an Act for the relief of Myrtle Alice Niece.

R3, an Act for the relief of Broadus Baxter Farmer.

S3, an Act for the relief of Meryl Grigg Fizzell.

T3, an Act for the relief of Mabel Anne Dixon.

U3, an Act for the relief of Annie Pettit Nicholls.

V3, an Act for the relief of Thomas William Treadway.

W3, an Act for the relief of Pearl Robena Close.

X3, an Act for the relief of Ivy Lillian Echlin.

Y3, an Act for the relief of Thomas Clifton Dawes.

Z3, an Act for the relief of Herbert Dean Philip.

A4, an Act for the relief of William Pearson.

B4, an Act for the relief of William Woods.

C4, an Act for the relief of Mary Cameron McMillan.

D4, an Act for the relief of Bridget Gladys Vivian Tegart.

E4, an Act for the relief of Charles Coblens.

F4, an Act for the relief of Esther Gertrude Wooder.

G4, an Act for the relief of Eleanor Jane Moorhead.

H4, an Act for the relief of Aubrey Robert Alce.

I4, an Act for the relief of Edith Lerene Collins.

J4, an Act for the relief of Florence Ada Bark Simpson.

K4, an Act for the relief of Helen Theresa Baker.

L4, an Act for the relief of Harry Everett Markell.

M4, an Act for the relief of George Wellington Garfield Neal.

N4, an Act for the relief of Sarah Delia Baker Tribe.

O4, an Act for the relief of Elsie Emily Disney.

P4, an Act for the relief of Harry Douglas Towers.

Q4, an Act for the relief of Elizabeth Warga.

R4, an Act for the relief of William Thomas Raines.

S4, an Act for the relief of Enos Nuttall Davis.

T4, an Act for the relief of Violet May MacFadden.

## TRADE WITH WEST INDIES

### INQUIRY

Hon. A. B. GILLIS inquired of the Government:

1. (1) What is the value of sugars imported by Canada in the fiscal year 1929 from the British West Indies?

(2) What is the rate of duty and total duty chargeable on such sugar?

(3) What is the total preference allowed on such sugar?

(4) What are the net duties on such sugar received by the Treasury?

2. What loss, if any, was there in the operation, including depreciation, of the Steamship Service between Canada and the British West Indies, installed under the Treaty with the British West Indies?

3. What increased business, if any, with the British West Indies, has been derived by Canada under the Treaty above mentioned, and the Steamship Service referred to?

Hon. Mr. BELCOURT: Honourable members, I have the answer, which is somewhat lengthy, and with your permission I will dispense with reading it, and place it on Hansard:

1. (1) $10,286,276.

(2) and (3).

| | British Preferential Tariff (or West Indies Trade Agreement Act.) | General Tariff |
|---|---|---|
| Tariff item No. 134— | | |
| All sugar above number sixteen Dutch standard in colour, and all refined sugars of whatever kinds, grades or standards, not covered by tariff item No. 135, and sugar syrups testing over fifty-six degrees of polarization when not exceeding eighty-eight degrees of polarization, per one hundred pounds | 83 cts. | $1 50 |
| When exceeding eighty-eight degrees but not exceeding eighty-nine degrees, per one hundred pounds | 85 cts. | $1 53 |
| When exceeding eighty-nine degrees but not exceeding ninety degrees, per one hundred pounds | 87 cts. | $1 55 |
| When exceeding ninety degrees but not exceeding ninety-one degrees, per one hundred pounds | 89 cts. | $1 58 |
| When exceeding ninety-one degrees but not exceeding ninety-two degrees, per one hundred pounds | 91 cts. | $1 62 |
| When exceeding ninety-two degrees but not exceeding ninety-three degrees, per one hundred pounds | 93 cts. | $1 65 |
| When exceeding ninety-three degrees but not exceeding ninety-four degrees, per one hundred pounds | 95 cts. | $1 68 |
| When exceeding ninety-four degrees but not exceeding ninety-five degrees, per one hundred pounds | 97 cts. | $1 70 |
| When exceeding ninety-five degrees but not exceeding ninety-six degrees, per one hundred pounds | 99 cts. | $1 74 |
| When exceeding ninety-six degrees but not exceeding ninety-seven degrees, per one hundred pounds | $1 01 | $1 77 |
| When exceeding ninety-seven degrees but not exceeding ninety-eight degrees, per one hundred pounds | $1 03 | $1 80 |
| When exceeding ninety-eight degrees but not exceeding ninety-nine degrees, per one hundred pounds | $1 09 | $1 89 |
| When exceeding ninety-nine degrees, per one hundred pounds. | $1 09 | $1 89 |
| Provided that refined sugar shall be entitled to entry under the British Preferential Tariff upon evidence satisfactory to the Minister of Customs and Excise, that such refined sugar has been manufactured wholly from raw sugar produced in the British colonies and possessions, and not otherwise. | | |
| Provided further that sugar imported under this item shall not be subject to special duty in excess of three-fourths of one cent per pound. | | |
| Tariff item No. 135— | | |
| Sugar above number sixteen Dutch standard in colour when imported or purchased in bond in Canada by a recognized sugar refiner, for refining purposes only, under regulations by the Minister of Customs and Excise; and sugar, n.o.p., not above number sixteen Dutch standard in colour, sugar drainings or pumpings drained in transit, melado or concentrated melado, tank bottoms, sugar concrete, and molasses testing over fifty-six degrees and not exceeding seventy-six degrees, when not exceeding seventy-six degrees of polarization, per one hundred pounds | 20.627 cts. | 70.851 cts. |
| When exceeding seventy-six degrees but not exceeding seventy-seven degrees, per one hundred pounds | 20.647 cts. | 73.213 cts. |
| When exceeding seventy-seven degrees but not exceeding seventy-eight degrees, per one hundred pounds | 20.667 cts. | 75.574 cts. |

| Tariff item No. 135— | British Preferential Tariff (or West Indies Trade Agreement Act.) | General Tariff |
|---|---|---|
| When exceeding seventy-eight degrees but not exceeding seventy-nine degrees, per one hundred pounds | 20.687 cts. | 77.936 cts. |
| When exceeding seventy-nine degrees but not exceeding eighty degrees, per one hundred pounds | 20.707 cts. | 80.298 cts. |
| When exceeding eighty degrees but not exceeding eighty-one degrees, per one hundred pounds | 20.727 cts. | 82.659 cts. |
| When exceeding eighty-one degrees but not exceeding eighty-two degrees, per one hundred pounds | 20.747 cts. | 85.021 cts. |
| When exceeding eighty-two degrees but not exceeding eighty-three degrees, per one hundred pounds | 20.767 cts. | 87.383 cts. |
| When exceeding eighty-three degrees but not exceeding eighty-four degrees, per one hundred pounds | 20.857 cts. | 90.040 cts. |
| When exceeding eighty-four degrees but not exceeding eighty-five degrees, per one hundred pounds | 20.947 cts. | 92.697 cts. |
| When exceeding eighty-five degrees but not exceeding eighty-six degrees, per one hundred pounds | 21.036 cts. | 95.353 cts. |
| When exceeding eighty-six degrees but not exceeding eighty-seven degrees, per one hundred pounds | 21.126 cts. | 98.010 cts. |
| When exceeding eighty-seven degrees but not exceeding eighty-eight degrees, per one hundred pounds | 21.512 cts. | $1.00963 |
| When exceeding eighty-eight degrees but not exceeding eighty-nine degrees, per one hundred pounds | 21.897 cts. | $1.03915 |
| When exceeding eighty-nine degrees but not exceeding ninety degrees, per one hundred pounds | 22.872 cts. | $1.07457 |
| When exceeding ninety degrees but not exceeding ninety-one degrees, per one hundred pounds | 23.848 cts. | $1.11000 |
| When exceeding ninety-one degrees but not exceeding ninety-two degrees, per one hundred pounds | 24.823 cts. | $1.14542 |
| When exceeding ninety-two degrees but not exceeding ninety-three degrees, per one hundred pounds | 25.799 cts. | $1.18085 |
| When exceeding ninety-three degrees but not exceeding ninety-four degrees, per one hundred pounds | 26.762 cts. | $1.21627 |
| When exceeding ninety-four degrees but not exceeding ninety-five degrees, per one hundred pounds | 27.737 cts. | $1.25170 |
| When exceeding ninety-five degrees but not exceeding ninety-six degrees, per one hundred pounds | 28.712 cts. | $1.28712 |
| When exceeding ninety-six degrees but not exceeding ninety-seven degrees, per one hundred pounds | 29.688 cts. | $1.32255 |
| When exceeding ninety-seven degrees but not exceeding ninety-eight degrees, per one hundred pounds | 30.664 cts. | $1.35798 |
| Over ninety-eight degrees, per one hundred pounds | 35.606 cts. | $1.47606 |
| Provided that sugar imported under this item shall not be subjected to special duty. | | |

(4) Import duty collected, $984,775.92.

2. Operating deficit for 1929 was $1,117,896.48.

3. Exports to various colonies for years ending March 31, 1926 and 1929 respectively, are as follows:

| | Years ended March 31 1926 | 1929 |
|---|---|---|
| Bermuda | $1,150,803 | $1,628,003 |
| British Guiana | 2,256,556 | 2,238,506 |
| British Honduras | 504,411 | 900,034 |
| British West Indies— | | |
| Barbados | 1,592,570 | 1,681,950 |
| Jamaica | 3,976,210 | 5,266,083 |
| Trinidad and Tobago | 3,875,332 | 4,153,571 |
| Other Br. West Indies | 3,851,248 | 4,656,219 |
| Total | 17,207,130 | 20,524,366 |

## LIQUOR EXPORT

### REPLY TO INQUIRY

Hon. Mr. BELCOURT: I have here a letter giving information which was asked for by the right honourable the junior member for Ottawa (Right Hon. Sir George E. Foster). The letter is from the Collector of National Revenue at the Port of Windsor, and is addressed to R. W. Breadner, Commissioner of Customs, Department of National Revenue, Ottawa. It reads as follows:

Sir:

I am in receipt of your telegram of the 4th instant, with reference to a newspaper article describing the shooting of a United States coast patrol officer in charge of launch on the Detroit river, and I beg to advise,—

That I went all along the Canadian shore and made careful inquiries and could find no one who could give me any information regarding this occurrence, and I believe that had such boat come into Canada I would have been able to get some information regarding the same.

I then took the matter up with the Collector at Detroit, who has charge of the border patrol, and he advised me as follows,—

At 10.20 p.m. on April 2, their border patrol noticed a boat at the foot of 24th Street, Detroit, said boat being a gasoline launch, mahogany hull, about 26 feet in length and with some of the registered numbers painted over.

The border patrol threw their search light on the boat and ordered the men to surrender, but instead of surrendering they fired two shots from a shotgun, one grain of shot entering the thumb of the patrol officer. The patrol officer was taken to the hospital and treated and is now back at work.

The officer in charge of the patrol boat does not know the identity of the men and cannot say whether they were rum runners or hi-jackers, neither can they say whether there was any liquor in the said boat, and they are unable to say whether the boat came to Canada or not.

This is all the information I was able to obtain up to the present time, but I will endeavour to further investigate this matter and if anything of interest develops, you will be immediately notified.

Yours truly,

(Sgd.) A. H. Dalziel,
Collector of National Revenue.

## HOPPE MINING LANDS

### INQUIRY AND DISCUSSION

Hon. R. H. POPE rose in accordance with the following notice:

That he will call attention to the matter of the coal lands and coal mining rights referred to in Chapter 12 of the Dominion Statutes, 1923 (known as the Hoppe Mining Lands), and will enquire of the Government whether any disposition has been made, or is proposed to be made, of the said property, or of any part thereof, or interest therein, and, if so, to whom, and upon what terms, agreements or conditions, and further, whether said property, or part thereof, or interest therein, is, or is to be, transferred to the Province of Alberta as part of its Natural Resources, and if so, is the said province bound, or to be bound, as trustee under the above mentioned Statutes in respect of said property in the place of the Dominion authority.

Further, have the new trustees been informed and made aware of the fact that there is litigation pending in reference to the said properties?

He said: Honourable members, I desire to draw your attention to the Hoppe coal leases, the importance of which is known to many of us. Some years ago we had a good deal of difficulty in getting this property placed within the control of the Dominion Government, and, as all honourable members know, the legislation that was passed at that time provided that these lands could never be separated from the public domain except by Act of Parliament. They were owned previously by private concerns, and there is litigation concerning their titles to-day. The Hoppe mining lands contain the largest deposit of anthracite and semi-anthracite coal on the continent of America, and are capable of supplying all the western country within five hundred miles of the Pacific Ocean, and down into the Western States to a considerable degree, as well as furnishing fuel to steamers sailing out of Pacific ports.

We had all hoped that these properties would be developed long ago, and all who were interested in the fuel situation in Western Canada hoped that a railroad would be constructed into that part of the country. A survey made by the Dominion Government, or the Canadian National Railways, proved conclusively that the distance from Grand Prairie to Brulé Station, I think, on the Canadian National Railways, was only 180 miles. Since that time, as we are aware, certain action has been taken, which I will not criticize here, and the Canadian National has joined the Canadian Pacific in the purchase of the Alberta Government road leading north. According to an estimate by Mr. McLeod, former locating engineer of the Canadian National Railways, as much money has been put into a half share in that road as would have built a new line from Brulé—if that is the name of the station, near Park Gate. The road acquired by the two railways does not bring the products of the Grand Prairie country any nearer to their destination than before. That is an important point in itself; but the development of this coal area, which, as I say, has the largest deposit on the continent of America, is of still greater importance, for we are spending millions of dollars to secure fuel from a foreign country while we have it within our own borders. This area was regarded as so important that a Committee of this House recommended—and the recommendation was endorsed by Parliament—that it should be retained for the benefit of the people of this country. I should imagine, honourable members, that this property, which was reserved for Dominion purposes, should be dealt with on the same basis as parks. It should be conserved for Dominion purposes, as it is of very great value to the future of Canada.

I should like to know whether this matter has been thoroughly examined and whether the Province of Alberta is aware of the facts. Is the Province of Alberta aware of the fact that the Isenberg Estate, of Hawaii, were to be paid a certain amount of money—perhaps not exceeding $100,000—as compensation for the expenditures they had made in develop-

ing the property so that the Mining Association of Canada could ascertain the quality and to a certain extent the quantity of the product? An action has been taken. It has been suspended—I do not know why, and in my opinion it should be proceeded with or dropped, because lying behind it, there are other cases which, according to a first-class legal authority, would also have to be settled. Does the Alberta Government know what it is inheriting? Does it know that these lands were reserved for special purposes? That is the information I desire. I should like to know whether the real layout of the situation has been placed before the Alberta Government, and whether any reservation has been made for national purposes within this great coal area.

Hon. Mr. BELCOURT: Honourable members, I do not know that the slight information which I have is absolutely accurate. I have heard that a settlement was made with the Hawaiian Trust Company, which, I think, was the trustee or executor of Isenberg. I cannot give that information as being absolutely correct, and I am not in a position to answer the other question, as to whether the whole situation has been disclosed to the Government of Alberta. I shall communicate the inquiry of the honourable gentleman to the Department of the Interior, and shall endeavour to procure the information that he wants.

Hon. Mr. POPE: I should like to know whether that suit has really been withdrawn.

Hon. Mr. FORKE: I understood that the Isenberg interests wanted a fiat from the Government, but were never able to secure it.

Hon. Mr. POPE: I understand that they obtained it, but never proceeded with it. It may be that the matter has been settled. If such is the case, the public should be aware of it, because other people are interested. I have no interest in this matter but the national value of the property.

Hon. Mr. BELCOURT: My information is that the Government of the day acted on the suggestion that came from this House, and that the matter was settled for the amount my honourable friend mentioned a little while ago.

## ESCAPES BY FLIGHT

### INQUIRY

Before the Orders of the Day:

Hon. Mr. LYNCH-STAUNTON: May I ask the honourable leader of the Government (Hon. Mr. Belcourt) a question? I might explain that last session I introduced a Bill to amend the Criminal Code so as to make it unlawful for a police officer to shoot a person endeavouring to escape from custody, or a person endeavouring to escape being taken into custody, and that the honourable leader of the Government in this House (Hon. Mr. Dandurand) asked me to withdraw the Bill for the session because the Government intended to make inquiries from the Attorneys-General of all the provinces as to their views upon the proposed legislation.

I notice in the Vancouver Province an editorial protesting against the action of police officers in Vancouver who recently shot and killed a man, and in another case shot and wounded a man. The man who was killed had been charged with operating his car at an unlawful speed; the other man was looting a grocery store, and a policeman, who saw him through a window, fired at him and wounded him.

I should like to know whether the Government has taken any action or not, and whether or not any replies have been received.

Hon. Mr. BELCOURT: I may say to my honourable friend that several amendments to the Criminal Code are now before the other House. They have not yet been taken into consideration. It is possible that the matter to which he refers is being dealt with. I would suggest that he look over the Bill now before the Commons to see whether some provision has been made in regard to the point he raises.

## EXPORT BILL (INTOXICATING LIQUOR)

### THIRD READING POSTPONED

Hon. Mr. BELCOURT moved the third reading of Bill 15, an Act to amend the Export Act.

Hon. Mr. TANNER: Has my honourable friend any statement in regard to the matter that I submitted to him yesterday?

Hon. Mr. BELCOURT: I must say that I have not. To be perfectly candid with my honourable friend, I am a little doubtful whether I am going to get any real information. My honourable friend must remember that treaties of that kind are not generally negotiated in a public place, and that if negotiations for such a treaty are now being carried on, it is not likely that we shall be told at this moment what they are, or that

information of any consequence will be disclosed before the negotiations have proceeded for some time. I am certainly not in a position to give any information to the honourable gentleman at the moment.

Hon. Mr. TANNER: I quite understand that it would not be proper to bring down documents or to relate in the House the contents of correspondence, but my honourable friend will observe that all I asked was whether or not progress was being made in the matter. In the first place my honourable friend might tell me whether negotiations are still going on or not. It may be that they have been broken off. Fundamentally, I should like to know as to that. Next I should like to know—that is, if the Government can give the information without disclosing exactly what has happened—whether or not in the Government's view progress has been made towards a reasonable and proper treaty. That is all I asked my honourable friend to tell the House. Of course I should not want him to go any further than that just now.

Hon. Mr. BELCOURT: I shall make another effort.

Hon. Mr. TANNER: Does my honourable friend intimate that he is not going to give the information?

Hon. Mr. BELCOURT: On the contrary, I have said that I shall make further inquiries and shall endeavour to obtain some information.

Hon. Mr. TANNER: I was under the impression that this Bill might not be proceeded with to-day. Some returns were brought down, I think, which relate to the subject matter of the Bill.

Hon. Mr. BELCOURT: The inquiries have been met.

Hon. Mr. TANNER: Has my honourable friend any objection to letting the Bill stand over for two or three days? There are some things that I personally should like to know, and I think other members on this side of the House are in a similar position. We are not treating this as a party matter, for there are members on this side of the House who are going to vote for the Bill, but I think we have a right to sufficient time to consider the returns that have been brought down to-day and will be in print to-morrow. I do not think Parliament is going to blow up right away. I suggest that my honourable friend let the Bill stand for a few days. We are not in a factious mood, nor are we fighting this merely from a desire to fight.



Hon. Mr. WILLOUGHBY: I would support the view taken by the honourable gentleman who has just spoken. My own attitude towards the Bill is already a matter of record. I think it is desirable that the inquiries should be fully answered, and that an opportunity should be given to peruse the answers. I think it is desirable, too, that the honourable leader should be in a position to say whether or not the negotiations have actually reached such a stage that a statement can be made to the House. So far as I am concerned, and, I dare say, so far as everybody on this side of the House is concerned, there is no desire to evade a vote or to protract the discussion unduly; but I do not think that two or three days' delay would interfere with the passing of a Bill of such importance.

Hon. Mr. BELCOURT: It will be remembered, of course, that this Bill was on the Order Paper for third reading before we adjourned.

Hon. Mr. WILLOUGHBY: Quite true.

Hon. Mr. BELCOURT: And it is only because there is a great deal of work to be done that I thought we might dispose of this Bill now and get it out of the way. However, in view of the request of the honourable gentleman opposite (Hon. Mr. Tanner), I am agreeable to the third reading being postponed until, say, Friday.

The Order stands.

## INSURANCE BILL

### CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Belcourt, the Senate went into Committee on Bill 35, an Act to amend the Insurance Act.

Hon. Mr. Copp in the Chair.

The Bill was reported without amendment.

Hon. Mr. LAIRD: I should like to inquire whether this Bill was referred to the Banking and Commerce Committee, and, if not, why it was not.

Hon. Mr. BELCOURT: This is a Government measure. My honourable friend will agree with me that the practice is to refer Bills of this sort to Committee of the Whole. No special reason was advanced by anyone, nor was any request made, for the reference of this Bill to the Committee on Banking and Commerce.

THIRD READING

Hon. Mr. BELCOURT moved the third reading of the Bill.

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

## DIVORCE BILLS

SECOND AND THIRD READINGS

Bill M2, an Act for the relief of Verna Gladys Stannard.

Bill N2, an Act for the relief of Christina McVicars.

Bill O2, an Act for the relief of Vivian Francis Young.

Bill P2, an Act for the relief of Erie Godwin Havens.

Bill Q2, an Act for the relief of Ruth Elizabeth Greene.

## ALBERTA NATURAL RESOURCES BILL

SECOND READING

Hon. Mr. BELCOURT moved the second reading of Bill 17, an Act respecting the transfer of the Natural Resources of Alberta.

He said: Honourable members, the brief observations which I wish to submit to the House on this Bill are applicable equally to the Bill referred to in the next Order on to-day's Paper, an Act respecting the transfer of the natural resources of Manitoba, and also to Order No. 14 on to-day's Paper, an Act respecting the transfer of the natural resources of Saskatchewan. I might go further and say that my remarks will be found more or less applicable to one of the Orders of the Day for to-morrow, No. 3, an Act respecting the transfer of the Railway Belt and Peace River Block. These four measures are practically of the same nature, and, with the permission of the House, in referring to the one Bill I shall have in mind the other three. I shall not deal with these separately unless I am specially asked to do so.

I think it is unnecessary to make a lengthy statement in regard to these Bills, because I imagine that every honourable member has read them, the agreements upon which they are founded, and probably the discussion in another place. Anyone who has taken the trouble to scrutinize these agreements must have been struck with the very apparent motive that inspired the Government of the day in dealing with these important matters. It is evident from the beginning to the end of the agreements that the Government has dealt generously with the three Western Provinces concerned. It would seem to have been the intention of the administration to treat Saskatchewan, Alberta and Manitoba in the same way as the Maritime Provinces, for the methods adopted in implementing the promises contained in the Duncan Report have been applied in the transfer of the natural resources to the Western Provinces.

Each of these agreements has been a family agreement, if I may so call it; an agreement between members of a family who are fully aware of their common interests, their mutual obligations, and their interdependence. I think the agreements show in each and every case that both sides realized the intimate connections and interests and the solidarity existing between the respective provinces and the Dominion. The desire is manifest therein to clothe the provinces with as large and ample power and jurisdiction as it is possible to give them, consistent with the scheme of Confederation. I think that everyone must be impressed with the spirit of liberality, of give and take, which animated the Federal Government and the Governments of the respective provinces.

Honourable members will recall that when, in 1905, Alberta and Saskatchewan were created provinces, the title to their natural resources was continued in the Federal Government. The transfer of these resources was seriously and lengthily considered and the conclusions arrived at were carefully canvassed, with the result that agreements which were apparently quite satisfactory to both sides were concluded. We are now asked to ratify those agreements.

It is somewhat different in the case of Manitoba. Honourable gentlemen will remember that Manitoba became part of the Federation in 1870, and that its natural resources were continued under the control of the Federal Government for a number of years. During that interval a subsidy, which was from time to time increased, was paid to the province in lieu of the control and possession of those natural resources.

Hon. Mr. LAIRD: Would the honourable gentleman permit me to interrupt him? He said that the agreement with the Manitoba Government differs from that with Saskatchewan and Alberta, inasmuch as it refers to the time when Manitoba came into Confederation. I would inquire from the honourable acting leader whether one of the main points at issue between Saskatchewan and Alberta, respectively, and the Federal Government, is not the question as to when those two provinces came into the Union, the provinces claiming that it was in 1870, the same year in which Manitoba was created.

Hon. Mr. BELCOURT: What I intended to point out, for the moment, was the difference between the methods of arriving at agreements with Alberta and Saskatchewan on the one hand and Manitoba on the other. In the case of Manitoba, as I think my honourable friend will remember, a Royal Commission was named by the Government at the request of that province, the whole question was submitted to the Commission, and upon its report was based the agreement that was finally accepted by both parties. It was in that regard only that I wished to point out the difference between Manitoba and the other two provinces. The question to which my honourable friend refers was dealt with by the Royal Commission and subsequently, when the points of the agreement were being considered. With regard to all three provinces—and, I may say, with regard also to British Columbia in connection with the Belt lands—the relevant matters were fully discussed and we have complete and definite agreement with respect to them.

Hon. Mr. LAIRD: But there still remains at issue the question as to when Saskatchewan and Alberta entered Confederation.

Hon. Mr. BELCOURT: That has all been settled by the agreements. I do not think it is a question for Parliament to consider, except as an incident of the respective agreements. We are concerned only with the question whether we will ratify the agreements arrived at between the respective parties.

Hon. W. B. WILLOUGHBY: Honourable members, I intend to make but very limited remarks apropos of these Bills, because we are confronted with agreements that have been executed between the Dominion Government and the respective provinces and that presumably were in each case mutually satisfactory. The legislation of 1905 was unsatisfactory to a large number of people in Alberta and Saskatchewan. I speak more particularly of Saskatchewan, for I know more about it. But the Governments of these provinces have now made their own agreements with the Dominion, and on the whole I think the agreements are reasonable, the terms made by the Dominion with the provinces being neither too generous nor too parsimonious. Although I come from a province that is particularly concerned with one of the Bills, I feel that in this Chamber I am a representative of the country as a whole. I think, too, that the provinces were well able to look after themselves in their negotiations with the Federal authorities.



Saskatchewan insisted upon a clause, which is in the agreement with that province, providing a modus operandi for the determination by the Supreme Court of Canada or, if necessary, by the highest court of the realm, the Privy Council, of the important question as to when the province entered the Union, whether it was in 1870 or in 1905, and of the rights that will result from the fixing of the date. The contention has been advanced by the Government at present in power in Saskatchewan—and it is a contention that at the time the Western Provinces were formed was made by the Government in power in the Northwest Territories, headed by the present Chief Justice of Saskatchewan, Mr. Haultain—that the rights of Saskatchewan should be based on the principle that it entered into Confederation in 1870. I am informed that after Alberta had concluded with the Dominion Government an agreement satisfactory to that province, it learned that Saskatchewan had made provision for keeping open the question of the respective rights of the Dominion and the province before the 1st day of September, 1905, and the Alberta Government requested that it should be allowed to do likewise. That privilege has been granted. So it is now open to those two provinces to make any representations they desire in order to have their rights date from 1870.

If the Privy Council should hold that the rights of Alberta and Saskatchewan date from 1870, the decision would be a very important one for those provinces, because from that time to the present the Dominion Government has been administering the natural resources of those provinces, not as a trustee, but as the owner, and has been dealing with them as it saw fit. I will not say that it did not deal with such resources in the interests of the provinces, generally speaking, but the fact remains that it acted as owner and not as trustee. It is admitted by those in Saskatchewan who say that the rights of that province date from 1870 that the case of Manitoba is different, from a legal standpoint at any rate, because the Manitoba Act was confirmed by an Imperial Act.

However, as this is a subject that I discussed at various times, before the agreements were made, I am going to follow the example of the honourable the acting leader of the House in declining to enter into matters that are no longer pertinent. It is not the habit of members of this House to indulge in speeches simply for the purpose of being heard, or of having them given out to their constituents.

Manitoba having accepted the report of the Commission, and Alberta and Saskatche-

wan the agreement, with certain reservations for the protection of their rights, I do not think that any of the Prairie Provinces has any reason to object to the course now taken by the Government. I think the Government has adopted the proper attitude in taking cognizance of the constitutional proposition so long contended for. I dare say there are yet many persons who do not accede at all to the proposition that the entry of the two more westerly Prairie Provinces into Confederation dates from 1870. There are two schools of thought on that question, and I think the right method of procedure has been adopted in referring it for determination to the highest court in the realm.

Hon. A. B. GILLIS: Honourable senators, I understood the honourable leader of the House to say that this debate would cover the four Bills.

Hon. Mr. BELCOURT: I said that my observations were such that practically all of them would be applicable to the four Bills. If any honourable member desires to have these Bills taken up and discussed separately, it is quite open to him to have that done.

Hon. Mr. GILLIS: The few words that I have to say will be equally applicable when we come to the Bill relating to the resources of Saskatchewan. I desire to make a few observations in this connection, not because I wish to oppose the measure in any form, but merely to show the effect of what is known as the Saskatchewan Autonomy Act.

I happen to have had the privilege of being a member of the Territorial Legislature for a number of years, as well as a member of the Saskatchewan Assembly. During the early days in the Northwest Territories we were a somewhat happy family. Political lines were not sharply drawn in those days. From the very early days of the Northwest Council the claim for better treatment in the matter of money to carry on the affairs of the Council was urged session after session, and a similar claim was continued after the Legislature was formed. Every year resolutions were passed and memorials forwarded to Ottawa, outlining what we regarded as our rights.

In looking over some of the papers the other day I came across a very excellent speech made, I think in 1898, by the worthy Senator from Moose Jaw (Hon. Mr. Ross), who was then Territorial Treasurer. At that time he was very clear in demanding for the Territories their absolute rights; not only the control of the public domain, but compensation for lands alienated for railways or other purposes. The Regina Leader came out in somewhat glaring headlines as follows:

> The public lands will be claimed! Territorial Treasurer Ross announces the Government's proposition relating to provincial establishment. Right to ownership of the public domains. An amount on account of lands alienated will be asked and the remaining public lands to be demanded for the Territories—

and so on.

I have traced up the Journals of the Legislature, and even of the Council, and they show resolution after resolution demanding all their rights. Our leader at that time, now Sir Frederick Haultain, with the assistance of others in the Legislature, drafted what is known as the "Bill of Rights." This "Bill of Rights," which was taken to Ottawa, contained a demand for all our natural resources, and compensation for every acre of land that was alienated. Mr. Haultain with others presented this claim in Ottawa in 1905, when the Northwest Territories were formed into provinces; but, unfortunately, when he arrived at Ottawa he found the scene had changed. Something had transpired. The claims that he advanced and the rights that he pointed out were practically thrown to one side, and what we got in lieu of them was contained in the terms of the Saskatchewan Act. I need not refer to them. The utmost that we could receive in lieu of the land grant would be $1,125,000. The "Bill of Rights" was rejected by Parliament, and the Autonomy Act was brought into force.

It seems extraordinary that there stepped into Mr. Haultain's shoes the man who had been his strongest supporter for many years: I am referring to Mr. Scott, who so ably edited his newspaper. Even after he was elected to Parliament Mr. Scott was just as strongly in favour of these demands as before. He claimed that we were entitled to every acre of land, to all resources, and to compensation for every acre of land alienated. But with the position of Prime Minister of Saskatchewan dangling before his eyes he underwent a change.

I will read some of the statements made by Mr. Scott in 1901. Speaking in the House of Commons Mr. Scott made this statement:

> I may say that what the people of the Territories will expect, and what I think they have a right to expect—and that is really the point to which I wish to call the attention of Parliament—is that they will be dealt with on exactly the same basis as the originally confederated provinces. If the proper principle is adhered to, if the principle of absolute equality is observed, if Parliament places the new provinces upon an equitable basis, the local Government will be given a grant for government, also the per capita grant, and be given anything

that may be shown to be due as the debt allowance. And they will be put in possession of the public resources, lands, timber and minerals in the same way as the other provinces were put in possession of their resources.

That was the statement of Mr. Scott in 1901, when he was a member of Parliament.

Again in 1903 he continued the agitation, and made the following statement in Parliament:

I believe that Mr. Haultain's proposals are approved with practical unanimity by all the people of the Northwest. The voters of the Northwest approve the details of Mr. Haultain's draft bill.

Then we come to the year 1905, when the provinces were being formed, and, as I have stated, he changed his mind completely. This is what he said in 1905:

My view is that this Parliament has the discretion to give such constitution to these provinces as it chooses to give.

Previously, both in his paper and in Parliament, he had been contending that we were entitled to everything demanded in the "Bill of Rights." Then he made another somewhat extraordinary statement. The people of the Northwest Territories were unanimously in favour of the "Bill of Rights." He said:

"Am I going too far when I suggest a doubt as to the sanity of any Saskatchewan man who complains about our land terms?"

Now let us see just how these new terms have worked out for the Province of Saskatchewan.

Mr. Haultain's administration came to an end before the Autonomy Act was brought into force. He had been looking after the affairs of the Northwest Territories for many years, and had laid the foundations of our institutions. The amount of money at his disposal was comparatively small, yet he managed to carry on the business of the Territories very well, and we find that at the end of his term of office the Territories, instead of being in debt, had a balance on hand of nearly half a million dollars. That, of course, was divided between the two provinces of Alberta and Saskatchewan.

The people of Saskatchewan were told—and I suppose a similar statement was made in Alberta—that the terms of the Autonomy Bill were so generous, the money grants so large, that the province would not require to go into debt or to impose additional taxation upon the people for many years to come. That argument was a great factor in carrying the election in 1905. It is true that, as compared with the previous meagre income, the terms of the Autonomy Bill appeared favourable, but notwithstanding what we were told by the Liberals of Saskatchewan—and I presume this applies also to Alberta—what did we find? The gentlemen who went around giving that song and dance were not in office more than two or three years before they had imposed direct taxation on the people of Saskatchewan by way of a supplementary revenue tax, the exact amount of which I forget. A little later that was changed to what was called the "Revenue Tax," and last year the people of the Province of Saskatchewan paid $1,675,000 under it, notwithstanding the wonderful terms of the Autonomy Act.

As I have said, we were told also that it would not be necessary for us to go into debt. What do we find to-day? After twenty years of Liberal rule, Saskatchewan has a debt of nearly seventy million dollars, and very little to show for it—a few public buildings, a crazy-quilt system of roads here and there, because the money was voted en bloc and not for specific sections of road—and interest on the public debt of the province amounting to $3,605,952.

During Mr. Haultain's regime the taxes were very light, not exceeding five or ten dollars on every quarter section. To-day, notwithstanding the huge provincial debt, notwithstanding the revenue tax, the people have to pay from $40 to $100 on every quarter section. That is the position under the Autonomy Act.

I do not think there is any question of our right to the public domain. I do not think there ever was a serious question as to that. And if we were entitled to the public domain, surely we were entitled to compensation for the lands taken from us for railways and other purposes. If we were entitled to those lands, and if the resources had been turned over to us in 1905, as is being done under these Bills to-day, what position should we be in now? If you take up the correspondence between the Provincial and the Federal Governments in respect to the Bills before us you will find that, according to Sessional Paper 281, the lands granted to railway companies on land subsidy account by the Dominion Government previously to 1905 amounted to 8,968,071 acres, and that subsequently to 1905 lands granted on the same account amounted to 6,118,378 acres, making a total of 15,086,449 acres. Reading on in this same paragraph, you will find that railway companies sold 21,804,966 acres of land, for which they received $187,268,182, or an average of over $8.50 an acre. The Hudson's Bay Company sold during the same period 3,602,990 acres, and they received over $12 an acre for it. If we place a conservative valuation of $5 an acre on that portion of our domain which was given for railway purposes alone—and I may say

that some land in Saskatchewan has sold for as much as $100 an acre—we shall get some idea of what we should have received had we been treated as we should have been in 1905. I want to emphasize that $5 an acre is a conservative estimate, compared with what the railway companies received for the land they sold, but if we had been given compensation for those 15,000,000 acres on the basis of only $5 an acre, we should have received over $75,000,000, and to-day we should have a credit of $29,000,000 or $30,000,000 over the actual indebtedness of the province.

Instead of that, because we were treated unfairly in 1905, we have in the province a condition that is not at all desirable. I am not pessimistic and I do not want to cast slurs upon our province; for, although Saskatchewan may not be the wealthiest province of Canada, it is the banner province from an agricultural standpoint. Unfortunately, during the last three or four years our people have had a partial crop failure, and in consequence our farmers are not in a flourishing condition. The taxes to which I have referred are a burden upon the people, who, however, have not given up hope that better times are coming. We believe that our difficulties will be overcome, particularly because of the concession of our rights granted under this Act. I am satisfied that in the course of a few years the people of Saskatchewan, under a business Government and not a political machine, will fully recover from the present unsatisfactory condition, and we shall be able to point to general prosperity instead of a big debt. I am gratified that I have had an opportunity of saying a few words here in support of this Bill, the object of which is to grant to the Province of Saskatchewan the rights of which it has been deprived for so many years. I am confident a judicial tribunal will give full constitutional rights to Saskatchewan.

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

THIRD READING

Hon. Mr. BELCOURT moved the third reading of the Bill.

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

## MANITOBA NATURAL RESOURCES BILL

SECOND READING

Hon. Mr. BELCOURT moved the second reading of Bill 18, an Act respecting the transfer of the Natural Resources of Manitoba.

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

THIRD READING

Hon. Mr. BELCOURT moved the third reading of the Bill.

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

## SASKATCHEWAN NATURAL RESOURCES BILL

SECOND READING

Hon. Mr. BELCOURT moved the second reading of Bill 58, an Act respecting the transfer of the Natural Resources of Saskatchewan.

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

THIRD READING

Hon. Mr. BELCOURT moved the third reading of the Bill.

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

## DIVORCE BILL (ONTARIO)

MOTION FOR SECOND READING—DEBATE ADJOURNED

Hon. Mr. McMEANS moved the second reading of Bill 20, an Act to provide in the Province of Ontario for the dissolution and the annulment of marriage.

He said: Honourable senators, the object of this Bill is merely to confer divorce jurisdiction upon the Province of Ontario, to give to the courts of that province the power to try divorce cases, similar to the power possessed by the courts of every other province of the Dominion with the exception of Quebec. I suggest that if there is any debate on this Bill, honourable members who are opposed to it, on conscientious or other grounds, should confine their remarks to the subject of the Bill itself, and thus prevent a discussion on the whole question of divorce. I think I may say with absolute certainty that the only effect of the Bill on divorce cases will be to provide a proper place in which they may be heard. The Bill has passed this House on four different occasions, in 1920, 1927, 1928 and 1929. It has been discussed extensively on the floor of this Chamber and elsewhere, and I am sure that all honourable members are thoroughly acquainted with all the arguments, pro and con, which have been made with regard to it.

Perhaps it is unnecessary for me to repeat the reasons that have been urged in favour of the Bill, but I will go over them briefly. I think that our present system of divorces being granted by Parliament is unjust, because, in the first place, the petition has to be advertised and the evidence must be

printed and distributed. Then, no provision is made for alimony, and we have no power to make an order in regard to custody of children. Further, we have no jurisdiction over the costs of the suit; nor can we take evidence by commission. If the Committee recommends the granting of the petition, the divorce comes into effect immediately the Bill becomes law, whereas under English law, after a case is heard at court, a decree nisi may be granted and the divorce may not come into effect until six months afterwards, or such further time as the court may decide. This delay gives an opportunity for the third parties to intervene. In cases where there is collusion, in England, the King's Proctor can step in—

Hon. Mr. BELCOURT: That system permits reconciliation.

Hon. Mr. McMEANS: In that way perhaps a good many reconciliations may be brought about, which are not possible at all under our system. I should like to lay stress upon another objectionable feature of our present system, and that is that it creates an opportunity for lobbying. In a case in which one or more of the parties are wealthy, if our Committee recommends the petition and a Bill for the relief of the petitioner is passed by this House, there is sometimes an inducement for the starting of a lobby. I have no hesitation in saying that I have personally known of a very strong lobby being undertaken and carried through before a Bill has been passed by the other House. That is a procedure which, I think, is extremely injurious and detrimental, and should not be permitted to exist. Of course, such a thing could not be done with a case that was being tried in court.

It has been contended that divorces are increasing, and that has been advanced as one of the reasons why this Bill should not be passed. I think that argument is not well founded and that it has been pretty well disposed of. My opinion is that the increase in divorces has been caused, to a very large extent, by the emancipation of women. In former days when a woman was married she was totally dependent upon her husband for the support of herself and her children, if any. But conditions have changed. To-day many a woman can earn as much as a man, and a wife is no longer dependent upon her husband in the old sense. For that reason there is more freedom, and if a man does not behave as he should his wife is likely to apply for relief.

A large proportion of the petitions that come before the Divorce Committee are from people in poor financial circumstances. I asked the Chief Clerk of Committees to give me some figures, and he assured me that at least 30 per cent of the petitioners for divorce were not able to afford the fees; so that from nearly one-third of the total number of petitioners we have applications for refunds. Each application is given full consideration, and if it is well founded we may order a remission of all fees above the sum of $50. In numerous cases where the petitioner is earning a small wage it develops that one or two dollars have been set aside weekly for three or four years until enough money has been saved to defray the expenses of coming to Ottawa and presenting the petition. This is particularly true in the cases of women who are making around $10 or $12 a week, and who perhaps have a child to support.

It might be interesting to observe that prior to the year 1857, in England, only a rich man could get a divorce, because in the first place it was necessary to sue the co-respondent and prosecute an action for damages against him, and if a verdict was obtained an application would have to be made to the Ecclesiastical Courts for a divorce a mensa et toro; and after all that, the petitioner had to go to the House of Lords and ask for relief, so that he would be enabled to marry again. I should like to read a short statement from the judgment of Mr. Justice Maule, in a case prior to the Divorce Act of 1857, in sentencing a poor man who had been convicted of bigamy. The prisoner's wife had robbed him and had run away with another man, with whom she was living, and in these circumstances the prisoner had married again.

> You should (said Mr. Justice Maule) have brought an action and obtained damages which the other side would probably not have been able to pay, and you would have had to pay your own costs, perhaps an hundred or an hundred and fifty pounds. You should then have gone to the Ecclesiastical Courts and obtained a divorce a mensa et toro and then to the House of Lords, where, having proved that these preliminaries had been complied with, you would have been entitled to marry again. The expenses might amount to five or six hundred or a thousand pounds. You say you are a poor man. But I must tell you that there is not one law for the rich and another for the poor.

I think it is unnecessary for me to take up the time of the House any longer.

Hon. W. B. WILLOUGHBY: The subject of this Bill has been well presented by the honourable gentleman, the Chairman of the Divorce Committee (Hon. Mr. McMeans). As honourable members know, I was for some time Chairman of that Committee. For a number of years before that, I was a mem-

ber of it, and during absences of the Chairman—at one time the late Senator Sir James Lougheed, and, during another period, the late Senator Proudfoot—I frequently presided at the Committee. I do not intend to discuss this Bill thoroughly, because anyone who is interested in my opinions may refer to what I said in the debate on the previous Bill. I am going to point out only two or three things that may be of some interest, in connection with the history of the Bills in this House.

The honourable gentleman has referred to the Bill of 1920. At that time Hon. Mr. Ross was leader of this side of the House. There were two proposals, Bill A and Bill I. One of those was a measure very much on the lines of the one now before us; the other was somewhat similar to the Bill, which is coming here, relating to the domicile of the wife. Mr. Ross's Bill of 1920, which passed this House, provided for the establishment of divorce courts in the Province of Ontario and the Province of Prince Edward Island. The other Bill of that year dealt generally with the law of divorce, including among other things a provision giving men and women an equality in the matter of domicile when coming before the court to be constituted. There is before the House at the present time a Bill dealing with divorce in the Province of Ontario, and there is coming to us another Bill, dealing with domicile, similar to the measure that was introduced in the other House last year, and came to us, but failed to pass this House. That Bill was not very happily drafted. The one submitted this year is slightly different. I am not going to discuss it any further than to state that it provides that as against the husband who has abandoned her the woman shall have a right to acquire a separate domicile in the place of his original domicile if she continues to reside there for two years.

Hon. Mr. BELCOURT: Is it the opinion of the honourable gentleman that under the law a separate domicile might not be obtained on application to the court?

Hon. Mr. WILLOUGHBY: I do not know what jurisdiction the court would have.

Hon. Mr. BELCOURT: If this Bill passes, would not any wife be enabled to obtain a separate domicile by application to the court?

Hon. Mr. WILLOUGHBY: Apart from the application for divorce? For all purposes, by virtue of application to the court? I would say that the Bill, as I have seen it, would give her that right only for the purpose of divorce; not for general purposes.

Hon. Mr. BELCOURT: I am asking my honourable friend if he is not of opinion that, assuming that the Bill goes through—

Hon. Mr. WILLOUGHBY: The Bill that is coming?

Hon. Mr. BELCOURT: Yes. Would not the wife be enabled to obtain a separate domicile by an application to the court?

Hon. Mr. WILLOUGHBY: I do not know of any provision for it. I do not say it does not exist in the Province of Ontario.

Hon. Mr. BELCOURT: Would not that be somewhat similar to an application for service out of the jurisdiction? Would not the inherent power of the court obtain?

Hon. Mr. McMEANS: I think I can answer the honourable gentleman. I have no hesitation in saying no, under any circumstances. However, that does not arise in this case.

Hon. Mr. WILLOUGHBY: I am glad that my honourable friend can answer.

Hon. Mr. BEIQUE: The Legislature of the province would have the right to provide for that.

Hon. Mr. WILLOUGHBY: The Bill of 1920, to which I have referred, went over to the other House—some honourable gentlemen here now may have been members of that House at that time—and the explanation given to me by the gentleman who had the charge of the Bill over there, Mr. Boys, was that he was absent on some occasion and the Bill disappeared from the Order Paper, and that a certain gentleman, who is not now in public life, was Minister of Justice, and was not going to make it any too easy to put it back on the Order Paper again. For that reason it did not come before the House. What its fate would have been had it been considered, I am not prepared to say.

After a considerable lapse of time came the Bill of 1927, which it was my honour and privilege to introduce in this House. In that year took place the establishment of the Australian capital at Canberra, and it was pointed out to me that the Minister of Justice, as the delegate of Canada to that great function, would be absent, and that therefore it would be a courtesy not to press the Bill. I have not made this statement publicly before, but that is the explanation as to why the Bill was not pressed in the other House. The Bill passed here, and it was left to me to find a proper person to present it in the Commons, and

purely out of respect to the Minister of Justice the Bill was not presented and pushed there at that time.

Then came the Bills of 1928 and 1929, which fell by the wayside in the other House. A new objection was raised in the Commons, namely, that the Bill should not come into force except on application of the Province of Ontario. It seems to me most anomalous and ridiculous that this Parliament, having full legislative power vested in it under the British North America Act, should make the exercise of that power dependent upon the action of any local legislature in Canada. It is a manifest absurdity.

In either 1920 or 1927 I dealt rather fully with what was done by a Commission that was appointed in England. The appointment of that Commission, and its findings, first interested me in the subject of divorce. It was a very important Commission. The warrants that went out to its members were issued in 1909. Sir Gorell Barnes, afterwards Lord Gorell, was chairman, and among other distinguished members of the Commission I might mention the Archbishop of York, Primate of England, Lady Frances Balfour, and May Edith, the wife of Harold John Tennant. The report may be obtained in the Parliamentary Library, and I shall make just a short reference to it. The recommendations as a whole never became law, but some of them were subsequently enacted, among them being one giving a woman a right of action against her husband on the same ground upon which a man has a right of action for divorce against his wife. He does not need to prove cruelty and so on. In the majority report five other grounds besides adultery—the only one then in force in England—were recommended, and these were concurred in by the minority. Let me read them to you:

> We concur in the recommendations of the majority report with regard to the nullity of marriage in cases (a) of unsound mind; (b) of epilepsy and recurrent insanity; (c) of venereal disease; (d) when a woman is pregnant at the time of marriage by a man other than the husband, who is ignorant of the fact, and (e) of wilful refusal to consummate the marriage.

The majority made other recommendations, from which the minority dissented.

Some honourable gentlemen may have read a very interesting article dealing with divorce in England, contained in one of the books of Lord Birkenhead, a man who occupied the position of Chancellor of England as well as other high positions. In this article he advocated additional grounds for divorce.



This Bill does not establish any additional grounds. As honourable gentlemen know, the grounds are the very minimum upon which divorce can be granted. In view of the fact that the Bill is not in my name, I do not feel that I should trespass further upon the time of the House, because I have wearied the House on former occasions in dealing rather exhaustively with the matter. I thought, however, that a few observations upon the history of divorce legislation in England might be of interest.

Hon. Sir ALLEN AYLESWORTH: Honourable members, this measure has been so much discussed, not only in parliamentary circles but in the newspapers, of late, that I have no hope of being able to say anything about it that will be new. None the less, as I am entirely and strongly opposed to the enactment of this Bill, I want to say in as few words as I can what my reasons are for opposing it altogether.

I cannot see, for my part, any need of it. I think our present system, with the tribunal which now exists for the trial of these cases, is, in the circumstances, the best we can get for a very disagreeable business. Everybody, I suppose, agrees that divorce is an evil thing; that, if it could be, it ought to be altogether abolished. The trying of these cases is something like the work of trying criminals. No judge ever sat, I suppose, who liked the work of trying a man for his life. None the less, that is a necessary thing, and judges perform their duty because they have sworn to do it. Now, in the case of divorce, the work which our Divorce Committee does is work of the same disagreeable but necessary sort, and the only question, to my mind, that arises upon a consideration of this Bill is whether or not, in the public interest, that work can be any better done elsewhere than it is being done to-day. On that point my opinions and convictions have been formed during thirty or forty years or more, and I say here without hesitation that I believe our Divorce Committee, for the work it has to do, is the very best judicial tribunal that could be constituted. And of necessity, it seems to me, it is so. Everybody is agreed that twelve jurymen of the country constitute a better tribunal for the trial of questions of fact than any other that could be got together. A jury of twelve lawyers learned in the law and empanelled to try a case would, I venture to think, never, or scarcely ever, agree; and if a tribunal composed altogether of men of any other profession were engaged in dealing with a professional matter, very

likely the same result would ensue. But our Divorce Committee always has been and always will be, I have no doubt, composed of a few lawyers, a few medical men—so long as there are any of either profession in this House—and a few members who are not professional men at all, but experienced business men, better qualified than any other class in the community for finding upon disputed questions of fact. In our Divorce Committee you have a judicial tribunal which is at the same time a jury; you have the same individuals acting in that double capacity. The Chairman usually is a lawyer, and if any legal point arises he states to his colleagues and to the parties present what the law is; he makes his legal ruling. The medical men on the Committee have to deal with medical evidence, frequently so in the absence of medical witnesses; they are required to consider evidence given by witnesses who are lay people; and in such cases it is a vast advantage, as anyone looking at the reports of the Committee will see, that some members of the Committee should be medical men who are able, by a few pointed questions, to elicit the truth. And combined with the professional men you have the remainder of the Committee composed of jurymen, who are certainly and distinctly of a superior class. We have, in Ontario at any rate, a jury system under which a special jury may be demanded in special cases. I have always questioned whether it is any better than a common jury, but it is drawn from the grand jury panel, from those who are considered to be the superior, the more intelligent, class of citizens. Surely in our Divorce Committee of the Senate we have non-professional men who are superior even to a grand jury or to a special jury that might be selected; and when these gentlemen of the Committee meet for consideration of the evidence and for a finding on the facts, in contested cases, they have the advantage of being at once jury and judge, of knowing what the law is, and of being able to apply that law to the special facts of the case in question.

Has there been, in all the years since Confederation, any public complaint of the working of our Divorce Committees in the Senate? As I said a moment ago, I was personally acquainted with the working of the Divorce Committee at least forty years ago, when professional business brought me in a few cases before the Committee as counsel; and I formed in those days the very highest admiration for the judicial, the thorough and the just way in which that Committee performed its functions. Since then, while I have been a member of Parliament, I have had occasion to observe more closely, even to scrutinize, the workings of that Committee. Through the years that I was Minister of Justice I made it a rule, as we have no such official as the King's Proctor in this country, to read, myself, as critically as I could, all the evidence in every divorce case that came before the House of Commons. I felt it necessary on a few occasions to oppose the recommendations of the Divorce Committee of those days; but in reading that evidence, disagreeable as it sometimes was, and burdensome, I saw for myself how thoroughly and how well the Divorce Committee was then working. Since I have been a member of this House I have read occasionally a few of the cases, where there seemed some special reason for doing so, and I can say that I think that in recent years the work of the Committee has been done as satisfactorily as it ever was done.

What improvement will there be if that work is relegated to the courts? I think there will be none. I think the change will be positively detrimental, for many reasons. I shall endeavour to speak of a few of those reasons. It is said that the expense of the present system is burdensome. Well, if that is so, if that argument means anything, it means that as soon as you transfer this jurisdiction to a cheaper tribunal you will increase the number of divorce cases and you will have the divorce evil emphasized and made worse than it is at the present time. But is it a fact that the cost will be less if the cases are to be disposed of by the courts? Bear in mind that this measure concerns only the Province of Ontario. One can understand that it would be extremely expensive to bring to Ottawa witnesses from Nova Scotia, or from British Columbia, and there might be in the case of either of these, or of any of the other distant provinces, strong argument in favour of cheapening litigation, of lessening the expense of travelling. But not so with Ontario. Ottawa is within Ontario, and it is no more expensive to bring witnesses to Ottawa than it would be to take them to Toronto. I do not know whether anyone contemplates the trial of these divorce actions county by county, wherever the parties happen to live. It remains to be seen what will be done in this connection, and that is one of the objections to this Bill. Nobody can tell what the future is to be, if this measure passes. The judges, if compelled to undertake this work, would of course have to make regulations and rules under which it would be carried on. It is to my mind extremely doubtful whether they would take these divorce cases at each county assizes,

where the court is of necessity public, where the parties live, where everybody in the community is possibly discussing the scandal, and where the courtroom is bound to be crowded to the doors if the trial is heard there. I think it very doubtful that the judges would ever agree to such a course of procedure, and so I think that practically it will be a question, if this Bill passes, where the divorce court is going to sit, whether in Toronto, or in Ottawa, or somewhere else in the province. And if in Ottawa, the expense, so far as witnesses and parties are concerned, would be exactly what it is to-day.

But then there are the legal expenses. Well, I know people say this Bill will lessen the expense, but I know equally well that most lawyers favour this measure, and that many of them are candid enough to say it will largely increase legal business. So it will, if cases are more numerous.

I shall not attempt to go into detail, but speaking of trial before judges, let me say one other thing. In our proceedings before the Senate the evidence and the whole proceedings are printed. The witnesses give their testimony before the Committee, and the Committee alone; there are no bystanders. That is a great advantage to everybody concerned. There is no publication of the written evidence in the newspapers or anywhere else, except to members of Parliament. But the moment you get into court proceedings, of course the courts have control. The judges may make regulations, but it is a very grave question of law whether any British court has a right to exclude the public from the hearing of cases before that court. Courts were intended to be public; courts ought to be public; the people have a right to know what goes on within their courts; and although there might be special rules provided for the hearing of divorce cases, I feel very doubtful about it. And similarly with the newspapers. There are some industrious, enthusiastic newspaper reporters who would be only too well pleased if they could publish the evidence in divorce cases. And that is a matter over which, if this Bill is passed, Parliament at any rate would not have the slightest control. The whole law of libel, the law in regard to publication by newspapers, is within provincial jurisdiction. No man can say whether, if this Bill is passed, we should not have in a short time publication of all the disgusting details in the local newspapers, where it would be of greatest interest.

There is just one remaining point that I wish to emphasize, because to my mind it constitutes a very grave objection to this Bill. If this measure is passed, divorce becomes a matter of legal right. Any man or woman who deems himself or herself entitled to divorce, on the evidence possessed, would then have a right to go to the court and demand a divorce, just exactly in the same way that a man who has a debt owing to him may go to the court and demand payment. But as it is now, the granting or withholding of divorce is no matter of right to any citizen. The party who believes himself aggrieved comes to Parliament petitioning for redress, a suppliant asking a special favour, the passing of a private Act to give relief. That makes, to my mind, the greatest possible difference in the estimation of the public. That makes the question entirely one as to whether a person is asserting a right or is coming, even though it be at greater expense, to ask for a special favour. To my mind it would be far better, if possible, that we should by law totally abolish divorce in Canada, so that all men, and women too, would understand that Canada was one country in the world where a contract of marriage, once validly entered into, would be absolutely indissoluble so long as the spouses both remained alive.



On motion of Hon. Mr. Logan, the debate was adjourned.

## PRIVATE BILLS

### FIRST READINGS

Bill U4, an Act to incorporate the Industrial Loan and Finance Corporation.—Hon. Mr. Casgrain.

Bill V4, an Act respecting the capital stock of the Prudential Trust Company, Limited.—Hon. Mr. Casgrain.

The Senate adjourned until to-morrow at 3 p.m.

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# THE SENATE

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Thursday, May 15, 1930.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

## DIVORCE BILLS

### FIRST, SECOND AND THIRD READINGS

Hon. Mr. McMEANS, Chairman of the Committee on Divorce, presented the following Bills, which were severally read the first, second and third times, and passed.

W4, an Act for the relief of Mary Ada St. George.

X4, an Act for the relief of Sam Finkelstein.

Y4, an Act for the relief of Martha Barker.

Z4, an Act for the relief of Janet Ella Pettigrew Thomson.

A5, an Act for the relief of Margaret Jean McClelland Dewar.

B5, an Act for the relief of Ada Margaret Ruddick.

C5, an Act for the relief of Wilhelmina Emily Rudolph.

D5, an Act for the relief of Mabel Orion Baldwin.

E5, an Act for the relief of Antoine George Massabky.

F5, an Act for the relief of Dorothy Agnes Dowling.

G5, an Act for the relief of Arthur Leslie Catton.

H5, an Act for the relief of Ruth Lyford Smith.

I5, an Act for the relief of Rhona Elizabeth Shaw Richardson.

J5, an Act for the relief of Richard Trawny Parsons.

K5, an Act for the relief of Armand Dufour.

L5, an Act for the relief of Jessie Lillian Gwen Richmond-Parry.

M5, an Act for the relief of Christina Dale Kingsbury.

N5, an Act for the relief of Gladys Hollings.

O5, an Act for the relief of Nellie Louise Hughes.

P5, an Act for the relief of Minnie Roberts.

Q5, an Act for the relief of Isabella Glennie Lefever.

R5, an Act for the relief of Aileen Somerville Thomas.

S5, an Act for the relief of Harris Charlton Eckmiere.

T5, an Act for the relief of Rhea Blanche Wilson.

U5, an Act for the relief of Edna Wall.

V5, an Act for the relief of Thomas Edwin Warburton.

W5, an Act for the relief of Thomas Garfield McCormick.

X5, an Act for the relief of Thomas Richardson.

Y5, an Act for the relief of Leslie Gregory.

Z5, an Act for the relief of Muriel Laburnum Christie.

A6, an Act for the relief of Edith Matilda Epplett.

B6, an Act for the relief of Ruth Victoria Spooner.

C6, an Act for the relief of John Henry Coulter.

D6, an Act for the relief of Gertrude Anne Williams.

E6, an Act for the relief of Leonard George Edward Bond.

F6, an Act for the relief of Grant Johnston.

G6, an Act for the relief of Burton Orland Boomhower.

Hon. Mr. BELCOURT: Of course, these motions are being carried on division.

Hon. Mr. McMEANS: On division.

## PRIVATE BILL

### FIRST AND SECOND READINGS

Bill H6, an Act respecting a certain patent of Stauntons Limited.—Hon. Mr. Spence.

## FRENCH RIVER DAM

### INQUIRY

Hon. Mr. GORDON inquired of the Government:

(1) On what date during August, 1929, was the French River Dam, situated at the outlet of Lake Nipissing, closed?

(a) What was the indicated water level of the said Lake at that time?

(2) When was the said Dam opened subsequent to August, 1929?

(b) What was the indicated water level of the said Lake at the time of such opening?

(3) When was the said Dam subsequently closed, and what was the indicated water level of said Lake at the time of such closing?

Hon. Mr. BELCOURT: The answers are as follows:

(1) 30th.

(a) Elevation 640.34.

(2) November 20, 1929.

(b) Elevation 640.82.

(3) May 8, 1930. Elevation 640.18.

## PROPOSED SMUGGLING TREATY

### REPLY TO INQUIRY

Hon. Mr. BELCOURT: Honourable members, I am pleased to be in a position to give some information to my honourable friend from Pictou (Hon. Mr. Tanner). The day before yesterday he asked me to furnish what information I could procure with regard to the negotiations said to be going on with the Government of the United States concerning a treaty on the subject of smuggling. I am now in a position to say that some time ago a draft treaty was prepared, which received the close attention of the Canadian Legation at Washington, and of the American Legation at Ottawa, that substantial progress has been made in the consideration of the provisions of this draft treaty, and that it is hoped that at an early date it will form the basis of what may be a final discussion; and it is possible that before prorogation takes place Parliament will be advised of the nature and purport of the treaty.

## PRIVATE BILLS

### FIRST AND SECOND READINGS

Bill 57, an Act respecting the Confederation Life Association.—Hon. Mr. Willoughby.

### THIRD READING

Bill B, an Act respecting a certain patent of the R. M. Hollingshead Company.—Hon. Mr. Haydon.

## WAR VETERANS' ALLOWANCE BILL

### SECOND READING—REFERRED TO SPECIAL COMMITTEE

Hon. Mr. BELCOURT moved the second reading of Bill 19, an Act respecting War Veterans' Allowances.

He said: Honourable members of the Senate, the motives that have inspired the Government in submitting this legislation to Parliament are of three kinds: those that arise from a consideration of the proper treatment of the veterans, those that relate to social order, and those relating to the economic order. The Government felt that the Bill would do much to solve the problem of unemployment, a problem which seems to be pretty universal. The Government is evidently impressed with the necessity of adopting a different method of providing for the persons dealt with from that which has been followed, say, in the United States, where a large number of soldiers' homes have been established for the purpose of taking care of their veterans.

In submitting this measure on behalf of the Government I wish to call the attention of honourable members to the advisability of adopting a way that will have the effect, among others, of preserving rather than disintegrating the family and the home. It is submitted that it would be far better to allow veterans to remain in their homes than to receive them and take care of them in soldiers' homes or hospitals.

This question has received a great deal of attention in the past. I have here extracts from the reports of different parliamentary committees, dating as far back as 1921. Perhaps I shall be permitted to read a few of them.

In 1921, when a parliamentary committee sat, this question of old age disability was pressed more strongly than in previous years. The committee stated in its report:

> Your committee is of opinion that the time will shortly arrive when circumstances will point to the necessity of very serious consideration being given to the soldier without pensionable disability who is unable, through age or infirmity, to care for himself.



In 1923-24 very much the same kind of report was made. In 1928 the Parliamentary Committee on Pensions reported:

> Your committee finds that one of the most serious situations confronting the Department and the country generally is that relating to the employment and care of ex-members of the forces suffering from disability, broken down or burned out, who under the present regulations are wholly or in part non-pensionable.

On February 28 in the same year the House of Commons passed a resolution reading as follows:

> That it is expedient to bring in a measure respecting allowances to war veterans, to provide assistance for certain veterans who are not in receipt of pensions or who, if in receipt of pensions, are only partly pensionable, or who are unemployable.

Experience has shown that of those eligible by age to receive the benefits of the old age pension legislation in Australia, New Zealand and British Columbia, forty per cent have been found to be eligible under the restrictions as to income.

Here I pause to point out that the main principle on which this measure rests is the principle adopted and put into practice with regard to old age pensions applicable not only to soldiers, but generally.

With Canada's ex-service men, because of the preference given in positions in the public service, and because of pension schemes in other lines of employment, it is believed that those found eligible will be less than forty per cent. Nevertheless, to offset this there is the fact that veterans are eligible for the benefits regardless of their age, if they be permanently unemployable. Therefore, it being estimated that forty per cent of those eligible by age will receive the allowance, it will be seen that the cost will be approximately $2,000,000 for the first year, and will increase annually to a peak in 27 years' time, when the annual cost will approximate $18,000,000. Meanwhile Canada's annual pension bill of forty odd million dollars will have greatly declined. After the peak year is reached, 27 years hence, the annual obligation under the Veterans' Allowance Act will diminish rapidly until it totally disappears in less than 30 years from that time.

I have had placed in my hand a graph showing the gradual increase until the peak is reached, and then the gradual decrease until the allowances totally disappear. According to this graph, taking 60 years as the age, between 1930 and 1935 the number will increase from 10,000 to 30,000; from 1935 to 1940 the number will increase from 30,000 to 50,000; from 1940 to 1945 it will increase to close to 70,000; from 1950 to 1957 it will

increase to 110,000, which will be the peak. Then the decrease will be very rapid. From 1957 to 1960 it will come down to 100,000, in the next five years down to 70,000, and so on, until in 1985 the provisions will cease to operate.

Hon. Mr. LAIRD: On what basis are those figures worked out?

Hon. Mr. BELCOURT: I am not in a position to say. I have the graph in my hand. I imagine it is a question of age, expectancy and mortality. As time goes on, the number of those men must decrease gradually until they all have attained the age of expectancy.

The Bill provides a maximum allowance of $20 per month to a single man and $40 per month to a married man or widower.

Honourable members will notice from the Bill that the fund is to be administered by a committee appointed by the Governor in Council, with direct liaison with the Department, through its Deputy and Assistant Deputy Minister. The Department will furnish the personnel to administer the Act, and it is hoped that the benefits will be available to applicants by the first of next September.

I think I have said all that I need to say with regard to age, cost, and administration. I might add a few words with reference to what is meant by "permanently unemployable." I will read the memorandum that has been handed to me.

> The legislation provides that a veteran who is indigent at 60 may receive the benefits of this Act; it further provides that, regardless of his age, if he is permanently unemployable and indigent, he is eligible.
>
> The question will arise as to what construction can be placed upon the term "permanently unemployable." This was thoroughly discussed by the parliamentary committee, and it was decided that this is a question which is best left to the interpretation of the committee. If it is hedged round with interpretations and definitions in the legislation, a number of obstacles will be created in the administration.
>
> Permanently unemployable may be said to mean a man who has reached a physical or mental condition where in the opinion of the committee (based upon a thorough investigation in the region where the applicant lives, and upon a thorough medical examination) he can no longer expect to hold down a permanent position, although he might be capable of occasionally doing—like all old people—light tasks lasting for a few hours.

Honourable members will notice that the allowance is not payable to all veterans; that in every case in which it is payable the veteran must be unemployable or indigent. It can be readily understood that many veterans might be unemployable and yet not entitled to the pension, because they might be so situated that they would not require it.

I move the second reading of the Bill.

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

REFERRED TO SPECIAL COMMITTEE

Hon. W. B. WILLOUGHBY: It has been suggested to me, and I think the suggestion is a very proper one, that we should send this Bill to the special committee that has already been appointed by the Senate to sit with members of the other House for the purpose of inquiring into soldier problems. After all, the Bill is more or less technical, and, while it deals with a class who are not being dealt with in the other inquiry, it relates to soldiers.

Right Hon. Mr. GRAHAM: I think the committee was not appointed, but certain names were mentioned, and it was understood that the members named would form the committee.

Hon. Mr. WILLOUGHBY: I thought they were appointed.

Right Hon. Mr. GRAHAM: No. We could not appoint a committee to consider a Bill that was not before us.

Hon. Mr. BELCOURT: My honourable friend moves that the Bill be referred to the gentlemen named?

Hon. Mr. WILLOUGHBY: The Clerk has been good enough to point out the names suggested for that committee. They are as follows: Hon. Messieurs Belcourt, Black, Beland, Blondin, Buchanan, Gillis, Graham, Griesbach, Hatfield, Laird, Lewis, Macdonell, MacArthur, Rankin, Taylor, and White (Pembroke).

Hon. Mr. BELCOURT: I readily accede to the request, and move that the Bill be referred to that committee. I think the motion should not be put until we are sure that no other honourable member of the House desires to speak on the question.

Hon. Mr. WILLOUGHBY: The House is in session and any member can speak on the Bill now.

Hon. Mr. BELCOURT: It was intimated to me that some members wanted to speak on the question, and I do not want to prevent their doing so.

Right Hon. Mr. GRAHAM: I had wished to make a few observations, but as the Bill is being referred to a special committee, I will express my opinions on the matter there. I am a member of the committee and shall be able to express myself more effectively there than in the House.

The motion was agreed to.

## PRIVATE BILL

### SECOND READING

Bill 46, an Act to incorporate Consolidated Life Insurance Company of Canada.—Hon. Mr. Blondin.

## RAILWAY BELT AND PEACE RIVER BLOCK BILL

### SECOND READING

Hon. Mr. BELCOURT moved the second reading of Bill 41, an Act respecting the transfer of the Railway Belt and Peace River Block.

He said: Honourable members, yesterday, when I had the honour of submitting three Bills with regard to the natural resources of Manitoba and the other two Prairie Provinces, I made a slight reference to this Bill, stating that the remarks I made at that time were equally applicable to this measure. I do not think it is necessary for me to take up the time of the House by saying anything further with regard to Bill 41. The object of it is merely to ratify the agreement entered into between the Province of British Columbia and the Federal Government. The respective parties have had this matter under consideration for many years, I believe, and I do not know that there is anything I could say which would throw any new light on the question at this stage.

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

### CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Belcourt, the Senate went into Committee on the Bill.

Hon. Mr. Robinson in the Chair.

The Bill was reported without amendment.

### THIRD READING

Hon. Mr. BELCOURT moved the third reading of the Bill.

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



## COMPANIES BILL

### SECOND READING

Hon. Mr. BEIQUE moved the second reading of Bill 9, an Act to amend the Companies Act.

He said: Honourable members, except for some modification in a very few clauses, this Bill is a copy of the one that was passed by this House last session, which was sent to the other House on the eve of prorogation and was not taken up there. The present measure was introduced in another place and passed there, and now is sent over for approval by this Chamber. When the Bill is taken up in Committee of the Whole House I shall be able to specify the clauses in which there are changes from last year's Bill, and to indicate what the changes are.

Hon. Mr. WILLOUGHBY: I understood that the Bill was changed considerably.

Hon. Mr. BEIQUE: No.

Hon. Mr. WILLOUGHBY: I am glad to hear that, because we devoted a great deal of time to it.

Hon. Mr. BEIQUE: The changes are very few.

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

### CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Beique, the Senate went into Committee on the Bill.

Hon. Mr. Robinson in the Chair.

Section 2 was agreed to.

On section 3—companies incorporated for certain purposes:

Hon. Mr. BEIQUE: The only difference in this clause is that the minimum number of directors is three instead of five as provided in the Bill last year.

Section 3 was agreed to.

Section 4 was agreed to.

On section 5—application of this Part:

Hon. Mr. BEIQUE: The only difference is that there are one or two clauses mentioned here that were not mentioned in the Bill of last year.

Section 5 was agreed to.

On section 6—issue of shares without nominal or par value:

Hon. Mr. BEIQUE: The only change in clause 6 is to be found in lines 38, 39 and 40

of the clause, the addition of the words, "except in respect of shares without nominal or par value having a preference as to principal." As far as I am concerned, I see no objection to this change. And subsection 6 has been remodelled in wording, but the change does not affect the principle of the Bill.

Section 6 was agreed to.

Sections 7, 8 and 9 were agreed to.

On section 10—Minister may change name by supplementary letters:

Hon. Mr. BEIQUE: There are some small changes in the wording, but they do not change the meaning.

Section 10 was agreed to.

Sections 11, 12 and 13 were agreed to.

On section 14—incidental and ancillary powers:

Hon. Mr. BEIQUE: Some important changes have been made in this section, and I suggest that it should stand for future consideration. Some of the subsections have to be considered carefully.

Section 14 stands.

Sections 15, 16 and 17 were agreed to.

On section 18—rectification of filing of prospectus in certain cases:

Hon. Mr. BEIQUE: There was a small change in the drafting, but there is no change in the effect of the clause as it was last year.

Section 18 was agreed to.

On section 19—issue of shares without nominal or par value:

Hon. Mr. BEIQUE: This is new, but it is in accord with the economy of the Bill as passed last year.

Section 19 was agreed to.

Sections 20 to 26, inclusive, were agreed to.

On section 27—registration of debentures:

Hon. Mr. BEIQUE: The last three lines are new. I cannot see any objection to the addition.

Section 27 was agreed to.

Sections 28 and 29 were agreed to.

On section 30—executive committee:

Hon. Mr. BEIQUE: There is a change in this clause, but I do not think it changes the economy of the Bill as passed last year.

Section 30 was agreed to.

On section 31—liability of directors:

Hon. Mr. BEIQUE: Clause 31 is to repeal section 114 of the principal Act, which, through oversight, was not repealed last year.

Section 31 was agreed to.

Sections 32, 33 and 34 were agreed to.

On section 35—auditors:

Hon. Mr. BEIQUE: Thirty-five is a new clause which was suggested by the Board of Trade of Montreal. I do not see any objection to it.

Section 35 was agreed to.

Section 36 was agreed to.

On section 37—meetings of shareholders to consider compromise:

Hon. Mr. BEIQUE: There is a small change in this section, but the effect is the same.

Section 37 was agreed to.

Sections 38 to 42, inclusive, were agreed to.

Hon. Mr. BELCOURT: The only section that stands is No. 14.

Hon. Mr. BEIQUE: Yes, that is the only one.

Progress was reported.

## PRIVATE BILL

### SECOND READING

Bill 54, an Act to incorporate Pine Hill Divinity Hall.—Hon. Mr. Logan.

## EXCISE BILL

### SECOND READING

Hon. Mr. BELCOURT moved the second reading of Bill 48, an Act to amend the Excise Act.

He said: Honourable members, this Bill to amend the Excise Act has various objects in view. The main object is to enable preventive officers to administer oaths and to make quasi-judicial inquiries in connection with the Excise Act. The provisions in this respect are similar to those contained in the Post Office Act; in fact they have been taken from the Post Office Act, and are inserted in this Bill in much the same language.

The Bill also provides for the imposition of some additional penalties. Other provisions relate to administration, and the manner of

dealing with goods in bond. If honourable members will look at the notes on the right hand page of the Bill they will find there all the information needed in order to appreciate thoroughly the different provisions.

Hon. Mr. WILLOUGHBY: It is simply stiffening up the provisions of the Act.

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

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Belcourt, the Senate went into Committee on the Bill.

Hon. Mr. Copp in the chair.

On section 1—power to examine on oath:

Hon. Mr. BARNARD: I should like to ask the honourable leader of the Government whether it is the intention under this Bill to conduct merely departmental inquiries amongst the officials, or whether any business firm can be hauled before the officials of the Department and made to give evidence on oath?

Hon. Mr. BELCOURT: Within the wording of the section, an examination may be conducted under oath by the preventive officers, but only for the purpose of inquiry. The preventive officer who carries on the investigation will have to submit to the Department the evidence he has taken and whatever recommendation he may desire to make; but the Department is not bound by that.

Hon. Mr. BARNARD: This may develop nto a sort of Star Chamber inquiry into the ousiness of any commercial concern in the country.

Hon. Mr. BELCOURT: My honourable friend will notice that there is nothing new in this. There has been provision for this in the Statute, and such work has been carried on for years. What is now proposed differs from the present law only in the provision that the preventive officer may put witnesses under oath.

Hon. Mr. WILLOUGHBY: Without a charge being laid, he will simply walk into a factory and demand to see the books and everything else, and forthwith institute an inquiry.

Hon. Mr. BELCOURT: Yes, but he had that right before. In this instance he is given power to administer an oath to the parties.

Hon. Mr. WILLOUGHBY: And he may call witnesses right on the spot. In other words, he may hold an inquiry under oath at the time of his visit.

Hon. Mr. BELCOURT: Yes. I think the propriety of this disposition is self-evident: if he were not able to carry on the inquiry at that moment he might never be able to carry it on, because the books and other records might be made to disappear.

Section 1 was agreed to.

Sections 2 to 10, inclusive, were agreed to.

The Bill was reported without amendment.

THIRD READING

Hon. Mr. BELCOURT moved the third reading of the Bill.

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

## PRIVATE BILL

SECOND READING

Bill 52, an Act to incorporate Consolidated Fire and Casualty Insurance Company.—Hon. Mr. Blondin.

## ALBERTA CRIMINAL PROCEDURE BILL

SECOND READING

Hon. Mr. BELCOURT moved the second reading of Bill 123, an Act respecting Criminal Procedure in Alberta.

He said: Honourable members, this measure has been introduced at the request of the Attorney General of Alberta. Section 1 has for its purpose the confirmation of an Order in Council regarding procedure. The Order in Council, which was passed on the 29th of May, 1929, declared inapplicable certain provisions of the procedure in criminal matters which prevailed prior to the Autonomy Act, as I understand it. The purpose of Section 2 is merely to make the procedure fit in with the rest of the procedure in the province. There seems to have been no discussion about this in the other House.

Hon. Mr. WILLOUGHBY: A judicial interpretation of the word "other" caused embarrassment. I happen to have read the case.

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

THIRD READING

Hon. Mr. BELCOURT moved the third reading of the Bill.

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

## MARINE DEPARTMENT BILL

### SECOND READING

Hon. Mr. BELCOURT moved the second reading of Bill 126, an Act respecting the Department of Marine.

He said: Honourable senators, the observations I am about to make are applicable to three Bills namely, Bill 126, an Act respecting the Department of Marine, Bill 127, an Act respecting the Department of Fisheries, and Bill 128, an Act to amend the Salaries Act. Honourable members are no doubt aware that a new Department of Fisheries is created under these provisions. The Department of Marine will continue to exist, but certain of its powers and jurisdiction are to be handed over to the new Department of Fisheries; hence Bill 127. The purpose of Bill 128 is merely to provide a salary for the Minister of the new department. Honourable members will see that the salary of the Minister of Marine is $10,000, and that of the Minister of Fisheries is also $10,000.

Right Hon. Sir GEORGE E. FOSTER: A department is to be created?

Hon. Mr. BELCOURT: Yes.

Right Hon. Sir GEORGE E. FOSTER: Is one of the unnecessary old ones to be abolished?

Hon. Mr. BELCOURT: As I understand, the old department does not disappear, but some of its powers are handed over to the new department, which, I understand, will be concerned mainly with fisheries questions.

Right Hon. Sir GEORGE E. FOSTER: It was mooted in the public press that there would be an amalgamation of some other departments, so that there would be no increase in the number.

Hon. Mr. BELCOURT As I understand, the Department of Marine, while deprived of part of its jurisdiction, is to be given control over certain matters that previously were under various departments. For example, I understand that all dredging will come under the authority of the Minister of Marine, and that the Departments of Public Works, and Railways and Canals, and perhaps another department, which formerly had certain jurisdiction in this matter, will no longer have anything to do with it.

Hon. Mr. FORKE: I think the statement was made in another place by the Prime Minister that there would not be an increase in the number of departments. I think the Department of Immigration will disappear, through amalgamation with some other department.

Right Hon. Sir GEORGE E. FOSTER: But I do not notice any legislation coming from the Government for the purpose of carrying out the Prime Minister's promise. Is that legislation to be held over for certain reasons?

Right Hon. GEO. P. GRAHAM: Honourable senators, I cannot interpret that phrase "certain reasons," which my right honourable friend has in his mind, but it is well known that the natural resources are being transferred to the Western Provinces, and the bulk of immigration matters will be handled by the provinces. The statement was made that the Department of the Interior will probably disappear, by being amalgamated with some other department, and it is not probable that legislation will come before—I imagine I could say before Parliament is dissolved, but I will say, instead, before prorogation.

Right Hon. Sir GEORGE E. FOSTER: I imagine it would be the part of wisdom to hold these Bills over till the other legislation comes forward.

Right Hon. Mr. GRAHAM: No, I do not think so. We ought to put the legislation through now. There is considerable detail connected with the handing over of the resources, the transferring of departmental staffs, and one thing and another like that. As a matter of fact, the Bills providing for the handing over of the resources to the provinces will not become law until they are signed by His Excellency, but they were passed here yesterday. In like manner, I think, we should put through the present Bills.

Hon. Mr. BELCOURT: My right honourable friend (Right Hon. Sir George E. Foster) will notice that these Bills are not dependent in any way upon what may be done in the way of amalgamating other departments. I think these measures before us must be considered independently, and I do not see any reason for delaying the final consideration of them.

Right Hon. Sir GEORGE E. FOSTER: It was just a suggestion by way of caution.

Right Hon. Mr. GRAHAM: A precautionary measure.

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

Hon. Mr. BELCOURT: Is there any objection to the third reading now?

Right Hon. Sir GEORGE E. FOSTER: No.

THIRD READING

Hon. Mr. BELCOURT moved the third reading of the Bill.

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

## FISHERIES DEPARTMENT BILL

SECOND READING

Hon. Mr. BELCOURT moved the second reading of Bill 127, an Act respecting the Department of Fisheries.

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

THIRD READING

Hon. Mr. BELCOURT moved the third reading of the Bill.

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

## SALARIES BILL

SECOND READING

Hon. Mr. BELCOURT moved the second reading of Bill 128, an Act to amend the Salaries Act.

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

THIRD READING

Hon. Mr. BELCOURT moved the third reading of the Bill.

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

## FOOD AND DRUGS BILL

SECOND READING

Hon. Mr. BELCOURT moved the second reading of Bill 125, an Act to amend the Food and Drugs Act.

He said: Honourable members, this Bill is a very simple one. It is merely for the purpose of enabling the Department to appoint analysts under the provisions of the National Health Act, apart from those now employed in the Department. A reading of the section shows exactly what is meant. The new words are underlined.

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

THIRD READING

Hon. Mr. BELCOURT moved the third reading of the Bill.

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



## FISH INSPECTION BILL

SECOND READING

Hon. Mr. BELCOURT moved the second reading of Bill 134, an Act to amend the Fish Inspection Act.

He said: Honourable members, this Bill also relates merely to a matter of procedure. It is for the purpose of removing any doubt as to whether inspecting officers have authority to inspect containers before they are moved into the channels of trade.

Honourable members will notice that section 1 provides:

> This Act shall apply to pickled herring, alewives, mackerel and salmon, other than mild cured salmon, and the containers used—

And the words to be added are:

—or intended to be used.

These words were added in the other branch of Parliament, and there appears to be no reason why they should not be approved of here. It will be observed that, though they were introduced into section 1, they were not included in section 2. Manifestly they should be inserted.

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

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Belcourt, the Senate went into Committee on the Bill.

Hon. Mr. Copp in the Chair.

Section 1 was agreed to.

On section 2—extension of application of Act:

Hon. Mr. BELCOURT: I move that the words "or intended to be used" be inserted after the word "used," in the fifth line of this section.

The proposed amendment was agreed to, and the section as amended was agreed to.

Section 3, the preamble, and the title, were agreed to.

The Bill was reported as amended.

THIRD READING

Hon. Mr. BELCOURT moved the third reading of the Bill.

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

## NATIONAL PARKS BILL

### SECOND READING

Hon. Mr. BELCOURT moved the second reading of Bill 135, an Act respecting National Parks.

He said: Honourable members, this is a Bill of some importance, as it deals with the establishment, control and conduct of national parks. With the permission of my honourable friend opposite (Hon. Mr. Willoughby), I should like to move the second reading now and to have the Bill sent to Committee. The Committee might immediately report progress and ask leave to sit again, and we could take it up some other day.

Hon. Mr. WILLOUGHBY: That would be quite agreeable. The Bill is a very important one, and contains new and drastic legislation.

Hon. Mr. BEAUBIEN: Will the honourable gentleman give some explanation as to the general purport of the Bill?

Hon. Mr. BELCOURT: As I said a moment ago, the Bill provides for, among other things, the establishment of parks in addition to those already in existence. A great many have been established, especially in the West, and I understand that it is unlikely that many new ones will be created in the future. Possibly further parks will not be necessary. However, there are provisions looking to the establishment of other parks in the future if they are required. The main purpose of the Bill is to provide for the policing, conduct, and control of the different parks. My honourable friend will understand that the parks are excepted from the jurisdiction of the provinces, and are administered, policed, and managed by the federal authorities. That means that provisions for policing have to be devised and enforced. The cost of the parks so far is estimated at $2,000,000 annually.

There has grown up in connection with some of the parks, perhaps all of them, the practice of forming local advisory committees. They have no executive powers and no functions that they can exercise with any kind of sanction. They are limited to advising the Department as to local conditions, and local desires or suggestions. The management is left entirely in the hands of the Department at Ottawa, and the whole responsibility, of course, is borne by the Department. The recommendations of these advisory committees have been considered, and have been carried into effect when they appeared reasonable to the administration.

Hon. Mr. GRIESBACH: I should like to ask my honourable friend if he would be good enough to put himself in a position to answer this question to-morrow. I am sure he cannot answer it now. Jasper Park and Banff Park are not being brought into existence by this legislation, but have existed for many years. I am informed, however, that the areas as formerly existing and those set out in this Bill are different; that territory has been lopped off. I should like the honourable gentleman to put himself in a position to tell us to-morrow what area has been lopped off these two parks, and to give us the legal description. I think something like a township has been taken off at one end or the other. The description will not be intricate. I ask this in order that we may know in what respect the parks will differ in the future from what they have been in the past.

Hon. Mr. BELCOURT: I wonder whether my honourable friend would find in the information that I have in my hand a complete answer to the question he has just put. I have here a statement giving the present area of the existing parks—

Hon. Mr. GRIESBACH: Yes, but if the honourable gentleman will secure the information to answer my question it will be intelligible, whereas if he asks us to compare three or four pages of description with three or four other pages of description we shall not be any the wiser.

Hon. Mr. BELCOURT: I said I wondered whether my honourable friend would be satisfied if I gave him the actual area.

Hon. Mr. GRIESBACH: No. It would not be intelligible to me, and I am sure it is not to the honourable gentleman himself.

Hon. BELCOURT: Then I will not trouble the House with the information.

Hon. Mr. WILLOUGHBY: Perhaps a map showing the present area and the diminished or increased area would be best.

Hon. Mr. BELCOURT: I doubt that I can get that for to-morrow.

Hon. Mr. GRIESBACH: It is not a difficult matter. There is a legal description of Jasper Park and Banff Park on page 10 of the Bill. What has been taken off is a tier of sections, or a township, in width. All I desire is to know what it is, so that I may go to the map and see for myself.

Hon. Mr. BELCOURT: Would not my honourable friend prefer the suggestion made by the leader on the other side?

Hon. Mr. GRIESBACH: Yes, but that would take longer.

Hon. Mr. BELCOURT: My honourable friend would have to do it himself.

Hon. Mr. WILLOUGHBY: I should think one of the men in the Department could fix up a map in half an hour.

Hon. Mr. BELCOURT: I should not like to undertake to do it in half an hour.

Hon. Mr. WILLOUGHBY: I do not mean that the honourable gentleman should do it.

Hon. Mr. BELCOURT: I do not think anyone could undertake to do it in half an hour.

Hon. Mr. WILLOUGHBY: It would be only the fringes.

Hon. Mr. BELCOURT: It may have been done already.

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

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Belcourt, the Senate went into Committee on the Bill.

Hon. Mr. Copp in the Chair.

Progress was reported.

## DIVORCE BILL (ONTARIO)

SECOND READING

The Senate resumed from yesterday the adjourned debate on the motion for the second reading of Bill 20, an Act to provide in the Province of Ontario for the dissolution and the annulment of marriage.

Hon. HANCE J. LOGAN: Honourable senators, this is one of the rare occasions upon which I find it necessary to differ from my distinguished colleague and room-mate, the honourable gentleman from North York (Hon. Sir Allen Aylesworth) upon any question before the Senate, but I feel he is wrong in his ideas with regard to this Ontario Divorce Bill. It may be that he is not entirely aware of what has been happening in divorce matters in the last few years. When there were only ten or fifteen divorces a year before Parliament the problem was not very serious.

Hon. Mr. WILLOUGHBY: Four in the first two years.

Hon. Mr. LOGAN: There were four in the first two years, the honourable gentleman says. But this year we have before us 322 applications, of which 271 are from the Province of Ontario, and 178 of those are from the City of Toronto. We are now faced with a condition that, I submit, must be remedied in order that the affairs of Parliament may be carried on. If the Bill is not passed, we shall probably have 400 or more applications next year. Where is the thing going to end? Are we sent here simply to adjudicate upon some of these miserable divorce affairs, or are we supposed to legislate for the general benefit of the country?



I submit, honourable members, that it is not fair that the work of hearing and deciding upon these divorce applications should be placed upon a very few members. As we all know, there are honourable members in this Chamber who will not sit upon the Divorce Committee, some because of conscientious scruples, and others for other reasons. The work of considering divorce applications for the provinces of Ontario and Quebec is handled by five honourable members from Ontario, four from New Brunswick, one from Nova Scotia, two from Manitoba, one from Alberta, one from Saskatchewan and one from Prince Edward Island.

In the Province of Nova Scotia we have our own Divorce Court, and the same is true of every other province with the exception of Ontario and Quebec. The members of the Divorce Committee are compelled to sit hearing cases throughout the session of Parliament, and even during part of the recess. I was called back a week or more before the last recess was over, in order that I might take part in this work.

The honourable gentleman from North York (Hon. Sir Allen Aylesworth) paid a high compliment to the Divorce Committee. For this I desire to thank him, on behalf of the other members of the Committee as well as for myself. But I submit that it is not a question of the competency of the tribunal. This Bill or a similar one to give a Divorce Court to Ontario has passed this House on four occasions. The present measure was recently approved in another place, after having been debated almost ad nauseam. Apparently all the amendments that could be thought of were moved, but in spite of these obstacles the measure went through. The Bill was sponsored not by the Government, but by an independent member, and it was passed by a non-partisan majority. Now it is sent to us, in order that we may pass or reject it.

I shall not discuss the Committee; that would be an attempt to paint the lily, after what has been said by the honourable member from North York. But I want to refer to one or two fundamental matters that I think are not right, with regard to the present system. For instance, the ruling of the Chairman of the Divorce Committee upon a question of law is final; there is no appeal when he decides that certain evidence shall not be admitted, for example. The happiness of

one or the other of a married couple may be marred for all time to come by such a ruling, but there it is, and no appeal lies. Such a condition does not obtain in the courts.

I believe that, with the exception of Ireland, there is no other place in the world where divorce cases are tried by Parliament. The United Kingdom, from which we take our parliamentary examples, did away with this procedure seventy-five years ago. There has not been any agitation in the Mother Country to restore trial of divorce by Parliament; it is taken as a matter of course that the parties in these cases should be heard before a regular court of law.

There are many serious objections to the trial of divorce cases by Parliament, but I shall refer to only two or three of them. In the first place, I consider that there is too much publication involved in the present system. The honourable gentleman from North York (Hon. Sir Allen Aylesworth) said that there would be more publicity if the jurisdiction were transferred to the courts, but I submit that he is wrong there. In the Province of Nova Scotia, as I have already stated, we have had a divorce court presided over by a judge. Cases are tried there in camera; there is never a word printed. Under our system of parliamentary divorce we begin by holding a meeting of the Committee, to which every member of the Senate or the other House is invited. There at the very beginning is publicity to the extent of nearly 350 persons. The evidence is taken by shorthand writers and transcribed, thereby becoming known to those who are engaged in that work. Then the evidence is sent to the Printing Bureau and handed to compositors; and later it goes through the hands of the proofreaders. We are compelled to print every word of the evidence, nauseating and disgusting though it often is. Then this printed evidence is attached to a Bill and put into the hands of the 96 members of this Chamber and the 245 members in another place. In addition, there are about 50 copies printed for certain purposes, as a number have to be distributed among the solicitors for the parties. In all, about 400 copies of the evidence are printed in each case. Honourable members can imagine the extent of the publicity given to divorce cases by this method of procedure when they bear in mind that there will be distributed this year 400 copies of the evidence in each of 322 cases; which will mean the distribution of more than 128,000 copies.

Some honourable members may say that they do not read the evidence, but throw it into the waste basket. They should not throw it away, for it is part of a Bill of Parliament upon which they have to vote. The procedure of passing these Bills "on division" is a camouflage that should be done away with. The Bills should be given careful attention, in common with any other measure that is introduced in the House. However disgusting the evidence may be, it is the duty of honourable members to read it.

The evidence in these cases is broadcast by members of Parliament all over Canada. It cannot be denied that many members give copies of the divorce evidence to their constituents. Ten or fifteen years from now the proceedings in some one of this year's divorce cases may be thrown into the face of an innocent child of a marriage that has been dissolved. Indeed, the future life of any member of the families involved might be embarrassed in this way. Contrary to the opinion of my distinguished colleague, I consider that the publicity that results from our present system is of the widest possible character. Contrast this with the condition that would exist if the cases were tried in court. There would be no intention of permitting the publication of divorce evidence by newspapers, and that could be prohibited by legislation, if the legislation necessary for that purpose does not already exist.

Hon. Mr. WILLOUGHBY: It is there, all right.

Hon. Mr. LOGAN: It is not intended that divorce cases should be tried in court in the presence of numerous bystanders, but, I repeat, if necessary we could pass legislation providing that the proceedings be in camera. In a court of law the evidence would be taken by a judge. There would be, of course, a stenographer, who would take the evidence, and the judge would have a transcript made if he so desired, but that would be the extent of the publicity; there would be no 400 copies distributed all over the country.

In the Province of Nova Scotia, with a population of about 500,000, there are, on the average, 25 divorce cases tried every year. Ontario has about 3,000,000 people, and if the same ratio with regard to divorce cases applied, there would be in that province only about 150 cases annually. But, as I have already said, there are 271 applications from Ontario this year, and, in addition, there are a large number of people in Ontario who receive so-called divorces from United States courts. Hundreds of people are living in Ontario to-day in open adultery, as a result of divorces granted in the United States to persons domiciled in Canada.

The honourable member from North York (Hon. Sir Allen Aylesworth) stated that the present system is probably no more expensive to the parties than a court trial would be. Well, this year 178 petitioners with their counsel and witnesses have to come from Toronto to Ottawa, at very heavy expense over and above the parliamentary and legal fees. It might be mentioned, in this connection, that nearly every petitioner has a solicitor in his or her own city, and is obliged under our rules to have also an agent in Ottawa, who is generally another lawyer. The honourable gentleman said the situation would be different if the effect of the Bill were to make it unnecessary for petitioners to come from the Eastern and the Western Provinces. But the fact is that it is only about 800 miles from Nova Scotia to Ottawa, whereas some of the western parts of Ontario are 1,200 miles away.

The honourable gentleman said:

> If this measure is passed, divorce becomes a matter of legal right. Any man or woman who deems himself or herself entitled to divorce, on the evidence possessed, would then have a right to go to the court and demand a divorce, just exactly in the same way that a man who has a debt owing to him may go to the court and demand payment. But as it is now, the granting or withholding of divorce is no matter of right to any citizen.

But I submit, honourable senators, that every Canadian citizen has a right to petition Parliament for relief. So far as I know, there has never been, since Confederation, a case in which a petitioner was refused a hearing if he conformed with all the rules. We could not refuse to hear a petition, but judges could make very strict rules for the exclusion of evidence, so that it would be much more difficult for a petitioner to have his application granted. In one province a judge will not admit the evidence of detectives at all. Wherever that rule was applied it would prevent a number of cases from going through. There are other ways in which the courts could lessen the number of divorces by tightening rules. But so far as the Senate is concerned, every honourable member knows that a citizen has the right to apply for relief by way of petition.

In addition to the objection as to publicity there is the objection—and I think it should appeal to every man in this Chamber, of whatever sect he may be—that when a divorce case comes before the Senate Committee all that we can do under the provisions of the British North America Act is to cut the knot. Quite often I hear honourable gentlemen discussing divorce. I wish they would attend our Committee. They would be very peculiar men if, having done so, they were not cured of some of the ideas they have. I have seen cases—many of them—of women, pure women, good women, with large families, in which, after the marriage was dissolved, they have had to walk out of our court to face the world alone and unassisted in their efforts to secure a livelihood for themselves and their children. A women comes from, say, Toronto, and makes an application for divorce; she proves her case to the hilt, proves that the man is a miserable reprobate: we grant her a divorce, she goes back to Toronto, and before she can secure any provision for herself or her children she has to re-engage her counsel, or engage new counsel, and start an action in a court of law, with all the interminable delays and the huge expense involved. Is it right, honourable members? Is it not cruel? Yet this is what occurs under our present system.

We are asking you to give a court to Ontario in order that justice may be done, particularly to the women and children. It is not right that they should be thrown on their own resources when the husband will not do anything for them. In Nova Scotia, under the law as we have it there, a judge can say to the guilty man in the case, "You must furnish a certain amount for this woman by way of alimony, and you must provide for your children." That is as it should be. If the woman is at fault, before the man can secure a divorce he should be compelled to see that his children are properly provided for and given a certain share of his estate. Even then the divorce is not granted on the spot: three months must pass before a decision is given, during which time the parties may be able to get together again.

These, honourable members, are some of the reasons why I am supporting the proposal to establish a divorce court in the Province of Ontario.

We know that in the Province of Quebec there is considerable feeling against such a court, but we are not asking for the establishment of a court in that province. The number of divorces is increasing very rapidly in the Province of Quebec. Four years ago there were only four or five cases from that province; this year there are 51. This shows a very large percentage of increase within a very few years. Within a year or two we shall probably have a hundred cases from the Province of Quebec, which will be quite sufficient to keep the Divorce Committee busy without hearing 278 or more cases from the Province of Ontario. As I say, the proposal is not to interfere with Quebec, but to leave it as

it is, and to establish a court in the Province of Ontario.

If divorces were heard by a court the applicants, either men or women, would go before a tribunal learned in the law. I do not deny that our chairman is learned in the law, or that the deputy chairmen are learned in the law; but we are not trained in the same way that a judge is in the matter of receiving evidence. In a court the judge would be controlled by the decisions of other courts, in the Motherland and elsewhere. We are controlled by nobody; we do not recognize any authority; you cannot establish any authority over us, because it is an Act of Parliament that is asked for, and we are not bound to recognize what is done by the House of Lords or any other court. We may follow their decisions as a general rule, but we are not bound by them.

If a court were established there would probably be a king's proctor appointed. We have such an official in Nova Scotia. He stands there to watch the case, even if it is undefended, on behalf of society and the public generally, in order to see that there is no collusion, and that these cases are not put through in a desultory way.

As I said before, in the courts cases would be tried in camera, and there probably would be a delay before the decree issued, which would allow for the patching up of the differences between the parties, if that were at all possible.

I do not know that I need delay the House any further. I simply appeal to honourable senators as a member of the Divorce Committee. We are trying to do our duty. It is not a pastime to preside over or sit as a member of that Committee. Anyone who has been on that Committee knows that the novelty wears off in about a week, and that after that it is the old story over and over again until he is tired of the whole business. We do not want to hear any more than we have to; but apparently we are made senators so that we can try these cases instead of attending to the affairs of the country. The Divorce Committee has met throughout the week, even during recesses, in an endeavour to get through the 322 cases that have been placed before us this session. Probably we shall succeed.

After we have heard the evidence, what happens? We make a report to this House, which is supposed to consider the evidence and scrutinize our decisions. Within less than forty-eight hours one hundred cases have gone through this House without having been considered for a single moment. The Bills received the second and third readings without consideration. The whole procedure is a farce. Why carry it on any longer? In doing so we are doing an injustice to a great many people of this country.

I submit that these are good reasons for appealing to you to carry this motion to establish a court in the Province of Ontario, in this way facilitating the carrying on in a regular way of the affairs of the country. The honourable member from Toronto (Hon. Sir Allen Aylesworth) said that this court was not desired. I would call attention to the fact that the Anglican Church of this province has been an opponent of divorce almost from time immemorial, but now it has come to see the true condition of affairs in this country and has passed certain resolutions. I hold in my hand a resolution passed by the Synod last May.

Right Hon. Mr. GRAHAM: And repudiated since.

Hon. Mr. LOGAN: It was passed by a vote of 82 to 12. If it has been repudiated since, I may say that I have in my hand the Montreal Gazette of yesterday, containing a report of the charge delivered by the Archbishop at the opening of the Synod of Huron the day before yesterday. The report to the Gazette reads as follows:

> The present system of divorce, the Archbishop said, was open to four objections: (1) The hearing body is not trained and qualified to sift evidence. (2) The members have not the time, even if qualified, to do this, and take part in the other work of the Senate, so that the work is skimped. (3) The present system simply breaks the marriage tie, and leaves ruin in its trail; makes no arrangements for the children or alimony. (4) Lastly, it is very expensive.
>
> It is proposed to establish a divorce court in Ontario, to be presided over by a competent judge, who would be capable of sifting evidence at leisure, who would have power also to make some arrangements for the child, and all without extending the grounds for which divorce can be obtained. The point at issue is not divorce or no divorce, not the extension of the grounds of divorce: but simply the transference of the question from an unsatisfactory committee to a competent judicial court.
>
> Opposition Is Puzzling
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> "Under such circumstances one cannot well understand the opposition which the proposal has encountered," said the Archbishop. "But now, let me say that the question which has been agitating us is something like a red herring drawn across our course. Whether the divorce is granted by Parliament or by a regular court of law, would probably make no difference in the number of divorces. As Christian people what we need to inquire into above all things is, what are the causes which lead to divorce? If we knew these, there would be a fair prospect of lessening the evil."

That is the opinion of the Archbishop of Huron, given within a very few days, and it is the opinion of the great Anglican Church in the Province of Ontario.

I only wish to say in conclusion that the men most strongly opposed to this Bill are the men who do not sit on the Divorce Committee and who will have nothing to do with it.

Hon. Mr. LYNCH-STAUNTON: The Archbishop says it leaves children and wives without any protection being given them. Will they be any better off when they get to the Ontario courts?

Hon. Mr. LOGAN: Certainly.

Hon. Mr. LYNCH-STAUNTON: There is no provision in the Bill.

Hon. Mr. LOGAN: No, but the court, if established, will have jurisdiction to deal with that matter.

Hon. Mr. LYNCH-STAUNTON: The court will have only the same jurisdiction as the Committee now has.

Hon. Mr. LOGAN: I do not agree with the honourable gentleman in that. In the Province of Nova Scotia and in other provinces they deal with those matters on the spot.

Hon. Mr. LYNCH-STAUNTON: Surely the honourable gentleman knows that the court must have that jurisdiction by statute.

Hon. Mr. LOGAN: They have it by law. We are prevented by the British North America Act from dealing with it in any way.

Hon. Mr. McMEANS: The English Act of 1857, which created the matrimonial and divorce court, conferred very great authority upon the court—in fact, greater authority than existed at common law. If this Bill passes, the Ontario court will have the same powers as were conferred by the English law of 1857. If my honourable friend has any doubt about it, I can refer him to the authorities I have in my hands.

Hon. Mr. LYNCH-STAUNTON: I should have no doubt about it if the Bill applied to Manitoba, or to Saskatchewan or any other province that subsequently came into Confederation; but no English enactment which came into force after 1794 applies to Ontario.

Hon. Mr. McMEANS: But the Bill says that the English law as it existed in 1870 shall apply.

Hon. Mr. LYNCH-STAUNTON: It does?

Hon. Mr. MURPHY: "In so far as it can be made to apply."

Hon. Mr. LYNCH-STAUNTON: That does not confer the right to give alimony, and my opinion is that the Dominion Parliament has no power to award alimony to any wife, either before or after she is divorced.

At six o'clock the Senate took recess.

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The Senate resumed at eight o'clock.

Hon. T. CHAPAIS: Honourable members, this Bill is not a new one. It has been submitted to us before. It has been fought in this House and elsewhere. And those who are conscientiously opposed to divorce are bound to fight it again.

The first time that a Bill of this kind was introduced in this Parliament, eleven years ago, it was stated very frankly by its promoter, Mr. Nickle, later on Attorney General of Ontario, that one of its aims was to "facilitate divorce." That admission can be read in the Debates of the House of Commons of 1919, page 1662.

An additional motive is now alleged. One of the main objects of the present piece of legislation is to relieve Parliament from the crushing and ever increasing burden of divorce bills. And, according to its sponsor's declarations, it is also intended to ensure a better dispensation of justice and of protection to the victims of family wrecks. I do not question the sincerity of the promoters of this Bill. But I say that their motives should not prevail over the great principle involved, over the urgent duty of preventing the accursed evil of divorce from securing a legal footing in the greatest province of this Dominion.

To leave aside all motives and intentions, this is the crucial point of the question. At the present moment divorce has no legal status in two Canadian provinces: Ontario and Quebec. This Bill, if adopted, will introduce the baneful principle of divorce in the laws of one of these; the Province of Ontario, where now it is not to be found. Batches of applications for relief from the matrimonial bond may come year after year to the Senate, from Ontario. But no citizen of that province has a right to obtain a divorce a vinculo by any law enacted therein. If he wishes to break the solemn contract which links his course of life to the course of another life, he is bound to apply to this Parliament for a private bill, which may be granted or refused. Therefore it cannot be maintained, as the promoters of this Bill have attempted to

maintain, that it involves a mere question of jurisdiction, and not a question of principle. To make lawful in one province what has been heretofore unlawful is not simply changing the jurisdiction, but it is changing the law. The wording of the Bill settles that point peremptorily. First, let us read the title: "An Act to provide in the Province of Ontario for the dissolution and the annulment of marriage." Then, Clause 1:

> The law of England as to the dissolution of marriage and as to the annulment of marriage, as that law existed on the fifteenth day of July, 1870, in so far as it can be made to apply in the Province of Ontario . . . . shall be in force in the Province of Ontario.

This is perfectly clear and conclusive, and leaves no room for quibbling nor distortion. This Bill enacts a divorce law for a province that has none.

Let us now enquire about the results of such a change. The result shall be undoubtedly and unavoidably to increase the number of divorces in the Province of Ontario. That cannot be disputed. The experience of all the countries where divorce is flourishing is painfully conclusive. Allow me to remind you of what took place in England after the adoption, in 1857, of the Bill to create a court of divorce and matrimonial causes. A writer tells us that since that date 6,381 decrees absolute for dissolution of the marriage tie had been granted in thirty years, while the total number of divorces by acts of Parliament during two centuries had been only 317. Speaking of the divorce flood which was loosed by the adoption of the law enacted in 1857, Mr. Justin McCarthy, in his "History of our Own Times," wrote these lines:

> The Divorce Act, judging by the public use made of it, certainly must be held to have justified itself in a merely practical sense. It seems to have been thoroughly appreciated by a grateful public. It was not easy after a while to get judicial power enough to keep the supply of divorces up to the ever increasing demand.

Thirty-two years after the adoption of the law creating a divorce court in England, Mr. Gladstone, who had strenuously fought that legislation, wrote the following:

> Unquestionably, since that time (1857), the standard of conjugal morality has perceptibly declined among the highest classes of this country, and scandals in respect to it have become more frequent. The decline, as a fact, I know to be recognized by persons of social experience and insight who in no way share my abstract opinions on divorce. (Lathbury's "Letters on Church and Religion of W. E. Gladstone," Vol. II, p. 362.)

One of those persons mentioned by the Grand Old Man may possibly have been the first judge of the new divorce court, Sir Creswell Creswell, who was formerly a pronounced advocate of the statute of 1857 which created it. These were the words uttered by him:

> I have been taught a lesson of experience. I have come to the conclusion that it is better for society to treat the marriage as indissoluble, considering it merely as a social question. (Divorce in America, p. 56.)

Let us now turn to the neighbouring country, the United States. We find in a very interesting book entitled "Divorce in America" these appalling figures:

The following table shows the increase (of divorces) for fifty years, in ten-year periods:

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|---|---|
| Ten years ending Dec. 31, 1876. | 122,121 |
| Ten years ending Dec. 31, 1886. | 206,595 |
| Ten years ending Dec. 31, 1896. | 352,263 |
| Ten years ending Dec. 31, 1906. | 593,362 |
| Ten years ending Dec. 31, 1916. | 975,728 |
| Total.. .. .. .. .. .. | 2,250,069 |
| Total of persons separated in fifty years.. .. .. .. .. .. .. .. | 4,500,138 |
| Total of minor children made orphans in fifty years.. .. | 1,689,662 |
| Total of persons bereft or dishonoured in fifty years.. . | 6,189,800 |

We have not got the offical figures for the last two years. But during five years, from 1923 to 1927, the progression has been as follows:

| | |
|---|---|
| In 1923.. .. .. .. .. .. .. .. .. | 165,096 |
| In 1924.. .. .. .. .. .. .. .. .. | 170,952 |
| In 1925.. .. .. .. .. .. .. .. .. | 175,449 |
| In 1926.. .. .. .. .. .. .. .. .. | 180,853 |
| In 1927.. .. .. .. .. .. .. .. .. | 192,037 |

These figures are taken from Whittaker's Almanac for 1930. In the American republic all the different states, except one, have their special divorce courts, and in a great number of them the ratio of divorce to marriage is dreadfully disquieting. During the year 1922 Michigan had one divorce to 5.8 marriages; Kansas one to 5.7; Indiana and Nebraska, one to 5.4; Montana, one to 4.3; and in Nevada, the lowest depth was reached with 1,000 divorces to 900 marriages. Having in mind those distressing figures, we can well understand this exclamation of Theodore Roosevelt:

> Divorce is a bane for any nation, a curse on society, and a menace to the home.

Can the promoters of this Bill make us believe that, in Canada, the same causes will not produce the same results? The situation is bad enough in our country concerning the matter of divorce at the present moment. But, if this Bill is passed, you may take it for granted that it will get still worse, and that we shall tumble down the fatal declivity at a most dangerous speed. Could we not read in our newspapers, a few months ago,

a statement asserting that five or six hundred expectant "divorcees" were waiting for the adoption of this Bill by the Parliament of Canada, to apply for "relief" before the new divorce jurisdiction? They were biding their time in the hopeful anticipation that this benevolent Parliament would adopt the law to facilitate divorce, to lower the fence, to open a new and more convenient road, a smoother and wider highway leading to that priceless boon: the breaking of their matrimonial vows and the irretrievable destruction of their home.

In the Province of Ontario as elsewhere, you may be sure that a great many people are not prone to come here and face the parliamentary committees in order to unbosom their ugly stories in the presence of that imposing and awe-inspiring array of parliamentary judges. It could be safely asserted that whole classes of our population as a rule do not feel inclined to seek in our solemn halls the redress of their conjugal grievances. But give them access to their familiar courts of justice, tell them that they can go there whenever they like to state their matrimonial complaints and you will see the rush. I venture to assert that within twelve months, if this Bill becomes law, the two hundred and seventy actual applications for divorce before this Parliament will have been disastrously multiplied to the ominous figure of seven or eight hundred cases before the courts of Ontario. To use the words of Justin McCarthy, it will not be easy, after a while, to get judicial power enough to keep the supply of divorces up to the ever increasing demand. The facilities, I would rather say the allurements, of the two jurisdictions are not to be compared. No, it cannot be denied; to enact this Bill is to enact a premium on divorce. It is to make it more accessible, more easily reached, more conveniently obtained, more instrumental in lowering the social standard.

Of course, if you believe that divorce is a good thing, that it is an institution conducive not only to individual happiness but also and mainly to social progress, I have nothing more to say, and I can readily understand the strenuous efforts to bring it nearer the reach of the masses. But those who firmly believe that Christ has taught the indissolubility of marriage; those who have an undying faith in the dictates of the greatest Lawgiver who ever came into this world, and in His omniscient and divine wisdom; those who acknowledge that marriage is the most sacred and the most inviolable of human contracts, and that its desecration and widespread violation would be the death-knell of the family, and consequently the most powerful agent of social disintegration; all those would commit a crime against the soul of the nation if they should vote for such a Bill.

I need not attempt to demonstrate once more the dissolvent and deleterious action of divorce. History teaches us that it was one of the main causes of the decline of the Roman Empire. When Rome had conquered the world, easy and shameless divorce conquered Rome. The breaking of the marriage tie became more and more generalized, until the day when a Roman philosopher, Seneca, could write that some Roman women reckoned their years not by the number of consuls but by the number of their husbands. The Latin poet Martial spoke of a woman "who had already arrived at her tenth husband." But the most extraordinary recorded instance of this kind is related by St. Jerome, who assures us that there lived at Rome a wife who was married to her twenty-third husband, she herself being his twenty-first wife. (Lecky, "European Morals," II, 306). That scandalous laxity struck a deadly blow at the institution of the family in the Roman world; and, in spreading demoralization through all classes, prepared the decay and the destruction of that civilization, once so powerful and so brilliant.

Fortunately the advent of Christianity introduced a new code of morals. The indissolubility of the marriage tie became the law of the Christian nations who succeeded the Roman Empire. And during eleven centuries it stood the test of passion and of conjugal unfaithfulness. In England there was no such thing as legal divorce, and it was only during the seventeenth century, in the reign of Charles the Second, that the first bill of divorce was passed. We have seen what have been the sad results of the creation of the Court of Divorce and Matrimonial Causes in 1857.

In France there was no divorce law until the year 1792. Then during the frightful and bloody cataclysm which shook the foundations of the State, divorce was introduced into French legislation. And its evil influence was immediately felt in the most disastrous way. Three years after, in Paris, the number of divorces was greater than the number of marriages, and a member of the "Conseil des Anciens" denounced in a speech what he called "the market of human flesh" created by the law of 1792. Under the Government of the Restoration, in 1816, that law was repealed and during sixty-eight years the indissolubility of marriage was recognized by the French civil code. Unfortunately, in 1884, divorce was re-established by the French

Parliament and the muddy divorce tide was up again. In 1886 the number of broken marriage ties was 2,900; thirty-five years later, in 1921, it had reached the figure of 32,557. And I have read in a recent book that in one single day a French judge had rendered 294 divorce decrees.

I have already stated what is the alarming situation of the neighbouring nation in the matter of divorce. It has inspired in an American writer the following lines:

We have reached in divorce the unenviable position of the lowest level of any nation in Christendom, and as our statistics infallibly declare, a lower depth still yawning to devour us opens wide. Serious minded people must ask what shall be the end for their country ten years or fifty years from now. Some actually glory in this "freedom" as "progress." Sane men call it reversion to the morals of darkest Africa. The fact is our national house is on fire. (Divorce in America, page 45.)

Let us now turn to the history of divorce in connection with the framing of our constitution and with the various attempts at legislation on that grave matter in our Canadian Parliament. In 1864, at the Quebec Conference, when the resolutions which were to be the foundation of the British North America Act were discussed, the Fathers of Confederation were faced with the following situation concerning divorce. In Nova Scotia and New Brunswick divorce and divorce tribunals were extant. In the united provinces of Upper and Lower Canada divorce was not part of the civil laws and those who wanted to break their marriage tie had to apply for parliamentary relief through private bills. In such a situation what was to be done? The Province of Lower Canada was against divorce. And it can be asserted that the Province of Upper Canada would not have been favourable to introducing the principle of divorce in her provincial legislation. But, all the same, in two provinces out of five, divorce was in existence, and that fact could not be ignored. The members of the Quebec Conference had to acknowledge it, and to decide where should lie the constitutional jurisdiction over that matter. After discussion they decided that it should lie in the Federal Parliament. And the following reason was given by a member of the Canadian Government during the debates on the Quebec resolutions. On the 21st February, 1865, Mr. Langevin, Solictor General of Canada, made the following declaration:

Let us now examine the question of divorce. We do not intend either to establish or to recognize a new right; we do not mean to admit a thing to which we have constantly refused to assent. But at the conference the question arose which legislature should exercise the different powers which already exist in the constitutions of different provinces. Now among the powers which have been already and frequently exercised is this of divorce. As a member of the conference, without admitting or creating any new right in this behalf, and while declaring, as I now do, that as Catholics we acknowledge no power of divorce, I found that we were to decide in what legislative body the authority should be lodged which we found in our constitutions. After mature consideration, we resolved to have it in the central legislature, thinking thereby to increase the difficulties of a procedure which is at present so easy. . . . . We found this power existing in the constitutions of the different provinces, and not being able to get rid of it, we wished to banish it as far from us as possible. (Debates on Confederation, 1865, p. 389.)

It was thus decided that the matter of divorce should be under the jurisdiction of the Federal Parliament. On the first of July, 1867, the new constitution came into force. And as early as 1870 this jurisdiction was resorted to. Sir John A. Macdonald introduced a Bill relating to the Court of Divorce and Matrimonial Causes in New Brunswick. It did not aim at creating a new court, but it was merely intended to provide for a more convenient organization of the existing tribunal. Nevertheless that Bill raised a parliamentary storm. A motion was made to abolish the New Brunswick divorce court instead of providing for its reorganization, and Sir John Macdonald felt compelled to withdraw his Bill.

Five years later, in 1875, Mr. de Cosmos, a member of the House of Commons for the city of Victoria, proposed the creation of divorce courts in the provinces. The Hon. Alexander Mackenzie, then Prime Minister of Canada, expressed the hope that the member for Victoria would not press his motion. He made the following declaration:

It is proposed to establish a court which a great number of persons are opposed to. And although I have personally no objection to the establishment of such courts, at the same time I do not desire to afford additional facilities for obtaining divorces, and I hope that the resolution will be withdrawn.

Following Mr. Mackenzie, Sir John Macdonald, who was then leader of the Conservative Opposition, spoke strongly against the same motion. He said:

So far as my own personal view is concerned, I would vote against the resolution, for there is no reason why we should establish courts of divorce in Canada. . . . . While divorce is not prohibited in Canada, and while parties to domestic misery and unhappiness might obtain relief, nevertheless under the present system no encouragement is given to those cases, and I would be very sorry to see any tribunal established which might be the means of inviting other dissatisfied couples to apply for divorce. (Debates, 1875, p. 859.)

The De Cosmos resolution was rejected by 134 votes to 5.

In 1888, Mr. Jones, of Halifax, asked in the House of Commons if "honourable gentlemen in this House might be brought to consider the proposal whether the time had not arrived when it would be better, in the interest of the country at large, that we should be able to establish a divorce court to dispose of these questions." Sir John Macdonald once more put himself on record against such a proposition, and he made this declaration:

I am opposed to a divorce court. I think it would be a great misfortune for Canada to have that established. . . . . Of course, as our population increases, we have more divorce cases, but they are very few and far between as compared with those which would certainly crowd our court if it were once established. That has been the experience of England, and of those who once strongly supported the establishment of that court, and the transfer of the trial of these divorces from the Legislature to the court, very many have seriously repented their advocacy of that measure, because the number of divorces, the corruption of society and the number of collusive trials are increasing, to the annually increasing degradation of the public mind. (Debates, 1888, II, p. 1414.)

During the same discussion another prominent political man and jurist, Sir William Mulock, now Chief Justice of Ontario, took a similar stand. He said:

I think the facility with which divorces are granted in England and in other countries does go a long way to interfere with the sacredness of the marriage tie. There is no reason that justifies, in my opinion, the establishment of a divorce court for the Province of Ontario. Divorce courts do exist in certain others of the provinces. If it is sought to harmonize legislation, that may be a reason for all these cases being brought before Parliament, but it does not supply a reason for adopting the suggestion made by my honourable friend. (Debates, 1888, II, p. 1416.)

After a great many years, the question was brought again—not exactly in the same manner—before the House of Commons. In 1914, and in 1916, a noted member, Mr. Northrup, submitted a resolution in connection with the jurisdiction of Parliament over divorce cases. And on that occasion Sir Wilfrid Laurier made the following statement:

For my part I rather agree with the statement made by my hon. friend the Minister of Justice that up to this time the law does not know divorce, and that we had better stand by that position. . . . . It is true that there may be an injustice done to somebody by the procedure that we have at the present time. There is no law that we can make of any exceptional nature at all which will not work some injustice upon some individual. On the whole, however, such laws are for the benefit of the State, and I believe that it is for the benefit of the State that we have no divorce law. . . . . I believe that we had better remain where we have been for the last forty years in this Confederation, and that the Canadian law should continue to ignore divorce as it has done heretofore. (Debates, 1914, p. 840-41.)



Sir John Macdonald, Alexander Mackenzie, Sir William Mulock, Sir Wilfrid Laurier, these are great names, and the authority of these renowned parliamentarians is not to be despised.

I need not recall the later attempts, made during the last decade, to introduce in Ontario a divorce court. They have all failed till the present day. And a most remarkable thing is that, save one exception, these attempts never came from the province most directly concerned, but almost always from other provinces. For my part I should not like to participate in such a move. I admire the Province of Ontario, with her great resources, her thriving population, her splendid institutions of science and learning, her flourishing and powerful industries. I consider that every Canadian should be proud of it. But the more I admire that great province, the more I feel that I should betray that admiration, betray the vital interests of Ontario, if I were to acquiesce in this Bill, which would strike a dangerous blow at the queen of Canadian provinces.

I will go further. Even if the Province of Ontario came, and on her bended knees asked for such a Bill, I would refuse to grant the request, as I would refuse anyone who would ask me to give him a poisonous fruit, perhaps beautiful in appearance, but none the less containing the morbid germs of death.

We are not called, however, to stiffen our will for such a refusal. The Province of Ontario is not here on her bended knees to ask for this Bill. Voices are heard to the contrary: voices in Parliament, voices outside. One of the greatest organs of public opinion in that province, The Globe, has taken a decided stand against the proposed legislation. Allow me to quote a few of its utterances:

Mr. Woodsworth and his associates are reckoning without their hosts. Ontario is the province concerned. The great majority of the people of Ontario have been reared in the atmosphere of old fashioned evangelical Protestantism. They will have much to say when they learn that facilities for easier divorce are to be foisted upon them at the request of the Senate and at the behest of radical members from the West.

Then another newspaper, The Simcoe Reformer, has made the following statement in connection with this Bill:

The tendency with the establishment of a divorce court in Ontario would certainly be

toward a tremendous increase in divorces. The question resolves itself into this: do the injustices inherent in the present system of parliamentary divorce outweigh the inevitable flood of applications, the consequent lowering of moral standards, and the breaking of homes that would follow the institution of a divorce court? We think not. Whether in Canada, Britain or the United States increased facilities for divorce have inevitably meant increased divorce.

I do not want to detain any longer the attention of this House. But before taking my seat I wish to add that I am not impervious to the argument based on the great inconvenience deriving from the unwelcome bulk of divorce legislation. I see it, and I will not attempt to underrate it. On the other hand, I deem that it would not be right, that it would not be justifiable in any way, to remedy an evil by committing a greater one. In such a matter I have neither the right nor the duty to prescribe. But I am convinced that means could be devised to alleviate, if not to suppress, the inconvenience. If this Parliament were not willing to shut the gates, it could leave them less wide open.

This Senate could make more stringent its rules on these matters. It could perhaps revert to the practice of obliging the petitioner to appear at the bar of the House to be examined under oath, before the second reading of the bill. Moreover, Parliament could make less alluring the aftermath of divorce by prohibiting the remarriage of divorcees, as was once proposed in the American Senate, some eighteen years ago. Other restricting devices could, I am sure, be found. But at all events, by the rejection of this Bill, a great legislative error, a great social evil, a great and lasting wrong against our banner province, would be avoided.

Honourable members of the Senate, allow me to repeat now these eloquent words that were uttered in this House, forty-two years ago, by a noted senator of that time:

> The subject of divorce has not been unnoticed in the public press, but . . . . . let us not slumber under the conscious feeling that no general loosening of moral restraints is to be found in this community. Eternal watchfulness is one of the safeguards of national purity as well as liberty. Let us take precautions in time. We have ample provision to guard against the introduction of contagious diseases, and for treatment should they appear. Surely something may be done towards public safety in respect to a virus worse than leprosy itself regarding its effect on the social condition. It is the province of law in the national life to protect and conserve, and the conservation of morals is a worthy and noble aim. (The Senate's Debates, 1888, p. 59.)

To sum up these too lengthy remarks, I beg to say that whereas divorce is the greatest enemy of the family, and the most dangerous foe of the State; whereas the institution of divorce courts would be the surest means of disseminating the accursed seed of marriage disruption; the present Bill should not become law.

I have therefore the honour to move that this Bill be not now read a second time, but that it be read a second time this day six months.

Hon. J. J. HUGHES: Honourable senators, like many other members of this Chamber, I am not learned in the law. I am one of the class that the distinguished senator from North York (Hon. Sir Allen Aylesworth) said yesterday was best qualified to determine facts, and so I presume it would not be out of place for me very briefly to express my views on this matter.

Hon. Mr. McMEANS: Mr. Speaker, I rise to a point of order. The honourable gentleman from Grandville (Hon. Mr. Chapais) has moved an amendment that this Bill be not now read a second time, but that it be read a second time this day six months. I think the amendment should be read from the Chair, so that we may know what the honourable gentleman is speaking on.

The Hon. the SPEAKER: Honourable senators, the question is on the amendment, that this Bill be not now read a second time, but that it be read a second time six months hence.

Hon. Mr. HUGHES: I rise to a point of order. That motion has not been seconded.

Hon. Mr. BLONDIN: I will second it.

Hon. Mr. HUGHES: When a Bill similar to this one was being considered by this House some one or two years ago, the right honourable senator from Eganville (Rt. Hon. Mr. Graham) stated that to prevent divorced or separated people from re-marrying would do away with 80 to 90 per cent of the applications for divorce. In speaking thus the right honourable gentleman showed that he understood well the real cause of this great and growing evil.

I intended to move an amendment to this Bill that, if adopted, would prevent the remarriage of divorced persons, but the legal adviser of this House told me that such an amendment would probably be declared out of order; that this Bill recognized the principle of divorce; that to prevent remarriage would not be divorce, but separation from bed and board, and that an amendment destroying the principle of a Bill, whether said Bill was bad or good, could hardly be accepted.

I want to refer for a moment to the opinion expressed by the right honourable member from Eganville (Right Hon. Mr. Graham), to which I have already alluded. Whether his estimate of 80 or 90 per cent was high or not, I am not in a position to say. But, as we all know—and nobody knows the position better than the members of the Divorce Committee—many of the applications made to this Parliament come from evil-living persons who wish to legalize their adulterous conduct and immoral unions. That is a very serious fact, which ought to be considered. I regret that, according to what I have been told, it would be out of order to move the amendment I suggest, for I would gladly vote for a Bill of this character if such a provision were included in it. I will go farther and say that I should be glad to vote for a Bill to confer jurisdiction on the Province of Ontario if the provision were made that the guilty party in each case would not be permitted to remarry during the lifetime of the other party to the marriage. I think the Senate ought to take a little time to consider this matter, and we ought not to be forced to a vote to-night.

There are three great fundamental evils in the world, namely, pride, concupiscence of the flesh, and inordinate pursuit of wealth and pleasure, and the history of the world shows that the three are fairly closely interwoven. The history of the world also shows with what severity God punishes these sins, particularly the sins of the flesh. It was these sins that were largely responsible for the deluge that covered the world and destroyed the human race over four thousand years ago, leaving only one just family to re-people the earth. It was these sins, particularly lust, that caused the destruction of Sodom and Gomorrah, leaving only a bitter sea where once stood flourishing cities. It was these sins that were largely responsible for the destruction of all the proud cities, kingdoms and empires of antiquity; and we deceive ourselves if we think that God views these sins with less disfavour now than He did in ages past, and the modern nations are living in a fool's paradise if they think they can escape the consequences of such sins.

To me the ideal legislation would be that which safeguarded the indissolubility of the marriage contract, but made provision for separation from bed and board for reasonable cause. This would leave the door open for reconciliation, whereas divorce bolts and bars the door against any such desirable result, and does great injustice to the children, who are surely innocent. Sensible men and women tell us that the numerous bands of youthful criminals in the United States are largely the children of divorced parents. Could we expect anything else?

When this Bill passes a tremendous responsibility will be thrown upon all the Christian churches of the land to do what they can to stem the great and growing evil of divorce. The Catholic Church will do her duty and will save the bulk of her people from this evil, from race suicide, and the other concomitant evils; but she will not save them all, because some will not hearken to her voice; they will be carried away by their own passions and the spirit of the age in which they live.

To me, nothing more clearly marks the dividing line between the Christian world and paganism than the view the people take of marriage. It may well be a benevolent and humane paganism, in many respects, but it is a paganism nevertheless, and we might do worse than ask ourselves, whither are we going?

Before every session of this House we solemnly invoke the blessing of God on our work. We pray that He may direct and prosper this nation and the commonwealth of nations to which we belong; we pray that His will may be done on earth as it is in Heaven; we ask Him so to order our endeavours that peace and happiness, truth and justice, religion and piety, may be established among us for all generations. And all these blessings we ask through our Lord and Saviour Jesus Christ, and then we do some things that are hardly in accordance with these high and holy thoughts, these noble utterances. But perhaps I do not understand, and wiser men have to carry on the work.

I thought it was my duty to express my sentiments on this Bill. If it can be amended in the way I have suggested, I will gladly vote for it. If that cannot or will not be done, I consider it my duty to vote against the Bill.

Some Hon. SENATORS: Question!

Right Hon. Mr. GRAHAM: Honourable senators, I suppose that anything I may say will not affect the vote on this question nor change the opinion; but holding the strong views that I do, I should be unfair to myself and unjust to the people of Ontario, particularly, if I refrained from making a brief statement.

Undoubtedly there are particular cases where divorces should be granted if there is to be divorce at all. But, after all, the number of people in Ontario—that is the only province affected—who are interested in this divorce mess are comparatively few. We are making almost a national issue out of a matter that

affects a relatively small proportion of the people of this province, and I am not very far astray when I say that the great majority of the people who are so affected are not of the best class. We are spending time year after year in discussing a problem of general legislation to affect a few private cases. On that ground alone it is not good legislation. But I am not going to labour that point.

As a citizen of Ontario I want to say that the majority of the people of that province do not want this legislation. I say that advisedly.

Hon. Mr. McMEANS: They do not want divorce at all, I suppose. They do not even want to have divorces granted by Parliament.

Right Hon. Mr. GRAHAM: I repeat the statement, and I think I have a certain degree of knowledge to justify it, that the majority of the people of Ontario do not want a divorce court. It is evident that they do not, or they would be asking for it.

Hon. Mr. McMEANS: Why do they come here, then?

Right Hon. Mr. GRAHAM: For divorces, not for a divorce court.

If you could make this court applicable only to the city of Toronto, where most of the cases come from, I should not mind having it tried out for perhaps a year; but you are establishing a court and forcing it on the Province of Ontario without any request from that province for such a court, and this action affects every citizen in the province.

What is the real reason for the establishment of this court? Why is its establishment being urged? I have heard only one real reason advanced, and that, I think, is the reason for the Bill, namely, that the Senate is tired of dealing with Ontario divorce cases. We heard a long argument in this House today labouring that point, and in another place one of the chief advocates of the court asked why the Parliament of Canada should do the dirty work for Ontario. Let us be fair. Is not the real reason at the root of this the fact that you want to get rid of the Ontario divorce hearings here? But you cannot get rid of the Committee, because it must be kept established and in working order.

Hon. Mr. McMEANS: I hope my right honourable friend will join it next year.

Right Hon. Mr. GRAHAM: You cannot get rid of it, for there is one province that will not have a divorce court. The Parliament of Canada will not be able to force a divorce court on the Province of Quebec.

Hon. Mr. McMEANS: May I point out to the right honourable gentleman that the majority of the Ontario members of the House of Commons voted for this Bill.

Hon. Mr. LYNCH-STAUNTON: Did they?

Hon. Mr. McMEANS: Yes.

Right Hon. Mr. GRAHAM: On the first vote the majority of the Ontario members were against it, but the rest were—well, I must not say anything about the members in another place—

Some Hon. SENATORS: Oh, oh.

Right Hon. Mr. GRAHAM: But we all understand that great influence was brought to bear, and we know that the majority among the Ontario members was very small.

If it is not to get rid of the hearing of divorce applications here, for what reason are we trying to establish a court in Ontario when it has not been asked for, and when, as I believe, the majority of the people of that province do not want it? What good is it going to accomplish? It is all very well to argue that the Bill merely transfers the jurisdiction. To my mind, if I were to vote for this measure I should be voting for the principle of divorce; I should be voting for divorce to be made easier and more convenient, and, if the arguments we have heard are true, cheaper; in other words, for divorces while you wait. Does the Parliament of Canada want to adopt such a principle? I for one want to have the securing of divorces in this country made more difficult instead of easier.

Hon. Mr. LOGAN: Then vote for the Bill.

Right Hon. Mr. GRAHAM: The honourable gentleman has not listened to the speech of my honourable friend who quoted statistics. The strongest argument advanced by my honourable friend was against getting rid of divorce in the Senate.

I am opposed to divorce and will not vote for anything that to my mind will tend to make divorces easier to obtain. On the other hand, I will vote for everything that I think will make them more difficult.

It is evident that the majority of the people of Ontario do not want this court, and one-fifth of the people of this province are openly opposed to it upon the same grounds—religious grounds—as those on which the majority in the Province of Quebec are opposed to it. Should we not think of these things before we insist upon giving Ontario something that it does not want?

It will be noted that since Mr. Northrup, a few years ago, introduced his measure, which, if I remember correctly, received very little support from anybody, Ontario members have fought shy of the matter.

Hon. Mr. WILLOUGHBY: There was Mr. Boys.

Right Hon. Mr. GRAHAM: That was quite a number of years ago.

Hon. Mr. WILLOUGHBY: It was since Mr. Northrup's time.

Right Hon. Mr. GRAHAM: But on this occasion it was not an Ontario man who introduced the Bill, and I may say that the great majority of those who favour this Bill are not particularly interested in Ontario. So the reason for wishing to give Ontario this court is the desire to get rid of divorces in the Senate.

Now, what will be the effect if a court be established? One gentleman said to me to-day: "Immediately the five hundred Canadians whose applications are pending in Detroit will appeal to our courts." We have no assurance of that, and if we had, I am not so sure that it is an argument in favour of establishing a divorce court in Ontario.

We were told this afternoon that the divorces granted in Detroit have no force nor effect in the Province of Ontario; in other words, that a decree of divorce granted by a court of the State of Michigan has no legal effect in Canada if the marriage was performed in Canada, particularly if the interested parties were citizens of this country. It seems clear to me that if Canadians, after marriage in Canada, really became residents of the United States, the dissolution of the marriage in the States would be perfectly legal; but I was told to-day by a good legal authority, the honourable member for Cumberland (Hon. Mr. Logan), that if those Canadians securing divorces in Michigan come back to Canada and marry again, they are living in adultery. That being the case, I have a suggestion to make. I made it to one gentleman to-day, and he laughed at me, but I am making it in all seriousness. We are about to pass a Bill in Canada, to some extent at the suggestion of another country, in order to make the laws of that country more easily enforceable: we are going to pass an Act prohibiting the bootlegging of Canadian whiskey into a neighbouring country. I should like to call the attention of this House and the Government—for this is something the Government might take up—to this point. I submit that the courts of the United States —I will confine myself to Michigan—are aiding and abetting the bootlegging into Canada of something that is a far greater evil than whiskey. Some person has said that that could not be prevented unless the laws of the State of Michigan were changed. We are changing our law, and I submit to the Government that in their communication with the United States they could call attention to the fact that the courts of that country, in granting divorces that are illegal in Canada, to citizens of this country, are conniving at the violation of our marriage laws.



Some Hon. SENATORS: Oh, oh.

Right Hon. Mr. GRAHAM: The cases are on all fours, but divorce is the greater evil. I urge in all seriousness that the Government should consider this proposal.

Hon. Mr. WILLOUGHBY: There is still time. The treaty is not completed yet.

Hon. Mr. BARNARD: Would my honourable friend suggest holding up the other Bill until negotiations for a treaty along these lines are completed?

Right Hon. Mr. GRAHAM: No.

Some Hon. SENATORS: Oh, oh.

Right Hon. Mr. GRAHAM: I am dealing with the bootlegging of marriages, not of whiskey. In one case we are the receivers, and in the other we are the deliverers.

Hon. Mr. TANNER: We might prohibit the entry.

Right Hon. Mr. GRAHAM: I am very serious about that matter, and I think it is not beyond the bounds of reason that the United States Government would call the attention of its State Legislatures to the fact that by the action of their courts they are corrupting the morals of our people and contravening our laws to a much greater extent than we are contravening theirs through the bootlegging of whiskey to the United States.

When we start to take this divorce court around the country and make divorce more convenient, what will be the result? I cannot but think that the result will be an increase in the number of divorces granted. Already our divorce cases, or whatever you may call them, have developed among both sexes a lot of window-peakers, curtain-lifters, under-the-bed listeners, and crashers into private homes. We learn from the reports of evidence how evidence in these cases is secured. Such evidence should not be accepted unless it is very strongly corroborated. We hear a great deal about how prohibition in the United States has developed just that kind of thing. Being of Irish persuasion, if

there is one thing I detest, it is an informer. If we establish courts we shall have in every community spies and snoopers, and men of means will be liable to blackmail by this kind of people. There will be a certain class in the community who will endeavour to make a living out of the fact that Parliament has been sufficiently weak to impose a divorce court upon the Province of Ontario.

You ask me what is the remedy. My remedy would be this. I would keep the matter of divorce in our own hands, and would tighten up the procedure. We have been too easy in the Senate, and have been inviting divorce. I use the word "inviting" advisedly. I am not blaming the Divorce Committee for this. This House has agreed to every suggestion that has been made. We have a set of rules restricting the time within which applications can be made, and every session, because some fellow comes along in a hurry and wants to get rid of his marriage ties quickly, we extend the time. That is why I say we are inviting divorce. Divorce applications that could not get before the House under the rules—

Hon. Mr. McMEANS: I may correct the right honourable gentleman. The time for receiving of petitions is extended, not for the purpose of inviting further applications, but only where notices have come in and the cases have been set down, but some formality has not been complied with. The extension does not apply to other petitions.

Right Hon. Mr. GRAHAM: Practically it does extend the time; it sets a later date for the sending in of petitions in order that the formalities may be complied with.

Hon. Mr. McMEANS: Oh, no.

Right Hon. Mr. GRAHAM: I submit my statement to the House. Any divorce petition that is not in the hands of the Senate in plenty of time to comply with the formalities is not here in time. What I say does not apply only to divorce bills, for the time is extended for private bills. I think the Senate could reduce the number of applications for divorce very materially by adhering strictly to the rules.

Then, to make things easier, we very charitably hand back their money to many of these people.

Hon. Mr. McMEANS: That is not right. I could show my honourable friend case after case of women who are supporting themselves and their children on $10 a week. Such a woman saves a dollar a week. Gradually her wages are raised until she is receiving $12 a week; then she saves $2 a week, working all the time and looking after her children. Her wages are then raised to perhaps $15 a week, and she saves $3 a week, and finally accumulates enough money, after an extended period of scraping and saving, to pay the fee. She comes before the Committee and proves by affidavit that she is possessed of no property whatever and owns nothing in the world. Then we say that under the circumstances we will refund the fee with the exception of $50, which is the cost of printing. These are cases of extreme poverty, cases which should receive the sympathy of the entire House. I think if the right honourable gentleman would sit on the Committee for some years, as I have done, he would come to a different conclusion about matters of this kind.

Right Hon. Mr. GRAHAM: I will go on now. I would suggest that this poor woman would have been better off if she had used her money for some other purpose. She might have bought clothing for her child. I have heard of cases in which some chap who was interested lent the money to secure the divorce, and because the party of the second part was poor the Committee gave back the money, and she repaid it to him. In any event, this is a small matter. But if people did not feel assured that they had a chance of getting their money back, there would be fewer applications.

Hon. Mr. McMEANS: Would the right honourable gentleman deny the money to that poor, unfortunate woman?

Right Hon. Mr. GRAHAM: That is not the question. Under the rules a fee is fixed, but in very many cases, not confined to such as my honourable friend mentions—

Hon. Mr. McMEANS: Let me correct the right honourable gentleman again. This is not a solitary or extraordinary case, but a very common one. There are dozens of such instances, as I have said. In over 30 per cent of the cases there is extreme poverty.

Right Hon. Mr. GRAHAM: I still say that I am absolutely against anything that makes it easier for anyone to apply for or obtain a divorce.

Hon. Mr. McMEANS: Divorce for the rich man and none for the poor.

Right Hon. Mr. GRAHAM: No; I am against divorce for anybody.

Hon. Mr. FORKE: The rich man gets it.

Right Hon. Mr. GRAHAM: It is generally known that we make it as easy as we can to have the applications presented here. It is not necessary to discuss that part of the question.

Hon. Mr. TANNER: Is that not a very cogent reason for turning the matter over to the courts?

Right Hon. Mr. GRAHAM: No. We can regulate our own procedure from the inside, instead of transferring the control to other authorities.

Hon. Mr. TANNER: The right honourable gentleman had better go on the Committee.

Right Hon. Mr. GRAHAM: As the honourable gentleman from King's (Hon. Mr. Hughes) has pointed out, a year or two ago I made the statement that if it were not that the applicants wished to marry again we should have very few petitions for divorce. Surely no one can say that Parliament cannot remedy that situation. I have on two or three occasions suggested that steps should be taken to remedy it, but that proposal has met with little sympathy. Some honourable members have contended that regulations with that end in view would tend to increase immorality. I cannot follow that argument, because it seems to me that they would have a contrary effect, inasmuch as there would not likely be so many engagements to remarry pending the granting of divorce. I do not wish to labour that point any further, but I will repeat that the suggestion indicates one method by which we could reduce the number of divorces.

Being absolutely and unalterably opposed to divorce, I take this question very seriously. No one would suggest that I am good enough to belong to the Roman Catholic Church, and consequently it will be understood that no church influence is being exercised upon me. But I cannot bring myself to believe that marriage is nothing more than a sort of civil or commercial contract that can be properly and morally dissolved by any court. If we allowed people to be married here by magistrates, if we had a hit-and-run sort of marriage, then the courts would have jurisdiction. Of course, I am speaking as a layman. I cannot bring myself to the point of feeling that a human court can annul a marriage that has been performed by a clergyman, who in the course of the ceremony uses the solemn scriptural words: "Whom God hath joined together let no man put asunder."

By increasing the facilities for divorce we take away altogether the incentive to forgiveness between a man and his wife who have had a disagreement. A man who "gets on edge," as we say, does not need to forgive his wife, because he can go and get a divorce; and a wife need not become reconciled to her husband, because she can get an easy divorce. The measure tends to the destruction of the home. I for one will vote against any proposal or measure which, in my opinion, is likely to facilitate divorce.

Hon. G. LYNCH-STAUNTON: Honourable members, from education and belief I am absolutely opposed to divorce. Therefore I am not going to try to induce anyone to agree with my views. I wish to refer to only two or three aspects of this measure. The honourable member for King's (Hon. Mr. Hughes) stated that the legal adviser of this House had told him that it was not within the jurisdiction of this Parliament to pass an Act which, while permitting divorces, would deprive the guilty party of the right of remarriage.

Hon. Mr. HUGHES: Will the honourable gentleman pardon me? I think he has misunderstood me. The legal adviser told me that an amendment to this Bill to prevent the remarriage of divorced people would be out of order, and, in his opinion, would be declared out of order.

Hon. Mr. LYNCH-STAUNTON: That is an opinion from which I differ. We know that this Parliament has the power to say who shall and who shall not marry.

Hon. Mr. HUGHES: He did not state, for instance, that another Bill could not be passed.

Hon. Mr. LYNCH-STAUNTON: But I mean the principle can be applied in this Bill. We have legislated in this House that a man may marry his deceased wife's sister. There is nothing to prevent us from passing a law that a man may not marry his sister, or anyone else within any degree of consanguinity. We pass through this Parliament hundreds of bills by which we enact that the applicant may remarry. Now, why do we pass such legislation if we have not the right? We stultify ourselves if we put such enactments on the Statute Book and Parliament has not the power. It has been contended that a man should not be bound to an adulteress, nor a woman to an adulterer. But if that argument is valid, if honourable members sincerely think that an innocent woman should be divorced from an adulterous husband, surely we should not allow such a man to marry another woman. Surely if it is in the public interest to dissolve a marriage because of the flagrant

conduct of one of the parties to that marriage, it is equally our duty to deny the guilty person the right to make some other man or woman wretched or unhappy. I agree with the right honourable gentleman from Eganville (Right Hon. Mr. Graham) that it is our duty at least to prevent the guilty person from remarrying. If we were to pass legislation to that effect, there would be comparatively very few divorce applications.

Honourable members, this is a most extraordinary fact. If I make a contract with someone about any of my civil rights, if I make a contract to buy or to sell, Parliament has no power or right—I mean moral right—to dissolve that contract. No one ever dreams of coming to Parliament and saying: "I made a bad bargain; I was imprudent, and I want you to destroy the contract that I made."

Hon. Mr. McMEANS: He goes to the courts.

Hon. Mr. LYNCH-STAUNTON: No, he does not. If a contract is legally and honestly made, a court can do nothing more than order the performance of it; it never can amend or destroy it. It is only when a contract is brought about by fraud that a court can quash it. A contract legally, properly and voluntarily made cannot be dissolved in any court in any civilized nation.

Hon. Mr. FORKE: Does the honourable gentleman think no marriage is ever obtained by fraud?

Hon. Mr. LYNCH-STAUNTON: The marriage contract, in the eyes of Catholics, is more than, and is superior to, a civil contract.

Right Hon. Mr. GRAHAM: And in the eyes of some Protestants too.

Hon. Mr. LYNCH-STAUNTON: But in the eyes of the law of this country it is a civil contract. Marriage is not made by clergymen or priests—they are only the witnesses to the marriage, according to every religion and in every country—but it is made between the two parties. The man promises to marry the woman, and the woman promises to marry the man, and all the other persons present are mere witnesses. The newly married couple do not get anything from the clergyman or the priest, except perhaps his blessing. In olden times, in this very country and in England, a man and a woman would be considered husband and wife under the law if it could be proved that they had agreed between themselves to a union.

Marriage is the only contract of which I know where the State interferes to the extent of saying it can grant a dissolution. I say that Parliament has no right to dissolve a civil contract, but it undertakes to do so in the case of marriage. This question of divorce is of the very first importance, and should be given the gravest possible consideration. It is an evil which is interfering with the most intimate relations in human society, and for that reason no honourable member should vote for this Bill unless he can come to the clear and honest conclusion that he can conscientiously approve of the dissolution.

It is well known that wherever the facilities are increased divorces have multiplied greatly. Since the gate was opened in England the condition has become scandalous, and the same thing is true of the United States.

The right honourable gentleman from Eganville (Right Hon. Mr. Graham) referred to the granting of divorces to Canadians by American courts. I say that judges in Michigan who give decrees to Canadians know that they are doing an unlawful act according to the law of their own country. In this respect the law of the United States is similar to ours, in that they have no right to grant a divorce to foreigners; they cannot legally divorce any person who is not domiciled in the State where the application is made. Yet, in spite of that, the judges know that Canadians go to the States with the intention of residing there temporarily so as to secure the required decree. There was a case where a Canadian left this country, resided in the United States for seventeen years, obtained a divorce during this time, and later came back to Canada. His wife sued him for alimony, and Chancellor Boyd of Ontario held that, as the evidence showed that he had always intended to come back to Canada, he was still a Canadian citizen. The alimony was granted, and the case was appealed to the Privy Council, which upheld the decision of Chancellor Boyd. Those judges in the United States who flippantly grant divorces to Canadians do not appreciate the great responsibility that rests upon them; they treat these things as they would some petty police court cases. I am satisfied that divorces granted in Michigan to Canadians are not valid, and that it would be so held by our highest courts if one of these so-called divorces were ever attacked with a view to proving the illegitimacy of any children born after the granting of the Michigan decree. I think that representations should be made to the proper United States authorities that it is contrary to the laws of their own country that divorces should be granted to people who are not really domiciled there.

Some Hon. SENATORS: Question!

Hon. Mr. BELCOURT: Honourable senators, I should like to have the opportunity to make a brief statement. I am opposed to the principle on which this Bill rests. I consider it wrong to break the marriage tie for any reason whatever. On previous occasions, in this House and elsewhere, I have expressed my views on this subject, and I am not going to try to repeat the arguments that were presented in the very able address by the honourable gentleman from Grandville (Hon. Mr. Chapais). I agree entirely with his contention, and I desire merely to state a point of view which I have expressed before and which I think deserves very serious consideration by every honourable member of this House, independently of religious, moral or sentimental views. I want to ask honourable members what kind of reception they would give to any Bill which had as its object the breaking of a civil contract.

Hon. Mr. McMEANS: Let me tell the honourable gentleman that—

Hon. Mr. BELCOURT: Perhaps the honourable gentleman will wait till I am finished.

Hon. Mr. McMEANS: No; I should like to make one statement. No application is ever made for a divorce unless the contract between the persons concerned is broken.

Hon. Mr. BELCOURT: The contract is not broken.

Hon. Mr. McMEANS: It is broken.

Hon. Mr. BELCOURT: My honourable friend, who is a lawyer, should not make such an extraordinary statement as that.

Hon. Mr. McMEANS: That is not extraordinary.

Hon. Mr. BELCOURT: No contract is broken until it is declared broken by some competent authority.

Hon. Mr. McMEANS: Nonsense.

Hon. Mr. BELCOURT: If any person came to this House with a civil contract and claimed that it was a hardship on him, would honourable members agree to the destruction of the vested rights acquired under that contract?

Hon. Mr. McMEANS: Nonsense.

Hon. Mr. BELCOURT: That is not nonsense. No one who has the slightest respect for legal ethics, or British law, would acquiesce in such a proposition for a moment.



Hon. Mr. McMEANS: The honourable gentleman is drawing a red herring across the trail. Where are the vested rights in a marriage contract?

Hon. Mr. BELCOURT: Have not the parties to the contract acquired vested rights when they have agreed to the support and companionship of each other for their lifetime? Have not the children acquired vested rights?

Hon. Mr. McMEANS: Where are a wife's vested rights when her husband refuses to support her, and deserts her?

Hon. Mr. BELCOURT: Have not the children acquired vested rights?

Hon. Mr. McMEANS: Nonsense.

Hon. Mr. BELCOURT: My honourable friend should have a little more respect for proprieties than to say, "Nonsense."

Hon. Mr. BUREAU: Can a bilateral contract be broken by one of the contractors?

Hon. Mr. BELCOURT: Can my honourable friend cite a case where a civil contract has been set aside on the ground of hardship to one of the parties?

Hon. Mr. McMEANS: No, I do not say that at all. The honourable gentleman has mistaken my point of view. I say that when two persons enter into the state of marriage they promise various things, as required by the ceremony, and when a man deserts his wife and children, leaves them without support, and possibly in a state of destitution, he has broken his contract.

Hon. Mr. LYNCH-STAUNTON: He can be sued; but it is absurd to say that the court would hold that the contract was void.

Hon. Mr. McMEANS: They would give relief.

Hon. Mr. BELCOURT: Under British law no contract can be said to be broken by one or other of the parties to the contract; it is broken only when some competent authority declares it broken. I am making an argument to gentlemen who have been trained under the British law, gentlemen who respect that law, and who know that at all times contracts have the respect of the courts. I say this is a deliberate violation of vested rights.

Hon. ROBERT FORKE: I want to put myself right before honourable senators in regard to this matter of divorce. It seems to me that the argument all along has been for

or against divorce. I think that those of us who are in favour of a divorce court to deal with these cases are just as strongly opposed to divorce as honourable gentlemen who are speaking on the other side of the question. Those who are opposed to this Bill have assumed a high and lofty moral attitude, an attitude of superiority over those who support the Bill. I repudiate that stand. I think I am just as much in favour of preserving the home and the sacredness of marriage as they are, believing that the foundation of all true living depends upon those things. But we are human; we are very imperfect, and we have to meet conditions as we find them. Do honourable gentlemen believe that if they were to deny divorce, all the evils connected with marriage would cease, and that people would live together happily ever afterwards?

Hon. Mr. LYNCH-STAUNTON: No, but the numbers of such people would increase.

Hon. Mr. FORK: My right honourable friend the senator from Eganville (Right Hon. Mr. Graham) has told us about the evils that would flow from the divorce court. I live in a province where we have divorce courts, and I think the people there are just as moral, and just as attentive to the sacredness of marriage, as the people in the Province of Ontario, who you are afraid will deteriorate il you change the method of divorce.

I listened to the honourable senator from King's (Hon. Mr. Hughes). He quoted Scripture—and with that I quite agree—and he spoke about Rome, and Sodom and Gomorrah and their downfall; but I cannot help believing that he is mixing up cause and effect. Rome and Sodom and Gomorrah fell because of their wickedness and sinfulness, and it was because of that that the marriage ties became weakened. The same thing has taken place to-day, and honourable members must realize that there is a weakening of spiritual authority. The fact is that humanity to-day is not so much under the control of what I might call spiritual authority as it might be, and divorce is increasing, not because facilities are provided to handle it, but because people are losing their bearings to some extent and are living in a state of sinfulness even in their married life.

I cannot understand the argument of the honourable leader of the Government (Hon. Mr. Belcourt) that a contract cannot be broken under any circumstances, but must be lived up to and sustained no matter what happens.

Hon. Mr. BELCOURT: That is not my proposition at all.

Hon. Mr. FORKE: It is a long time since I was married, and I have forgotten some of the promises I made at that time, but if I remember correctly, one of the phrases was: "You are to love and cherish."

Hon. Mr. TODD: And obey.

Hon. Mr. FORKE: I do not think that is used now. But surely there are circumstances under which it is absolutely impossible for a man and woman to continue to live together, because, even though they are married, they are as opposite as the poles, and there can be nothing but misery and unhappiness for them.

Hon. Mr. HUGHES: Would not that situation be met by separation, and provision for the dependents of the family?

Hon. Mr. FORKE: I have some sympathy with the suggestion that the guilty party should not be allowed to marry again, but I do not think honourable gentlemen have advanced their cause by simply taking the ground that under no circumstances can marriage be dissolved. I repeat that I am just as firm a believer in the sacredness of marriage and in the sacrednes of the home as any member of this House, but I do not think any such evils as have been mentioned are going to flow from taking this matter out of the hands of Parliament and turning it over to the law courts of the country.

The reason I want to have this matter in the courts is that I think it would be better investigated, and that perhaps divorces would be more difficult to secure than by the present method. I looked into the Divorce Committee room the other day, and, however earnest the members sitting there might be, the idea seemed absurd that they were going to settle the future course of individuals in fifteen minutes. There are circumstances that must be taken into consideration when we realize the weakness and the sinfulness of human nature.

Hon. Mr. McMEANS: The right honourable gentleman from Eganville (Right Hon. Mr. Graham) made the statement that this Bill was brought in here for the purpose of relieving the Divorce Committee, and of ridding Parliament of these applications. If the right honourable gentleman had sat in that Committee and listened to the evidence he would know that the real reason for the Bill is the desire to do justice to the applicants. We have case after case in which we can do nothing for the women or the children. When these people come before the Committee our hands are tied, and we can do nothing to relieve the difficulties under which they are

living. It is in order to meet that situation that we want this Bill.

The right honourable gentleman does not seem to have very much confidence in the judges of his own province. I think we can trust the judiciary of the Province of Ontario with this or any other matter. After all, divorce is a matter of discretion; and if, whether a case is proved or not, the judges think it should not be granted, they can refuse the application and can make provision for the wife and the children. Furthermore, by the establishment of a court we shall do away with certain people who go around lobbying in the House of Commons, and even in the Senate, to prevent justice being done.

Some Hon. SENATORS: Question!

Hon. GEORGE GORDON: Honourable members, in my opinion—

Some Hon. SENATORS: Question!

Hon. Mr. SCHAFFNER: The debate is closed.

Hon. Mr. GORDON: With the leave of the House—

Some Hon. SENATORS: No!

Hon. Mr. GORDON: My chief reason for thinking this Bill should pass is this. Each one of us, when he comes here as a member of this House, should be prepared, if called upon, to act on any committee. We have within this House members who would resign rather than sit on the Divorce Committee. I am one of them, although my reason may not be the same as that of some other honourable gentlemen. Going a step further, we have a class of members who from religious conviction will vote against every divorce bill that is brought before us; and we have still another class who will not vote at all. This is a court before which people have to come, and, whether they are right or wrong, they are acting in accordance with the law. I should like to see all divorce business transferred to a court where the judges are not handicapped in the way I have mentioned. That is my chief reason for believing we should vote in favour of this Bill.

Some Hon. SENATORS: Question!

The Hon. the SPEAKER: The question is on the motion that Bill 20, an Act to provide in the Province of Ontario for the dissolution and the annulment of marriage, be now read a second time. In amendment it is moved by Hon. Mr. Chapais, seconded by Hon. Mr. Blondin, that the word "now" be deleted, and that the words "this day six months" be added at the end of the question.

Hon. Mr. McMEANS.

The proposed amendment of Hon. Mr. Chapais was negatived on the following division:

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Hon. Mr. McGUIRE: I was paired with the honourable senator from Pembroke (Hon. G. V. White). Had I voted, I should have voted for the amendment.

The motion for the second reading of the Bill was agreed to, on the same division reversed.

THIRD READING

Hon. Mr. McMEANS moved the third reading of the Bill.

The motion was agreed to, on division, and the Bill was read the third time, and passed.

## PRIVATE BILL

SECOND READING

Bill 45, an Act to amend the Act to incorporate the Imperial Trusts Company of Canada.—Hon. Mr. Macdonell.

## WINDING-UP BILL

SECOND READING

Hon. Mr. BELCOURT moved the second reading of Bill 53, an Act to amend the Winding-up Act.

He said: Honourable members, this Bill is exceedingly simple. Its purpose is to render the Winding-up Act consonant with the

modern practice of issuing no-par-value shares. The present section 11 of the Act is made available to creditors having a claim of at least $200, or holding five shares in the capital stock of the company to the amount of at least $500. The idea is to extend this section to apply to holders of no-par-value shares. The amendment consists in adding the words underlined in the Bill, namely, after the words "at least five hundred dollars" the words "par value, or holding five shares without nominal or par value in the capital stock of the company." The aim is to put the holder of five shares of no par value on an equality with the holder of five shares of par value, in this respect.

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

THIRD READING

Hon. Mr. BELCOURT moved the third reading of the Bill.

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

## EXCHEQUER COURT BILL

SECOND READING

Hon. Mr. BELCOURT moved the second reading of Bill 122, an Act to amend the Exchequer Court Act.

He said: Honourable members, the object of this Bill is to confer jurisdiction on the Exchequer Court for the purpose of making distribution or apportionment of moneys which are in the hands of the Crown and as to which there is no provision now. Perhaps I may make the matter clearer by citing a case in point. In the matter of war claims certain sums have been paid to the Receiver General, and there is no provision now in the Exchequer Court Act for determining the parties to whom these sums are to be allotted. The object of this amendment is to enable the Exchequer Court to deal with the different claims advanced against moneys which come into the hands of the Receiver General and which should be distributed among persons other than the Crown. This Bill will make it possible to dispose of these sums in a legal way, so that the Crown will not incur any liability.

Hon. Mr. WILLOUGHBY: Can the honourable gentleman state whether there is much money on hand for distribution?

Hon. Mr. BELCOURT: I do not know. The only moneys that I know of, as to which there is some difficulty with regard to distribution, are those received in connection with war claims, but I am unable to tell my honourable friend how much there is. There may be money received from other sources as well.

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

THIRD READING

Hon. Mr. BELCOURT moved the third reading of the Bill.

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

## RAILWAY BILL

SECOND READING

Right Hon. Mr. GRAHAM moved the second reading of Bill 124, an Act to amend the Railway Act.

Hon. Mr. WILLOUGHBY: I wish the honourable gentleman would give a little explanation.

Right Hon. Mr. GRAHAM: Honourable members, nearly every year it is necessary to have some amendments to the Railway Act. Frequently these are suggested by one of the big railway companies, or both, and sometimes by the Board of Railway Commissioners. I will explain the proposed amendment now, and perhaps it will then be unnecessary to make further explanations in Committee.

With regard to the first clause, under the present Act the president or vice-president, the secretary or treasurer, a transfer agent of the company, and the registrar of share certificates are required to sign certificates manually; that is, with their own hand. In the case of the Canadian Pacific Railway this entails an enormous amount of labour, and they desire to be permitted to use facsimile signatures, just as are used on their bonds. The clause does not specifically refer to the Canadian Pacific Railway Company, but that is the company that will be principally affected.

Section 2.—Years ago, when the electric railways began running across and along highways, some legislation had to be passed to provide for the determination of compensation. It was feared at that time that there might be some clash with provincial laws dealing with highways, but lawyers assured me—I was the father of the measure—that enactments covering matters of Dominion-wide interest would override any provincial jurisdiction. At any rate, there never was any

difficulty in that connection. In that Act there was a section which gave the Board of Railway Commissioners certain jurisdiction in connection with asking for an arbitration. It never was intended that when the Board asked the arbitrators to give a ruling on the question of compensation they should take it for granted that there was to be compensation; the idea was that they would ascertain whether compensation was justifiable, and if so, how much. The arbitrators have usually taken the view that when one of these questions was referred to them, the implication was that compensation should be given, and that they were required merely to determine the amount. The Board of Railway Commissioners have asked for an amendment, so that the arbitrators will have the right to say whether there is to be compensation, and if so, how much.

Hon. Mr. WILLOUGHBY: Surely cases could not have arisen in connection with a municipality—

Right Hon. Mr. GRAHAM: This was with regard to owners of abutting properties, and that sort of thing, and had no reference to municipalities, because it was clear under the law that the railways could not go through municipalities without consent.

Hon. Mr. WILLOUGHBY: There must be damage to the property, under this clause?

Right Hon. Mr. GRAHAM: Yes.

Clause 3.—At the present time the Act provides that the alarm for locomotives propelled by steam shall be a bell and whistle. But to-day there are a number of locomotives propelled by Diesel engines, electric motors and gasoline engines, and the Department is asking that the Board of Railway Commissioners shall have the power to say what kind of alarm shall be used on locomotives other than those driven by steam.

Clause 4.—The object of this clause is to reduce the time for which companies must retain goods on which freight has not been paid, before they can be disposed of. Under the old Act the term was six weeks except in the case of perishable goods, which were sold immediately. This Bill fixes a general term of four weeks for certain things, or two weeks for bulk goods, like carload lots of coal, while on cattle and perishable goods —fruit, and that kind of thing—the tolls must be paid on demand on the arrival of the goods.

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

Right Hon. Mr. GRAHAM.

THIRD READING

Right Hon. Mr. GRAHAM moved the third reading of the Bill.

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

## DIVORCE JURISDICTION BILL

SECOND READING

Hon. Mr. McMEANS moved the second reading of Bill 31, an Act respecting jurisdiction in proceedings for divorce.

He said: Honourable members, this Bill is one that confers upon a woman who has been deserted by her husband and has lived for two years in any particular province the right to bring an action for divorce in that province. A Bill of this nature was introduced at the last session of Parliament. It was passed in the other House, and rejected in the Senate. It gave a married woman a separate domicile, and the right to bring divorce proceedings in the province in which she lived, irrespective of where her husband was. The present Bill is quite different, because, so far as I can see, it is practically declaratory of the law. If a man marries a woman in Manitoba and then deserts her and does not return, and she continues to live in the province for two years, she is entitled to bring an action for divorce. The question of the husband's domicile cannot be raised, and she cannot be compelled to chase him all over the country in order to bring her action. Under the old law, if he went to England or Scotland or the United States, the woman would have to follow him. I do not think that is the law at the present time. Nevertheless, there is some doubt, and if he went away and she filed a petition for divorce she would have to allege that the place in which she filed it was his domicile.

As I say, there is a great difference of opinion as to the law of domicile. The very latest case was one decided in the Province of Manitoba in January, 1930. In that case the judge refused the divorce on the ground that Manitoba was not the proper domicile of the husband. I have the report here, and it quotes many English authorities, and they are almost sufficient to convince one that the woman had no right to file a petition. However, the case was taken to the Court of Appeal, which promptly reversed the decision of the trial judge.

When this Bill was under discussion in another place, the mover cited the case of a man from the Island of Guernsey who came to this country and married a girl in Winnipeg. He then disappeared and went back to Guernsey, or some other place, and

the woman was left without remedy unless she followed him to the Island of Guernsey—or the United States, or the Philippine Islands, or wherever he happened to be. This Bill puts the woman on a parity with the man, in that it gives her a domicile. My own opinion is that it is declaratory of the law, although in the case to which I have referred the trial judge seemed to have plenty of authority for his decision. The Bill passed the other House without a vote being taken, although the Minister of Justice opposed it. I think it is a well thought out measure and should receive the endorsation of this House.

Hon. Mr. ROBINSON: I suppose there is no danger of getting into difficulties over the matter of jurisdiction. In the Province of New Brunswick we have a local Act similar to this, which gives a woman her own domicile. I do not know whether the Legislature had power to pass that legislation or not.

Hon. Mr. WILLOUGHBY: The Bill which came over last year allowed the woman to choose her own domicile, and to move around from one province to another, which was objectionable. Had the honourable gentleman from Winnipeg, the Chairman of the Divorce Committee (Hon. Mr. McMeans), been here, it would have been his pleasure as well as his duty to introduce it. As he was not here, it was put on my desk, and I was left to father it. If I had had any authority at that time I should have sought to have the Bill amended; but I had no such authority, and the Bill failed to pass.

The present law of domicile is a most difficult one for a judge to apply. Immediately before coming to Ottawa after the last recess, I happened upon the reports of two cases in my own province. In one case the woman had appealed from the decision of the trial judge on the question of domicile, and the majority of the judges and the Chief Justice of the Appeal Court differed.

Hon. Mr. BELCOURT: Was that a divorce case?

Hon. Mr. WILLOUGHBY: It was a divorce case. The question of domicile is largely a question of intention. I venture to say that in my own private practice within the last four or five years I have had five or six cases in which the woman was trying to get a divorce from a husband who had disappeared—presumably he had gone to the United States—and whom she was unable to locate. In one case the woman thought she had located her husband, but he had changed his name, so he could not be pursued.

Now that we have decided to give the courts jurisdiction to hear divorce cases, it is only right that we should supplement their powers and privileges by passing such a Bill as this. The question of domicile was threshed out, as some of the legal members of the House know, in the case of Cooke v. Cooke, which went from Alberta to the Privy Council. It was finally determined that domicile was a condition indispensable to the application, and many cases that were based upon compassionate grounds were overruled. I remember that in the case of Statithos v. Statithos a great hardship would have been inflicted by this ruling, but in the last pronouncement of the Privy Council in Cooke v. Cooke it was laid down unqualifiedly that the domicile of the wife is the domicile of the marriage, or the husband. This is a very vexed question, and quite recently in two cases in the courts of my own province the judges have not been able to agree.

Hon. Mr. BELCOURT: I am not quite sure that this Bill is not open to serious doubt. As I understand the honourable member from Winnipeg, the courts of Manitoba have held that the domicile of the husband, when he had deserted, was the domicile of the marriage. I take it that that has been decided largely, if not altogether, by the interpretation of the law of divorce as it exists in Manitoba. That is the law of divorce as it exists in England. If that is the case, so far as Manitoba is concerned, the question is no longer open to any doubt. The decision of the Court of Appeal in that province is final and conclusive, and the difficulty which my honourable friend wants to get over is no longer a difficulty there.

Hon. Mr. McMEANS: Oh, yes.

Hon. Mr. BELCOURT: No. The Court of Appeal having interpreted the law, that decision is binding.

Hon. Mr. McMEANS: Until some case comes down to the Supreme Court, and the judgment is reversed.

Hon. Mr. BELCOURT: The case has not been appealed, and the state of law is exactly what the Court of Appeal has made it.

Hon. Mr. McMEANS: No.

Hon. Mr. BELCOURT: It is a matter to be decided under the law of divorce which exists in England. It is not a matter for this Parliament. I am not seriously opposing the Bill, but I do not see the necessity for it. It is not a question of substantive right, after all, but a mere question of procedure.

Hon. Mr. McMEANS: That is right.

Hon. Mr. BELCOURT: Then it is clearly a question that we ought not to deal with, but should leave to the provincial courts. I have very serious doubts whether we should pass this legislation. We are interfering with a matter entirely within provincial jurisdiction.

Hon. Mr. McMEANS: I may say in answer to my honourable friend that we seldom seem to agree on any point of law. I bow to his superior wisdom in many cases, but in this particular instance I would point out for his future consideration that this case was decided on a certain set of facts. The law of domicile is always dependent upon a question of fact.

Hon. Mr. BELCOURT: It is a question of intention to be inferred from the facts.

Hon. Mr. McMEANS: The next set of facts that comes up may be very different, and the court would be of a different opinion. As the leader on this side (Hon. Mr. Willoughby) has just said, there are two cases in his province in which the judges differed very materially. Suppose one of those cases went to the Supreme Court, and they decided in a certain way: the decision of the Court of Appeal in Manitoba would be nullified.

Hon. Mr. BELCOURT: My honourable friend takes the precaution of pointing out that the one case may differ from the other.

Hon. Mr. McMEANS: Suppose you had a case on the very same lines as this, and the Court of Appeal of Saskatchewan took a different view from this—the Courts of Appeal do not always hold the same view—and some man with enough money went to the Supreme Court. It would upset everything. This Bill only confers upon the woman the right to file a petition in a province if she has been deserted and has continued to live for two years within that province. Surely there can be nothing wrong about that. I cannot see why my honourable friend has any doubt or difficulty.

Hon. Mr. BELCOURT: I do not say it is wrong, but I say it is not for this House to deal with the matter. It is for the provincial Legislature to do so.

Hon. Mr. McMEANS: Under the British North America Act any law respecting divorce has to be passed by this Parliament.

Hon. Mr. BELCOURT: But anything respecting the procedure of the courts is a provincial matter.



Right Hon. Mr. GRAHAM: Does not my honourable friend see how expensive divorce is going to be when appeals can be taken from one court to another?

Right Hon. Sir ALLEN AYLESWORTH: If I had heard the discussion which has taken place on this Bill I should have liked to take part in it, but as I was not in the House when the discussion began, and have not heard any of it, I will say very little on the subject now. But I am honestly unable to fathom the motives or intentions of those who have drafted this Bill and are promoting its passage. When a similar measure came to this House last year it was plainly enough directed to the case where a man had changed his domicile and where, as it was argued, there was necessity for legislation which would permit a deserted wife to establish a matrimonial domicile according to her choice, in which matrimonial domicile the husband was not to participate. This House rejected that Bill, and, from the same sources from which it came we have a substitute in the form of the present measure. But now there is not one word or suggestion as to a change of domicile by the husband. The Bill applies to the case of a husband who remains in the same province as his wife; there is no provision to make it inoperative if the deserted wife is living on the same street as her husband. If that condition of things continued for some years, the wife might at some time want to take advantage of this Bill. There is no need at all for the legislation; for if the deserted wife has grounds for a divorce, she can go to the court of the province in which she and her husband are domiciled.

So, since this legislation attempts to provide, not for cases where there has been a change of domicile on the part of a husband, but only for cases where a woman has been deserted by her husband and has remained deserted for the space of two years, I am unable to understand why anyone considered it necessary to have such a law on our Statute Book. Consider the position of a deserted wife who on the day of desertion has good grounds for a divorce. Is she to be required to delay her application for two years till she can bring herself within the terms of this Bill? What is the necessity of a measure such as this? It applies only to wives who have been deserted for the full space of two years. If in less time than two years the wife has proof that her husband has committed adultery, is she to be denied the right to apply for a divorce to the court of the province in which she and her husband have been living?

This Bill is not aimed at the object at which it professes to strike. At least, I so infer. Look at the extraordinary language of it. It has been redrafted, drawn with great care, to avoid the pitfalls by reason of which it was rejected in this House last year. But now let us see what we have:

A married woman who has been deserted by her husband for a period of two years may commence preceedings for divorce praying that her marriage may be dissolved on any grounds that may entitle her to such divorce according to the law of such province.

"According to the law of such province." At the present time are there different grounds for the granting of divorce in the various provinces—or are the provinces to determine the grounds upon which divorce may be granted? It certainly looks as though the framer of this Bill had such a prospect in his mind's eye. To me the inference seems pretty plain that this Bill is but the entering of the wedge, in the hope that in the course of time divorce may be obtainable by women, in at least some provinces of Canada, merely on the ground of desertion, or incompatibility of temperament, or some other cause that is not now recognized.

Right Hon. Mr. GRAHAM: Throwing dishes.

Hon. Sir ALLEN AYLESWORTH: The reasons advanced in support of this legislation in another place confirm me in that view. Some of the members who spoke in favour of it are apparently of the opinion that the sooner the day comes when a married man shall take the name of his wife, the better. On the whole, this seems to be legislation of the most advanced character, emanating from the West, where there are ardent supporters of all a modern woman's rights.

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

THIRD READING

Hon. Mr. McMEANS moved the third reading of the Bill.

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

## PRIVATE BILLS

SECOND READINGS

Bill U4, an Act to incorporate Industrial Loan and Finance Corporation.—Hon. Mr. Casgrain.

Bill V4, an Act respecting the capital stock of Prudential Trust Company Limited.—Hon. Mr. Casgrain.

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## DIVORCE BILLS

FIRST, SECOND AND THIRD READINGS

Hon. Mr. McMEANS, Chairman of the Committee on Divorce, presented the following Bills, which were severally read the first, second and third times, and passed.

Bill I6, an Act for the relief of Augusto Tranzzi.

Bill J6, an Act for the relief of Claire Yale Lacourse.

Bill K6, an Act for the relief of Marion Frances Blewett.

Bill L6, an Act for the relief of Hartley Franklin Upper.

Bill M6, an Act for the relief of Florence Edna Curliss.

The Senate adjourned until to-morrow at 3 p.m.

# THE SENATE

Friday, May 16, 1930.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

## DIVORCE BILLS

FIRST, SECOND AND THIRD READINGS

Hon. Mr. McMEANS, Chairman of the Committee on Divorce, presented the following Bills, which were severally read the first, second and third times, and passed.

Bill N6, an Act for the relief of Hilda Walker Baker.

Bill O6, an Act for the relief of Mary Violet Baxter.

Bill P6, an Act for the relief of Harry Hutcherson Davis.

Bill Q6, an Act for the relief of James Lewis Watterworth.

Bill R6, an Act for the relief of Harvey Mennie Cross.

Bill S6, an Act for the relief of Muriel Parke Wood.

Bill T6, an Act for the relief of Albert Hull.

Bill U6, an Act for the relief of Jessie Coles.

Bill V6, an Act for the relief of Annie Almeda McCormick.

Bill W6, an Act for the relief of Madeline Schnarr Nichol.

Bill X6, an Act for the relief of Phyllis Gertrude Smith.

Bill Y6, an Act for the relief of Josephine Laura Calder.

Bill Z6, an Act for the relief of Minerva Gray.

Bill A7, an Act for the relief of Mary Jane McCrossan.

Bill B7, an Act for the relief of Robert Bruce Hart.

Bill C7, an Act for the relief of Hetmanska Bereta.

Bill D6, an Act for the relief of Lillian Alberta Sparling.

Bill E7, an Act for the relief of Ebenezer Ward Bussell.

## PRIVATE BILLS

### THIRD READINGS

Bill 33, an Act respecting the Algoma Central and Hudson Bay Railway Company.—Right Hon. Mr. Graham.

Bill 32, an Act respecting the Interprovincial and James Bay Railway Company.—Hon. Mr. Gordon.

Bill 38, an Act respecting the Highwood Western Railway Company.—Hon. Mr. Buchanan.

Bill 26, an Act to incorporate the Cornwall Bridge Company.—Hon. Mr. McGuire.

Bill 121, an Act respecting the St. Clair Transit Company.—Hon. Mr. Little.

Bill 136, an Act respecting the Calgary and Fernie Railway Company.—Hon. Mr. Spence.

Bill 45, an Act to amend the Act to incorporate the Imperial Trust Company of Canada.—Hon. Mr. Macdonell.

Bill 46, an Act to incorporate the Consolidated Life Insurance Company of Canada.—Hon. Mr. Blondin.

Bill 52, an Act to incorporate the Consolidated Fire and Casualty Insurance Company.—Hon. Mr. Blondin.

Bill 57, an Act respecting the Confederation Life Association.—Hon. Mr. Willoughby.

Bill V4, an Act respecting the capital stock of the Prudential Trust Company, Limited.—Hon. Mr. Casgrain.

## WAR VETERANS' ALLOWANCE BILL

### SPECIAL COMMITTEE

Hon. Mr. BELCOURT: Honourable senators will remember that the other day a Committee was appointed to deal with the question of pensions and other returned soldiers' problems. I am a member of that Committee, and as I am going to find it very difficult to give much time to it, and as the work it has to do is very important, I should like, with the consent of my honourable friend, to have the honourable gentleman from De Salaberry (Hon. Mr. Béique) added to the Committee. If there is no objection I would so move.

The motion was agreed to.

Hon. Mr. McMEANS.

## EXPORT BILL (INTOXICATING LIQUOR)

### THIRD READING POSTPONED

On the Order:

Third reading Bill 15, an Act to amend the Export Act.—Hon. Mr. Belcourt.

Hon. Mr. WILLOUGHBY: Honourable members, I have been in conference with the honourable the acting leader of the House, and an arrangement has been reached whereby this Bill will stand over for third reading on Tuesday, on the understanding that I, at least, shall not ask for any further adjournment.

Hon. Mr. BELCOURT moved that this Order be discharged from the Orders of the Day and placed on the Orders of the Day for Tuesday next.

The motion was agreed to.

## MILITIA PENSION BILL

### SECOND READING

Hon. Mr. BELCOURT moved the second reading of Bill 43, an Act to amend the Militia Pension Act.

He said: Honourable senators, the purpose of the amendments to the Militia Pension Act comprised in House of Commons Bill No. 43 is to rectify the anomalous situation which exists under the Act in its present form. At the present time the Act precludes the grant of a pension to a widow of an officer who dies in the Service with less than twenty years' service, although prior to the officer's death he had completed sufficient service to make him eligible for a pension if he should be retired compulsorily. On the other hand, had this officer been retired compulsorily just prior to his death, and consequently been granted a pension, his widow would be entitled to a pension equal to one-half of that which had been granted to the officer on his retirement. The anomalous situation is, therefore, quite clear. For example, if Captain A, who is eligible for the grant of a pension after ten years' Permanent Force service, dies in the Service after completing eleven years' pensionable service, this being less than twenty years, his widow cannot receive a pension. On the other hand, if Captain B, who was also eligible for the grant of a pension after ten years' continuous Permanent Force service and was retired with a pension after completing eleven years of such service, dies whilst in receipt of such pension, his widow is eligible for a pension equal to one-half of that which her husband has been receiving.

The widow of Captain A, through her husband's retention in the Service until the

date of his death, is precluded from receiving a pension which she would have received had her husband been retired. It was always the intention that the widow of such an officer should be placed in exactly the same position as the widow of an officer who at the time of his death was in receipt of a pension, but the Department of Justice has advised that the Militia Pension Act in its present form omits to make the desired provision, and has advised that such omission can only be cured by adequate legislation. This is the reason for the amendments comprised in the Bill in question.

At the present time there are no persons specifically affected, nor is it possible to tell how many persons will be affected by the proposed amendments, as the number of such persons must, obviously, depend on the number of officers eligible to be retired with pension on completion of ten or more years' service, but with less than twenty years' service, who die in the intervening period.

I think a reading of the clauses of the Bill will make that perfectly clear.

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

THIRD READING

Hon. Mr. BELCOURT moved the third reading of the Bill.

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

## FAIR WAGES AND EIGHT HOUR DAY BILL

SECOND READING

Hon. Mr. BELCOURT moved the second reading of Bill 49, an Act respecting Fair Wages and an Eight Hour Day for Labour employed on Public Works of the Dominion of Canada.

He said: Honourable senators, the purpose of the Fair Wages and Eight Hour Day Bill, 1930, now before Parliament, is fourfold: (1) it gives statutory authority for the observance of fair wages and hours on all contracts for the construction, remodelling, repair or demolition of any Federal works; (2) in providing for the observance of current rates of wages on Dominion Government construction contracts which have been applicable by Order in Council for years past, the important proviso is added under section 3 (a) of the present Bill that wages shall in all cases be such as are fair and reasonable; (3) it declares that the hours of work of persons employed on Dominion Government construction contracts shall not exceed eight hours per day; and (4) it applies the foregoing benefits also to all workmen employed by the Government of Canada on works of construction, remodelling, repair or demolition, both as to fair wages rates and the eight hour day.

The fair wages policy of the Government of Canada was based on a resolution of the House of Commons known as the "Fair Wages Resolution," which was passed in the month of March, 1900. It reads as follows:

> That it be resolved, that all Government contracts should contain such conditions as will prevent abuses, which may arise from the subletting of such contracts, and that every effort should be made to secure the payment of such wages as are generally accepted as current in each trade for competent workmen in the district where the work is carried out, and that this House cordially concurs in such policy, and deems it the duty of the Government to take immediate steps to give effect thereto.
>
> It is hereby declared that the work to which the foregoing policy shall apply includes not only work undertaken by the Government itself, but also all works aided by grant of Dominion public funds.

Honourable members ought to be told, I think, that the question of jurisdiction in this matter was raised at one time, but it has been set at rest by the Supreme Court of Canada, which has ruled that the subject matter of wages is, generally, within provincial jurisdiction, but that the Dominion Government is competent to deal with the question in so far as its own works are concerned. This legislation, therefore, is quite within the jurisdiction of this Parliament. It may have been noticed that its operation is entirely confined to contracts for construction, remodelling, repair or demolition of Government works.

Hon. Mr. WILLOUGHBY: It would not apply to Government railways?

Hon. Mr. BELCOURT: Yes, it would.

Hon. Mr. WILLOUGHBY: That is a question.

Hon. Mr. BELCOURT: With regard to other classes of contracts, the fair wages policy, which has been in force from 1900, remains in force. But this Bill deals exclusively with contracts for Government works, or with works carried on by the Dominion Government itself. It would not apply, for instance, to any factory which was supplying material for works of construction; for example, ironwork or window sashes, or things of that kind; but if a contractor, to suit his own purposes, were to establish at the scene of the works a factory of his own for the production of articles to be used in the undertaking, then that factory would come under the provisions of this Bill.

Hon. Mr. WILLOUGHBY: I have no intention of opposing this Bill, but I want to ascertain whether it applies to the Canadian National Railways—to what we generally term the Government railways. I take it that the Bill would be applicable to them.

Hon. Mr. BELCOURT: I think it would be applicable to Government railways.

Hon. Mr. WILLOUGHBY: But it would not be applicable to the Canadian Pacific Railway, of course.

Hon. Mr. BELCOURT: No. That would interfere with provincial jurisdiction.

Hon. Mr. WILLOUGHBY: Quite so. On that account, it may not work out very satisfactorily, although it may be that the Government has gone as far as it can. I may say that the principle of the Bill appeals to me personally, but I am not ignorant of the fact that there is keen competition, however friendly it may be, between the two railway companies in the matter of their comparative construction costs. Of course, in the end the Government has to make up any deficiency incurred in the operation of the Government system, whereas the shareholders of the Canadian Pacific Railway, as in the case of any other privately owned railway, are the persons chiefly affected by any surplus or deficit of that company. I have had a great many communications in regard to this matter. Some of them are concerned with the fact that in parts of the West the season for certain classes of construction work is comparatively short. It may be that it is equally true of certain parts of the Maritimes and of Quebec that it is necessary to proceed with construction works with more speed than is usual throughout the greater part of Ontario, for instance. In a great portion of the prairie country and northern British Columbia the short season makes it imperative that men should work for longer periods each day than elsewhere. As honourable members know, in many trades and callings there are men who are willing to work much longer than eight hours a day, if permitted to do so, but it is in the general interest of labour that we should regulate the length of the working day. I do not know whether the honourable the acting leader of the Government (Hon. Mr. Belcourt) has had any communications in regard to these matters.

Hon. Mr. MURDOCK: May I suggest that there is no intention, as I understand it, that this Bill should apply to the Canadian National Railways in any way.



Hon. Mr. GRIESBACH: What are the facts? The honourable gentleman who is acting as leader of the House has said that it does.

Hon. Mr. MURDOCK: I think that was just an error due to misunderstanding. As I understand it, the Canadian National Railway System is kept separate and distinct from governmental dictation and control, and has the same authority in dealing with wages, hours and conditions of employment as the Canadian Pacific Railway. I presume that the Government would expect the Canadian National Railways to maintain such supervision over the wages paid and the hours worked as to insure reasonable conformity with current wages and fair conditions; but the Bill, so far as I understand it, is intended to apply only to such contracts as are directly issued by the Government and to work that the Government itself handles.

Hon. Mr. BELCOURT: I may be wrong, but I take it from the instructions that were sent to me that the Bill would likely apply to the Canadian National Railways. I am sorry that there is a disagreement.

Hon. Mr. WILLOUGHBY: In the result it would apply to the Government Railways.

Hon. Mr. BELCOURT: I do not think there is any doubt about it. However, I shall make further inquiries and ascertain which opinion is right.

Hon. Mr. SHARPE: Let the matter stand until we find out what the fact is.

Hon. Mr. BELCOURT: I shall be glad to call the attention of the Minister in charge of this measure to the observations that have been made by the honourable leader on the other side (Hon. Mr. Willoughby). I shall be very glad to do this, because under the Bill the Minister is charged with the responsibility of making regulations, and I think he will be interested in what my honourable friend has said.

Right Hon. Sir GEORGE E. FOSTER: When the honourable gentleman who is acting as leader of the Government (Hon. Mr. Belcourt) ventured the opinion that this Bill would apply to the Canadian National Railways, did he base that opinion entirely upon the wording of this measure, or has he been aided in coming to that conclusion by some other Bill? I am not a lawyer at all, and I should not like to set up any claim against

my honourable friend's interpretation of an Act, but I do not read it within the terms of section 3. Section 3 says:

Every contract made hereafter with the Government of Canada—

Contract for what?

—for construction, remodelling, repair or demolition of any work—

The running of a railway is none of these things. The construction of a railway might come under that section. But is there not a difference between a contract made with the Department of Public Works, for instance, for the erection of a building, and contracts for the construction of railways or additions to railways now existing? These, as I understand it, are under the management and control of the directors. I think there is a difference. Whether the work of demolition or improvement, the building of sidings and that sort of thing, carried out by the directors of the Canadian National Railways, would be regarded as coming under this section, I do not know. But, entirely apart from that question, how can we go so far as to apply such legislation, as my honourable friend (Hon. Mr. Belcourt) assumes it would apply, to the management and the daily and yearly operation of the system of railways? If that is what is intended, I question whether it is wise. The point that was raised by my honourable friend (Hon. Mr. Willoughby) is a point that must be taken into account. There is a difference between the construction of a public building for a Department, and consequently under contract with the Government, and the running of two great systems of railway in competition with each other. I should not like to say that my opinion is superior to that of my honourable friend—I could not say it, and do not say it—but I cannot interpret the wording as my honourable friend does.

Hon. Mr. MURDOCK: May I read a memorandum that comes from the framers of the legislation?

Hon. Mr. BELCOURT: If my honourable friend will permit me, I think I can make a statement that will set the matter right. I was wrong in using the words "National Railways." What was in my mind was really "Government railways." I did not at the moment distinguish between the Intercolonial, for instance, and the Canadian National Railways. I have no doubt that the Bill will apply to works carried out on the Government railways, and not to the railways managed by the Canadian National directors.

Hon. Mr. WILLOUGHBY: That would include the old Intercolonial, then.

Hon. Mr. GORDON: What about the Intercolonial? It is managed by the Canadian National.

Hon. Mr. GRIESBACH: What is the difference between the two? The Government have been promising for some time to consolidate all those railways under one general Act, and they have brought about a unity of administration.

Hon. Mr. BELCOURT: Until that is done there are railways governed exclusively from Ottawa, and under the jurisdiction of the Department. The reason why this Bill would not apply to the Canadian National Railways, as pointed out by my right honourable friend the senior member for Ottawa (Right Hon. Sir George E. Foster), is that the administration of those railways has been handed over to the Canadian National directors and is not under the Department. But to the remodelling, repair or demolition of any work that is under the control of any Department this Act would apply.

Hon. Mr. GRIESBACH: How would it apply to the Intercolonial, which is in the Canadian National Railway System?

Right Hon. Mr. GRAHAM: I think that this Bill is intended to apply to construction and other work of the same kind, but not to the management or the running of the railways. At one time, if we gave a subsidy to a railway to aid in construction, Government labour legislation applied.

Hon. Mr. GRIESBACH: Even in the case of a private railway?

Right Hon. Mr. GRAHAM: I think so, if Government aid was given.

Hon. Mr. GRIESBACH: Where do you find the authority for that?

Right Hon. Mr. GRAHAM: I do not think it could be applied to the management even of the Intercolonial. That is a Government-owned railway. Its accounts are kept separate, and whatever deficits there are, even for management, are paid by the Government. It is now managed by the Canadian National Railways, but I think the proprietorship will not be included in the amalgamation, but will remain with the Government.

This Bill applies only to construction work for which men are hired. I am not sure that it would not apply to the building of a branch line for the Transcontinental Railway under

some contract, the Government having made a grant for the original construction; and if any public aid were given to a private line for construction, then labour legislation might possibly apply.

Hon. Mr. GRIESBACH: How about harbour improvements?

Right Hon. Mr. GRAHAM: I think the harbour improvements carried on by the Public Works Department, under the Government, would be subject to this Act.

Hon. Mr. GRIESBACH: What about a subsidy, or a grant, or even a Government loan?

Right Hon. Mr. GRAHAM: It would be a question to decide whether a Government loan would be aid under this Act. Harbour Commissions receive money by way of loans. Those payments are not grants; but a good many of them, I think, develop into grants, because the interest on them is never paid. I should not care to go into that question, because I do not know the answer. But I am strong in the belief that so far as the management of any railway is concerned, this Act will not apply. It will apply, possibly, to the wages to be paid to employees who are carrying on railway construction under contract.

Right Hon. Sir GEORGE E. FOSTER: May I ask the right honourable gentleman a question? When a branch line is being built by the directors of the National Railways, is the contract made with the directors or with the Department of Railways?

Right Hon. Mr. GRAHAM: Generally speaking, it is made by the Canadian National Railway Company and is a Canadian National enterprise, of course having the Government behind it. Lines such as the Hudson Bay, for example, have been constructed by the Canadian National Railways, but have remained Government lines. The ordinary branch lines, however, come under the exclusive control of the Canadian National Railways.

Right Hon. Sir GEORGE E. FOSTER: Exactly. This language is explicit. It says:

Every contract made hereafter with the Government of Canada for construction—

If a company is subsidized, and under that subsidy it goes on to build, it is the company and not the Government that makes the contract, and there is nothing here that gives reason for believing that the Act would apply. The contract is made not with the Government, but with the company itself.



Hon. Mr. BELCOURT: Of course those are the governing words, and there can be no mistake, except the one I made in applying it to the National Railways. In the end there can be no difficulty in interpreting the Act. It refers to contracts with the Government of Canada. In any case where the Government of Canada is charged with remodelling or reconstruction the Act would apply; in all cases where that duty is cast upon some other body, it is quite clear that it would not apply.

Hon. Mr. GORDON: How is it going to apply on the Hudson Bay railway? My right honourable friend from Eganville (Right Hon. Mr. Graham) intimated that that was a contract between the Government and the Canadian National Railways. From the explanations we have had so far, it all appears to me about as clear as mud.

Hon. Mr. WILLOUGHBY: Many of the labour bodies think that, as the Government is the ultimate paymaster in the case of the National System, the Bill should be applicable to all contracts made either with the Government directly or with the Company. They are looking for the wider application. That is why I wanted an interpretation as to how it would apply.

Hon. Mr. BELCOURT: I think that is anticipating. Some of the labour people may hope that that wider application will obtain some day; but I do not think it is before us at present.

Hon. Mr. GILLIS: There is a contract to build an elevator at Churchill.

Right Hon. Mr. GRAHAM: That is made directly by the Government.

Hon. Mr. GORDON: Where are we now? What is the real meaning? My honourable friend (Hon. Mr. Murdock) has followed this Act pretty closely, and I should like to hear his explanation.

Hon. Mr. MURDOCK: Here is the note on this particular question that comes from those who framed and fathered the Bill.

Hon. Mr. GRIESBACH: Who is this man?

Hon. Mr. MURDOCK: This comes from the Department where the Bill originated.

It is suggested that an addition should be made to Section 3 of the Bill to the effect that the section is not to apply to contracts made by the Canadian National Railways. There is, however, no need for any such section, as the contracts covered by the present Bill are exclusively confined under Section 3 to contracts made with the Government of Canada.

In another place a discussion somewhat similar to this occurred, and it was definitely agreed, I think, that this measure did not apply to the Canadian National Railways any more than past fair wages policies under Order in Council applied, and I know that those were not generally regarded as applicable. This proposed law merely enacts what has practically been in effect for a number of years under Order in Council.

Right Hon. Sir GEORGE E. FOSTER: I suggest to my honourable friend (Hon. Mr. Belcourt) that it might be well to allow this Bill to remain in its present condition. He might call upon the resources of the Justice Department in order to see how far it does go.

Hon. Mr. BELCOURT: All right.

Right Hon. Sir GEORGE E. FOSTER: I feel that there would be certain disadvantages in it if it were to apply to one great railway system and not to another. That might bring about a situation which would have serious consequences. It is all very well to say that the Government is behind the Canadian National Railway System, and that if this legislation goes into effect and the National System gains less while its opponent gains more, the Government can come to its assistance and make up the deficiency; but that is not what the taxpayer wants.

Hon. Mr. GRIESBACH: We are told that this measure applies only to Government contracts. Then why legislate at all? Why not make it a matter of Government policy? There is a further point involved, namely, that this is a provincial matter. This country is bound under the Versailles Treaty and the League of Nations to inaugurate an eight hour day. We have solemnly agreed to that, and the reason we have not got it is that this Government has no power to legislate with regard to wages and hours of labour. That power rests with the provincial legislatures.

Hon. Mr. MURDOCK: My honourable friend asks why the Government of Canada does not carry out the policy without this law. That is what it has been undertaking to do for thirty years under Order in Council. The situation with regard to this question is similar to that which existed two or three days ago on the question of controlling traffic on Dominion property. Traffic had been controlled for many years under Order in Council, and it was intimated by honourable senators that the system was not satisfactory, and that we should enact into law the regulations previously in effect, so that there would be some stability to them. That is what is being done in connection with this matter, as I understand it. This fair wages policy has been in effect since 1900, and reaffirmed in 1922 and at other times, and it has been found difficult on occasions to enforce it. Very often the question of legality has been raised. Now the Government is simply undertaking to enact into law what has been the practice for a number of years.

Hon. Mr. BELCOURT: With regard to the question of jurisdiction, probably my honourable friend did not follow what I said. The Supreme Court of Canada has declared that so far as Government contracts are concerned, there is no doubt that we have jurisdiction. Wages and hours of labour, speaking generally, come probably within the exclusive jurisdiction of the provinces.

I shall act on the suggestion which has been made, that the Justice Department be asked to give an interpretation of the provision as we have it. Possibly my honourable friends would allow me to move the Bill into Committee, where these explanations can be given.

I move the second reading.

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

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Belcourt, the Senate went into Committee on the Bill.

Hon. Mr. Copp in the Chair.

Progress was reported.

## ROYAL CANADIAN MOUNTED POLICE BILL

SECOND READING

Hon. Mr. BELCOURT moved the second reading of Bill 132, an Act respecting the Royal Canadian Mounted Police.

He said: Honourable members, this Bill provides for an increase in pension for those members of the Royal Canadian Mounted Police who received extra pay from the 15th of May, 1919, to the 31st of May, 1924. This extra pay was sometimes known as "bonus," and it was not consolidated, as it were, with the ordinary straight pay, until the 31st of May, 1924. From the 15th of May, 1919, to the 31st of May, 1924, however, a number of members of the Force were retired to pension, but because the extra pay had not been consolidated, their pensions were not based on the full pay received by them. It is now proposed to adjust that discrepancy. I have here a memorandum showing the cost of increase of pensions, and other relative information.

Hon. Mr. GRIESBACH: What does it come to?

Hon. Mr. BELCOURT: I have here a statement showing the cost of increase of pensions to officers, officers' widows, non-commissioned officers and constables retired between July 7, 1919, and May 31, 1924. The present pension of officers is $23,149, of officers' widows, $3,141.50, of non-commissioned officers and constables, $23,904.37—making a total of $50,194.87.

Hon. Mr. GRIESBACH: Is that the annual increase?

Hon. Mr. BELCOURT: That is the present pension.

Hon. Mr. GRIESBACH: That is a different story.

Hon. Mr. BELCOURT: The amounts of the pensions under the 1924 Statute are as follows: officers, $26,812, officers' widows, $3,677, non-commissioned officers and constables, $28,557.01—making a total of $59,046.01. The increases are as follows: officers, $3,663, officers' widows, $535,50, non-commissioned officers and constables, $4,652.64—making a total increase of $8,851.14.

Hon. Mr. CURRY: Is that per annum or for the period?

Hon. Mr. BELCOURT: That is for the period from the 7th of July, 1919, to 31st of May, 1924.

Hon. Mr. WILLOUGHBY: That does not agree with the explanatory note appended to the Bill.

Hon. Mr. GRIESBACH: There must be something wrong. I do not think the explanation of the honourable acting leader is right. The second clause of the Bill provides:

> No readjustments as provided by this or the preceding subsection shall be deemed to authorize the increase of any payments for pensions that accrued before the passing of this Act.

The effect of this Bill is to bring these increases into force from the date the Bill becomes law. The information that I am trying to get is, what will be the increased cost per year after the passing of this Bill. Obviously the explanatory note is wrong, for it says that the object of the Bill is to grant increases amounting to $3,650,000. In answer to a question by the honourable member from Amherst (Hon. Mr. Curry) the honourable acting leader of the Government stated that the figures he quoted applied to the period from July 7, 1919, to May 31, 1924, and that is obviously incorrect. What I should like to know is, what will be the annual increase occasioned by the passing of this Bill.

Hon. Mr. BELCOURT: The statement I received reads as follows:

Statement showing cost of increase of pensions to Officers, Officers' Widows, Non-Commissioned Officers and Constables retired between July 7, 1919 and May 31, 1924

| Pensioners | Present pension | Pensions under 1924 statute | Increase |
|---|---|---|---|
| Officers | $23,149 00 | $26,812 00 | $3,663 00 |
| Officers' Widows | 3,141 50 | 3,677 00 | 535 50 |
| N.C.O.'s and Constables | 23,904 37 | 28,557 01 | 4,652 64 |
| | $50,194 87 | $59,046 01 | $8,851 14 |
| Less amount of present pensions | | 50,194 87 | |
| Increase | | $ 8,851 14 | |

Hon. Mr. WILLOUGHBY: But the explanatory note in the Bill says that the increase will be $3,650,000.

Hon. Mr. GRIESBACH: That is obviously a mistake.

Hon. Mr. WILLOUGHBY: Yes, and we want to ascertain approximately what the increase will be.

Hon. Mr. BELCOURT: I have here a further statement, which perhaps will give the information desired by my honourable friend. This second statement shows the cost of increase of pensions to officers and to the widows of officers retired between the 7th of July, 1919, and the 31st of May, 1924. In the first column there is a list of officers, in the second column the rank is stated, next the date when pensioned, the length of service, the present pension, the pension under the 1924 Statute, and then the increase.

I will read two or three names. The first one is A. B. Perry, an ex-Commissioner, pensioned on the 1st of April, 1923: length of service 40 years; present pension, $4,375; pension under the 1924 Statute, $4,690; increase,

$315. The next name is J. A. McGibbon, ex-Assistant Commissioner, pensioned on the 1st of October, 1920: length of service 40 years; present pension, $2,537.50; pension under 1925 Statute, $2,852.50; increase, $315. The next name is P. W. Pennefather, ex-Superintendent, pensioned 1st of September, 1922: length of service, 37 years; present pension, $2,065; pension under 1924 Statute, $2,380; increase, $315. There are a number of other names mentioned in the same way. The total of the present pensions to officers is $23,149, and of pensions under the 1924 Statute, $26,812, an increase of $3,663.

Right Hon. Mr. GRAHAM: That is per year.

Hon. Mr. WILLOUGHBY: That is an annual increase.

Hon. Mr. BELCOURT: I have a further statement showing the cost of increase of pensions to non-commissioned officers and constables retired between the 7th of July, 1919, and the 31st of May, 1924.

Hon. Mr. GRIESBACH: Is that the annual cost?

Hon. Mr. BELCOURT: Yes, I fancy so. I have to assume that, because it is not so stated.

Hon. Mr. CURRY: The honourable acting leader said that the increase was for the period he mentioned.

Hon. Mr. BELCOURT: Well, it may be.

Hon. Mr. GRIESBACH: Which is it?

Hon. Mr. BELCOURT: I have no way of telling. I have given my honourable friend all the information that is before me, and if further information is required I shall ask for it. I cannot say whether the increases mentioned are per annum or for the whole period.

Hon. Mr. COPP: From reading the Bill it would appear that from the 15th of May, 1919, to the 30th of May, 1924, certain constables and officers of the Royal Canadian Mounted Police were in receipt of a definite salary, and in addition they were given a bonus during the whole or part of that period, but those who retired during that period had their pensions established on the basis of the definite salary instead of their salary and bonus combined. This increase of $3,650,000 is apparently for the purpose of adjusting the pensions on the basis of the combined pay and bonus.

Hon. Mr. GREISBACH: That is clearly not so. I could state from memory the names of most of those pensioners and the amounts of their pensions. The figure mentioned in the explanatory note is enough to provide an annual pension of $1,000 for 3,600 retired officers and constables. It is plain that there is an error somewhere. The honourable gentleman who is acting as leader of the House has told us what will be the increased pensions for some of the higher officers, but I am more particularly interested in what increases are to be given to some of the lower ranks. The Royal Northwest Mounted Police Veterans' Association has been advocating for years an increase in pension for a lot of these men, some of whom are receiving the ridiculously small sum of $12 or $14 a month. These are men who have put in long service and who played a great part in the building up and development of our western country. I contend that the scale of pensions paid to ex-service men of the Mounted Police is shamefully low, regard being had to the amounts that are paid to men in civil life and in other Departments of the Government. It was hoped that the Government would bring down a measure to provide for increases for these men, many of whom are now old and need assistance. Nobody seems to know the reason for this Bill. Apparently there has been no general demand for it. The increases provided by the Bill will be given to men who may not need the money so badly, while those who joined the Force in the years from 1880 to 1890, and thereabouts, are being treated shamefully.

As I have already stated, the explanatory note attached to this Bill was obviously meant to be sent in with some other Bill. The amount stated is absurd. I am strongly in favour of the Bill, but it falls pitiably short of what it should be. I should have been glad if the House had been given information to show how ridiculously small the pensions will be, even when based on the combined pay and extra allowances.

Hon. Mr. BELCOURT: Is my honourable friend suggesting that we should postpone the second reading?

Hon. Mr. GRIESBACH: No. If the House is willing to give second reading to the Bill, let it go. But I do not want to see the measure advanced without a word being said about the absurd explanatory note. If the statements which my honourable friend has in his hand are put on Hansard, it may appear that a huge sum of money is being voted to increase the pensions of these men, but I venture to say that the annual increase in pensions authorized by this Bill will not be more than $5,000 or $6,000 a year.

Hon. Mr. BELCOURT: I think my honourable friend is right. One of the statements which I have here shows that the increase of pensions to non-commissioned officers and constables will amount to $4,652.

Hon. Mr. GRIESBACH: That was just a rough estimate on my part, but I was not very far out.

Hon. Mr. BELCOURT: No, you were not. It may be that further information could be obtained, but I doubt it.

Hon. Mr. WILLOUGHBY: I think it is desirable that the public should know what the annual increase is to be.

Hon. Mr. BELCOURT: Will my honourable friend state definitely what information he wishes?

Hon. Mr. WILLOUGHBY: I want to know what this increase will amount to in dollars and cents. I think that there is an error in the explanatory note. The House is entitled to the information.

Hon. Mr. BELCOURT: I am quite willing to try to get the information, but I should be glad if my honourable friend would state exactly what he wants, so that Department officials may be able to refer to Hansard and see what information they are required to furnish.

Right Hon. Sir GEORGE E. FOSTER: When we come to consider the Bill further, I hope the honourable acting leader will be in a position to tell us whether or not we are putting our necks under the yoke to the extent of $3,600,000. There may be a nigger somewhere in the woodpile, and in this pre-election period we must be careful.

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

## JUDGES BILL

### SECOND READING

Hon. Mr. BELCOURT moved the second reading of Bill 133, an Act to amend the Judges Act.

He said: Honourable members, in explanation of this Bill I shall read a memorandum which has been sent to me.

By section 2, chapter 38 of the statutes of 1927, section 9 of the Supreme Court Act was amended by adding thereto the following:

"Provided that each Judge whether heretofore appointed or hereafter to be appointed shall cease to hold office upon attaining the age of seventy-five years, or immediately if he has already attained that age."

By chapter 30 of the same year similar provision was made regarding the Judges of the Exchequer Court.

The effect of these provisions was to change the existing law by which the Judges of the Supreme and Exchequer Courts held office during good behaviour, so that they would automatically cease to hold office upon attaining the age of seventy-five years. Similar provision could not be made with regard to the Judges of the Superior Courts of the Provinces because of the provisions of section 99 of the B.N.A. Act, 1867, reading as follows:

"99. The Judges of the Superior Court shall hold office during good behaviour, but shall be removable by the Governor General on Address of the Senate and House of Commons."

In view of the above changes in the law, the Judges Act was amended by chapter 33 of the statutes of 1927 by the insertion of a new sub-section, which now appears as sub-section 2 of section 24 of the Judges Act, chapter 105, R.S.C. 1927, and which is printed in the explanatory note to the Bill.

The effect of this provision was to give these Judges the same retiring allowances as if they had been retired under the provisions of section 23 or 24 respectively of the Judges Act, R.S.C. 1927, Chapter 105. In the case of most, if not all the Judges who held office at that time, this would mean the grant of an annuity equal to two-thirds of the salary payable to them at the time of retirement.

The purpose of the present Bill is to give all the Judges who were in office at the time the age limit above referred to was created a retiring allowance equal to the full salary payable at the time of retirement where any such Judge is retired by reason of having attained the age of seventy-five years.

No discussion took place in the House of Commons as to how this would work out in the case of any individual Judge. If any information of this kind is asked for in the Senate, I suggest that you have the discussion stand, and communicate with me, and I will endeavour to furnish the information promptly.

Hon. Mr. WILLOUGHBY: I take it that the position of the judges already appointed was that they were entitled to retire on full salary; the others came in with the knowledge that they would get only two-thirds of the salary as a retiring allowance. I take it that is the meaning of it.

Hon. Mr. BELCOURT: And the reason for it.

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

### THIRD READING

Hon. Mr. BELCOURT moved the third reading of the Bill.

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

## BIOLOGICAL BOARD BILL

### SECOND READING

Hon. Mr. BELCOURT moved the second reading of Bill 137, an Act to amend the Biological Board Act.

He said: Honourable members, the purpose of this Bill is to increase the number of members of the Biological Board. The Biological Board Act is now administered by five members. It is proposed to increase that number to seven.

Hon. Mr. DANIEL: This relates entirely to the Fisheries Department, does it?

Hon. Mr. BELCOURT: I cannot say. I do not know that it deals only with fish life.

Hon. Mr. FORKE: It does relate to the fisheries.

Hon. Mr. BELCOURT: Only to fish?

Hon. Mr. FORKE: One member is appointed on the Atlantic coast and one on the Pacific coast.

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

THIRD READING

Hon. Mr. BELCOURT moved the third reading of the Bill.

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

## NATIONAL PARKS BILL

CONSIDERED IN COMMITTEE—PROGRESS REPORTED

The Senate again went into Committee on Bill 135, an Act respecting National Parks.—Hon. Mr. Belcourt.

Hon. Mr. Copp in the Chair.

Hon. Mr. BELCOURT: As requested, I have procured a number of maps showing these parks. As I understand, the only parks that have been lessened in area, or restricted, are the two in Alberta—the Rocky Mountain Park and Jasper Park. These maps, which I shall lay on the Table, show what the original area was, and what the proposed area will be. I have a number of other maps.

Right Hon. Sir GEORGE E. FOSTER: Would it not be better to have some honourable gentlemen who take a particular interest in this matter study the maps before the subject is brought before the House?

Hon. Mr. BELCOURT: I have here a letter, accompanying the maps, which may be of some use. It is dated to-day, and is addressed to me by Mr. Harkin, the Commissioner. It says:

I am sending you herewith two maps to show the boundaries of Yoho Park and of Glacier Park, both in British Columbia, as they were originally and as they are now. The boundaries as they now exist have the approval of the provincial government of British Columbia. The only reason the boundaries are specifically described in the schedule of the Act is the fact that the new boundaries involved the elimination of certain portions of the Parks as they formerly were, and eliminations of this kind can only be made by statute, though Parks, in the first instance, could be and ordinarily have been in the past created by Order in Council. The Bill with which you are now dealing, of course, will permit of Parks being established or changed in any way only by statute.

Portions of these parks, as I understand it, have been found fit for commercial, agricultural, mining, or other industries.

Hon. Mr. GRIESBACH: Mr. Chairman, we are missing the discussion at the Table. We cannot hear what is being said in explanation of the maps, and it is not being recorded on Hansard. I protest against this irregular method of carrying on business.

The CHAIRMAN: The question is on the short title.

Right Hon. Sir GEORGE E. FOSTER: This is legislating in the dark. We might just as well be asked to shut our eyes and ears and pass the Bill. I do not see any practical way of coming to a conclusion other than to refer the whole question to a commitee where the officers of the Department would be present to give the reasons for the abstraction of the particular portions of the parks outlined. We cannot intelligently pass on this Bill with the information that we now have.

Hon. Mr. BELCOURT: As I understand it, the policy of the Department is that in future no part of the parks shall be granted, leased, or otherwise permitted to be occupied for any commercial, agricultural, industrial or other purpose. In order to remove the difficulty in carrying out that policy, which was necessitated because of certain grants or concessions made in the past, portions of these parks have been eliminated and no longer form part of them.

Hon. Mr. CURRY: We want to know why.

Hon. Mr. BELCOURT: It is because some people have obtained grants for mining, agricultural, or other purposes. The only additional information that an officer of the Department would be able to give would be the special reason in each case. If the House desires to know the reason actuating the Department in each particular instance, it will be necessary to get an officer of the Department to give it. I have not that information before me, and did not expect to be asked for it.

Hon. Mr. DANIEL: Is the elimination of portions of the Rocky Mountain Park in any way connected with the exploitation of water-powers by private interests?

Hon. Mr. BELCOURT: I have no specific information as to what industry is being carried on in any particular section. I cannot tell whether it is for water-power, or mining rights, or otherwise, but I am instructed that it is for one of these reasons that the sections have been withdrawn from the park area.

Hon. Mr. FORKE: We have the information in the Bill. Here it is:

A special examination of Rocky Mountains and Jasper Parks was made by an officer of this Department, with a view to the elimination of any areas which are more suitable for industrial and commercial purposes than for National Park purposes. The change in the boundaries of these parks is that agreed upon by the Department's representative and a Provincial representative. So far as practicable only areas which are considered to be of more value to the country as National Parks than for any other purpose have been retained in the Parks. An endeavour has been made to follow heights of land and water courses as natural boundaries for parks.

Hon. Mr. WILLOUGHBY: I think you will find the explanation in the agreements with the Province of Alberta and the Province of British Columbia. We want the maps because without them it is impossible to visualize what is being done. I do not object to the Bill going to Committee.

Right Hon. Sir GEORGE E. FOSTER: There is a very lively and commendable interest on the part of the people of Canada in this matter of public parks. I have received twenty or thirty communications within the last fortnight—and I suppose other senators have received similar ones—calling attention to a rather general fear that the parks may be reduced in area for commercial purposes. I think there is a very general feeling that our parks are none too extensive, and that there ought to be very good reasons for eliminating any portions of them. The mere fact that some person has had a water-power, a mining area, or a pasturage area granted to him is not conclusive evidence that this legislation should go through. There may be some question as to whether that private or municipal right, or whatever it may be, ought not to be extinguished in the interest of the parks as a whole.

The elimination of these portions from the park areas is not the only thing to be considered. There may be operations set up which will destroy entirely the scenic beauty and the recreational features that inhere in our national parks. In the face of the representations that have been made, I should not like to see this legislation passed without some good reasons being given for what is taking place. I would not object so much if there were agreement between the provincial authority and the Dominion authority as to abstraction for a certain purpose, because I think the provincial governments have as keen an interest in the park system as we have. But there are private contractors and exploiters who are constantly on the move, and I think very careful examination should be made of this matter. Therefore, if it is not assuming too much, I would press the suggestion that this Bill be sent to a special committee, and that the officers of the Department be summoned to give such information as is required. That committee then could go into the whole matter thoroughly and make its report to the House. I think that would be much more satisfactory than attempting to pass the Bill on the slight information that we now have.

Hon. Mr. BELCOURT: Honourable members, I entirely agree with what the right honourable gentleman (Right Hon. Sir George E. Foster) says with regard to the advisability of not reducing the boundaries of these parks more than is absolutely necessary. It seems clear to me from a reading of the Bill that the Government is of the same mind. Subsection 4 of section 6 of the Bill reads:

The Governor in Council may authorize the Minister to purchase, expropriate or otherwise acquire any lands or interests therein, including the lands of Indians or of any other persons, for the purposes of a Park.

I think the Department is fully alive to the wisdom of not only keeping these parks intact, as far as it is possible to do so, but also acquiring additional lands for park purposes. I realize the difficulty of fully understanding all the provisions of the Bill unless we are able to interrogate someone who is familiar with the entire situation, and for that reason I have not the slightest objection to the consideration of the measure by a committee, with power to send for witnesses and make a thorough inquiry.

Right Hon. Sir GEORGE E. FOSTER: That committee could meet on Monday, perhaps, and secure the desired information

Hon. Mr. BELCOURT: Perhaps it would not be possible to have a meeting of the committee on Monday.

Hon. Mr. GRIESBACH: Will the honourable acting leader tell me when the Bill is to take effect? I ask that question in view of the pending transfer of the natural resources of Alberta to the Government of that province.

Hon. Mr. BELCOURT: There is no special provision in the Act as to the date on which it shall come into force; therefore it will automatically become effective on the date it is assented to.

Hon. Mr. GRIESBACH: When this Bill comes into force the areas that are to be excluded from the parks will become subject to the regulations governing the granting of coal leases or ranch leases, grazing leases, timber leases, and so on; and to my mind this situation will be extremely dangerous, because the province will not immediately assume actual control of the lands. These areas are of considerable value, for a variety of reasons. For example, there are the game animals, which are as tame as domestic pets and wander over the parks without any knowledge of the fact that there has been a change in the boundaries. They become an easy mark for millionaire sportsmen from New York and other such places, and some enterprising commercial concerns may step in quickly and seize valuable concessions. My point is that by the time the Provincial Government takes over the natural resources, these very choice areas may have been acquired by private interests. The committee would be well advised to look into that aspect of the matter and see to it that there is a special provision in the Bill that there shall be no slicing of the parks in the interim between the passing of the Bill and the actual handing over of the natural resources to the province, which may be a year hence.

Hon. Mr. BELCOURT: We have already passed the Alberta Natural Resources Bill, and it will receive the Royal Assent at the same time as all other Bills, including this one, at the end of the session. Automatically the natural resources will come under provincial control on the same date that the present Bill becomes law. Therefore, if in the meantime some people become squatters, or anything of that nature occurs, on the park lands, that will be a matter of provincial concern. Surely, in anticipation of taking over these territories at any early date, the province will take such steps as it may deem necessary to exercise proper control. As soon as the Natural Resources Bill has been assented to it becomes absolute, and the natural resources are no longer within Dominion jurisdiction. At the same time this Bill, if passed, will become law. It seems to me that we have done our full duty towards the provinces.

Hon. Mr. GRIESBACH: My honourable friend will agree that the transfer of the administration of these lands cannot be made on five minutes' notice. On the contrary, it may take a month or a year before the province actually assumes administration. I am raising the question now because I know that it is a matter of some importance, and that there is a great deal of fluttering in certain dove-cotes. I hope that my honourable friend (Hon. Mr. Belcourt), in saying what he has said, is making a considered statement on behalf of the Government, for we may hear more of it later. I warn him of that now.

Hon. Mr. FORKE: After the passing of this Bill neither the Governor in Council nor the Minister of the Interior will have power to make changes in the boundaries of the parks.

Hon. Mr. GRIESBACH: That is quite clear.

Hon. Mr. FORKE: For that reason I am inclined to favour the contention of the right honourable the junior member from Ottawa (Right Hon. Sir George E. Foster) that we should be sure, before we pass this Bill, that it will not result in detracting from the usefulness or beauty of the parks. Apparently a representative of the Dominion Government and a representative of the Provincial Government have come to an agreement about the changes in the boundaries, but we do not know very much about the matter. I think it would be wise to have a committee for the purpose of learning what has been done for the benefit of the country as a whole.

Hon. Mr. WILLOUGHBY: The honourable gentleman from Edmonton (Hon. Mr. Griesbach) has raised the point that the Government of Alberta—and that is the only province concerned in the Rocky Mountain and the Jasper Parks—may not be in a position to look after the natural resources that are being transferred, immediately this Bill and the Natural Resources Bill become law. After this committee has finished its inquiry into this Bill, it might be worth while to consider whether we should not provide that it go into effect at some later date suitable to the Provincial Government. It is quite possible that the Alberta Government will require time to make provision for the protection of the game on these territories.

Hon. Mr. BELCOURT: That is a matter into which the committee might well inquire, and if the honourable member desires to make a suggestion along those lines, he could do so when the committee meets. I do not quite understand the assumption or the hint of my honourable friend from Edmonton (Hon. Mr. Griesbach) that I was making a special declaration on behalf of the Government in regard to this Bill. I am making nothing more than an observation, in the same way that any honourable gentleman might express his opinion, and I do not pretend to announce any Government policy; I am merely voicing my personal views in regard to this measure and others we passed through this House a day or so ago. I simply said that as the Bills we had passed for the transfer of natural resources to the Western Provinces contained no special clause as to when they should come into effect, they are subject to the general rule that they come into force when given the Royal Assent. And I say that this measure is in the same position. There is nothing more that this Parliament is called upon to do. If it is necessary to take any conservation measures after the Bills become law, I imagine that is something that the respective provinces will have to arrange. If there is any way in which we can assist the provinces to get control of everything to which they are entitled under the agreements, I shall be quite willing to entertain any suggestion along that line. But my honourable friend must not put into my mouth words that I did not use. I am simply speaking, for the moment, of the reaction which I got, such as any honourable member may get, after reading the Bill. I am giving no undertaking.

Hon. Mr. GRIESBACH: But I submit that the honourable gentleman who is leading the Government must not react like any other honourable member. He should speak for the Government. We have a right to know what the Government proposes to do. I draw the attention of the honourable gentleman to the fact that by this Bill we are disposing of a considerable portion of lands on the outskirts of the parks. My honourable friend suggested a moment ago that the reason for the disposal of these lands is that they will be more useful for industrial purposes than for park purposes.

Hon. Mr. BELCOURT: Will the honourable gentleman permit me to correct him? I said, because some concessions had been granted in these parks. It is because of something done in the past, and not of anything that will be done in the future.



Hon. Mr. GRIESBACH: I might be interested in anything that has been done in the very recent past. These lands are highly desirable and many people want to get hold of them. What I am saying will appear in Hansard and will come to the attention of those who are interested in seeing that these transactions are properly carried out. This measure may be full of danger. We do not know what was in the mind of the Government before this Bill came to us. The Government may have committed itself—may have taken applications which would be binding on the province. I want to make sure that the Provincial Government will be protected in the transfer of these lands, which, I suggest to my honourable friend, may not actually take place within a year after the Bill becomes law. How can the Provincial Government take over the control of these territories without months of preparation? Numerous matters will have to be discussed and settled before the actual transfer will be effective. I want to see that the game on these lands is protected, and that the interests of the public receive attention. There is a lot of game, wandering around in that large area adjoining Jasper Park, where the bears drink out of beer bottles. They come up to your car, and if you give them a bottle of beer they will drink the contents and hand you back the bottle.

Right Hon. Sir GEORGE E. FOSTER: What degradation of taste!

Hon. Mr. WILLOUGHBY: Why waste the beer?

Hon. Mr. GRIESBACH: Is the game to be protected? As I have already mentioned, my words are being taken down and will appear in Hansard, and I hope—although my hope may not be realized—that somebody in authority will read them. The honourable gentleman who is leading the Government ought to be careful in making statements.

Hon. Mr. BELCOURT: I try to be.

Hon. Mr. GRIESBACH: I should like to leave here at the end of the session and go to my part of the country with an assurance from the Government—

Hon. Mr. BELCOURT: An assurance as to what?

Hon. Mr. GRIESBACH: I have pointed out the situation to my honourable friend, and I ask him, as representing the Government in this Chamber, to see that no scandal attaches to the transfer of these lands; that the Government will protect itself against the

machinations of certain people who may try to rush in; and, particularly, that my province of Alberta shall be protected in taking over these lands and not be placed under obligations resulting from transactions which take place before the actual transfer of these lands.

Hon. Mr. BELCOURT: I am just as eager as my honourable friend is to see that the agreements are carried out. I think the Government is quite determined to do all that it can to insure that there shall be handed over to the provinces all they are entitled to under the agreements. My honourable friend asks me to give him an assurance that this is going to be done—an assurance that the people in his province are going to get everything to which they are entitled. But surely the people of Alberta have a responsibility in the matter. The Government of that province is, I take it, wide-awake and well able to look after its own interests. Has my honourable friend some specific suggestion to make? If he wishes an assurance as to something definite, I shall endeavour to get it for him. But I must confess I do not know what he means.

Hon. Mr. GRIESBACH: I will tell the honourable gentleman what I mean. If this matter is referred to a committee of this House, I ask the honourable member to warn the officials of the Government who may come to advise us, that if I am a member of that committee I shall ask them to tell me all about the applications that have been made in the last six months for coal rights, grazing leases, ranch leases, and anything else in respect to these lands that are being excluded from the parks. I want to know what they are and what the Government is going to do about them. And I shall want to know also how it is proposed to administer these lands in the interregnum between the passing of the Bills and the actual taking over of the territories by the province; and to what extent the Government will be bound by applications now being received for certain rights, and whether other applications may be received that will obligate the province. I want to know whether there is a policy for the administration of these lands next year, between the complete relinquishment of control by the Federal Government and the final taking over by the Provincial Government. I am anxious to know these things in order that we may try to prevent a wholesale grabbing of these valuable properties before they are in fact transferred to the province. It is in the interest of the Government itself to avoid scandal, suggestions of unfairness, or dealings which will not be creditable to it or to anybody.

Hon. Mr. BELCOURT: Perhaps my honourable friend is aware that some of the provincial officers are now actually carrying on.

Hon. Mr. GRIESBACH: I have no information at all on the subject.

Hon. Mr. BELCOURT: I cannot state it as a positive fact, but it is my impression that the provincial officers have been in communication with the Dominion officials for some time past, looking towards a transfer at an early date. I do not know what progress has been made, but I believe that to be the fact.

May I repeat? I am thoroughly in accord with my honourable friend in suggesting to the Government that every means possible should be taken to protect the property of the province, whatever may happen, and if, in committee, my honourable friend will make the inquiries which he has just mentioned, I shall endeavour to have them fully answered.

Progress was reported.

## TRADE WITH BRITISH WEST INDIES

### PROPOSED RESOLUTION WITHDRAWN

The Senate resumed from Thursday, March 27, the adjourned debate on the motion of Hon. Mr. Logan:

That in the interests of Canada, the British West Indies, and of the British Empire as a whole, Canada should admit all tropical products coming direct from the British West Indies to Canadian Ports, free of Customs duties.

Hon. C. E. TANNER: Honourable members, I want to say at once that I am quite in agreement with the underlying policy of the motion of the honourable member from Cumberland (Hon. Mr. Logan), namely, that it is desirable, as far as is possible on fair terms, to develop trade between this country and the British West Indies Islands. I asked to have this matter stand over, not for the purpose of being critical or of opposing the proposition in general terms, but largely in order that I might acquaint myself a little more thoroughly with the subject matter, and obtain a better understanding of it.

I think, honourable members, that the proposal is a step in the right direction, and is, perhaps, particularly opportune at this time, in view of the rather remarkable and adverse attitude of the British Government in regard to the preference not only to the Empire in general, but to these very islands in particular. There is at the present moment, I think, very bitter disappointment in the British West Indies Islands in regard to the almost unfriendly attitude of the Government of Great Britain; consequently the time may be

very opportune for Canada to do whatever can be done fairly, and upon fair terms, to increase and develop the trade between this country and those islands.

I am not at this stage going into any detailed discussion, in view of the fact that the Government, under its tariff resolutions, has adopted, in part, the suggestion contained in the motion of my honourable friend. I am going to make only a very brief reference to a few features that appeal to me in considering the subject.

Prior to 1925, of course, we had treaties with the British West Indies Islands, and I find on looking up the records—and it is as well to put it on Hansard—that under the old treaty of 1920, and between 1922 and 1925, there was a greater increase in the trade between Canada and the British West Indies than there was between 1925 and 1929 under the treaty now in existence. Between 1922 and 1925 the increase was $10,000,000; between 1925 and 1929 it was $3,500,000.

Hon. Mr. LOGAN: Is the honourable gentleman aware that the treaty did not come into effect until 1927?

Hon. Mr. TANNER: I know that, but I am taking these figures because, as I am going to point out, there has not been any very marked change in the volume of trade. For instance, I find that for the eleven months period ending February 28, 1929, the trade figures were $36,703,719; then I find that for a similar period ending the 28th of February, 1930, they were $34,844,754, showing a slight decrease. As I say, I am submitting these figures not for purposes of criticism, but for purposes which I shall point out later on.

I find, as against that, that the trade of the United States with the British West Indies Islands increased between 1926 and 1929 by almost $2,000,000. Just here I want to read the view of the Department of Commerce of the United States on the question of trade with the islands. I am quoting from the Commerce Reports of April 7, 1930.

> During 1929 the United States increased the sale of its products in Jamaica to $9,131,010 as compared with $8,140,686 in 1928. An even greater percentage of gain was noted in the market of Trinidad and Tobago, sales increasing from $4,717,034 in 1928 to $6,735,923 in 1929. The anticipated Canadian competition in the area, aided by the increased Canadian shipping facilities, has not as yet had any noticeable effect on United States exports. The American products continue to find increasing favour in the island markets and a future expansion of trade is to be expected. Increased communications, both steamship and air mail, afford greater facilities to the American shipper, particularly from the southern and Gulf ports of the United States.



I have read that for the purpose of reminding honourable senators that we must be on our guard, because we have very keen competitors for that business, and must be wide-awake if we want to get our fair share of it. In that connection I was a little surprised to find the increasing amount of Canadian exports to the West Indies that do not go directly to those islands. We have invested under the treaty of 1925, I believe, about $11,000,000 in the new steamship service. This is a very excellent service, and I am not saying a word except in approval of it. Last year, in 1929, this West Indies steamship system suffered an operating loss of $1,117,896.48. This year, according to the 1930 Estimates submitted to Parliament, the deficit will be approximately $900,000. The deficit for 1929 was larger than was estimated, and it may be reasoned, therefore, that the deficit in 1930 may also exceed the estimate. However, I am pointing out that we have a large capital investment, that those steamers are operating at a very considerable loss, and that we have there another reason to be wide-awake and to see what can be done in this country to develop that trade, cut down the losses and improve our situation generally. These steamers, of course, cater largely to passenger trade, and they do it excellently; they are very popular; but I think it is elementary to say that the money must be earned by the carrying of freights, and that therefore we must try to develop a freight business between this country and those islands.

The other day I read an interesting item from Bermuda which intimated that there was an appreciation there of the action of the Government of this country in putting certain tropical products on the free list. I was curious enough to look to see what had happened last year, and I found that in 1929 the United States bought from the West Indies $400,000 less of goods, and sold to them $700,000 more than they did in 1926. So there is another suggestion: that it is necessary to look after this business—and in a moment I am going to point out just one way in which I think that can be done.

Another point in dealing with the export by the United States is this. I find that in 1922 Canadian exporters sent to the West Indies, through United States ports, only $1,163,000 worth of goods, whereas in 1929 they sent through those ports $4,026,402 of Canadian products. I suggest that this is another matter of which we should take cognizance, and that whatever can be done should be done to direct that trade with the islands through Canadian ports and on Cana-

dian steamers, instead of having it go through American ports and in American bottoms. I see there a method of reducing the deficit on our steamship service.

I do not want to take up much time at this stage, but I may say that I was rather interested in observing that since 1925 one of the products largely exported from Canada to the West Indies Islands was whiskey. We seem to be doing a thriving business in that commodity down there. In the reports furnished me by the Statistical Department I find that of all our exports that shows greatest growth. For instance, in 1925 we sent them, in round figures, 200,000 gallons, and in 1929, 634,000 gallons. During the eleven-month period ending February 28, 1929, we sent them 509,000 gallons, and in a similar period ending February 28, 1930, we sent 608,000 gallons. I am not saying that there were not increases in other classes of goods; but to go into those items would take more time than is at my disposal. There were increases in automobiles and accessories, and several other items; but this is the most striking item in the whole of our exports to the islands.

I do not know whether we are prepared to go so far as to abolish the duties and admit British West Indies products into this country free. I secured a statement of exports and imports for the year 1928, the last year for which these figures are available, and it shows that we shipped to the British West Indies in that year goods, not including spirits and tobacco, to the value of $18,996,353, on which the islands collected duties of $1,767,287; whereas our total imports from them for that year amounted to $23,416,643—this is also exclusive of spirits and tobacco—and our duties amounted to only $1,566,612. Perhaps this will suggest that we should secure more favourable terms from the islands in the matter of their tariff.

In Nova Scotia there is a considerable difference of opinion as to whether the treaty of 1925 is as fair to Canada as it should be. I do not pretend to be able to express an opinion upon that question, because I am not familiar with it. I suggest that some steps should be taken with a view to determining whether that contention is well founded. It is felt that the treaty is particularly unfair as regards sugar; but here again I cannot pretend to make an authoritative statement. The opinion is widely held in my province that the sugar producers in the West Indies absorb the preference and that Canadians do not get the benefit by way of reduced prices. Some men who have large interests in the sugar business in this country go so far as to say that the result of the treaty is a loss of about $3,000,000 a year to Canada, on account of the sugar preference. My reason for making these statements is that I hope that they will be looked into.

In reading the report of the Conference of 1925 I find that a number of the representatives of the West Indies stated that Canadian business men did not go to the islands in search of business. One of them, if I remember correctly, spoke to this effect: "The Islands swarm with men from the United States looking for business, but we never see a Canadian at all." Now, if that is so, it is a fault, not of the Government, but rather of our own people. If we do not go after business we cannot expect to get it, notwithstanding our operation of steamers and expensive advertising and other such methods. If our manufacturers and dealers are content to let their American competitors build up trade, we must expect to be the losers.

I shall not detain honourable members much longer, but I should like to repeat that I am in sympathy with the desire to develop trade with the islands. I commend my honourable friend from Cumberland (Hon. Mr. Logan) for bringing the matter up here and making possible the discussion that there has been. He has in part succeeded in his object. I am going to suggest to him that I think the matter is of sufficient importance to be investigated in a great deal more detail, and that, should we live to return for another session of Parliament, excellent work could be done if my honourable friend were to move for and secure the appointment of a special committee of the Senate to consider the whole ground of trade with the West Indies and make suggestions as to ways and means by which that trade could be improved.

Hon. HANCE J. LOGAN: Honourable senators, I desire to place on Hansard a few figures which I think will correct the inference drawn by my honourable friend from Pictou (Hon. Mr. Tanner) with regard to the results of the treaty of 1925. I hold in my hand statistics of trade between Canada and the British West Indies in the years 1925 to 1929, inclusive. Although the treaty was made in 1925, it did not come into force until, I think, July, 1927. Canada's domestic exports to the British West Indies in 1926, the year before the treaty came into effect, amounted to $17,207,130. In 1929 they had increased to $20,524,366—an increase of over $3,000,000. The imports from the British West Indies in 1926 amounted to $14,823,745, and in 1929 to $20,638,916—an increase of nearly $6,000,000.

I regret that the British West Indies have not put into operation a policy similar to ours, by providing that goods, in order to receive the preference, must come into that country direct from Canada. I believe there was recently introduced in the Legislature of Jamaica a Bill to provide for such a plan. If goods are exported from Canada to the British West Indies via the United States it is the fault of the British West Indies.

The percentage of goods coming into Canada from the West Indies through United States ports decreased from 6.3 in 1926, to .06 in 1929.

When I was speaking previously on this matter I referred to the development of trade between the United States and Porto Rico as an example of what may be done between Canada and the British West Indies. Porto Rico became a part of the United States in 1901. From that time American goods were admitted to Porto Rico free of duty, and the United States treated imports from Porto Rico in the same way. I should like to see a similar arrangement between Canada and the British West Indies. The growth of trade between the United States and Porto Rico since 1901 is shown in the following table:

| Years ended June 30: | Imports from United States | Exports to United States |
|---|---|---|
| 1901.. .. .. | $ 6,965,000 | $ 5,641,000 |
| 1906.. .. .. | 19,225,000 | 19,142,000 |
| 1911.. .. .. | 34,672,000 | 34,765,000 |
| 1916.. .. .. | 35,893,000 | 60,953,000 |
| Years ended December 31: | | |
| 1921.. .. .. | 60,977,000 | 71,988,000 |
| 1926.. .. .. | 84,738,000 | 90,167,000 |
| 1927.. .. .. | 86,327,000 | 96,902,000 |
| 1928.. .. .. | 81,981,000 | 97,269,000 |

In twenty-seven years the annual imports from the United States increased by about $75,000,000, and the exports to the United States by about $92,000,000. It seems to me that this is a good incentive for us in this country.

As I have stated before, I desire, not to press this question, but only to have the matter discussed. I think that the suggestion of the honourable member from Pictou (Hon. Mr. Tanner) is a good one, and that it would be advisable at the next session of Parliament to have a committee appointed to go into the whole question of trade with the West Indies. Since our previous discussion on this matter I have been much pleased to see that the Minister of Finance has placed upon the free list nearly all the tropical products of the British West Indies. In his budget speech in another place he said:



All fresh fruits are to be granted free entry under the British preferential tariff; here again the Government has kept in mind the possibilities of greatly extended trade with Bermuda and the West Indies Islands and has taken another step in the direction commenced two years ago when free entry was accorded bananas imported direct from the islands. So far as possible, Canada desires to purchase from these British islands to the south those fresh fruits which they are capable of supplying to this market.

That covers a very large part of the matters referred to in my resolution, leaving out of consideration practically only three products; namely, rum, sugar and tobacco. With regard to sugar, I think this is a matter which should be given very full consideration. We intended to deal with it at the last conference, but it was not reached in the discussion. However, if we have a committee, as suggested by my honourable friend (Hon. Mr. Tanner), at the next session of Parliament, this is one matter which should be taken up. I do not pretend to have definite information on the subject, but I know there is a great difference of opinion between the average man who is interested in the subject and the producers. If we had a special committee we could thresh out the whole question and perhaps make better arrangements with the people of the West Indies. This would meet with the wishes of most of the people down there, and would result in cheaper sugar for Canadians. I am not very much concerned with the question of rum. Perhaps the tobacco trade is worthy of much further development. However, now that there have been made in the recent Budget the provisions to which I have referred, I ask leave of this honourable House to withdraw my motion.

The motion was withdrawn.

## APPROPRIATION BILL NO. 2

### FIRST READING

Bill 140, an Act for granting to His Majesty certain sums of money for the public service of the financial years ending respectively the 31st March, 1930, and the 31st March, 1931. —Hon. Mr. Belcourt.

### SECOND READING

Hon. Mr. BELCOURT moved the second reading of the Bill.

Hon. Mr. DANIEL: Does this contain a certain proportion of the whole?

Hon. Mr. BELCOURT: I have not seen the Bill. I notice it is in connection with the Canadian National Railway vote.

Right Hon. Mr. GRAHAM: It is to enable them to carry on with their work.

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

The Senate adjourned until Monday, May 19, at 8 o'clock p.m.

## THE SENATE

Monday, May 19, 1930.

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

### APPROPRIATION BILL No. 2

THIRD READING

Bill 140, an Act for granting to His Majesty certain sums of money for the public service of the financial years ending respectively the 31st March, 1930, and the 31st March, 1931.—Hon. Mr. Belcourt.

### NATIONAL PARKS BILL

On the Order:

The House again in Committee of the Whole on Bill 135, an Act respecting National Parks.

Hon. Mr. BELCOURT: Honourable members, after this Bill was moved into Committee of the Whole the other day, my right honourable friend opposite (Right Hon. Sir George E. Foster) urged that it should be sent to a special committee. I suggest to my right honourable friend that there is now, perhaps, no necessity for a reference to a special committee, inasmuch as I am authorized by the Government to say that the areas that have been taken out are to remain under the administration of the Federal Government, and no privilege of any kind will be granted by the Government at Ottawa until the whole transfer of the natural resources is consummated. It was, as I understand, because of a desire to have a statement in this connection that some honourable gentlemen opposite thought the Bill ought to be referred to a special committee. I see no other reason for such a reference. I wonder whether my honourable friends are willing to have the special committee dispensed with, and the Bill considered in Committee of the Whole.

Hon. Mr. WILLOUGHBY: I think my honourable friend is correct in his understanding as to the primary reason for wanting to have the Bill sent to a special committee. In view of the statement authorized by the Government, that the lands to be detached from the parks and transferred to the provinces are not in any way to be dealt with in the interval by the Dominion Government, perhaps the one point that now needs to be considered is that there is a great deal of game on those lands, some of which are in the foothills. Not only should the Government refrain from alienating the lands, or dealing with them, commercially or otherwise, as proprietors, but it should supply protection, particularly protection for the game. I think we ought to have it clearly understood that the game will be protected until such time as the Provincial Government of Alberta takes the lands over.

Hon. Mr. BELCOURT: I am instructed that the protection of game is a matter which will immediately fall under the jurisdiction of the provinces. They will have to look to the protection of the game in these areas.

Hon. Mr. SHARPE: Are the parks being turned over to the provincial governments?

Hon. Mr. BELCOURT: The purpose of this Bill is to transfer to the provinces certain portions of the parks. The parts taken out, whose boundaries are determined, will become the property and will be under the exclusive jurisdiction of the provinces when the Imperial Parliament approves of this legislation. As soon as that is done, the provinces will take possession and have sole and exclusive control.

Hon. Mr. WILLOUGHBY: What about the interval? That is just the point.

Hon. Mr. BELCOURT: That is with regard to grants. With regard to game, the agreement or understanding is that the provinces will have control immediately this Bill passes.

Hon. Mr. WILLOUGHBY: If that be the case, there is no objection at all to the Bill passing, and there is no necessity of going into Committee.

Hon. Mr. McMEANS: I do not understand what the honourable gentleman says. I understood that the parks themselves were to remain Dominion property, but that the lands eliminated from the parks were to go to the province.

Hon. Mr. BELCOURT: Certain portions of the areas that formerly constituted these parks have been taken out and will remain hereafter under the administration of the Dominion, as part of the Crown lands.

Hon. Mr. McMEANS: That is the parks themselves?

Hon. Mr. BELCOURT: Yes.

Hon. Mr. CROWE: How long is it since the shaded parts have been taken out of the parks?

Hon. Mr. BELCOURT: The boundaries were fixed some time ago, but of course they are not out yet: they can be taken out only when the legislation is completed.

Right Hon. Sir GEORGE E. FOSTER: There is some confusion—in my own mind, probably—about this matter. Let us see if we can come to clear conclusions on it. I understand that the management of the public parks, which has been heretofore in the hands of the Dominion Government, is continued in those hands. Is that clear?

Hon. Mr. BELCOURT: Quite clear.

Right Hon. Sir GEORGE E. FOSTER: And it is provided by this Bill that certain portions of what have heretofore been public parks, under the management of the Federal Government, are now detached from the public parks—and by so much the area of the parks is diminished—and those lands, as I understand, will be transferred to the different provinces in which they are situated.

Hon. Mr. BELCOURT: Quite so.

Right Hon. Sir GEORGE E. FOSTER: And will then come under the management of the provincial administrations?

Hon. Mr. BELCOURT: Yes.

Right Hon. Sir GEORGE E. FOSTER: What about the statement, which I understood my honourable friend (Hon. Mr. Belcourt) to have made, that the provincial governments will have something to do with the management of the game in public parks? You surely cannot have a divided jurisdiction in what is one of the essentials of the public parks, that is, the preservation of all the wild game of Canada in those parks. It is not desirable to have a Provincial Government and the Dominion Government both administering the game laws. In such a case the laws may or may not be uniform. They should be under the one administration. Perhaps I have been mistaken in what I understood from my honourable friend's remarks.

But there is, outside all that, this question that strikes me: Why is it that certain portions have been chosen to be eliminated from the parks themselves? Is it because mining areas have been found in those parks and these are to be used for commercial purposes? Or has any form of production or enterprise been the cause? What are the aims? We here in these seats are ninety members with heads upon our shoulders, and we should like to know why it is that these changes are being made. We do not know now. The scenic beauty, the preservation of the game and the integrity of the forests are the three principal aims in the management of the system of public parks. If we are going to cut into a park here and there and set up a vast milling industry, or a vast mining enterprise, will these militate against the benefits conferred by the parks, or make it more difficult to preserve or to administer them? It is all very well for us to pick out every resource that God has given us, and dispose of it as quickly as possible, in order to produce more metals and pulp, and the like of those. In our country there ought to be some areas which are, in a manner, sacred; and I think they should be as large and as well distributed as possible, and that about them there should be a demobilized area, so to speak—a neutral zone free from the whirring of wheels and all the activities common to mining and similar industrial enterprises. Set down a modern mining village to grow into a town in the heart of a public park, and I think you have a settlement which is prejudicial to the park itself, and to the proper management of the park.

It has been said there is no need for a committee. Maybe there is not, but we all have a natural curiosity to know why a thing is being done, and I do not think it would be very much out of the way to have a committee who could inquire into what is being done, and, by conversation across the table, get at information which it is impossible for us to obtain here. Therefore, if there is no insuperable objection, as we have time on our hands, I do not see why we should not carry out the purpose we had in mind at our last sitting by the appointment of a committee to engage in a round table conversation on this whole matter.

Hon. Mr. CASGRAIN: Honourable members, I have listened to the right honourable gentleman and I think he has made a very good case, as he usually does. He has spoken of the advisability of keeping nature in its primeval state. But I should like to ask him a question. Suppose there were a very valuable mine in one of these parks—I am merely asking a question—would he consider it in the public interest to leave that valuable thing dormant for generations and generations?

Right Hon. Sir GEORGE E. FOSTER: I will answer my honourable friend. I do not think it is necessary for us to go at a double trot, or a strong pace, with an avaricious desire to get at the entrails of everything that is in the natural banks of this great country of ours. I do not think it would harm anybody if some good mining areas were kept intact for the people themselves until a time very remote from this. God knows there are plenty of mines upon which to base mining company prospectuses, selling on margins, and other operations, including the mulcting of the people. After all, a mine is a great thing. It belongs to the country; it is a bank in which there is solid material—gold, silver, or other valuable metals, as the case may be. Why should we be in such a furious rush to open to the exploiter every one of the areas of hidden treasure? Surely there are enough mining areas outside the parks system to engage the energy and tax the ingenuity of the exploiters and the seekers after gold. But to answer the question from my own point of view: yes, I would lock up that treasure for a while. It will not spoil; it will keep. And I think there is something else in this country besides the mere whirring of machinery, the gouging out of the resources that God has given us, and our getting rid of them just as quickly as we possibly can.

Hon. Mr. GILLIS: I understood that large areas had been set aside in Saskatchewan. I do not see any reference to them in this Bill.

Hon. Mr. WILLOUGHBY: Prince Albert Park.

Hon. Mr. GILLIS: There is no reference to it in this Bill, is there? I was just wondering if it had been turned over to the province with all the other resources.

Hon. Mr. BELCOURT: If my honourable friend will refer to section 3, Part 1, on page 2 of the Bill, I think he will find the answer.

Right Hon. Mr. GRAHAM: Honourable senators, I think my right honourable friend the junior senator from Ottawa (Right Hon. Sir George E. Foster) was at one time, like myself, a member of a Government which for many years attempted to straighten out the natural resources difficulty. I am not telling tales out of school when I say that we thought we had practically settled the Alberta problem and had come to an arrangement, but certain disagreements, largely as to detail, arose and prevented a conclusion of the agreement. The provinces of the West have been asking for a settlement of some kind for years, and now that one has been arrived at, I think we ought to be very careful before we interfere. It is not a matter that has been decided by the Dominion Government itself, but agreements have been approved by the governments of the three provinces and of the Dominion. Therefore I think that unless some tangible objection can be taken to these agreements, we ought to hasten them through lest somebody should arise and point to a slight fault in detail that would result in the arrangements falling through. This is the first time in the history of all these negotiations when the interested parties have arrived at agreements apparently satisfactory to all.

Now, as to the game, as a matter of fact the provincial authorities look after the game in every province, if I am not mistaken.

Hon. Mr. CASGRAIN: Yes.

Right Hon. Mr. GRAHAM: Except in parts where the proprietorship of the land is still retained under Federal authority; and even where that is the case, in some small areas, it will be found, I think, that the provincial governments have enforced the game laws. The Federal authorities are responsible for the protection of the game in the parks; all that will pass under the control of the provinces is the game that may be found in those portions that are being detached. A considerable area is being taken from the parks, but it must be remembered —and again I am not telling any tales out of school—that the provinces were eager to have the entire park area. That was discussed time and time again, but the Dominion Government would not agree to go so far, believing they had a responsibility in these federally owned lands. They have gone a certain distance and have given some of these areas to the provinces. It is stated that this will not detract from the beauty of the parks. I do not think anyone would wish to see anything done that would have such an effect. But the provinces—one in particular—believe that certain areas that are not essential to the beauty of the parks should be detached and placed under provincial control. This being so, we are not in a very good position to say, "The property is yours, but we claim the right to look after game." The transfer must mean that the provincial government will be responsible to its own people for the way in which it administers this new trust, including the protection of game—a matter in which every province that has such a trust is actively interested. As I understand it, whenever this Bill is signed by His Excellency and becomes law, the control of these areas, and the game within them,

will immediately pass to the provinces. The transfer of authority will not be delayed until a Bill approving such action is passed by the Imperial Parliament.

Hon. Mr. BELCOURT: May I add to what my right honourable friend has said, that it was at the request of the provinces that these areas were eliminated from these parks in order to form part of the natural resources to be handed over to the provinces. When the provinces found that the Dominion Government was opposed to handing over the parks as a whole, they asked that the portions which have since been eliminated should be transferred to them as part of their natural resources, and, in compliance with their desire, the agreements provide for this.

Hon. Mr. WILLOUGHBY: Where is the Prince Albert Park provided for?

Hon. Mr. BELCOURT (reading):

3. (1) The Dominion Parks as established under the provisions of the Dominion Forest Reserves and Parks Act, chapter seventy-eight, Revised Statutes of Canada, 1927, with the exception of Fort Howe and Vidals Point and Menissawok Parks, are hereby set apart as National Parks of Canada, except that the Rocky Mountains Park, which shall hereafter be known as the Banff Park, and the Jasper, Yoho, Glacier and Fort Beauséjour Parks shall comprise the areas as described in the schedule to this Act; and all those parcels or tracts of land which heretofore formed a part of the said Parks, but which are outside the boundaries of said Parks as described in said schedule, are hereby withdrawn from the said Parks.

Right Hon. Mr. GRAHAM: That park remains as it was.

Hon. Mr. WILLOUGHBY: There is much cogency in the remark of the right honourable the junior member for Ottawa (Right Hon. Sir George E. Foster); but I would point out that in consequence of negotiations between the provincial governments and the Dominion Government, agreements were finally executed. Perhaps the right honourable member for Ottawa has not had an opportunity of seeing the maps which have been produced here. Banff Park and Jasper Park, as at present constituted, are shown in pink, and the portions which it is proposed to set aside for the Province of Alberta are hatched in black. From following the negotiations and reading the printed proceedings, I know that some of these lands are supposed to be suitable for agriculture or some other such purpose, and to possess a commercial rather than a scenic value, and, so far as I know, that is the reason the provinces consented to the detachment of these areas from the parks. If the people of Canada did not think that what the provinces did was right, we should be justified in criticizing their action; but the three provinces have executed agreements acceding to what is proposed, and now we have the assurance of the Federal Government that during the interval before the passing of the fee these lands will be under the control and management of the provinces within which they lie.

Hon. Mr. BELCOURT: I am prepared to say on behalf of the Government that until these areas are actually transferred to the provinces there will be no grants nor appropriations of any kind made at Ottawa.

Right Hon. Sir GEORGE E. FOSTER: I am sure my right honourable friend (Right Hon. Mr. Graham) did not wish to convey the impression that I wanted to put a brake on the wheel that was required to bring about the agreement between the Dominion and the provincial governments. I am as happy as any person on the other side of the House can be that the governments have at last come to an agreement and that this vexed question is to be settled for all time to come. I did feel, however, that I should like to know something as to why these areas were to be withdrawn, what was their nature, and so forth; and I thought a committee would provide an informal and easy method of securing the information. Undoubtedly the provinces have entirely in their own hands the game laws of the lands which belong to them, and I think that as a whole they have administered them fairly well. Speaking of my own old province of New Brunswick, I may say that the management with regard to both fish and game has been up-to-date and reasonable in every respect. If the areas under consideration go to the provinces, the provincial governments must have jurisdiction over them. The point I had in mind was this. When a Government such as we have at the present times comes to a conclusion, probably all we can do is say to ourselves: "That is the end of it; there is nothing more to be said." And when three or four provincial governments in addition, in their star chambers, come to a conclusion and issue their decree, no one in heaven above or on the earth beneath should find fault with that decision. It is a very common failing of human nature, however, to want to know how the wheels go round, and why, and I aver to you that I have not the least knowledge as to how or why these things have taken place. I think there is an easy way to get such information. But if I do not get it I shall not die any sooner; and if an agreement is come to by three or four provincial governments, and the

almighty Dominion Government that we have at present—for how long it will exist, I do not know, and I suppose its members are about as dubious as I am—

Right Hon. Mr. GRAHAM: I do not think so.

Right Hon. Sir GEORGE E. FOSTER: —probably it is not for lay individuals to peep under the curtain and see what is going on. If this House is satisfied, and everybody else is satisfied, I will take the letters that I have received and the requests that have been made to me to look carefully into this matter for the sake of the parks themselves, and will retire to my rest with them, and in quiet contemplation shall hope for the best, whatever may happen.

Hon. Mr. BELCOURT: I should not want my honourable friend to think that we are not disposed to give him any information that we have or can get. If he is not satisfied, I am at his disposal; and should he desire any further information, I shall do my very best to furnish it if I have not already done so.

There was a very close and protracted examination made jointly by officers appointed by the provincial governments and the Ottawa Government. After a very careful examination upon the ground they decided upon what areas might be eliminated for the purposes that have been mentioned. I am instructed that those areas were set aside largely for pasturage. If the lands are used for that purpose, I do not suppose the scenic beauties of the parks or the areas set aside are going to be affected. On the contrary, I should think that cattle grazing in the neighbourhood would rather improve the picture.

Again I say to my right honourable friend that if there is any more information he would like to have, it is quite open to him to ask for it.

Hon. Mr. SHARPE: I should like to ask the honourable leader of the Government what is being done about the park in the eastern part of Manitoba?

Hon. Mr. BELCOURT: My honourable friend refers to the proposal to establish a park?

Hon. Mr. SHARPE: Yes.

Hon. Mr. BELCOURT: Nothing has been done. No park has been created.

Hon. Mr. SHARPE: I suppose that if a park is created there the Dominion Government will take it over and run it in the same way that they do these other parks?

Hon. Mr. BELCOURT: It is not at all likely that the Dominion Government will consider establishing a park there in the face of these agreements.

Hon. Mr. SHARPE: All right.

CONSIDERED IN COMMITTEE

The Senate again went into Committee on the Bill.

Hon. Mr. Copp in the Chair.

Section 1 was agreed to.

On section 2—definitions:

Hon. Mr. DANIEL: If the Department of the Interior is discontinued, what Minister will have charge of these parks?

Hon. Mr. BELCOURT: The parks are now under the jurisdiction of the Minister of the Interior.

Hon. Mr. DANIEL: It has been stated rather publicly—I really do not know whether it is the intention or not—that the Department of the Interior will be discontinued. If that is done, under what Minister will the administration of the national parks come?

Hon. Mr. BELCOURT: I do not think any decision has been come to in regard to abolishing the Department of the Interior.

Hon. Mr. WILLOUGHBY: Some question has arisen as to the anomaly—perhaps a necessary one—of a Dominion jurisdiction surrounded by provincial territory. You have imperium in imperio: you are going to administer a Dominion park which is surrounded by lands under the administration of the province. I do not say it is not workable, but how it will work out in practice I do not know.

Hon. Mr. BELCOURT: Is my honourable friend right in saying imperium in imperio? I do not think so. The Federal authority will continue to have exclusive jurisdiction in the area comprised in the parks; the other portions, which have been taken out, will be subject to the administration of the provinces in the same way as the natural resources they are obtaining under these agreements. So I do not think there can be any more conflict in regard to these areas than in regard to other lands situated in the provinces.

Hon. Mr. WILLOUGHBY: I do not say this is unworkable, but take Jasper Park or Banff Park, for instance. You have quite a large town at Jasper at present, and another fairly large town at Banff, and in the course of years they will grow. They are under an administration absolutely distinct and separate

from that of the land contiguous to them. Those areas will not be regulated by the laws of the provinces out of which they are carved. Perhaps this is a necessary consequence of what has taken place, but it is a very anomalous condition. Possibly the officer who is here knows about the American system and could tell the honourable acting leader of the House whether the national parks in the United States are managed in a similar way, that is, as a distinct entity, subject to United States administration and jurisdiction, and operated independently of the laws and regulations of the State or States out of which they are carved. You might have one set of civil laws, one legislature making laws for property and the administration of justice in that park, and immediately across an invisible line, as it were, there would be another set of laws in force.

Right Hon. Mr. GRAHAM: Has that not been the case?

Hon. Mr. WILLOUGHBY: I just want the honourable acting leader of the House to explain this. What civil rights are you going to put into force in, we will say, Banff Park after this law goes into force? I have some idea of what will be done, but I think the acting leader of the House should explain it.

Hon. Mr. ROBINSON: It will be a sanctuary.

Hon. Mr. HUGHES: A bird sanctuary?

Hon. Mr. BELCOURT: Does my honourable friend think there is going to be very much difference between what will happen under this new arrangement and what obtains in regard to the administration of the Indian Reserves?

Hon. Mr. WILLOUGHBY: You mean now, with regard to the Indian Reserves?

Hon. Mr. BELCOURT: Yes. You have there now practically the same conditions that you would have with the territory adjoining these parks. These parks which remain under Dominion administration will have to be administered by the Minister under the Statute, and by regulations, instead of being subject to provincial laws with regard to property and civil rights, to which my honourable friend has referred. They will be governed by the regulations made by the Department.

Hon. Mr. WILLOUGHBY: Irrespective of the property and civil rights and ordinary administration of justice there?

Hon. Mr. BELCOURT: I do not know just how that would be. My honourable friend asked about the manner in which the United States deals with its parks. As my honourable friend knows, the States are sovereign; each has absolute control within its own boundaries. But if a national park is created in any State, that State simply hands over to the Federal authority full and complete right —the State withdraws entirely. I imagine the parks are administered there very much in the same way as our national parks have been and will continue to be administered, notwithstanding the transfer of the natural resources to the provinces. I will read section 15 of the agreement made with Alberta:

15. The Parliament of Canada shall have exclusive legislative jurisdiction within the whole area included within the outer boundaries of each of the said parks notwithstanding that portions of such area may not form part of the park proper; the laws now in force within the said area shall continue in force only until changed by the Parliament of Canada or under its authority, provided, however, that all laws of the Province now or hereafter in force, which are not repugnant to any law or regulation made applicable within the said area by or under the authority of the Parliament of Canada, shall extend to and be enforceable within the same, and that all general taxing acts passed by the Province shall apply within the same unless expressly excluded from application therein by or under the authority of the Parliament of Canada.

Hon. Mr. WILLOUGHBY: That is, the portions you have added to these parks; the little fringe you have added to them, which is shown in this map.

Hon. Mr. BELCOURT: That is section 15, given under the heading of "National Parks"; so that applies to the parks themselves. I will read section 16:

16. The Government of Canada will introduce into the Parliament of Canada such legislation as may be necessary to exclude from the parks aforesaid certain areas forming part of certain of the said parks which have been delimited as including the lands now forming part thereof which are of substantial commercial value, the boundaries of the areas to be so excluded having been heretofore agreed upon by representatives of Canada and of the Province, and the Province agrees that upon the exclusion of the said areas as so agreed upon, it will not, by works outside the boundaries of any of the said parks, reduce the flow of water in any of the rivers or streams within the same to less than that which the Minister of the Interior may deem necessary adequately to preserve the scenic beauties of the said parks.

Hon. Mr. WILLOUGHBY: Now, will my honourable friend be kind enough to go on and show the clause which deals with the rights of civil litigation? Suppose Mr. A and Mr. B both live in Banff or Jasper Park, and one sues the other. What is the Dominion Government going to do with that?

Hon. Mr. BELCOURT: I think that section 15 is the answer to my honourable friend's question.

Hon. Mr. WILLOUGHBY: I am not saying it is not, but I want to get the answer.

Hon. Mr. BELCOURT: Section 15 says:

Provided, however, that all laws of the Province now or hereafter in force, which are not repugnant to any law or regulation made applicable within the said area by or under the authority of the Parliament of Canada, shall extend to and be enforceable within the same, and that all general taxing acts passed by the Province shall apply within the same unless expressly excluded from application therein by or under the authority of the Parliament of Canada.

Hon. Mr. WILLOUGHBY: That of course reserves to the Dominion the absolute right to say what is and what is not repugnant. It can make any law it likes.

Hon. Mr. BELCOURT: I should not think so. I should think that would be a judicial rather than a legislative question. I should think it is a matter for the courts, rather than for Parliament, to say what is and what is not repugnant.

Section 2 was agreed to.

Sections 3, 4 and 5 were agreed to.

On section 6—Park lands:

Hon. Mr. BELCOURT: Mr. Chairman, I propose that subsection 3 of section 6 be deleted. The subsection reads:

No lands within a Park, other than those specified in subsection two hereof, shall be patented or conveyed in fee.

It appears that the railway company have considered that this might interfere with rights which they have acquired and presently hold, and they have asked that this subsection be taken out. The Department sees no reason why it should not be omitted, and I move that it be deleted.

The amendment was agreed to.

The Hon. the CHAIRMAN: I suppose the remaining subsections should be renumbered?

Hon. Mr. BELCOURT: Yes. Section 4 will become section 3, and section 5 will be numbered 4.

Section 6, as amended, was agreed to.

Sections 7, 8 and 9 were agreed to.

On section 10—repeal clause:

Hon. Mr. WILLOUGHBY: What are the sections that are repealed? Has the honourable acting leader a memorandum as to that?

Hon. Mr. BELCOURT: The explanation is that this section 21 and subsection 2 of section 23 of the Dominion Forest Reserves and Parks Act are repealed because the same provisions are contained elsewhere.

Hon. Mr. WILLOUGHBY: They are no longer necessary?

Hon. Mr. BELCOURT: No longer necessary, because they are covered in sections which we have just passed.

Section 10 was agreed to.

On section 11—historic sites:

Right Hon. Sir GEORGE E. FOSTER: I see authority is given to the Governor in Council to authorize the Minister to purchase by Order in Council any additional portions to be added to parks.

Hon. Mr. BELCOURT: Is my honourable friend referring to historic sites or to parks? There are distinct provisions made for them in the Act.

Right Hon. Sir GEORGE E. FOSTER: I did not hear my honourable friend very clearly, but I will state what I mean, and my honourable friend can tell me whether I am correct or not. Authority is given to the Governor in Council to purchase portions of land that do not belong to the park system or to the Government, and to add them to existing parks, or form them into new parks. That is done by Order in Council, as I understand it, without any further special authorization by Parliament, or an Act of Parliament for each particular case. Has the Governor in Council power to sell or alienate by Order in Council any portion of the parks, or is that a function which belongs entirely to Parliament? Will my honourable friend answer that?

Hon. Mr. BELCOURT: My honourable friend should remember that there is a distinction made in this Bill between national parks and historic sites. It is not contemplated that any parks will be acquired in the future; certainly not that any will be established under a regulation or Order in Council. It may be that Parliament will wish to acquire additional parks or to enlarge the present ones, but whatever is done in that respect must be by Act of Parliament. It is somewhat different with regard to historic sites, because section 11 provides that certain lands may be acquired for the purpose of commemorating an historical event or to preserve any historical landmark, and so on.

Hon. Mr. WILLOUGHBY: That is only with respect to any land which is now part of any national park.

Section 11 was agreed to.

Section 12, the schedule and the title were agreed to.

The Bill was reported, as amended.

THIRD READING

Hon. Mr. BELCOURT 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 until to-morrow at 3 p.m.

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## THE SENATE

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Tuesday, May 20, 1930.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

### DIVORCE BILLS

FIRST, SECOND AND THIRD READINGS

Hon. Mr. McMEANS, Chairman of the Committee on Divorce, presented the following Bills, which were severally read the first, second and third times, and passed:

Bill F7, an Act for the relief of Schuyler James Alton.

Bill G7, an Act for the relief of Mary Eva May Gourley.

Bill H7, an Act for the relief of John William James.

Bill I7, an Act for the relief of Elsie Aileen Clarke.

Bill J7, an Act for the relief of Orwell Bishop Walton.

Bill K7, an Act for the relief of Rosie Resnick.

Bill L7, an Act for the relief of Jessie Grant.

Bill M7, an Act for the relief of Ruby Helen Gordon.

Bill N7, an Act for the relief of Mary Isabelle Batstone.

Bill O7, an Act for the relief of Hanorah Margaret Phililemonia Atkinson.

Bill P7, an Act for the relief of Margaret Ann Fyfe.

Bill Q7, an Act for the relief of Frederick John Wolfe.

Bill R7, an Act for the relief of Elsie Roselan Maguire.

Bill S7, an Act for the relief of Alice Reta Leadbeatter.

Bill T7, an Act for the relief of Gladys Evelyn Sandford.

Bill U7, an Act for the relief of Ethel May Henderson.

Bill V7, an Act for the relief of Fred Townsley.

Bill W7, an Act for the relief of Arthur Worrell Perkins.

Bill X7, an Act for the relief of Arthur Cameron.

Bill Y7, an Act for the relief of Walter Anderson Wood.

Bill Z7, an Act for the relief of Gertrude Margaret Gilgour.

Bill A8, an Act for the relief of Clara Delilah Latchford.

Bill B8, an Act for the relief of Vera Irene Collins.

Bill C8, an Act for the relief of Cora Beatrice Silk.

Bill D8, an Act for the relief of Joseph Alphonse Lajoie.

Bill E8, an Act for the relief of Gertrude Alice Dorothy Lorimer.

Bill F8, an Act for the relief of Margaret Bradley.

Bill G8, an Act for the relief of Marion Ramsay.

Bill H8, an Act for the relief of Nettie Maud Dixon.

Bill I8, an Act for the relief of Hazel Victoria Watt-Hewson.

Bill J8, an Act for the relief of Hubert Allan Frise.

Bill K8, an Act for the relief of Lena Hogarth.

Bill L8, an Act for the relief of Gladys Elizabeth Kirby.

Bill M8, an Act for the relief of Henry Maynard Smillie.

### PRIVATE BILLS

FIRST AND SECOND READINGS

Bill N8, an Act to incorporate the British Columbia Alberta Western Railway Company. —Hon. Mr. McGuire.

SECOND READING

Bill O8, an Act to incorporate The Hudson Bay Western Railway Company.—Hon. Mr. McGuire.

REMISSION OF FEES

Hon. Mr. SPENCE moved that the parliamentary fees paid during the present session upon Bill L2, intituled an Act respecting the Calgary and Fernie Railway Company, be refunded to the solicitors for the promoters, less the cost of printing and translation.

Hon. Mr. WILLOUGHBY: Explain.

Hon. Mr. SPENCE: The Bill was withdrawn from this House, was introduced in the other House, and came back here.

The motion was agreed to.

## NOVA SCOTIA COAT OF ARMS

Before the Orders of the Day:

Hon. C. E. TANNER: Honourable senators, there have been displayed over the Chair which His Excellency the Governor General occupies in this House the armorial ensigns or bearings of the various provinces. This session we have at the entrance to the Chamber new doors, upon which similar amorial bearings appear. I wish to draw attention to the fact that in both places the arms of Nova Scotia are incorrectly represented, and I do this in the hope that the matter will be put right before another session of Parliament.

The reason for the error may be explained by the fact that last year the arms which Nova Scotia had had since 1868 were discontinued, and its former bearings restored. The original bearings of the province were granted by King Charles I in 1625. In 1868, when armorial bearings were being made for the provinces constituting the new Dominion, different bearings were given to the different provinces. The new arms given to Nova Scotia were incorporated in the bearings of Canada. Nothing was done in this matter until a few years ago the Government of Nova Scotia took it up with London and asked for the restoration of the original bearings. After a good deal of correspondence and delay, a Royal Warrant was issued last year in London, annulling the armorial bearings displayed here, and restoring those of 1625.

I spoke about the matter to our late lamented Speaker (the late Hon. Hewitt Bostock), but I am not sure whether the Speaker is the responsible official in charge of these matters. I hope my remarks will be drawn to the attention of the proper authority and that the error will be corrected.

## LEAGUE OF NATIONS—CANADA'S REPRESENTATIVES

### INQUIRY FOR RETURN

Before the Orders of the Day:

Hon. Mr. STANFIELD: Honourable members, before the Orders of the Day are called, I should like to ask the honourable acting leader of the Government when I may expect a return which was ordered by this Chamber on April 10. The order appears on page 149 of the Minutes.

Hon. Mr. BELCOURT: What is it about?

Hon. Mr. STANFIELD: It is an order for a return showing the names of all the delegates who went from Canada to meetings of the League of Nations at Geneva in various years, and the expenses incurred.

Hon. Mr. BELCOURT: I shall make inquiries.

Hon. Mr. STANFIELD: To-morrow will do.

## EXPORT BILL (INTOXICATING LIQUOR)

### THIRD READING

Hon. Mr. BELCOURT moved the third reading of Bill 15, an Act to amend the Export Act.

Hon. J. D. TAYLOR: Honourable members, I am disposed to support the Bill because of my impression that the ambition of the Government in presenting it was to have the scheme rejected by the "Tory Senate." The thing appears to be in the nature of the "speed trap" familiar to motorists who may be tempted by a clear stretch of seemingly unoccupied pavement to step on the gas and in their haste achieve something that brings repentance at leisure.

When this Bill was presented to the Senate on the day dedicated to practical jokers, it was with the significant comment escaping from the leader of the Government that he had not heard many voices raised, either in the popular branch or in this Chamber, in favour of this further legislation on the subject; but he proceeded to present the long delayed proposal as a splendid gesture of moral excellence on the part of a ministry hitherto content to be steeped in sin. The Government, he related, had been moved by Washington, at last, to implement a pledge of Canadian honour made four or five years ago and in so doing to cease from being accessories before, during and after the fact, in organized knavery. So, fresh (as he said—and I quote his words) from lending our agencies, instrumentalities and authority to the carrying of liquor from the distillery into the hands of the smuggler, the Government come as penitents to this Parliament and offer this Bill; may I add, in the hope that it will prove a burnt-offering in the Senate—fruits meet for so tardy and unwilling a repentance.

The leader of the Government has made sinister and undeserved characterization of this honourable House by his implication that a Senate committee is, to quote him again, as

a dark hole-and-corner meeting where the representatives of private interests surround the committee table. Did he have in mind when he used these ungracious words the then recent event of his own party caucus, where interests I will not venture to characterize seem to have been vocal indeed, in protest at the proposal of the Government to pass for even a short time into the straight and narrow path of national rectitude, and during a brief campaigning period to appear to heed the remonstrance of our neighbour Republic? So perverse and provocative, it seems, have been the goings-on of the Canadian Government, in the eyes of our neighbour, that even the stout-hearted British Ambassador trembled at the thought of possible consequences and was reassured only by the advent at Washington of the doughty Canadian representative, who has moved our Government to hurried action. But the tremblings of the British Ambassador appear to have made no impression on the party caucus, where according to report there was a solid block against the proposed surrender to American clamor, and submission only under dire threat from the head of the Government. What was said to silence the tumult of these honourable gentlemen as they passed from the shadow of caucus to the limelight of Parliament? What were they told, that brought them to acquiescence, but yet could not be communicated to press or public? Was it that this Bill is not to be taken literally or seriously, but is only a vote-catching and deceptive device, harmless to liquor interests as a whole and designed simply to tide over a critical election contest?

The Bill itself seems to forbid the removal from any distillery or bonded warehouse of intoxicating liquor destined for delivery in any country into which importation is prohibited by law; and also the granting of a clearance to any vessel having on board any liquor so destined; but it is left to the Government to make regulations to give effect, if any, to the provisions of the Bill. Mr. Mackenzie King has interpreted the Bill in a letter to Washington, written in March of this year, after four years' deliberation, wherein he says that the main purpose is "to require officials of the Dominion Government having charge of liquor in bond and the granting of clearances to vessels, to refuse to release such liquor or to grant such clearances where the granting of such release or clearance in any case would facilitate the introduction of intoxicating liquor into a country where the importation of such liquor is forbidden by law." This language, much wider than that of the Bill, has been repeated to the Senate by the leader of the Government in this Chamber, and indeed is noted on the printed document, as the official interpretation of the measure. But we have had another and a contradictory interpretation, comforting to the liquor operators, deliberately made by another honourable member of this Senate, a member who deservedly stands high in the confidence of the Government and of his colleagues. Let me quote this significant and disturbing passage from the report of proceedings in this House on the 3rd of April:

"Hon. Mr. Beique: It is my opinion that the distillers will very likely arrange to ship their goods to Jamaica, Cuba, and St. Pierre-Miquelon, and then the Canadian Government will not be concerned.

Hon. Mr. Willoughby: Why not? If you have a strong suspicion that it is going there, why not?

Hon. Mr. Beique: The Bill is not intended to prevent that. Under this Bill it will be open to the distillers to export their goods to England or to any European country, or to St. Pierre-Miquelon, Jamaica, Cuba, or any other island not coming within the category described in the Bill. I am quite sure—and the honourable gentleman expressed the same opinion—that these people will find some way of selling their goods, and I think he will find that instead of this legislation depriving the country of revenue it will very likely have the contrary effect. I think the distillers will pay the $9 per Imperial gallon instead of exporting the goods under a bond, because the moment the $9 is paid they can dispose of their goods as they see fit, provided they do not, to the knowledge of the Canadian officers, send their goods to the United States or to any prohibition country.

The key words in this passage are, of course, "The Bill is not intended to prevent that," namely, the making of a wrongful declaration as to the destiny of any exports. The Canadian Government, we are assured in the presence of their representative and of this Senate, will not be concerned if an exporter trifles with the truth and addresses to St. Pierre-Miquelon, or to Cuba, liquor destined for the United States. So easy will it be to avoid the Prime Minister's undertaking, to cease from facilitating the introduction of Canadian liquor to compete with the home brew of the United States. We have not been told who authorized the honourable senator for De Salaberry to state the intention of the Bill; but he must be assumed to have spoken under authority and not lightly in a matter of so great moment. It is significant that his statement was accepted by the honourable leader of the Senate, in charge of this Government measure. Was it the whisper of this comforting assurance that silenced in and about Parliament the clamour of those who in the party caucus would have nothing to do with the proposal? In the face of this fatal

and discreditable diminution of the written undertaking of the Prime Minister, what becomes of the pretence that this measure suffices as redemption of the pledge of the honour of Canada, which has remained in pawn at Washington since four or five years ago?

Let me repeat and summarize the extraordinary situation as disclosed in the passage I have read from the record made in this House six weeks ago, and in the meantime not challenged or explained. Our Prime Minister has pledged to Washington the honour of the Canadian people that this Dominion will cease to connive at export operations that will facilitate the passage of intoxicating liquor to the United States, and he has offered to Parliament, pursuant to this pledge, the slipshod Bill now under discussion. The Bill is unpopular with his political party and is supported only in significant silence, while provoking the remark from the Premier's colleague here that this new legislation has not been asked for in Parliament. There follows the brief address of the honourable senator for De Salaberry (Hon. Mr. Beique), who in this Chamber is the interpreter for the Government and their strong right arm in influencing the course of events. He commends the Bill because of its apparent efficacy in procuring the result intended. But what is intended? Volunteering to express the intention, and not contradicted by his leader, he avers that the Bill is not intended to prevent the ultimate passage of intoxicating liquor into the United States, but permits a convenient detour, as to which our Government is not concerned. If this honourable gentleman be right—and he stands unchallenged by the Government—then the Prime Minister has written to Washington something that is not true, in stating that he has introduced a Bill preventing clearance or export of liquor where such export would facilitate its introduction into the United States. And the Prime Minister mocks those in this Parliament who support his Bill because of the representation here that it is designed to accomplish something which his colleague from De Salaberry assures us is not intended!

Cuba is conspicuously mentioned by the honourable senator from De Salaberry as a base left open to our operators in liquor. Cuba has a population one-third that of Canada, but has not been a conspicuous customer for Canadian wares, liquid or dry. Cuba lies convenient to the front door of the United States and has so much traffic to and from that direction that it may be readily used as a base from which to project liquor or other contraband; in other words, to facilitate the introduction of liquor into the United States. Premier Mackenzie King, in effect, pledges the honour of Canada that exportations via Cuba or any other base similarly situated to annoy the United States will not be permitted. On the other hand, we are assured by his colleague that exportations to Cuba are not only to continue, but also that they are likely to increase! No wonder our Prime Minister feels uneasy on his throne as Minister of External Affairs, and fancies that even the British Ambassador trembles as described to us, over the continuing affront to the administration at Washington on the part of a neighbour nation professing to defer to the wishes of the United States. It was, as our Prime Minister must remember, because the Spanish administration persisted in annoying Washington that Cuba became a republic through American intervention. While Mr. Mackenzie King is in the trembling mood in which he has represented himself and the British Ambassador, he might with advantage remember the Maine.

There is local interest in the province from which I come in the proposals of this Bill as interpreted to us by the honourable senator for De Salaberry. The badge of legality and respectability has been placed by the Government upon the manufacture and sale of intoxicating liquor, through licence and through official declarations of the right to freedom of export. Whatever opinion may be held as to the profit of individual citizens from indulging in the luxury of consumption of liquor, there can be no difference as to the fact of profit by communities from the construction and operation of distilleries. In the little city from which I come we have possibly the largest distillery in Canada, with operations steadily expanding, so that within the last few years nearly a million dollars has been spent in building for the extension of the premises. This building has engaged the services of all classes of skilled workmen to be found in an industrial community. The steel worker, the saw mills and planing mills employees, the carpenter, the bricklayer, the plumber, the painter, the electrician and all their allies have been called upon in turn and benefited from the substantial wages which those trades command. In Vancouver there are distilleries and breweries also operating on a scale similarly large. These institutions have been purchasers of the farmer's grain, the huge casks for containers from the foundry or barrel works, the shipping cases from the box factory, the millions of bottles and all the other supplies required by great

manufacturing enterprises. The waste grain from the distilleries is the foundation in turn for the operation of cattle yards in their immediate vicinity, with a wide range of profitable occupation from these auxiliaries. Distillery products bulk largely in the outward cargoes from our ports. So it will be seen that the whole community is concerned in the operation of these enterprises, and that a word on their behalf is not merely one for the "liquor interests" sometimes so airily disposed of. As a matter of fact, New Westminster is a prohibition community, as shown by the result of any test made at the polls. But I am satisfied that these citizens who stand thus against abuse of liquor will not rejoice at the proposal of this Bill to transfer the export business of the British Columbia institutions to the banks of the St. Lawrence, which is to be the effect or result of this Bill if the prophecy of increased export to St. Pierre-Miquelon and Cuba is carried out. Is there to be for the distilleries of the Pacific Coast a reservation such as that announced as available for exporters to whom the ports of St. Pierre-Miquelon and of Cuba are available; and, if so, how are they to be made aware of the fact? And again, in the face of such reservations what remains of the Prime Minister's pledge not to permit anything that may facilitate the introduction of Canadian liquor into the United States? Lest anyone should question the possibility of discrimination in such a matter between, say, Quebec and British Columbia, let me refer to the recent incident broadcast through Canada, wherein the Prime Minister refused the contribution of even five cents to feed the unemployed and hungry of the Province of British Columbia so long as it kept his party out of provincial office. Has the Prime Minister bowels of compassion for distillers, and none for hungry workpeople?

The several points involved in the questions I have asked might well have been discussed and disposed of in committee had the request of the leader of this side of the House been agreed to; but the Government, through their spokesman, thought fit to refuse this special committee and were silent in the Committee of the Whole House. That the Senate has been thus flouted perhaps is a natural sequence of our tolerance of the present condition of non-representation of the Government in this body. I do not find fault with the honourable gentleman who ordinarily speaks for the ministry of which he is a member, though without portfolio (Hon. Mr. Dandurand), that he is absent on duty at Geneva; but I do suggest that in his absence there should have been selected another Privy Councillor to be a member of the Cabinet and to speak with authority and knowledge in the name of the administration. This without reflection upon the honourable gentleman now leading in this Chamber (Hon. Mr. Belcourt), who cannot be held at fault because the situation is as that of the blind leading the blind. He is a Privy Councillor in recognition of distinguished service as Speaker of the House of Commons in the days when political knighthood was in flower and the words Laurier and Liberal were synonymous; but he cannot know by intuition what are the policies and intentions of the ministers with whom he is not privileged to sit in Council. This Senate exists by the considered verdict of the people of Canada, who did not contemplate that a time would come when a ministry of placemen would be timid about exposing their policies before an independent body, even though they had named the majority of the members, and that the Senate would be left to drift as it does today.

In another place recently the Prime Minister proclaimed himself to be at last in position to control both branches of Parliament. But he has not fortified his position in this Senate, where there are six vacancies though sixty applicants are in waiting. If Mr. Mackenzie King desired to make sure of the passage of this Bill, he would fill these vacancies, and have in the hands of his party the power to pass the Liquor Export or any other Bill. But this would prevent the use of this measure as a vote-getting device, on the double-barrelled pretence of helping prohibition, on the one hand, and of not hurting rum-runners on the other. This device I am not disposed to assist, having in mind the proverb that "surely in vain is the net spread in the sight of any bird." On its demerits, were nothing else involved, this Bill should be killed. An alternative is that it should go into effect only when there is the promised reciprocity in smuggling legislation—and divorce, as the right honourable gentleman from Eganville (Right Hon. Mr. Graham) suggests, I am now reminded. But lest, through delaying the measure, there be excuse given for undeserved support at the polls to the cheapest and most undeserving ministry on record in Canada, an old bird like me is prepared to take the responsibility of voting for the third reading.

Curiosity as well as caution impels to this decision. I shall watch with interest whether the Prime Minister's letter or the conflicting interpretation which silenced the clamour of caucus is to govern in the administration of the Act. And I shall not forget that this interpretation in favour of rum-running by

detour is in conflict with the very last advice presented by the experts consulted by the Prime Minister. The Canadian-American Conference gave this advice, as to the inconsistency between granting clearances to United States ports and refusing clearances to other countries on the ground that the cargoes were really destined for the United States; and now the Government propose to reverse the position, so that their officials will be directed to accept the false clearances by which liquor clearly destined for the United States will be detoured via St. Pierre or Cuba.

There is homely advice about giving a certain personage enough rope to hang himself.

An Hon. SENATOR: Hear, hear.

Hon. Mr. TAYLOR: I may say that I did not mean the right honourable gentleman who has spoken.

Right Hon. Mr. GRAHAM: You are mistaken. He did not speak.

Hon. Mr. TAYLOR: I am prepared to give consent to putting this rope with its strands of deceit and decay in the hands of the Ministry in the expectation that when they swing it will be into the pit of political oblivion.

Hon. Mr. BELCOURT: Will my honourable friend tell me whether I heard him rightly or not? Did he quote the Prime Minister as comparing meetings of the Senate with dark hole-and-corner meetings? I did not quite catch that.

Hon. Mr. TAYLOR: I did not refer to the Prime Minister. I referred to our honoured leader who is now absent at Geneva. I quoted his words.

Hon. Mr. BELCOURT: Can my honourable friend tell me when the words were used?

Hon. Mr. TAYLOR: On the 1st, 2nd, or 3rd of April. I cannot at the moment say which.

Hon. Mr. BELCOURT: Perhaps my honourable friend did not understand me. I meant the words he quoted as coming from the Prime Minister, not those from the leader of the Opposition.

Hon. Mr. TAYLOR: The words I quoted were the words of the honourable senator from De Lorimier (Hon. Mr. Dandurand).

Hon. Mr. MURDOCK: May I ask my honourable friend who was the author of the essay he has just read?

Hon. Mr. TAYLOR: If the honourable gentleman wants the information, and is not asking just to be smart, I may say that I wrote my address, not because I could not deliver it without writing it, but because I wished to save the time of the House by making it as concise as possible.

Hon. R. H. POPE: Honourable members of the Senate, we have had more or less debate on this question. The Government seem to be very determined in their effort to put this Bill through. Since it was introduced the Prime Minister, in another place, made a speech in which we were informed that a treaty was being negotiated with the United States of America in relation to this subject. I presume the treaty is on a somewhat typical line. Of course we do not know, because the honourable leader of the House (Hon. Mr. Belcourt) told us the other night that he was not at liberty to give us the details of the drafting of this treaty; but he did say on May 15, as reported at page 228 of Senate Hansard:

> Substantial progress has been made in the consideration of the provisions of this draft treaty, and it is hoped that at an early date it will form the basis of what may be a final discussion; and it is possible that before prorogation takes place Parliament will be advised of the nature and purport of the treaty.

Those are the remarks of the honourable leader (Hon. Mr. Belcourt). In view of these circumstances and the statements of the Government, there cannot be any great urgency for the proposed legislation. On the contrary, I think it would be the part of wisdom to hasten slowly, and, instead of letting this Bill go into effect forthwith, to await the conclusion of the treaty negotiations and a mutual arrangement in regard to smuggling generally. This proposition should present itself favourably to members on both sides of the House, if this treaty is in process of being negotiated—and as to that we must take the word of the Prime Minister and the honourable leader of the House. If we pass the Bill and it comes into effect, and a treaty is made which conflicts with this legislation, it may be impossible to put the treaty into effect until the Act is taken off the Statute Book. I am not a lawyer, and do not pretend to be, but that is a contingency that occurs to me. Therefore I am going to move the following amendment to Bill 15, an Act to amend the Export Act:

> To insert after clause 1, as clause 2, the following: This Act shall come into force upon a day to be named by proclamation of the Governor in Council.

That leaves the power in the hands of the Government. If they negotiate with the United States a treaty that eliminates the

necessity of enforcing this measure, they will then have the option of seeing that the provisions of the Act are not carried out, and that the provisions of the proposed treaty concerning liquor smuggling are not interfered with in the slightest degree.

I am not qualifying my opinion on this subject. I am opposed to this legislation from the point of view that I mentioned some time ago in this House, namely, that it imposes extraordinary expenditure on our people to enforce laws for the benefit of another nation, which has never reciprocated any efforts of ours in the past. However, I have learned in conversation that this point of view is not acceptable to many honourable members on both sides of the House. Therefore I suggest that this amendment should be adopted, so that the Government may be given an opportunity of dealing with developments that may arise in the course of time.

Hon. Mr. BELCOURT: Honourable senators, I have no authority to accept the amendment proposed by my honourable friend. It will have been observed that the honourable gentleman attempts to justify his amendment on the ground that the treaty to prohibit smuggling, which is now being considered by the Governments of the United States and of Canada, may affect the provisions of this measure. I think nearly every honourable member will agree that there is very slight possibility that such a situation will arise. It is most unlikely that in any treaty negotiations between the two Governments the United States authorities will be satisfied with anything less than a provision for the prevention of smuggling. They are aware of the intentions of our Government, and they would unquestionably insist upon provisions in line with this Bill. There is no possibility of my honourable friend's dream ever being realized, and for that reason I cannot on behalf of the Government accept his proposal.

Some Hon. SENATORS: Question!

Right Hon. Sir GEORGE E. FOSTER: Honourable members, I have been a patient listener and interested spectator in what has taken place in this Chamber during the discussion upon the Bill that is now before us for third reading. I do not profess to have any knowledge of the secrets of the Prime Minister of Canada, or to know what goes on at the caucuses of the party of which he is the leader: consequently I am unable to give an authoritative interpretation of the motive of the one or the conclusions of the other. However, I have had some experience in legislation and in public matters, and I base my action on this Bill upon grounds other than those of supposed motive, worthy or unworthy, or of interest, selfish or benevolent, individual or national. I shall briefly bring to the attention of honourable members the reasons for which I favour this Bill and intend to vote for the third reading. About a year ago I expressed my opinions on a similar subject, but the interest in the question was not so keen at that time as it is now, and honourable members may not take it amiss if I review the grounds upon which my stand is founded.

In all my experience of legislation I think I have never known of any Bill so strongly documented as the present one coming before a House of which I was a member. Whatever we may say about the rightness or wrongness, the advisability or the futility of legislation which embodies the policy of a neighbouring country, if we aspire to maintain good relations in the family of nations we are bound to take cognizance of the policy and will of our neighbour, and nowhere else can we so surely read an expression of the policy and will of a nation as in the legislation passed by its duly authorized institutions. The thoughts, the sentiments and the desires of the people of a country are embodied in their legislation and placed upon their Statute Book, where all who will may read. After more than one hundred years of vital and thorough discussion of the control of the liquor traffic, the people in the neighbouring republic to the south of us came to a conclusion, to which they gave the most authoritative and most signal expression that could be given to the will of the people by placing it in their Constitution in what is known as the Eighteenth Amendment.

In 1923 there was held in Great Britain an Imperial Conference, attended by representatives of what we are now taught to call the British Commonwealth of Nations. That Conference considered what action should be taken towards the United States with respect to its herculean task of enforcing that new law, the Eighteenth Amendment, among its 100 or 120 millions of people scattered over an immense territory with some 18,700 miles of coast line, along any league of which the violators of the law might carry on their operations. The Imperial Conference decided unanimously that it was its duty to take cognizance of this policy of the United States of America, and after a full discussion it came to certain conclusions, which were embodied in a treaty ratified in 1924. The basis of that treaty and of the action contemplated under it was the principle

mentioned in the preamble to the convention. I will read the preamble itself, so that it may go upon the record:

His Majesty The King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the seas, Emperor of India, and the President of the United States—

Hon. Mr. BELCOURT: Will the right honourable gentleman pardon me? He has left out the most important line.

Right Hon. Sir GEORGE E. FOSTER:

—being desirous of avoiding any difficulties which might arise between them—

Hon. Mr. BELCOURT: I wanted to point out to my right honourable friend that he left out the most important line of the whole preamble, after the word "India."

Right Hon. Sir GEORGE E. FOSTER: I thought I read that.

Hon. Mr. BELCOURT: No. My right honourable friend did not read the words, "in respect of the Dominion of Canada."

Right Hon. Sir GEORGE E. FOSTER: Well, they are now read. They are in the preamble.

—being desirous of avoiding any difficulties which might arise between them in connection with the laws in force in the United States on the subject of alcoholic beverages.

That, I think, is the fruit of real statesmanship. I consider that the object stated in that preamble is an eminently wise principle upon which to base the action of one nation with regard to another. It seems to me that the principle therein expressed is the only basis upon which the comity and good-will of nations can be successfully maintained. The treaty was ratified by the Parliaments of Great Britain and of the Overseas Dominions, including our own, and by the Government of India. I am well aware that some of our statesmen to-day, even some who are in this assembly, if they had occupied the position of Minister of Foreign Affairs in Great Britain, would probably not have carried out so broad a policy.

Directly after the treaty was concluded, Canada followed it up by framing a convention with the United States of America for the suppression of smuggling. That convention, though narrower in its application, was based upon the same principle as the treaty between Great Britain and the United States, namely, the desirability of maintaining continuous good-will and friendly relations between the two countries.

But further action was taken. As a consequence of certain charges, a special committee composed of prominent representatives of all parties in another place was appointed in 1926 to make an investigation which is well known to all honourable members. I think it may be said that if any committee ever discharged its duties in a non-partisan and reasonable manner, that one did so. It made a unanimous report in June, 1926, and that report was unanimously adopted by the other House. The Bill that is at present being discussed by us is founded upon the report of that special committee.

Shortly after the committee's report an election was on the tapis. In the course of the campaign the leader of the Liberal Party, the present Prime Minister of Canada, made to the electorate a solemn pledge, which became incorporated in the electoral contest and was a factor in the result at the polls. That pledge was to carry on the investigation and to give the relief that the investigation showed was necessary. After the election a Government was formed, and subsequently an Order in Council was passed constituting a Royal Commission to carry on the investigation to its utmost extent. That Royal Commission, the constitution of which I do not think will be cavilled at by any member of this Chamber, carried on under able management and with the assistance of able counsel a most efficient and widespread investigation and came to its conclusions. Those conclusions approved and recommended the very principles that had been recommended by the special committee of the House of Commons and approved by that House.

There you have the basis for legislation such as this, and I think I was justified in saying that probably no piece of legislation has ever come before either of our legislative bodies more strongly documented. The report of the special committee was presented in 1926, and that of the Royal Commission in 1928. Whether or not the Government had any excuse for delay after the presentation of the report of the special committee and its adoption by the House of Commons, which was tantamount to an instruction by that House to enact the legislation proposed and recommended, I say that upon the presentation of the report of the Royal Commission the Government should have taken immediate action to place the legislation upon the Statute Book, and I find no excuse at all necessary for any amount of criticism that may have been levelled at the Government for its evasions and delays and lack of action during four years and seven months. I have gone carefully over the excuses that have been

given, but I do not find them at all sufficient to justify a delay of nearly five years in bringing down this legislation.

Having backed up that criticism, I leave it at that. Although criticism is called for and is justly expressed, I do not think that is any reason for failure on my part to support this action, tardy though I consider it to be. Therefore I have supported this Bill. There may be a great deal of by-play and political maneuvering. I do not know what deep thoughts, either straight or crooked, may be in the minds of the leading politicians on the side opposite from mine; nor do I know what may be the thoughts or motives that lie in the minds of men on my own side of the House. I can be responsible only for my own thoughts and actions. As for myself, I believe that the legislation is just. I believe that the assent it received and the instruction given with regard to it are such as are seldom given to any piece of legislation submitted to the Canadian Parliament, and I am therefore earnest in my desire to see it placed upon the Statute Book, for what it is worth.

We on this side of the House are at a great disadvantage. I cannot say as to those on the other side. Whilst I have been listening to this debate I have been wondering somewhat at the tongue-tied representatives sitting on the Government benches. Fluent and voluble on other matters, they are singularly silent upon this question. I do not need to ask myself why. If I tried to answer that question I should probably get into devious ways and do injustice to some persons, and that I should not care to do. But it is a striking fact that after all the criticisms made on this side of the House, only one, two or three voices have been raised on the other side in support of the measure that is to be voted upon this afternoon. Why is it? There might be a great many reasons for it, but I leave it to each member on either side of the House to state his reasons for himself, and to his own satisfaction.

A great deal has been said on this side of the House which I think is open to some reply. It has been generally assumed that Canada has been over-neighbourly, so to speak, in rushing to the assistance of the United States in an endeavour to facilitate the enforcement of the law of the United States in regard to intoxicating beverages; and the impression has been made upon my mind —and maybe upon the minds of others—that Canada has been the only one to move in this direction, and has been a little officious in her efforts to assist our friends to the south.



What are the facts of the case? The very first move in this direction was made in 1923 by that body which represents, if it represents anything, the whole of the united British Empire—the Imperial Conference. The first legislation to be enacted was contained in the treaty made between Great Britain and the United States of America, and ratified by the Parliaments of the British Commonwealth. That was a very important piece of legislation. Let us for a moment see what it did and in what way it aided in the enforcement of the United States policy and law.

The generally accepted boundary of the area at sea over which a country has authority was three marine miles from the shore. Great Britain has held to that boundary during all the controversies of the past. The treaty made a notable exception: for the purpose of enforcement of the United States law it extended that boundary to at least twelve miles from shore. That was the first concession on the basis of good-will and international fellowship made in the treaty to which I have alluded. The area within which the United States authorities could exercise jurisdiction in administering the law of the United States was extended from three marine miles to the distance that might be traversed in one hour by the vessel which was, or was presumed to be, carrying contraband goods into the United States; or, if a ship herself did not proceed to port, to the distance which a runner could make in one hour in travelling from the ship to the port. That was an extension from three miles to a minimum limit of twelve miles, or a possible maximum of fifteen or twenty or more miles, depending upon the speed of the delivering vessel. Within that extended area the United States authorities have power under the treaty to arrest a vessel, to board her and search her, to seize contraband, if she is carrying it, and to take her into port and submit the question to legal adjudication under the laws of the United States.

That was a very great concession to make in the interest of international comity and out of respect for the law of a neighbour nation. But Great Britain has done more than that in the case of the rum-runner who seeks to utilize as a base of operations the Bahamas or some of the other West Indies Islands. She has instructed her officials as regards the registering of rum-running vessels under the British flag, and has given the United States authorities the right of entry and examination in ports in the West Indies. This has effectually diminished the advantages

which the rum-runner enjoyed from the use of those ports. So much for what Great Britain has done. And this was ratified by Canada.

In 1925 Mexico made a convention with the United States of America to the extent of refusing clearances and taking other means to prevent the shipment of intoxicating liquor from that country to the United States. That treaty was in operation until 1927, when the United States itself denounced it. For what reason? Because under that treaty Mexico had passed a decree which prevented arms and ammunition from being imported into its territory, and there was a dispute between the two countries in that regard, the United States not wishing to be bound not to export arms and ammunition to a particular party in Mexico at that time. Nevertheless, there was an evidence of the good-will of Mexico, and it extended over a period of two years.

The case of Cuba was instanced this afternoon, but I think the instance was scarcely a happy one. The Island of Cuba is in very close proximity to the United States and would form a most convenient base for smuggling operations, but in 1925 there was signed at Washington, and ratified by the Senate of the United States, and agreed to and ratified by Cuba, a treaty on all fours with the treaty made with Mexico, which I have already mentioned. So since 1925 Cuba has been bound by treaty to prevent all clearances of cargoes of intoxicating beverages for the ports of the United States, and she is bound as well to give information and in other ways to carry out reciprocally with the United States the obligations of that treaty.

Japan has taken action similar to that taken by Great Britain. Norway has done the same thing, and not only has gone thus far, but punishes those who contravene the arrangement that she has made with the United States. Eleven of the Baltic nations have entered into an agreement binding themselves not to allow vessels of under one hundred tons to carry intoxicating liquor from one country to the other, and they are working together in good-will with the United States as well. The same may be said of countries in South America.

So much for that. I think it is well to place it upon record to show the international good-will among some of the most prominent nations of the world.

Now, I should like to say a few words on the question of how far this measure, when it is passed into law, will give effect to the policy which the Prime Minister has said it is intended to carry out. If it is as properly enforced as I hope it will be, it will put an end to the direct traffic between the two countries; but it is said that it will be ineffective because when the Dominion authorities refuse to permit distillers and brewers to clear cargoes for the United States they can ship their liquors into the United States by way of St. Pierre-Miquelon and Cuba.

I think it will not be possible to ship via Cuba, because under convention between that country and the United States liquor cargoes cannot be cleared from a Cuban port for an American port; not only is the clearance refused, but all information relative to consignments of liquor is freely given by the authorities of one country to those of the other. Consequently I think it will be found that Cuba will not be a convenient resting place for cargoes like those which hitherto have gone across the rivers and the lakes between our country and the United States.

It may be said that this Bill will not prevent the distillers from circumventing the purpose of the Government by shipping liquors to St. Pierre-Miquelon, whence they can be sent to the United States. If the brewers and distillers do take advantage of that channel of transportation, if the quantity of liquor shipped there becomes so large that it is apparent to everyone that it cannot be consumed there, and if the Prime Minister of Canada becomes convinced that the destination of St. Pierre is a subterfuge whereby the intention of this legislation is not carried out, then it would be a question for the Prime Minister to settle, whether it is possible to have peace within the domain of his own conscience so long as it is commonly known that our legislation is being nullified by the actions of the brewers and distillers. If such a condition arises the people of Canada will have to take it up with the Government, and if our people really desire that Canada shall play the part of a good neighbour, some action will then be taken to solve any complications that may have arisen.

I have much respect for the wisdom, energy and business ability of my honourable friend from New Westminster (Hon. Mr. Taylor), likewise for my honourable friend from Pictou (Hon. Mr. Tanner) and for this versatile and talented old friend of mine, the honourable senator for Bedford (Hon. Mr. Pope), but I scarcely see—how shall I express it?

Hon. Mr. POPE: I do not know.

Right Hon. Sir GEORGE E. FOSTER: I scarcely see how they can consistently champion the distiller and the brewer as beneficent business men, or their business as a worthy industry. I could wish them a nobler and safer subject to champion; but they must

choose for themseslves the cause for which they are willing to don warlike armour and fight. It is difficult for me to understand how a business man, or a labouring man, or a representative of labour in its broader aspects, can enter the lists to oppose a measure because, forsooth, it may cause some inconvenience to the ancient trade of making alcoholic liquors. Never, from the time of Noah—that is a long way back—up to the present, could it be said that that industry, if it can be so called, has been the friend of any other industry. It is the constituted, continuous and inevitable ravager and enemy of every other business enterprise in the wide world. Am I right or wrong?

Hon. Mr. POPE: You are wrong.

Right Hon. Sir GEORGE E. FOSTER: I thought my honourable friend from Bedford (Hon. Mr. Pope) would say that I am right.

Hon. Mr. POPE: No; you are quite wrong.

Right Hon. Sir GEORGE E. FOSTER: Well, then, I shall have to labour with him still more, but I labour not without hope.

Right Hon. Mr. GRAHAM: But without Pope.

Right Hon. Sir GEORGE E. FOSTER: When listening to my honourable friend a short while ago, I indulged in a wish that I could turn some of my honourable friends along a certain path. Some of them say: "What you need to do in the cause of true temperance is to use moral suasion. You cannot by law make men do certain things."

Hon. Mr. POPE: Hear, hear.

Right Hon. Sir GEORGE E. FOSTER: They say, "In the interest of true temperance it is moral suasion that must be used."

Hon. Mr. POPE: Hear, hear.

Right Hon. Sir GEORGE E. FOSTER: But my honourable friend must not put all the burden of using moral suasion on me. I am sure my honourable friend (Hon. Mr. Pope) has the best interest of his country at heart. He would rather see our young people temperate, even abstainers, than the opposite; I have not the least doubt of that. But why do these honourable gentlemen who say, "In order to advance the interest of true temperance you must use moral suasion," not take part in that movement themselves? It would rejoice the cockles of my heart to see my honourable friend from Bedford (Hon. Mr. Pope) standing before a group of Boy Scouts or Girl Guides and, in the interest of true temperance, impressing upon them the necessity of having nothing to do with alcoholic liquors. It is his duty as well as mine to do that, and I plead with him to do his share of the work. I have been trying to do such work for a long while, and now, in my old age, I should like my honourable friend, in his youth and vigour, to take my place in endeavouring to inculcate the principles of true temperance. And might I suggest to my honourable friend from Pictou (Hon. Mr. Tanner) that he could do a little bit of the same thing? What an advance there would be in the temperance movement if we all joined our forces together! We might see the millennium much sooner than it is otherwise likely to come. But this is a diversion.

Hon. Mr. POPE: Oh, no, no.

Right Hon. Sir GEORGE E. FOSTER: What I want to make clear is that I do not consider it necessary to oppose a measure of this kind out of sympathy for the distiller and the brewer. I ask honourable gentlemen, can they name me any business that is not injured in one way or another by the operations of the distiller and the brewer? Is the labourer made any more effective because of the distribution of the brewers' goods? Are the miners and the transportation men more energetic on that account? Or is it not a fact that on any business of this country with which alcohol interferes it has a blighting and destroying influence? But I do not see that there is any like effect from the use of boots and shoes. The more boots and shoes that are manufactured and distributed and worn, the better for everyone concerned and the country at large. The same is true with respect to all other industries, excepting the business of the brewer and the distiller. Whether you consider that business from a national or an individual, a social or an economic viewpoint, it is not beneficent, but maleficent. An ironical feature of that business is the fact that while the distillers and brewers are making their profits, the human wreckage that is caused by their business has to be taken care of by the honest, legitimate workers and taxpayers of the country. Four or five men participating in a small social affair may use intoxicating beverages; an hour or two afterwards there is a collision and two men are suddenly deprived of life, and lost to labour and production. Two citizens have lost their lives because of the liquor traffic. This is multiplied a thousand fold, in greater or lesser degree, all through our country.

Sooner or later the good sense of the people of the whole world will centre upon this business. It is my impression that in the

United States of America the prohibition amendment will never be abolished—that the people of that country will never go back to the old system that was in vogue during my younger days, and up to a very short time ago. What I want to emphasize is that I think it is in the interest of every legitimate and beneficent business that, as provided by this Bill, there should be a stoppage of the export of liquor. Inasmuch as the prevention of this export of liquor will curb the activities of the liquor trade, it will inure to the advantage of the country in every respect. That is the only ground that a Government can take to save its own reputation.

I am in favour of this legislation also because it is in the interest of the Civil Service of Canada. We have an immense body of civil servants, numbering some 60,000 or 70,000 men and women, among whom there is a certain kind of freemasonry. The continuance of the system that has been in existence for the last six or seven years would be disadvantageous to the morale of parts of the Civil Service, and the Government is well advised to abolish that system.

I do not know that I ought to impose anything more upon the good nature of my honourable colleagues. My remarks have been made in good spirit. I am glad to know that my honourable friend from New Westminster (Hon. Mr. Taylor) intends to vote for the third reading. I am not entirely in accord with his reasons for so voting, but, notwithstanding that, I am glad that we have both come to the same conclusion.

Hon. J. W. DANIEL: I rise only to state my position on this Bill. I am not opposed to it.

Hon. Mr. HUGHES: There is an amendment which has not been seconded.

Hon. Mr. DANIEL: I have often wondered why legislation of this kind had not been brought down before. I am in favour of it, and intend to vote for it.

An amendment to the Bill has been introduced proposing the addition of a clause, the effect of which would be to postpone the coming into force of the Act until the issue of a proclamation by His Excellency the Governor in Council. I see some reason also to vote in favour of the amendment, and I purpose doing so. In that I am somewhat influenced by the remembrance of the speech delivered on the Divorce Bill the other day by the right honourable senator from Eganville (Right Hon. Mr. Graham), who suggested that possibly some bargain might be made between this country and the United States with regard to the divorcing in the United States of Canadian citizens. The proposal that the coming into force of this Bill shall take place only on the proclamation of the Governor in Council has the merit of giving the Government an opportunity to take advantage of any additional light they may see on the subject, and, perhaps, before finally dealing with the Bill, to make some such arrangement as was suggested by the right honourable gentleman to whom I have referred. So, as far as I am concerned, I intend to vote for both the amendment and the Bill.

Hon. F. L. BEIQUE: Honourable members, I had not the pleasure of hearing the remarks made by the honourable member for New Westminster (Hon. Mr. Taylor). Unfortunately, when I entered the Chamber this afternoon he had terminated his address. I have been told, however, of the significance that the honourable gentleman attached to the remarks that I made on this measure in this House on a previous occasion, and it is a significance that I cannot accept. The remarks to which the honourable member alluded are no doubt the remarks which are to be found on page 124 of Hansard. At that time I was dealing with an argument that had been made by an honourable member who had spoken before me, to the effect that if this Bill were to pass and become law, the result would be a great loss to the country. My remarks were directed merely to answering that argument, and I stated, as will be found upon reference to Hansard, that, whether it resulted in a loss or not, the country had a duty to perform. The opinion which I expressed was only my own opinion. Possibly I was not correctly informed, but I was under the impression—and I still am—that notwithstanding the passing of this law, there were a number of places in the West Indies and some other islands to which liquor might be directed. I doubt very much that the Government could prevent the export of liquor to those countries any more than it could prevent its being exported to England. I will take the liberty of reading that part of my remarks, so that anybody who may read the speech of the honourable gentleman opposite (Hon. Mr. Taylor) will have an opportunity of judging whether or not his interpretation is correct. What I said was this:

> Some honourable gentlemen seem to be concerned with the consequences of the passing of this Act, or to fear that it will entail a very large loss of revenue. As far as I am concerned, I do not think that if the Government has a duty to perform towards a foreign country the question of whether there is a loss of five or ten millions should cut any figure at all. I say

that the Government should discharge its obligations irrespective of the loss which may be sustained. I doubt very much, however, and in this I am agreed with the honourable leader on the other side (Hon. Mr. Willoughby), whether this measure will prevent liquor from being exported to the United States. It is my opinion that the distillers will very likely arrange to ship their goods to Jamaica, Cuba, and St. Pierre-Miquelon, and then the Canadian Government will not be concerned.

Apparently I was not right in speaking of Cuba. I understand from the admirable speech that has just been delivered by the right honourable member for Ottawa (Right Hon. Sir George E. Foster) that there is a treaty between Cuba and the United States which would stand in the way. Instead of Cuba I might have cited three or four other islands in the West Indies. Then I was interrupted by the honourable leader on the other side, as follows:

Hon. Mr. Willoughby: Why not? If you have a strong suspicion that it is going there, why not?

Hon. Mr. Beique: The Bill is not intended to prevent that. Under this Bill it will be open to the distillers to export their goods to England or to any European country, or to St. Pierre-Miquelon, Jamaica, Cuba, or any other island not coming within the category described in the Bill. I am quite sure—and the honourable gentleman expressed the same opinion—that these people will find some way of selling their goods, and I think he will find that instead of this legislation depriving the country of revenue it will very likely have the contrary effect. I think the distillers will pay the $9 per Imperial gallon instead of exporting the goods under a bond, because the moment the $9 is paid they can dispose of their goods as they see fit, provided they do not, to the knowledge of the Canadian officers, send their goods to the United States or to any prohibition country.

I think it is incumbent upon the Government to discharge its full duty in the matter. It is a question of propriety or impropriety. It would be improper on the part of the Canadian Government not to introduce, and on the part of this honourable House not to pass, this legislation, which is as clear as it can be made, and which has received the almost unanimous approval of the members of the House of Commons. It would be improper to show any indication that the members of this House are disposed to support the smugglers or to help the distillers or anybody else to introduce intoxicating liquor into the United States in violation of the treaty.

I repeat—my opinion may be wrong, or it may be right—that I am not at all concerned with, nor am I the guardian of, the interests of the distillers. I am concerned solely with the duty which the members of this honourable House owe to the country at large.

Some Hon. SENATORS: Question!

Hon. C. E. TANNER: Honourable members, I had the privilege of discussing this subject on a previous occasion, and I have no intention now of going over the same ground. There are, however, just a few brief remarks which I should like to make before the vote is taken.

In regard to the discussion in which I took part the other day, I would remind the House that what I said was based on the argument of the Minister of National Revenue in another place, and of my right honourable friend from Eganville (Right Hon. Mr. Graham), who was leading this House at the time. Both of those gentlemen, as the House will remember, without reservation and without conceding that there was one element of merit in the proposition, were opposed to the same principle that is involved in the Bill now before the House. They are on record, and I read to this House from the record what they said. As far as I know, neither of them has taken back one word of the arguments which he addressed to Parliament one year ago; and I think I had a right to believe that those honourable gentlemen were sincere in 1929, and that as they did not disclaim in 1930 what they had previously said, they were still of the same opinion.

I largely concur in what was said in the very eloquent address of my right honourable friend from Ottawa (Right Hon. Sir George E. Foster). With him I look forward to the time when, persuaded by his eloquence, other honourable members in this House and in another place who are in favour of this Bill, and who believe that it should become law in order to save the souls of the people of the United States, will combine their efforts to save the souls of the people of Canada. I presume that the souls of Canadians are just as precious as the souls of the people of the United States, and that consistency will prevail, and that, with the aid of my right honourable friend here, this will be the last year when honourable members opposite will permit such an iniquity in this country as licensed distillers and brewers. I presume that if this business is to be crushed out for our neighbours across the line, steps will be taken to crush it out in Canada. Surely in all consistency we must stand together and tell the distillers and brewers of Canada, "No more liquor in this country."

My right honourable friend described in his own eloquent and dramatic way the effect of the treaty, under which we have consented to the officers of the United States going out twelve miles from the shore, seizing our ships, destroying and sinking them, and killing the people on them. When I heard that description I said to myself, as my right honourable friend opposite (Right Hon. Mr. Graham) said in 1929, "Have we not conceded enough to

these people, who are always ready to take, very unwilling to give?" What are we getting in return? Absolutely nothing.

Now, honourable members, since the Easter recess some returns have been brought down to this House by the Government and laid on the Table. They contain entirely new matter. Chief among the arguments that have been put forward on behalf of this Bill in another place was one referred to by my right honourable friend from Ottawa (Right Hon. Sir George E. Foster) to-day. It was said that this business of shipping liquor to the United States was corrupting the Civil Service. Are there any protests from the Civil Service or from the civil servants who are engaged in this particular line of activity? We have a return on that question. What do the Government say? They are asked whether there was any correspondence or protest of any kind in regard to this liquor business on behalf of the civil servants. What is the answer? "Nil." That means, I presume, nothing. That disposes of one of those objections. Another apparently powerful argument was that the provincial governments were demanding action on the part of the Federal Government. Copies were requested of all correspondence or representations from the provincial governments in Canada asking the Dominion Government to refuse clearances. What was the answer? Again it was "Nil"—nothing. The provincial governments have said nothing. Yet we were told at an earlier stage that this Government was being urged forward in this matter by the Civil Service and the provincial governments. That statement, according to the statements now made by the Federal Government, misrepresented the facts.

How much more does this Government know? They were asked to state the number of vessels of Canadian ownership carrying liquor as cargo which cleared from Canadian ports for United States ports during the years 1926, 1927, 1928 and 1929. And what do they say? Here is another return that was laid on the Table of this House. "No information." They were asked the number of vessels of United States ownership carrying liquor as cargo which cleared from Canadian ports for United States ports during the years 1926, 1927, 1928 and 1929. What do they say? "No information." They were asked the nationalities of the captains and crews of these Canadian and United States vessels. The answer again is, "No information." They were asked the number of those vessels which exceeded five-ton burden. The answer again is, "No information." And they were asked the average size in gallons of the cargoes on each trip of these vessels during the above years. There again the answer is, "No information."

I have tried to form some opinion of the necessity for the Government's action. My honourable friend opposite cannot put his finger upon a request by the United States of America for this legislation. The Government have had no request for it from our neighbours. There is nothing to show that the people of Canada or of the United States really want it. Judging by the returns which they have made, it is apparent that the Government know practically nothing about the business, and yet they come to this House and ask us to pass this measure.

There was one point which I think I did not mention on a previous occasion, namely, the conflict between the Minister of National Revenue and the Prime Minister. If I did refer to it, there will be no harm in doing so again. The Minister of National Revenue insisted that if this legislation became law Canada would be bound to see to its enforcement. Now, the Prime Minister has made the statement that we shall not be so bound, and we have been informed in this House that the Government will not take the responsibility for the enforcement of the law. What is the situation? What is the present stand taken by the Minister of National Revenue? Although he voted for this Bill, he is reported to have said in another place on March 25:

> I have no apologies whatever to offer for what I said last year. The views I then held I hold now.

If this Bill is passed we shall be giving up a revenue of $15,000,000. The responsibility of seeing that the law is carried out will be placed in the hands of a Minister of the Crown who is on record as saying positively that the legislation will result in great additional expense to the country and will be futile. That in itself is a reason why this House should not pass the Bill. We should not forego this revenue and put the subject-matter of the law in charge of a Minister who says that he does not believe in the legislation, and that it cannot be enforced.

My honourable friend from New Westminster (Hon. Mr. Taylor) spoke about the export of liquor via St. Pierre and other places. What is the record of the export of liquor from this country to the British West Indies? Anyone who knows anything about that business is aware that the bulk of the liquor shipped to those islands is not for consumption there, but for export to the United States. In 1925 we consigned to the British West Indies 219,759 gallons of whisky,

valued at $1,119,786. Last year the flow had grown to 634,358 gallons, of a value of $3,220,-787. Are we going to permit that stream to continue, or do we intend to be consistent and honest with ourselves? Shall we be satisfied with the prohibition of direct clearances to the United States when we know that the liquor is reaching our neighbours by way of St. Pierre and the British West Indies?

In conclusion, I should like to make it clear that the effect of the amendment proposed by the honourable gentleman from Bedford (Hon. Mr. Pope) is not to destroy the Bill, but simply to provide that it shall come into force and operation at the will of the Government. If this amendment be adopted and the Bill be assented to, the whole matter will be in the hands of the Government, and they will be able to determine whether a reciprocal treaty can be arranged. The Government profess to be in favour of a reciprocal treaty, and that seems to be the common attitude. Why should not the United States be obliged in the same way as Canada to prevent smuggling? If the whole matter of the prevention of smuggling, not only of liquor but of other goods, can be covered by a treaty equally binding on both countries, then, as my honourable friend from Bedford (Hon. Mr. Pope) says, there will be no need for this Bill. And he proposes that the matter be left to the discretion of the Government to decide at any time after Parliament prorogues whether they will put the legislation into force or endeavour to conclude a treaty with the United States. So when we vote for this amendment we vote for the Bill and the turning over of the whole matter to the absolute control of the Government of the day.

Some Hon. SENATORS: Question!

The Hon. the SPEAKER: The question is on the amendment moved by Hon. Mr. Pope, seconded by Hon. Mr. Tanner, that the Bill be not now read a third time, but that it be amended by adding the following as clause 2:

(2) This Act shall come into force upon a day to be named by proclamation by the Governor in Council.

The amendment of Hon. Mr. Pope was negatived on the following division:

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Hon. Mr. BUREAU: Honourable senators, I did not vote on the amendment, because I was paired with the honourable senator from Inkerman (Hon. Mr. White). Had I voted, I should have voted against the amendment.

Hon. Mr. GILLIS: Honourable members, before the motion for third reading is put I want to draw attention to an evident error in line 27, paragraph (c) of subsection 1 of the Bill. It will be observed that the word "exportation" is used where it should be "importation."

Hon. Mr. BELCOURT: That has been corrected. It was a clerical error and was corrected before the House adjourned.

Hon. Mr. GILLIS: When?

Hon. Mr. BELCOURT: Before our last adjournment.

Hon. Mr. TANNER: We cannot take any risk about that. We must see to it now that the Bill is made right.

Hon. Mr. SHARPE: It was adjusted in the Committee.

Hon. Mr. BELCOURT: I was not present, but, as I understand, the clerical error in using the word "exportation" where it should be "importation" was corrected at the time.

Hon. Mr. TANNER: We must get all the niggers out of the woodpile.

Hon. Mr. BELCOURT: I am telling my honourable friend what occurred.

Hon. Mr. STANFIELD: If the honourable gentleman was not present, how does he know what happened?

Hon. Mr. BELCOURT: The Clerk of the House has informed me that the attention of the House was called to the fact that the

clerical error, which has just been pointed out, existed, and with the consent of the Committee the clerical error was corrected. The Clerk of the House made the correction at the time.

Hon. Mr. GILLIS: The Bill does not show that that correction was made.

Hon. Mr. BELCOURT: The Bill which is now being voted upon has the word "importation" substituted for the word "exportation."

Hon. Mr. GILLIS: It is not in this Bill.

Hon. Mr. BELCOURT: I do not know about my honourable friend's copy; I am not responsible for it. If honourable senators will listen, perhaps they will get the information they want. Subsection (c) reads:

(c) it shall be unlawful to make any entry for exportation of any intoxicating liquor, destined for delivery in any country into which the importation of such liquor is prohibited by law.

Right Hon. Mr. GRAHAM: That is in the Bill that His Honour the Speaker has.

Hon. Mr. BARNARD: Is it necessary that the Bill as amended should go back to the Commons? Did it come to this House in that form?

Hon. Mr. BELCOURT: It is not necessary to send the amendment to the Commons. It is merely a clerical error; it is not an amendment of substance at all.

Hon. Mr. BARNARD: I beg to differ with my honourable friend. It is very much an amendment of substance.

Hon. Mr. BELCOURT: Speaking for the Government, I am prepared to take the responsibility of moving that this Bill be now read a third time, according to the official copy.

Hon. Mr. SHARPE: But this Bill will have to go back to the House of Commons anyway, when we give it the third reading.

Hon. Mr. TANNER: Surely there is no officer of this Chamber who can alter a Bill without the authority of the House. This is the Bill that was passed in another place and there is no officer connected with this Chamber who dares put a finger upon the Bill unless we vote the authority.

Hon. Mr. BELCOURT: I have explained to my honourable friend that that is exactly what did take place. The clerical error was pointed out to the House and the House directed that the correction be made.

Hon. Mr. TANNER: But the honourable gentleman will not allow us to correct it now.

Hon. Mr. WILLOUGHBY: Does the honourable gentleman say it was corrected in this House?

Hon. Mr. BELCOURT: Yes.

Hon. Mr. WILLOUGHBY: The form in which it is printed and in which it came to us is the form in which it was passed by the other House, I am informed. I do not know about that myself.

Hon. Mr. BELCOURT: I have no information about that.

Hon. Mr. WILLOUGHBY: If that is so, it will have to go back there with the amendment.

Hon. Mr. BELCOURT: Yes, if that is the case.

The Hon. the SPEAKER: Is it your pleasure, honourable senators, that this Bill be now read a third time?

Hon. Mr. STANFIELD: As amended.

Hon. Mr. CURRY: The point raised, I think, is a very important one. I have tried to follow the discussion. As I understand, the Bill as it passed the other House was in the printed form that we have before us. If there has been a correction made, we should be informed who made it and what authority was given for the correction. Was the amendment made by the other House?

Hon. Mr. BELCOURT: No; in this House.

Hon. Mr. CURRY: Who gave the authority for it?

Hon. Mr. BELCOURT: The Committee gave it.

Hon. Mr. SHARPE: When it was in Committee of the Whole.

Hon. Mr. BARNARD: Then surely it goes back as an amendment.

Hon. Mr. BELCOURT: That may be.

Hon. Mr. GILLIS: It must be reported as an amendment.

Hon. Mr. SHARPE: I think the proper thing would be to pass the Bill as amended. We have amended it here, and we must report it as amended, and the other House will presumably accept that amendment when it is sent over there.

Hon. Mr. BELCOURT: My information is what I have received from the Clerk of the House.

Hon. Mr. STANFIELD: The Bill was amended.

Hon. Mr. BELCOURT: The Clerk points out to me that on page 137 of our proceedings appears the following discussion:

Hon. Mr. Bureau: During the debate an honourable senator raised a question about the word "exportation" in the twenty-seventh line of the Bill. My honourable friend the leader said there would be an amendment suggested. Would it not be well to make it now?

The Hon. the Speaker: The correction was made in committee.

Hon. Mr. Bureau: I thought the Bill was reported without amendment.

Hon. Mr. Dandurand: It is not an amendment; it is taken simply as a clerical error, and the Clerk of the House is empowered to correct it.

Hon. Mr. GILLIS: Where is his power? Where is his authority?

An Hon. SENATOR: It was only a clerical error.

Hon. Mr. WILLOUGHBY: No, no; we will not let it go that way.

Right Hon. Sir GEORGE E. FOSTER: Honourable members, I think that the matter is one which can be easily decided. When that Bill came from the other House it was in a certain form. When it came out of Committee and before it came up for third reading here, there was a word added—

Some Hon. SENATORS: Changed.

Right Hon. Sir GEORGE E. FOSTER: Changed. If that be so, it seems to me that the Bill has to be passed on its third reading as amended.

Hon. Mr. WILLOUGHBY: Certainly.

Right Hon. Sir GEORGE E. FOSTER: And sent back to the other House for its approval. I do not think there is any doubt about that.

Hon. Mr. BELAND: There cannot be any objection to that.

Right Hon. Sir GEORGE E. FOSTER: In the opinion of this House it may be a very unimportant amendment—it may be considered a clerical error, but it is a Bill that is different to the extent of the change from the Bill which came to us. Our opinion as to its being all right may not be the opinion of the Lower House. I think we shall have to send it back as amended. At all events, rather than have a dispute about it, why not do so?

Hon. Mr. BELCOURT: In saying what I did, I was taking the stand taken by the leader himself (Hon. Mr. Dandurand) before the adjournment. I thoroughly agree that it should be clear, and that there should be no question of that kind about the Bill.



Hon. Mr. TANNER: If you can change one word you can change a hundred, and in that way smuggle all kinds of legislation through the House.

Hon. Mr. BELCOURT: I am simply taking the stand taken by the honourable leader of the Government when the Bill was in committee. He thought that, as a clerical error, it could be corrected and that there was no necessity for an amendment. That may be right or it may be wrong. Being his substitute, I thought I should follow his method. If there is any doubt about it, I am not willing to assume the responsibility. I want the matter to be cleared up, and would ask that the Bill be read the third time as amended in committee.

Some Hon. SENATORS: Carried.

Hon. Mr. COPP: It does seem to me that it would be looked upon as a clerical error, and so could be dealt with by this House. I understand that if a clerical error appears in a Bill, the Clerk, under the rules of this House, has full authority to make the correction.

Hon. Mr. WILLOUGHBY: The honourable gentleman will have difficulty in finding that rule. If there were a clerical error in our own proceedings we should have power to correct it; but what power have we to change a Bill coming from the other House? We have a remedy in our hands—

Right Hon. Sir GEORGE E. FOSTER: Even the transposition of a comma might vitally change the whole face of the Bill. No doubt the simple and direct way is to pass the third reading of the Bill as amended.

Hon. Mr. BELCOURT: Does my honourable friend insist that I withdraw the motion for the third reading, or does he consent to the question being put on the motion for the third reading of the Bill as amended?

Hon. Mr. WILLOUGHBY: As amended. That is quite agreeable.

Hon. Mr. BUREAU: Upon reading Hansard, to which the honourable leader has just now referred, I find that the question was raised by the honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton). I see here:

Hon. Mr. Lynch-Staunton: Did not the Bill pass the House of Commons with that in it?

Hon. Mr. Dandurand: I do not know. I think it occurred between the two Houses.

Hon. Mr. Lynch-Staunton: It being six o'clock, I would move the adjournment of the debate.

Hon. Mr. Dandurand: Did the honourable gentleman declare that he was through with his remarks?

Hon. Mr. Lynch-Staunton: I am through.

Hon. Mr. Dandurand: If there are no other speakers, I will ask the House to divide.

Hon. Mr. Pope: They will not divide just now.

At six o'clock the Senate took recess.

The fact is that there was no amendment read by the Clerk when the Committee rose. It was taken for granted by this House that the error had ocurred while the Bill was being reprinted, and it was looked upon as a clerical error. The amendment was not read before the Chair and declared carried.

Some Hon. SENATORS: Question!

Hon. Mr. BELCOURT: As I understand, my honourable friend (Hon. Mr. Willoughby) is quite willing that with the word "importation" substituted in paragraph c for the word "exportation," the Bill should get the third reading without going back to Committee.

Hon. Mr. WILLOUGHBY: Yes, without taking the vote again. The Bill passes as amended.

Hon. Mr. GILLIS: The proper course is to move it back to Committee.

Hon. Mr. BELCOURT: As I understand it, with the word "importation" substituted for the word "exportation" in paragraph c, the third reading may now take place, by leave of the House. Have I the leave of the House to make that motion?

Hon. Mr. GREEN: No. If it is brought in properly, we will accept it.

Hon. Mr. BELCOURT: If one honourable gentleman objects I cannot do it, and I will move that the Bill be referred back to Committee.

The Hon. the SPEAKER: If the Bill is to be amended as proposed, it will have to be done in the usual way, by a motion, duly seconded, that the word "exportation" be struck out and the word "importation" be substituted therefor. That is the only way we can amend it in the Senate.

Hon. Mr. BUREAU: We do not know whether this is a clerical error or not, or whether or not it occurred while the Bill was in transit from the House of Commons.

Hon. Mr. WILLOUGHBY: I think the honourable leader has consented to the amendment being made. What is the use of argument?

Hon. Mr. BELCOURT: My impression is that the Bill as coming from the other House contained the word "exportation."

Hon. Mr. BELAND moved that the Bill be amended by the striking out of the word "exportation," in the twenty-seventh line, and the substitution of the word "importation" therefor.

The amendment was agreed to.

Hon. Mr. BELCOURT moved the third reading of the Bill as amended.

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

At six o'clock the Senate took recess.

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The Senate resumed at eight o'clock.

## ROYAL CANADIAN MOUNTED POLICE BILL

### THIRD READING

Hon. Mr. BELCOURT moved the third reading of Bill 132, an Act respecting the Royal Canadian Mounted Police.

He said: Honourable members of the Senate, since this Bill was last up for consideration, I have had an explanation with regard to it. In 1919 the members of the force received a bonus of $1.25 for the officers, 75 cents for the sergeants, and 50 cents for the constables. This bonus continued for five years.

Hon. Mr. SHARPE: Is that per year?

Hon. Mr. BELCOURT: From 1919 to 1924.

Hon. Mr. WILLOUGHBY: That much yearly?

Hon. Mr. BELCOURT: For five years. In 1924, when the pension was fixed on the basis of the salary then received by the officers and men, this bonus was not taken into account. It should have been included in order to determine the rate of pensions of both the men and their widows. The Bill is now brought in for the purpose of correcting that error, so that the pension may be based on the pay received by the men at that time, plus the bonus which was paid during the five years.

Hon. Mr. WILLOUGHBY: The honourable gentleman was to get some figures as to the amount.

Hon. Mr. BELCOURT: The amount would be about $8,000 annually. That of course will go on decreasing gradually until it is wholly wiped out.

Hon. Mr. WILLOUGHBY: That makes it quite clear. The notation on the opposite side of the Bill was very misleading. It was not the fault of the honourable gentleman, but it was obvious that some serious error had been made.

Hon. Mr. BELCOURT: I must confess that I did not quite understand the difficulty. The explanatory note on my copy is quite correct, and I could not follow the argument.

Hon. Mr. WILLOUGHBY: As to the $3,650,000?

Hon. Mr. BELCOURT: I was spared that. My copy was quite in accordance with the provisions of the Bill.

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

## FAIR WAGES AND EIGHT HOUR DAY BILL

CONSIDERED IN COMMITTEE

The Senate again went into Committee on Bill 49, an Act respecting Fair Wages and an Eight Hour Day for Labour employed on Public Works of the Dominion of Canada.—Hon. Mr. Belcourt.

Hon. Mr. Copp in the Chair.

Hon. Mr. WILLOUGHBY: I thought the honourable gentleman would have been ready to concur in the suggestion for a special committee, so that we might hear some evidence. I suppose every senator has been circularized in regard to this Bill.

Hon. Mr. BELCOURT: I have a statement which may be found satisfactory.

Hon. Mr. WILLOUGHBY: I think it would be well for the honourable gentleman to make that statement before we deal with the Bill.

Hon. Mr. BELCOURT: The right honourable gentleman from Ottawa (Right Hon. Sir George E. Foster) asked me to procure a statement from the Department of Justice as to the exact meaning of the Bill. I shall now read that statement. It is dated to-day, is addressed to H. H. Ward, Esq., Deputy Minister of Labour, and is as follows.

I have the honour to refer to your letter of the 19th instant directing my attention to the debate which took place in the Senate on Friday, 16th instant, on the second reading of Bill No. 49, entitled "An Act respecting Fair Wages and an Eight Hour Day for Labour employed on Public Works of the Dominion of Canada," and to the undertaking which was given at the close of the debate by the honourable the acting leader of the Government in the Senate to obtain the opinion of this Department on the question which was raised and discussed in the course of the debate, namely, whether or not the provisions of this Bill, if it should become law, will apply to the Canadian National Railways. By direction of the honourable the Minister of Labour, you request my opinion upon this question for transmission to the honourable the acting leader of the Government in the Senate.

The application of the provisions of the Bill is governed by these material words in sub-s. 1 of sec. 3,—

"Every contract made hereafter with the Government of Canada for the construction, remodelling, repair or demolition of any work, shall be subject to the following conditions respecting wages and hours," etc.

The Canadian National Railway Company as constituted under the provisions of chap. 13 of the Statutes of Canada, 1919 (1st sess.), (consolidated with amendments as Chapter 172, R.S.C. 1927), is a corporation entirely independent of and distinct from the Crown or from any Department of the Government of Canada. It operates and manages, as a national railway system, under the name of "Canadian National Railways," as a mere collective or descriptive designation, certain lines of railways and railway works, the ownership of which is vested, except in the case of lines of railway of the Canadian Government Railways, either in the Canadian National Railway Company or in certain constituent and subsidiary companies formerly comprised in the Canadian Northern system. The ownership of the Canadian Government Railways remains vested in His Majesty in the right of the Dominion, but these railways as specifically designated for the purpose of sec. 10 of the Act of 1919 by Order in Council of the 20th January, 1923 (P.C. 115), were by that Order in Council, which was passed under the authority conferred by sec. 11 of the said Act, entrusted—

The following is in quotation marks:

—"in respect of the management and operation thereof"—

That ends the quotation.

—entrusted "in respect of the management and operation thereof" to the Canadian National Railway Company.

In my opinion, while the said Order in Council had effect to transfer to the Canadian National Railway Company the Canadian Government Railways in respect of the management and operation thereof, it left unimpaired and still subsisting the powers vested in the Minister of Railways and Canals under the Government Railways Act, R.S.C. 1927, chap. 173, respecting the construction or maintenance of Government railways and works connected therewith, although, by the provisions of sec. 16 of the Canadian National Railway Act as enacted by chap. 13 of the Statutes of 1928, these powers are required to be exercised subject, except in respect of certain specified matters, to the provisions of the Railway Act. In accordance with this view, contracts involving the construction or maintenance of works for the Canadian Government Railways are made by His Majesty as represented by the Minister of Railways and Canals, and I entertain no doubt that such contracts would in future become subject to the conditions respecting wages and hours set out in sub-s. 1 of sec. 3 of Bill 49, if and when that Bill should be enacted into law.

Hon. Mr. BUREAU: Who signs that?

Hon. Mr. BELCOURT: Stuart Edwards, the Deputy Minister of Justice.

Hon. Mr. WILLOUGHBY: Then I take it that this Act would apply to the construction and operation of the Canadian National Railways.

Hon. Mr. BELCOURT: Not to the operation.

Hon. Mr. WILLOUGHBY: To construction—and they are constructing to a considerable extent every year.

Hon. Mr. GRIESBACH: I did not understand that. My understanding is that the Bill will not apply to that portion of the Canadian National Railways which never was the property of the Government of Canada, but that it will apply to that portion which was the property of the Government of Canada, and still is.

Hon. Mr. BELCOURT: Perhaps I had better read it over again.

Hon. Mr. GRIESBACH: Oh, no.

Hon. Mr. BELCOURT (reading):

In my opinion, while the said Order in Council had effect to transfer to the Canadian National Railway Company the Canadian Government Railways in respect of the management and operation thereof,—

I emphasize those words—

Hon. Mr. GRIESBACH: That does not apply to the contracts.

Hon. Mr. BELCOURT: No. "In respect of the management and operation thereof." I think those words have a significance of their own—

—it left unimpaired and still subsisting the powers vested in the Minister of Railways and Canals under the Government Railways Act, R.S.C. 1927, chap. 173, respecting the construction or maintenance of Government railways and works connected therewith, although, by the provisions of sec. 16 of the Canadian National Railway Act as enacted by chap. 13 of the Statutes of 1928, these powers are required to be exercised subject, except in respect of certain specified matters, to the provisions of the Railway Act. In accordance with this view, contracts involving the construction or maintenance of works for the Canadian Government Railways are made by His Majesty as represented by the Minister of Railways and Canals, and I entertain no doubt that such contracts would in future become subject to the conditions respecting wages and hours set out in sub-s. 1 of sec. 3 of Bill 49, if and when that Bill should be enacted into law.

Hon. Mr. GRIESBACH: There you are! "Canadian Government Railways."

Hon. Mr. BELCOURT: You have to make a distinction as to operation and management between the Canadian National Railways and other Government railways.

Hon. Mr. WILLOUGHBY: It would apply in any event to construction.

Hon. Mr. BELCOURT: That is only to the Government Railways, not the Canadian National. I think my honourable friend will find that this is the only conclusion. Operation and management with regard to the Canadian National Railways are vested entirely in the Canadian National Railway Company—

Hon. Mr. BUREAU: Operation and maintenance?

Hon Mr. BELCOURT: —but this has regard to the Government Railways, not the Canadian National Railways. Let me put it another way. Government railways, as to operation, management, construction, repairs and so on, are to be dealt with, under the provisions of the Railway Act, by the Minister of Railways and Canals. With regard to the Canadian National Railways, the operation and management are exclusively in the hands of the Canadian National Railway Company.

Hon. Mr. DANIEL: Has the honourable gentleman a list of the real Government railways?

Hon. Mr. WILLOUGHBY: That is exactly what I was going to ask. What are they?

Hon. Mr. BELCOURT: The Intercolonial Railway, Prince Edward Island—

Right Hon. Mr. GRAHAM: And, I think, the Transcontinental.

Hon. Mr. DANIEL: The Hudson Bay Railway?

Hon. Mr. BELCOURT: Yes. I think that is all.

Hon. Mr. CALDER: Why are not the Canadian National Railways Government railways? What is the distinction?

Hon. Mr. BELCOURT: The distinction in fact is that the Government railways, to all intents and purposes, are under the jurisdiction—for operation, management, reconstruction, repairs, and so on—of the Minister of Railways and Canals.

Hon. Mr. CALDER: Are they?

Hon. Mr. BELCOURT: According to this opinion.

Hon. Mr. STANFIELD: We want to know.

Hon. Mr. CALDER: As a matter of fact, has not the Government of Canada delegated to the Canadiana National Railways the operation and management of the Intercolonial Railway?

Hon. Mr. BELCOURT: No, not of the Intercolonial.

Right Hon. Mr. GRAHAM: Yes, the operation and management.

Hon. Mr. CALDER: Oh, yes. The Department of Railways and Canals, as I understand it, is neither operating nor managing the Intercolonial or the Prince Edward Island Railway at the present time. On the other hand, the Government of Canada took over the Grand Trunk Railway and the Canadian Northern Railway, and they became the property of Canada. Are they not Government railways? Is it only the fact that the Government of Canada built certain railways that makes them Government railways, and are the others not Government railways because they were purchased, or were acquired in some other way? I cannot see the distinction. As a matter of fact, what railways in Canada are to-day operated and managed by the Government of Canada?

Hon. Mr. DANIEL: None.

Hon. Mr. BELCOURT: They have been mentioned—the Intercolonial—

Hon. Mr. CALDER: They are not operated by the Government of Canada.

Right Hon. Mr. GRAHAM: They are all operated and managed by the Canadian National Railway Company. Operation means the running of the trains; it does not mean construction.

Hon. Mr. BELCOURT: You have to distinguish between the railways included under the general term "Government railways" and those railways which are operated, managed, repaired, reconstructed, and so on, by the Government.

Hon. Mr. CALDER: None such exist. I should like to hear the honourable gentleman name one railway in Canada, with the possible exception of the Hudson Bay Railway, that is operated and managed by the Department of Railways.

Hon. Mr. BELCOURT: I think all the railways in Canada that have been committed to the Canadian National Railways are Government railways, and all Government railways have been so committed, with the possible exception of the Intercolonial, apart from its management and operation.



Hon. Mr. CALDER: So has the Grand Trunk.

Hon. Mr. BELCOURT: In a sense.

Hon. Mr. CALDER: In every sense.

Hon. Mr. BELCOURT: But to the Canadian National Railway Company exclusively has been assigned the operation and management of the Canadian Northern and the Grand Trunk. The other railways that are called Government railways are in a different position. What we are trying to ascertain is whether this Bill is going to apply in any respect to the Canadian National Railways, which are under the operation and management of the Canadian National Railway Company. I say no.

Hon. Mr. WILLOUGHBY: Would it not be desirable to have a special committee—I thought before that the honourable gentleman was going to accede to that—and to allow the various contractors and others who are interested in a very large way in construction work to be heard? We could refer the Bill to our own Railway Committee. If such action were going to delay the House, I may say frankly to the honourable leader of the Government, I would not at this late stage press the point; but I think we have ample time. It is our duty to satisfy people who are intensely interested, and whose business is construction in a large way. I had hoped that the honourable gentleman would accede to my proposal, and that the Bill might be sent to the Committee very promptly.

Hon. Mr. MURDOCK: If that were done just now, the hearing would be very largely one-sided.

Hon. Mr. WILLOUGHBY: Why?

Hon. Mr. MURDOCK: The representatives of the other point of view, the labour organizations, have generally assumed that this matter was thoroughly threshed out in another place, and that both parties there were practically confirmed in the view that it was time the Canadian Government took a reasonable lead in implementing the terms of the Treaty of Peace and the proposals adopted by the International Conference in Washington in 1919. Those parties to the dispute—if there is a dispute—have assumed long since that there would be no further general discussion. Now certain gentlemen have made representations to you and to me during the past few days, and have lobbied, and circularized every honourable member of this House—

Hon. Mr. WILLOUGHBY: Not lobbied.

Hon. Mr. MURDOCK: Maybe I should speak only for myself. Surely there is not a single question under consideration that in the time at our disposal cannot be answered here just as well as if these people were permitted to bring a flood of witnesses into a private room—

Hon. Mr. SHARPE: Oh, no. It is a public room.

Hon. Mr. MURDOCK: I am sure that if the honourable gentleman from Welland (Hon. Mr. Robertson) were here, he would want other parties to be heard.

Hon. Mr. WILLOUGHBY: Certainly. Let us hear them all.

Hon. Mr. MURDOCK: Is there time?

Hon. Mr. WILLOUGHBY: Absolutely.

Hon. Mr. MURDOCK: I think not. I think that what is proposed would be a great mistake, and would be unfortunate at this time and in this place, because every question upon which we have been circularized can be answered and dealt with right here. As a matter of fact, there is nothing to the statements that have been put forth by certain gentlemen. There is nothing contemplated that is any more rigid or far-reaching than what we have had here in Canada, to all intents and purposes, for nearly thirty years, by Order in Council. This Bill is brought down in order to stabilize conditions and establish a legal basis, just as was done by the Bill introduced and passed here to regulate traffic on Dominion Government property.

Hon. Mr. WILLOUGHBY: I am not assuming that things that are asked by contractors or others represented are necessarily going to be concurred in. With regard to having representatives of labour here, I think they can be brought together as quickly as others, where it is in their interest to be present. They have their paid representatives—I am not saying that disrespectfully at all—whose business it is to look after their affairs, and I venture to state that if this Committee sat to-morrow morning we could have at the meeting representatives of labour as well as of the contractors. This suggestion is not made through any hostility to labour at all, so far as I am concerned, but as this House can afford time to permit various classes of the community to be heard and have their interests considered, I think that is the least we can accord to them.

Right Hon. Mr. GRAHAM: Honourable members, I am not surprised that there is a good deal of misunderstanding concerning the position of the Canadian National Railways and the Government Railways. As a matter of fact, in the amalgamation, which is not yet completed—I am not telling tales out of school—there were, in addition to the Government Railways, about one hundred separate companies. All their bond holders, trustees and stock holders had to be consulted, and that is work that must be done carefully and quietly. I would suggest to my honourable friend from Saltcoats (Hon. Mr. Calder) that on looking at the Act creating the Canadian National Railway Company he would find there, if my memory serves me, a provision for placing the company railways under the Canadian National Railways in every respect; and that although the stock of those railways is in the hands of the Finance Minister or the Receiver General, on behalf of the Government, the Canadian National Railway Company, as organized, has complete control over all these companies. No construction is done except on the recommendation of the Canadian National Railways, and though they have to come to Parliament for money, the work is financed by the Canadian National Railway Company. Tenders are asked for and construction is undertaken by the Canadian National Railway Company, and the Government has nothing whatever to do with this. I think that will become clear to my honourable friend if he will read the statute creating the Canadian National Railway Company.

Hon. Mr. CALDER: My difficulty arises from the language used by the honourable gentleman who is acting as leader of the House (Hon. Mr. Belcourt). He tried to draw a line between Government Railways and Canadian National Railways, saying that this Bill would apply to Government Railways and not to Canadian National Railways.

Hon. Mr. BELCOURT: That is right. I am perfectly right.

Hon. Mr. WILLOUGHBY: That is what your instructions say?

Hon. Mr. BELCOURT: Yes.

Hon. Mr. CALDER: As I understood the honourable gentleman (Hon. Mr. Belcourt), he said there are two classes of railways. But in fact there are not two classes of railways.

Right Hon. Mr. GRAHAM: Oh, yes.

Hon. Mr. CALDER: One reason why I should like to see this Bill go to Committee is because I want to have that point cleared up.

Right Hon. Mr. GRAHAM: I am not objecting to the Bill going to Committee. I think we have time to consider it there. I am in favour of the Bill protecting employees.

Hon. Mr. WILLOUGHBY: We all are.

Right Hon. Mr. GRAHAM: We all are. But I want to make it clear that there are two kinds of railways. One has remained in the Government ownership and control—

Hon. Mr. CALDER: Give me an example.

Hon. Mr. WILLOUGHBY: The Intercolonial?

Right Hon. Mr. GRAHAM: In my opinion the Intercolonial will never be handed over, under the Act, to the Canadian National Railways—

Hon. Mr. WILLOUGHBY: Nor the P.E.I.?

Right Hon. Mr. GRAHAM: Nor the P.E.I. The amalgamation is under a statute. The private companies are operated, managed and controlled by the Canadian National Railway Company under that statute. The Government Railways do not come under that statute.

Hon. Mr. CALDER: But there are no private railways. Surely the honourable gentleman recognizes that as far as the Grand Trunk and the Canadian National Railways are concerned, the Government acquired those railways for the Dominion as the property of Canada.

Right Hon. Mr. GRAHAM: That is clear.

Hon. Mr. CALDER: The Canadian Government built the Intercolonial Railway. Both that road and the Canadian National Railway belong entirely to Canada.

Right Hon. Mr. GRAHAM: Yes.

Hon. Mr. CALDER: Then why is one called a Government railway and the other a private railway?

Right Hon. Mr. GRAHAM: One is a Government railway, and under that statute the others are not. If the honourable gentleman will read the Act creating the Canadian National Railway Company he will see the distinction. There is a difference with regard to the Intercolonial. That road was constructed and paid for; there are no securities against it, but there are securities outstanding against all the railway companies that were private companies, which are treated under the statute by themselves. The Intercolonial Railway is given over to the Canadian National for operation and management.



Hon. Mr. STANFIELD: And construction.

Right Hon. Mr. GRAHAM: If my honourable friend will look it up, I think he will find that is not the case; but I am not sure about that. I think the Government Railways, constructed and paid for by the people of Canada, are in a class by themselves, under the management and operation of the Canadian National, but not really owned by the Canadian National, as the former privately owned companies are. There may be something that we ought to clear up along that line. For years the provisions of this Bill have been carried out in Government contracts.

Hon. Mr. BELCOURT: Under Order in Council.

Right Hon. Mr. GRAHAM: Yes, under Order in Council; and regulations, I know, have gone further than that: where subsidies have been given to certain railways, they have been asked, as part of the consideration for the subsidies, to come under the fair wage clause in regard to construction.

Hon. SMEATON WHITE: Under what classification would you put the branch lines that have been built since the formation of the Canadian National Railways?

Right Hon. Mr. GRAHAM: They are built by the Canadian National Railways. They would come under the Canadian National Railways Act as part and parcel of the system.

Hon. Mr. WHITE: They are built by the Government.

Right Hon. Mr. GRAHAM: No. The money for the construction of these lines has to come from the Government, but they are constructed by the Canadian National Railway Company. The matter is complicated, as I said before, and I have no personal objection to the matter being cleared up in committee.

Hon. Mr. GRIESBACH: May I ask the honourable gentleman a question?

Right Hon. Mr. GRAHAM: Surely.

Hon. Mr. GRIESBACH: Is it his understanding that the Canadian National Railways will come under the operation of this Act, if it is passed?

Right Hon. Mr. GRAHAM: No.

Hon. Mr. GRIESBACH: Then I am to understand from the letter from the Deputy Minister of Justice that the Government Railways will come under this Act. Is that the fact?

Right Hon. Mr. GRAHAM: I should understand that, from this letter.

Hon. Mr. GRIESBACH: What does the honourable acting leader of the Government say about that?

Hon. Mr. BELCOURT: Perhaps I can put it in this way—

Hon. Mr. GRIESBACH: I want to ask the honourable gentleman who sits beside him, too.

Hon. Mr. BELCOURT: If my honourable friend will let me speak, I will try to answer him.

Hon. Mr. GRIESBACH: An honourable gentleman who sits beside me says that he is quite sure that the Canadian National Railways do not come under this Act.

Right Hon. Mr. GRAHAM: They do not.

Hon. Mr. GRIESBACH: I am merely pointing that out as a reason why we should have a committee to cross-examine the Deputy Minister of Justice and find out what he means, with the object of reconciling the different views.

Right Hon. Mr. GRAHAM: I think there is not a difference of view, but rather a difference of understanding of the view as expressed.

Hon. Mr. BELCOURT: If I am allowed two minutes, I can perhaps remove the difficulties and doubts. If honourable gentlemen will only read section 3 of the Bill now under discussion, they will find there, I think, a very clear answer to all this difficulty:

Every contract made hereafter with the Government of Canada for construction, remodelling, repair or demolition of any work shall be subject to the following conditions respecting wages and hours:—

Now, the words "contract with the Government of Canada" cannot possibly include any contract with the Canadian National Railway Company.

Hon. Mr. CALDER: That suggests another question. As I understand the situation, the Government of Canada does not let any contracts on the Government railways that are operated and managed by the Canadian National.

Hon. Mr. BELCOURT: I think that is quite right.

Hon. Mr. CALDER: Then the Bill means nothing.

Hon. Mr. BELCOURT: Yes, it does mean something.

Hon. Mr. CALDER: What does it mean?

Right Hon. Mr. GRAHAM: This is not a railway Bill. It applies to public works.

Hon. Mr. CALDER: Let me have the names of the railways that are operated and managed by the Government of Canada today.

Hon. Mr. BELCOURT: May I ask the honourable member, is he convinced that a contract for the doing of any of the work mentioned in section 3, regarding railways operated and managed by the Canadian National Railway Company, would not be a contract with the Government? It would be a contract with the Canadian National Railway Company. All the contracts with railways that are under the jurisdiction and control of the Canadian National Railway Company would be dealt with by the Canadian National Railway Company; all other contracts for these works would be made with the Government direct.

Hon. Mr. WILLOUGHBY: I think it is abundantly clear that we do not all understand the distinction. I know that I do not. It seems to me the former Minister of Railways (Right Hon. Mr. Graham) should be present at the committee, if he is agreeable.

Hon. Mr. CASGRAIN: The Welland Canal is a Government job.

Hon. Mr. BELCOURT: I am here to endeavour to satisfy honourable members with regard to Bills which I present for their support. I have done my best in this matter, and have the personal satisfaction of feeling that I have explained this Bill properly. I do not think honourable members will get any more information than they now have if there is a special committee sitting for ten or one hundred days. But if honourable members insist upon having a special committee to air their views, they may have one.

Hon. Mr. WILLOUGHBY: The Railway Committee.

Hon. Mr. BELCOURT: All right; the Railway Committee. But I insist that not merely one side be heard, but that everybody who has an interest in this Bill be given an opportunity to be heard.

Hon. Mr. GRIESBACH: Who suggested that only one side should be heard?

Hon. Mr. BELCOURT: Somebody did.

Hon. Mr. GRIESBACH: The honourable gentleman sitting beside you (Hon. Mr. Murdock) did.

Hon. Mr. BELCOURT: I know somebody did.

Hon. Mr. MURDOCK: Honourable senators will remember I suggested that possibly there was not time to have the other side present. One side has been waiting patiently and praying for days for just what it is now being decided to give them. The other side have assumed that the matter was ended and that they could not get anything further in accordance with their desires, because the representatives of the people in another place had agreed upon what they were going to do.

Hon. Mr. GRIESBACH: What has that to do with us?

Hon. Mr. MURDOCK: It has this to do with us, that the side in which I am interested will not be in as good a position as they would have been if they had been expecting a hearing.

Hon. Mr. WILLOUGHBY: No person has come to me on behalf of any contractors at all. I have not seen a solitary person in this regard. Everything has been done by circular or memorial. I doubt that there has been any log-rolling on this side of the House, at least.

Hon. Mr. BELCOURT: I am quite willing to accept the suggestion of my honourable friend (Hon. Mr. Willoughby) and have this Bill referred to the Standing Committee on Railways, Telegraphs and Harbours. I therefore move that the Committee rise, report progress and ask leave to sit again. It may be that we shall not need to go into Committee again; that we shall pass the Bill after receiving the report of the standing committee.

Hon. Mr. WILLOUGHBY: We will speed it up.

Hon. Mr. BELCOURT: Will my honourable friend express a view as to when the committee ought to meet?

Hon. Mr. WILLOUGHBY: At an early date.

Hon. Mr. BELCOURT: When would my honourable friend suggest?

Hon. Mr. WILLOUGHBY: Two or three days, I think.

Hon. Mr. CASGRAIN: What about tomorrow morning?

Hon. Mr. WILLOUGHBY: I think that would be too soon. Thursday would be suitable.

Hon. Mr. BELCOURT: With the understanding that if the parties are not there, and an adjournment is desired, it will be granted.

Progress was reported.

## PRIVATE BILL

### FIRST AND SECOND READINGS

Bill 139, an Act to incorporate the Hamilton Life Insurance Company.—Hon. Mr. Lynch-Staunton.

The Senate adjourned until to-morrow at 3 p.m.

# THE SENATE

Wednesday, May 21, 1930.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

## WAR VETERANS' ALLOWANCES BILL

### THIRD READING

Bill 19, an Act respecting War Veterans' Allowances.—Hon. Mr. Belcourt.

## PRIVATE BILLS

### FIRST AND SECOND READINGS

Bill 50, an Act respecting a certain patent application of Thomas Bernard Bourke and George Percival Setter.—Hon. Mr. Haydon.

Bill 51, an Act respecting a certain application of Harry Barrington Bonney.—Hon. Mr. Haydon.

### THIRD READINGS

Bill 54, an Act to incorporate Pine Hill Divinity Hall.—Hon. Mr. Logan.

Bill 34, an Act to amend an Act to incorporate the Canadian Bible Society auxiliary to the British and Foreign Bible Society.—Hon. Mr. Haydon.

Bill 44, an Act respecting a certain patent of Edgar D. Crump.—Hon. Mr. Griesbach.

Bill 24, an Act respecting a certain patent of George Yates.—Hon. Smeaton White.

Hon. F. L. BEIQUE: On behalf of the Standing Committee on Miscellaneous Private Bills, I beg leave to report Bill H6, an Act respecting a certain patent of Stauntons Limited, with an amendment. The object of the Bill was to renew a patent expiring in 1933 for an extra term of eighteen years. The Bill was amended by the Committee to shorten the renewal to five years instead of eighteen, by changing 1951, in the 27th line of the Bill, to read 1938.

Hon. Mr. HUGHES moved the third reading of the Bill.

Hon. Mr. BEIQUE: Honourable senators, I feel it is my duty to say that I think it is a rather bad precedent to renew a patent three years before its expiry. We do not know what may happen in the interval. The reasons advanced in support of the renewal being granted at this time did not commend themselves to me. However, I do not intend to move against the passage of the Bill.

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

## PENSION BILL

### FIRST READING

Bill 265, an Act to amend the Pension Act. —Hon. Mr. Belcourt.

## FISH COLLECTION IN MARITIME PROVINCES

### INQUIRY

Hon. Mr. TANNER inquired of the Government:

(1) How many vessels did the Department of Marine and Fisheries have engaged in fish collection for Nova Scotia, New Brunswick and Prince Edward Island respectively in 1929?
(2) What was the total cost in 1929 of the said service?
(3) What was the total quantity and value to fishermen of the fish collected by the vessels in 1929?
(4) What was the average value per one hundred pounds of fish?
(5) What was the cost of collection of such fish per one hundred pounds?
(6) How many vessels are there at present engaged in such fish collection for the respective Provinces?
(7) Has the Department any contract with any person, or company, for a five-year term, or other term, for the furnishing of vessels for fish collection for said Provinces, or any of them; and, if so:—
(a) With whom are contracts made?
(b) When were contracts made?
(c) For what periods do the contracts run?
(d) What amounts are to be paid under the contracts?
(e) How many vessels are contractors respectively to furnish?
(8) Do contracts require cold storage or refrigerator equipment in the vessels?
(9) Are the vessels all fitted with such equipment?

Hon. Mr. BELCOURT: Honourable senators, the answers to my honourable friend's inquiry are as follows:

(1) Twenty at times throughout season in Nova Scotia.
(2) $83,212.03 for season 1929-30.
(3) 8,623,315 pounds. Information not available.
(4) Answered by No. 3.
(5) 96⅔ cents.
(6) Three in lobster collection in Nova Scotia.
(7) Yes.
(a) One with Nova Scotia Shipping Company Limited, Halifax, N.S.
(b) Authorized by Order in Council of December 20, 1929.
(c) Five years.
(d) Monthly subsidy of $1,975 for each boat while in operation.
(e) Five.
(8) Yes.
(9) Those now in operation are.



## COMPANIES BILL

### FURTHER CONSIDERED IN COMMITTEE

The Senate again went into Committee on Bill 9, an Act to amend the Companies Act.—Hon. Mr. Belcourt.

Hon. Mr. Robinson in the Chair.

Hon. Mr. BEIQUE: Honourable members, you will remember that on Thursday last this Bill was considered in Committee and approved, with the exception of section 14, which was reserved. It has been suggested to-day that instead of section 14 being changed, the Bill might be amended by a Fourth Part added to the principal Act, which is Chapter 27 of the Revised Statutes of 1927. Part I of the Act of 1927 deals with companies incorporated by letters patent; Part II deals with companies incorporated by special Acts, and Part III deals with British and foreign mining companies.

The object of the amendment is to give the companies incorporated otherwise than by Part I and Part II of the Companies Act the same powers as are given to companies incorporated by letters patent. The powers referred to are mentioned in paragraph (g) of section 32 of the Companies Act, which reads as follows:

(g) to establish and support or aid in the establishment and support of associations, institutions, funds, trusts and conveniences calculated to benefit employees or ex-employees of the company, or its predecessors in business, or the dependents or connections of such persons, and to grant pensions and allowances, and to make payments towards insurance, and to subscribe or guarantee money for charitable or benevolent objects, or for any exhibition or for any public, general or useful object.

If this suggestion is adopted, the best method of giving effect to it would be, I think, to add to the Bill a section, which would be 43, and which would read in this way:

(1) Notwithstanding anything in sections 2 and 153 of this Act, every corporate body created otherwise than by letters patent for any of the purposes or objects to which the

legislative authority of the Parliament of Canada extends, is hereby declared to possess, as incidental and ancillary to the powers conferred by the special Act or charter creating it, power to establish and support or aid in the establishment and support of associations, institutions, funds, trusts and conveniences intended or calculated to benefit employees or ex-employees of the corporation, or of its predecessors in business, or the dependents or connections of such persons, and to grant pensions and allowances, and to make payments towards insurance, or for any object like or similar to these foregoing, and to subscribe or guarantee money for charitable or benevolent objects or for any public, general or useful object.

This confers powers similar to those granted to companies already incorporated by letters patent. Subsection 2 deals with the future. As far as the future is concerned, I think there should be a limitation to the extent mentioned in the subsection which I am about to propose:

(2) After the coming into force of this section the amount expended or to be expended for any of the purposes mentioned in section 1 of this part shall be determined once for all, each financial year, by one resolution only of the board of directors or other governing or administrative body of the corporation; or if preferred and so declared in the first resolution to be passed for each year, by several resolutions of the same authority each year.

Large corporations, such as the Canadian Pacific Railway, the Bank of Montreal, the Royal Bank, the Sun Life, and others, may desire to deal with the matter by way of several resolutions. Corporations not so large as the one I have mentioned may desire to bind themselves at the beginning of the year by fixing the amount to be appropriated for the purpose in view, and I have submitted this amendment in order that they may be enabled to say that the power has been exhausted.

The proposed amendment was agreed to.

On section 14—incidental and ancillary powers:

Hon. Mr. BEIQUE: I have been asked to present two other amendments, but I have suggested to those proposing them that they should be deferred until next year, when matters that are of lesser importance may be considered, in order that the Bill may be sent to the House of Commons as soon as possible.

Section 14 was agreed to.

The preamble and the title were agreed to.

The Bill was reported, as amended.

Hon. Mr. BEIQUE.

THIRD READING

Hon. Mr. BELCOURT moved the third reading of the Bill.

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

## LEAGUE OF NATIONS SOCIETY

DISCUSSION CONTINUED

The Senate resumed from April 9 the debate on the motion of the Right Honourable Sir George E. Foster:

That he will draw the attention of the Senate to the progress and present position of the League of Nations Society and the participation and standing of Canada therein.

Hon. N. A. BELCOURT: Honourable members of the Senate, the right honourable the junior member for Ottawa (Right Hon. Sir George E. Foster), in his remarks upon the motion to which I am about to address myself, spoke with that great eloquence and incisiveness of which he holds the secret. It seemed to me that the right honourable gentleman spoke with singular sincerity and earnestness, and those who were privileged to hear him were, I know, deeply impressed with his observations. He covered the ground so very fully and left so little for those who might be tempted to follow him that I hesitate to raise my voice to-day; but I feel that, as acting leader of the Government in this Chamber at this time, I cannot refrain from doing so, in view of the transcendent importance of the subject. It is a matter of deep regret to me, and, I have no doubt, to all honourable members of the Senate, that the leader of the Government in this Chamber is not with us to-day. In venturing in his absence to take part in this debate, I realize that I am but a very imperfect substitute. By his long, capable and assiduous services in committees, on the Council, and in the Assembly of the League, at which he had the great honour of presiding for one term, he has brought to himself and to Canada a great deal of credit.

I regret also that I have not been able to give to the subject all the time and consideration that it deserves, and I crave the indulgence of honourable members for any deficiency in that regard, and for more frequent reference to my hurriedly prepared notes than otherwise I should have made.

At no time before has there been as wide, as deep, as earnest a desire, a yearning and an effort for peace on earth, or a more thorough detestation of war. The world to-day is much better prepared than ever before to renounce

war and to substitute for armed force the appeal to reason and justice for the settlement of international disputes. Public opinion throughout the civilized world is ready for, and in fact demands, peace. Pacific procedure must take the place of violence. Mankind at last realizes that in the international community, as in the state, there can be no compromise with violence. The law of the jungle has become as intolerable in world affairs as it has long been in national affairs.

The Covenant of the League of Nations did not, it is true, at the outset decree the outlawry of war. This was largely, if not wholly, because the means to end war, and the pacific means to take its place in the effective adjustment of international disputes, were not then apparent and could not be clearly apprehended or devised, and still less could they be applied. No doubt the necessity of ending war was uppermost in the minds of the framers of the Covenant, but for many obvious reasons the accomplishment of the task was not at the time possible. Problems of commanding and absorbing importance requiring the urgent consideration of the Allied and other nations had to be solved, such as the occupation of enemy territory, the reparation of the colossal losses, the indemnity to be paid by the enemy, the fixing of new national boundaries, the protection of minorities, the sanitary conditions and health of a whole continent, economic, social and other matters of national and international character.

The world was still staggered by the greatest of human tragedies; it was just emerging from the most horrible exhibition of brute violence; the hoary and blasphemous doctrine that war is inevitable, though crumbling, was not dead.

The possibilities, the sufficiency and efficacy of conciliation, arbitration or judicial settlement had to be demonstrated. Such was destined to be, and for an indefinite time, the principal concern, the main effort of the League of Nations and of the leading powers of the world. Hence the many and laborious meetings and conferences held by the League, the Allied and other powers, at Geneva, Paris, London, Washington, and elsewhere. Hence the Covenant of the League of Nations, the Treaty of Mutual Assistance, the arbitration treaties, the Geneva Protocol, the Locarno Pacts, the Four Power Pacific Pact, the Paris Pact, to mention only the principal ones. These are the most important and pregnant acts in the scheme of ultimate universal peace, which the League of Nations originated, inspired, adopted or supported, and which have gradually contributed to the end that now seems susceptible of accomplishment. The substitution of arbitration, conciliation or judicial settlement for war, for the adjustment of all international disputes, no longer seems impossible.

Thus the march towards the goal of world peace, begun at Versailles, upon the cessation of the greatest turmoil and upheaval in human history, impeded at the time by difficulties and obstacles which to many then seemed and which still to some appear insurmountable, has been—it could not have been otherwise—slow, laboured, and at times apparently hopeless; but with patience, good-will, faith, courage and determination, we have got nearer the goal, which can now be seen in the not too distant future.

If the going has been slow and trying, let us not forget the magnitude of the task in hand. It was started only ten years ago. What is ten years in the life of this world? Only, after all, an infinitesimal moment of time.

To appreciate what has been so far accomplished it is necessary to remember that the nations had to be taught (and it was the special function of the League to teach) that the doctrine that war is inevitable, and if you want peace you must prepare for war—"Si vis pacem, para bellum"—was a fallacy; that, on the contrary, international peace can be achieved only through appeal to justice and reason; that the habit of war must give way to the habit of peace; that the late war had brought one-half of the world to the brink of the abyss; that had the war lasted a little longer it would have destroyed modern civilization itself; that war no longer pays, but is disastrous to victor and vanquished and to the whole world; that the international world has reached a stage, which national communities have long ago attained, where violence must cease to be the means to stability, security and progress.

I purpose, honourable senators, with your permission and indulgence, to examine briefly the steps taken from time to time in the arduous task of the establishment of peace, and to indicate the results so far secured, as well as the reasonable hopes which may now be entertained for the ultimate pacification of the civilized world.

The objects of the League of Nations are, stated briefly, "To promote international co-operation and achieve international peace and security." If time permitted I should like to refer to the sections of the Covenant in which these objects are specifically set out, but for the sake of brevity I shall content myself with referring particularly to sections 5 to 16. Of these, the last is the most important.

No comment is needed to show what a significant departure was thus made from all past history with regard to international difficulties and conflicts.

The Covenant has been attacked and condemned as incomplete and consequently inefficient because:

1. It did not include certain States, and among these two of the most important, the United States of America and Russia;
2. It did not specifically and definitely outlaw all wars;
3. It did not provide sufficiently binding sanctions.

The answer to the first objection is found in the reasonable hope and expectation that all civilized nations would eventually abide by the Covenant.

With regard to the second objection, it must not be ignored or forgotten that the Covenant does denounce war of aggression, and decrees the settlement of all international quarrels by arbitration, conciliation or judicial inquiry.

The third objection, the absence of binding sanctions, was the only lack. It has been called the "gap" in the Covenant. But the sufficient answer is that at that time the gap could not by any human possibility have been filled and that any attempt to fill it would have seriously endangered, probably destroyed, the whole Covenant. The Covenanters were faced with the definite alternative of abandoning the Covenant, with all the advantage it contained for the cause of world peace, or accepting it, without such binding sanctions, in the hope and belief, or even on the chance, that with time and education the civilized world would insist upon proper and efficacious sanctions, and that in time the gap would be filled. Is there anyone to-day who, in the light of what has since happened, conscious of the tremendous strides that have been made towards world peace, can doubt that the Covenanters chose the only wise and prudent course?

Speaking for myself, I have a deep conviction, a conviction which I shall, before I resume my seat, endeavour to fully justify, that the Covenant has for all practical purposes secured the outlawry of war. I refuse to subscribe to the hoary and utterly false doctrine that war is inevitable. The statement that the obligations assumed by the fifty-four nations, signatories to the Covenant, carry no sanction, is unfounded. Again I would ask honourable members to look at the sections of the Covenant to which I have previously referred, and particularly section 16. It has been said that these sanctions are merely moral sanctions and consequently insufficient and unreliable. What of national honour and prestige; what of the interdependence and solidarity of nations; what of common national interests, political, social and economical, in the international universe; what of international support and co-operation in this contemporary world of ours and in the future?

The Covenant, if it has not as yet definitely outlawed war, has to all intents and purposes outlawed those States which shall in the future resort to war, except war in self-defence. Section 16 of the Covenant can have no other meaning and no other effect. What State of our day is there which will declare and prepare for war and deliberately assume the risks and consequences implied—nay, specifically provided for by section 16?

Let me now briefly deal with some of the subsequent steps that have been taken towards world peace.

The Treaty of Mutual Assistance may be treated as abortive, because it added nothing that was not already in the Covenant, because it did not go further than to proclaim a mere pious wish, because it did nothing more than state that the High Contracting Parties solemnly declare that aggressive war is an international crime, and they (the High Contracting Parties) severally undertake that no one will be guilty of its commission. It must be conceded that this was but a beautiful gesture. Certainly it added nothing substantial to the Covenant.

Then we come to the Geneva Protocol. En passant, I should like to mention with pride, in which I am sure every honourable member will join, that the author of the Geneva Protocol is a Canadian, Dr. Shotwell. It specifically purported to outlaw all aggressive wars. Settlement by pacific means is made compulsory under article 10. The aggressor is defined as the nation that refuses to submit its case to arbitration, to the Permanent Court or to the Council of the League; or, having so submitted its case, refuses to abide by the decision and resorts to war.

This Protocol, however, did not commend itself to Great Britain and the Dominions, to whom the consequential obligations appeared too serious. Like the Treaty of Mutual Assistance, the Geneva Protocol merely proclaimed once more a growing world conviction and a growing desire and determination to end war.

The Locarno Treaties were signed in 1924. It was at Locarno that Germany entered the League. Having offered to renounce all claims to Alsace-Lorraine, to enter the League as a permanent member of its Council, to join in a mutual guarantee as to the Western Front,

and to agree not to seek by force any modification on the Eastern Front, Germany was admitted as a full member of the League, and Stresemann and Luther, the representatives of Germany, signed the treaty on her behalf.

May I be permitted to make a brief digression here? It was my good fortune to meet the illustrious stateman Herr Stresemann several times in London and in Berlin. His loss to Germany can be said to be irreparable. He had earned the sincere admiration, the complete confidence, not only of his own people, but of the members of the League and the most responsible leaders of the world, by his evident sincerity, his indomitable efforts to achieve peace, and his very great ability. He, probably more than anyone else, contributed to the reconciliation of victor and vanquished and to the progress of international peace.

The Locarno Treaty marked a substantial advance towards peace in that it practically removed the greatest obstacle to the peace of Europe by the definite restoration of Alsace-Lorraine to France.

The Pact of Paris, 1928, was a very marked peace accomplishment and the most pronounced step in strengthening the work of peace; a decided improvement and advance in the organization of peace. Whilst it declared national self-defence an inalienable right—a right which no one would ever deny—and whilst it enacted no specific sanction, it provided an indirect or implied one, as all the signatories thereof have provided that each will be released from the obligations taken towards any other party thereto who violates any of its provisions. If time permitted, it would be interesting to read the preamble and section 2 of the Paris Pact, but I feel there is no real necessity of reading it, because it probably is familiar to all honourable members who are listening to me. It is a definite and unqualified renunciation of war in all international quarrels, and a positive agreement to submit the solution and settlement of all of them to pacific means only. The Paris Pact has filled the gap which the Covenant had left open. It was signed by the United States of America, Germany, Belgium, France, Great Britain, Canada, Australia, New Zealand, South Africa, the Irish Free State, India, Italy, Japan, Poland and Czecho-Slovakia, at Paris in the month of August, 1928, and it has since been accepted by forty-five other nations. It has been signed by sixty nations in all.

Thus was secured the active co-operation of the United States for the establishment and preservation of peace. The definition of aggressive war, as contained in the Paris Pact, has been accepted by the United States as well as all the other signatories. The corollary of this acceptance is that the United States renounce their former attitude of benevolent neutrality in all aggressive wars, and this implies the obligation to co-operate in putting them down.

The signatories to the Pact have outlawed war as an instrument of national policy, but, of course, not war of defence. The United States, like every other nation, will not and cannot alienate the paramount right to defend itself. That right must ever be retained by all states; I mean the right of legitimate defence. The United States, it is true, does not agree in so many words to put down the aggressor, as the signatories of the Covenant have done; but it warns the aggressor that it can no longer count on its friendship or neutrality. It is a fair interpretation of the treaty to say that any nation signatory to the Pact which goes to war over any dispute with any other nation, also a signatory to the Pact, before submitting such dispute to arbitration, or which, having submitted it to arbitration, refuses to abide by the award, ipso facto becomes an aggressor within the meaning of sections 8 to 14 of the Covenant and more particularly of section 16, and subject to the moral sanction of sections 8 to 14 and the positive sanction of section 16.

It may be said that the United States, not being a member of the League, would not be bound by section 16, and not be obliged to apply the sanction therein contained. That, of course, is correct. But we must not forget that the United States is bound by the provisions of the Paris Pact, which has solemnly condemned the recourse to war for the solution of international controversies, and in which the parties have renounced war as an instrument of national policy. We must remember the provisions of article 2. The United States and other nations who have signed the Paris Pact have a common solidarity; so that any violation of its provisions would be a violation as much against the United States as the other nations. As a corollary, the duty to defend the Pact would be a joint and several one. Does it not follow that the United States would be bound to apply the sanctions of the Pact contained in the first part of the section?

By the way, as I came in to the Chamber at 3 o'clock to-day I received the Bulletin of the Interparliamentary Union for March and April. On reading the first page I find an absolute confirmation of the statement that I have just made. It is written in French. It is very clear, and the conclusion is as definite as I have tried to make it myself.

Hon. Mr. WILLOUGHBY: Not to interrupt, but to help to clarify it, may I ask if that is not by inference rather than by any statement of the United States?

Hon. Mr. BELCOURT: It is an inference. I think it is a fair interpretation of the treaty.

As regards sanctions in the second part of section 16, it is inconceivable that the great American Republic would refuse to insist on the fulfilment of the very part of the Pact proposed by it and to join with the other signatories in the application of the sanctions so enacted. To question the intention and conduct of the United States, and its good faith, would constitute a monstrous insult to one of the proudest and most powerful signatories of the Paris Pact. By proposing and signing the Pact of Paris, the United States practically, and to all intents and purposes, adopted for itself and as its own all the provisions of section 16, though it did not do so in specific words.

The Paris Pact has greatly diminished, if it has not actually removed, the necessity for devising and applying formal and definite sanctions other than those already enacted by the Covenant of the League or the Permanent Court. In the case of the Covenant, the nature and extent of the sanctions rest with the League itself, whilst under the Pact, that is left to the judgment of each of the signatories. It has been a matter of regret, frequently expressed, that the great American Republic has not so far given its full adherence to the Covenant. For obvious reasons, it would be improper to discuss the motives that impelled it to adopt the course it has followed, and the matter must remain entirely in its own free and untrammelled discretion. There are many, however, who have held and expressed the view that the United States can more effectively contribute to the establishment of universal peace by acting independently of the League.

In any case, there can be no doubt that the Republic is as desirous and as willing as the nations composing the League to contribute in every way to the settlement of all international disputes by pacific means. This has been made manifest by its recent acceptance of the jurisdiction of the Permanent Court.

This brings me to speak of the Court of International Justice. It will be remembered that the Court has jurisdiction in all cases which the parties refer to it, and all matters specifically provided for in treaties and conventions in force. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or the Assembly. It will be remembered also that, mainly because of the Court's power to give advisory opinions, the United States of America refused to adhere to the Court or submit to its jurisdiction unless and until the other nations adhering to the Court accepted five conditions or reservations, which were embodied in a resolution of the American Senate on the 27th January, 1926. The resolution provided, however, that if these five conditions or reservations were added to the protocol they would give their consent. The five conditions interpreted the jurisdiction of the Court in regard to advisory opinions, and limited its powers in certain respects.



Since that date, protracted negotiations have taken place, with the result that on the 1st of September, 1929, the protocol was agreed to; and on the 3rd December, 1929, President Hoover addressed a message to the American Congress recommending the ratification of the protocol, which is to come into force on the 1st of September, 1930.

To show how effective has been the work of the International Court, I should say that all the decisions rendered by that Court have been accepted and observed.

Now I come to another step in the march towards the goal of peace—the acceptance of the Optional Clause. The signatories declare:

> That they recognize as compulsory ipso facto and without special agreement, in relation to any of the members or States accepting the same obligation, the jurisdiction of the Court in all or any of the classes of legal dispute concerning:
>
> (a) The interpretation of a treaty;
>
> (b) Any question of international law;
>
> (c) The existence of any fact which, if established, would constitute a breach of an international obligation;
>
> (d) The nature or extent of the reparation to be made for the breach of an international obligation.
>
> The declaration referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain Members or States, or for a certain time.
>
> In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

Honourable members will recall that the honourable leader of this House mentioned the reservations made by Canada before its acceptance of the Optional Clause.

I have here an abstract of the protocol concerning the five conditions imposed by the American Senate before its acceptance of the International Court. It reads as follows:

> Article 1. The states signatories accept the five reservations requested by the United States Senate in 1926, upon the terms set out in the following articles:

Article 2. The United States shall participate in the election of the judges of the court on equal terms with the States members of the League.

Article 3. No amendment of the Statute of the Court may be made without the consent of all the contracting States.

Article 4. The court shall render advisory opinions in public session after notice and opportunity for hearing.

Article 5, setting forth procedure in the matter of advisory opinions, is the kernel of the agreement. It provides that "with a view to ensuring that the court shall not without the consent of the United States entertain any request for an advisory opinion touching any dispute or question in which the United States has or claims an interest" the Secretary-General shall inform the United States of any proposal before the Council or Assembly for obtaining an advisory opinion, and thereupon, if desired, an exchange of views as to whether an interest of the United States is affected shall proceed "with all convenient speed" between the Council or Assembly and the United States.

On the 14th of January, 1930, 22 countries had ratified the Optional Clause of the Permanent Court; 19 had signed it, but their Governments had not yet accepted it formally; and 19 were expected to sign.

Now I come to the treaties for the pacific settlement of disputes. These treaties provide, some for arbitration, some for conciliation or judicial settlement. A large number of these treaties, drawn in accordance with the model treaty approved by the League of Nations, have been signed. During the last year alone there were twelve treaties of arbitration, eleven treaties of conciliation, eleven treaties of arbitration, conciliation or judicial settlement. Of these, thirty-three are bilateral and one is multilateral. In 1928 there were fifteen, and in 1927 there were eight. Twenty-five countries are parties. The United States of America signed twenty treaties; Finland five; Germany and Spain four each; Austria, Czechoslovakia, Hungary and Yugoslavia, three each; Albania, Bulgaria, France, Italy, Netherlands, Norway and Switzerland, two treaties each; Brazil, Denmark, Greece, Lithuania, Portugal, Roumania, Siam, Sweden, Turkey and Soviet Republic, one treaty each.

Up to the 1st of January, 1930, there had been registered with the League at Geneva 130 treaties for the pacific settlement of international disputes. It is gratifying to notice that the United States has signed by far the greatest number of these treaties.

It will therefore be seen that with the provisions of the Covenant of the League, articles 8 to 14, inclusive, and 16, the acceptance of the Optional Clause, the Paris Pact, and the very large number of treaties, bilateral and multilateral, agreeing to the adjustment of international disputes by arbitration, conciliation or judicial settlement, practically the whole world is now definitely committed to the policy of pacific means exclusively for the adjustment of all international quarrels. With this magnificent advance towards a better and more peaceful world civilization, it would seem that the nations of the world ought to, and no doubt will soon, feel that they have obtained the measure of security which will ensure the exercise of their national liberties free from international violence.

There are still, however, two different opinions with regard to the necessity of further or more positive sanctions. I have already stated that in my view the sanctions already provided for are reasonably sufficient. I need not repeat what I have said. But I admit that specific sanctions may be necessary, as well as sanctions of a moral kind. The value of moral engagements cannot, however, be doubted, because in the end it is upon mutual faith and good-will between nations that international peace essentially rests.

It was with a view to devising additional guarantees and sanctions that a committee of the League of Nations was appointed for the purpose of considering amendments to the Covenant with the object of filling the gap to which I have referred, and bringing the Covenant of the League into harmony with the Paris Pact. The committee was composed of the following:

M. Antoniade (Roumania)
M. Von Bulow (Germany)
Viscount Cecil of Chelwood (Great Britain)
M. Cobian (Spain)
M. Cornejo (Peru)
M. Cot (France)
M. Ito (Japan)
M. Scialoja (Italy)
M. Sokal (Poland)
M. Unden (Sweden)
M. Woo Kaiseng (China)
M. Scialoja was elected Chairman.

This committee met at Geneva in March last and submitted the following proposals of amendment. I am going to read, as I think it is worth my while doing so, articles 12, 13, 15-6 and 15-7 of the Covenant of the League, and I am going to read afterwards the amendments which this committee has recommended for adoption by the League. These amendments, I believe, have been the subject of very serious consideration at the present meeting of the League of Nations at Geneva, but I am not aware what the result has been. If the honourable senator for De Lorimier (Hon.

Mr. Dandurand) were present he would be able to give us this important piece of news, and that is one reason, among others, why I exceedingly regret his absence.

Article 12, section 1, of the Covenant, with its proposed amendment, reads:

> The Members of the League agree that, if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or judicial settlement or to enquiry by the Council, and they agree that they will in no case resort to war.

The words "that they will in no case resort to war," constitute the amendment proposed to the committee.

Article 13, section 4, reads:

> The Members of the League agree that they will carry out in full good faith any award or decision that may be rendered.

Now follows the amendment:

> In the event of any failure to carry out such an award or decision, the Council shall propose what steps should be taken to give effect thereto.

Article 15, section 6, provides:

> If a report by the Council is unanimously agreed to by the Members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that—

Here are the new words of the amendment:

> —as against any party to the dispute that complies with the recommendations of the report they will take no action which is inconsistent with its terms.

Honourable members who are familiar with the provisions of the Covenant will readily see the tremendous import of these suggested amendments. Then there is article 15, section 7:

> If the Council fails to reach a report which is unanimously agreed to by the Members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice—

And it is proposed that the following words be added in amendment:

> —other than a resort to war.

It will readily be seen how much more binding the Covenant will be if these proposed amendments are accepted, as I have every reason to believe they will be, by the League of Nations.

Honourable members will observe that the proposed amendments are in strict harmony with the Pact of Paris. If and when they are adopted war will have been definitely outlawed, since such amendments will constitute a definite, absolute and unequivocal renunciation of war, for any cause whatever other than self-defence.



I can find no language adequate to express the thankfulness which all nations must feel at the early prospect of world peace. Some honourable members of this House, and, no doubt, many people throughout the world, may not be disposed to share fully the optimism to which I have given expression. It may be because the great tragedy is still too near them; or public opinion is not sufficiently awakened; or the conviction, so old, yet so false, that war is inevitable, is not quite dead. Apparently nothing will convince some that the world will renounce the law of the jungle, just as men and nations did many, many centuries ago.

I have all my life entertained the happy conviction that international peace was bound to be established eventually, and in my humble sphere I have never overlooked an opportunity to proclaim that belief. I hope honourable members will pardon me if I dare to make a personal reference and quote my own words, in proof of this. I realize that it is not usual nor quite proper for one to quote his own language or speak about himself, but I think the circumstances are sufficiently out of the ordinary to justify my doing so in this instance.

On the first day of the parliamentary session of 1906, nearly a quarter of a century ago, when I had the honour of occupying a seat in another place, I moved an address for the purpose of suggesting that an invitation be sent by our Parliament to His Majesty Edward VII and the Queen to visit Canada. This was very shortly after the King, who had earned the name of "the Peacemaker," had consummated the "Entente Cordiale," and when world peace was being generally and earnestly advocated. In the course of my speech in support of the motion, I said, among other things, the following:

> When His Majesty (Edward VII) ascended the throne, who believed that the Entente Cordiale, such as it exists to-day, was probable or even possible? And if to-day the French republic and the United Kingdom of Great Britain and Ireland and the Dominions are found allied in such a close, such a cordial, such a lasting alliance, it is conceded that it is due mainly to the wonderful tact, to the ever unerring judgment, to the genius, to the intense love of humanity, and the earnest desire for peace of His Majesty. Have we not good reason to hope and to believe, Mr. Speaker, that His Majesty is not content to rest on the laurels, however great, which the world has so freely accorded him, and that His Majesty will continue to devote his genius and his all-powerful influence in the cause of humanity until he has exerted his last effort in the realization of that so long and so ardently cherished hope of mankind for peace and good will to all men? And, Sir, may we not be permitted also to indulge in the hope

and in the belief that a visit of His Majesty the King of England to that distinguished man and statesman, the President of the United States—

I referred to the late President Roosevelt.

—whose own efforts, whose own successes in the cause of peace among the nations have gained for him also the gratitude and admiration of the world, would afford an opportunity and be the means of rendering more intimate and more cordial even the relations which exist to-day between the American republic and our mother country? Nay, may we not be permitted to indulge the hope and belief that such a visit at this time would be the means of enlarging the scope of the Entente Cordiale so as to secure the mighty co-operation of the United States of America in the accomplishment of this great aim and noble object? An alliance between the republic of France and the United Kingdom of Great Britain and Ireland and its possessions all over the world, the republic of the United States of America, and that empire in the Far East whose national emblem so typically and so truthfully symbolizes its recent brilliant exploits and its marvelous progress, —an alliance between the foremost nations of Europe, the two greatest nations of America and the only true great nation of Asia—an alliance encircling the world, whose motto would be universal peace with all that these magic words imply for humanity—such an alliance could and would probably accomplish world peace.

The time must come, may we not think the time has come, when the enlightened nations of the world will put an end to military armaments and will cease paying to the devils of war the tribute of its best blood and of its best money? There is everywhere a desire, a demand for peace. Why, Sir, the very atmosphere is to-day filled with that fragrant air of peace.

The King of England and the President of the United States have devoted themselves to the cause of peace, they are both thorough believers in, and have constantly and with maintained success preached the gospel of peace. May we not to-day indulge in the hope that their recent brilliant successes are but the augury of general peace in the very near future? Some may think and some may say that this is but a dream, though a very happy dream, but still a dream and an illusion. My answer is that sometimes dreams are followed by realization and that what seems to-day to be an illusion to some may to-morrow be turned into a reality. My answer is that but a very few years ago the Entente Cordiale was nothing but a dream, to-day it is a living and vigorous reality.

I cannot refrain from expressing an opinion which may seem somewhat egotistical and vain. I believe that if more heed had been paid to the invitation which the Parliament of Canada extended to His Majesty and the Queen, if old and obsolete traditions had not stood in the way of the acceptance of that invitation, the Great War which began eight years after this invitation would not have taken place. It is not at all inconceivable that a visit of Their Majesties to Canada would have been followed by a visit on their part to the United States of America, and that the Entente Cordiale might then have been extended so as to include the United States and Japan. Can there be any serious doubt that upon such a combination the Kaiser and his war lords would not have dared to precipitate hostilities in 1914?

The Address was transmitted by the Secretary of State for Canada to the Colonial Secretary at the time, but it is my opinion that the invitation never came to the notice of His Majesty. The official excuse for not taking some action in the matter was that according to tradition His Majesty could not go outside the realm during his reign. But we all know that he frequently visited Paris and other parts of the European continent.

And now, honourable members, I come to the Four Power Pacific Pact, which is a realization of my dream of a quarter century ago. Great Britain, France, the United States and Japan have formed an alliance to secure the settlement by pacific means of all disputes concerning territories in the region of the Pacific Ocean. I shall not read the names of the plenipotentiaries who negotiated the treaty, but I should like to quote sections 1 and 2 of the pact, which I think are of great interest.

The High Contracting Parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

If there should develop between any of the High Contracting Parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord now happily subsisting between them, they shall invite the other High Contracting Parties to a joint conference to which the whole subject will be referred for consideration and adjustment.

I desire to emphasize the words, "consideration and adjustment."

If the said rights are threatened by the aggressive action of any other Power, the High Contracting Parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

In my estimation nothing more markedly discloses the progress made by the United States of America in the way of renunciation of war and the disposition to resort to nothing but pacific means for the settlement of international disputes than the pact so entered into by the United States, Great Britain, France and Japan as far back as 1921 and formally completed in 1922. This international treaty is remarkable as much for the few words in which it is drawn as for the ambit of its provisions. It is a solemn, unqualified, definite

and permanent renunciation of war in any controversy between the parties, and an assumption of the obligation to refer any such controversy for consideration and adjustment to a joint conference. It is, besides, a positive agreement that if the rights of the parties to it are threatened by any other party, the High Contracting Parties shall fully and frankly confer as to the most efficient means to be taken jointly or separately to meet the exigencies of each particular situation. The territorial application of the treaty is confined to the Pacific. The making of this treaty has confirmed the hope and belief that the co-operation of the United States in the work of establishing universal peace is assured, regardless of whether that country ever becomes a full-fledged member of the League of Nations or continues separately to strive for peace in its own way.

Despite failures, hesitation and temporary setbacks, the progress made towards universal peace since the war has been constantly increasing. This has been due, in a very large measure, to the growing conviction of governments and peoples that international co-operation, good-will, trust and confidence have become absolutely necessary to the peace, development and stability of civilization.

I desire to thank honourable members for their kind and patient attention. If I have taken undue advantage of their indulgence, I am sorry. I hope that I have said some things that were worth hearing.

Hon. E. MICHENER: Honourable senators, the right honourable the junior member for Ottawa (Right Hon. Sir George E. Foster), who began the debate on this subject, gave us an informative review of the progress, particularly in the past year, of the League of Nations. Now we have had the pleasure of listening to another résumé of the League's activities, given in a comprehensive manner by the senior member for Ottawa (Hon. Mr. Belcourt). I shall not detain honourable members long, but I desire to express a few thoughts on the influences that have made possible the successful functioning of the League of Nations and have brought about such a widespread sentiment for peace in a marvelously brief period of time.

From the dawn of history war has been the final arbiter of disputes among peoples. So tradition and history are on its side. To-day, however, reason, justice and humanity are striving to dethrone the god of war, and are asserting the futility of brute force.

One thing that has helped to bring about this change in public sentiment is the revulsion following the carnage and devastation of the Great War. On Sunday last I witnessed the annual Garrison Parade in the city of Toronto, and as I stood for over an hour and watched 5,000 soldiers pass by—many of them bearing the marks of war—I could not but feel that the glory of war had departed. More than 12,000,000 men were killed in the late war, and as many have died since their return, or have been condemned to a living death. An army composed of an equal number of men, if it marched day and night, would take 100 days to pass a given point.

The world has been appalled, and the hopes and ambitions of many have been crushed, not only by the awful human toll of the late war, but by the financial wreckage and devastation that it wrought. The total wealth of Canada to-day is estimated at about twenty-five billions of dollars; the cost of the late war, at a conservative estimate, was at least two hundred and fifty billions, or ten times the total wealth of the whole Dominion. One cannot but feel how vastly better it would have been to expend this huge sum in peaceful and useful undertakings and for the betterment of mankind.

A second influence on public sentiment has been the progress of science. If reason, justice and humanity do not outlaw war, science necessarily will. The inventions of the past fifty years, including the use of steam and electricity, the telegraph and the telephone, the aeroplane and other modes of transportation, have done much to bring about a better understanding among peoples. The application of scientific principles in industry has made nations largely dependent upon one another. Nations are learning that they can no more hurt others without injuring themselves than one can destroy one's arm without impairing the effectiveness of one's body as a whole. Nations glory no longer in physical force and conquest, but rather in the aim so nobly expressed by the late President Wilson when he said: "I believe the United States of America can find no higher ideal than to be of service to the other nations of the world." Nations have found that the achievements of art and learning, science and industry, are far grander than the achievements of war.

A third factor that has brought about a different state in the world to-day is what I will term the evolution of progress—the law of life. At the beginning of human history disputes were always settled by physical force. But as people became organized under orderly forms of government, they had to refer their disputes to courts of justice or to arbitration. So to-day, as civilization has advanced and culture progressed, nations find it to their

interest to defer to the principles of reason, justice and humanity and to decide their differences in accordance with such principles rather than by the old method of physical force.

These various influences have made it possible for the League of Nations to function as successfully as it has done, and have brought about a sentiment in the world to-day which is largely opposed to the arbitrament of war in the settlement of international disputes. The League of Nations has been a great factor in focusing the world's thought upon peace and progress, and the conventions and treaties made have contributed to that end.

It is marvelous to think of what has been accomplished during the twelve short years since the war. Before the war we had such bodies as the Hague Tribunal, but their efforts were largely diplomatic, not judicial. Since the war we have had conferences and treaties to bring about a better understanding among the peoples of the world. First, we had the Washington Treaty for the reduction of armaments; then we had the Locarno Pact, which settled many differences among the nations of Europe. Probably the most important of all is the Kellogg Pact, which was consummated in the Treaty of Paris, by which 58 nations, through their representatives, pledged themselves not to resort to war, but rather to outlaw it. It is incredible that any one of those 58 nations would be an aggressor, because, as Ramsay MacDonald has pointed out, it would fear the frowns of the other parties to the treaty more than it would those of an enemy. It is possible that a group of nations who have signed the treaty may have a dispute with another group of nations, but if those signing the treaty live up to their signatures, and to the principle of honour among nations, the desired end will have been practically accomplished.

The late Field Marshal Haig, in his last speech, said: "We have one more victory to win—the victory of peace." In the twelve short years since the war we have gone a long way towards accomplishing that victory. However long it may take, the peaceful method of settlement will prevail.

Besides the organized efforts for peace there are many other influences at work in the world to-day. One of these influences is public sentiment as expressed through the women of the world. We know that the women, especially the mothers, are for peace. Fraternal and other organizations, national and international, are unanimously for peace. The more cultured and civilized nations are earnestly desirous of peace and have given expression to their desire not only in word, but in thought and deed as well. True, some nations have been so long in the habit of thinking in terms of war that they still do so. While talking of peace they prepare for war. We usually get what we are looking for, and if a nation prepares for war that is what it is likely to have. It was said that the last was a war to end war; that another great conflict might destroy civilization itself. The more advanced nations are to-day doing all in their power to bring about such a condition that it will be almost impossible for any country again to resort to war; and, more and more, the other nations are following their lead.

When referring to the conferences and meetings which have done so much to help the cause of peace, I omitted to mention the London Conference. The outcome of that conference has been viewed differently by different people. Undoubtedly progress was made, but one cannot help feeling that if France and Italy had thought less of the parity of their navies and more of co-operation with Britain, the United States, and Japan, their security and honour would have been better vindicated. Only as the nations of the world trust one another and co-operate can permanent peace be secured.

All through the ages, even in the days of the Romans, efforts have been made towards the establishment of peace, but never before has the outlook for the attainment of permanent peace been better than it is to-day. It is for ourselves to determine whether the peace shall be permanent, or whether the world must go through an Armageddon worse than the last, and such as it has never yet seen.

Peace is inevitable: it is the law of life, of human evolution and progress. Just as the intellectual and spiritual forces of life are greater than the physical forces, so is it certain that war will be outlawed and permanent peace consummated. The prophets of old saw the day when nations should war no more—when the instruments of war should become the instruments of peace and production. I think we might include among the prophets the honourable the senior member for Ottawa (Hon. N. A. Belcourt), who twenty-five years ago had a vision of what is to-day a reality. Poets and statesmen have done their part in contributing to the thought that peace is inevitable and must prevail. You all remember the familiar words of Lord Tennyson:

Till the war-drum throbb'd no longer,
And the battle-flags were furl'd
In the Parliament of man,
The Federation of the world.

I recall also the lines of the Indian poetess, Pauline Johnson—whose monument is erected in Stanley Park, overlooking the Pacific—in which she expresses the same sentiment:

Sing thou that song of unison
That makes all nations one;
Nor pause till peace has come to birth,
And love enfolds the earth.

The late President Wilson coined a phrase which will go down in history: "Is the world safe for democracy?" To-day we might ask, "Is democracy safe for the world?" In other words, is democracy to be the master or the victim of the civilization it has created? That is the question in the great struggle going on in the world to-day. But whether it be in our day, or whether it be in days to come, peace is inevitable; and the challenge to us in our day and generation is to do our part in developing public sentiment until, like a swelling tide, it spreads over the world, and the victory of peace is finally won.

Hon. C. P. BEAUBIEN: Honourable members, we have heard three very inspiring speeches on this subject, and I will ask you to bear with me for only a short time. First, as to the right honourable the junior member for Ottawa (Right Hon. Sir George E. Foster), I know of no higher compliment that could be paid him than to say that his effort was worthy of him and his ability. I followed with a great deal of interest the remarks of the honourable the senior member for Ottawa (Hon. Mr. Belcourt). His address, it seemed to me, was a careful, almost scientific, exposition of the instruments created by the League of Nations to assure the future peace of the world. The last speaker to whom we listened (Hon. Mr. Michener) made a most optimistic pronouncement.

I now ask you to leave for a while your present environment, so well suited to the noble sentiments that have been expressed, and to come with me into the crowd and lend an attentive ear, that you may learn the reaction of the masses on this subject. After all, the masses are to-day supreme. Let us listen to what they say of the League of Nations.

In what I am about to state, I do not wish to be regarded as playing the part of the devil's advocate. Such is not my intention. Faith and trust are necessary. It is fear that menaces the world with armaments. Our faith is often assailed. How often have we heard it said, even by men of distinction, that the League of Nations is but a pious Utopia; that it is unnatural and will therefore be rejected as Nature rejects a foreign body. Homo homini lupus—man is wolf to man. War has always been and always will be.

Human nature, morally, is a strange mixture, always complex and difficult to fathom. Socrates, in order to demonstrate the endless strife between the good and the bad instincts of man, compares him to the driver of two horses, one of which is beautiful, well formed, courageous, reliable and possessed of good impulses, while the other is ugly, thick-set, vicious and manageable only by the lash. Often it happens that the vicious horse, though for a time held under control, at last drags its mate and the driver to the abyss. The famous police strike in London provided an instance of man's bad impulses, when, as night fell, armies of hoodlums seemed to spring up from the very pavements. The world war strikingly revealed the innate cruelty of man. But civilization has been nursed through most of its ills and troubles, and assisted in its onward march, by charity. To deny the existence of charity would be to deny Christianity, for we cannot conceive of the one without the other.

But if man is morally complex and obscure, he is mentally limpid and radiant. It was man's intelligence that organized his national laws, which are a vast improvement on internecine strife and the vendetta. It was a desire to promote his own happiness rather than that of his brother-man that gave rise to the rules of law that are found in all civilized nations. Why should we doubt that human wisdom is equally able to organize man's international affairs? Will it not also be to his advantage to make international laws?

The methods of warfare have changed. No longer are there professional armies and closed seasons for battles. The custom of the days of Louis XIV, when soldiers folded their tents in the autumn and returned to fight in the spring, has gone by the board. War now may be waged in all seasons; it is ubiquitous and omnivorous; it consumes every living being and blights the most hidden and most sacred things. War and civilization are incompatible; one or the other must go.

If honourable members will permit me I shall quote, on this point, a few opinions of statesmen and other authorities. Lord Grey of Falloden said in November, 1917:

If war is felt even in Germany to be hateful; if as a result of this war men of all nations will desire in future to stamp out the first sign of war as they would a forest fire or the plague, then the world may have a peace and security that it has never yet known. If that is not the result, then the lot of mankind in this epoch of its history will be more desperate than in the darkest and most cruel ages, for civilized nations will prepare and perfect the destructive

inventions of science, and these will be used to the point of mutual extermination. Militarism and civilization are now incompatible, and nations must attain some greater measure of international self-control than has previously been thought possible, if civilization is to progress or even to be preserved.

Another great statesman, M. Leon Bourgeois, who before he departed from this life earned the respect and affection of all who are devoted to the cause of international peace, said in June, 1919:

Another reason makes it impossible for us to face a renewal of such a war. It is the great progress and the great future progress of science, which contrary to its object, which is all for the benefit of mankind, will be used as it has been used, if we do not find some way out of the difficulty, for purposes of wholesale destruction.

A short time before he relinquished the office of Secretary of State of the United States, Mr. Kellogg declared:

It is not necessary to dwell upon the appalling results of the last war, but with the discoveries of science and the improvements of the means of destruction on sea and land, nobody can look upon another war without shuddering at its inevitable result.

Now, if honourable members permit, I shall quote opinions of scientists and soldiers. The next war, if any, will be a chemical war. General Amos A. Fries, General-in-Chief of the American Chemical Warfare Section, is quoted as follows in the March, 1929, number of "International Conciliation," published by the Carnegie Endowment for International Peace:

General Fries considers the poison gases which the chemical officer had at his command during the last war a child's game compared to what they will be in the future. At the beginning of the war, 30 asphyxiating gases were known, today there are more than 1,000.

In the same number of "International Conciliation" a partial list of these gases is given. I do not desire to read the list, but with the permission of the House I should like to place it upon Hansard.

Chemical Warfare Gases

| Chemical | Belligerent | Effect | Means of projection |
|---|---|---|---|
| Acrolein | French | Lachrymatory | Hand grenades. |
| Arsenic chloride | " | | |
| Benzyl chloride | " | " | Artillery shell. |
| Benzyl Iodine | " | " | " |
| Bromoacetone | " | Lachrymatory and Lethal | " |
| Bromobenzyl cyanide | " | Lachrymatory | " |
| Bromomethylethylketone | German | Lachrymatory and Lethal | " |
| Benzyl bromide | German and French | Lachrymatory | " |
| Chlorine | German, British | Lethal | Cylinders |
| " | French, American | | (Cloud gas) |
| Chlorosulfonic acid | German | Irritant | Hand grenades |
| Chloroacetone | French | Lachrymatory | Artillery shell |
| Chlorobenzene (as solvent) | German | Lachrymatory | Artillery shell |
| Chloropicrin | British | Lethal | " |
| " | French | Lachrymatory | Trench mortar bombs |
| " | German | | Projectors |
| " | American | | |
| Cyanogen bromide | Austrian | Lethal | Artillery shell |
| Dichlormethylether | German | Vesicant | Artillery shell |
| " | French | Lethal | |
| " | British | Irritant | |
| " | American | | |
| Ethyldichloroarsine | German | Lethal | Artillery shell |
| Ethyliodoacetate | British | Lachrymatory | " |
| Hydroacyanic acid | French | In mixtures | Hand grenades |
| Methylchlorosulfonate | German | Irritant | Minenwerfer |
| Monochloromethyl-chloroformate | French and German | Lethal | Artillery shell |
| Phosgene | British | | |
| " | French | Lethal | Projectors, trench mortars, artillery shell, cylinders |
| " | German | | |
| " | American | | |
| Phenylcarbylamine | German | Lachrymatory | Artillery shell |
| Chloride | " | Irritant | |
| Trichloromethyl-chloroformate | German | Lethal | " |
| Stannic chloride | British | Irritant | Hand grenades, artillery, projectors |
| | French | Cloud-forming | |
| | American | | |
| Sulfuric anhydride | German | Irritant | Hand granades, artillery shell. |
| Xylyl bromide | German | Lachrymatory | Artillery shell. |

Mixtures of War Gases

| Chemical | Belligerent | Effect | Means of projection |
|---|---|---|---|
| Bromoacetone (80%) | French | Lachrymatory | Artillery shell. |
| Chloroacetone (20%) | | Lethal | |
| Chlorine (50%) | British | Lethal | Cylinders |
| Phosgene (50%) | German | | |
| Chlorine (70%) | British | Lethal | Cylinders |
| Chloropicrin (30%) | | Lachrymatory | |
| Chloropicrin (65%) | British | Lethal | Cylinders |
| Hydrogen sulfide (35%) | | Lachrymatory | |
| Chloropicrin (75%) | British | Lethal | Artillery shell |
| Stannic chloride (25%) | French | Lachrymatory | Trench mortar bombs |
| " | American | Irritant | Projectors |
| Chloropicrin (75%) | British | Lethal | Artillery shell |
| Phosgene (25%) | | Lachrymatory | Trench mortar bombs |
| Dichloroethylsulfide (80%) | German | Vesicant | Artillery shell |
| Chlorbenzene (20%) | French, British, American. | Lethal | |
| Ethyl carbazol (50%) | German | Sternutatory | Artillery shell |
| Diphenylcyanoarsine (50%) | | Lethal | " |
| Ethyldichlorarsine (80%) | German | Lethal | " |
| Dichloromethylether (20%) | | Lachrymatory | |
| Ethyliodoacetate (75%) | British | Lethal | " |
| Alcohol (25%) | | | |
| Hydrocyanic acid (55%) | British | Lethal | " |
| Chloroform (25%) | | | |
| Arsenious chloride (20%) | | | |
| Hydrocyanic acid (50%) | French | Lethal | " |
| Arsenious chloride (30%) | | | |
| Stannic chloride (15%) | | | |
| Chloroform (5%) | | | |
| Phosgene (50%) | British | Lethal | " |
| Arsenious chloride (50%) | | | |
| Dichlorethylsulfide (80%) | German | Vesicant | " |
| Carbon tetrachloride (20%) | French, British, American. | Lethal | |
| Phosgene (60%) | British | Lethal | " |
| Stannic chloride (40%) | French | Irritant | " |

(Percentages indicate proportions by weight)

Dr. Fradkin, in the same publication, at page 140, says:

Dr. Hilton Ira Jones announced in Chicago that a new poison had been discovered more deadly than any heretofore known. It is a deadly poison and would destroy armies as a man would snuff out a candle. War, if it comes again, will never be fought with shot and shell. It can't be, because it is so much cheaper to destroy life wholesale with this new gas. It may be manufactured at the rate of thousands of tons a day and it costs much less than powder and canon, yet it will destroy armies more thoroughly, more effectively and more quickly. . . . The more the intelligent lay mind unbiased by the technical, military and detailed chemical equations, investigates the past, present and probable future of chemical warfare, the more firmly does the conviction grow that civilization stands at the crossroads: the High Road leads to peace and safety and the improvement of the human race; the Low Road leads to war, poison gas and indiscriminate revertion to worse than barbarism.

General P. R. C. Groves, director of air operations for the British Air Force, states that chemical warfare from the air might cause the loss of millions of lives within a few hours after an attack upon such centres as Paris and London, and that it would be impossible to devise means to protect the population against such an attack.

General Pershing wrote to the American Senate:

I cannot think it possible that our country shall fail to ratify the protocol to bar the use of poisonous gases in warfare. Scientific research may produce a gas so deadly that it will produce instant death (this is now a fact). To sanction the use of gas in any form would be to open the way for the use of the most deadly gases and the possible poisoning of whole populations of non-combatants: men, women and children.

Our newspapers continually publish despatches which confirm these alarming prophecies. May I quote from the Winnipeg Evening Tribune of April 8 this year:

A well-known German military writer, General Von Altrock, has said: "Discharge of poisonous gases will become the rule, since great progress has been made in the production of poison gases. Such attacks will be carried out to great depths in the rear of the actual troops. Entire regions inhabited by peaceful population will be continually threatened with extinction. The war will frequently have the appearance of a destruction en masse of the

entire civil population, rather than a combat of armed men. Such predictions as these should make it clear that no civilized nation can afford to rely on military and naval preparedness for defence against war. It is vital to the survival of civilization that the feet of the powers should be definitely turned away from the old paths. Success of the present naval conference would be a step in the right direction. Its failure might be cataclysmic in its effect. But one thing seems certain: if the last war was not enough to sicken human nature of the wholesale butchery of modern warfare, the next one surely will be."

The Montreal Gazette, on the 8th of this month, under the heading, "Air Fleet Could Wipe Out City in Half-hour, Officer Declares," carried the following despatch from New York:

New York, May 7.—The greatest city in the world learned dramatically to-day how defenceless her millions are against an attack from the air. Between noon and 12.30 the air forces of the United States navy gathering from two bases 100 miles apart, and after flying 200 miles more concentrated over the city. They covered every part of it in a 30 minute manœuvre, appearing first in the haze above the lower harbor and flying north to Van Cortlandt Park. Then they circled in perfect formations, flying for the most part in echelons of V's and the spectacular V of V's and flew southward.

Millions saw them from the streets, parks and the tops of office buildings. In congested areas traffic stopped while car drivers and traffic policemen quit their duties to watch the perfectly aligned and serried ranks of the navy's fighting planes. "What couldn't they do to us if they dumped some bombs?" "Such a fleet could wipe out the city in 30 minutes," Lt. Commander A. E. Montgomery, who led the parade in a big Hornet powered Martin bomber, said in answer to the same question later in the day.

Scientists have developed a new metal called "plass" or "alden," which is invisible in the air and can only with difficulty be pierced by a bullet. With Maxim silencers and radio control, it is now possible to have a silent, invisible airplane participating in warfare under the control of an operator in a place of safety on the ground. No modern country can consider itself immune from danger if there is a war in any other part of the world. Recognition of this fact has brought about a reversal of the traditional policy of the United States. Joseph Chamberlain, in the June, 1929, number of "International Conciliation" illustrates this strikingly at page 260:

Jefferson, in 1793, believed that the great war between France and the coalition headed by England was a happening "in foreign and distant countries in which we have no concern," and Mr. Adams, in 1818, wrote that: "By the usual principles of international law, the state of neutrality recognizes the cause of both parties to the contest as just; that is, it avoids all consideration of the merits of the contest." It was under these conceptions that the doctrine of neutrality was developed. War to Jefferson and to Adams was an affair of the countries involved alone and a war in Europe an affair of a far-distant country. The United States had no interest in preventing it and no right to question the motives of either belligerent.

Contrast this with the opinion of ex-President Coolidge, uttered a few months before he took leave of the White House:

An act of war in any part of the world is an act that injures the interests of my country.

In his inaugural address, President Hoover expressed a similar thought, which illustrates the tremendous change that has been brought about in the minds of American statesmen. He said:

The United States fully accepts the profound truth that our own progress, prosperity and peace are interlocked with the progress, prosperity and peace of all humanity.

The necessary conclusion from these quotations must be that no one to-day is out of reach of war; no one, whether man, woman or child—no country, however large—no continent, however remote. War to-day is really omnivorous and ubiquitous.

If man in his national and home life thought wise to substitute the rule of law for that of violence, has he less to gain in his international life by the selection of justice in lieu of war, the agony and ruthless destruction of which he cannot escape? But war has always been: it has fed and prospered on the human brain. Yes, but it has grown monstrous, and must collapse under its own weight.

Time has transformed also the universe. Lately it has changed the face of the old world. Europe, the zone of most dangerous conflagration, is now mostly governed by democracies under the rule of universal suffrage. The sovereign power, which alone can declare war, is now in the safe-keeping of millions, who according as they vote one day shall each of them, without exception, face the morrow either in peace and contentment, or in agony and death. If democracies had controlled central Europe in 1914, admittedly there might have been no conflict.

Balfour states that the democratic form of government has one indisputable, redeeming advantage: it gives the people a sense of security. If war has reigned in the past, so has autocracy. May we not hope that the passing of autocracy will cause the cessation of war? Unless man's reason utterly fails, he must see that his own self-protection—nay, his self-preservation—makes imperative the turning of his footsteps towards the shrine of justice, which, like the temples of old, are his last refuge.

If my memory serves me, nearly two centuries ago the philosophers of France advocated the rights of man—the right to

life, the right to property, the right to freedom, even-handed justice, and the peaceful pursuit of happiness and contentment. That proclamation long lay dormant on the dusty shelves of libraries; but one day the sufferings of two great nations under a ruthless despotism suddenly gave life to these principles, and they became the very soul and substance of the constitutions of the two greatest republics in the world, France and the United States.

For more than thirty years the Interparliamentary Union has preached the doctrine of the rights of nations. As the citizen within his country, so the nation within the universe is entitled to life, security, peace, even-handed justice and the pursuit of happiness. The sufferings of the Great War have given to these slumbering principles an authority which has already dominated two-thirds of the world. The Interparliamentary Union advocated consultation, conciliation, arbitration and the judicial settlement of quarrels among nations. To apply these principles in practice, it conceived the idea of the League of Nations and the World Court. We possess both of those organizations to-day, and both of them within the last decade have rendered inestimable services.

Now, with your permission, honourable members, I shall not recall the League's progress—for that has been eloquently demonstrated—but shall briefly refer to some of its trials. If ever anyone had reason to doubt the vitality of the League, it was at its inception. It then counted on the confidence and loyalty of but a few superstatesmen.

Honourable members will remember those days in 1923 when France and Belgium invaded the Ruhr in face of the opposition of Great Britain. At that time Poincaré and Lloyd George were openly, almost aggressively, opposed to one another. Would this difference of opinion between the two greatest powers within the League threaten seriously its existence? It did not, and the League lived.

May I recall the incident of Corfu in 1925, when Mussolini took possession of Corfu and defied the League. Three Italian commissioners, while on an international mission, the object of which was to determine the boundary between Greece and Bulgaria, were murdered in Grecian territory. Italy's representative, Mr. Salandra, refused to recognize the jurisdiction of the Council of the League, which was determinedly upheld by Sir Robert Cecil, in the name of Great Britain. Italy claimed her right to seize the territory of an aggressor country and to compel the payment of due reparation. The conflict was settled by a conference of ambassadors, and Corfu was relinquished one month after its capture by the Italian navy. The incident was a serious one, and the situation pregnant with ominous consequences. What happened? Did Italy withdraw from the League? No. Two years later, in the Greco-Bulgarian conflict, Italy, represented by Mr. Scialoja, upheld the jurisdiction of the Council under similar circumstances to those of Corfu.

The attitude of the United States towards the League was certainly the greatest obstacle in the path of its progress. From the first, they were cold, distant and guarded in the extreme, as if the League had been their child of error. The communications of the Secretary General of the League were not even acknowledged. In time, however, the rigidity of these relations was relaxed. The United States, ostensibly remaining outside of the League, have become a sympathetic and serviceable neighbour, willing and capable of helping in a large way in any meritorious endeavour for peace. In initiating, with France, the Pact of Paris, in entering the World Court, and in taking the leading part in the settlement of war debts, they have contributed very largely to the League's ultimate purpose and, therefore, to the League's stability and prestige.

A recent incident shows clearly how appreciably their attitude has been altered for the better. The Council of the League was suddenly notified that Bolivia and Paraguay were on the verge of war; Bolivia had ordered mobilization; there was no time to lose. Both countries were members of the League, and both had signed the Pact of Paris. Clearly it was the urgent duty of the Council to intervene. But how would the United States look upon such intervention? Would it be regarded as a violation of the Munroe doctrine? If this danger created apprehension, it caused no hesitation in the Council's action. Mr. Briand, the world's greatest living apostle of international peace, as President of the Council, forthwith communicated by telephone with the Bolivian authorities, at 5,000 miles' distance, and reminded them of their obligation to refrain from war. The warning was both timely and fruitful. But how was it regarded at Washington? It was accepted in the spirit in which it was given—as a move made solely in the interest of world peace. The Bolivia-Paraguay clash was finally settled through the intervention of the Pan-American Union; but the League had helped to smother the first

outburst of a conflagration and had confirmed its jurisdiction over the new world, in the interests of peace, good-will and amity.

The League's tenth birthday fell on the 10th of January last. The Young plan has just taken effect; the post-war period has terminated, and at last the League is free to turn a hand to the problems of peace. If anyone were seeking an opinion as to the merit of the accomplishments of the League during the past decade, and its ability to pursue its mission in the future, I would refer him to the following testimony of two great international minds. Mr. Elihu Root said:

> For these years, the League, in the political field, and the Court, in the judicial field, have been rendering the best service in the cause of peace, known to the history of civilization, incomparably the best.

General Smuts stated:

> Mankind has, as it were, at one bound and in the short space of ten years, jumped from the old order to the new across a gulf which may yet prove to be the greatest divide in human history. What has been done can never be undone. One epoch closes in the history of the world and another opens.

I fear that I have spoken at too great length; so I will close by recalling an incident which greatly impressed me when travelling through Bohemia. My attention was drawn to a graceful monument erected to the Virgin in the 17th century. Upon its pedestal it bore this inscription:

> A peste, famine et bello, libera nos, O Virgine.
> O Virgin, free us from pestilence, famine and war.

Where is the pestilence of old, that most calamitous of all visitations, that well nigh depopulated Athens; that in the 14th century swept away 25 million people in Europe and 23 million in Asia; that in 1832 afflicted our own country? Thanks to the genius of man, and his willingness to co-operate against a common danger, it has been practically stamped out of the civilized world. The effectiveness of that co-operation is now greatly increased by the erection, through the efforts of the League, of the Epidemiological Bureau of Singapore, which to-day receives telegraphic information in respect to cholera, plague, etc. from 143 ports, and widely spreads information by radio or cable as to the course of any infected ship.

Famine also has been relegated to the uncivilized or semi-barbaric states. When it returned to Russia, under the monstrous Soviet domination, co-operation of nations under the direction of the Red Cross fought and vanquished it. When it hovered ominously over Austria, when it menaced the refugees from Turkey and Russia, the League gave immediate and effective assistance.

Spurred on by necessity, human intelligence has accomplished this. Why should it not put an end to war? Has not war grown to be a greater calamity than pestilence or famine? Is it less horrible and deadly? To deny that this can be accomplished is to deny the intelligence of man. If war is omnivorous and ubiquitous, democracies have the power to suppress it. But democracies must be enlightened, they must be warned of the impending danger, and told of their own power to exorcise it. Such knowledge is the real guarantee against appalling and irreparable disaster. That knowledge must be sedulously spread among the masses. The crossroad confronts them. Will they follow the path leading to destruction or the highway of justice—already the national highway in every civilized country, that needs only to become, through co-ordination, the international highway of the world? The people must choose, for to-day they are the unfettered masters of their destinies. In the words of the poet:

> To every man there openeth a high way and a low;
> And the high soul climbs the high way, and the low soul gropes the low;
> And in between on the misty flats, the rest go to and fro;
> But to every man there openeth a high way and a low,
> And each one decideth the way his soul shall go.

Hon. Mr. BELAND: Honourable senators, we have all been deeply impressed by the very able addresses to which it has been our privilege to listen this afternoon. The honourable gentleman who has just taken his seat has painted such a picture of the harm of future war that I am sure none of us are desirous of witnessing such a conflict. It seems to me that if any lesson at all is to be drawn from the somewhat pessimistic remarks which he has ably presented, it is that the mentality of mankind must be altered and its spirit changed. I do not know of any stronger plea that could be made in favour of the League of Nations.

It is close upon six o'clock, and I do not desire at this moment to prolong my remarks. I understand that the Order Paper for to-morrow is not very heavy; so at this time I shall simply extend my sincere congratulations to the acting leader of the Government (Hon. Mr. Belcourt), to the honourable senator from Red Deer (Hon. Mr. Michener), and to my honourable friend from Montarville (Hon. Mr. Beaubien), and move the adjournment of the debate.

Hon. Mr. BELCOURT: I am very glad that my honourable friend has moved the adjournment of the debate. It has come to my knowledge this afternoon that the honourable leader (Hon. Mr. Dandurand) is on the ocean, and that it is possible that we may have the benefit of hearing from him on this very important subject before prorogation.

On motion of Hon. Mr. Beland, the debate was adjourned.

The Senate adjourned until to-morrow at 3 p.m.

## THE SENATE

Thursday, May 22, 1930.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

### PORTRAIT OF THE LATE SENATOR BOSTOCK

The Hon. the SPEAKER: Honourable senators, before commencing the business of the day, I wish to make a brief announcement. A portrait of our late lamented and much loved Speaker, Hon. Hewitt Bostock, has been to-day hung in the foyer of the Senate, and I have arranged with the two leaders in the House to have the Senate adjourn for a few minutes so that we may proceed to unveil this portrait. We shall not have any very formal ceremony, but I feel that it is due to a senator who has held the very high position of Speaker for so many years that this portrait should not merely be hung and left there, and I am certain that all the senators will be glad to join in paying this last tribute of respect to the late Hon. Hewitt Bostock.

I would ask, therefore, that a motion be made to adjourn the Senate during pleasure.

The Senate adjourned during pleasure.

The honourable members of the Senate, preceded by the Honourable the Speaker, assembled in the foyer in front of the Senate Chamber.

The Hon. the SPEAKER: I have had the honour, honourable senators, to request your presence this afternoon for the purpose of marking the official participation of the Senate in the unveiling of this portrait of the late Hon. Hewitt Bostock. I can add nothing to what has been said already by the two leaders, and their colleagues, in the Senate Chamber. I will simply ask the acting leader of the House, Hon. Senator Belcourt, to unveil the portrait.

Hon. N. A. BELCOURT: Your Honour, honourable members of the Senate, I feel very highly honoured and greatly gratified that the function of unveiling the portrait of our late lamented Speaker has been assigned to me, since it affords me the opportunity of reiterating the expression of the deep and sympathetic regret felt at the death of our late Speaker, throughout Canada and by his colleagues in the Senate, and more especially by those whose good fortune it was to enjoy the intimate friendship of the Hon. Mr. Bostock. For nearly thirty-five years he provided the example of a parliamentary career marked at all times by great devotion, constant loyalty to duty and uniform courtesy. He has left behind him a record of public service which we can all admire, a record which all of us would like to emulate. He displayed to the very end of his life a marked submission to duty, which was manifest in many ways. It is now known that for many months before his death our late Speaker felt that his health was failing, and that some months ago he asked the Prime Minister to relieve him of his duties because they had become almost too great a burden. When told that his resignation at that time would be inconvenient and embarrassing, he went on bravely and courageously doing his duty until death called him away.

Even if tradition and custom did not demand it, I think that on his own merits it is eminently fitting and proper that his portrait should adorn the halls of Parliament. I have, therefore, great pleasure in complying with the request of Your Honour to unveil the portrait of the late Mr. Bostock.

The portrait was unveiled.

The Hon. the SPEAKER: In asking the leader of the Opposition to join with the leader of the Government in a few words, I wish to say, what I should have said before, that the place where the portrait is hung was chosen by the late Speaker of the Senate before he returned home this spring.

Hon. W. B. WILLOUGHBY: Honourable members, I am sure that every member of the Senate attends with pleasure the unveiling of the portrait of our lately deceased Speaker. We were deeply grieved by his unexpected and untimely death. I do not think that any Speaker of the Senate ever discharged his functions more acceptably than did our deceased friend.

It is fitting that an ex-Speaker of the House of Commons, the present acting leader of the Government in the Senate (Hon. Mr. Belcourt), should perform the ceremony of unveiling this portrait. If you look at the row of portraits of distinguished gentlemen which adorn the corridors of this building you will find that they date from the days of Sir Alan MacNab, who was, I think, the first Speaker. Those gentlemen did not all enjoy careers of ease and unalloyed pleasure while occupying office. Times were often more stormy than they have been during the occupancy of the Chair by the late Senator Bostock. During his tenure of office his time has been a time of pleasantness—our paths have been paths of peace. He was as helpful to the leader of the Opposition as to the leader of the Government, being always ready to suggest anything that would facilitate the business of the Senate. It was known to me, indeed it was obvious to us all, that in his high position he forgot all politics. He was a well informed student of everything pertaining to the traditions of our House or the carrying on of our public duties. On many occasions, unsolicited by me, he has been kind enough to give me a word of aid, which was always appreciated. I am sure that no future occupant of the office will fill it with greater honour to himself and to the position than did our late lamented friend.

The Hon. the Speaker and the honourable members returned to the Senate Chamber.

The sitting of the Senate was resumed.

Hon. Mr. BELCOURT: I beg to move that the proceedings which have just taken place, at the unveiling of the portrait of our late lamented Speaker, be recorded in the minutes for to-day.

Hon. Mr. WILLOUGHBY: I have pleasure in seconding the motion.

The motion was agreed to.

## DIVORCE BILLS

### FIRST, SECOND AND THIRD READINGS

Hon. Mr. McMEANS, Chairman of the Committee on Divorce, presented the following Bills, which were severally read the first, second and third times, and passed.

Bill P8, an Act for the relief of Isidore Sabbath.

Bill Q8, an Act for the relief of Gladys May Carter.

Bill R8, an Act for the relief of Dorothy Stansfield.

Bill S8, an Act for the relief of George Washington Latta.

Bill T8, an Act for the relief of William Henry Wardell.

## PRIVATE BILLS

### THIRD READINGS

Bill O8, an Act to incorporate the Hudson Bay Western Railway Company.—Hon. Mr. McGuire.

Bill N8, an Act to incorporate the British Columbia, Alberta Western Railway Company.—Hon. Mr. McGuire.

## FAIR WAGES AND EIGHT HOUR DAY BILL

### THIRD READING

Bill 49, an Act respecting Fair Wages and an Eight Hour Day for Labour employed on Public Works of the Dominion of Canada.—Hon. Mr. Belcourt.

## PRIVATE BILLS

### REPORT OF COMMITTEE—THIRD READING

Hon. F. B. BLACK: Honourable senators, the Standing Committee on Banking and Commerce, to whom was referred Bill U4, an Act to incorporate Industrial Loan and Finance Corporation, have examined the said Bill and beg leave to report the same with certain amendments.

The report was concurred in.

Hon. Mr. BLACK moved the third reading of the Bill.

Right Hon. Sir GEORGE E. FOSTER: Honourable senators, in so far as this Bill is concerned, I am a little late in making a suggestion, but what I have to say may be taken into consideration in the future. When the chairman of a committee brings in a report on a Bill he informs the House whether it is proposed to accept the Bill with or without amendment, and the Clerk reads the number of the clauses and the words that it is proposed to add or delete. Some of us, not being members of the committee that has considered the Bill, have to rely entirely on information given in this Chamber. In the absence of such information we are unable to form any idea as to whether the proposed changes are proper or not. I would suggest that when the chairman of a committee brings in a report he should give the House a brief summary of the changes that the committee proposes. That would be an easy thing to do, and would not take much time. As I have intimated, I am not raising the point with regard to this Bill in particular, but I think it would be well in the future to follow the plan that I have suggested.

Right Hon. Mr. GRAHAM: Hear, hear.

Hon. Mr. BELCOURT: My right honourable friend is quite right in saying that some honourable senators are not members of all committees, but may I remind him that every senator has the right to attend these committees, to take part in the discussion, and to propose any amendment that he desires. He has not the right to vote, but that is the only difference between him and a member of a committee. As to the other suggestion made by my right honourable friend, I entirely agree with him, but I would point out that it is the practice of chairmen of committees when reporting Bills to the House to give an explanation of any amendments made in committee. It is quite open to any member to ask the chairmen of committees to explain amendments. Some chairmen do so without being asked. It is clear that the chairman must give an explanation if he is requested to do so.

Right Hon. Sir GEORGE E. FOSTER: It is quite true that it is the privilege of any honourable member to attend the meetings of any Senate committee, but it is not the practice to do so, nor is it feasible.

Hon. Mr. BLACK: Honourable members, in response to the suggestion of the right honourable the junior member for Ottawa (Right Hon. Sir George E. Foster), I shall briefly explain the proposed amendment to this Bill. The object of the amendment is to bring the corporation into line with similar companies whose Bills of incorporation have been dealt with by the Banking and Commerce Committee of the Senate. We have made certain eliminations in order that the new company may be kept uniform with others of a like character.

Right Hon. Sir GEORGE E. FOSTER: That makes it quite clear.

Hon. Mr. BEIQUE: If honourable senators will permit me, I should like to add that last session two or three similar Bills were considered by the Banking and Commerce Committee and referred to a subcommittee. The subcommittee, and afterwards the committee itself, after hearing a number of parties on the subject and giving a great deal of consideration to it, decided what powers should be given to corporations of this kind. It was deemed advisable—and I think properly so—that the decision arrived at last year should be followed this year. The purpose of the amendments made to the Bill now before the House is to bring it into harmony with similar legislation passed last year.



Right Hon. Mr. GRAHAM: To standardize it.

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

REPORT OF COMMITTEE

Hon. Mr. BLACK presented the report of the Standing Committee on Banking and Commerce on Bill 139, an Act to incorporate the Hamilton Life Insurance Company, with one amendment.

He said: Honourable members, life insurance companies incorporated by Parliament in the past have had their capital stock divided into shares of the par value of $100 each, but it will be observed that section 3 of this Bill provides for the issue of the capital stock of the proposed company on the basis of $25 par value. The amendment is to change section 3 so that the capital stock may be issued on the basis of $100. It was thought desirable to have uniform legislation in this connection.

The report was concurred in.

REPORT OF COMMITTEE—THIRD READING

Hon. Mr. BEIQUE presented the report of the Standing Committee on Miscellaneous Private Bills on Bill 51, an Act respecting a certain patent of Harry Barrington Bonney, with an amendment.

He said: Honourable senators, some time ago a similar Bill was reported to this House with an amendment intended for the protection of people who may have acquired rights after an application for a patent has become forfeited. That provision was prepared with a great deal of care, and at the time I suggested that in future it should be incorporated in all Bills of this kind. The amendment to this Bill is similar to the one adopted in connection with the previous Bill to which I have referred.

The report was concurred in.

Hon. Mr. BEIQUE moved the third reading of the Bill.

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

REPORT OF COMMITTEE—THIRD READING

Hon. Mr. BEIQUE presented the report of the Standing Committee on Miscellaneous Private Bills on Bill 50, an Act respecting a certain patent application of Thomas Bernard Bourke and George Percival Setter, with one amendment.

He said: Honourable senators, the committee recommends the same amendment that was made to the Bill that has just been passed.

The report was concurred in.

Hon. Mr. BEIQUE moved the third reading of the Bill.

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

## PENSION BILL

### SECOND READING

Hon. Mr. BELCOURT moved the second reading of Bill 265, an Act to amend the Pensions Act.

He said: Honourable members of the Senate, it is not my intention at this stage to offer any extended remarks about this Bill. I believe that every member of the Senate has read the Bill, and that several of them have had an opportunity of following the proceedings of the committee of the House of Commons that dealt with it. I realize that this is a measure to which a great deal of time and serious consideration should be given, and for that reason I am agreeable to the Bill being referred to a special committee.

Honourable senators will recall that we appointed a committee of sixteen members to attend the meetings of the House of Commons committee and watch the progress of the Bill. Our committee was composed of the following members: Hon. Messieurs Belcourt, Black, Béland, Blondin, Buchanan, Gillis, Graham, Griesbach, Hatfield, Laird, Lewis, Macdonell, MacArthur, Rankin, Taylor and White (Pembroke). The Hon. Mr. Béique was subsequently added.

I have agreed with my honourable friend opposite (Hon. Mr. Willoughby) that the membership of this committee should be increased by the addition of nine other senators. The names that I propose are: Hon. Messieurs Forke, Horsey, Lacasse and Copp. My honourable friend will propose that five other names be added to the list, as follows: Hon. Messieurs Sharpe, Stanfield, Tanner, Calder and Willoughby.

I move the second reading of the Bill.

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

## LEAGUE OF NATIONS SOCIETY

### DISCUSSION CONTINUED

The Senate resumed from yesterday the debate on the motion of the Right Hon. Sir George E. Foster:

That he will draw the attention of the Senate to the progress and present position of the League of Nations Society and the participation and standing of Canada therein.

Hon. H. S. BELAND: Honourable members, I feel that I should crave the indulgence of the House in view of the fact that this subject comes under consideration in this Chamber for the third time. I am perfectly aware that I am unable to carry on the debate on the level maintained on previous occasions, and my remarks, made at random, will be limited to a very short space of time.

I think that I should express to the right honourable member for Ottawa our gratitude for bringing to our attention in such a brilliant manner the activities and achievements of the League of Nations. There are few in Canada who can claim to have as extensive a knowledge of the subject as is possessed by my right honourable friend. That knowledge was acquired in part through actual experience and personal contact in Paris in 1918 and 1919, and later in Geneva, where he was the delegate of Canada; and it is due also to an exhaustive study of all the documents pertaining to the creation and development of that great international agency. With the possible exception of our honourable leader (Hon. Mr. Dandurand), I doubt that there is anyone in Canada who has been more zealous and untiring in his efforts to crystallize in the minds of the people the institution known as the League of Nations.

I have mentioned our leader (Hon. Mr. Dandurand), who is now absent, but, as we heard yesterday, is returning to this country and may arrive in time to speak on this important subject before prorogation. That honourable gentleman has played an important part in the deliberations of the League of Nations. Before the League was instituted the name of Canada was well known throughout the world, but since 1919 Canada has acquired a fame which is enviable, and it is not out of place, I think, to say that the honourable gentleman from DeLorimier (Hon. Mr. Dandurand), in the first place as President of the Assembly, and later as a member of the Council, has contributed largely towards that condition.

May I say to my right honourable friend (Right Hon. Sir George E. Foster) that in speaking in this House and elsewhere throughout Canada his voice has not been a voice crying in the wilderness. We can now perceive a steadily growing interest in the League of Nations. Whilst it may be a light undertaking to arouse public interest in the cause of peace when war is raging, it is a much

more difficult task to create such an interest when peace is reigning. To most of the people war means danger, mediate or immediate, whereas peace means relative security. There exists in the minds of the people a latent desire for peace. Peace means happiness and a large measure of sunshine in the home; it means health, and, to a certain degree, the preservation of economic wealth. Travel as much as you like; visit the countries of Europe and America; penetrate, if you have the time, the ranks of the people; enter the home of the peasant, the bourgeois, or the millionaire, and ask the question of whomever you meet: "Are you in favour of peace?" The response will be immediate: war will be described as a curse, and peace as a blessing.

Someone has expressed a doubt as to whether any man in whose soul there is an intense love of peace can possess at the same time those qualities which go to make a great military leader. Throughout the pages of history we find the names of generals and other great warriors who were animated not by peaceful sentiment, but by the desire for personal glory and aggrandizement and the spirit of domination. The World War has shown, however, that many of our best generals were distinguished for the double quality of possessing great military genius and at the same time a strong desire for peace. I know of no better example of such a man than the great Marshal Foch. Let us carry our minds back for a moment to 1918, when the representatives of Germany visited the car of the great commander of the Allied Forces. The conditions of the Peace were there and then enumerated by the Marshal. At that time great pressure was being brought to bear upon the French Government and upon the commander of the Allied Forces that they should pay no attention whatever to the proposals, or requests, or prayers of the Germans. It was contended that Marshal Foch should advance immediately with his victorious armies, drive before him the fleeing German regiments, penetrate into Germany, and stop only when he reached the capital of the German Empire. What was the attitude on that occasion of the great Marshal? He resolved that not a single drop of blood was to be shed for any other purpose than the establishment of permanent peace. He refused to yield to the pressure, which was, I think, far from humanitarian.

Though we in Canada look upon war as a curse, and peace as a blessing; though we are aware that war is a calamity, perhaps the greatest that can be inflicted upon mankind, or upon the nations engaging in it, there exists on the part of the population a certain indifference towards the noble aims of the League of Nations. What is the reason? It may be that, unlike the nations of Western Europe, we have been spared the immediate horrors of war. It may lie in the fact that our territory has been free from the heel of the invader and we have been spared the sight of our countryside, our villages, towns and cities being ransacked, pillaged and plundered, and the spectacle of entire populations moving as refugees along the highroads in caravans such as I have witnessed, of which we see some representations on the walls of this Chamber. This may be the cause of the indifference in Canada, which, let us hope, is more apparent than real. The presence of the enemy in one's town or city is not merely disagreeable; often the enemy becomes insolent and abusive.

A debate such as this, which was initiated some weeks ago by my right honourable friend (Right Hon. Sir George E. Foster), has a tendency to reinforce public opinion in favour of the pacific settlement of international disputes. At this point I should like to make a few observations on the subject of public opinion. Whatever we may desire to do with a view to the betterment of our own community or country or other countries, it is difficult to make any real headway until we have public opinion on our side. I will go so far as to say that when we have public opinion with us we may undertake almost anything and carry it through to a successful conclusion.

But what is public opinion and how may it be created? It is, I think, the common sense, the common opinion of the people as a whole, the universal conscience in a community or a country or the world at large. There are many means by which public opinion may be produced, but I desire to stress two. When we think of production generally, we say that it comprises four elements, namely, labour, capital, ability and nature; but the elements in the production of public opinion are many, varying in importance and in degree of efficiency. The two means which I wish to emphasize are the press and the schools.

There is no doubt in my mind that the press is the most powerful agency for the creation of public opinion. The newspaper of to-day is not, as it was perhaps no longer than a quarter of a century ago, an occasional or accidental visitor in the home. The modern daily—and to a lesser extent the weekly—newspaper penetrates into almost every home. There it is read by the head of the family and by his companion and children, and commented upon around the family table. That is done in the homes of the peasant, of the artisan and the mechanic, of the bourgeois and of

those who are more favoured from a social or economic point of view. When immediate and concerted action is necessary, as in a crisis like that which developed in 1914, the power of the press is more readily apparent; and it is also, in my opinion, an extremely efficient agency for the preparation of public opinion as we should like to have it, say, twenty-five years hence.

It is more particularly in the work of creating the sentiment that shall exist in the next generation that the school plays a highly important part. Fresh from his or her mother's devoted care and the tender relations of family life, the child enters school unaware of the dissensions, rivalries and jealousies that exist in the world. The soul of a child may be compared to soft wax which is ready to be moulded by the artist. In this respect I think the noble career of the teacher may be aptly compared with that of the artist.

The pulpit also plays an important part in the creation of public opinion. Every Sunday ministers of different creeds deliver messages that are calculated to inspire, to cheer and assist their congregations. One might mention books, lectures, radio broadcasting, theatre and Parliament as other means entering into the production of public opinion.

I think that if on the subject under debate the people who control the forces to which I have referred could get as close to unanimity as I feel we have done in this Chamber, we might rest assured that within a comparatively few years the united will of the peoples of the various nations would result in the settlement of all difficulties as between nations by arbitration and other peaceful means. But there are great difficulties in the way of creating united public opinion in any one country.

May I just make my point clear by referring to an incident that took place when the Young Committee sat in Paris for the review of the reparations settlement. The representatives of Germany had come to the point where they were almost ready to accept unanimously the proposal that had been drawn up by Mr. Young and his associates, when suddenly one of the German delegates, Dr. Vogler, because he honestly differed with his colleagues, decided to withdraw from the conference. He went home convinced that though the newly suggested conditions were more favourable than the previous ones had been, they could not be accepted by his country. In other words, he was influenced by the public opinion of his own nation.

More recent instances of this same condition were given at the naval parley in London. Some newspapers and prominent people have criticized Italy and France for the stand taken by their representatives at the conference. But do we know what the public opinion of their respective countries was? The individual representatives may have thought that the proposals to which they would not yield were really in the best interests of their countries, but they were influenced in their stand by what they surmised their own people desired them to do. Who can tell what the future has in store? It may be that within a year or two there will be a change in the attitude of those nations and they will be ready to accept proposals that will meet with the favour of the rest of the world.

We must recognize that there are other factors, such as chauvinism and intolerance, which present obstacles to the moulding of public opinion. Chauvinism is nothing but the exaggeration of a noble sentiment, the love of country—commonly called patriotism. Go one degree farther and you have intolerance. We may protest against these things, but they exist and we cannot do away with them; at least not in the present state of society. Then there is a point of view which I find it difficult to describe: it is the result of a sentiment which abides in the bosoms of men who are never satisfied with anything, who are naturally pessimistic, whose minds are rancid and sour, who are ready to hoist the flag of danger whenever it is proposed to change a condition that has existed for some time. In a word, they are men who thrive on alarm and starve on serenity.

I mention these things to illustrate the difficulties that are encountered by those who strive to turn the public opinion of any country in any one direction. When we ponder over these things we can form some idea of the difficulties that face those who meet at Geneva as representatives of fifty nations. The work of the League of Nations in reconciling diversified racial, economic and political interests is a work that should command our admiration.

The birth of the League of Nations was laborious and for many years its growth was uncertain. It must be conceded that the situation in 1918 and 1919 was full of pitfalls. At that time it was impossible for Germany to become a member of the League: public opinion in the Allied countries would not have tolerated that, for the passions aroused by four years of war were still alive. It has often been remarked that human passions may be compared to the waves of the ocean. Once the sea has been driven into fury

by the winds, the waves which have been set in motion continue to roll when the winds have ceased to blow and the sky is once more peaceful. In like manner, it will be a long time before the peace that was proclaimed at Paris is reflected in the souls of men in all countries.

The reparations presented an enormous difficulty to the League. It was not possible for the Allied nations to demand from Germany less than they did: had their representatives attempted to do so they would have been condemned by the public opinion in their own countries. The delegates from the five great powers and other Allied nations were wise men. They knew that time was the greatest healer of human passions. They also foresaw another factor, to which it is painful for me to refer, the tremendous extent to which the war crippled most of the countries that participated in it, and especially in Europe. Take France as an instance. She was amongst the victors; she was one of those who shared in the triumph of the Allies. To form some idea of the disastrous effect of the war upon France, one need only visit the north-east side of Verdun, where not long ago an ossuary was dedicated to men who had died in a sector of two, three or four square miles. How many men fell in that comparatively small area there? It seems incredible, but no fewer than 400,000 soldiers made the supreme sacrifice in that little sector of Verdun. A few minutes ago we heard pealing from the central tower of this building notes of sorrow and sympathy for the sudden passing of two men who died in this city while in the performance of their duty. It was a deserving tribute also of respect and admiration, in which we all participated. But consider what happened in that small area of Verdun, where 400,000 men gave up their lives in similar devotion to duty.

The history of the past hundred years has been such, it seems, as to encourage men who are actuated by sentiments of domination and aggrandizement. For just a few minutes I shall review some of the wars that have taken place during that time, in order to show that in almost every instance the victorious party derived some profit from engaging in war.

Leaving the Crimean war, I will pass to the Danish-Prussian war of 1864. Poor little Denmark was subjected to attack by Prussia. The war lasted but a short time, and Prussia gained Schleswig-Holstein as her booty. Next came the war of 1866, between Austria on the one hand and Italy and Prussia on the other. That war rid the German States of the domination of Austria. Italy, which had previously acquired Lombardy, annexed Venetia. By the Franco-Prussian war of 1870 Germany acquired two French provinces, and her representatives went home with five billions of francs. At the end of the Spanish-American war of 1898, the United States had acquired the Philippine Islands and Porto Rico, and Cuba had been wrested from Spain and placed under the protectorate of the United States. I may mention, in passing, the wars between Japan and China in 1894, and Japan and Russia in 1904. The net result of the South African war—I am not discussing the causes of it nor the way in which it was carried on—was that certain important provinces which before that time had been independent passed under British rule.

I cite these wars only to show that these historical incidents—if they are incidents—have been conducive to the World War. They have been instrumental to a certain degree in determining the frame of mind which prevailed in Germany at the time the World War broke out.

But in the World War, honourable members, there was no gainer. No country can boast that it reaped any great profit from that terrible engagement. The Treaty of Versailles may have dispossessed Germany of her colonies; Austria and Bulgaria may have been deprived of certain territories; but from whatever angle you consider it, the Great War resulted in a loss to all concerned. No substantial advantage accrued to anybody, and no compensation resulting from the Treaty of Peace can measure up to the huge losses sustained. In this respect, at least, the World War was quite different from other wars, and that is why I say that in 1919 the moment was propitious for the presentation of the Covenant known as the Covenant of the League of Nations.

At the time the Treaty of Peace was signed there were two schools of thought: there was the school, very limited in number, which contended that we should call the account square, and that nothing should be exacted from Germany or Austria in the way of reparations, indemnities or territory. The voice of the followers of that school was very feeble, and was heard in very few quarters, and it soon ceased to exercise any influence. On the other side there was the school whose doctrine was: "No mercy whatever! An exemplary punishment is the only effective deterrent from a similar enterprise on the part of Germany." Public opinion in most of the countries of the allied nations was behind that proposition. I do not say that every citizen of Canada, or every citizen of France, or of England, or

Belgium, or Italy, was insistent that Germany should be absolutely shorn of everything; but the majority of the people of those countries insisted that an exemplary punishment, materially and otherwise, should be inflicted upon the German Emperor, his caste, and the German nation at large.

May I digress for a moment, and ask you to come back with me to the year 1871, when the city of Paris was encompassed by the Prussian army. There she was besieged—encircled in iron. Two men, Mr. Thiers and Mr. Favre, left the centre of the city to meet Mr. Bismarck. You know the conditions that were imposed upon France. What would have been the future of the world, I ask, if Mr. Bismarck had said: "There you are at my feet. You confess your inferiority, almost your guilt. You are praying for peace, and I will give it to you. I will not demand anything in return. I ask for no territory and no money indemnity. All I ask is that you take care of those who have been maimed and injured in the war." If those conditions had been held out to the representatives of France, and if peace had been secured upon those terms, do you believe that the germs of the World War would have developed? Could they have developed? I leave every honourable gentleman to answer that question for himself. But 1871 was what Germany made it; and 1919 was what the Allies made it.

Now let us pass on. My honourable friend the eloquent senator from Montarville (Hon. Mr. Beaubien), in his able remarks yesterday, referred to the attitude of the United States of America. One cannot but remember the circumstances of the coming to Europe of the President of the United States in 1918. Mr. Wilson appeared to be carrying with him the good wishes and the entire confidence of the people of his country. He arrived in Europe heralded as no hero of antiquity or the Middle Ages had ever been. In Paris he carried everything before him. We know of his activities with regard to the Treaty of Peace; of his presentation of the Covenant of the League of Nations, and his great plea in favour of its adoption, and we know also of the tragic sequel, that he returned to his own country only to have what he had done repudiated by the United States Senate.

My honourable friend made a remark yesterday to the effect that the fact of the United States not being part and parcel of the League of Nations should not be regarded as an obstacle in the way of the progress and ultimate success of the League. In a large measure I share that view.

But are the United States of America entirely indifferent? As a matter of fact they are sharing in large measure in the activities of the League of Nations. Take the Dawes Plan, for instance. You may say that it did not come within the framework of the League. I grant you that, but I say that it was under the influence of the League. The Dawes Plan was devised for the purpose of alleviating the heavy reparation conditions imposed upon Germany without provoking adverse public opinion in the Allied countries. That plan worked for a number of years. I think honourable gentlemen will support my contention that the United States in this instance were not indifferent to the work of the League of Nations.

What has been said of the Dawes Plan may be said of the Young Commission and a large number of other commissions upon which the United States are represented. Take for instance the Committee of Experts for the Progressive Codification of International Law. On this committee the United States are represented by Mr. George W. Wickersham, former Attorney General of the United States, member of the Committee on International Law of the American Bar Association, and President of the American Law Institute. Take the Preparatory Commission on Disarmament. Here again the United States are represented by Mr. Gibson. Coming to the Economic and Financial Organization of the League—I think that every honourable gentleman will admit that that committee is an important one—I find that the United States are represented by Mr. Lucius R. Eastman, ex-president of the Merchants' Association of New York. Now I proceed to the Consultative Committee of the Economic Organization: on that committee we find Mr. Robert Olds, former Under-Secretary of State, and Mr. Alonzo E. Taylor, Director of the Food Research Institute, Stanford University. Then I pass on to the Financial Committee, on which the United States' representative is Mr. Jeremiah Smith, Jr., former Commissioner General of the League in Hungary. Passing over some other committees, I come to the Health Organization, and among the names of those on the Health Committee I find Surgeon-General H. S. Cumming, Chief of the United States Public Health Service, and Dr. C. E. A. Winslow, Professor of Public Health, Yale School of Medicine, and member of the Public Health Council of the State of Connecticut. On the Commission of Expert Statisticians I find the name of Dr. Haven Emerson, Professor of Public Health Administration, Columbia University, New York. He is also one of the members of the Joint Commission for the Revision of the International List of the Causes of Death. On

the Expert Committee on Sleeping Sickness I find the name of Professor R. Strong, Department of Tropical Medicine, Harvard University Medical School. On the Commission on Standardisation of Sera, Serological Reactions and Biological Products, the representative is Dr. W. G. McCoy, Director of the Hygienic Laboratory of the United States Public Health Service. On the Commission on Education in Hygiene and Preventive Medicine appears the name of Professor W. H. Welch, Director of the School of Public Health, Johns Hopkins University, Baltimore. The United States are represented on the Committee on Intellectual Cooperation by Mr. R. A. Milliken, Director of the Norman Bridge Laboratory of Physics at the California Institute of Technology. Another American, on the Subcommittee of Sciences and Bibliography, is Mr. Schramm, member of the National Research Council of the United States of America. The list of members of the Advisory Committee on Traffic in Opium contains the name of Mr. J. K. Caldwell, appointed by his Government to attend in an unofficial capacity; and the Permanent Central Opium Board has as the representative of the United States Mr. H. L. May, and the Advisory Commission for the Protection and Welfare of Children and Young People, Miss Abbott. Again, as my honourable friend the acting leader (Hon. Mr. Belcourt) said yesterday, the United States have given their adherence to the International Court of The Hague.

I submit, honourable senators, that the League has achieved gratifying results during the last ten years in spite of serious obstacles. As the honourable acting leader (Hon. Mr. Belcourt) pointed out yesterday, it has succeeded in effecting settlements by conciliation, arbitration, or other pacific means, in 130 cases. The League has dampened the ardour of many nations that have been on the threshold of war. In not a few of these instances the main instrument of success was delay; for if but one day's delay can be secured, a war may be averted.

In this connection I should like to bring to the attention of this honourable body a fact that undoubtedly will be cited in history as one of the most interesting and most regrettable incidents of modern times. It is reported in the memoirs of the late Myron T. Herrick, American Ambassador to France during the World War, which have been compiled and published by his intimate friend, Colonel T. Bentley Mott. On the 28th of July, 1914, Mr. Herrick despatched to the Secretary of State of the United States, the late Mr. Williams Jennings Bryan, a cable which, with your permission, I shall read. The copy I have is in the French language and I ask the indulgence of honourable members while I translate it as well as I can into English.

The situation in Europe is regarded here as one of extreme gravity. Civilization is threatened by the demoralization which would follow a general conflict. It is said that the popular demonstrations against war which took place last night—

That was in Paris.

—are the first of the kind in France. It is felt that if Germany mobilizes, war is inevitable. France has great confidence in her army.

The people here place great confidence in our high ideals and intentions. I therefore believe that a gesture by our nation would have the greatest weight in this crisis. My opinion is confirmed by the British Ambassador.

I believe that a strong appeal by President Wilson for delay and moderation would be welcomed with respect and approval in Europe. The whole question could then be reconsidered. This suggestion is consistent with our role as arbitrators in treaties and our attitude in the affairs of the world in general.

I do not wish to be thought unduly zealous, but I deem it my duty to give you my opinion frankly.

(Signed) Herrick.

The Ambassador received no acknowledgment of this despatch, and when he returned to the United States later he inquired of President Wilson whether the cable had ever been received by him. The President replied that he had never seen it. On whom must be placed the responsibility for withholding such an important document? It is not for me to say. Honourable members may draw their own conclusions in this matter. But is it not within the bounds of reason to express the view that an intervention by the United States at that moment might have averted a war?

I would ask honourable members to bear with me a little longer while I briefly review what I consider to be four distinct periods or phases of the activities of the League of Nations. The first phase, extending from 1920 to 1922, included the organization of the Secretariat, the Assembly and the Council, and the Constitution of the Hague Court. The dominant feature of this phase was the creation of the Hague Court. The second phase, from 1922 to 1925, was a period of struggles and difficulties over securities, arbitrations and disarmaments, all interrelated, and all brought to a head when the Geneva Protocol was presented and voted upon by the Assembly. The principal achievement of those years was the Geneva Protocol. The third phase, from 1925 to 1928, saw the rejection of the Protocol and the substitution there-

for of covenants like the Locarno Pact and the Briand-Kellogg Treaty. The outstanding event of this period was the entry of Germany into membership of the League of Nations. The fourth phase, from 1928 to the present, is notable principally because of the settlement of the reparations question.

It should be remembered that at the time the Treaty of Peace was made, the amount tentatively set out for payment by Germany to the Allies was one hundred and thirty billions of marks, which, I suppose, would be equivalent to about thirty-five billions of dollars. The Dawes Plan reduced that amount to eighteen billions of dollars, and the Young Plan, which was accepted by Germany and was the decisive factor in making possible her stay in the League, brought the figure down to eleven billions. Knowing as we do what France has suffered, that all her departments from the Belgian border on the west to the Swiss border in the east have been ravaged and subjected to terrible economic strain, and mindful of her huge losses of men, one feels that her consent to this last reduction proves her sincere desire for peace among nations, and especially between herself and Germany.

We have in this country a League of Nations Society, which needs and merits the co-operation of every Canadian citizen in its efforts to create public opinion favourable to the objects and works of the League.

Mr. Eduard Benes, the most illustrious statesman of Czechoslovakia, was asked when the activities of the League of Nations would cease. Here is his answer:

> The tasks of the League will never be completed; they are eternal. The necessity of organizing international co-operation will always exist, because new situations will always arise to demand international adjustment.

Let us bear in mind, honourable members, that the League of Nations commenced its work under most trying circumstances. Let us not forget that for many years it had to repair before it could proceed to construct. It is my impression that the League is on the right path. The best proof that this is so is the growing confidence and trust with which it is regarded now by all kinds of people everywhere.

It may be asked when the zenith of human greatness will be attained. It is a difficult question to answer, but we may say that that will come to pass when the barriers of discord, which at present are apparently insuperable, have been removed. When will this be possible? There is another difficult question, which we might answer in this way: when national rivalry, ambition and hatred are no longer bred on each side of international boundaries. When will that stage be reached? That is a still more perplexing question. But let us answer it by saying, when every citizen in the making, every child, has been taught to be a citizen of the world as well as of his own country. When that time comes, the common adventure of humanity may be a happy one. This little earth of ours will continue to revolve around the sun for a long time before the desired goal is reached. Those who, like myself, have passed the meridian of life may not live to witness that glorious era. But, according to the opinion expressed by M. Briand, it is on the way. The time must come when man's life and the wealth which he has accumulated through centuries of industry will not be subject to destruction by his brother man.

In conclusion, honourable senators, I submit that it is our imperative duty as part of the Parliament of Canada, as it is the duty of every citizen of this great country, to support and encourage in every possible manner the noble work of the League of Nations. We owe this duty to ourselves as individuals, to our families, to our fellow citizens, to our own country, to other nations, and to humanity as a whole.

Hon. J. LEWIS: Honourable senators, I had not intended to take any part in this debate, but when it was adjourned the thought occurred to me that, without going over the ground so well and eloquently covered by other honourable members, I might briefly discuss another phase of the subject, or perhaps I should say, a kindred subject. I refer to the part that the English-speaking nations, the British Commonwealth of Nations and the United States, seem privileged to play in advancing the cause of peace. I do not mean to claim for those of the British races any racial superiority. They have their full share of pugnacity, that element of human nature which is one of the causes of war; and so far from being ashamed, they are rather proud of it. Such advantages as we of the British nations and the United States possess for the promotion of peace should be a cause of gratitude rather than of pride, and should make us realize our grave responsibility towards the rest of the world. These advantages are due to favourable circumstances, which I shall try to partially explain.

The League of Nations is particularly concerned with Continental Europe, where lies the chief danger of war. Great Britain, while part of Europe, is to some extent removed from the traditions, jealousies, fears and anxieties of Continental Europe, and therefore is peculiarly

fitted to play a helpful part. The United States is still farther removed from those complications, and, though it is true that public men of the United States to-day realize that an attitude of aloofness is no longer possible, yet the comparative isolation of the last century and a half has had a certain influence upon the mentality and the point of view of the American people. The result is that among English-speaking nations there has been evolved an entirely new conception of international relations, and it is an entirely new conception of those relations that is needed if the hopes of peace are to be fulfilled.

Consider first the relations of the nations composing what is called the British Commonwealth of Nations. There has been a great deal of controversy about national status, but usually the question has been treated as one which concerned only the United Kingdom and the self-governing Dominions. What I want to point out is that in reconciling British unity with national status, there has been evolved a new kind of international relation which may have a most important influence upon international relations all over the world. I do not mean that the British example can be followed exactly and in detail, but I do mean that we have established the fact that international relations are capable of taking new forms—that they are not fixed, but fluid. That is a fact that must be recognized if international relations are to be radically reformed. If Great Britain were a centralized empire there would be no lesson for the world in that, because centralized empires are an old story. If the Dominions had separated from the United Kingdom, there would be no lesson in that for the rest of the world, because separate nationality, too, is an old story. But here we have something new: we have the example of several nations controlling regions capable of enormous expansion—nations in the full sense—living on terms of assured peace, friendship and co-operation. This, as I have said, is an example which I do not expect to be followed in detail by other nations, but which should be food for thought for all whose minds are open to receive new ideas.

I pass on to the remarkable relations existing between Canada and the British Empire on the one side, and the United States on the other. And here again I make no claim of superiority over our less happily situated brethren in Continental Europe. There can be no claim of racial superiority here, because most of us are transplanted Europeans, or descendants of Europeans. Our advantage is due not to any racial difference, but to environment—to the fact that we have been blessed in being able to make a fresh start and discard some traditions of the old world. Whatever may be the source of the advantage, it is one of which we should avail ourselves to the fullest extent, not so much for the comfort and safety of Canada as in the interests of the British Empire and of the human race as a whole. We are all agreed on the benefit of our connection with the British Empire, not for ourselves only, but for the stability of the whole world. We ought to be equally agreed on the vast importance of friendly relations with the United States, and it is there that we can do the greatest work, a work in which every man and woman, and every child of thinking age, can take a part. Our little difficulties as to tariffs and other matters are as dust in the balance when weighed against the part that we can play together in making this world a better place for humanity. There is no objection whatever to spirited rivalry between ourselves and our neighbours in the development of our resources, nor to the assertion of a strong Canadian spirit; but let our rivalry be a generous rivalry in service for mankind.

Hon. GUSTAVE LACASSE: Honourable members, I wish to add just one word. I have listened with rapt attention to all the remarks of the honourable members who have preceded me, and I rise only to repeat the answer given by a witty Frenchman when he was asked who had lost the last war. You have frequently heard people ask who won the last war. Some people say that it was America; others say it was France; but we all believe the exact truth to be that it was the concerted action of allied nations that brought it to complete success. When I say "complete success" I know that I am speaking incorrectly, but I am doing so deliberately in order to show you the wit in the reply of the Frenchman of whom I have spoken. As I say, he was asked, not who had won the last war, but who had lost the last war, and, remembering the large number of his fellow citizens who had been slaughtered and were sleeping their last slumber in the fields of Flanders, he answered: "Les Huns—et les autres."

Right Hon. Sir GEORGE E. FOSTER: If there is no one else to follow, although I have already spoken, I wonder if I may be permitted just a word along the line of the remarks made yesterday by the acting leader of the House (Hon. Mr. Belcourt) on the effect of the Briand-Kellogg Pact, or the Pact of Paris, in promoting peace as opposed to war, and also in strengthening and making more successful the League of Nations. The Pact of Paris is in one sense a pious declara-

tion, but it is none the less important because that description may be applied to it. In the obligation that it imposes upon the nations who have signed it the Pact of Paris has implications which we have as yet seen only in their beginnings, and to which no one can set the limits.

What I wish to bring to the attention of honourable members is the practical application of what is implied by the pact. Difficulties arose between Russia and China in the far distant region of Manchuria. China was, and is, a member of the League of Nations, and as such was bound by the obligations of the League and of the Pact of Paris as well. Russia was one of the first countries to signify their adherence to the pact, and was consequently bound by its obligations. When war threatened between those two signatories, the first practical step was taken to make the pact more than a pious resolution or a solemn pledge. As one of the prime movers, and one of the signatories to that pact, the United States Government felt bound to take some step against the threatened violation of that agreement, and immediately addressed an official note to China and to Soviet Russia, calling attention to the fact that as signatories to the pact they were bound by its obligations, and intimating in a very quiet and non-aggressive way that she fully expected them to live up to those obligations.

That was a direct application of the obligations that are undertaken by nations that have agreed, first, that they shall never use war as an instrument of national policy, and second, that they shall settle all disputes, of whatever kind, by peaceful methods. What follows logically and properly from such obligations? It is true that the Soviet Government, in a style somewhat usual to it, intimated that the United States had better mind its own business; but it is true also that a number of other nations of great importance and power, who were signatories to the pact, followed the lead of the United States. The important fact for us to remember is that, although there were unauthorized depredations along the border, they were disavowed by both countries, and war did not ensue. This gives rise to strong hope and confidence in the future, and it is an earnest that whenever similar trouble threatens between signatories of the pact, the great powers, the initiatory powers, so to speak, and the contributory signatories, will bring to bear not only a moral influence, but diplomatic, financial and economic influences as well.

It is true that no war of any consequence can take place in the future without a tremendous expenditure of capital, resources, and other war materials. It is also true that the great moral influence of the world, without recourse to actual arms and armaments and warfare, will be a powerful sanction against the robber or brigand nation.

Every year since I have been a member of the Senate, as a matter of duty, a matter of privilege, and a matter of pleasure to myself, I have plagued my fellow members on this subject with a screed, more or less lengthy—but to my mind very abbreviated in comparison with the magnitude of the question involved—and each year I have been accorded a sympathetic hearing by members on both sides of the House. The discussion that has taken place this year, I am glad to say—whether it be due to some efforts of my own or to wider influences—makes me indulge in the hope that hereafter in both Houses of Parliament there will be repeated contribution and communion on this great subject—the disuse of war, the discarding of prejudices, misunderstandings, and racial antagonisms, and the prospect of peace, prosperity and happiness for the human race.

Hon. Mr. BEIQUE: Honourable senators, as a member of this honourable House I am proud of the contribution to this subject which has been made in the several speeches to which we have listened during the past few days. I have no intention of speaking on the question, because there is little that I can add to what has been so well said. I think, however, that it would be proper to afford our honourable colleague and leader (Hon. Mr. Dandurand) an opportunity to address us on his return, and to tell us something of the latest proceedings of the Council, of which he is a member. Therefore I beg to move the adjournment of the debate until Monday.

The debate was adjourned.

## POST OFFICE BILL (NEWSPAPER OWNERSHIP)

### REPORT OF COMMITTEE

Hon. Mr. BEIQUE moved concurrence in the report of the Standing Committee on Miscellaneous Private Bills, on Bill 2, an Act to amend the Post Office Act (Newspaper Ownership).

He said: Honourable members, I have no authority to speak for anybody else, but I desire to state that the newspapers already have to make reports which in my opinion

are very extensive. First of all, they have to make reports to the Department of the Postmaster General as follows:

Declaration

To be executed by publishers of newspapers and periodicals making application for statutory postal privileges

What is the full title of the newspaper or periodical?

.. .. .. .

ister, the Department of National Revenue, the Department of Labour, and possibly to other departments.

A similar Bill has been passed by the other House and sent over here three or four times, but as far as I am concerned, I feel that if it were passed it would impose unduly upon the newspaper companies.

The motion was agreed to.

The Senate adjourned until to-morrow at 3 p.m.

## THE SENATE

Friday, May 23, 1930.

The Senate met at 3 p.m., the Speaker in the chair.

Prayers and routine proceedings.

### RETURNED SOLDIERS' INSURANCE BILL

FIRST READING

Bill 264, an Act to amend the Returned Soldiers' Insurance Act.—Hon. Mr. Belcourt.

SECOND READING

Hon. Mr. BELCOURT: I beg to move that this Bill be now read a second time. I may explain that the Bill provides merely for an extension of three years in the time within which applications may be received under the Returned Soldiers' Insurance Act, Chapter 54 of the Statutes of 1920.

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

THIRD READING

Hon. Mr. BELCOURT moved the third reading of the Bill.

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

### PRIVATE BILL

FIRST READING

Bill 201, an Act to incorporate the Portage la Prairie Mutual Insurance Company.—Hon. Mr. Forke.

SECOND READING

Hon. Mr. FORKE moved the second reading of the Bill.

He said: Honourable senators, the Portage la Prairie Mutual Insurance Company seeks incorporation under a Dominion charter. There are two mutual insurance companies in Manitoba carrying on fire and life insurance, and other incidental business. One is the Wawanesa Mutual, and the other the Portage la Prairie Mutual. Those companies are doing a large business, and are in good standing. The Portage la Prairie Mutual wants Dominion incorporation. That is the object of this Bill.

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

REFERRED TO COMMITTEE

Hon. Mr. FORKE moved that the Bill be referred to the Standing Committee on Banking and Commerce.

Hon. Mr. McMEANS: Read it the third time now.

Hon. Mr. FORKE: Whatever honourable members desire.

Some Hon. SENATORS: No, no.

Right Hon. Sir GEORGE E. FOSTER: Of course, the argument used in favour of the measure was unwithstandable. My honourable friend (Hon. Mr. Forke) said that the company wanted incorporation, and therefore he moved that it be granted.

Right Hon. Mr. GRAHAM: It was stronger than that: he was in favour of it.

The motion was agreed to.

### LEAGUE OF NATIONS—CANADA'S REPRESENTATIVES

INQUIRY FOR RETURN

Before the Orders of the Day:

Hon. Mr. BELCOURT: Before the Orders of the Day are called, I should like to say to my honourable friend from Colchester (Hon. Mr. Stanfield) that I have been promised by Monday, or at the very latest by Tuesday, a return to the order about which he inquired two or three days ago.

Hon. Mr. STANFIELD: Thank you.

### PRIVATE BILL

THIRD READING

Bill 139, an Act to incorporate the Hamilton Life Insurance Company, as amended.—Hon. Mr. Black.

### ADJOURNMENT

Hon. Mr. BELCOURT: I move the adjournment of the House, but I am in the hands of honourable members as to whether we should resume at 3 o'clock Monday after-

noon or at 8 o'clock in the evening. I should be glad if my honourable friend the leader on the other side (Hon. Mr. Willoughby) would express his preference in the matter.

Hon. Mr. WILLOUGHBY: I think it would be better to resume at 8 o'clock, because a number of honourable members go home for the week-end. It does not make any difference to me personally what the hour is.

Hon. Mr. BELCOURT: As a matter of fact, I do not think we shall have any legislation before Monday night or perhaps Tuesday.

Hon. Mr. CHAPAIS: Eight o'clock.

Hon. Mr. BELCOURT: Then I should like to add to my motion, that the House stand adjourned until 8 o'clock Monday evening.

The motion was agreed to.

The Senate adjourned until Monday, May 26, at 8 o'clock p.m.

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## THE SENATE

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Monday, May 26, 1930.

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

### PENSION BILL

#### REPORT OF SPECIAL COMMITTEE

Hon. Mr. BELAND moved concurrence in the Report of the Special Committee to whom was referred Bill 265, an Act to amend the Pension Act.

He said: Honourable gentlemen, it was found that the interpretation placed upon clause 10 of the Bill as passed by the House of Commons was different from that intended by the Committee of that House. After having sought the interpretation of the Department of Justice, our Committee thought it advisable to add the amendment in order to make the interpretation absolutely clear. I may say that the parties interested—the soldier organizations, the representatives of the House of Commons, and the chairman of the House of Commons Committee—were unanimous with the members of the Committee of this House that the amendment should be adopted.

The motion was agreed to.



#### THIRD READING POSTPONED

Hon. Mr. BELCOURT moved the third reading of the Bill.

Hon. Mr. LAIRD: Honourable members, I would ask that the third reading be deferred until to-morrow; not that I have any objection to the Bill—on the contrary, I heartily approve of it; but I wish to have an opportunity to look over some of the figures placed before the Committee this evening.

Hon. Mr. BELCOURT: There is no objection to that.

The motion for the third reading stands.

### DIVORCE BILLS

#### FIRST, SECOND AND THIRD READINGS

Hon. Mr. COPP, on behalf of the Chairman of the Committee on Divorce, presented the following Bills, which were severally read the first, second and third times, and passed:

U-8, an Act for the relief of Nellie Carr Weeks.

V-8, an Act for the relief of Donald Burwell Ross.

W-8, an Act for the relief of Cherry Ray Fletcher.

X-8, an Act for the relief of Eleanor Somes.

Y-8, an Act for the relief of Hazel May Rowland.

Z-8, an Act for the relief of Reginald Ernest Ball.

A-9, an Act for the relief of Marion Elizabeth Gamsby.

B-9, an Act for the relief of Ethel Long Nightingale.

C-9, an Act for the relief of Winnifred May Cahill.

D-9, an Act for the relief of Gertrude Lockhart.

E-9, an Act for the relief of Frederick Max Quick.

F-9, an Act for the relief of Daniel McQuistan.

G-9, an Act for the relief of Anna Ruel.

H-9, an Act for the relief of Ethel Adine Ross.

I-9, an Act for the relief of Ronald Paterson.

J-9, an Act for the relief of Rosanna Christena Jarrett.

K-9, an Act for the relief of James Lean.

L-9, an Act for the relief of Lyall John MacDonald.

M-9, an Act for the relief of Essa Mulant Durry.

N-9, an Act for the relief of Esther Eleanor Zryd.

O-9, an Act for the relief of Ida Jane Gertrude Rea.

P-9, an Act for the relief of Thomas Green.

Q-9, an Act for the relief of Inez Elizabeth Gross.

R-9, an Act for the relief of Viola Turquand.

S-9, an Act for the relief of Norville Alberta Gourley.

T-9, an Act for the relief of Martha Brown Hemsley.

U-9, an Act for the relief of Edward Buker.

V-9, an Act for the relief of Herbert Machen.

W-9, an Act for the relief of Marjorie Mary Gwendolyn Dempsey Davis.

X-9, an Act for the relief of Wilfred Nathaniel Bickle.

## DIVORCE PETITIONS

### REFUND OF FEES

Hon. Mr. COPP moved:

That the parliamentary fees paid under Rule 140 upon the Petition of Charles Ernest Aimé Holmes be refunded to the petitioner, less printing costs.

He said: I may explain, honourable members, that a Bill was recommended by the Divorce Committee of the Senate, but was rejected in the House of Commons.

The motion was agreed to.

Hon. Mr. COPP moved:

That the parliamentary fees paid under Rule 140 upon the Petition of Hartley Franklin Upper be refunded to the petitioner, less printing costs.

He said: This refund is asked for the same reason.

The motion was agreed to.

Hon. Mr. COPP moved:

That the parliamentary fees paid under rule 140, during the last Session, upon the Petition of Bruce John William Tebbutt, be refunded to the petitioner, less printing costs.

He said: This petition was presented to the Committee on Divorce of this House, but the Petitioner did not appear and now wishes to withdraw the petition.

The motion was agreed to.

## LEAGUE OF NATIONS—CANADA'S REPRESENTATIVES

### RETURN

Hon. Mr. BELCOURT: Honourable members, I have a return which was ordered by the Senate on April 10, on the motion of the honourable gentleman from Colchester (Hon. Mr. Stanfield). I have two copies, one of which I shall lay on the Table and the other I hand to my honourable friend.



## HOPPE MINING LANDS

### REPLY TO INQUIRY

Hon. Mr. BELCOURT: Honourable senators, I have a letter from the honourable the Minister of the Interior with regard to certain inquiries made by my honourable friend from Bedford (Hon. Mr. Pope). The letter is dated the 21st of May, and reads as follows:

Dear Senator Belcourt,

In connection with the discussion in the Senate on the 14th instant on the coal mining leases comprising locations situated near the junction of the Muskeg and Smoky Rivers in the Province of Alberta which stood recorded in the Department in the name of Mr. Paul R. Isenberg (known as the Hoppe leases), I may say that on a petition of right of the Hawaiian Trust Company, Limited, and Bertha K. Isenberg, of the City of Honolulu, dated the 10th February, 1926, as executors of the Estate of Paul R. Isenberg, deceased, claiming compensation for unlawful cancellation of the leases, a fiat was granted and the Exchequer Court ruled on the 3rd July, 1929, that the suppliants were entitled to recover from the Crown $113,280, in full satisfaction and settlement of the claim. This amount was paid and a release dated the 5th July, 1929, was executed by the solicitor for the petitioners.

As you are aware, this coal reserve was created by an Act of Parliament passed in 1923, and now appears as subsection 2 of section 35 of the Dominion Lands Act, which reads as follows:—

"Notwithstanding anything contained in this Act, lands containing coal, and the coal mining rights therein, situate or being within townships fifty-five, fifty-six, fifty-seven, fifty-eight and fifty-nine, in ranges seven, eight and nine west of the Sixth Initial Meridian in the province of Alberta, shall not be sold, leased or otherwise disposed of in whole or in part, or as to any right, title or interest therein, except by the special authority of the Parliament of Canada to be hereafter enacted."

I may say that in the opinion of Colonel Biggar the surface and under-rights of this reserve pass to the control of the Province with the remainder of the resources.

Yours faithfully,

(Signed) Chas. Stewart.

## ACTING LEADER OF THE SENATE

### EXPRESSION OF THANKS

Hon. Mr. BELCOURT: Honourable senators, the mandate which the honourable leader of the Government in this House (Hon. Mr. Dandurand) entrusted to me some little time ago is now terminated. Before resuming my accustomed place in the ranks I desire to be allowed to say how greatly I appreciate, and how thankful I am for, the loyal co-operation which I have received during the honourable leader's absence from every honourable member on either side of this House. I am especially grateful for the uniform courtesy and spirit of fair play manifested all along by my honourable friend who leads the other

side (Hon. Mr. Willoughby). I know my honourable friend is a very good sport. I am told that he accomplished something quite worthy of note to-day in the game of golf. I am no judge of golf, so I cannot speak with authority about that achievement; but there is one thing I do know, as an old cricketer myself: that in the good old game of "cricket" my honourable friend has no superior.

## CANADIAN NATIONAL REFUNDING BILL

### FIRST READING

Bill No. 130, an Act respecting the Canadian National Railways, and to provide for the refunding of certain maturing financial obligations.—Right Hon. Mr. Graham.

### SECOND READING

Right Hon. Mr. GRAHAM moved the second reading of the Bill.

He said: Honourable senators, I think I should give a little explanation of this measure. It is in the usual form of Canadian National Railways financing Bills, as to the power to issue securities and in its other formal clauses, and provides for the refunding of an amount of $20,042,038.84. I shall give a brief comment on the different classes of original securities which are to be refunded, and honourable members will find it easier to follow my remarks if they turn to the schedule which begins at page 4 of the printed Bill.

The bonds mentioned in paragraph (a), amounting to $5,684,753.33, were guaranteed by the Manitoba Government and become due this year.

The bonds referred to in paragraph (b) were not guaranteed by the Province of Manitoba, but were exchangeable for guaranteed bonds of the issue mentioned in paragraph (a). Nearly all these securities were exchanged for the guaranteed securities, but a few were not, and they amount to $59,860.

Paragraph (c) represents bonds for $10,785,-993.31 guaranteed by the Province of Manitoba. The securities described in paragraph (d), amounting to $2,859,998.87, and in paragraph (e), totalling $2,433.33, were also guaranteed by the Province.

The securities mentioned in paragraph (f), amounting to $300,000, were issued in connection with a branch of the Canadian Northern Railway outside Manitoba. These were not guaranteed.

Paragraph (g) deals with bonds that were issued in connection with the Minnesota and Manitoba Railroad Company. The Manitoba Government could not guarantee the company's bonds in this case, because it was a foreign company, although the railroad was operated by the Canadian Northern; so the Province decided to aid the company to the extent, I think, of $8,000 a mile. The Government issued bonds for $349,000, and the Minnesota and Manitoba Railroad Company handed over to the Government bonds to the amount of $352,000. There is a discrepancy, but the amount to be refunded is only $349,-000.

As I said at the beginning, the securities amount altogether to $20,042,038.84. They all become due this year, and it is necessary that the Canadian National Railways be empowered to issue securities which, like all their other securities, will be guaranteed by the Federal Government. I am moving the second reading, if honourable members have no objection.

Hon. Mr. DANIEL: When will copies of this Bill be distributed, so that we may see what it provides? I have not a copy on my file.

Right Hon. Mr. GRAHAM: I have just been told that the Bill is not on file and probably has not been received here. If we could have the second reading now, the third reading might be postponed until to-morrow, and in the meantime honourable members will have received copies.

Hon. Mr. WILLOUGHBY: I have a copy, which I received outside the Chamber. I do not think there has been a general distribution.

Right Hon. Mr. GRAHAM: The copies are coming in now, I am told.

Hon. Mr. WILLOUGHBY: I have no comment to make on the assumption by the Federal Government of the guarantees which were given by the Manitoba Government. All the obligations will fall due and must be retired or otherwise provided for before Parliament meets again.

Right Hon. Mr. GRAHAM: The Canadian National owns the stock of these roads.

Hon. Mr. WILLOUGHBY: It is one of the many chickens that have come home to roost. I do not know that we are at all surprised that one more of them has come into the old hen coop. I have no more to say on the matter now, except that it is an absolute obligation, a business obligation on our part, to protect our own property.

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

THIRD READING

Right Hon. Mr. GRAHAM: If there is no objection and the House consents, I move that the Bill be read the third time.

Hon. Mr. DANIEL: I should like to ask the honourable gentleman whether this Bill is to have any effect whatever on the guarantees that have been made by the Western Provinces with regard to the building of these roads.

Right Hon. Mr. GRAHAM: The Canadian National, having taken over these roads, assumes the responsibilities. It is the owner of the stock of these lines.

Hon. Mr. DANIEL: Then I understand that the various provinces are relieved of their guarantees.

Right Hon. Mr. GRAHAM: Under this Bill the only province interested is Manitoba, and it will be relieved of these guarantees.

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

## CANADIAN NATIONAL (CENTRAL VERMONT) FINANCING BILL

FIRST READING

Bill 131, an Act respecting the Canadian National Railways, and to provide for certain financing in connection with certain lines of railway located principally in the State of Vermont.—Right Hon. Mr. Graham.

MOTION FOR SECOND READING POSTPONED

Right Hon. Mr. GRAHAM moved the second reading of the Bill.

He said: Honourable members, the Central Vermont Railway, consisting of about 180 miles, in addition to branches, is the line over which the "Washingtonian" runs from Montreal to New York. Some few years ago the Grand Trunk conceived the idea of completing the line from a place called Palmer, I think, down to the sea, and lent to the Central Vermont Railway Company, which they controlled, between eight and nine million dollars. That line was never completed. Later on—I think it was in 1927—a great calamity befell the New England States and damage to the extent of millions of dollars was done to the Central Vermont Railway.

The Grand Trunk and the Canadian National had altogether some $38,000,000 in the Central Vermont. Owing to the calamity to which I have referred, the Canadian National, in order to protect its interests, asked that the Central Vermont Railway be placed in the hands of receivers. This was done, and the receivers proceeded to repair the damage and put the line into fit condition to operate once more. The certificates of the receivers amounted to about $5,000,000. When the line went into the hands of the receivers they of course took steps to dispose of the property. As the successors of the old Grand Trunk, the Canadian National Railways were deeply interested and made a bid on the property and purchased it for $22,000,000 plus the $5,000,000 expended by the receivers in putting the road into proper condition. The purchase price was therefore $27,000,000 all told. The Central Vermont, although it was handed over to the Canadian National Railway Company, which now own all the stock and control the road, is still run by another company.

Hon. Mr. GRIESBACH: Their debt was the purchase price?

Right Hon. Mr. GRAHAM: Their present debt is the purchase price—$27,000,000; but the G.T.R. and C.N.R. had some $38,000,000, I think, in the undertaking. This amount, less $22,000,000 and $5,000,000, left $11,000,000. The $8,000,000 odd asked for by this legislation is about the amount loaned by the Grand Trunk to the Central Vermont for the construction of a line that was never constructed. There is a well-founded hope that part of that amount will be recovered through the sale of the right of way, which is still in the hands of the Central Vermont, and therefore of the Canadian National. Of course there is an unavoidable loss.

When the matter was placed before me as Minister of Railways I was not prepared to encourage the building of any more lines to the sea outside of Canada; and in this the Canadian National was in agreement with me. I was wholly opposed to going on with the construction of the New England line, and maintained that it would not cost as much to get out of the arrangement as it would to proceed with it.

The securities of the Central Vermont Railway, amounting to $12,000,000, have been handed over to the Canadian National Railways, and practically $4,000,000 will remain in their hands. The balance of the securities, equal to the amount now asked for, will be placed in the hands of the Receiver General, and when they become more valuable than they are now, as they probably will, the Receiver General will be authorized to dispose of them as he sees fit and to apply the proceeds to the reduction of any amount guaranteed by the Canadian Government on any line.

Hon. Mr. TANNER: What are the termini of the railway? Where does it begin and where does it end?

Right Hon. Mr. GRAHAM: It begins in St. Johns, Quebec, and runs to White River Junction; then it starts again at Brattleboro, Vermont, and ends at New London, Connecticut.

Hon. Mr. GRIESBACH: What is the physical value of the railway?

Right Hon. Mr. GRAHAM: That is hard to say. It is worth at least the amount we were asked for it—the $22,000,000 and the $5,000,000. But the $38,000,000 will have to be taken care of. I imagine its value is somewhat greater than that amount less the amount lost in New England.

Hon. Mr. GRIESBACH: Is it valuable as a feeder?

Right Hon. Mr. GRAHAM: It is used by the Canadian National Railways as one of their through lines now. It is a very valuable feeder. It has not been so successful in years past. I have my own views as to the reason. If I remember correctly, the Central Vermont last year, for the first time in some years, appeared in black figures in the annual statement of the Canadian National. The Canadian National Railways could have let it go into other hands, but it was one of their chief feeders and one of their chief connections. They would have had to lease running rights over it if it got into other hands.

Hon. Mr. WILLOUGHBY: Did they build the whole of it into New London?

Right Hon. Mr. GRAHAM: It runs to New London, I am informed by the Department of Railways.

Hon. Mr. GRIESBACH: What is the significance of "black figures"? Does the honourable gentleman mean a surplus?

Right Hon. Mr. GRAHAM: Yes, I mean that last year it paid a surplus.

Hon. Mr. GRIESBACH: On what? On operation, or on total charges?

Right Hon. Mr. GRAHAM: I think it paid a surplus on total charges, but I am not sure about that.

Hon. Mr. TANNER: What is the whole mileage?

Right Hon. Mr. GRAHAM: It is 180 miles, besides branches.



Hon. Mr. TANNER: Formerly the "Washingtonian" did not go through to Montreal; now it does.

Right Hon. Mr. GRAHAM: I think that under the Canadian National the "Washingtonian" always started from Montreal.

Hon. Mr. TANNER: Leaving Ottawa, we went through the city of the late Finance Minister.

Right Hon. Mr. GRAHAM: You went through in a car from here.

Hon. Mr. TANNER: We connected with the Montreal train at St. Albans. Now we go right into Montreal.

Right Hon. Mr. GRAHAM: Was it the "Washingtonian" you were attached to, or the "Rutland"?

Hon. Mr. TANNER: I have been several times on that train going through Montreal. I was down during the Easter recess this year, and we went right into Montreal.

Right Hon. Mr. GRAHAM: That was found more convenient than the other way. I have the impression that it was the old Rutland route you went on before, through Noyan Junction.

Hon. Mr. TANNER: I wondered when the change was made.

Right Hon. Mr. GRAHAM: But there was a difficulty in the connection. I tried once to catch the "Washingtonian" by way of Coteau, but discovered that to make the connection I had to be taken twenty miles by a special engine.

Hon. Mr. WILLOUGHBY: Do I understand that the road is actually completed to New London?

Right Hon. Mr. GRAHAM: I understand so.

Hon. Mr. WILLOUGHBY: I am not familiar with this Bill. I do not know, but in view of the fact that the Central Vermont was unable to carry the line on to New London, the only ones who could do so would be the Canadian National Railways. I happen to know that some three or four years ago—perhaps a little more—the officials of the Canadian National held the highest hopes of developing an enormous and profitable business through this line to New London. In later years I have not been in touch with it. I assume the road was built to New London. But who built it?

Right Hon. Mr. GRAHAM: My instructions are that the railway runs from Brattleboro to New London.

Hon. Mr. WILLOUGHBY: I cannot dispute that, but I do not know who built it.

Hon. Mr. DANDURAND: If my memory serves me aright, there were entanglements in one or two legislatures. Mr. Hays, the President of the Grand Trunk Railway, and his officials, were threatened with arraignment before the courts for contravening the laws of the United States in the building of that line. After considerable money had been spent, construction was stopped and the road remained as it was until the Legislature of Connecticut, I think, threatened to cancel the charter, or refused to renew it. I know the matter was ventilated in this Chamber some years ago. My impression is that we now have a line that has cost a lot of money, and has been carried forward to a certain point, but has never reached its projected destination.

Hon. Mr. WILLOUGHBY: It has not been finished. That is the point I am getting at.

Right Hon. Mr. GRAHAM: I think we had better leave the second reading until to-morrow.

The motion for the second reading stands.

The Senate adjourned until to-morrow at 3 p.m.

## THE SENATE

Tuesday, May 27, 1930.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

### DIVORCE STATISTICS, 1930

Before the Orders of the Day:

Hon. A. B. COPP: Honourable senators, on behalf of the honourable the Chairman of the Committee on Divorce (Hon. Mr. McMeans) I beg to present the annual statement with respect to the work of that Committee. I ask permission to have the report recorded in Hansard without being read.

For the present session 322 notices of intention to apply to Parliament for Bills of Divorce were given in The Canada Gazette. Of the foregoing, 302 petitions were actually presented in the Senate and dealt with by the Committee on Divorce, as follows:

| | |
|---|---|
| Unopposed cases heard and recommended | 238 |
| Opposed cases heard and recommended | 11 |
| Unopposed cases heard and rejected | 1 |
| Opposed cases heard and rejected | 5 |
| Applications withdrawn | 5 |
| Applications not dealt with owing to delays not having expired, etc. | 42 |
| Total | 302 |

Of the petitions recommended, 98 were by husbands and 151 by wives, the grounds being as follows:

| | |
|---|---|
| Adultery | 247 |
| Other grounds | 2 |

Of the applications recommended, 207 were from residents of the Province of Ontario, and 42 from the Province of Quebec. An analysis of the occupations followed by the applicants is as follows: accountants, agent, assistant manager, assistant sales manager, bank messenger, barrister, Bell Telephone employee, broker, builder, bus proprietor, butcher, cabinet-maker, carpenters, cashiers, civil engineers, civil servants, clerks, commercial traveller, conductor, contractor, decorator, domestic servant, driver, druggist, engraver, factory employee, farmers, florist's assistant, foreman, foundry superintendent, gardener, hairdressers, hotel-keeper, insurance agents, janitor, labourers, lockman, machine operator, machinists, managers, manufacturers, married women, mechanics, merchants, mortician, moulder, musician, nurse, operators, paperhangers, photographer, physician, piano action-maker, plant grower, presser, prospector, railway employees, real estate agent, rubber worker, sales managers, salesmen, shipper, shoemaker, stenographers, stock broker, stores-keeper, street car conductor, surveyor, tailor, taxicab driver, timekeeper, tire treader, teachers, truck driver, waitresses.

In 114 cases the Committee on Divorce recommended that part of the parliamentary fees be remitted.

In the taking of evidence during the present session the Committee sat on 28 days, on 26 of which days a sub-committee also took evidence in 138 cases.

In addition to the sittings of the Committee for hearing evidence, very numerous and frequent meetings of sub-committees were held for the consideration of various matters arising out of divorce petitions, other than the taking of evidence.

Assuming that all the Bills of Divorce recommended by the Committee and now in various stages before Parliament receive the Royal Assent, the comparison of the number of divorces and annulments of marriage granted by the Parliament of Canada in the last ten years is as follows:

| | |
|---|---|
| 1921 | 111 |
| 1922 | 102 |
| 1923 | 117 |
| 1924 | 130 |
| 1925 | 134 |
| 1926 | 124 |
| 1927 | 196 |
| 1928 | 239 |
| 1929 | 238 |
| 1930 | 247 |

### PRIVATE BILL

#### THIRD READING

Bill 201, an Act to incorporate The Portage la Prairie Mutual Insurance Company.—Hon. Mr. Forke.

### PENSION BILL

#### THIRD READING

Hon. Mr. DANDURAND moved the third reading of Bill 265, an Act to amend the Pension Act.

Hon. H. W. LAIRD: Honourable members, the passage of this Bill practically completes the soldier legislation of the present session, and perhaps the Bill warrants some comment, if for no other reason than to emphasize the magnitude of its scope and the burden placed upon the country in carrying out its provisions. It has always been the proud boast of the Canadian people that their ex-service men have received as generous treatment as the veterans of any country which participated in the late war; and in many respects our ex-service men have in the past received even more generous treatment than has been accorded by other participants.

While this is true, it is now becoming apparent that with the passage of time the situation has undergone marked changes, and consequently we have been forced to change the structure of our soldier legislation. We have always had before us the experience of the United States in dealing with the care of veterans of the Civil War, and it has been our constant effort to avoid, if possible, the scandalous condition of affairs which developed in the American Service, the marked feature of which was that, although many years had passed since the Civil War, the pensions paid to American war veterans showed practically no diminution up to recent times. It has always been gratifying to those who have interested themselves in soldier legislation in Canada to find the officials of the Canadian veterans showing a disposition to avoid the conditions which, in the American post-war period, for many years practically amounted to a public scandal.

As I said before, however, with the advance of time new conditions have arisen and have to be met, and the legislation of this session is merely a reflex of the changed conditions as regards Canadian veterans. A few days ago this House approved Bill No. 19, entitled "An Act respecting War Veterans' Allowances," which, while confined exclusively to ex-service men and their dependents, is to be considered not as pension legislation, but rather an advanced step in social legislation, with particular regard to men who are now breaking down as a result of war service and who heretofore have not been claimants for pensions or assistance as a result of war casualties. As we got further away from the Great War, men who participated in that great struggle commenced to show a delayed physical impairment. It did not appear in the years immediately following the Armistice. The country was therefore faced with a great problem, which could be met only by the establishment of soldiers' homes to take care of such cases, or the adoption of legislation to provide for the maintenance of those men who, by reason of their war efforts, were showing signs of inability to provide for themselves.



As time passes and new generations come on, there may be a natural disposition to forget the men who bore the brunt of the struggle in upholding their country's honour on the battlefields of France. New generations have not the same perspective of what the great sacrifices made by those men involved, and the onus is upon those of us who participated in that war effort, either directly or indirectly, to stick by those who fought our battles, not to allow the advance of time to overshadow the great sacrifices and achievements of our army in the field, but to see that a grateful country does not forget, even through the passing of time, the debt of gratitude it owes to the men who upheld our cause.

While this is true, I am afraid that the necessities of the situation are forcing upon us, to some extent at least, a semblance of the burdens which were placed upon the American Republic after the Civil War. We are probably commencing to realize that what we considered a grave question in connection with the American forces may, after all, have been the logical result of an attempt to do justice to war veterans. With their experience before us, we can probably avoid some of their pitfalls, but it is quite clear to my mind that Canada will have to face for many years an increasing financial burden in providing for its ex-service men.

It may be interesting right here to take stock of the expenditure Canada has made on account of war veterans up to the present time. The figures are involved and technical, but with the assistance of competent departmental officials I have endeavoured to arrive at some idea of what it has cost this country since the war to deal with the soldier problem. The following figures are as nearly correct as I can make them without going into details and sundry explanations which might complicate the statement:

| | |
|---|---|
| Pensions already paid to soldiers and dependents.. .. .. .. .. | $ 408,000,000 |
| Total cost soldiers' re-establishment, medical care, etc. .. .. | 187,000,000 |
| Net loss re land settlement and interest rebate.. .. .. .. .. .. | 30,000,000 |
| Net loss re life insurance scheme. | 900,000 |
| Total expense to date.. | $ 625,900,000 |

The item land settlement in the above statement includes $10,000,000 for rebate of interest which has never been charged.

The life insurance scheme is self-supporting at the present time, but if discontinued at once, it would involve a loss of approximately $900,000. It is expected that by the time the scheme is concluded there will be a loss variously estimated from $25,000,000 to $50,000,000.

It will now be interesting to ascertain the annual expense in connection with our war veterans for the present year. It is approximately as follows:

| | |
|---|---|
| Pensions | $ 42,000,000 |
| Soldiers' re-establishment and medical care | 9,500,000 |
| New charges under Bill 19 | 2,000,000 |
| New charges under Pension Act, 265 | 7,000,000 |
| New charges, administration | 804,000 |
| Total yearly expenses | $ 61,304,000 |

It is very difficult to estimate what the annual charge will be in years to come. Some of the charges above referred to will be reduced, while others will be increased, but the best information I can obtain is to the effect that next year our expenditures on soldiers' account will be increased by approximately $3,000,000.

To refer more particularly to Bill 19, which this House approved a few days ago, the expenditure for the first year is estimated at $2,000,000, which will increase year by year until 1957, when the expenditure under the provisions of this Bill will amount to $18,000,000 annually. From 1957 on, the annual expenditure will commence to diminish, and it will be finally wiped out in the year 1984. These expenditures are figured on what is called the forty-per-cent basis, the total expenditure under Bill 19 from start to finish being estimated at $480,000,000; but it is considered that this estimate is too high and that the total will most probably work out on a twenty-five to thirty-per-cent basis instead of forty-per-cent.

We are now confronted with a large additional expenditure in connection with Bill No. 265, to which we are about to give its third reading. This Bill increases the annual commitment on account of our ex-service men. The added expenditure is in two classes. First, the administration of the Act involves an additional outlay of $804,000 a year. Aside from the administration cost, it is proposed to add to those eligible for pensions a large class of ex-service men who hitherto have not been drawing annual pensions. I refer to the men who commuted their pensions shortly after the war and accepted a lump sum in cash in preference to annual payments spread over years to come. By this Act these men are now allowed to come back on permanent pension, the lump sum originally accepted being deducted from what they will in future receive. The number of these commuters who will come under annual pension is 8,048, and as they will be credited with back pensions, the expenditure for the first year of the operation of this Act will be very heavy and will involve an immediate outlay of $7,457,000.

Aside from the financial appropriations which have been made in the legislation passed this year, there are other considerations which might conservatively be termed generous. For a number of years the payment of pensions to widows who married veterans after the appearance of disability has been strenuously opposed. These women are now admitted to pension. The men who commuted their pensions and took a final settlement are now placed back on the pension list. The clause commonly known as the "Benefit of the Doubt" clause is a most important concession to the soldier who is unable to trace his disability to war service, and the provision that the adjudicating body shall draw "all reasonable inferences in favour of the applicant" is a radical departure. Counsel representing the country before the pension tribunal is instructed to "concede such points as it appears to be proper to concede," and is merely called upon to "direct attention to such matters and questions as appear to require consideration for the purpose of determining whether or not the claim should be allowed."

As I said before, the legislation now before us has in it features which might become subject to serious abuse, resulting in very serious inroads upon the public treasury, and it is just a question whether the legislation sets up sufficient protection for the public against designing applicants. While this is true, we must bear in mind that the main object for which this legislation is framed is, generally speaking, to do justice to the ex-service men. If it works out fairly to all parties concerned, the country will have no cause to complain. If, however, it is found that the legislation goes too far, and that advantage is being taken of the generosity of Parliament in the matter, there might be a revulsion of feeling which would tend to cause the pendulum of justice

to swing too far in the opposite direction. A great deal will depend upon the attitude of the veterans' representatives before the tribunals which have been established by this legislation. If they co-operate with the Government in seeking only what is fair and just, and if, though demanding justice, they have at the same time some regard for the eternal fitness of things, they will perform a worthy service on behalf of the men they represent and will also assist in carrying out the generous intentions of Parliament.

I unreservedly support the Bill.

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

## CANADIAN NATIONAL (CENTRAL VERMONT) FINANCING BILL

### SECOND READING

The Senate resumed from yesterday consideration of the motion of Right Hon. Mr. Graham for the second reading of Bill 131, an Act respecting the Canadian National Railways, and to provide for certain financing in connection with certain lines of railway located principally in the State of Vermont.

Right Hon. GEORGE P. GRAHAM: Honourable members, when we discussed this Bill last night there were some matters which, though seeming clear to me, I was apparently unable to make quite clear to some honourable gentlemen. I admit frankly that the point raised by the honourable leader on the other side of the House (Hon. Mr. Willoughby) set me thinking, and think as hard as I might, I could not find the answer at the moment. His question, briefly, was: "How did the Central Vermont get to New London, Connecticut?" I knew it had reached New London, but could not explain how it got there. Now, I think, I have a fairly clear explanation, and in order to make quite plain how the Central Vermont proper and the leased lines are constituted, it may be well to place a memorandum on Hansard.

The Northern Division of the main line is composed of lines from St. Johns, Quebec, to St. Albans, Vermont, 41.09 miles; from St. Albans, Vermont, to Essex Junction, Vermont, 23.80 miles; from Essex Junction to Montpelier Junction, 31.86 miles; from Montpelier Junction to Roxbury, 15.83 miles; from Roxbury to Randolph, 14.16 miles; from Randolph to South Royalton, 12.08 miles, and from South Royalton to White River Junction, 17.16 miles. This makes a total of 155 miles of main line in the Northern Division.



The branch lines of the Northern Division are as follows: St. Albans to Richford, Vermont, 27.48 miles; Burlington, Vermont, to Essex Junction, Vermont, 7.85 miles; Essex Junction to Cambridge Junction, Vermont, 22.29 miles; Montpelier Junction, Vermont, to Barre, 7.96 miles; Barre Junction to Williamstown, 8.69 miles. These branches total 74.27 miles.

The Southern Division main line is composed of the line from White River Junction, Vermont, to Windsor, Vermont, 14 miles, and the line from East Northfield to Brattleboro, 10.59 miles; or a total of 24.59 miles.

The branch lines of the Southern Division are from Brattleboro to South Londonderry, 35.45 miles.

The total mileage is 290.29 miles. The figure I gave last night, 180 miles, is the total of the main line.

The question that seemed to puzzle us all was how the Central Vermont got from Brattleboro to New London. Some honourable gentlemen thought it never got there. They were right so far as proprietorship is concerned, for the line from Brattleboro to New London is owned by the New London and Northern; but it is under lease to the Central Vermont for ninety-nine years. This lease was made in 1891. If this branch is included, the total mileage is 411.29 miles.

Some honourable gentleman asked me to give a few more details as to the liabilities of the Central Vermont. Mark you, the Central Vermont securities are issued on the 290 miles. This is the mileage purchased by the Canadian National Railways. The liability of the Central Vermont is made up as follows:

| | |
|---|---|
| Capital stock.. .. .. .. .. ..$ | 261,700 85 |
| Bonds in possession of the Grand Trunk and those taken up at receivership.. .. .. .. | 12,830,900 00 |
| Deficits paid and capital expenditures made by Grand Trunk.. .. .. .. .. .. .. .. | 10,139,784 48 |
| Amount owing under traffic agreement.. .. .. .. .. .. | 68,631 96 |
| Loan to build Southern New England Railway.. .. .. .. | 8,603,170 18 |
| Interest due by Central Vermont on bonds held by Canadian National and on advances made by Canadian National.. .. .. .. .. .. .. | 1,956,588 53 |
| Advance by Canadian National for receiver's certificates.. .. | 5,000,000 00 |
| | $38,860,776 00 |

The capital stock has a much larger par value than $261,700.85, but under a settle-

ment some years ago the Grand Trunk purchased the capital stock up to an amount of, I think, 73 per cent., and paid in cash $261,700.85.

The Central Vermont has been in the receivers' hands twice. Those items I read concerning the Grand Trunk resulted from the first receivership and from the settlements made by that railway, by which it got control of the Central Vermont. Since that time other advances have been made. After the floods in the State of Vermont in November, 1927, the Canadian National Railway, in order to protect its interests, asked for receivership for the Central Vermont. When the company again went into the hands of receivers the bonds became due and provision had to be made for them. On account of the repairs made by the receivers of the Central Vermont some $5,000,000 was represented in certificates.

One can see that when bonds amounting to $8,609,000 became due the Canadian National had to do some temporary financing in order to take care of this indebtedness. The Bill provides for the issuance of securities to the same amount. The securities of the Central Vermont were not very valuable at the time of the receivership, but there was a new issue. Securities of the new issue, of the par value of $8,609,000, will be placed in the hands of the Minister of Finance of Canada; and as these become more valuable he can dispose of them and use the funds obtained therefrom to reduce the amount of Canadian National bonds which the Government has guaranteed.

Right Hon. Sir GEORGE E. FOSTER: What is the nature of those new securities?

Right Hon. Mr. GRAHAM: Those new securities are issued by the Central Vermont Railway.

Right Hon. Sir GEORGE E. FOSTER: What is the nature of them?

Right Hon. Mr. GRAHAM: I have the information here somewhere. They are 5 per cent if I mistake not. The First and General Mortgage bonds of $12,000,000 were issued to take the place of a similar amount issued by the old company in 1920. They are 5 per cent First and General Mortgage bonds.

If I have made that point clear, I shall proceed. The Canadian National Railway purchased from the receivers the Central Vermont Railway, of some 290 miles, for the sum of $22,000,000 plus $5,000,000 for receivers' certificates, making a total of $27,000,000. The property is considered quite cheap at that figure. There is a loss, which is not at all attributable to the Canadian National, of roughly $11,000,000, the difference between $27,000,000 and $38,000,000—both in round figures. This deficit was due to the failure of arrangements between the Grand Trunk and the Central Vermont, or to the non-realization of the hopes that had been entertained. For example, as I pointed out yesterday, there was a loan of $8,603,170.18 to the Central Vermont for the construction of what is called the Southern New England, which was never built. If that loan had not been made, it would probably have been unnecessary to issue new securities to-day.

Hon. Mr. CURRY: What was done with that money?

Right Hon. Mr. GRAHAM: That money was expended in buying right-of-way and in doing preliminary work. Yesterday, the honourable leader of the Government in this House (Hon. Mr. Dandurand), speaking from memory, said he thought there were legal actions and other troubles at the time the Grand Trunk abandoned the construction of that line. After the Canadian National came into control it was decided, and I think rightly so, to make no further expenditure of money on the proposed Southern New England road. As I pointed out yesterday, when I was Minister of Railways I was opposed to proceeding further towards the securing of a new ocean terminal outside Canada.

Right Hon. Sir GEORGE E. FOSTER: That was a total loss?

Right Hon. Mr. GRAHAM: Most of that amount will be lost. I am told that there is a lively hope of salvaging $1,000,000 from the sale of right-of-way and other things.

I have explained the measure as clearly as I can, and perhaps as clearly as it is possible to do so. What the Canadian National is asking for is the right to issue bonds to the extent of $8,609,000 to cover temporary loans made to meet liabilities in connection with the Central Vermont for a great many years back.

Hon. Mr. WILLOUGHBY: Of which $7,000,000, anyway, is a loss?

Right Hon. Mr. GRAHAM: It looks to me as if the loss will be $10,000,000. This is due, not at all to present conditions, but to a situation that existed in the past.

Hon. Mr. CURRY: Is that road earning interest on the amount paid for it?

Right Hon. Mr. GRAHAM: As I tried to make clear yesterday, the annual report for years showed a balance in red figures—that is, a deficit—if my memory serves me; but

for the last year of operation there was a balance in the other column. The heads of the Canadian National Railways are firmly of the belief that the road, under its new management, will be a paying proposition for the Canadian National. When the receivership came into effect and the Canadian National got the entire stock of the Central Vermont, the road was continued under its former management. Now, for the first time, it is fully under the control of the Canadian National, although the company is legally established in the State of Vermont. As I have pointed out, $8,609,000 of the new 5 per cent bonds of the Central Vermont have been placed in the hands of the Finance Minister as security, in so far as they are security, for the issuance of new bonds by the Canadian National Railways, guaranteed by the Government.

Right Hon. Sir GEORGE E. FOSTER: What are the figures of the last year's operations—the receipts and expenditures?

Right Hon. Mr. GRAHAM: I have not the figures. The road was under receivership during the last year.

Right Hon. Sir GEORGE E. FOSTER: It has been under the Canadian National for one year, has it not?

Right Hon. Mr. GRAHAM: No; it was taken from the hands of the receiver just a few months ago.

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

THIRD READING

Right Hon. Mr. GRAHAM moved the third reading of the Bill.

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

At 6 o'clock the Senate took recess.

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The Senate resumed at 8 o'clock.

## GRAIN BILL

### FIRST READING

Bill 12, an Act respecting grain.—Hon. Mr. Dandurand.

### SECOND READING

Hon. Mr. DANDURAND moved the second reading of the Bill.

He said: Honourable members of the Senate, this is mainly a consolidation of the Grain Act. At various times we have made more or less important amendments to the statute, and it is thought opportune at this time to consolidate it. The Bill was referred to a committee of the House of Commons, and representatives of the grain trade followed the work of the committee very closely. This measure contains few amendments. There are, however, one or two changes to which I should like to refer.

Under the Grain Act as it stands at present on the Statute Book, licenses were granted to elevators on certain conditions. According to some legal authorities, there was some doubt as to the constitutional right of the Dominion to enforce those conditions. The Bill prohibits railway and other transportation companies from carrying grain to or from elevators which have no license from the Board of Grain Commissioners; and inasmuch as we have authority over those transportation companies, it is held that this provision will materially strengthen our Act in this respect.

By last year's amendments the terminal elevators and mixing houses were prohibited from lowering the grade by mixing to the minimum of the grade, and were obliged to maintain a new export standard known as the 75-25 per cent sample. Under this new rule No. 2 grade, for instance, stood at 37½ above the bottom of that grade. No mixing whatever is allowed in No. 1 Hard, No. 1 Northern, No. 2 Northern and No. 3 Northern. I am not quite sure that this is not an amendment of the Act passed last year.

These are the principal features to which I deem it proper to draw the Senate's attention. With the leave of the House, I move the second reading of the Bill.

Hon. Mr. GILLIS: Honourable senators, I think it is extremely unfortunate that legislation so important as this Bill should be brought down at this stage of the session. Surely some arrangement could be made whereby measures of this nature could be sent over to us at an earlier stage. The Bill relates to the transportation and the general handling of grain and is very important, particularly to Western Canada. I am pleased that the Act has been consolidated, for I think the consolidation will be a convenience to the public generally. But, I repeat, it is unfortunate that this Chamber is not given time to consider properly the various changes that are made in this Act from year to year. The present Bill will go through practically without any consideration at all by the Senate.

Hon. Mr. STANFIELD: Blame the Government.

Hon. Mr. WILLOUGHBY: I quite agree with the observations made by the honourable

gentleman from Saskatchewan (Hon. Mr. Gillis), but I think that in this case the Government are not so much to blame as they often are. The labours of the committee appointed by the other House were very long. I know this, for I attended some of their meetings as a spectator. I think the amendments that the committee finally decided on are fairly satisfactory to the rival interests—they are rivals in some degree—interests representing the co-operative institutions and the ordinary grain trade.

Hon. Mr. DANDURAND: The Secretary of the Winnipeg Grain Exchange was there in attendance.

Hon. Mr. WILLOUGHBY: And our old friend Mr. Pitblado was there, representing the Grain Exchange.

Hon. Mr. DANDURAND: Yes; and they were all agreed upon the advantage of the amendment.

Hon. Mr. WILLOUGHBY: The committee recommended radical changes from the old methods of grading grain, but I am assured that in the end there was—if not entire satisfaction to everybody, which would be almost impossible where rival interests clash—there was a consensus of opinion that we had a working Act.

With respect to the question of provincial jurisdiction, as the honourable leader of the Government in this House (Hon. Mr. Dandurand) has indicated, there is one phase that tends to give assurance of the safe working of the Act: the Grain Commissioners are Dominion appointees, the Railway Board is a Dominion institution, and the Grain Act is a Dominion Act. So I trust there will be no clash of jurisdiction.

All legislation of this kind is to some extent experimental, notwithstanding our long experience in dealing with the grain trade, one of our major industries. I was present when a gentleman who is prominent in the grain trade was protesting violently, before the Committee on Agriculture of the other House, that the grain trade would be unable to carry on if a Bill such as has now come down were passed. That was last year. I presume he has been better informed in the meantime, for he now occupies an important portfolio in the Federal Cabinet. I am merely illustrating the fact that in legislation affecting rival interests members of Parliament will vote to bring about, so far as possible, a working arrangement. I think a working arrangement has been made in the present instance. I may say that I am, and have been ever since I became a member of this House, particularly interested in legislation of the character of this Bill.

Hon. Mr. DANDURAND: If I thought my honourable friend from Saskatchewan (Hon. Mr. Gillis) would be pleased with the suggestion that after passing the second reading we should form a special committee of honourable members who know all about this business, and have them devote this evening to a consideration of the most important clauses of the Bill, I should have no objection to making such a proposal.

Hon. Mr. GRIESBACH: Hear, hear.

Hon. Mr. DANDURAND: It is always with some diffidence that one takes the responsibility of bringing to this Chamber such an imposing looking measure in the last days of a session. We have three possible courses to pursue: we may prolong the session until we have considered the Bill as fully as we desire, or we may postpone consideration of the Bill to another session, or we may trust to the wisdom of the committee of the other House, who, with the help of the experts at its disposal, examined the Bill thoroughly before making its recommendations.

As my honourable friend who leads the other side of this House (Hon. Mr. Willoughby) has said, legislation of this kind is always somewhat experimental. I have been a member of this Chamber thirty-two years, and during that time we have had frequent amendments to the Grain Act. I confess that I never knew very much about the subject; I trusted to my honourable friends from the West to direct the policy of the Senate in these matters. I am quite sure that in the other House the committee that considered this measure was composed of the ablest members who have knowledge of all the matters affecting the grain business.

Hon. Mr. FORKE: Honourable senators, I have attended meetings of the Grain Committee or the Committee on Agriculture for the last eight years. In my opinion it would be a gigantic task to examine the details of this Bill. I am in favour of adopting the third alternative suggested by the honourable leader of the Government (Hon. Mr. Dandurand), that we take this measure largely on trust. The committee of the other House that had charge of this legislation heard experts on all sides of the question, and apparently the amendments are at present satisfactory to all the interests concerned. I feel sure that the Act will not be satisfactory next

year, and that further amendments will be necessary. Some changes were made last year. The one in regard to mixing was made then, and apparently it has given satisfaction, although some dire prophecies were made as to what would happen if the amendment were put into force. I think one of the most beneficial changes which have taken place is the absolute confidence the farmers and grain dealers have in the new Board of Grain Commissioners, and the general feeling that things will go along satisfactorily in future. As a Western man, greatly interested in the marketing of grain, I am quite prepared to accept the Bill on trust, after the thorough examination it has had by the committee of the other House.

Hon. Mr. GILLIS: If, in accordance with the honourable gentleman's argument, we passed without consideration everything sent to us from the other House, we should be practically nothing more nor less than a rubber stamp. If important changes are to be made in this Act in the future, I would urge upon the honourable leader of the Government (Hon. Mr. Dandurand) that the proposed amendments be brought before this Chamber earlier in the session, so that we may be able to give them proper consideration. We are as much interested as the other House in having a good Grain Act.

Hon. Mr. FORKE: I quite agree with that idea.

Hon. Mr. DANDURAND: I have a suggestion that perhaps honourable members may turn over in their minds during the recess. In dealing with such technical matters in the future, could we not appoint a committee of the Senate to follow the evidence given by the experts before the committee of the other House? I do not know what powers such a committee of the Senate would have. At all events, that is a suggestion that honourable members may find worth consideration. This Bill was given third reading in another place yesterday or this morning, and it has now reached us. We must decide what we will do with it. I have often felt that important legislation should not be brought to us at the tail end of the session. Of course, this session is an exceptional one, as we have been sitting only three months instead of four or five, as is usual.

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

Hon. Mr. FORKE.

THIRD READING

Hon. Mr. DANDURAND: I do not know whether I should move that the House go into Committee on the Bill.

Hon. Mr. STANFIELD: Give it third reading.

Hon. Mr. DANDURAND moved the third reading of the Bill.

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

## AMENDMENTS TO BRITISH NORTH AMERICA ACT

JOINT ADDRESS TO THE KING

The Senate proceeded to consider a message from the House of Commons with a proposed Address to His Most Excellent Majesty the King, praying that he may graciously be pleased to give his consent to submitting a measure to the Parliament of the United Kingdom to amend the British North America Acts, 1867 to 1916, in the manner set forth in the said Address.

Hon. Mr. DANDURAND moved:

That the Senate unite with the House of Commons in the said Address to His Most Excellent Majesty the King and that the words "Senate and" be inserted in the blank space therein, and that the Honourable the Speaker, on behalf of the Senate, do sign the said Address.

He said: Honourable senators, I have here the Address which was passed by the other House, and which we are asked to pass. It is an Address to His Majesty the King, asking his consent to submitting a measure to the Parliament of the United Kingdom for the amendment of the British North America Acts, 1867 to 1916, on the basis of the agreements that the Dominion of Canada has made with British Columbia, Manitoba, Saskatchewan and Alberta. It reads:

To the King's Most Excellent Majesty:
Most Gracious Sovereign:

We, Your Majesty's most dutiful and loyal subjects, the Commons of Canada in Parliament assembled, humbly approach Your Majesty praying that you may graciously be pleased to give your consent to submitting a measure to the Parliament of the United Kingdom of Great Britain and Northern Ireland to amend the British North America Acts, 1867 to 1916, the four agreements in the schedule hereto set out being scheduled to such Act and the said Act being expressed as follows or to the following effect:

An Act to Amend the British North America Acts, 1867 to 1916.

Whereas the four several agreements in the schedule set out were entered into between the Government of the Dominion of Canada and the Governments of Manitoba, British Columbia,

Alberta, and Saskatchewan respectively on the dates which the said several agreements bear;

And Whereas each of the said agreements has been approved by the Parliament of Canada and by the Legislature of the Province to which it relates;

And Whereas subsequently to the execution of the agreement with the Province of Alberta it was agreed that in addition to the rights accruing thereunder to the Province, it should be entitled to such further rights, if any, with respect to the subject matter of the said agreement as were required to be vested in the Province in order that it might enjoy rights equal to those conferred upon or reserved to the Province of Saskatchewan under any agreement upon a like subject matter thereafter approved and confirmed in the same manner as the said agreement with the Province of Alberta, and provision accordingly was made by the Parliament of Canada and by the Legislature of the Province;

And Whereas each of the said agreements provides that the same shall come into force only after it has been confirmed by this Parliament, and the Dominion of Canada has requested and consented to the enactment of this Act;

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the authority of the same, as follows:

1. The said several agreements are hereby confirmed and shall have the force of law respectively notwithstanding anything in the British North America Act, 1867 to 1916, or any Order in Council or terms or conditions of Union made or approved under any of the said Acts, or in any Act of the Parliament of Canada.

2. The agreement with the Province of Alberta in the schedule hereto contained shall have the force of law as aforesaid, subject to the proviso that in addition to the rights accruing thereunder to the said Province, the said Province shall be entitled to such further rights, if any, with respect to the subject matter of the said agreement as are required to be vested in the said Province in order that it may enjoy rights equal to those which may be conferred upon or reserved to the Province of Saskatchewan under agreement with such last mentioned Province in the schedule hereto contained.

3. This Act may be cited as the "British North America Act, 1930" and the British North America Acts, 1867 to 1916, and this Act may be cited together as the "British North America Acts, 1867 to 1930."

All of which we humbly pray Your Majesty to take into your favourable and gracious consideration.

Hon. J. J. DONNELLY: Honourable members, inasmuch as the resolution now being considered by the Senate is, as I understand it, an application to the Imperial Parliament to amend the British North America Act, I should like to inquire of the honourable leader of the Government whether the different provinces have consented to this amendment to the British North America Act. My reason for putting the question is this. As I understand it, the British North America Act was a contract entered into by the various provinces, and I have heard it stated at different times that it can be amended only with the consent of all the provinces that entered into it. If this is true, the amendments now proposed would require the consent, not only of the provinces particularly interested in this case, but of all the provinces. My information may not be correct, but I should like to have the opinion of the honourable leader of the Government on this point before the resolution is passed.

Hon. Mr. DANDURAND: I am not aware that these agreements between the four provinces and the Dominion of Canada have been transmitted to the Governments of the other provinces of the Dominion, but I know that at the Dominion-Provincial Conference, held two years ago, approval was given by the other Goverments to the policy that is now being followed. I may say that I was agreeably surprised to hear it declared at that conference, for the first time, by the representatives of the two large provinces of Ontario and Quebec, that they concurred in the Western Provinces being treated fairly with respect to their natural resources, and in improved terms being granted the Maritime Provinces, and that they were asking for no compensation for themselves. This was all the more agreeable in view of the fact that within my own observation there had always been considerable reluctance in permitting any change in what was called the basis of Confederation, more especially with respect to anything affecting the financial arrangements. The new attitude on the part of the older provinces showed a totally different temper and a far more liberal spirit than had obtained prior to that time. That is the only answer I can give to my honourable friend at the moment.

Hon. Mr. DONNELLY: I am not sure that the honourable leader of the Government has grasped my question. It was not my intention to offer any objection to the agreement with the Prairie Provinces in respect to the transfer of the natural resources, but I have frequently heard it said that the British North America Act could not be amended without the consent of all the provinces. If that is correct, I think that before we pass this resolution we should have the consent of the different provinces in an official form. I may be wrong. My purpose is mainly to ask for information.

Hon. Mr. DANDURAND: My recollection does not go further than I have just stated. I may remind my honourable friends that the four Western Provinces are receiving some material advantage through these agreements, and that the three provinces of the East are also securing benefits that did not necessarily flow from the letter of the pact of 1867; so there remain but the two provinces, Ontario and Quebec, that might claim to be entitled to consideration and whose approval might be asked. All I can say is that at least three or four representatives of Quebec and as many from Ontario were present at that conference and were agreeable to the policy embodied in this resolution, which is based upon the Bills passed by the Senate.

Right Hon. Sir GEORGE E. FOSTER: Honourable members, it strikes me that the question put by my honourable friend from Bruce (Hon. Mr. Donnelly) is a rather important one. No discussion ever took place in the other Chamber, or outside of it, so far as my knowledge goes, that did not assume that the articles of Confederation were agreed to only after much negotiation, and that they became in reality a compact between the partners in Confederation. The partners originally were four in number, but other provinces have since been added, and have become jointly interested with the original partners. I am not lawyer enough to know whether, technically, the four provinces that united in 1867 are of themselves sufficient to consent to a change being made, and I imagine that my honourable friend who leads the Government is not quite in a position to say—in fact, he has intimated that he is not—whether four are sufficient or all are required; or whether, if the consent of all is required, all the provinces have virtually consented to the matter in hand.

It is a grave undertaking to amend a constitution resulting from an antecedent set of circumstances such as those of Confederation. We may as well admit that this will not be the last attempt made to amend the Constitution. This is a step that may be followed by others. I would suggest that as the matter is so important, and as we must stand a little for our dignity as a Chamber and for the position of the provinces as members of the Confederacy, this resolution should be allowed to stand over until a later sitting, so that we may at least have time to read over the resolution and think about what it means, and, perhaps, to amplify our knowledge a little by an understanding of what took place in the other Chamber and resulted in the passing of this resolution. I would suggest also that my honourable friend should in the meantime take this question, which is not an unimportant one, to the law officers of the Government and secure from them a statement in regard to it. I think it would be safer and more dignified to dispose of such a very important subject in that way than to rush it through with a turn of the hand.



Hon. N. A. BELCOURT: Honourable members, the inquiry that has been made is an eminently proper one. The provinces that followed the four original provinces into Confederation came in, unquestionably, under the same terms and conditions that applied to the former. They would have the same rights and the same obligations. When the honourable gentleman (Hon. Mr. Donnelly) raised the question, I asked myself whether this would be the proper forum in which to inquire into the matter of the consent of the other provinces. If the consent of the other provinces is essential to the consideration and adoption of a measure by the Imperial Parliament, I ask, would not the submission of the measure be the occasion for that Parliament, if it were so disposed, to ask to be advised as to whether or not such consent had been given? It seems to me—I am thinking aloud—that we should pass these measures on the assumption that if anything further is required in order to justify their adoption by the Imperial Parliament, it will be for that Parliament to make a requisition. I do not know that we can refuse approval of the resolution because of the point raised by my honourable friend, although I readily confess that it is a very serious one.

Hon. W. A. GRIESBACH: Honourable members, I do not think that we should deliberately put the Imperial Parliament in the position of having to go behind an Address of both Houses of this Parliament to ascertain whether or not we have proceeded in accordance with our understanding of our own constitution. I agree that the question is important and that we should endeavour to satisfy ourselves as to the law on the subject. On the other hand, I would draw the attention of the House to the fact that there has been a discussion upon this matter for a great many years. This year it has been brought to a head. The four Legislative Assemblies have been called upon to approve the agreements entered into with the Governments of the Dominion, and both Houses of Parliament have also been asked to sanction the agreements. Much depends upon these Bills passing this year. The resources have to be transferred. A building is being

erected in Edmonton to house the staff who will look after the natural resources of Alberta. Arrangements are being made for the transfer of staff and files, for re-engagement, for dismissal, for promotions, appointments, superannuation, and so on. The whole matter is under way, and the result will be very serious if in the last hours of this session, after all these arrangements which mean so much to the Western Provinces have been passed by the various Legislatures and by Parliament, they are held up or hindered by a question that, while somewhat more than a constitutional quibble, is not of great importance in the present case.

Right Hon. Sir GEORGE E. FOSTER: I am sure my honourable friend would not infer from what I said that there was any disposition to hold up the legislation. It is not a hold-up to proceed step by step, and to leave one step to be taken at the next sitting of this Chamber, so that in the meantime the leader of the Government in this House may have an opportunity to learn the facts of the case as understood by the Government themselves. That is the information I ask for, and I do not think it is an unreasonable thing to want.

Hon. J. McCORMICK: I understand there has been no protest from any of the original provinces of Confederation, Ontario, Quebec, Nova Scotia and New Brunswick, nor from Prince Edward Island, which are aware of the discussion that has been going on in Parliament for the last three or four years concerning the natural resources of the Western Provinces. As this resolution is based on an arrangement made between the Federal Government and the Governments of the four Western Provinces, it seems to me that a protest against it could come only from any of the other five provinces. As my honourable friend from Edmonton (Hon. Mr. Griesbach) says, the people of the West are looking forward to the transfer of the natural resources. The Western Provinces are being given only the same right that the older provinces received under the British North America Act; that is, the ownership of the natural resources and the public domain. I can see no reason for delay.

Hon. Mr. DANDURAND: Honourable senators, I would draw the attention of my right honourable friend the junior member for Ottawa (Right Hon. Sir George E. Foster) to the fact that this resolution is but a consequential one. During this session we have approved of the agreements that were entered into between the Dominion and the four Western Provinces. That having been done, it goes without saying that the next step must be a request to the Imperial Parliament to amend our Constitution in accordance with these agreements, in order that they may be fully legalized.

I have no objection whatever to the postponement of the motion for adoption of the resolution until to-morrow. But with respect to the statement made by my right honourable friend (Right Hon. Sir George E. Foster) that perhaps the legal advisers of the Justice Department or of Parliament should be asked about our right to proceed as we have been doing, without consulting the other five provinces, my impression is that there is no legal basis for the view that we should consult the other provinces, but that it is a question of policy for this Parliament to determine under what conditions it will by resolution ask the Imperial Parliament to amend our Constitution. It has been contended in this Chamber that no amendment should be made to the Constitution without the consent of the provinces. I remember that on one occasion when this subject was being discussed I wondered whether the consent should be obtained from the original provinces of Confederation or from the whole nine. I have never heard it affirmed that there was anything in the Constitution which bound this Parliament to obtain consent from the Legislatures for the amendment of the Constitution. As my right honourable friend knows, the Dominion Parliament has more than once had the Constitution amended without referring the matter to any province; but such amendments did not affect vital interests of the provinces, so far as their jurisdiction was concerned.

However, I believe that the Parliament of Canada would be going beyond the spirit of the agreement of 1866 if it undertook to trespass upon the privileges which were given to the provinces that originally entered into the compact. Parliament is but the creature of the provinces. Old Canada, New Brunswick and Nova Scotia, at the time of their union, agreed to delegate some powers to Federal authority, but they had the first and the last word as to what powers should be delegated. I doubt very much that we would undertake to send to the Imperial Parliament a resolution recommending an encroachment upon the rights that were retained by the provinces; for at the time of Confederation they had all the power. However, I do not think that would be a matter for our legal

experts to determine; rather there would be an appeal to the Parliament of Canada, and to this Chamber in particular, for the protection of the compact of 1867.

Hon. Mr. BELAND: Honourable senators, for the sake of information I should like to ask the honourable leader of the House whether the agreements with the four different provinces, incorporated in the Bills that have passed both Houses this session, come into force only when the amendments now sought to the British North America Act are approved by the Imperial Parliament.

Hon. Mr. DANDURAND: I answer in the affirmative.

Hon. Mr. BELAND: So, if we postpone consideration of this Address until the next session of Parliament, no effect whatever can be derived from the legislation we have passed for the transfer of the natural resources.

Hon. Mr. DANDURAND: I move that the debate on this matter be adjourned to the next sitting of the House.

Hon. Mr. GRIESBACH: What is the honourable gentleman going to do in the meantime?

Hon. Mr. DANDURAND: We will take it up to-morrow. I think we shall have to sit to-morrow morning.

Hon. Mr. GRIESBACH: But has the honourable gentleman any intention of carrying the matter further, with a view to getting legal opinion, or anything of that sort?

Hon. Mr. DANDURAND: No. I may be in a position to give a little more thought to the questions that have been put to me. I shall always defer to any request that is made for such a short adjournment.

Right Hon. Sir GEORGE E. FOSTER: It may be that my honourable friend will not be able to get a distinct legal opinion as to the vexed question which has come up, but at least he can place himself in a position to answer the inquiry addressed to him to-night as to whether in this case there has been an agreement with all of the provinces or not. Leaving aside legal considerations and taking merely a business point of view, let us suppose that next year, or the year after, the Government of Canada enter into a series of conferences with the Governments of Prince Edward Island, Nova Scotia and New Brunswick, and that after they have met sufficiently often and impressed one another sufficiently with argument, the Federal Government agree to give privileges or concessions to these three provinces. Then the question would arise again as to what rights the other provinces have in respect of such agreements.

Hon. Mr. FORKE: The provinces are at least represented in the Parliament of Canada. These agreements could not come into effect if both Houses of Parliament refused to let them come into effect. No province can make any arrangement such as the right honourable gentleman suggests without the assent of the Parliament of Canada.

Right Hon. Sir GEORGE E. FOSTER: As we multiply our contacts and get farther away from the old contentions of Confederation time, there is developed a more liberal spirit, which is very gratifying to see, among the component parts of the Dominion. There is getting to be a reasonably sympathetic attitude in every part of the country for the welfare of the Dominion as a whole. That was not a particularly prominent feature in my younger days, and I doubt that agreements such as have been reached at this time could have been effected twenty, thirty or forty years ago. It has taken time to mellow the feelings of the old Confederation contest. It has taken time for the blood to circulate properly through the arteries and the veins of all parts of the Dominion, which are members of one body. The pulse was weaker in the early days; it is stronger now. The change that has come about is a fine manifestation of the upward progress of the human race. The prevailing tendency is towards a deeper interest in our neighbours and a continual widening of our sympathies. In these days we are witnesses of the growth of this sentiment in our provinces. I have no doubt that if agreements are made with some two or three of the provinces in the future, a similarly sympathetic spirit will prevail, and in the end liberal justice will result. I should like to have from my honourable friend the further information that I have suggested, for my own sake and that of my co-members, and for the sake also of my honourable friend himself, who, I think, would like to be ready always to give a clear answer to any question that may be put to him.

Right Hon. Mr. GRAHAM: Honourable members, I am glad to hear my right honourable friend (Right Hon. Sir George E. Foster) say that the people of our provinces are thinking more as Canadians than they ever did before. In the consideration of these larger questions we are getting away somewhat from provincialism and are learning to meet one another on the broader ground of Canadian citizenship. If ten years ago the agreements

with the Western Provinces had been discussed for weeks, as they have been lately, other provinces would probably have entered objections. I know that in the past when there has been a move to get something for some other provinces, I have listened intently to try to find out how Ontario would be affected. The same spirit was shown when it was proposed that a certain strip of land be given to Ontario in order that it might, if it so desired, build a railway to Hudson's Bay. But the sentiment of those days has pretty well passed away.

However, I think we make a mistake if we leave the fate of the Bills on which this resolution is founded to depend upon the settlement of some great constitutional question. The amendments are important not only to the four provinces directly concerned, but to all Canada. Does any honourable member imagine for one minute that if any province had objection to the transfer of the natural resources to the Western Provinces such objection would not have been heard during the time that this subject has been under discussion? The provinces that are not directly interested are undoubtedly in favour of the agreements that have been made; otherwise we should have heard some objections.

After all, when dealing with a large question of this kind, in this age of progress and broader Canadianism, must we not take a broad view, rather than resort to the attitude our grandfathers would have adopted? Must we not, as the courts sometimes say, interpret the statutes in a reasonable manner? I take it for granted that if we do so, there will be no objection at all to this resolution passing. How can we avoid confirming our own action? We have confirmed the agreements made with the various provinces, without a dissenting voice. Every province in Canada is represented here, and instead of the agreements being dissented from, they are acclaimed with enthusiasm. That being the case, how can we consistently, on a question as to something of doubtful utility, reverse ourselves within a few weeks, or, I might say, within a few days? I base my appeal on a reasonable interpretation of our conduct in making these agreements, in the interest of the Dominion of Canada and the Empire. If we follow a reasonable interpretation, I think we shall forget for the time being our endeavours to secure some high authority on the constitutional situation. If there had been any objection to these agreements in the mind of anybody in Canada, we should have heard of it in no uncertain tones.

On motion of Hon. Mr. Dandurand, the debate was adjourned.

2425—22½

## LONDON NAVAL TREATY

### RESOLUTION OF APPROVAL

Hon. Mr. DANDURAND moved the following resolution:

That it is expedient that Parliament do approve of the International Treaty for the Limitation and Reduction of Naval Armament, London, April 22, 1930, signed in respect of the Dominion of Canada by the plenipotentiary named therein, and that this House do approve of the same.

He said: Honourable members of the Senate will all remember that in 1927 President Coolidge invited four naval powers, Great Britain, France, Japan and Italy, to attend a conference for the limitation or reduction of naval armaments. France did not join the conference, but sent observers, and I think Italy did likewise. The conference sat for many weeks in Geneva in the summer of 1927, but failed to come to an agreement. When the present British Government, headed by Ramsay MacDonald, was formed, the Prime Minister decided that a new attempt should be made to achieve the same end. He came to America to see the President of the United States, and they agreed to meet in London this year, and invited Japan, France and Italy to participate. This time they accepted the invitation to join in the conference. The world—more especially the English-speaking world—had realized that there seemed to be a kind of rivalry in naval construction between Great Britain and the United States. Great Britain already possessed a mighty fleet which dominated the seven seas. There seemed to be an effort on the part of our neighbour to the south to extend its shipbuilding operations, and many people were interested in the question of the necessity or desirability of increased naval power on the Atlantic and the Pacific. There seemed to be a desire throughout the American Republic for a fleet that would be as strong as the strongest on the seas.

Mr. Ramsay MacDonald, correctly interpreting the sentiment of the members of the British Commonwealth of Nations, I think, suggested that there should be an understanding which would put an end to such competition. The work undertaken was not concluded as satisfactorily, perhaps, as many people had desired; but the agreement that was signed by Great Britain, the United States and Japan placed a limitation upon naval armaments. I have heard technical experts say that the result was not an absolute reduction, inasmuch as the United States would be obliged to build up their navy to the level of the British navy. Nevertheless, whatever may have been the ratio of general reduction as

among the three great naval powers signing the agreement, there is in it the beginning of an understanding that I am sure will bear fruit in the future. I have heard Americans in authority and technical experts in London who were interested in maintaining a certain status on the seas disclaim and deny any desire on the part of one nation to build as against the other, but at the same time admit that the nations were competing against one another in naval construction. This I take to be a euphemism. I am convinced that we have now started a program of reduction that will progress as years roll by.

I do not know that I need give this Chamber a statement explaining what this agreement means, for we have all read of the conclusions reached by the conference, but I am going to place on record a few facts as to the results attained.

There has been proclaimed a holiday in battleship construction till 1936. The signatory powers renounce their right to replace 32 capital ships aggregating 1,470,000 tons. They have agreed that within eighteen months they will scrap nine battleships which under the Washington Treaty might have been retained until 1936. This means that within eighteen months there will be scrapped by Great Britain 5 battleships, by the United States 3, and by Japan 1. They have agreed to a limitation of the displacement and the gun calibre of submarines, and to rules restricting the use of submarines against merchant ships in time of war. They have agreed to a limitation of aircraft carriers, by the extension of the Washington definition to include in this category vessels under 10,000 tons, and by the reduction of the gun calibre permitted. Rules have been adopted for the replacement and the scrapping of ships. A list of exempt and special vessels has been agreed on. Special vessels are not to be replaced, but are to be allowed to die out as a separate type.

The second part of the treaty seems to be even more important than the first part, of which I have just given an outline. It consists of an agreement between the British Commonwealth of Nations, Japan and the United States as to tonnage levels, and programmes for cruisers, destroyers and submarines. This means that there will be a reduction, and it represents the solution of difficulties that were impossible of solution at Geneva in 1927. The ratio allowed each of the three nations is as follows:

Cruiser:

| | Tons |
|---|---|
| British Commonwealth of Nations. | 339,000 |
| United States.. .. .. .. .. .. .. .. | 323,500 |
| Japan.. .. .. .. .. .. .. .. .. .. | 208,850 |



Hon. Mr. GRIESBACH: Those are total tonnages. They are not eliminations, are they?

Hon. Mr. DANDURAND: They are the total.

Hon. Mr. GRIESBACH: The total that each will have?

Hon. Mr. DANDURAND: In cruisers.

As to destroyers, the figures are as follows:

| | Tons |
|---|---|
| British Commonwealth of Nations. | 150,000 |
| United States.. .. .. .. .. .. .. .. | 150,000 |
| Japan.. .. .. .. .. .. .. .. .. .. | 105,500 |

In submarines each of these three powers will have 52,700 tons.

Italy and France were unable to settle their mutual difficulties as to ratios in time to participate in the agreement, but they are still working at the problem, and it is hoped that the three-power agreement will soon become a five-power agreement.

In view of the fact that there was no agreement between France and Italy, there was introduced at the last moment what has been called the "Safeguarding Clause." Under this clause the figures which I have given may be exceeded in case the building programme of a power outside the agreement threatens the security of any one of the three powers that are parties to it. It is agreed that this clause shall be used only as a last resort.

Hon. Mr. WILLOUGHBY: That applies to France only?

Hon. Mr. DANDURAND: France and Italy. It covers the possibility of a large building programme being carried on by either of those powers.

I need not dwell upon the difficulties that arose between France and Italy. Italy never gave figures of the requirements for her own protection, but simply affirmed the principle that she should have as large a tonnage as the strongest naval power on the continent of Europe—which meant France. France demurred at that contention, claiming that as she had possessions far removed from the Mediterranean she could not accept parity with Italy. A somewhat lengthy discussion ensued, resulting from the suggestion made by Mr. Briand that Great Britain, the United States and Japan should agree to be called into consultation in case of friction or a threat which would disturb the peace of the world. But although the United States a few months before had called those powers into consultation to consider the difficulty that had arisen on the borders of Manchuria and Russia, she refused to be called into con-

sultation in this case. Honourable members are aware of the correspondence that was exchanged between Washington and London when that question arose. France then suggested that Great Britain, which has important interests in the Mediterranean, should enter into an agreement similar to that signed at Locarno, by which she would act as umpire or arbitrator in case the peace of the Mediterranean were threatened. This has not been accepted as a solution; but France and Italy, under the chairmanship of the Prime Minister or the Minister of Foreign Affairs of Great Britain, will continue their discussion, and possibly a solution to their difficulty may be found.

I think I said that the results were not all that could be hoped for, or that were hoped for at the opening of the negotiations. Notwithstanding that, a great step forward has been taken. The results arrived at are supplementary to the work that was done at Washington. The difficulties that caused the deadlock at Geneva have been removed, and the work of the League Disarmament Commission has been made easier. But the conference recognized that it had not finished its programme. It merely adjourned, after progress had been made, and the good work of removing difficulties and bringing the five powers into a general agreement is still going on.

Right Hon. Sir GEORGE E. FOSTER: Honourable senators, it is not my intention to make extended remarks, but, as a strong advocate of general peace propaganda, I could not allow the resolution to be adopted without expressing my personal satisfaction and a few words of commendation. My honourable friend (Hon. Mr. Dandurand) has referred to most of the salient points in connection with the conference. He emphasized the thought that a distinct advance has been made. In that I consider he is absolutely justified. Even those who give most thought to the promotion of peace often find it difficult to appreciate fully the problems that confront a number of nations which are endeavouring to come to an agreement, there are so many considerations drawing in different directions, so many economic, financial, commercial and racial issues that have to be settled before final conclusions can be reached.

I think it should be said here that critics of the stand taken by the American Government ought not to lose sight of the fact that since the Washington Conference of 1921-1922 the United States has not built up to the limits which were set for her by that conference. When she claims the right to build at the present time in order to come up to those limits, it is apt to create the impression that she is being unreasonable. But we must take into consideration the fact that for a number of years she was not increasing her naval forces to the fullest permissible extent.

I think the greatest benefit that has come out of the London parley has been the immense impetus that it has given to the thought and consequent action of the world at large upon the question of disarmament. The world was given the spectacle of five of the greatest powers, on the initiative of two of the strongest of them, sending their most representative diplomats, statesmen and technical advisers to a conference and keeping them there for many weeks in an effort to reach an agreement which would have the result, among other things, of lightening the financial burdens of the nations represented and of setting free vast resources for development along more modern lines. Thinking people all over the world had brought to their minds the importance of the questions that were being discussed at the conference. It was apparent to everyone who followed the proceedings that the representatives of the five nations were honest and purposeful in their desire to improve the conditions for the peace of the world and to lessen the heavy burdens that come from war. That intimate relationship among the international representatives during those months in London, where the frankest expressions were used, where the positions of the different powers were openly explained in a way that can only be commended in the highest degree, has had the effect of bringing about a better understanding among all nations and a sympathetic desire to co-operate one with the other along similar lines, from which we may expect great results in the future. I want to emphasize that side of the question.

After all, the watchwords of to-day are conference and co-operation. First there must be conference—the getting together, the avowal of the different positions, the discussion with good purpose and good-will of the different points of view; and over and under all there must be a dominating desire to improve the peaceful relations of all states, and a co-operative renunciation of war. I do think we have passed out of the area of possible great wars. As I think of science, of the economic and financial interests that are interrelated all over the earth, of the desire of the human heart in every clime and country for peace, and for release from the tyranny and

cruelty of war, I cannot believe that there will be another great war in the future. Rather I see that the time is surely coming when international disagreements shall be settled by justice and by peaceful methods of conciliation and arbitration, and when the cruel arbitrament of war shall have passed away for ever.

In a discussion this afternoon, short but pregnant, my honourable friend from Regina (Hon. Mr. Laird) put before this Chamber a few figures which were astounding, even to me, illustrative of the debt entailed by war upon human resources and happiness. All those millions upon millions of dollars of debt, which will have to be paid by generations to come, were incurred in order that disputes might be settled which could have been concluded peacefully had there been at the time an organization such as we have to-day, with the sentiment that now lies behind it, for the abandonment of war. I think we all should be encouraged to be more hopeful and to adopt a mental attitude in line with the settlement of international disputes by peaceful means. In that attitude we should not be merely passive; rather we should endeavour to make it effective through our contact with others, and thus render valuable service in the great cause. After all, it will be only when we get public opinion lined up in support of peaceful methods of international settlement, when the most powerful sections of humanity have shown their desire for such methods and the determination to push their desire to the utmost possible limit, that there will be certainty of realizing the objective. We who are sitting here will never see the full accomplishment of the great purpose towards which we are now working; but generation after generation will progress on the onward and upward path until humanity does reach the goal for which it prays and for the achievement of which I believe it is now ready to organize and to act.

The motion was agreed to.

Hon. Mr. DANDURAND moved:

That a message be sent to the House of Commons to acquaint that House that the Senate have adopted a resolution approving of the International Treaty for the Limitation and Reduction of Naval Armament, London, April 22, 1930.

The motion was agreed to.

The Senate adjourned until to-morrow at 11 o'clock a.m.

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Right Hon. Sir GEORGE FOSTER.

# THE SENATE

Wednesday, May 28, 1930.

The Senate met at 11 a.m., the Speaker in the Chair.

Prayers and routine proceedings.

## HALIBUT CONVENTION

### RESOLUTION OF APPROVAL

Hon. Mr. DANDURAND moved the following resolution:

That it is expedient that Parliament do approve of the Convention between Canada and the United States for the preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, Ottawa, 9th May, 1930, signed in respect of the Dominion of Canada by the plenipotentiary named therein, and that this House do approve of the same.

He said: The following are the facts and reasons which explain and justify the convention which is now before this Chamber. While the annual total catch of halibut by the Canadian and United States fleets is being maintained at about 55,000,000 pounds per annum, such is possible only by constantly increasing intensity of fishing and extension of the fishery farther west. The fishery had its inception off Cape Flattery, at the entrance to Juan de Fuca Strait, in 1888. It was rapidly extended northwards, the best fishing grounds being found in Hecate Strait. These also produced the finest quality of halibut. By 1910 the fishery had extended as far north as Cape Ommaney, southwestern Alaska, about 600 miles north of Juan de Fuca Strait. It has now been extended to more than 1,200 miles farther west to beyond the Shumagin Islands, but no more fish are being taken on the 1,800 miles of coast than were being caught on the 600 miles in the earlier days of the fishery. Also, the catch on the older grounds, south of Cape Ommaney, has decreased from over 50,000,000 pounds in 1910 to about 20,000,000 pounds. Moreover, to make this diminished catch, much more intensive fishing is necessary. For instance, a unit of gear that on the older grounds would catch 300 pounds of fish in a given time now catches less than 50 pounds.

In the light of these facts, it was evident that if something were not done to control the situation, the commercial exhaustion of this great fishery was in sight. It was this fact that brought about the Halibut Treaty of March 2, 1923. This treaty embraced two main provisions:

1. An annual close time of three months extending from November 16 to February 15

following, both days inclusive, to last for at least three seasons, after which it might be changed by special agreement.

2. The appointment of a Commission to make a thorough investigation into the life history of the halibut and to submit recommendations as to the regulation of the fishery that seem necessary for its preservation and development.

The Commission reported at the end of the three-year period, the substance of its recommendations being:

(a) That the annual close time should be extended so as to begin November 1 in each year, and that authority should be given for further changes as experience might show to be necessary, by authority of the two Governments.

This change is favoured by the whole industry. It is during November that the losses of life and vessels that are experienced usually occur. Also, much fishing equipment is lost then, this loss of equipment resulting in the destruction of all the fish that may become caught on it.

(b) That authority be given the two Governments to regulate the fishery by dividing the treaty waters into areas and fixing a maximum quantity of fish that may be taken yearly in each area. When such quantity of fish is caught, fishing therein by all must cease. The licensing of vessels is essential to carrying this out, and to facilitating the obtaining of statistical information.

No objection to this proposed regulation has been made by Canadian interests. The proposal is, for the start, to have only two areas.

(c) The closing of certain comparatively small areas that are found to be nurseries for immature fish. Two are proposed to start with, one being off the coast of Alaska and the other off Massett, Queen Charlotte Islands.

(d) That power be given the two Governments to prohibit the use of fishing gear that may be found to be unduly destructive.

The recommendations of the Commission were approved by both Governments, but it is necessary to modify the treaty to enable them to be put into effect.

Hon. Mr. WILLOUGHBY: I presume it is the intention of the honourable the leader to have this resolution referred to the Committee of the Whole. There are, I believe, many details, which some members want to discuss.

Hon. Mr. DANDURAND: I confess that it was not my intention to have it so referred, because this is a resolution for the approval of a convention, and, though it may be discussed from many angles, it can hardly be amended. Amendment would mean practically the rejection of the convention, which has been signed by the plenipotentiaries of both countries. However, if it is done for the purpose of facilitating discussion, I have no objection.

Hon. Mr. WILLOUGHBY: I propose it merely for that purpose. I have no reason to think that anybody intends to move for the rejection or alteration of the treaty. If we do not go into Committee there cannot be the same freedom of discussion.

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on the resolution.

Hon. Mr. Robinson in the Chair.

Hon. Mr. DANDURAND: With the leave of the Senate, I would ask Mr. Found, Deputy Minister of Fisheries, to come to the floor of the House.

Hon. J. D. TAYLOR: Honourable members, there is some anxiety in the Province of British Columbia, from which I come, as to the disposition of our fisheries by the series of treaties that are being made with the United States. The fisheries of British Columbia, which amount to about fifty per cent of the fisheries in the whole of Canada, come under three principal headings: sock-eye salmon, halibut, and seal. We find that the Government of Canada, who are responsible for the administration of the fisheries, have practically abdicated, so far as these three principal sources of fisheries wealth on the Pacific are concerned. I repeat, the value of the British Columbia fisheries is about fifty per cent of the total value of fish caught in the whole Dominion. Yet the control of these British Columbia fisheries is being given away; it is being transferred as a gift to our American neighbours. This Bill having been put into committee, I presume the treaty will be read, so that, without needless repetition, we may get detailed information as to the progress made so far by the Commission.

I understood from the memorandum presented by the leader of the House a few moments ago that the present Commission made a report at the end of the three-year period. That would make 1926 the date of the report. It appears that action is being taken for the first time now, in 1930, on a report made by the Commission in 1926. I am all the more inclined to believe that this

extraordinary state of affairs does exist because I read in the annual report of the Department of Marine and Fisheries last year, or the year before, a complaint from the Halibut Commission, that while they had made certain recommendations to the Dominion Government looking to just such an enlargement of their powers as is proposed now, no action had been taken by the Government.

Hon. Mr. DANDURAND: I think the honourable gentleman is in error. This treaty was confirmed in November, 1924; so the three-year period would bring us practically into 1928; not 1926.

Hon. Mr. TAYLOR: I stand corrected to that extent. The treaty was made in 1923, and the honourable gentleman said that there was a report at the end of the three-year period. My primitive arithmetic would indicate that the end of that three-year period was in 1926.

Hon. Mr. DANDURAND: The treaty was confirmed in November, 1924, and the report was submitted in the fall of 1927.

Hon. Mr. TAYLOR: But the fact remains that a year or two ago the Halibut Commission complained that their report to the Dominion Government, asking for such enlargement of powers as is proposed now, had not been acted upon. Action has been taken only after the lapse of two years. I find in this treaty a provision that the Halibut Commission are to report from time to time. That, of course, is very indefinite. It is not as if they were engaged in a work in which time is of no importance. The facts are that for several years past, and before the appointment of this Commission, the halibut on the banks of British Columbia have been in danger of absolute extinction; that the bulk of the fish that are caught there have not spawned; that halibut are not permitted to remain on the banks long enough to reproduce themselves, and that our capital has been diminishing by enormous strides year by year. Side by side with this situation is the fact that the Halibut Commission, which this Parliament hoped would take quick action with a view to obviating these appalling conditions, have been prevented from doing any real good because of the inertia of the Department of Marine and Fisheries. According to the statement of the honourable leader of this House, it is more than two years ago that the Department received the recommendations for the taking of precautionary measures such as set out in article 3 of the treaty now before us.



It cannot be too strongly emphasized that the halibut are actually disappearing. It is not a matter of speculation or theory that each year the halibut fishery is being destroyed. We are diminishing our capital in the British Columbia waters and making it more difficult, if not impossible, to restore it within the present generation.

I should like to be informed what becomes of the reports that the Commission make from time to time. They do not appear to get before the public. I have before me the latest report published by the Department of Marine and Fisheries, for the year 1928-29. In it there is only one page devoted to the International Halibut Commission. We are told, by way, I presume, of a summary of the work of six years, that this Commission has laid what it believes to be a secure foundation for carrying on adequate future observation. I leave it to honourable gentlemen who are familiar with conditions in British Columbia to say whether all we have a right to expect from an International Commission in existence six years is a set of figures.

We are told a little further on in the report:

> It has been shown that the stock on the banks, particularly in British Columbia waters, is relatively stable, but this stock in British Columbia waters is largely immature and it has been found that the more mature halibut population in the gulf of Alaska is more migratory.

As the report says, the halibut on the British Columbia banks are largely immature. Yet the Government allow the waters to be fished, notwithstanding that every netful of halibut that is caught diminishes the possible chances of ever bringing about more satisfactory conditions.

Another significant paragraph in the report:

> In connection with this phase of the work it would seem that the migration of those fish which are of a size suitable for the commercial fishery is of primary importance. It is by the depletion of those sizes that the ill-effects on the fishery have been produced. It follows that action to conserve the different stocks in these areas, so that each such stock will yield its quota of eggs, should serve the immediate purpose of conservation.

We are also told in the report:

> With a view to determining the relative amount of spawn, and to make sure that spawners were actually absent from British Columbia waters—

That is what I have said, that spawners have ceased to frequent the banks of British Columbia. That is confirmed in this official report by these words, which I will repeat:

> —and to make sure that spawners were actually absent from British Columbia waters, where it had been impossible to find any considerable

stock of spawning fish, a series of hauls with silk plankton nets were made in these waters, where the persistence of the fishery has seemingly been due to extensive drift of eggs and larvae.

I have spoken several times in this House, even though it was tilting against a windmill, of the absolute necessity of organizing a Department of Fisheries at Ottawa under a responsible Minister. I have always entertained the hope that with a responsible Minister in charge we should be able to get some results from the efforts of all the commissions which, in the absence of Government, have been in control of British Columbia fisheries. This year the estimates that were brought down in another place contained an item for the salary of a Minister for a separate Department of Fisheries. There have been various reports as to how it is intended to fill the position. One report says that a distinguished scientist will be the new Minister, and on the other hand it is stated that possibly a politician of the Maritime Provinces, equally distinguished, will get the appointment. But we have seen no indication that it is intended that the new department shall take a business-like attitude towards the British Columbia fisheries.

It may perhaps be said that investigation by the distinguished scientist who has been named as the probable Minister would likely be productive of results. What is the record? Since the inception of the Halibut Commission, until a recent period, it has had a distinguished scientist making reports on the life and habits of halibut. Prior to the time the Commission engaged his services and made them the main feature of their operations, that gentleman, who is a real authority on the subject, had already put into print, on the records of the British Columbia Government, a complete story of his observations on the habits of halibut and a statement of the steps that were necessary in his opinion to prevent the extinction of the industry. That report was made by him to the British Columbia Government nearly twenty-five years ago. Not only did this gentleman make official reports to the Provincial Government, but he was so impressed with the necessity of arousing national attention to the present state of the halibut fishery that he delivered before the Royal Society of Canada an elaborate paper, which was discussed by men of culture and scientific training who are members of that society. Yet we find that during the six years the Halibut Commission has been in existence it has confined its activities to securing from this distinguished scientist a repetition of the reports that he made to the Government of British Columbia and to the Royal Society of Canada, and nothing has been done with his recommendations. There has been no other action whatever.

We spend on the International Halibut Commission $36,000 a year, a sum which is trifling in comparison with the value of the industry. Although far less than one-half the quantity of halibut that is brought into Prince Rupert is brought by Canadians, the industry produces for Canada annually about $3,000,000. The annual value is steadily declining, while the catch is being secured at higher cost. A few years ago a fisherman went out only one hundred miles from land, but now it is necessary to go a distance of about twelve hundred miles in order to find new banks to exploit. So little interested are we in the Commission on which we spend $36,000 a year that the names of the commissioners are not printed in the annual report of the Department. One would think that the departmental report would contain a statement signed by the commissioners; that is, if they report to the Department. In the latest annual report of the Department of Marine and Fisheries, for the year 1928-1929, according to the index, there is no reference whatever to halibut or the Halibut Commission, except a single page written by the Deputy Minister, from which I have read extracts.

Some two or three years ago I saw a report from the Halibut Commission. But why have they been silent since? Is it because they have been discouraged by the Government? The impression that I have got is that the Commission were anxious to render really worth-while service, but the Government, for want of a responsible Minister of Fisheries, have allowed the industry to be gradually ruined.

I do not desire to discuss in detail the Salmon Treaty, which will no doubt be presented to us, but I should like to say that under it we are giving up Federal control of the salmon industry to a Commission on which the Americans have equal representation. That control will be taken out of the hands of Parliament, as was done in connection with seals. We made a treaty for ten years to give Americans the exclusive control of the seal fishery. What has happened? It is fourteen years since the treaty was made, but the Government apparently have taken no action to protect the industry. As any honourable member may discover by going into the Library and reading the reports of the United States Department of Trade and Commerce, the American seal herds have increased, notwithstanding the extensive killing, to the extent of well over a million dollars for the

American people. Although we are supposed to have a fixed interest in the seals, we get only a small proportion—I think it is one-fifth—of the value of the seals killed, which in the year covered by the report in my hands came to only $73,000. What did the Department of Marine and Fisheries report concerning the seals? There are in this report of about 300 pages but five words chronicling the fact that our rake-off from Washington on the seals was $73,000.

Would anyone be surprised that there should prevail in British Columbia the feeling that our fisheries, constituting half of the entire fisheries of Canada in value, are not receiving proper attention? If I am permitted, I shall ask for certain specific information later. That is all I have to say at present.

Hon. Mr. DANDURAND: From the remarks of my honourable friend I gather that his indictment of the Department is based on its alleged dilatoriness. It does not seem to me that I can draw the conclusion that the honourable gentleman is opposed to this convention.

Hon. Mr. TAYLOR: No, certainly not.

Hon. Mr. DANDURAND: Then it is a question concerning the Department's administration of the important fisheries on the Pacific coast.

I want to say that for a number of years I was in the same state of mind as my honourable friend. I remember meeting the right honourable the junior member for Ottawa (Right Hon. Sir George E. Foster) in London about twenty years ago and telling him of impressions I had gathered during my first twenty-five years' experience in public affairs. From 1878 to 1896 my party was in opposition, and I spent those eighteen years in criticizing the Conservative administration or listening to criticism—pretty severe at times—of its actions. I had really come to believe that I came of a better clay. To my mind there was some inferiority in the Tory party, for I had never heard a good word uttered in their favour in my vicinity, nor read it in the press. I was telling my right honourable friend that after ten years of Liberal administration I was beginning to regard with more consideration and esteem my political opponents, who had borne the responsibility of office during the previous eighteen years. My honourable friend from New Westminster (Hon. Mr. Taylor), if I am not mistaken, is a journalist, and has had a very brilliant career as such in the East as well as in the West. His mind is probably biased, as mine was during the eighteen years I have referred to, and he is critical.

Criticism is very much easier than action. My honourable friend complains of dilatoriness in the administration of the treaty and thinks that we have been negligent of the interests of Canada in this respect; but he must not lose sight of the fact that these fisheries are on the high seas and do not belong exclusively to Canada. He must remember that citizens of the United States have the right to fish in these areas and that consequently, if something has to be done in connection with the control of these fisheries, it can be done only by the joint action of the Government of this country and the Government of the United States. I do not think the present Government of Canada can be accused of subserviency to Washington in entering into an agreement with the United States for the purpose of protecting these fisheries. As to the delays of which my honourable friend complains, if he were absolutely au fait he would probably recognize that they are due to dilatoriness on the part of the United States. Very often during my occupancy of my present position I have found upon meeting officials of various departments, in committee, that suspicions and criticisms were groundless. As the subject now under consideration is a very broad and important one, I would suggest to my honourable friend that next session we can take steps to investigate the operations of the Fisheries Department; and I am convinced that when we meet face to face the men who are responsible for the administration of this Department we shall judge them less severely than my honourable friend has done.

Hon. Mr. TAYLOR: I understood that we were to have an opportunity of getting some information about several proposals. I would ask, for instance, what has been done under article 4 of the treaty.

> The High Contracting Parties agree to enact and enforce such legislation as may be necessary to make effective the provisions of this Convention and any regulation adopted thereunder, with appropriate penalties for violations thereof.

Has that been done? And if so, how and where may we find it?

Hon. Mr. DANDURAND: In 13-14 George V, Chapter 61, an Act for the Protection of the Northern Pacific Halibut Fishery.

Hon. Mr. TAYLOR: That provides the regulations and the penalties, does it?

Hon. Mr. DANDURAND: Yes.

Hon. Mr. TAYLOR: Have there been any prosecutions under that? Have there been any violations?

Hon. Mr. DANDURAND: No, there have been none.

Hon. Mr. TAYLOR: None have been observed. Then there is another provision here. I should like to ask whether this is new, and, if it is not new, how it has operated in the past. It is:

It is understood that nothing contained in this convention shall prohibit the nationals or inhabitants or the fishing vessels or boats of the Dominion of Canada or of the United States of America, from fishing in the waters hereinbefore specified for other species of fish during the season when fishing for halibut in such waters is prohibited by this Convention or by any regulations adopted in pursuance of its provisions. Any halibut that may be taken incidentally when fishing for other fish during the season when fishing for halibut is prohibited under the provisions of this Convention or by any regulations adopted in pursuance of its provisions may be retained and used for food for the crew of the vessel by which they are taken. Any portion thereof not so used shall be landed and immediately turned over to the duly authorized officers of the Department of Marine and Fisheries of the Dominion of Canada or of the Department of Commerce of the United States of America. Any fish turned over to such officers in pursuance of the provisions of this article shall be sold by them to the highest bidder and the proceeds of such sale, exclusive of the necessary expenses in connection therewith, shall be paid by them into the treasuries of their respective countries.

Was this in the old convention?

Hon. Mr. DANDURAND: Yes, that was a part of the old convention.

Hon. Mr. TAYLOR: How has it operated? How much has been received from the sale?

Hon. Mr. DANDURAND: There were but one or two boats seized during the closed season. The proceeds did not represent anything of importance. I am informed that the whole industry makes a very special effort to respect that clause of the treaty.

Hon. Mr. TAYLOR: Another section, then, has been a dead letter.

Hon. Mr. DANDURAND: If laws are dead letters because they are not violated.

Hon. Mr. TAYLOR: Can the honourable gentleman tell us how this Halibut Commission operates, what time the commissioners spend on their job, and how they go about it? I have a hazy idea of that, but I should not like to state it authoritatively.

Hon. Mr. DANDURAND: I understand that the Commission has a staff of experts who are working continuously under the direction of the commissioners.

Hon. Mr. TAYLOR: Could the honourable gentleman tell us the names of the commissioners?

Hon. Mr. DANDURAND: The commissioners are Mr. John P. Babcock, Chairman; William A. Found, Miller Freeman and Henry O'Malley. I am surprised that my honourable friend has not the report of the International Fisheries Commission appointed under the Northern Halibut Treaty, which report bears the signatures of those gentlemen.

Hon. Mr. TAYLOR: I was under the impression that those were the commissioners. I happen to know that Mr. Babcock is virtually the whole of the British Columbia Department of Fisheries, and is a very busy officer. Mr. Found, I think, is virtually the whole of the Department of Fisheries here, and is also very busy. How they can represent our interests on an International Halibut Commission having to do with an entire fishery worth $3,000,000 a year, I cannot understand. I think we should have some serious representation.

Hon. Mr. DANDURAND: The Commission is an administrative one. It directs, but does not go out to investigate. It has a staff for that purpose. I am glad to hear from my honourable friend that he realizes that two of the four commissioners are very busy departmental officials. On that score, at all events, they cannot be accused of negligence in the discharge of their duty.

Hon. Mr. TAYLOR: I do not accuse the commissioners of negligence.

Hon. Mr. DANDURAND: Mr. O'Malley is the Commissioner of Fisheries of the United States.

Hon. Mr. TAYLOR: Yes. Mr. O'Malley regularly visits the scene of halibut operations, and is very adequately represented in Alaska during his absence. He is anything but an ornamental commissioner. He is one of the brightest minds in the United States service. The other American Commissioner, Mr. Miller Freeman, of Seattle, is also a frequent visitor to the scene of operations. I do not know how much time Mr. Babcock spends there, but I have seen in the British Columbia statistics the statement that he receives an honorarium of $1,000 a year for his services to the Halibut Fisheries Commission. I leave it to any honourable gentleman who has to do with business to say what kind of service can be expected from a busy officer, situated 2,000 miles from the scene of operations, who

receives an honorarium of $1,000 a year. I think we should have better representation than that with regard to a $3,000,000 industry. I say this without reflecting on Mr. Babcock.

Hon. Mr. DANDURAND: Mr. Babcock is receiving that from the British Columbia Government.

Hon Mr. TAYLOR: What is he receiving from the Federal Government?

Hon. Mr. DANDURAND: Nothing.

Hon. Mr. TAYLOR: Then there is no point in contradicting my contention.

Hon. Mr. DANDURAND: Nor does Mr. Found receive anything.

Hon. Mr. TAYLOR: Then there is another point about the reports. It is stated here somewhere that the Commission shall report from time to time. How often do they report, and what is done with their reports?

Hon. Mr. DANDURAND: Three of the reports of the investigators are now in the press and will soon be ready for distribution.

Hon. Mr. TAYLOR: I take it that that means these reports of statistics?

Hon. Mr. DANDURAND: Reports of investigation, and on the life history of the halibut.

Hon. Mr. TAYLOR: I stated, and it has not been commented upon, that the gentleman who is the chief scientific investigator had already made two reports on the life history of the halibut before he joined this Commission. If the Commission have confidence in him, why have they not acted on his previous reports?

Hon. Mr. DANDURAND: I am told that the reports to which my honourable friend alludes were but preliminary works, and that the reports he is now making are far more scientific and accurate.

Hon. Mr. TAYLOR: But they confirm the general statement. For instance, I read here a sentence from the report of our own Deputy Minister, which says that spawning fish have disappeared from the British Columbia banks. They must have disappeared a long time ago, for he is dealing with reports that are two or three years old. What have we done about it?

Hon. Mr. DANDURAND: It is easy to make general statements and to conclude that there has been a depletion of the halibut fisheries, but the minute investigation is necessary for the purpose of finding a remedy for this depletion.



Hon. Mr. TAYLOR: I object to the imputation that I have made unreliable statements. I have read from the report of the Deputy Minister of Fisheries of this Government. The only statements I have made as to present conditions have been made out of this report. I know as a matter of fact that they are correct, because I have been on the halibut fishery grounds and have talked to people engaged in the industry, who have told me that conditions are simply shocking. They are amazed at the inertia of the Government in not dealing with the situation.

Hon. Mr. DANDURAND: Of course one might get such impressions from fishermen individually, but I think that if my honourable friend desires to inquire directly from responsible representatives of the Department he will have the opportunity of doing so next session.

Hon. Mr. WILLOUGHBY: I think it would be well for us to follow the suggestion of the honourable leader of the Government (Hon. Mr. Dandurand) by referring the question to a special committee next session. The matter is complex to most of us.

Hon. Mr. DANDURAND: I think that whenever any honourable member feels that it would be useful to have a committee to consider any department, the appointment of such a committee can be secured.

The resolution was reported.

The motion of Hon. Mr. Dandurand for the adoption of the resolution was agreed to.

## AMENDMENTS TO BRITISH NORTH AMERICA ACT

### JOINT ADDRESS TO THE KING

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Dandurand that the Senate unite with the House of Commons in an Address to His Most Excellent Majesty The King, praying that he may graciously be pleased to give his consent to submitting a measure to the Parliament of the United Kingdom to amend the British North America Acts, 1867 to 1916.

Hon. R. DANDURAND: This debate was adjourned because of an inquiry made by the honourable member from South Bruce (Hon. Mr. Donnelly) as to the procedure adopted by the Federal Government in the transfer of the natural resources to Manitoba, Saskatchewan, Alberta and British Columbia. The honourable gentleman desired to know whether it was not necessary to consult the other five provinces and secure their approval of the agreements that were made. After

examining into the Bills that have been passed by this House to authorize the transfer, I have come to the conclusion that it was not necessary to consult the other provinces.

At the Dominion-Provincial Conference, held about two years ago, claims were made on behalf of all but two provinces, Ontario and Quebec, for better terms from the Federal Government. After the various claims had been discussed the responsible representatives of those two great provinces declared that they had no objection to the Dominion of Canada giving such treatment as it deemed fair and proper to the western and the eastern provinces, and that so far as Ontario and Quebec were concerned, they would make no counter claim for compensation as a result of any benefits that the other provinces received. It was virtually a love feast.

With regard to the question whether any of the provinces have the right to be consulted in certain matters affecting the Dominion and other provinces, I desire to say that in these present instances there is no necessity for consultation with the provinces not directly interested. The Province of Manitoba was created by Act of the Canadian Parliament under authority given in section 146 of the British North America Act. British Columbia was taken into the Union by virtue of the same clause. The Parliament of Canada considered that this clause gave it full power to act as it did with regard to those two provinces. Doubt was expressed in some quarters as to the right of Parliament to grant a constitution to any of the provinces, particularly to Manitoba. In order to remove the doubt as to whether the Parliament of Canada was on solid constitutional ground in creating the Province of Manitoba and granting it a constitution, special powers were sought the following year from the Imperial Parliament. The British North America Act was amended by an Imperial Act on the 29th of June, 1871. The amendment conferred upon the Parliament of Canada the right to establish new provinces in any territories forming for the time being part of the Dominion of Canada, but not included in any province thereof. It also contained a clause confirming the act of the Canadian Parliament in creating the Province of Manitoba. The British North America Act, section 146, and the amendment of 1871, gave to the Dominion of Canada the power to constitute and organize provinces. Under this authority the Federal Government could have given to Manitoba, Saskatchewan and Alberta the very powers that are now being handed to them by the measures passed at this session. Instead of doing this, Parliament retained control over the natural resources of the Western Provinces. Now it is held that the Parliament of Canada, having exercised its power to create and organize the Western Provinces, has no further power to amend the constitution of the provinces unless authority is secured from the Imperial Parliament.

Hon. Mr. GRIESBACH: May I interrupt the honourable gentleman to ask whether the Acts of the Parliament of Canada creating the provinces of Alberta and Saskatchewan in 1905 were later approved by the Imperial Parliament?

Hon. Mr. DANDURAND: I can answer that in the negative. Because one's memory may be faulty on a matter of that kind, I have made inquiries and verified my recollection. There was no confirmation by the Imperial Parliament of the charters given by the Parliament of Canada in 1905 to Saskatchewan and Alberta. Those provinces were created by virtue of the powers given to the Dominion Parliament in section 146 of the British North America Act of 1867 and the amendment of 1871.

Hon. Mr. GRIESBACH: Would the honourable gentleman state what is the difference between the legislation of 1905, which did not require sanction by the Imperial Parliament, and the present legislation, which apparently does?

Hon. Mr. DANDURAND: The honourable gentleman will realize that section 146 of the British North America Act, and the amendment of 1871 which confirmed the power to create Manitoba, were sufficient to enable the Dominion Parliament to constitute the provinces of Saskatchewan and Alberta. When the Canadian Parliament had created those provinces and given them their charters, it could not change any of the provisions in those charters, or modify them in any way, without the sanction of the Imperial Parliament. It is because we have not the power to change the constitutional Acts which created those provinces that we must apply to the Imperial Parliament now.

Hon. D. O. L'ESPERANCE: Honourable senators, before the motion is put, I should like to ask the honourable leader a question. He said a moment ago that at the Dominion-Provincial Conference there were claims made for better terms on behalf of all the provinces but two, Ontario and Quebec. Within the last two or three years a very important judgment relating to the Province of Quebec has been rendered by the Privy Council on the La-

brador question. According to the calculations that have been made, Quebec has lost somethink like one-quarter of a billion dollars, if not more. Has Quebec made no claim for compensation for that loss?

Hon. Mr. DANDURAND: The Privy Council simply decided that the ownership of a certain area was vested in Newfoundland and it did not belong to Canada. No claim can be set up for compensation for a loss that has not been sustained. Canada laid claim to that area, but it was decided that Canada never had jurisdiction or authority over it, or proprietorship in it.

Hon. Mr. L'ESPERANCE: It was understood, at least, that Newfoundland claimed the coast, and especially the fisheries; but the judgment of the Privy Council went very much further and gave Newfoundland a tremendous territory that it never claimed. This additional territory, as I understand it, is extremely valuable. Men who are supposed to know have estimated its value at about one-quarter of a billion dollars. I was rather surprised, therefore, to hear the honourable leader say that Quebec was perfectly satisfied and was making no claim for the loss sustained.

Hon. Mr. DANDURAND: I did not say that Quebec was satisfied with the decision of the Privy Council, and I had not that decision in mind. I may inform my honourable friend that the contention of the parties related to the boundary line between Canada and Newfoundland, and to the Order in Council which granted the coast to Newfoundland, I think, in 1763. The Privy Council was asked to decide what the "coast" meant and how far it extended. Any layman, and probably most members of the legal profession who had not examined the question very seriously, would have thought that the "coast" did not comprise a very wide area; yet the Privy Council decided that the word "coast" meant all that part of the territory extending to the Height of Land. Newfoundland always claimed jurisdiction over a larger area than Canada admitted she was entitled to, and the Privy Council sustained the claim of Newfoundland. The effect of the decision was retroactive to 1763. It was simply a declaration as to where the line of division was to be drawn. It was an interpretation of the Order of the King in Council in England.

Hon. SMEATON WHITE: I think it is only fair to mention to my honourable friend (Hon. Mr. L'Espérance) that more than forty years ago, in explaining the boundary claimed by Newfoundland, the Rev. Moses Harvey, who lived in St. John's, Newfoundland, and who was very well known there as a student of history, submitted correspondence and a map to prove the claim made by Newfoundland at that time to the territory of Labrador. Of course we did not admit that claim. It is a remarkable coincidence, however, that the boundary shown in the map submitted about 1886 or 1887 was almost identical with that set out in the judgment rendered by the Privy Council.

Hon. Mr. BELCOURT: My honourable friend will permit me to add that the Labrador controversy was not between one province of the Dominion of Canada and another, but between two British Dominions, Canada and Newfoundland. This being so, the case is not parallel with the one with which we are now dealing. Assuming that Quebec did suffer a loss, it could not urge against Canada any claim, moral or other, for compensation for the loss of territory, because it was not Canada's fault that that territory was declared to belong to another country.

Hon. Mr. L'ESPERANCE: I am not imputing the fault to anybody, but the fact remains, and nobody can deny it, that through that judgment Quebec was deprived of territory.

Hon. Mr. DANDURAND: No. Quebec was not deprived of the territory; it was deprived of a claim to that territory.

Hon. Mr. L'ESPERANCE: At any rate I am informed by very prominent counsel that Newfoundland never contended for as much as was granted, and that Newfoundland was surprised at the judgment of the Privy Council giving that Dominion territory it had never claimed. Therefore it seems to me that Quebec was well within its rights in thinking—if I may put it this way—that to her belonged the territory given to Newfoundland, and that by reason of the loss she is poorer to-day by about 250,000,000. Whether it is the fault of someone in Canada or someone elsewhere is a question that I do not wish to argue. In view of the fact that Quebec is poorer by about one-quarter of a billion dollars, I am surprised to hear that Quebec declared, with Ontario, that she was perfectly satisfied.

Hon. Mr. DANDURAND: My honourable friend must not forget that the conference held in Ottawa took place prior to that judgment of the Privy Council; so the Government of Quebec could make no claim against the Federal Government as a result of that judgment. But I would emphasize the fact that the Privy Council declared that neither Quebec nor

the Dominion of Canada had a title to the property, but it was vested by the Order in Council in Newfoundland. As the Privy Council so decided, and as it is the supreme tribunal, all I can say is, dura lex sed lex.

Right Hon. Sir GEORGE E. FOSTER: Honourable members, now that the lawyers have had their fling—and they were so ambitious that they could not confine themselves to parallel cases, but had to go outside for an extra subject in order to display their versatility and legal lore—perhaps a layman may be permitted to voice his satisfaction that this matter was laid over last night, and that we have had the benefit of this morning's experience, which to my mind is quite satisfactory. Virtually all the provinces of the Dominion partook of what my honourable friend (Hon. Mr. Dandurand) has called a love feast. At the feast there was provender. That it was a love feast I am not quite so sure, but if my honourable friend vouches for the statement I am prepared to accept it. In any event, the representatives of all the provinces were together discussing rights, resources, concessions, and such matters. The provinces with claims advanced them for consideration, and two provinces, Ontario and Quebec—the large men at the conference—had no objection to the claims, but were sympathetic towards them, and there was a virtual consensus of opinion. I think that is warrant enough for an answer to the question whether there was a general conference or a general agreement. As the rearrangements now under consideration have been made upon the basis of the agreement manifested at that conference, we cannot reasonably expect any objections to come from the two provinces I have named. In fact, their attendance at that conference and its agreeable termination remove all objection. This answers my query, and for myself I am very glad to have had the answer placed on record.

Hon. J. J. DONNELLY: Honourable members of the Senate, after listening to the discussion last night and this morning, I am still of the opinion that there is a well defined understanding that the British North America Act should not be amended without the consent of the different provinces. I think, however, that as this matter has been very fully advertised and discussed throughout the country, and as none of the provinces have offered any objection, we might very well take their silence as consent. I raised my point not for the purpose of delaying the legislation now before the House, but rather that it might go on record that this procedure should not in the future be taken as a precedent for amending the British North America Act without the consent of all the provinces. I am still of the opinion that this Parliament would not be justified in asking the Imperial Parliament to make any amendment to the British North America Act if any one province went on record as being opposed to the amendment. So far as I am concerned, I am glad that I raised the objection, because it brought out the information which I desired when I raised it.

The motion for the Address was agreed to.

Hon. Mr. DANDURAND moved:

That a message be sent to the House of Commons to acquaint that House that the Senate have passed the said Address to His Most Excellent Majesty the King.

The motion was agreed to.

## ADDRESS TO HIS EXCELLENCY THE GOVERNOR GENERAL

Hon. Mr. DANDURAND moved:

That the following Address be presented to His Excellency the Governor General:

To His Excellency the Right Honourable Viscount Willingdon, Knight Grand Commander of the Most Exalted Order of the Star of India, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Grand Commander of the Most Eminent Order of the Indian Empire, Knight Grand Cross of the Most Excellent Order of the British Empire, Governor General and Commander-in-Chief of the Dominion of Canada.

May It Please Your Excellency:

We, His Majesty's most dutiful and loyal subjects, the Senate and of Canada in Parliament assembled, beg leave to approach Your Excellency with our respectful request that Your Excellency will be pleased to transmit our Joint Address to His Most Excellent Majesty the King, praying that His Majesty will be graciously pleased to submit a measure to the Parliament of the United Kingdom of Great Britain and Northern Ireland to amend the British North America Acts, 1867 to 1916, in the manner set forth in the said Joint Address; in such a way as to Your Excellency may seem fit, in order that the same may be laid at the foot of the Throne.

The motion was agreed to.

Hon. Mr. DANDURAND moved:

That the Honourable the Speaker of the Senate do sign the said Address on behalf of the Senate.

The motion was agreed to.

Hon. Mr. DANDURAND moved:

That a message be sent to the House of Commons to acquaint that House that the Senate have passed an Address to His Excellency the Governor General: praying His Excellency to transmit our Joint Address to His Most Excellent Majesty the King relative to a Measure to be submitted to the Parliament of the United Kingdom of Great Britain and Northern Ireland to amend the British North America Acts, 1867 to 1916, in the manner set forth in the said Joint Address; in such a way as to His Excellency may seem fit, in order that the same may be laid at the foot of the Throne; and to desire their concurrence to the said Address.

The motion was agreed to.

At one o'clock the Senate took recess.

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The Senate resumed at 3 o'clock.

## LEAGUE OF NATIONS SOCIETY

### DISCUSSION CONTINUED

The Senate resumed from May 22 the debate on the motion of the Right Hon. Sir George E. Foster:

That he will draw the attention of the Senate to the progress and present position of the League of Nations Society and the participation and standing of Canada therein.

Hon. R. DANDURAND: Honourable senators may remember that when the right honourable the junior member for Ottawa (Right Hon. Sir George E. Foster) addressed the House on the activities of the League of Nations and Canada's relations with the League, I was prepared to follow him, but a desire was expressed for a more general participation in the debate; so I postponed my remarks. On reading the very interesting discussion which ensued, I have set aside the notes I had prepared. I need not name my honourable colleagues who participated in the debate, but I believe it is safe to say that in no other Parliament has there been a discussion on this subject more interesting, or richer in material and in thought. Seeing the ground so thoroughly and so brilliantly covered, I felt somewhat doubtful as to the advisability of rising to take part in the discussion, but as some members of the Senate had suggested that the debate should remain open in order that I might relate to this Chamber some of my experiences at Geneva, I decided to take advantage of the opportunity and to speak of my personal observations during the seven years that I have attended the sittings of the League of Nations.

When I look back over that period I find much reason for consolation and hope in the fact that the tension among the representatives of European nations is now removed or relaxed. In 1924, when I first became connected with the League, a great cloud hovered over Europe: it was the problem of unsettled reparations. Germany seemed unable to meet, even partially, the claims of the Allies. Allied troops had crossed the Rhine and taken possession of Dusseldorf, Ruhrort and Duisburg, and a year later had moved into the Ruhr. Germany was undoubtedly in a sullen mood, France was exasperated, Austria collapsing, and Hungary unresigned. Poland and Germany were at daggers drawn over the partition of Upper Silesia and the League's administration of Danzig, which had become a neutral port, under the influence of Poland. The "Corridor" was something to which the Germans had declared they would never submit. German minorities in that part of Poland which Germany had annexed 175 years ago were complaining bitterly of the application of agrarian reform by Poland, and the feeling prevailed that only her impotency prevented armed resistance by Germany. On the annexation of Vilno, Lithuania closed its borders to Poland and was in a state of siege. Valdemaras, the dictator of Lithuania, was seizing every opportunity to show the ire of its people. Poland was confronted with the Ukrainian problem, which was a very difficult one indeed. Galicia had been annexed to Poland without the consent of the people, and by force, and the Ukrainians there were complaining bitterly. They were a people of at least five or six millions; they claimed to number even eight millions. There were other Ukrainian groups in Roumania and Czechoslovakia, besides the 12,000,000 in Sovietic Russia. Czechoslovakia had its own problems. It had quite a large block of Germans, who showed their dissatisfaction in many ways, and towards the south-eastern end of Bohemia it had a group of Carpathian Russians. The Serbs and Bulgars were shooting at each other across the border in Macedonia, and on the frontier of Serbia and Albania something similar was taking place. Greeks and Turks were being exchanged by hundreds of thousands under the Lausanne Treaty, and the refugees were suffering all the miseries that follow in the wake of such a migration. Greeks and Bulgars were confronting one another on their borders, and some difficulties existed between the Greeks and the Albanians.

Besides the difficulties over the administration of the city of Danzig and the complaints in that respect, the Council of the League was concerned with the supervision of the Saar

district, which was under its administration. Throughout Europe there prevailed a spirit of unrest, of fear, and of hatred. Anyone passing through the countries of Europe or meeting their representatives at Geneva could not but be aware of this condition.

That was seven years ago. Since then the situation has changed considerably for the better. The reparations problem has been settled. Not only have the troops of the Allies been withdrawn from the Ruhr and the Rhine, but by the end of June they will have disappeared completely from German territory. Franco-German relations are slowly but surely moving towards normalcy. Austria has been revived through the financial help of the League of Nations. Hungary, which was the only country to repudiate openly the treaty she had signed, has during the past twelve months become somewhat more tractable. The German-Polish situation also has been improving. During the last six months there has been a noticeable relief of the tension which existed between those two nations. The Danzig situation has been brought practically to normal.

The city of Danzig brought before the Council many objections against the Polish regime and Polish supervision, and appeals were also made to the Permanent Court of International Justice. Gradually these difficulties have been removed, and at the last two sessions of the Council there was no Danzig problem to be considered. The people of Danzig, perhaps ninety per cent of whom are German, are accepting the new situation. They realize that their port can flourish only with Polish support, that they are fed by the exports and imports of Poland and that they cannot hope for prosperity unless they accept the treaty and the patronage of Poland.

Since Valdemaras has been dethroned as dictator, the Council has not heard from Lithuania. One of the sights of the Council meeting was to see the Prime Minister Valdemaras addressing the members—a little man with the head of a bulldog, speaking French with difficulty, but always succeeding in finding the cruelest expression to direct against his arch enemy, Poland. I do not know whether the Lithuanians have gradually withdrawn their troops from the frontier and are permitting some freedom of movement from one side to the other. I doubt that they have done so. A Pole told me that there was a deep reason behind the persistence of the Lithuanians in refusing to have anything to do with Poland by post, telegraph, railway, or road, and for acting as though there were a state of war between the two countries. My informant said that the Lithuanians number only about one million and a half and they are fearful of economic absorption through the penetration of their country by the large mass of Poles on their border. As honourable members probably know, Vilno was seized by the Poles after the Russians were defeated. The Poles claim that although Vilno is the old capital of Lithuania, it does not contain more than 10 per cent of Lithuanians. In the last two or three elections in that city, which have been held under a system of proportional representation, Vilno did not return one Lithuanian. The Lithuanians have a grievance because they lost their capital and they were compelled to fall back upon the city of Kovno. When they realized that they had lost Vilno, they invaded Memel and they were awarded that by way of solatium by the conference of ambassadors. I think that time will gradually bring about a reconciliation between Poland and Lithuania.

Poland seems to be moving towards a better understanding with Germany, but it still has the Ukrainian problem to solve. The Ukrainians form a large block. Their capital is the old city of Lemberg, now called Lwow. They have a solid delegation of members of parliament and senators at Warsaw. Some time ago the League received a petition from twenty-six members of the parliament of Poland and six or nine senators, who complained against the school system that had been imposed upon them. They stated that when they were under the authority of Austria they had 2,600 Ukrainian schools, which were administered by the people of their own country and in which their own language was taught. Their grievance is that the Poles have transformed 2,000 of those schools into what they call Utraquistic schools—meaning bilingual schools. The teachers are mostly Poles who know very little of the Ukrainian language. I have talked many times with representatives of Poland about that situation, because it seems to me that the district concerned is one of the corners of Europe that need the attention of those who gather at Geneva for the purpose of maintaining the peace of Europe. The Poles state that the law establishing bilingual schools was passed unanimously by their Parliament. In my opinion the principle may have been acceptable, but its application has not been satisfactory to the Ukrainians. I volunteered the suggestion, based on experience that has been gained by this country in the settlement of school disputes during the last sixty years, that the Ukrainian problem could be settled

by the establishment by Poland of normal schools in the Ukraine, where teachers would be given an efficient bilingual course. I think there is an inclination among those who dominate public opinion in Poland to endeavour to solve that problem, which is agitating such a large portion of their population. I hope that Poland will succeed in overcoming this difficulty, and I am sure it will if it applies itself to the question energetically. It has worked wonders in other directions in the last ten years. An agrarian reform law has been passed there, whereby peasants who were working farms under lease have become owners of the land.

I should like to review briefly the situation that existed after 1918 throughout Eastern Europe. The Soviets were in power in Russia and were carrying on a campaign in favour of their Communistic ideas, which had such an influence on bordering countries that they too felt the necessity of transferring the ownership of lands to peasants. In the Baltic states of Esthonia and Latvia, and in Poland, Roumania, Czechoslovakia and Serbia, laws were rapidly passed to provide for the purchase by expropriation of large estates and the division of them among the peasantry. As a consequence, there arose a very formidable financial situation in many countries. When the expropriations were made the purchase price was not paid, but the State gave its obligations for the capital sum and paid the interest to the former owners; and, in turn, the State sold on long terms to the farmers and received from them interest which went to the late owners.

The situation became particularly acute in Transylvania, which was one of the richest provinces of Hungary. At the close of the war there were 1,200,000 Hungarians and 1,600,000 Roumanians in Transylvania. The numerical majority in that part of the country under Hungarian rule were the political minority. Transylvania and Bukovina, as well as Bessarabia on the other side of the Carpathian Mountains, were transferred to Roumania. The Magyar families, the nobility of Hungary, who lived in Budapest, lost the large estates which they had in Transylvania, and, to make matters worse, the lei—the unit of Roumanian currency, corresponding roughly to a franc—gradually depreciated in value to one cent. When the expropriation was going on and payments were being fixed, the former owners thought they would not have a very serious complaint, but when they found that not only were they losing their political power over that province, but in addition they were being paid for their expropriated estates on the basis of one cent in the franc or lei, they began to protest to the League of Nations. For the last five or six years there have been violent discussions on the right of the expropriated Hungarians to be paid in gold for their lands. Their champion was Count Apponyi, one of the most brilliant men in Europe. He has visited Canada more than once, and I knew him in his prime, some thirty years ago. The claim of the Hungarian optants was discussed by every university professor versed in international law.



This trouble, which seriously affected the relations between Roumania and Hungary, has at last been settled, and Hungary seems satisfied. We shall hear no more of the grievances of the Hungarians because of the expropriation of thousands of hectares of land in Transylvania.

I stated that the reparations problem had been settled. It has been settled not only between Germany and the Allies, but also between Austria, Hungary and Bulgaria, the defeated countries, on the one side, and Czechoslovakia, Roumania and Serbia on the other. The great powers—Great Britain, France and Italy—have agreed to some monetary sacrifice in order to bring about a settlement which would satisfy that section of Europe.

Czechoslovakia had two problems, one of which has been settled in a most happy way. It had a large block of Germans—some two millions, if my memory does not fail me. They were asked to participate in the Government, and two or three representatives of the German minority were called into the Cabinet. The situation was a dangerous one, because those Germans were in close proximity to Germany; but now they have decided to act in harmony with the Czechoslovakians.

There still remains to be settled the problem of the Carpathian Russians, who, under the solemn terms of the treaty, were promised their autonomy by Czechoslovakia. That promise has not yet been implemented. The Czechoslovakian authorities feel that the first thing to do is to give these people schools and teachers and raise the level of education in that regard. At every session of the Council and of the Assembly members receive violent protests from the Carpathian Russians, and requests for the application of the treaty that guaranteed them autonomy. This is one of the problems that still remain to be solved.

If you were to accompany me through the Balkans, you would realize at once that the

problems were not easy of settlement. The frontier between Serbia and Bulgaria has been very closely watched. Until lately people passing from one country to the other, except at certain indicated points situated three or four miles apart, were apt to be shot. A man owning one farm on one side of the line and another farm on the other side, or a farm extending on both sides of the boundary, and desiring to pass from one side to the other, would have to walk down perhaps six miles to the place of crossing and then back again, or else run the risk of being shot. This brought about a situation of which we heard very painful echoes at Geneva in the form of petitions from the Bulgarian minority calling attention to what they designated as assassinations. We had to decide whether they were to be classified as assassinations or frontier incidents. I have had occasion to examine such cases, because I have sat with many Committees of Three in an endeavour to place the responsibility. The situation became so exasperating that there were complaints from very many quarters. The two countries have now established a Commission to try to regulate the movement of people across these boundaries so that their lives may not be endangered. A similar situation existed between the Serbs and the Macedonians.

This will indicate, honourable gentlemen, what is involved in the question of minorities in Europe, and what a disturbing element it constitutes. Some twenty-five millions of people are living away from their native countries. Their protests against unfair treatment have a natural repercussion in their motherlands. That is one of the great difficulties which beset the League of Nations. Committees of Three are constantly being appointed to investigate the complaints of the minorities. In this connection I may say that during the term of Canada's representation on the Council, which will end in September, she has made a very considerable contribution towards the settlement of this very grave problem, which affects a dozen or more of the countries of Europe. In eight or nine treaties creating autonomous units or increasing the areas of countries certain conditions were imposed as to the treatment of minorities. It was quite natural that the Allies, when transferring a province with a large population to another country, thus making them a minority, should extend to them their protection in the matter of their religion, their language, and their schools. The same clause was repeated in each treaty. When the treaties were examined it was held by legal experts that the minorities had been given no juridical personality and were not entitled to bring their grievances before the Council. Only a member of the Council could bring to the attention of the Council any violation or threat of violation of the obligations imposed by the treaties in favour of minorities. It was held that only a State member of the Council could take the responsibility of denouncing another country for violating one of its treaty obligations. The Council felt that this was a heavy responsibility to be assumed by one member, and it was decided that if a complaint came to the Secretariat the President of the Council should select two members, independent of the groups involved, to investigate the complaint. They were appointed, not by the Council, but by the President in office, in order that the responsibility should be shared by three members of the Council instead of one only; but the Council was not apprised of the complaint unless the three members of the committee, or any one of them, took the responsibility of bringing the matter before the Council. If they did not deem it proper to do so, the matter was closed, and there was no publicity whatever.

When Canada's representative came into the Council the important minorities of which I have spoken were convinced that the members of the Council did not interest themselves in the minorities' affairs, and that it was useless to continue to submit petitions, because they were not aware whether or not the petition had been received and a committee appointed, or what had been the result of the investigation. Canada's representative moved for publicity, and for the committee to have the right to turn to the petitioner for any further information that it wanted. Up to that time the minority was supposed to be non-existent so far as the trial was concerned. It was not a party to the trial, but was simply an informant. The question of procedure was brought before the Council, and after study by a committee composed of Sir Austen Chamberlain, the Japanese Ambassador Mr. Adatci, and the Spanish Ambassador M. Quinonès de Léon, a report was made recommending greater publicity and obliging the Committees of Three to report to Council the result of their inquiry.

A very interesting incident occurred at the Madrid meeting in June last. A report was made from the committee recommending that the procedure should be amended to permit of greater publicity, and of the Secretary General corresponding with the petitioners and informing them that their petition was not receivable. The Council was a little disturbed lest it might raise too high the hopes of minorities, as there was always the possibility

that behind complaints there might lie political motives inspired by people who were not satisfied with the treaty imposed upon them. As the amendments did not go as far as the Canadian proposition, I presented the following argument to the Council: "Suppose that all the procedure that we have established for the reception and examination of complaints did not exist, and we had simply the treaty guaranteeing the minorities certain rights, which throws upon every member of this Council the responsibility of transmitting complaints to the Council. Any member of the Council could bring before it any violation, or any threat of violation. If any member received a complaint it would be his duty, because of the amicable relations existing between nations, to transmit it to the Government concerned. The Government might deny the statements in the complaint. Then it would be the duty of the member receiving that denial to turn to the complainant and say: 'Sir, I have received your communication asking me to transmit your complaint to the Council. I have transmitted it to your Government, which answers thus and so, and I must tell you that with that answer in hand I cannot submit your complaint to the Council.' If it is my right and duty to do that, why should I lose that right when I enter a Committee of Three?"

To everybody's surprise, Sir Eric Drummond, the Secretary General, who bears the whole responsibility for the procedure in these matters, said: "There is certainly a misunderstanding. The Committee of Three has always had that right." In many instances, I may say, it had been denied to me. He said, "Committees of Three have the right to correspond with the petitioner." I had stated that I intended asking the Council to declare that a Committee of Three has always the right to apply to any source of information, without exception, in order to be enlightened. Sir Eric Drummond answered: "It has that right, and within my experience has exercised it." Mr. Briand turned to me and said, "If that is so, you need not press your proposition to a vote, since you have full satisfaction." The reply of your delegate was, "If that is the understanding of the Council I will not insist." Thus the right to apply to minorities for further information was officially recognized by the Council.

Now, what has been the effect of this intervention of the Canadian delegate? I asked a very high authority in the Secretariat what was his opinion as to the modification in the procedure. He answered it had been most beneficial, because the whole discussion had created considerable interest throughout Europe and had given the Council a chance to show that it was seriously interesting itself in the questions that were submitted to it by the minorities. Moreover, the Committees of Three, having to prepare a statement of their reasons for not submitting the complaints to the Council, give a much closer attention to the matters presented to them by the Minority Section of the Secretariat and to the whole record placed before them. I have the satisfaction of feeling that your representative in the Council has not laboured in vain.

I said that Germany seemed to have recovered some of its old time optimism and to have settled down earnestly to work out its salvation under the Young Reparation Plan. Of course we often hear the question asked, whether Germany will meet its obligations after the troops have withdrawn from the Rhine. I am convinced that the debt which has now been imposed upon Germany is one that it can meet. The amount is far less than that provided under the Dawes Plan, and unless Germany wishes to run the risk of falling into a financial abyss, it will meet its obligations. Any default by Germany would affect Great Britain, France and the United States, and one can easily imagine how seriously the whole German financial fabric would be affected if that country incurred the ill-will of those three nations.

Furthermore, the Young Plan gives Germany ground to hope for improved conditions—although not in the immediate future. If and when the United States reduces its claims against Great Britain, France and Italy, Germany will benefit to the extent of 80 per cent of that reduction. When M. Poincaré moved for the ratification of the Berenger-Mellon Agreement, by which France bound itself to pay annuities for sixty years to the United States, he was asked if there was any hope of an improvement in the conditions that weigh so heavily upon the French budget. He replied that there could not be any change in the situation, because of a domestic condition in the United States. He said, in effect: "If the people of the United States were asked to agree to a reduction of the annuities that we are called upon to pay, they would have to assume extra taxes to make up the amount of a reduction." M. Poincaré expressed the opinion that the Allies cannot hope to receive any better terms from the United States within the next fifteen years. But after that time, when the bonds have been recalled and the people of the United States are no longer creditors for any part of the capital or interest represented by those debts,

it may be that the United States will feel disposed to deal more leniently with its debtors. Germany foresees that possibility, and provision has been made that she will receive 80 per cent of any reduction that the United States gives to Great Britain, France or Italy in the distant future.

As I have already stated, Hungary obtained material advantage through the settlement under the Young Plan. The so-called Oriental debts were settled by a sub-committee of the Hague delegates, while I was in Paris. Austria has been relieved of its obligations. A fund has been created to which Great Britain, France and Italy are making subscriptions to help Czechoslovakia, Roumania and Serbia to meet the claims of Hungary. Hungary cherishes the hope that in the course of time there may be an alteration in its frontiers, by general agreement among those who have obtained part of its former territories. Hungary realizes the impossibility of securing any alteration by means of force, and it relies upon article 19 of the Covenant of the League, which is:

> The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.

During the last meeting of the Assembly, the Chinese delegation asked for an interpretation of that clause. An interpretation was made by a sub-committee of the Third Commission, and M. Antoniade, the Roumanian delegate, said, "Roumania accepts the interpretation of clause 19 because it relies on clause 10, which guarantees it frontiers." The Hungarian delegate, Count Apponyi, said, "Hungary accepts clause 10, because it relies on clause 19." Those who desire the maintenance of the frontiers say that clause 10 of the League of Nations has guaranteed the sacredness of the border line, and those who have been dispossessed retort that article 19 provides that the Assembly may from time to time advise the reconsideration of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.

This year there is a manifest relaxation in the relations among all those countries. The Geneva atmosphere seems to be permeating Europe more and more. Peace can only be assured by personal contact and co-operation on the part of representatives of the different nations of the world. M. Briand, who has had frequent conferences with representatives of Germany over a period of years, has declared that nothing but friendly meetings of representatives of different nations will cause the disappearance of prejudices and hatreds.

Proof that there is a change of heart in Europe is shown in the reception that was accorded to the Briand Plan for a federation of Europe, which was mooted in September last and made public on the 17th of May this year. The plan was drafted under provisions contained in clause 21 of the Covenant of the League, which I shall not read. The scheme proposes a federation on the lines of the South American republics. Here is how M. Briand explained his project:

> All possibility of progress toward economic union being strictly determined by the question of security, itself closely bound up with the question of possible progress in the realm of political union, it is therefore on the political field that the best efforts of organizers to create for Europe an organic structure must be concentrated.
>
> It is also along these lines that the economic policy of Europe, as well as the tariff policies of the various European States, must subsequently develop.
>
> An opposite procedure would not only be useless but would also appear to the weaker nations as destined to expose them without guarantees or compensation to the risks of political domination which might easily result from industrial domination by the better organized States.

I shall read one other paragraph from M. Briand's report:

> The conception of European political cooperation should tend toward this essential end; a federation built not upon the idea of unity but of union; that is to say, sufficiently supple as to respect the independence and national sovereignty of each of these States, at the same time assuring to all the benefit of collective solidarity for the settlement of political questions involving the fate of the European community or of one of its members.

The States of Europe—I think there are twenty-six of them—are asked to form a union under the ægis of the League, so that they may be able to co-operate in the solution of their varied problems. Time will tell what will come of the proposal.

Count Condenhouve-Calerghi, who publishes an interesting review called Pan-Europa and who is the father of the idea of bringing the European countries together in a union, points out how peace can be gradually established in Europe through economic action. He says that the frontiers cannot be altered by force, and he pleads for a reduction in tariffs so that the importance of the frontiers may be minimized and people may come to forget them.

Whether there shall be peace in Europe depends principally upon the attitude of Germany. The German mind seems to have

turned towards economic fields lately. I was told that there is no party or no union of parties in Germany to-day strong enough to succeed in imposing upon the people a law of conscription. I have also been informed that the maintenance of the military structure in Germany, prior to the war, was due to the fact that all the so-called best families, of the nobility, the aristocracy, the bourgoisie, the well-to-do middle classes, aspired to have a son in the army. They were able to contribute some income in order to help their sons to maintain the scale appropriate to their position. At that time an army officer was at the top of the social scale in Germany and his career was coveted by the men of the well-to-do families. But no longer is the army a career and no longer are there so many families who can afford to furnish money to their sons to enable them to continue as army officers. The result is that the young men of the highest classes of Germany to-day are turning to finance, to science and to business. The statement was made to me that when the military officers who mourn the loss of their pay and their rank pass away, or through advancing age abandon all hope of further service, militarism as it flourished in Germany under the old regime will be entirely a thing of the past.

But it may be said that no serious advance has been made in the reduction of armaments. The recent Naval Convention in London was a step in that direction. Of course, it is easier to reduce naval units than land forces. It is always possible to know exactly what another country has in the way of ships, but one is never able to tell how many men are being trained across an international boundary. My hope is that as fears, hatreds and suspicions gradually vanish there will be a corresponding reduction in armaments. Such is, I am sure, the ardent hope of every peace-loving man and woman in the world to-day.

Hon. Mr. WILLOUGHBY: Honourable senators, I am not going to impose upon your good nature by making a speech on the League of Nations. I rise, however, with a great deal of pleasure, to signify that members on this side of the House, as well as those on the other side, owe a debt of gratitude to our representative at the League of Nations. The honourable the leader of this House has been particularly distinguished in having an executive and to some extent administrative position, which has enabled him to keep in touch with the wheels of government as they revolve at Geneva. We have another distinguished representative, the right honourable the junior member for Ottawa (Right Hon. Sir George E. Foster), who has been the apostle of the League of Nations and has preached its benefits all over Canada and in the United States. He, as we all know, is one of the most eloquent men in Canada and has popularized the League of Nations in this country in a way that perhaps no other man could have done. In the honourable the senior member for Ottawa (Hon. Mr. Belcourt) we have an eminent member of this House who has devoted a great deal of attention to the League of Nations. We are indeed singularly fortunate, especially in having with us one who, through his position on the Council, came into close contact with the functioning of the League and the legislation that has emanated from it. He, being a bilinguist, was well qualified to be our representative. However little French may be spoken generally on this continent, the public men of nearly all the nations in Europe are more or less familiar with that language, and the ability to use two languages in the masterful manner in which our honourable friend uses them is undoubtedly an advantage at the League of Nations or in any legislative body, particularly on the continent of Europe. Canada has reason to be proud of her distinguished representative at the League of Nations, and I for one should be extremely happy if the three-year term with which our honourable friend has been honoured were to be succeeded by another such term.

The honourable gentleman has referred to the treatment of minorities. We know, from what we have heard and from what we have read of the proceedings of the League, something of the active part taken by the Canadian delegate in that regard. We in Canada are somewhat familiar with minorities and realize the necessity of a spirit of give and take. That spirit—I am glad to say that it has not been necessary to invoke it in recent years—is worth a great deal. The precursors of the great French minority of this country, a large and ever growing section of our population, recognized the value of British institutions and had their share in the establishment and maintenance of those institutions. Our experience in this respect is worth something to a delegate to the League of Nations. I remember that I happened to be one of the delegates of the Empire Parliamentary party who went to South Africa. One or two of our delegates were rather unwilling to commit themselves to speaking in English, and on a few occasions I had to

become the interpreter of the French speaker to the English audience. The people of South Africa are of a mixed origin, and they were delighted at all times to learn how we had solved our racial difficulties.

On behalf of honourable members on this side of the House, and also on behalf of members on the other side, if they will permit me, may I signify our pleasure and admiration at the way in which our delegate to the League of Nations has conducted himself.

Hon. Mr. DANDURAND: It is unnecessary for me to say how highly I appreciate the kind remarks of my honourable friend.

## DOMINION ELECTIONS BILL

### FIRST READING

Bill 309, an Act to amend the Dominion Elections Act.—Hon. Mr. Dandurand.

### SECOND READING

Hon. Mr. DANDURAND moved the second reading of the Bill.

He said: Honourable members, it is my privilege, with the leave of the Senate, to move the second reading of the Bill, and I do so without any pang of conscience, though I have not perused the Bill. There have been times when such measures have reached us from the other House after some turmoil, but within recent years amendments to the Dominion Elections Act have generally come to us with the blessing of all the members of the House of Commons. Of course I am referring, not to the troublous days of the War-time Elections Act, but only to those measures which have come to us under normal conditions. During the past twenty-five or thirty years the Franchise Act or the Elections Act has been a result of the two-party system, or, as we now have it, the three-party system. Members of this House have the good fortune to hold a longer mandate than is sought by candidates for the other House.

If there are any particular explanations required, I shall try to furnish them to the satisfaction of the House.

Hon. W. B. WILLOUGHBY: I do not know whether any honourable gentleman is desirous that we should go into Committee on this Bill. It deals entirely with the members of the other House. I notice, however, that section 9 of the Dominion Elections Act is repealed. I have not that Act before me and am not aware of just what that repeal involves.

Hon. Mr. DANDURAND: My honourable friend has asked what is the clause that is repealed. Subsection 5 of section 29A of the Dominion Elections Act, Chapter 53 of the Revised Statutes of Canada, 1927, as enacted by section 13 of Chapter 40 of the Statutes of 1929, is repealed. Subsection 5 of section 29A has to do with summer residents. It reads as follows:

> Except persons who, at the date of the issue of the writ of election, have no other quarters to which they might at will remove, no person shall be deemed to be resident at the said date in quarters or premises which, notwithstanding that they may be sometimes or ordinarily occupied during some or all the months of May to October inclusive, ordinarily remain unoccupied during some or all the months of November to April inclusive.

That is replaced by the section before us in the Bill.

Hon. Mr. WILLOUGHBY: Is section 9 not touched at all?

Hon. Mr. DANDURAND: It is subsection 5 of section 29A.

Hon. Mr. WILLOUGHBY: Then you need not follow that any further.

Hon. Mr. DANDURAND: That is all there is to clause 1. Section 2 has to do with the preparation of lists of voters in urban polling divisions. In the cities the Chief Electoral Officer appoints two persons, representing the two parties, to go hand in hand from one house to another to take the census.

Hon. Mr. FORKE: Do they take a policeman with them?

Hon. Mr. DANDURAND: I suppose they stand guard one upon the other. I confess that personally I was very much dissatisfied with the system of registration in the cities as I saw it in the city of Montreal. I thought that the system lent itself to any number of abuses.

Hon. Mr. WILLOUGHBY: Particularly impersonation.

Hon. Mr. DANDURAND: And the cost to the candidates was something tremendous. In one election a candidate told me that the registration alone had cost him some $8,000, and yet he was not satisfied that it was well done. I do not know how this system will work out. We are still in the experimental stage. If the experiment proves unsatisfactory we may drift to some scheme of permanent lists with the type left standing, and revised from year to year. This would perhaps be costly, but in the long run it would probably be the most satisfactory.

Hon. Mr. WILLOUGHBY: Impersonation is common in big cities. There have been instances of it in Montreal, I have been told. This amendment does not prevent impersonation, but it gives the enumerators a chance to check every name on the list. I presume the primary intention is that if they do not know who a person is they are not to allow him to go on the list. The great difficulty is to prevent impersonation and identify qualified voters. In some of the American cities—in Philadelphia, for instance—it has been charged that there has been wholesale impersonation.

Hon. Mr. DANDURAND: Over there they have primaries and sharp fights between aspirants in the same party.

Hon. Mr. WILLOUGHBY: Yes.

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

THIRD READING

Hon. Mr. DANDURAND: Is the honourable leader on the other side agreeable to the third reading now?

Hon. Mr. WILLOUGHBY: I am quite agreeable that the third reading be given now.

Hon. Mr. DANDURAND moved the third reading of the Bill.

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

## INCOME WAR TAX BILL

FIRST READING

Bill 310, an Act to amend the Income War Tax Act.—Hon. Mr. Dandurand.

SECOND READING

Hon. Mr. DANDURAND moved the second reading of the Bill.

He said: Honourable senators, I have received no memorandum of explanation of the various changes that are proposed in the Income War Tax Act. I am familiar with some of the amendments, but I am unable to explain them all. There is a clause to lessen taxation to a certain extent on account of donations to charitable organizations. There is an additional exemption of $500 where a parent, grandparent, brother or sister who is incapable of self-support on account of mental or physical infirmity is dependent upon the taxpayer for support, and this applies unless the exemption is already provided for in the Act.

Paragraph (k) of section 3 of the Bill provides exemption for—



(k) the income to the extent of five thousand dollars only derived from annuity contracts with the Dominion or provincial governments or any company incorporated or licensed to do business in Canada effecting like annuity contracts, provided, however, that any annuity in excess of the said five thousand dollars purchased by a husband for his wife or vice versa shall be taxed as income to the purchaser.

If the Bill is given a second reading now, it will be understood that any honourable member will have an opportunity to ask for explanations at a later stage, before the Bill is actually passed.

Hon. Mr. GORDON: Will the House go into Committee of the Whole on the Bill?

Hon. Mr. DANDURAND: We can do that if it is desired.

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

Hon. Mr. DANDURAND: When we meet this evening, I shall move that the House go into Committee of the Whole on this Bill.

## SPECIAL WAR REVENUE BILL

FIRST READING

Bill 311, an Act to amend the Special War Revenue Act.—Hon. Mr. Dandurand.

SECOND READING

Hon. Mr. DANDURAND moved the second reading of the Bill.

He said: Honourable senators, in this case, as with the previous Bill, I will move that the House go into Committee of the Whole when we meet this evening.

Hon. Mr. GORDON: Honourable senators, this succeeds or amends a Bill that was brought before this House last year. At that time I stated that the principles of the measure were altogether foreign to this or any other civilized country. In my opinion there should be no discrimination in taxation such as this Bill provides. I shall endeavour to explain just what I mean. Paragraph (b) of section 58 of the Bill that was brought down last year provided a tax of 4 cents for every share of stock sold or transferred at a price over $100 per share. On the sale or transfer of a stock worth $400, say, there was still the same tax of 4 cents, but in the case of cheap stocks the tax per share would be in some instances as much as thirty times greater than that. In other words, the Bill would have penalized the man who dealt in lower priced stocks. I asked what was the reason for the proposed legislation, but could get no satisfactory explanation. The information which I had at the time was that

some broker in Montreal had asked that a higher tax be placed upon the transfer of the cheaper stocks. As I have stated, under the Bill of last year the tax per share on the transfer of the cheap stocks would run in some instances to thirty times as much as the per share tax on the transfer of expensive stocks.

Hon. Mr. DANDURAND: In proportion to the value of the stock.

Hon. Mr. GORDON: Yes.

Hon. Mr. BELCOURT: But the rate was 4 cents, was it not? The rate would be the same, but the ultimate result would be different?

Hon. Mr. GORDON: No, the rate was not the same at all.

Hon. Mr. BELCOURT: What would be the rate on the lower stock?

Hon. Mr. GORDON: According to paragraph (b) of section 58 of the Bill of last year, there was to be a tax of 4 cents on every share of stock sold or transferred at a price over $100 a share; according to paragraph (c) a tax of 3 cents for every share of stock sold or transferred at a price over $20 a share, but not more than $100 a share; and according to paragraph (d) a tax of 2 cents for every share of stock sold or transferred at a price over $3 a share, but not more than $20 a share.

Under this Bill, as I understand it, for every $100 worth of stock on the basis of $150 a share sold, the tax according to paragraph (b) would be 3⅓ cents; for every $100 worth of stock sold on the basis of $75 a share the tax would be 5⅓ cents; for every $100 worth of stock sold at the rate of $50 a share the tax would be 6 cents; for every $100 worth of stock sold at the price of $25 a share the tax would be 8 cents; for every $100 worth of stock sold at the price of $5 a share the tax would be 20 cents; and for every $100 worth of stock sold at the price of $1 a share the tax would be 25 cents. In other words, the man who sold one share of stock valued at $150 would be taxed only 3⅓ cents per $100, whereas if he sold $100 worth of stock made up of individual shares valued at $1 he would be taxed 25 cents, or almost eight times as much, on a transaction of the same value.

I am sure that every honourable gentleman will agree with me that a principle of that kind is unjust. While the present Bill is better than the one that was brought down last year, it is objectionable. I cannot understand why any such legislation should be proposed. It looks to me as if the Bill had been drafted by an office boy in the Department of Finance and the Minister had passed it on the boy's recommendation.

Hon. Mr. DANDURAND: Does the honourable gentleman know whether any statement was made by the Minister of Finance in explanation of the scale of taxes?

Hon. Mr. GORDON: It was not explained, so far as I know. If I remember correctly, the Minister was asked last year in another place whether he considered this to be a stamp tax, and he said that he did; that it was a stamp tax.

Hon. Mr. BELCOURT: Was not the matter discussed yesterday in another place? It seems to me that I saw some reference to the subject. It must have been discussed yesterday.

Hon. Mr. GORDON: I think it was, because it has reached us just now. But it is a departure from any principle known in any civilized country, and I cannot for the life of me see how it can be justified.

Hon. Mr. DANDURAND: I am not just now in a position to defend it.

Hon. Mr. WILLOUGHBY: The honourable gentleman who has just spoken (Hon. Mr Gordon) gave last year a concrete example of how it worked out, and the honourable gentleman from Welland (Hon. Mr. Robertson) had detailed figures showing its effect, particularly on the lower priced stocks.

Hon. Mr. DANDURAND: Has the tax been reduced?

Hon. Mr. WILLOUGHBY: It is reduced to some extent. The only defence that was put before us last year was that we should discourage the small speculator from going into the mining market; that it would teach him a valuable lesson and perhaps keep him out of the market.

Hon. Mr. DANDURAND: Which might be a good thing.

Hon. Mr. GORDON: I cannot agree with that.

Hon. Mr. WILLOUGHBY: Anybody who knows anything of the mining business, even if he has lost money in it, knows that it is necessary to sell shares on faith. You pay little for your entry, but your faith may be ill founded. My honourable friend to my

right (Hon. Mr. Gordon) would know better than I do about that. In any event, it is made as difficult under this Bill as it was under the old Act to get subscriptions for small sums.

Hon. Mr. GORDON: Entirely apart from that, as a matter of principle, how can you justify it? Whether a stock is worth $150 or $1,000 per share, it would pay the same tax of 5 cents. One hundred dollars' worth of a stock selling at $1 per share is taxed 25 cents.

Hon. Mr. DANDURAND: That is the ratio?

Hon. Mr. GORDON: Yes.

Hon. Mr. DANDURAND: "One-quarter of one cent for every share of stock sold or transferred at a price of one dollar to five dollars per share."

Hon. Mr. GORDON: But the tax on a stock selling at $1,000 per share would be only 5 cents. How can that be justified? In the first place this was intended only as a stamp tax.

Hon. Mr. ROBINSON: The stamp tax on cheques is the same on $1,000 as on $100.

Hon. Mr. GORDON: But in the Bill as brought in last year the tax could easily be regarded as a property tax. I opposed it also on the ground that it was a property tax and that the Dominion Government has no right to tax property. In the mining areas, for instance, the roads and schools and so forth are built and looked after by the Provincial Government; yet here was the Dominion Government exacting an excessive tax on the stocks of the mines. On looking at this superficially, and without figuring it out, you would imagine that it was all right; but when you find that one man's dollar is being taxed eight or ten times as much as another man's dollar, you see there is no justification for it.

Hon. Mr. WILLOUGHBY: That is, the poor man's is subject to the higher tax.

Hon. Mr. BELCOURT: I have looked over the discussion that took place in the other House yesterday, which will be found at page 2803 of Hansard. I am not going to read it, but just wish to point out that the ground taken by my honourable friend was apparently not taken in the other House. The objection there seemed to be confined to the point that the tax was too high and that it discouraged business in Canada and rather helped business in New York.

Hon. Mr. WILLOUGHBY: Because the transfer fees are cheaper there.

Hon. Mr. BELCOURT: One member says:

> Let me cite one or two examples—and from the reasonable attitude of the Minister of Finance I have some hope that he may be impressed by them. Suppose I wish to sell 100 shares of stock having a par value of $100, which stock is listed on both the Canadian and New York exchanges. In that case I pay the provincial tax of $3 and the Dominion tax of $4, or a total of $7. By doing my business through a New York house I pay the state tax of $2 and the federal tax of $2, or a total of $4. Let me remind hon. members I am dealing not with conditions brought about by the 1929 amendment, because they were much worse, but with conditions under the proposals now before the committee.

So the ground taken by my honourable friend does not seem to have been taken at all in the other House.

Hon. Mr. GORDON: That, of course, does not affect the proposition in the least.

Hon. Mr. BELCOURT: I do not quote it for that purpose.

Hon. Mr. GORDON: Prior to last year the tax was on an ad valorem basis and all dollars were treated alike. Last year it worked out as follows: paragraph (b), 4 cents; (c), 15 cents; (d), 66 cents; (e), $1; (f), 50 cents; (g), $1. One hundred dollars' worth of the high priced stock is taxed 4 cents, and the lower priced stocks are taxed twenty-five times that amount. This year we are confronted by the same principle again: the poor man's dollar is taxed eight times as much as the rich man's dollar. We all know that only men in pretty good circumstances buy stocks that are worth even $100 a share. Such stocks are treated very liberally, the tax being merely a stamp tax.

Hon. Mr. BELCOURT: There must be some explanation.

Hon. Mr. GORDON: There was none last year.

Hon. Mr. DANDURAND: We will take the second reading, and I will bring the explanation to my honourable friend this evening.

Hon. Mr. GORDON: I wish you would.

Hon. Mr. DANDURAND: Before the Bill is given the second reading, I should like to know whether there are any other criticisms to be made, so that I may secure answers to them at the same time.

Hon. Mr. WILLOUGHBY: I know of none, except as to the quantum and the ratio—

Hon. Mr. DANDURAND: That is the particular feature we have been dealing with.

Hon. Mr. WILLOUGHBY: Yes—assuming that we are to have a Bill of this kind at all.

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

At six o'clock the Senate took recess.

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The Senate resumed at 8.30 o'clock.

## INCOME WAR TAX BILL

### CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 310, an Act to amend the Income War Tax Act.

Hon. Mr. Beland in the Chair.

Hon. Mr. DANDURAND: I ask for permission to have Mr. Elliott sit beside me.

Hon. Mr. FORKE: I have not seen a copy of this Bill yet

Hon. Mr. GORDON: We do not appear to have a copy of the Bill. Apparently it has not been distributed.

Hon. Mr. WILLOUGHBY: There has apparently been no distribution to honourable gentlemen on this side.

Sections 1, 2 and 3, were agreed to.

On section 4—surplus distribution taxable:

Hon. Mr. GORDON (reading):

4. Section nineteen of the said Act is repealed and the following is substituted therefor:—

"19. (1) On the winding-up, discontinuance or reorganization of the business of any incorporated company, the distribution in any form of the property of the company shall be deemed to be the payment of a dividend to the extent that the company has on hand undistributed income earned in the taxation period 1930 and subsequent periods.

Just what does that mean?

Hon. Mr. DANDURAND: That is, the income accumulated in 1930 and hereafter.

Section 4 was agreed to.

On section 5—family corporations:

Hon. Mr. BARNARD: Explain.

Hon. Mr. DANDURAND (reading):

Section 5 (1), "Family Corporations," was designed to give relief to shareholders resident in Canada employed in the corporation. The relief was from the company tax and to place the shareholders in the position of partners, in which capacity they actually worked. Partnerships, as such, were not taxable and so the Family Corporation, as such, was made exempt from tax.

Non-resident shareholders with only one or more of the family employed with the company in Canada are endeavouring to take advantage of the relief afforded Family Corporations, so that, the Family Corporation being exempt on election of shareholders, the shareholders would also be exempt as non-residents and the Crown would get no tax whatsoever. It is therefore to preclude the non-resident shareholders from taking a technical advantage in respect of a Family Corporation and paying no tax, either as a company or a shareholder, that the amendment is made.

Section 5 was agreed to.

Section 6 was agreed to.

On section 7—when Act comes into force:

Hon. Mr. BARNARD: What is the idea of making the Act retroactive?

Hon. Mr. DANDURAND: It is to cover the assessment for last year, which is now before the Department.

Hon. Mr. WILLOUGHBY: But why make it retroactive? That is the question.

Hon. Mr. DANDURAND: The Income Tax amendment cannot well be brought into force at the time of the passing of the amendment. Inasmuch as the law applies to taxation periods, the amending legislation is brought into effect at the commencement of the designated taxation periods. The returns for the 1929 taxation period were to be filed on or before April 30, 1930. The sections, with one exception, apply to these returns. The exception is in respect of section 4, which applies to income for 1930, returns for which are not filed until 1931.

Hon. Mr. BARNARD: That is hardly a reason.

Hon. Mr. DANDURAND: These amendments are to be applied to the 1929 income returns in order that the taxpayer may enjoy the benefits accruing to him.

Hon. Mr. WILLOUGHBY: He would get a refund?

Hon. Mr. DANDURAND: Yes.

Hon. Mr. BELCOURT: The returns for 1929 are due by the 30th of April, and part of the tax is payable then, or it may be paid in full. There will be cases in which a refund will have to be made.

Hon. Mr. BARNARD: I take it also that under the Bill there will be cases where the opposite is true. There are certain provisions in the Bill which impose taxation on people heretofore not taxed.

Hon. Mr. DANDURAND: The only burdens mentioned in the Bill are made applicable to the returns for 1930, which will be made in 1931.

Hon. Mr. BELCOURT: The only case, I think, in which the burden is increased is with regard to non-residents. In the past certain non-residents have escaped. They will not be able to escape for the year 1929.

Hon. Mr. WILLOUGHBY: Would that apply to this clause? It would apply to the preceding one.

Hon. Mr. DANDURAND: Yes. It does not apply to this clause.

Hon. Mr. WILLOUGHBY: No. This is going to result in a refund in some cases, and in extra payment in others.

Hon. Mr. BELCOURT: Those who have escaped before will not escape for the year 1929.

Hon. Mr. BARNARD: So to that extent it is retroactive. Further taxation is imposed upon them.

Hon. Mr. BELCOURT: Those people never should have escaped.

Hon. Mr. BARNARD: There should never have been an income tax at all.

Hon. Mr. WILLOUGHBY: Has the honourable gentleman any idea of what return the Treasury expects to receive when these amendments take effect? It will get some retroactive taxes out of non-residents, and will lose something on the others.

Hon. Mr. DANDURAND: About $30,000.

Hon. Mr. WILLOUGHBY: That is what the Treasury will make?

Hon. Mr. DANDURAND: Yes.

Hon. Mr. WILLOUGHBY: I did not know the reason for the generosity.

Section 7 was agreed to.

The preamble and the title were agreed to.

The Bill was reported.

THIRD READING

Hon. Mr. DANDURAND moved the third reading of the Bill.

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

## SPECIAL WAR REVENUE BILL

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 311, an Act to amend the Special War Revenue Act.

Hon. Mr. Béland in the chair.

Hon. Mr. WILLOUGHBY: I am told the Bill has not yet been distributed.

Hon. Mr. DANDURAND.

On section 1—excise tax on sale, transfer or assignment of stocks, etc.:

Hon. Mr. DANDURAND: The honourable gentleman from Nipissing (Hon. Mr. Gordon) has asked me to explain the working of section 58, which is a modification of the section passed last year. The honourable gentleman has stated that money transactions should be taxed on an equal basis, and suggested that there should be a sliding scale reducing the taxation in proportion to the reduction in the size of the transaction. To him it seems that some of the items here indicate that the levy on a small transaction is higher than on a larger one. All I can say to my honourable friend is that the change of last year was made because of pressing requests from men dealing largely in stocks and debentures, who claimed that under the old system the book-keeping was most difficult, and stated that they preferred a flat levy upon the face value of the stock. The Department of Finance, after considering their representations, reached the conclusion that it would simplify the tax to accede to the request.

Hon. Mr. GORDON: Was that request from brokers?

Hon. Mr. DANDURAND: It came from the exchanges in Montreal and Toronto. They are, I suppose, the largest dealers in stocks in Canada. The Minister of Finance has found the levy on the smaller transactions to be a cause of complaint, and he has materially reduced the levy. He has found also that some of the transactions were so small that a flat levy could not be fixed. If there has been discrimination in favour of the more expensive stocks, as my honourable friend (Hon. Mr. Gordon) contends, it has apparently not been objected to by stock brokers. It would seem that the Finance Minister endeavoured by amending the Act to make the levy as equitable as possible.

Hon. Mr. GORDON: I will give an illustration in an endeavour to show the House that the Finance Minister has taken a wrong view of the whole situation. Let us suppose that five men desire to procure $1,000 each from the sale of stock. Mr. A has one share of Sun Life stock, which will bring him in more than $1,000: I suppose he would get about $2,400 for it at the present time. The tax on the sale would be only 5 cents. Mr. B sells five shares of Consolidated Smelters at about $217 a share, and pays a tax of 25 cents, or five times the tax that Mr. A pays in selling stock valued at more than twice the money. Mr. C sells thirty shares of Nickel at $33.30 a share and he pays 60 cents tax. Mr. D sells 143 shares of Hollinger at $7 a

share and pays a tax of $1.43. Mr. E sells 1,000 shares of Vipond at $1 a share and is taxed $2.50. Honourable members can see what a discrepancy there would be in the taxes in these instances, although the value of the stock sold would be roughly about the same—$1,000 in each case excepting where the one share of Sun Life is sold.

Hon. Mr. ROBINSON: The same thing applies to bank cheques.

Hon. Mr. GORDON: That is a different thing altogether. If a man goes to a broker and sells $1,000 worth of stock, there is a single transaction, regardless of the number of shares there may be. Yet on a transaction amounting to $1,000 one man might pay a tax of 5 cents while another might be taxed $2.50, and the worst of it is that in most cases those who paid the higher taxes would belong to the poorer classes. As a rule, a man in modest circumstances very seldom buys a high priced stock. It is only people who are comparatively wealthy who purchase stock valued at $100 and more per share.

I cannot understand why this Bill passed the other House without serious objection being raised. Why should there be discrimination against the poorer classes of our people, who cannot afford to invest in the most expensive stocks? As I have already remarked, property is taxed according to its assessed value, under our system. I think I am safe in saying that no other civilized country in the world would pass a measure of this kind. I hope it will be sent back to the other House for reconsideration.

Hon. Mr. DANDURAND: I have not examined the Bill in detail, but my honourable friend has admitted that the amendments are a considerable improvement over the Bill of last year.

Hon. Mr. GORDON: Yes, the Bill is better than the one we had last year. The measure we had before us last session was what I call a fool Bill. This is also a fool Bill—though to a lesser extent—because the principle is the same.

Hon. Mr. FORKE: I hesitate to take part in the discussion, because I am not well posted on the matter, but if I remember rightly, the object of the Bill of last year was to discourage the sale of shares valued at $1 or $2 because a great many companies who float shares of that class are not bona fide.

Hon. Mr. GORDON: A man who sells 1,000 shares of stock valued at $1 per share is taxed $2.50, whereas the man who is wealthy enough to possess stock valued at $1,000 for a single share pays a tax of only 5 cents when he sells $1,000 worth, simply because the tax is on the number of shares rather than on the value of the transaction.

Hon. Mr. FORKE: But the companies that are floating cheap shares valued around $1 are not as a rule bona fide.

Hon. Mr. GORDON: I do not agree with that at all. I think the honourable gentleman is entirely wrong in that statement. Many companies whose stock has been sold for a few pennies have made their stockholders wealthy. But I am contending against the principle of this measure. Frankly, I do not see how it can be justified.

Hon. Mr. DANDURAND: My honourable friend makes out a special case by indicating the apparent disparity in the taxation as between high priced and low priced stocks, but it seems extraordinary that although the Bill passed last session has been on the Statute Book for about twelve months, no objections have been made to the Department of Finance along the lines of those voiced by my honourable friend on the floor of this House.

Hon. Mr. GORDON: Oh, oh!

Hon. Mr. DANDURAND: I do not know what influenced the Minister of Finance to reduce the taxation on the sale of cheaper stock, but this Bill provides a material reduction. I am sorry that my honourable friend did not present to the Minister the figures he has given us here. I am surprised that no member of the other House discovered the alleged faults that my honourable friend finds in the Bill. We are confronted with the difficulty that we are unable to amend the clauses to which my friend takes objection, because the Senate cannot reduce a tax. This House has the power to reduce an expenditure, but not a levy. Our power is limited to the rejection or adoption of the Bill in toto. I suggest that we allow this Bill to pass, since it is an improvement over the legislation of last year. If this is done, I will draw the attention of the Minister of Finance to the representations made by my honourable friend.

Hon. Mr. GORDON: The honourable leader of the Government surely remembers the objections that I made to the Bill of last year.

Hon. Mr. DANDURAND: I think the Bill of last year did not come before the Senate until about two weeks before Parliament prorogued, and, unfortunately for myself, I was not here when it was under consideration.

Hon. Mr. GORDON: I know it was opposed very strongly in the other House.

Hon. Mr. DANDURAND: On the same ground as mentioned by my honourable friend?

Hon. Mr. GORDON: I am referring to the opposition to last year's Bill. I have not heard whether the present Bill was opposed in the other House.

Hon. Mr. WILLOUGHBY: Last year's Bill was opposed in the other Chamber.

Hon. Mr. GORDON: As I have already stated, it seems to me that this Bill must have been prepared by an office boy. It is absolutely unsound and unjust. I think that before many moons have passed it will be found that thousands of people have remembered the unfair taxation imposed by last year's legislation and by that of this year, if the present Bill passes.

Hon. Mr. BELCOURT: May I say that the discrepancy in the taxation does not appear to me to be so outrageous as my honourable friend has said. The explanation given by the honourable gentleman does not apply to paragraph (a) of section 58, as I understand it.

Hon. Mr. GORDON: That is right. But take paragraph (b).

Hon. Mr. BELCOURT: All right. On the sale or transfer of every share of stock at a price of over $150 per share the tax will be 5 cents. According to paragraph (c), on the sale or transfer of every share of stock at a price over $75 per share but not more than $150 per share, the tax will be 4 cents.

Hon. Mr. GORDON: Yes.

Hon. Mr. BELCOURT: Well, the proportion is kept up pretty well there.

Hon. Mr. GORDON: If you work it out you will get a different impression. The tax looks all right on the face of it.

Hon. Mr. BELCOURT: If you sell a share of stock valued at over $150 you pay a tax of 5 cents; if you sell a share valued at over $75, but not more than $150, you pay 4 cents. It seems to me that the proportion is pretty well maintained. Paragraph (d) provides a tax of 3 cents for a share of stock sold or transferred at a price over $50 per share, but not more than $75 per share: again it seems to me that the proportion is pretty well maintained. I think the same thing is true with respect to paragraph (e), which provides a tax of 2 cents for every share of stock sold or transferred at a price over $25 per share, but not over $50 per share. If my honourable friend had confined his objections to the disproportion in the taxation on sales of stock coming within paragraph (b) —that is, stock valued at over $150 per share, including shares valued at $2,000 or $3,000 each—I think he would perhaps have been on stronger ground; but his objections with regard to the other paragraphs are not well taken.



Hon. Mr. GORDON: What I have said applies to every one of them.

Hon. Mr. BELCOURT: I disagree with my honourable friend. On the sale of a share of stock valued at $150 there is a tax of 4 cents, and on the sale of a share valued at $75 the tax is 3 cents. The proportion of taxation is about the same in both instances. The same thing is true with regard to paragraphs (d), (e), (f), (g) and (h). But, as I have said, I can see something in my honourable friend's argument when he points out that there is the same tax on the sale of a share of stock worth about $150 as on one worth $2,000.

Hon. Mr. GORDON: I am sure my honourable friend is too astute a lawyer—

Hon. Mr. BELCOURT: This is not a matter of law.

Hon. Mr. GORDON: No, it is a matter of mathematics. Anyone who makes a computation can see that the Bill makes possible very great discrepancies.

Hon. Mr. BELCOURT: You have shown it with regard to stock valued at over $150 per share, but not with regard to other stock.

Hon. Mr. GORDON: Would the honourable gentleman like me to explain the discrepancy between the taxes on any particular classes of shares?

Hon. Mr. BELCOURT: I have gone into other paragraphs in the Bill, and I do not see that the taxes are at all out of proportion.

Hon. Mr. GORDON: This Bill is a wolf in sheep's clothing. My honourable friend is looking at the clothing and not at the wolf.

Hon. Mr. DANDURAND: My honourable friend cannot make a proper comparison by taking the minimum value of the shares provided for in each paragraph. For instance, a share valued at $140 would be taxed 4 cents under paragraph (c), while on the sale of a share valued at $151 the tax would be 5 cents, as provided by paragraph (b). In order to have a fair comparison my honourable friend should consider the average values rather than the minimum values as set out in the various paragraphs.

Hon. Mr. GORDON: Even if I am figuring on the basis of the minimum values in each case, does my honourable friend think it is fair that although there is a tax of only 5 cents on the sale of one share of Sun Life stock, valued at around $2,400, there is a tax of $2.50 on the sale of $1,000 worth of stocks made up of 1,000 shares valued at $1 per share?

Hon. Mr. BELCOURT: Is this very different from requiring a two-cent stamp to be placed on a $15 cheque as well as on a cheque for $1,000, $2,000, or $3,000?

Hon. Mr. GORDON: It is quite different. That is a real stamp tax. This purported to be a stamp tax in the first instance, but by the amendments of last year and this year, the bulk of the tax, I claim, is really a property tax. We are getting away altogether from the stamp tax.

The late Minister of Finance, in discussing this subject last year, made a comparison. If I remember correctly, he said that his friend the Leader of the Opposition might send a cheque for $100,000 to Calgary and that he would have to put on it only a two-cent stamp, while he, the Minister of Finance, if he sent a cheque for $10 to Valleyfield, would have to pay just as much. That is a real stamp tax. But in that tax you are paying for service received. In this tax you are not paying for any service. In the first instance this was supposed to be a stamp tax for revenue purposes; but it is no longer a real stamp tax, and I claim that it constitutes an invasion of the prerogative of the provinces.

Section 1 was agreed to.

Sections 2 to 5, inclusive, were agreed to.

On section 6—when section 3 comes into force:

Hon. Mr. DONNELLY: Section 6 is retroactive. It states:

> Section three of this Act shall be deemed to have come into force on the first day of February, 1928.

Upon turning to section 3 of the Bill I find that it imposes the obligation of making monthly returns. I should like to know why that section should be retroactive. If a man has failed to make a return during the past three years, not being legally required to do so, why should he be compelled to do so now?

Hon. Mr. DANDURAND: From reading the explanatory note I should judge that this is but a declaratory enactment, because the section is intended to remove any doubt as to the state of the law.

Hon. Mr. BARNARD: What doubt exists?

Hon. Mr. DANDURAND: There was an omission in the printing of the Revised Statutes.

Hon. Mr. BARNARD: What was it?

Hon. Mr. DANDURAND: There was provision against the taxpayer who did not make his return in time, but that part of the Act was dropped in the revision. The Department has continued to make collections and has paid no attention to the omission in the Revised Statutes.

Hon. Mr. WILLOUGHBY: But you have imposed a penalty for default. It is very unusual to make such legislation retroactive.

Hon. Mr. DANDURAND: The change does not bear on the default. This is a re-enactment of the same section, except that it is made to apply to Parts XI and XII.

Hon. Mr. WILLOUGHBY: It is not clear to me.

Hon. Mr. DANDURAND: Has my honourable friend read the explanatory note to section 3? It is:

> The amendment re-enacts section 106 of the Act as in the Revised Statutes of 1927, but makes it apply to Parts XI and XII as well as to Part XIII. The taxes imposed by Parts XI, XII and XIII (Manufacturers' or Gallonage Tax, Excise Tax on Playing Cards and Wines, and Consumption or Sales Tax), were formerly all included in Part IV of the Act and the section as originally enacted by chapter 69 of the Statutes of 1927, section 4, reads:—"Every person liable for taxes under Part IV of this Act. . . . .". In the Revised Statutes of 1927, the Manufacturers' of Gallonage Tax was placed by itself in Part XI, the Excise Tax on Playing Cards and Wines in Part XII, and the Consumption or Sales Tax in Part XIII, but section 106 was re-enacted to refer only to the tax imposed by Part XIII. The Revised Statutes are intended only to codify the existing law and the amendment is designed to make it clear that the penalties apply to all three taxes.

Hon. Mr. WILLOUGHBY: I say it is a bad principle to make penalties retroactive.

Hon. Mr. DANDURAND: There will be no arrears collected under this enactment, but there will be no refunding.

Hon. Mr. WILLOUGHBY: That will be different.

Hon. Mr. BARNARD: That is to say, the Department collected penalties they should not have collected, and these will not be refunded.

Hon. Mr. DANDURAND: It has collected penalties under an Act which embodied the

will of Parliament; but in the revision of the Statutes, which was but a consolidation, there was an omission which technically would free certain persons from paying penalties. The Department has continued to administer the law as formerly enacted, and has collected the penalties.

Hon. Mr. BARNARD: Illegally collected the penalties.

Hon. Mr. DANDURAND: I am told that there are very few cases of that kind.

Hon. Mr. BARNARD: Why should there be any? And if they have been wrongfully collected, why should they not be refunded?

Hon. Mr. DANDURAND: They were not wrongfully collected.

Hon. Mr. BARNARD: The will of Parliament is expressed in the Act as consolidated. Otherwise who is to say what is the will of Parliament? And if the Department have collected penalties contrary to the Act as printed in the consolidated Statutes, they have been collecting them illegally and should be willing to refund them.

Hon. Mr. DANDURAND: Technically the argument of my honourable friend may be correct, but he knows that the will of Parliament is expressed by the various Acts that form the Statutes, and that the purpose of the codification is not to alter the legislation which is being codified.

Section 6 was agreed to.

Sections 7 and 8 were agreed to.

The preamble and the title were agreed to.

The Bill was reported.

THIRD READING

Hon. Mr. DANDURAND moved the third reading of the Bill.

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

## TORONTO TERMINALS RAILWAY BILL

FIRST READING

Bill 129, an Act respecting the Toronto Terminals Railway Company.—Hon. Mr. Dandurand.

SECOND READING

Hon. Mr. DANDURAND moved the second reading of the Bill.

He said: In 1905 the Grand Trunk Railway Company of Canada applied to the Board of Railway Commissioners for Canada for authority to take certain lands in the city of Toronto for the purpose of enlarging its facilities and building a Union Station. The Board granted the application on certain conditions, as set out in the order of the Board dated February 23, 1905.

By Chapter 170 of the Statutes of Canada, 1906, the Toronto Terminals Railway Company was incorporated, with power to take over from the Grand Trunk the property in the city of Toronto known as the "Union Station property," and was vested with all powers and authority conferred upon the Grand Trunk by the above mentioned order of the Board of Railway Commissioners.

Apparently nothing was done until June 9, 1909, when the Board, by Order No. 7200, ordered a four-track viaduct between certain specific points in Toronto on both the Grand Trunk and the Canadian Pacific Railway. The city of Toronto was ordered to pay to the railway companies one-third of the cost.

Subsequently, all compensation to be paid to the Canadian Pacific for extra lands taken and consequential injury and damages to its facilities by the forced raising of its freight yards and buildings was ordered as a charge solely against the city, to be paid directly to the Canadian Pacific.

Appeals were taken from the orders of the Board and subsequently, in 1913, a new scheme was agreed to. This was confirmed by the Board on July 31, 1913. This agreement provides for a full six-track viaduct scheme between certain specific points in Toronto and provides that the total cost of the same shall be borne by the city of Toronto, the Grand Trunk and the Canadian Pacific in such proportions as may be agreed to or, in default, as fixed by the Board, but the amount which the city shall contribute thereto shall not, in any event, be greater than the amount which, under the existing orders of the Board, the city is or may be directed to pay or assume in respect of the viaduct or works to be executed under and by virtue of the said orders.

The railways were arranging for the Terminals Company to undertake the work of constructing the viaduct and also the new Union Station and preparing for a bond issue to cover the cost when the war broke out and further proceedings of that kind were discontinued. The station building was completed about 1921.

In November, 1923, no actual viaduct construction had been started, and as an alternative to the 1913 agreement a scheme which would be less costly at that time was submitted by the railway companies.

In April, 1924, no agreement having been arrived at as to the alternative scheme, ac-

tion was started by the Toronto Harbour Commissioners against the city of Toronto, the Canadian Pacific and the Canadian National Railway Company claiming the specific performance of the 1913 agreement, and certain damages.

In July, 1924, the Chief Engineer of the Department investigated the situation and made a report, and on July 19, 1924, an Act respecting the Terminals Company, being Chapter 70 of the Statutes of that year, was passed, under which a new scheme was provided in lieu of the viaduct and works provided for in the orders of the Board and the agreement of 1913. This Act also declares that the cost involved shall be borne by the Canadian National and the Canadian Pacific and the city of Toronto in such proportions as the parties may agree upon or, in default, as may be determined by the Board, provided that certain compensation to the Canadian Pacific shall be paid by the city of Toronto.

By this Act of 1924, the Act of incorporation of the Terminals Company was amended to provide that both the Canadian Pacific and the Canadian National might each take and hold one-half of the capital stock of the company, and the Canadian Pacific might guarantee principal and interest of one-half of the securities issued by the Terminals Company, and the Canadian National might issue its own securities to an extent not exceeding $3,577,500 to purchase one-half the securities issued by the Terminals Company.

This latter amount was increased by an amendment, in 1925, to $7,000,000, to be issued—

(a) to purchase securities of the Terminals Company;

(b) to defray cost of portion of the viaduct and works which will not be included in the works owned by the Terminals Company and will have to be constructed by the Canadian National.

By an amendment in 1928 this sum was increased to $10,500,000 for the same purposes, and the present Bill is for the purpose of increasing the amount to $14,150,000 for the same purposes.

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

THIRD READING

Hon. Mr. DANDURAND moved the third reading of the Bill.

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

## CANADIAN COAL BOUNTY BILL

FIRST READING

Bill 312, an Act to place Canadian coal used in the manufacture of iron or steel on a basis of equality with imported coal.—Hon. Mr. Dandurand.

SECOND READING

Hon. Mr. DANDURAND moved the second reading of the Bill.

He said: Honourable senators, by way of explaining this Bill, I think it would be sufficient to read its three clauses:

1. So long as the provisions of tariff item number one thousand and nineteen in schedule B to the Customs Tariff remain in full effect, the Governor in Council may authorize the payment out of the Consolidated Revenue Fund to manufacturers of iron or steel, of forty-nine and one-half cents per ton of bituminous coal mined in Canada and converted into coke by a proprietor of coke ovens at his coke ovens in Canada, and used by such manufacturers in the smelting in Canada of iron from ore or in the manufacture in Canada of steel ingots or steel castings. No such payment shall be made more than once in respect of any coal so used.

2. No payment shall be made to any person or corporation entitled to receive any payment under this Act, or any drawback under the tariff item mentioned in the preceding section, where it is shown to the satisfaction of the Governor in Council that such person or corporation is not complying with laws enacted by the Province, in which the industry concerned is operating, for the purpose of maintaining in the operation of such industry hours of labour and rates of wages consistent with the provisions of any international convention adopted by a labour conference held under the Treaty of Versailles.

3. The Governor in Council may make regulations to carry out the intentions of this Act.

Honourable members are aware of the form of the convention adopted at the conference between employers and employees at the International Labour Bureau, Geneva, which fixed a maximum of working hours on what is called the eight-hour-day basis. Honourable members also realize the inability of the Dominion Government to sign that convention, inasmuch as its subject-matter comes within the jurisdiction of the provinces. The second section of the Bill is so framed that any person or corporation shall not receive a bounty unless such person or corporation complies with laws enacted by the province, in which the industry concerned is operating, for the purpose of maintaining hours of labour and rates of wages consistent with the provisions of any international convention adopted by a labour conference held under the Treaty of Versailles.

Hon. Mr. WILLOUGHBY: Has the honourable gentleman a copy of schedule B to the Customs Tariff?

Hon. Mr. DANDURAND: I would ask permission to have Mr. McKinnon sit beside me.

Hon. Mr. WILLOUGHBY: It will be seen that the payment of the bounty is made contingent on the provisions of tariff item No. 1019 in Schedule B to the Customs Tariff remaining in full effect.

Hon. Mr. DANDURAND: Item 1019 in Schedule B to the Customs Tariff reads:

Bituminous Coal—when imported by proprietors of coke ovens and converted at their coke ovens into coke for use in the smelting of metals from ores and in the melting of metals.—99 per cent drawback.

So long as the provisions of that tariff item remain in force, the bounty of 49½ cents per ton may be paid.

Hon. Mr. WILLOUGHBY: I have not read the debate on this Bill in another place, but I know there was considerable discussion on it there. The Bill provides that a person or corporation shall not receive payment of the drawback if there has been non-compliance—

—with laws enacted by the province, in which the industry concerned is operating, for the purpose of maintaining in the operation of such industry hours of labour and rates of wages consistent with the provisions of any international convention adopted by a labour conference held under the Treaty of Versailles.

That is to say, manufacturers of iron or steel will receive the bounty if they comply with provincial law. We are contemplating the remission to manufacturers concerned of the duty on coal—

Hon. Mr. DANDURAND: No, only a bounty of 49½ cents per ton.

Hon. Mr. WILLOUGHBY: Well, that is virtually the same thing.

Hon. Mr. DANDURAND: They are getting the remission now.

Hon. Mr. WILLOUGHBY: They will get the bonus if they comply with laws enacted by the province for the purpose of maintaining wages and hours consistent with the provisions of any international convention adopted by a labour conference held under the Treaty of Versailles. I do not pretend to make any new comment on this matter, for the point I wish to emphasize has already been discussed in another place. In my opinion we should not make the payment of the bonus conditional on compliance with legislation by a province. We, who are authorizing the payment, have the power to say under what conditions the payment shall be made. I think we should provide that the bounty may be paid to manufacturers who comply with the provisions adopted by a labour conference held under the Treaty of Versailles with respect to hours of labour and rates of wages. We should not pay any attention to what legislation the Province of Nova Scotia, or any other province, decides to pass. The payment of the bonus should not be made conditional upon the action of some outside party. I do not desire to oppose the passage of the Bill. In common with every honourable member of this House, I am eager to encourage the growth of native industry in Canada, and I think this legislation will be of some assistance along that line.

Hon. Mr. DANDURAND: My honourable friend realizes that the Dominion Parliament cannot legislate with regard to hours of labour and rates of wages.

Hon. Mr. WILLOUGHBY: Quite true.

Hon. Mr. DANDURAND: That is a provincial matter. This Bill provides for the payment of a bonus to manufacturers of iron or steel. If the province where the industry concerned is operating has passed legislation respecting hours of labour and rates of wages in conformity with any international convention adopted by a labour conference held under the Treaty of Versailles, the manufacturers will have to comply with that legislation in order to receive the bounty. But the Bill does not demand the passage of any such legislation. A province may go as far as it wishes with a view to protecting labour employed in the iron and steel industry.

Hon. Mr. DANIEL: Does the corollary apply, namely, that if a province does not pass such legislation any industry concerned in the province would not receive the bonus?

Hon. Mr. DANDURAND: It would receive the bonus.

Hon. Mr. DANIEL: It would receive it anyway?

Hon. Mr. DANDURAND: Yes, unless it disobeyed any provincial law.

Hon. J. A. CALDER: I quite concur in the view expressed by the leader of the Government (Hon. Mr. Dandurand) that the Parliament of Canada cannot pass legislation governing hours of labour and rates of wages. But would it not be possible to provide in this Bill that the bonus shall be paid only to such persons or corporations as, let us say, adopt the eight-hour-day basis? By doing that we should not be encroaching on provincial jurisdiction. We can say to the manufacturers, in effect, that they will be eligible for the bonus

if they adopt the eight-hour day. Surely we have power to do that. The authority for the payment of the bonus lies in the Dominion Parliament, and therefore we should be able to attach any conditions we desire to the payment of it.

Hon. Mr. DANDURAND: I have considerable doubt as to the right of the Dominion of Canada to do that, and I will point out my difficulty to my honourable friend. If we can do it in one instance by using tariff privileges to favour one industry, how would a tribunal view an enactment to cover all the privileges, or protection, if you will, or incidental protection, accruing to most of the industries of this country through the imposition of customs duty?

Hon. Mr. CALDER: This is a bonus, not a customs duty.

Hon. Mr. DANDURAND: If Parliament can single out one industry employing a thousand men, can it not cover all the industries that receive some kind of privilege or protection through any Federal enactment? When I am faced with that possibility I doubt very much whether our legislation would stand before the tribunals of this country.

Hon. Mr. WILLOUGHBY: The honourable gentleman has pointed out that to make this document applicable to all industries might mean great difficulty. Assuming that to be true, which I do not admit, it would not be illegal; it would only mean difficulty in applying it.

Hon. Mr. BELCOURT: This provision, it seems to me, is the only means by which we can control the matter. It is possible, I think —it may never happen—for a company entitled to this bounty to apply for it and get it, and then change the rate of wages or the hours of work of its employees. If there is a provision on this subject in the law of the province you may be sure that the employees will have the benefit of it permanently. Otherwise, a company might secure the bounty and then change its rate of wages or hours of employment. This, it seems to me, is the real reason for this restriction.

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

THIRD READING

Hon. Mr. DANDURAND moved the third reading of the Bill.

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



## SOLDIER SETTLEMENT BILL

FIRST READING

Bill 313, an Act to amend the Soldier Settlement Act.—Hon. Mr. Dandurand.

SECOND READING

Hon. Mr. DANDURAND moved the second reading of the Bill.

He said: Honourable members, I do not know whether honourable senators have had occasion to read this Bill. I have received no brief, but I think I clearly understand its purport. The Soldier Settlement Act, Chapter 188 of the Revised Statutes of Canada, 1927, as amended by Chapter 48 of the Statutes of 1928, is further amended by adding thereto the following sections:

69. (1) Notwithstanding anything in this Act, on or after the first day of July, 1930, in any case where the Board, before exercising as against the land the right of recission of the agreement with any settler who is in default, gives to the settler the statutory notice as required by this Act of its intention to do so, no recission of the agreement shall take place where, within the period set forth in the notice, the settler advises the Board in writing of his opposition to the proposed action, or where the Board has otherwise reasons to believe that a dispute may arise, unless an order of a County or District Court Judge is issued declaring the recission of his agreement warranted.

(2) The Governor in Council may make such regulations as he deems fit for the procedure in applications to a District or County Court Judge for an order under this section, and may by such regulations modify and dispense with any provisions as to procedure which might otherwise affect such application, or in the rules and practice of any such Court, and all such regulations shall be published forthwith in the Canada Gazette.

70. Notwithstanding anything in this Act, in the case of any settler qualified and established upon the land in accordance with the provisions of this Act and regulations thereunder, who has not abandoned his land and whose agreement with the Board has not been terminated, rescinded or assigned, the Board shall credit the settler's account as on the standard date in 1929 with an amount equal to thirty per cent of the settler's indebtedness to the Board as on that date; provided that in the case of any such settler whose application for revaluation under section sixty-eight of this Act has not been finally disposed of, the settler's indebtedness as on the said standard date shall for the purposes of this section be deemed to be the amount owing by him to the Board as on the said standard date less the amount of the depreciation in the value of the land, if any, determined as provided by section sixty-eight of this Act; provided further that the maximum amount which may be so credited to any settler in accordance with the provisions of this section shall in no case exceed the settler's total indebtedness to the Board.

71. Notwithstanding anything in this Act, on or after the fifteenth day of June, 1930, in the case of any settler holding under purchase from the Board any live stock to which the Board

retains title pending the completion by the settler of the payment of balance of the purchase price thereof, or on which the Board has a charge, lien, or other encumbrance as the result of any advances made to the settler pursuant to the provisions of this Act, the Board's right, title and interest in such live stock shall be released by the Board in favour of the settler; provided that such release shall in no way relieve the settler from the payment by him to the Board of the balance of the purchase price of such live stock remaining unpaid together with accrued interest, or from the repayment of any amount secured by a lien, charge or other encumbrance against such live stock; provided further that no such release of title shall be made in favour of the settler where the settler has with the Board's consent assigned his interest in such live stock to another party to whom the Board is obligated to deliver clear title upon the fulfilment by such party of certain obligations to the Board.

The principal enactment of the Bill has to do with the remission to the settler of 30 per cent of his indebtedness, provided that it does not make him a creditor of the State.

Hon. Mr. FORKE: The Bill is not printed.

Hon. Mr. WILLOUGHBY: I have a copy.

Hon. Mr. FORKE: This means an expenditure of probably $10,000,000 or $11,000,000.

Hon. Mr. BLACK: Most of us have not received copies of the Bill.

Hon. Mr. CALDER: It seems to me, honourable gentlemen, that a Bill of this character should go to committee. We have not the slightest idea what it means or what the effect of it will be. As I understand it, notwithstanding the fact that a year or two ago we set up machinery whereby returned soldiers who had gone on the land were given the fullest opportunity to have their debt decreased, and that work has been going on at a cost of millions of dollars to the country, the Bill now makes a blanket provision to reduce the indebtedness of every returned soldier by 30 per cent.

At least we should have an opportunity of getting in touch with some of the officials of the Department, in order to find out how many people are interested and what sum of money is going to be involved. I have not even seen the Bill, and to ask us to deal with it in this cursory way at this time is very unreasonable indeed.

Hon. Mr. WILLOUGHBY: Could we not send it to the Committee on Banking and Commerce to-morrow?

Hon. Mr. DANDURAND: I will simply move the second reading. We can then send it to the Committee on Banking and Commerce.

Hon. Mr. FORKE: This is very drastic legislation. There is a great deal entailed in the carrying out of the provisions of this Bill. I think it would be well for members of the House to know exactly what remissions have been made to soldier settlers and something of their present condition. I am somewhat familiar with this subject, and I think the Senate should be well informed as to what has taken place in regard to soldier settlement work in the Dominion. I cannot estimate the amount involved, but I know the present indebtedness will amount to a very considerable sum.

Furthermore, there is something here—I have not had time to read it—in regard to releasing liens on live stock. I know this Bill has received a great deal of attention from the committee of the other House. It is the result of their consideration, and probably it will be found to be all right. But a large sum of money is involved, and I think the Senate should be informed of just what is entailed.

Hon. Mr. WILLOUGHBY: Probably we can have some officers of the Department present at the committee meeting to inform us just what the cost will be.

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

## CUSTOMS TARIFF BILL

### FIRST READING

Bill 345, an Act to amend the Customs Tariff.—Hon. Mr. Dandurand.

### SECOND READING

Hon. Mr. DANDURAND moved the second reading of the Bill.

He said: I am quite sure that every honourable member of this Chamber is familiar with the general purport of the amendments that have been made to the Customs Tariff, Chapter 44 of the Revised Statutes of Canada, 1927. I do not think it is necessary to go through the hundreds of items that are printed in the Bill. If any honourable member desires an explanation in regard to any particular item, I suggest that he so state. I do not think it is necessary that the House should go into Committee of the Whole on the Bill, unless honourable members desire to examine some of the clauses in detail. I place myself in the hands of the Senate in this matter.

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

Hon. Mr. DANDURAND: Is there any objection to giving the third reading now?

Hon. Mr. WILLOUGHBY: I have no comment at all to make on the Bill. We have a very slim House, but if it is necessary to speed up things I shall not oppose the passage of this measure now.

THIRD READING

Hon. Mr. DANDURAND moved the third reading of the Bill.

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

BUSINESS OF THE SENATE

Hon. Mr. DANDURAND moved that when the Senate adjourns to-night it do stand adjourned until 2.30 o'clock to-morrow afternoon.

He said: Honourable senators, I do not know what further legislation we may expect from the other House, nor when that House is likely to finish its work. I do not know whether the session will end to-morrow, or this week, or next week.

The motion was agreed to.

The Senate adjourned until to-morrow at 2.30 o'clock p.m.

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## THE SENATE

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Thursday, May 29, 1930.

The Senate met at 2.30 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

SOLDIER SETTLEMENT BILL

REPORT OF COMMITTEE

Hon. F. B. BLACK presented the Report of the Committee on Banking and Commerce, to whom was referred Bill 313, an Act to amend the Soldier Settlement Act.

He said: Honourable senators, I do not know whether the concurrence of the House in the suggestion made by the right honourable the junior member for Ottawa (Right Hon. Sir George E. Foster) a few days ago, that an explanation should be given by the chairman of a committee reporting a Bill, allows me to make a few remarks now. However, I am going to assume that I have that right, and shall proceed, unless I am forbidden, to say a few words on this Bill.

Some members of the committee requested that a résumé of the expenses of soldier settlement, together with other particulars, as prepared by Col. Rattray, should be laid before the House. I have that résumé and shall submit it with the Bill, and ask that it be placed on Hansard.

Ottawa, April 14, 1930.

The Soldier Settlement Board
Organization

The start of the organization was in 1917, when legislation was put in force permitting the Board to make loans by way of mortgage on lands owned by returned soldiers. This met the condition existing at that time, because it was only those who had been discharged medically unfit who were coming back to Canada in 1917.

In 1918 and 1919, after the war was over, the question of re-establishing returned men became very acute. It must be remembered the end of the war caused a collapse of business and manufacturing, and many of the men who had been in employment before going overseas could not get back into the same positions, for reasons that I need not enumerate.

The Soldier Settlement Act, 1919, was passed to allow greater scope in settling returned soldiers on the land. The number of returned men applying for homesteads was really greater than the supply of these, and also many of the returned soldiers did not wish to go into homesteading, but wished to purchase land in the older parts of the provinces, so power was granted to the Soldier Settlement Board to purchase farms.

An organization was set up for the purpose of acquiring these lands and settling these returned soldiers and purchasing stock and equipment for them. This organization was composed of men who had gone overseas during the war, and very few of those in the executive and administrative positions had any previous knowledge of lands or of loaning money on same; but it speaks well for those who were in the organization at that time, that during 1918, 1919, and 1920, about 30,000 returned soldiers were placed on the land, and of this number about 25,000 received advances for the purchase of land, erection of buildings, and purchase of stock and equipment. In all a total of about $112,000,000 was loaned during these years.

Criticism might be made as to why it was necessary to do this, but I think it is a sound assertion to make that the effect of soldier settlement was to act as a safety valve on the returned soldier problem during these years. These men were coming back in thousands and had to re-establish themselves, and in their endeavour to do so they always had in their minds the fact that if they could not establish themselves in their own positions or in any other way they could go to the Soldier Settlement Board and have some land purchased for them and some stock and equipment, and in this way ensure a livelihood for a few years until they were able to get themselves placed in some way more to their liking. The fact that some 6,000 men took up homesteads which later on they never were near, is proof of what I have just stated. Also, the fact that a considerable number of these men gave up their lands during the years 1920, 1921, 1922, and 1923, bears out what I have stated—that it was a temporary undertaking which enabled many returned men to tide over a few years

until they got themselves re-established in an occupation more favourable to them.

At this date it is just rather difficult to estimate what good effect the knowledge of the provisions of the Soldier Settlement Act had on thousands of returned men and what help it afforded for the peaceful return of men to civil life.

### Soldier Settlers Established

The total number of soldiers established under the Soldier Settlement Act was 31,482. Of this number 6,991 took up soldier grants, but got no loans, which left the balance of 24,491 who had loans. This number—24,491—received loans as follows:

| | |
|---|---|
| By purchasing land for them.. .. | 17,715 |
| Advances on privately-owned land. | 2,522 |
| Advances on Dominion lands.. .. | 4,254 |

The total amount that could be advanced to any one settler was—for land, $5,000; for improvements and stock and equipment $2,500; making a total of $7,500.

### Terms

The advances for the purchase of land and for improvements on it were to be repaid in 25 years—amortized over 25 years at 5 per cent interest. This means that the settler had to pay back his loan in 25 years at about 7½ per cent basis, which appears fair enough on the face of it, because 7 per cent, especially in the Western Provinces, is looked upon as a fair rate of interest.

These terms of payment at first did not apply to the amount of money advanced for the purchase of stock and equipment. It was realized that, these being perishable, the terms of payment should be shorter, so at first the terms of payment were that the whole loan for stock and equipment was to be repaid in four annual instalments, and for the first 2 years was to be interest free.

It was early discovered that, while the repayment on land and improvements was at a fair rate, practically 7 per cent per annum, the repayment of the loan for stock and equipment in four years, along with the annual payment on the land and improvements, was really too heavy a load for the soldier settler just starting up to carry and meet. In 1922 the legislature made its first concession and amendment to the Soldier Settlement Act. The result of this concession was the consolidating of the settler's loan. That is, the amount that was due as at the 1st October, 1922, on his land and improvements, and the amount on his stock and equipment, were added together and the whole amount reamortized, and as an offset to any interest that might have been paid previously to the 1st October, 1922, the whole of the consolidated loan was made interest free for a period of three or four years, depending on when the returned soldier got his loan. It should be carefully noted here that most of the loans from 1922 to 1925 were interest free, and the payments that were made during these years went to the reduction of principal. I am afraid that a number of settlers did not appreciate or take advantage of this concession.

Another thing that should be kept in mind is that the stock and equipment loan was interest free for the first 2 years, which practically brought it up to the time when the accounts were consolidated, and from that date forward it had a further interest free period, so that the stock and equipment loan had practically an interest free period from five to six years.

As I have already stated, a number of the soldiers who used the privileges of the Soldier Settlement Act for a few years in order to get themselves as they considered more favourably placed, abandoned their farming undertaking. It is but right to state here the depression caused by the low price of grain and stock in 1922 and 1923 had some effect in making a number leave their farms.

### 1925 Concession

The low prices obtaining in 1922 and 1923 were part of the cause of a number of settlers leaving their land, and in order to offset this Parliament passed an amendment to the Soldier Settlement Act giving a reduction in the price of stock:

(1) If stock was purchased before 1st October, 1920, a 40 per cent reduction was made;

(2) If stock was purchased after 1st October, 1920, a 20 per cent reduction was made.

The soldier settlers, in common with all those engaged in agriculture, had to pay high prices for their stock during 1918 and 1919, but the soldier settler was the only one who received legislative concessions in this way. It is well to point out here what has been stated already —that the stock and equipment loan was not interest-bearing for practically six years, and just about the time it was to become interest-bearing a reduction of 40 per cent of the original cost was granted.

### Revaluation

The high price of grain and the influx of American farmers to our Western Provinces to buy cheap land, had the effect of raising the prices of land during 1918 and 1919 to a much higher value than they had been previously, and it must be admitted that some of the purchases made by soldier settlers were higher than even the price at that time warranted. It is just as well to state here that a returned soldier, who intended to settle on land and wanted the Soldier Settlement Board to purchase same for him, had to select his piece of land and then apply to the Board to have same appraised and purchased for him. That this privilege was abused must be admitted, and unfortunately the returned soldier asked for the purchase of lands at prices far beyond their actual value, and these prices were approved and recommended to the Board by officials who were entirely independent of the soldier settlement organization. But it must be said that in comparison with the numbers that were settled, cases of this kind were relatively few.

The result of the lowering of the price of land caused by so many farmers outside of soldier settlers abandoning their lands was that land values lessened very much, and in order to place soldier settlers in the position of having their lands sold to them at a price consistent with the 1927 values, an amendment was made to the Soldier Settlement Act in 1927, the effect of which was that soldier settlers fulfilling the conditions as laid down in the amendment could apply to have their lands revalued. The basic principle of revaluation was that the farm was to be considered as it was when purchased by the settler and a value placed on it in accordance with the

current values of land under similar conditions in that district at the time of revaluation. When a survey was made of those who were eligible under the 1927 amendment for revaluation, it was found that 10,697 were eligible to apply. Of this number 8,325 applied for revaluation; later on, 187 of these withdrew, so that the net number applying was 8,138, and 2,559 were satisfied with their prices. While 8,138 settlers had applied for revaluation, 8,109 of these applications were completed by the 31st March last, that is, as far as the field work was concerned. Final revaluation awards have been made in 7,392 of these cases, and the average reduction in the original purchase price has been 24 per cent. This refers to the original cost of the land purchases, and does not take in any revaluation of moneys advanced for stock and equipment, because stock had already been reduced 40 per cent.

Following through by way of summary, it will be seen that the soldier settler got—

(1) Free interest on stock and equipment for 2 years;

(2) His whole loan consolidated and given interest free for from 3 to 4 years;

(3) Reduction in the original cost of stock of 20 per cent or 40 per cent;

(4) Reduction in the original price of land averaging 24 per cent.

The effect of all these concessions has been that the settler has had the use of the money advanced to him through the Soldier Settlement Board up to the present time at an interest rate of from 3 per cent to 3¼ per cent.

The Result of Revaluation

As it has been stated, the settler has received a reduction of 24 per cent, or practically one-quarter of the original purchase price of his land. Taking it on the average one-quarter reduction on the purchase price of the land means one-quarter reduction in the interest. The interest was 5 per cent per annum. One-quarter of this is 1¼ per cent, so that on the average the settler is now paying on his original loan about 3¾ per cent.

Revaluation, as I have stated, is not fully completed, but is very nearly so, and what has been done shows certain results, as follows—

(1) Revaluation in some cases has completely wiped out the land indebtedness.

(2) Those whose payments were kept up, or nearly so, and who got revaluation, find their annual payments much reduced thereby.

(3) Those who were badly in arrears, on the crediting of their awards now find their annual payments greater than they were before.

In order to understand this, it is well to explain that when an award was completed the settler was not only credited with the amount of the award but also was credited with the interest on same at 5 per cent from the 1st October, 1925. This was the termination of the interest free period on his consolidated loan. After he had been credited with the amount of his award, together with the interest, as stated, then the balance of his account was amortized over the remaining period of his loan. Where a settler's loan was badly in arrears, after receiving the credit of his award and interest from the 1st October, 1925, the balance of his loan was reamortized, but the effect of his arrears was such that his payments were greater than they were originally. This created a situation that was not intended through revaluation, and the Board, in order to meet this situation that was thus created for those who previously had allowed their accounts to get into arrears, adopted the policy of asking, for a stated number of years, that the settler pay interest only and taxes and insurance, deferring principal payments. A survey of the cases coming under this policy, and which the Board grade as 3 and 4, has shown that there are different reasons for their failure to keep their accounts in good standing, and among them might be enumerated—

(1) Their original purchase price much too high;

(2) Climatic conditions affecting crops;

(3) Not using farm for best revenue-producing purposes;

(4) Certain physical disabilities;

(5) Settler unsuited for farm life.

In all these cases except some in (5) of the above, readjustment was made through revaluation, and I would say that a safe estimate would be that in these cases a 40 per cent reduction on an average has been made in the purchase price of the land; in some cases very much higher. Forty per cent is two-fifths reduction of the principal. This means two-fifths reduction of the per cent paid, which reduces it to 3 per cent on the original loan. It is now felt that with the reduction of the original purchase price, the asking for interest only will give a number of these grades 3 and 4 settlers an opportunity to place themselves in such position that they will be able later on to undertake the payment of part of the principal. Of course they have the opportunity at any time of reducing their principal indebtedness if they are able to do so. It is expected that with these decreased payments, the settler will use the balance that might be asked for in improving his revenue-producing situation, either by bringing more land under cultivation or by purchasing more stock. I might remark here that since revaluation is about completed as far as the field work is concerned, the Board's Field Supervisors are now giving more definite attention to these classes of settlers, in giving them advice and direction and supervision toward the ends just named above.

I have also, in very much briefer form, some figures that are decidedly pertinent, which I think the members of this House and the country at large should have.

The net amount advanced to soldier settlers by the Farm Settlement Board is $108,287,000. There has been repaid by soldier settlers on that account, in round numbers, $30,000,000. This leaves a net investment made by Canada in the soldier settlement lands and equipment, of $78,287,000.

Canada's equity in that $78,000,000 has been very materially reduced, as follows: There has been written off by revaluation in 1922 and 1927, $10,288,000. The estimated loss on the resale of lands recovered—that is, lands given back or abandoned—is $8,000,000. The actual loss on live stock is $6,000,000. The anticipatory loss on live stock and equipment paid for by the Department is $2,500,000. The amount of interest remitted to date is $10,000,000. The estimated loss of interest which has not yet

been entirely lost is $4,000,000. The Bill that is now reported results in a net decrease in the equity that the country now has of $11,000,000 or more; probably between $11,000,000 and $15,000,000. These losses mean a reduction to date of $52,000,000.

There must be added to that the total cost of the administration of the Department to date, which is $19,000,000. Therefore, in the administration of this Department, the total loss on the investment Canada has made is $71,000,000.

When you take into consideration the fact that we have an equity of only $78,000,000, and that in the past ten years it has cost $71,000,000 to take care of that investment, you will see that there is not very much left. There is, however, still owing to the Department at this date, by soldier settlers, $38,867,000. This amount would be reduced by the passage of this Bill to the extent of $11,666,000; so, if the Bill passes, Canada will have an equity of $27,000,000 in the original investment, made ten years ago, of $108,000,000. But in the meantime Canada has lost enormously in interest and in costs of administration. The enactment of this measure does not mean that those who are behind in their payments, particularly those in classes 3 and 4, will pay the amounts overdue. Undoubtedly a large number of farms now held by the soldiers will revert to the Board. The present annual cost of administration of this Department is something over $700,000 a year, and there are still sixteen years in which this expenditure will be made, resulting in an additional administration cost of $11,000,000.

While this Bill has been favourably reported upon by the committee, I want to say that I am absolutely opposed to it, on the ground that it is not in the interest of justice nor of equity. The Bill would not do justice to the returned men as a whole, because, after all, only a very small percentage of them are interested in the matter; and of those who are now on farms 7,400 have kept their payments up to date, or practically so. These men and their holdings would be first-class risks for any mortgage or loan company in Canada. There are approximately 3,000 men coming within what is called group 3 who have paid a considerable portion of their dues and are in reasonably good condition. Whether they will be able to carry on satisfactorily will depend entirely on crop and stock conditions. Some of them carry on fruit farming, others have stock farms, while others are operating mixed farms. It is reasonable to believe that a large proportion of these 3,000 men will make good. There are 1,600 men in class 4, who are considered by the Department to be rather hopeless cases. I do not believe this Bill would make the slightest difference to those men in class 4, because they are so deeply in the hole. They have demonstrated their inability to operate successfully the farms on which they are placed, and the obvious inference is that they will abandon the farms, which will be handed back to the Farm Settlement Board.

I said before the committee, and I desire to repeat, that it would be better for the country to turn those farms over completely to the men who are now on them, to abolish the Farm Settlement Board, and to transfer the rest of the Board's work to the Department of the Interior or some other administrative branch of the Government. If this were done we should at least be rid of a large proportion of this annual expenditure of $700,000. I am quite aware that to take this action would not be altogether fair to everyone concerned, but it would at least relieve the Government of a large annual expenditure for the carrying on of what we might almost call a needless work.

I have already said that the Bill is neither just nor generous. It is not generous, because a large number of these men, 7,400 of them, are doing well and are only slightly behind in their payments. If this Bill were passed, these men would get a reduction of 30 per cent on only the comparatively small balances they owe, whereas the 1,600 men in class 4 would get a reduction of 30 per cent on almost their total liability. In other words, the Bill would bonus the men who have not been able to make a success, and penalize those who have been successful.

The men on these farms are not pensioners, but returned soldiers. In the past, by the remission of interest and the revaluation of their lands, we have virtually bonused them to the extent of approximately $35,000,000. It is quite true that they were entitled to a part of that benefit, because their farms, stock and equipment were, as a rule, bought at peak prices, but it was considered that the remissions that were made in 1922, and particularly those made in 1927, brought about the necessary adjustment and reduced the valuation of the farms to the prices prevailing. The sum of $10,288,000 was involved in that; so there still remains about $20,000,000 given as a bonus to these men. Now the Bill proposes to bonus them to the extent of a further $11,000,000. We have a large number of returned men in Canada. Why should we give special favours to those who elected to go on the land? Why should we give them $20,000,000 plus $11,000,000, a total of $31,000,000, unless we are prepared to give all other returned soldiers a cash bonus? If we pass this legislation we are going to have

demands year by year for increases in certain payments, and I prophesy that before many years longer we shall be asked for a cash bonus for every returned man in the country.

I am a returned man and am in full sympathy with those who served overseas, but I am not in favour of injustice being meted out either to returned men or to the people of Canada, whether before or after an election. I do not believe that the Parliament of Canada would be doing its duty to the people of the country if we passed this Bill, which would result in an additional bonus of $11,000,000 to a small proportion of our returned men. I believe it is bad legislation, and even though no honourable member agrees with me, I shall vote against the Bill.

Hon. Mr. DANDURAND: Does the honourable Chairman of the Committee on Banking and Commerce (Hon. Mr. Black) desire to divide the House on the motion to adopt the report or on the motion for third reading? I do not know at what stage my honourable friend intends to register his vote against the Bill. If the report of the Committee is to be adopted now, I shall not say anything further, but if the report is to be challenged I shall have a few remarks to make.

Hon. Mr. BLACK: Judging from the action of the committee and the silence that has greeted my remarks in this Chamber, it is clear that there are very few members who would desire to vote as I intend to, although the majority of members, I feel, are really of the same opinion as myself. It would be useless to divide the House if honourable members are almost unanimously in favour of the Bill.

Hon. R. DANDURAND: Honourable members, I take it for granted that if we adopt the report of the committee we shall vote for the third reading of the Bill; so any honourable member who has remarks to make might make them now.

This Bill results from the work of a committee which made a unanimous report to the other Chamber. The Government had promised that it would be governed by the conclusions of that committee—I suppose it implied the unanimous conclusions—and that it would embody them in a Bill. The Government has done that, and I understand the measure has been unanimously approved in the other House. Now the Senate is asked to give its sanction.

I confess that I could not follow the work of the committee of the other House in dealing with particular questions in respect to advances to soldiers who went on the land. It is true that Parliament has done much to relieve the burdens of those soldiers who took over the land when the prices were high. I have not the figures before me, but I believe that revaluations were made in some 7,000 or 8,000 cases. It now appears that the 12,000 soldiers who are debtors to the Settlement Board and the Dominion treasury may be divided into four grades. The first and second groups comprise those who have done well, and who, although they perhaps have not paid all their dues, are in good standing. Those in the third class are barely holding their own. The Chairman of the Board told us that it was hoped some of them would make good, though a certain number would fail. The fourth class comprises men who have given little ground for hope that they will be able to maintain themselves on the land. The question which apparently was in the mind of one honourable member who attended the meeting of the committee this morning was why 30 per cent should be deducted from the indebtedness of all soldier settlers—those who have made good on the land and those who have not. We were told that it would be a very difficult matter to draw distinctions between various classes; that to do so would necessitate a detailed and costly inquiry, and that it has been felt that although all the settlers are not asking for the 30 per cent deduction as provided for by the Bill, a large proportion of them—I would say some 50 per cent—would have their morale strengthened and would face the future with greater hope if the relief contemplated in the Bill were given.

Undoubtedly many of the accounts in the third and fourth classes will be uncollectable and the farms of the men in these classes will be returned to the Settlement Board. In other words, the Treasury Board will incur many losses in connection with the third and fourth groups. What it will cost to grant a 30 per cent remission to the settlers of the first and second classes, I am unable to say. I confess that we are facing a very difficult problem. If we remit $11,000,000 by this Bill, the country will be a creditor to the extent of $27,000,000. To collect this large sum would be a costly process. The country entered upon a perilous adventure when it initiated the soldier settlement scheme. If the Government of any country embarks upon any such plan, whereby money is advanced directly to its own citizens, its experience is generally along the line that ours has been. I am not very hopeful that we shall be able to salvage the whole $27,000,000. It is a question whether Parliament should not apply itself to the soldier settlement problem with a view to

solving it in the best possible interest of the Federal treasury. It is for the Senate to take this responsibility. I bring the Bill before the House with the sanction of the Cabinet, which is the executive of Parliament. Undoubtedly a sacrifice is being made. It is possible that, in part, it is inevitable, inasmuch as an additional number of those 12,000 soldiers may ultimately be unable to meet their obligations. It is said that this relief will give them hope for the future.

There is perhaps another angle from which this problem might have been approached and solved, but it is not now under consideration. With the exception of my honourable friend, the committee has reported unanimously. As I am quite sure every member of the committee realized, this Bill may not seem just to all returned soldiers; for instance, those who took farms, but were obliged to abandon and sacrifice their property because their burden was too heavy to carry. They may feel that they have reason to complain of unfair treatment on the ground that, if the Government had acted as generously towards them as it is to-day acting towards others, they would not have been deprived of their farms. Yet the committee of the House of Commons seems to have studied this matter very seriously and to have examined it thoroughly from all sides, and, as I have said, it has presented a unanimous report. I cannot say that it meets with my full approval, but it is presented to us in the late hours of the session, and after the examination that I have been able to make of it, particularly in the committee this morning, I will not hesitate to recommend it to the Senate.

Hon. Mr. BLACK: In order to keep this matter straight, may I be permitted to place on Hansard the numbers of men in the different classes? In classes 1 and 2 there are 7,400 soldier settlers. They are in good standing. In class No. 3 there are approximately 3,000. They are in arrears, but are considered to be in fairly good standing. There are 1,600 that are regarded as hopeless cases.

Hon. Mr. WILLOUGHBY: Honourable members, I rise but to make a very few remarks. As has been pointed out by both honourable gentlemen who have preceded me, we are confronted with a most difficult situation arising from the war. We have had to deal with it also in connection with pensions and the adjustments made in favour of the burnt-out soldier.

People who live in the West know that during the past few years there have been more financial fatalities in the farming community than people in the East can realize. Last year produced among the farmers a large crop of financial failures—men who will lose their farms absolutely, or who are carrying on at present by virtue of the leniency of their landlords, if they are tenants, or of mortgage companies, if they are owners. The Government of Saskatchewan has been advancing large sums of money for assistance in purchasing food for the family and feed for the stock. The municipalities, too, have taken a hand in this matter. The Government has also guaranteed the advances on seed grain. This being so, I am not surprised that in some respects the financial position of the soldier settler last year became materially worse than it was before.

The situation is most unfortunate, but I have not seen any better solution than the one to be found in the report submitted by the Commons committee. It is true that the whole plan could be scrapped and a liquidation made, but I do not know how the Government could release itself from its obligation. It is possible, as has been suggested, that the work could be turned over to another department and that we could then proceed against those of the 12,000 soldiers who are reasonably successful. Purchasers might be found; but there would still remain the obligation to the British Government under the settlement scheme involving the sending of 3,000 families to this country. I am not sure that that would be the right action to take. I am afraid that we must pay the penalties of engaging in a war. We have tried to assist our soldiers, and we must look after the soldier settlers and not try to rid ourselves of the liability. I regret as much as anybody the enormous sacrifice that we have to make in this matter, but from what I have heard I believe the committee gave the best and most sympathetic consideration possible to the matter, and I for one am going to support the findings of the committee.

Hon. ROBERT FORKE: As the Minister in charge of this Department for three years, I may claim to have a rather intimate knowledge of the whole situation. I would point out first that the position of the Minister of Immigration in regard to the Soldier Settlement Board is a rather anomalous one. The Minister of Immigration is the Minister who is responsible to Parliament for the administration of that Board, but the Soldier Settlement Act gives the Board power to do a great many things without consulting the Minister.

Thirty thousand soldiers were put on the land when they came back from the front.

Honourable members will recall the difficult situation the Government were placed in at that particular time in their efforts to do something for the men who were coming back and were seeking to be fitted again into civil life. The fact that the Government at that time were able to find suitable employment for 30,000 of those men and place them, at least temporarily, was of great benefit to the country at large. They had been at the front for a number of years, living under peculiar circumstances and in the midst of turmoil and stress and the tragedy of war. When they came back many of them, no doubt, pictured to themselves the quiet countryside and thought that it would be an ideal change to go on the farm. A large number went on the land who were never suited for agricultural work, and under the circumstances it is not to be wondered at that many of them failed.

It has been pointed out that in the first instance too much was paid for the land and that too high prices were paid for stock and implements. There had been one or two boom years, and prices were in excess of real values.

There is one point that I think has perhaps been lost sight of—the economic value of those men who went on the land. No doubt, placing them there cost a great deal of money, but it must not be forgotten that the produce of those farms added many millions of dollars of new wealth to the country.

This proposition cannot be treated as a purely business affair. It is a psychological problem. As the Minister who came in contact with many of the transactions of the Soldier Settlement Board I may say that I never knew of a case of a soldier being dispossessed that was not followed immediately by a flood of letters from the district protesting against the idea that he and his family should be moved from the land. If a mortgage company or an ordinary farmer had been concerned, nothing would have been heard about it, but as it was the Government, the people wanted these men to be treated in the most liberal manner.

The honourable the leader of the Opposition (Hon. Mr. Willoughby) has mentioned the condition of the agricultural industry at the present time. I am a farmer and know exactly what conditions are. I think that without being egotistical I may say that up to a few years ago I might have been called a very successful farmer. I have been in politics to some extent during the last few years. I am not ashamed to tell this House that during the past year or two the balance from my farm—and it is a large one—has been on the wrong side of the ledger. I have often remarked to the Chairman of the Soldier Settlement Board: "I do not see how those fellows are going to pay for their farms and carry on under present conditions."

While I quite agree with some of the remarks made by the honourable senator who has objected to this Bill (Hon. Mr. Black), I think the committee that had this matter under consideration in all its details took what might be called a rough-and-ready way of solving the problem. It is a problem that is not easily solved. If agriculture were flourishing and any man who chose could make a success of farming, the problem would not be so difficult, but many of these men have to be nursed along and treated according to their circumstances.

I do not intend to vote against the Bill; I know it has received very careful consideration at the hands of the committee that had it under advisement; but I cannot say that I am entirely satisfied with it. I do not think it is altogether just, or that the action proposed can under any circumstances be defended on the grounds of pure justice. I think a better way would have been to consider each individual case on its merits. That, of course, would necessitate a reliable tribunal to take everything into consideration. The men who are doing their best should receive every encouragement; those who are careless and indifferent should not receive the same treatment.

A good deal has been said about the cost of the administration of the Soldier Settlement Board. Of course the cost of that administration has decreased very much since its inception. At one time it was perhaps double what it is to-day. The staff, I know, was more than double. I do not think it would be possible to do away with the Board or to get along without an administrative board of some kind. It is not necessary that a separate department should be established. The Board has been created by an Act of Parliament that can be changed at any time, and this work might be carried on by a large committee working under another department. At the present time, in a sort of way, it is under the Department of Immigration. It would be quite possible, in connection with some other department, to have an executive board looking after the soldier settlement scheme and the 3,000-family scheme. It would not be necessary to have such a large staff as we have at present. During the three years that I was in office it was my constant endeavour to reduce the Board as far as practicable, but honourable gentlemen who are familiar with governmental departments will

know how difficult it is to reduce staffs. Unless that is done by Act of Parliament it is well nigh impossible. It would be possible, however, to reduce that staff to one-half of its present size, and it could still render good service under a responsible Minister. I place stress upon that point. The Board as a distinct creation should not be allowed to administer the Act except in consultation with, and under the control of, a Cabinet Minister.

I do not know that there is much more that I can add. I do not think it is advisable to do away with the Board altogether. I think that there should be some committee or board to look after the interests of the soldiers and to administer the 3,000-family scheme. Under the 3,000-family scheme the Dominion Government supplies the land and the British Government supplies loans to a maximum of $1,500. The Dominion Government is undertaking to administer the scheme and is responsible for collections. The land is sold under long-term agreements, and the money is loaned for a long period, usually twenty-five years. That scheme has to be administered, the money collected, and an account given to the British Government. It should be under the jurisdiction of a Cabinet Minister who would be responsible to Parliament. I do not think that $700,000 a year should be required for that work in the years to come. I think it might be carried on for perhaps two or three hundred thousand dollars at the very outside. It was my intention to make a very drastic change in this respect, though I do not say that I was going to do it exactly as it has been done.

I am rather sorry that the Bill has come before us in its present form. I think it could be improved upon, and I believe it will be. But I do not think it is practicable or possible to get along without an administrative board of some kind to look after our soldier settlement scheme.

Hon. G. V. WHITE: I understand that about 89 per cent of the personnel of the male staff of the present Board is made up of returned soldiers. What disposition would be made of those men if the Board were disbanded or reduced?

Hon. Mr. FORKE: I may say that a number of years ago I made a proposal to the various departments that they should absorb those men as far as was practicable. I think that could be done yet. There is no department but needs additional help of some kind at some time, and in my opinion the men on the Soldier Settlement Board should get the preference when positions become vacant. I know it would be a serious thing to discharge employees, many of whom have given ten years or more of service. I think they can be absorbed in other departments of the Government. Of course, as honourable members know, most of the Soldier Settlement Board employees were engaged on a temporary basis; they do not come under the Civil Service Commission, and the Government may at any time dismiss them. I do not think the Government would be inclined to deal with them in so drastic a manner. I made an inquiry some time ago as to what would be done with these employees, and I was given to understand they would be absorbed in other departments.

Hon. G. V. WHITE: Taken into the permanent service?

Hon. Mr. FORKE: Yes.

Hon. J. J. HUGHES: Honourable senators, would it be wise to let this measure stand over until the next session, when it could be more thoroughly examined? I ask this question in view of the remarks made by the honourable chairman of the committee which considered the Bill this morning (Hon. Mr. Black), and by the honourable leader of the Government in this House (Hon. Mr. Dandurand), and by the honourable senator from Brandon (Hon. Mr. Forke). If I understood the honourable leader of the Government rightly, he does not altogether favour this measure, but feels it his duty, because of the position he occupies here, to introduce and recommend it. I am not sure that I was able to follow correctly the remarks of the honourable gentleman from Brandon, but if I am not mistaken he does not entirely approve of the Bill. He is an ex-Minister of Immigration and had considerable experience with matters of this kind.

Another reason why I suggest that we should not pass this measure now is because it has just been sent to us, in the last hours of the session, and we have not had an opportunity to consider it properly. I think that Bills that are as important as this one should not be brought to the Senate a few hours before the end of a session, if it can possibly be avoided. It seems to me that this House would not be doing itself justice if it gave its approval to the practice of passing legislation which has been hastily and cursorily examined. There must be many honourable members in this House who have not had an opportunity to study the question that is involved here. I am sorry that I have not had such an opportunity, because I should like to be able to vote intelligently upon the question. I hold myself partly responsible

for all the legislation that goes through this House. Will any great harm be done if the Bill is allowed to stand over till next session? Let us take no action until we have given the question careful consideration.

Hon. H. W. LAIRD: Honourable senators, this Bill and other soldier legislation which has recently passed through this House are evidence of the fact that we have not finished paying for the war yet. It strikes me that we are very much in the position of one who has grasped a red hot poker and finds it inconvenient to hang on, but impossible to let go. The facts produced before the committee, of which I was a member, showed that the assets of the Soldier Settlement scheme have been reduced to practically $27,000,000. The cost of administering the Department, which also handles the British immigration scheme, is over $700,000 annually. A simple calculation will show that before very long the cost of administration will have exceeded the value of the assets that remain. The honourable chairman of the committee (Hon. Mr. Black) has suggested that it might be advisable to grant a release to all the soldier settlers and wash our hands of the whole thing. I question whether that would be a good policy, because it would enable all other soldiers who served to complain that they had not received equal treatment from the Government. But, on the other hand, is it not a fact that we have to some extent already given special consideration to the soldier settlers? As I understand it, we have already wiped out a capital indebtedness of some $20,000,000. This Bill proposes to give a further credit of 30 per cent of each settler's indebtedness; in other words, to give further consideration to soldier settlers as compared with other soldiers.

It was stated this morning that if we were a board of directors of a financial corporation, faced with a statement of the kind that was presented to us, the logical course would be to wipe out the remaining indebtedness altogether, or to sell the assets to a mortgage company and let them make the collections. I do not think that we could consider the policy of turning the assets over to a mortgage company or to money lenders who would press the soldiers for payment. That would not be fair, and the people of the country would not tolerate it. We are faced now with the alternative of adopting the report of the committee and passing the Bill or, as the honourable gentleman from King's (Hon. Mr. Hughes) has suggested, holding the Bill over until next session. If we adopt the Bill we write off 30 per cent of the indebtedness. In my opinion, we might as well consider it already written off; so we might as well pass the Bill.

The committee spent about an hour and a half in consideration of the Bill. From the discussion that has taken place in this Chamber, following the presentation of the committee's report, it is clear that we could profitably spend a much longer period in examining into this whole question; and if we did spend more time on it we might be able to arrive at some better solution than the present measure. According to the statement made by my honourable friend from Brandon (Hon. Mr. Forke) this Board has been run as the tail end of the Department of Immigration, which Department has been utterly unmindful of the volume of the transactions carried on by the Board and the large amount of money at stake.

Hon. Mr. FORKE: I do not think that is exactly what I said. Parliament created the Soldier Settlement Board and endowed it with power to function without consulting even the Minister of the Department. What I intended to point out was that the Minister was responsible to Parliament for the transactions of the Board, which is not required to consult him.

Hon. Mr. LAIRD: The transactions of the Soldier Settlement Board are large enough to warrant the first-hand attention of some responsible department. I think our best course is to pass the Bill, and if we are in earnest in our desire to improve the existing situation, next session we can appoint a special committee of competent business men—we have plenty of them among honourable members—to take up this matter with a view to assisting the Government in bringing order out of chaos. I do not think we should refuse to pass the Bill It may not be a financial burden on the Government, because next session, when we shall have plenty of time, we may be able to arrive at a satisfactory solution of the whole problem.

Hon. Mr. BLACK: Honourable senators, I think it is plain that there is a widespread opinion among honourable members that this is poor legislation. I should like to suggest to the honourable leader of the Government (Hon. Mr. Dandurand) that the Government should consider the advisability of doing away with the Soldier Settlement Board. The Board looks after about 12,100 soldier settlers and a number of English settlers—fewer than 3,000, I think—

Hon. Mr. FORKE: Practically 3,000.

Hon. Mr. BLACK: Somewhat more than 2,900, I think. The administrative costs of the Board for 1930 are estimated at $700,000. I think that if the Board were abolished and the supervision of the English settlers were turned over to the Department, at least three-quarters of the work that the Board is now doing would be eliminated. I understand there is no official responsibility assumed for the purchase of equipment and stock by the English settlers, for instance; so the work of looking after these immigrant settlers would be very small, compared with the total activities of the present Board. The Board's employees, whether temporary or permanent, could probably be absorbed into other departments, so that no hardship would be worked on any of the returned men employed. The annual cost of the Board's operations has run up as high as $1,500,000. The sum estimated for 1930 is, I think, less than has been expended by the Board in any other year. So it is apparent that a huge saving could be effected if the Board were abolished. I guarantee that if the work of looking after the English settlers were assigned to the Department of the Interior, or some other administrative branch, the cost of looking after those settlers should not be more than $100,000 a year.

I understood the leader on this side of the House (Hon. Mr. Willoughby) expressed objection to wiping out the indebtedness of the soldier settlers, on the ground that it would be an injustice. As far as the 12,000 soldier settlers are concerned, it would be doing them the greatest justice possible, although other soldiers, who had not gone on the land, would not be given any corresponding favour. The soldier settlers would no longer be subjected to calls from official collectors on dates when the interest fell due. If a soldier sold a cow, he would not have the money taken away from him as a contribution towards the balance owing to the Government. He would be given complete control over his lands and would be in a better position than ever before to make good.

I disagree with the statement that has been made here this afternoon that the wiping off of 30 per cent of the indebtedness of every soldier settler would not result in any loss of money to the Government, because the money is gone anyway. That is an erroneous statement. It is not gone in the cases of the 7,400 men who have kept up their payments. In their cases the assets are as good as gold. I want to make that point clear. We must be fair in our statement of facts. This Bill would result in the wiping off of $11,000,000, and of this sum probably $2,000,000, at the very outside, would be a loss in any event. There would still be $9,000,000 of assets which would not be destroyed if this Bill were not passed.



I do not like this Bill at all. I think it is very unjust to the people of the country, and especially unfair to the returned men in general, who will not benefit by it. I am satisfied that the returned men will so regard it. I hope that during the coming recess the Government will take into consideration the advisability of wiping the slate clean by turning over to the soldier settlers all their lands and equipment.

Hon. Mr. ROBINSON: May I ask for some information? We have had figures as to valuations showing that about $37,000,000 is still left. Is there anything to show how much is owing from this family settlement scheme and from the civilians who bought lands?

Hon. Mr. BLACK: Those figures are not included in this statement at all. These figures are applicable only to the soldiers placed on the land.

Hon. Mr. ROBINSON: There must be a large amount owing from these other people.

Hon. Mr. BLACK: There are a few million dollars. I do not think, however, that would affect the situation at all. Fewer than 3,000 settlers are coming in under this other scheme. The amount is not very large.

Hon. Mr. ROBINSON: Would it be $25,000,000?

Hon. Mr. BLACK: Perhaps the honourable member who was head of that Department (Hon. Mr. Forke) could say. I have the impression that it is a very much smaller amount.

Hon. Mr. FORKE: I could not make any definite statement as to the amount. There were about 20,000 farms bought by the Government. There are now 12,000 soldier settlers on the land.

Hon. Mr. BLACK: That is not the question.

Hon. Mr. FORKE: I am coming to it. That will leave 8,000 or 10,000 farms either in the possession of the Government or sold to civilians. Those farms have been sold on long-term payments. I do not think that question has received very much consideration in the discussion of the Soldier Settlement Board. I think the showing would be better if the figures were properly tabulated. Many of these

lands have been sold for more money than was paid for them. Most of the land has been sold to farmers who wanted to enlarge their farms and were willing to pay good prices for it.

The report was concurred in.

THIRD READING

Hon. Mr. DANDURAND moved 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

FIRST READING

Bill 138, an Act to amend the Criminal Code.—Hon. Mr. Dandurand.

SECOND READING

Hon. Mr. DANDURAND moved the second reading of the Bill.

He said: Honourable members, I shall not attempt to make a statement explaining the various amendments contained in this Bill.

Right Hon. Sir GEORGE E. FOSTER: Has the Bill been distributed?

Hon. Mr. DANDURAND: I think it has been distributed in the Chamber. I have received a copy. I will simply suggest that we give the Bill the second reading and then go into Committee to discuss—shall I say the non-contentious clauses? Perhaps there are some that are contentious. However, we are aware of their purport. Some come before us not for the first time. So the discussion need not be a very long one.

Hon. Mr. WILLOUGHBY: Section 2 of the Bill, repealing section 98 of the Act, is objectionable. I am opposed to the repeal of that section in toto.

Hon. Mr. DANDURAND: I suppose there is no objection to taking the second reading. No one will be bound by the principle of the Bill. It is practically an omnibus Bill, covering a multitude of subjects.

Hon. Mr. WILLOUGHBY: It is understood that by the second reading no one is committed to the principle of the Bill.

Hon. Mr. BELCOURT: In the Bill as introduced in the Commons, sections 3, 4, 5, 6 and 7 covered matters dealt with in a Bill with regard to firearms which was introduced in this House by me several times, and which was passed, unanimously, I think, on three or possibly four occasions. I regret very much that this Bill was not taken into consideration at an earlier date by the other House. That regret is occasioned not by the fact that I was the author of the Bill that passed this Chamber, but largely because, notwithstanding the necessity for team play between the two Houses in matters of this kind, the Commons have not given the consideration that I think they should have given to a measure approved so often by the Senate. It was unquestionably one of very great importance.

I repeat what I have said many times, that unless Parliament deals with the revolver in this country the time will come when it will no longer be able to deal with it. Across the line, in the republic to the south of us, the revolver is master. It is admitted generally that the situation there is hopeless. If Parliament does not take some action to control the situation in Canada, we shall find before many years have elapsed that we shall no longer be able to cope with it. I protest against the negligence or dilatoriness in another quarter in dealing with a measure passed by this House on four different occasions.

Hon. Mr. DANDURAND: I think the Minister of Justice said—

Hon. Mr. BELCOURT: Yes; the Minister of Justice said this:

> Clauses 3, 4, 5, 6 and 7 would enact a Bill which has passed the Senate on three occasions concerning firearms and licensing of weapons. That Bill was submitted one year to a committee of the House, passed the committee, but was not proceeded with by the whole House. I admit that this involves a rather important and considerable change, and some members have represented to me that at this late stage of the session it might be better to leave the matter over for another year, when I expect we shall all be here again in our respective capacities. Therefore I would ask that sections 3, 4, 5, 6 and 7 be dropped.

Then, on motion of Hon. Mr. Cardin, those five sections were dropped. Hence they are not in the Bill before us.

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

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on the Bill.

Hon. Mr. Robinson in the Chair.

On section 1—"peace officer":

Hon. Mr. BELCOURT: Honourable members will probably remember that in a Bill

that we passed the other day we gave to customs and excise officers the power, in the exercise of their duty, to examine witnesses on oath. This, I think, is to make further provision in the same regard.

Section 1 was agreed to.

On section 2—promoting changes by unlawful means:

Hon. SMEATON WHITE: I would move that section 2 be dropped.

Hon. Mr. L'ESPERANCE: I second the motion.

Hon. Mr. DANDURAND: I have moved a similar amendment on two or three occasions. My motions did not meet with success. I do not intend to repeat what I said at those times. All I desire is to state that clause 98 was enacted in 1919, when what seemed to be a dangerous campaign was carried on in a certain part of the West. Section 98 is exceptional legislation, and is quite harsh in some of its provisions. It has been considered that Canada can well afford to return now to the general law and wipe out exceptional legislation carried through hastily, in a period of excitement and fear. This provision has not been utilized, and it is quite apparent that the respect for law on the part of our people is such as to justify Canada in returning to the old common law of England. The matters referred to are covered by our statutes and by the common law.

Hon. Mr. DANIEL: By what statutes, may I ask?

Hon. Mr. DANDURAND: By our Criminal Code, under the clauses concerning sedition. Some years ago a committee of the British Parliament attempted to define sedition, but came to the conclusion that the interpretation of the term by the courts from decade to decade was involved in a multitude of cases and would be difficult to define. The term is so broad and so elastic that it gives the authorities and the courts power to deal with any overt act that threatens the peace of the country and the sovereignty of the Crown. In order to make sure that the definition of treason and sedition should be consistent with democratic institutions and should not prevent the freedom of speech in criticism of government, it was deemed proper to make an exception modifying to a certain degree the common law of England on the subject. That exception was wiped out when the amendments of 1919 came into force. If we restore the law as it stood before 1919, by repealing clause 98, it will be proposed that we re-enact the former section 133 as section 133A. It reads:

> No one shall be deemed to have a seditious intention only because he intends in good faith,—
>
> (a) to show that His Majesty has been misled or mistaken in his measures; or,
>
> (b) to point out errors or defects in the government or constitution of the United Kingdom, or of any part of it, or of Canada or any province thereof, or in either House of Parliament of the United Kingdom or of Canada, or in any legislature, or in the administration of justice; or to excite His Majesty's subjects to attempt to procure, by lawful means, the alteration of any matter in the state; or,
>
> (c) to point out, in order to their removal, matters which are producing or have a tendency to produce feelings of hatred and ill-will between different classes of His Majesty's subjects.

As the courts had such great power to curb sedition and treason, it was provided in this way that there should be no limitation of legitimate freedom of speech in the criticism of a government. In normal times we should respect British traditions by re-enacting this section, which prior to 1919 was deemed to be sound law. I have previously discussed this subject on a much wider scale. I am suggesting now that we return to the status quo ante. This country was able to cope with sedition before 1919, and if we re-enact the law that was found sufficient at that time Canada will continue to maintain peace and order within its borders. As the law now stands it is regarded by many people as a threat against their freedom of speech, and I believe that the time is opportune for the amendment.

Hon. Mr. WILLOUGHBY: I do not intend to go into this matter in great detail, but I have discussed the subject several times before—

Hon. Mr. DANDURAND: If my honourable friend will allow me—I do not know whether it is a proper thing to state—I should like to say that this Bill comes to us after much discussion in the other House, which finally was unanimously in favour of the repeal of section 98.

Hon. Mr. WILLOUGHBY: It is equally true that it has been unanimously resolved in this House that section 98 should not be repealed.

Hon. Mr. BELCOURT: Did my honourable friend say it was unanimously resolved?

Hon. Mr. WILLOUGHBY: If I said "unanimously" I did so in error and I withdraw that word. The proposal to repeal section 98 has often been rejected in this

House after the honourable leader of the Government (Hon. Mr. Dandurand) has advocated the repeal in his usual skilful and forceful manner.

I expected another member to be here to speak in opposition to this proposal, but in his absence I shall make a few remarks. I shall not give a lengthy repetition of arguments that are familiar to most honourable members.

The honourable leader of the Government has stated that no one has suffered in consequence of section 98 being on the Statute Book, because there has been no prosecution under it. If no one has been injured by the section, why should it be repealed? The section is like a danger sign to those who otherwise might seek to commit offences which it prohibits. It is perfectly true that the cause of the enactment of the section was the Winnipeg strike, but that in itself is no reason why we should repeal the section now. If honourable members will permit, I will read section 98:

98. (1) Any association, organization, society or corporation, whose professed purpose or one of whose purposes is to bring about any governmental, industrial or economic change within Canada by use of force, violence or physical injury to person or property, or by threats of such injury, or which teaches, advocates, advises or defends the use of force, violence, terrorism, or physical injury to person or property, or threats of such injury, in order to accomplish such change, or for any other purpose, or which shall by any means prosecute or pursue such purpose or professed purpose, or shall so teach, advocate, advise or defend, shall be an unlawful association.

I know there is no honourable member of this House who would defend any such association as that.

(2) Any property, real or personal, belonging or suspected to belong to an unlawful association, or held or suspected to be held by any person for or on behalf thereof may, without warrant—

That is the only unusual feature—"without warrant."

—be seized or taken possession of by any person thereunto authorized by the Commissioner of the Royal Canadian Mounted Police, and may thereupon be forfeited to His Majesty.

My only comment upon that is that I think we can trust the Commissioner of the Royal Canadian Mounted Police not to take unnecessary action in this connection.

Hon. Mr. FORKE: With reference to subsection 1 of that section, what is the meaning of the words "by any means," in the latter part of the clause?

Hon. Mr. WILLOUGHBY: They mean any of the acts contemplated and specifically set out in the section.

Hon. Mr. FORKE: Who are judges as to that?

Hon. Mr. WILLOUGHBY: Any ordinary judge, as will be seen when other subsections of the section are read.

Hon. Mr. FORKE: That is pretty wide.

Hon. Mr. WILLOUGHBY: I grant that, but in my opinion it was intended to be wide. No innocent man will be affected. There has not been a prosecution under this clause since it was enacted in 1919; so there can be no complaint of harsh administration.

(3) Any person who acts or professes to act as an officer of any such unlawful association, and who shall sell, speak, write or publish anything as the representative or professed representative of any such unlawful association, or become and continue to be a member thereof, or wear, carry or cause to be displayed upon or about his person or elsewhere, any badge, insignia, emblem, banner, motto, pennant, card, button or other device, whatsoever, indicating or intended to show or suggest that he is a member of or in anywise associated with any such unlawful association, or who shall contribute anything as dues or otherwise, to it or to any one for it, or who shall solicit subscriptions or contributions for it, shall be guilty of an offence and liable to imprisonment for not more than twenty years.

(4) In any prosecution under this section, if it be proved that the person charged has

(a) attended meetings of an unlawful association; or

(b) spoken publicly in advocacy of an unlawful association; or

(c) distributed literature of an unlawful association by circulation through the Post Office mails of Canada, or otherwise,

it shall be presumed, in the absence of proof to the contrary,—

The accused gets his opportunity in court to prove his innocence.

—that he is a member of such unlawful association.

(5) Any owner, lessee, agent or superintendent of any building, room, premises or place, who knowingly permits therein any meeting of an unlawful association or any subsidiary association or branch or committee thereof, or any assemblage of persons who teach, advocate, advise or defend the use, without authority of the law, of force, violence or physical injury to person or property, or threats of such injury, shall be guilty of an offence under this section and shall be liable to a fine of not more than five thousand dollars or to imprisonment for not more than five years, or to both fine and imprisonment.

(6) If any judge of any superior or county court, police or stipendiary magistrate, or any justice of the peace, is satisfied by information on oath that there is reasonable ground for suspecting that any contravention of this section has been or is about to be committed, he may issue a search warrant under his hand, authorizing any peace officer, police officer, or constable with such assistance as he may require, to enter at any time any premises or place mentioned in the warrant, and to search such premises or place, and every person found

therein, and to seize and carry away any books, periodicals, pamphlets, pictures, papers, circulars, cards, letters, writings, prints, handbills, posters, publications or documents which are found on or in such premises or place, or in the possession of any person therein at the time of such search, and the same, when so seized, may be carried away and may be forfeited to His Majesty.

That is to be done only on the order of a judge of any superior or county court, police or stipendiary magistrate, or any justice of the peace.

(7) Where, by this section, it is provided that any property may be forfeited to His Majesty, the forfeiture may be adjudged or declared by any judge of any superior or county court, or by any police or stipendiary magistrate, or by any justice of the peace, in a summary manner, and by the procedure provided by Part XV of this Act,—

That refers to summary procedure, I think.

—in so far as applicable, or subject to such adaptations as may be necessary to meet the circumstances of the case.

(8) Any person who prints, publishes, edits, issues, circulates, sells or offers for sale or distribution any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication or document of any kind, in which is taught, advocated, advised or defended, or who shall in any manner teach, advocate, or advise or defend the use, without authority of law, of force, violence, terrorism, or physical injury to person or property, or threats of such injury, as a means of accomplishing any governmental, industrial, or economic change or otherwise, shall be guilty of an offence, and liable to imprisonment for not more than twenty years.

It goes without saying that no honourable member would defend any offence contemplated under that subsection.

(9) Any person who circulates or attempts to circulate or distribute any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication, or document of any kind, as described in this section, by mailing the same or causing the same to be mailed or posted in any Post Office, letter box, or other mail receptacle in Canada, shall be guilty of an offence, and shall be liable to imprisonment for not more than twenty years.

That speaks for itself.

(10) Any person who imports into Canada from any other country, or attempts to import by or through any means whatsoever, any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication or document of any kind as described in this section, shall be guilty of an offence and shall be liable to imprisonment for not more than twenty years.

(11) It shall be the duty of every person in the employment of His Majesty in respect of His Government of Canada, either in the Post Office Department, or in any other Department to seize and take possession of any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication or document, as mentioned in this section, upon discovery of the same in the Post Office mails of Canada or in or upon any station, wharf, yard, car, track, motor or other vehicle, steamboat or other vessel upon which the same may be found and when so seized and taken, without delay to transmit the same, together with the envelopes, coverings and wrappings attached thereto, to the Commissioner of the Royal Canadian Mounted Police.

I submit that section 98 causes injury to no one. It was enacted at a time of stress. There still are certain portions of Canada where the strong arm of the law is necessary to prevent offences contemplated in this section. I am informed that in out-of-the-way places there are people who are constantly, if not openly, advocating a change of government by force. I repeat that the section is a danger signal to anyone who might be tempted to commit any of the offences enumerated in the various subsections, with a view to bringing about by force a change of government, or an industrial or economic change. On five or six previous occasions this House has decided that section 98 should not be repealed. It has been felt that the section served a useful purpose in certain communities, particularly in places where there are foreigners who are not accustomed to our democratic form of government, and who come from countries where constitutional changes are brought about by means of revolution.

Hon. JAMES MURDOCK: Honourable senators, I am personally unconcerned whether this particular section is adopted or not, but I should not be doing justice to the position I hold, I should be disregarding the experiences that have been mine in years gone by, if I did not express my views on this matter. I think I may say I have the distinction—if distinction it be—of having looked in the eyes of a greater number of men in the class against which section 98 is aimed than has any other honourable member—or any dozen honourable members. I have met men of that class in various parts of Canada and the United States. In my judgment this section and the discussions on it in Parliament have done more than anything else in Canada to dignify and hold up to the approbation of his fellows any individual who belonged to the class against which the section is aimed. There are certain people—I have met thousands of them—who admire the fellow who dares to defy this or any other regulation, to take the law into his own hands—in brief, to snap his fingers at the law. That is exactly what has been going on under section 98. In the highways and the byways, and in the back parts of the towns and cities of Canada, there have

been individuals without the manly courage to come out openly and promulgate their ideas. They have been getting together and popping off and blowing off in defiance, maybe, of the provisions of section 98, but doing no harm. They would not be the heroes that many of them have become were it not that section 98 is on the Statute Book of Canada; and it has been admitted by the honourable gentleman who has just taken his seat that no prosecutions have taken place under that section.

I happened to spend a considerable time in Winnipeg in the strenuous days of 1919, and I think that possibly I know as much about what occurred there as any other man in Canada. I remember going to Winnipeg with the Minister of Labour, in his car, and upon arrival there at 10 o'clock in the evening, going in to a meeting of several hundred men, many of whom I had known for years as outstanding Canadians, loyal and British to the core. During that meeting, at which I stayed until about 4 o'clock in the morning, when I was asked to retire, I saw many of those men going about with tears streaming down their faces, and acting like insane persons, simply because they were all heated up and excited about a lot of rubbish that amounted to nothing. Those men came to their senses, as 99 per cent of such men do if you let them pop off and keep up their foolish talk until they find out just how foolish it is. A farmer walking through a barnyard does not dodge with fear when the gander with his wings outspread and his bill open runs at him.

For more than thirty years I have been coming into contact with the irrational and foolish arguments of people who want to do this, that, and the other thing, which have never been done before and will never be done in the future—things that are going to revolutionize the world. It is my experience that the only proper and safe way to treat them and their fellows is to let them go as far as they like. If I am any judge of such matters—and I imagine that I am—it would be entirely impossible to show that an association was formed for the purposes mentioned in section 98. I know that there are some people without the courage to back up in any way their aims and desires. Such people may have in the back of their heads some of the things that are contemplated in the section. The only way to deal with them is to smoke them out and let them explode their ideas in the open, if they do so with reasonable decency. That will show them and their fellows how foolish they are in their views.

Hon. Mr. WILLOUGHBY: How about Winnipeg?

Hon. Mr. MURDOCK: It would not be proper for me to say exactly what I think about Winnipeg. It would have been better to go right up to the hornet's nest, so to speak. If that had been done more—if those men had been looked in the eye, there might have been less trouble. The incident in Winnipeg took place, as we all know, when throughout the length and breadth of Canada, in every walk of life, the people were seething with uncertainty and excitement. Under the circumstances was it not only natural that thousands of poor unfortunates who were facing the uncertainty of the future should act in the way they did, and can we not excuse them? I think we were fortunate indeed that in 1919 we had not more dissension and popping off; and I believe that, either with or without this particular section, we shall never have a repetition of the conditions that then prevailed. Since that time some effective educational campaigns have been carried on by those who, I think, understand the class of individual aimed at in this section. So again I say that I am not at all concerned whether this body does as it has done on former occasions or not; but my earnest advice to this House would be to adopt the proposal before it, and by cancelling section 98 of the Criminal Code to cease giving dignity to irrational hot-air artists who have been making capital for themselves and some of their foolish theories during the past few years.

Right Hon. Sir GEORGE E. FOSTER: If we were considering a proposal to place this legislation upon the Statue Book at the present time, I should be less inclined than I am to take the position I intend to take this afternoon. But this legislation has been on the Statute Book from 1919 to the present time. It has occupied a place and exercised an influence—as all laws are supposed to do—and has been a warning that certain things must not be undertaken, and that if they are attempted, certain penalties will follow. Such is the essence of all our laws and regulations. The conventions of society impose restrictions by their moral or social effect, and gradually become laws having behind them executive force and a body of public opinion, which has been formed in what were previously conventions.

If attention had not been called to this danger signal that has been hung up, I should not have so much objection to its being attacked and overthrown; but it strikes me that

if Parliament takes it down, a very large number of people, who may not be as wise and as courageous as my honourable friend who has just taken his seat (Hon. Mr. Murdock), may infer that there no longer exists a feeling that certain actions are disreputable and are contrary to the interests of the community, and they may be tempted to do the very thing that this section warns against. That is my chief objection to the repeal of this provision at the present time, particularly as since 1919 we have not been making any very marked progress towards the millennium in which law and order will be universally respected.

There are external influences at work in this country. Have those influences become weaker since 1919? Communistic Russia still exists, with its seemingly all-powerful Government, behind which lie influences that have dominated their policies, internal and external, and have been growing stronger and stronger. Those influences have not been diminished or weakened in our own country. We know that in England and in Canada certain incidents have occurred which have made it necessary for the Government in each case to adopt strict measures to counteract the influence of Soviet Russia. It is well for us to pause and consider whether it would be wise for us to take down this warning and thereby very probably—I think, almost inevitably—render more dangerous to us those public policies of Soviet Russia which it is sought to propagate in our own country.

I do not think that the conventions or legalized policies of society in the interests of law and order have been materially strengthened in this country during the past ten years. There is a disrespect for law and order. There is a tendency to throw off all the conventions of society and even to revolt against laws and regulations. This is not a matter of congratulation either here or in the United States. Would it be well for us at this particular time to repeal this section—to pull down this danger signal, if you have a mind to call it so—and by implication rather give encouragement to the forces of disorder and of disrespect for law and the conventions of society? Such is the consideration that impels me at the present time to vote against the deletion of section 98. I do not think the proposed action would be conducive to the best interests of the country, social or other, at the present time. A matter that gives us concern is the outcropping of dishonesty in our business and official life. It is true that the majority of men are honest, as they have been in decades past, but of late there has been an astonishing revelation of lack of honesty in the ordinary business affairs of life, and we are led to wonder whether or not we are progressing along the lines of social and national welfare.

I do not intend to labour this question. It is all very well for my honourable friend who preceded me (Hon. Mr. Murdock) to argue, as he seemed to do, that such impulses and actions as are referred to in this section are to be met by sound reasoning and an exposition of the fallacy of the opinions that are held. If such an argument were brought to its logical conclusion we might be asked to do away with all our laws and let these people "pop out," as my honourable friend says. The trouble is that at the same time they might pop out many good things and many citizens as well.

I feel that the action I took on previous occasions I must take at the present time, and I shall vote for the retention of this clause.

Hon. Mr. FORKE: I should like to point out to the right honourable junior member for Ottawa that the disrespect for law that he mentions is not particularly related to the class of people dealt with in section 98. I admit that there is a good deal of disrespect for law. Perhaps the reason for that is that we have too many laws, and that as a result people look rather lightly upon some of the enactments passed by our legislative assemblies.

I have not so much fault to find with the punishment of crimes or offences against the State as I have with the method by which it is sought to discover those crimes and offences. For instance, in subsection 4 of section 98 we have this provision:

> In any prosecution under this section, if it be proved that the person charged has
> (a) attended meetings of an unlawful association; or
> (b) spoken publicly in advocacy of an unlawful association; or
> (c) distributed literature of an unlawful association by circulation through the Post Office mails of Canada, or otherwise,
> it shall be presumed, in the absence of proof to the contrary, that he is a member of such unlawful association.

Since when, under British justice, has a man had to prove himself innocent? Is it not the duty of the State to prove him guilty? A man, through inadvertence, might happen to get into some unlawful assembly, and he would have to prove his innocence.

Hon. SMEATON WHITE: Why not?

Hon. Mr. FORKE: It is not British law. He has to prove that he is innocent.

Hon. Mr. WILLOUGHBY: All that he has to prove is that he is not a member of that unlawful association. That is an entirely different thing.

Hon. Mr. FORKE: It is pretty much the same thing. He is presumed to be a member of it until he proves that he is not guilty of an offence.

Hon. Mr. MACDONELL: That is ordinary law.

Hon. Mr. FORKE: I do not think so, but if lawyers say so, I shall have to give in. I have always thought a man was innocent until he was proven guilty.

Under subsection 6 a Justice of the Peace can issue a warrant authorizing entry into any man's library and the seizure of all his papers, and they can be taken away. Is that necessary? This subsection places too much power in the hands of officials who enforce the law. As I said before, I would not object to punishment for the offences enumerated, although I do not think we need to worry about them; but I am opposed to giving so much power to officials who have to administer the law.

Hon. Mr. LAIRD: Of what use are officials unless they have power?

Hon. Mr. FORKE: A little while ago—if I may be permitted to make a personal reference—I was liable to deportation without trial, because it happened that I had come from Great Britain fifty years before. I made some inquiry as to my legal position, and the only answer I could get was: "Oh, well, don't get excited; you will never be deported." But it seems to me that is no argument in favour of retaining such a law. Why should we empower any official to put a citizen to a great deal of inconvenience in order to prove himself not guilty of any of the crimes that are here enumerated? I agree with my honourable friend (Hon. Mr. Murdock) that if you magnify these matters you make heroes of those who violate the law, and you thereby do a great deal more harm than they are capable of doing. Undoubtedly the strikers lost their heads in 1919, and so did those who were trying to put an end to the strike.

Hon. Mr. LAIRD: Some people lost their lives.

Hon. Mr. FORKE: Who were guilty?

Hon. Mr. LAIRD: The strikers.

Hon. Mr. FORKE: I am not going into that. I know something about the strike, because I was in Winnipeg at the time. The sooner we forget it, the better.

Hon. Mr. MACDONELL: We are willing to forget it.

Some Hon. SENATORS: Question!

Hon. Mr. DANDURAND: As I listened to the reading of the clauses by my honourable friend (Hon. Mr. Willoughby) it seemed to me that many of them were of such a wide range and so loose in phraseology as to cause apprehension to the labouring classes and other citizens who have no special prestige or authority in their communities. It is all very well for some honourable member to say that there is no harm done by the section. Those who take that attitude know that they have such a standing in the community that they are in no danger of having to defend themselves from the provisions of the section. But labour organizations throughout the land know that police magistrates and constables are placed in a position where they may abuse their proper powers. It is feared that police officers may on some occasions make too wide a use of their power to appear at meetings and arrest those in attendance, on the ground that the assembly is unlawful. It is extremely difficult to determine what is an association, or membership in an association, such as is referred to in the section. What responsibility attaches to a citizen who has to attend a meeting where someone delivers a speech that is declared to violate the terms of this section? Organized labour in this country is sound and sane and it feels that this law implies a lack of confidence in it. Labour associations have protested against the enactment and asked for its repeal. The people of Canada respect the law. No doubt certain classes may have radical or socialistic opinions, but I believe that our people, taken as a whole, are desirous of obeying the laws. In some of the countries of Europe the parliaments are made up of members whose views range from reactionary conservatism to radicalism and communism. When I am talking to citizens of these countries I tell them of the harmony and happiness that we have in Canada, where we have no class consciousness nor even a radical—far less a socialistic—party in our Parliament. My European friends wonder whether we have not attained the millennium. When it is considered that from the Atlantic to the Pacific we have a law-abiding people, who are desirous of living and letting live, it seems that this section does imply an unjustifiable mistrust of some classes of our population.

Hon. Mr. GORDON: May I ask the honourable gentleman a question? To what ex-

tent does he think the conditions we have in Canada are due to section 98, which it is proposed to delete?

Hon. Mr. DANDURAND: I think that only a few agitators in Canada are in danger of coming within this section. Our labouring classes have shown themselves to be as well able to maintain peace and order as are any other classes, and they resent this section as an imputation against their own class.

Hon. Mr. MACDONELL: This clause is not directed against the labour element of the country. The honourable gentleman has been talking as though labour should be protected by the abolition of the section, but it is not directed against labour at all.

Hon. Mr. MURDOCK: Labour regards it as an affront.

Hon. Mr. MACDONELL: But they have no right to regard it in that way.

Hon. Mr. DANDURAND: As I have already said, no honourable member feels that he is in danger of coming within the provisions of this section. It is only the less influential people, those who are lower down on the social ladder, who fear oppression from a law that is so loose in its phraseology that it may permit of abuses by the police and other officials. I have heard elsewhere the same sentiment that has just been expressed by my honourable friend (Hon. Mr. Murdock), that labour considers it is worthy of more confidence than is implied by this section. I do not think that any harm would come from the deletion of section 98. We should still have the English common law, which has for many decades protected the people and the institutions of Great Britain and this country.

Hon. Mr. WILLOUGHBY: I should like to add that the honourable senator for Welland (Hon. Mr. Robertson), an ex-Minister of Labour, whose opinions are highly respected in this House, participated in the debate on the proposed deletion of this section last year. He was heartily in favour of retaining section 98. He is a high official in labour circles and surely is in as good a position as any honourable member to state the views of labour on this question.

Section 2 was rejected on division: yeas, 18; nays, 25.

On section 3—intentions not seditious:

Hon. Mr. DANDURAND: I will not move the adoption of section 3, in view of the rejection of section 2. Now that section 98 is to remain in the Act, it may not be necessary to re-enact former section 133.

Section 3 stands.

Sections 4 and 5 were agreed to.

On section 6—broker reducing stock by selling for his own account:

Hon. J. J. DONNELLY: Honourable senators, the remarks which I am about to make do not apply particularly to section 6. The Bill as distributed to-day is somewhat less stringent than the one which I received a few days ago. Evidently the other House has made some amendments. Before we take any action with a view to making the present Criminal Code more stringent, it is well for us to remember that the administration of different sections of the Code is not at all times in the hands of men who have had the legal training necessary to qualify them to fulfil their duty properly. I regret that in the Province of Ontario laymen are sometimes appointed as police magistrates. I have been informed that such is not the case in the provinces of Quebec and Saskatchewan, and that while it may be legal to make such appointments in the other provinces it is not very often done. A Government commission may authorize a layman to sit as a police magistrate and may give him the power—I will not say the right, for there is a difference between power and right—to take away the liberty of a fellow man, but a Government commission does not in my opinion possess the miraculous power required to transform a layman into a judge capable of putting the proper construction on a statute and weighing the evidence. I am aware that the appointment of police magistrates is within the jurisdiction of the provinces, but in my opinion this Parliament has the power—and, I believe, the right and the duty—to enact such legislation as will insure that the different sections of this Code, and particularly those affecting the liberty of the subject, shall be interpreted and administered only by men who have been called to the bar of the province in which they reside. Possibly it is too near the end of the session to press for such an amendment, but I trust that the members of the Committee will bear this in mind and give it some consideration during the recess, and I hope that some action may be taken at the next session.

Hon. Mr. BELCOURT: I agree entirely with what has just been said by the honourable member from Bruce (Hon. Mr. Donnelly). I have had very nearly fifty years' experience at the bars of Ontario and Quebec,

and was at one time Crown Attorney for the County of Carleton, and have had occasion to witness what has been described by my honourable friend. In the Province of Quebec no one is called upon to administer justice in either civil or criminal courts unless he is a member of the bar. The criminal work is carried on there by stipendiary magistrates, police magistrates, recorders, and perhaps some others; but in no case is anyone appointed who has not been trained in the law. In Ontario, I believe, there are very few police magistrates with any legal training at all. It would seem to be almost essential that a magistrate in Ontario should have had no legal training. I have seen so many mistakes as a result of the system, that I think it is high time Parliament considered the question whether or not a legal training should not be an essential condition of appointment to such an office. Cases involving very serious penalties—twenty years in the penitentiary, and so on—fall within the jurisdiction of men who have had no legal experience whatever. Any lawyer, particularly a criminal lawyer, knows how difficult it is to draw the line of demarcation between law and fact. It requires an experienced, intelligent man with long years of legal training to do that.

Hon. Mr. LAIRD: Does the honourable gentleman say that there are no intelligent men who are not members of the bar?

Hon. Mr. BELCOURT: Oh, no. I did not say that. Legal training is what I am emphasizing. A man may have had no legal training, but be of the highest intellect. With no legal training he does not make a good judge. In view of what is occurring every day all over the Province of Ontario, it is a matter of surprise to me that the Parliament of Canada, in dealing with the Criminal Code, has not insisted that those who are to administer criminal justice should have a proper legal training.

Hon. Mr. WILLOUGHBY: I agree with the remarks of the honourable gentleman from Bruce (Hon. Mr. Donnelly) and the honourable the senior member from Ottawa (Hon. Mr. Belcourt). Honourable members who are not lawyers would be astonished to find what very extensive powers are vested in police magistrates. I think a police magistrate should be a trained man—not that I want to create a preserve for the lawyers; that is not the idea at all—for the man who has had the advantage of a legal training has the ability to weigh evidence and is much better qualified by experience than a layman.

The man with legal training has something else behind him which is very desirable indeed. He is a member of a learned profession. He is very desirous, if he is fit for the position at all, of enjoying and retaining the good opinion of that profession. If he is dishonourable in his conduct or has violated the professional code or the amenities, as I might call them, of the profession—he need not be a criminal —he is liable to be brought up before his peers and reprimanded, or he may even be disrobed. Such a man is subject to a certain public control. A similar argument would apply to the medical profession. We will assume that the great majority of men who go on the bench are men of integrity, but if they are laymen, there is no such restraint over their actions as there would be if they were members of the legal profession.

Hon. Mr. BELCOURT: The lawyer is under oath.

Hon. Mr. WILLOUGHBY: Absolutely. The professional code must be lived up to. That is a very considerable safeguard. It is a serious thing for a lawyer to lose his gown. He could not be a police magistrate. I had no idea that, as the honourable member for Ottawa (Hon. Mr. Belcourt) has pointed out, it is not a sine qua non that a magistrate should be a member of the bar.

Section 6 was agreed to.

On section 7—advertising, printing, posting or selling intelligence on horse-races:

Hon. Mr. DANDURAND: The changes in this section are underlined.

Hon. Mr. DANIEL: Can the honourable leader tell us in exactly what way this differs from the law as it is now?

Hon. Mr. DANDURAND: Paragraph (f) of subsection 1 of section 235 of the Act, which is repealed, is in the following terms:

advertises, prints, publishes, exhibits, posts up, sells or supplies, or offers to sell or supply, any information intended to assist in, or intended for use in connection with book-making, pool-selling, betting or wagering upon any horse-race or other race, fight, game or sport, whether at the time of advertising, printing, publishing, exhibiting, posting up or supplying such news or information, such horse-race or other race, fight, game or sport has or has not taken place; or

The new paragraph reads as follows:

(f) advertises, prints, publishes, exhibits, posts up, sells or supplies, or offers to sell or supply (i) other than on the premises of an association lawfully conducting race meetings in Canada, during the actual progress of a race meeting thereon, any tips, selections, odds,

winning money prices, pari-mutuel payments, or any similar intelligence with respect to or applicable to any horse-race, whether such race be held within or without the Dominion of Canada, and whether at the time of advertising, printing, publishing, exhibiting, posting up or supplying such news or information such race has or has not taken place.

The rest of the section, with the exception of the words "or race, other than a horse-race," is in the old Act.

Hon. SMEATON WHITE: What measures will be taken to prevent the entry into Canada of British and United States papers which print this information?

Hon. Mr. DANDURAND: This clause would prevent the circulation in Canada of newspapers from the United States which violate this prohibition.

Hon. Mr. WHITE: British papers, too?

Hon. Mr. DANDURAND: British papers coming into this country ten days after their issue in Great Britain could hardly come under the clause. Whatever appeared would concern races that had already taken place a number of days before the appearance of the papers in Canada.

Hon. Mr. WHITE: No. They sometimes give odds on races, as well as the weights carried by the horses, and other information, as long as two or three months before the race. The amended clause says:

Whether such race has or has not taken place.

There is no limitation to the time at all.

Right Hon. Sir GEORGE E. FOSTER: It would apply to all newspapers.

Hon. Mr. DANDURAND: I have not consulted the Minister of Justice, who has charge of this Bill, but if my honourable friend feels that there should be an extension in favour of British papers coming across the Atlantic, I would suggest to the Minister of Justice that he accept such an amendment.

Hon. Mr. WHITE: If an exception is to be made in favour of the British newspapers, why not in favour of the newspapers printed in Canada?

Hon. Mr. DANDURAND: The reason, it strikes me, is that Canadian papers can conform and must conform to Canadian laws, while British papers need not. If we stop the reception and circulation of British papers because they happen to have information concerning horse-races in Europe, I confess that we should have a situation for which I should not like to take the responsibility. In a discussion of the Bill with the Minister of Justice at noon, I was informed that he did not believe there was any danger of the London Times or other London newspapers coming under the Act. But my honourable friend says that tips or selections sometimes appear weeks before the event. I am not versed in this matter.

Hon. Mr. FORKE: When they are ten days old they are stale.

Hon. Mr. WHITE: Perhaps my honourable friend would tell me what is meant by "pari-mutuel payments." Does that mean that after a race takes place there is to be no report of the winnings or the odds prevailing at the time of the race?

Hon. Mr. BARNARD: That is what it says.

Hon. Mr. DANDURAND: I asked the Minister of Justice as to the rights of a newspaper to announce winners after a race. His opinion was that it could do that without indicating the odds on the horses.

Hon. Mr. WHITE: All those pari-mutuels are licensed by the provincial governments, who get certain receipts from them. It seems extraordinary that this Parliament should attempt to pass laws concerning pari-mutuels, which have been legalized by the provinces.

Hon. Mr. DANDURAND: I must confess that I was never able to understand why an exception should be made in the law with regard to the betting on horse-races. The only explanation I have ever heard was that it was done to encourage the breeding and improvement of horses. The Parliament of Canada is opposed to games of chance; we have often reaffirmed that principle. I was the chief mover in the abolition of lotteries some twenty-five years ago. At that time the Criminal Code prohibited games of chance, but there was an exception made in favour of the Royal Art Society of England. I do not remember whether the exception was not extended to favour art associations generally, but, in any event, under the protection of this exception so-called art associations were being formed all over the country. I saw them operating for years in Montreal. One became a member of such institutions by buying a ticket. The association would display a number of pictures, chiefly chromos, priced from perhaps $10 to $500. A member would hold a certain number, and if this turned up on a revolving wheel he would be entitled to some picture. He then had the option of taking the picture or leaving it on the premises and accepting payment instead. The

business developed to such an extent in large towns and cities that police magistrates reported against it to the various attorneys general and the Minister of Justice. Young men were pilfering from their employers in order to bet during the noon hour. In my place in this Chamber I moved that the exception to the Code which was used as a cloak for this business be stricken out. There was a formidable lobby of members of the other House on behalf of various so-called art associations who were opposed to my amendment to the Code, but the amendment was adopted.

This Bill seeks to curb betting among our people and to limit the game of chance, in so far as it affects horse-racing, to people who attend the races. It will be contended that if the section does become law it will be ineffective. We were told in committee three or four years ago that we could not prevent information in regard to horse racing from coming from the United States over telegraph wires, telephones and the radio. While admitting there is some force in that contention, I think that this section, if passed, would minimize the evils of betting in our country, where many people are fascinated by the idea of making easy money.

Hon. SMEATON WHITE: I think my honourable friend will admit that horse-racing is a national sport in Great Britain, France and other countries. This section would prohibit Canadian papers from announcing or reporting anything concerning horse-races. I think the section goes far beyond what the honourable gentleman says is the intention. I consider that it is unworkable, and I would suggest that it be dropped or held over until next year. The honourable gentleman might say whether he knows of any people who are asking for this. I am informed that there are some who are specially interested in this matter, but the agitation is very confined. There is no general demand for the amendment, so far as I can ascertain. My understanding is that certain newspapers are asking for this legislation.

Hon. Mr. DANDURAND: I do not see that the advertising of horse-racing, which the papers have been in the habit of publishing, would be restricted in the least.

Hon. Mr. WHITE: It would, under this section.

Hon. Mr. DANDURAND: I doubt very much whether any newspaper, under this section, would be prevented from advertising races at Connaught Park, or at the Blue Bonnets in Montreal.

Hon. Mr. WHITE: The section prohibits the publication of:

> Any tips, selections, odds, winning money prices, pari-mutuel payments, or any similar intelligence.

That means the reports from the races.

Hon. Mr. BELCOURT: Honourable senators, I had not intended to speak on this matter, for the reason that I am, and have been for many years, President of the Connaught Park Jockey Club. I am not going to speak for or against the section; I wish merely to be allowed to explain to the committee what is really intended by the amendment. I am not sure whether it is strictly in conformity with the present law to advertise tips, selections, odds, and so on, but at all events that has been the practice. Whoever drafted this legislation desired to go a great deal farther than preventing the publication of such information—

Hon. Mr. GORDON: It is not the Connaught Club that wants the legislation?

Hon. Mr. BELCOURT: I do not think so. What is desired is not only the prevention of tips and selections being published in advance of races. Generally there are seven races in a day. This section would prevent anyone from publishing the names of the winners of each race, and the money that was won on the horses that came in first, second and third in each race. The publication of such information has never been prohibited before. As I have said, I am not going to argue one way or the other; I have spoken merely because I think it is necessary that the Committee should know just what is the purport of the proposed amendment. Possibly only one who is a horseman can really understand the section. While nobody would be allowed to publish the names of the winning horses or the amounts of the money won, races would be permitted just the same.

Hon. Mr. DANDURAND: I have always been told that those who placed bets on horse-races got their pleasure from observing the performance of the horses and not from the winning of any money. The object of this section is to minimize the evils of betting. Betting on horse-races has been given legal sanction; and this is an attempt to curb the betting evil by confining the betting to those who attend the races. In order to bet they must be in attendance at the race itself; they must be within the enclosure. My honourable friend from Inkerman (Hon. Mr. White) has stated that this legislation has not been asked for by the public, but by some—

Hon. Mr. GORDON: Crank?

Hon. Mr. WHITE: Some special newspapers, I understand.

Hon. Mr. DANDURAND: The honourable gentleman says "crank." We all are sometimes disposed to describe thus anyone with whom we differ, or who has advanced ideas on any question. There is a history behind this proposed amendment. We have had the section before us a couple of times in the last six or seven years. In 1923 there was a demand raised in the other House for the abolition of the pari-mutuels. Mr. Good, a member of Parliament, sought more stringent regulations than are provided in the Code, and the other House rejected his proposals by a small majority. The reason he was not successful was that the Minister of Justice at the time, the late Sir Lomer Gouin, stated that he was not disposed to recommend Mr. Good's Bill, because of representations that had been made to him from various sources. I do not know whether the present amendment was introduced by the late Sir Lomer Gouin before his withdrawal from the Department, or whether his successor, Hon. Mr. Lapointe, is responsible for it. However, the amendment now before us was passed by the other House. I do not know what criticism, if any, was made of it there, nor whether it was carried unanimously. I believe that we are simply legislating along the same lines that we have followed in the past, in an attempt to curb the betting tendency in the land.

Hon. Mr. LAIRD: Mr. Chairman, I think this clause is one that might very well be eliminated from the Bill. This is a type of puritanical enactment that only adds to the "thou shalt not" class of legislation, of which we already have sufficient on the Statute Book. If the result of the passage of this clause were to be, as my honourable friend suggests, a curtailment of betting, there might possibly be two opinions on the subject. But to my mind it does not curtail it. The clause legitimatizes the publishing of odds and all the other classes of information. If you go to the Woodbine you will find 25,000 people who have access to all the information, tips, odds on the horses, and so on; but the minute you step outside the gate that information is proscribed, and the only source from which the people can get it is the newspapers. This section deals in a general way not only with Canadian race tracks, but with racing in the Old Country, in the United States—anywhere. The English newspaper which gives the weight and the betting odds and so forth, as some of them do months before an important race, would come under this clause. Any man who was in possession of a newspaper—the London Times or any other—containing information of that kind, and who exhibited it to a friend, would be liable to a heavy fine or imprisonment. The same thing would be true of a man who had the New York Times or some such American newspaper containing information about races in that country. It strikes me that the clause not only provides against the advertising and the giving of information, and so on, with regard with races to be held, but also applies to information about races that have been held. To my mind that is a ridiculous provision to put into the Criminal Code. I would therefore move that it be struck out.

Hon. Mr. MURDOCK: I have been waiting patiently for some time in the hope that someone would indicate just what this provision is aimed at. As soon as I saw the language of it, I thought I knew. I remember that I originally suggested a measure of this kind to Sir Lomer Gouin when he was Minister of Justice. What for? Not to deal with horse-races. Not at all! Just look at the language, if you please.

Betting or wagering upon any fight, game, sport or race.

I have been expecting that some honourable gentleman here would know all about what this was aimed at, and would tell the story. As a matter of fact, an organization that has been produced, largely, I think, as a result of section 98 of the Criminal Code, which in your wisdom you declined to repeal a few minutes ago, has, it is said, for many years been making hundreds of thousands of dollars —the sinews of war—by conducting betting campaigns on football, baseball and other games. I know only what I have been told, but it is said that they have a fund of well over a million dollars, and that they are able to get any amount of money from various sources for betting on these games. That is what our deceased friend, Sir Lomer Gouin, set out to deal with a number of years ago, and it is my understanding that the provision was not in sufficiently definite language, and that this section has been framed to meet the situation. I had been expecting to hear that statement made during the discussion on this section. That is my understanding of what is involved.

Hon. Mr. FORKE: I should like the honourable the senior member for Ottawa (Hon. Mr. Belcourt) to explain the meaning of the words:

advertises, prints, publishes, exhibits, posts up, sells or supplies, or offers to sell or supply any

information intended to assist in, or intended for use in connection with book-making, pool-selling, betting or wagering upon any fight, game, sport or race, other than a horse-race.

That excepts horse-racing, does it not?

Hon. SMEATON WHITE: Oh, no.

Hon. Mr. BELCOURT: No, it does not.

In reference to what the honourable gentleman from Regina (Hon. Mr. Laird) said—the selection as well as the money prices will be published by the papers outside of Canada.

Hon. Mr. WHITE: American papers can come in on the day of the race.

Hon. Mr. BELCOURT: Exactly. But Canadian papers are prohibited from doing what will be done by both English and American papers.

Hon. Mr. DANDURAND: American papers violating this clause could not be circulated in Canada.

Hon. Mr. BELCOURT: I wonder how my honourable friend is going to prevent that.

Some Hon. SENATORS: Question!

Section 7 was rejected on division: yeas, 6; nays, 21.

Hon. Mr. BELCOURT: May I say that my reason for abstaining from voting is that I am officially and personally interested, and therefore do not care to vote.

Right Hon. Sir GEORGE E. FOSTER: We will excuse you.

At six o'clock the Committee took recess.

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The Committee resumed at 8 o'clock.

On section 8—driving while intoxicated or under the influence of any narcotics:

Hon. Mr. WILLOUGHBY: The new subsection 4 reads:

Everyone who, while intoxicated or under the influence of any narcotic—

There is a change there, and it is a good one.

—drives any motor vehicle or automobile, or has the care or control of a motor vehicle or automobile, whether it is in motion or not, shall be guilty of an offence.

It seems to me that the words "or has the care or control of a motor vehicle or automobile" are too wide. If a person leaves his automobile outside of a friend's house while spending some time inside, he would not be actually in control of the motor vehicle.

Hon. Mr. DANDURAND: My honourable friend will notice that there is no change in that part of the subsection.

Hon. Mr. WILLOUGHBY: I grant that. My attention has been drawn to this language, and I think it is too wide. I think we all agree that no one should be allowed to operate a motor vehicle, that is, actually to drive a machine, while he is intoxicated.

Hon. Mr. BELCOURT: Would not this cover the case of negligent parking, for instance? If someone is the worse for liquor and parks his car in the middle of the street, for example, that would be a case contemplated in these words, I should think.

Hon. Mr. WILLOUGHBY: They would cover such a case, but I think the language is too wide.

Hon. Mr. BELCOURT: Is it not necessary that that kind of case should be covered?

Hon. Mr. WILLOUGHBY: Yes.

Hon. Mr. CALDER: Suppose I drive down to a little village and spend some time there, leaving my car in a garage. The garage man has the care or control of my car while it is standing in the garage, and if he becomes intoxicated during that time he would be liable, under this subsection. Just look at the wording:

Everyone who, while intoxicated or under the influence of any narcotic. . . has the care or control of a motor vehicle or automobile, whether it is in motion or not, shall be guilty of an offence.

In other words, if for any reason an automobile is being cared for or controlled by a person who is intoxicated, regardless of whether he gets into the car or not, he would be liable under this section.

Hon. Mr. BELCOURT: Do you mean the owner of the car or the owner of the garage would be liable?

Hon. Mr. CALDER: The person who has the care or control of the automobile. As I read it, he is liable under this Bill, though he never gets into the car and never drives it.

Hon. Mr. BELCOURT: You mean that he might be intoxicated and in his own bed upstairs?

Hon. Mr. CALDER: If the car is under his care and control as described by this section.

Hon. Mr. DANIEL: If he is intoxicated, how are you to tell that he will not get into the car and set it in motion?

Hon. Mr. CALDER: If any person who is intoxicated gets into a car and sets it in motion, you can tax him and punish him.

Hon. Mr. MACDONELL: There is another point. I have known of cases of men who had been spending the evening with friends and had something to drink. One man told me this himself: as he felt the effect coming on, he slipped quietly to the side of the road and parked there until he was sober enough to go home. He would be subject to fine and imprisonment.

Hon. Mr. DANDURAND: I confess that I cannot see the point. I may be somewhat dull. I will read the clause and try to analyze it. It says:

> Everyone who, while intoxicated or under the influence of any narcotic, drives any motor vehicle or automobile—

There is no objection to that?

Hon. Mr. CALDER: No.

Hon. Mr. DANDURAND (reading):

> —or has the care or control of a motor vehicle or automobile, whether it is in motion or not, shall be guilty of an offence, and shall be liable.

At the first reading I understood that this clause covered any person who drives a motor vehicle while intoxicated or under the influence of narcotics, or who while intoxicated is found in control of a motor vehicle or automobile, whether the automobile be in motion or not. That is quite logical. The vehicle under his control has stopped, but it may start within a minute, or it may be on the wrong side of the street. The driver is thus in a position to cause damage to others in the handling of his motor car, even though it is not in motion. He may set it in motion at any time. He commits an offence because he has control of the car while he is intoxicated. I think this has been phrased so as to hold a man who upon being arrested may say: "Oh, well, my car was stopped; I was not driving. I was doing no harm. I didn't intend to move."

Hon. Mr. BELCOURT: And who was dead drunk.

Hon. Mr. DANDURAND: Yet he has been in control of that car and might have done harm within five minutes.

Hon. Mr. WILLOUGHBY: But how about "care"? The owner of a car may drive it into a garage and leave it there in the care of a garage man who may be a bit intoxicated. Surely because the car is in the garage man's care he should not be imprisoned for three months.

Hon. Mr. DANDURAND: I should not take this expression to cover the owner.



Hon. Mr. WILLOUGHBY: If it were limited to the owner it would be all right, perhaps.

Hon. Mr. CALDER: I quite agree with the views expressed by the leader of the Government. My trouble is that the section is not properly drafted and does not express what is intended. It is not restricted to an automobile on the highway, or one that is being driven by the owner. A person may be liable to imprisonment because he has the care or control of the car, though he has no intention of running it.

Hon. Mr. BELCOURT: My honourable friend refers to a man who may be perfectly innocent of any fault in regard to the automobile.

Hon. Mr. CALDER: Not the owner.

Hon. Mr. BELCOURT: I should have said the garage owner. The automobile is in a garage out of harm's way, but if the man happens to be drunk in his house at that time he can be arrested under the section.

Hon. Mr. CALDER: Surely. That is what it means.

Hon. Mr. DANIEL: I suppose the word "intoxicated" means intoxicated by the use of liquor alone. This section says, "intoxicated or under the influence of any narcotic." Would it include being under the influence of liquor? I think the phrase "under the influence of liquor" was used in another copy of this Bill, and I think it is a better expression. When a man is intoxicated he is in a more advanced stage than when he is under the influence of liquor. A man under the influence of liquor is in a very dangerous condition if he is driving a car. You cannot say that a man who is exhilarated by having had one or two drinks is intoxicated, but he is going to be a danger on the highway. He will run his car in a reckless manner and make himself not only a nuisance but a menace to those travelling on the same road. I think the section is badly worded.

Hon. Mr. BELCOURT: My honourable friend will remember that the word "intoxication" has a legal meaning.

Hon. Mr. DANIEL: What is it?

Hon. Mr. BELCOURT: I do not know whether I can give it. It is always a question of fact, and can and must be determined by the magistrate who hears the case. You cannot say that a man is intoxicated because he has had two drinks, or five drinks.

Hon. Mr. DANIEL: But he is under the influence of liquor.

Hon. Mr. BELCOURT: One man may take five drinks and show no sign at all of having done so; another man who has taken two drinks may be intoxicated. It is a question of fact which must be determined by the court.

Hon. Mr. DANIEL: I used the expression, "under the influence." Those five drinks are going to influence him.

Hon. Mr. BELCOURT: But it must be an influence that does not permit him to use his intelligence and that renders him incapable of doing the sensible thing.

Hon. Mr. DANDURAND: The explanatory note seems to indicate that an improvement has been made by striking out the words "under the influence of intoxicating liquor" and replacing them by "intoxicated." About the time the Bill was presented by the Minister of Justice, I saw somewhere—in the newspapers, I think—the statement that it had been found very difficult to determine when a person is under the influence of intoxicating liquor, but much easier to determine when he is intoxicated.

Hon. Mr. DANIEL: That may be so if there is a legal interpretation of the word "intoxication," as stated by the honourable senator from Ottawa (Hon. Mr. Belcourt). I have never seen such a legal definition or interpretation, so far as I remember. As a matter of fact, when these cases come before the court the interpretation rests with the presiding judge or magistrate. I do not agree with the honourable leader of the Government (Hon. Mr. Dandurand) that the change is an improvement.

Hon. Mr. CALDER: I think my point could be met, if it is thought desirable to meet it, by the insertion after the word "automobile" in the fourth line, of the words "on a public highway or in any public place," or something to that effect. I want to protect the person who has no intention of using the automobile. If a man in a drunken condition is found in an automobile on the highway, he should be punished.

Hon. Mr. BELCOURT: That is the intention.

Hon. Mr. CALDER: There is no doubt about it.

Hon. Mr. GORDON: Would it not be better to leave out the words "on a highway or in a public place"? An accident may occur in a private place, between the garage and the gate.

Hon. Mr. BARNARD: Is not the evil that you are trying to overcome the driving of a car by a man while he is in an intoxicated condition?

Hon. Mr. CALDER: No. That is only part of it.

Hon. Mr. BARNARD: My honourable friend to my left (Hon. Mr. Taylor) points out that a gentleman who has been spending an evening out may find, when the time arrives for him to go home, that he is not in a condition to drive, and may go home in a friend's car, leaving his own on the street. He exercises a great deal of discretion, but the car is within his control. I suggest that the words "or has the care or control of a motor vehicle or automobile, whether it is in motion or not" be stricken out of the section.

Hon. Mr. DANDURAND: I think it is the intention to go somewhat further than my honourable friend suggests. The person in control may be just as dangerous when the car is not in motion as if he were driving. If he is sitting in a car with the lights out, even though away from the wheel, he may be the cause of an accident.

Hon. Mr. BARNARD: If the car is not in motion and is struck, it is the fault of the person who strikes it.

Hon. Mr. BELCOURT: A man may have put out his lights.

Hon. Mr. WILLOUGHBY: How would it be to have the section interpreted by the Department of Justice? I do not desire to block the passage of the Bill, but I think it could be clarified and improved by redrafting.

Hon. Mr. DANDURAND: If the honourable gentleman thinks it is of sufficient importance, that could be done. It might jeopardize the Bill.

Hon. Mr. WILLOUGHBY: We all have the same object in view, namely, to punish the fellow who drives when he is intoxicated.

Hon. Mr. DANDURAND: My honourable friend will realize that there is not very much danger of anyone being prosecuted because he happens to leave his car in a garage the owner of which may be intoxicated. The idea of the draftsman has been to reach the driver of the car, whether the car is in motion or not.

Hon. Mr. WILLOUGHBY: But it reaches somebody else, in a garage or in a home, who has the care or control.

Hon. Mr. DANDURAND: There may be a reason for putting the word "care" beside

the word "control". A car may be in the street and the owner may have put it temporarily in charge of someone else. That other person, if intoxicated, would come within this subsection. I doubt that the word "care" could be deleted without weakening the clause.

Hon. Mr. WILLOUGHBY: If my honourable friend desires to put the subsection through in its present form, I am perfectly agreeable, but I think it could be worded better. Perhaps if the word "care" were stricken out—

Hon. Mr. DANDURAND: I am a little afraid to change the clause.

Hon. Mr. WILLOUGHBY: All right; let it go. We will consider it another year.

Section 8 was agreed to.

Section 9 to 32, inclusive, were agreed to.

On section 3—intentions not seditious:

Hon. Mr. DANDURAND: I think it would do no harm to adopt this section. As honourable gentlemen will see, the explanatory note says:

3. Section 133A which it is proposed to enact was former section 133 which was repealed by section four of chapter forty-six of the statutes of 1919. The new section is the same as the one that was repealed.

Hon. Mr. WILLOUGHBY: I think section 3 should be rejected since section 2 was not adopted.

Hon. Mr. BELCOURT: I do not agree with my honourable friend.

Hon. Mr. WILLOUGHBY: I will not insist.

Hon. Mr. BELCOURT: The former section 133 of the Code was repealed in 1919. That section was the same as the one that it is now proposed to insert as section 133A. It provides exceptions; it makes clear that certain things will not constitute offences.

Hon. Mr. WILLOUGHBY: I do not see very much objection.

Hon. Mr. BELCOURT: It seems to me that it is a useful provision.

Hon. Mr. WILLOUGHBY: All right. I make no objection.

Section 3 was agreed to.

The preamble and the title were agreed to.

The Bill was reported, as amended.

The Hon. the SPEAKER: Is it your pleasure, honourable senators, to adopt the Committee's report?

Hon. Mr. MURDOCK: Honourable senators, I move an amendment, seconded by Hon. Mr. Copp. I move that the report of the Committee of the Whole be amended as follows:

Insert after section 1 the following:
2. Section ninety-eight of the said Act is repealed, and the numbers of the following clauses are amended accordingly.

I wonder if honourable senators would bear with me while I speak briefly to this amendment. I said this afternoon that personally I did not care whether this House rejected the proposal to repeal section 98 or not.

Hon. Mr. WILLOUGHBY: Will the honourable gentleman pardon me? Is he moving now to restore a section that was rejected?

Hon. Mr. MURDOCK: To amend the report of the Committee of the Whole, by—

Hon. Mr. WILLOUGHBY: I did not hear what the honourable gentleman's amendment was. I rose to inquire what it was; that is all.

Hon. Mr. MURDOCK: My amendment is to amend the report of the Committee of the Whole as follows:

Insert after section 1 the following:
2. Section ninety-eight of the said Act is repealed and the numbers of the following clauses are amended accordingly.

In effect, it is intended to restore the section of the Bill which the Committee of the Whole this afternoon decided, by a vote of 18 to 25, to strike out.

Hon. Mr. WILLOUGHBY: I submit the amendment is not in order, because there has been no notice given. I submit that amendment cannot be made without notice of motion.

Hon. Mr. DANDURAND: The point of order is well taken, but not for the reason my honourable friend gives.

Hon. Mr. WILLOUGHBY: That is one of the reasons.

Hon. Mr. DANDURAND: An amendment to a public Bill may be moved without notice, but not an amendment to a private Bill. I am not sure that my honourable friend (Hon. Mr. Murdock) is conforming to the rules. He can move to recommit the Bill to Committee of the Whole, or he may declare that on the motion for third reading of the Bill he will move his amendment.

Hon. Mr. BELCOURT: I think the proper procedure is for my honourable friend (Hon. Mr. Murdock), when the motion is put for the adoption of this report, to propose in amendment that the report be not adopted,

but that the Bill be sent back to the Committee of the Whole for the purpose of having the Committee consider his amendment.

Hon. Mr. COPP: I think the proper procedure would be for the honourable gentleman (Hon Mr. Murdock) to move his amendment when the motion is made for third reading of the Bill.

Hon. Mr. BELCOURT: Yes, he can do that.

The Hon. the SPEAKER: That is the correct procedure. The motion for concurrence by the House in the report of the Committee of the Whole is declared carried.

THIRD READING POSTPONED

Hon. Mr. DANDURAND: I move the third reading of the Bill.

Hon. Mr. WILLOUGHBY: I object to it without notice.

Hon. Mr. MURDOCK: I move, in amendment, that the Bill be not read a third time, but that it be referred again to the Committee of the Whole—

Hon. Mr. DANDURAND: I would ask the honourable leader on the other side (Hon. Mr. Willoughby) to tell us what his objection is.

Hon. Mr. WILLOUGHBY: Under the rules, a motion for third reading cannot be made to-day, if it is objected to.

Hon. Mr. DANDURAND: I am informed that the rules governing third reading and other matters have been suspended until the end of the session.

Hon. Mr. WILLOUGHBY: When there is no objection, as I understood.

The Hon. the SPEAKER: I have declared the report of the Committee of the Whole accepted, honourable senators. It is now in order to proceed with the motion for third reading, as honourable senators desire.

Hon. Mr. DANDURAND: I have moved the third reading of the Bill, but my honourable friend (Hon. Mr. Willoughby) raises the point that, without the general consent of the House, the third reading cannot be moved the same day that the Bill has been considered in Committee of the Whole. That would be correct if the rules governing the procedure had not been suspended by a former motion. If they have been suspended, my honourable friend's point is not well taken.

The Hon. the SPEAKER: After the last recess we suspended a considerable number of rules. Perhaps the honourable gentleman who was acting leader of the House at the time (Hon. Mr. Belcourt) can tell me whether the rule concerning third reading was included in those that were suspended for the rest of the session.

Hon. Mr. BELCOURT: I cannot tell that from memory. But I did not understand my honourable friend to object to the motion being made for third reading now; I thought his objection was to the moving of an amendment to the third reading.

Hon. Mr. WILLOUGHBY: I objected to both.

Hon. Mr. CALDER: Honourable senators, I was not present this afternoon when the vote was taken on section 2 of the Bill in Committee of the Whole, because I was paired. As every honourable member knows, there are only two or three contentious matters in the Bill. Those have all been discussed, and at the last minute, when it has been generally thought that there would be no further debate on these matters, the honourable gentleman (Hon. Mr. Murdock) has moved an amendment to the effect that the decision that was reached this afternoon be reconsidered. Now, regardless of whether the rules governing procedure on this point have been suspended or not, I submit it is only reasonable that all honourable members who are interested in the contentious sections should be given an opportunity to be present. It would not seriously delay the progress of the Bill if we did not proceed with the motion for third reading now.

Hon. Mr. MURDOCK: I am sure that if my honourable friend (Hon. Mr. Calder) had been present this afternoon, he would hardly say now that I have come in at the last moment with an amendment.

Hon. Mr. CALDER: So far as I know, that is what the honourable gentleman has done.

Hon. Mr. MURDOCK: I should be delighted to explain the reason for my amendment. I do not think that section 2 of the Bill this afternoon had all the discussion that it deserved. I really think the members of this honourable House are desirous of doing —and I am firmly convinced that they should do—something different from what has been done so far in this matter. That is why I want to get the question before the House once more.

Hon. Mr. CALDER: My honourable friend surely must know that this is not a new matter. We have had this question before us several times previously and have threshed it

out for hours. The honourable gentleman (Hon. Mr. Murdock) is a new member in this Chamber, and perhaps he is not fully aware of what has taken place on previous occasions. I think I am safe in saying that we have discussed this matter in at least five other sessions. It has been debated ad infinitum. If the honourable gentleman can tell me that he gave notice this afternoon that he intended to move an amendment after the Bill was reported by the Committee of the Whole—

Hon. Mr. MURDOCK: The honourable the senior member for Ottawa (Hon. Mr. Belcourt) has stated that certain rules were waived. I think my honourable friend (Hon. Mr. Calder) knows that I did not give notice of this amendment this afternoon. I am giving the notice now. My honourable friend implies that because the subject-matter of my amendment has been discussed on several previous occasions in this House it should not be reconsidered. Nothing has been more clearly proved in British history than that a thing is never settled until it is settled right.

The Hon. the SPEAKER: Honourable senators, according to the Minutes of the 13th of May, the following rules, among others, were suspended until the end of this session: Rules 23 (f), 24 (a), (b), (d) and (e). Rule 24 (b) prescribes the notice necessary for the motion for the third reading of a Bill. That rule was suspended, and therefore the question whether the third reading should be given now is in the hands of the Senate.

Hon. Mr. DANDURAND: I regret that a number of honourable members are not present. It would be quite in order to proceed now to consider the amendment of my honourable friend (Hon. Mr. Murdock), inasmuch as the rule requiring notice of motion for third reading has been suspended. Of course, any amendment moved in Committee of the Whole can be moved again when the motion for third reading is made. But I accede to the suggestion of my honourable friend on the other side who has pointed out that some members interested in the Bill are not in the House at present. I will withdraw my motion for third reading until to-morrow.

## SOCKEYE SALMON CONVENTION BILL

### FIRST READING

Bill 344, an Act respecting a certain Convention, signed the 26th day of May, 1930, between His Majesty in respect of Canada and the United States of America, for the preservation and extension of the Sockeye Salmon Fisheries in the Fraser River System. —Hon. Mr. Dandurand.

Hon. Mr. CALDER.

### SECOND READING

Hon. Mr. DANDURAND moved the second reading of the Bill.

He said: Honourable members, I desire to give the following explanation. The object of the convention is the sockeye salmon fisheries in what is commonly called the Fraser River system, and certain portions of the high seas near the entrance to the Strait of Juan de Fuca. The aim of the two Governments in concluding this treaty is to protect, preserve and extend these fisheries, which are of common interest to the Dominion of Canada and the United States.

It is hoped that the effect of this treaty will be to achieve that aim, with results from which the two countries will derive great advantages in practically equal shares.

The Fraser River is potentially the greatest sockeye salmon producing area in North America. In that river and its tributaries the sockeye salmon goes up every year to spawn. The young fish before reaching maturity goes down to the Gulf of Georgia and then to the ocean. When it has attained full growth it comes back to the Gulf of Georgia and to the river. It enters through the passage at the north end of Vancouver Island but also and mainly through the Juan de Fuca Strait, on each side of the boundary line which divides that strait, and it remains on a long stretch of sea in United States waters before it reaches the boundary line at Point Roberts.

It may consequently be said that if the Fraser River as a spawning area is the asset of Canada, more particularly of the fishermen of British Columbia, the United States waters below Point Roberts as a catching ground are a strategical point for the American fishermen, more particularly of the State of Washington, who have been able to turn it to their great advantage. This situation, which need not be explained more fully, gives the reason why the whole Fraser River system, which comprises not only the river itself but also the Gulf of Georgia on each side of the boundary line, and Juan de Fuca Strait on both sides also, forms the most important area covered by the treaty. In fact, it should be mentioned here that in the past, perhaps mostly as a result of this situation, the United States fishermen had been in a position to obtain each year larger catches than those of our Canadian fishermen.

The principal aspect of the question to bear in mind is that as regards the object of the convention the two countries have a common interest in the Fraser River system thus described they have there, so to speak, a common property in the sockeye salmon fisheries; they are mutually interested in the

conservation of this joint asset; they are both affected in the same way by any depletion of this shared patrimony.

As to its value, it may be sufficient to say for example that some years ago 2,000,000 cases of sockeye salmon were packed in the whole system.

For various reasons, this asset has been greatly diminished, more particularly in recent years. The problem, however, constituted by the depletion of sockeye salmon has been before the two Governments for more than twenty years, and this consideration brings us to the question relating to the task which the two countries wish to fulfil under the treaty. The extent to which this resource has been diminished may be indicated by the fact that the 2,000,000 cases of sockeye salmon packed in one year in the past have dwindled to about 150,000 cases per annum at the present time. The importance of reviving the resource is shown by the calculation that has been made, according to which a complete restoration would bring to the fishermen of the two countries catches estimated at more than $35,000,000 a year.

Behind these facts lies the whole idea of the treaty. In this light, the treaty speaks for itself.

It may be recalled that Canada and the United States had previously tried to remedy the situation by an international instrument of this kind. The treaty of 1908 for the regulation and protection of the fisheries in all waters adjacent to the International Boundary Line was intended to embrace this fishery. In accordance with that treaty regulations had been prepared, and Canada had taken the necessary action to make them effective, but the United States Senate did not approve them. The hope of Canada that the United States might eventually give approval to the proposed regulations persisted for several years. In 1914 it was realized that our suggestion in this regard would not be found acceptable, and we resumed our freedom of action. Four years later the problem regarding the Fraser River system was one of the questions referred to the International Fisheries Commission, which was created to examine a settlement of outstanding fishery questions between the two countries. The Commission thus appointed unanimously recommended the negotiation of a treaty for the reestablishment and protection of this fishery, and prepared a draft convention and proposed regulations. The convention was signed in 1920, but did not receive the assent of the United States Senate. The convention of 1929 failed for reasons already stated.

We have every reasonable ground to believe that the present treaty will be definitely accepted, as from our information it is supported by the majority of those interested on the United States side, as well as by the Canadian industry.

Briefly summed up, the main provisions of the treaty are:

1. The creation of an international Commission, which will be called the International Pacific Salmon Fisheries Commission, to regulate the enterprise;

2. The authority given to the Commission to limit or prohibit taking sockeye salmon as may be determined in accordance with the conditions of each year;

3. The regulating of fishing by the Commission so that an equal proportion of the fish allowed to be caught each season will be taken by the fishermen of each country;

4. The enforcement by the Government of each country of the restriction or prohibition of sockeye fishing imposed by the Commission in the waters covered by the convention.

With this explanation, I beg to move the second reading of the Bill.

Hon. Mr. WILLOUGHBY: Who are the two commissioners on behalf of Canada?

Hon. Mr. DANDURAND: I do not recollect having seen anything of their appointment.

Hon. Mr. WILLOUGHBY: There is provision for the appointment of commissioners for the purpose of negotiating the treaty?

Hon. Mr. DANDURAND: Oh, yes.

Hon. Mr. WILLOUGHBY: They are not named?

Hon. Mr. DANDURAND: The convention was signed.

Hon. J. D. TAYLOR: Honourable members, the question raised by the honourable the leader on this side of the House (Hon. Mr. Willoughby) really goes to the very crux of the proposal before the two Governments. I think that perhaps the estimate of a $35,000,000 catch resulting from this treaty, just now read by the leader of the House, is rather exaggerated; but there is, no doubt, a very substantial gain to be made in the fisheries of the Fraser River.

As to the personnel of the Commission, in my opinion the names of the persons to be appointed commissioners on behalf of Canada are a matter of the very first importance, and I take this opportunity of appealing to the Government to see to it when the Commission is appointed that we get more adequate representation on it than we have had on the Halibut Commission, which has stag-

nated for the whole term of its existence because Canada has had no real working representation on that Commission.

The recent history of this convention is another illustration of the futility and weakness of the administration of fishery affairs on the part of the Government of Canada—a matter to which I referred in the Halibut Treaty discussion here a few days ago. Last year, although this matter had been before the two Governments, as we have just now been informed, for twenty or twenty-five years, this Government approached Washington with a treaty so clumsily drawn, so amateur in all its provisions, that after a few weeks' consideration it was withdrawn both at Washington and Ottawa because of its manifest imperfections and the impossibility of carrying out the conditions suggested, and also because of the inadequacy of the convention, which showed a lack of appreciation on the part of those who negotiated, particularly for Canada, as to the needs of the situation.

Hon. Mr. DANDURAND: Why not apply this judgment which my honourable friend pronounces on the qualifications of the Canadian delegates to the American delegates as well, inasmuch as the convention was the child of both?

Hon. Mr. TAYLOR: There is a very simple answer to that question. In the convention of last year the advantage on every article was plainly on the side of the American delegates, who, in drawing up the convention, imposed their will upon the Canadians in every respect. It was because the American delegates had imposed their will in this way that objection was taken to it last year by persons in British Columbia interested in the convention.

Hon. Mr. DANDURAND: But it was not accepted by the American authorities either.

Hon. Mr. TAYLOR: No, but that was for another and very different reason. The reason why it was not accepted by the American authorities appeals to Canada also; but the Government who negotiated it should have realized that before they pressed upon this Parliament the creation of a bargain with the United States which was to last for sixteen years without any revision of any kind, and under which it was proposed to appoint commissioners for the whole of that term without any possibility of their removal, no matter what their actions might be.

I mention this, not because I want to involve this Chamber in discussions that have taken place elsewhere, but because I am aware that in another place it has been represented that this treaty was withdrawn from the Parliament of Canada last year because of objections raised for political purposes. I have only to state the nature of some of the objections to make it plain to the House that politics had no part whatever in the matter, and this becomes evident now when this Government, without any political urging whatever, comes back to Parliament with a treaty that in every section is entirely different from the treaty proposed last year. For instance, the treaty of last year took no cognizance of the fact that the fishery operations of both countries have been menaced during the past two or three seasons by something not hitherto in existence, namely, the bootlegging operations of fish pirates who have gone out from Puget Sound and intercepted the salmon on the high seas before either the State of Washington or the Dominion of Canada could get the fish under their control inside the Strait of Juan de Fuca. That has been recognized in the treaty of this year by the jurisdiction of the Commission being extended westward into the Pacific Ocean between parallels 48 and 49 degrees north latitude—a most important provision, without which the treaty would have been futile in attempting to protect fish that would have been destroyed on the high seas by the intensive seining operations of those bootleggers, but as to which, apparently, the Government and Department were oblivious.

Hon. Mr. FORKE: The objection raised in the other House last year was that the Government had bowed to the decrees of the United States Government.

Hon. Mr. TAYLOR: I am not discussing the debate that took place in the other House last year, although I could discuss it with very great satisfaction to myself.

Hon. Mr. DANDURAND: There would perhaps be no recrimination if we confined ourselves to the present convention. I have not before me the convention of last year and cannot follow my honourable friend in that regard.

Hon. Mr. TAYLOR: It is typical of the unfortunate position of the fishery administration in Canada that there is no responsible member of the Government conversant with the fishery situation; that these negotiations have been left to subordinates of comparatively humble degree, who have shown very little acquaintance with anything but the minute details of their office duties, and no appreciation at all of the larger interests upon which these treaties should be founded. I say this with no disrespect for the honourable gentleman. I realize that it is absolutely im-

possible for him to have even a modicum of the information that I have on this subject from a perusal of the documents.

Hon. Mr. DANDURAND: I may be on an equal footing when we meet the experts of the Department in the committee.

Hon. Mr. TAYLOR: I hope we shall both be there to meet them. Such a meeting will be very interesting indeed, and I am sure that if we get a Senate committee on the fishery interests on the Pacific coast it will be very profitable.

I am moved to say this by the accusation that politics prompted the withdrawal of the treaty last year, and that this important industry has consequently been prejudiced by the loss of a season. As I say, politics did not enter into the matter at all, as shown by the fact that the new Government of British Columbia, a Conservative Government, were amongst the warmest advocates of the treaty. The only excuse we can give for them is that they were a very new Government and that not a single member of the Government had ever been brought into contact with fishery problems until they tackled this matter after a month or two in office and sent all sorts of telegrams urging the adoption of last year's treaty. So complete has been the conversion of that Government that they are now equally earnest in urging that we adopt the new and better treaty. We can all realize that a Government new to office, as they were, would be very likely to fall into such a trap.

The most important thing in this treaty, as I see it, is the suggestion that in the future the sockeye fishery of the Fraser River area is to be equally divided between the two Governments. Under present conditions—which are considerably different on each side of the line—it is impossible to carry out that suggestion. From practical experience I know very well that the gentlemen who drew up the treaty did not insert this group of words without discussing and considering what construction might eventually be put upon them. As they read at present in the treaty they are meaningless. No draftsman who wished to make his meaning clear would approve of these words. They are used to conceal, rather than to reveal, the intentions of those who negotiated the treaty. The words are in Article VII, the most important part of the whole treaty, which reads:

> Inasmuch as the purpose of this Convention is to establish for the High Contracting Parties, by their joint effort and expense, a fishery that is now largely non-existent, it is agreed by the High Contracting Parties that they should share equally in the fishery. The Commission shall, consequently, regulate the fishery with a view to allowing, as nearly as may be practicable, an equal portion of the fish that may be caught each year to be taken by the fishermen of each High Contracting Party.

I will not burden honourable members by reading the corresponding article in last year's treaty. This article is much less indefinite than the one of the previous year, and indicates clearly what should be the ambition of the Government. The reason that ambition cannot be realized—and I am serious in stating that under present conditions the ambition is impossible of realization—is that on the United States side the sockeye salmon are taken almost solely by means of traps set in the neighbourhood of Point Roberts, at the entrance to the Fraser River. The Americans have a few seiners at work too, and we have a few in the gulf, though not in the river. The seiners, however, are comparatively unimportant. A trap will take as many as 100,000 fish in one day, under favourable circumstances; it is a very efficient means of catching fish. On the Canadian side, however, the Government have always prohibited the use of traps, with a view to protecting the interests of the net fishermen of British Columbia. On the Fraser River the net fishing is done by 2,000 white men and an equal number of Japanese; so the livelihood of 4,000 men is dependent for protection against ruin upon the continuance of the present policy of the prohibition of traps on the Canadian side.

In my opinion—and it is not one that is held by me alone—unless the Canadian method of catching fish is brought into line with the American method, that is, to have traps at the mouth of the Fraser River, the intention of Article VII of the treaty will be absolutely impossible of accomplishment. I am not opposing the treaty; I am heartily in favour of it, even though it has this defect, because I think that on the whole it is a good thing for Canadian interests as well as for the Americans. The difficulty concerning Article VII was clearly brought out before the committee of the other House that went into the subject last year with the departmental officials. The proceedings of that committee were reported verbatim and have been published. They show that the chief official of the Canadian Department of Fisheries was asked how it was proposed to give effect to the intention of Article VII. He frankly stated that he had no idea how that could be brought about, and he sympathized with the commissioners who are to be appointed, because of the difficulty of carrying out the purpose of Article VII.

Hon. Mr. DANDURAND: Those things would have to be worked out by the commissioners, under the regulations.

Hon. Mr. TAYLOR: Yes. As the livelihood of 4,000 families is involved in this, I think I may be pardoned for taking whatever time is necessary, even on a busy night like this, to introduce a discussion on this subject. Perhaps I may also be pardoned for suggesting that the Department should seriously consider whether Article VII means that an agreement has been arrived at between the negotiators that traps are to be used by the Canadian as well as the American fishing interests. If it should be found that this is the meaning of the article, I submit that the Department should consider, before it is too late, what is to happen to the 4,000 fishermen who are now dependent on net fishing for the livelihood of themselves and their families. More is involved than simply the daily labour of these men, because a net fisherman's equipment, including boats and nets, costs between $1,000 and $1,500. To these people this represents the savings of perhaps a lifetime. Most of them possess nothing else, except the little houses in which they live and small gardens attached thereto. If traps are used at the mouth of the Fraser, that means that 4,000 families will be absolutely ruined. The matter of deciding whether traps shall be used is not one for the Commission to decide. The convention distinctly protects both countries by the provision that the fishing shall be done under the laws of the State of Washington—that is, with traps—and under the laws of the Dominion of Canada, which have hitherto permitted the use of nets only. This Government now have the responsibility of deciding whether or not there shall be any change in this connection.

I have pleaded in this House many times for the appointment of a British Columbia business man as Minister of Fisheries. I have justified the request on the ground that the fisheries of British Columbia are the most important in Canada: their annual value, even now, when the catch is comparatively small, is one-half the total value of all Canadian fisheries. The fisheries problems of the Pacific greatly outweigh those of the Atlantic. I submit that we are entirely justified in asking that we should have as Minister of Fisheries someone who possesses a reasonable knowledge of the fishing conditions and possibilities on the Pacific; someone who will take into account, immediately after his appointment, the situation of the net fishermen. We need someone who can discuss intelligently with his colleagues the question whether the Government of Canada should take a stand for the benefit of the 4,000 net fishermen or for those who desire to use the more modern, more efficient and perhaps cheaper means of traps.

It may be contended that if traps are permitted and the net fishermen can no longer successfully prosecute their calling, they can find some other work to do in a large and prosperous province like British Columbia. That is true, but the trouble is that another serious problem at once arises. There are 2,000 Japanese net fishermen, who are devoted to this calling to the exclusion of everything else. They have been encouraged in this work, because they are less objectionable on the water, in a calling to which they seem to take naturally, than they would be on shore. If we make it impossible for these Japanese fishermen to earn their livelihood by net fishing, they will come ashore in the Fraser Valley and compete with the small fruit growers, poultry men and gardeners. The Oriental competition is already too intense and has been the subject of complaint for many years past.

Hon. Mr. DANDURAND: How long has that Japanese colony been there?

Hon. Mr. TAYLOR: The Japanese have been fishing there for at least twenty-five years. They had 3,000 licences, but the policy of the Government in recent years has been to reduce the number of Japanese licences, and the number is now down to about 2,000. White fishermen have petitioned the Department not to restrict further the number of Japanese licences. No reason has been given for the request, but it has been acted upon by the Department. Those who are conversant with the situation know that white people made the petition because they realized that the Japs are less objectionable if they confine themselves to the river than if they are encouraged to devote themselves to fruit growing, poultry raising and gardening. The Japanese problem is acute, but I am not blaming the Government for that. However, that is another reason why the portfolio of Minister of Fisheries should go to someone who is acquainted with the conditions in British Columbia.

Appointments to portfolios are very often based on political reasons, and sometimes the person chosen for the petition is not particularly well suited for it. The people of British Columbia are apprehensive that they may get no real help from the new Minister of Fisheries, and it is felt that if the situation

is properly brought to the attention of the Government there will be a better chance of having a qualified person appointed as Minister.

I have referred to the improvements that have been made in this convention as it has been revised since last year. The chief improvement, of course, was the extension of the authority of the proposed Commission to enable it to deal with bootlegging on the high seas. Another commendable change was the dropping of the clause providing for the appointment of the commissioners for sixteen years, the life term of the convention, but providing no authority for their removal. This year's treaty contains this clause, as part of Article II:

> The Commissioners appointed by each of the High Contracting Parties shall hold office during the pleasure of the High Contracting Party by which they were appointed.

We have a very good idea of the class of the commissioners who are to be appointed by the United States. While these matters have been in process of negotiation a number of American gentleman have visited the scene of these fisheries, and in the course of general conversation there has been an indication of who are likely to be appointed. I can say that the men whose names have been so indicated to us are some of the master minds of the American public service. Therefore our Government should make sure that the Canadian commissioners shall not be mere placemen, or figureheads, who have to trust to subordinates for advice. We need men who will be able to meet the keenest minds of the American public service.

The honourable leader of the Government (Hon. Mr. Dandurand) stated that the value of the pack of salmon might easily be brought up to $35,000,000 annually. That is probably a high estimate, but the business has immense possibilities. That estimate goes to show that at least as much consideration should be given to the appointment of these commissioners as we have given to appointments in connection with the adjustment of soldier pension difficulties. We have provided salaries for the Pensions Commissioners which we think will command the services of really first-class men, who, after all, will be required to do work that will be largely a matter of detail and will involve questions not nearly so important as those relating to the fisheries. It will be nothing less than a tragedy if the experiences in connection with the Halibut Commission are repeated with respect to the Sockeye Commission. The name of Mr. O'Malley, the head of the American Fisheries Service, was mentioned the other night as that of the American representative on the Halibut Commission. That is the type of men the American Government are likely to appoint to represent them under the Sockeye Salmon Treaty for the next sixteen years.

Hon. Mr. DANDURAND: There will be three commissioners on each side.

Hon. Mr. TAYLOR: Yes. Each Government pay their own commissioners. The Governments will be jointly responsible for the cost of operation, but, of course, they will be given an opportunity to approve of the expenditure.

Hon. Mr. WILLOUGHBY: When will the Commission begin its work?

Hon. Mr. TAYLOR: When the commissioners are appointed. We have first-class men available in Canada for appointment as commissioners, but we cannot find them among men whose experience has been confined to offices. This will be a very real job. The very suggestion of $35,000,000 a year shows that.

I shall not go into detail, but I should like to call attention to another difference between the two drafts of the convention. For some mysterious reason it was provided in last year's draft that in anything affecting the American interests there must be the votes of two of the three American commissioners in order to carry it; but in any matter affecting only Canadian interests it was provided that a proposal might be carried by a majority of the Commission, even though there should be only one Canadian commissioner voting for it. That foolishness has been struck out this year, and the new draft provides that:

> No action taken by the Commission under the authority of this Convention shall be effective unless it is affirmatively voted for by at least two of the Commissioners of each Contracting Party.

So our commissioners are protected by that. We are protected in the sense of dignity, at least, if not in actual power, by another change from the provision of last year. It was then provided that the American Chief Commissioner of Fisheries should be appointed by this treaty as one of the three American commissioners. That provision, of course, made him the ranking member of the Commission, and gave him the authority to exercise all the powers that a president of any commission of that kind would exercise, throughout its whole life. So all these operations in Canada were to be directed by an American gentleman of the highest ability, who, of course, would not be taking directions from any person. The protest of the British

Columbians brought about a change, and all the commissioners are now on an equal footing, and all to be appointed after the treaty comes into effect.

That is all I think I should say at this time about the matter—making it clear that the postponement of last year was due not to politics, but to the inherent defects of the treaty, as confessed in the changes voluntarily made this year by both Governments. All parties in British Columbia are sincerely desirous of the restoration of this fishery, and we hope that there will be some new faces on the Commission. We want to be delivered from the officialdom that has been in charge of these fisheries for the past fifty years.

Many of us realize that these long experienced officials have very incomplete knowledge of the fishery problems. They give as the reason for the present depletion of the fishery, an unfortunate occurrence at Hell's Gate fifteen years ago, when the contractors of the Canadian Northern Railway dumped a lot of rock into the Fraser River. This has been put forward from that time to the present as the reason for the failure of the fishery. And while those gentlemen have been searching for some remedy that they might apply, Providence has furnished the finest run of sockeye that we have had on the Fraser River in fifteen years. We do not know why the salmon stopped coming after 1913, and we do not know why they have now commenced to come in greater numbers. The officials do not know why that is. They are not the persons to find out, because they are wedded to the idea that the mishap at Hell's Gate was responsible for all the difficulty. That belief is not held by everyone in British Columbia, and it is shattered by the experience of last year, when, as I say, we had the biggest run that we have had in fifteen years.

If we get a new deal—new commissioners with new ideas, with no fixed convictions, and prepared to investigate—we are much more likely to be successful than if we have some of the persons who have been administering the fisheries—no matter how faithfully—for some years past, and who would carry on with the ideas of those years and trust to Providence that they might have more success in the future than they have had in the past. We hope that will not be the spirit in which the Commission will be constituted. We know what the American commissioners are likely to do. We have seen what the Americans have done in Alaska, where they have really restored the fisheries, which were depleted to a much greater extent than the sockeye fisheries of British Columbia. The Alaska fisheries have been restored chiefly through the firm handling of the situation by Commissioner O'Malley of the United States. If we have commissioners of the same standing, and if they are given some freedom by the Government and receive the same support that Commissioner O'Malley has always received from the United States Government, we may confidently look for just as conspicuous success in the Fraser River as has been achieved in Alaska.

Hon. R. F. GREEN: Honourable members, it is not my purpose to take more than a few minutes of your time. I do not intend to enter into a discussion of the demerits of last year's convention or the merits of the present one. I just wish to say that the fact is that the run of the sockeye salmon in the Fraser River has been depleted to such an extent that it has become almost non-existent. The causes, as has been said by my honourable colleague (Hon. Mr. Taylor), are not quite agreed upon. The probability is that they have been various, and that among others is that of over-fishing.

The sockeye salmon, as a youngster, goes out to sea, and four years later it returns, presumably by the same route. In so doing it comes through the Strait of Juan de Fuca, and first strikes American waters. The Americans, with their traps, have the first chance at the fish; and, as we do not permit traps, our fishermen cannot gather fish at the mouth of the Fraser River in as great numbers as if there were traps there. Under existing circumstances the salmon did not get into the spawning beds in the head waters of the Fraser River, and the benefit of anything that we did to raise more fish and bring back the catch went to our neighbours to the south. Therefore, for years past, the Government of British Columbia, being unable to deal with the matter, have been striving to impress upon the Federal Government the importance of making some convention with the American people, so that this valuable industry might return to something like its past condition.

If we get the right commissioners under this convention, it will be possible for them to see that its terms are carried out and that the Canadian people secure their share of the fish; but unless the matter is strictly regulated the Americans, because the fish strike their waters first, will secure the bulk of the fish. I believe that this convention is a step in the right direction; I believe that we are going to have commissioners who will look after the interests of Canada, and I believe it will not be long before we begin to enjoy

the fruits of the work of the Commission and see the sockeye come back again in great numbers to the Fraser River.

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

Hon. Mr. DANDURAND: If any honourable member of the Senate is desirous that this Bill should go to committee in order that some inquiry may be made into any of the clauses, it will, of course, be my duty to move accordingly.

Hon. Mr. WILLOUGHBY: I understand that nobody wants to have the Bill considered in committee.

THIRD READING

Hon. Mr. DANDURAND moved the third reading of the Bill.

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

## MAPLE SUGAR BILL

FIRST READING

Bill 59, an Act respecting the maple sugar industry.—Hon. Mr. Dandurand.

SECOND READING

Hon. Mr. DANDURAND moved the second reading of the Bill.

He said: Honourable members, this is a measure which will be welcomed in many parts of Canada. It has been awaited with some eagerness by the people of the Province of Quebec. I do not know exactly the extent of the maple sugar industry in other provinces, but I know this industry is an important one in my own province.

The explanatory note which I have before me states:

> The purpose of this Act is to permit of the better organization and development of the maple sugar industry. This industry has been making fairly satisfactory progress and has attained fairly satisfactory dimensions, but is now faced with a number of problems which would seem to necessitate some special action looking to the more effective control and direction of its manufacturing and merchandizing phases. The Bill as submitted has been framed with this end in view.
>
> The production of maple sugar and maple syrup in Canada has been as follows:—

| | Maple Sugar and Syrup lbs. |
|---|---|
| 1901.. .. .. .. .. .. .. .. .. .. | 21,200,000 |

| | Maple Sugar pounds | Maple Syrup gallons |
|---|---|---|
| 1911.. .. .. .. | 10,488,344 | 1,802,581 |
| 1921.. .. .. .. | 9,604,851 | 1,509,793 |
| 1928.. .. .. .. | 13,798,109 | 1,686,583 |
| 1929.. .. .. .. | 11,698,925 | 2,174,084 |

The main purpose of the Bill is to prevent adulteration and to protect the products against substitutes.

Hon. Mr. WILLOUGHBY: Some representations have been made to me in explanation of this Bill, with a view to having provision made for the protection of an artificial product called Mapleine. Possibly some other members have received similar representations. I have been advised to-night, on behalf of the gentleman who was chiefly responsible for these representations, that the Bill has been amended in such a way as to be now perfectly satisfactory to him. I presume that the amendment is contained in the new section 6. I have had no further objections from anyone in connection with this measure. As the honourable leader of the House (Hon. Mr. Dandurand) has said, the chief object is to prevent fraudulent imitations of maple syrup and maple sugar. The legislation would tend to stabilize the business.

Hon. Mr. BELAND: In the name of the maple sugar producers of Quebec I should like to express their entire satisfaction with this measure. Legislation of this kind has been sought for a great many years, and, so far as I can judge, this Bill meets their desires. It is felt that in the future the manufacture of imitations of these delicious products will be entirely prohibited. As the honourable leader (Hon. Mr. Dandurand) has indicated in his remarks, the value of the products is not negligible. Some eleven or twelve millions of pounds of maple sugar and about two million gallons of maple syrup are produced annually. The industry is a source of income to a large number of farmers not only in the Province of Quebec, but also in New Brunswick and in a large part of the Province of Ontario. I do not know about other provinces.

Hon. Mr. WILLOUGHBY: There is none in the West, I am sorry to say.

Hon. Mr. DONNELLY: Is it the intention of the honourable leader to go into Committee on this Bill?

Hon. Mr. DANDURAND: Yes.

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

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on the Bill.

Hon. Mr. Beland in the Chair.

Sections 2 to 9, inclusive, were agreed to.

On section 10—registration of manufacturing or packing plants:

Hon. Mr. DONNELLY: Honourable members, in the section of the country from which I come we have perhaps half a dozen parties who are extensively engaged in the production of maple sugar. In addition, it is a common practice for a great many farmers to produce syrup and sugar in a small way for their own uses. They do not make a business of this, and their products are not for sale. Section 10 provides:

(a) All manufacturing or packing plants shall be registered by the Minister.

That means that anyone who produces maple sugar or syrup, even in a small way, will be obliged to register with the Minister.

Hon. Mr. BELCOURT: If they produce for their own uses?

Hon. Mr. DONNELLY: There is no exception, sir, as I read it.

Hon. Mr. BELCOURT: I should think that the registration would be necessary only in cases where the product is intended for sale.

Hon. Mr. DONNELLY: It says, "All manufacturing or packing plants shall be registered by the Minister."

Hon. Mr. BELCOURT: That would not apply to products for domestic use.

Hon. Mr. DONNELLY: That exception is not made. And paragraph (b) of the same section says:

Any manufacturing or packing plant shipping maple products from one province to another or exporting such products must have a licence to be issued by the Minister to permit of such interprovincial or export business being carried on.

It is a common practice for some farmers to ship small amounts of maple sugar and syrup to the Prairie Provinces. This Bill would require them to have a licence, and I think that would be too much red tape.

Hon. Mr. DANDURAND: I shall draw the attention of the Minister to the remarks of my honourable friend.

Hon. Mr. DONNELLY: I have no objection to the regulations provided here, where they are imposed upon those who are engaged in the business of producing sugar and syrup on a large scale.

Section 10 was agreed to.

Sections 11 to 15, inclusive, were agreed to.

On section 16—regulations:

Hon. Mr. BELCOURT: The matter to which my honourable friend (Hon. Mr. Donnelly) has referred may be dealt with, perhaps, under this section. It says the Minister may make regulations prescribing certain things.

Hon. Mr. DANDURAND: I have received from the Minister of Justice a proposed amendment to be inserted as subsection 2 of section 16. It reads:

All regulations made under this Act shall fifteen days after the date of their publication in the Canada Gazette have the same force and effect as if they had been included herein.

Before we pass to the consideration of that amendment, I would direct the attention of my honourable friend (Hon. Mr. Donnelly) to paragraph (l), which provides that the Minister may make regulations prescribing:—

Any means deemed by him to be necessary for the carrying out of the provisions of this Act.

I should think that any regulations my honourable friend desires may be made under that clause.

The amendment was agreed to, and section 16, as amended, was agreed to.

Sections 17 to 20, inclusive, the preamble and the title were agreed to.

The Bill was reported, as amended.

THIRD READING

Hon. Mr. DANDURAND moved the third reading of the Bill.

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

The Senate adjourned until to-morrow at 11 a.m.

## THE SENATE

Friday, May 30, 1930.

The Senate met at 11 a.m., the Speaker in the Chair.

Prayers and routine proceedings.

## CRIMINAL CODE AMENDMENT BILL

THIRD READING

Hon. Mr. DANDURAND moved the third reading of Bill 138, an Act to amend the Criminal Code, as amended.

Hon. JAMES MURDOCK: Honourable senators, I move in amendment, seconded by Hon. Senator Copp:

That Bill 138 be not now read a third time, but that it be amended by adding the following as clause 2:

2. Section ninety-eight of the said Act is repealed.

Hon. Mr. POPE: I would point out that the seconder of the amendment is not present in the House. Is it not necessary that the seconder should be here?

Hon. Mr. MURDOCK: I beg the honourable gentleman's pardon. I should have said, seconded by Hon. Senator Spence.

I crave the indulgence of honourable senators in placing before them once more this question, which they have considered on several previous occasions. This is the sixth time, I understand, that the regularly elected representatives of the people of Canada have decided that section 98 of the Criminal Code, which is regarded as a reflection upon the patriotism, responsibility and good citizenship of organized labour, should be removed from our Statute Book.

I know that some honourable senators will say the section does not apply to properly conducted, reputable and stable labour organizations, but it is my opinion—and in this I am guided by my experiences over the last thirty years—that some honourable members do not make a clear distinction between those branches of organized labour that are banded together for co-operation and mutual assistance, and branches that have different objects. I have been for many years the Vice-President of the Brotherhood of Railroad Trainmen, composed of more than 15,000 members, with 98 lodges, scattered over this country from the Atlantic to the Pacific. Many members of that organization believe, and have believed ever since section 98 was enacted, that the original framers of the section aimed the coercive features of the measure at them as much as at any other class of citizens in Canada.

May I suggest here that one of the greatest republics in the world, if not the greatest and wealthiest, came into existence in the seventeen-seventies as a result of just the same coercive spirit that is demonstrated in section 98, which we are asking to have repealed. In all reverence, I say, thank God Great Britain does things differently to-day. In England you would not hear of anything of this kind, aimed at one and all of the working men. No! In that country there is set aside a place to which people may go who have in their hearts traitorous feelings against British institutions and who wish to exploit their views. There they may spout as much as they like and when they like, out in the open air, and not, as it would be necessary to do under this particular measure, in cellars or back alleys or closely watched lodge rooms.

In my judgment the law on this subject should be corrected on this the sixth occasion on which the regularly elected representatives of the people have passed the amendment and sent it to this side of Parliament for adoption.

Now may I refer to the very eloquent, inspiring and enlightening discussion to which we have listened in this House relative to the League of Nations and the wonderful accomplishments that have resulted in removing causes of conflict and dissension from among the peoples of the earth. During the course of that discussion, with which I was in entire agreement, I wondered whether all that had been said would be forgotten when we came to a proposal to remove this grave reflection upon the labouring men of Canada as represented by the labour organizations of this country. I doubt that any country in Europe would take such elaborate means as are taken by section 98 to demonstrate to organized labour generally that the big stick was being held over the heads of their associations or other organizations. As I said yesterday, honourable members, I am not very much concerned personally with the decision you render to-day; but I earnestly plead with you on behalf of the tens of thousands of reputable and upright Canadian citizens belonging to labour organizations—organizations that have done something, I trust, to establish harmonious and amicable relations between employer and employed in this Canada of ours. I appeal to you also in the name of the relatives of those tens of thousands of men who gave their lives ten years ago in the interest of Canada and for British institutions. It is unfair to those men, it is disrespectful to their memory, to allow such a section to remain on the Statute Book any longer. I would be the last one to make any such suggestion if there were not ample provision in the Criminal Code and the common law to cover every point dealt with in section 98 without any such reflection as is contained in it. I appeal to you, honourable members, not to say: "No, no; we will maintain that regulation, be it good or bad." I say that the tens of thousands of members of labour organizations in Canada deserve better treatment than has been accorded to them on five previous occasions when this measure has come from the other House, and I hope the amendment will carry.

Hon. W. B. WILLOUGHBY: Honourable members, I do not want to be forced into the necessity of talking this measure out, but if

it becomes necessary, we shall have to delay the House by such a discussion. I give notice to that effect to my honourable friend opposite.

Before the Senate met this morning I had an opportunity of looking up the rules of the House, and from the construction I place upon them I am of the opinion that last night we were out of order. I have since looked up the rules that are suspended.

Hon. Mr. DANDURAND: In regard to what?

Hon. Mr. WILLOUGHBY: In regard to all matters. This information will be found at page 159 of the Minutes of Proceedings. However, by virtue of the notice given by the honourable gentleman, a motion is now in order.

I am going to say only a word or two in answer to the honourable gentleman (Hon. Mr. Murdock). Section 98 is not aimed at labour bodies. We are all as sympathetic towards labour as the honourable gentleman or any right-minded man in this country. This provision is aimed at malcontents who want to overthrow government, and they are not always of the labouring class. They are dreamers and idealists who want to bring about an ideal state, not by constitutional means, but by way of revolution. Other people may be desirous of accomplishing the same end, but they want to do it by quiet, peaceful methods, allowed by the laws of this country and of the other British Dominions. Some people in certain walks of life—I am not referring to any honourable gentleman opposite—are willing to band together with people in a lower stratum of life or political activity in order to accomplish their desires. I do not think there are any such in this Parliament or in any legislative body in Canada.

The honourable gentleman has referred to his connection with labour, and I have no doubt that it was a thoroughly honourable one and helpful to himself and to the country; but I think he is apt to be carried away by the noisy, blatant element among those whom he represents. In Canada we have the freest system of government in the world, and everybody in the country, through the ordinary processes of law which obtain in this country, has an opportunity to express his views and to make his influence felt. As I said a moment ago, this measure aimed, not at labour at all, but at people of an entirely different class. In the Old Land the most revolutionary people, or at least their leaders, do not belong to the labouring class. Sometimes the working classes, because of a lack of education or of a broad outlook, do not see things as a whole, and may be led away by certain movements; but I venture to say that if you were to go to Winnipeg you would find that the majority of the labour men are interested mainly in their work and their pay, and to them legislation of this kind is in no way objectionable. Doubtless you can find in this country, among certain classes, immigrants who have not been thoroughly assimilated. They have been accustomed to attempting to secure by force what we secure by methods of order and liberty. That is the class that is aimed at. Of course here and there among the labouring classes you will find professional agitation and blatant leadership, neither of which is beneficial to the cause of labour or the labouring man himself.

I would suggest that if it be necessary—and I trust it is not—we should deal very exhaustively with this section this morning. I have given my honourable friend the leader of the Government an intimation that if it is necessary we shall talk out the proposed amendment at this late stage. This is not a threat; I do not make threats; but I would point out to honourable gentlemen of this House, who want to consider dispassionately all the questions that come before them, the impropriety—I am not speaking with any idea of censoring anybody—the impropriety of bringing in on the last day but one of the session, when there is no time to consider it, such a motion as is before us. It is not fair to us, for, as honourable gentlemen know who have occupied seats in this House as long as some of us, it is a habit of senators—it may be a very bad one—I find it so this morning—to arrange for their passage home one or two days before prorogation. This House, in the dying days of the session, has expressed its opinion by rejecting the proposed amendment; yet we find the honourable gentlemen (Hon. Mr. Murdock), who is a new member here—of course he is acting within his rights—moving to restore what has been striken out, and at a time when members cannot be present to record their votes and when the matter cannot receive the attention that it should receive. I suggest to the honourable leader of the Government that he should defer the consideration of this matter and not compel us to follow a course that is contrary to our wishes.

Hon. R. DANDURAND: Honourable members, I must differ with my honourable friend on the question of procedure. I wish to draw his attention to the fact that there

was nothing heterodox in the action of my honourable friend who is now moving the amendment (Hon. Mr. Murdock). After the Committee of the Whole has discussed a Bill, adopted it without division, and reported it, it is quite logical and fair to bring a question up again in order to have the House register its opinion. I believe that it is quite proper to take a vote of the jury that has just pronounced its verdict. Yesterday, when we came out of Committee, one member desired to record his vote. I do not think his amendment should have been regarded as a surprise motion, inasmuch as the constitution of the jury seemed to be, and should have been, the same as it was an hour before. Apparently some members of the House who were interested in the Bill thought that the matter had been settled, overlooking the fact that the vote might be officially registered when the Bill came back to the House.

My honourable friend appeals to us strongly to maintain what has been the policy of the Senate on four or five previous occasions, and says, "We may be obliged to discuss the matter until the last minute." I know what that means. I suggest to him that instead of taking that course we should divide on the amendment. I may say that it is my intention to ask that a vote be registered on the section to prohibit the publication of information on horse-race betting. I shall ask a colleague to move, after we have voted on the present amendment, that the section covering that other point be reinstated. My honourable friend (Hon. Mr. Willoughby) will have plenty of time to put his mild threat into effect, because, even if the two amendments are carried, we shall still have to dispose of the motion for third reading.

Hon. Mr. WILLOUGHBY: I do not desire to prolong the discussion. If my honourable friend is agreeable, we may take the vote now.

Hon. Mr. DANDURAND: All right.

The proposed amendment of Hon. Mr. Murdock was negatived on the following division:

CONTENTS

Honourable Senators:

| | |
|---|---|
| Aylesworth (Sir Allen), | Rankin, |
| Béland, | Ross, |
| Belcourt, | Spence, |
| Dandurand, | Turgeon, |
| Forke, | Turriff, |
| Hardy (Speaker), | Wilson |
| Hughes, | (Rockcliffe)—14. |
| Murdock, | |

NON-CONTENTS

Honourable Senators:

| | |
|---|---|
| Barnard, | Macdonell, |
| Blondin, | Martin, |
| Chapais, | McCormick, |
| Crowe, | McLennan, |
| Daniel, | Pope, |
| Fisher, | Schaffner, |
| Foster (Sir George), | Taylor, |
| Gordon, | White (Pembroke), |
| Green, | Willoughby—18. |

Hon. Mr. LOGAN: I was paired with the honourable senator from Pictou (Hon. Mr. Tanner). Had I voted, I should have voted for the amendment.

Hon. Mr. McGUIRE: I was paired with the honourable member for Regina (Hon. Mr. Laird). Had I voted, I should have voted for the amendment.

Hon. Mr. LESSARD: I was paired with the honourable member for Saskatchewan (Hon. Mr. Gillis). Had I voted, I should have voted for the amendment.

Hon. Mr. CALDER: I was paired with the right honourable senator from Eganville (Right Hon. Mr. Graham). Had I voted, I should have voted against the amendment.

Hon. Mr. ROBINSON: I was paired with the honourable gentleman from Colchester (Hon. Mr. Stanfield). Had I voted, I should have voted for the amendment.

Hon. Mr. COPP: I was paired with the honourable member from Westmoreland (Hon. Mr. Black). Had I voted, I should have voted for the amendment.

Hon. Mr. MURDOCK: I move, seconded by Hon. Mr. Spence:

That Bill 138 be not now read a third time, but that it be amended by adding the following as section 6:

6. Paragraph (f) of subsection one of section two hundred and thirty-five of the said Act is repealed and the following is substituted therefor:—

"(f) advertises, prints, publishes, exhibits, posts up, sells or supplies, or offers to sell or supply (i) other than on the premises of an association lawfully conducting race meetings in Canada, and during the actual progress of a race meeting thereon, any tips, selections, odds, winning money prices, pari-mutuel payments, or any similar intelligence with respect to or applicable to any horse-race, whether such race be held within or without the Dominion of Canada, and whether at the time of advertising, printing, publishing, exhibiting, posting up or supplying such news or information such race has or has not taken place; (ii) any information intended to assist in, or intended for use in connection with book-making, pool-selling, betting or wagering upon any fight, game, sport or race, other than a horse-race, whether at the

time of advertising, printing, publishing, exhibiting, posting up or supplying such news or information, such fight, game, sport or race has or has not taken place; or"

Hon. Mr. DANDURAND: Perhaps we can dispense with calling in the members. I do not think any have left their seats since the last division.

Hon. Mr. DANIEL: It is rather difficult to vote on an amendment unless we know what the purpose of it is. I presume this is an important amendment, but I am quite in the dark as to its object. I should like to be better informed before a vote is taken.

Hon. Mr. DANDURAND: The amendment that is now proposed has for its object the replacement in the Bill of a section rejected in Committee of the Whole yesterday. The purpose of the section was to curb betting on horse-races by forbidding the publication of information concerning the winners of races, and so on. If the section were adopted, it would tend to restrict the betting to the enclosures where the races take place. It would minimize the vicious effects of betting and restrain the indulgence of our people in games of chance.

Some Hon. SENATORS: Question!

The Hon. the SPEAKER: The honourable leader of the Government has asked that we take the vote without calling in the members again. I have noticed that the doors have been opened since the last division. Is it your pleasure that the members should be called in again?

Hon. Mr. DANDURAND: Call in the members.

The proposed amendment of Hon. Mr. Murdock was negatived on the following division:

CONTENTS

Honourable Senators:

| | |
|---|---|
| Aylesworth (Sir Allen), | Rankin, |
| Béland, | Ross, |
| Chapais, | Spence, |
| Dandurand, | Turgeon, |
| Forke, | Turriff, |
| Foster (Sir George), | Wilson |
| Murdock, | (Rockcliffe)—13. |

NON-CONTENTS

Honourable Senators:

| | |
|---|---|
| Barnard, | Macdonell, |
| Blondin, | Martin, |
| Crowe, | McCormick, |
| Daniel, | McLennan, |
| Fisher, | Pope, |
| Gordon, | Schaffner, |
| Green, | Taylor, |
| Hughes, | White (Pembroke), |
| Little, | Willoughby—18. |

Hon. Mr. MURDOCK.

The motion for the third reading of the Bill was agreed to, and the Bill was read the third time, and passed.

## BUSINESS OF THE SENATE

Hon. Mr. DANDURAND: Honourable members, there is now nothing left on our Order Paper, and we are awaiting the pleasure of the House of Commons. I was under the impression that some legislation would reach us by this time, but I am informed that certain measures which were on the Order Paper in the other House have been dropped. So I shall simply move that the House suspend its sitting till half-past three.

Right Hon. Sir GEORGE E. FOSTER: What progress is being made in the other House?

Hon. Mr. DANDURAND: There seems to be an understanding that prorogation will take place this evening. Possibly I shall be able to give more precise information when we meet at half-past three.

At 1 o'clock the Senate took recess.

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The Senate resumed at 3.30 p.m.

## BUSINESS OF THE SENATE

Hon. Mr. DANDURAND: Honourable members of the Senate, I am happy to be able to inform you that our labours are almost at an end. I expect no further legislation except the Supply Bill, which always reaches us in the closing hours of the session. It is probable that prorogation will take place this evening; but I doubt that it will be before 9 o'clock. I would suggest that we adjourn during pleasure, resolving to be near-by at half-past seven or a quarter to eight in order to admit the Supply Bill if it should come knocking at our door.

If any honourable member of the Senate desires more than an hour for the discussion of the Supply Bill—I am addressing particularly the leader facing me—I should be glad to hear from him now.

Hon. Mr. WILLOUGHBY: It is somewhat difficult to say how long anyone may speak. I find it difficult to say how long I shall speak myself. I do not wish to restrict anyone, but as the Supply Bill is something over which we have no control, I do not think we are likely to require more than an hour. That should be sufficient for members on this side of the House at all events.

Hon. Mr. DANDURAND: If my honourable friends want an hour, I will promise to clip only two or three minutes out of it.

Hon. Mr. WILLOUGHBY: I know it is not customary, but would it be improper to ask that the Deputy Minister or some other official of the Department be here to supply information which my honourable friend could not be expected to supply off-hand?

Hon. Mr. DANDURAND: I do not know, but I shall make inquiries to ascertain who can supply the information asked for.

Right Hon. Mr. GRAHAM: The Department will know who is the proper official.

Hon. Mr. WILLOUGHBY: That will be all right.

The Senate adjourned during pleasure.

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The Senate resumed at 8 o'clock.

The Senate adjourned during pleasure.

The Senate resumed at 9.30 o'clock.

## PROROGATION OF PARLIAMENT

The Hon. the SPEAKER informed the Senate that he had received a communication from the Secretary to the Governor General, acquainting him that His Excellency the Governor General would proceed to the Senate Chamber at 10 p.m. for the purpose of proroguing the present session of Parliament.

## APPROPRIATION BILL No. 3

### FIRST READING

Bill 347, an Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1931.

### SECOND READING

Hon. Mr. DANDURAND moved the second reading of the Bill.

He said: Honourable senators, I have in my hands a copy of the Bill, which has just been given the first reading, for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st of March, 1931. The total sum requested, based on the main estimates, is $213,127,180.71.

Section 3 of the Bill reads:

3. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole twenty-one million one hundred and one thousand nine hundred and forty-four dollars and seventy-five cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and thirty, to the thirty-first day of March, one thousand nine hundred and thirty-one, not otherwise provided for, and set forth in Schedule B to this Act.

There is the following declaratory statement in section 4:

4. And whereas there remained on the thirty-first day of March, one thousand nine hundred and thirty, unborrowed and negotiable of the loans authorized by Parliament for the construction of public works and for general purposes, the following sum:—

For public works and general purposes, $182,717,595.20.

And whereas it is necessary to make provision for retiring maturing loans raised for war or demobilization purposes and other maturing loans and obligations of Canada;

Therefore it is declared and enacted, that the Governor in Council may authorize the raising of the sum above mentioned as required for the purpose of retiring maturing loans raised for war or demobilization purposes and other maturing loans and obligations of Canada, and for public works and general purposes aforesaid, respectively, under the provisions of the Consolidated Revenue and Audit Act, and the sum so raised shall form part of the Consolidated Revenue Fund, out of which like sums shall be applicable to the several purposes aforesaid, under the Acts and provisions thereunto relating respectively.

I have not examined in detail the items that make up the sums mentioned. They cover the whole of the activities of the Government of Canada, and have been closely scrutinized by the members of the popular Chamber. On the members of that Chamber lies the principal responsibility for the levying and expenditure of the amounts necessary to carry on the affairs of the country. I believe they have done their work in a very careful manner. No complaints of any extravagance have come to my attention, and I think the expenditures offer no reasonable ground for criticism by this House. I should like to quote the statement, which I noticed in the press, of a high authority whose duty it is to maintain special surveillance over the actions of the Government: that an examination of the supplementary estimates indicates the exercise of great care and restraint in their preparation, especially in view of the fact that they have been brought down on the eve of an election.

Hon. W. B. WILLOUGHBY: Honourable senators, as the honourable leader of the Government has intimated, we in this House have not the right to initiate appropriations or expenditures. Our power is limited to the approval or rejection of Bills for these purposes that come to us from the other Chamber. Therefore our discussion on appropriation Bills usually occupies but a little time. As of course we would not exercise our power of

rejection except under very unusual circumstances, it is perhaps incumbent upon me to be brief in my remarks.

I saw the Bill for the first time a few moments ago, when it was laid on my desk, but I had previously examined some of the figures that are included in it. Last year the total of the main and supplementary estimates was, I think, about $404,000,000. This year the main estimates total $399,000,000; and in addition there are two lists of supplementary estimates, one of more than $11,500,000 and another of approximately $9,500,000, making an aggregate of about $420,000,000. So we have a considerable increase as compared with last year.

We in Canada are faced with rising expenditure and falling revenue, a situation which we all regret. There has been a drop in our national revenue of nearly $6,000,000 in one month. The reduction of one per cent in the business tax resulted in a decrease in receipts for one month of about $1,500,000. I am not complaining that the business tax was reduced; I think it never should have been imposed. It is estimated that we shall suffer a loss in revenue of about $10,000,000 a year, perhaps more, on account of the prohibition of clearances of liquor to the United States, in accordance with the Liquor Export Bill which we passed at this session. I am afraid that we have not reached the end of increasing expenditures accompanied by a decline in our trade. I am not attempting to say that the Government of the day is wholly responsible for the business depression throughout the country. That is to a large extent, but not entirely, due to world conditions. One's optimism certainly would not be justified if one were to forecast for the present year abounding revenues and increasing trade. For some time past we have been experiencing unemployment on such a large scale as was never known before in my lifetime.

The honourable gentleman's remarks implied that the supplementary estimates are not sufficiently large to indicate they were prepared with an eye to an impending election. He is a well known financier, accustomed to dealing with large sums. To some honourable members who, like myself, are possessed of but moderate means, some of the items in the supplementary estimates are so large as to be clearly indicative of the approach of an election. I will not tire honourable members by going over the lists in the two supplementaries. The Government deferred until the supplementary estimates were brought down, a large number of items of expenditure that should properly have been included in the main estimates. In the first supplementaries the Province of Quebec is represented on about a page and a half of items by the tidy sum of over $600,000. I am glad that the honourable leader of the Government (Hon. Mr. Dundurand) and his confreres have not forgotten that province. Ontario has to be content with $420,000.

Hon. Mr. DANDURAND: It perhaps had a larger share in the main estimates.

Hon. Mr. WILLOUGHBY: That may be so.

Hon. Mr. POPE: There is a "perhaps," though.

Hon. Mr. WILLOUGHBY: Yes. And the province from which I come is given the small sum of $2,200 in the supplementary estimates.

Hon. Mr. DANDURAND: It is extraordinary that the Minister of Finance overlooked even that amount for Saskatchewan when preparing his main estimates.

Hon. Mr. WILLOUGHBY: The Minister of Finance will have lots of things to account for when he goes back to Saskatchewan. I had the honour of being a member of the Legislature of Saskatchewan when the present Minister of Finance first entered that House. Early in his political career he was an ardent advocate of free trade. In common with his colleague, the present Minister of Railways, he has in days gone by made the welkin ring with the cry for free trade. I am glad to know that the point of view of the Minister of Finance has broadened in keeping with his subsequent experiences in wider fields. He has found that there are other things than free trade to talk about. In former days he was excelled as an advocate of extreme free trade only by the present Minister of Railways, who, when he was the leader of the Progressives, was accustomed to scourge with scorpions everyone who favoured protection. I do not speak unkindly of these honourable gentlemen; I simply wish to show the change that has occurred in their attitudes with regard to the tariff. It is pleasant to find the Minister of Finance bringing in a protective tariff.

I have always believed in adequate protection for the growing industries of this country; but I realize, as I have stated before in this House, that a policy of protection is perhaps less advantageous to those parts of

Canada where agriculture is the chief industry than it is to other sections of the country.

I should like to be permitted to say a few words of a more or less personal nature on the Australian Treaty. When that treaty had been brought before this House, and was extended by Order in Council, a few days afterwards, to apply to New Zealand, there was a meeting of a few Conservative senators, including the honourable gentleman who is sitting to my left (Hon. Mr. Pope) and myself. The honourable senator for Alma (Hon. G. G. Foster) was chairman of the meeting. We felt that the treaty should be attacked, although we all were, I think, of what might be called the Imperialistic school —as I have been all my lifetime. But after considering the matter further we came to the conclusion that it might be regarded as an ungracious act to raise strenuous objection to a treaty that had been made with a sister Dominion. That was the only reason why the treaty was not severely criticized at its very inception. Since then the Government has found that the treaty has been responsible for a great injury to the dairying industry of Canada. At last, after protests from all over the country, the Government has been forced, by pressure of public opinion, to change its policy. No better proof could be given of the soundness of our views at the time the treaty was introduced.

The Government has also made a change in its policy concerning fruit and vegetables. I shall not dwell on that matter; I merely wish to say that the Government initiated a policy on a yearly basis, and before it had been put fairly into effect there was a change to a seasonal basis, in line with the policy that has always been advocated by men of the same political views as my own. These changes go to show how difficult must be the lot of gentlemen who formerly were free traders and have been converted to at least moderate protection.

I should also like to make a few remarks on the subject of Imperial preference. To the limited extent that my means and circumstances permitted I have travelled in a great number of British Dominions, and in my humble way I have tried to study the question of how trade may be developed between the different Dominions to the advantage of them all. Therefore I think that I am in a position to discuss some features of the question of Imperial preference.

The Laurier Government introduced the first scheme of Imperial preference in Canada. The budget that has been brought down by the present Minister of Finance has amazed many who belong to the same school of thought as I do. I think it is generally conceded that trade between Great Britain and Canada, on a sound basis, would be a highly desirable thing; but, Imperialist as I am, I do not believe the Britisher, who is the keenest trader in the world, ever expected to get from us something for nothing. I have read Lord Beaverbrook's articles dealing with Imperial preference, and he makes it clear that it was never expected that Great Britain would be given free access to the Dominion market without making some concessions in return. Lord Melchett has published a book that deals with the same subject. In a masterly way he has analyzed the chief staple products of the world; his schedules show the extent to which various countries produce more or less than they consume, which countries are obliged to import certain goods, and so on. The primary duty of the Government of a country is similar to that of a father with regard to his family. The Government should always endeavour to get the best possible treatment for its own people, consistent with fair dealing with other countries. If individuals confer favours outside their families, they generally do so to friends; and if any of the British Dominions wish to give special treatment to other countries, they should do so to those that are under the same flag. We realize that there are many things we cannot produce in this country in competition with Great Britain. There they have a larger population and a huge home market; their labour is cheaper, and they have not the same climatic conditions to contend with. All honourable members are desirous of developing trade between Canada and Great Britain, but I am sure that many of us, perhaps the most of us, would like to get a quid pro quo from the Mother Country. The Minister of Finance has turned a sort of somersault. He has increased duties on some things, and has placed on the free list a large variety of goods from Great Britain. I say he is absolutely mistaken in that policy, because in the production of many things we cannot compete successfully with the Mother Country. We should give them a preference, I grant, but not free trade. And we should have a tariff wall against the United States to correspond in height with the one that they have for their own protection. Many of our industries are small and have to contend with conditions that do not prevail in other countries.

Canada is an expensive country to govern, as all honourable members know. It is far-flung; it has a northern climate. For that reason our policy should be to exact duties on

goods that we import, as a means of helping us to pay our way. We should deal with Great Britain as a member of our own family. When one does business with one's own brother one does not discard all business principles. Preferential treatment is to be expected, but, I repeat, we should not give free access to our markets. There are in the preferential tariff a number of items which we do not import in any considerable quantity, and fortunately there will be practically no loss accruing from the granting of preference in respect to them.

I apologize to honourable members for having spoken longer than I intended. Perhaps because of my position I am warranted in making somewhat extended remarks, as is my honourable friend who introduced this Bill (Hon. Mr. Dandurand). He represents the Government in this House, and to some extent I represent the Opposition. For that reason I feel at liberty to make more extended observations than I otherwise would.

On the whole, I am glad that an election is in sight. It will not affect those who are members of this House, although, I suppose, before the campaign ends there will be a number of new senators appointed. I think there are six vacancies at present?

Hon. Mr. BELAND: Yes, six, I think.

Hon. Mr. WILLOUGHBY: The filling of those vacancies will make a noticeable difference in this House. Again I apologize for my somewhat extended remarks. My excuse is that I have been provoked into doing so by the novelty of the budget, and by the astounding changes between the present and the former opinions on questions of tariff held by the Minister of Finance and the Minister of Railways.

Hon. Mr. DANDURAND: I shall not discuss the remarks of my honourable friend concerning the total expenditure authorized in this Bill. He has spoken of the supplementary estimates. In this respect I may say that the total of the first supplementaries is less than the total of last year, which was not a pre-election year, and that a large part of the second supplementaries is composed of items based on reports from committees concerning increased expenditure for soldiers and for pensions to the widows and orphans of soldiers. I do not suppose my honourable friend criticizes that part of the expenditure. It was passed unanimously, and only after serious consideration, in both Houses.

My honourable friend has referred to the economic situation and the policy of the Government as proclaimed in the budget. I may tell him that one of the primary necessities of the Dominion of Canada is markets for our natural and industrial products. We know that not so very long ago an effort was made to facilitate the exchange of natural products between this country and the United States. We know also of the decision of the electors of this country to reject the reciprocity proposals of 1911. That forced the Government to look to other markets. Since then our exports have increased to a considerable degree, and this is due largely, I believe, to the efforts of the present Government in seeking out and opening new markets.

My honourable friend, by implication, criticized the treaty with Australia. I am not disposed to agree with his criticism. I think the Australian Treaty is a good treaty. We are selling Australia four times as much as she is selling us.

Hon. Mr. WILLOUGHBY: It is the New Zealand Order in Council.

Hon. Mr. DANDURAND: Again, as to New Zealand, we are selling her much more than she is selling us. My honourable friend knows the situation. We cannot expect that even our sister Dominions will open their markets to us without some kind of reciprocity. It happens that in one particular line of activity, the butter industry, there have been protests against the invasion of the Canadian market by the New Zealand product. There are varied opinions as to the effect of the importation of New Zealand butter. It has been found that from year to year there is a largely increased consumption. As a matter of fact, we are still in the experimental stage and notice has been given of the abrogation of the treaty; but within six months we are going to an Imperial Conference, where such subjects will be debated from an Imperial angle.

I cannot agree with my honourable friend when he criticizes the increased preference to Great Britain. I believe that what we have done has had the effect there of drawing attention to what can be done in the way of inter-Empire trade. The preference granted by the Laurier Government in 1897 had a considerable influence towards increasing the sale of our products in England. Later on we increased that preference, without reciprocity, it is true. But we were dealing with a free trade country which had opened its doors to our products, and it was felt, quite apart from the fact that it was part of the British Commonwealth of Nations, that as it was one of the largest buyers of Canadian goods we should cultivate that market. To-

day we are in a similar position. We are dealing with a country that has bought from us two or three times as much as it has sold to us, and any impetus that we can give to the ideal of Imperial trade by the present budget will have a far-reaching effect in shaping the policy of Great Britain and the other Dominions.

I was on the other side of the Atlantic when the budget was announced. I heard it acclaimed throughout Great Britain. The people of Europe stopped to see what was going on in Canada, which was seriously hit by the United States tariff changes; and in the economic conferences of Europe to-day there is a tendency to look upon Canada as having taken the lead and given the formula for dealing with countries that impose such heavy duties as practically to close their doors to the products of other countries.

I can see nothing but good flowing from the increased preference granted to Great Britain. We are going to the Imperial Conference with that as an evidence of goodwill and a desire for increased commerce with the various parts of the Empire, and I think that next session my honourable friend may realize that the open-handed policy that we have adopted towards Great Britain is one that should be commended.

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

THIRD READING

Hon. Mr. DANDURAND moved the third reading of the Bill.

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

The Senate adjourned during pleasure.

## PROROGATION OF PARLIAMENT

His Excellency the Governor General having come and being seated on the Throne:

The Hon. the SPEAKER commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House that: "It is His Execellency the Governor General's pleasure they attend him immediately in the Senate Chamber."

Who being come with their Speaker:

The following Bills were assented to, in His Majesty's name, by His Excellency the Governor General:

An Act to incorporate The Saint Nicholas Mutual Benefit Association.

An Act to incorporate Estates Trust Company.

An Act for the relief of Nora Kathleen Eayrs.

An Act for the relief of Percy Victor Hobbes.

An Act for the relief of Constance Bertrand Murray.

An Act for the relief of Herbert Vincent Crisp.

An Act for the relief of Elsie May Scott-Peer.

An Act for the relief of Archibald Charles Henry Morris.

An Act for the relief of Lillian Caroline Maud Wood.

An Act for the relief of George Henry Symons.

An Act for the relief of Myrtle Margarette Hilton.

An Act for the relief of Mary Helen Burgess.

An Act for the relief of Cyril Douglas Gordon Stuart Ackerman.

An Act for the relief of Wilfred Gordon Ure.

An Act for the relief of Hedman Michael Coleman.

An Act for the relief of Gertrude Ann Elizabeth Griffiths.

An Act for the relief of William Francis Addison.

An Act for the relief of Ella Daisy Griffith.

An Act for the relief of Thomas Edmund Appleyard.

An Act for the relief of Alexander Robb Kennedy.

An Act for the relief of Constance Mary Wright.

An Act for the relief of Charlotte Gertrude Brown.

An Act for the relief of Albert Davis Blagrave.

An Act for the relief of Maud Alice Whipps.

An Act for the relief of May McFarlane.

An Act for the relief of Thomas Brown.

An Act for the relief of Irène Adèle Maria Gregory.

An Act for the relief of George Collier Draper.

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An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1931.

SPEECH FROM THE THRONE

After which His Excellency the Governor General was pleased to close the Fourth Session of the Sixteenth Parliament of the Dominion of Canada with the following Speech:

Honourable Members of the Senate:

Members of the House of Commons:

In bringing the present session to a close, I desire to congratulate you upon the expedition with which Parliament has conducted its proceedings, and upon the extent and importance of the legislative enactments of the session. Matters which have been the subject of long-

standing controversy have been successfully adjusted. In several other directions legislation of far-reaching significance has been enacted.

It is a source of particular satisfaction that the public accounts of the fiscal year recently ended again disclose a large surplus and that it has again been possible to effect further material reductions in taxation, as well as a further reduction in the national debt.

Especially gratifying is the fact that, in continuance of the policy of endeavouring to remove all substantial difficulties in the relations between the Dominion and the Provinces, a settlement of the long-standing controversies respecting the Natural Resources of the Provinces of Manitoba, Saskatchewan, and Alberta has been effected. The several agreements have received your approval, as well as the approval of the Provincial Legislatures. Approval has also been given to the agreement reached with the Province of British Columbia concerning the restoration to the province of the lands comprising what is known as the railway belt and Peace River block.

The recommendations of the Royal Commission on Maritime Claims have been further implemented by the legislation which has been enacted with respect to the coal and iron and steel industries.

Extensive and comprehensive revisions have been made in the Customs Tariff with a view to bringing certain schedules more into line with modern business requirements, and existing economic conditions. Material and broad extensions have been made in the British Preferential Tariff schedules, as well as other adjustments which it is believed will serve to promote a larger measure of reciprocal trade between the component parts of the British Empire and with other countries.

The interest which has been evinced during the session in all matters affecting ex-service men demonstrates once more that Canada stands in the forefront in continued appreciation of her soldier-citizens and their dependents. The legislation providing allowances for veterans who may be unemployable as a result of non-pensionable disabilities, the amended procedure and methods of administration under the Pensions Act, the extension of time to applicants under the Returned Soldiers' Insurance Act, and the more liberal treatment accorded soldier settlers, will bring a much sought for relief to numerous individuals and homes.

The Fair Wages and Eight Hour Day Act gives statutory effect to the fair wages policy which, for some years past, has been observed on construction work under public contract. It provides also for the observance on such work of an eight hour day. The benefits of this legislation, both as to wages and hours, have been extended, under Government policy, to workmen employed on construction work by the Government itself. The principle of the eight hour working day has also been made applicable by the Government to employees in the public service.

To aid in the solution of the problem of seasonal unemployment, provision has been made for holding at an early date a conference of Dominion and Provincial governments, of representatives of municipalities, of transportation companies, and of industrial and labour associations, to consider methods of cooperation in furthering continuous employment throughout Canada during the winter months.

A Federal-Provincial Conference for the purpose of furthering cooperation between the Dominion Government and the governments of the several Provinces of Canada on matters pertaining to immigration has also been arranged.

The consolidation of the Canada Grain Act in accordance with the recommendations of the Standing Committee of the House of Commons on Agriculture, the provision made for increased storage facilities for grain, as well as the inquiry into the promotion of the live stock industry of Canada for which provision has also been made, should prove of substantial benefit to the agricultural industry.

To ensure the development of the fisheries resources of the Dominion and of the industries based thereon, provision has been made for the appointment of a Minister of the Crown to preside over a separate Department of Fisheries.

Conventions with the United States for the protection and extension of the sockeye salmon fisheries and for the preservation of the halibut fisheries of the Pacific Coast have received approval.

Forward steps in the field of international relations have been taken by the signature of the Treaty for Reduction of Naval Armament, by the extension of arbitration through the acceptance of the Optional Clause, and by the revision of the Statute of the Permanent Court of International Justice, all of which measures have received your approval.

Amendments to the Dominion Elections Act have been made which should further ensure fairness and the avoidance of partizanship in the administration of our electoral system.

Among other enactments of the session have been important amendments to the Companies Act, the Export Act, and the Criminal Code.

Members of the House of Commons:

I thank you for the supplies granted for the carrying on of the public services of the Dominion.

Honourable Members of the Senate:

Members of the House of Commons:

In the opinion of my Ministers, it is desirable that the judgment of the people upon the questions which now engage public attention should be obtained during the course of the present year. In order to permit of Canada being represented at the Imperial Conference and the Imperial Economic Conference, which open their proceedings in London, on September 30, and to afford to Ministers of the Crown as ample an opportunity as may be possible to prepare for the important work of these Conferences, it has been deemed advisable that the present Parliament should be dissolved without delay, and the day of polling fixed for the earliest date possible after dissolution. I have, accordingly, to announce my intention of causing Parliament to be dissolved immediately following prorogation.

In taking leave of you at this time and under these circumstances, I desire to express the unqualified pleasure which I have derived from my association with you throughout the four sessions of this the Sixteenth Parliament of Canada. I pray that upon your labours the blessing of Divine Providence may be abundantly bestowed.

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