DEBATES

OF

THE SENATE

OF THE

DOMINION OF CANADA

1928

OFFICIAL REPORT

Editor: ALBERT HORTON

Reporters: D. J. HALPIN, H. H. EMERSON

Reserve Reporter: THOS. BENGOUGH

SECOND SESSION—SIXTEENTH PARLIAMENT—18-19 GEORGE V

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1928

SENATORS OF CANADA

ACCORDING TO SENIORITY

JUNE 11, 1928

THE HONOURABLE HEWITT BOSTOCK, P.C., SPEAKER.

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.
Robert Watson	Portage la Prairie	Portage la Prairie, Man.
Frédéric L. Béique, P.C.	De Salaberry	Montreal, Que.
Joseph H. Legris	Repentigny	Louiseville, Que.
Jules Tessier	De la Durantaye	Quebec, Que.
Hewitt Bostock, P.C. (Speaker)	Kamloops	Monte Creek, B.C.
James H. Ross	Moose Jaw	Moose Jaw, Sask.
Georges C. Dessaulles	Rougemont	St. Hyacinthe, Que.
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.
Benjamin C. Prowse	Charlottetown	Charlottetown, P.E.I.
Rufus Henry Pope	Bedford	Cookshire, Que.
John W. Daniel	St. John	St. John, N.B.
George Gordon	Nipissing	North Bay, Ont.
Nathaniel Curry	Amherst	Amherst, N.S.
William B. Ross	Middleton	Halifax, N.S.
Edward L. Girroir	Antigonish	Antigonish, N.S

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SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
Ernest D. Smith	Wentworth	Winona, Ont.
James J. Donnelly	South Bruce	Pinkerton, Ont.
Charles Philippe Beaubien	Montarville	Montreal, Que.
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.
John Webster	Brockville	Brockville, Ont.
Pierre Edouard Blondin, P.C.	The Laurentides	Montreal, Que.
John G. Turriff	Assiniboia	Ottawa, Ont.
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.
John D. Reid, P.C.	Grenville	Prescott, Ont.

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
James A. Calder, P.C.	Saltcoats	Regina, Sask.
Robert F. Green	Kootenay	Victoria, B.C.
Archibald B. Gillis	Saskatchewan	Whitewood, Sask.
Sir Edward Kemp, P.C., K.C.M.G.	Toronto	Toronto, Ont.
Archibald H. Macdonell, C.M.G.	South Toronto	Toronto, Ont.
Frank B. Black	Westmoreland	Sackville, N.B.
Sanford J. Crowe	Burrard	Vancouver, B.C.
Peter Martin	Halifax	Halifax, N.S.
Arthur C. Hardy	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	Ottawa, Ont.
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.
Napoleon K. Laflamme	Mille Isles	Montreal, Que.
James H. Spence	North Bruce	Toronto, Ont.
Edgar S. Little	London	London, Ont.
Gustave Lacasse	Essex	Tecumseh, Ont.

SENATORS OF CANADA

ALPHABETICAL LIST

JUNE 11, 1928

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.....	Ottawa, Ont.
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.
BOSTOCK, H., P.C. (Speaker).....	Kamloops.....	Monte Creek, B.C.
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.
DESSAULLES, G. C.....	Rougemont.....	St. Hyacinthe, Que.
DONNELLY, J. J.....	South Bruce.....	Pinkerton, Ont.
FARRELL, E. M.....	Liverpool.....	Liverpool, N.S.
FISHER, J. H.....	Brant.....	Paris, Ont.
FOSTER, G. G.....	Alma.....	Montreal, Que.

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
FOSTER, RT. HON. SIR GEORGE E., P.C., G.C.M.G.	Ottawa	Ottawa, Ont.
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.	Leeds	Brockville, Ont.
HARMER, W. J.	Edmonton	Edmonton, Alta.
HATFIELD, P. L.	Yarmouth	Yarmouth, N.S.
HAYDON, A.	Lanark	Ottawa, Ont.
HUGHES, J. J.	King's	Souris, P.E.I.
KEMP, SIR EDWARD, P.C., K.C.M.G.	Toronto	Toronto, Ont.
LACASSE, G.	Essex	Tecumseh, Ont.
LAFLAMME, N. K.	Mille Isles	Montreal, Que.
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.
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.

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
MURPHY, C., P.C.	Russell	Ottawa, Ont.
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.
PROWSE, B. C.	Charlottetown	Charlottetown, P.E.I.
RANKIN, J. P.	Perth, N.	Stratford, Ont.
RAYMOND, D.	De la Vallière	Montreal, Que.
REID, J. D., P.C.	Grenville	Prescott, Ont.
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.
ROSS, W. B.	Middleton	Halifax, N.S.
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	Ottawa, Ont.
WATSON, R.	Portage la Prairie	Portage la Prairie, Man.
WEBSTER, J.	Brockville	Brockville, Ont.
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.
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SENATORS OF CANADA

BY PROVINCES

JUNE 11, 1928

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	John Webster	Brockville.
9	Gerald Verner White	Pembroke.
10	John D. Reid, P.C.	Prescott.
11	Rt. Hon. Sir Geo. E. Foster, P.C., G.C.M.G.	Ottawa.
12	Sir Edward Kemp, P.C., K.C.M.G.	Toronto.
13	Archibald H. Macdonell, C.M.G.	Toronto.
14	Arthur C. Hardy	Brockville.
15	Sir Allen Bristol Aylesworth, P.C., K.C.M.G.	Toronto.
16	Andrew Haydon	Ottawa.
17	Charles Murphy, P.C.	Ottawa.
18	John Lewis	Toronto.
19	James Palmer Rankin	Stratford.
20	Rt. Hon. George P. Graham, P.C.	Brockville.
21	William H. McGuire	Toronto.
22	James H. Spence	Toronto.
23	Edgar S. Little	London.
24	Gustave Lacasse	Tecumseh.

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	George C. Dessaulles	Rougemont	St. Hyacinthe.
7	Louis Lavergne	Kennebec	Arthabaska.
8	Joseph M. Wilson	Sorel	Montreal.
9	Rufus H. Pope	Bedford	Cookshire.
10	Charles Philippe Beaubien	Montarville	Montreal.
11	David Ovide L'Espérance	Gulf	Quebec.
12	George Green Foster	Alma	Montreal.
13	Richard Smeaton White	Inkerman	Montreal.
14	Pierre Edouard Blondin, P.C.	The Laurentides	Montreal,
15	Thomas Chapais	Grandville	Quebec.
16	Lorne C. Webster	Stadacona	Montreal.
17	Henri Sévérin Béland, P.C.	Lauzon	Ottawa.
18	Jacques Bureau, P.C.	La Salle	Three Rivers.
19	Wilfred Laurier McDougald	Wellington	Montreal.
20	Donat Raymond	De la Vallière	Montreal.
21	Philippe J. Paradis	Shawinigan	Quebec.
22	Napoleon K. Laflamme	Mille Isles	Montreal
23			
24			

NOVA SCOTIA—10

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

NEW BRUNSWICK—10

	The Honourable	
1	Pascal Poirier	Shediac.
2	John W. Daniel	St. 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		

PRINCE EDWARD ISLAND—4

	The Honourable	
1	Benjamin C. Prowse	Charlottetown.
2	John McLean	Souris.
3	James Joseph Hughes	Souris.
4	Creelman MacArthur	Summerside.

BRITISH COLUMBIA—6

SENATORS.	POST OFFICE ADDRESS.
The Honourable	
1 Hewitt Bostock, P.C. (Speaker)	Monte Creek.
2 Albert E. Planta	Nanaimo.
3 George Henry Barnard	Victoria.
4 James Davis Taylor	New Westminster.
5 Robert F. Green	Victoria.
6 Sanford J. Crowe	Vancouver.

MANITOBA—6

The Honourable	
1 Robert Watson	Portage la Prairie.
2 William H. Sharpe	Manitou.
3 Lendrum McMeans	Winnipeg.
4 Aimé Bénard	Winnipeg.
5 Frederick L. Schaffner	Winnipeg.
6 John Patrick Molloy	Morris.

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	Ottawa, Ont.
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, January 26, 1928.

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 3 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 Second 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 meet you at the commencement of another session of Parliament and to be able to congratulate you upon the marked prosperity of the country. The volume of trade and of building construction, the growth in employment, the increased railway receipts, the expanding revenues, and business conditions generally, all bear testimony to a sound economic development which promises much in the way of substantial progress.

The celebrations of the Sixtieth Anniversary of Confederation, held during the past summer, were of a memorable character. They evoked in all parts of the Dominion a spirit of national pride and patriotism. Related to the commemoration, and outstanding among the events of the year, was the visit of Their Royal Highnesses the Prince of Wales and Prince George, and the Prime Minister of Great Britain. The welcome everywhere accorded the representatives of the Royal Family and the representative of the British Parliament evidenced the strength of the ties which unite in a common allegiance the members of the British Commonwealth of Nations.

Striking recognition has been accorded Canada's position in the League of Nations through the selection of Canada by the Assembly to a non-permanent seat on the Council of the League.

As contemplated by the conclusions of the Imperial Conference of 1926, provision was made on July 1 for direct communication between His Majesty's Government in Canada and His Majesty's other Governments of the British Empire. The further implementing of these conclusions which aim at more effective consultation through personal contact by the appointment to Canada of a representative of His Majesty's Government in Great Britain is being discussed between the Secretary of State for Dominion Affairs in Great Britain, who is at present in Canada, and members of my Government. By agreement between the Governments of France and Canada and the Governments of Japan and Canada it is proposed that each of these countries shall be represented in the other by a Minister Plenipotentiary.

Following the announcement made during the last Session of Parliament, a Conference was convened at Ottawa in November between the Dominion Government and the Governments of the Provinces of Canada. It is the opinion of my advisers that this Conference proved of the utmost value in facilitating a full and free exchange of views between the participating Governments on problems of mutual interest and concern. Your attention will be invited during the present Session to some of the more important matters discussed at the Conference.

As a result of the Dominion-Provincial Conference, my advisers have decided, pending a complete revision of the financial arrangements as contemplated by the Duncan Report, to recommend the continuance to the Maritime Provinces of the money grants made at the last session. In the light of the discussions at the Conference, my Ministers are continuing negotiations with the Prairie Provinces for the return of their natural resources and are giving consideration to the restoration to the Province of British Columbia of the lands of the railway belt and the Peace River block. Consideration is also being given to the railway problems of the several provinces, as outlined at the Conference.

The work of reconditioning that portion of the Hudson Bay railway previously constructed has been finished. After most careful examination and consideration, and upon the best advice obtainable, Churchill has been selected

as the ocean terminus of the Bay route. A contract has been let for the grading and bridging of the railway extension to Churchill and preparations looking to the establishment of the necessary harbour works there are well advanced.

There has been a substantial increase in the number of British immigrants as well as in the number of immigrants of a suitable type from the continent of Europe. Steps have been taken towards closer co-operation with the Provincial Governments in land settlement, placement and supervisory work. Several provincial centres have already been established for the reception and distribution of British youths for agricultural work, and a constructive settlement scheme has been put into force for settlers of this class.

The opening of new territory by the construction of branch lines of railway is proceeding rapidly, and is providing wider opportunities for settlement.

Harbour Commissions have been established at the ports of St. John and Halifax. This, it is expected, will facilitate and expand the movement of traffic through Atlantic seaports. The volume of trade at other Canadian ports during the past season has increased. In grain shipments, the Port of Montreal attained a pre-eminent position among world ocean ports.

Much progress has been made in the development of aviation in the Dominion. An organization has been established for the administration of civil aviation, distinct from that of the Air Force. To assist in the development of transoceanic air routes, a site for an airship base has been purchased near Montreal. An airship mooring tower will be erected and a public air terminal for aeroplanes provided.

In the postal service the year has been marked by the inauguration of an air mail service between Rimouski and Montreal.

Satisfactory progress has been made in the organization of the Department of National Revenue. The final report of the Royal Commission on Customs and Excise will be presented immediately for your consideration, and legislation based upon the report will be introduced.

It is proposed to amalgamate the Departments of Health and Soldiers' Civil Re-establishment in a single department of National Health and Veterans' Welfare.

A proclamation has been issued bringing the revised Statutes of Canada into force on the first day of February, and copies of the new revision will be available for the present session.

Among other important matters to which your attention will be invited will be measures providing for more favourable trade relations between Canada and certain foreign countries, and for substantial assistance to and improved facilities for industrial and scientific research.

Members of the House of Commons:

The public accounts for the last fiscal year and the estimates for the coming year will be submitted at an early date.

Honourable Members of the Senate:

Members of the House of Commons:

In again inviting your careful consideration of the important matters which will engage your attention, I pray that Divine Providence may 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, January 31.

NEW SENATORS INTRODUCED

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

Hon. Philippe Jacques Paradis, of Quebec, P.Q., introduced by Hon. R. Dandurand and Hon. Jules Tessier.

Hon. Joseph Napoleon Kemner-Laflamme, of Montreal, P.Q., introduced by Hon. R. Dandurand and Hon. F. L. Béique.

Hon. James Houston Spence, of Toronto, Ontario, introduced by Hon. R. Dandurand and Hon. W. H. McGuire.

Hon. Edgar Sydney Little, of London, Ontario, introduced by Hon. R. Dandurand and Hon. A. Haydon.

Hon. Gustave Lacasse, of Tecumseh, Ontario, introduced by Hon. R. Dandurand and Hon. N. A. Belcourt.

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.

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, Daniel, Prowse, Robertson, Ross (Middleton), Sharpe, Tanner, Watson, Willoughby and the mover.

DIVORCE BILL (ONTARIO)

FIRST READING

Bill A, an Act to provide in the province of Ontario for the dissolution and the annulment of marriage.—Hon. Mr. Willoughby.

The Senate adjourned until Tuesday, January 31, at 3 p.m.

THE SENATE

Tuesday, January 31, 1928.

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

Prayers and routine proceedings.

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. EDGAR SYDNEY LITTLE moved:

That the following Address be presented to His Excellency the Governor General to offer the thanks of this House 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 St. Michael and St. 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: I am fully appreciative of the honour conferred upon me in being chosen as the mover of this Address, and I would that I were riper in years and richer in experience that I might do justice to the demands of the occasion.

The Address which has been brought down may be divided into two phases, the retrospective and the prospective. To me it is particularly important in its rehearsal of the historic features of the past year, for I believe that too much stress cannot be laid upon the celebration of the Diamond Jubilee of Confederation and upon the part played in that celebration by representatives of the Royal Family and of the British Government.

We are all boastful of the present prosperity and the unparalleled prospects which lie before Canada to-day, and we are perhaps too prone to look upon that prosperity as of our own making and to forget the "main chance" in an atmosphere of commercialism. Where would we be to-day and what would be our prosperity had it not been for the broad vision and the self-sacrificing citizenship of the fathers of Confederation, out of whose labours was born our heritage of to-day? What the fate of that heritage will be in the years to come rests with us to-day, and is dependent on our vision and our capacity to bequeathe that vision to the next generation.

It seems particularly fitting that the celebration of our sixtieth birthday should have taken the form of a thanksgiving, a thanksgiving that was a family affair, and that the Queen of Empire and Mother of Parliaments should have graced the family circle in the daughter's house. Truly the daughter has come into her own, and has won recognition in the Council of the League of Nations. It is a matter of congratulation, too, and an honour to this House, that the responsibility of that representation has been ably borne by the honourable leader of the Government in this House. All Canada is justly proud of this further contribution of the Province of Quebec which has given so many men to the public life of the country, men who have rendered and are still rendering a distinct service to the Dominion. I repeat that a distinct honour has come to this House.

The past year, too, has seen a further development of the co-operative idea taught by Confederation in that we have had the conference between the Dominion Government and the Governments of the Provinces of Canada—a conference marked by harmony, and out of which will come greater unity and a still greater spirit of good will.

On the material and prospective side we have every reason to be proud. Canada, twenty-fourth among the nations of the world as to population, is to-day fifth as to trade.

Our agricultural and live stock development is such that we may hope some day in the not far distant future to become the greatest food supply house in the world.

Coming from the county of Middlesex, where I am rather largely interested in farming, and at the same time extensively engaged in the manufacturing and business life of the city of London, I gladly welcome any line of action on the part of the Government which will enable the rural sections to advance, for I fully realize that the commercial in-

terests of this country cannot prosper unless those engaged in the basic industries of this great Dominion are prosperous.

I note with pleasure that the Government proposes to remove the handicaps under which our sister Provinces by the sea have suffered; that the Prairie Provinces are to get their natural resources; and that it is proposed to hand back to British Columbia the lands in the Railway Belt. All this is to me an evidence of a sincere desire on the part of the Government to promote a further spirit of unity without which we cannot prosper as a nation.

Our railways are approaching the point where, with added population and the attendant development of business, they will no longer be a burden. Our mining areas are daily attracting greater attention, and, what is most pleasing, British capital is becoming interested. Commercial aviation is becoming an important factor in the business life of the country, and it is fortunate that the Dominion Government and the Provincial Governments are in a position to aid this development in such branches as the Post Office and the Forestry services.

There will be general interest throughout the Dominion in the promise that the matter of further trading facilities with foreign countries is to be given the attention of the Government, and that additional aid is to be considered for industrial and scientific research.

Hon. GUSTAVE LACASSE (Translation): Honourable gentlemen, traditional custom in both Houses of Parliament requires that every year, in the moving and seconding of the Address in reply to the Speech from the Throne, the two official languages of this country should be used, and I owe to the kindness of the honourable the Liberal leader of this House the hazardous honour of performing one of these functions to-day.

It is with deep emotion, honourable gentlemen, that I rise in this illustrious Chamber for the first time, and the thought that I address not only ninety-four parliamentarians of mature age and experience, but ten millions of people, differing in opinion, class, origin, creed and interest, is not calculated to calm my fears. Being exceptionally young to share with my venerable colleagues the onerous responsibilities of membership in the Senate, and having no parliamentary training, I crave your indulgence for the few moments that I shall occupy in seconding the eloquent words addressed to you by my honourable colleague from London.

Hon. Mr. LITTLE.

My remarks, honourable gentlemen, will be confined to a few personal considerations which have been suggested to me, directly or indirectly, by the Speech from the Throne, and which I shall make as brief as possible.

There is to be noted in the first place a very interesting fact, namely, that the improvement in the economic situation in Canada is becoming more and more apparent, while most other countries, particularly those of Europe, still suffering from the general depression following the war and from the fear of new conflicts, see their finances disorganized, their industries paralyzed and their trade, both domestic and export, hampered accordingly. Our country ranks amongst the first in the world in trade per capita, and its favourable trade balance is the highest. Our Canadian dollar is the most formidable rival of the American dollar. "The trade and commerce of Canada for 1927 has been generally satisfactory," declared recently one of the most eminent business men of our metropolis, Mr. Clifford Laffoley, retiring President of the Montreal Board of Trade. "The basis of the prevailing favourable conditions," he added, "is found in the increasing value of the field crops of Canada, the substantial gain in production from the mines, and the expansion and growth of the pulp and paper industry."

So much for the present. As for the future, our country offers infinite possibilities. Marvellous resources, still untapped, lie hidden beneath our good old Canadian soil. If we are to make further strides along the path of intense development we must have a greater number of strong arms—we must increase our population. Three methods present themselves: natural increase, encouraged by the improvement in economic conditions and by the movement back to the land, which a writer affectionately calls the "great friend"; repatriation, and immigration, aided and hastened by a readjustment of transportation facilities and by an aggressive programme of settlement.

The Speech from the Throne, while containing no detailed declaration, covers all these points in a general way, attaching perhaps most importance to the development of our railway lines and emphasizing also the desirability of establishing more direct relations with certain foreign countries, particularly France and Japan.

On the whole, this comparative prosperity in our affairs and the hopes that we are justified in entertaining for the future should inspire our people with absolute confidence in the wise and prudent administration that presides at present over the destinies of Canada.

Notwithstanding the creative power of gold, however, honourable gentlemen, we must not stop at the thought that the greatness and the progress of a race, a people, or nation are based solely upon material prosperity. There is another aim, which I consider still more necessary for the welfare of our country: it is the cultivation of a common mentality, the adoption of a truly national credo, and, in matters of special concern, the development and expansion of essentially Canadian thought. This ideal towards which we should always strive, as Canadians fully conscious of our civic responsibility, is founded upon a spirit of understanding and mutual confidence, respect for minority rights, and friendly feelings towards each other on the part of the different groups composing our vast country and the different elements inhabiting it.

We have been placed by Providence on this North American continent to live and prosper side by side. Two great races predominate, one of Gallic origin, the other of Anglo-Saxon descent. The former is here by right of discovery, the other by right of conquest. To the one belongs the glory of having been the pioneer and evangelizing race, to the other the credit of having organized, developed and brought to successful completion many great undertakings. The two represent the finest in modern civilization, and the duality of language, art and literature is and will remain one of the most precious advantages of this Canadian land.

"Catiline is at the gates of Rome and we are deliberating"! exclaimed on a memorable occasion an ancient legislator. Thanks to the friendly relations we have maintained with the outside world for many decades, honourable gentlemen, our country is free from invasion, and no horde of barbarians threatens our institutions, though our frontiers extend unfortified for more than three thousand miles. But other enemies endanger our future as a nation, and these are within our gates: they are the base exploiters who systematically endeavour to keep race prejudice, religious bitterness or local susceptibilities aroused, and who take an infernal delight in stirring up such subversive feelings, which undermine the very foundations of our Canadian community. A truce to all these unpatriotic, anti-Christian, anti-social tactics! Would it not be folly on our part, honourable gentlemen, to waste our time in petty, childish squabbles amongst ourselves when Providence calls us and urges us on to a destiny more and more glorious? Let us all then generously agree to live in perfect harmony and to maintain the most scrupulous respect for the constitution which governs us. Let the nine Canadian provinces, industrious and prosperous in their respective spheres, study their problems in the light of a national spirit and deal with them in the same way. Under these conditions Canadian Confederation, the Diamond Jubilee of which we have been celebrating with such splendor in the year 1927, will continue to be the brightest jewel in the British Crown; Canada will be the most important centre of that glorious commonwealth of free nations comprising a vast Empire whose dominions extend to the ends of the earth, and on which the sun never sets!

Allow me, honourable gentlemen, before closing, to make a respectful personal allusion to those distinguished members of this Chamber who in recent months have passed away, and particularly to the kindly personality of him whom I have the honour to succeed, Hon. Senator McCoig. Honest and irreproachable citizen, friend of the farmer, steadfast defender of the rights of the people, "Archie"—he would not allow of being called otherwise, even after his political chiefs had recognized his value and merit in having him elevated to the Senate—will long continue to live in the memory of those to whom he was ever a wise counsellor and unfailingly loyal and devoted friend. May the administration of our public affairs be entrusted always to representatives as able, as sincere, as broadminded and as unselfish!

Honourable gentlemen, I claim also, as the Benjamin of this House, the privilege of offering to the grand old man who is its dean, the honourable Senator from St. Hyacinthe, the tribute of my respect and sincere admiration. To succeeding generations he is a magnificent living example not only of physical vigor, but also and especially of civic integrity.

Before resuming my seat, honourable gentlemen, I desire to express publicly my thanks to the Government of my country for the courageous gesture it has made in recognizing the claim of the French group in Ontario to a fairer representation in official and administrative circles. I am quite embarrassed that its choice should have fallen upon my young and humble self. I appreciate what new responsibilities this great honour involves. I come to this Chamber with all the fire and enthusiasm of youth. In contact with your wisdom and experience, honourable colleagues, I hope shortly to reach a "good average" as a legislator, and to be able to give sufficiently intelligent and sensible consideration to the questions laid before this Chamber for final settlement, especially as I shall have been trained in a good school.

Hon. W. B. ROSS: Honourable gentlemen: It is my pleasant duty to congratulate the mover and the seconder of this Address on discharging very neatly, and I think very well, a more than ordinarily difficult task; because, so far as I have been able to struggle with the Speech from the Throne, it is one of the hardest to get hold of, because it contains the least material of any such Speech as it has been my good fortune to read for some time. However, these gentlemen have done very well in making bricks without straw, and I must congratulate them on both the manner and the substance of their remarks.

I wish also to congratulate the other members of the House on the new members who have entered this Chamber, and I would like to make a few remarks to them, not for the purpose of delivering a homily on their duties, but rather in order to remind myself and other members of this House what is expected of us here. Those new members will find, what some of us learned years ago, the real facts as to the position of a Senator. Throughout the country it is commonly thought that a Senator comes here to do nothing but go to sleep and that nothing is being done in this Chamber. However, those gentlemen will learn, as we have, that any man who is going to take part in the proceedings of this House will have to give systematic and careful consideration to the matters that come before us here. The deliberations of the Senate are of the greatest benefit to the people of Canada in the way of avoiding trouble and reducing public expenditure.

This leads me directly to the subject which underlies a few of the matters referred to in the Speech from the Throne. Two or three of the paragraphs that are not merely retrospective are such as involve taxation; but I would urge upon the new members of this House that they should endeavour to take a somewhat judicial attitude upon the matters dealt with in the Senate. Those of us who have been here for any length of time have found that the old party spirit that was acquired in contested elections, and perhaps also somewhat in another House, is not quite the spirit that is expected of members of this House by the people of this country; and I think as time goes on it is more important for all of us to assume that judicial attitude and try to avoid injuring or spoiling legislation by importing into it anything like a bitter party spirit.

I would like to convey to the members of this House some thoughts with regard to taxation in the country. If we are going to build new railroads, or have embassies in foreign countries, or divide large sums of money among various provinces for such things as railroads and harbours, we must necessarily incur heavy taxation; and my view of this House is that perhaps its chief function, apart from the protection of provincial rights, is the duty of restraining the extravagant expenditure of public money in every branch of government.

It is perfectly true of all governments, particularly those that consist of one Chamber, that political parties vie with one another in public expenditures. Thus, if Party "A" votes several millions, with the expectation that they will be in favour with the populace, Party "B" will perhaps go five millions better. But in this House we should be above that sort of thing, as we have not the same temptation or reason for doing that which applies to popular representatives; and I would say that if we can in any way control everything even approaching extravagant expenditure on the part of the Government of the day, we will be doing a great public service for Canada.

Out of this question of public expenditure grow two other matters, namely, taxation and the cost of living. You cannot expect to go on spending millions and yet ignore the question of taxation; neither can you heap on taxes without increasing the cost of living. Following this problem around, it leads to another subject—that of immigration. Without undertaking to say to-day that the Government are blamable for any specific action in connection with immigration, I am perfectly certain that there is a public impression, whether correct or not, that there is something wrong about immigration. Though not mentioned in the Speech from the Throne, I understand that it is whispered that there is to be a thorough investigation this Session of the whole subject of immigration. For myself, I have never been satisfied that we have worked on the proper lines with regard to immigration. One thing stands out in the conditions of our country, I think—that in the farming districts, with men of large families, it will be found, as a rule, that the sons of farmers do not desire to emigrate to foreign countries, but prefer to stay at home. I think that before spending money on immigration from Europe or any foreign country we ought to know decisively that we have exhausted our resources for retaining our own population on the land. That is my present view on this matter; but possibly the Government may try to justify itself in that respect. It is

difficult for a private citizen to get at the actual expenditures that are made on particular public services.

Certain other subjects are faintly adumbrated in the Speech from the Throne. I think we are promised something like scientific research; at least it is in the air Further than that, there is some suggestion of the development of the St. Lawrence; but owing to the fact that this matter has gone to the Courts, it may not be one for early disposition by Parliament.

Then there is the question of provincial rights. It is a little difficult to say what the Government propose doing on that question, because it covers not only such matters as the control of natural resources by the Northwest Provinces, but also various dealings with the Provinces of New Brunswick, Nova Scotia and Prince Edward Island. However, until the Government bring down something specific, I do not think it is possible for any man to say more than that they will be expected to carry out their promises in accordance with the Duncan report; but until they produce something definite it is impossible for any one to say just what they are doing.

Another subject on which I feel rather strongly is with regard to government embassies in foreign countries. I have my own views on that subject. I never believed in them, and do not believe in them now. I think there is a great deal of danger connected with embassies. No one can say what may happen any day. An embassy in a foreign country is a ticklish thing, for an ambassador may say or do something that will get the Government into trouble. We have only to look across the line and remember a letter that was written by a British ambassador during an election. He got his congé the next day. Such trouble has happened more than once on the other side of the line. If you have embassies in Tokio, in France, or in the United States, one of those representatives may do an indiscreet thing, and what are we going to do about it? We are in no position to deal with such a situation like an independent nation that has her own army and her own navy. The whole thing reminds me of the dog grasping at the shadow: there is nothing to it at all. There is nothing at all to justify us in establishing these embassies. They will involve us in a great deal of expense, $100,000 here and $200,000 there, all of which will help to increase taxation. What we could very well afford to have in all these foreign countries is a first-class business man, and a staff, who would set to work to develop our trade. By what is proposed, what will we get? If you go to Washington, for instance, what happens? Letter-writing begins, and it takes a week or ten days to get at something that a trade commissioner could find out inside of an hour.

I had thought of referring to the development of the St. Lawrence, which is a very important matter, but inasmuch as it is before the courts, perhaps it is better to drop it for the present.

I want to say a word or two with regard to the scientific research which we are promised. Frankly, I may say that I am in favour of scientific research, upon a certain condition, namely, that it is conducted along lines that are not being followed by other nations who are as rich or richer than we are. You can get an illustration of duplication of research in our agricultural stations, and men in the other Chamber who know those stations will corroborate what I say. Take, for instance, the investigation into the growing and feeding of steers. It is simply nauseating. Every country in Europe has worked at that problem, every State in the American Union has worked at it, and every province in Canada has done likewise. It is a sort of monkey business—because one station does it, every other station follows suit. Then, from that they pass to egg-laying contests, which may be a good enough thing for one or two stations to work at; but it is ridiculous for them all to be at it, especially when the ground has already been covered in almost every civilized country in the world. They have struck the right note in England in this regard. There, in connection with the investigation of pests, it came to light that the Government of New Zealand were investigating in their institutions the extermination of certain pests, so the British Government said, "All right, you go ahead with that; we will drop it, and go on with something else." On condition that wisdom and common sense are used, I am in favour of scientific research. No country can expect to go ahead to-day that does not realize the value of science and scientific research; but let us mix with it some common sense instead of wasting our money in doing things that already have been done, or are being done by others, just as well as we can do them. Let us turn to something else, and then exchange ideas.

I wish to congratulate my honourable friend opposite (Hon. Mr. Dandurand) upon the very high position which he has attained, and I think rightly so, in the conclaves of the wise men of Europe. He has done honour to himself, to his country, and to this House—

Some Hon. SENATORS: Hear, hear.

Hon. Mr. ROSS: But I want to sound just a word of warning. He should be very careful that he does not go too far in complicating us with the fifty-three nations that make up the League of Nations. If he does that, I think we will have to appoint a Committee of this House to watch him when he goes to Europe.

Some Hon. SENATORS: Oh, oh.

Hon. Mr. ROSS: So far the honourable gentleman has exercised so much discretion that I have good hopes for the future. Nevertheless, it is just possible that in assenting to some findings of a Committee of the League of Nations, trouble might be caused in the future. I hope the honourable gentleman will not mind me saying that I hope he will exercise the greatest caution and prudence in this regard.

Hon. RAOUL DANDURAND: Honourable gentlemen, I desire to join with my honourable friend in congratulating the Senate upon the accession to its ranks of gentlemen of the importance of those who came in on the opening day. The honourable gentleman from the district of London (Hon. Mr. Little) has been prominent in agriculture and in business, and has been recognized as one of the peers in his own community by being called to sit as president of the Board of Trade of London, and as first magistrate of that city. He will bring to this Chamber a ripe experience in many matters which are of national interest, and we will always listen to him with considerable attention and consideration. Likewise, we have heard the voice of the honourable gentleman from Essex (Hon. Mr. Lacasse) who brings to us youth and enthusiasm. Within a few years he has made his mark in his own district as a leader of his fellow citizens. He has established a reputation for fairmindedness and broad vision in all matters that pertain to bringing together the various races that compose his community. His presence here will be an acquisition to this Chamber.

My honourable friend opposite (Hon. W. B. Ross) did not notice in the Speech from the Throne any indication of considerable constructive legislation to be submitted to this Parliament. It is true that some reference was made to the record of Canada during the past twelve months. I think it was of importance that the celebration of the sixtieth anniversary of Confederation should be mentioned, and I am sure we should all be proud of the growth of our national consciousness as demonstrated by the festivities and the ceremonies that took place in connection with that celebration. I desire to thank my right honourable friend to my right (Right Hon. Mr. Graham) for the weighty part that he assumed in preparing the program for that celebration.

My honourable friend in closing spoke of the League of Nations and of the composition of the Council. He has been kind enough to congratulate me upon occupying a seat in the Council. Whatever pride I may derive from that position, I would like to share it with all my compatriots, because it was not my humble personality that was thrust into that Council, but Canada itself. The seat belongs to Canada, and while it is filled to-day by my humble self, to-morrow it may be filled by some one else. I may say that although Canada came late into the field, I found that her position in the world was recognized as deserving of that honour, and, as I had occasion to say when I returned from Geneva, it was on Canada's good looks and not so much upon the presence of her representatives there, that she secured a seat.

My honourable friend is afraid, if I have rightly caught what was in his mind, that we may be entangled by some of the decisions of the Council through the presence of a Canadian representative. I want to reassure the honourable gentleman and tell him that the presence of a Canadian delegate should rather give Canada a sense of security, because any decision of importance, except on questions of procedure, must be unanimous. If Canada were not there, a decision might be reached which, through Canada's signature to the Covenant, would put upon her shoulders some fairly heavy responsibilities. Canada's representative there may draw attention, for instance, to the fact that if any difficulty were to arise in some part of Europe it would not be opportune to call upon nations across the Atlantic for any contribution. In the draft treaty of mutual assistance which was prepared in 1923, mainly under the direction or influence of Lord Robert Cecil, it was laid down that a country of one continent would not be obliged to transfer troops to another continent for the maintenance of peace. I mention that fact so that my honourable friend may be reassured. There will be no increased responsibility affecting our country by reason of the presence of the Canadian representative. There are fourteen representatives in the Council, and when, on the evening of the day after the election of Canada, a journalist came and asked me:

"What will be the attitude of Canada on the Councils?" My answer was that it would be that of the thirteen other members. The matters confided to the Council are differences between countries, complaints from minorities that claim to have rights under treaties made after 1918, and which gives them some guarantee or some protection; and not only is it the duty of the Council to try to settle the difficulties that arise, but to prevent their taking an acute form.

This is not the time to enter into a detailed statement of the activities of the Council. We may have some occasion during the Session to speak of the doings of the Assembly at the time of its last sitting in September, 1917, and of the action of the Council in various matters. All I desire to say for the present is that the election of Canada to the Council was hailed with favour by most of the delegates present. Though the majority of Canada was small, I may say that, generally speaking, outside of those who were special rivals of Canada in this regard, Canada encountered no enmity, but found friends in every quarter of the Assembly.

My honourable friend, if he read again the Speech from the Throne, would find that there is considerable matter not only historical but relating to things that will need to be treated by this Parliament. He will have noticed the paragraph which speaks of the Conference between the Dominion Government and the Provincial Governments. This was a very interesting meeting, and I may say that I was struck with the marked degree of broadening in the national outlook and spirit of the members constituting that Conference. Honourable gentlemen will remember some of the past Conferences in which every Province stood upon its rights and claimed that the compact of 1867 had as its basis a financial arrangement which constituted a contract, and that no one Province was entitled to an increase of its annual subsidies from the Federal Exchequer unless each and every Province obtained similar treatment. For instance, when in other conferences the question arose of the control by the Western Provinces of their natural resources there was a claim by the Eastern Provinces for compensation for those assets which would be given to the Western Provinces.

Up to this last conference there seemed to be a clear indication that each Province stood by its rights, and did not intend to allow any advantage to its neighbours without compensation to itself. It was a very great pleasure to me to see a totally different spirit permeating this conference, and I was quite proud to hear the representatives of the larger provinces, Ontario and Quebec, declare that if the East needed a supplementary amount in order to maintain its administration, if there existed a just grievance because of the present situation, unforeseen at the time of Confederation, or if it was necessary to do something in the way of a return of natural resources to the West, then Ontario and Quebec were ready to agree to a re-adjustment of conditions, financial and other, and would make no claim for compensation.

This to me shows that we are growing; it bespeaks an evolution in our economic and material situation. Undoubtedly, it is easy to discover the cause of a reluctance to grant an advantage to a neighbour when one is himself in dire necessity; but the development of Canada, the enrichment of the larger provinces, the fact that for a greater number of years they have achieved financial success, allowed them to take a broader view of things and turn to the smaller or newer provinces and say: "We are ready to look with sympathy upon your needs, and we will not claim, as we were wont to do in times gone by, a compensation for whatever advantages you may derive from the generosity or the spirit of justice of the Federal power."

My honourable friend has spoken of the establishment of legations abroad. He has expressed his dissidence with regard to the exchange of ministers or ambassadors between this country and others. He sees some danger in our foreign representation. He gave as a reason for his fear the fact that we are not, like other countries, in possession of an army and a navy. Well, I confess that in seeing Canada develop its representation abroad I have felt no tremor because we were without an army or a navy. I would point out to the honourable gentleman that, to make a modest estimate, the position of two-thirds of the nations of the world in relation to the greater powers is similar to our own. Those nations of the world that are called the small powers may have a few ships and an army of some kind, but I would ask my honourable friend if that constitutes a defence and gives them security. If my honourable friend will look around the world he will see that two-thirds of the nations have no possible chance of defence in the event of a clash with one of the great powers. Therefore in examining international relations one must look at them from another point of view. Take for instance all the countries of South America and a number of other states throughout the world. I do not believe that any of those small nations have any kind of effective and material security in their dealings with the great powers

because they happen to have a few ships on the sea or in their ports, and some sort of nucleus of an army within their frontiers. They rely upon the new spirit that animates the world, a spirit of fair play and justice. These are the principles that govern the dealings of nation with nation, and it is this higher standard of civilization that will gradually permit of a reduction of armies and navies throughout the world. Nations with a population of ten millions or less have representation abroad and direct contact with other countries, yet that does not make for danger nor create in their minds any fear. On the contrary, it brings them into touch and enables them to deal directly with other nations in all matters of interest to them.

My honourable friend (Hon. W. B. Ross) has spoken of Washington. He knows that a number of prominent members sitting on his side of the House, who have been members of the Borden and Meighen Governments, are responsible for the establishment of the legation in Washington. It was Right Hon. Sir Robert Borden who, with some of his colleagues, carried on direct negotiations for the establishment of that legation. Why did he do so? He could have sent a commercial agent, but he felt that to do so would not meet the conditions. And what were the conditions? A commercial agent has no entry into various departments. He cannot speak with authority in the name of his country to the heads of the departments. Consequently, for the past sixty years, Canada had to apply to the British Embassy. Sir Robert Borden was aware, through his experience with the department over which he presided, of the difficulty of carrying on negotiations on various important Canadian matters through that channel. He had the advice of his Deputy Minister, Sir Joseph Pope, who from time to time, for twenty-five years had been obliged to go to the British Embassy at Washington to discuss Canadian affairs. He could not entrust most of his mandates to the Ambassador himself. The Ambassador appointed one of his attachés from London to represent Canada, and Sir Joseph had to give him a few lessons in geography and explain to him the details of the record. While the attaché was a brilliant young man and did his best, he knew little of Canada, never having set foot in this country. After corresponding with him for a time, and before the mandate was carried out, Sir Joseph would find that that young attaché had been transferred to another embassy, and the correspondence would cease. Then Sir Joseph would have to journey again to Washington and begin over again to post another young attaché on Canadian affairs, giving him a few lessons in geography, handing him a brief and sending him along with it.

I heard Mr. James Bryce, subsequently Lord Bryce, and Sir Esme Howard more than once, state publicly that nine-tenths of the questions which came before them in the Embassy at Washington were Canadian questions. I ask any member of this Chamber, was not Sir Robert Borden, in view of these facts, justified in deciding, with his Cabinet —and a number of his colleagues of that time are now within sound of my voice—that Canada should have an official representative to deal with these important matters? As Sir Robert Borden saw the situation I see it myself, and the Government of which I am a member has felt the same need.

It may be said that we were in no hurry about appointing a representative. The difficulty was to decide upon a man who possessed the necessary qualifications. Up to this time we have had no diplomatic service. Now that we are opening two or three legations, we shall have to prepare young men to enter that field. I hope our representatives will be selected with care and equipped with such knowledge of international law as will enable them to follow a fruitful career in diplomacy in the years to come.

As to the policy of Canada in international affairs, at Geneva and elsewhere, I hope that this country will stand by the gospel of arbitration. It is the only solution for the settlement of differences between nations, if force or warfare is to be eliminated. I was happy to observe a New Year message from Lord Cecil in which he drew attention to the position taken by Canada in 1925, when it informed the Secretary of the League of Nations that Canada, though unable to accept the Protocol, was prepared to consider the compulsory jurisdiction of the Permanent Court of International Justice in legal disputes, subject to certain reservations, and also to study the means whereby the Covenant might be supplemented with a view to the settlement of non-legal disputes, excluding naturally the decision of internal questions. Lord Robert Cecil, sending his message to the League of Nations Society in Canada, which is so ably presided over by my right honourable friend the junior member for Ottawa (Right Hon. Sir George E. Foster), made this comment upon the policy of Canada in the League of Nations, as outlined in that cablegram signed by the Prime Minister of Canada in 1925:

> That is a wonderful lead to have given the Empire, and it is very heartening to those who like to believe that the Empire stands pre-eminently for peace.

Our own necessities happen to be on the same lines as the necessities of humanity, and it is our duty to preach, and continue to preach, the gospel of arbitration between peoples. It is not an easy matter for the great nations to forego their power and place themselves on a level with the smaller nations before a world court, but I cannot help thinking that it is the only way in which we can make any advance towards permanent peace throughout the world.

Reverting to the speech from the Throne, my honourable friend (Hon. W. B. Ross) has expressed the hope that we may carry into effect the whole of the Duncan Report. I would point out to him that, though preaching economy and a reduction in taxation, he has expressed his approval of a larger expenditure towards meeting the needs of the Maritime Provinces. He will have to consider with similar sympathy, the claims of other provinces or other parts of the Dominion and recognize the necessity of some expenditures which may prevent taxation from being reduced as rapidly as it would if we were not obliged to meet those many demands on the Federal exchequer. He will have also noticed in the Speech from the Throne that consideration is being given to the railway problems of the several provinces, as outlined at the conference. This again may require some capital expenditure, the need for which will be left to the wisdom of the two branches of Parliament.

The question of immigration is not an easy one. My honourable friend said that instead of money being spent in a search for immigrants an effort should be made to retain farmers' sons upon the land. That, I may say, is but a pious wish. I would like my honourable friend to try to devise a scheme whereby that could be done. I have myself devoted considerable time to the effort to keep farmers' sons on the land by offering them farming land outside their own neighbourhood where they could thrive and raise a family. I have suggested that printed forms should be distributed throughout the country, to postmasters, mayors and secretary-treasurers of municipalities, that they should fill in with the names of any persons whom they heard had any sort of inclination or intention to leave the country, and that the Departments in the provinces or at Ottawa should offer such persons some alternative solution of their difficulty which would keep them here. This plan has been carried out in various ways and applied in different districts, but there will always be, as there has always been, that powerful magnet on the other side attracting our population.

I have heard the argument that in the course of a year we had brought into this country hundreds of thousands of immigrants, but that in the end we were no farther ahead —that we had barely maintained our population by natural increase. If we lost one hundred thousand persons in a year and did not in the same period replace them with a like number of newcomers, there would undoubtedly be a net loss. At all events, if we are to lose 100,000 of our people in a year, there is some consolation in feeling that we are attracting a similar number from abroad and that our population is not diminishing.

Hon. Mr. McMEANS: They are not of the same class.

Hon. Mr. DANDURAND: If my honourable friend can find a way—and none has been found in the last fifty years—to prevent the movement of population from one side of the line across to the other, I would like to hear him suggest what would remedy the evil. There will always be that movement. It is not peculiar to Canada. It is not a movement that is special to Canada. If my honourable friend will go through Europe he will find that there is a similar movement between various bordering nations. We are doing well. The prosperity of the country generally and of the West particularly, is the greatest incentive to immigrants to come in, and I am happy to think that we are entering an era which may bring in and retain a couple of hundred thousand immigrants a year. We had that condition from 1900 to 1913, and the number of immigrants increased to three or four hundred thousand. I hope that that volume of immigration will go on increasing, and if we can only satisfy the farming community and make them happy on the land, I really believe the successful farmer will prove to be the best immigration agent we have in the country. If the immigrants in Manitoba, Saskatchewan and Alberta are satisfied with their lot, they will write to their friends and relatives in the British Islands, and the immigration which we obtained during the pre-war period will start again and go on increasing. I think we have reason to feel that there is no occasion for despair in regard to the conditions which exist in the country today. All who have an eye on the general conditions in Canada feel that we are entering upon better times, or have already done so, and I hope that, with the help of Providence, prosperity will continue to be maintained in this Dominion.

Hon. RUFUS H. POPE: Honourable gentlemen, as it has always been the privilege, I rise

to congratulate the mover and the seconder of the Address, and from their remarks I judge that they will be useful members of this House, when it seems possible for them to find matters of interest in this Speech from the Throne. We have often had such speeches that did not carry much weight, but in this respect I think the Speech we are considering to-day should take first prize over anything we have had in this Dominion.

The honourable gentleman who has just taken his seat referred to different phases of the Speech from the Throne. He spoke of the celebration of Confederation. I suppose it is quite proper to refer to that event relating to sixty years of the existence of the Dominion; and, so far as I am concerned, belonging as I do to the old families of Conservatives who brought about that wonderful event, it was certainly a triumph in my own family life and in the history of the party to which I belong. The reference in the Speech from the Throne is another endorsement of the life work of those gentlemen who went before me, and before others who sit upon this side of the House, so we cannot find any grievance in that connection.

Speaking of Canada's position in the League of Nations, I suppose we will not quarrel about the fact that we have a very worthy representative there, in the honourable gentleman who leads on the other side of this House. As he has said, he will be succeeded by others, and I trust that we will always have in that position an equally worthy man to represent Canada.

In regard to having diplomats representing Canada in the other nations of the world, my honourable friend emphasized the case of the United States, saying that that office was created by Sir Robert Borden. While I have a very great regard for that gentleman, evidently he found that he had created a job, but that it was not best to fill it; so he left it vacant, and my honourable friends on the other side of the House went to work and invested half a million of our dollars down there in a building to cover a man of ordinary ability. I do not believe much in this gold-braid stuff. I do not believe we should pay too much for it; I do not believe the finances of Canada are sound enough. I do not believe the taxes of Canada have been sufficiently reduced up to the present time to warrant us in going into this extravagance. My honourable friend speaks of communications having taken place place by boat in days gone by, but I do not think we had to go to France very often, and even if we did take a trip across the ocean once in a while in order to unravel some difficulty the expenditure involved would be but a fraction of what is going to be imposed upon us by the proposition we have under consideration.

In regard to past expenditures, I have been looking around this city since I came here, and I find expenditures being made of which the people know nothing. I have noticed where buildings have been torn down, where property has been bought, and much money invested for no reasonable purpose. I do not say that the City of Ottawa should not be beautified as a great Capital some time, when we are not burdened by extraordinary taxation; but for years we have been building beautiful places and making driveways quite sufficient for the amount of money we had at our disposal. Until taxation is relaxed again and we are able to get more people in the country, I think the expenditure should be limited until our per capita tax can be lessened, and we can afford the tremendous expenditures that are proposed in and about this city. But our expenditures are not confined to Ottawa; we are building hotels here and there, and among them an unnecessary one in Halifax. This is done with the people's money, and any deficiency that arises in the operation of the National Railways comes back to us to pay. Nobody comes in from England or the United States or other places to pay those bills; there are only Canadians to make good those deficiencies.

The question of immigration is perhaps one of the most important of the day. The quality of Canadian citizenship is perhaps our country's most important asset. The other day the Mail and Empire of Toronto, which we all recognize as a serious newspaper, had an editorial extending advice to the Education Department of Ontario to prepare teachers to go into the northern country and off-set the Red doctrines that are being taught there. I have here an article from an American paper, the Boston Transcript, that was sent from Toronto. It is very long, but I would like to put it on hansard if permitted to do so. It deals with this question practically, and it shows that there is propaganda in Toronto, Montreal, Winnipeg and Vancouver, teaching the doctrines of the Reds, showing that there has been a systematic arrangement, and that we have been guilty of bringing into this country a class of citizens that are unworthy of the future of Canada. In Montreal I have been told that undesirables can

be brought into this country, and I am informed that large money is being made by citizens there for smuggling in undesirables—citizens that would be refused admittance under the law of the land. I was told that upon such good authority that I repeat the report in this House, in order to draw the attention of the Government to the fact that undesirables who teach such doctrines as are mentioned in this newspaper are being allowed to spread their views throughout the length and breadth of this land. This is the article from the Boston Transcript of last week:

Communists Spread Propaganda Among Canadian Children—Freely Admit Their Efforts to Destroy Patriotism and Faith in God—Another Mining Sensation—Alphonse Ollier Sells Long-Guarded Claim for $57,000—May Net $180,000,000.

By John R. Bone

Special to the Transcript:

Toronto, Jan. 4—Propaganda among Canadian children with a view to destroying their patriotism and their faith in God has been unearthed and is freely admitted by Communist leaders. The work is particularly aggressive in northern settlements, though the headquarters are in Toronto. "We are getting along very well," declared William Sydney, the young secretary of the Young Communist League. "The work started four years ago. Recently special organizers went west and north."

The youth-work of the organization falls into two classifications. There are the Young Pioneers, ranging in ages from eight to fourteen, and the Young Communists, from fourteen to the early twenties.

"What is the purpose of the work among the younger children?"

"The capitalist class has its Boy Scouts and cadet organizations. Our task is to counteract them and teach loyalty to the working class."

"As opposed to loyalty to Canada?"

"Yes, but more particularly as opposed to the status quo, to the acceptance of things as they are to the capitalist tradition behind loyalty to state and flag and national institutions."

The suggestion that the attorney-general's department "had its ear to the ground," and was checking up the Communists, was met with ridicule. "That's the function of the attorney-general's department," said Jack MacDonald, a local Communist, "to keep its ear to the ground till the day of revolution comes. The closer it keeps the ear there the more noise it will hear."

Subtle Anti-Religious Propaganda

The propaganda that is carried on against religion is more subtle. The following joke, harmless in itself, was reprinted in the "Young Comrade." Its significance lies less in the story itself than in the fact that although not in any sense a child's story it is used in the Comrade.

"The boat was sinking"—the story goes—"The captain reached up to the crowd of passengers. 'Who among you can pray?' 'I can,' replied the minister.

"'Then pray, mister,' ordered the skipper. 'The rest of you put life preservers on; we are one short.'"

This joke, standing out in heavy type from the rest of the page, is headed in large capital letters: "Who Is Safer—God or the Life Belt?"

"Do you teach the children that there is no God?"

"We teach them science, and science is opposed to religion."

"But what is the attitude that you teach them towards God?"

"We don't teach them about God," said MacDonald.

"When we teach them science, the idea of God disappears by itself," interposed William Sydney.

They would even rob the youngsters of Santa Claus. "Lenin becomes our Santa Claus," declared MacDonald.

The main school is conducted every Sunday in Toronto in a public hall. There are other schools in Montreal, Winnipeg, Vancouver, Fort William, and many other points as well as general circularization. Sydney denied that the work is most successful among foreign children.

"I have a class largely composed of Nordics," said Annie Buller, business manager of the Worker, "and they are individually as smart as the average person of twenty."

One of the significant factors of this movement is the way in which missionary work is done. Children are set to bring in converts. "The children themselves are our missionaries, our agents," Sydney said. "They bring in many converts. That is how the movement is growing so well."

"Do you get any whose parents are not communists?" "Oh, yes, many."

"Don't the parents object?" "No, they are working class people and are often in sympathy with us."

Holds Up Russia as Ideal

A typical circular broadcast in the Province headed "Dear comrades," and signed "Children's department," reads in part as follows:

"These are questions you should ask your teacher. If she cannot answer or does not answer correctly, you can get up and give the answer yourself. The correct answers are printed below for every question.

Q.—Why do the governments of all countries hate the Soviet Union?

A.—They are afraid that the workers in other countries will see that in Russia the workers own their country and they will try to do the same.

Q.—Who rules in Russia?

A.—The workers and peasants' Government.

Q.—Who owns all the rich palaces in Russia?

A.—The people. All the palaces have been made into clubs, museums and art galleries for the people.

Q.—Why do all the houses belong to the Government in Russia?

A.—Because the Government wants to make sure that the houses are divided equally between the people.

Q.—How is it that in Russia every worker gets two weeks' vacation every year?

A.—The Government looks after the health of the people and sees to it that they get a nice vacation.

Q.—Do young children have to work in Russia like here?

A.—No children under fourteen work in Russia.

Q.—How about those between 14 and 18 years? Do they work?

A.—Yes: but they only work three or four hours a day.

Q.—What do they do the rest of the day?

A.—They go to school.

Q.—How much are they paid?

A.—They get paid for a full day.

Q.—Are those children between 14 and 18 allowed to work at night?

A.—No.

Q.—How many hours do they work in Russia?

A.—Now, the workers work eight hours. At the beginning of next year they will only have to work seven hours.

Q.—Who owns the factories, mines and railways in Russia?

A.—The workers and the peasants own all the means of production.

Q.—Why should all workers defend Russia?

A.—Because it is the only country in the world where the workers and the peasants own the country.

Q.—Why do the papers talk about war with Soviet Russia?

A.—Because the capitalists who control the papers want a war with Soviet Russia in order to destroy Russia, the only country in the world where the workers rule (the capitalists use the newspapers to tell all sorts of falsehoods so that the people will not get the correct idea about Russia and the conditions there)."

There is no use in bringing immigrants to this country unless they can be employed. Mention has been made of the farmer and his son staying on the farm, but everybody who knows the farming community as I know it is aware that if there are three of four sons in a family only one can be kept on the farm; the others go into professions or employment of a different character, where they can enjoy themselves in cities and towns. What becomes of them? They flock over in thousands, yes in hundreds of thousands, to the United States, where they find employment in different lines such as they cannot find in Canada.

The other day I was reading a speech delivered by Sir Charles Gordon, who cannot be accused of being a Tory like myself, and it cannot be said that he is blinded by partisanship, as has been said of me. He shows that the position taken by the United States of giving protection to its citizens—protection to their employment and to their industries for the development of all lines—is the reason why our people are drawn from Canada. Every time we lower our tariff we send more and more of our citizens to the United States. I am only repeating the views of Sir Charles Gordon, without quoting his words.

It is a known fact that we cannot make everybody farmers. I have said in this House before, and I repeat, that the farmers have had a hard trial, and that they are the greatest speculators in the world. They have to speculate against nature, against climate, against soils, against rain, against sunshine, and they have to speculate away beyond their own judgment. Under these circumstances a man, in order to succeed on a farm, has to be the most economical person in the world in order to make the advance he should make in Canada. He cannot go out and do it in any other line.

As to trade, you say: Why, we have shipped so much more out of the country and have brought in so much more. That is an indication of progress. Yes, but we brought in more than we shipped out, and every time we bring in eighty or ninety or a hundred million dollars' worth of manufactured goods from abroad, those goods take the place of goods that should be manufactured by the citizens of Canada. Until honourable gentlemen opposite realize that, until that misfit organization with which they have allied themselves in another place realize what I am saying, they have no right to try to sectionalize Canada. This is a broad nation, extending from ocean to ocean, and every part of it is entitled to the same consideration and treatment.

Speaking of immigration, I observed the other day an article stating that the Government had proposed to hand over $50,000 to bring French Canadians back from the United States. Any man who knows me—and there are two or three in this House who know me and who know the stock from which I come—is well aware of my position so far as the French Canadians are concerned. But I would like to know what is the matter with the English speaking Canadians that they should not be brought back.

Hon. Mr. DANDURAND: They are being attended to.

Hon. Mr. POPE: No. That item of $50,000 was ear-marked. My honourable friend says the English-speaking Canadian is being attended to. I am delighted to hear it.

Hon. Mr. DANDURAND: We have quite an organization in the United States, extending from the Rockies to the East, directed by an English-speaking Deputy Minister of Immigration. But we have a staff in the New England states, organized specially to reach the French Canadians in an effort, in co-operation with the provincial Government, to bring back as many as possible of those French Canadians who lately have crossed over, by offering them some advantages. When my honourable friend speaks of that $50,000, he refers to that special organization; but, as I

say, there is this much larger organization, with agents throughout the whole of the Central and Western States.

Hon. Mr. POPE: I am glad to hear that. But now let me say something else to the honourable gentleman. A Canadian-born citizen, living in the Province of Quebec, can get no encouragement to move from his home to the West; but when he goes down into New Hampshire or Vermont, he can get aid or assistance, because he is in the United States of America.

Hon. Mr. DANDURAND: My honourable friend knows why.

Hon. Mr. POPE: I do not know why. Because I have continued to live in this country, because I am rearing a family in this country, is no reason why money should not be bestowed upon my children, if they should decide to go West, as well as upon those who have gone across the line.

Hon. Mr. DANDURAND: That is a question that I put to myself some twenty-five or thirty years ago, and to which I tried to secure an answer. I wondered why Canadians in the East should not be given the same facilities as people from outside to move toward the West. The reason which was given by all Governments—Governments supported by my honourable friend as well as those which he opposed—was that it is not the function of a Government to transfer its nationals from one place to another within the country. The justification for helping immigrants coming into the country is that it is done in an effort to increase the population. On the other hand, if you move a group of people from one part of the country to another, you are not increasing the population. I may say, however, that an effort has been made to facilitate the movement towards the West of young Canadian farmers. I may add that during the crop season the Canadian Pacific railway and the Canadian National railway offer thirty thousand young men transportation from the East to the West at $10 per head. That is a splendid opportunity for young men who are desirous of locating in the West, and many of them have taken advantage of it.

Hon. Mr. POPE: I am very glad to hear the honourable gentleman say that twenty-five years ago he was of the same mind that I am to-day. I too was of the same mind twenty-five years ago, and as yet I have had no reason to change. I see no reason why a citizen living in Canada is not just as good as the fellow who goes to the United States. He ought to be better.

There is no use talking. Our population is decreasing, or at any rate is not increasing, and the want of increase is due to the fact that the United States is offering employment to our people and that we are not. There is no getting away from that. Then, why should we tax our people in order to bring in people, desirable or undesirable, when there is no employment for them? There is not a doctor from one end of the country to the other who is not bothered every week by people wanting certificates to enable them to go to the United States, because they cannot find employment here.

Hon. Mr. LACASSE: Is my honourable friend aware of the conditions in the New England States during the past few months? Also in Detroit?

Hon. Mr. POPE: The cotton trade has gone south and the people are without employment, and we are sending over money to bring them back. But that has nothing to do with the condition of this country, or with the fact that our population is stagnant to-day, remaining at eight or nine millions, or nine and a half millions, if you like; and I have no hesitation in saying that the Government is to blame, that these people have been frightened away by this free trade doctrine. What does this doctrine mean? It means the exportation of our natural resources to the United States, to be manufactured there and sent back in the manufactured form. Take asbestos, for instance. We have employed twenty or thirty thousand people digging the asbestos, but the United States employs two million people in its manufacture. Why do not we keep that article in Canada and have it manufactured here? Give a bounty or do anything you like to assist the industry, and offer work to those two million people in Canada instead of in the United States. Take our forest products. It is true that we have great pulp and paper mills in this country, but anyone who goes to any of our railway stations before Christmas will see trainloads of Christmas trees being shipped out of this country, thus depleting the forests and farms of the country. And why? Because the poor devils of farmers have to sell their trees in order to buy a Christmas present or a Christmas turkey. There is no mistake as to these things. I speak about what I know. I am not drawing the long bow; I have no political ambitions, as honourable gentlemen know; I am simply drawing attention to facts. The Governments, regardless of party, are failing in their efforts to accomplish what they should.

After reading the Speech from the Throne, we know no more of what is going to be offered to Parliament for consideration than if it had never been written. I do not think that is fair to the people of Canada. In the days gone by my honourable friend has stood up for what they call democracy. Democracy should be an open book which the people may read and inwardly digest, so that they may be able to meet the situation. Take the St. Lawrence Waterways, for instance. All I know is that there is going to be a presidential election in the Unted States, and that in May or June there is going to be a convention of the Republican party in Kansas City. Mark my words: there are twenty-two States wanting this waterway opened, and if the Government of to-day is worth one snap of my finger, the United States will furnish the money to build, wherever the Dominion Government chooses to locate it, and free of cost to the people of Canada, a canal carrying down the waters of the St. Lawrence. I am not joking. The support of those twenty-two States is necessary to elect the next President. And why should the United States not build the canal? Do they not float their ships down the St. Lawrence to-day under the Treaty, the same as we do? There is no reason why their Government will not build the St. Lawrence waterways for us, as we say, where we say, and when we say, free of cost to the people of Canada. I hear the vibration of their voices in Montreal, and here in Ottawa. Why it comes to me I cannot say, but it does; and from what I have heard I feel authorized to say that the United States is prepared to furnish the money.

Speaking of the question of fertilization and scientific research, raised by my honourable friend the leader on this side of the House (Hon. W. B. Ross), I desire to repeat what I have said before, that in the old farming communities the salts and the lime and the essentials for production are very largely gone, and they can never be recovered until some scientific research gives us a new fertilizer at a cost away below the present cost of the article. I say that to put back in the soil the lime that has been taken out of it, in order that it may grow crops, would cost more than the building of the Canadian National Railways. Something has to be done. There are two things that might be done: a smaller cultivation for one thing, and reforestation, in parts that are not cultivated, for another. Then let us have a study made of the use of electric current, of which we read now and again in the newspapers and magazines. If that is practicable, let it be hurried along by means of research, so the farming community of this country may have something to restore the fertility of the soil which did so much to make successful the fathers and grandfathers of the present day farmers. Many a man has turned away from the farm because he could not accomplish what his father or his grandfather accomplished before him. There are numerous reasons for his failure. First of all, a man cannot live to-day in the same style or as economically as they did in the past; if he is going to keep his boys and girls interested he has to rear in up-to-date fashion. Then, the soil being impoverished, produces diseased crops. When I was a boy a rotten potato was unknown; I remember the first one I ever saw, and we grew hundreds of bushels of them on our farm. That condition must be dealt with, not by preaching, not by writing letters or sending out pamphlets, but by means of scientific research to the end that we may overcome these handicaps.

Honourable gentlemen, I am through. I thank you very kindly for the attention you have given me. I trust I have not trespassed upon the ground that my honourable friend opposite (Hon. Mr. Dandurand) forbids me to walk on.

Right Hon. GEORGE P. GRAHAM: Honourable gentlemen, you are about to hear from a third new member of the Senate. As one a little senior to the two young members who have moved and seconded the Address to-day, I may be permitted to congratulate them on what they said and how they said it; but still more I congratulate this body upon having such young men sent to it. The average age of the Senate apparently is decreasing, and if we take any stock in the argument that life insurance companies make use of—that they are more solid because the average age is not increasing—we may say to all and sundry who think the Senate is likely to come to an end, that the average age is decreasing, and consequently the expectancy of life is increasing.

Several comments have been made on the Speech from the Throne by others than the mover and seconder. In all my years in public life, no matter which party was in power, I have never known the other side to be satisfied with the Speech from the Throne. Two years ago the Government was attacked because they had placed something in the Speech which old parliamentarians said should have been left for the Budget. That year the Speech contained too much; this year it does not contain enough. It is difficult, I presume, for a Government to know just what to put in a Speech from the Throne. If they say much

has been accomplished, they are criticized for not giving an outline of what is to be accomplished. In other words, those who oppose ought to be thankful, and should have a lively sense of favours to come, and accept as Godgiven what is past.

The Speech from the Throne this year is just like other Speeches from the Throne. Some honourable gentlemen who have been members of a Government know what it is to sit down and endeavour to frame a Speech from the Throne. It is not an easy task. I may say to my honourable friend from Montreal (Hon. Mr. Smeaton White) that it is something like running a newspaper—it is perhaps more difficult to judge what to leave out than what to put in.

The question of immigration has been mentioned. I am afraid I am not orthodox on immigration. We complain that our population is not increasing with sufficient rapidity. I am afraid sometimes that we are framing our laws to keep people out rather than to induce them to come in. To a certain extent it is right that there should be a critical eye kept on the quality; but there is a possibility that with all our criticism and examination and inspection and oversight some people who might make splendid settlers are afraid to come to our shores, or even to start the preliminaries to becoming immigrants. Some of our organizations meet and pass resolutions indicating a number of questions that should be asked of all immigrants before they are admitted. I have read some of these resolutions passed by various organizations. Why, bless their dear hearts, if all this catechism had been required a few decades ago, very few of you would have been here, and perhaps fewer of us. I know I should not have been here if my parents had to answer some of the questions that certain well-meaning people now propose for immigrants. If Canada is to develop properly we must have more people per square mile in this country than we have now, no matter how we get them. If our railways are to be utilized to their full capacity we must have more people, not only to be carried by those railways, but also to produce the goods to be hauled by them. Apparently the natural increase of population is not rapid enough in the Dominion of Canada outside of the province of Quebec.

One honourable gentleman, perhaps two, urged strongly that there should be some method of transporting people from one part of Canada to another. Theoretically that sounds well and it would read well in a book. But let us take Nova Scotia, New Brunswick, or any other province, as an example. Nova Scotia is now doing its utmost to induce immigrants to come into that good old province by the sea. What would be thought of a government or a party that would introduce a policy or start propaganda in Nova Scotia which would have the effect of assisting people now in that province to leave it? If people intending to move anyway were to apply voluntarily to the Federal Government for help, I might see some common sense in the proposition—if you will allow me to use that term; but even in that case the Government of Nova Scotia would immediately intervene and say, as my honourable friend remarked, " We want to keep all our own people and to get more people in, and here you are taking our taxes to help our people to go out into another province." If people did move to another province and live there for six months, a year, or two years, and were not successful there, they would want the Government to move them back to their own province again, or to some other place. The scheme, while it may sound well, is not practicable.

The sound policy of immigration for Canada, I believe, is, under certain fair restrictions, to admit all people of robust health and good character who have a little cash and more willingness to work and are ready to take off their coats and become Canadian citizens by toiling as our fathers did. Those are the people that we want in this country.

May I refer for a moment to the Jubilee celebration? I want to thank my honourable leader for his kind references to the work of the Jubilee Executive. It struck me that the success we had in the work of that committee resulted from the co-operation given by the Government and the municipalities of every province, and through these by the people of Canada. The fact that the people on the Atlantic and those on the Pacific were saying the same things about Canada at the same hour of the same day, were singing the same songs at the same hour, all about Canada, and on the same Sunday, and so far as possible at the same hour, joining in a non-sectarian thanksgiving service, created from one end of Canada to the other a spirit of brotherhood that perhaps never existed to the same extent before. If the result of that Jubilee celebration is to make continuous the spirit that has been developed during the past six months in Canada, then I say, honourable gentlemen, that more good has resulted from our efforts in the past year than has been accomplished at any previous time since Confederation for the unification of the people of Canada. I will not dwell on the

subject except to say this. We have in Canada, Canadian Clubs and kindred organizations. If the work started during this Diamond Jubilee year is to come to its full fruition, I would ask Canadian Clubs and such organizations to see to it that July 1st of every year hereafter is made a Canadian Day throughout this country. Some organization must undertake this work, and in the whole country I know of none better than the Canadian Clubs.

May I refer now to the Dominion-Provincial Conference? I was not at the Conference, as you know. Like all the rest of you, I can perhaps speak very feelingly about things with which I am not closely conversant. It is a good thing to have these conferences. The press occasionally seems to think lightly of what is accomplished. Just as in the case of the League of Nations, the important thing is not what is actually accomplished on the surface and in the concrete; it is the influence that must emanate from these get-together meetings of representatives from the various parts of the Dominion. And the Diamond Jubilee year was the time to have such a gathering. "A wrong expressed is half redressed," we have often said, and when the representatives of the various provinces met in conference, not only with the Dominion Government, but with one another, and were able to exchange views and opinions, to place difficulties from their viewpoint before one another, to talk to each other individually as well as collectively in the conference and say things they would not care to write in notes, the result must be good. It cannot be otherwise.

We hear about the reference of certain matters to the courts. That sometimes becomes absolutely necessary in order to make clear a situation, but I submit that in a country like Canada, when we are talking about arbitration for the nations of the world, it would be worth while to try out the principle among our provinces and between the Dominion of Canada and the provinces, to see if most of our difficulties could not be straightened out and an arrangement reached by conference rather than by law suit. I admit that there are some things that must go to the courts to be clarified, but in my opinion there are very few contentious matters ever arising between the central and the provincial authorities but what could, if both parties were agreed, be settled amicably and justly, and with benefit to both.

Mr honourable friend the leader of the Opposition (Hon. W. B. Ross)—if we are divided into sides in this House—refrained from speaking of the St. Lawrence waterways.

I am afraid I shall not be so considerate. I am going to say a few words on that subject. The only matter referred to the courts is virtually with what authority rests the ownership of the power. In other words, the provinces make certain claims as to the ownership of the bed of the stream and the water going over it and creating power. That is the question that has been referred to the courts.

Hon. W. B. ROSS: I will not argue that with you.

Right Hon. Mr. GRAHAM: And I am not going to argue that. I will simply deal with the question of the St. Lawrence development, no matter who has the right to the power. For my part I do not care. This matter of the development of the St. Lawrence River is a very big project, a very intricate problem, and I think the Government do well to consider it slowly before coming to an absolute decision. I have lived on the St. Lawrence most of my life, as has my honourable friend from Prescott (Hon. Mr. Reid). The waters of that stream are almost sacred to us, and we want to know what is going to be done, before it is done, if we can possibly ascertain it.

With all due deference to the other provinces, may I say that the old province of Ontario is in a way more vitally interested than they are—than even the province of Quebec—from the fact that the Great Lakes will be affected in this project, and the Great Lakes touch the province of Ontario, as does also the international portion of the St. Lawrence River.

As Chairman of the Advisory Board for a time, I delved a good deal into this question. There is no doubt that the proposition is feasible from an engineering standpoint. That has been proven by two distinct investigations. In our investigations, however, and in our dealings with our friends to the south, we must keep this in mind, that but a very inconsiderable mileage of the St. Lawrence River is international. The greater length of the St. Lawrence is in the old province of Quebec and is not international, though we do say that the United States have full powers of navigation. While navigation on the St. Lawrence may be international in the sense that it is under a treaty, there is nothing in that treaty about power, and that is not international. If progress is to be made we must make it slowly, keeping this in mind. As I said before, the power can be developed: almost anything can be done through engineering skill these days. My honourable friend suggested that the United States would pay for it all. That might be before the election,

but I doubt that we should see the cash for the carrying out of the project. But if that were the case, do you think we would want in Canada, particularly through the old province of Quebec, a navigation canal or a deepening of the St. Lawrence that was paid for altogether by another country and must be controlled by them to a large extent when they had put the money into it? Why, that would be worse than anything suggested for an international arrangement. If this St. Lawrence deepening is to proceed Canada will want her fair share of power and of benefit in navigation and independently will pay her share of the cost, and we need not consider the proposal on any other ground.

There are two sides to the St. Lawrence development. One particular school talks navigation, but means power, and the great agitation for it, I think, is from those who look for the development of power. There is a school in favour of this great project that sees a vision of the Great Lake ports becoming ocean ports. I think that is possible, but this is the view to which I desire to draw attention, and which, if my honourable friend (Hon. Mr. Dandurand) will allow me, I would impress upon the Government. Notwithstanding any criticism, do not rush too rapidly at this thing. It means more than any of us realize. It may not come in my time, but it will come. But let us know on what grounds it is to be done, and where we shall be at when it is done. Above all, do not allow any people to get any of our rights by paying a little of their money.

Now, this is what I would suggest to the Government. The National Advisory Board was appointed for a purpose. The United States Government appointed a board of the same kind, with Mr. Hoover at its head; but —I say it with all respect—Mr. Hoover's Committee made a report before it had the report of the joint engineers in its entirety. There were two engineering boards, one for the United States and one for Canada, but these met together and formed a joint board of investigation. The respective National Advisory Boards, on the two sides of the line, were absolutely different, and they never met together. The distinct purpose of one was to ascertain and advise the United States Government whether or not it would be in the interest of that country to have the work done. The other Advisory Board was to meet independently and advise the Canadian Government whether it would be in the interest of Canada. Now I say, with all modesty, that it is impossible, even at this date, to give a direct answer to those questions. The National Advisory Board for Canada already has before it the entire report of the engineers, with the appendices. It already has before it, if not in form, at least in substance, the very extended reports of what we call the Interdepartmental Committees. But beyond that there is something which I believe ought to be investigated before the Government gives an answer to the proposal. What is that? The economic question, will it pay Canada? We have some statistics, but statistics do not always prove the proper thing. I mean by that that statisics can be so arranged that they show misdirected energy. We have in Canada very large shippers of grain. So far as the growing of wheat is concerned, Canada is the granary of the world. My own view is that before an attempt is made to answer the United States the leading shippers, who make the grain trade their life work, should be called before the Advisory Board or the Government to give their views. Will it pay the country to carry out the proposal? Shall we get a return for the money expended? We export so many million bushels of grain, and so many million bushels go down the St. Lawrence, at such a cost. How many more millions would go down the St. Lawrence if it were deepened? And what would be the saving? The Government or the Advisory Board ought to call the representatives of the railways, in which we have so much money invested, and ask them: "Are you interested in this? Give us your views." They ought to call in also the owners of shipping. It has been said, you know, honourable gentlemen, in many places, that the owners of the ocean shipping would not permit their vessels to go up as we are prophesying they will some time; that it would not pay them to permit their vessels to go up into the fresh water for so many miles, taking so many chances and spending so much time. These men should be called before the Government or before the Advisory Board and asked whether, if the project is carried out, they will utilize it, or whether it is practicable to utilize it, and, if so, what benefit it will be to the people of Canada. There are a thousand other questions that might be asked.

That relates to the question of navigation, with which the Dominion is primarily concerned. Then as to power, we have a great deal of technical knowledge on what the development would cost, and how much power could be developed, but have we a market anywhere for this power if we spend this money in developing it? Maybe we have; maybe we can induce manufacturers to come from other places if we have cheap power. That is a matter of industrial investigation. I think that is another thing that ought to

be before the Government and Parliament before either is asked to proceed further. I am very much interested in this St. Lawrence proposal, and think we should proceed with great caution and care about saying Yes or No to the United States proposal. The reference to the Supreme Court is all right; then the ground will be cleared, and perhaps we shall know better where we are at. In the meantime, no matter what the decision may be, my advice would be to go slowly until we have all the data and all the opinions we can possibly get from men able to give us sound opinions.

Before closing I want to congratulate the League of Nations on its wisdom in selecting Canada for a place in the Council. I presume that in addition to the great ability of my Honourable Friend, who has really kept Canada before the other nations of the world, another consideration that weighed with the smaller nations was that they looked on Canada as a place where minorities got a square deal, and they felt that Canada would give minorities a square deal in the Council.

Right Hon. Sir GEORGE E. FOSTER: Is it the intention or wish of the Chamber to come back to-night?

Some Hon. SENATORS: No, no.

Right Hon. Sir GEORGE E. FOSTER: Or shall we approach the matter gradually, and think over what has been said to-day, and come back to-morrow afternoon to resume the debate?

Hon. Mr. DANDURAND: If the right honourable gentleman wishes to move the adjournment of the debate he may do so.

Right Hon. Sir GEORGE E. FOSTER: If that be so, I would be very glad to move the adjournment of the debate.

The debate was accordingly adjourned.

RETURNS FROM BRANCH RAILWAYS

QUESTION

Hon. W. B. ROSS: The honourable leader of the Government last year gave us what might be called a return of the Branch Railways, with their earnings and expenditures. I do not find that there has been any such return laid on the table.

Hon. Mr. DANDURAND: I do not recall having mentioned that report. I know that when we passed those Branch Line Bills, a general statement affecting each branch, or all the branches—I do not remember exactly under what form—was required from the Department of Railways, practically a yearly return.

Hon. Mr. GRAHAM.

Hon. W. B. ROSS: We want the cost and the earnings. Some of those lines are showing up very well, and I am in hopes of finding that they are all paying their way. I would like the honourable gentleman to let us have that return again this year.

Hon. Mr. DANDURAND: I will submit the suggestion of my honourable friend to the Department of Railways.

DIVORCE PETITIONS

LAID ON THE TABLE

Hon. Mr. WILLOUGHBY: I beg to submit a list of the Petitions for Divorce that have been filed. I may mention that there are about 150 of them. I do not wish to detain the House by reading the Petitions themselves, but I will read the names if it is desired.

Some Hon. SENATORS: Dispense.

Right Hon. Mr. GRAHAM: I do not want even to know them.

Hon. Mr. DANDURAND: They will appear in the Minutes to-morrow?

Hon. Mr. WILLOUGHBY: Honourable members who read the proceedings will see them.

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

THE SENATE

Wednesday, February 1, 1928.

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

Prayers and routine proceedings.

POSSESSION OF WEAPONS BILL

FIRST READING

Bill B, an Act to amend certain provisions of the Criminal Code respecting the possession of weapons.—Hon. Mr. Belcourt.

PENSION ACT AMENDMENT BILL

FIRST READING

Bill C, an Act to amend the Pension Act as respects pensions to widows.—Hon. Mr. Girroir.

VENEREAL DISEASE BILL

FIRST READING

Bill D, an Act to make venereal disease an impediment to marriage.—Hon. Mr. Girroir.

CANADIAN NATIONAL RAILWAYS

RETURNS FROM BRANCH LINES

Hon. Mr. DANDURAND: An inquiry was made yesterday, as to the earnings and expenditures of the Canadian National Railway Branch Lines. I have here a letter from the Deputy Minister, which reads as follows:

I have taken cognizance, from yesterday's Senate Debates, of Senator Ross' question as to a return of the earnings and expenditures of Canadian National branch lines.

I will communicate with the management and see whether it is possible to make such a return, and advise you at the earliest opportunity.

Yours very truly,

Geo. W. Yates,
Assistant Deputy Minister.

Hon. Mr. McMEANS: There is something in connection with these railways about which I am very much at sea, and about which I think the country should know something. When the Canadian National Railways desire to raise money they issue their own bonds, and the Government endorses them. Does that charge appear in the annual account of the Government?

Hon. Mr. DANDURAND: I will not ask my honourable friend to put his question on the Order Paper, but I will secure an answer for him.

Hon. Mr. McMEANS: I thought probably the honourable gentleman could give me the information. As I understand it—I may be wrong—under the old system, when there was a deficit on the Canadian National Railways, it was paid out of current income during the year. Formerly we used to pay as much as $70,000,000 a year. Now, I understand bonds are issued by the Canadian National Railways for any amount desired and the Government endorses them, and they are not taken into consideration as a debt of the country.

Hon. Mr. DANDURAND: My honourable friend is dealing with two questions. The first is the financing of the railway when it has a deficit. In times gone by, when a deficit occurred, it was the debt of the country; but now there is no deficit, so the question of financing to meet it does not exist. The question of bonds being issued on capital account for equipment, or for building branches, is a different matter. If my honourable friend is directing his question to the method of financing the expenditure on capital account, I would not like to answer him off-hand, but will obtain an answer from the Department.

Hon. Mr. McMEANS: I think my honourable friend is in error about the deficit. There has always been a deficit. There may not be a deficit on operating expenses, but there is on the payment of interest on the bonds.

Hon. W. B. ROSS: This matter was before Parliament three or four or five years ago, and the present Prime Minister explained the policy of the Government with regard to it. Those bonds are not charged as part of the ordinary annual expenditure of the Government; they are kept clear and are charged to capital account.

Hon. Mr. McMEANS: Are they charged to the liabilities of the country at all?

Hon. W. B. ROSS: My honourable friend may be able to get some information with regard to whether any part of the deficit is charged to earnings. I cannot see that it would be, because whatever the deficit is, there it stands.

Hon. Mr. McMEANS: Is it concealed?

Hon. W. B. ROSS: I would not say that. I thought at the time, and I still think, that the explanation given was a fairly good one. I was satisfied with it at the time.

LIEUTENANT AIMÉ LAMOTHE

MOTION FOR RETURN

Hon. Mr. TESSIER moved:

That an address do issue for a return of the file with regard to the request of Lieut. Aimé Lamothe of Quebec for a pension following his services at the front during the war, together with the evidence produced with the request and the decision taken by the Federal Board of Pension Commissioners.

The motion was agreed to.

Hon. Mr. DANDURAND: Although the motion has carried, I am not quite clear as to the principles that have been laid down in relation to the action of the Board, or whether Parliament has made any ruling on the propriety of producing that evidence before either Branch of Parlianment. I will inquire as to the procedure that has been laid down or the regulations that have been made.

Hon. Mr. TESSIER: This is the ordinary way of securing information. I know very well that this young man enlisted as a soldier. He was promoted from the ranks during the war, and after being overseas three years he came back sick and incapacitated. He is still sick, and has been unable to get justice from the Board. I cannot blame the Board

for what they have done without seeing the record. I want the record produced so that I may judge.

Hon. Mr. DANDURAND: The difficulty is as to the principles that may have been laid down in connection with these judgments of the Board. Has Parliament declared that it would deprive itself of the right of appeal in these matters, or are these matters left to the sole discretion of that tribunal? I will inquire into the matter and see if there is any difficulty in producing the evidence.

Hon. Mr. ROBERTSON: I think, even though the law regards the decision of the Appeal Board as final, that that would not prevent any honourable gentleman asking for the record of the case. It would seem to me very peculiar if Parliament were to be deprived of information concerning any Department of the Government that it might desire.

Hon. Mr. DANDURAND: I say that Parliament may have deprived itself of the right to review the decisions. We have deprived ourselves of the right to appoint part of our own staff; we have delegated that authority to the Civil Service Commission, and we have done it voluntarily. I have not looked at the Act to ascertain whether or not Parliament has declared that the door should be closed to any appeal. If there have been 100,000 or more cases reviewed by the Board, Parliament has perhaps felt that it would be unseemly for members of either branch to ask for a further review, or for a reversal of the decisions of that tribunal. I do not know. I simply make that reservation.

Hon. Mr. ROBERTSON: But all that the honourable gentleman from Quebec (Hon. Mr. Tessier) seems to seek is an opportunity to inspect the record, and surely he should not be deprived of that.

Hon. Mr. DANDURAND: No; it is the production of the record.

DIVORCE BILL (ONTARIO)

SECOND READING

Hon. Mr. WILLOUGHBY moved the second reading of Bill A, an Act to provide in the Province of Ontario for the dissolution and annulment of marriage.

He said: Honourable gentlemen, I have no intention whatever of making any speech in connection with this Bill. It was before the House last year and was passed, and the matter was very fully discussed then, at least by myself and some other members of the House.

Hon. Mr. DANDURAND: Has the honourable gentlemen stated what difference there is between this Bill and the Bill of last year?

Hon. Mr. WILLOUGHBY: It is precisely the same Bill.

Hon. Mr. BELCOURT: I for one cannot give implicit assent to the second reading, and if a division is not to be taken I desire to place on record the fact that I am not voting for the Bill. If it is "carried on division", I am satisfied.

Hon. Mr. WILLOUGHBY: That is what we did before, I think.

Hon. Mr. DANDURAND: It can be carried on division. It was carried on division last year.

Hon. Mr. BELCOURT: That is correct.

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

THIRD READING POSTPONED

Hon. Mr. WILLOUGHBY: With the permission of the House I would ask that the third reading be given to-morrow.

Hon. Mr. McMEANS: We might as well take it now.

Hon. Mr. WILLOUGHBY: With the consent of the House I would move the third reading of the Bill. If there is any objection—

Hon. Mr. BELCOURT: I object. Surely a Bill of such importance cannot pass three stages in one day, or two days.

Hon. Mr. WILLOUGHBY: I do not press it at all if there is any objection.

The Hon. the SPEAKER: Does the honourable gentleman propose that it be sent to Committee?

Hon. Mr. WILLOUGHBY: No, I had not so intended.

The Hon. the SPEAKER: It is proposed to pass over the committee stage?

Hon. Mr. WILLOUGHBY: It has only one section.

The Hon. the SPEAKER: Does the honourable gentleman move that the Bill be read a third time to-morrow?

Hon. Mr. BELCOURT: I understood my honourable friend (Hon. Mr. Willoughby) to say that he would let the third reading stand until next week.

Hon. Mr. STANFIELD: We may not meet next week.

Hon. Mr. BELCOURT: I think the third reading ought to be postponed until next week. I want to look up the discussion of last year.

Hon. Mr. McMEANS: It is very important that this Bill reach the House of Commons as soon as possible and receive their assent. That would relieve the Senate of a great deal of unnecessary work. It is very desirable that we should know as soon as possible what is going to be the fate of the Bill. If it is to pass, there are a great many applications that would go to the court in Ontario instead of coming here.

Hon. Mr. BELCOURT: To my mind that is an argument against the third reading. The fact that this would increase divorce is a reason why I would object to the third reading, even if I had no other reason.

Hon. Mr. McMEANS: The honourable gentleman has, no doubt, very potent reasons, though I fail to see them myself.

Hon. Mr. WILLOUGHBY: If I may say another word—I do not think that anybody would consider the honourable member for Ottawa (Hon. Mr. Belcourt) as consenting to anything if this Bill were given its third reading to-morrow. It is exactly the same Bill as we passed last year.

Hon. Mr. BELCOURT: But, for my part, I want to look up the discussion of last year. My honourable friend seems to think this is a Bill that may be treated lightly.

Hon. Mr. WILLOUGHBY: Not at all.

Hon. Mr. BELCOURT: It is a very serious matter.

Hon. Mr. WILLOUGHBY: I realize the gravity of it.

Hon. Mr. BELCOURT: A most important Bill, I think.

Hon. Mr. WILLOUGHBY: Well, if there is any objection I will not press it. I want to meet every reasonable objection. I am only anxious that the Bill should reach the other House as quickly as possible, but I will not press anything against the wishes of any member of this House.

The Hon. the SPEAKER: The honourable gentleman moves, then, that the Bill be put down for third reading on Tuesday next?

Hon. Mr. WILLOUGHBY: Yes.

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. Little for an Address in reply thereto.

Right Hon. Sir GEORGE E. FOSTER: Honourable gentlemen, it is not my intention to take up a very lengthy period of the time of this Chamber. I have been pleased to see the interest which has been taken in the discussion upon this resolution so far. I have thought more than once since becoming a member of the Senate that perhaps as a Senate we were not taking full advantage of an excellent opportunity, and not contributing all that we might well be asked to contribute, in passing the Address in reply to the Speech from the Throne without a full discussion. The opportunity is one which occurs only once in the Session of this Chamber. It is an opportunity for a general discussion and a contribution of the criticism and suggestion which may well be expected from a body constituted as this is.

The Speech from the Throne is supposed to contain a brief summary of the important results of the past year from the policies of the Government, and especially to outline in a general way the Government's policy and plan for the Session just opening and the work of the administration for the future. I have an idea that the capacity and capabilities of a Chamber like this are particularly resourceful for a contribution of service to the Government and Parliament and that the opinions and suggestions of this body on matters of public interest may give the country a lead. We have in this Chamber some ninety members, drawn from all parts of the Dominion, representing almost every section. We have as constituents of this Chamber men of large experience and long experience in almost all the activities of our country. We have on the constitutional and legal side men of first-class ability, equal to any in the Dominion, learned in the law and well experienced in the practice of the law; we have captains of industry and promoters of industrial activities, among the best in Canada; we have in this Chamber, besides, distinguished representatives of most of the other professions, and especially we are cognizant of the fact that as regards administrative affairs, municipal, provincial and Dominion, we have here a large number of gentlemen who have had varied, wide and long experience in these

matters. In other words, this is a body which ought to be able to give a lead to the Government of the country by way of constructive criticism, comment and suggestion, and the opportunity is afforded us at a period in the Session when we are not overburdened with work from the other House. It is with those facts in view that I express the satisfaction that I have had, and we all have had, in the discussion which has so far taken place.

I associate myself with honourable gentlemen who have already addressed this Chamber in paying a compliment, well deserved, to the two new members of the Senate who respectively moved and seconded the Address. Knowing their business experience and their affiliations, we expected from them a fairly good contribution, and I do not think we have been in any way disappointed. With reference to the new Senator from Essex (Hon. Mr. Lacasse), over and above the matter of his discourse, I want to congratulate him on the possession of a fine voice, which he was not ashamed to use to its utmost. In that way, I am sure, he contributed very much to the comfort and satisfaction of the members. Though the youngest member, he has given probably one of the best leads in that respect to many of the Senators who are much older and have had longer experience.

It is entirely proper also to add, what has been mentioned by some who have preceded me, that this Chamber as it is constituted, with its traditions and practice that have grown from year to year, occupies a position for reasonable and non-partisan criticism and suggestion which is denied to the other Chamber to a marked degree. Fortunately we do not have to look forward to the pains, penalties and labours of an election upon which the maintenance of our position depends. Probably the best of us, with an election contest before us, might be tempted—whether we should fall or not I am not sure, but we might be tempted to a little bias in the expression of our views, owing to the prospective advantage which we hoped might accrue to us when the final day of testing came once more. We are in a position to express views on a more independent basis and in a more reasonable way on account of the non-partisan tradition and practice of this Chamber, which to me, coming from the more heated atmosphere of another chamber, were somewhat of a surprise and at the same time a great satisfaction.

It is allowable, even in this Chamber, for the mover and the seconder of the Address to show a little optimism in the expression of their judgment with reference to the Government which appointed them and had been supported by them before they became members of the Senate; and I noticed that even the moderate and reasonable statements made by our two honourable friends, the mover and the seconder, yesterday in this Chamber, had just the least tint of that sort, for which they are entirely excusable. The two points which seem to have been relied upon most in commendation of the work of the Government in the past and which have been mentioned particularly are the expansion of our trade on the one hand and the increase or expansion of our revenues on the other, and with these two strong supports they absolve, or are quite willing to absolve, the weaknesses and failures. They point to the immense trade and large revenues of a comparatively small country like Canada as evidences of progress and prosperity of a solid and permanent kind.

I think it might be well for us, while giving all the weight that is reasonable to these two indicia of advancement, to consider whether there are not some other points which we ought at the same time to bear in mind. Let us take first the expansion and the volume of our trade as measured by exports and imports, especially by exports. The agricultural exports and the exports of the mines and the forests constitute the preponderant bulk of our trade. But we cannot blind ourselves, nor do I think we should blind ourselves, to the fact that these three great items on our list of exports are items which vitally cut into the natural resources of Canada, which natural resources are either not reproducible or are very slowly reproducible. This fact ought to make us thoughtful on the subject of the conservation of those resources.

With reference to the products of the soil, we all know that every crop diminishes to a certain extent the power of the soil to reproduce an equally good crop; and it is only when, by fertilization and other scientific methods, we return to the soil a part or the whole of what has been extracted from it, that we keep the resource available in due proportion for ourselves in future years, and for the generations that come after.

But, when we come to the exports of the mines and forests, we are dealing with two resources of quite a different nature. That which is taken out of the mines cannot be replaced in whole or in part. The most we can hope for is the discovery of something that may take their place.

In dealing with the forests, which are showing a wonderful contribution to the trade expansion of the country, we become a little more thoughtful and serious. Despite all that

has been said about our forest wealth, it is rapidly diminishing. This is a resource which we have no right to take entirely to ourselves for our present generation. Rather it should be largely held in trust for generations yet to come. The future prosperity of Canada depends very largely upon the extent and value of our forests, not only in the matter of present-day industry, which is a comparatively small thing, but also in the matter of a supply for consumption by future generations, which should not be put in the position of facing ultimate scarcity and consequent increased costs.

Anyone who travels through old countries like China, and notices in a very great part of them a barrenness which contrasts with the olden times, when the mountain tops and hill ranges were covered with abundant forest growth, is struck with the decreased facilities for the comfort and sustenance of the people and the increased cost of importation, because the natural supply has been taken away. As one thinks of the numbers that this country will have in the way of population with their demands, one feels that we must be careful that every accretion of trade and expansion of exports which comes from our present use of the forest is not using up primary resources which are largely unreproducable, because, as these become scarcer, the people's obligations and the cost of living will increase, and consequently our present procedure will have a vital effect on the future of our country.

A large portion of that which is taken from our mines comes again into subsidiary industries, either in our own country or in others. So far as it goes into our industries, it is worked up into various products for the added use and progress of associated industries. The mining of silver and gold is on a different basis, and I question if we can say very much in favour of that part of the industry as a permanent help and support in the various activities of our industrial and social life. I think it is a truism that, taken by and large, more money goes into the mining industry than is ever brought out of it; and if we point, on the one hand, to millions of dollars paid in dividends, we must not be oblivious of the fact that as many millions, and perhaps more, have come out of the pockets of the people, and have resulted in no returns and no dividends; so that, taking a balance, the loss of capital is probably more than is offset by the returns.

The point of my remarks is that no Government can leave out of its plans and policy the certainty of a decrease of those very resources which now seem to be indicia of our greatest advance and expansion, or neglect adequate efforts to restore them again to the land by reforestation and re-growth. I consider these methods of conservation and reproduction to be as important for the present and future generations as are the facilities afforded for exploitation, export and use of those same resources. While we are glad that we have such resources, and while we have a perfect right to use them in moderation for our own generation, there is a duty imposed upon us of retaining and reproducing them as far as possible, so that these great resources shall not fail us in the future.

It is stated, and I suppose it is true, that the three great enemies of forest growth in our country, which tend toward their decrease and possible extinction, are these: First, wasteful methods of exploitation; second, the natural enemies of the forests in the shape of insects and lower life forms which are taking millions every year from the value of those forests, and sometimes utterly destroying them. The third is the too great use of those resources, which are all right and seem to be beneficial as far as the present industries are concerned, but which, in reason, should be brought more into relation to proper methods of industry, in view of the effects which a great expansion in wood products is apt to entail on the future.

The matter of increasing or expanding revenues is connected with what I have said. It is a fine thing for a finance minister to say that the revenues this year amount to so many millions more than last year, and congratulate us on this accretion to our funds for expenditures in administration and government; but there are two things there to be considered. A Government must not go too far; a finance minister must not consider that he is simply the finance minister of a party, for a party term of four years, or perhaps eight or fifteen years, during which time he has to make the best possible showing, leaving the party that comes in afterwards to take care of future consequences. A finance minister such as our present one should be so constituted—and I think he is so constituted—as to consider himself one of a succession of finance ministers who shall act primarily not merely for the party advantage, but for the best interests of the country, and keep conservation as well as expenditure in mind all the time.

Money comes into our revenues from two sources. It is an impost on labour, and on product, and a finance minister must look pretty carefully as to how far his taking of

surplus earnings out of the industries of the country will have the effect of preventing those industries from putting back into them a sufficient sum from their surplus earnings, for replenishment and extension, and consequently for the gradual future increase of industrial operations. If those surplus earnings of industry are milked to too great an extent, a restriction is put on industry itself, which has its effect not only upon that industry but upon the industrial expansion and development and life of the whole Dominion, and thus prejudicially affects all activities of social and material development within the country.

Another source of revenue, and one which is very much resorted to by all finance ministers, is the liquor industry, which pays very heavy taxes, both in customs and in excise, and makes up a very large proportion of the yearly income of the Government. Now, there is an observation to be made on that line, which you would expect to come from me, but which I think might equally well come from the economist himself. If there is in our country an industry, large in development and widely distributed, which commences with the destruction of primary articles of food, and converts them into something which, in the most liberal interpretation, may contribute to the satisfaction of a certain proportion of our community, but which in its general effect is the inevitable and wide producer of inefficiency in production, you are gaining revenue from a source which results in inefficiency in production, and consequently bears heavily upon the real factors of national progress and development. Any country which takes a proportion of its revenue out of an industry which does not add to the efficiency, and strength, and power of production, but which tends very largely to diminish these qualities, is not the best kind of an industry, and we had better not base our prospects for the future too much upon revenues so derived. It has its reflex of destructive action which contributes nothing to production or to efficiency, but is a constant and uniform enemy to both.

These things we must take into consideration in a reasonable way, and we must base our views as to the permanence of the foundation of our revenue and of our expansion of trade in connection with the points that I have brought forward.

Now, let me for a moment come to another point, the allusion in the Speech to the sixty years of Canada's growth. I feel quite sure that mention of that event should appear, as it did, in the Speech from the Throne. To my mind it was a most notable event, and also a most opportune one. We had gone on too long with a general idea in Canada that we are here under certain circumstances, and had come into possession of certain resources; but I consider that we did not have a very strong feeling, and a proper spirit and understanding as to how we came by them. Four things have resulted from that Jubilee Celebration. The first is the general stock-taking by the whole community of Canada as to our resources and our present position. Here and now, and without shame, I make a confession and I think it is a confession that could be made by most of us. I think I have followed the history of this Dominion, and have been as nearly as possible au fait with its progress and its resources; but in two or three months in this Jubilee year I learned more of the resources of Canada, of its richness, of its promise, of its potential greatness, and received a deeper impression of them upon my mind than I ever had before. And if that confession may be made by one who follows things pretty closely, what they learned must have been a revelation to a very large proportion of the people of Canada. I have heard men and women, boys and girls, over and over again, say, after the subject had been brought to their attention and recapitulated, that it was a revelation to them. It is a fine thing that we had such a stock-taking. It has put energy and hope and confidence into millions of our people in a degree in which they never before possessed them. That is one thing it has done.

Another thing it has done is to operate, not only upon the grown-ups, but especially upon the little folks, the young people of the country. What the elders are talking about, takes the attention of a boy or girl. During this few weeks of the celebration everybody was talking about Canada, and its wonderful progress and its growth, its connections with the past, and the path by which it had travelled up to the present. Every boy and girl heard the conversations on that subject, they read of it in the newspapers and magazines everywhere, and what everybody is talking about the boys and girls are very anxious to know something about too. So, dating from that Jubilee celebration there has commenced an epoch of information and understanding, a vital interest in Canada as our country, and in its traditions and the great story of its wonderful progress. No pencil can calculate the good that has resulted, and I am absolutely in line with my honourable friend who spoke yesterday, in saying that that impetus should not be allowed to subside, and that every year we ought to have the day of our Confeder-

ation, the day of our starting on the national race, commemorated in as wide and as effective a manner as possible.

But a third thing has resulted—I have already alluded to it in part. The man of the present who, through neglect or any other cause, is dissociated from the past out of which he has sprung is in a position of disadvantage both for himself personally and for his service to his country. We often talk nowadays of a status into which we have emerged. But let us always be careful to keep in mind what we have emerged from, and to remember the path by which we have come to the present. It is the keeping of, and the vitalizing of a sentiment that we have been connected with a past, and the impression which it makes upon the young generation of this country, and their zest in delving into it and following it out that is going to have a unifying and linking-up influence, that is going to keep us in line with the culture and the spirit of the race from which we sprang, with the men and women of the olden times, who, by their sacrifices and their protection, have made our present possible for us. In all these ways I think the Jubilee year was a splendid event. It was an inspiration to our national life, an impulse which will not soon fade out, and in the not far distant future, it will lay entirely at rest this interrogation which occasionally arises: Has Canada a national consciousness? Canada has a national consciousness, and nothing has been done which will stimulate it more or give it a greater impulse in growth than the Jubilee celebration and all the associations which clustered about it.

Now, leaving that, let me say one word with reference to that paragraph in the Speech which refers to the position recently assumed by Canada as a member of the Council of the League of Nations. The verbiage in the Speech is both happy and correct. I could wish that what is embodied in that would become the interpretation not only of the party which supports the Government, but of every other section in the Dominion, because it truthfully states how we reached and why we now occupy our responsible and honourable position in the League of Nations.

Striking recognition has been accorded Canada's position in the League of Nations through the selection of Canada by the Assembly to a non-permanent seat on the Council of the League

That is the correct interpretation. Canada did not get that seat on the Council at the last Assembly because her status had been changed in any way. Canada laid the foundation for that position when she entered and passed through four years of war with so much sacrifice of men and of money, and such a soldier-like exhibition of courage and coolness. Upon that work in the war Canada based her claim to, and received at the Peace Conference her full equality with every other nation-member of that Peace Conference. Then and there rights and privileges were accorded to her, first, by the War Cabinet of the British Empire, secondly, by the Peace Conference; and upon becoming a member, with the status that she then had, not only had she a right to all the distinction and honour conferred upon her, but she undertook to carry out her obligation, wheresoever it led her. Since then, for eight years, Canada has been a worker in the League of Nations, and has been associated with the member-nations, forty, forty-five, fifty-five in number; and in confidence and in trust she made her place amongst them so that when the time came when that association of nations thought Canada should occupy a place in the Council of the League of Nations she was elected to that position. Too much has been said of that position being given to Canada because in the interim something had happened to change her status; and an attempt has been made to read into that action of the League of Nations a recognition of the new status of Canada. This admirably, honestly, and well-worded section in the Speech has set that at rest forever, so far as the Government is concerned, and I hope so far as all are concerned who have taken an interest in the League and the status of Canada therein.

I congratulate my honourable friend (Hon. Mr. Dandurand) upon being one who has had the honour and the distinction, as well as the responsibility, of being appointed the representative of Canada. And let us keep this plain fact in mind, that when a nation is elected to membership on the Council, the nomination of her representative is in the hands of the Government of that nation, and furthermore, that the representative of Canada has to look not simply to what he thinks Canada would like, but has to keep in mind the fact that he represents the whole association of nations in the League.

I listened yesterday to the reasonable statement of my honourable friend the Leader of the Opposition (Hon. W. B. Ross) when he expressed the hope that Canada would not be let in for anything that was not right, and I appreciated the answer that was made by my honourable friend opposite (Hon. Mr. Dandurand). I agree with him that the presence of Canada's representative on the Council of the League of Nations will be rather a protection than otherwise, and

that we must depend upon the Canadian Government and upon her representative at that Council to see that only the obligations and the necessary duties of our country are discharged in so far as that representation is concerned.

That leads me to the question of representation. I am not able, and therefore do not undertake to argue the legal question. I leave that with the lawyers. The situation is simply this. The Prime Ministers of the overseas Dominions, of the British Government, and of the Free State, meet together, and in a conference in which they go over the whole matter they come to certain conclusions as to the result of the uniform and progressive development that has taken place in the communities of peoples that make up the British Empire. They agree amongst themselves that while certain legalities are still in force they have been superseded in some instances by the march of progress and the greater freedom of the constituent parts of the British Empire. They say to themselves: That, we believe, has been the practice in the past, and we bring out and make clear what this development has been; and although there are legal powers vested here and there, in some of these only the shell remains, the inner vitality has long since died out. And they come to the conclusion upon these points that certain progress has been made, and say: We purpose to carry out those in the future. But I want to say as well that somehow or other there has been brought into activity in our country an idea—it has spread wide, and will spread wider—that Canada has certain well understood rights and privileges, and duties, and that under our present constitution, by practice or by legality we are assuming those rights and privileges and are carrying out those duties. And we propose to go on doing that. But alongside with that idea there has grown up to a large extent—and it is still growing and will grow more and more—the idea that in the exercise of those rights Canada has shown her adaptability and power and capability of carrying on her affairs as so expressed, and under such full freedom. That sets the mind inevitably towards the time when some people will demand to know, if they are not already demanding it: Why, having started out on that line, should you ever recede? If the past years have brought greater privileges and greater freedom, why should not the future years bring more and more? You cannot repress that tendency of growth. But what I want to call to the attention of the Government and of this Chamber, and, if I could, of all the people of Canada, is that whilst you have loosened up some of the centripetal forces or influences which keep in unity and solidarity the British Empire as a whole, you have on the other hand undertaken duties and responsibilities to strengthen and extend these remaining links.

I think it would be useful for me to read to you that celebrated Resolution 9 which was passed in 1917, when the Imperial War Conference was in the midst of its war labours and questions of readjustment were brought to the front.

> The Imperial War Conference was of the opinion that the readjustment of constitutional relations of the component parts of the Empire was too important and intricate a subject to be dealt with during war, and that it should form the subject of a special Imperial Conference to be summoned as soon as possible after the cessation of hostilities.

And it goes on to lay down this in the interim:

> They deem it their duty, however, to place on record their view that any such readjustment, while thoroughly preserving all the existing power of self-government and complete control of domestic affairs, should be based upon a full recognition of the Dominions as autonomous nations of an imperial commonwealth, and of India as an important portion of the same; should recognize the right of the Dominions and India to an adequate voice in foreign policy—

Mind you, "an adequate voice in foreign policy"—

> —and in foreign relations, and should provide effective arrangements for continuous consultation in all important matters of common imperial concern, and for such necessary concerted action, founded on consultation, as the several governments may determine

There, to my mind, is a bilateral agreement. Such and such principles are acknowledged and accepted by you, and these to a certain extent give you freedom and expansion, but there is the equally strong obligation upon you, the members of the British Commonwealth, that while having adequate voice with reference to foreign affairs, you shall hold consultation, provide liaisons and do everything in your power to increase the centripetal forces if they have been somewhat weakened in this respect.

Now, the fault I find with the Government —and this is not a captious criticism—is that whilst the Government has been swift and persistent, and perhaps extravagantly pushing, in the exercise of its freedoms, it has been remarkably slow in helping to link together and keep together the different parts of the Empire. You have pushed forward your right to representation at foreign courts. Having gone a certain distance, you now take steps in other directions looking towards the

opening up of plenipotentiary communication and arrangement between Canada and foreign countries; but I have yet to find anything done, or any plan promised for the future, for the strengthening of unifying influences and for the purpose of keeping this Dominion in such close touch and liaison with Great Britain and the other overseas Dominions as would carry out the second part of that understanding to which you have obligated yourselves.

Hon. Mr. DANDURAND: But that remark of my honourable friend would apply to all the component parts of the British Commonwealth.

Right Hon. Sir GEORGE E. FOSTER: Yes, but I am addressing myself now to one of the component parts, and to an honourable leader of the Government in that component part. I listened very attentively to what the honourable gentleman laid down yesterday as the basic reasons why we should undertake these diplomatic alliances or arrangements, and he did not satisfy me at all. He gave us a story of the ambulatory and tutorial excursions of Sir Joseph Pope in Washington: it was interesting, but I could not help wondering whether such little difficulties as were met there could not have been overcome by a less drastic and less perilous excursion into the field of foreign diplomacy.

Hon. Mr. DANDURAND: But that was the action of my right honourable friend and the Borden Government.

Right Hon. Sir GEORGE E. FOSTER: We know that, but, after all, there were many policies advocated by the Borden Government to which the present Government has not felt itself obliged to conform. It is not the best foundation for my honourable friend to place himself and his Government upon, to say that Sir Robert Borden made such action possible.

Hon. Mr. DANDURAND: He settled all the conditions and the policy.

Right Hon. Sir GEORGE E. FOSTER: Now, I desire to say just two or three things with reference to that matter. Let us consider it just as a set of reasonable people, dissociating it entirely from party views or anything of that sort. Take the history of diplomacy in the past, and consider what it has come to be and what its functions are; then ask yourselves the commonsense question, has Canada any particular reason to adopt that system? Should it be adopted simply because it has been set up and still in a certain measure exists?

What were the objects of the old diplomacy, and what the conditions under which it was carried on? The appointment of diplomats grew out of the old custom of the monarch of one country sending to the monarch of another a special ambassador laden with sweet spices and other presents and bearing the message: "I hope you will be a friend of mine, as I desire to be a friend of yours." Those monarchs made themselves acquainted in a pleasant sort of way, one with another. Centuries intervened and ultimately there developed the appointment of resident or permanent diplomatic representatives of the sovereigns. Read the records of the diplomats, read of the conditions under which they worked, and you will see that diplomacy was the means whereby states which were in rivalry with one another, or which sought alliances in order to protect dynasties from aggressive operations, became acquainted and arranged concessions. The diplomat was sent to Russia by a British Government first to keep the British Government in touch with the policy of the Russian Government as regards security of nationalities, as regards the alliances that might be entered into with contemporary sovereigns, or as to how these alliances might affect British interests. The diplomat was to obtain and transmit to his Government that kind of information, all of it looking towards war or peace, or towards the alliance which was necessary in order to protect material interests and national boundaries. Those are in brief, though very ineffectually stated, the purposes and duties which diplomats were appointed to fulfil. Always there has been the idea that danger might come to their territories if such and such countries were to ally themselves against them; that they must prevent such offensive alliances and must try to get as many nations as possible in sympathy with themselves and in support of their policy. It was with war and dynastic interests and all that sort of thing that the diplomacy of old and the diplomacy up to the time of the Great War, was concerned, and it is most illuminating to read the revelations contained in the histories or biographies of the diplomats. Such conditions no longer exist. The old diplomacy is going out of date and the new diplomacy, widely different from the old, has taken its place. To-day, if there is a hint of difficulty in Serbia, we will say—if Jugo-Slavia and Italy are not on the best of terms, the diplomat, if he can be useful at all, may possibly be useful in negotiations at Belgrade or at Rome. But the present diplomacy does not wait for that. The thing that is done now is not to call in the diplomat, but to push

him to one side and to have Mr. Briand, of France, or Sir Austen Chamberlain, of Great Britain, get beside Mr. Mussolini and talk out the question with the principals in the dispute, without a diplomat or other go-between to complicate matters. A personal conversation between the heads accomplishes now what the diplomats failed to accomplish before; it brings about accord and respect for each other's position and a mutual desire to compromise the matter in such a way as will not break the peace.

Now, what has Canada to do with that kind of thing? My honourable friend says that it is proposed to have a plenipotentiary in Paris and another in Tokio. For what reason?

Hon. Mr. DANDURAND: Before my right honourable friend enters into that field, may I say that we have asked the Commons to be with us at a quarter to six, and if his remarks are not coming to a close I would suggest that he adjourn the debate. I do not think we should sit this evening unless my right honourable friend desires it.

Right Hon. Sir GEORGE E. FOSTER: I think I could finish in half an hour.

Hon. Mr. DANDURAND: But before the ceremony we should take recess for about twenty minutes, as there are certain things to be done. Perhaps my right honourable friend cannot finish in ten minutes. I do not desire to press him. His statement is very interesting.

Right Hon. Sir GEORGE E. FOSTER: I do not want for a moment to interfere with that fine ceremony in honour of my colleague (Hon. Mr. Dessaulles), and if there are preliminaries which will occupy the intervening time, I would move the adjournment of this debate.

On motion of Right Hon. Sir George E. Foster, the debate was adjourned.

The Senate adjourned during pleasure.

HON. SENATOR GEORGE C. DESSAULLES

PRESENTATION OF PORTRAIT ON HIS HUNDREDTH ANNIVERSARY

The members of the Senate and the House of Commons being assembled, Hon. Senator Dessaulles was escorted to the Speaker's chair by Hon. Raoul Dandurand and Hon. William B. Ross.

Hon. HEWITT BOSTOCK, Speaker of the Senate, read the following address, the Senators and visitors standing:—

Hon. Sir GEORGE FOSTER.

To the Honourable George C. Dessaulles,

Senator for the Rougemont Electoral Division of the Province of Quebec.

Dear and Honoured Sir:

We, your colleagues in the Senate of Canada, desiring to mark the attainment of the great age of one hundred years by one who has retained all his activities as a Member of the Senate up to this time, have resolved that the event be signalized by placing in our gallery a painting which will enable future generations to behold and study the countenance with which we are so happily familiar.

We desire to call attention to some points which show over how wide an historical field your life's journey has extended. Born in 1827, during the reign of George IV, when Canada was divided into Upper and Lower Canada, and Nova Scotia was an entirely separate Crown Colony, you have lived during the reign of five sovereigns in Great Britain; have seen the two Canadas united as one in 1841 and again strengthened by the formation of the Dominion in 1867. You have been able to watch the growth of the Dominion from the union of four Provinces to that of nine, and the development of the national status of the Dominion to the position that it holds at the present day as the elder of a group of sister nations within the British Commonwealth of Nations under His Majesty King George the Fifth.

Born in Canada, at St. Hyacinthe, on the 27th September, 1827, you commenced your life of service to your country when you were chosen as a City Councillor for St. Hyacinthe in 1858, and retained that position till 1868, at which time you were elected Mayor, and continuously held the Mayoralty, except for a break of six years, until 1898. In 1897 you were elected to the Legislative Assembly of your Province, and in 1907, at the mature age of eighty years, you were called to the Senate.

In the Provincial Legislature, and in the Senate, you have devoted your talents and energy to parliamentary work with the single purpose of the good of the people, and especially in your own part of the country you have been prominent in promoting and assisting the industrial and agricultural work of your Province.

The Members of the Senate appreciate having in your person a worthy representative of those French speaking families whose distinguished good manners, high culture and social virtues left a deep imprint on the community of which they were the acknowledged leaders in your Province.

During the time you have occupied a seat in this Chamber, you have been assiduous in your attendance, both in the Chamber and on the Committees, and have endeared yourself to all whom you have come in contact with by your gracious and kindly manner and your desire to attain your object without hurting or doing violence to the feelings of others, consequently, the present action of the Senate is unanimous and gives expression to the sincere sentiment of your colleagues of all shades of opinion, who unite in the hope that the Almighty may be pleased to prolong for years a life which has throughout been lived with a continued consciousness of His Divine oversight.

HEWITT BOSTOCK,

Speaker,

On behalf of the Members of the Senate.

The Senate, Wednesday, 1st February, 1928.

Hon. G. C. DESSAULLES (Translation): Mr. Speaker, honourable gentlemen of the Senate and members of the House of Commons, I highly appreciate the remarkable reception that you have given me on this occasion. I have done nothing extraordinary in my life. I have always tried to do my best for the prosperity of the country, and particularly the prosperity of the little town of St. Hyacinthe, to which I belong. I have always appreciated the honour of receiving visitors at St. Hyacinthe. They find it a very beautiful town and are glad to come and visit it often. Honourable gentlemen, I desire to express my sincere thanks.

I appreciate also the very great honour that is done me in placing my portrait in the Senate Gallery, amongst those of Speakers and Members who have rendered signal service to our country. I have tried to be useful to my fellow citizens in the offices which they have entrusted to me, and I have been infinitely compensated by the confidence which they have reposed in me, and of which you give me to-day another example.

Right Hon. W. L. MACKENZIE KING (Prime Minister): Mr. Speaker and Honourable Gentlemen of the Senate: On behalf of the House of Commons, may I thank you very warmly for your courtesy in extending to the members of our House an invitation to be present with the members of the Senate at this interesting and historic ceremony.

We are indeed proud to have the honour of joining with you in congratulating Mr. Dessaulles on the great age he has attained, and on the service he has given with so great distinction to himself, to his province, and to his country. It is an honour to him to be presented by his colleagues with this excellent portrait of himself as a memorial of this occasion; but we all feel, I think, that it is an even greater honour to ourselves to have in our midst one who has reached the great age of a hundred years, and whose life has been so singularly useful and noble.

When we recall that at the time, just a few months ago, when we were celebrating in Canada the sixtieth anniversary of this Dominion, Senator Dessaulles had been celebrating his hundredth anniversary, we are able to appreciate how appropriate it is that we should for a few moments adjourn the proceedings of the two Houses in order to pay this slight tribute to so distinguished a member of our Parliament.

It will be of interest to all of us to know, and to me personally it is a matter of special interest, that at the time of the Rebellion of 1837, Mr. Dessaulles, then ten years of age, was placed under arrest, and though not imprisoned was placed under surveillance for the greater part of a year. I understand that the Senator has at the present time a distinct recollection of the stirring events of those days. His mother was a sister of Louis Joseph Papineau. To have in our midst one who in his personality relates the past with the present of Canadian history to the degree which he does is something for which all of us may well have reason to be proud.

I can only say, Mr. Speaker, that we of the Commons re-echo in fullest measure the sentiments which have been expressed so admirably and so beautifully in the address which you have just presented to Senator Dessaulles. It is a source of pride and satisfaction to us that there will be preserved for other generations the splendid portrait of himself which is being presented to Senator Dessaulles to-day. The presentation is one for the Senator, but two for the Senate, because I understand that the portrait is to remain here.

May I, in conclusion, say to Senator Dessaulles that we, who are members of both Houses of this Parliament, feel towards him all the pride that it is possible to feel towards a citizen of our country who has done is so great honour by so long a life of useful public service, and that we feel towards him not only the respect that is owing to years, but the veneration that comes to great age when great age is its own benediction upon a life devoted to noble work. That Time and Care may deal gently with him throughout his remaining days is the wish of all in whose name I have the honour to speak.

Hon. R. B. BENNETT: Mr. Speaker, honourable members of the Senate, honourable gentlemen of the House of Commons: On formal occasions, when the Commons desire to speak to the Sovereign or his representative, they speak through their Speaker; but perhaps it is not unfitting that on an occasion such as this the House of Commons should speak through its leader, the Prime Minister. I desire to reiterate on behalf of His Majesty's loyal Opposition the sentiments which he has so admirably expressed, and to associate myself, and those who are allied with me in the House of Commons, with every word that he has uttered.

For myself, I am lost in admiration of one whose life has been so given to public service and usefulness to his country as yours, sir. I could not but think as the Prime Minister was speaking that you must have remembered tales told by old men of the American Revolution, and of the War of 1812; that you must have memories of the struggle for responsible institutions, of the Confederation of Canada, and of the progress which has been made during these many years. It is a wonderful tale that has been told in Canada, yet it is but the reflection of the tale that has been told in other lands. You have seen monarchies rise and fall; you have seen great empires consolidated and dissolved into republics; you remember the proud history of France and all the vicissitudes of fortune that have come to her during the years since you were born. But one thing has remained, and it is reflected in this Chamber and in this Parliament: Despite all the changes recorded in history, the British Empire has endured; its parliamentary institutions have remained; and we have carried on here all the traditions that belong to those parliamentary institutions of which we are so proud.

It is a great pleasure and happiness to young men to have in your life an example of willing service to a great country and of proud confidence in the greatness of the land we call our home. So, personally, and on behalf of those with whom I am associated, I congratulate you very heartily upon having attained the one hundredth anniversary of your birth; and hope that the example of your life may be a lodestar, a guiding star, to the youth of this country, to lead them to give something of their mind and talent to their country, as you have done; and I trust that as many more years pass you may still be permitted to come to this old legislative hall—new, yet old—and make your contribution to the common good of Canada.

Hon. RAOUL DANDURAND (Translation): My dear colleague, a very fine book has been written on lives that are necessary. It is stated therein that each person in the world contributes to the world's work, and that, however modest may be his station in society, he co-operates none the less in the industry of the human hive. If all lives are necessary, all are not equally useful. An army may combine within its ranks the goodwill of all who are animated by the same patriotic spirit, but it requires commanders to lead it. So it is in civil life. The members of a community may have an instinctive desire to serve, but unless a voice is heard calling them on to nobler deeds there is danger that each may confine his effort to his own interests. Providence has ordained that each generation should produce spirits born to command, whose natural vocation it is to interest themselves in the welfare of the community. It often happens that citizens animated with high ambition and a noble zeal take control of affairs. There are others who do not offer themselves, but towards whom all eyes are turned, and whose influence and prestige command respect and affection. They are the favoured ones, rich in mind and heart, endowed with wisdom and goodness.

My dear colleague, you are one of these elect. I have had the opportunity to observe you for half a century. But long before it was my privilege to appreciate your noble qualities my seniors had already benefited by them. The entire district surrounding your native city of St. Hyacinthe has recognized in you its leading spirit. You have inspired its policy and guided and sustained its progress. To it you have communicated your high conception of civic and national virtue. You have been to it the symbol of probity and honour. A country which possesses such chosen souls honours itself in honouring them. My dear colleague, we are proud of you and happy to celebrate your hundredth anniversary, which crowns an admirable career like those rays of sunshine that linger long at eventide and prolong the light of day.

Hon. WILLIAM B. ROSS: I am pleased to join in doing honour to our colleague, Senator Dessaulles, and would like to re-echo what has been so well said by the Premier, the Leader of the Opposition, and my friend the leader of this House. There is not much that I can add, but I presume I shall be pardoned if I mention the fact that some thirty years ago while I was connected with a newspaper, I developed a taste for discovering all the aged men in the country. The record of the recollections thus obtained will

make a large volume when published. I have talked with men who fought at Waterloo, and men who fought at Inkerman. I have no doubt that our Brother Dessaulles can look away back beyond Inkerman, if not quite to Waterloo. I noticed one feature which distinguished all of those men whom I interviewed—the age of most of them was about eighty—there was only one man who approached anything like a hundred years—that everything controversial or bitter that may have characterized their earlier years had passed away, and they were getting a new and kinder disposition. I have no doubt that this remark would apply to our friend here. On behalf of the members whom I represent in this Chamber, I desire to extend to him our hearty wish for long continued years, and the enjoyment of good health.

The sitting of the Senate having been resumed:

Hon. Mr. DANDURAND: Honourable gentlemen, with the consent of the Chamber, I move that the report of the proceedings that have just taken place in celebration of the centenary of one of our members be made part of the reecords of this Chamber, and be extended in Hansard.

The motion was agreed to.

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

THE SENATE

Thursday, February 2, 1928.

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

Prayers and routine proceedings.

CANADIAN NATIONAL RAILWAYS

RETURNS FROM BRANCH LINES

Hon. Mr. DANDURAND: I desire to give an answer to my honourable friend from Manitoba (Hon. Mr. McMeans), who spoke yesterday of the financing of the Canadian National Railway system. The answer is in the form of a memorandum which I have received from the Railway Department. It reads as follows:

The financial requirements of the Canadian National Railways are dealt with each year by the House of Commons in the form of an estimate designed to meet expenditures made, of indebtedness incurred (where amounts available from net operating income or investments may be insufficient) by or on behalf of the Canadian National Railway Company.

Expenditures thus authorized include:

(a) Interest on securities, notes and other obligations: rentals for lease of lines;

(b) Equipment Principal Payments: Sinking Funds; Miscellaneous Maturing or Matured Notes and other obligations secured or unsecured;

(c) Operating Income Deficit, whenever incurred or ascertained;

(d) Construction and Betterments, including co-ordinations; acquisition of real or personal property.

The amounts so required may, at the discretion of the Governor-in-Council, be provided by way of loans in cash of by way of guarantee, or partly one way and partly the other. This optional form of financing was adopted by a previous administration during the fiscal year 1921-22, and has simply been continued by the present Government.

Cash provided by the Government is a charge on the Government's financing for the year in question. Amounts raised by the railway by guarantee are not, and never have been, taken into account as increasing the public debt.

Senator McMeans refers particularly to deficit on interest account. The railway, in recent years, has been able to meet the interest due the public. Interest due the Government has not been met, but is charged into the debt of the railway to the Governement each year as interest accrues.

Senator McMeans also asks whether the deficit is concealed.

No feature of Canadian National financing is concealed. The railway estimates go before a special committee of the House of Commons each session. The committee calls before it the principal officers of the railway, who give the members of the committee any necessary information as to the operations of the previous year and the proposals concerning the forthcoming year. The proceedings of the committee are printed. The committee also has before it annual report of the railway as laid on the Table by the Minister of Railways each year, and a statement of the year's financing is to be found in the report of the President and Chairman of the Board, while the details of fresh financing are supplied by the statement of funded debt as set out in the report.

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. Little for an Address in reply thereto.

Hon. Mr. HUGHES: Honourable gentlemen, before the honourable gentleman proceeds with his speech I should like to ask a question. I think this is a good time, as he can answer either now or during the course of the debate. Does the honourable gentleman think or believe that we are developing our mines at too rapid a pace? In other words, are we using up our mineral resources too rapidly, and, if so, what remedy should be applied?

Right Hon. Sir GEORGE E. FOSTER: What reason, I ask, what necessity compelled the entrance of Canada into this diplomatic field—in Europe, for instance? What loss in any material way will be incurred if Canada does not enter the field? In the old conditions she had no part nor lot; she had no interest in their institutions; she had not inherited them in any way or degree. The old conditions have changed materially, are changing from day to day more and more rapidly, and the new diplomacy which is taking its place is not on all fours with the old diplomacy. Why, then, should Canada enter in and assume to herself the habiliments which are being laid aside?

There is one other point. The whole system of diplomatic representation rests upon the undoubted and absolute sovereignty of the power which accredits, and the power to which the plenipotentiary is accredited. It will be difficult for European and Asiatic countries to understand how we can possibly sail under those colours with conditions as they are. Take, for instance, the two countries with which the Government proposes to enter upon this heightened diplomatic status. France is a country which pretty well understands—better, perhaps, than any other country in Europe or Asia—the peculiar constitution of the British Empire. She has been closely connected with the mother country, and has a sympathetic and intimate relation with Canada itself. To France, as to the United States, the situation of Canada as a part of the British Empire, and the peculiar circumstances under which that Empire has developed from century to century, are understood, even though there be an anomaly in those connections. She understands pretty well from a political point of view about how the system works out. What, then, do we lack in France itself under the present system that we would gain by adopting the system of plenipotentiary representation? There is no contiguity of boundaries and consequently there are no differences such as are liable to arise between countries having a boundary in common. I have never found that France itself has raised any bar against the free and full admission of our Canadian representative to her departments because he does not wear the braided coat of a minister plenipotentiary. In my experience in France, extending over a good many years, I have never found it difficult to get an introduction to any department or to any member of the Government. If that were so in the olden times, it has become more and more a feature of Canada's present trade and commissarial representation in Paris. To my mind, plenipotentiary powers conferred on our present High Commissioner, or on anyone else to take the place of the High Commissioner, would not facilitate the freedom and intimacy which now exists in communications between us and the French Government. If, then, there is no demand from France for it, or if there is no bar upon our easy access to Departments and members of the Government in France in relation to whatever questions may arise, we will set that aside. I think honourable members will agree with me that on neither of those counts do we need to make a change from the present situation.

Plenipotentiaries and ambassadors are the indices of political affiliations; but we have no political affiliations with France or with Japan, and we do not wish to ally ourselves by political affiliation or connection with either of those countries. Then why should we put forward and carry out a system which has its very essence and foundation in the fact that there are or may come political differences, with adjustments to be made on account of those that may arise? Surely we do not anticipate either of those from the public of France. The interests that exist between France and Canada to-day are interests of a business and economic nature, and no other. The good-will which is injected into business and economic relations may well be expressed by the trade commissioners as they exist to-day, and as they have been functioning and by individual business men and corporations of traders through the trade commissionerships. What more is really needed? Do you need to place a minister plenipotentiary in Paris in order that he may answer questions as to how a certain article in a French treaty works upon a certain business or industry which wishes to export to France? All such matters come well under the trade commissionership, and are well attended to at the present time; therefore to my mind there is no need of setting up a plenipotentiary ambassadorial establishment in Paris to answer any little questions or adjust any differences which take place in reference to the operation of a tariff.

As to the formation of a tariff, which must be founded upon experience and information with reference to resources and commodities which may be profitably interchanged between the two countries, and about which certain tariff and customs regulations may be useful to carry out systematic communications that may be necessary, these things are amply provided for to-day by trade commissioner-

ships. If you take a good trade commissioner who is doing his duty now, and doing it well, and dress him up in the habiliments of a plenipotentiary, and give him that heightened idea of himself and his position, it is as if you were to take an honest and industrious labourer, remove his smock-frock and working clothes, and dress him up in a Sunday suit, and put him on exhibition. You would then have destroyed his usefulness rather than added to it.

Now we come down to the question as to what benefit is to be gained over and above what we now have; and then put on the other side certain possibilities and contingencies which are liable to take place. Every point of contact you make with a foreign nation on the line of an embassy or plenipotentiary minister involves contingent conflict, possibly actual conflict. We have the British Empire, with its plenipotentiary; and the British Empire includes the Dominion of Canada. The British Empire is a sovereign power, undeniably and undoubtedly, and its representative acts in a capacity that is germane and pertinent to the conditions of the institutions which it has founded. Side by side with that embassy we have another embassy, that of Canada, and we have the people of every country asking how that is. We do not know the temperament of the man who is to represent us, nor that of the man who represents the British Government; and as between these two in a foreign court everything depends upon the temperament of those two men. Then we have all other ambassadors and plenipotentiaries, and the newspaper press, and we may have statements made, first by one and then by another, and queries raised first by one and then by another, until the possibilities for misunderstanding grow and grow.

Why is it necessary for us to multiply these points of possible misunderstanding? When we come to the real kernel of the matter, what I stated a moment ago is true, that the very essence of ambassadorial and plenipotentiary representation is the absolute, undoubted and acknowledged sovereignty of the state which accredits to the state to which the representative is accredited. In all the galaxy of ambassadors of the four different kinds that you have to-day in the courts of the world, there is not one which is not a sovereign power, absolutely and undoubtedly. Has Canada that position? This question of the transmutation of autonomy into equality, and then afterwards into equal status, to my mind, causes a difficulty which will run through the whole of our future relationships with foreign countries until experience has worked out some mechanism by which these inconsistencies may be reconciled, and these points of difference brought to a termination.

What causes apprehension in my mind is that this train that has been started, and is now being accelerated with an impulse that will become greater and greater, will come some day to the point when Canada will have to choose whether to buttress up her positions; when there will arise certain contingencies in view of which she will say: "We are not now absolutely independent, but we can soon become so, and we will take measures to bring that about." I am sorry, and I regret that that train of thought, and that impulse of tendency, have been contributed to by the Government which is now in power in the ostentatious parade of its new liberties, so-called, and its new status, so-called, and in its feverish anxiety to make better relations and to weld stronger links between itself and foreign powers on that status, and to delay what seems to me to be the absolutely necessary obligation of making stronger those links, and ties, and leanings, and connections, which are to be the only guarantee that this Empire will remain a unity, and that we shall remain within it as a part of that unity. That is why I have made these comments, and why I say to the Government: "You have now one toy that you can play with; prove that you can play safely with that, and let this proposed extension to other and remoter foreign countries 'bide a wee' until experience has worked out the proper methods for reconciling distinct incongruities which to-day crop up at every step we take along this path."

We are not all of French descent and English descent in this country, and from time to time as we proceed we shall have a larger proportion of people outside of that category. For those of us who are descended from France and from Great Britain and other British countries, those long and strong lines of culture intimacy remain imbedded in us; they draw and hold and keep us together; but every year thousands are coming into this country who have not that paternity, nor those bonds and links. To that portion of the country these new ideas go without the restrictive influence of the cultural and descent links which bind us to the two mother countries. So my advice to the Government would be—and I for one would feel mightily relieved if it could be carried out—that they should rest with that one embassy which has been founded, where it can work out well if anywhere, and where it has a better chance of working out because of our proximity and our mutual understand-

ing one with the other; and that the government do not progress towards this general and political line of action which is not going to add to the centripetal forces, but will add to the centrifugal influences which are drifting us away from the unity of the British Empire.

That is all, honourable gentlemen, that I have to say on this point in comment upon the Speech from the Throne. There will probably be other opportunities during the Session for a more extended discussion and consideration of our foreign relations, and also our international relations, which I should like to see dealt with in this and the other branch of Parliament. Largely without very much thought in the rank and file of the people of Canada, a new institution has been established—the League of Nations. Canada has assumed obligations under it, but in this and the other Chamber, and of course outside of this House, there is comparatively little adequate understanding of just what it all means—the obligations that have been taken, and the tendencies which are being pursued. If such a discussion here leads to a deeper research, broader information, and a more adequate idea of what the League of Nations is and what it is doing, I think we may congratulate ourselves that there has been started along those lines an influence which must spread through our people, and mould their thinking. If the peace of the world is ever to be assured, and war—that barbarous absurdity for the settlement of international disputes—is finally driven out from this world, it must be by such influences as these.

Honourable gentlemen will have seen this morning an announcement from Washington that a new treaty, to replace an old one, of arbitration and conciliation between the United States and France, has been agreed upon and is ready for signature, and will shortly come to the Senate of the United States for its approval. At the head of that, and as one of the lights under which that treaty has been developed, and as one of the advertisements that that treaty gives to the world, there is the statement that France and the United States admit that war, as an instrument of national policy, is wrong, is barbaric, is an obseletism at the present time, and that they set their faces against it. That is at the present time the doctrine of the League of Nations, fifty-five in number, who at the last Assembly, after eight years of practical work for the peace of the world, and after one of the most dignified and well-sustained debates that I have ever read, came to the unanimous conclusion to brand aggressive warfare as a crime against humanity and declared that it is the duty of every one of the fifty-five members of that League of Nations to imbed that doctrine in their administration, and imbed it as well in the mentality and conviction of the units of the country to which they belong. I look upon it as a gratifying and hopeful sign that the mentality of the world is being aroused, an international opinion formed against war, and that the principles set forth and advocated once every year in a forum open to the whole world, the great Assembly at Geneva, are producing a moral influence and bringing about a revolution of methods of international dealing in so far as the settlement of disputes is concerned.

Now, for a moment, let me touch on the last subject upon which I intend to make a few remarks; that is the question of immigration. I have long thought that probably we did not get the full import of a great national question when we simply talked of immigration and set our minds to a consideration of methods by which immigration into our country might be increased. The great fundamental question, to my mind, is this: how shall we best conserve and increase the population of Canada? Immigration is only one part of that great question, and perhaps we have done less useful and progressive work along the line of our endeavour because we have separated immigration from the great question of which it is only a part, and have made it almost the only question. Our native population at the present time runs up close to ten millions. The conservation and the increase of that native population are the major part of the problem of retaining and increasing the population of Canada. Who does not admit that one native-born, brought up from childhood under Canadian conditions, is worth more, much more, than an adult not raised in Canada, but brought in from a foreign country, and consequently of alien thought, alien culture and alien tendencies, fully and thoroughly developed. That is no condemnation of alien culture, alien ability, or alien adaptability, but it means that the newcomer has something to learn of Canada, which he undertakes to learn in his riper years, and it implies also an inability on his part to comprehend Canadian conditions and work in with Canadian tendencies and culture. I think no one will doubt the fact that to keep one native Canadian as a continuing citizen in our own country is worth more than to bring in one adult, maybe two, maybe more, from a foreign country. Whatever tends to conserve the native-born population is a matter which should occupy the attention of Government.

But, after all, there is another factor in the problem. Of two Canadian citizens born and brought up in Canada one may be 100 per cent efficient and the other 50 per cent. Which is of the greater service in production and the upgrowth of the country? Efficiency must be considered as well as numbers. People who are fully efficient produce better results than twice as many others only 50 per cent efficient. In order to conserve the efficiency of the people who have been brought up in our own atmosphere we must make the conditions of life agreeable to them. That involves health considerations and a variety of other factors, and the effect of policies of either the federal or the local governments bears mightily upon the solution of the problem.

To leave out all other factors for the sake of brevity, one of the things that militate strongly in favour of the conservation of our citizenship as we have it within the country, and that bear also upon the productivity of the race as far as our native population is concerned, is the proper sort of economic conditions. They should be made as favourable as possible, so that in the first place a man may be induced to raise a family, and in the next place his family may be kept around him, or at least within the country. There comes in the question of employment. Now, you are not a free trader and I am not a protectionist as I am arguing this matter to-day: we are common citizens of Canada, one just about as good as the other, all things being taken into consideration. Let us argue out this question. Is it not reasonable that the parents of a family should have some assurance that when their children have grown up they will be able to enter upon some employment which will provide them with a substantial sustenance for the future?

We talk a great deal about farmers' sons leaving the farms and going into the cities. That condition prevails now to an extent perhaps greater than before. No year will pass in Canada in which you will not have that problem with you. It was very well stated by my honourable friend the other day. If a farmer has a family of four boys and a farm of two or three hundred acres, can those four boys remain upon that one farm and marry and bring up families? Is it possible for that farmer to provide three farms for three of the boys and leave to the other the paternal property? That is difficult, perhaps impossible. So you may preach on that subject until you are as old as my honourable friend from Rougemont (Hon. Mr. Dessaulles)—who looks as if he is going strong for another half century; you may talk about it, but there is a condition which is present with us now and will be present more and more. Add to that the further fact that to-day, owing to mechanism skilfully invented and applied, one man upon a farm can do as much as two or three men in the olden times. Even with the extension of farms into lands that are not yet tilled and with the opening up of new farms, each individual farmer of to-morrow and the day after will be able to produce as much as was produced in the olden times by three or perhaps four farmers.

You must provide something, must you not, for those boys who do not want to farm, and for those who cannot because they have no farm? If we can provide some employment for them we shall retain them; and if we do not provide employment we shall lose them, because to-day, with the facilities for intercommunication, they can hop off to the country to the south of us, as people have been hopping off for years and years, and will to a certain extent for years to come. That hopping off process can be retarded, if not eliminated, only by some kind of employment being found in occupations other than farming for that surplus of population. Now, I am not a protectionist and you are not a free trader: we are on common ground. If there is any policy by which the resources of the country can be developed and utilized so as to provide employment for that surplus, is not such a policy the one to adopt, and are you not kicking against the pricks, and ineffectually, so long as by mere argument you simply uphold one theory or denounce another? The practical point is, can we get employment for that surplus of our population? If we cannot provide it they will seek it elsewhere, and they will send back to us, as the products of their brawn and skill, and at a higher price, the very things which they might have produced here for our consumption if only the capital and the industry could have been provided in this country.

Someone tells me that last year 1,500,000 cords of pulpwood were exported from Canada, and that if it had been manufactured in this country into the various products into which wood may be converted it would have produced a value of $70,000,000 instead of the $15,000,000 value at which it was exported.

We have water-powers, we have capital, we have brawn and skill and adaptability. Why can we not adopt some policy by means of which we can bring our raw products, in so far as we must export them, up to the top-notch of value before they are exported? Why should they be brought back to this country in finished form at a value which is

from one hundred fold, and at the very least tenfold, more than they bring into this country in the raw state? Away with your Free Traders and away with your Protectionists. Let the question of Free Trade or Protection pass for the nonce as a mist in the morning, and let us as sensible men ask ourselves whether we cannot, by putting our heads together and by utilizing the unparalleled water-powers and other resources that we have, provide industries which shall give employment of a healthy kind to the surplus population and keep them and the inducements to family life within our own country.

Somehow or other there has grown up in my mind an impression of failure. I do not know whom to blame. I do not know whether the blame can be laid exactly at one point or at another. In view of the present co-operative arrangements and facilities for immigrants coming from Great Britain, which we did not have formerly, and under which the expense of bringing in immigrants and settling them in this country is divided about fifty-fifty, how is it that after two whole years have passed, after ample opportunity for consideration and meditation, and for the application of policy and the organization of method, so small a number of British immigrants are coming to Canada and such a comparatively large number going to other countries? There are rumours that the Salvation Army and the Government have been at sword points, that the Salvation Army has been turned down in the matter of bringing people into this country, British people particularly, that trouble has arisen between the Barnardo Boys system and the Government, and that altogether there has been an absence of that co-operative spirit and co-operative effort for which the British Government seemed to have made provision and which they were willing to implement, and that consequently we have not had the results that should have been obtained. I have no disposition to blame the officials of the Immigration Department. They do their duty under instructions and in accordance with the regulations which the Government frame. However, the impression which has been with me is widespread through the country, and I am glad to observe that in another Chamber a promise has been made that a full and thorough investigation into this matter will take place, so that we may get at the root of it. I leave the matter there. But I press for action on two counts. Let there be co-operation between the Dominion authorities and the provincial and municipal authorities in this matter, on the first count because all these are vitally interested. The Dominion gets the results of an added population, an enlargement of the basis of taxation and the increased production that comes from each new entrant into this country. The Provincial Government does its share and is vitally interested in getting as many as can possibly be well placed, and the municipalities thrive in proportion to their population. All three are interested. There should be the closet co-operation and consultation, and the closest intimacy of effort and direction between all. I am a very strong advocate of getting together. In the League of Nations this principle has brought about a wonderful revolution in the mentality and the tendency and the effort of the world. Even in so restricted a space as Canada the conference or consultation of the provincial authorities and the Dominion authorities which took place last year proved the benefit of getting together. I think that there is nothing which will unite the people of the provinces of Canada so closely as a well considered co-operative effort to increase her population; it will do more than anything else to increase her productivity and prosperity, and to raise her status.

I have been somewhat taken by the suggestion, made, I think, by a banker, that a great deal might be gained if those in authority, both in the Dominion and in the Provinces, were to call together as a consultative and advisory body citizens of repute and experience and knowledge from different parts of the country. Who, that lets his mind run back to the times just preceding and during the war, fails to understand what a mighty impetus was given to Canada's effort by men of no office, citizens versed in the knowledge of their sections and their activities, who spent their time and energy in making a constant and powerful contribution in support of war activities? Have such men all passed with the period of the war? Are there not to-day, in every part of Canada, citizens who would be willing to intimately associate themselves with the governments of the country as a consultative and contributory body to help in the greater-than-war effort, the peace effort, of settling up our broad domain, of increasing the unity of Canada and our national consciousness and pride, and in watching and working for its development along different lines?

Now, with these admonitions, which cost you nothing, and which are freely imposed upon you without any regard to your suffering

in the meantime, I have said all that I propose to say at this time. I have been a strong party man. I believe yet in the principles upon which my public life has been spent; but I believe that other men, espousing other principles, are as honest and as earnest as I am in their good citizenship. I am sorry to see so many of them under the shadow of misapprehension and misdirection. If anything that I have said will have a tendency to turn on the light and to bring them out from the shadow and help them to ignore past theories and past burnishments of glory and renown in party feuds, then I shall feel that I have accomplished something, and that we as citizens of Canada can co-operate in the best policies, whatever they may be, for the advancement and development of our country.

Hon. N. A. BELCOURT: Honourable gentlemen, at the outset I join with my right honourable friend (Right Hon. Sir George E. Foster) in his expression of great satisfaction and joy at the news which he announced to us a few moments ago, that the Government of the United States and the Government of France have come to an understanding for the purpose of outlawing war, which of course implies the adoption of measures and means to carry out that decision. As a co-worker, under the leadership of the right honourable gentleman, in the exertions of the Canadian Branch of the League of Nations, I feel that this action on the part of France augurs well for the early and cordial co-operation of the great republic to the south of us in the general work of the League of Nations. It seems to me that the government of that great State, in order to be consistent with the action that they have just now taken, must finally realize that its participation in the work of the League of Nations is essential. May we not believe that before long the republic will take its full share in the accomplishment of the duty to which all the great nations over the world owe special attention and assistance.

May I also, not merely because it is the tradition to do so, be permitted to extend my congratulations to the mover (Hon. Mr. Little) and the seconder (Hon. Mr. Lacasse) of the Address? The experience acquired by those two new colleagues of ours in their respective fields of activity will, I am sure, be of very great advantage to us in our deliberations.

I desire to express my sense of gratitude to the Government of the day, inasmuch as it has, by the elevation of my friend and colleague from Essex (Hon. Mr. Lacasse), given recognition to the growing share taken by French Canadians in the public affairs of Canada, particularly in the Province of Ontario. It is a recognition of the increased and very successful effort on the part of the minority in this Province towards the development of the Province, especially in the northern part.

My compatriots who, more than any other people of this country, have special facility or faculty for opening up the land, and who still preserve the spirit of adventure and the desire of the pioneer to substitute for the forests fertile fields, have been very much in evidence within recent years, perhaps to an even greater degree than most people of this Province or of Canada realize. Let me mention but one instanee. Shortly after the war, at a place called Kapuskasing, on the Transcontinental railway, there were settled about three hundred returned soldiers. They were given land for almost nothing; buildings were erected for them, considerable sums of money were loaned to them, all with the view of establishing a happy and permanent rural community in that part of our country. Notwithstanding all this aid, within a very short time the settlement turned out to be a complete failure. Within three years practically every man had abandoned the place. Immediately my compatriots took possession of that territory, and without any aid of any kind, relying solely on the strength of their arms, and their goodwill and determination, they set to work and established a permanent and most prosperous and happy community. I doubt whether anywhere in Canada there is any other class of people who would be willing to assume the risks, or who, having assumed them, would so successfully profit by such an opportunity.

While I am offering compliments, I want most cordially to congratulate the Government of Canada upon the ceremonies of the Diamond Jubilee celebration. I think it is the verdict of everyone who has been able to get more or less complete information with regard to the manner in which the celebrations were prepared and carried out—certainly it is the opinion of those whose great privilege it was to witness them—that everything was done in most admirable fashion, in such a way as to create an imperishable memory not only of the main features but of the whole proceedings. My right honourable friend who sits next to our leader (Right Hon. George P. Graham) took a very prominent part in the celebration. He received the other day a testimony of the great services he has rendered, and I wish to unite in the expression of congratulations to our honourable friend. He, perhaps, will

regard his recent promotion at the hands of our leader as a recognition, in part, at any rate, of the services he rendered during the Jubilee celebration. May I say by the way, that incidentally, and only incidentally, the few steps I have been allowed to take towards the sun are not due to anything such as that, but are simply because I happen to be the senior privy councillor who sits on this side of the House.

Now I want to say something with regard to the visit of the Prime Minister of Great Britain, and the heir apparent. It is a matter for congratulation that at last a British Prime Minister whilst in office has deemed it worth while to visit our Dominion. His visit will no doubt tend to strengthen the tie that binds us, one of its greatest parts, to the Empire itself. I am quite sure that what Mr. Baldwin saw in Canada was a revelation to him, and that he went away with a better understanding of our needs, and of our hopes and aspirations. The subsequent visit of the Prime Minister of Australia, the recent visit of the Premier of the Free State, and the approaching visit of the Secretary of State of the United States, are bound to bring about great advantages to Canada. These visits will cause a sort of rediscovery of Canada, if I may put it that way, not only to Canadians but to the world at large. They will show to our visitors the grandeur of our country, of our lakes and rivers, our magnificent natural resources, our unlimited potentialities, and will cause them to look upon our future in much the same way that we do ourselves. The fame of Canada during last year spread over this continent and the old continent in a manner which was altogether new, and I would wish that the Government of the day would not lose any opportunity for the renewal of such visits.

I agree with the view expressed that great benefits are bound to accrue from Provincial Conferences such as we had during the summer. The oftener our ministers and leaders come in contact with one another, and the more frequent their exchange of views, desires and ambitions, the better will the autonomous provinces become known to each other, thus our country will be more fully appreciated. What is needed in Canada is greater contact not only of governments and leaders, but of individuals. It is extraordinary to have to admit that in this country we hardly know one another, that, for instance, the two great races have learned less than they should know about one another; and they will not become intimate and more united unless opportunities are afforded of more frequent meetings and more constant contact.

I should like to say a few words in regard to the development of the St. Lawrence River. I have not made up my mind as to whether I shall support or oppose the proposed scheme of development. I do not think I can come to a reasonable conclusion unless I am furnished with a great deal more information than we have now. I think it is fair to say that we have at present little or no information on the subject. We must remember that we have already by treaty granted important rights to the United States with regard to the navigation of our Great Lakes and the St. Lawrence, and I confess I am rather chary about increasing those rights. I am afraid to give our American friends larger control than they now have. To my mind the St. Lawrence river is the greatest Canadian asset. there is no other that can for a moment be compared with it in value. The St. Lawrence is the open door, and is the key to the largest part of North America. Are we going to increase the hold which the republic to the south already has on this great asset without having sufficient data, or without having proper guarantees, and sufficient means for implementing such guarantees We may get a guarantee which on the face of it may appear safe, but the question is whether it can be carried out. We should remember that the whole American Union has not been able to prevent the city of Chicago from causing great damage by altering the level of our lakes. If we increase the control which the Americans already have over our waterway, what guarantee have we that we can enforce any guarantees which they may be willing to concede?

Honorable gentlemen on the other side have referred to what should be done in the way of increasing the population of Canada, and keeping our sons within our own borders. They have expressed the desire that practical steps should be taken in regard to the two different aspects of what is really one subject, namely, immigration and keeping our people at home. Now, I have a suggestion. Our farm lands are being abandoned because they cannot provide employment except for a certain proportion of our farmers' sons. They have not the extent or possibilities that permit all farmers' sons to stay at home and find on the farm a livelihood and financial advancement. I want to suggest that the Government of Canada or the Governments of the provinces—depending very largely on the opinion which will be handed down by the Supreme

Court on the question whether waterpower falls under the jurisdiction of Federal or provincial authorities—that those governments, separately or together, should utilize some of our magnificent waterpowers for the purpose of supplying farmers with artificial fertilizer. It seems to me that that is the one and only thing which will keep the farmers' sons on the land. When they are able to cultivate intensively 100, 200, or 300 acres of land, they will remain on the land, and they will find employment, which is not now available, right on the ancestral farm. With the aid of fertilizer they will be able to cultivate with success the entire ancestral holdings.

We know that in France and many other countries of Europe farmers who have only ten or fifteen acres of land are able to make not only a decent living but to set money aside, simply because they carry on this intensive cultivation for which I am agitating, but which cannot be conducted without fertilizer.

We have given protection to all sorts of industries, but we have completely neglected the basic industry of this country, agriculture. If there was justification for imposing duties and granting bounties to other industrial enterprises, surely agriculture is of the first importance, and has the best right of all to protection. Here is a plan by which protection can be given to the farmer, and by which the farmers' sons may be permanently kept in this country.

Consider what that means for Canada and the world. Canada to-day is recognized as the granary of the world. If we could cultivate the whole of the farming lands of Canada, and make them produce to their capacity, we would be adopting the best method of making Canada greater and more prosperous, and it seems to me that the expenditure involved would be amply justified. I had a good deal to do some years ago with the beginning of the development, which is now about completed, of the water power on the Saguenay river at the outlet of lake St. John. The undertaking was prompted by Mr. Duke, of New York, whose money went almost exclusively into it. His plan at first was to establish a fleet of 60 steamers of 10,000 tons capacity, to take the phosphates from the rivers in Georgia and the Carolinas, and bring them up to Chicoutimi, for the purpose of turning them into fertilizer. The proposition involved this large carrying capacity. Other capitalists found it to their advantage to take up this power and use it for other purposes, else there would have been an excellent opportunity for putting my suggestion into practice. But there are many water powers yet undeveloped, that could furnish millions of horse power, and I suggest that they be utilized for the object which we all desire, the increase of our population.

May I say a few words on the subject which engaged the attention of my right honourable friend (Right Hon. Sir George Foster) for the most of his speech, to which I listened with great interest and profit. I refer to the appointment of representatives of Canada to foreign countries. I cannot see how the carrying out of this policy is in any way inconsistent with our relations with the empire and the Government of Great Britain. Nothing in our constitution is opposed to such action being taken. Representatives or plenipotentiaries could have been appointed as early as the 1st of July, 1867. We are not to-day exercising, or attempting to exercise, any power or authority which could not have been exercised at any time since the Confederation Act was adopted.

However, I did not understand my right honourable friend to dispute the right or authority of Canada to do this, but he did not seem to think it wise or prudent to appoint those representatives. Well, that is an opinion which of course must be respected; however, it is one which I cannot adopt. The reasons upon which the right honourable gentleman relies, at least some of them, were not quite clear to me, or perhaps I should say not convincing. He seems to think that the diplomatic function has very greatly changed in our day from what it was in centuries past, or perhaps up to within a half-century of the present. I cannot see in what way it has changed. It is true that in the Middle Ages, and for some centuries after, the function of the diplomat was mainly concerned with war and peace. In those days with all diplomats the main or perhaps exclusive function was to try to secure the friendship of the neighbouring nations or sovereigns, but that was because of the conditions of the world at that time. Conditions have changed in many respects, and it is necessary to add to the functions that were performed in the Middle Ages; yet in the present age we still have to consider war and peace. In fact, peace is the thought with which my right honourable friend lives every day; it is peace which fills up the most of his life to-day. There is no change in that; there is as much reason to-day as there was four or five centuries ago to have diplomatic relations with regard to peace. What has changed, and what my right honourable friend seems to forget, is

that in our day, because of the tremendous discoveries that have been made, which annihilate time and distance, and the great facilities which have been furnished the world at large to trade with one another and engage in commerce and other human activities, the necessity for representatives between one country and another seems to have grown rather than lessened.

If Canada wishes to take full advantage of the opportunities which are now offered to all nations, it is going to make much more progress by having some representative in one or more of the capitals of the world to remind the country to which he is accredited what Canada holds, and to call attention not only to trading and commercial relations, but to make known the great resources of our country, and give an insight into our future.

We should have a representative who can secure free access to the head of the country to which he is sent. This latter function is one of the most important, for no mere commercial man could to-day interview Mr. Briand on trade conditions in France: he would not be received. A minister of foreign affairs —Mr. Briand in France, or Sir Austen Chamberlain in England—would not think of denying a plenipotentiary or a high commissioner who was sent over as representing Canada. So I repeat that the requirements of diplomacy seem to me to be greater to-day than they were at any time to which my right honourable friend referred.

My right honourable friend seemed to think that the only reason for appointing a representative to a foreign country would be because its territory was contiguous to that of Canada. Well, as far as our relations with the United States are concerned, there would probably not be very much reason for our appointing a representative if the whole matter must be judged merely by considerations of that kind. But I submit there is no country in the world in which we require a resident plenipotentiary more than we do in the United States, with which we do so much of our business. But there are many occasions for a plenipotentiary to advance the interests of Canada abroad, apart from merely trade and commerce. There are questions of immigration that may involve very serious international problems. We have had possibilities of great difficulties with Japan in that very regard. Would not the presence of a diplomat at Tokio, devoting his time, attention, and talents, to creating a better understanding between Canada and Japan, make better known our views and desires? Would not that serve the country's interests in a very marked way? I put the question to my right honourable friend (Right Hon. Sir George E. Foster). I would go so far as to say that because of those great international difficulties that may arise at any moment there is an absolute necessity to-day to have right on the spot a representative who can daily commune with the leaders in Japan and put squarely and honestly before them the views of Canada and the difficulties of this country in dealing with that subject. Certainly we want the amity of Japan.

May I here be permitted to indulge in a little egotistical retrospection which has to do partly with this subject and also with the subject that I dealt with previously, that is, the benefits to be derived from the visits of leaders of the different parts of the British Empire and possibly of the leaders of thought and the political leaders in other countries. In 1906, twenty-two years ago, on the first day of the Session, I moved in the Commons for an Address inviting His Majesty King Edward, the Great Peacemaker, and Queen Alexandra to visit Canada, and I urged at that time, among other reasons, that as King Edward had been successful in creating an entente cordiale with France, he should be invited to visit Canada a second time, in order first to see what progress we had made, but mainly to make possible a conference between himself and the then President of the United States, Mr. Roosevelt, who, notwithstanding his warlike inclinations and dispositions, was at that time talking peace to anyone and everyone wherever he found the opportunity. I indulged in the hope, perhaps vain, perhaps fantastic, that a meeting of those two personages would bring about an extension of the entente cordiale which would take in the United States of America; and I added that it would be easy at that time to extend the entente cordiale not only to the United States, but also to Japan, and thus to create an alliance encircling the whole world and composed of two of the great nations of Europe, the greatest nation of America and the greatest nation of the East. I expressed the hope and belief that if that meeting could be brought about and such an alliance consummated at that time, as seemed very likely, we should have secured peace throughout the world. Who to-day doubts that if that alliance had been completed we should not have had the Great War through which we have just passed? Is it conceivable for one moment that the Kaiser would have dared to take the risk involved in opposing such combination? I think we may all believe that he would not have done so, and therefore there would have been no war.

I recall that occasion to emphasize the necessity for closer contacts of the different parts of the British Empire with the outside world and the mutual beneficial results which are bound to arise from such contacts. It also discloses another strong reason why we should have on the spot a representative of Canada who will be constantly putting forward the advantages of Canada, its potentialities, as well as its aspirations, and its willingness to perform its share of the duties which the different nations of the world owe one another.

My right honourable friend (Right Hon. Sir George E. Foster), in dealing with the conflict which he considers inevitable between the component parts of the Empire and Great Britain, through the appointment of these representatives, forgot that action has been taken in this matter with the full consent and co-operation of the Government of Great Britain. The power which we have exercised for some years past in attending international conferences and in making our own treaties has been exercised with the approval, and, as suggested by my honourable leader (Hon. Mr. Dandurand), the hearty co-operation of the Imperial Government.

My right honourable friend must remember this also, that the plenipotentiaries appointed to attend these international conferences, as well as the plenipotentiaries whom we have sent or propose to send to foreign countries, derive their power from the King himself. They are accredited to foreign countries by the King. It is true that the King does not grant authority on the advice of his imperial advisers; it is on the recommendation of his Canadian advisers that he does it; still nobody has found any fault with that sort of thing, and there is no likelihood of conflict of any kind arising out of the exercise of that power.

The idea has been expressed that the Imperial Conference of 1926 altered our Constitution. Of course it did not alter it. Technically and legally the Constitution to-day is just what it was on the 1st of July, 1867. The King still has the power to disallow our legislation from beginning to end, whether it applies to internal or external affairs. The Colonial Validity Act is still in force. Theoretically our Constitution is not changed in the slightest particular; and there was no necessity for it to be changed in order that we might exercise the powers which we have exercised. We could have appointed plenipotentiaries in the year 1867, and we could have done it at any other time, and without in any way interfering with the Constitution. The Imperial Conference had no power to alter anything. It was merely a meeting of leaders of the different Dominions and of Great Britain who conferred together and came to an understanding as to what was the real relationship between the Government of Great Britain and the Dominions. They sought a formula, and found and declared a formula, applicable to the existing status. They tried to crystallize in words the situation as it was in fact. That is all they did. The Conference did not claim to have power to do anything more. It certainly proceeded on the assumption that it had no power to do anything in the way of amending our Constitution.

There has been a great deal of talk lately on this subject, and some of it has been very loose indeed; loose in many ways; loose in ideas and loose in terms. For instance, the words "nation" and "nationhood" have been taken as synonymous with "state" and "statehood". Anyone who thinks for a moment will see that there is a tremendous difference. Autonomy and sovereignty do not mean the same thing at all, yet these terms are used alternatively without any distinction. Canada is an autonomous nation, but it is not a sovereign state, and will not be until it chooses some day—if it ever does —to declare its independence. It cannot be a sovereign state otherwise. So it seems to me that a great deal of unnecessary discussion of a purely academic nature has been indulged in. Not only are we not a sovereign state, but we are probably not exercising the largest measure of autonomous rights that can be exercised by a country which is not a sovereign state. A state may be composed of several nations. The difference between "nation" and "state" and the true meaning of those terms may be illustrated by the example of Switzerland. In Switzerland there are three different nationalities, the French, the Italian and the German, but there is only one sovereign state. In discussing matters of this nature it is of the utmost importance that we should always be precise and particular in the terms we use; otherwise the result may be endless confusion.

The situation might be put, again, in this way. De jure our Constitution is not that of a sovereign state, but de facto we are exercising some of the autonomous functions of a sovereign state. However, it seems to me that there is no use in continuing the discussion of this matter, and I refer to it merely in the hope that by doing so I may be able to correct false impressions which have been created throughout the community by looseness in the use of terms with separate and distinct meanings. Otherwise I would not have considered it necessary to engage in a long discussion on the subject.

May I point out further that the Government of Great Britain has never placed the slightest obstacle in the way of our exercising the fullest measure of autonomous rights, but has trusted to our loyalty and our desire to remain an integral part of the British Empire. We have been allowed to go practically to the limit in the exercise of national or state power, and there is no reason in the world to think that Great Britain is now going to adopt a policy different from that which it has followed hitherto. From statements made in the House of Commons at Westminster we know that there is to-day practically nothing that we could ask Great Britain to allow us to do and that Great Britain would refuse us. Mr. Bonar Law, not many years ago, when he was Prime Minister, declared in the House of Commons that if we asked to-morrow for separation from Great Britain there would be no hesitation in granting it to us.

That brings me to another subject upon which I would like to say a few words—the power to amend the Constitution, which has been demanded by some sections of Canada. There are a great many who do not at the present time wish Canada to acquire the power to amend the Constitution, and I say frankly that I am one of those. I do not think the time is opportune to amend the Canadian Constitution. As I have repeated several times this afternoon, I think our present Constitution is all-sufficient for our purposes. We can, I think, do everything that we may legitimately desire to do under the terms of the B.N.A. Act, and, frankly, I hope that the power to amend the Constitution will not be granted to our Parliament until such time as we have created throughout Canada a proper national sentiment and a proper condition of national unity. We cannot ignore the fact that there are many problems, territorial, geographical, social, moral or intellectual, that we have not yet completely solved, and it will be several years yet before we have created the spirit that will be necessary for the permanent and equitable solution of these problems, some of them purely material and others of a spiritual kind. The two great races who form the basis of this Confederation hardly know each other yet, and consequently do not thoroughly understand each other. Not until there is a willingness to be tolerant, to approach the solution of our problems in a spirit of honourable compromise and to deal with them in the only way in which they can be dealt with adequately, properly and permanently, should the power to amend the Constitution be granted; for once it is granted there will be no limit to the exercise of that power.

I must add that in principle I have no objection to the amendment of the Constitution. To my mind it is merely a matter of time and opportunity. Canada is progressing sanely and satisfactorily. We have recently been making tremendous progress. We have taken means to add to the development of the country by putting to fruitful use the great natural resources which God Almighty has given us. I think we should not be too much concerned with purely academic powers, but should be content to proceed with our existing powers, which as I see it, are quite ample to permit of the completion of the development that we have undertaken with so much success, particularly within recent years.

Before I sit down may I express my approval—not in a partisan way—of the action of the Government in the larger spheres of administration, and of the saneness with which they are proceeding? The Government of to-day is a stable Government. It has been something very different for a long time past. The Government was chosen by the people. It took the reins of office when the country was in turmoil, and when, to my mind, we were in dire need of stable government, whether Liberal or Conservative. If I may be permitted to do so, with the greatest humility I would ask the Senate to co-operate heartily and cordially in all the measures of the Government to which they can give their support. I think it would add to the dignity and reputation of the Senate to pursue such a course.

With regard to the dignity and reputation of the Senate, I am one of those who would like to see a little more publicity given to our deliberations. If you read the local newspapers—and I think they are probably the only ones that pay any attention to us—you will see that no matter how important the subject, the deliberations of the Senate are dismissed with about ten or fifteen lines at the utmost. I think that we suffer throughout Canada because our deliberations and actions are not made known. I have nothing to suggest, but I think the members of this Chamber ought to take the subject in hand and endeavour to arrive at some means of making the work of this House, which is second to none in the parliamentary government of Canada, better known and better appreciated.

Hon. G. D. ROBERTSON: I understand that there is an honourable member on the

other side who desires to say something on the Address, and that to-day is the only opportunity he will have of doing so. Therefore it is with pleasure that I extend to him the opportunity of speaking at this time if he so desires, and I will postpone what I have to say until to-morrow. If there is no objection, I have great pleasure in giving way to the honourable member for Wellington (Hon. Mr. McDougald).

Hon. W. L. McDOUGALD: Honourable gentlemen, before proceeding with the debate on the Address in Reply to the Speech from the Throne, may I thank my honourable friend opposite (Hon. Mr. Robertson) for the courtesy which he has extended to me in waiving his right to speak at this time?

In rising for the first time to address honourable gentlemen of this Chamber, may I at once say how honoured and pleased I feel at finding myself a member of this time-honoured body. May I also be permitted, to associate myself with other honourable gentlemen who have spoken in congratulating the honourable gentlemen from London (Hon. Mr. Little) and Essex (Hon. Mr. Lacasse) on their brilliant efforts in moving and seconding the adoption of the Speech from the Throne, and to say that I am indeed jealous to find that I am no longer the youngest member in this Chamber.

It is not my intention to refer to more than one or two subjects dealt with in the Speech from the Throne. I should like, however, to touch briefly upon the subject of immigration and its relation to some phases of the development of those vast natural resources with which our Dominion has been so highly favoured. I should like, also, to say a few words upon a subject with which I have had rather an intimate association, namely, the question of the deepening of the St. Lawrence Waterways.

I take it that we are now practically all agreed on the extreme desirability of promoting immigration of the right type in order to fill up our vacant spaces, increase production, stimulate business and generally strengthen the body politic by a rapid accretion of the right kind of citizens. I think I may congratulate the Government upon its efforts—and upon the success of its efforts—in this direction. It must be remembered that results are not immediate in the matter of immigration. Measures taken one year bring their results only after the passage of one or two or three years.

Fundamentally, a successful immigration policy under present day conditions depends upon two necessary underlying factors. First and foremost, in order to induce immigration, the Government must take steps to improve the general economic conditions of the country. Under modern conditions of cable and telegraphic news service, national and international, with the concurrent and almost universal distribution of newspapers at such a low price that no one need be without them, economic conditions in foreign countries are, in general terms, well known to all. Prospective immigrants to Canada know of economic conditions in Canada, and if those conditions are bad the prospective immigrants will not come to our country. So that, as I have said, the first prerequisite of inducing a larger and more satisfactory immigration is the improvement of the economic conditions of and in Canada. In passing, I might remark that the claims of critics of the Government, to the effect that Canada is not really prosperous or economically sound, tend to defeat the very object which they profess to desire, namely, increased immigration. The second fundamental prerequisite is the provision of employment for the immigrants after they arrive in this country. As to the first factor, the improvement of economic conditions, it is perfectly clear that this Government has done yeoman service. The right honourable the Prime Minister produced the other day in another place evidence to this effect, evidence ample and to spare.

As to the second prerequisite, namely, the provision of employment for the immigrants after they arrive in the country, the Government has also good reason to be proud of its record. The Government is applying its policy, which consists, broadly, of careful economic administration, the steady reduction of the public debt, and the progressive lightening of the load of taxation. It is curious to note in this connection, that although the problem of providing employment for immigrants is so very fundamental, very little has been said of the possible effect of the construction of the St. Lawrence Waterway upon it. I am sure I am not mentioning anything which could possibly be construed as indiscreet if I invite honourable gentlemen to consider for a moment the best available estimates showing the relation of new employment, new jobs for Canadians and additional annual total wage payments, to new horsepower developed.

In the first place the horsepower data is outside the realm of controversy. On the whole St. Lawrence River, between Prescott and Montreal, there is approximately 5,000,000 horsepower. I speak in round figures only. It is also beyond controversy that of this 5,000,000 potential horsepower, approx-

imately 1,000,000 is in the United States, and belongs to the United States, and approximately 4,000,000 potential horsepower is in Canada and belongs to Canada.

Now, in the Journal of Electricity, of June, 1921, appeared what I am informed by experts is an authoritative calculation of the definite numerical correlation between the amounts of electric power developed by a new development and the average of new employment—new jobs—additional workmen employed—and general growth of population, as well as new annual wage payments which would result from it. The figures which appeared in this interesting calculation were based on units of 1,000 horsepower, and were as follows: that a total of 385 new employees —as I have said, new jobs—would result from each 1,000 horsepower developed; and, furthermore, that these 385 employees would draw in wages—new money put into circulation—the sum of $581,100 per annum. On the basis of one active workman supporting an average of five souls, including himself, his family and the ordinary auxiliary population—which I think is a fair basis in the area tributary to the St. Lawrence—we get the surprising result that each 1,000 new horsepower developed supports 385 new workmen drawing $581,100 per annum in wages, and represents a new population of 1,925 souls.

Now, let us apply this calculation to the Canadian horsepower available on the St. Lawrence river. Four million horsepower, approximately the total Canadian-owned potential power, is 4,000 units of 1,000 horsepower each, as used in the above calculation. We find that the Canadian horsepower now running to waste on the St. Lawrence river would, according to the above calculation, if fully developed and utilized in Canada, employ a new population of 1,540,000 workmen, supporting a new and additional population of 7,700,000, and drawing in actual cash wages the stupendous sum of $2,324,400,000 per annum, all paid for out of the product of the development and utilization of this power.

These figures, I submit, are most astonishing. I submit that they tend to revolutionize many preconceived ideas. I have not seen them previously quoted and I assume that they have not previously been brought to the attention of honourable gentlemen. I suggest that they merit the most careful examination and consideration by all members of this honourable body. And I further suggest that they throw considerable light on at least one method of providing adequate employment for immigrants in number ample to satisfy even the most severe critics of the present flow of immigration.

I do not suggest that these results will be obtained immediately, but I do suggest that this is the basis on which Canada's future will be built. The distinctive characteristic of modern industrial life is its dependence on plentiful supples of electric power. The great strides made by the American people in this connection are, it is generally recognized, the result of their application of power to the problems of production. In Canada to-day, with our amazing resources and raw materials, and with our abundant potential power supply, our opportunities are immensely greater than they are in any other country, not excepting the United States.

I do not think there will be any argument when I say that our future as an industrial people is assured by reason of the providence which gave us raw materials—the minerals and the forests—and the requisites for conversion—cheap and abundant hydro-electric power—provided only that we utilize them, that we do not sit down and say there is no market, no demand, but take steps to expedite their use. When we do this, I say our immigration problem, if there is one, will vanish. We will have employment and we will have the pick of all nations.

Now honourable gentlemen, may I say just a word on the St. Lawrence waterway? My right honourable friend from Brockville (Right Hon. Geo. P. Graham) has make reference to the St. Lawrence waterways and to the functions of the Advisory Board, of which I have the honour to be a member, and of which he was a member and chairman until about eighteen months ago. He has made certain suggestions with respect to considerations which the Advisory Board or the Government should take into consideration before arriving at a conclusion with respect to the policy to be adopted in connection therewith. I do not for a moment believe that my right honourable friend desired to create the impression in this Chamber, or in the minds of the citizens of Canada, that the Advisory Board would presume to make recommendations to the Government without having the necessary data and information at their disposal upon which to base them; and at once may I assure the right honourable gentleman, honourable gentlemen of this Chamber, and the country, that the Advisory Board have had available, information on all points suggested by the right honourable gentleman, in sufficient volume and detail to enable them to arrive at an intelligent and

comprehensive understanding of the whole question, as set out in the reference to the Advisory Board.

And here may I be permitted to refresh the memory of the right honourable gentleman and honourable members, as to what that reference was, as given in the Order in Council establishing the Board:

> The Minister is of the opinion that it would be in the public interest to constitute a National Advisory Committee to consider generally whether or not the project would, if completed be beneficial to Canada; whether the benefits which might accrue and the pecuniary returns direct or indirect which may be anticipated from it are such as to counterbalance its disadvantages, if any; whether your Excellency should indicate a readiness to enter into discussions with the United States of America looking towards the negotiation of a Treaty for the carrying out of the necessary work, and what should be the character of the stipulations which any such Treaty should contain.
>
> The Minister accordingly recommends that a National Advisory Committee be constituted for the purpose aforesaid.

I do not wish to take up too much of the time of this Chamber in a lengthy explanation of the nature and volume of the information gathered by the Advisory Board, but may I say at once that we had the very exhaustive and complete report of the International Joint Waterways Commission, of which the Honourable Mr. Magrath, now Chairman of the Ontario Hydro-Electric Power Commission, was Chairman. Under his able direction invaluable information was collected from grain men, from shipping men, from railway men, from power authorities, and from all who might be directly interested in this project. The net result of this thorough and extensive inquiry was the conclusion as set forth in the report of the International Joint Waterways Commission in its summary of conclusions. This conclusion is as follows:

> As to the economic practicability of the Waterways, the Commission finds that, without considering the probability of new traffic created by the opening of a water route to the seaboard there exists to-day between the region economically tributary to the Great Lakes and Overseas points, as well as between the same region and the Atlantic and Pacific seaboard, a volume of outbound and inbound trade that might reasonably be expected to seek this route sufficient to justify the expense involved in its improvement.

We had also before us the report, with appendices, of the Joint Board of Engineers —and a very complete and able report it was —made by the joint engineering body, consisting of six eminent engineers, three of whom were Canadians and three Americans. Of necessity, in preparing their report, they also made an exhaustive study of the economics of the proposal, and had the latest and best information from the highest authorities regarding all matters to which the right honourable gentleman (Right Hon. Mr. Graham) has referred.

We also had at our disposal a report by a body known as the Inter-departmental Committee, made up of members from various departments of Government which would be affected in any way by the deepening of the St. Lawrence Waterways. The function of this body was to gather information which would have a direct bearing upon all the points referred to by the right honourable gentleman.

In addition to the instances which I have cited, we had at our disposal the valuable records of the Montreal Harbour Commission in regard to the trade and commerce of the country going through that port. And here may I give some figures which I feel will be of interest to honourable gentlemen, as showing the increase and the volume of grain shipments through the port of Montreal:

1921	138,454,000 bushels
1922	155,000,000 "
1923	120,200,000 "
1924	165,650,000 "
1925	166,200,000 "
1926	135,000,000 "
1927	195,000,000 "

I give all these figures to show the consistency of the movement through the St. Lawrence and through the port of Montreal. I would like also to give a few more figures. After canals were deepened to 14 feet, tonnages increased as follows:

1900	1,310,000 tons
1925	6,200,000 "
1927	8,000,000 "

In 1927, out of a total movement of some 195 million bushels, approximately 135 million bushels was waterborne.

In this connection, perhaps honourable gentlemen will be interested in knowing that in addition to the movement of Canadian grain through the port of Montreal, the St. Lawrence route has attracted through this port a large and increasing quantity of American grain, which last year reached the total, in round figures, of 91 million bushels.

Hon. Mr. McLENNAN: Is that in addition to the 135 million?

Hon. Mr. McDOUGALD: No; 135 million was the total, and out of that 91 million bushels was American grain.

Honourable gentlemen may be further interested in knowing that large shippers of grain from the American Middle West during

the past summer have stated that with improved navigation and transfer facilities they would ship all their grain, a total of some 80 million bushels, through the port of Montreal, all of which would be new business.

The right honourable gentleman has also referred to the power question, and to the lack of knowledge available as to the market in Canada for such power as would be available through the development of the St. Lawrence Waterways. The right honourable gentleman must be aware of the investigations into this question which have been made by the Dominion Water Powers Branch of the Department of the Interior, by the Ontario Hydro-Electric Power Commission, and by other economists who have studied the question, and also of the conclusions reached by the Dominion Water Powers Branch that the potential power available from the St. Lawrence watershed would be absorbed in approximately 25 years; from which the conclusion must be drawn that the power from the St. Lawrence will be required within a comparatively short time.

Honourable gentlemen will well realize that as a member of the Advisory Board, having submitted a confidential report to the Government of the day, which report up to the present time has not been made public, it is impossible for me to discuss this great question in more detail than I have done on this occasion. But in conclusion I desire to assure the right honourable gentleman from Brockville (Right Hon. Mr. Graham) and honourable gentlemen of this Chamber and the country, that in submitting this report to the Government, the members of the Advisory Board fully appreciated the importance of the task entrusted to them, and gave it their best thought and consideration.

There has been some query in different parts of Canada as to the effect of the deepening of the St. Lawrence Waterways on the national port of Montreal. For the benefit of honourable gentlemen of all parts of Canada who are interested in the future prosperity and development of the Port of Montreal, I give it as my considered opinion as Chairman of the Board of Harbour Commissioners of Montreal, and as the opinion of the technical staff of the Harbour Commission, who are in daily touch with shipping and with the movement of various commodities in and out of that port, that the business of that port will not be diminished, but on the contrary will steadily increase from year to year, and the proposed deepening of the St. Lawrence Waterways will greatly accelerate the rate of increase in the volume of business handled by Canada's national port of Montreal. One of the main factors in achieving this beneficial result will be the undoubted lowering of the costs on the all-water grain movement from the head of the Lakes, the minimum estimate of which, arrived at by all authorities, is a saving of three cents a bushel. Many experts say the saving will be as high as six cents a bushel, but we are sure it will be at least three.

Hon. Mr. LYNCH-STAUNTON: I infer that the report that has been made to the Government, whatever it contains, is the result of reading the prior reports, and that no original evidence has been taken at all?

Hon. Mr. McDOUGALD: I do not think the honourable gentleman should infer that. In addition to the available reports that we had, without going into the detailed reports, which naturally I am not in a position to do in a moment, I would say that the report prepared by the engineering body would be very largely technical, and to get further information on the engineering phases of it would mean constituting a new board of engineers.

Hon. Mr. LYNCH-STAUNTON: I think the honourable gentleman hardly understands my question, which is this: Has this Advisory Board made original investigations, or have they simply digested the previous reports of the other bodies?

Hon. Mr. McDOUGALD: To a very great extent they have digested the reports of the other bodies who were given the power to get all the information available. The Advisory Board had no authority to spend money in travelling through the country and getting evidence, as was suggested by my right honourable friend.

Right Hon. Mr. GRAHAM: No, I did not suggest that.

Hon. Mr. McDOUGALD: In conclusion, I would like to say that as a Canadian citizen who has resided on the banks of the St. Lawrence all his life, and in the last few years has been intimately in touch with the great movement of trade and commerce through the port of Montreal, I fully appreciate the great heritage which we have in that mighty river. I appreciate the value of it as a national asset, and I for one would not be a party to a recommendation or an agreement that would give any of our birthrights to the American people.

Hon. JOHN D. REID: With reference to the Speech from the Throne, I want to congratulate the mover and the seconder, and like all those who have preceded me I agree with every word that has been said.

With reference to the St. Lawrence waterway matter, living on the St. Lawrence river as I do, I perhaps know something about this question. I agree that the right honourable member from Brockville (Right Hon. Mr. Graham), the honourable Senator who has just taken his seat, and myself, probably know more than any member of this House with regard to this matter. The right honourable member from Brockville was Minister of Railways and Canals for a number of years, and he had under him a staff of engineers making surveys and getting data on this great undertaking. The honourable gentleman from Montreal (Hon. Mr. McDougald) has not only lived on the St. Lawrence during his whole life-time, but, as Chairman of the Harbor Commission of Montreal, he has had an opportunity of understanding thoroughly everything in connection with navigation. Personally, I know almost every foot of the St. Lawrence river between Prescott and Montreal, as a resident on that river, and also because I had the advantage of being Minister of Railways and Canals for a few years.

Engineers have been investigating this work for the last fifteen or twenty years. The chief man on the engineering staff in connection with the report that is now before the Government has made an investigation with others each and every time that one has been made for the last number of years.

Now, I have taken the position in this House, and out of it, strongly in favour of this proposition. People in Eastern Ontario, and I might perhaps say also in part of Quebec, have for many years suffered in connection with power. In addition to that, I have always believed that the proposition would be of great value in the way of navigation, not only to Ontario but also to other parts of Canada. That is why I have favoured this scheme.

I take this position because I have before me the joint report of engineers of the United States and Canada, which was made to each Government, and their recommendations as to what should be done. These men were appointed early in 1920, and their investigation occupied fourteen months. One of the engineers on that Board was the late W. A. Bowden, chief engineer of the Department of Railways and Canals. He had the advantage of being one of the engineers who were employed on this work for a number of years before his promotion to the position of Chief Engineer. The other engineer on that Board was Colonel Wooten, head of the Army Engineers in the United States.

I have before me the report of those engineers and the recommendations they made after their own investigations, and after having the benefit of all the investigations that had been made for years by the best engineers in Canada and the United States. That report, which was submitted to me, would justify me in agreeing to and urging this waterway plan. I could never believe that there could be any other report that would vary to any extent the one submitted by the engineers who had done this great work; therefore I have taken the position that I have stated, and will continue to hold it until I see the report that is now before the Government. I had thought that the report would have been submitted to the members of both Houses in order that we might give it consideration, because I cannot believe that this great question can ever be railroaded through this House. We must have time to consider it. That report was handed to the Government two or three weeks ago. It is confidential, and rightly so until they can lay it before the House; but I have read newspaper statements as to what that report contains, and that is why I now hesitate to say that I will support a Bill based on that report until I see what is in it.

Now I will state two or three reasons why I hesitate. In the first place, the report I hold in my hand states that this waterway can be constructed all the way from Prescott to Montreal, and will develop 1,400,000 horse-power. That would mean 720,000 horse-power for Ontario or for Canada, and 720,000 horse-power for the United States. Later on, if we wished, other power could be developed in the Province of Quebec as required, but this 1,400,000 would be international. I believe that was not an unreasonable amount, especially as I instructed Mr. Bowden, who was on that Commission, to make his estimate so that there could be no doubt as to it being exceeded, even at war prices, and he gave me his assurance that his figure would cover it. But newspaper reports say that we must wait, and though I do not know how true they are, they have made me hesitate. One statement is that instead of the cost being $252,000,000 it is to be $650,000,000. That is only a newspaper report, but if that story is true, of course I would hesitate to approve of an expenditure of that kind at the present time.

Another reason why I hesitate, and a very important one, is the rumour that we will not have in Canada, in the international part, our lock and our power. In the report made

in 1921 by Mr. Bowden and Mr. Wooten they laid out a plan which shows that these will be all on our Canadian side. We have now a waterway from Port Arthur to Montreal through which a vessel can come without touching American water, except a few miles above Brockville, and we have our own Canadian channel that would require only $100,000 to $200,000 to deepen, according to Mr. Wooten, so that we could overcome any difficulty at that point. I would not stand up and advocate the St. Lawrence route unless, when the work is completed, we can take a vessel from Port Arthur to Montreal in Canadian waters, as we now do; but there are only a few miles where that condition exists that I mentioned, and we should not injure our position so far as those conditions are concerned.

The honourable senior member for Ottawa (Hon. Mr. Belcourt) has said that we should have power to assist our agriculturists. That is absolutely right. That honourable gentleman knows better than almost anyone else that in Eastern Ontario we have never had any power, and we could not help our farmers; so that Eastern Ontario is in a worse position than any other part of the Province.

Hon. Mr. BELCOURT: Wholly neglected.

Hon. Mr. REID: Wholly neglected; but that is the reason. We could have had plenty of power long ago if we had been in a position to exercise our rights, or if the Government could interfere with the development at Cedar Rapids, where they have 60,000 horsepower, all of which goes to the United States for the purpose of giving light and power to their citizens for many miles. It may be asked why we allow that condition; but their charter was granted in the Province of Quebec, and that Province could not force the Cedar Rapids concern to bring their power to Ontario, as that would be interfering with the rights of another province. Of course, the Province of Quebec could take some action and force them to do it. I remember that when we wanted a little power in Eastern Ontario the Cedar Rapids people absolutely refused to give us any until we were able to say to them, "Unless you give us some power, we will press the Dominion Government, and cut off your light." So they gave us 10,000 horsepower, which is all we have in that section of the Province. That is our position so far as Eastern Ontario is concerned.

The honourable gentleman who has just spoken (Hon. Mr. McDougald) gave an estimate of what would happen in regard to power if this development takes place, and predicted that our population would be increased very materially; but I am not so optimistic about 5,000,000 horsepower being used within the time that he mentioned. I suppose it is probably twenty years since power was first developed at Niagara, yet I do not think that in the whole Niagara district there is more than 800,000 horsepower used, including the cities of Toronto and Hamilton as well as other places. I therefore think that the policy laid down by the late Mr. Bowden and Mr. Wooten was the proper one so far as the development of power is concerned—go right through with your waterway, help the people from the West, help every part of the country. The object was to bring coal from Sydney to Toronto, and bring traffic up and down to and from Montreal, and thus lower the cost of transportation. That should be the main question so far as this waterway is concerned; but of course power is a very important feature, and must be considered at the same time.

I am just as strongly in favour of this waterway scheme going through as I was in 1921 and in 1924, provided that the conditions have not been changed to such an extent that the interests of Canada have been interfered with; but I agree with the right honourable gentleman from Brockville (Right Hon. Mr. Graham) that we should have all the reports with regard to it before we should be asked to come to a conclusion about putting this plan through. The right honourable gentleman from Brockville said in his speech that the Government of Canada agreed to appoint an advisory committee, that they were to consider the report and make recommendations to our Government, and the American Government were to do the same thing, but before the report was made to each Government both these advisory committees were to meet and come to a joint conclusion, and that would go to both Governments. I think that is what the honourable gentleman said.

Right Hon. Mr. GRAHAM: No. Will my honourable friend permit me to explain? I pointed out that the Joint Engineering Boards were composed of Canadians and Americans and that they were to meet together and make a joint report to each Government. But the advisory committees were distinct and separate. The Canadian Advisory Committee was to report to the Canadian Government, and the American Advisory Committee to the American Government. They had no connection with each other.

Hon. Mr. REID: I understood the honourable gentleman to this extent: that the Engineering Boards were to get together, but they have never held a joint meeting—

Right Hon. Mr. GRAHAM: Oh, yes.

Hon. Mr. CASGRAIN: Oh, yes, but they did not agree.

Hon. Mr. REID: But they did not meet before submitting their final report to both Governments.

Right Hon. Mr. GRAHAM: My honourable friend did not get that from anything I said, as he will see if he will read it carefully. I said that they had made a joint report, but so far as the appendices were concerned they had not been submitted to the Governments before the American Advisory Board made its report. The Canadian Advisory Board waited until it got the full report of the Joint Engineering Board, with the appendices that completed the report.

Hon. Mr. REID: I do not want to misrepresent the honourable gentleman.

Right Hon. Mr. GRAHAM: I know.

Hon. Mr. REID: This is what he said—I will read it from Hansard:

Now, this is what I would suggest to the Government. The National Advisory Board was appointed for a purpose. The United States Government appointed a Board of the same kind—

that is, an advisory board—

—with Mr. Hoover at its head; but—I say it with all respect—Mr. Hoover's committee made a report before it had the report of the joint engineers in its entirety.

Right Hon. Mr. GRAHAM: With the appendices.

Hon. Mr. REID: That is what I mean.

There were two Engineering Boards, one for the United States and one for Canada, but these met together and formed a joint board of investigation. The respective National Advisory Boards, on the two sides of the line, were absolutely different, and they never met together.

Perhaps I did not understand it aright, but that is the statement to which I was referring.

I have kept the House much longer than I expected. There will be an opportunity at a later date to take up this matter, but I say that until we can get those reports before us we should take no action. The Government should go slow and should give us that information, and if there has been any variation from the report made by those two engineering committees there should be some explanation offered to justify it. I desire to thank the House for giving me the opportunity to say these few words, and I hope that at a later date, when the matter comes up again, I shall have an opportunity of discussing it.

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

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

THE SENATE

Friday, February 3, 1928.

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

Prayers and routine proceedings.

CONTROL OF WATER POWERS

REFERENCE TO SUPREME COURT

Hon. Mr. DANDURAND: I desire to lay upon the Table a certified copy of a report of the Committee of the Privy Council, which reads:

Certified copy of a Report of the Committee of the Privy Council approved by His Excellency the Governor General on the 18th January, 1928.

The Committee of the Privy Council have had before them a report, dated 17th January, 1928, from the Minister of Justice, submitting that at the Dominion-Provincial Conference, held at Ottawa in the month of November, 1927, the Premiers of certain of the provinces questioned the right of the Dominion to dispose of water powers brought into being by the erection of Dominion works for the improvement of navigation, and asserted a right on the part of the provinces to dispose of any such water powers within the limits of the province; and

That in the discussion which followed regarding this claim, and also with regard to the whole question of the division of legislative control over and proprietary interest in water powers, it was found impossible to reach any general agreement as between the Dominion and the provinces, and in the result a request was made by the Premiers of Ontario and Quebec that the Dominion undertake to refer the whole matter to the Supreme Court of Canada for hearing and consideration.

The Committee, therefore, on the recommendation of the Minister of Justice, advise that, pursuant to the powers in that behalf conferred by section 60 of the Supreme Court Act, Your Excellency may be pleased to refer to the Supreme Court of Canada for hearing and consideration the following questions:

1. Has the province any proprietary interest in flowing waters within the province, and, if so, what is the nature of such interest?

2. Does the ownership by the province of the bed of any stream, whether such bed be level or sloping, give to the province the ownership of water powers:

(a) created thereupon by Dominion works for the improvement of navigation; or

(b) existing thereupon by nature?

3. Has the province any proprietary interest in or legislative control over:

(a) the canals, with lands and water power conected therewith, and the lake and river improvements which were conveyed to the Dominion by section 108, Schedule 3, of the British North America Act, 1867, or in or over the disposal of any water powers created thereby or existing thereupon from time to time; or

(b) water powers created by works for the improvement of navigation constructed by or under the authority of the Dominion since Confederation; or

(c) works constructed wholly for power purposes by the Dominion out of moneys appropriated by Parliament for such purpose?

If so, what is the nature of such interest or control?

4. Has the Dominion exclusive legislative power to regulate waters for the purposes of navigation:

(a) in navigable waters; and

(b) in non-navigable waters?

5. Where the Dominion, for navigation purposes, expropriates or uses any part of the bed of any stream vested in the province, is the province entitled to any compensation for such expropriation or use?

6. Has the Dominion the exclusive legislative control over and proprietary interest in water powers brought into being by works authorized by Parliament to be erected in an international stream for the purpose of carrying out an agreement between Canada and any foreign country looking to the erection of joint works for the improvement of navigation in such stream?

If not, what are the powers and rights of the province with regard to such water powers?

7. Where the bed of a navigable stream is owned by the province or by a private individual, is the title of such owner subordinate to the public right of navigation, and to the provisions of any statute which may be enacted from time to time by Parliament, within the powers conferred by section 91 (10) of the British North America Act, 1867?

E. J. Lemaire,
Clerk of the Privy Council.

This is the Order in Council upon which is based the reference to the Supreme Court of Canada with respect to the right of the Dominion of Canada and the Provinces in the matter of water power.

Hon. W. B. ROSS: That will be printed for to-morrow, will it?

Hon. Mr. DANDURAND: Yes.

THE ST. LAWRENCE WATERWAY PROJECT

REPORT OF THE JOINT BOARD OF ENGINEERS

Hon. Mr. DANDURAND: I desire to lay on the Table the report of the Joint Board of Engineers for the St. Lawrence Waterway project, with appendices, accompanied by plates giving an outline of the work.

Hon. Mr. DANDURAND.

Hon. Mr. REID: I would like to ask the leader of the Government if any attempt was made to bring about a meeting between the Governments of the Provinces of Ontario and Quebec and the Dominion Government with a view to coming to some arrangement in regard to the waterpowers, instead of having the matter referred to the Supreme Court. It seems to me that some arrangement might be come to, thus avoiding the delay incident to a reference to the Supreme Court.

Hon. Mr. DANDURAND: There have been numerous discussions between the Provinces and the Federal authorities, extending over a considerable length of time, but no agreement has come of them. I do not know whether they were carried on in writing or orally, but I do know that in the last conference with the Dominion Mr. Taschereau made a very clear request that the matter be referred to the Supreme Court. I am under the impression now that the Prime Minister of Ontario joined in that request, and it is upon that request that the Dominion authorities have acted.

Hon. Mr. REID: I quite understand that if such a suggestion was made, and no attempt was made to settle the matter by arbitration, it must necessarily go to the courts. But what I had in mind was that perhaps the suggestion had been made and urged by one of the three Governments that they should meet and try to settle the matter in the way that I believe it could be settled satisfactorily. It would save a great deal of time in proceeding with the work, and would save also a great deal of money. These questions, in which the Governments alone are interested, could probably be settled by arbitration if a serious attempt were made.

Hon. Mr. DANDURAND: Well, it is mainly a question of the interpretation of the clauses of the Constitution. It is of such vast importance that I fear the contending parties would not be satisfied unless their rights were clearly defined by the highest judicial authority in the land, or by the Privy Council. The provinces claim the waterpowers, and the Federal authorities claim that they belong wholly or in part to the Dominion of Canada. It would be very difficult to arbitrate such a matter, which has a wholly juridical aspect. I believe that it is one of those questions that have to be decided by a judicial tribunal.

ACCOMMODATION IN THE SENATE CHAMBER

NOTICE OF MOTION

Hon. Mr. DANDURAND gave notice of the following motion:

That a select committee be appointed to consider the possibility of enlarging the galleries of the Senate as was suggested at the last Session of Parliament.

That the Committee be composed of the Honourable the Speaker and the Honourable Messieurs Beaubien, Belcourt, Hardy, Macdonell, McDougald, McMeans and White (Inkerman).

Hon. Mr. BELCOURT: As Chairman of the committee of last year, I might explain that the committee presented a report. Honourable gentlemen will remember that I read it yesterday. It was on the Order Paper for concurrence, but unfortunately prorogation took place before it was reached. That is why no notice was taken of the matter by either the Public Works Department or the Cabinet. Hence the necessity for renominating the same or another committee to deal with the matter.

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. Little for an Address in reply thereto.

Hon. G. D. ROBERTSON: Honourable gentlemen, may I at once join in extending a welcome to the honourable gentlemen who have recently become associated with the Senate, and may I particularly congratulate the two of them who participated in the proceedings of the first day by moving and seconding the Address. Their work and records have been commented upon by previous speakers, and I shall therefore pass on.

I intend to be very brief in any reference to Imperial or international relations. I will, as my honourable friend the junior member from Ottawa (Right Hon. Sir George E. Foster) suggested yesterday, absolve the Government so far as it is possible to do so, and speak very frankly my views with reference to subjects on which we are not in accord with the action they have taken. It would be perhaps unwise to go to the length suggested by my right honourable friend from Ottawa yesterday, of pouring the anointing oil on too thickly, because the weather is cold and most members of the Government are rather bald-headed.

The honourable gentleman who moved the Address stated in his opening remarks that too much could not be said with regard to the Diamond Jubilee which was held last year. May I in passing make a few comments thereon? I think it was entirely fitting, it was worthy of Canada and of Canada's past, and inspiring for the future, that the achievements both in peace and in war should be brought to the attention of the people as forcibly as they were by the Diamond Jubilee celebration. I think very great credit is due to the right honourable gentleman, the ex-Minister of Railways (Right Hon. Mr. Graham), who acted as Chairman of the Jubilee Committee. The arrangements were splendid, and the spirit that prevailed throughout the celebration and the impression it made upon the people were entirely in the direction of developing a national sentiment and national pride. It was perfectly right that our people should lift up their hearts in thanksgiving and their heads in pride because of the progress and achievements of Canada since 1867.

I think, also, that the Government could scarcely help celebrating in 1927 when they remembered the Gethsemane through which they passed in 1926 and the cross they had to carry for weeks and months during the long investigation, and how when they were approaching their Calvary they committed harikari. To find themselves redeemed and ransomed by the people of Canada, as they were, must surely have been an occasion for great rejoicing, and in their hearts and minds they must have entered with enthusiasm upon the great project of 1927. It reminded me a little of the hymn that I used to hear when I was a boy and scarcely able to see over the back of the seat in church. They used to sing:

> The year of Jubilee has come,
> Return, ye ransomed sinners, home.

Right Hon. Sir GEORGE E. FOSTER: Temporarily ransomed.

Hon. Mr. ROBERTSON: To continue for a moment on the subject of the Jubilee, mention can always fittingly be made of the gracious visit of the heir to the Throne and of the Prime Minister of Great Britain. I think that their presence in Canada, their touring the country and meeting many of the people in every section—and a strenuous trip indeed it was—has been appreciated highly by the people of Canada and should have the effect of bringing us closer in understanding and sympathy to the Mother Country.

It is obvious that it had such an effect even upon people in high places. I remember in particular the enthusiasm with which some members of the Government entered into that celebration. It is well known how at least one of them travelled a thousand miles in advance of the royal party in order to have the people of his own town gather at the railway station and have the Prince presented with a bouquet of flowers at 7.15 in the

morning. That is remarkable when one remembers that that same Minister during two preceding elections failed to have the National Anthem sung at his meetings, so far as I am aware—and I know that at many of them he did not have it sung. It is gratifying to observe the revival of enthusiasm and loyalty on the part of even members of the Government.

Hon. Mr. DANDURAND: Is it customary in some parts of the country—

Hon. Mr. ROBERTSON: It was in that constituency.

Hon. Mr. DANDURAND: —at political meetings to sing the National Anthem?

Hon. Mr. ROBERTSON: I am surprised that my honourable friend should ask such a question.

Hon. Mr. DANDURAND: In party wrangles at public meetings we do not think of the National Anthem.

Hon. Mr. BELCOURT: We know that the flag can be used pretty often.

Hon. Mr. ROBERTSON: At no political meeting that I have had the honour to attend have the people failed to remember first of all that they are British subjects, and to pay their respects to the Sovereign by singing the National Anthem.

Hon. Mr. BELCOURT: And waving the flag.

Hon. Mr. ROBERTSON: Just a word in passing, with reference to international relations. I shall be very brief on this point. It has been well covered by my honourable friend who spoke yesterday. He dealt with it much more in detail and much more effectively than I could hope to do. I desire, however, to bring to the attention of the House and of the Government what I regard as a very practical side of the question. We have in this city a representative of the Government of the United States, a dignified, courteous gentleman, who is carrying on his work without ostentation. He appears fully satisfied to reside in a dwelling which I suppose is worth about $30,000, and he represents 117,0000,000 of people. When I think that before the Dominion Parliament had even authorized the sending of an ambassador to the United States the Government had purchased a $500,000 dwelling in Washington, which is said to have cost approximately $100,000 since to maintain, it seems to me that Canada should be careful about branching out into the establishment of embassies in all the countries of the world, because the cost is liable to be stupendous. I thoroughly agree with my honourable friend who spoke yesterday that the efforts of Trade Commissioners skilled in their work would do Canada far more good than could be done by ambassadors.

I have before me—I do not know whether other honourable gentlemen have seen it or not—a photograph of the place where Canada's representative will do his work in Paris, the new Canadian Legation. The photograph is copyrighted by the Toronto Star, and apparently it cannot be published without their permission. The building is situated in the heart of Paris; it is five stories in height, and is on the plan of what we should call a flat-iron building, with balconies on the front of each story, at the intersection of the streets—a wonderful place for the Ambassador to present himself to throngs of people who may want to hear about Canada, I presume. Judging from the photograph, I should think it likely that the cost would be equal to what we have already paid for the Embassy in Washington.

Hon. Mr. DANDURAND: Will my honourable friend allow me?

Hon. Mr. ROBERTSON: Certainly.

Hon. Mr. DANDURAND: I visited the place. It is simply one leased apartment on the ground floor of that building. So my honourable friend need not be afraid of the present cost of establishing a legation in Paris.

Hon. Mr. ROBERTSON: I am sure the House and the country will thank my honourable friend for the information, for it has been a matter of comment that the extravagance with which Canada started out to furnish embassies was liable to lead us in the direction of bankruptcy.

Let what I have said be sufficient for that subject. I turn now to domestic matters, which I regard as being of much greater importance to the humble people, the everyday working people of Canada, than Imperial or international relations.

In business the method usually adopted to ascertain results is to make a comparison, and it seems to me that if we are to measure the progress that Canada is making, a reflection on the past and a comparison with the present will help us to reach a proper conclusion and obtain a truthful picture. The present Government have had the responsibility of carrying on the affairs of Canada for some six years past. It was impossible,

and indeed unfair, to criticize them except in discussing the principle and the anticipated effect of measures that they brought down; but now there has been time to test some of those measures which were hailed as being of great benefit to Canada. The testing period having passed, it seems fair that we should now refer to them and bring them to the attention of the House in order that we may realize just what has been the effect of the Government's policies and legislation.

Perhaps the most important and most vital subject that affects all the people is the volume of trade and the quantity of goods that Canada can produce in order that her people may have employment and prosper as much as possible. It was brought to the attention of the Canadian Parliament some time ago that the Government proposed to enter into a treaty with the Republic of France, and it was stated that the proposed provisions of that treaty would be very beneficial to this country. France was to give to Canada, and did give, preferential treatment on a number of articles; and Canada was to give to France certain specific reductions on imports into this country. Shortly after the ink on the treaty was dry France raised her general tariff, wiping out the advantages which Canada anticipated she would receive. I am not disposed to criticize the gentlemen representing the Government that made that treaty; I presume they had confidence in the gentlemen with whom they were dealing; but apparently, for some reason which subsequently arose, France saw fit to raise her general tariff and take away the advantages that Canada had expected. The Canadian part of the agreement being a specific reduction, there was no getting away from its fulfilment, and the unfavourable balance of trade in 1926, of $8,500,000, was increased in 1927 to $13,500,000. Most of the imports from France are in direct competition with similar Canadian products. This treaty has been of real benefit to the French manufacturer and workman, and it has been a real blow to Canadian industry and Canadian labour.

Trade agreements were made also with Australia and New Zealand. A great deal of discussion occurred, particularly in another House, relative to that proposed treaty, which was urged by the Government and subsequently approved by Parliament. Now let us see how it has worked out. In the twelve-month period ended in November 1926 we exported to Australia $18,300,000 worth of goods, and in 1927 we exported $16,984,000—a drop of approximately $1,500,000. We imported from Australia in 1926, under this treaty, $4,353,000 worth of goods, and in 1927 a total of $7,785,000. The balance of trade in favour of Canada has thus been reduced in one year from fourteen to nine millions, and further, by reason of a clause in that treaty whereby Canada agreed to raise the duty on dried fruits against all other countries of the world, the Canadian consumers have in the last year paid $1,500,000 in additional duties on that particular commodity for the benefit of Australia, though very little, if any, of the goods came from Australia at all.

The same features were extended to New Zealand, which, as we all know, enjoys its summer while we have our winter. New Zealand is to a very large extent a dairying country, and I may say that the Government are fully aware of the mistake that was made, for New Zealand butter and other dairy products have come into competition with Canadian farm products to such an extent that the farmers of this country have raised their voices in protest.

Now, let us see what happened to New Zealand trade. In 1926 we exported to New Zealand $15,401,000 worth of Canadian goods, and $12,006,000 worth in 1927—a drop of $3,400,000. We imported from New Zealand, in 1926, $3,874,000 worth, and in 1927, $5,563,000 worth, and the favourable trade balance of $11,500,000 was reduced to $6,500,000 with New Zealand, the worst feature of all being that the imports to this country have seriously endangered the Canadian dairy industry.

Hon. Mr. BELCOURT: May I ask what kind of goods were included in those imports and exports?

Hon. Mr. ROBERTSON: Of course, it is impossible to give my honourable friend a detailed statement, but our exports to Australia and New Zealand to a considerable extent were manufactured goods such as newsprint, automobiles, etc. I think it is true to say, in further answer to my honourable friend's question, that Australia has raised her tariff on automobiles to such an extent that Canadian-manufactured cars no longer go there in large quantities. As a result, our export of automobiles last year fell by $4,530,000, which is a further incident that might be mentioned in connection with the Australian treaty.

Hon. Mr. BELCOURT: How about New Zealand?

Hon. Mr. ROBERTSON: The same applies. Trade agreements have also been entered into with the West Indies, which is nearer home, looking to the encouragement of trade. There were delegations, conferences

and banquets as well as forecasts of steamship subsidies, ship-building programmes, etc., looking to trade extension. What have the results been? Quoting from the Government's figures for one year, we find that a trade balance of $500,000 favourable to Canada has been turned into an unfavourable balance of $1,500,000; and, in addition, Canada is proposing to subsidize a line of steamships, the cost of which will be roughly $2,000,000 a year when the line is established, to carry on that trade.

These, honourable gentlemen, are but samples of a number of treaties with other countries that might be mentioned, but these are of outstanding importance, and were brought before Parliament and discussed here. Now, in the light of experience and with the knowledge of what has occurred, we say to the Government that we do not think that their experiments in the line of treaty-making have been a very great success, or have resulted in very great benefit to Canada.

Now let us turn to another subject, that of taxation. Nearly seven years ago the present leader of the Government, who was then leading the Opposition, very violently attacked the Government of that day because of what he termed extravagance and misgovernment. Indeed, to quote his words: the former administration was "full of intrigues and deceptions, full of broken pledges and shattered ideals, of lost visions, of vanished faiths, and contain the seeds of a nations decay." That was the utterance of the leader of the present Government, in the Session of 1921, respecting the former Government which, during the five-year period from 1917 to 1921 inclusive, had collected from the people of Canada $1,412,000,000 in taxes, and out of those collections had carried on the ordinary government of the country, and in addition thereto had paid $184,000,000 of the war obligations out of current revenue.

That performance of a preceding Administration having been very distasteful to the then leader of the Opposition, it might be supposed that when given the opportunity to govern, in view of the promises that were made of retrenchment and economy, reduction of debts, reduction in the cost of living, and all the rest of it, at least some of those things would have been brought into effect. But what has happened in the last five years? Perhaps honourable gentlemen may be familiar with the fact, or perhaps they may not have had time to look it up; but the fact is that during the five years following the date when the present Administration came into power, that is, from 1921 to 1926, they collected from the people, the sum of $1,623,000,000, that is, they took from the pockets of the same people, during a similar period, $211,000,000 more than had been taken by the Government that they condemned.

Now, one might suppose that at least that $211,000,000 would have gone towards defraying the public debt. The war was over three years before they came into power. But what do we find? That on the date the present Government assumed office the net debt of the Dominion of Canada was $3,197,690,000 while on June 30th, 1926—the date the Government committee hari-kari—the debt was $3,288,757,000—an increase of nearly $100,000,000, with $211,000,000 more collected in taxes. Yet we find this situation from the Government's own record.

It is difficult to understand the reasoning of our Finance Minister when on August 8 he made the statement that he had reduced the interest on the public debt by $10,000,000. The interest payments by the Finance Minister on the public debt in the year 1921-22 were $169,723,000, and for the fiscal year 1925-26, for the same purpose, the interest account loan paid by the same Finance Minister was $171,471,000; so we see that, notwithstanding the tirade of criticism and condemnation that was hurled at the preceding administration by the present Government, and all their promises that were made to mend matters, that this, roughly, is the result.

But we shall be told: "Ah, but see the prosperity that has come to the country; look at the expansion in trade; certainly we must have an increase in revenue and taxation because of the expansion in trade." Now, let us look at that question for a little while. Has there been any real expansion in trade? I picked up a newspaper the other day and saw the annual report of the Canadian Bank of Commerce, one the largest and soundest institutions in Canada, and the gentlemen who presented the Board's report said, among other things, that our surplus of exports over imports was reduced from $400,000,000 in 1926 to $236,000,000 in 1927, which is a drop of $164,000,000 on our export trade in one year, and is more than one-third of the total surplus of 1926.

I notice also by the monthly publication issued by the National Revenue Department that for the nine months of the present fiscal year the money actually received from tax collections exceeded the receipts of 1926 by $14,458,000. One would expect that there must have been an expansion in business to warrant an increase in taxation, but, with a drop of $164,000,000 in our export trade, our

people were taxed $14,000,000 more than they were the year before. I have some difficulty in associating myself with the general enthusiasm over our passing through a time of piping prosperity.

We find, also, that Canadian imports have vastly increased for the nine months' period just closed, judging from the National Revenue Department's own record. The increase in imports entered for consumption for nine months of this fiscal year was $56,000,000 as compared with last year. In other words, we are purchasing from abroad the product of labour in other lands to the extent of $56,000,000 more than we did a year ago; and this in the face of factories that are capable of producing those goods, and unemployed workmen waiting for an opportunity to manufacture those goods in our own country. We also exported $33,819,000 worth less of goods to other countries of the world than we did in 1926.

Now, with our exports to other countries of the world dropping by $33,000,000; with our increased imports and purchases—our money going out of the country to the extent of $56,000,000 more than during the previous corresponding fiscal period; with the taxation of the people increased by $14,000,000 in nine months, I ask, in all sincerity, where is the prosperity which is so flippantly heralded broadcast through the country? Is it not true that during the time that the people were looking up, inspired by hope for the future because of the achievements of the past, the Government of the country was simply taking a little over a million and a half dollars a month out of the pockets of the people more than they did the year before, and the people's incomes were being decreased?

Let me refer to what I regard as a very true barometer of national trade, that is, transportation. If goods are produced they are transported either to home markets or to foreign markets, and when that occurs transportation reports and records show the effect of it. Now, what do these records show? We have heard it said during the last few days that the gross earnings of the railways were slightly increased and their net earnings substantially reduced. The Prime Minister himself said that this was due to the decrease in rates and the increase in wages. Just in passing I wish to repeat a statement I made last year, that to-day on the average, railroad employees in Canada are receiving a little over $200 a year less per capita than the same employees receive in the United States, and the American railroads are enjoying rates which enable them to pay their employees a more reasonable and adequate wage.

Coming back to the basis of comparison, what is our comparable situation in the matter of railway traffic, in reference to the transportation of goods which Canada has produced? In the year 1922, the year this Government came into power, all the Canadian railways transported 108,530,000 tons of freight. In the year 1925, which is the last year on record—because honourable gentlemen will know that the 1926 reports do not come out until the Year Book of 1927 is published—the railroads handled 109,850,000 tons, or an increase of a little over one million in four years. Now let us hark back a little, and see what has been the development in our volume of transportation in years gone by. In 1900 our railways handled 35,000,000 tons of freight; in 1918-19, 127,000,000 tons of freight; and in the year 1925, 109,000,000 tons.

Hon. Mr. DANDURAND: Was it not larger in 1923 and 1924?

Hon. Mr. ROBERTSON: I am glad my honourable friend asked that question, because I did not want to burden the record with too many figures. In 1923 the amount was 106,000,000 tons, and in 1924 118,000,000 tons; therefore the record of 1925 is 9,000,000 tons less than 1924; and if my honourable friend will refer to another record which is just out to-day, distributed by the Bureau of Statistics, he will find that for the month of November alone the quantity of freight handled over Canadian railways was 37,000 tons less than it was in the month of November a year ago.

What do these figures indicate? They indicate that the goods are not being produced for transportation, and that we are not expanding as we ought. The average normal expansion in transportation and in trade from 1890 to 1921 was seven per cent per year. I leave honourable gentlemen to estimate what the expansion has been since 1921.

Let us refer now to another point, to all the new equipment that has been put on our railroads to accommodate passengers. Thousands of passenger cars, as palatial as any that are to be found in the world, are travelling back and forth across our transcontinental lines, and yet in 1925 our railways handled, all told, 41,458,000 passengers, which was 5,200,000 less than travelled on our roads in 1913. That does not justify this hilarious wave of enthusiasm in reference to the great expansion of business.

Let me point out another fact, however, which in my opinion tells the story, and is a vital point. In 1920, according to the Government's own record, there were 185,177 Canadian citizens, or people residing in

Canada, employed on our Canadian railroads, while in 1925 there were 166,027, a reduction of 19,150 men employed in one branch of our National activities alone—a decrease of 19,150 in four years.

Hon. Mr. HAYDON: Has the honourable gentleman any statistics in reference to the growth of motor travel generally, and motor bus business particularly, showing how far these may have interfered with the reports which he gives of the progress of the railroads? That mode of travel has appeared in recent years, but in 1913 there was none of it.

Hon. Mr. ROBERTSON: So far as I know no government, Federal or Provincial, has any record of that volume of traffic. In answer to my honourable friend, I will say that I do not believe that the number of passenger trains doing the daily business of the country to-day is one per cent less than before the auto business came into existence, but the cars are travelling only party filled.

One other point. I have shown that there are 19,000 fewer employees in this one of our activities, but in 1920 the wages that those men earned amounted to $290,510,000. Railway men are just like everybody else: they spend probably ninety cents out of every dollar they earn, maybe more, to purchase, first, the necessaries of life, and second, comforts for themselves and their dependents. But in 1925, those same railway employees received only $237,755,000 for their services; thus there was a reduction in the purchasing power of that one class of public servants by $52,000,000 a year. Now, if goods are not produced, if they are not transported, if the number of men employed in the manufacturing and transportation industries of Canada are decreasing by thousands, how in the world can we intelligently satisfy ourselves that we are enjoying national prosperity?

Hon. Mr. DANDURAND: Industries seem to be employing a greater number of men this year than before.

Hon. Mr. ROBERTSON: I am glad my honourable friend has mentioned that point. There is in existence a system whereby it is suggested that the Government has information as to the state of unemployment. During the time I had the honour to be Minister of Labour, that system was inaugurated with a view to getting all the information possible on the subject, and we had, at that time, the co-operation of the employers in Canada to a very marked degree—at least 30 per cent more of the employers were co-operating with the Government than now, judging from the number that are reported. It may be that the industries are not there, that they have been closed. But the manufacturers reporting to the Government number roughly two-thirds of those who were reporting six years ago, and those who are reporting indicate that there is no more unemployment to-day than there was six years ago—indeed, at this season of the year the unemployment situation is not quite so bad as it has been in the past. But what has happened during these six years? Roughly 10,000 Canadians a month have exiled themselves from this country in order to earn a livelihood; therefore there is not the unemployment that there would be, if we had all our citizens here.

It has been said that we have a great expansion in trade. Taking the same report of the Canadian Bank of Commerce, we find that in 1927 the exportation of Canadian products of the farm was $77,000,000 less than it was in 1926. The report gives this information in detail by commodities.

Hon. Mr. BELCOURT: Mainly grain.

Hon. Mr. ROBERTSON: The details are as follows: wheat, $29,000,000; oats, $11,000,000; flour, $10,000,000; butter, $2,000,000; cheese, $6,000,000, hay, $2,000,000; apples, $2,000,000; cattle, $5,000,000; ham and bacon, $10,000,000; making a total decrease in the value of farm products exported of $77,000,000. Lumber products exported showed a decrease of $8,000,000.

Hon. Mr. HUGHES: How does the price compare with that of the former year?

Hon. Mr. ROBERTSON: I have not that information before me. My honourable friend will probably address the House and can give that information if he has it.

Hon. Mr. HUGHES: I have not got it.

Hon. Mr. ROBERTSON: I think the price of wheat was quite equal to that of the previous year.

We find a decrease of $4,216,000 in the value of automobiles exported, due, chiefly, to the reason referred to a moment ago—the Australian situation. But the last attack that was made on the tariff of Canada, touching automobiles in particular, touched the Canadian manufacturer not only of automobiles but of the parts that go into them, and as a result the increase of automobiles imported into Canada last year over 1926 amounted to $12,400,000, of goods that might have been manufactured here. Let me add that the drop in the price in the United States was practically equivalent to the drop in Canada, and it would not have made a bit of difference if the tariff had been left alone. The result probably would have been practically the same.

Hon. Mr. BELCOURT: Would my honourable friend tell me how that $12,000,000 of automobiles could have been manufactured in Canada. Were we equipped to produce those?

Hon. Mr. ROBERTSON: Oh, yes. Our export dropped by $4,000,000.

Hon. Mr. BELCOURT: My honourable friend states that there were $12,000,000 worth imported from the United States that could have been manufactured in Canada. On what does he base that statement? Were we equipped to produce that $12,000,000 worth?

Hon. Mr. ROBERTSON: I venture the statement that we were, that our automobile factories have not been running continuously day and night, and as I say our exports dropped by over $4,000,000.

Hon. Mr. BELCOURT: It might have been so with regard to Fords, but it is not so with regard to many other automobiles that were imported into Canada.

Hon. Mr. ROBERTSON: I was referring to automobiles.

Now may I pass on to another subject, namely, immigration and colonization. The subject commonly termed immigration is very often misunderstood. I think that the term colonization should be used very much more widely, as it is a much better expression of just what we have in mind, and of what governments have in mind, in dealing with the subject of putting settlers on the land. Immigration is no longer necessary to the same extent that it used to be in Canada. Remember, I am distinguishing now between immigration and colonization. And why do I say that? First, because our manufacturing industries are not absorbing the same number of additional men in their development that they did over a long period of years; and second, because the Government of Canada ten years ago decided that, instead of bringing in skilled workmen from other countries of the world, they would aid the Provinces and municipalities in the promotion of technical education so as to qualify our Canadian sons as skilled workmen so that they would be able to hold the positions paying the best wages, instead of simply being, as a gentleman in the Quebec Legislature rightly put it the other day, "hewers of wood and carriers of water," under the supervision of skilled men from other lands. May I remind the Government that that legislation expires this year, and that unless it is renewed valuable assistance to Canadian workmen will be lost. I hope it is not going to be the policy of the Government to withdraw the grant of $1,000,000 a year in aid of technical education, because it would simply be an encouragement to the peonage of Canadian workmen. With regard to immigration, therefore, there is not now the necessity that there was in years gone by to bring in immigrants, but it is generally conceded that there is plenty of room for colonization on a large scale.

Just here may I for a minute or two refer to the record of what has transpired under succeeding Governments concerning colonization and immigration? Page 172 of the Canada Year Book just published, containing figures up to and including 1926, and giving the information officially, shows that in the three years from 1919 to 1921, inclusive, the Government of Canada spent $4,186,000 to induce immigrants to come to Canada, and that they obtained by reason of that expenditure 323,515 people, or an average of 107,835 per year at a cost of roughly $12 each. Now, in 1922 a new Government came into power, and since that time I think there have been about nine or ten revised and improved immigration policies announced. And with what result? From 1922 to 1926 inclusive, a period of five years, the Federal Government spent $11,607,000 to get 518,872 people to come to Canada, or an average annual immigration of 103,774 at an average cost of $22 each. May I point out that in 1921, the last year, according to the opinion of the present Prime Minister, of this lame Government, there was spent $1,680,000, resulting in 148,477 immigrants. In 1922, under the new Government, with its new immigration policy, there was spent $2,052,000 to secure 89,999 immigrants. None of these things inspires one with great confidence as to our progress.

There is one other point that I omitted to mention in connection with trade. It is said that we have had a great expansion and wonderful development in mines. A reliable paper, quoting the statistics of the Dominion Bureau, under date of January 19, says that the gold, silver, nickle, lead, copper, zinc, and other metals produced in Canada in 1926 amounted to $115,000,000, and in 1927 to $112,000,000.

I know that some honourable gentlemen will probably follow me, and will say that I have been painting a picture that is not good for Canada. I say it is not fair to deceive the Canadian people any longer. Let them face the facts and help the Government find a remedy when they have an opportunity. I am inclined to think that if the people of Canada know all the facts, and have the picture placed fairly before them, they will revise their Jubilee inspirations, and that instead of looking up with admiration at a

benevolent Government that has been patting itself upon the back and holding jubilees, they will seek to put their house in order and look after their own business, and to adjust matters to bring about results comparable to those that Canada enjoyed in the days of prosperity in years gone by.

I have burdened the House at too great length already, but I desire to say a word more touching the immigration question. Science and invention are daily narrowing the field of employment for labour. In inverse ratio the inevitable demand for relief and assistance to unemployed and aged workmen, no longer required or wanted in industry, is increasing. And these problems cannot be solved by increasing the importations of manufactured goods from other lands where lower standards of wages and living exist. High standards of living must be maintained in Canada, or the emigration of Canadian born citizens will continue to grow. Replacing them by the importation from continental Europe of those who will work for a lower wage and live upon a lower plane can only make the situation worse. The ultimate aim and hope of most of such immigrants is to cross some day the border-line into a country which they are now unable to enter. Such sojourners do not make good Canadian citizens, nor do they help to build a Canadian citizenship. The cumulative effect over a period of years of this migration of Canadians to the United States, and the replacing of them by continental Europeans whose only desire is to get across the boundary if opportunity permits, is not encouraging to the standard of citizenship or the national spirit that ought to exist in Canada, and the cumulative effect of twenty-five years of this practice will be disastrous. Now, honourable gentlemen, I am not a pessimist. I believe that these things are all capable of correction; but I believe that Canada has enjoyed a degree of prosperity in spite of and not because of its Government.

Hon. Mr. DANDURAND: I hope the majority of the people are in a happier mood than my honourable friend.

Hon. JOHN S. McLENNAN: Honourable gentlemen, I shall take only a few minutes. I am conscious, in putting before you the thoughts that have been running through my mind during this debate, and prior to it, that what I have to say will be rather an anticlimax to some of the speeches to which we have listened, and certainly there will be no great vivacity on my part until I have digested the figures which the honourable gentleman who has just proceeded me (Hon. Mr. Robertson) has presented to us.

The line of the argument that I desire to make is somewhat similar to that followed by one or two speakers who have preceded me, namely, that a great deal too much attention has been given to this question of immigration—of bringing people into this country. Once the people in this country are prosperous and happy there will not be the slightest difficulty in getting others to come here, and in keeping them here. It is a by-lane, a blind alley, that we are travelling, and it seems to me that all the attention that is being given to the question of merely increasing our population will not make our immigration all that we want it to be, and will not keep here those who may be attracted to our shores. It seems to me that the prosperity of the people of the country is of vastly greater importance than the number of people. A population of one million living comfortably and earning a surplus will make a better country than a population of a million and a quarter with only the same productive power.

In the course of some remarks which I made last Session I illustrated the truth of that principle, as I conceived it, by some figures about Prince Edward Island, showing that though in the twenty years ending at the time of the last Census, in 1921, the population of the Island had decreased by about 15 per cent, yet the earnings in the Island per capita were three times greater than they were at the beginning of the period, in 1901. I think that the same principle applies throughout the country.

We have, it must be remembered, great natural resources and a very elaborate system of transportation. We can produce far more than will be absorbed by the home market in, say, the next decade, however great may be the increase in population. In order to keep our industrial enterprises busy and provide adequate business for our transportation system we unquestionably need to increase our production, particularly our manufacturing and industrial output and our exports. We have a volume of exports which is very creditable, considering the population of Canada, but a large proportion of our exports are not sufficiently advanced from the raw state to give the utmost income to our people. We must increase not only the volume, but also the value, by sending out finished products rather than raw materials. In studying and devising means whereby our production may be increased, the country made more prosperous, our people kept here and other

people attracted, particular attention and encouragement ought to be given to the production in Canada of articles of peculiar excellence—flour, or steel, or whatever they may be—that are better than can be produced anywhere else. I absolutely agree with the honourable gentleman who has just spoken (Hon. Mr. Robertson), and with many others, that we must not lower the standard of living in Canada, and in the development of our export trade, which it seems to me is absolutely necessary, particularly in its higher forms, we shall have to meet the competition of goods produced by people who have long developed skill and are content to live at a lower standard than our own people.

The essentials of commercial success are materials, invention, capital, and administration. What have we in these things? We have an ample supply of the raw materials: so can pass them by. The credit of Canada is such that we can attract the necessary capital. Under the heading of invention come science and technical skill in producing articles of the best quality. The telephone began in Canada. One of the great advances in the discovery of radio activity was made about twenty years ago in the laboratories of McGill University. These and many other examples show that we have in Canada a creditable share of inventive genius. The next requirement is good administration, whether in large or in small enterprises; and I think there are enough successes in Canada in every phase of our productive activity to show that we have people capable of that type of administration. In this respect it is of the highest importance that our schools and universities should train our people to transact business intelligently.

The research that has been carried on by many of our scientific workers has had a beneficient effect on our trade. For example, the discoveries made by Canadian investigators have practically eliminated, or are in process of eliminating disease in codfish, which was seriously hurting our business. I am glad to be able to congratulate the Government on their determination to increase largely the assistance given to scientific research. That in its higher phases will promote invention, which can be utilized not only for the development of production and trade in Canada, but also for the benefit of the whole world of science. I trust that the support given by the Government to scientific research will be trammelled as little as possible by departmental supervision.

The character of our people is such that we can look forward with interest, with hope, and with confidence to the future. We have inherited great traditions; from the French as explorers, from the British in their maritime experience and in their capacity to overcome difficulties and to deal quietly and on good terms with other races. These are real advantages, and if we set out to conquer outside markets by providing goods which will hold a place in those markets, there is no doubt that we shall succeed.

In speaking on the Address it is customary to congratulate the mover and the seconder. That I can do with real pleasure. As they are both modest, I will not amplify the reasons for doing so, especially as those reasons have been so felicitously and accurately stated by the honourable leaders of the House.

Another thing that seems de rigueur in this debate is to say something about the representation of Canada in foreign countries. That is a matter which we shall have further opportunities to discuss, and I think the honourable leader ought to be in a position to tell us exactly what is meant and what is proposed by the policy of the Government. There seemed to be certain reasons for the appointment of a minister at Washington, but I am inclined to believe that everybody in the country who was not in the secrets of the Government was completely surprised at the announcement that we were to have diplomatic representatives also in Tokio and in Paris. We should know how far this matter of diplomatic representation is to go, and until we know it we cannot intelligently and properly deal with the question. We should know whether the appointments are to be truly diplomatic; that is to say, whether the positions of the representatives that we send abroad are to be like those in the British and other services. Are the qualifications to be based on experience in diplomacy, or must they be political? Will an official be allowed to remain for years in the diplomatic service, or are we to adopt the system carried on by the Americans for a hundred years, and now abandoned except in the case of their great embassies, of changing the officials with every change of administration? These are important questions, and I think that sound decisions on them would reconcile many people to this unexpected extension. Another point that ought to be very fully considered by the Government, and on which they ought to inform us, is whether or not they intend, when so much is heard of democracy, to

follow the American policy of making such positions possible only to men of large private means. That is notoriously the case with the United States. The nations of Europe, on the contrary, make adequate provision for the maintenance of a decent, dignified, unostentatious setting for their diplomatic representatives.

Honourable gentlemen, I intended before I rose to speak with more fluency. I hope I have not spoken too long. It must have been the statistics of my honourable friend that so disturbed my nervous system.

Hon. GEORGE G. FOSTER: Honourable gentlemen, as one of the two representatives present from my native province, I would suggest to the honourable leader of the Government the advisability of our adjourning the further discussion of these very interesting subjects. There are many members of this House who, I am sure, would regret being unable to hear the addresses of honourable gentlemen who intend to speak, and, as there is but a short time left for the present sitting and no hope of concluding the debate, I move that it be adjourned until Tuesday.

On motion of Hon. G. G. Foster, the debate was adjourned.

The Senate adjourned until Tuesday, February 7, at 3 p.m.

THE SENATE

Tuesday, February 7, 1928.

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

Prayers and routine proceedings.

THE PROVINCIAL CONFERENCE

PRECIS OF DISCUSSIONS

Hon. Mr. DANDURAND: Honourable gentlemen, there was no official report made of the Conference which took place between the Dominion and Provincial Governments, but there was a précis of discussions prepared, which was edited by representatives of the respective Governments. I believe that précis was given to the press daily. I now desire to lay on the Table a complete copy.

Hon. W. B. ROSS: Are there copies for distribution?

Hon. Mr. DANDURAND: I do not know

THE JUDICIARY IN CANADA

INQUIRY

On the notice:

Hon. Mr. McMEANS:

That he will call the attention of the Senate to the Judiciary in Canada, and will enquire of the Government:—

1. The number of Superior Court Judges in each of the different Provinces of Canada.
2. The number of Superior Court Judges, per capita, in each of the different Provinces of Canada.
3. The salaries paid.
4. The number of County Court Judges in each of the different Provinces in Canada.
5. The number of County Court or District Court or other inferior Court Judges whose salaries are paid by the Government of Canada, per capita, in each of the different Provinces of Canada.
6. If it is the intention of the Government to increase the salaries of the Judges or any of them, and if so, by what amounts.
7. If any promise has been made by the members of the Government to increase the salaries of the Judges, or any of them.
8. The number of Appeal Judges in each Province.
9. Number of Appeal Judges per capita in each Province.

Hon. Mr. DANDURAND: I have the information for which my honourable friend asks, but as it is quite lengthy I shall not read it. It will appear in Hansard.

The Hon. the SPEAKER: I understand the honourable gentleman wishes to make some remarks on this inquiry.

Hon. Mr. DANDURAND: I had not noticed the form of the inquiry.

Hon. Mr. McMEANS: I ask several questions. When I have had an opportunity to digest the information I want to make some remarks.

Hon. Mr. DANDURAND: My honourable friend may give another notice later on when he has examined the document.

Replies to questions

1. Including Judges of Appeal, Supreme Courts, Superior Courts and of King's Bench:

Ontario	19
Quebec	48
Nova Scotia	7
New Brunswick	7
Manitoba	11
British Columbia	11
Prince Edward Island	3
Saskatchewan	12
Alberta	11
Yukon	1

2. On population as given in Census of 1921:

Ontario	1	judge to	154,403	persons
Quebec	1	"	49,192	"
Nova Scotia	1	"	74,834	"
New Brunswick	1	"	55,411	"
Manitoba	1	"	55,465	"
British Columbia	1	"	47,689	"
Prince Edward Island	1	"	29,528	"

Saskatchewan.. ..	1 judge to	63,126	persons
Alberta..	1 "	53,496	"
Yukon..	1 "	4,157	"

3. 18 chief justices, $10,000 each.
112 puisne judges, $9,000 each.

4. Ontario..	65
Québec..	0
Nova Scotia..	7
New Brunswick..	6
Manitoba..	10
British Columbia..	14
Prince Edward Island..	3
Saskatchewan..	18
Alberta..	12
Yukon..	0

5. Calculated on Census of 1921:

Ontario..	1 judge to	45,134	persons
*Quebec..	1 "	590,299	"
Nova Scotia.. ..	1 "	74,834	"
New Brunswick ..	1 "	64,649	"
Manitoba..	1 "	61,012	"
British Columbia.	1 "	37,489	"
Prince Edward Island..	1 "	29,538	"
Saskatchewan.. ..	1 "	42,084	"
Alberta..	1 "	49,038	"
Yukon	none		

*The only judges in Quebec coming under this question are the 4 judges of the Circuit Court of Montreal.

6. The intention of the Government will be disclosed in due course.

7. No.

8 and 9. These are included in reply to No. 1.

ACCOMMODATION IN THE SENATE CHAMBER

MOTION

Hon. Mr. DANDURAND moved:

That a Select Committee be appointed to consider the possibility of enlarging the galleries of the Senate, as was suggested at the last session of Parliament.

That this Committee be composed of the Honourable the Speaker and the Honourable Messieurs Beaubien, Belcourt, Hardy, Macdonell, McDougald, McMeans and White (Inkerman).

The motion was agreed to.

DIVORCE BILL (ONTARIO)

THIRD READING POSTPONED

Hon. Mr. WILLOUGHBY moved the third reading of Bill A, an Act to provide in the Province of Ontario for the dissolution and the annulment of marriage.

Hon. N. A. BELCOURT: Honourable gentlemen, when a Bill somewhat similar to this was before us for consideration a couple of years ago, I took part in the discussion and dealt with it purely and exclusively from the point of view of natural and civil law. At that time I carefully abstained from obtruding religious or sentimental views of any kind, and on this occasion I intend to confine myself in the same manner.

I may at once say that I am not labouring under any delusion that the observations which I am about to offer are going to make one single convert to my view in this House. If that were my purpose in making these observations, I would not make them at all; but I think it my duty to do so, not because of the convictions which I hold—convictions which I know are shared by a great many honourable gentlemen who are not Roman Catholics, who sit with me in this House. I think practically all Catholics of Canada, whether Roman or Anglican, share with me the views that I hold upon this subject.

In order that my observations may be as brief as possible and that I may not weary the House, I have reduced to writing my views from the legal aspect, and with the permission of the House I will read this epitome of what seem to me to be the principles which must govern the matter of divorce.

Before reading this summary I desire to point out that there is apparently no demand for this legislation. The public press has not mentioned the subject at all. We have no way of ascertaining what is the public opinion in the province of Ontario, to which this Bill will exclusively apply. Whether a Bill of this kind is desired or not is a matter of mere guesswork. I had expected that the opinion of the province would have been ascertained through the Attorney General, who would have been in a position, to a certain degree at all events, to let this House know just what is the state of public opinion or public feeling in Ontario with regard to this jurisdiction being conferred on our provincial courts. I am sorry that nothing of that kind has been done. It might have served as a guide to myself and to others.

This is the resumé. I desire to read it, because I think every word counts, and I could not be very sure of giving every word from memory.

There is no obligation on the part of Parliament under the B.N.A. Act to hear or grant applications for divorce, or to confer such jurisdiction on the courts.

May I interpolate here that I quite understand the attitude of the honourable gentlemen who sit on the Divorce Committee, and I heartily sympathize with their desire to get rid of the business of hearing applications for divorce. I do not think that is the proper function of this Legislature or any other, and I am sorry that my attitude must be in opposition to the legitimate desire of honourable senators to be relieved of the necessity of giving so much time to the hearing of divorce evidence. I can imagine how wearisome and uninteresting the duties of a member of the Divorce Committee must be

Divorce is not a natural or logical function of any legislature. It is the duty of legislatures to maintain, not to disrupt, contracts. Divorce is a violation of the vested rights of society, family and home. Therefore it is contrary to civil law, as it destroys rights which have been legally acquired and which cannot be compensated for in any way or in any degree.

This Bill would confer a jurisdiction which is diametrically opposed to the legitimate functions of civic tribunals, whose fundamental function is the maintenance, not the destruction, of contracts. The Bill does not and cannot provide any compensation to those who would be gravely injured.

It would cause a degradation of the majesty of the law and of the dignity and functions of judicial tribunals.

Divorce is increasing in many parts of the world at an alarming ratio, and it already constitutes the greatest menace to the family, the permanence of the human race and the stability of society and state.

I have nothing to add, honourable gentlemen.

Hon. J. J. HUGHES: Honourable gentlemen, this is a very important measure. It was discussed last year at some length, and I think it would be well to give at least a day to the consideration of the question in this Chamber this year. It might be possible to frame a Bill that would be acceptable to both Ontario and Quebec, and if that could be done, it would, I think, be better than to confine it to one province. Since the discussion took place last year some honourable members of this House may have formed views which would be acceptable, and it may be possible to make some modifications in this Bill without injuring it. Would it not be better to take up now the Address in reply to the Speech from the Throne, which I presume will be disposed of this afternoon or this evening, and devote to-morrow, or a part of to-morrow, to the discussion of this measure? If that suggestion meets with the views of the House I will move the adjournment of the debate.

Hon. Mr. DANDURAND: Is the honourable gentleman simply making a suggestion?

Hon. Mr. HUGHES: I will make a motion. I beg leave, honourable gentlemen, to move the adjournment of the debate.

The Hon. the SPEAKER: I have not heard any honourable gentleman second that motion.

Hon. Mr. BELAND: I will second the motion.

Hon. Mr. WILLOUGHBY: If the motion is not merely a dilatory one for the purpose of preventing our dealing with the Bill before the long adjournment of the Senate, I have no objection. If it is intended as a means of delaying the measure again, I object to it very seriously. The Bill is exactly the same as that which we passed last year. I came to this House at the opening of the Session for the purpose of introducing it at the very first available opportunity. I do not lay any stress on my own convenience, but I do think the Bill should receive the attention of this honourable body at the earliest possible moment, and that was my purpose in submitting it. We have already postponed it over the week-end at the suggestion of the honourable member for Ottawa (Hon. Mr. Belcourt), in which I was very pleased to concur. Personally I have no objection to it being postponed again until to-morrow, but I do want honourable gentlemen who hold views such as perhaps those of the honourable member who has just spoken (Hon. Mr. Hughes) and the honourable the senior member for Ottawa (Hon. Mr. Belcourt) to feel that if we do not ask for a vote to-day it is because we assume that they will not ask for another delay, but will allow the Bill to be voted on to-morrow.

Hon. Mr. BELCOURT: I certainly will not ask for further delay. I have nothing more to say on the matter.

Hon. Mr. WILLOUGHBY: Would that be agreeable to the honourable gentleman who has made the motion?

Hon. Mr. HUGHES: Certainly it would. I have no intention of delaying the measure.

Hon. Mr. WILLOUGHBY: I am not imputing any such motive to the honourable gentleman; far from it. I have no parliamentary right, nor have I any desire, to do so. So far as I am concerned, as the mover of the Bill, I have no objection to the present motion if the Bill is to be finally dealt with to-morrow as the first order of the day.

The motion of Hon. Mr. Hughes for the adjournment of the debate was agreed to.

THE GOVERNOR GENERAL'S SPEECH

ADDRESS IN REPLY

The Senate resumed from Friday, February 3, consideration of His Excellency the Governor General's Speech at the opening of the Session and the motion of Hon. Mr. Little for an Address in reply thereto.

Hon. GEORGE G. FOSTER: Honourable gentlemen, when on Friday I moved for the adjournment of this debate I did so

because there was no one on the other side of the House who was prepared to take up the question, and because many members from my province were absent, who, I felt certain, would be interested in listening to such an important debate, on whichever side the argument was presented. In moving the adjournment I fully appreciated the fact that under the Rules of this House the honourable members on the other side have the right to reply to the honourable Senator from Welland (Hon. Mr. Robertson), and if there is anybody on that side who was not ready on Friday, but is now anxious to reply, I am quite prepared to waive any right I may have by virtue of having moved the adjournment of the debate.

Hon. J. J. HUGHES: Honourable gentlemen, I understand that the Secretary of State of the United States is in Ottawa and that some function will take place in this Chamber at 4 o'clock. Would it be worth while to begin this discussion now.

Hon. G. G. FOSTER: If my honourable friend is reluctant to speak now, and will permit me to have a short time for the few remarks that I intend to make, and if it is the pleasure of the House, I will speak now.

The first point that I desire to refer to is the question raised as to whether there is anything wrong or anything neglected in the Speech that was presented to Parliament by the Governor General, either as to what it contained or what it did not contain. I have no quarrel with the Address as presented this year, because I see in it a repetition of what has been going on for a number of years, namely, an effort on the part of this Government, and perhaps some other governments, to prevent the Speech from the Throne from containing material indicating the legislation which it is the intention of the Government to bring before Parliament. The effect has become worse each year. I noticed the smile on the face of the right honourable Senator from Brockville (Right Hon. Mr. Graham) the other day, indicating that he had heard of such things as keeping the Governor General from making speeches on certain subjects in the past that really outlined probable legislation and he looked for support on this side, as though he thought a member on this side who is not usually given to curtailing speeches were as guilty as himself and the Government to which he belonged. I say, honourable gentlemen, and I commend it to the honourable leader of this House, that it is his duty to encourage the present Prime Minister in whose Government he is a great power, to put into the mouth of the Governor General at the next Session not merely a meagre declaration of what may possibly be done, but a complete and detailed description of all important business that will come before Parliament in order that the press, the public and Parliament may know what to expect. If that is done it will be a reform that will enable us the better to understand in advance the legislation that we are to pass upon, and I am sure it would be more acceptable than the present condition that prevails in this regard.

I have observed the things that have been said in this Chamber and outside, and behind closed doors, with regard to the opening of Parliament and the accommodation for the public. I notice that my honourable friend (Hon. Mr. Dandurand) has moved to-day for a committee to deal with the question of future accommodation at the opening of Parliament. I yield to nobody in my desire to see Parliament opened with the greatest possible dignity commensurate with the means of this country, but I recognize that this Chamber is not adequate for the purpose. Whatever other mistakes may have been made here, the failure to provide adequate accommodation is one that is very difficult to overcome; but I understand that the Committee have given this matter some study and have decided that the only way in which it can be done is to take down the two sides of this Chamber and put in two more galleries. We know that the curtain across the gallery at the end, if not a disgrace, looks very strange to anyone coming into this Chamber, three or four curtains at one end and two on the sides of this chamber would absolutely spoil its appearance. Therefore I hope that this Committee will give some consideration to other methods of obviating the trouble, apart from the one mentioned of spending $125,000 as estimated; and any one who has had experience in public works will know that the cost will be nearer a quarter of a million dollars, to prepare the galleries for use for one day, and to be curtained off for the other 364 days, thus spoiling the appearance of this Chamber.

Now, I am not without a suggestion to my honourable friend, which I do not think has been before Parliament. I know that many members of this House hesitate to give up any dignity that belongs to the Senate, or do anything that looks like being too democratic; but, for myself, I am a farmer, and we have to do democratic things every day, and I am prepared to do such things in regard to this matter. Let us form a joint committee of the two Houses, and go to the Commons and say, "Now, we are in a condition from which you suffer as much as we do. Parlia-

ment is entitled to have the people present in any reasonable number, and give them fair accommodation, although we cannot furnish accommodation for all the people who may want to attend the opening of Parliament from all over Canada; but we could have all reasonable accommodation if we used the Chamber of the House of Commons for that day." I do not see why that could not be done, and if it could it would furnish room for the present, at any rate. The spacious gallaries over there could accommodate large numbers of people without the present crowding which is not in keeping with the dignity of this House, but which occurs year after year. I hope that the Committee will be able to make such an arrangement as I have suggested.

I am not able to join with members of this House who indicate that there is anything wrong with this Dominion to-day, financially or otherwise. I do not believe there is. I quite understand that everybody is not rich, that everybody is not receiving as much wages as some would like, and that everybody is not making the profits that they expected or desired in all branches of industry; but from my own observation and knowledge of the men who are doing business in pulp and paper, insurance, banks, trust companies, manufacturers, and other walks of life, I believe Canada is prosperous to-day, and this House and the country should not be ashamed to say that it is so, unless we are being camouflaged by the presidents of banks, trust companies, insurance companies and the high officials of the corporations that are doing business here and making money, and are happy and satisfied, and are not afraid to tell their shareholders so.

True, some articles in the tariff may require adjustment. It is true that some manufacturers would like to have an increase of the tariff in which they are interested; but if those gentlemen come to the Government I hope they will look into the question sympathetically, as others have done in the past. But in the meantime do not let it be advertised that the condition of the country is bad when it is growing as fast as this one is, when every city has the stamp of prosperity, when building is going on hour by hour, and when there are increases in capital stock. While some investors may be lifting themselves off the floor into the millionaire class by their boot-straps, many in every walk of life and in every Province are proving that there is enough good stuff in the country to satisfy anyone that commerce in Canada is sound.

Hon. G. G. FOSTER.

One of the exceptions which we hear every day is that our great basic industry of coal, iron, etc., down in the Maritime Provinces, is suffering. Something down there is wrong, for that industry could be developed. I have never been down there in my life, and do not hold a share of their stock, but if there is anything necessary to put the iron, steel and coal business in the lower provinces on its feet, make those people contented, give employment to their workmen, and build up that country, I feel that the quicker we take such measures the better it will be for everybody concerned.

Regarding the appointment of ambassadors, I do not think much of that idea. I have always believed in a representative in Washington, and I believe that appointment was a good thing. I believed it when it was advocated by my own party, and I have not changed my mind simply because the political parties in this country have changed. I know that some of the men who made this appointment did not believe in it when it was brought down by our party but it does not make any difference in my view. We are in a peculiar relation to the United States. We live next door, and they are our most useful neighbor. We do not want to join them and be part and parcel of them; we do not want anything more than to live beside them in the same friendly and good business relations as have existed for years; and we have too many brothers there, and too much of our money, and too many of our friends who are helping to develop this country, not to recognize that we ought to do anything that is required to strengthen our bonds whether by the appointment of an ambassador in Washington, or anything else.

Perhaps some honourable gentlemen in this House do not exactly appreciate the great benefit that came to this country from the erection by this Government of the monument in the city of Washington to the soldiers who fell fighting for us in the war; but I doubt very much whether there has ever been spent in Canada the same amount of money that gave us better advertising, or brought us more good, or did more to encourage the kindly and friendly feeling in the United States, than the amount spent on that monument. I heartily appreciate that expenditure, as I shall all reasonable expenses in connection with the office of the ambassador there, which should be well conducted, but with economy and prudence.

With regard to the proposition of establishing an embassy in Japan simply because of the one in Washington, or one in Paris be-

cause we may have one in Japan, I do not believe we need either of those; I hold, however, that we do need to be represented in British countries, not by ambassadors who are part of the empire, but by trade commissioners who can secure us all reasonable trade advantages.

I trust that honourable gentlemen will understand that in making these remarks now I am not trying to usurp the functions of my honourable friend on the other side.

Hon. Mr. DANDURAND: My honourable friend did not refer to the Paris relations.

Hon. Mr. FOSTER: I say we need trade relations with France, but we have a man there whom I know personally, and I believe that in every way Mr. Roy has shown himself capable, and I am proud of the work he has done. He was a good servant to all of us during the war; he was kindly and friendly. I am not saying that I could not select somebody in the world who would make a more trained ambassador than he is, but on the other hand, even if I did, I might tread on somebody's toes, and I do not wish to do that.

I congratulate the leader of this House on the great honours he brought to this Chamber, and this country, as the result of his last visit to the other side, and I am very glad to think that this House is honoured by his appointment which is a credit not only to him and his friends but to the people of Canada.

Hon. Mr. DANDURAND: Honourable gentlemen, might I be allowed to interrupt the proceedings in this Chamber to state that in March, 1905—I was Speaker of the Senate—with Sir Mackenzie Bowell I attended the inaugural ceremonies when Mr. Roosevelt was sworn in as President for the second time.

The Senate of the United States, on that occasion, adopted a unanimous resolution extending to us the courtesies of the Senate, including the privileges of the floor. We highly appreciated this privilege and this honour. The Canadian Senate has no such procedure or tradition. I may say on its behalf that when men of distinction honour us with a visit, as we are honoured to-day by the presence of the Secretary of State of the United States, the Hon. Mr. Kellogg, our doors are thrown wide open to welcome them.

The Senate is happy indeed to greet Mr. and Mrs. Kellogg within its precincts.

Hon. J. J. HUGHES: Honourable gentlemen, I am very much pleased to hear the remarks made by the honourable Senator from Alma (Hon. G. G. Foster) who has just taken his seat, because it indicates the new spirit that I hope is coming over the country, and that is somewhat reflected in this House—that we all appreciate the prosperity that this country is enjoying, and we are not ashamed to acknowledge it.

When, the right honourable the junior Senator for Ottawa (Right Hon. Sir George E. Foster), began his speech on the Address in reply to the Speech from the Throne, I thought we had arrived at the political millennium in this Chamber, if not in the country. The right honourable gentleman began his address by saying that the atmosphere of this House lent itself to a calmer and more judicial consideration of the great questions of national and international import before the country than did the atmosphere of the other House; that, because of this fact, and because of the ripe experience and practical knowledge of many of the Senators, this House should give a lead to the Government in its policy and in its administration by way of constructive criticism and helpful suggestion that would bring desirable results.

As the right honourable Senator proceeded with his address on our national affairs I must frankly say that I was disappointed. The speech, to my mind, lacked the elements which the right honourable gentleman himself said it should possess, namely, constructive criticism and helpful suggestion. The criticism was mild enough, but it was too general to be constructive or helpful, and when I tried to get the honourable Senator to be more specific, he declined to answer my questions, or to commit himself.

The speech was well phrased and well delivered, and when it referred to our international affairs it was serious enough to be impressive; but was it? The right honourable gentleman seems to think that the policy of the Government and the policy of the Liberal Party is to gradually weaken and finally sever the ties of Empire, and the Commonwealth bonds of the British nations—and I was sorry to hear the honourable Senator from Welland giving voice to similar ideas—I venture to assert that nobody in Canada agrees with them, except a few old ladies of both sexes, and a few political partisans, who consider such stuff good party ammunition. Is it not time we got rid of such antiquated childishness? In the past the Conservatives won some elections by the use of such propaganda, and apparently the older men among them cannot get rid of the idea that the promulgation of such views is still good party policy. I sincerely believe that young Canada has no use for such party warfare. I sincerely believe that young Canadians of every origin are too busy build-

ing up a great nation on the northern half of this North American continent to believe for a moment that half their countrymen are sitting up at nights devising schemes to circumvent the other half, and to disrupt the commercial, political and fraternal ties that hold together this commonwealth of nations, and which are as dear to the heart of every red-blooded man and woman in Canada as is life itself. The retention of such ideas, and from time to time their iteration, indicate great poverty of vision, and show how hard it is to discard early prejudices.

The honourable Senator from Bedford (Hon. Mr. Pope) delivered one of the first speeches, if not the first, on the subject we are now discussing. The honourable gentleman speaks, as a rule, once a year, and he never fails to tell us that he is descended from a family of protectionists. I think he is sincere, and I know he is dogmatic; but here I wish to say, if I may, that dogmatism is not always proof of accuracy or thoughtfulness. Let me illustrate. The honourable gentleman made the astounding statement that the Government of the United States would build the St. Lawrence waterways for us, "as we say, where we say, and when we say, free of cost to the people of Canada." I verily believe the honourable gentleman is too good a Canadian to entertain such a thought for a moment, or give currency to such an idea, if he had given the subject any consideration at all.

Hon. Mr. POPE: I am not too good a Canadian to use Yankee money for the benefit of the Canadian people; I will say that.

Hon. Mr. HUGHES: The honourable gentleman spoke without thinking. Let me give another illustration. The honourable gentleman told us that unemployment here is greater than in the United States. In other words, there are more persons, comparatively speaking, unemployed in Canada than in the United States. Well, this is another statement that lacks the essential element, and I was glad to hear a Senator from his own side of the House, the honourable Senator from Welland (Hon. Mr. Robertson), correct him. But mere correction is not enough. Under the circumstances, I think I should give the official figures to the House. Here they are, taken from the Monthly Labour Review of the United States Department of Labour, and from the Canadian Labour Gazette:

TABLE A

Averages of monthly Employment Index Figures in Canada and the United States by Years from 1921 to 1927 inclusive.

Year	Canada	United States
1921	81.1	85.1
1922	81.6	88.4
1923	89.3	100.0
1924	85.3	90.3
1925	86.0	91.2
1926	92.1	91.9
1927	95.6	88.5

TABLE B

Trade Union Unemployment Percentages, as reported to the Department of Labour by Canadian trade unions.

Year	December	Average for year
1921	15.1	12.7
1922	6.4	7.0
1923	7.2	4.9
1924	11.6	7.2
1925	7.9	7.0
1926	5.9	5.1
1927	6.6	4.9

The above tables show that the employment situation in Canada, as compared with the United States, is improving all the time.

I now wish to make a few observations on the speech delivered by the Honourable Senator for Welland (Hon. Mr. Robertson), which was in many respects a remarkable utterance. The honourable gentleman seems to possess the faculty of painting any subject in the colour that suits his views for the time being, and the man who could make the last annual statement of the Canadian Bank of Commerce the text to prove that Canada is now in a bad way commercially, and that the outlook for the future is dark indeed, must have remarkable ability in his own line. Why, Job in all his afflictions and Jeremiah in his Lamentations, were veritable Mark Tapleys in comparison with the honourable senator from Welland.

Allow me, honourable gentlemen, to read a few sentences from the speeches of the General Manager and the President of the Bank at the annual meeting referred to, and you will then see what a powerful imagination our honourable colleague must possess. Here are a few sentences from the closing remarks of the General Manager of the Canadian Bank of Commerce, at the annual meeting:

In conclusion—the general business situation is sound, the purchasing power of the people of Canada is greater than it has ever been before, and the development of the natural resources of the country proceeds apace. These conditions make for prosperity, and the general frame of mind of the public is genuinely optimistic. This creates an ideal atmosphere for future progress, and, if we will but give painstaking attention to our business and avoid ex-

cesses such as overtrading or speculation, we in Canada can face the future with confidence and certainly look forward to another year of progress and prosperity.

Now a few sentences from the closing observations of the President of the same institution, on the same occasion:

The water-shed of North America, which lies within Canadian territory, has been tapped to supply cheap power in enormous volume. From a vast expanse of arable land there has been created an agricultural estate which supports over 3,000,000 people in a state of well-being that is unexcelled elsewhere.

Adjacent to forests comprising nearly half of the world's most valuable soft wood area, several thousand mills have been erected to provide annually lumber worth about $125,000,000, and to furnish over one-third of the world's supply of newsprint. Some of the richest mines in recent times have been developed along narrow stretches of what is now regarded as one of the greatest mineral fields known. More than 20,000 manufacturing plants have been built to produce goods valued annually at $3,000,000,000. Our currency system and our financial institutions have been developed along the soundest lines, affording a flexible monetary and credit system, available even in the most remote hamlets. Our laws have so been framed that the primary rights of every citizen, even the humblest subject, are respected, and it is open to every one to acquire wealth and to retain it against illegal aggression. And 120 countries have learned of the quality of our products, and now purchase them each year to the value of over $1,000,000,000.

We have passed the stage of frontier life, for we have reached a high and enviable position in the world's economic organization, we have living conditions that suit all classes of people, even those of the most fastidious tastes, and we still possess physical assets which are counted upon to supply the world with a large share of its essential requirements. We must continue to work hard and we should refrain from undue speculation, because we shall have new problems to solve, arising from difficulties which will beset even a country endowed with all the material gifts it could reasonably desire.

If we continue to apply ourselves as earnestly as in the past, and maintain that spirit of unity from which Confederation was born, Canada's future will be revealed on a brighter page in the next history of the world than is likely to be written of any other country.

No wonder that his colleague, the honourable gentleman from Sydney (Hon. Mr. McLennan), who sits near him, said that the figures and the speech of the honourable Senator for Welland so upset his nervous system that he became almost speechless.

A few years ago Dr. Tolmie, who was then organizer for the Conservative Party, told us that the then leader of the party had been an undertaker's assistant for some years, hence his attitude of mind and general outlook upon life. If the doctor's statement was true and his diagnosis correct, the honourable Senator for Welland must have been general manager in an undertaker's establishment for many years. The honourable gentleman might well exclaim with Hamlet:

> The time is out of joint: O cursed spite,
> That ever I was born to set it right!

After the effect which the figures quoted by the honourable Senator for Welland (Hon. Mr. Robertson) had upon the honourable Senator for Sydney (Hon. Mr. McLennan), I hesitate to give any figures to the House; yet, I believe I will have to take the risk and quote some. Here they are, I will give our imports and exports of raw materials, and our imports and exports of manufactured and semi-manufactured goods, for a considerable number of years; but I will not weary you with figures.

Our imports of raw materials rose from $42,000,000 in 1920 to $263,000,000 in 1927 or practically 625 per cent. Our exports of raw materials during the same period of time rose from $70,000,000 in 1920 to $578,000,000 in 1927, or practically 800 per cent. Now, let us take the imports and exports of manufactured and partly manufactured goods, from 1920 to 1926 inclusive. Imports rose from $129,000,000 in 1920 to $676,000,000 in 1926, or practically 525 per cent. Exports of the same classes of goods rose from $98,000,000 in 1920 to $695,000,000 in 1926, or practically 710 per cent.

These figures show the enormous development that has taken place during the first quarter of this century, and those who are in a position to intelligenty forecast the future say that our growth during the next quarter will be still greater. These figures also show how steady and well-balanced this growth has been; that notwithstanding the enormous expansion in our agricultural exports, which are classed as raw materials, our industrial exports have undergone a similar expansion.

Our friends opposite sometimes admit that our agricultural growth has been very large, but they frequently state that our industrial growth has not been satisfactory. If the above figures prove anything they prove the falsity of these allegations.

Again, our friends opposite are very fond of comparing Canada with the United States, and always to the disadvantage of their own country, in matters of Trade and Commerce, at all events. I cannot for the life of me see any justification for this line of conduct. We all agree that agriculture is our basic industry, that it is, in a word, the foundation upon which all our other industries depend. Then how does this basic industry compare with the same industry in the United States I have only to ask the question to get the answer. We know that it compares most favourably.

We know that notwithstanding all the nostrums which all the quack political doctors in the United States have prescribed for the farmers of that country, they are far worse off individually and collectively than are the farmers of Canada.

Our friends opposite, and their friends in the other House, appear to have dropped the word "Protection," but they still hanker after the principle of the thing. They would, if they could, increase the customs duties, and thus increase taxation, at the same time crying out with a loud voice that the country is demanding a reduction in taxation. They tell the farmers that protection would be a great boon to them because of the large home market it would create. Well, if there is a country in the civilized world where protection would or could benefit the farming classes, that country is the United States of America, because it is the largest free trade area in the world, because it has the largest home market in the world, because they are a homogenous people, with a compact country, grid-ironed with railways, and provided with extensive coastal shiping facilities. And yet in no other country in America is farming in so depressed a condition as it is in the United States, although they have had high protection there since the civil War.

The economic history of the United States proves that you cannot give legislative favors to the secondary industries without compelling the basic industries to bear the burden, and as agriculture is the great basic industry, it must bear the lion's share of the burden. The economic history of the United States proves that industry there is lop-sided—that manufacturing is suffering from overdoses of artificial food which the nation as a whole cannot continue to supply much longer.

And why should the manufacturers of Canada ask for more legislature favours than they now receive? They seem to be doing pretty well and, in any event, they are getting more such favors than other classes in the community receive.

Canada is dowered with natural advantages for manufacturing beyond most countries in the world. We have extensive forests, vast mineral wealth; but the greatest of all, are the almost illimitable water powers we possess. If these great natural advantages are preserved and conserved for the whole people, and not exploited by the few for their personal benefit, this country has a great future before it. But let us not delude ourselves, efforts will be made by organized selfish interests to capture these natural resources—and some have been captured already; the press will be subsidized, and public opinion will be formed. The people as a whole are unorganized, and, therefore, comparatively powerless. But notwithstanding these dangers, Liberalism and the principles of liberalism, Democracy and the principles of democracy will, I believe, hold the day in Canada, and our future is bright indeed according to everything we can see at the present time.

Hon. CHARLES E. TANNER: Honourable gentlemen, although the discussion on the Address this year has been a little longer than usual I think it has been exceedingly interesting and useful. Oftener than not the Speech from the Throne is disposed of in this House very quickly, the House then taking a more or less lengthy adjournment. I think this year's innovation of a week's discussion—not altogether continuous—is a very good precedent—not that honourable members want to talk for mere talk's sake, but because we nearly always have relatively short speeches which deal in a dispassionate way with the subjects that come before the House.

I make these remarks because I think what has happened during the past week will help in a measure to obviate one of the problems which my honourable friend from Ottawa (Hon. Mr. Belcourt) referred to in the latter part of his address the other day. If the Senate wants to be taken seriously by the country and wants to be observed by the country, it must take itself seriously; and I think a serious discussion of such problems as have been before us during the past week is one very good way of bringing the attention of the people of the country to the fact that there is a Senate at Ottawa.

I am not going to take up time in any further preliminaries. I will simply associate myself in a general way with honourable members who have made some complimentary references. I wish to add one remark, however —if anything was said in that connection I did not observe it—I think our honourable colleague from Toronto (Hon. Mr. Lewis) should be mentioned in the galaxy, because with him lay the initiative of introducing the subject of the celebration of the Canadian Jubilee. I think therefore that we should not let the occasion go by without paying some homage to our colleague.

Now, I want to say a few words in reference to the very important subject of the St. Lawrence waterway. I come from a province where I think we are able to take a rather detached view of that great question. I have regretted to observe that there has been a measure of not exactly strife, but argument, between two great cities—Toronto and Mont-

real—and some accusations, and perhaps counter accusations, have been made. I think I may say that in Nova Scotia we do not take very much stock in the interprovincial arguments that so often go on between those two large centres of population. So far as this great question is concerned I want to express the fervent hope that, whatever is done in regard to the St. Lawrence waterway, all sectional or personal considerations will be eliminated, and that the subject will be settled upon a truly national basis.

I do not profess to be an authority on the subject, but I mention a few general facts as they appear to me in relation to it. We have the St. Lawrence waterway, and we have the Canadian canals. Besides the waterway and the canals there is the question of the development of great electric power. The honourable member from Montreal (Hon. Mr. McDougald), who is Chairman of the Montreal Board of Harbour Commissioners, told us the other day that there are five million horsepower to be developed some time, four million of which are Canadian, and one million of which belong to the United States. I at once say I am in hearty agreement with the sentiments that have been expressed in regard to the resolute holding by Canada of all her property rights in respect to the waterway and in respect to the prospective hydraulic power. I am for having all these utilized so that no Canadian industry may suffer and no Canadian interest may be given away. As for the electric power, we shall need every kilowatt of it in this country. Therefore what the honourable member from Montreal described as our birthright, the great River St. Lawrence and its incidental benefits, should never be sacrificed in the slightest degree. I say that in order that there may be no doubt in regard to where I stand on the subject.

At the same time there are other considerations which have been developed in this debate and which may be reconciled with the position that I have just taken. The St. Lawrence rolls down from the Great Lakes. The river and canals are a common highway for the Canadian people and the people of the United States. So far as I have been able to ascertain, we have expended, or shall have expended when the new Welland Canal is completed, somewhere about $400,000,000 in building the canals and improving the waterway. Canadian money has done all that, and the fact remains that after we have spent all this money our friends to the south, the American people, have just the same rights and privileges in using the river and canals as have the Canadian people; and the Canadian people suffer nothing in consequence. On this side of the House the other day it was suggested by an honourable gentleman who is one of the oldest members and has long experience and ripe knowledge of public affairs, that if it is desirable to have the St. Lawrence River and the canals deepened there is an opportunity in the offing to have all the work done, not at the expense of Canada at all, but at the expense of our co-partners in the use of the waterway; that is, that the American people would be perfectly willing to come over and spend their money on the deepening of the river and the canals.

Hon. Mr. CASGRAIN: And leave us the power.

Hon. Mr. TANNER: That is what I understood—that for the sake of having a better highway for themselves, and, I presume, of developing their own share of the power, they would be willing to make this large expenditure. I am not giving this out; I am simply repeating the statement of an honourable member who has large experience extending back over many years, who has access, I believe, to sources of information as great as those of any other honourable member of this House, if not greater, and for whose opinions and statements I have therefore a great deal of respect.

On the other hand, it is said that that suggestion is altogether a dream. My right honourable friend from Brockville (Right Hon Mr. Graham), who is not in his seat at the moment, undertook to say that it was absurd, or something to that effect, and that if ever the river and the canals are deepened and a greater waterway made there it must be done at the joint expense of Canada and the United States. My right honourable friend from Brockville may be right, or he may be wrong. He has had many years' experience in administration. I do not want to say anything disrespectful to him in his absence, but I am bound to say from my observation of his public career that he was not always right.

Hon. Mr. DANDURAND: Who is always right?

Hon. Mr. TANNER: Nobody. I am bound to judge his opinion in this matter not so much by what he said as by his reasoning in regard to it, and if I remember correctly he did not reason it at all. He dismissed it with a wave of the hand, and he advised the Government not to take any step without gathering in a mass of information from various angles, to which he referred. But a short time afterwards the honourable member from Montréal (Hon. Mr. McDougall), who

is on the Advisory Committee, from his place informed the right honourable member for Brockville that all the information which he had advised the Government to gather in had been before the Advisory Committee when they made their report. In fact the honourable member from Montreal took the entire underpinning away from the argument of the right honourable member for Brockville. The right honourable gentleman was wrong there, and, as I say, he may be wrong in the major proposition.

Now, what does it amount to, after all? I am not undertaking to say that my honourable friend from Bedford (Hon. Mr. Pope) is wholly right. He believes that he is right. There are 22 American States that want the right of way over the water. They want a great deal more than we in Canada want. We are not so badly off just now. There is no urgent need in Canada, but there is urgent need in the United States, and anyone who has ever studied political matters on this continent knows that there is going to be a great deal more political urgency in the United States before November 4. The present, or the next few months, may be the very time when our neighbours to the south may be willing, not for our purposes at all, but for their own, to come to us and say: "You Canadians have paid out every dollar that has been paid out in the last sixty years to improve and maintain the St. Lawrence highway and the canals. You have willingly and gladly spent your hundreds of millions of dollars, and we have not paid one five-cent piece, but you have let us use those canals and that river just as freely as you use them yourselfves. Now, in return for what you have done, in view of the advantage we expect to gain by having the river and the canals deepened, and in response to the demand in our own country for a better water highway, we are willing to devote enough money of ours to make further improvements." And if they come, why should we not take their money? I am not for giving them one iota of control, nor am I for giving them any electric power, but if they want to spend their money why should we stand in the way? Why not let them spend it on what is for our betterment as well as for their own?

It may be said, "But you are going to give away—you cannot help giving away—certain rights." Perhaps not. A friend of mine has given a very homely illustration, which perhaps I may be allowed to repeat. I am the owner of a farm property, say, and John Smith is a neighbour alongside with another farm property. John Smith has been permitted by me to use what is called a right of way through my farm. Two-thirds of the advantage is his and one-third is mine. I am not very particular about the road, but he is very eager to have it maintained and he comes to me some day and says: "I would like to have that road improved." "All right," I say to him. "I am not very particular, but you may go ahead and improve it." "Very well," he says, "I will make it a good road. It is going to be of immense benefit to me, and I will make a concrete highway through there." "All right," I say, "Go ahead and make your concrete highway, but after you have made it you will have just the same right that you had before to pass over it; neither more nor less."

So if our American friends come in and pay $600,000,000 or a billion dollars to improve the St. Lawrence highway they will not thereby acquire any more rights than did the man with the right of way over the farm. As I said at the beginning, I am not arguing whether this work will be done or will not be done, but I am saying, with my honourable friend who has the means of obtaining knowledge of such subjects, that it is the duty of the Government of the country to ascertain whether or not there is anything substantial in these statements, and to see that if this improvement is to be made it shall be made if possible at the expense of our neighbours, providing they are willing to undertake the expense. That is, as I understand it, the whole argument of my honourable friend from Bedford (Hon. Mr. Pope) in this regard, and I think it was a very wholesome bit of advice given at a very opportune time. Anyone who knows anything about those gentlemen to the south—anyone who has observed, for instance, the enormous sum of money which one man in the southern part of the Republic is going to lay out to provide quarters for the Democratic convention—knows that they have plenty of money. I happened to be down in that part of the country when the convention was being discussed, and I know that half a million dollars will be spent by one man to provide buildings and accommodation for the Convention. Why, they have so much money that they come over here and spend a great deal of it. There need be no hesitation, nor is there likely to be any. If the party in control in the United States felt it necessary, in order to obtain the support of 22 States of the Union, to spend a billion dollars to improve the St. Lawrence highway, and if we permitted it, we need not have much doubt that they would be apt to spend that billion dollars over here.

Now, honourable gentlemen, I desire to say only a few words in regard to the subject of the natural resources of the Western Provinces. I am personally in favour of the proposition to transfer the natural resources this year to the Province of Alberta, and eventually to the other provinces. I mention the subject only for the purpose of reminding the House that when those provinces were organized they were persuaded to accept subsidies in lieu of the natural resources. They received special grants, as I understand, to compensate them. Now, I understand, they are to receive not only the natural resources, but also larger subsidies. As I say, I mention this matter only for the purpose of bringing that fact out and reminding the House that it is on record in the Debates of the House of Commons on more than one occasion that when the question of natural resources in the western provinces came to be settled new and fair consideration should be given to the rights of the other provinces, particularly the provinces by the sea. If the western provinces are given their resources and additional subsidies, then the whole subject will be opened, as it should be opened, and fair treatment should be accorded to the other parts of Canada.

I desire to refer to another subject which is mentioned in the Speech from the Throne, the question of the port on Hudson Bay. It appears that Churchill is to be substituted for Nelson. I mention this not in order to criticize, but for an entirely different purpose. Both Governments, in 1896 and again in 1911 and subsequently, settled on Nelson. The torch of information in regard to Churchill was lit in the Senate. Although both political parties in the House of Commons had agreed on Nelson, there were in this Chamber some honourable members who believed that Churchill would be the better port, and I point out this fact in order that credit may be given to this Chamber, and particularly to our late lamented colleague, Hon. George W. Fowler, who, it will be remembered, headed a Special Committee to investigate the subject. The Committee's record and report, I believe, formed the basis on which the Government of the day proceeded in its inquiry with regard to the subject of Churchill versus Nelson. I regret that our lamented colleague is not alive to-day to see the fulfilment of his very earnest and very successful work in amassing information that has convinced the Government on the respective merits of Churchill and Nelson.

Honourable gentlemen, there has been a good deal of discussion with regard to what are called Empire relations. I mention this subject just for the purpose of making two or three brief remarks. I am not going to discuss the question of status. A great deal has been said and written on it. May I make a general statement? I believe the public mind was confused on that subject by the ill-advised reports of proceedings which went out to the public when the Imperial Conference had ended. Whether that was the fault of the gentlemen engaged in the Conference or of the newspaper press, certainly the first impression on the public mind was that some great new thing had been created, some great event had happened in regard to Canada. To-day we all know that nothing new was created. My honourable friend from Ottawa (Hon. Mr. Belcourt) the other day made it very clear that in his judgment we are just where we were in 1867 so far as the law is concerned.

I want to make another general statement. The statesmen and leaders of political matters over in England joined with the Canadian leaders in expressing the decisions of the Imperial Conference in very high-sounding language. I think they meant all right, but I interpret their attitude in this way, that the time has come in England when they feel, and rightly feel, that in these Dominions we must have the absolute control of all our affairs. We know that the feeling in England to-day is such that if this Dominion or any other said to the British Government, "We are going to separate, and set up business for ourselves," not a hand would be raised in England to prevent. But they are desirous of the continuity of the British Empire; and, filled with that desire, they are prepared to go any distance in making what appear to be concessions, or in setting the Dominions up in business, or in extending the privilege and powers and authorities of Dominion parliaments. They do not want for one minute to be considered as standing in the way of the development of Dominion authority, local authority. Consequently I say they know very well that no radical change at the basis has taken place, but they join hands with the Canadian statesmen and say, "Go your own way; manage your own business and we are with you."

Now, out of all this inflation we are going to have ambassadors, and all that kind of thing. Well, like my honourable friend from Alma (Hon. G. G. Foster) I am not in favour of this ambassador business. I am not going to take up much time in discussing it. I am firmly of the opinion that what we all profess and desire is to perpetuate the British

Empire. We have the position, the history, and the blood on which we build, but I am convinced that these will not suffice without another fundamental, namely, interlocking economic and trade interests. We must learn to know one another better, and being of the same blood, we must be of the same family as traders; not that we are going to exclude foreign business, but we must get together and build up empire trade, and convince each other that we are really useful to one another.

I say that this Conference would have been much better employed in discusssing that fundamental matter, rather than in writing out a very astute and interesting essay about how Canada has progressed as a self-governing Dominion, for that is all that this document amounts to—a very interesting, very astutely-drawn paper which sets out in words the evolution that has taken place.

Before I leave that subject I want to make an incidental remark about the League of Nations. My honourable friend, the Leader on this side of the House, the other day warned the Government that it is advisable to be careful about the committments made on various committees of the League of Nations. In reply to that, it was said that we are perfectly safe because my honourable friend, the Leader of this House, had been honoured with a place on the Council of the League, and could be safely left to represent Canada. We are all proud of the Honourable Leader of the House in that regard, and we all pay homage to him, knowing that he has thus reflected great honour on the Dominion of Canada. But I point out, in support of what was said by my honourable friend on this side, that we now go to the League of Nations in the clothing, at any rate, of a sovereign state; because the world has been told, over and over again, that to all intents and purposes the Dominions are sovereign states.

Now, if we go in that capacity to such an important place as the League of Nations—although there is a fallacy in it, but we are so represented, even by addresses of the Prime Minister—our delegate sits down representing what is said to be a sovereign state, and thus the responsibility is increased. My honourable friend opposite may not always represent us. We have confidence in his discretion, but, as was said a few moments ago, even he may make mistakes sometime. All that my honourable friends on this side of the House desire is to voice a warning that inasmuch as we are now carrying this great responsibility on our shoulders, and walking into the Council as if we were a sovereign state, it is most desirable that we should be more careful than ever in committing this country without due consideration.

I join with honourable members who have spoken in reference to the celebration of Canada's Jubilee. Undoubtedly this country has made substantial progress during the last sixty years. It would be a strange and remarkable thing if it did not, because we have the land, the sea, the lakes, the rivers, the mines, the timber, and the greatest natural resources of the continent, and we also have the people. Therefore it would be an astounding thing if this country had not made notable progress during those years.

I had intended to make reference to the Province from which I come, Nova Scotia, and I think I can compress my views, and make them very brief. I have two purposes in mind. In a measure, we were held back in Nova Scotia for nearly thirty years, in the development of Confederation, because one political party—and I am not saying this for party purposes at all—became what we called the Anti-Confederation Party. For nearly thirty years we had the Confederation Party and the anti-Confederation Party, and their fight was very bitter. As late as 1886 Mr. Fielding, who was Premier of the Province then, ran local elections on the single issue of the repeal of the Union. In 1887 that issue was interjected into the Dominion election. Farther down than that, in 1895 and 1896, when I was in the Legislature and Mr. Fielding was Prime Minister, I was present when a proposal to make Dominion Day a school holiday was voted down. I am only mentioning these things to show honourable gentlemen that that was a drag on the progress of my province; because, although in my judgment then, and now, the action of the leaders was altogether political, they nevertheless convinced a large body of people that Confederation was a very wrong thing.

Well, time went on, and in 1926 elections were held in Nova Scotia, and a man who had lived through the anti-Confederation days became a candidate in one of the constituencies, and actually came out as what we called a Secessionist; that is, he was openly against Confederation. He was decisively beaten, and I am very pleased to say that the present Prime Minister, Mr. King, passed through his constituency during his campaign, but did not give him any countenance.

I mention these facts just for two purposes: one is, to show that in no other province in Canada in 1927 was there more fervent or more universal celebration of the Jubilee of Canada than in Nova Scotia. The whole

sentiment against Confederation was swept away, and the people of Nova Scotia from end to end of my province joined hand-in-hand in rejoicing over what was consummated in 1867.

I have another purpose in mentioning these things. There was one stalwart man, among many others in 1867, to whom the bringing of Nova Scotia into Confederation was due. If Sir Charles Tupper had not been there, Nova Scotia would not have come into Confederation, and I venture to say there would have been no Confederation in 1867. He was the man who led the province in—his opponents said that he drove them in; but if Nova Scotia had not come in there would have been no Confederation. So he was a real builder. I mention this because I think that there should be a statue on this Parliament Hill to the man who did that for Nova Scotia and for the Dominion. Statues have been erected for others, but there was no more outstanding character in the public life of this country, particularly in those stirring days and events, than Sir Charles Tupper, and I hope to see the day when Parliament Hill will have a statue to him in recognition of what he did.

The later history of Nova Scotia is written to a certain extent in what is called the Duncan report. That brings us down to 1926 and 1927, and I only mention it because there are suggestions at times that what the Duncan Report asks for the Maritime Provinces is characterized as a sort of dole, and not as a right; something that is given to those provinces by reason of the good-heartedness of the rest of the country.

Now, I want to join issue directly with that idea. I am not going to elaborate it, but just read what the report itself says in one paragraph on that aspect of the matter. This is what the Duncan Report says:

> It follows from what we have said, that both in respect of grants for the machinery of governments and in respect of debt allowances, the Maritime Provinces have satisfied us that they have a genuine claim to a readjustment of the financial arrangements that exist between the Dominion and themselves, and that in any readjustment their territorial limitations entitle them to still further consideration.

I am just going to emphasize that one point, and say that we expect that Duncan report to be fulfilled to the letter; and we expect more. We have more rights. When these are provided for, my honourable friend will find us ready with other rights, which we will expect to see carefully considered and reasonably dealt with.

Hon. Mr. DANDURAND: Would the honourable gentleman declare right now that he would be satisfied with the same Commissioners to continue the investigation?

Hon. Mr. TANNER: I do not know. That is not for me to say. I am personally acquainted with them all, and they are very estimable gentlemen, and they made a very interesting report. I think my honourable friend himself would make a very good commissioner for the Maritime Provinces. I think he is large-hearted, and recognizes the difference between right and wrong; between rights that are rights and rights that are not rights, so I have no fear whatever; but I would like—

Hon. Mr. BELCOURT: Might I ask my honourable friend if he would indicate any subject which is not covered by the Duncan report, and which was mentioned, or discussed, or submitted?

Hon. Mr. TANNER: Well, my honourable friend sees that we have a very well-qualified provincial authority, so far as our Province is concerned, and they are dealing with that matter, and I would not like to anticipate just what views they have at the present moment. Then we have the fact that a Provincial Conference has been held, but we have not had an opportunity of studying their proceedings and their report; therefore I do not think it would be very profitable for me, off-hand, to begin to enumerate what my honourable friend suggests. But I would say that in the steel and coal and fishing industries we have subjects upon which the Maritime Provinces, particularly the Province of Nova Scotia, expect very prompt and very effective action. We have been discussing, for instance, the fuel question, a fuel policy for Canada. It is high time we had a fuel policy for Canada. If we are ever going to make progress in that regard we must do something, something practical, and we must do it quickly. So it is with regard to the great steel industry. The coal and steel industries are of direct interest to at least one-fifth of the population of Nova Scotia. We hear a great deal of talk; but what is wanted down there is action—prompt and effective action.

I had no idea, honourable gentlemen, that I would take so much time. I wanted to say a few words about the question of population, or, as it is sometimes called, immigration. My honourable friend, the Leader of the House (Hon. Mr. Dandurand) took a rather dismal view when he said that although many are going out of the country we manage to get in enough to fill their places. I do not think that is good enough. While we have made substantial progress in

sixty years, I say that we should have to-day at least from fifteen to twenty millions of people in this country. I am not going to bother the House with statistics; but I say that we should not be losing, as we undoubtedly are, so many of our own people.

As I see it, an extraordinary situation exists in regard to immigration. There seems to be an attitude of mind in some quarters, and it seems to have a potent influence on the Government of the day, which, crystallized, is something like this: that we have now more people in Canada than we need.

Hon. Mr. DANDURAND: From where does my honourable friend take that statement?

Hon. Mr. TANNER: I will tell my honourable friend in a moment what I am referring to. I am saying that there is, in my opinion, an attitude of mind in this country that we have really more people than we need. For instance, I read to-day the official report of the annual convention of the United Farmers of Alberta, who complained that farm immigrants were being dumped into that province and were disrupting whole districts. I do not say whether that is correct or not. That is one of my authorities. The other day I observed an honourable gentleman who represents part of Manitoba declaring that there are more farmers in Manitoba than there is room for. Not very long since I heard the present Leader of the Opposition, Mr. Bennett, say that there were 10,000,000 acres of arable land in the West available for settlement, and a day or two later I read the language of the Minister of Immigration, who said: "That is all wrong, that land is not available at all; it is held by individuals and corporations"—and therefore settlers cannot go upon it unless they have a lot of money. I am putting these things together because I want to shorten my remarks. I say there exists a certain attitude of mind. Take the Trades and Labour Congress. They quote with approval a speech made by the Minister of Immigration in which he warned against bringing in people unless there were jobs waiting for them; and one of the resolutions of the Trades and Labour Congress goes so far as to say that if a man is brought into Canada to work at one thing and he goes to work at some other job the Government should deport him. That is the attitude of mind which prevails here and there and everywhere—that we have not room for people; that we do not want them.

Mr. Forke says we have not got land in the West; an honourable gentleman opposite said the other day that he had no hope whatever, and he asked the leader of the House to suggest some plan whereby farmers' sons could be prevailed upon to remain on the land. Mr. Forke says: "That is what we are trying to do, but they won't stay on the land. What are we going to do?" Meanwhile, our young men and young women are going out from every province in Canada.

And where are they going? Are they going over to work on the farms of the United States? Is that where they are getting their employment? I never heard of any of them going there. Just a little while ago I spent four or five weeks in the southern part of the United States, and I met a good many Canadians. They were all in the cities, all engaged in the industrial life of the country; and they got work there because that country protects its industries. I saw illustrations of that right under my eyes, and I admired the people there for the way in which they protected their industries. I saw little Christmas presents coming in from Canada, trifles worth perhaps a dollar, on which there was a duty of sixty cents—and why? Because those articles are made over there by the people of that country, and they say: "Buy United States made goods."

My honourable friend cannot get the farmers' sons to go on; Mr. Forke cannot get arable lands out in the West; we are dumping immigrants in at one door and are letting them out at another, and they are going over to the United States. What is the lesson to us in all that? I say, honourable gentlemen, that what we need most of all in this country just now is a sane and fixed and resolute national policy of protecting our industrial life. By that I do not mean protecting the manufacturers alone, but the workers as well, and providing employment for people who are already here, and for those who are coming here. I will vote any day for free trade when we can get free trade, when our neighbours throw down their walls and Europe throws down her walls and we have a chance to trade on a fair basis; but until then I think we should look after Canadians and Canadian industry, for it is in that way, I believe, that we can keep our own people at home and give work to our immigrants. No country that I ever heard tell of became great by remaining a wholly pastoral country. There must be diversity. There must be great centres, large bodies of population, great cities; and when you have the combination you will have a great country.

I am as anxious and willing as anybody to do everything that can be done to assist the farming industry. I will hold up both hands any time to aid that industry in its trans-

portation problems, if necessary, or to protect it, as some sections are now clamouring to be protected. I know I am receiving circulars from the farmers institutes in Nova Scotia, demanding protection on butter and cheese. I will hold up both hands for safeguarding them; but if we are ever going to build up population, we must safeguard and protect industries of all kinds by a truly national policy. And I have no doubt that if the national policy of 1879—I speak of it in its broader sense—had been conscientiously and persistently followed out there would be in Canada to-day twenty millions of people instead of ten millions.

Now, we will never accomplish that building up until we have a government with convictions, a government with resolution. There is no use trying to do anything with a government that stands at the crossroads waiting for someone to beckon here or beckon there, or to come up and say: You must not touch that item of the tariff; if you do we won't vote for you. There must be certainty and there must be resolution. I venture to say, honourable gentlemen, that there is not living in this country to-day one man or one woman who can tell us upon what principles the government of the present day stands in regard to fiscal matters. Not one soul inside or outside of Canada knows that. Its whole policy is one of opportunism, of providing a certain amount of bait every year for certain classes of people, in order that the Government may retain office. That is not what we want in this country. We want a government that is strong, a government with opinions and convictions, a government that is willing to risk its life for the purpose of building up the country.

You cannot hide these matters or shut your eyes to them. The other day I read a most eloquent address by the Prime Minister. He went from place to place in painting a picture of the magnificance of the country, the greatness of its resources, its wonderful development during the past sixty years. It was a wonderful word-picture. He flattered himself by saying that never before in the history of Canada had a Prime Minister been able to paint such a picture of prosperity and greatness. After observing this word-painting I stopped, and I said to myself: Is it true? If we have all these great resources, if we have all these great means of making not only a livelihood, but more, if we have all these magnificent opportunities in this country, how in heaven's name is it that people won't stay in it? that instead of remaining here they pack their suitcases and go to the United States of America to get work?

There is something wrong, honourable gentlemen, something I am unable to understand. The only explanation I can attempt is the one I have already given: that in order to build this country up and make it a really great country we must have not only a great farming industry, helped in every possible way, but we must have a great industrial life employing millions of people in our cities. And to bring that about we must see that there is a sane and effective national policy which will keep out the products of the cheap labour of Europe and that will provide work for the people of Canada instead of for those of the United States and the cheap-labour countries of Europe.

Hon. W. B. WILLOUGHBY: Honourable gentlemen, I rise for but a moment to make a few observations on one or two of the matters referred to in the Speech from the Throne. I have listened with great pleasure to the admirable speech of the honourable gentleman who has just taken his seat (Hon. Mr. Tanner), in which he dealt with one or two things to which I may refer. My observations will be extremely brief.

The Speech from the Throne makes allusion to the fact that negotiations are taking place with regard to the return to Alberta of its natural resources; and it is foreshadowed that there will be a new basis of adjustment—not merely a return of the natural resources, but in addition, although it is not definitely promised, a continuation of the subsidy which was granted, and which was supposed to be given in lieu of the natural resources. You will notice the phraseology pertaining to this subject—"the return of their natural resources." That language implies that those resources never were the property of the Dominion of Canada.

This is not the place to adduce a legal argument, and in that connection I am going to quote only very briefly from the Address of the Parliament of Canada and the provisions of the British North America Act. Lawyers much more competent than I, the hem of whose garments I would not dare to touch, hold the opinion that I do, namely, that the Dominion of Canada never did own at any time in its history the natural resources of the Prairie Provinces, and that when it took over those resources it did so as trustee for the Prairie Provinces.

As I have said, I will make only one or two allusions to the constitutional phase of this question. Everybody who is familiar with the history of Confederation knows that our territories were extended to include the Hudson Bay Company holdings and the North-

Western Territory—in fact, all the land north of the United States—in one great union. At that time the Hudson Bay Company owned Rupert's Land, and the North-Western Territory belonged to the Crown; but the Fathers of Confederation made provision for their admission in Section 146 of the British North America Act, which, in part, reads as follows:

—on Address from the Houses of Parliament of Canada to admit Rupert's Land and the North-Western Territory, or either of them, into the Union, on such terms and conditions in each case as are in the Addresses expressed and as the Queen thinks fit to approve, subject to the provisions of this Act; and the provisions of any Order in Council in that behalf shall have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland.

That makes provision for an Address from the Dominion Parliament to the Imperial Parliament, and "on such terms and conditions in each case as are in the Address expressed" we were to secure the surrender of the Hudson Bay territory and the North-Western Territory.

The Address is set out in Sessional Paper No. 19 of 1868, and is, in part, as follows:

—to unite Rupert's Land and the North-Western Territory with this Dominion, and to grant to the Parliament of Canada authority to legislate for the future welfare and good government—

—and so on. From this it will be seen that the only power we took was the power to legislate for the welfare and good government of those territories, because they were admitted into Canada on the terms set out in the Address. Legislation purporting to take those territories in fee, so that they should become the property of Canada, surely could hardly be considered as legislation for their welfare and good government. Parliament never lived up to that. We treated the people of the West as children. It is perfectly true that for many years it did not seem advisable that provincial governments should be set up in the Northwest, for there was not an adequate population on the prairies to warrant such a step, and it was quite right, and I do not cavil at it, that legislation for the welfare and good government of those territories should be in the hands of the Dominion Government until such time as it was suitable to grant them autonomy. For some years prior to 1905, when they were granted autonomy, they had been perfectly ready for self-government. In 1905 they did not get back their resources. My submission is that Parliament never had the right to retain them. In giving them something in lieu of those resources we not only violated, I believe, the constitutional rights of the West, but also opposed the authority and the wishes of the Haultain Government, then in power in those territories.

In the opinion of those of us who are devoid of religious prejudice it was singularly unfortunate that the question of school rights should have been imported into the discussion. I had the honour of knowing Sir Frederick Haultain for a very long time. He was a most charming man, a man distinguished in every way, and absolutely incapable of religious prejudice. It was, as I say, singularly unfortunate that the question of forming those provinces and placing them on a parity with the other provinces of Confederation, with full rights to their own resources, should have been beclouded by the issue of the schools and school lands. And it is rather astonishing to find that, after all, in inserting, as we did, in the Autonomy Bill clauses dealing with the school lands and preserving the rights of minorities, we adopted absolutely the legislation that had been put into force by the Haultain Government prior to that time. Two of the sections dealing with separate schools in the Northwest, are taken in the very same words, from legislation put into effect by the old territorial government. Sir Frederick Haultain was the gentleman responsible for those sections being inserted. He was, as I say, a man absolutely without religious prejudice, and of his own volition, with the concurrence of all parties in the Northwest at that time, he had put in those very sections which now remain part of the Act of 1905.

Hon. Mr. BELCOURT: Does my honourable friend refer to the Act of 1875?

Hon. Mr. WILLOUGHBY: No; the Act of 1905.

Hon. Mr. BELCOURT: But my honourable friend speaks of the legislation passed by the Government of Sir Frederick Haultain.

Hon. Mr. WILLOUGHBY: Yes.

Hon. Mr. BELCOURT: Was that legislation which he accepted from the Government of Canada in 1875, with regard to the schools?

Hon. Mr. WILLOUGHBY: I would not say it was accepted from them. It may have been to some extente legislation pari passu. I do not think it was imposed on them at all.

Hon. Mr. BELCOURT: As a matter of fact, the legislation of 1875 was not wholly embodied in the Acts of 1905.

Hon. Mr. WILLOUGHBY: No, no.

Hon. Mr. BELCOURT: The legislation of 1905 contains less in that regard than the legislation of 1875.

Hon. Mr. WILLOUGHBY: It does.

Hon. Mr. BELCOURT: With regard to school privileges.

Hon. Mr. WILLOUGHBY: But all I am asserting is this, that I think that the Government of that day were perfectly ready to make generous provision for the preservation of the rights or the practices, customs or usages of separate schools.

Hon Mr. BELCOURT: Is that correct?

Hon. Mr. WILLOUGHBY: I think so.

Hon. Mr. BELCOURT: I think the opinion and feeling of the West were pretty well disclosed by the attitude of Sir Clifford Sifton and others in 1905, and there did not appear to be a very great disposition to do what my honourable friend says.

Hon. Mr. WILLOUGHBY: I will neither defend nor criticize the attitude of Sir Clifford Sifton. Personally I happened to be a candidate in the province of Ontario for a seat in the House when the school issue was a paramount one, and I stood for the protection of the rights of the minority in Manitoba, and, like others, had to accept defeat in consequence. But I do say that in Saskatchewan Sir Frederick Haultain, in my opinion—and I am discussing the matter not from the religious, but from the constitutional point of view—was generously disposed towards all classes. I think so, in any event. However, that is only in passing. I have referred to it only because that particular issue seemed to submerge issues which to me, in any event, and to the people of the West, were more important, respecting our natural resources.

The people of the East—and I am from the East, for I was born in Ontario—may think that we in the West are not only very insistent on our rights, but always come down here with a chip on the shoulder or a tomahawk in the hand. That is not the case. Those who hold the same political opinions as myself have no voice to speak for them in the other House. There happens to be in that House nobody representing those views from the province of Manitoba, and there is only one from the province of Alberta, the only one from west of the Great Lakes and east of British Columbia, who holds the same political views that I do; and, while I do not make this House a medium for political discussion, yet I feel that that saving minority out there to whom I belong are entitled to have their voice heard.

I desire to say also, on this phase of the discussion, with reference to the remarks of the honourable member for Pictou (Hon. Mr. Tanner), that there is a misconception as to the attitude of at least one of the parties in the West on the question of protection and free trade. Again I admit that I belong to that saving minority in the West, but I desire to point out that the Anglo-Saxon people of the prairie provinces, other than those who have come from the United States and may be regarded as of Anglo-Saxon descent, are at least 50 per cent Conservative. The foreigners who immigrated from Europe, particularly during the Sifton regime, to which allusion has been made, chose not wisely, perhaps, but differently. With them, of course, I do not class our French friends, who unfortunately have come in lesser numbers to the prairie provinces, save the province of Manitoba. Nor am I criticizing the foreign population at all. They to a very large extent voted with the Government now in power, and with the local governments which have been in power since 1905 and have shared the same political views. The Conservative party in the prairie provinces have never to my knowledge, since 1897, lowered their flag on the question of protection, or on the doctrine of such an adequate safeguarding of the industries of this country in general as was necessary in order that the East might live, as well as the West. We know very well that we in the West do not gain as many advantages under any form of protection as are gained in the East. We are not blind to the economic facts, but for the sake of Canada—for the sake of you in the East, where some form of protection to your industries is an absolute and vital necessity, we on our part are perfectly ready to make concessions. All we ask is that you look with reasonable indulgence on the claims that we make, which are naturally, more or less, related to agriculture. On many occasions in this House, and honourable gentlemen will bear me witness, I have defended, in some cases against the views of my honourable friends on this side, measures that the Government had introduced; and I may say that at all times, while I am in this House, I intend to discuss questions of legislation respecting the prairie provinces in particular from a non-party point of view, and if legislation emanating from the Government is in my opinion in the interest of the prairie provinces they are going to have my support, as they have had it on many occasions.

But I recognize the fact, to which my honourable friend has alluded to-day, that we

have not an adequate diversity of industry in parts of Canada at the present time. We are beginning to realize that there is not sufficient diversity in the western part of the country. We cannot live on agriculture alone. It is perfectly true that in certain districts of the West people have engaged in agriculture with perhaps as much profit as is done in any other part of Canada, but we cannot hold our own people in our towns and villages and on the farms, as I know from very varied experience, unless we have other occupations besides farming. A farmer's sons or daughters must have an inclination and liking for farm life if they are to stay on the farm. The temperament of some people requires them to follow another occupation, and the prairie provinces are losing the sons and daughters of farmers, and we are losing people from our towns and villages, because there is no other occupation than that of agriculture; that is, we have no variety of industry in which to absorb our young people. It is an unfortunate thing. Take a passably prosperous farmer out there with three or four sons and two or three daughters. I hope there is no race suicide out in the West. You will find almost certainly that one of the sons will not wish to be a farmer, and perhaps one of the daughters is not willing to marry a farmer and live on a farm. What are you going to do with them? Since we have not sufficient diversity of industry to be able to supply places for them, we are hopeful that industry may prosper in the central and eastern provinces and that our young people, instead of migrating to the United States, will find employment here.

I am speaking much longer than I intended. I would like to deal with one specific thing in connection with agriculture in the West. I profess myself to be an Imperialist. I am extremely desirous that our trade relations should be established on a preferential basis with our kin all over the world, so far as that can be fairly done. I am aware of the difficulties that the former Government had in attempting to negotiate a treaty with Australia; and I believe that Mr. Robb, too, had difficulties before he arranged the treaty with that Dominion. In all frankness, I really do not think that he realized the consequences of the treaty at the time it was made. The complaint has come, from our western country in particular, that he raised the duty on raisins by 3 cents, thus increasing it by 2½ cents. Our farmer friends in the West, at least the Progressive element, have rebelled against that, saying that they were paying this increased duty. We realize that it was necessary for the Government to make some concession to our Australian friends if we were to get concessions in their market. The Government thought that we undoubtedly would develop a trade in dried fruits, and I have no fault to find with that view at all. I know how keen is the desire of our Australian friends to extend the sale of their dried fruits, not only in Canada, but also in other parts of the world. I had the pleasure of being in Melbourne and meeting many members of the Government in 1924, and one of them, the Minister of Agriculture, presented me with a sample box of dried fruits, which I brought back to my own home city and had exposed in a window, trying in my humble way to show the people what the Australians had. I do not find fault with the Government in this respect, although the result has not been what was expected. They have exported only about 800,000 pounds, as compared with 40,000,000 from the United States. The Australians have to meet the competition of an extremely well developed and very prosperous industry in California, and it is difficult to find a market.

Then we come to the question of dairy products. Some gentlemen in this Chamber recollect that when the Australian treaty was introduced it was figured that it would have a very serious effect on the butter business. So seriously did we think about it that we held a little meeting, and it was intended to bring the matter up for discussion in the House, but it was felt that perhaps we might be looked upon as not sufficiently imperially-minded. So, while we thought we saw serious danger to our butter interests, we forebore making our protest at that time.

The Minister of Agriculture in another place —I do not think this Session—and throughout the country has pooh-poohed the idea of inroads being made on our market by the butter of Australia, and more particularly that of New Zealand. Honourable gentlemen will remember that when we made the treaty with Australia we inserted a clause giving the Government the right to extend similar treatment to New Zealand. Perhaps there was no serious objection to that, except that in our treaty with Australia we presumably got a quid pro quo; that is, we got a reduction of duty on our automobiles and newsprint.

The Government by Order-in-council extended to New Zealand the privileges which hitherto had been accorded only to Australia, and we gave them those privileges without money and without price. It was claimed by members of the Government that New Zealand was so far away that the privileges would not amount to anything. But we have

a very authoritative statement from the National Dairy Council. I took the privilege of discussing this matter with the president of the Council, not within a year, but at the time of the treaty, and they are now asking the Government:

1. That the Order-in-Council applying Schedule 2 of the Australian Trade Agreement to New Zealand be rescinded at once;
2. That the dumping clause be immediately applied on all butter sent from Australia to Canada on consignment as well as on direct sale;
3. That the Australian Trade Agreement be terminated as provided in the Australian Trade Agreement Act, 1925.

This is the presentation made to the Government, with the facts to back it up, a few of which I will cite.

The Government applied the dumping clause, and I think rightly so, when they found that Australia had what is known as the Patterson scheme, whereby the butter producers put up three cents a pound on all the butter they produced, and received six cents a pound on all the butter exported. Complaint is not being made to our Government in that connection. The dumping duty was put on and it had a very satisfactory effect except so far as it interfered with the sale of Australian butter here. But butter sent under consignment was held not to come under the provisions of the dumping clause, and it is still being sent to Canada. That butter sent on consignment could be sent to Vancouver, and go with its full rate passage down to Montreal cheaper than it could go from Vancouver to Regina over the railway.

Butter from New Zealand gained nothing, and it was not dumped at all, and the New Zealand butter has replaced the Australian butter to a very large extent. I think there is virtually no Australian butter coming in except on consignment, and it is as to that that the Dairy Council asks for the rescinding of the Treaty. It is now coming in in very large quantities. I take just a few figures in that connection from this memorandum to the Government showing reduction on production:

For the first ten months in 1926, 15,730,401 pounds; for the first 10 months in 1927, 11,502,023 pounds, a decrease of 4,228,378 pounds, or 26.8 per cent. In October 1925, Saskatchewan made 1,302,432 pounds of butter; in October 1927, 669,370 pounds, a decrease of 633,062 pounds or 48.6 per cent.

I do not want to tire the House with figures, because anybody can get them for himself. There is an enormous decrease of butter production throughout Canada. We in the West are suffering more than the people in the East. You have a market in New York for your cream and you are cultivating that market to a very large extent and the boundary cities are taking cream from Ontario. We have no cities south of the prairie provinces that import butter at all, and with the high duty on butter and cream exported to the United States that is not an encouraging market. By the loss of our export and home market a rapidly growing industry has almost disappeared, because we cannot produce the butter at the price at which they are producing in Australia, and as a result our farmers are going out of business.

I do not know anything that could be more harmful to the western country. Every public man and every leader in business has been preaching to the farmers all over Canada, and particularly to those on the prairies, the need of diversifying his production—to get out of producing cereal crops only, and get into poultry and animal production. Our western farmers have made a loyal effort to get into the production of butter. They got in very successfully, and had a very considerable and valuable export market, which has now all gone by the Board, because of this Australian treaty, and particularly in view of its extension to the Dominion of New Zealand.

Hon. Mr. HUGHES: How could the Australian Treaty destroy the export market? It might injure the home market, but how could it destroy the export market?

Hon. Mr. WILLOUGHBY: It has made it unprofitable. The most profitable market is the home market, as my honourable friend will admit; and, having been deprived of that, we are not going into the export business, because it is not profitable. Farmers export what is left over after they have had the profit of the market at their own door. The market for butter in Canada is not as profitable as it was, and there is no attraction for the farmer to go into it.

I say that a real blow has been struck at just what we wanted to cultivate—diversification of products, not having all the eggs in one basket; and it is a very serious thing. The National Dairy Council, in their presentation to the Privy Council of Canada, set out their argument in full, and therefore I shall not deal any further with it.

There were one or two little things I was going to say, but I have dealt perhaps at sufficient length, and I do not want to encroach on your patience, and will therefore close my remarks.

Hon. Mr. TURRIFF: I move the adjournment of the Debate until to-morrow.

The motion was agreed to, and the debate was adjourned.

Hon. Mr. HUGHES: Before we adjourn is it understood that Bill A will be disposed of to-morrow, whether this matter be referred to or not?

Hon. Mr. WILLOUGHBY: My Bill is the first order of the day, as I understand.

The Senate adjourned until to-morrow at 3 o'clock, p.m.

THE SENATE

Wednesday, February 8, 1928.

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

Prayers and routine proceedings.

DIVORCE BILL (ONTARIO)

THIRD READING

The Senate resumed from yesterday the adjourned debate on the motion for the third reading of Bill A, an Act to provide in the Province of Ontario for the dissolution and the annulment of marriage.

Hon. J. J. HUGHES: Honourable gentlemen, before we proceed with the third reading of the Bill now before us I wish to take a little of the time of the House to present my views on this question. Divorce, I think, is admitted to be the greatest social evil that afflicts the world to-day, and unfortunately it is growing in nearly all, perhaps I might say, all Christian countries. I do not think I need labour that point at any length in this House.

It will be admitted too, I think, that divorce strikes at the very foundations of the State. The unit of the State is the family, and there is no other social evil that so demoralizes or injures the family as the evil of divorce. Perhaps it would enable us to realize the gravity of this evil to compare it with polygamy. There is not, I think, an honourable man in this House or in the other Chamber who would wish to legalize polygamy in Canada. To my mind, divorce is a still greater evil, having all the evils of polygamy and some of its own in addition. It is really successive polygamy. It has been described as tandem polygamy, a description, I think, that is fairly accurate. In my judgment polygamy is the lesser evil. It does not strike at the family in the same way as divorce, and to some extent at least preserves the family life. This being the case, it is a serious matter to legislate in such a way as to increase the evil of divorce.

Now, is that what is intended by this Bill? I think so, and I think I am not exaggerating the facts. The honourable Senator who introduced the Bill (Hon. Mr. Willoughby) claimed that one of his reasons, perhaps the chief reason, for introducing it, was that the Senate could not take care of all the applications for divorce that were coming forward, and that in order to give facilities to those who wish to sever the marriage tie it would be advisable, so far as the Province of Ontario was concerned, to refer the matter to the courts of that province.

That the evil is increasing is shown by the figures given out last year by the honourable member from Moose Jaw (Hon. Mr. Willoughby), when he said that in 1926 the number of divorces granted in Canada by provinces was as follows:

British Columbia	167
Ontario	113
Alberta	154
Manitoba	85
Saskatchewan	48
Nova Scotia	19
New Brunswick	12
Quebec	10
Prince Edward Island	0

Prince Edward Island, I am glad to say, will have nothing at all to do with the thing. There has been only one divorce in that province since Confederation, and I hope and believe that there will never be another.

The honourable Senator (Hon. Mr. Willoughby) further stated that there were 1,368 divorce decrees granted by American courts to persons who were married in Canada.

You see how tremendously the number is increasing; and it is reasonable to suppose that if we have legislation facilitating the passing of divorce, the number will increase still faster.

I listened attentively to the statements that were made last year when this matter was under consideration, and I was particularly impressed with the speech made by the right honourable Senator from Brockville (Right Hon. Mr. Graham). He stated that 80 or 90 per cent of the divorces in Canada were obtained by people who wanted to remarry. I do not know whether he made this further statement or not, but I make it now, that if that phase of divorce could be eliminated we could do away with 80 or 90 per cent of the applications for divorce in Canada, and consequently with about the same proportion of the divorces. That is a startling statement, but I believe it to be true. After all, honourable gentlemen, it is a small minority of the people who wish to sever the marriage tie and break up the family relations. Is this legislation designed

or intended to give facilities to people who are inclined to indulge their passions? Are we legislating for them? This is a very serious question. I desire, so far as I am concerned, to do my duty as a Senator and as a citizen of Canada. I have no wish to be dogmatic or unreasonable in a matter of this kind. May I say here and now, I would like to see introduced into this House a Bill for which all of us, or the great majority, could vote. Of course, I know that the present Bill cannot pass this Chamber unless a majority vote for it, but I would like to see a measure that would have the support of nearly all the members.

I think there is perhaps a misapprehension, even in this House, with regard to the attitude taken on this question by the Church to which I belong, and, while I do not claim for a moment to be an authority on Church matters, yet I believe I know something on the subject. The Church to which I belong, the Catholic Church, holds that marriage was raised by Christ to the dignity of a sacrament, and that when it is validly contracted and consummated it cannot be dissolved by any power on earth, Church or State. It also holds that the parties to the contract themselves, the man and the woman agreeing to be married, are the ministers of the sacrament. The essential part is the mutual agreement by free will and the intention of a man and a woman to enter the married state and assume the marital obligations. Every man or woman in the world has the natural right to be married or to refrain from marriage. The Church, while claiming the right to legislate on spiritual matters for her own children, declares that the clergyman who perfoms the ceremony is only a necessary witness of the marriage, and that, for instance, two persons not members of the Catholic Church, but Protestants, who are married according to the laws of the State and the regulations of the denomination to which they belong, are as validly married as any two Catholics could be if married by a priest, a Bishop, or even the Pope; that, furthermore, these persons receive all the sacramental graces that accompany the married state, which is a sanctified state and cannot be dissolved. The Church therefore, in my judgment, takes no bigoted, intolerant or narrow view of this extremely important question. It takes the broad Christian view that the holy state of marriage is the most important contract that any man or woman can enter into in this world, and that therefore every possible safeguard should be thrown around it so that it may not be entered into hastily, or by boys and girls who do not know their own minds, who may wish to enter upon that state lightly and without consideration and would likely desire to break away from it again when it became irksome. The regulation of the Church that requires that the parish priest of one of the parties marrying, or some priest delegated by him, or the Bishop, must be present and perform the ceremony, is only a safeguard to prevent people from entering into the state of marriage hastily or without seriously considering what they were doing, or to prevent strangers from perhaps taking advantage of women. It is largely for the protection of the woman. Such regulations are reasonable and wise.

I will take an illustration. I am speaking in the presence of lawyers, and am somewhat timid in doing so.

Hon. Mr. GORDON: You need not be.

Hon. Mr. HUGHES: Every man in the world has the natural right to make a will. That is a natural right that he has as a man.

Hon. Mr. McMEANS: The honourable gentleman is mistaken.

Hon. Mr. HUGHES: I think not—with all due respect to my honourable friend. Now, the State makes this regulation—and it is a reasonable regulation—that the will is invalid unless it be witnessed by two persons. That is for the good of the State and for the sake of public order and the welfare of the majority. That is something like the regulation made by the Church that there must be competent witnesses present and that the marriage ceremony must be performed in a way that prevents clandestinity.

It is stated, and perhaps this is correct, that the Protestant churches do not take so strong a stand upon this question as the Catholic Church does. I think the English Church in Canada takes about the same attitude upon it as the Catholic Church. At all events, according to the regulations of the Church of England, clergymen are prevented from re-marrying divorced persons.

Hon. Mr. HARDY: No, not at all.

Hon. Mr. HUGHES: That is not correct? Well, I have read something along that line. However, I will accept the statement of honourable gentlemen who naturally know more about it than I do, though I would like to have an explanation on that point. There are certainly, I believe, some regulations in the Church of England in Canada that go about as far as I have stated.

I have here four resolutions passed by a committee of the Social Service Council of Canada in Winnipeg in January, 1922. That is pretty late. I think the evangelical

Protestant churches in Canada are affiliated with the Social Service Council; or perhaps the Social Service Council are affiliated with the evangelical churches. I will read these resolutions, which were framed and submitted to the Council by a committee on the Family:

1. That this Social Service Council of Canada expresses as its belief the acceptance of the divine ideal of the life-long and indissoluble union of one man with one woman, for better or for worse, terminable by death alone, as binding marriage in Canada to-day.

2. That in preservation of this ideal unqualified opposition alone can be shown towards any suggestion or action that would tend to substitute for general assumption of this ideal, in the law or custom of Canada or any province thereof, the opposed general assumption that divorce was recognized and possible of attainment by mere request for the application of the law; and

3. That while recognizing the existence of cases of hardship and cruelty from unfortunate marriage, this Council declares that in keeping with this ideal relief should be sought in judicial separation or a divorce that does not carry the right of remarriage; and further declares as its belief that not only is this solution in keeping with this ideal, but that it will better serve the interests of society and the preservation of the family as an institution.

4. Wherefore this Council will oppose any movement to extend the grounds of divorce in Canada; and any movement to increase the facilities of divorce where the general law does not assume divorce, and will endeavour by educational effort to seek the furtherance of the Christian ideal of marriage throughout Canada.

Now, those resolutions were presented by the Committee to the Council, which adopted three of them, rejecting the third. I have this to say, that I would support a Bill that embodied the principal provisions of those resolutions, or even one embodying the principles contained in the three which were accepted by the Council. I think that would be a decided improvement on what is proposed, and an improvement on what we now have.

I would therefore suggest that a reasonable time be taken to consult the Churches in Canada upon this question. I understand that the Methodist Church, before the Union took place, had a regulation preventing their clergymen from remarrying the guilty party in a divorce, and I believe that the law of England up to 1855 prevented the guilty party from remarrying. I would hope for a measure in Canada going as far as that, and I think that would not be going too far. I would prefer to see remarriage prevented altogether, because I believe that would be a solution of this question.

If divorce goes on increasing in Canada during the next fifty years as it has done in the last twenty-five years the situation will be serious. We do not want to be in the same position as our neighbours to the south with regard to this matter. It is a serious one. I think it would be better to proceed slowly on this question. One year more could not do much harm, even to those who wish to see this legislation passed quickly. If we had the churches of Canada behind us we would have seven-eighths of the people with us. My impression is that the Canadian churches will not be behind the proposed legislation, but I think that as Christians, as men vitally interested in the welfare of our country, we could pass legislation that would meet with the approval of the vast majority of the people of Canada, and it is our duty to try it.

I could not vote for the present Bill, if it came to a vote. I had intended to move an amendment to prevent remarriage, or at the very least to prevent remarriage of the guilty parties. I think probably the other House would be the better place—

Hon. Mr. HARDY: Is the honourable gentleman aware that this Bill applies only to the Province of Ontario? I ask the question because he speaks entirely of Canada.

Hon. Mr. HUGHES: I am well aware of that fact, but I am also aware that Parliament can legislate on that question for Canada, and it is our duty to do so. I believe that if we had the churches with us, that would necessarily imply that we would have public opinion with us, and that we could legislate for Canada, or at least for nine-tenths of the people of Canada. I am well aware that this Bill applies to Ontario, but I presume that Ontario does not want to do anything that is injurious to the State, or to Ontario as a Province. We are not sectional in this matter, at least I am not; I would like to see a Bill that applied to the whole of Canada. That is my answer to my honourable friend.

I think I need not go any further in this matter. I have stated my views. I take my responsibility on this question seriously, and I wish to do so. I do not desire to be sectional or narrow-minded. I think I am looking at the question from the standpoint of a Christian and a Canadian citizen; and the suggestion I have made, that it be brought specifically before the church courts and assemblies and synods, and an expression of their opinion asked, would be a respectful attitude on the part of Parliament, and could not do any harm. Honourable gentlemen, I thank you for your patience.

Hon. J. D. REID: Honourable gentlemen, as this Bill is one that affects Ontario only, I would like to say a few words as one coming from that province. I have listened with a great deal of pleasure to the honourable gentleman who has just taken his seat; but, if I heard him correctly, his speech was entirely on a Bill that would apply to the whole of Canada. His answer to the honourable gentleman from Leeds (Hon. Mr. Hardy) was to the effect that this Parliament has power to legislate so far as the whole of Canada is concerned. I do not understand the situation that way.

As I understand the situation, at the time of Confederation the Provinces of Ontario, Quebec, Nova Scotia, New Brunswick and Prince Edward Island were those that formed the Confederation, and at that time Nova Scotia New Brunswick reserved the right to deal entirely with divorces. Therefore we cannot legislate in this House in any way that would prevent Nova Scotia and New Brunswick from deciding whether or not parties who are granted divorces shall have the right to remarry. That is the law as I understand it, and if I am not right other gentlemen will correct me. My contention is that we have no power to pass a law here to interfere with the decisions of the courts of those two provinces, because of the arrangement by which they came into the Union.

The Province of British Columbia, which came into the Union later, reserved exactly the same right. Then the other Provinces were formed—Manitoba, Alberta and Saskatchewan and the Parliament of Canada, by the Act that created those provinces, put them in exactly the same position as Nova Scotia and New Brunswick. Therefore I say that every Province in this Dominion to-day, except Ontario, Quebec and Prince Edward Island, has the right to pass laws relating to divorce, and we cannot pass a law that will affect that decision.

So far as Quebec is concerned, of course the people of that Province have the right to come to this Parliament and have divorces granted here, just as have those from Ontario, but the courts in Quebec annul marriages, and that procedure applies exactly the same as divorce, being based on reasons with which I am not finding the slightest fault. They are perhaps good reasons, but Ontario has no such procedure. Ontario is practically the only Province from which applications for divorce come to this House. The honourable gentleman solemnly said that if we passed this Bill we would be increasing the advantages of getting divorce.

Hon. Mr. HUGHES: Giving greater facilities.

Hon. Mr. REID: Giving greater facilities to try cases. From his speech I would infer that he meant that it would be much easier to get a divorce.

Hon. Mr. HUGHES: No, that is a misunderstanding.

Hon. Mr. REID: That is what I inferred; but, as I understand it, if this Bill is passed and the court of the Province of Ontario instead of this House deals with divorces, no person can get a divorce in Ontario without producing the same evidence as would be required at this Senate.

Hon. Mr. HUGHES: I quite understand that.

Hon. Mr. REID: Then the honourable gentleman has not the same confidence in the judges of Ontario.

Hon. Mr. HUGHES: Oh yes, I have.

Hon. Mr. REID: But those Ontario judges, in whom we have the greatest confidence, can only grant a divorce for the same reasons that apply in the Senate. Then how is this Bill going to facilitate divorces? Perhaps it might result in making them less expensive, for the applicants in Toronto would not pay so much as they would in coming down here, and the courts would sit in Toronto, Hamilton, Kingston, and Ottawa. Why should not those who apply for divorces have such facilities? Why should we force them to come here to the Senate and pay a large amount of money, simply to give the same reasons and evidence, and get the same results? I think that is unfair and unjust, and I hold that the Province of Ontario should be put in the same position as British Columbia, Alberta, Saskatchewan, Nova Scotia and New Brunswick. Does the honourable member wish to refuse to put them all in the same position? It is true that at the time of Confederation there were only four provinces, but now we have the other provinces, and we granted all of them the same rights and privileges. I think my honourable friend was a member of the other House when the Bills creating the Provinces of Alberta and Saskatchewan went through, yet he did not get up and object to those provinces having the right to grant divorces; those Bills went through without him saying a word. Now that divorces come to this House, where it is almost impossible to handle the cases because they are so numerous, we ask that Ontario be put in the same position as every other province except Quebec.

So far as I am concerned, I would give both Ontario and Quebec those rights. The honourable gentleman asks us to go to the different churches and synods and ask them to endorse the giving of those rights to Ontario alone. I think that is absurd. Coming from Ontario as I do, I say it is not right that the present position should continue when divorce cases are increasing so much. If we were doing an injustice to the Province of Quebec or any other province by enacting this proposed legislation I would hesitate, but I hold that it would not do an injustice either to those who are opposed to divorce or those in favour of it. We are simply saying, "On account of other legislative duties, we in this Senate, or we in this Parliament, have not time to deal with them." It has been proved entirely to the satisfaction of the rest of Canada that the proper place to deal with divorces is in the courts, and we ask that the courts of Ontario be put in the same position as others.

The honourable gentleman says that only one divorce case has come from Prince Edward Island. That may be, but I want to tell him that a great many residents of Prince Edward Island have moved to other places, and they have had divorces there. But I would ask the question, how about Prince Edward Island to-day? Has not the same right been granted to them? That province has the right to grant divorce, has it not?

Hon. Mr. HUGHES: It was offered it, but the Legislature refused the offer.

Hon. Mr. REID: Then why would the honourable gentleman not give us the same right here? As a citizen of Prince Edward Island or a member of the other House, he did not object at all, yet now he advises us to refuse to give that right to Ontario. Parliament offered to give the right to Prince Edward Island; then why should Ontario not get the same right? As a citizen of Ontario I say that we are not asking anything that affects any political or religious party in Canada. We are asking that we let the Judges of our High Court examine the witnesses in divorce cases, and if we have only the same grounds that the Senate of Canada now has on which to grant divorces, I think those judges should decide the cases instead of the Committee of the Senate, our time being occupied with other business.

Hon. J. J. DONNELLY: Honourable gentlemen, coming as I do from the Province of Ontario, I wish to explain my position before this matter is disposed of. In the first place, I wish to say that I fully agree with the very clear and able presentation that was made yesterday by the honourable member for Ottawa (Hon. Mr. Belcourt). Aside from any religious convictions that I may have, I feel that as far as possible we should avoid taking any action which will encourage the dissolution of the marriage tie. If this Bill becomes law, and we have divorce courts set up in the different cities and counties of Ontario, I feel that it will add some respectability to divorces. It will encourage parties who may have domestic troubles to seek a lawyer and apply for a divorce, rather than endeavour to settle their domestic difficulties at home.

There is no evidence that there is any very marked demand from the Province of Ontario for this legislation. This is the third time that this Bill, or a similar one, has been before the Senate, and to my recollection the honourable member for Grenville (Hon. Mr. Reid) is the first member of the Senate from Ontario who has spoken in support of such legislation.

I can readily understand why the members of the Senate, and more particularly the members of the Divorce Committee, would desire to be free of the disgusting details which are brought out in connection with the hearing of applications for divorce. But to my mind the remedy is in their own hands. There is a general opinion throughout this country—I do not suppose it is shared in the Senate to any extent—that we have a divorce law in Ottawa, and that the Senate is a sort of divorce court. Now, I have always understood that every Bill granting a divorce through Parliament was a special Act of Parliament. I believe the applications are made to the Parliament of Canada, not to the Senate of Canada. If the Bill granting the divorce were to originate in the House of Commons, and receive the sanction of both Houses and the Governor-General, it would be quite as effective as a Bill which originated in the Senate.

Hon. Mr. BELCOURT: Just the same.

Hon. Mr. DONNELLY: If the members of the Divorce Committee feel that they are overworked, and desire to get rid of it, all they have got to do is to request those who apply for divorces to make their applications to the Private Bills Committee of the House of Commons, and let them try it out. That might have the effect of discouraging divorce. Personally, I do not think that would be contrary to the public good. Every move that we make to weaken the marriage tie has a demoralizing effect on the home and family

life of our people, and, in my opinion, in that way strikes a blow at the very foundation of our civilization.

Hon. GEORGE GORDON: Honourable gentlemen, it was not my intention to speak on this Bill, but in consequence of some of the remarks of my honourable friend opposite (Hon. Mr. Hughes), I should like to say a word or two. While I have a great deal of sympathy with the views he has expressed, I should think that upon consideration he would give a little more latitude to a Bill of this description. About the only reason that I have for voting for this Bill is that injustice might be done to applicants for divorce by reason of the fact that we have in this House members who, from religious conviction, would not act upon that Committee, and who, if a vote were to be taken in the House upon a decision of the Committee, would either not vote at all or would vote in a certain way. That is the only reason why I think it possible that the situation might be better if the divorce work were in the hands of the judges of the country. Every civilized country in the world, as far as I know, has some kind of divorce court. We have divorce courts in this country, and always will have; therefore I see no reason why any person should take the stand which my honourable friend has taken in opposing this Bill. If the Bill does not pass, and divorce applications still continue to be brought here, would my honourable friend care to sit as one of the members of the Committee?

Hon. Mr. HUGHES: May I ask my honourable friend a question?

Hon. Mr. GORDON: Yes.

Hon. Mr. HUGHES: Would my honourable friend amend the Bill so that the guilty party would not be allowed to remarry?

Hon. Mr. GORDON: Will my honourable friend kindly answer my question first?

Hon. Mr. HUGHES: Would the honourable gentleman repeat it?

Hon. Mr. GORDON: If the honourable gentleman were appointed a member of the Divorce Committee, would he sit upon it?

Hon. Mr. HUGHES: No.

Hon. Mr. GORDON: I think there are many other members of this Chamber, including myself, who perhaps would resign before they would sit upon that Committee.

Hon. Mr. McMEANS: I think that is a reflection on the Divorce Committee.

Hon. Mr. GORDON: Not at all. I have my own conviction in this matter. That is one Committee on which I would not act under any consideration. In that respect I am just like my honourable friend (Hon. Mr. Hughes). My honourable friend's views are based upon religious conviction. My opinion too is based upon conviction. However, since we are bound to have divorce, I see no reason—particularly in view of the fact that my honourable friend feels as I do, that he would not care to act upon the Divorce Committee—why he should inflict that duty on other members of the House?

Hon. Mr. BELCOURT: Does my honourable friend think that in passing this Bill the Senate will be relieved of the necessity of hearing applications for divorce?

Hon. Mr. GORDON: Yes.

Hon. Mr. BELCOURT: That is all wrong.

Hon. Mr. GORDON: My impression is that that is the purpose of the Bill—to have divorce cases tried elsewhere.

Hon. Mr. BELCOURT: It would not have that effect at all. It will have the effect of creating concurrent jurisdiction; but the Senate will have jurisdiction in the future just as it has had in the past. That is a serious misapprehension on the part of my honourable friend and some other honourable gentlemen. We do not get rid of the obligation of hearing divorce cases even if this Bill passes both Houses. The Divorce Committee would continue to exist, and would hear cases in whatever number they were presented.

Hon. Mr. SCHAFFNER: It would get rid of a great many cases.

Hon. Mr. BELCOURT: I grant that.

Hon. Mr. REID: Are we not in exactly the same position to-day with respect to Nova Scotia, New Brunswick, Alberta, Saskatchewan and British Columbia? Cannot the citizens of those Provinces come here and have their cases tried?

Hon. Mr. BELCOURT: Of course they can.

Hon. Mr. REID: And they do not come, because they have their own courts. The same will be true with respect to Ontario. If people from Ontario came here we can say: Go to your own court.

Hon. Mr. BELCOURT: My observation is, that notwithstanding the passing of this Bill the Senate will still be vested with jurisdiction to entertain applications for

divorce, and that there still will be applications to the Senate, so that we will have to continue the Divorce Committee to hear whatever applications come to Parliament.

Hon. Mr. REID: Of course, we will have the Committee just as we have it to-day. But to-day people from the Provinces of Nova Scotia, New Brunswick, Alberta, Saskatchewan and British Columbia do not come here.

Hon. Mr. BELCOURT: The honourable gentleman is quite right. This no doubt will diminish the number of applications that will come here. But I want to correct the impression, that seems to exist in the minds of many, that we are getting rid of the necessity of dealing with divorce. Citizens of all the nine Provinces now have, and will continue to have, the right to come here with applications for divorce, and when they come it will be the duty of the Senate to deal with them. If we do not want to hear any divorces at all, the remedy is to simply abolish the Committee on Divorce, or rather, appoint no Committee—destroy the machinery by which evidence can be taken and applications for divorce considered. If we fail to appoint a Divorce Committee we shall have no divorces, and if honourable gentlemen want to be logical they will simply move towards the abolition of the Divorce Committee of this House.

Hon. Mr. McMEANS: If this Bill encouraged divorce, or loosened the marriage tie, I for one would not support it. I want to point out one effect that it will have. A case tried in the provincial court is tried in camera, and none of the evidence is published. But what do we have in the Senate Divorce Committee? All the evidence in every case is printed 425 times, and copies are sent around to all members of the House of Commons and the Senate. We have at the present time over 250 applications, and I fancy I am not very far out when I say that the number will run up to probably 300. Multiplying that by 425 gives you 127,500 as the number of copies of evidence in connection with divorces, many of which will be circulated throughout the country. What will encourage divorce more than that sort of thing? If divorce hearings are held in camera, and no evidence is printed and no report allowed to appear in the press, I think it will tend to reduce the number of divorces.

I would not care to indulge in any controversy in regard to this question. I think that what we have to decide is whether the Province of Ontario shall have jurisdiction

to try cases arising within its own borders in the same way that such cases are tried in other provinces. If the passing of this Bill were to have no other effect than to prevent the publication of the evidence it would be of very great benefit. It would deprive people who have the kind of mind that takes pleasure in reading that sort of thing of the opportunity of doing so.

Hon. Mr. BELCOURT: My honourable friend has no doubt read the British Press on that point. The opinion seems to be general there that the want of publicity has increased the demand for divorces. I have seen the opinion expressed on several occasions recently that the large increase within the last few years is due almost entirely to the lack of publicity.

Hon. Mr. ROBERTSON: Is it my honourable friend's view that all the evidence should be published?

Hon. Mr. BELCOURT: Not at all. I think we have the remedy in our own hands. Why are so many copies of the evidence published and distributed? It is not at all necessary. If this House is of the opinion that we should be relieved forever of divorce matters, let us make no mistake about it, the remedy is in our own hands. I submit that my honourable friend has gone only half way. If he wants to get rid of divorce for good, let him propose that there be no Committee on Divorce in this House, and that will be the end of it.

Hon. C. P. BEAUBIEN: Honourable gentlemen, I think the honourable member for Ottawa has made the position of the minority, especially those from my own Province, very clear on this subject. I want simply to add a word or two. We believe divorce is vicious. But even if we wanted to do so, we could not impose our views upon this House. If the matter were in our own hands, we might be constrained to act differently. A matter of faith is not a matter that you can discuss; but, so far as we are concerned, we have no power in our hands, and we do not want to be a useless obstacle in the way of legislation that is brought before this House. We cannot prevent the Bill passing if we try.

As to the means of carrying out the duty imposed upon this House, I fully agree with what has been said. Parliament has had inflicted upon it a duty that does not belong to it, a duty that it does not discharge well, a duty, in fact, that it cannot discharge fully. A case that comes before this tribunal is only partly settled; and if divorce, which is an evil thing, has to exist in this country, at

least let it exist under such conditions that it can be administered in the best possible way from a judicial point of view. That is the view that I entertain. I believe that divorce is bad from the point of view of morals, and I cannot approve of it generally. But I cannot prevent the Bill passing this House; and, when it has passed, I think every member of this House will heave a sigh of satisfaction that Parliament has been relieved of a duty which never should have devolved upon it.

Hon. E. L. GIRROIR: Honourable gentlemen, I am constrained to adopt the argument of the honourable member for Bruce (Hon. Mr. Donnelly), who voiced my opinion on this matter very well. Divorce, I believe, is a social evil, and I do not think I could support it in any possible way. The appointment of courts in Ontario to deal with divorce cases will facilitate the granting of divorces. If we lessen the expense, as one honourable gentleman has said this measure will, divorces will be more easy to obtain, and people, instead of endeavouring to settle their differences at home, will go to the divorce courts. I do not think that I need say any more about the matter. I do not think we will improve the situation by getting rid of this responsibility—I think our second condition will be worse than the first. If divorce is a bad thing, we will simply be encouraging it by making it easier.

Hon. W. B. WILLOUGHBY: Honourable gentlemen, I will not take more than a moment or two to close the debate. We know that under the British North America Act marriage and divorce are left to the jurisdiction of this House. Was it intended in so leaving the matter, and not delegating those powers to the Provinces, that no legislation should ever follow? I do not think so. I think the primary object was to see that as far as possible there should be uniformity in this matter—and if this Bill should pass, we will have practical uniformity. We will have complete uniformity as to the grounds on which divorce may be granted, but not in the machinery made use of.

This Bill came up last year and went through this House, and a few years previously when presented by my leader, it passed the House. It is only in reference to the arguments of the honourable gentleman from Prince Edward Island (Hon. Mr. Hughes) and some others, that I rise to speak. Many of the arguments advanced by the honourable gentleman from Prince Edward Island have to do with the ceremony relating to marriage, which is a provincial matter, and not one for the jurisdiction of this Parliament. My own opinion, after a somewhat varied experience of divorce in this House, is that the courts are, by reason of their very constitution, their machinery, and judicial atmosphere, a better place than Parliament for the granting of divorce. We have not all the machinery that a court possesses. It would be costly and cumbersome to install such machinery, and the whole series of powers possessed by a court—which our Committee does not seek to exercise—would only burden the Senate if we had them. My object in introducing this Bill is not to escape this work. If I did not happen to be doing this work, with the very able assistance of the other members of the Committee, some other honourable gentleman would take up the running. But I think the time has arrived for such a Bill as this, and I therefore move the third reading of the Bill.

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

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. Little for an Address in reply thereto.

Hon. JOHN G. TURRIFF: Honourable gentlemen, I wish to say just a few words on the Address in reply to the Speech from the Throne. First of all I desire to extend my congratulations to the honourable members who moved and seconded the Address, the honourable gentlemen from London (Hon. Mr. Little) and from Essex (Hon. Mr. Lacasse). I am sure we all agree that they discharged their duty very well, and, as they are both young and vigorous men, I bespeak for them a long and useful career in this House.

The Speech from the Throne is in one respect very much like other Speeches from the Throne that I have heard, in this House and in another, for twenty odd years. It is a good ordinary speech, but like all former speeches coming from the Treasury Benches, it does not satisfy the Opposition. I have never yet heard a Speech from the Throne that did. Whether the Speech came from the party now on this side of the House or the party now on the other side, the Opposition always found a good deal of fault with it for what it did not contain. I must confess that the Speech on this occasion does not contain very much. Perhaps those who prepared it

had in mind the saying of an old sage, that speech was given to human beings for the purpose of enabling them to conceal their thoughts. In that case we may expect discussion of many matters that have not been referred to at all in the Speech from the Throne.

I intend to deal for a short time with only two subjects. One of them was mentioned in the Speech from the Throne, and that is immigration. Honourable gentlemen will realize, I am sure, by the amount of discussion on this question that has taken place so far during the present Session that the subject is attracting a good deal of attention throughout the country. Canada is, and always has been, interested in getting people to immigrate here. Many years ago I was particularly interested in the question of immigration, but in those days, honourable gentlemen, it was much easier than it is at the present time. You had to bring in immigrants of a good class, if you could get them, land them up on the prairies, turn them loose and let them root for themselves. If you did the same now you would not have much success. You have now not only to bring people into the country, but also to look after them. There is not the same area of vacant land to give to immigrants as homesteads, and newcomers must be helped in every way to get a start in life in this country and to become successful settlers.

I noticed, honourable gentlemen, a great deal of criticism, from the other side of the House especially, with regard to our immigration policy. The general argument from the opposite side has been that the Government has spent millions and millions of dollars in bringing immigrants to this country, but that when we have welcomed them in at one door we escort to another, bid them an affectionate farewell and let them drift away to other countries. The statement has been made that, notwithstanding what has been spent, we fail to retain the immigrants brought into Canada, or, if we do retain them, we are not retaining the native population. I regret to say, honourable gentlemen, that there is a good deal of truth in that statement, as there has been in the same sort of statement practically every year for many years past. An addition of the number of immigrants brought in by the Government and the number of births should show our gain in population in this country, but when the census comes to be taken it is found that we have not that increase. I do not know that any more criticism can be applied to the Government than to the Opposition. When they were in power the situation was always practically the same: when we came to count up heads in the census we did not have the additional number of people that the Government claimed had been brought in. People come in, but many of them drift out again. We do retain some, and we are getting some back, and Canada is doing fairly well, but we have not a sufficient increase in population. My honourable friend from Nova Scotia who was speaking yesterday (Hon. Mr. Tanner) contended that if we kept the population that we did get we should now have fifteen or twenty million people here instead of nine or ten millions. I think that is probably correct.

The fact that we have not a population of fifteen or twenty millions proves something: either that our country is not good enough to retain them, or that we are not applying a policy which will retain them. Which is it? Is it the fault of the country? I do not believe it is. My own observation is that, taking it all round, we have as good a country as there is on the face of this earth. What, then, is the reason why we are losing immigrants or native Canadians? My honourable friends opposite say that it is the fault of the policy that has been adopted, that if the Government were carrying out a proper policy those people would be retained in this country, and that we ought to protect our industries in order to retain our people. My honourable friends on the other side of the House who argue along that line forget that they occupied the Treasury Benches for more than half the time that has elapsed since high protection was introduced into Canada, in 1878, some fifty years ago. Why blame this Government particularly? I have heard it said hundreds of times, in this House and in the country, that the party on this side of the House adopted the tariff policy of my honourable friends opposite, and, I am sorry to say, honourable gentlemen, that there is a good deal of truth in that statement. I think that the Liberal Party, while it has been in power, has largely maintained the policy of high protection—and, in my judgment, to the detriment of Canada. It is not for my honourable friends opposite to complain of the failure to retain population, if in the next breath they assert that the present Government and the Liberal Party have adopted and continued the Conservative policy and by that means have maintained the success of the country. For the solution of the problem of retaining and increasing our population they offer the policy of high or adequate protection. Honourable gentlemen, I do not believe for one moment that high protection has kept people in the

country, or that if a high tariff were continued or increased, as my honourable friends suggest, the condition of the country would be bettered. My own view is that the effect would be just the opposite. My honourable friends are aware that high protection has been carried on for the past fifty years, and if the results are as they assert, it cannot be a good policy for the country. They cannot blame the character of the country for the failure to maintain population, because the country is a good one.

Speaking as a member from the West, where a great many of the immigrants have settled in the past years, I want to say that in my judgment the way to retain the immigrants who settle on the land or in the towns is to make the cost of living such that people will find life in Canada attractive. If you could do that you would not have to spend millions of dollars every year to bring people to this country; you would have an immigration agent in every settler who was comfortable and doing well.

What does the settler need? Good, warm woollen clothing in the winter, and good cotton clothing in the summer, and boots and shoes all the year round. Now, would you not think that those would be items on which the duty would be made low? But the contrary has been the case all these years. The duty on these goods has been kept high. Agricultural implements are also of great importance to the settlers. The duty on agricultural implements has been reduced considerably; and let me be fair and say that in the last twenty-five years, as nearly as I can remember, the tariff on agricultural implements has been reduced probably as much by the Conservative Party as by the Liberals But instead of helping out the settlers by admitting free of duty such articles as clothing, boots and shoes, so that a settler of moderate means might clothe himself and his family at a moderate cost and prosper in the country, what has been the situation? High protection all through—high protection on woollens, high protection on cottons, high protection on boots and shoes.

I remember when the whole cry of our manufacturers was: "Give us the protection that the American manufacturer gets. Put us on an even footing with him and we shall be satisfied." They do not say that at all now. Take the case of boots and shoes. Every manufacturer in Canada has not only the whole of this country for his market, but he has all the territory from the Canadian border down to the Mexican border, and from the Altantic to the Pacific ocean. Every manufacturer in Canada can ship all his goods in the boot and shoe line into the United States without one cent of duty, except in the case of a class of boots that was put on the dutiable list by a smart practice that was unworthy of the great American people. Some three or four years ago 1,000 or 1,200 pairs of skiing boots went into the United States, and the tariff was monkeyed with, and those boots were entered as sporting goods. I say that that was beneath the dignity of a great nation; but we always have to look out for that sort of thing.

There is another subject that I think I might reasonably discuss, and I am sure the honourable member for Pictou (Hon. Mr. Tanner) will understand it, because I refer to his part of the country. I happened to see in Hansard a speech by a member of the other House who is interested in the steel business, and who lamented that we did not have a Government that would give proper protection to the industries, because hundreds of millions of dollars worth of goods that were coming into Canada should be kept out by proper protection. Well, for many years that has been said for the British Empire Steel Company, one of the biggest steel manufacturing organizations in Canada, and the speaker was complaining about it not having proper protection.

Just let us see for a moment what protection that industry has had. If I remember rightly, some years ago the bounty on steel was brought in by my right honourable friend, Mr. Fielding, and though there was a high protection on steel which enabled that company to make a very big profit, yet the Government gave it a bounty on the steel produced amounting to $11,000,000 or $12,000,000. That was in addition to high protection against any other steel that was brought into the country. One would think the Government had done pretty well by that company, but that is not all. That assistance kept the company in business for some years, and it built a tremendously large establishment there. It sold any amount of preference stock, and gave common stock with it; but, in spite of all that protection, the company began gradually to go down hill.

After a while the Great War came on, and that company came to the Government and said that they could make steel suitable for cartridges. I am not blaming them at all for that, but the Government of the day gave them a contract by which they made millions on millions of dollars. At all events, for years before they got the contract they had not paid any dividend on the preference stock, and I think some $6,000,000 was due on it. That contract for steel ingots enabled the

company—I think it was the Dominion Iron and Steel Company—to pay off all their cumulative dividends that had been unpaid for years, and also increased the value of the common stock from eight or ten cents on the dollar to sixty or sixty-five cents. If my memory serves me rigthly, the common stock amounted to about $20,000,000, so there was practically $10,000,000 given to it.

It might be thought that that was enough to put the company on its feet, and enable it to serve the people of Canada with cheap goods. But that was not all. I remember equally well, when that question was up, that they claimed they could make boiler plates, and I heard a statement made by the then Minister in charge of that work in the House of Commons, that they could make boiler plates cheaply, and could sell them in the old country. He gave a contract to that company, and they made a great many plates for the Canadian Merchant Marine. But the minute the war was over they found that instead of their being able, as they had boasted, to sell in foreign countries, they could not sell a single plate at a profit. The Government then went to the Company and asked them to cancel the contract, and the result was that a price was fixed for the cancellation of the Government's liability to buy further plates. The amount was fixed at $3,000,000 some odd, and later on there was a change of Government and a trifling reduction was made, but over $3,000,000 was paid to the Company.

Roughly speaking, there was $10,000,000 or $12,000,000 given in bounties; there was the contract on which they made another $10,000,000 or $12,000,000; and then there was the cancellation of the contract for $3,000,000 more. And now what do we find? The company is on the rocks, and calling for more pap. Are the people of the country going to pay more pap to keep the concern alive, after it has taken about $25,000,000, besides the protection it got?

My honourable friends opposite, when discussing this question, say, "We must have protection for our industries." Honourable gentlemen, do you think we want more protection for that style of industry in Canada? Are we going to be asked to bonus it any further? Are we going to allow our settlers on the prairies and the people in Ontario, Quebec and the lower provinces to continue paying high prices on everything the farmer and the settler has to use? That is the question that we have to decide. If we cannot hold our population, our immigration and our natural increase, unless we further bonus or protect the big interests, I am afraid we are not going to keep them at all, and we might as well save the millions of dollars that we are spending to bring people into the country. I think these facts and figures show plainly that the suggestion made by my honourable friends opposite, that the way to improve matters is to give more protection to our industries, is not founded on solid facts, and what I said goes a long way to prove that.

There is another question I wish to touch on for a few minutes, that is not in any way hinted at in the Speech from the Throne; but I think my honourable friend the leader of the Government (Hon. Mr. Dandurand) and the honourable leader on the other side will know by what has taken place in this House that it is a very live question with the people throughout the country. I refer to the question of deepening or not deepening the St. Lawrence channel between Montreal and the Great Lakes.

I was very glad to hear the honourable member for Wellington (Hon. Mr. McDougald) speak on this subject, because of his experience for some years as Chairman of the Harbour Commissioners in Montreal, and being in the very best position to deal intelligently with this problem. I was also pleased to hear from my Right Honourable friend from Eganville (Right Hon. Mr. Graham), and from my honourable friend from Grenville (Hon. Mr. Reid), both of those gentlemen having been Ministers of Railways and Canals. I was particularly pleased to find my right honourable friend advising the Government to go slowly. I do not believe in rushing into an expenditure that may run from $650,000,000 upwards. Let me add that anyone is more or less at a disadvantage in speaking on this subject in this House in the absence of the reports presented to the Government on this subject, and a layman like myself does not know very much about these things; but there are two or three points I want to make that I think should be mentioned before we come to grips with the United States Government.

While the American people individually are very fine people, and I know a great many who are just as good people as we have in Canada, yet in dealing with them as a nation we might remember an old saying that was used down where I come from —that when you go to sup soup with the devil you want to have a long spoon. Now, my impression is that when you go to make a treaty with the United States Government you want to know all the facts of the case, and you need to have your wits about you.

I remember that when I was very much younger there was some treaty or dealing made by which fresh fish were to go into United States free of duty, and our fisheries put up fresh fish and shipped them into the United States, expecting them to go in free; but in the meantime the United States Congress had put the cans containing fish on the dutiable list, and practically shut them out of that country. I am not very clear on this, but I think in the main I am right.

There was another matter that came out, that even the younger men in this House will remember all about. When the Panama Canal was built a few years ago arrangements were made that Canada's shipping would have the same rights in the Canal as American shipping. That is, if parties in Toronto or Montreal wanted to send a cargo of goods to Vancouver, they could be shipped through the Panama Canal at the same rate as goods from New York to Seattle or San Francisco. That was all very well for a very short time; but what did Congress do? It passed an Act taxing Canadian vessels, and taxing them heavily; and it is to the eternal credit of the late President Wilson that he came forward and said, "We made an agreement that Canadian traffic was to pass through the Panama Canal on the same conditions as ours, and I am going to disallow the Act that you have passed" and he did disallow it. But what would have happened if a different man had been in the President's chair? He might have taken the view of the majority of Congress, and broken the agreement.

Hon. Mr. DANDURAND: My honourable friend speaks of an agreement which interested Canada. It was not limited to Canada. The agreement made between Great Britain's representative and the United States was an agreement which covered the whole world.

Hon. Mr. TURRIFF: I am very glad that my honourable friend has set me right on that, but I think I am right in the main effect of the case.

Hon. Mr. DANDURAND: Absolutely; and all homage is due to the virile temper and character of Woodrow Wilson in that matter.

Hon. Mr. TURRIFF: Yes, that is what I thought. But he is not there any more, and the only reason I brought this up was to show that we must have our eyes open, and we ought to have the best men available to carry out this arrangement of digging a deep waterway up to the Great Lakes. And here let me say, honourable gentlemen, that I am tickled to death that our own men will have the negotiating of this treaty. I am not very much exercised about whether the men on the treasury benches sit on this side of the House, or come from the other side. I believe that Canada is every day realizing, more and more, that we have the greatest asset in the world in the water of the St. Lawrence.

I was pleased to hear my honourable friend from Grenville (Hon. Mr. Reid) say that he was favourably impressed with the scheme as it was a few years ago, but he did not know all the facts now, and he wanted the report put on the table. I quite agree with that. I was very much pleased with my right honourable friend who advised the Government to go slowly, and I give credit to the honourable leader of this House for the fact that the Government has submitted the whole question of the rights in water of the St. Lawrence to the Supreme Court of Canada for decision. A few years ago most of us thought that the Dominion Government owned the navigable rivers, the water and the land under the water, and could build anything they liked on the banks of the streams. Now I am not quite so sure that we have that right, and I think the Government has adopted the proper policy in submitting that question to the Supreme Court. And let me say here that if the Supreme Court of Canada were to say: You have been all wrong in the past. The Federal Government has certain rights, but the Province in which the river is situated also has rights and privileges, I am not at all certain that such a decision would be bad for Canada. I rather think it might be well for Canada to have three strong Governments watching lynx-eyed to see that the American Government does not secure one pinhead more than they are entitled to. I think it would be well to have Ontario and Quebec at one with the Federal Government in seeing to that.

I was very much pleased the other day to hear the honourable gentleman from Montreal (Hon. Mr. McDougald) say that in his opinion the city of Montreal had no reason to fear the construction of a deep water channel from Montreal to the sea. I know it has been stated in all the papers lately, or at all events in many of the Montreal papers, that it would be a bad thing for Canada to have a deep water channel built from Montreal up to the Great Lakes. That is something I could not understand. They say it is the very best policy to deepen the channel from Montreal down to the Gulf; but it is a heinous offence to deepen the channel west of Montreal. That seems very strange. Can

you imagine anyone adopting the view that if you improve a waterway for a thousand miles up into the interior of the continent, so that big vessels can ply up and down it and carry freight, it will be a detriment to any part of Canada?

Hon. SMEATON WHITE: In what newspapers has my honourable friend read the report that there is opposition to the improvement of the channel between Montreal and the Lakes?

Hon. Mr. TURRIFF: I would say the Montreal Star and the Montreal Gazette.

Hon. SMEATON WHITE: I do not think so.

Hon. Mr. TURRIFF: My honourable friend ought to be very much better posted in that matter than I am.

Hon. SMEATON WHITE: When the honourable gentleman makes a statement like that, I think he should name the papers. I do not think there has been any opposition at all.

Hon. Mr. TURRIFF: Has the Montreal Gazette not opposed the deepening of the channel up to the Lakes?

Hon. SMEATON WHITE: No.

Hon. Mr. TURRIFF: I may be wrong in that, but I have seen other papers quoting articles opposing that from the Montreal Gazette and the Montreal Star. However, I most gladly withdraw the remark so far as the Montreal Gazette is concerned. I have a very high opinion of that paper and wondered how it could take such a position. At all events, as I say, some papers have taken that position, and I have not been able to understand why they should.

As I was saying, I was very glad to hear the honourable gentleman from Montreal (Hon. Mr. McDougald) say that it was his considered opinion that Montreal would not be hurt by the deepening of the channel, but that, on the other hand, her trade and harbour would be improved by it very much.

Now, there are one or two things that I want to say particularly to my honourable friend the leader of the House. In my judgment no treaty of any kind should be made with the United States until two or three matters have been settled. First of all, no treaty should be made with the United States until the Chicago water steal is settled. That should be settled beforehand, not afterwards. What would be the use of our spending hundreds of millions of dollars in deepening the channel if the United States could tap Lake Michigan, as they are doing now, to the extent, I understand, of 10,000 cubic feet per second? That is a lot of water to be taken out of the Lakes—water that should come down the St. Lawrence river. Apparently the United States Congress is not able to stop that diversion and I think the Government here would be justified in saying that until that matter is settled we will not move hand or foot. The United States need the water-power and the channel far more than we do at the present time, and if our Government stands firm I think it will get what it wants. As I was going to say a moment ago, I am glad that it is our own people who are dealing with that question, so that we will not have another fiasco like the Alaskan boundary affair.

There is one other point that should be settled. No ownership or right or title that we now have, in whatever shape or form it may be, should be alienated to the slightest degree. The St. Lawrence river is our property. I understand that traffic has always gone down the river on the Canadian side, but I hear that the report of the engineers would change all that, and states that between Prescott and Montreal the canal should be built on the American side. I do not know whether that is true or not, but I think the Government should see to it that nothing that we have at the present time is given away in any manner whatsoever.

There is only one other subject upon which I want to touch in this connection. If, as reports say, there will be 4,000,000 hydraulic horse-power on the Canadian side, and a couple of million horse-power on the American side, I think we should be very careful indeed to provide against any part of the power that is generated in Canada being alienated or exported to the United States. If some American firm were to come along and say: "Here, we want to get one million horse-power; you do not want it and cannot use it for the next twenty or twenty-five years; sell it to us, and when you want it we will give it up on five years notice"; does any honourable gentleman think that ever in God's world we would get that power back? Why, it would be said: "You were a party to building up this town of 50,000 or 100,000 people; it was built on the strength of the power that we bought from you and paid for. We cannot be expected to give that up now, and won't do it." What would we do under those circumstances? The population of the United States is twelve times that of Canada, and they would do pretty nearly whatever they wanted in spite of us. So, I say the only

thing we can do is make provision in the Bill providing for the treaty that the Canadian Government cannot grant a license for the export of current to anybody outside of Canada without the approval and consent of Parliament. I believe if that were done perhaps we would be able to retain what is our own.

We have many resources. We have farm lands that eventually may not be as good as they are to-day; we have great fisheries which eventually may be somewhat depleted; we have great timber and pulp resources, which eventually may be cut down or burned over. But in the St. Lawrence river we have a heritage that is ours, and ours alone, a heritage that should be handed down to our children for many generations to come, so that a thousand years from now it still will be flowing on and bringing prosperity to the people of Canada. We should keep fast hold upon that river and every horse-power that can be generated upon it should be utilized in Canada. We should stand by our guns and not allow it to be chiselled away from us.

Those are the things I would like to see done before any deal whatever is made with the United States Government, and upon that basis I hope to see the canal built. If it cannot be built upon that basis, I hope it never will be built. Let us keep that power for ourselves. It won't be more than twenty-five years when we can use it all. If Americans want to buy that power, let us say: "All right, but you will have to use it in Canada. Build your factories here and give employment to Canadian workmen."

Now, I have spoken longer than I intended, and I shall not trespass any further. I simply want to say that I have every confidence that the Government, of which my honourable friend (Hon. Mr. Dandurand) is such an ornament, will see that Canada is fully and thoroughly protected. Let us all remember, honourable gentlemen, that it will be a cold day for the person or party that gives away this heritage.

Hon. C. P. BEAUBIEN: Honourable gentlemen, I should like to address myself very briefly to one at least of the questions which have been discussed during the past few days in this House. First of all, with all the other members of this House, I should like to extend a very hearty welcome to the new members who have taken their seats with us. I congratulate the Government upon the choice which has been made, particularly, if I may say so—because I know them better—upon the members from my own Province. They are men who are in every way fit and capable of representing the great interests of that Province. I go further: I congratulate the Government upon having called to this House a representative of the French race from the Province of Ontario. They have followed a very wise example. The previous Government thought it just and proper that the 500,000 Canadians of French extraction who inhabit the Province of Ontario should have a representative in the Government, and I am glad that the present Government has thought it fair and wise that they should have a representative in the Senate. I congratulate them upon their determination in this respect.

Now, honourable gentlemen, I should like to say a word or two upon what has been, and evidently will continue to be, the crucial problem of Canada. Time and again it has been stated, and admitted, that the future of Canada depends upon the movement of her population. I say "movement" because I intend to treat separately the incoming and the outgoing population. I shall address myself to the honourable member from Assiniboia (Hon. Mr. Turriff) because in doing so I shall be speaking to a representative of the three Western Provinces.

For years, honourable gentlemen, we have been making strenuous efforts to bring people to those three provinces. Great sacrifices have been made by the East; and within the last five years the Government has spent over $11,000,000 to induce people in the United States and in Europe to settle there. I venture the assertion that the Canadian railways in the same period have spent at least as large an amount. We have therefore expended approximately $20,000,000 within five years in trying to increase our population in the West.

What success have we achieved? Few people realize, honourable gentlemen, the appalling rapidity with which the rate of increase in the western provinces is dwindling. After the war we encountered a period of hard times. Over-production had brought about the closing down of many of our industries, and, as everybody will admit, the farmers were suffering cruelly. They did not receive adequate return for their produce, and yet they had to pay high prices for everything required in their calling. During the five years from 1916 to 1921 what was the ratio of increase in the three western provinces? It was as follows. In Manitoba there was an increase of 10 per cent; in Saskatchewan of 17 per cent; in Alberta of 18.5 per cent. Notwithstanding the period of

depression following the war, and all the vicissitudes that this country had had to endure, we still had in the three western provinces an increase ranging from 10 to 18½ per cent.

Hon. Mr. BELCOURT: For what years?

Hon. Mr. BEAUBIEN: I mentioned that: for the period of five years ending in 1921.

What is the position at the present time? Everybody on the other side of the House proclaims—and, I am ready to admit, not without some reason—that the country is enjoying admirable prosperity. The newspapers have repeated time and again the opinions of men at the head of banks, insurance companies, trust companies, and railways, to that effect. For the purpose of this argument I am ready to admit that we are passing through a period of prosperity. Why, then, is the country not holding its population? Nay, why is the country losing its population much faster than it did in the five years ending in 1921? So serious does the situation look that an investigation, I am glad to say, is about to take place in another place; so I trust, at all events. But let us compare the ratio of increase in the last five years with the increase in the five years ending in 1921. In Manitoba the ratio of increase has fallen to 4.7 per cent—less than 5 per cent: it has been cut in two within the last five years. In Saskatchewan it is down to 8 per cent—less than half of what it was in the preceding five-year period. In Alberta it has fallen from 18.5 per cent to 3.3 per cent.

What has become of all our past efforts? What have we done with the millions that we have poured into the West? Can we say that the system we have adopted and carried out is one that we can afford to continue? I contend, honourable gentlemen, that this matter is more serious than all the other problems of the country put together. It is said, and it is true, that this country has been blessed with an over-abundance of riches of all sorts. Everybody admits that. We are blessed in our geographical situation, protected by two moats 3,000 miles and more in width, against aggression from Asia and from Europe. We have plenty of timber, we have enormous resources in water-power, we have an abundance of lands and fisheries, and we possess more coal than the whole of Europe. To this Paradise of riches of all sorts we invite the stranger—nay, we gather in immigrants by the hundreds, paying their passage to this country and settling them on the land, and yet when after five years we take stock we find that they have all, or practically all, left us. What is the matter? How can we afford to keep on losing population?

I would suggest to the honourable member who has just spoken (Hon. Mr. Turriff) that he might with profit read a portion of the speech delivered in another place by the Minister of Immigration. The Minister said: "In my own province, unhappily, the crop of cereals has been very disappointing, but fortunately we have mixed farming and that has saved the country to a large extent." The proposition I would put to the honourable gentleman from Assiniboia (Hon. Mr. Turriff) and to all the western members of this House is this: You may, it is true, export your wheat quite easily, for nothing can be exported more cheaply, but the time when the land, instead of being cultivated, may be mined, as it has been for years past, will come to an end some day. Indeed it has ended in certain parts of Manitoba, and the people there are now obliged to find another means for Mother Earth to feed her children; that is, mixed farming. But, tell me, can you export the products of mixed farming as you can export your wheat? No. What is required for mixed farming? A home market. You cannot escape the fact that the farmer requires a home market. And how can he get a home market unless you have industries? In this country, situated, as it is, alongside one of the most powerful nations in the world in finance and in industry, can you reasonably expect to have industries without a reasonable measure of protection? I will not dwell longer on this proposition. I may be wrong, but it seems self-evident and does not require to be laboured at all.

If anybody thinks that industry can exist in this country without a reasonable measure of protection, let him have the courage to dig down in his pocket and buy some industrial stock. My honourable friend has said, "No protection for the steel industry." It is very easy for a man to say that who has not taken a personal interest in the study of an industry of that kind; but here is the problem as I would put it to my honourable friend. If in Belgium or in Germany men engaged in the manufacture of iron and steel are paid at the rate of $1 or $1.25 a day, and if for similar services it is necessary to pay them in this country $7 a day—as it is—what is going to happen to your Canadian industry without protection? If it is true that the Germans can take Canadian ore, transport it across the Atlantic, make iron or steel out of it, send it back to our own market and sell it $10 a ton cheaper than it can be sold

when manufactured in Canada, does not that furnish us with convincing evidence that a reasonable amount of protection must be granted to such an industry or it must die?

When I hear honourable gentlemen from the West complaining, I cannot help recalling the plea once made by a young man who had killed his father and was on trial for his life. His plea was that the jury should have pity on a poor orphan. If there are any difficulties now in Canadian industry, is it not true that the people of the West are very largely responsible for them? Is it not true that they have forced the hand of the Government? Are they not the people who have caused the tariff to be slashed seven times since the present Government has been in power? Everybody knows that the Government has had to respond to their commands, and that on account of the actual reductions in the tariff and the fear of further reductions in the future, which is equally damaging, our industries are seriously suffering?

I venture the prediction that before long our West will follow in the footsteps of the American West: it will recognize the necessity of a home market; it will admit that to provide a home market we must have industries; and it will finally recognize that we cannot have industries without a reasonable measure of protection. I trust that the Government, which no doubt claims to be far-seeing, will in advance discount the conversion of its friends from the West to—shall I say?—rational principles, and that instead of exposing our industries to unreasonable competition from abroad, will build a tariff wall sufficient to keep them in a flourishing state.

Let me now deal, honourable gentlemen, with another point, the question of the outgoing population. I requested the Dominion Statistician to be kind enough to give me figures showing the number of Canadians who left the country for the United States within the past year. I have been able to obtain the figures for eleven months. He informs me that the number of persons who have so emigrated in the past eleven months is 62,000 and some hundreds. That means that approximately 70,000 Canadians have left us during the year.

Hon. Mr. DANDURAND: How many have returned?

Hon. Mr. BEAUBIEN: I do not know exactly.

Hon. Mr. DANDURAND: Why did not my honourable friend ask?

Hon. Mr. BEAUBIEN: I will tell the honourable leader why it was not necessary. I am going to put the argument to him. There can be no better man to judge it, because, although he leads this House, his party considerations do not count when he sees clearly that his patriotic duty lies in a particular direction; and I am going to show it to him. 70,000 people left the country? That is not so, but 70,000 is the record we get from Washington. But what is the actual state of things? Two years ago we had a discussion in this House, a most illuminating one, because it demonstrated that we lost at least three times as many Canadians as were registered by the authorities in Washington; and then we pleaded on our knees to the Government to have some sort of system by which we could count the heads of those who left us every year. Have we had any answer from the Government? Not that I know of. Is there anything more important than to know to what extent the arteries of this country are bleeding from the movement of our people across the line. I think not, and I believe I could show that to my honourable friend.

The figure established by American statistics is 70,000. Very good. Let us take the western portion alone. We in the Province of Quebec know what loss we are making to the United States every year. We know that our farms are being abandoned, one after another. My honourable friend knows it. But we will forget that. We know that Ontario loses to the United States also; but we will forget that also. There is one thing, however, that I am going to place before my honourable friend now, and I ask him to notice it. It is this: that the three western provinces should have increased in population in the last five years by 363,000. The total by immigration was 183,000; by natural increase, 180,000. But what is the net increase? Did he ever inquire? It was 111,000. What is the loss? It was 252,000 in the three western provinces alone. We have made an investigation all through the Province of Quebec, and we know that within those five years the losses have been appalling. I put this proposition up to my honourable friend: if it be true that by the actual census of 1921, compared with the statistics of Washington, we have lost exactly three times as many men as were registered by the American Government as having gone into the United States, is it not most likely that the same discrepancy in records persists to this day? Is that not apparent, from the loss made in the three Western provinces alone?

Now, I say this: supposing that we multiply this exodus of 70,000 by three, what do we get? Over 200,000 Canadians who have left us, though the times are prosperous.

Hon. Mr. HUGHES: What is the remedy?

Hon. Mr. BEAUBIEN: I am coming to that. Oh, the remedy is a difficult one. I am ready to admit that, but if it is difficult, why should not the Government concentrate on it? That is the question I am putting to the honourable leader of this House. Why not make it its first concern? Has that been done? I doubt it.

Now, honourable gentlemen, everybody is clamouring that we should keep our own children. Of course, that is true; but what do you do to keep our children here? Have you got the same goodwill to keep them as you have to gather children from other races? Let me raise the question of the treatment of English people in comparison with Canadian people who would desire to go out West. My honourable friend knows that in the eastern part of Canada—in the Province of Quebec, for instance—we have land in the Laurentides actually unfit for cultivation, although inhabited by settlers directed to these barren hills in the past by some of our leaders, as unwise as they were well meaning. Has the Government even tried to ferret out some of those poor devils endeavouring to keep body and soul together in this wilderness, to send them to the fertile land of the West? Has the Government gone and said to any of them: "My friend, we have brought large families from Great Britain and charged them $23 for their passage from Great Britain to Winnipeg, and we have given transportation free to their children under 17 years of age; you may have the same advantage if you so choose." No; from Montreal to Winnipeg a Canadian is charged exactly twice the rate; each one has to pay $43, and the children are charged as well. Is there any excuse for that? If a man wants to move, if he feels he has to leave his home, why not allow him to move within the bounds of this country, instead of forcing him to go outside?

We are spending thousands of dollars to recall our own people from the United States; but why does not the Government take the sons of our farmers and educate them as the English people are being educated, to prepare them for farming in the West? No; the foreigners seem to get all the favours, and our own children are completely forgotten. Is that wise?

Let me read to the Government some criminal statistics gathered by the Hon. Mr. Justice Riddell, of the Supreme Court of Ontario. He says that for the crime of murder the inhabitants of Canada, per million, are rated at 11.82; immigrants from Great Britain, at 29.1; immigrants from the United States, at 93.6; other immigrants, at 261.8. For manslaughter and attempted murder, the Canadians are rated per million at 52.4; British immigrants at 91.1; American immigrants at 224.6; immigrants from other countries, at 691. Everybody who has any knowledge at all of the proceedings of our criminal courts is fully aware that they are packed with immigrants from abroad.

Does the Government try to preserve the sound elements of citizenship in the immigrants who come to this country? I have read many articles in newspapers sympathetic with the Government, drawing attention to the radical propaganda in this country, especially in the provinces of Manitoba, Alberta and Saskatchewan. I know that the Government has been informed, time and again, that the representatives of Red Russia through their propaganda have induced a great many of the immigrants in the West to turn their churches into labour temples. They are entirely despoiling these poor people of their faith. It is the worst possible thing to allow the contamination of those new elements of our population. I am told they come to us with excellent disposition, but the Government seems indifferent to prevent the contamination of people whom we bring here at great expense of effort and money. Is that wise?

Honourable gentlemen, as the time for adjournment is close at hand I shall forego the remarks which I had intended to make on other subjects of importance. I may perhaps have accomplished something, at all events, if I can persuade the Government, represented so well in this House, to assume the duty of investigating this problem with the intention of finding some solution for it. There must be some remedy for the trouble. It is no answer for the Government to come to this House and say, "Well, we cannot be moving people from one end of the country to the other." That may be, but the trouble is far too serious to be neglected: it must be attended to and remedied. The farmer must be better cared for, and this can be done; and if he has to move, let us see that he goes somewhere in the country. We have had excursions of people from the East to the West, and from the West to the East. Last summer we received a delegation of people originally from my province who settled in the West years ago, and there was nothing

so moving as to hear those people speak of their old homesteads. I remember an old man saying that he had spent most of his life in the West, intending to settle permanently there and bring up his family, but he never had forgotten the silver voice of the angelus bell that called everybody to prayer at 7 o'clock at night, and that he had saved and put aside enough money to come back and hear it again.

Let us not forget that here we have a very immense country, and as wealthy as it is immense, but we have to carry the weight of it on our shoulders, and we know how difficult it is to keep our own population united, because differences of interest grow from the immensity of space. Therefore if part of our Eastern population must move, by all means let it go West. In that case it will have a new home in the West and the old homestead in the East; and the ties between the two, more than anything else, will make this country united and strong.

Hon. RAOUL DANDURAND: Honourable gentlemen, in closing this debate I should like to inform my honourable friend from Montarville (Hon. Mr. Beaubien) that the situation in the three western provinces is not as bad as he stated it. There was possibly a loss of population there during a certain part of the last five years, but I draw his attention to the fact that around 1920 and 1921 prices of western products were so low that the mind of the population was considerably depressed. During the last three years it has moved towards optimism. We have had three good crops, and I am convinced that the next five years, or the next census, will show quite an increased ratio in population.

There is no better immigration agent than a prosperous farmer, and when during three or four years a cry goes out from those three provinces that farming is not a paying proposition, it is not surprising that population should not be attracted to those lands, or that people who have been a certain number of years without being able to meet their liabilities at the bank have felt like looking elsewhere, as a venture, to better their conditions. But from what I hear, during the last two or three years, another sentiment is permeating the west, and I am in hopes that prosperity such as we had in pre-war times will reappear, and that we will retain not only the native population and its natural increase, but the immigrants that come here.

Naturally we lose constantly towards the south, but there is a movement both to and fro, and with the advantages that we have been getting in the west, I believe that conditions will go on appearing in a very favourable light. My honourable friend asks what the Government has done. It has done its best to improve the condition of the western farmer. I heard a prominent member of the Progressive Party from the West state that of course the western farmer wanted to buy his manufactured goods as cheaply as possible, but that the primary thing the western farmer wanted was cheaper transportation. We have lately improved those conditions, and have given cheaper transportation to the West, and I am really convinced that, generally speaking, the western farmer in those three provinces is to-day quite satisfied with his lot. We know that from many sources; from the banks that have branches in touch with the farmers; and through the press; and all this will make for an increased immigration in the west.

No, I think prosperous times are now at hand; I believe that improvement will come mostly from the prosperity of the farmer. Of course, we want prosperous industries, and to a large extent we have them. One has only to look at the annual statements made lately by the various industries of the land to see, by the balance sheets and the dividends paid, that the industries are on a good footing.

My honourable friend has expressed the fear that we were not taking care of and supervising the immigrants who are with us, and the tuition which is given them. But I am informed that there is a branch of this Government, which existed prior to the present Government, but which is quite active now, that keeps close watch over what is going on among the foreign population, and that is quite informed of the propaganda which is being conducted, and is doing its best to check it.

Hon. Mr. BEAUBIEN: That is quite true; I am very well aware that the Government is informed; but that is not my point. Why does not the Government deport the people who are openly teaching Sovietism in our midst? That is known to the Government; it has been known for years. My question is, why do you allow those people to contaminate our population?

Hon. Mr. DANDURAND: Well, I was under the impression that there had been some deportations. As to that, I speak subject to correction, but I will seek information from the Department. As to the moving of the population from east to west, I may say that that is a matter which is engrossing the attention of the Government, and that this, with the problems relating to

immigration, are receiving to the greatest degree the most serious attention of the present Government.

Hon. Mr. BEAUBIEN: Would the honourable gentleman allow me a suggestion that I had forgotten? I understand that Canadians who move to the United States take out naturalization papers there; but when they come back to this land they have to submit to a period of five years' stay in order to obtain Canadian naturalization again, as if they were absolute foreigners to this country. I submit to my honourable friend that the period should be shortened. They are our own brothers who have gone across, and surely every facility should be afforded to them to reinstate their Canadian nationality.

Hon. Mr. DANDURAND: Well, of course, there would perhaps be an amendment to our Naturalization Act.

The motion for the Address was agreed to.

POSSESSION OF WEAPONS BILL

SECOND READING

Hon. Mr. BELCOURT moved the second reading of Bill B, an Act to amend certain provisions of the Criminal Code respecting the possession of weapons.

He said: Honourable gentlemen, may I say in a few words that with one exception this is exactly the same Bill that we passed last year. The only changes made in the Bill were absolutely necesary so that the references should conform to the Revised Statutes. As there is no other change whatever, and as the Bill has been gone into very fully on two or three occasions, last year having been considered also by the House of Commons, failing in its passage, unfortunately, because of an earlier prorogation than was expected, I do not intend to delay the House further on the second reading.

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.

Hon. W. B. ROSS: I think the honourable gentleman might as well let it stand. There is nothing to be gained—

Hon. Mr. BELCOURT: My object is to try to get the Bill before the Commons as early as possible. On two occasions already it failed to become law because it did not reach that House soon enough.

Hon. W. B. ROSS: All right.

Hon. Mr. BELCOURT: I wish to guard against that this year.

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

DECEASED SENATORS

TRIBUTES TO THE MEMORY OF HON. MESSRS. MONTPLAISIR, MULHOLLAND, McCOIG, BOYER AND CLORAN

Hon. Mr. DANDURAND: Honourable gentlemen, it is my painful duty to draw your attention to the demise of five members of this Chamber since we separated in April last. Their lives did not run the same length.

Senator Montplaisir was born in 1838. He was one of the leading citizens of his district, whose center is the old city of Three-Rivers. He was for a quarter of a century the Chief Magistrate of Le Cap de la Madeleine, and was for many years the Warden of Champlain County. Farming was his avocation. He was a good citizen, beloved for his philanthropy and his suavity. He was 36 years a member of this Chamber, which he attended regularly up to last session.

Senator Mulholland, born in 1860, seemed to be enjoying perfect health when he left for Europe last summer. We were all surprised and pained to hear of his sudden death in England. Senator Mulholland was a successful man of business, interested in finance and industry. He had the confidence and esteem of his community, was mayor of Port Hope for many years, and was called to many offices of trust and responsibility. He was a charming companion and had a large circle of friends in this Chamber and outside who sincerely mourn his loss.

Senator McCoig was the youngest of our departed colleagues. He was born in 1874, and came from Kent county, in the western part of Ontario. He was a farmer and a business man. He entered public life at an early period, was alderman of the city of Chatham at the age of 25, and entered the Legislature of Ontario at 30. Three years later he entered the House of Commons and was constantly re-elected till he left the popular Chamber in 1922 to enter the Senate. He was active and energetic, and his career was a successful one.

Senator Boyer was also in his prime. He interested himself all his life in agriculture. He was a profuse writer in all matters which tended to raise the standard of rural life. For many years he was Chairman of the Dairymen's Association of the Province of Quebec, and of the Pure Maple Sugar Co-operative Association. He was a promoter

of good roads and helped to bridge the waters of the Ottawa River at Vaudreuil. He was beloved by the people of his county, Soulanges-Vaudreuil, which he represented in the House of Commons for many years. Sickness prevented him from participating in our labours.

The sad news reached us this morning of the demise of Senator Cloran. Our lamented colleague had a varied experience in many fields. He was a barrister and a journalist; he was active in literary, athletic and national associations in the city of Montreal. He was a candidate in his native city, as well as in Prescott, for the House of Commons. He was Reeve and Mayor of Hawkesbury. He took a very close interest in the work of the Senate, and was heard on many questions. He was a fluent and eloquent speaker.

We regret the departure of our friends and colleagues. To their families we extend our warmest sympathy.

Hon. W. B. ROSS: Honourable gentlemen, along with the honourable Leader of the House, I wish to express not only my own sorrow, but that of members on this side of the House, at the demise of so many of our members. The hand of death has been indeed heavy upon us. All of the departed members had our highest respect, and, along with my honourable friend, I wish to extend on behalf of those who are here, our sympathies with the relatives and friends of our deceased colleagues.

ADJOURNMENT OF THE SENATE

Hon. Mr. DANDURAND: Honourable gentlemen, it is not probable that we shall have any important legislation from the other Chamber for some time. When it has voted the Address it will proceed to a discussion of the Budget. Under these circumstances, after consultation with the senior members of the Senate, by leave of the House, I would move:

That when the Senate adjourns this evening it do stand adjourned till the afternoon of Tuesday, the thirteenth of March next.

Hon. Mr. DANIEL: Has the leader of the Government consulted with any of the members of the Chamber as to the length of this adjournment? It appears to me, although I do not usually take any very active part in the discussions in this Chamber, that five weeks is a very long adjournment. There are important matters that could very well be debated in this Chamber, even before any legislation relating to them appears on our Order Paper. Personally, I think that five weeks is a very long adjournment.

Hon. Mr. DANDURAND: If my honourable friend looks at the calendar he will realize that, excluding this week, it means practically but four weeks.

Hon. Mr. DANIEL: Does not that bring us very nearly to Easter?

Hon. Mr. DANDURAND: No, we shall have three weeks before Easter. I may say that I have consulted leaders of both sides.

The motion was agreed to.

THE CHICAGO DRAINAGE CANAL

INQUIRY

Hon. W. B. ROSS: Now that we are adjourning for such a long time, I would like to ask my honourable friend if he could arrange with the Department of External Affairs to give us a précis of the documents relating to the Chicago Drainage Canal and the diversion of water there. I do not ask for documents. There seems to be a very great difference of opinion abroad as to what the actual facts are in connection with this matter. Some people claim that we agreed to the diversion—that there was an arbitration or commission sent there; some say that one quantity was to be taken, others say another, and others that there was a contract in regard to the water at Niagara. If my honourable friend would ask the Department to let us have a précis of the facts, it could be laid on the Table for our instruction after the vacation. It would be a sort of brief, and would tell us where the documents are to be found.

Hon. Mr. DANDURAND: I will transmit the remarks of my honourable friend to the Department of External Affairs, and will ask if there is not already a statement which covers this ground.

Hon. Mr. BEAUBIEN: Could we have at the same time information as to the proposed course of the Government in regard to the waterway, or are we debarred from that until there is a judgment rendered by the Supreme Court?

Hon. Mr. DANDURAND: I do not know whether any official information will be given to Parliament this Session.

F. W. GILDAY, M.D.

MOTION FOR RETURN

Hon. Mr. TANNER: I have a formal notice of motion on the Order Paper, asking for some papers. In view of the long adjournment, I presume my honourable friend would not object to the motion being put this afternoon. It is down for to-morrow.

Hon. Mr. DANDURAND: I have no objection.

The Hon. the SPEAKER: I may point out that a more regular way would be to request the Department to prepare the return, and after the adjournment the honourable member could move his motion and receive the papers at practically the same time.

Hon. Mr. DANDURAND: I will ask the Department of Marine and Fisheries to prepare the report, although the motion has not been adopted.

Hon. Mr. TANNER: Very well.

The Senate adjourned until Tuesday, March 13, at 3 p.m.

THE SENATE

Tuesday, March 13, 1928.

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

Prayers and routine proceedings.

CANADIAN NATIONAL RAILWAYS

RETURNS FROM BRANCH LINES

Hon. Mr. BELCOURT: Honourable gentlemen, I have the honour to lay on the table the Report of the Board of Railway Commissioners.

Hon. W. B. ROSS: Has the honourable gentleman a copy of the report on the branch railways? I asked for it just before the adjournment. The report has been laid before the other House.

Hon. Mr. BELCOURT: I have not heard anything about it. I shall make inquiries.

Hon. W. B. ROSS: I heard that it was laid before the other House on the 27th or 28th of February.

Hon. Mr. BELCOURT: What is the exact title?

Hon. W. B. ROSS: I suppose it is the report on branch railways.

UNITED STATES FLAG IN CANADA

MOTION FOR RETURN

Hon. Mr. TANNER moved:

That an Order of the House do issue for a return of copies of all correspondence in 1927 between F. W. Gilday, M.D., of Montreal, and the Department of Marine and Fisheries, and the Department of the Secretary of State in respect to the flying of the flag of the United States in Canada.

The motion was agreed to.

PENSION ACT AMENDMENT BILL

WITHDRAWN

On the Order:

Second reading of Bill C, intituled: "An Act to amend the Pension Act as respects pension to widows."

Hon. E. L. GIRROIR: Honourable gentlemen, I understand that a Committee of the House of Commons is preparing amendments to the Pension Act, and that a Bill covering these will come before us later on. In view of that fact, of which I was not aware at the time I introduced this Bill, I would ask the leave of the House to withdraw the Bill.

Hon. Mr. BELCOURT: I would point out to my honourable friend that the Senate could not deal with that Bill anyway. It is one involving a tax on the people.

Hon. Mr. GIRROIR: I think my honourable friend is mistaken in his view. However, I am quite willing to withdraw the Bill.

The Bill was withdrawn.

VENEREAL DISEASES BILL

SECOND READING

Hon. E. L. GIRROIR moved the second reading of Bill D, an Act to make venereal disease an impediment to marriage.

He said: Honourable gentlemen, I could say a good deal with regard to this Bill; in fact, I have prepared considerable material in support of it; but I do not intend to present it at this time.

Generally speaking, the Bill is founded on a desire to give our coming Canadians a clean bill of health. In animal husbandry we endeavour to provide a clean bill of health for the stock which we raise; but in the human field nothing of that kind has been done; and it seems to me that we should follow the lead of certain of the States in the Republic to the south of us, and should endeavour to prevent people who have venereal disease scattering it over the country and doing great damage to our race.

Just to show you the seriousness of the situation, I will read a short article from the Canada Lancet and Practitioner. This article is written by Dr. Gordon Bates, an expert in the field of social hygiene, who in the course of a very good letter says:

A man in the city of Brantford applied to the City Relief Officer for coal and groceries for his family. He said that he had rheumatism and was unable to work. He was sent to the hospital for examination and after careful investigation the following facts were elicited. It was found that several children had died. The

man was found to be syphilitic, also his wife. The following describes the condition of the living children:

The eldest child is partially blind and deaf.
The next two children are deaf and dumb.
The fourth is a cripple.
The fifth is an idiot.
The sixth is mentally defective.
Syphilis is the cause of this situation.

Improper care of children in the home, resulting in false ideals, ignorance as to the facts which should be considered when marriage is entered into, the broken home whether caused by separation of parents or death of parents, bad housing conditions, the lack of such a procedure as periodic health examination—these and a thousand and one other factors have to do with the existence of such disease. So that as one goes on studying the problems of disease prevention one finds that the whole question becomes more and more complicated.

As I have said, in many of the states of the United States they have a law similar to the one which I am advocating, and no marriage can take place without a physical examination. I do not mean for one moment to say that this is the last word upon the subject; it may be that this Bill will have to be added to or amended before it is passed; but at all events, it is an earnest effort to safeguard the health of the race. I do not know that this is the proper tribunal to deal with this Bill, and I would suggest that it be referred to the Committee on Health, to which I would like to see added the name of the Hon. Dr. Rankin.

Hon. Mr. BELCOURT: I should like to see the Bill discussed. It seems to me that the second reading should not be allowed to go without some discussion. Personally I am not prepared to say anything about it at the moment.

Hon. J. W. DANIEL: Honourable gentlemen, the Bill is one that of course should be thoroughly discussed; at the same time, it is of such a nature that one does not care very much about discussing it in public. For that reason I think the Bill should be sent to a committee, the proper one probably being the Standing Committee on Public Health.

Under the Bill the question of whether any marriage shall take place or not is entirely dependent upon the certificate of the physician. If that certificate is to be of any service whatever, there has got to be a very thorough examination of both the expectant bridegroom and the expectant bride—an examination that is very far from being a mere formality. If your expectant groom and bride simply have to go to a physician and pay a fee in order to get a certificate, without undergoing a thorough examination, you had better have no Bill at all. It would be introducing into the ceremony of marriage the same farce that has been in vogue in certain provinces where they have had a prohibitory law with respect to alcoholic beverages—that people simply had to pay $2 for their prescription, when they could get the liquor. I imagine the situation in regard to marriage would be somewhat the same if the Bill were left in its present form. If the law is to be of any use at all the examination must be a thorough one, and the certificate of the physician must mean exactly what it says, namely, that the two parties are free from any taint of venereal disease.

I think this matter could be more thoroughly and satisfactorily discussed by a suitable Committee, where the members would be in a position to secure the technical advice which may be required.

Hon. W. B. ROSS: We could take the second reading of the Bill with the understanding that we are leaving the principle open.

Hon. Mr. BELCOURT: That is what I was going to suggest.

Hon. J. D. REID: I would like to ask whether the Parliament of Canada has a right to say who shall or who shall not marry. I have always understood that the provinces governed in the matter of marriage. If that is the case, I think it would be well to let the Bill stand until the Leader of the House can make some inquiries of the Justice Department as to whether or not the Bill, if passed, would be ultra vires. If we were to go on discussing the Bill for some days and then find that to be the case, we would appear ridiculous in the eyes of the provinces.

Another point is this. I think this Bill would have a better chance of getting through Parliament if it originated in the House of Commons.

Hon. W. B. ROSS: Under the British North America Act, marriage and divorce are given to the Parliament of Canada; what is reserved to the provinces is the celebration of marriage —the mere form.

Hon. Mr. REID: I have always understood that the Dominion Parliament had no jurisdiction whatever as to marriage, but that it belonged to the provinces.

Hon. W. B. ROSS: That is the celebration of the marriage.

Hon. Mr. McMEANS: The form of the ceremony.

Hon. W. B. ROSS: Who is to celebrate it, and the number of witnesses required.

Hon. Mr. REID: Even so, I think the Bill might better originate in the House of Commons, as possibly it will meet with more opposition there than here.

Hon. Mr. BELCOURT: If the suggestion of the Leader of the Opposition is accepted, I can see no reason why the Bill should not go to the Committee on Health, as suggested by the mover.

Hon. Mr. REID: If the honourable gentleman and the other legal gentlemen take the position that it is within our jurisdiction, all right.

Hon. Mr. BELCOURT: Personally I think it is, but I would rather the Bill went to the Committee without the House committing itself to the principle of it.

Hon. Mr. GIRROIR: The Parliament of Canada has passed a Bill permitting the marriage of a man with his deceased wife's sister, showing that they have authority to say who shall or who shall not marry.

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

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

THE SENATE

Wednesday, March 14, 1928.

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

Prayers and routine proceedings.

LIEUTENANT AIME LAMOTHE
INQUIRY

Hon. Mr. TESSIER: May I draw the attention of the leader of the House to the fact that on the 1st of February I asked for a return of the file with regard to the request of Lieutenant Aimé Lamothe for a pension following his services at the front during the war, together with the evidence produced, and the decision of the Federal Appeal Board. I would like to ask the honourable gentleman when I may expect to get that report, in accordance with the order of the House?

Hon. Mr. BELCOURT: I have heard nothing about it; I will make inquiries.

SUPREME COURT BILL
FIRST READING

Bill 31, an Act to amend the Supreme Court Act.—Hon. Mr. Belcourt.

POST OFFICE BILL
FIRST READING

Bill 22, an Act to amend the Post office Act (Newspaper Ownership).—Hon. Mr. Belcourt.

PUBLIC PRINTING AND STATIONERY BILL
FIRST READING

Bill 33, an Act to amend the Public Printing and Stationery Act.—Hon. Mr. Belcourt.

THE SAINT JOHN AND QUEBEC RAILWAY BILL
FIRST READING

Bill 9, an Act to authorize an extension of time for the completion of The Saint John and Quebec Railway between Centreville, in the county of Carleton, and Andover, in the county of Victoria, N.B.—Hon. Mr. Belcourt.

ROYAL MILITARY COLLEGE BILL
FIRST READING

Bill 113, an Act respecting the Royal Military College of Canada.—Hon. Mr. Belcourt.

RAILWAY BELT WATER BILL
FIRST READING

Bill 20, an Act to amend the Railway Belt Water Act.—Hon. Mr. Belcourt.

PATENT BILL
FIRST READING

Bill 7, an Act to amend the Patent Act.—Hon. Mr. Belcourt.

TRADE MARK AND DESIGN BILL
FIRST READING

Bill 8, an Act to amend the Trade Mark and Design Act.—Hon. Mr. Belcourt.

C.P.R. AND C.N.R. AGREEMENT BILL
FIRST READING

Bill 6, an Act to confirm a certain agreement made between the Canadian Pacific Railway Company and the Canadian National Railway Company.—Hon. Mr. Belcourt.

CANADIAN NATIONAL RAILWAYS
RETURNS FROM BRANCH LINES

Hon. W. B. ROSS: The honourable leader on the other side has filed to-day a return of the expenditures upon the branch railways. That is a very interesting document, and I hope it will be read by all the members of the House. Some time it may be worth while, perhaps necessary, to refer it to a Committee for consideration. Before that is done, however, if it is done at all, I would like to ask if it is possible to get what we got once before in connection with a similar return, namely, an additional return showing whether these branch lines are self supporting

or not. It may be that the books are not kept in such a way as to show the exact earnings of these branches, owing to the fact that grain, for instance, shipped over them on to the main line may be merged with something else. Nevertheless, it would be possible for the railway to give us a fairly honest and accurate statement whether or no these various branch roads are paying their way. It was quite clear to me last year that a number of them not only paid their working expenses but had something over, that others were working up to that condition, and that still one of two others, recently built, fell short of that. It would be very satisfactory to the people of this country to know that these branch roads are at least paying their way, or, possibly, doing a little better.

Hon. Mr. BELCOURT: I will submit my honourable friend's request to the Department.

GRAIN SHIPMENTS, TRANSCONTINENTAL RAILWAY

INQUIRY

Hon. Mr. TURGEON inquired of the Government:

1. How many bushels of wheat and other grains have been transported over the Transcontinental Railway from Winnipeg to the Port of Quebec during the months of May, June, July, August, September, October, November and December of the year 1927?
2. How many bushels of wheat and other grains have been transported over the Transcontinental Railway from Winnipeg to the Ports of Saint John and Halifax respectively during the months of November and December, 1927, and the month of January, 1928?

Hon. Mr. BELCOURT: I have an answer to the inquiry of the honourable gentleman.

The railway management reports that there was no movement of grain via Transcontinental during the months in question, with the exception of December. During December and January last the movement from Fort William and points west to eastern Canadian ports was as follows:

	Quebec	Saint John	Halifax	Totals cars
December . .	7	2	90	99
January. . .	5	15	9	29
	12	17	99	128

* 1,400 bushels to a car can be considered as average.

During the month of February of this year 470 cars, or 663,255 bushels were moved from Fort William to Quebec, via the Transcontinental.

In addition, the Canadian National has moved to Canadian ocean ports, during the months shown, the following quantities of grain from lower lake ports, which reached those points by water from the head of the lakes:

	Quebec	Saint John	Halifax
October, 1927 . .	39,986	200,000	
November, 1927 .	17,000	2,194,168	1,139,986
December, 1927. .	.....	2,774,359	609,425
January, 1928 . .	.....	1,315,489	
	56,986	6,484,016	1,749,411

	Totals
October, 1927..	239,986
November, 1927..	3,351,154
December, 1927..	3,383,784
January, 1928..	1,315,489
	8,290,413

ST. LAWRENCE WATERWAY PROJECT

INQUIRY AND DISCUSSION

Hon. J. D. REID rose in accordance with the following notice:

That he will call the attention of the Senate to the St. Lawrence Waterways project, and inquire if it is the intention of the Government to lay on the Table of the Senate the Report of the Advisory Committee on the proposed scheme.

He said: Honourable gentlemen, just a day or two before we adjourned I asked the Leader of the Government if he would lay on the Table the reports of the Commission and the Advisory Committee in connection with the St. Lawrence Waterway. The honourable gentleman laid on the Table the report of the Commission of Engineers.

Hon. Mr. BELCOURT: The Joint Commission?

Hon. Mr. REID: A Joint International Commission. The report of the Advisory Committee, he stated, he could not lay on the Table at the time for the reason that the Government were carrying on negotiations with the Government of the United States, and that the making public of the report might interfere with the negotiations. That was a fair answer, and a good reason why I should delay going on with the discussion of this matter at that time.

I, of course, should have liked to have read that report, which is a very important document as well as other information, before making the few remarks that I intend to make to-day, and I think I had better explain at the outset, in anticipation of a ques-

tion from the Leader of the Government, why I am waiting no longer. Shortly after we adjourned I began to see items in the newspapers indicating that others than ourselves had been given this report, and that already propaganda had been started in favour of the findings of the Advisory Committee. That being so, surely it is not unfair to request that it should be given to the members of the House of Commons and of the Senate. In the Toronto Star of February 21st appears evidence that this report was in the hands of outsiders. Here is the item to which I refer, headed, "Stamp of approval put on waterways," and stating:

City Council expresses approval of St. Lawrence development plans. The City Council yesterday—

That is, the city council of Toronto—

—expressed its approval of the St. Lawrence development schemes in adopting a motion from Alderman Boland recommended with amendment by the board of control.

Alderman Boland's original motion read as follows: "That this council do record its unanimous approval of the report of the National Advisory committee appointed in connection with the St. Lawrence waterway development as essential in the proper development of Canada and look forward to the adoption of plans which will provide for the commencement of the work at the earliest date, and that a copy of this resolution be sent to the prime minister of Canada and to the representative of the city in the Senate and in the House of Commons."

Board of control, in dealing with this motion before submitting it to council, deleted with the consent of Alderman Boland, the words "unanimous" and "report of the National Advisory Committee appointed in connection with the," and made it read "and recommend the adoption of the motion." Council passed the motion as amended.

Hon. Mr. BELCOURT: May I ask my honourable friend what paper he is reading from?

Hon. Mr. REID: The Toronto Star of February 21st this year.

Then again I have before me another paper, the Mail and Empire, in which an item appears, headed, "No joint control of St. Lawrence." It says:

Chairman of Advisory Board on Development speaks at St. John. Talk is deplored. Hon. W. E. Foster warns against heeding immature statements.

In my judgment that refers to the report of the Advisory Committee.

Hon. Mr. BELCOURT: What is the date of that?

Hon. Mr. REID: The dispatch is dated St. John, New Brunswick, February 14th. In this item this gentleman makes two statements which, I must say, I do not consider to be in accordance with the facts contained in the report of the Joint Waterways Commission. A little later I will explain what those points are. The item continues:

He described the power and navigation possibilities, the favorable features which the river possessed, traced the work of the various bodies that have been investigating it for some years and dealt with the treaty rights of the United States, as applicable to the present situation.

Another part of the item states:

"I have never yet heard any serious suggestion," he said, "that if the work is proceeded with there would be involved any joint control by Canada and the United States of any works undertaken in purely Canadian territory. United States rights in the St. Lawrence River are already defined and covered by special treaties. United States ships freely pass up and down the St. Lawrence River through purely Canadian territory, and at the command of the skippers of Uncle Sam's ships their whistles are obeyed at all Canadian locks without hesitation.

"Statements have also appeared from time to time tending to arouse the public mind in opposition to the project by intimation that it will involve Canada, and therefore the taxpayers in a very large expenditude of money Any proposal that would cast doubt upon the steady reduction in taxation, such as we have had in recent years, would certainly meet with strong opposition from the country as a whole.

That is the Chairman of the Advisory Committee. But we have another gentleman discussing this—Brigadier General C. H. Mitchell, of the Faculty of Applied Science of Toronto University. This item is dated March 6th.

Hon. Mr. BELCOURT: What paper is that from?

Hon. Mr. REID: I think that was the Star too, dated March 6th. The heading is: "Says All-Canadian plan Unfeasible." Apparently these gentlemen to whom I refer have before them, in discussing this question, the report of the Advisory Committee, which is being passed on by someone. I do not think for one minute that the Government are doing that, but if someone is passing on this Advisory Committee's report so that city councils and boards of control may pass resolutions of that kind, I feel justified in taking up this question and discussing it here at the present time.

Hon. Mr. BELCOURT: Is General Mitchell a member of the Advisory Committee?

Hon. Mr. REID: No; he was a member of the International Joint Waterways Commission.

This question is, in my judgment, one of the most important that has ever come before

this Parliament. I do not believe that members of the House of Commons or the Senate realize the importance of it. It would take a long time perhaps to lay before you all the different questions that might be raised. I will make my remarks as brief as I can, and will promise not to take up much time.

During the recess I have studied very carefully the report made by the International Joint Waterways Commission. I live on the St. Lawrence and was born and brought up there. All the improvements that have been made on the St. Lawrence waterway during the last forty years I have seen and followed, and I know all the conditions on that river. I am deeply interested. The province of Ontario is deeply interested, and I maintain that if the improvements that are recommended in this report are to be carried out, the situation is very serious for Canada as a whole.

The Commission have divided their report into several sections. One deals with navigation alone, a second deals with power, and then the two subjects are combined. For my part I want to divide the question into the following subjects, in order to discuss each separately: (1) navigation; (2) power; (3) how the project will affect Montreal Harbour; (4) how it will affect Ontario and Quebec; and (5) how it will affect Nova Scotia, New Brunswick, Manitoba, Saskatchewan and Alberta.

First, navigation. Let me explain to honourable members the present condition. Vessels with a load of 500,000 bushels and of 18 feet draught can proceed with safety, from Port Arthur to Port Colborne or Buffalo. At present no vessel drawing more than 14 feet can pass into Lake Ontario through the Welland Canal, but next year it will take vessels of 25 feet draught. After leaving the Welland Canal vessels of 18 feet draught can proceed with safety, as they can between Port Arthur and Port Colborne, right through Lake Ontario and for 67 miles down the St. Lawrence River, until they reach a point three miles below the town of Prescott and the city of Ogdensburg. From there on to Montreal the course, through the canals and the River St. Lawrence, permits of vessels of 14 feet draught. That is the present condition.

The first thing that amazed me was the statement that the present depth of navigation between Port Arthur and Port Colborne or Buffalo was only 18½ feet. I must confess that I had always believed we had 25 feet. Some years ago it was decided to enlarge the Welland Canal to permit of 25 feet draught. I made inquiries; I desired to ascertain why, if we had enlarged the Welland Canal to a draught of 25 feet, no vessels drawing more than 18½ feet could proceed to Port Colborne or Buffalo.

If you look back a few years you will find that we did have 25 feet of navigation. You cannot pass through the locks on the American side to-day with more than 19½ feet, though they were built for 25 feet. Our locks at Sault Ste. Marie to-day permit of a draught of only 18½ feet. You could get through them with 25 feet if enough water were there. It was there at one time. Why is it not there now?

Looking through the Commission's report, I saw several reasons given to explain why the levels on the lakes and the rivers between Port Arthur and Port Colborne have been reduced. The Commission say, first, that the outlets have been enlarged. That is, between Lake Superior and the next lake the opening has been deepened and widened, and the same is true all the way down. The next reason given to explain why the lakes and rivers have been reduced from their former levels is the diversions, and they enumerate the following:

(a) The operation of the regulating works constructed to correct for power diversion in the St. Mary's river at the outlet of Lake Superior.

(b) The diversion of the Chicago Sanitary District from Lake Michigan.

(c) The diversion from Lake Erie for power and navigation through the Welland Canal and the Niagara river.

(d) Changes in the discharge capacity of the St. Clair river at the outlet of Lake Huron and of the St. Lawrence river affecting Lake Ontario.

(e) The diversion on the Niagara river for navigation purposes through the Black Rock Canal for power purposes also affects the level of Lake Erie.

(f) The diversions via the Welland Canal and Black Rock Canal affect not only the levels of Lake Erie, but also to a small degree the levels of Lakes Michigan and Huron.

Therefore the outlets and diversions have reduced the safety of navigation between Port Arthur and Port Colborne from 25 feet to 18½ feet.

Now, let me tell you what the diversions mean, as I interpret the report. On the St. Mary's river, at Lake Superior, there are of course the locks, but water powers have been developed there and this has affected the levels. At Niagara, as many of our Ontario people know, the Chippewa Power Company and other power companies have made developments, so that the volume of water coming through is much greater than formerly, and the lake levels are consequently lowered.

That is the present state of our navigation. Now the proposition made by the Joint Commission is this. They say, spend $41,700,-

000 in improvements between, say Port Arthur, and Port Colborne, in order to make a 25 foot channel, or to improve the channel so as to restore it to what it was originally. That may be all right; I do not know much about that part of our country; but what I am afraid of is that if you deepen the channel further you allow a greater flow of water to pass through, and, while it may be to the advantage of power companies to have the greater flow of water, we may not get the results that are expected. I was under the impression, before I read the report, that a vssel 687 feet long and about 80 feet wide—that is, the full size of the locks—and of a draught of 18½ feet, with a load of 500,000 bushels, or 12,000 tons, was perhaps about as large a vessel as could safely be handled in our inland lakes. However, I may possibly have been wrong in that, and as to the enlargement to provide for 25 feet there, I can make no criticism.

Then you come down through the Welland Canal and through Lake Ontario to the St. Lawrence river. The Commission state in the report that between the outlet of Lake Ontario and a point three miles east of Prescott, for a distance of 67 miles, there is plenty of water for a vessel of 25 feet draught to come down safely, with the exception that there are on the American side a few points that it would probably be a great deal better to remove. They recommend an expenditure of about $1,100,000 for the removal of those small points. About one million of that expenditure, according to the report, would be on the American side, and probably about $100,000 just west of Brockville, on the Canadian side.

Then they come to the most important part, between Prescott and Montreal. The main works commence three miles east of Prescott, on the St. Lawrence. They recommend that the channel, which is now on the Canadian side all the way through to Montreal, should at this point, three miles east of Prescott, take a curve over to the American side, and that a canal should be constructed about 24 miles in length, entirely in United States territory. They recommend the construction of three locks, all on the American side of the river. They recommend the building of dykes on the Canadian side from the village of Cardinal to Dickinson's Landing, a distance of twenty or twenty-five miles. Some places in that district would be put fifteen or sixteen feet below the level of the water. A great deal of property between Cardinal and Dickinson's Landing would be destroyed. The main highway would be destroyed. The water would flow back to the Canadian National Railway, probably half a mile in some places, and it would require an expenditure of $2,000,000 to raise the Canadian National tracks so that they would not be submerged at those points.

At Barnhart's Island the international section ends, and from that point both sides of the St. Lawrence river are entirely in the province of Quebec. The Commission recommend that at Barnhart's Island a dam be built entirely across the St. Lawrence river, and that the level of Lake Ontario should be controlled by that dam. At Galops Rapids, or within two or three miles of the point at which they would commence this work, there is a large island, called Galops Island. It has been put there by nature to protect Lake Ontario by holding back water and keeping the flow of water through to Montreal in a normal condition. On the American side of this Island there is very little water. I believe that at certain times of the year a motorboat drawing one foot of water could not pass through the channel there. At all events, I have gone through that part of the river many times, and at no part of the year would I desire to go down in a motorboat drawing more than two or three feet of water. But on the north side of this island practically the whole flow of the St. Lawrence passes between what is called Adam's Island and the canal, which is entirely in Canadian territory. Now it is proposed in this report to make a channel 800 feet wide and 25 feet deep through Galops Island, entirely on the American side. In my judgment that work takes away that island, and the flow of water that would pass through that channel would be four or five times more than actually goes through it now. It must be remembered that when 24 miles of canal are built entirely on the American side, the United States will control and operate it. We now have it on our own side. Then, when we come to this large dam that they propose to build entirely across the river at Barnhart's Island, the flow of water in the river would be stopped. This is the point on which I cannot understand Hon. Mr. Foster making the statement that he did, for that dam will be built from the Canadian shore to the United States shore, and the Commission say that unless regulation weirs are constructed in the dam, and placed under joint control of the United States and Canada, it will seriously interfere with the Montreal harbour. My strong opinion is that unless those weirs are managed so as to make Montreal harbour the first consideration, that harbour must suffer. Of course, the Commission say that if by any chance the flow of

water is not kept uniform, Montreal harbour can be improved by dredging it out; and they say that a dam might be constructed below Montreal so that we could control Montreal harbour; but from these statements by the Commission I conclude that Montreal harbour is in danger if this proposition is put through.

It might be asked why those weirs could not be kept right. One element that makes this doubtful is that the Commission recommend that if the power house is to be constructed the dam which is to develop 2,000,000 horsepower is to be put entirely on the United States side of the boundary line, and that some weirs are to be constructed on the United States side and I suppose also on the Canadian side. So far as the power house is concerned they recommend that the United States Government agree that the International boundary line in the river, or at the island where this power house is to be constructed, shall go through the centre of the power house building, leaving one-half of the building in Canada and the other half in the United States. Now, when this dam is built, and the power houses on it are on the United States side of the boundary, one would think that the control and operation would be in the hands of the United States Government; but from this report I come to the conclusion that as the United States Government has given a private company at Messina, N.Y., the power in perpetuity, and if any trouble arises between the Dominion of Canada and the United States in connection with the operation of the power or weirs at that point Canada will have to deal with this private corporation, or the matter will have to be decided by the United States Courts.

At certain periods of the year, when the water is low, at least lower than it is in the spring, it comes to a question whether Montreal harbour or the power users in the United States must suffer, I am afraid that Montreal harbour will have to play second. It would be difficult to control the weirs, or to get that power company to allow them to be opened as they should be, because it is urged that this dam should be so constructed that the whole 2,000,000 horse-power can be developed at once. It might be thought that the American Government would control that matter, but I am afraid that as the United States Government have sold their interests to a private company and therefore the property is owned by that power company, which holds a deed in perpetuity; and I would be afraid that what has happened with the Chicago Drainage canal might happen here, and we would have to go to a United States Court as we did a good many years ago, to get the Chicago Drainage question settled—although it is not settled, and I fear will not be for a long time yet. But while all those negotiations would be proceeding, the Montreal harbour would suffer, and unless matters were properly adjusted the Montreal harbour would not be the terminal for ocean traffic.

Up to the present time, therefore, I note three objections. One is the removal of the island at Galops Rapids which holds back the water in the St. Lawrence up to Lake Ontario, and placing obstructions in our present Canadian channel so that we could not use it as the river channel for vessels in future. That will affect river navigation all the way through to Montreal in this way. Everyone living in that locality knows that the river and Lake Ontario waters are very much higher in the spring, at least in May, June, and perhaps half of July, than in the following months. The water has been held back in Lake Ontario during the winter by those islands at Galops Rapids and the ice, so that in spring we have two or three months of good deep water navigation; but when the water is drawn off, all winter by the power company for power purposes, the flow is not as good as before.

The second objection is that we put 24 miles of this channel entirely in American territory, and that places absolute control or hands to the United States the key for control of navigation in the St. Lawrence. The reason I would like to see the present conditions remain is that I feel that something should be done to protect the Province of Ontario in regard to the important coal question by bringing coal, as we are now doing, from England, France, or any foreign country, where we can buy it cheaper, and transporting it through the St. Lawrence as far west as Toronto or Windsor. I think that we should have that protection for the Provinces of Nova Scotia and New Brunswick, also, for I believe that we will be bringing coal right through to Toronto from those lower provinces. I am one of those who believe very strongly that this transportation should be, as it is now, in our own territory, because the quantity of grain that will come from the West is increasing, and we should have matters so arranged that there would be no interruption in traffic between Port Arthur and Montreal.

Now, if we have those 24 miles on the American side, of course the treaty could be cancelled in case any little troubles arose. It might be said that that would be very far-reaching, as we have had those canals and

ports for a number of years, and have never had any trouble in connection with vessels passing up or down. Well, we may not have had many troubles with the canals, but we have had some little troubles with the United States, which were settled in a friendly way, perhaps because we did not or could not press our claims as strongly as we should have liked. I might give two or three examples to show where troubles have arisen, and where Canada has suffered. When we had trouble in our Northwest, and had to send troops to Port Arthur, through our Canadian canals, we had an absolute right to use the canals on the American side under the treaty, as they were using ours; but when we came to Sault Ste Marie they would not let our soldiers pass through the canal, and they had to walk 700 or 800 miles, carrying their luggage, in order to get to Port Arthur. While it may have been within the right of the United States to do that, I believe that it was not a very friendly act, when the trouble had arisen within our own territory, and there was no quarrel with any other country. At all events, when we were refused at that time, we built locks on our own side, and we have not had trouble there since.

When we had trouble with the power question, I think the first Order in Council relating to licensing power was in 1907 or 1908. Power had been exported, but the Government of that day, and every Government since, insisted that the power was only leased from year to year, and that as Canada required power the export could be cut off, so much per year, until the whole power was being used in Canada. But when the war came on, and we needed all the power we could get, of course we issued notice that we wanted the power. What happened? Immediately the power company took the matter up with their Government, and our Government received a notice from the United States showing the position they took then, and are taking now. It appears in the Order in Council passed by the Government on the 25th of August, 1914, just a few days after war was proclaimed. I will not read the whole Order in Council, which is very long, but we took issue with them and here is what happened:

The Committee of the Privy Council have had before them a Report, dated 16th June, 1914, from the Right Honourable the Secretary of State for External Affairs, calling attention to a recent opinion of the Public Service Commission of the State of New York in the matter of the application of the Canadian-American Power Corporation for permission to import and additional 46,000 horse power of electrical energy from Canada into the United States.

The Minister observes that the opinion, in dicussing the laws and regulations of the Dominion of Canada relating to the exportation of electrical energy and their effect on the question of granting the desired permit, uses the following languages:

This is the language of the Public Service Commission of the State of New York:—

Government Limitations upon the Export of Electric Power from Canada

The Canadian Government requires the taking out of a yearly license permitting exportation of Niagara electric power. Upon the limitations existing as to the exportation of electric power from Canada into the United States, it appears that for many years, under the so-called Burton Act, and by action of the Canadian Government, a very large amount of Canadian produced Niagara electric power has been, and is now being imported into this country at and about the Niagara Frontier, and is being distributed for light and industrial power and railroad purposes within the State of New York in many places, embracing Syracuse to the east, the southwestern part of the State, territory south of Lake Ontario and Buffalo, and Niagara Falls in the west. The companies distributing this imported power have issued stocks and bonds in very large amounts based upon their business of distributing Canadian Power. This applicant is now seeking to enter the same field. Without going into details, it seems sufficient to say that the prohibition of exportation from Canada of this present electric power which now comes into this country would paralyze business and industry of many kinds and would deprive numerous localities of electricity for light. American produced Niagara power is so far from supplying the vital needs of the sections of the State above described that the immediate results of such prohibition would plainly amount to a great public calamity. . . The form of securing a license yearly from the Dominion Government is required by the Dominion law; but such license has been granted yearly to the other great producing electrical corporations of Canada, and no reason appears for apprehension that any discrimination would be made against the Electrical Development Company or the Toronto Power Company, lessee. We have nothing before us but the suggestion that the Dominion of Canada may at some future time forbid this exportation. This commission must assume that international relations, affecting so important a subject as the means of continuing great industries which have grown up in reliance upon the use of this imported power, and as well the interests of the Canadian producing companies themselves, have become fixed and subject only to such changes as will fully protect the great commercial and industrial interests and right now served by this power brought from Canada. The time has long since passed when governments proceed ruthlessly from pure national rashness or anger to destroy the settled accepted commercial relations and formally vested rights of persons and corporations.

That shows, honourable gentlemen, so far as the United States are concerned, that when we once commence exporting power to them we can never hope to discontinue it. At all

events, we never succeeded in getting any of this power back. Now, what is the position of Ontario with respect to that situation? The Hydro Electric Commission, or the Province of Ontario, bought three companies some years ago when they wanted the power, believing that, according to the license that had been granted, they could get the power that was being exported by them. But they were unable to do so. The United States said: "If you cut off this power, we will cut off your coal," and so on; and nothing could be done but renew the license. The result is that to-day, the Hydro Electric Commission, or the Ontario Government, you might say, have to apply for a license every year to export 125,000 horsepower to a private corporation in the United States who are distributing in that part of the country. As I remember it, the contract price is $10 per horsepower.

Hon. Mr. LYNCH-STAUNTON: $9 per horsepower.

Hon. Mr. REID: Well, $9 per horsepower. So here is a private corporation in the United States buying our power at $9 per horsepower, and making a fortune out of it, while we in Ontario have to turn around and buy 125,000 horsepower in our own country at a price of $15 per horsepower. We are losing $6 per horsepower per year on this 125,000 horsepower which we have to produce in perpetuity to send to the United States. Now, I claim that is not fair. I do not think the United States Government treated us exactly as we should have been treated, in not insisting that we should get our share.

Then we have been trying to settle the Chicago drainage canal question. Our Government have taken the position that that development should not have been allowed. Now, let me give an instance of how the Treaty of 1909 was made between the two Governments, and how it was interpreted. I have before me a clipping with regard to what took place a short time ago, when the present Prime Minister was in Washington. This article begins by saying:

Premier Mackenzie King, who is visiting in Washington, declines to discuss the matter with newspaper man.

I find no fault with that. The Prime Minister did what was perfectly right. Then it goes on to say:

Now that Judge Hughes has put the case up to Congress, and incidentally to the federal Government, the way is cleared for renewal of Canada's protest. One effect of the ruling is to clear up doubt as to whether Canada would have to deal directly with the federal Government or with lake States who were complainants in this case and who claimed jurisdiction over their respective portions of the Great Lakes. Lake states having lost for the time being, responsibility is definitely fixed with the federal Government.

Now I come to the main part of it:

One interesting point in Judge Hughes' findings in his reference to the Canadian boundary waters treaty of 1909—

—That is the Treaty we are working under at the present time, under which we gave them equal rights in the use of our canals—

One interesting point in Judge Hughes' findings is his reference to the Canadian boundary waters treaty of 1909, from which he quotes at length. Then he quotes from a statement of Elihu Root, then Secretary of State, before a Senate committee, when Root said: "I have very carefully guarded the terms of this treaty in order to not include Lake Michigan, and in order not to involve the drainage canal (of Chicago) in any way." Further on Root referred to Canada's diversion of water from the Niagara River, which he upheld, and then Root added: "We are now taking 10,000 cubit feet a second out of Lake Michigan at Chicago, but I refused to permit them to say anything in the treaty about it. The definition of boundary waters was carefully drawn to exclude Lake Michigan. They consented to leave out of this treaty any reference to the drainage canal, and we are now taking ten thousand feet for the drainage canal, which really comes out of the lake system."

To me that is evidence that when this Treaty was being made Mr. Root was not quite fair. There are several other cases I could refer to, but I will not take the time.

Hon. Mr. LYNCH-STAUNTON: Give us the other cases.

Hon. Mr. POPE: Go on.

Hon. Mr. REID: It would take too long. I might refer to our canals. I think the honourable gentleman from Ottawa (Hon. Mr. Belcourt) will remember that we had the right to use the American canals, and they had the right to use ours. The honourable gentleman will also remember when Mr. Murphy ran a fleet of barges and tugs with cargoes of lumber from here to New York. Under the Treaty we had the right to do that, and United States barges had the right to come up here. We also had the right to take freight from Lake Erie down through the Erie Canal to New York. But that was stopped. I have heard different stories as to how that was accomplished. One report, I do not know whether it is true or not, was that the Government at Washington transferred the canal to the State of New York, and that the State refused to allow our vessels to go down there. We could have done the same thing; we could have transferred the

Welland Canal to the Province of Ontario. But we did not do it; we let American vessels use our canals right along.

Hon. Mr. BELCOURT: Surely my honourable friend is not of the opinion that the federal authority, simply by handing over those canals to the State authority, could get rid of the obligations solemnly entered into with Canada?

Hon. Mr. REID: I will tell you what happened. This navigation company ceased carrying to New York, because they were prohibited. They wanted to continue, but they could not.

We may have some troubles in the future: there may be some question about power or coal or something else, and all the United States will have to say is: "Well, we will cancel the Treaty, and that will end navigation between Montreal and the upper lakes." Or they may take the position that they will not allow vessels to pass through that part of the canal that lies in United States. Therefore I say that it is a very serious matter to allow any portion of the waterway even twenty-four miles of it, to go through the United States. Our refusal to do so would not do any harm to the United States, because their vessels could not go below the town of Cornwall anyway unless we agreed to it, because that part of the waterway is all-Canadian.

Of course, the United States are very anxious to see this scheme carried through, because it will be of great benefit to their traffic to Montreal and the ocean. But I cannot see why the United States should try to divert traffic from their own Atlantic ports to Canadian ports. We have heard similar cries before. When we enlarged the Welland canal to 14 feet, what happened? The United States immediately enlarged the Erie Canal. You can read in the press what is going on. Three hundred and twenty-five million dollars was voted the other day to improve the Mississippi river, because if the St. Lawrence route is improved, and there is danger of their traffic coming this way, they want to be able and ready to take it through their own territory.

When we deepened the Welland Canal we thought we were going to get all of the Canadian grain trade. What happened last year? Last year 200,000,000 bushels of Canadian grain left Port Arthur and Fort William for export, and of that quantity 140,000,000 bushels went to Buffalo, and 60,000,000 bushels to Montreal. When we made the Treaty we believed that our Canadian Merchant Marine would carry the Canadian grain from one Canadian port to another. Then the American Merchant Marine decided that it would carry the Canadian grain, and in order to get around the difficulty in the way of regulations, grain loaded into an American vessel at Port Arthur was brought to Ogdensburg—now they bring it to Buffalo—where it was put into another American vessel and carried on to Montreal. I remember Sir John Thompson taking a very strong position in regard to this matter. He said: We are letting American vessels go through the Welland Canal, but it is not fair that they should take cargoes from one Canadian port to another in violation of the Treaty. So he put a small toll on vessels passing through the Welland Canal. But the United States Marine raised the question with their Government, and several hundred thousand dollars that the Canadian Government had collected had to be refunded or it would be considered an unfriendly act on the part of Canada.

Now I must hasten on to a few remarks relative to the power situation. You know, I am a little suspicious—and I think I have reason to be—about this power development at Hungry Bay. They got a Bill through the Quebec Legislature the other day. I remember when a certain Bill was presented to this Parliament—the most innocent looking Bill you ever saw. At that time we had no power development between Cornwall and Brockville. Propaganda was started, saying that we should have power, and men came along there and said, "We will supply you with power; we are going to run a transmission line from Cornwall to Brockville." There was great joy among the people. Then a Bill was presented to Parliament for the incorporation of what was called, I think, the St. Lawrence Power Transmission Company. Well, I knew all about that company—they had about 3,000 horsepower—and when I came to look at the Bill I found at the foot of it a very innocent looking clause which gave them the right to dam the St. Lawrence right across at Barnard's Island, and to construct power plants, and so on. I opposed the Bill in the Committee and in the House, and when Sir Wilfrid Laurier saw what the Bill really meant, he made the promoters withdraw it. Of course, after that, we got the power through the Hydro-Electric Commission building a transmission line from Cedar Rapids, where there is 100,000 horsepower. Sir Adam Beck tried to purchase some of that power, but nothing could be done until pressure was exerted, when it was agreed that we on this side should have 10,000 horsepower. That is all we ever could get; the balance goes over to

the United States as it was sold to a United States private company and they refused to let us have it.

Now, if this great project is going to be developed in the Province of Quebec, I hope and trust that it will be developed, and the power used, in Canada. The reports in the newspapers say that this company is going to be allowed to develop only 500,000 horsepower, and that the power must be used in Canada. Who are behind that project? I have been wondering if it is not the same power company that is trying to get control of all the power it can from Canada. The Cedar Rapids Power Company is practically owned by that power company, whose headquarters are in the United States. I am not a lawyer, but I have been wondering about this question, which some lawyers can think out. Suppose the Bill comes before us and we insert in it a clause to provide that none of this power shall be sold outside of Canada; and suppose that company sells the 500,000 horsepower to the Cedar Rapids Company, which has a license to export power. I wonder if in that way they could get around the question, and Quebec would be deprived of the 500,000 horsepower? It would be exported.

Then, again, this power plant is to be constructed all on the American side. The Commission recommend that a change be made so as to have the line go through the centre of the building. I do not know whether the United States Government would consent to that or not, but I think it would be pretty difficult to prevent people on the other side from taking as much of that power as they wanted when only an imaginary line divides the two countries, and I do not see how we could ever get control of it again.

Again, there would be 1,000,000 horsepower developed for Canada. We cannot use that quantity of horsepower here in Ontario for years; therefore we must allow it to be exported, and the result would be that probably one-third of that power would be sold to the United States and we should never get it back again.

Now, as to the construction of this great canal twenty-four miles long entirely on the American side, I have been wondering whether power rather than navigation is not the paramount issue, and whether the propaganda in the United States is kept on for navigation purposes only, while power is the predominant issue. In the West the propaganda is to the effect that the improvement in navigation would help our western provinces. In Ontario, of course, it is all power. I am wondering what will happen, say, ten years from now, if the whole scheme is carried through. There will be another government in power at Washington.

Hon. Mr. WILLOUGHBY: And here.

Hon. Mr. REID: Governments come and governments go. Will the governments that succeed those that are at present in power in the two countries stand by all the intentions that are now declared in connection with this great work?

Now let us consider Montreal Harbour. That is our great ocean port. I say that any man who reads the report made by that Commission—it is here, and I can give you the sections—must come to the same conclusion as I do: if the St. Lawrence is dammed at Barnhart's Island, in American territory, and Canada loses control of the free flow of the St. Lawrence and gives to the United States a joint control, we may make up our minds that Montreal Harbour will be in danger, and the ultimate result will be that the water level will be so lowered that the Harbour of Montreal will be seriously injured. Someone may say: "The water must all go through. You will get just as much water when the dam is there as you would without it, because the weirs will be opened," and so on. Let me tell you that a reading of the report shows that this dam will be built high enough to retain all the water there except what goes through the wheels of the power plant, and you will have deep water above, but the quantity of water passing through and on down to Montreal will be reduced by half in low season, and Montreal Harbour destroyed as far as deep ocean going vessels are concerned.

Then the question may arise, are you going to shut off 100,000 or 200,000 horsepower, distributed in the United States, in order to benefit Montreal Harbour, or has Montreal to suffer in order that the people in the United States may be benefited? That is, of course, a question for everyone to decide for himself, but for my part I cannot bring myself to the conclusion that Montreal Harbour will receive justice if we ever come to that position. Therefore the people of Montreal will surely take up this question and consider it seriously, as I have done. Surely they will get the best man available to investigate the matter and see whether or not my conclusions are right, and, if they are, they will take whatever measures may be necessary to protect their own city, and to protect one of the finest harbours in the world, one on which this country has spent an enormous amount of money.

I think I have explained how the project affects the several provinces. I have pointed

out that we want Nova Scotia coal. As the provincies grow, we shall require to develop our traffic by water. At all events we want the right to do so and to have our freight rates adjusted by the water competition.

Someone may say: "You are criticising, the report, but what have you to suggest? We believe that a majority of the people of this country want a 25 foot waterway." My answer is this. If the Government of this country come to the conclusion that we should have 25 foot waterway between Montreal and Lake Ontario, I suggest that we are in exactly the same position as we were when we enlarged the St. Lawrence Canals before, and I ask, why not construct the canals on our own side, as we did before, or simply enlarge our present canals? Any man who knows that territory will say that the Canadian side of the river is the proper place for the deepening of the waterway, and in my judgment it would not cost any more. I make that statement on the authority of engineers who are closely in touch with the whole situation. I am aware that the Commission give economy as practically the only reason for not putting it on the Canadian side. They think it would cost two or three million dollars more to provide in Canadian territory a similar channel and similar facilities for navigation from Montreal up to Lake Ontario. What I suggest is that if this work is to go on it should be done on the Canadian side even if it does cost us another million or two. I maintain that the additional expenditure would be justified in that it would prevent any possible friction between Canada and the United States now or in the future. I would spend three, four or five millions for that purpose. I do not expect that there would ever be any trouble between Canada and the United States if we built the waterway on our own side. We are legislating now not for the present day, but for conditions that will exist ten, twenty, thirty, forty or fifty years from now, and we want to leave the people of Canada such a legacy that they will approve our action and say, "Those men knew what they were doing when they passed that legislation." Therefore I say to the Government, build those twenty miles of canal on American territory. That is all that is required. It is the whole key to this situation. Take the position that you will build it on Canadian territory, and the question is solved.

Now, as to the scheme to get 2,000,000 horsepower developed at Barnhart's Island, I am sure that, as I have said, we cannot use 1,000,000 horsepower for some years. I say to the Government: Do not put a dam across the St. Lawrence river. Do not prevent the free flow of the river St. Lawrence. Protect the Harbour of Montreal. At Cornwall, or in Bergin's Bay (a bay named after the late Dr. Bergin), develop 200,000 to 300,000 horsepower now without damming the St. Lawrence river. That will satisfy Ontario for some years. On the American side dam the South Sault. With what the Messina Power Company are getting now, that will give 300,000 horsepower, and that is all we want. What right have we to endanger Montreal Harbour by placing a dam entirely across the river?

It has been said that two or three million horsepower will be developed in the province of Quebec. I hope it will, but if you dam the river entirely across at Barnhart's Island, Quebec will come second and at times will not get 3,000,000 horsepower. The two millions come first, and I shall be surprised if Quebec gets one-half of the 3,000,000 horsepower that is being prophesied. Therefore I say, do not destroy the effect of Galops Island in making a reservoir of Lake Ontario. Nature placed it as it is, and we have that reservoir, and no country can take it from us unless we agree. Do not transfer it down to Barnhart's Island, where we have to give up control. In ten or twelve years from now, when the project is completed, many changes will have occurred. I am not reflecting on the present Government at Washington, but I suggest that for the prevention of any friction between Canada and the United States, and for the continuance of our good relations, Canada should not be placed in such a position that if another government came into power in the United States and wished to cause trouble between that country and Canada, they could simply cancel the treaty and prevent us for all time to come from using the great St. Lawrence waterway. What could we do if they cancelled the treaty.

Hon. Mr. BELCOURT: Will my honourable friend permit me to ask him this question as to the canal of 20 or 24 miles? Is Barnhart's Island the only point that our friends on the other side suggest?

Hon. Mr. REID: No. I will explain that. Probably I have not explained it fully. The report recommends that they commence the work on the United States side of the river three miles below Prescott and construct a canal entirely in United States territory, say 10 or 15 miles long; then go down the centre of the river to Ogden's Island, and instead of continuing down the centre of the river in Canadian territory, they make a curvature around the South side of Ogden's Island entirely through United States territory, and

again transfer our Canadian channel to United States. The whole flow of the river passes down between Ogden's Island and Morrisburg in Canada. If a dam placed as suggested between Ogden's Island and Morrisburg without a lock it forces vessels to go on the south side of Ogden's Island all in American territory and a lock in United States territory.

Hon. Mr. BELCOURT: How many miles?

Hon. Mr. REID: Probably three or four miles. Then the channel would go on down to Barnhart's Island. All the locks on that whole stretch of 24 miles would be on the American side. The canal would be made up of three sections.

Hon. Mr. BEIQUE: But is that development on the American side not suggested by the Commission only as an alternative scheme?

Hon. Mr. REID: So far as the 24 miles are concerned the suggestion is unanimous. I do not know that it was unanimous when they first decided upon it, but of course they had to make it unanimous. There is no alternative scheme; it is the only scheme that is proposed, in so far as the Joint International Waterways Commission are concerned. None of the 24 miles will be in Canada, and we are tied up there for all time to come.

Hon. Mr. BELCOURT: Is it because of engineering difficulties?

Hon. Mr. REID: No.

Hon. Mr. BELCOURT: Merely for economical reasons?

Hon. Mr. REID: I do not like to state my authority, because I am not going to implicate any of those who were connected with this matter, but I will say this. When I asked that question the answer I received was: "There is no difficulty at all. It is just as easy to put it on the Canadian side." Why was it not done? For reasons of economy. It would cost $3,000,000 more to build it on the Canadian side. Because of the desire to save the $3,000,000 we are giving away Canada's control of the St. Lawrence.

Hon. Mr. BELCOURT: It is not claimed that it is because of engineering difficulties?

Hon. Mr. REID: No; there are no engineering difficulties at all—none whatever. I will tell you in a minute or two how I prove that.

I had in mind another suggestion or two. This question is not one of party; it is one for every member of the House of Commons or the Senate to consider in the interest of Canada. I say without any hesitation, I do not believe there is a member of either House but wants to look at this question in a non-partisan way and to do what is right for the country. I have one or two suggestions to make as to what should be done. First, if we are to have any legislation in this Parliament in connection with this matter, it should not be brought down four or five days before the Session closes. We should have it several weeks ahead. The Government should urge that this question be considered carefully and should give every opportunity for examining witnesses in order that we may ascertain which is the right way. What will happen? Not a single vessel captain will come here and admit, unless he is pressed to do it, that a vessel, of the largest type from the upper lakes can go down the channel they propose for that 24 miles. I know that place well, and the reason for my statement is that there is a great curvature, and those vessels, which are 687 feet long, cannot go through; but if they went the other way, straight down the Canadian side, they would not have to contend with any curvature; they would go down into the canal at the Galops Rapids where the lock now is, and on down the river. I cannot see why such a scheme was proposed, and worse than all is the intention to place obstruction in the river on the Canadian side which will destroy navigation and flow on Canadian territory. Then we might protest as we like, but the United States will have a channel 800 feet wide and 25 feet deep, where the water flows down to dam at Barnhart's Island.

There is another point. Suppose we make a treaty and proceed with the work. If we wait until the works are completed they will allocate about 90 per cent of the power to the United Statest and about 10 per cent to Canada at that point. But to-day all the water goes down the Canadian side, that is, through the Galops, and if you sat down to figure out how much we are entitled to, it could not be figured at less than half. The main flow all the way down is on the Canadian side, at this particular point where the island holds back the water of the St. Lawrence, all the water except this small stream on the south side goes down through Canadian territory. But what will happen when they come to figure it out? The Americans will say, "Why, two-thirds of this water comes from the American side, coming from that channel 800 feet wide and 25 feet deep"—though it does not come down that way at all—"now therefore you are entitled

to about 25 per cent and we are entitled to 75 per cent." Unless the quantity of power we are to get is settled before the work has started, then I say, God help us when they come to decide it in the future, after the channel has been completely constructed.

I have suggested building that canal on our Canadian side, and I appeal to every man in both Chambers, and in Canada, and also to the Montreal people, to see that we have a Canadian channel; but if it is agreed that we are going to build a dam across the channel let us see that the weirs are all on the Canadian side so that we can control them, because we have got all the territory between Cornwall and Montreal, and we should be able to control that, and never allow it to be controlled on the other side of the river.

I have another suggestion to make, because I have such confidence in the conditions which I have stated, and so firmly believe that they will turn out as I say. I also feel that this is a question on which every member of the Senate and of the House of Commons should get all possible information, and there is no better way of doing this than by actually seeing the conditions. This House will be in session in May. Why should not the Government take every member of the House of Commons and Senate who would go to see it? We might take the train here at 8 o'clock in the morning, and be in Prescott in an hour and a half, or in Brockville in two hours; then take the Canada Steamship Company's steamer which runs from Prescott every day from June until September, down to Montreal. Let the members look the whole situation over and see what the proposition is, then get off at Cornwall about 4 o'clock, and arrive back here at 6 o'clock. The members would then see what the curves are, and all that is going to be done, and I believe very few of them would come back here and agree to the recommendations that appear in this report.

I think that we should have a Committee of investigation, and if a Bill comes down we should have time to consider it without having the propaganda raised that the Senate are opposing it. Give us time, and give the House of Commons time to have witnesses here to give us their ideas as to the conditions I have mentioned.

The City of Montreal should get the very best engineers they could, free from any impressions or conclusions on either scheme, and let them go into the matter and see if they will come to a Committee of either House and say that if this work goes on as proposed it is not going to affect Montreal Harbour. Let Montreal harbour protect itself. Why should we not have the opinions of the captains that are going to use this channel?

Of course the question will be asked, "How can you dispute engineers' reports?" Well, I will tell you how I can dispute them. I remember the situation when the St. Lawrence Canal was being enlarged from 9 feet to 14 feet. The engineer who made the plans for the upper entrance, when he came to Morrisburg, found objection from the vessel captains who used the river, and who were unanimous that the proposed construction would not operate safely for vessels. They said the opening should be larger; the head of the pier should be a little distance away from what it was; but of course the engineer knew it all, and he would not for one minute change his plans, lest it should be a reflection on his work. Of course, he was there for a few years, with the result that the Morrisburg section was completed. Then he proceeded to construct what is called the North channel, a long pier of several hundred feet was run out into the river; but instead of running it on a line with the flow of the river, he ran it a little the other way, and a similar appeal was made by the captains. What happened? Anyone who goes down there now can see; the engineer had to do exactly what the captains mentioned, because the vessels could not go in at Morrisburg unless those changes were made, as the captains suggested, and they had to put a pier a little bit south, and at the North channel build another one out several hundred feet long, in order to have the flow come along the right way, but it was a patched-up job, for all that.

I mention these things to show that when we have the Government deciding the question we have only engineers engaged. I suggest that the men who have to use the channel, who have no interest in the matter except to give their opinion, should be brought before the Committee.

Another feature of this development is the propaganda that is being used to frighten the people by saying, "This is going to cost such an awful amount; Canada cannot go into it." I heard a rumour recently, and some day we may see an announcement, when the Bill comes here, that the Beauharnois Power Company are willing to do everything in connection with this improvement so far as concerns the portion from Cornwall to Montreal; they will provide all the navigation if we give them all the power. That would probably mean costing them $175,000,000 or even $200,000,000, but if they are going to get 3,000,000 horsepower which will only cost them

$200,000,000 it would be less than $100 per horsepower; as it is now, it costs them $150 per horsepower, so it is a cheap development, and is worth that to the parties who are behind it—and I do not believe they are all Canadians. If they get it, we will not get it. Of course it would be a nice thing for the Government to be able to say "It is not going to cost a cent." So long as we are prepared to construct that 24 miles and put in the power to the United States, or the private corporations that are going to get it, then I say to you, they will develop it, and they will get the whole thing, and it will not cost any more than power development costs at the present time. That is where the fine idea is going to be, and then the cry will come up, "Here, we are going to hold this, and it is not going to cost Canada anything."

If the plan that I am suggesting is carried out I will tell you what will happen: you will have that development built from Cornwall to Montreal, and I think we can safeguard that so as to prevent power from being exported; at least, it would take a vote of Parliament to allow any of it to be exported, and then only provided that it could be sold except to a company that was going to use it entirely in Canada. But when you come to the other section between Cornwall and the Galops Rapids, if the Government will say to the Hydro-Electric Commission, or, if they will not do it, to some private company, "You develop this power, or improve this canal by simply enlarging the locks, dredging the canals deeper—" that would be the cheapest and best way, I care not what any engineer says. I can get engineers whose reputations are just as good in Canada as any others, who will bear out the statements I have made. That is the situation.

In regard to this howl about finances—"Give up the key to the St. Lawrence; put that 24 miles on the other side, and then you will get the whole thing done without any debt being placed on Canada"—I am not one of those in favour of that. I would not sell any part of Canada, or of our territory, on any account. Why, the United States Government are to-day willing to pay half the cost of the Welland Canal for all time to come if they had a joint control with us. I would not agree to that on any terms, and I cannot believe that the Government or any member of the House of Commons or the Senate would ever agree to any such conditions. They were not willing to do it when we were enlarging to 14 feet. Judging from press reports, they wanted to build a canal instead of spending that money across from Fort Erie on the American side of the line. That is what they wanted to do at that time. Now they are willing to do it, and they are willing to put their line right through the centre of the river clear down to Montreal. If you re-place the international line, or give them a strip of land in perpetuity between Cornwall and Montreal, you will never get them out of it again. We own it now, and we should keep it.

Honourable gentlemen, I have taken really much longer time than I should, and I apologize for that; but the subject is one on which I feel very strongly.

Hon. Mr. BELCOURT: If no honourable gentleman is going to move the adjournment of the debate, I would like to say just one word. Will somebody move the adjournment?

On motion of Hon. Mr. Béique, the debate was adjourned until Wednesday next.

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

THE SENATE

Thursday, March 15th, 1928.

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

Prayers and routine proceedings.

PRIVATE BILL

MOTION FOR RETURN OF FEES

Hon. Mr. HAYDON moved:

That the Parliamentary fees paid during the last session upon Bill I-7, intituled: "An Act respecting certain patents owned by Warren Brothers Company," be refunded to the Ottawa Agent of the Solicitors for the Promoters, less the cost of printing and translation.

Hon. Mr. BELCOURT: What is the reason of this?

Hon. Mr. HAYDON: This was a Bill respecting certain patents relating to improved methods in the laying and waterproofing of composite pavement, owned by Warren Brothers Company, an incorporation under the laws of the State of Massachusetts. The Bill was passed by the Senate, and either got lost in the course of legislation in the other House, or failed to pass that House. These people are now asking that the fees paid last year be remitted.

Hon. Mr. BELCOURT: If the House agrees to the remission, I think it ought to be allowed only after deducting the cost of printing and translation.

Hon. Mr. HAYDON: That is the motion.

The motion was agreed to.

CUSTOMS AND EXCISE—COLLECTIONS AND PROSECUTIONS

MOTION FOR RETURN

Hon. Mr. TANNER moved:

That an Order of the House do issue for a return showing in respect to Interim Report No. 10 (October 14th, 1927), of the Royal Commission on Customs and Excise:—

1. The number of the persons, firms and corporations reported as being in default who have paid in full the sums alleged to be owing by them.

2. The number of them who have made part payment of such sums.

3. (a) Against how many of such persons, firms, and corporations legal proceedings have been commenced for the collection of alleged sums, and (b) in how many of such legal proceedings there is contestation. When the respective proceedings were commenced.

4. Against how many such persons, firms, and corporations, prosecutions have been commenced for fraudulent or other unlawful acts alleged against them. When the respective prosecutions were commenced.

The motion was agreed to.

D.S.C.R. AND PENSIONS BOARD OFFICIALS

MOTION FOR RETURN

Hon. Mr. TANNER moved:

That an Order of the House do issue for a return to include the following:—

1. The names of all physicians and surgeons in Halifax county, Nova Scotia, during the fiscal year 1920-21, (a) who were in the service of the Department of Soldiers' Civil Re-establishment, and (b) who were in the service of the Board of Pension Commissioners of Canada.

2. The names of all physicians and surgeons in Halifax county, Nova Scotia, during the fiscal year 1927-28, (a) who were in the service of the Department of Soldiers' Civil Re-establishment, and (b) who were in the service of the Board of Pension Commissioners of Canada.

3. The yearly salary and allowances of each of the persons referred to.

4. The same information for 1920-21 and 1927-28 in regard to physicians and surgeons elsewhere in Nova Scotia, respectively, in the service of the Department of Soldiers' Civil Re-establishment, the Board of Pension Commissioners of Canada, and the Department of Indian Affairs.

The motion was agreed to.

ST. LAWRENCE WATERWAY PROJECT

DISCUSSION

On the Orders of the Day:

Hon. Mr. BELCOURT: I want to say to my honourable friend from Grenville (Hon. Mr. Reid) that in accordance with the request that he made yesterday, I made efforts to see if the report of the Advisory Committee in regard to the subject upon which he spoke so interestingly was available. I was informed that the Advisory Committee itself had at the end of its report specially requested that the report should not be deposited upon the Table of either House, because it was of such a nature that it might jeopardize or make difficult negotiations which were being carried on.

Hon. Mr. REID: I may say to the honourable gentleman that that is the reason which was given by the Leader of the House (Hon. Mr. Dandurand) when I asked for the report before. I stated in my remarks yesterday that that was a good reason, and that of course I could not press for the report so long as negotiations were going on; but that when it was being handed around to others, when the Chairman of the Advisory Committee was discussing it, and when it was being used as propaganda in favour of carrying out the work as the Commission recommended, I thought this House and the House of Commons should have the report before them.

I have not changed my mind in that regard. I do not think my statement was unfair. I gave to the House, as honourable gentlemen will remember, instances showing that this report had been given to the public. The main instance was one in which the City Council and the Board of Control of the city of Toronto had the report before them, and passed a resolution, and forwarded it to the Government at Ottawa, recommending that the report of the Advisory Committee be carried out in full.

Hon. Mr. MURPHY: How did they get it?

Hon. Mr. REID: I would not like to answer that question. I have my own opinion. I do not accuse the Government. I said in my remarks that I did not think it was handed out by the Government. I do not know to whom the blame should be attributed. Of course there are many ways in which the report might get out—it might be through some official; it might be through some clerk in the office of some member of the Advisory Committee. I do not accuse anybody. At all events, on February 21st the City Council and Board of Control had a copy of that report before them, and passed the resolution to which I have referred, and forwarded it to Ottawa. I do not want anybody to misunderstand me, or to think that I accuse the Government of giving it out for the purpose of propaganda.

Hon. Mr. LYNCH-STAUNTON: Have not you a copy yourself?

Hon. Mr. BELCOURT: I thoroughly agree with my honourable friend that if the report

is to be made public this House and the House of Commons are entitled to see it first. I am here to answer only for the Government—I cannot answer for others—and so far as the Government is concerned, I want to say most emphatically that it has not handed out the report to anyone. No one has seen it except the members of the Cabinet. I think my honourable friend is somewhat mistaken in thinking that anybody else has seen that report. I do not think the municipal council of Toronto or any member of it has seen the report, and I am quite sure a copy was not before them at the time to which the honourable gentleman refers.

Hon. Mr. REID: I should be very sorry indeed if any remarks made by me yesterday could be interpreted as meaning that I blamed the Government. In no way, shape or form, do I blame them.

The honourable gentleman says that I must be mistaken in the case to which I referred. Well, I am very sorry indeed if the Mayor of the city of Toronto, and the Chairman of the Board of Control, and the members of the City Council and the Board of Control, deliberately passed a resolution recommending what is contained in a report they had never seen. If they did that, they are not as intelligent as I thought they were.

Hon. Mr. MURPHY: Was the occasion upon which that resolution was passed the occasion upon which the honourable gentleman says the Chairman of the Advisory Committee gave some information to the public, or made a speech?

Hon. Mr. REID: No. I referred yesterday to three instances in which there was, as I would call it, action taken or information given in connection with the matter. The resolution which was passed by the City Council and The Board of Control of Toronto appears in Hansard. Therefore, it was evident, at least to me, that they must have had the report or they would not have passed the resolution.

Hon. Mr. MURPHY: Naturally.

Hon. Mr. REID: I also said that the Chairman of the Committee, the Hon. Mr. Foster, spoke on the question in Saint John, and said there was nothing in the report suggesting that part of the work would be under joint control—that it was absolutely untrue. My interpretation of the recommendation of the Joint Waterways Commission was that there must be joint control of the international section. In any event, my interpretation of what appeared in the press was that the Chairman of the Advisory Committee was discussing the matter from the point of view of the Advisory Committee report.

Then there was also another reference by Brigadier General Mitchell of Toronto, one of the Commissioners.

Right Hon. Mr. GRAHAM: One of the joint engineers.

Hon. Mr. REID: One of the joint engineers. He was not on the Advisory Committee, therefore I could not say he had the report. However, I came to the conclusion, perhaps wrongly, that he knew all about the report of the Advisory Committee; and I think you must come to the conclusion from the remarks that I made that there was a leak somewhere. The honourable gentleman (Hon. Mr. Murphy), as a Minister, knows that you can hardly keep these matters secret in a Department. However, I want to assure the Leader of the Government (Hon. Mr. Belcourt), for I fear he has misinterpreted my remarks, that I was not trying to blame the Government in any way.

Hon. Mr. BELCOURT: I said nothing of the sort. I agreed to ask the Government if there was any possibility of this report being laid on the Table of the House, not because I found fault with what my honourable friend said, but because I thought it was my duty to make another effort in that direction. I asked the Prime Minister about it, and he gave me the answer that he gave some time ago in the other House—that it was not advisable at the present time to make the report public. He then told me that the last paragraph of the report requested that it should not be made public, at any rate for the present.

Hon. Mr. REID: May I also be allowed to say to the Leader of the Government that there is another reason why I do not think there should be all this secrecy. The Advisory Committee of the United States sent their report to the Government on January 27th; that report was published; and anyone who wishes it can get a copy. That being so, it does not seem unreasonable that our Advisory Committee should submit their report to the public.

It may be that I am taking too strong a position in regard to this matter, but I regard it as one of the most important subjects that ever came before Parliament. I am deeply interested in this question, and I am of the opinion that all available information should be made public insteal of being kept secret. The Government should let the people of

Canada know what is proposed by this Committee, and learn what effect it is going to have in the different parts of the country. They should let everyone criticize it who wishes. In that way they will learn more about it before coming to a decision. If they are going to keep the information and the recommendations secret, and follow no one to criticize them, it will not strengthen the Bill when it is framed. That is the criticism I made yesterday. I did not try to make any political capital out of the matter.

Hon. Mr. BELCOURT: Oh, no.

Hon. Mr. REID: I did not get up to try to kill the scheme, but I endeavoured to criticize it in a fair way so as to help the Government come to a proper and honest conclusion in the interests not only of the project itself but of the country as a whole. Give us the report and let us see what it contains. These men on the Advisory Committee are able men and had much information before them; nevertheless, should not we be a little wary? The ex-Chairman of that Committee made a speech some days ago—he knew what was in the report, because he was there—and he said "Go slow." Well, if he is a little afraid, why should not the public as a whole have a chance to criticize? I will not insist on this if it is going to be detrimental to the interests of Canada that that report should be made public; but if the Government has come to that conclusion, I ask that the matter be not left until a week or two before Parliament closes. I would suggest that the Government make or propose no agreements or treaties until the beginning of next Session, and that in the meantime we may have the opportunity of going into the matter fully so as to help them to come to the right conclusion. This question is of such importance to every province in Canada that if the project has to be pushed through so that work on it may be commenced, I believe the Government should call a special Session of Parliament in order to deal with the matter, instead of concluding any arrangement with the United States Government that they might have to carry out.

Even if the matter had to be delayed for another Session or two, there would not be any serious results, because the Welland Canal will be completed next year, and then those large vessels can come down through Lake Ontario and for 67 miles below that lake, or within 110 miles of the city of Montreal; and I guarantee that those through vessels will take grain from Prescott or Ogdensburg to Montreal for two cents a bushel, those points being so close to Montreal with the present canal system, or the grain will be taken to Montreal in four or five hours by rail. Thus no great injustice will be done to the people of the West, or any other part of the country, if the Government will only give the Parliament of Canada time to discuss the Bill. Let the Government court investigation, and secure all the evidence they can get. The Government would thus be in a great deal better position to come to a proper decision, and would probably avoid criticism for rushing the Bill through, for the people of Canada would say that at least in this case they did what was right.

Hon. Mr. MURPHY: Honourable gentlemen, I think the House is under obligation to the honourable gentleman from Grenville (Hon. Mr. Reid) for the information he has already given us. In the course of his interesting remarks I think he stated that the Advisory Committee of the United States had submitted their report to the American Government.

Hon. Mr. REID: Yes, and I think they published it in the newspapers, too.

Hon. Mr. MURPHY: No withholding, and no secrecy about it. Now, am I to infer, from what the honourable gentleman has said, that that report, so submitted, contained information that the Canadian Advisory Committee might be afraid would reach the public before they submitted their report to Parliament?

Hon. Mr. REID: I may say to the honourable gentleman that I have seen the American report. Anybody can see it by going over to the Department; it is public, and they will let any honourable gentleman see it; therefore I know what the report of their Advisory Committee is. I think the leader of the Government has said that the Government would like to see their report, so for that reason I am not so sure that the report of the Advisory Committee of the United States is the same as the Canadian report; but if the honourable gentleman will get the Government to let me have a copy of that report for my own private use, I will be able to tell him.

Hon. Mr. BELCOURT: I would like my honourable friend to know that members on this side of the House were very much interested in his speech yesterday, and I think that remark applies equally to the other side of the House. I do not wish him for one moment to feel that at any time in his speech he showed any party spirit. On the contrary, I am glad to say that I think he discussed the question with very great knowledge and from

a very high level, and we were all very deeply interested in his remarks. The only regret was that he did not give us more information.

Hon. Mr. REID: I thought I gave you plenty.

Hon. Mr. TURRIFF: I would like to ask the acting leader of the House if the Government is taking any steps to find out how the leak came to be made in Toronto by the Advisory Committee, or probably by some official. If anything has been done along that line, it seems to me that there ought to be some dismissals. It seems rather a peculiar thing that the Parliament of Canada is sitting here without any information, while information of all sorts is being given out, that may be used to the disadvantage of Canada, and to the advantage of the United States. Even if that is not being done, surely the Parliament of Canada has a right to know what the report contains, more especially when the American report is being published. I like the position taken by my honourable friend from Grenville (Hon. Mr. Reid), that this information should be given to the House, and given at once, so what we will have at least a couple of months in which to consider it before we are called upon to take any action upon the report.

I quite agree with my honourable friend from Grenville that this is probably the most important legislation that will come before Parliament either at this term or the next, and in order to give the matter fair discussion and consideration we should have all possible information. I am in hopes that we may get such data as will enable us to go on with the project, but at the same time I take the position that I have no intention of helping any one of the projects if by any means we are going to get the small end of the deal. We are now in such a position that we do not very urgently need this development, and we can afford to take our time and go into the question thoroughly; so I trust that the House or the Government will not be led into any snap verdict by our friends across the line. We know them of old, and therefore we want to be very careful.

Hon. Mr. BELCOURT: Honourable gentlemen, after all, I think that what was done or said in Toronto, and perhaps elsewhere, does not necessarily establish the fact that there has been or has not been any leak. What was said might be accounted for by the conjectures of gentlemen who are deeply interested in this matter. I think my honourable friend from Grenville (Hon. Mr. Reid) yesterday conjectured a good deal about what is, or may be, in this report; so I do not think that we have any evidence that there has been any leak. At all events, we have the assurance of the Government that they do not know of any leak of any kind, and the Government is very much opposed to there being any leak.

Hon. Mr. REID: Well, there are a number of gentlemen present to-day who were not here yesterday when I made my remarks on this subject, and as there seems to be some doubt as to whether there was any leak, I will just read the resolution as passed by the City Council in Toronto, and then the House may judge. I gave this yesterday as one reason why I thought there was a leak. I said that the Star of Toronto had the following in its news items on February 21st, and with big headlines on the top of the article it stated:—"Stamp of approval put on waterways; City Council expresses approval of the St. Lawrence Development Plan"—that is, the City Council of Toronto. The article proceeded:—

> The City Council yesterday expressed its approval of the St. Lawrence development schemes in adopting a motion from Alderman Boland recommended with amendment by the board of control.
>
> Alderman Boland's original motion read as follows: "That this council do record its unanimous approval of the report of the National Advisory committee appointed in connection with the St. Lawrence waterway development as essential in the proper development of Canada and look forward to the adoption of plans which will provide for the commencement of the work at the earliest date, and that a copy of this resolution be sent to the prime minister of Canada and to the representative of the city in the Senate and in the House of Commons."
>
> Board of control, in dealing with this motion before submitting it to council, deleted with the consent of Alderman Boland, the words "unanimous" and "report of the National Advisory Committee appointed in connection with the," and made it read "and recommend the adoption of the motion." Council passed the motion as amended.

Now, that was one of the reasons why I concluded that there must have been a leak. I am not finding fault, but if information does leak out, or if the public press are forming their conclusions, and having a propaganda regarding what is contained in the Advisory Committee's report then I think we should have the information in this House. That is the only reason why I spoke of it.

Right Hon. GEO. P. GRAHAM: Honourable gentlemen, I agree thoroughly with the honourable gentleman; but is not this probably the situation? The appointment of the Joint

Engineering Board and the Advisory Committee, and all the machinery connected with it, entailed a good deal of intricacy that the public, and even the newspaper men writing editorials, do not altogether understand. Is it not possible and probable that what the Toronto Council had before them was the report of the Joint Engineering Board? Colour is lent to that suggestion by the action of Alderman Boland in consenting that the word "unanimous" be stricken out, because the report of the Joint Engineering Board was not unanimous. The United States engineers recommended a one-step development, while the Canadian engineers recommended a two-step development. On the whole, after listening to the argument, and knowing a good deal as to how newspapers are made, and how headlines are written, I have come to the conclusion that what the Toronto Council had before them was the report of the Joint Engineering Board, which is public.

REPORTS OF DIVORCE COMMITTEE

ADOPTED EN BLOC

Hon. W. B. WILLOUGHBY: Honourable gentlemen, if I have the unanimous consent of the House, I would move that Orders from No. 1 to No. 80, both inclusive, be adopted. I might say, in this connection, that if any individual member of the Senate desires any information, or wishes to discuss any one of these Orders, he can deal with that specific one.

The motion was agreed to, on division.

SUPREME COURT BILL

SECOND READING

Hon. Mr. BELCOURT moved the second reading of Bill 31, an Act to amend the Supreme Court Act.

He said: Honourable gentlemen, this is a very simple Bill, which got its first, second and third readings in the other Branch of Parliament on the same day.

The purpose of the Bill is twofold. The first object is to fix the sitting of the Court in April instead of May; that is, to advance the sitting one month. The Court found that sometimes the spring session lasted until late in the summer, and they have expressed the desire that the Act may be amended so as to permit them to sit earlier, that is, in April instead of in May.

The other purpose of the Bill is to enable the Court to hear evidence whenever they deem it proper.

Hon. Mr. WILLOUGHBY: That is, viva voce?

Hon. Mr. BELCOURT: Viva voce. What occasioned the Court to ask Parliament to do this was a case in which there were very important plans which had not been made part of the proceedings, and the case could not be properly decided without the production of those plans. But as there was no provision by which that could be done, the appeal had to stand over to another term, and the Court was very much embarrassed. The right to hear evidence exists in the Privy Council, and also in our own Courts of Appeal in the different provinces, so there is no reason why the Supreme Court should not have that jurisdiction. This amendment will save both time and costs, because the present lack of jurisdiction, or machinery by which to take evidence may involve sending a case back to the Courts below.

There is nothing in the Bill except those two provisions, and as I say, the Bill secured its three readings in the other branch of the Legislature at one sitting.

Hon. W. B. ROSS: Honourable gentlemen, I read this Bill when it was introduced in the other House, and have read it again. There is nothing at all objectionable in it. On the right-hand side of the page on which the Bill is printed there is a memorandum which says that this change in the term meets with the approval of the Bar. I suppose the Bar societies were consulted.

Hon. Mr. BELCOURT: I cannot give my honourable friend any evidence that the Bar has approved.

Hon. Mr. ROSS: It is stated here:

> This is to facilitate the despatch of business, for the convenience of the Bench, and with the approval of the Bar.

I do not see how the change from the first Tuesday in May to the fourth Tuesday in April is going to hurt the Bar very much.

Hon. Mr. BELCOURT: No. I think its interest is identical. The Bar is as eager to get off for its holidays as is the Bench.

Hon. Mr. ROSS: But I would not have the change made merely at the instance of the Court, without the Bar having been heard from. I suppose it has been. I do not know.

Hon. Mr. McMEANS: Another note states that the Privy Council can receive evidence in addition to that which is embodied in the stated case, and that the amendment confers a similar power upon the Court. Can they take evidence by affidavit?

Hon. Mr. BELCOURT: I think that is in their discretion. For instance, if it were

merely the production of plans, or a formal affidavit, and if there were no occasion for cross-examining the party giving the affidavit, I think the Court would accept the additional evidence without insisting on the presence of the witness. His presence would be required only for the purposes of cross-examination, as my honourable friend knows.

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

THIRD READING

Hon. Mr. BELCOURT: With the leave of the House, if my honourable friend (Hon. W. B. Ross) sees no objection, I would move that the House go into Committee on the Bill.

Hon. Mr. ROSS: We do not need to consider it in Committee. Move the third reading.

Hon. Mr. BELCOURT: Very well. I move the third reading of the Bill.

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

PUBLIC PRINTING AND STATIONERY BILL

SECOND READING

Hon. Mr. BELCOURT moved the second reading of Bill 33, an Act to amend the Public Printing and Stationery Act.

He said: Honourable gentlemen, the purpose of this Bill, I think, can be stated in two words: it is to make the law conform with the practice. The Printing Bureau and the offices connected with it have to be provided with stock for the various kinds of printing to be done. There is generally on hand, I am informed, about $500,000 worth of stock. Like other stocks, the supplies at the Printing Bureau have to be replenished from time to time. Under the law as it stands the Printing Bureau is entitled to an advance of $200,000 in order that it may carry on its business. It has been found for many years past that that sum is wholly inadequate to the requirements of the Bureau and that at least $500,000 more is needed. The whole purpose of this Bill is to create a sufficient working capital for the establishment. The Auditor General has on occasion found fault with the payment of certain accounts which exceeded the $200,000, and the Printing Bureau has been embarrassed in carrying on its work. The intention is to make the amount available $700,000 instead of $200,000. As honourable gentlemen will see, the cost of the Department is not in any sense increased, nor will this measure lead to any increase. Its purpose is merely to provide in proper time for the amount of expenditure which has been incurred and which it is anticipated must be incurred yearly. I think I have stated the full purport of the Bill.

Hon. G. D. ROBERTSON: Honourable gentlemen, just a word of observation touching this Bill. I have listened with interest to my honourable friend the leader in his explanation of its intent, and I know from experience that what he has stated as to the sum available for the purchase of stock being inadequate is correct; but I would point out to him and to the Government that I do not think it is necessary or desirable to increase the amount to the extent that is proposed in the Bill. To increase it to that extent would, I fear, lead to further expenditure, which I deem wholly unnecessary; and I make that statement in view of the fact that I had something to do with the administration of the Printing Bureau for a few years. A number of years ago, through the activity of certain honourable members of this House, if I am not mistaken, an inquiry into the operation of that institution was held, and it resulted in great economies being effected. When the investigation and the re-organization were finished, about 30 per cent of the expense connected with the running of that institution was eliminated, and the value of the product of the Bureau, or the amount of work that it turned out, was increased notwithstanding that 30 per cent reduction in operating costs. One of the economies that were made effective at that time was the curtailing of the quantity of stock kept on hand, much of which deteriorated with age, if it did not become valueless. You do not want a new book made out of old paper. Nowadays, with the up-to-date and efficient methods of distribution which prevail in every commercial activity, it is possible for our Printing Bureau to obtain its supplies on very short notice from the various mills producing paper within not too distant range of this city. Because of the improvements in modern business methods we find that merchants everywhere do not purchase their goods several months in advance, as they used to do, but order from week to week or from month to month, and do not carry the big stocks that they used to carry. The very same principle has been applied, with satisfactory results from the standpoint of economy, to the Printing Bureau, and I have some apprehension as to what will occur if Parliament increases by 200 per cent the amount available for the purchase and carrying of stock. I am afraid that one of the results will be that you will be called upon

to provide a new building in which to place this increased stock. I believe that some increase in the amount provided should be granted, but I certainly do not agree that the amount ought to be increased to the extent that is suggested in the Bill. Without wishing to be unduly critical, I am attempting to give the House the benefit of the experience I have had in the operation of the Printing Bureau and its administration.

Hon. Mr. BELCOURT: I may say this to my honourable friend, that I am informed that the stock which is carried at present is worth $500,000 and there would be no necessity of providing a new building or otherwise increasing the accommodation. Therefore that danger does not exist. My honourable friend must remember also that the Printing Bureau is, after all, self-sustaining. The printing which is done in that institution is paid for by the different Departments—

Hon. Mr. ROBERTSON: If they pay their bills.

Hon. Mr. BELCOURT: —and it is for the Departments to practise what my honourable friend preaches, more economy. The Printing Bureau itself cannot do so; the Bureau must print what is requisitioned by the different Departments. Therefore this Bill will not interfere with any economy that might be practised by them. That explanation ought to be sufficient to meet my honourable friend's two objections.

Hon. Mr. ROBERTSON: I would point out to my honourable friend, in reply, that the whole Government of Canada does not use $500,000 worth of paper in a year, and if the Printing Bureau has to-day $500,000 worth of blank paper lying in stock, awaiting orders to be turned in by the various Departments for printing—

Hon. Mr. BELCOURT: It is not all paper.

Hon. Mr. ROBERTSON: —then it is more than is necessary. Like drygoods, paper that is piled up on a shelf and kept in a store for a year has not the same value as it had when it was put there. All I would say is, what the honourable member for Grenville (Hon. Mr. Reid) said with reference to a much more important project, be careful and go a little slowly with your expenditures on extensions which are not necessary. I would have no objection whatever to a 50 per cent increase of the amount, and, speaking from experience, I do think that would be sufficient.

Hon. Mr. BELCOURT: Perhaps my honourable friend's warning will be sufficient.

Hon. Mr. ROBERTSON: I hope it may be.

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

ST. JOHN AND QUEBEC RAILWAY BILL

SECOND READING

Hon. Mr. BELCOURT moved the second reading of Bill 9, an Act to authorize an extension of time for the completion of The Saint John and Quebec Railway between Centreville, in the county of Carleton, and Andover, in the county of Victoria, N.B.

He said: The railway in question is not a Government railway, but it may be before very long.

Hon. Mr. ROBERTSON: Hear, hear.

Hon. Mr. BELCOURT: The Minister of Railways and Canals was authorized to extend the time for the completion of this railway, and he did so, but that extension has now expired, and the object of this Bill is to authorize the Minister of Railways further to extend the time for construction.

Right Hon. Mr. GRAHAM: The railway belongs to the province of New Brunswick?

Hon. Mr. BELCOURT: Yes.

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.

ROYAL MILITARY COLLEGE BILL

SECOND READING

Hon. Mr. BELCOURT moved the second reading of Bill 13, an Act respecting the Royal Military College of Canada.

He said: Honourable gentlemen, this is another instance in which the practice has not been consistent with the law. Originally the Royal Military College was supposed to accommodate, if I remember rightly, 100 students. That number is now more than doubled. Some provisions with regard to control have become necessary because of changed conditions. The Bill is only in a very small way different from the present law.

Hon. Mr. GRIESBACH: What law?

Hon. Mr. BELCOURT: I mean the Royal Military College Act.

Hon. Mr. GRIESBACH: This is a new Royal Military College Act.

Hon. Mr. BELCOURT: Yes, it is a new one, but nearly all the provisions of the old law are embodied here.

Hon. Mr. STANFIELD: What changes are made now?

Hon. Mr. BELCOURT: The only change is to make the amount of expenditure correspond with the real requirements. The expenditure has been met from time to time by a portion of the amount being placed in the estimates, whereas it should have been provided for by the statute. The Auditor General has taken exception to that method and has insisted upon the law being changed so that the actual expenditure may be in corformity with it and not be subject to a special vote every year.

Hon. Mr. GRIESBACH: What clause in the Bill covers the expenditure?

Hon. Mr. BELCOURT: Perhaps section 6:

The pay and allowances and salaries of all military and civilian personnel employed at the College shall be as from time to time authorized by the Governor in Council and as authorized in the manner made and provided by the Civil Service Act, chapter twenty-two of the Revised Statutes of Canada, 1927, and the regulations thereunder espectively.

I cannot at first sight tell just what are the new provisions, but my honourable friend is familiar with this matter and will probably see them at once. Nearly all the provisions of the old Act are here again.

Hon. Mr. STANFIELD: What are the changes in the clause?

Hon. Mr. BELCOURT (reading):

In addition matters pertaining to the appointment of civilians to the College Staff and the salaries payable thereto are now governed by the Civil Service Act and regulations thereunder, and, consequently, provision for this should be made in any Act respecting the Royal Military College, as the present Act is silent thereon.

Sections 1, 2 and 3 are identical with Sections 1, 3 and 4 of the present Act, except that subsection (2) of section 2 provides that the College shall be under the direction and management of the Minister of National Defence, a point on which the existing Act is silent.

Right Hon. Mr. GRAHAM: That is really the practice.

Hon. Mr. BELCOURT: That is the practice. Then again:

Section 4 takes the place of sections 5 (2) and 6 of the existing Act and enables there being authorized a proper establishment for the College which is at present lacking and makes the appointment and salaries of civilians subject to the provisions of the Civil Service Act.

It is true that the spirit of the Civil Service Act was being applied, but there was nothing to authorize it or to make it legal.

Those are the only provisions, I think, that need to be discussed. I move the second reading of the Bill.

Hon. Mr. DANIEL: I think if the Leader of the House would just state in what particulars this Bill differs from the old one, we would be in a position to know all about it.

Hon. Mr. BELCOURT: Really the only difference I can see is to make the law conform with the practice. For years past the College has been extending very considerably, especially in the number of students, and in the old days the Minister of Militia, now the Minister of National Defence, really had control of the College although the Act was silent upon that point. The main object of the Bill, as I understand it, is to make that control legal—to put in in the statutes.

Hon. Mr. DANIEL: It puts the College under the control of the Minister of National Defence. I think that is an improvement. Under the old Act it was not so stated, and I presume it was under the control of the Governor General.

Hon. Mr. BELCOURT: The Act was silent.

Hon. W. B. ROSS: As a matter of fact, it should come under the control of the Minister of Defence.

Hon. Mr. MACDONELL: In practice it always has been under the Minister of Defence.

Right Hon. Mr. GRAHAM: That was the practice, but there was nothing in the statutes to show it.

Hon. Mr. BELCOURT: It is to give sanction to the authority exercised by the Minister so that there may be no question about it. A question might arise between the Department and the Auditor General.

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

C.P.R. AND C.N.R. AGREEMENTS BILL

SECOND READING

Right Hon. Mr. GRAHAM moved the second reading of Bill 6, an Act to confirm a certain agreement made between the Canadian Pacific Railway Company and the Canadian National Railway Company.

He said: Honourable gentlemen, the Leader of the House has asked me to say a word about this Bill. This is merely a formal agreement entered into between the Canadian

National Railway and the Canadian Pacific Railway concerning a branch line known as the Rosedale-Bull Pond Creek branch line. In 1924 both these railways were very anxious to get into this territory. After a good deal of discussion, it was decided, according to the spirit of the age, that both railways should not be competing for the same business in this territory, but that they should come to a joint agreement before building. Exactly what is in the agreement I do not know; it is the ordinary railway agreement; and this territory will be well served by the two big lines. The purpose of the Bill is to confirm the agreement.

Hon. W. B. ROSS: Honourable gentlemen, I think this Bill is all right, but as all these railway Bills are important, I think this one, even if it is pro forma, should go to the Railway Committee before getting the third reading.

Right Hon. Mr. GRAHAM: There is no objection that I can see.

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

PATENT BILL

SECOND READING

Hon. Mr. BELCOURT moved the second reading of Bill 7, an Act to amend the Patent Act.

He said: Honourable gentlemen, this is a Bill which is really very necessary. At the International Conference at the Hague, in 1925, we agreed to certain provisions regarding patents. This Bill is merely to incorporate in our own Patent Act the provisions then unanimously agreed upon by the nations adhering to the League. That is all it provides for.

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

TRADE MARK AND DESIGN BILL

SECOND READING

Hon. Mr. BELCOURT moved the second reading of Bill 8, an Act to amend the Trade Mark and Design Act.

He said: Honourable gentlemen, this is exactly the same kind of a Bill.

Hon. W. B. ROSS: Why not put them both together and send them to the Committee?

Hon. Mr. BELCOURT: It all arises out of the same Convention.

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

DIVORCE BILLS

FIRST READINGS

Hon. Mr. WILLOUGHBY, Chairman of the Committee on Divorce, presented the following Bills, which were severally read the first time:

Bill E, an Act for the relief of Dorothy Estelle McCutcheon.

Bill F, an Act for the relief of Adelaide Marie Moore.

Bill G, an Act for the relief of Delia Elizabeth Davies.

Bill H, an Act for the relief of Edith Duff McCoo.

Bill I, an Act for the relief of Kathleen Marion Baldwin.

Bill J, an Act for the relief of Frederick James Lee.

Bill K, an Act for the relief of Laveania Maud Kelly.

Bill L, an Act for the relief of Arthur John Evans.

Bill M, an Act for the relief of Margaret Constance McIntyre Fairbanks.

Bill N, an Act for the relief of Lina Elizabeth Foster.

Bill O, an Act for the relief of Winifred Osborne Gimblett.

Bill P, an Act for the relief of Ruby Jean Standing.

Bill Q, an Act for the relief of Albertine de Varennes.

Bill R, an Act for the relief of William Bye Fasken.

Bill S, an Act for the relief of John Alexander Parsons.

Bill T, an Act for the relief of Martha Golding.

Bill U, an Act for the relief of Reginald Key.

Bill V, an Act for the relief of Madeline Massey Knox.

Bill W, an Act for the relief of James Parker.

Bill X, an Act for the relief of Dorothy LaBelle.

Bill Y, an Act for the relief of Richard Henry Orr.

Bill Z, an Act for the relief of Marjory Sterne Boyd.

Bill A-2, an Act for the relief of Florence Louise Parsons.

Bill B-2, an Act for the relief of George Daniel MacDonald.

Bill C-2, an Act for the relief of Evelyn Connor.

Bill D-2, an Act for the relief of Annie May Caldwell.

Bill E-2, an Act for the relief of Florence Marjorie Cressman.

Bill F-2, an Act for the relief of Esther Buck Scott.

Bill G-2, an Act for the relief of Norah Jones.

Bill H-2, an Act for the relief of Albert Wood.

Bill I-2, an Act for the relief of Louisa Baldock.

Bill J-2, an Act for the relief of Albert John Morison.

Bill K-2, an Act for the relief of Amelia Judd Wasserman Berliner.

Bill L-2, an Act for the relief of Ernest Edmund Parrington.

Bill M-2, an Act for the relief of Margaret Beaton Hale.

Bill N-2, an Act for the relief of Annie Constance Vipond Coleby Lazier.

Bill O-2, an Act for the relief of Gladys Caroline Isbell.

Bill P-2, an Act for the relief of Victoria May Hardwick.

Bill Q-2, an Act for the relief of Annie Alice Tushingham.

Bill R-2, an Act for the relief of Rita Peden.

Bill S-2, an Act for the relief of Lorne William Paterson.

Bill T-2, an Act for the relief of Albert William Hornby.

Bill U-2, an Act for the relief of Marguerite Adele Berwick.

Bill V-2, an Act for the relief of Harriett Ellen Isabel Kirkpatrick.

Bill W-2, an Act for the relief of Martha Evelyn Taylor.

Bill X-2, an Act for the relief of Winnifred Clark.

Bill Y-2, an Act for the relief of Maria Eremca, otherwise known as Marcia Eramko.

Bill Z-2, an Act for the relief of Albert Glenn Steinberg.

Bill A-3, an Act for the relief of Charles Frederick Spittle.

Bill B-3, an Act for the relief of Helen Lazelle Margaret Zeller.

Bill C-3, an Act for the relief of Rachel Pearson.

Bill D-3, an Act for the relief of Ida Myerson.

Bill E-3, an Act for the relief of Arthur Wellington Henry.

Bill F-3, an Act for the relief of Dorothy Warren Gorrie.

Bill G-3, an Act for the relief of Stanley Edmunds.

Bill H-3, an Act for the relief of Irene Frances Phebe Fricker.

Bill I-3, an Act for the relief of Jean Maxwell Douglas.

Bill J-3, an Act for the relief of Constance Brown Kinsman.

Bill K-3, an Act for the relief of William Wilbur Blackburn.

Bill L-3, an Act for the relief of Viva Venetta Rahmer.

Bill M-3, an Act for the relief of George Ranney Price.

Bill N-3, an Act for the relief of Percival Bovill.

Bill O-3, for the relief of Paul Charboneau.

Bill P-3, for the relief of William Franklin Darby.

Bill Q-3, an Act for the relief of Lorne Wilbert Helmer.

Bill R-3, an Act for the relief of Mary Marjorie Jacques.

Bill S-3, an Act for the relief of John Edward Gladstone King, otherwise known as John E. King.

Bill T-3, an Act for the relief of Winnifred Lilias Maunsell.

Bill U-3, an Act for the relief of Hazel Kathleen Mulligan.

Bill V-3, an Act for the relief of Jessie McLean.

Bill W-3, an Act for the relief of Winifred Margaret Pope.

Bill X-3, an Act for the relief of Elizabeth May Thornley.

Bill Y-3, an Act for the relief of Norton Webster Kingsland.

Bill Z-3, an Act for the relief of Alice Edith Knowles.

Bill A-4, an Act for the relief of John McArthur.

Bill B-4, an Act for the relief of Charles Alfred Turner.

Bill C-4, an Act for the relief of Olive Druker.

Bill D-4, an Act for the relief of Lillian May Chandler.

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

THE SENATE

Friday, March 16, 1928.

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

Prayers and routine proceedings.

INTERNATIONAL WATERWAYS COMMISSION

REQUEST FOR COPIES OF REPORT

On the Orders of the Day:

Hon. G. D. ROBERTSON: Honourable gentlemen, before the Orders of the Day are called, on behalf of an honourable member not in the House at the moment (Hon. Mr.

Reid), I wish to bring to the attention of the House a matter in which we are all interested, and to make a request which I hope will meet with general approval. Recently the Government were good enough to lay upon the Table of the House the report of the International Waterways Commission. That report was quite voluminous. I think a substantial number of honourable members of this House desire to peruse that report with considerable care. But because of its size it is physically impossible that it should be available to all the honourable members who would like to have access to it for the purpose of studying it. I would therefore join with the honourable member for Grenville (Hon. Mr. Reid) in asking that the Government provide a few more copies of the report and place them on the Table at the disposal of members.

Hon. Mr. BELCOURT: My honourable friend refers to the International Waterways Commission report?

Hon. Mr. ROBERTSON: Yes.

Hon. Mr. BELCOURT: Dealing specially with the St. Lawrence scheme?

Hon. Mr. ROBERTSON: I am not referring to the report mentioned yesterday, which the Government objected to bringing down, but to the report which was laid on the Table before the last adjournment.

PUBLIC PRINTING AND STATIONERY BILL

THIRD READING

Bill 33, an Act to amend the Public Printing and Stationery Act.—Hon. Mr. Belcourt.

RAILWAY BELT WATER BILL

SECOND READING

Hon. Mr. BELCOURT moved the second reading of Bill 20, an Act to amend the Railway Act.

He said: Honourable gentlemen, this is exactly the same Bill which this House passed last year, but which reached the House of Commons too late to be passed there.

Hon. W. B. ROSS: Did it originate in this House last year?

Hon. Mr. BELCOURT: Yes, exactly the same Bill. The circumstances which have caused this Bill to be submitted to Parliament are chiefly these. In 1883 the railway belt was transferred to the Dominion Government. After the transfer the Province of British Columbia and the Government at Ottawa both continued to issue leases and grant rights under the Act, the Province of British Columbia claiming that, notwithstanding the transfer of the belt, the province still remained seized of the jurisdiction covering the leases and rights along the water belt. Considerable dispute and controversy went on between the two Governments, and the end of the controversy was reached by a judgment of the Privy Council which declared that the contention of British Columbia was wrong, and that the conveyance or transfer of the belt implied the conveyance not only of the land, but also of the water rights. For a time British Columbia, dissatisfied with this, would not act under the provisions of the British Columbia legislation. Notwithstanding the transfer, the Government at Ottawa sought always to have the co-operation of the province in the administration of the water belt. They finally reached an agreement whereby the Dominion Government consented to let the Province administer under the Provincial Act, which still stood and which is standing to-day, but the Government at Ottawa insisted upon a certain provision being accepted by the Province to allow the Minister of the Interior, acting for the Dominion Government, to exercise a certain control. That control was provided for by section 11 of the Act, which honourable gentlemen will see printed, word for word, on the right-hand side of the Bill. Since the Act of 1913 was passed the authorities at Ottawa have felt that there is really no necessity for the Minister exercising that control. Perfect harmony has been established between the Province and the Dominion with regard to the administration of the water and the riparian rights. So Parliament is now asked to suspend the operation of section 11. That is one part of the present Bill.

Section 3 of the Bill enacts the repeal of section 12 of the Act of which I have spoken. It is considered no longer necessary, because the rights of the parties and of the Province are fully safeguarded by section 4 of the Act. The Minister has advised Parliament accordingly, and the House of Commons have adopted this Bill, by which section 12 is to be repealed.

That is substantially the purpose of the Bill. It met with no difficulty in the other branch of the Legislature.

Hon. W. B. ROSS: I would ask the honourable gentleman, are the Government not taking steps now to transfer to British Columbia the whole of this land, known as the railway belt.

Hon. Mr. BELCOURT: I cannot say what is the intention of the Government in that particular respect, but the intention is to

allow the administration of the belt to remain with the provincial authorities, under the provisions of the provincial Act.

Hon. Mr. ROSS: I see. And you are suspending the powers of the Minister of the Interior?

Hon. Mr. BELCOURT: Yes.

Hon. Mr. ROSS: I understand.

Hon. Mr. BELCOURT: In order to give greater freedom of administration to the Province it is proposed to do away entirely, for the present at all events, with this control.

Hon. Mr. ROSS: Of the Minister of the Interior?

Hon. Mr. BELCOURT: Precisely. Of course, if the necessity for it arose later on, he would apply the provision that is now suspended. In the meantime it is to remain in the Act.

Hon. Mr. DANIEL: You are also taking away the right of any riparian to the domestic use of the water that is flowing past him.

Hon. Mr. BELCOURT: Oh, no; the reverse.

Hon. Mr. DANIEL: Section 12 is repealed, you will notice. That is the one that prevents any riparian resident from being deprived of the use of water for domestic purposes.

Hon. Mr. BELCOURT: The effect of the Act is to recognize the rights of all riparian owners to their share of the water for domestic purposes—all purposes, in fact.

Hon. Mr. DANIEL: But, as I understand, the section that does that is being repealed. The bottom note says:

Section 3. The section to be repealed reads as follows:—

"12. Notwithstanding any provision of any of the Water Acts, no privilege, license or right to the use of water shall be granted where the proposed use of the water would deprive any riparian proprietor adjoining the river, stream lake or other source of supply of whatever water he requires for domestic purposes."

That is being repealed.

Hon. Mr. BELCOURT: I know, but the reason why that is repealed is that under section 4 of the Act it is already provided for. There is no intention at all of depriving the riparian owner of any of the rights which he has acquired, or to which he is entitled under his grant.

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.

The Senate adjourned until Tuesday, March 20, at 8 p.m.

THE SENATE

Tuesday, March 20, 1928.

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

Prayers and routine proceedings.

DIVORCE BILLS

FIRST READINGS

Hon. Mr. WILLOUGHBY, Chairman of Committee on Divorce, presented the following Bills, which were severally read the first time:

Bill E-4, an Act for the relief of Sydney Franklin Lankin.

Bill F-4, an Act for the relief of William James Wall.

Bill G-4, an Act for the relief of George Rubin Sanderowich, otherwise known as Rubin Sanders.

GUYSBOROUGH RAILWAY

INQUIRY

Hon. Mr. TANNER inquired of the Government:

1. Is the management of the Canadian National Railways recommending construction of the proposed line known as the Guysborough Railway in Nova Scotia?
2. Is it the intention of the Government to recommend the project this year to Parliament?

Hon. Mr. BELCOURT: The answer to the inquiry of the honourable gentleman is as follows:

To question No. 1, No.

To question No. 2, The matter is under consideration.

IMMIGRATION AND COLONIZATION STATISTICS

INQUIRY

Hon. Mr. TANNER inquired of the Government:

1. What was the total amount of Government expenditure for the purposes of immigration and colonization (excepting Soldiers' Settlement) in each fiscal year since 1918-1919?
2. What was the number of immigrants in each of the above years?

Hon. Mr. BELCOURT: The answer of the Department of Immigration and Colonization is as follows:

1.	1918-19	$1,339,259 61
	1919-20	1,730,535 13
	1920-21	2,193,536 80
	1921-22	2,046,643 01
	1922-23	2,327,149 93
	1923-24	3,477,171 78
	1924-25	3,269,001 70
	1925-26	2,622,947 39
	1926-27	2,623,198 74
2.	1918-1919	57,702
	1919-1920	117,336
	1920-1921	148,477
	1921-1922	89,999
	1922-1923	72,887
	1923-1924	148,560
	1924-1925	111,362
	1925-1926	96,064
	1926-1927	143,991

Note: The expenditures for 1923-24 include $649,881.97 on account of the British Empire Exhibition held at Wembley. In 1924-25, $599,796.85 was expended on the same account, while in 1925-26 $70,661.08 was chargeable to Wembley.

The expenditures for 1925-26 also include $92,245.33 on account of the exhibition held at Dunedin, New Zealand; while in 1926-27, $2,025.19 was spent on account of this undertaking.

ROYAL MILITARY COLLEGE BILL

THIRD READING

Bill 13, an Act respecting the Royal Military College of Canada.—Hon. Mr. Belcourt.

POST OFFICE BILL

SECOND READING POSTPONED

On the Order:

Second reading of Bill 22, An Act to amend the Post Office Act (Newspaper Ownership).

Hon. Mr. BELCOURT: I move that this order stand until next Thursday.

Hon. W. B. ROSS: If this Bill is to stand over I am agreeable, but I think we ought to have some information about it, which I have not been able to find in the Debates in the other House, though there is information about the provincial legislation.

Hon. Mr. BELCOURT: If my honourable friend wants the information to-night I could give it; but I think it would be better if given when the Bill is read the second time.

Hon. W. D. ROSS: I am willing to wait, but I am just asking that we get some information at that time.

The order was allowed to stand.

Hon. Mr. TANNER.

DIVORCE BILLS

SECOND AND THIRD READINGS

On motion of Hon. Mr. Willoughby, Chairman of the Committee on Divorce, the following Bills were severally given their second and third readings:

Bill E, an Act for the relief of Dorothy Estelle McCutcheon.

Bill F, an Act for the relief of Adelaide Marie Moore.

Bill G, an Act for the relief of Delia Elizabeth Davies.

Bill H, an Act for the relief of Edith Duff McCoo.

Bill I, an Act for the relief of Kathleen Marion Baldwin.

Bill J, an Act for the relief of Frederick James Lee.

Bill K, an Act for the relief of Laveania Maud Kelly.

Bill L, an Act for the relief of Arthur John Evans.

Bill M, an Act for the relief of Margaret Constance McIntyre Fairbanks.

Bill N, an Act for the relief of Lina Elizabeth Foster.

Bill O, an Act for the relief of Winnifred Osborne Bimblett.

Bill P, an Act for the relief of Ruby Jean Standing.

Bill Q, an Act for the relief of Albertine de Varennes.

Bill R, an Act for the relief of William Bye Fasken.

Bill S, an Act for the relief of John Alexander Parsons.

Bill T, an Act for the relief of Martha Golding.

Bill U, an Act for the relief of Reginald Key.

Bill V, an Act for the relief of Madeline Massey Knox.

Bill W, an Act for the relief of James Parker.

Bill X, an Act for the relief of Dorothy Labelle.

Bill Y, an Act for the relief of Richard Henry Orr.

Bill Z, an Act for the relief of Marjory Sterne Boyd.

Bill A2, an Act for the relief of Florence Louise Parsons.

Bill B2, an Act for the relief of George Daniel MacDonald.

Bill C2, an Act for the relief of Evelyn Connor.

Bill D2, an Act for the relief of Annie May Caldwell.

Bill E2, an Act for the relief of Florence Marjorie Cressman.

Bill F2, an Act for the relief of Esther Buck Scott.

Bill G2, an Act for the relief of Norah Jones.

Bill H2, an Act for the relief of Albert Wood.

Bill I2, an Act for the relief of Louisa Baldock.

Bill J2, an Act for the relief of Albert John Morison.

Bill K2, an Act for the relief of Amelia Judd Wasserman Berliner.

Bill L2, an Act for the relief of Ernest Edmund Parrington.

Bill M2, an Act for the relief of Margaret Beaton Hale.

Bill N2, an Act for the relief of Annie Constance Vipond Coleby Lazier.

Bill O2, an Act for the relief of Gladys Caroline Isbell.

Bill P2, an Act for the relief of Victoria May Hardwick.

Bill Q2, an Act for the relief of Annie Alice Tushingham.

Bill R2, an Act for the relief of Rita Peden.

Bill S2, an Act for the relief of Lorne William Paterson.

Bill T2, an Act for the relief of Albert William Hornby.

Bill U2, an Act for the relief of Marguerite Adele Berwick.

Bill V2, an Act for the relief of Harriett Ellen Isabel Kirkpatrick.

Bill W2, an Act for the relief of Martha Evelyn Taylor.

Bill X2, an Act for the relief of Winnifred Clark.

Bill Y2, an Act for the relief of Maria Eremca, otherwise known as Marcia Eramko.

Bill Z2, an Act for the relief of Albert Glenn Steinberg.

Bill A3, an Act for the relief of Charles Frederick Spittle.

Bill B3, an Act for the relief of Helen Lazelle Margaret Zeller.

Bill C3, an Act for the relief of Rachel Pearson.

Bill D3, an Act for the relief of Ida Myerson.

Bill E3, an Act for the relief of Arthur Wellington Henry.

Bill F3, an Act for the relief of Dorothy Warren Gorrie.

Bill G3, an Act for the relief of Stanley Edmunds.

Bill H3, an Act for the relief of Irene Francis Phebe Fricker.

Bill I3, an Act for the relief of Jean Maxwell Douglas.

Bill J3, an Act for the relief of Constance Brown Kinsman.

Bill K3, an Act for the relief of William Wilbur Blackburn.

Bill L3, an Act for the relief of Viva Venetta Rahmer.

Bill M3, an Act for the relief of George Ranney Price.

Bill N3, an Act for the relief of Percival Bovill.

Bill O3, an Act for the relief of Paul Charboneau.

Bill P3, an Act for the relief of William Franklin Darby.

Bill Q3, an Act for the relief of Lorne Wilbert Helmer.

Bill R3, an Act for the relief of May Marjorie Jacques.

Bill S3, an Act for the relief of John Edward Gladstone King, otherwise known as John King.

Bill T3, an Act for the relief of Winnifred Lilias Maunsell.

Bill U3, an Act for the relief of Hazel Kathleen Mulligan.

Bill V3, an Act for the relief of Jessie McLean.

Bill W3, an Act for the relief of Winnifred Margaret Pope.

Bill X3, an Act for the relief of Elizabeth May Thornley.

Bill Y3, an Act for the relief of Norton Webster Kingsland.

Bill Z3, an Act for the relief of Alice Edith Knowles.

Bill A4, an Act for the relief of John McArthur.

Bill B4, an Act for the relief of Charles Alfred Turner.

Bill C4, an Act for the relief of Olive Druker.

Bill D4, an Act for the relief of Lillian May Chandler.

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

56109—9½

THE SENATE

Wednesday, March 21, 1928.

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

Prayers and routine proceedings.

PATENT BILL

REPORT OF COMMITTEE

Hon. Mr. BEIQUE presented the report of the Committee on Miscellaneous Private Bills, to whom was referred Bill 7, an Act to amend the Patent Act.

He said: One purpose of the Bill is to extend the powers of the Commissioner by the addition of these words:

or that the patentee has failed to manufacture adequately the patented invention in Canada.

Another object of the Bill is to amend the Act so as to provide that—

No patent shall extend to prevent the use of any invention in any foreign ship, vessel, air craft or land vehicle entering the country temporarily or accidentally provided such invention is employed exclusively for the needs of the ship, vessel, air craft or land vehicle and not so used for the manufacture of any goods to be vended within or exported from Canada.

TRADE MARK AND DESIGN BILL

REPORT OF COMMITTEE

Hon. Mr. BEIQUE presented the report of the Committee on Miscellaneous Private Bills, to whom was referred Bill 8, an Act to amend the Trade Mark and Design Act.

He said: The honourable member from Ottawa (Hon. Mr. Belcourt) might give the explanation which he has given to the members of the Committee.

Hon. N. A. BELCOURT: Honourable gentlemen, on the second reading of the Bill I explained that this measure and the one which has just been reported, with regard to the Patent Act, were both necessitated by the agreement which we made with other nations at the Hague in 1925, whereby we undertook to make our laws on patents and on trade marks conform to the laws on those subjects in force in other countries adhering to the League. Everyone of the other nations, I understand, has since passed enactments bringing its laws into harmony with the agreement then made. The period of three years fixed for the passing of these laws by the different countries entering into the Covenant will expire in the month of May, 1928. I asked for an explanation as to why our amendments had not been introduced before, and was told that the delay was due to the uncertainty of the sittings of Parliament during the two years when that might have been done. By passing the Bills we are simply giving parliamentary sanction to the agreement which we entered into solemnly at the Hague Conference of 1925.

PRIVATE BILLS

FIRST READINGS

Bill 15, an Act respecting certain Patent Application of William H. Millspaugh.—Hon. Mr. Haydon.

Bill 16, an Act respecting certain Patent Applications owned by the British Steel Piling Company, Limited.—Hon. Mr. Haydon.

Bill P4, an Act to incorporate the Canadian Commerce Insurance Company.—Hon. Mr. Prowse.

Bill Q4, an Act respecting the Sisters of Charity of the Northwest Territories.—Hon. Mr. Beaubien.

DIVORCE BILLS

FIRST READINGS

Hon. Mr. WILLOUGHBY, Chairman of the Committee on Divorce, presented the following Bills, which were severally read the first time:

Bill H4, an Act for the relief of Kathleen Elizabeth Hedges.

Bill I4, an Act for the relief of Lotus Henderson Conover.

Bill J4, an Act for the relief of Marguerite Trelawney Buller Allan.

Bill K4, an Act for the relief of Robert Alexander Ackersviller.

Bill L4, an Act for the relief of Alexander Graham.

Bill M4, an Act for the relief of William Henry Phillips.

Bill N4, an Act for the relief of Marjory Elgin Burch.

Bill O4, an Act for the relief of Frances Helen Renison.

STATUS OF DR. W. A. RIDDELL

INQUIRY AND DISCUSSION

Hon. W. A. GRIESBACH rose in accordance with the following notice:

That he will draw the attention of the Government to the status of Dr. W. A. Riddell, at Geneva and will inquire of the Government, as follows:

1. Is Dr. W. A. Riddell an official of the Government of Canada employed at Geneva in connection with the League of Nations? and if so—

2. What is the precise nature of his employment?

3. Under what department of the Government is he employed?

4. From time to time the Canadian Press carries despatches from Geneva in which Dr. Riddell is alleged to have made statements for and on behalf of the Government of Canada or the people of Canada, touching matters of international importance. Was Dr. Riddell instructed thereto by a department of the Government of Canada?

5. Does the Government assume responsibility for statements made by Dr. Riddell at Geneva as an official of the Government of Canada?

6. Has the Government reprimanded Dr. Riddell for statements made by him at Geneva as an official of the Government of Canada of which the Government does not approve?

He said: Honourable gentlemen, the series of questions that stand in my name on the Order Paper are put forward not for the purpose of captious criticism, but in order to

draw the attention of the Government to a situation which is worthy of their attention.

In discussing these matters I must to some extent anticipate the answers which my honourable friend may give. Dr. W. A. Riddell is a young man who has been sent by the Government of Canada to Geneva to represent us on the League of Nations, I understand, in connection with the labour clauses of the League and the Treaty of Versailles. However, he has apparently been employed by the Government in a larger field, and is to some extent, I am informed, under the direction of the Department of External Affairs. I am asking the nature of his employment, and the Department by which he is employed, and then I draw attention to the fact that during the past eighteen months, perhaps longer, Dr. Riddell has been making a series of statements, which have appeared in the Canadian press, purporting to speak on behalf of the Government of Canada and the people of Canada. Those statements are of very great importance, as touching upon international relations, and they are statements which in my judgment should only be made by a responsible Minister, or preferably by the Prime Minister himself, in the Parliament of Canada.

Just as public opinion here is formed and based upon statements of responsible public men, so in international affairs public opinion in the world is based upon statements of responsible men, made in proper places. I have not made a collection of those statements; but newspaper readers will remember that for the past eighteen months or two years we have seen statements of some sort almost every week or so from Dr. Riddell, touching upon all sorts of questions. Those statements, if accepted, are expositions of Canadian policy, and are thus of far-reaching effect.

Now, it is not fair to the nations of the world that they should be led to accept such statements as pronouncements of Government policy. Personally, I disapprove of some of those statements, and I am sure they must have been disapproved of by others, and I am merely raising the question now in order to draw the attention of the Government to observations made by persons purporting to speak for the people of Canada, when, in point of fact, it is most unlikely that this young man has any such authority.

My honourable friend may take some exception to the method of framing my last two questions, in which I ask if the Government assumes responsibility for those statements; and, secondly, whether the Government has reprimanded Dr. Riddell for statements of which it does not approve. The purpose of those two questions is not sinister, by any means, but they are designed to bring home to the Government the possibility that those statements may rise up and smite the Government some day when, in a difficult situation, they must accept them. We are making our appearance for the first time in international affairs, and it is desirable that all the officials of the Government, as well as the Government itself, should be made aware of the very great importance that is attached in international affairs to statements made by public men. Beyond that I do not care to go. I believe that Dr. Riddell is a very capable, energetic, and worthy official, and I have no desire to reflect upon him in any way; but I wish merely to draw the attention of the Government to the fact that he appears to occupy an important position, and the Government would be well-advised to protect itself, in his public utterances, by suitable instruction and by all necessary precautions.

Hon. Mr. DANDURAND: Honourable gentlemen, my honourable friend from Edmonton (Hon. Mr. Griesbach) assumes that Canada's representative at Geneva has not received regular instructions from the Government on the matters upon which he has been called to speak at the various Committees where Canada's interests were at stake. In consequence of that assumption, my honourable friend's argument is weak, because Dr. Riddell has received instructions generally on matters of some importance—directions rather than instructions—and he has faithfully performed his duty, following the lines indicated to him by his own Minister.

It was decided to appoint Dr. Riddell as permanent representative, because we have assumed the obligation to attend meetings of the International Labour Bureau at various fixed periods in the year, and we have been obliged to attend other meetings of committees appointed by the Assembly or the Council. It was thought that it would be far more convenient for Canada to have a permanent representative there, and that it would save a considerable sum of money to the treasury to have one representative who would not have to cross the Atlantic half a dozen times in order to attend those various commissions.

Dr. Riddell is perfectly conversant with all labour matters, having occupied an important post in the International Labour Bureau, and he was selected because of his special knowledge in that department. He had had considerable experience in Canada; if I am not mistaken, he had been Deputy Minister of Labour in the Ontario Government. He was

quite qualified to deal with all social questions, and he has rendered a very good account of himself as representative of Canada in those various activities of the International Labour Bureau. He has been selected as representative on some important committees, and recently he sat on the preparatory subcommittee on Arbitration and Security, where he met important authoritative representatives from other countries, and he was called upon to state the views of his Government, and the policy which had been propounded either on the floor of Parliament or in the Assembly. I read his deliverance at that meeting, which had taken place a few days before my arrival in Geneva, and I heard numerous commendations of the manner in which he had presented the experience of Canada in the field of Arbitration and Security.

My honourable friend, if he has met Dr. Riddell, has probably been misled by his juvenile looks; but he is moving towards, if he has not passed, the meridian of life, which I would put at forty. He is most conscientious in the performance of his duties, and most desirous of doing the right thing for his own country. Naturally he has only general instructions on many matters, and if my honourable friend asked me if every word he speaks had the authority of his Minister I would without hesitation answer in the negative, as regards very many questions on which he may express an opinion in discussion. But when it comes to a concrete resolution on which he has to vote, if he has any doubt as to the opinion of his Minister, it is his concern and duty to cable his Minister for instructions; so that if my honourable friend passed only a few months on the shore of Geneva Lake, I believe he would find that we have a very prudent representative in the person of Dr. Riddell. To the questions which he puts, I would answer:

1. Yes.

2. Canadian Advisory Officer, to aid in furthering Canadian interests in the League of Nations and the International Labour Organization.

3. Departments of External Affairs and Labour.

4. Not possible to answer without more specific indication of the statements in question.

I might add that I know personally of instructions being given him on important matters where he represented Canada and had to express an opinion for Canada.

5. Yes.

As to No. 6, I had occasion to tell my honourable friend, before the opening of this sitting, that I did not like the expression which he used, because it implied that there could perhaps be cause for a reprimand. I suppose my honourable friend desires to know if the Government has expressed its disapproval of some statements made by Dr. Riddell. To that question I would say no, but I would add that there never has been cause for any disagreement between our representative and his Minister, the Minister for External Affairs.

ST. LAWRENCE WATERWAYS PROJECT

USE OF ADVISORY COMMITTEE'S REPORT

On the Orders of the Day:

Hon. J. D. REID: I rise to make an explanation in connection with the remarks I made on the St. Lawrence Waterways on Wednesday last. I have received a telegram from Brigadier-General C. H. Mitchell, and I think I should place it on record, as I do not want to do any injustice to General Mitchell. It is as follows:

Toronto, Ont., Mar. 16th.

Hon. J. B. Reid, Ottawa.

My attention has been drawn to reports in Mail and Empire, Fifteenth and Sixteenth, of your speeches in Senate making reference to report of National Advisory Committee on St. Lawrence, intimating that it may have become public in Toronto, and that I may have been instrument in its publicity. I wish to assure you that I have never seen this report and do not know its contents. The only public references I have made to this Committee and its report are contained on pages fourteen and sixteen of my published retiring address as President of Toronto Board of Trade, January Twenty-Third, copy of which I am sending you by mail to-night. These references do not presume a knowledge of contents of report.

Brig. Genl. C. H. Mitchell.

In my remarks I gave, as a reason why I thought I was justified in speaking as I did on this matter, that the Hon. Mr. Foster, who was Chairman of the National Advisory Committee, had discussed this question a few days before in St. John, and I read his speech in a newspaper report; also, that the Council of the city of Toronto had passed a resolution recommending the carrying out of the report of the National Advisory Committee. I also mentioned that Brigadier-General C. H. Mitchell had addressed a meeting in connection with the waterways at Toronto, and I stated that evidently those persons had before them the report of the National Advisory Committee. Of course, Hon. Mr. Foster would have it, because he was Chairman of the Committee, and the report from the Toronto City Council stated that they had it.

I wrote to Brigadier-General Mitchell, in reply to his telegram, that I was pleased to

hear that his remarks were not taken from the report of the National Advisory Committee, but still he had the report of the Joint Engineering Board, which had been made public here, having been laid on the table of this House; so of course he had the right to discuss it if he wished. But I do not desire to cast any reflection on Brigadier-General Mitchell in connection with the matter, and therefore I felt that I should place before the Senate the exact position, so that there could be no fault found.

DEBATE RESUMED

The Senate resumed from March 14, the adjourned debate on the inquiry of the Hon. Mr. Reid:

That he will call the attention of the Senate to the St. Lawrence Waterways project, and inquire if it is the intention of the Government to lay on the Table of the Senate the report of the Advisory Committee on the proposed scheme.

Hon. F. L. BEIQUE: Honourable gentlemen, at the outset I desire to say that I, like the honourable member from Grenville (Hon. Mr. Reid) would have much preferred to have had the privilege of seeing the opinions which have been given to the Government by the Advisory Committee. I have no doubt that the opinions given by the members of that Committee might have corrected opinions of my own and of other honourable members of this House who have been deprived of the benefit of their perusal. Nevertheless, I fully appreciate the reason why the Government has not deemed it its duty to make those opinions public. Suppose that a property in which two parties had a common interest, as is the case here, was privately owned instead of state-owned, and that one of the parties had asked for advice of a technical character in order to be able to deal with his adversary, it might be very foolish for that party to disclose the advice which he had received. I have read, and no doubt other honourable members of this House also have read the reasons assigned by the Prime Minister in the other House the other day, and accepted by the Leader of the Opposition, for withholding this information, and I think we have to take it for granted that the Government was well advised.

I desire to say also that after hearing the honourable member from Grenville discuss this very important question I hesitate to follow him, because I have not his personal knowledge of the river, nor his general experience as an ex-Minister of Railways and Canals. However, I have taken the trouble to inform myself by examining into the report of the Joint Board of Engineers. This report to my mind is very complete, and deals not only with the work of the members of the Board, but also with the work of the first Commission in 1921, a Commission which cost Canada and the United States each a sum of some $750,000, and covered most important matters of research and engineering works of all kinds. In making its report the first board or Commission deemed it to be its duty to suggest that before any decision was taken the Board should be enlarged and further investigations made—that was in 1924—and the Commission was enlarged by the apointment of three members by the United States and three by Canada. The members appointed by Canada were D. W. McLachlan, of the Railway Department; Oliver O. Lefebvre, of the Quebec Streams Commission, a man of very large experience and an engineer of first rank; and Brigadier General Mitchell.

In 1926 a report was made by those gentlemen, but their labours did not cease there. They went on and examined further into the matter, and in the several appendixes to the report will be found the result of the further examination which they made. For my part I am satisfied that extraordinary precautions had been taken to inform the Government and the public at large as far as possible. It was suggested, I think, that there should be further investigation, and I would not be surprised if it were advisable or even necessary, from either the economic or some other point of view, to have further information before a final decision is arrived at. However, we have to deal with this matter with the assistance of the documents that are now at our disposal, most of which are contained in this book.

I hesitate also for fear that opinions expressed in this House may be taken on the other side of the line as expressions of public opinion when in reality they are expressions of individual opinion. However, I think I will be guarded enough in my remarks not to compromise anybody.

Let me say at once that I agree entirely with the honourable member for Grenville as to the importance of the question. I regard the power susceptible of development as a national asset of immense value which should remain the property of the Crown for all times and farmed out from time to time with necessary provisions by way of successive revision of the amount of the rent to be paid, or otherwise, to protect the interests of the State or of the public. I am also of opinion

that the power to be developed should not, for any consideration, be sold for consumption outside of Canada.

The honourable member seems to be apprehensive that our friends on the other side of the line will get the best of any bargain or Treaty which may be made with them in connection with the project in question and that we should avoid as far as possible dealing with them. His main reason of complaint is the diversion of water at Chicago. As to this, I confess I am not sufficiently informed to express an opinion. I believe it our duty to examine thoroughly into the question of diversion of water and if we have any serious ground for complaint, Canada should insist on getting justice before entering into a new Treaty with the United States. I cannot see, however, how we can refuse absolutely to deal with them in connection with this project which involves the development of a property in which they have an undoubted interest.

It is necessary, here, that I should refer to both the Treaty of Washington of June 1871 and the Boundary Water Treaty of 1909. Let me read only a couple of articles of each of those Treaties. I will read first from the Washington Treaty:

XXVI. The navigation of the River St. Lawrence, ascending and descending from the 45th parallel of north latitude, where it ceases to form the boundary between the two countries, from to, and into the sea, shall forever remain free and open for the purposes of commerce to the citzens of the United States, subject to any laws and regulations of Great Britain or of the Dominon of Canada, not inconsistent with such privilege of free navigation.

The navigation of the Rivers Yukon, Porcupine, and Stikine, ascending and descending from, to, and into the sea, shall forever remain free and open for the purposes of commerce to the subjects of Her Britannic Majesty and to the citizens of the United States, subject to any laws and regulations of either country within its own territory, not inconsistent with such privilege of free navigation.

XXVII. The Government of Her Britannic Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion; and the Government of the United States engages that the subjects of Her Britannic Majesty shall enjoy the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the United States, and further engages to urge upon the State Governments to secure to the subjects of Her Britannic Majesty the use of the several State canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary line between the possessions of the High Contracting Parties on terms of equality with the inhabitants of the United States.

Now I will read from the Boundary Waters Treaty:

Preliminary Article. For the purposes of this Treaty boundary waters are defined as the waters from main shore to main shore of the lakes and rivers and connecting waterways, or the portions thereof, along which the international boundary between the United States and the Dominion of Canada passes, including all bays, arms, and inlets thereof, but not including tributary waters which in their natural channels would flow into such lakes, rivers, and waterways, or waters flowing from such lakes, rivers, and waterways, or the waters of rivers flowing across the boundary.

Article 1. The High Contracting Parties agree that the navigation of all navigable boundary waters shall for ever continue free and open for the purposes of commerce to the inhabitants and to the ships, vessels, and boats of both countries equally, subject, however, to any laws and regulations of either country, within its own territory, not inconsistent with such privilege of free navigation, and applying equally and without discrimination to the inhabitants, ships, vessels, and boats of both countries.

It is further agreed that so long as this Treaty shall remain in force, this same right of navigation shall extend to the waters of Lake Michigan and to all canals connecting boundary waters, and now existing or which may hereafter be constructed on either side of the line. Either of the High Contracting Parties may adopt rules and regulations governing the use of such canals within its own territory, and may charge tolls for the use thereof, but all such rules and regulations and all tolls charged shall apply alike to the subjects or citizens of the High Contracting Parties and the ships, vessels, and boats of both of the High Contracting Parties, and they shall be placed on terms of equality in the use thereof.

Article 2. Each of the High Contracting Parties reserves to itself or to the several State Governments on the one side and the Dominion or Provincial Governments on the other, as the case may be, subject to any treaty provisions now existing with respect thereto, the exclusive jurisdiction and control over the use and diversion, whether temporary or permanent, of all waters on its own side of the line which in their natural channels would flow across the boundary or into boundary waters; but it is agreed that any interference with or diversion from their natural channel of such waters on either side of the boundary, resulting in any injury on the other side of the boundary, shall give rise to the same rights and entitle the injured parties to the same legal remedies as if such injury took place in the country where such diversion or interference occurs; but this provision shall not apply to cases already existing or to cases expressly covered by special agreement between the parties hereto.

It is understood, however, that neither of the High Contracting Parties intends by the foregoing provision to surrender any right which it may have to object to any interference with or diversions of waters on the other side of the boundary the effect of which would be productive of material injury to the navigation interests on its own side of the boundary.

Article 3. It is agreed that, in addition to the uses, obstructions, and diversions heretofore permitted or hereafter provided for by special agreement between the Parties hereto, no further or other uses or obstructions or diversions, whether temporary or permanent, of boundary waters on either side of the line, affecting the natural level or flow of boundary waters on the other side of the line, shall be made except by authority of the United States or the Dominion of Canada within their respective jurisdictions and with the approval, as hereinafter provided, of a joint commission, to be known as the International Joint Commission.

The foregoing provisions are not intended to limit or interfere with the existing rights of the Government of the United States on the one side and the Government of the Dominion of Canada on the other, to undertake and carry on governmental works in boundary waters for the deepening of channels, the construction of breakwaters, the improvement of harbours, and other governmental works for the benefit of commerce and navigation, provided that such works are wholly on its own side of the line and do not materially affect the level or flow of the boundary waters on the other, nor are such provisions intended to interfere with the ordinary use of such waters for domestic and sanitary purposes.

In virtue of those treaties the United States have equal rights with us to free navigation in the boundary waters and in the St. Lawrence river from the lakes to the sea.

I do not think that large ocean vessels will ever navigate above Montreal but I cannot help believing that a 25 to 30 foot waterway from Montreal to the lakes, and on the lakes, is bound to be made, and I have no doubt that such a waterway coupled with the four to five million horsepower susceptible of development will be some day or other a very great asset for Canada.

I am also of opinion that, committed as we are in perpetuity to see both the St. Lawrence river and the boundary waters open to free navigation by both countries on equal terms, we can hardly refuse to deal with our neighbours in connection with the opening of such navigation and the development of waterpowers on terms fair to both parties. I further believe that a properly worded treaty defining the rights and obligations of both parties and providing for a proper arbitration board would be rather a protection for us. The joint control seems to be a necessary consequence of the common interest of both nations in navigation and boundary waters. I should be afraid that our refusing to have practically anything to do with the United States in connection with the project in question would be taken as an unfriendly act.

Under the treaties to which I have referred I doubt that we should have the right to have the channel in the international section all on the Canadian side, implying a diversion of boundary waters, to which the United States would no doubt object. Even if we could manage to have the channel all on the Canadian side and to have entire control of it, I should be afraid that it might induce the United States to spend any amount of money towards increasing the capacity of the Erie canal and thereby diverting to United States ports freight which would otherwise come down the St. Lawrence.

I understand that the power susceptible of development amounts to about five million horsepower, two million being in the international section of the river and divisible equally between Canada and the United States, and three million in the province of Quebec, at the door of Montreal. I should have hoped that the right of both provinces, Quebec and Ontario, whether in law, or in equity only, to the power within their respective territory would have been acknowledged by the Federal Parliament, on condition that the Dominion should be practically relieved of its share of expense for both navigation and power, and on condition also that the power should remain the property of the crown.

As my opinion does not carry very much weight, and as my intention was to help as far as possible towards a proper conclusion on this important question, I thought it my duty to seek for information from a first-class authority on the subject, namely, Mr. D. W. McLachlan, of the Department of Railways and Canals. He has been, as I have stated, engaged on this question from the beginning and is exceedingly well informed and competent to judge. Therefore, after adjourning the debate I wrote him, on the 17th of March, this letter:

Montreal, March 17, 1928.

D. W. McLachlan, Esq.,
Engineer, Department of Railways and Canals,
Ottawa, Canada.

Dear Mr. McLachlan,

You may have seen the address made by Honourable Dr. Reid at the Senate sitting of March 14 on the St. Lawrence waterway projects.

I have adjourned the debate to Wednesday next, when I propose to try to give the Senate a summary of the whole project, as recommended by the Canadian section. I am afraid there is a great deal of confusion in the mind of the public and it is important that the recommendation of the Canadian section be better understood. I have a copy of the report of the Joint Board of Engineers with appendix, where I find the recommendations made by the United States section and by the Canadian section.

On page 19 of the report I see a mention made of the regulating works in operation at the outlet of Lake Superior, and I understand

that these regulating works are under the joint control of Canada and the United States under agreement between both countries. Would you kindly tell me where I can find that agreement? Would you also tell me whether the water in the port of Montreal can be affected by these regulating works, and to what extent? Also what other regulating works, which can affect the port of Montreal, are projected by either the United States section or by the Canadian section?

On referring to page 119, Senate Hansard, March 14, you will find that Dr. Reid criticizes very strongly the proposed diversion of the water from the Canadian side to the American side between Prescott and Montreal, and more especially the construction of a canal twenty-four miles in length entirely in United States territory. Would you kindly tell me whether in your opinion this diversion can be avoided and what would be the consequences as far as expenses are concerned and as far as control; also the reason why a channel 800 feet wide is proposed to be cut through Galop Island entirely on the American side, and what is the object of opening this channel. In your opinion is the port of Montreal liable to be affected by the proposed works as recommended by the Canadian section, in what way and to what extent? In this connection please see page 124 of Hansard.

As Dr. Reid takes exception to damming of River St. Lawrence from shore to shore, I would like to know if it can be avoided and if the damming is liable to affect the port of Montreal.

I would also like to be enlightened by you on the following:

(1) Would it be practicable to have two separate channels, one on the Canadian side and one on the American side, controlled by each country, both for power and navigation, and if not, why?

(2) Does the fact that free navigation is open to both countries imply the necessity of joint control of the channel?

(3) If one channel alone was constructed on the Canadian side, say between Kingston and St. Regis, would it not imply a diversion of water which would necessitate our obtaining the consent of the United States Government?

I want to call special attention to that, because it is very important. If it implies the diversion of water, we cannot help dealing with the United States Government.

(4) Could Galop Island be left alone, or is a channel through it a necessity in the case of the one-stage development as navigation channel and in the case of the two-stage development for purpose of regulation only?

I am writing you very hurriedly. I shall appreciate any further information which you can give me on the whole question. I expect to leave for Ottawa Tuesday afternoon.

Could you also tell me where I can find the report of Judge Hughes on the question of diversion of water at Chicago?

Yours truly,

(Signed) F. L. Beique.

His answer is dated the 20th of March, and I have received it to-day:

Hon. Mr. BEIQUE.

March 20, 1928.

Honourable F. L. Beique,
The Senate,
Ottawa, Ont.

Dear Senator Beique:

Your letter of March 17th is before me.

A little confusion has arisen in our report due to the fact that the main body of the report was written while we were still investigating foundation conditions at Crysler Island. In May, 1927, these foundation conditions turned out to be much better than was expected, and, as a consequence, we were forced, in appendix C, to say that it is an improvement on the two-stage project formely recommended by the Canadian Section.

If you read appendix C, you will, I feel, get everything straightened out.

A partial single-stage project is also described in appendix C. It was put there at the instance of the Canadian Section. The United States' Section counted it out because it did not develop all the power. It represented the ideas of the former Board, Messrs. Wooten and Bowden, when changed to meet new ideas with regard to ice.

The regulation of Lake Superior is being handled by a Control Board, the Canadian member of which is Mr. J. T. Johnston, Director of the Water Powers Branch, Dept. of the Interior. Mr. Johnston succeeded the late Mr. W. J. Stewart of the Marine Department. The effect of the present regulation of Lake Superior is discussed in the Report of the Joint Board of Engineers, page 78. No doubt this regulation has affected water levels in Montreal to a slight extent, but it is so small it is hardly worth mentioning. See plate No. 1, page 217.

The regulation of Lakes Huron, Michigan and Erie was considered by our Board, but such regulation was reported against, partly because it could not be made to benefit the lakes without hurting Montreal, or benefit power without lowering lake levels, or doing damage. The regulation of Lake Ontario is contemplated as part of the Deep Waterway Improvement, but the rules are drawn so as not to affect Montreal adversely, at least during the latter part of the navigation period: see pages 118 and 120, Report of Joint Board of Engineers. Actually, the effect of the regulation proposed would improve the depth in Montreal harbour during extreme low months of low years.

In the Joint Engineering Board's Report, the canal is placed on the United States side of the line in the vicinity of Long Sault Rapids, and also at Crysler Island. This is done simply because it worked out cheaper on that side and left our 14 foot canal system intact on our side at the Long Sault. The Canadian side is left in a condition where we can build a canal if we ever wish to do so. The damming of the St. Lawrence River from shore to shore cannot be avoided, if the river is to be improved for power. The navigation improvements at Galop Rapids were put through Galop Island in one case and south of Galop in another, due to the fact that the depth required could be secured more easily in that way than in any other. The location of the village of Cardinal on the Canadian side more or less blocks a route on our side, and above Cardinal the river is so crooked that good alignment could not be secured. It

should be noted that the waterway now used throughout the whole distance from the Head of Lake Superior to Prescott crosses and re-crosses the boundary many times.

In answer to your first question—

I will first repeat each question, so that the answer to it may be better understood. My first question was:

Would it be practicable to have two separate channels, one on the Canadian side and one on the American side, controlled by each country, both for power and navigation, and if not, why?

Here is his answer:

In answer to your first question I would say it would be practical to have separate channels on either side of the boundary between Kingston and the head of Lake St. Francis, for navigation, but if any quantity of water were drawn through either of these channels it would involve lowering the level of Lake Ontario, and this would be a violation of the International Boundary Waters Treaty of 1909.

Therefore it necessarily implies the consent of both parties. He goes on:

Consequently, for separate channels, some joint approval of work in the river to compensate for diversions would be required. To go further and develop separate power canals on each side of the river between the outlet of Lake Ontario and St. Regis would be absurd, because the cost of excavating such channels would be enormous and an international control would be required at Galop Rapids just the same as it is required beside the power houses at Crysler Island, and Barnhart Island in the proposal recommended by the Canadian section.

Question number 2:

Does the fact that free navigation is open to both countries imply the necessity of joint control of the channel?

Mr. McLachlan's answer is:

It seems to me that your second question can be answered in the affirmative, because every channel enlargement means flattening of slopes and lowering of levels at its head.

My third question was:

If one channel alone was constructed on the Canadian side, say between Kingston and St. Regis, would it not imply a diversion of water which would necessitate our obtaining the consent of the United States Government?

Mr. McLachlan answers:

The answer to question number three seems to me to be "Yes." If a canal on the Canadian side is constructed for navigation alone, the diversion of water would be small and the works requiring international approval would also be small, while a canal for power would involve a large diversion of water and international approval for extensive control works at its head.

Question number 4:

Could Galop Island be left alone, or is a channel through it a necessity in the case of the one-stage development as navigation channel and in the case of the two-stage development for purpose of regulation only?

His answer is:

It seems to me question number four can be answered in the affirmative. Galop Island and the rapids on either side of it can be left alone even with a river improvement for both navigation and power. This would however involve a very large increase in cost. This increased cost for improvement would be brought about by the necessity for the introduction of a side canal with a lock to go round the rapids at that point and as a water level below the Island could not be raised without affecting Lake Ontario, this in turn would require an enormous amount of channel enlargement between the foot of Galop Island and Morrisburgh, because this stretch of river must be put in such a shape as will permit ice to form in winter without gorging.

In any practical improvement of the International Section of the river for power, the channels at Galop Rapids must be enlarged or other channels provided at this point in order to flatten the slope and enable the water level below to be raised within a few feet of that of Lake Ontario.

I have no copy of the report of Judge Hughes in my office. I understand Mr. Burpee, Secretary of the International Joint Commission has one copy, and probably Dr. Skelton of the Dept. of External affairs has another. It is being printed by the Pearson Printing Co. of Washington, and is being sold at $1.00 per copy. It was summarized in Engineering News Record, Dec. 1st, 1927, page 890. This, my office could lend you, or it could be obtained from the library, I am sure.

Yours very truly,

(Signed) D. W. McLachlan.

I am sure honourable gentlemen will appreciate the value of this opinion on the very important questions which have been raised, and rightly raised, by the honourable member from Grenville (Hon. Mr. Reid). To my mind the expense of the whole project could be divided into two classes: 1st, the cost of works solely for navigation, including the cost of the Welland canal and of the deepening of the St. Lawrence, and possibly the necessary preparatory works for the development of water power, which the joint board of engineers calls works common to navigation and power, and 2nd, cost of works primarily for power.

As to the 1st class, the cost should be borne by both countries in the proportion of their respective interest in navigation, namely four-fifths for the United States and one-fifth for Canada. On this basis, the one-fifth of the Dominion would be about covered by the four-fifths payable by the United States for the Welland canal and the deepening of the St. Lawrence. The cost of the Welland Canal alone amounts to about $116,000,000, without interest, and the deepening of the

river between Montreal and Quebec would be some $40,000,000 or $50,000,000, all told, if I am not mistaken.

Hon. Mr. REID: May I ask the honourable gentleman if he is suggesting that Canada allow the United States to pay one-half the cost of the Welland Canal?

Hon. Mr. BEIQUE: No, four-fifths.

Hon. Mr. REID: And the same with the other works between Cornwall and Montreal for navigation?

Hon. Mr. BEIQUE: Yes. We have made a bargain which we cannot cancel. Under the treaties to which I have referred the United States has equal rights with Canada to free navigation on the lakes and on the River St. Lawrence, from the head of Lake Superior to the sea. We cannot help that, for under the treaties we have made the United States have acquired those rights, so that no canal can be cut on the Canadian side only, without the permission of the United States. That being so, I ask what is the use of our saying, "Let us cut the canal on our side, and control it"? We cannot do it without violating the treaty.

Hon. Mr. LYNCH-STAUNTON: How did we do with the new Welland Canal? Did we get their consent?

Hon. Mr. BEIQUE: I do not know; I would say it could not be done without their consent. But the only question I have taken up with Mr. McLachlan is as to whether it implies a diversion of water. No diversion of water can take place unless it is passed upon by the Internationl Commission, which was appointed for that purpose.

Hon. Mr. LYNCH-STAUNTON: Does that apply to the Georgian Bay canal?

Hon. Mr. BEIQUE: That is another question.

Hon. Mr. GREISBACH: But an ordinary diversion of water would be distinct from a diversion where the water flows back afterwards. Surely the diversion contemplated by the treaty means a diversion where the water has gone for good, such as the diversion in Chicago.

Hon. Mr. BEIQUE: Of course I am expressing simply my own opinion, which may not be worth anything at all; but I am a Canadian, and I attach a great deal of interest to the rights of this country. If Canada were independent of the United States I might take another position, but from my reading of the treaty I have no doubt at all that no canal can be constructed either on the American or on the Canadian side without the consent of both parties, because this would involve a diversion of water, which cannot be made without the consent or authority of the Joint International Commission.

Hon. Mr. CASGRAIN: If the Americans wanted to dig a canal would they have to get our permission?

Hon. Mr. BEIQUE: Yes. They have equal rights for free navigation in the lakes, and in that part of the St. Lawrence above St. Regis. Those are boundary waters, and it was agreed that they are to be boundary waters for all time to come; therefore, whether the quantity of water is large or small, it cannot be diverted without their consent. Mr. McLachlan, in his opinion, makes a distinction between navigation only and power. As far as navigation is concerned, it would be a small diversion, but it would be a diversion, all the same. As far as power is concerned, it would be a very large diversion, and therefore it could not be done.

Hon. Mr. GRIESBACH: Is it a legal opinion, or an engineering opinion, which Mr. McLachlan gives?

Hon. Mr. BEIQUE: It is an engineering opinion, and it is on a question of fact. As an engineer he is giving an opinion, on a question of fact, that it would be a diversion of water.

Hon. Mr. ROBERTSON: May I ask my honourable friend a question? Is that conclusion which he has voiced based on his understanding of Mr. McLachlan's opinion with reference to the diversion of water?

Hon. Mr. BEIQUE: It is based on my own opinion, because I believe that common sense dictates that it is so; but I wanted to be sure that I made no mistake, and I wrote and put the question to an engineer who is conversant with conditions, and his answer was in the affirmative.

Hon. Mr. ROBERTSON: Which engineer, I understand, is an employee of the Department of Railways and Canals?

Hon. Mr. BEIQUE: Yes.

Hon. Mr. ROBERTSON: Then I assume that the House must naturally accept the opinion of that engineer as being the opinion of the Department of Railways and Canals, and indirectly of the Government itself?

Hon. Mr. BEIQUE: Oh, no, you cannot assume that. My letter was written, I think, in a very fair way, for information. I thought that as a Member of the Senate I was entitled

to that information from an employee of the Government who is conversant with the conditions. I wrote him, and he has answered my questions as an engineer. I am satisfied that he never referred to the Minister or to anybody in order to answer my questions; in fact, I received the letter just before three o'clock to-day.

Hon. Mr. GRIESBACH: The Honourable gentleman says that there can be no diversion of boundary waters without the permission of the Joint Board. Is that specifically stated in the treaty, or does my honourable friend infer that only from the common rights of navigation, which he thinks would be injured by diversion?

Hon. Mr. BEIQUE: It is from the treaty. There are exceptions made in the treaty, but they are small, such as sewage and two or three other small matters; but a diversion for navigation or for power cannot be made; no diversion can be made without the consent of both parties.

Hon. Mr. BELCOURT: That applies to the St. Lawrence only; it does not apply to the Ottawa River.

Hon. Mr. BEIQUE: Of course not.

Hon. Mr. BELCOURT: Some honourable gentleman asked my honourable friend if the Georgian Bay canal could be built without the consent of the Americans, and I understood my honourable friend to say that it could not.

Hon. Mr. BEIQUE: I would say that it could not, if it implies any diversion of water from the lakes.

Hon. Mr. DANDURAND: The French river flows into the Georgian Bay.

Hon. Mr. MURPHY: Might I ask the honourable gentleman on what basis the calculation was made as to the cost being borne in the proposition of four-fifths by the United States to one-fifth by Canada?

Hon. Mr. BEIQUE: That calculation is made on the recognized fact that both countries are interested in navigation in those proportions. The tonnage of the vessels on the lakes is four-fifths for American vessels and one-fifth for Canadian vessels.

I suggested that the cost be divided into two classes, and I have dealt with the first class. As to the second class, it should be assumed by Ontario and Quebec.

The province of Ontario would no doubt develop its 1,000,000 horsepower as part of its hydro-electric system. As to the 3,000,000 horsepower in the province of Quebec, I am sure companies would be found to make the development at their own expense, for the sake of having the benefit thereof for a reasonable term of years.

If the matter was dealt with in this way, the western provinces would receive, through free navigation, all the benefit they may expect from the enterprise; and the legitimate interest of Ontario and Quebec resulting from the fact that the power is within their territory would also be satisfied.

I would have hoped that the Federal Government would have seen its way to let the power remain the property of the Crown in both provinces, on the latter indemnifying them as to all expenses, for the Provinces are entitled to the power in equity, if not in law.

Hon. Mr. BELCOURT: Might I ask my honourable friend his opinion in regard to the legal rights of the Crown?

Right Hon. Mr. GRAHAM: Sub judice.

Hon. Mr. CASGRAIN: Give him a fee for that.

Hon. Mr. BEIQUE: I do not think that arises on the question. As regards my suggestion that the cost of the works common to navigation and power be thus borne by the United States and Canada in proportion to their interest in navigation, the suggestion is supported by the unanimous opinion of the Joint Board of Engineers in paragraph 109 of their report which reads as follows:

109. Fundamental principles.

This is the joint report.

The plans have been prepared in accordance with the recognized principle that the interests of navigation on the St. Lawrence are paramount. A full observance of this principle does not interfere with the beneficial use of the flow of the river for power generation. On the contrary, the improvement of the rapid sections of the river for the joint benefit of navigation and power affords, as a rule, much better navigation than could be secured by the improvements now economically justifiable in the interest of navigation alone.

So we have there the opinion that navigation is interested in the development of power, for reasons which are given. And when they pass upon the cost of improvements, we find what would be the cost of what they call the improvements common to both navigation and power. Now I have prepared a short summary of the report.

As is well known, the outlet from Lake Superior to Lake Huron is through the St. Mary River, where regulation works have been installed. The control gates are operated under a board of control in accordance with conditions laid down by the International Joint Commission. From 1923 to 1926 the

release of the water through the gates has been above normal, with the consequence that in January, 1926, the water in Lake Huron was 3 inches, in Lake Erie, 1¼ inches, and in Lake Ontario, 1 inch, above what it would have been without the regulation of Lake Superior.

In paragraph 13 of the report of the Joint Board of Engineers, I find it stated that:

> Navigation from Lake Superior to Lake Huron passes through the locks at St. Mary's Falls. Channels have been excavated through the St. Mary's River above and below the locks, and through the St. Clair River, Lake St. Clair, and Detroit River (all between Lake Huron and Lake Erie), to afford a minimum depth of 20 feet at the lake levels that have been adopted as the standards for improvements.

As honourable gentlemen know, the new Welland Canal, between Lake Erie and Lake Ontario, under construction, is 25 miles in length, and is being excavated to a depth of 27 feet. Navigation from Lake Ontario to Montreal if provided by isolated channel improvements and a series of side canals around the rapids, which affords 14 feet depth.

Again reading from paragraph 23 of the same report:

> That part of the St. Lawrence between Lake Ontario and Montreal runs in deep, slow-flowing reaches and lake-like expanses, readily improved for navigation, with intervening reaches of rapids and swift currents. For the first 67 miles from Lake Ontario the river is a deep, slow-flowing stream. It then passes through the remaining 49 miles of the international border in a succession of rapids and swift water. Leaving the border at St. Regis, the river expands into the quiet waters of Lake St. Francis. From the lake it drops in a succession of rapids to Lake St. Louis, and from Lake St. Louis it drops through more rapids to Montreal harbour.

Such is in part the description of the conditions of the lakes and river St. Lawrence, which I find in the report of the Joint Board of Engineers.

The other day the honourable member from Grenville (Hon. Mr. Reid) dealt with the section extending from Chimney Point to Colquhoun Island, opposite St. Regis, at the head of Lake St. Francis, a distance of 48 miles. The whole project was dealt with by the International Joint Commission in its report dated December, 1921, which report in 1924 was referred to an enlarged Joint Board of Engineers, three of them appointed by the United States Government, and a like number appointed by the Dominion Government. The three Canadian members of the Board, Mr. Duncan W. McLachlan, of the Department of Railways and Canals, Mr. Oliver O. Lefebvre, Chief Engineer, Quebec Streams Commission, of Montreal, and Brigadier General Charles Hamilton, C.B., C.M.G., of Toronto. General Mitchell was not a member of the International Joint Waterways Commission.

It may be of some interest to refer here to paragraphs 126 to 131, inclusive, of the report of the Joint Board of Engineers dealing with the international rapids section. It is the section where the proposed channel is to be made through United States territory, and to which the honourable member from Grenville has taken strong exception. It will be seen what amount of attention was given to that section by the Joint Board of Engineers.

126. At Crysler island, a dam 2,800 feet long is shown on a long curve, with United States and Canadian power houses each 1,500 feet long at either end. This curve is introduced to develop length and follow the most advantageous rock surface. A lock for 14-foot navigation is shown at the Crysler island end of the curved dam. This lock is designed for use until the pond above the dam is raised to above elevation 229 when 14-foot draft will become available in the new canal. Estimates provide for unwatering the control 1,500 feet of the dam at Crysler Island by the pneumatic-caisson process and for the unwatering of 700 feet in shallow water by the cellular steel sheetpile trench method. The remainder of the dam and both power-house sites are to be unwatered by the open cofferdam method.

127. The side canal for carrying deep navigation past the dam is shown on the United States side of the river. It is 1.6 miles long and is provided with swing top log apparatus at the head of the lock, as well as duplicate gates and fender chains. The cost of a similar canal on the Canadian side would be substantially the same.

128. Two-stage plan No. 5-217 shows a dam at the head of Barnhart island with power houses at the foot of that island, as in project No. 4-224. The works at the foot of the section are in general similar to the latter project and are located at the same sites. The unwatering problems are the same and it is intended that they should be met in the same way.

129. The water level to be held above the dam at the foot of the section in project No. 5-217 is 7 feet lower than in project No. 4-224. This lower level reduces the lift of the lock in the side canal west of Robinson bay and lowers the bottom elevation of the side canal above that point. This lowering of the reach level also increases the excavation required at the head and foot of Sheek island for the head race.

130. The operation of the Crysler island project presents some difficulty. These are associated with control of flow through the long restricted channel between Butternut island and the foot of Ogden island, just above Morrisburg, when levels on Lake Ontario fluctuate. A rise of 2 feet in 4 hours, which sometimes has occurred opposite Prescott, would cause a large increase in flow in restricted channels while the pond between Ogden island and Crysler island, 6,700 acres in extent, is filling up.

131. The travel of surges would not interfere with the use of channels for navigation, as the increased velocities would still be within the limits of safe practice. If, however, a surge should occur in the brief period when an ice

park is making upstream past Ogden island, it might increase velocities beyond 2.35 feet per second. Should the river surface be heavily burdened with ice at this time, a gorge might occur.

I understand that it is hardly feasible to avoid going to the other side. The channel must of necessity sometime be on the Canadian side, and sometime on the other side. To have it on the Canadian side, I understand, would involve an expenditure of at least $12,000,000.

Hon. Mr. REID: Where does the honourable gentleman get those figures?

Hon. Mr. BEIQUE: I got those figures from Mr. McLachlan. I think they are in the report. It would also mean closing our canals on our side for the time of construction.

Hon. Mr. REID: Where?

Hon. Mr. BEIQUE: At Cornwall. It would mean a large expense because of the power development which would have to be expropriated.

Then follow details with which I need not trouble this honourable House, and then the following recommendations:

142. The estimated cost of this project is stated by the Canadian section to be $228,610,000.

143. In this scheme nearly, if not all, the gates in the Galop control dam would be open during flood conditions and during the latter part of the ice-covered period. During the low-flow periods of late summer and autumn some control gates would be closed.

144. The control of flow out of Lake Ontario would be governed in part by the level of the Long Sault reach and in part by the opening and closing of gates at the Galop Rapids dam. With this scheme an ice cover would pack upstream from below Ogden island without gorging of the section so long as the flow out of Lake Ontario is held down to about 203,000 cfs. and the water level at the Long Sault is held up to about elevation 239.

145. A dam is shown across a diversion channel at Galop island and also across a channel on either side of a lock at Lotus island. The latter would control the flow south of Galop island. A gated house is shown in both dams, with butterfly valves for the bulk of the openings instead of roller gates. Early in the winter there would be a head of two or three feet at the south Galop control dam and a head of three to four feet would be used up in the slopes and dam of the north Galop channels. The head in the north Galop channel together with ability to quickly close gates in the other channels can be used to prevent excess flows passing the section during surges.

146. The above-described scheme would develop all the head available in the section during the winter period, and also all that available in summer when Lake Ontario is near extreme high and extreme low stages. The amount of power not developed by this project is greatest in open-water period when Lake Ontario stands about elevation 246.0. At that time the head lost would be about 3.5 feet.

147. The control of velocity of flow in restricted channels afforded by this project is better than in other schemes because fewer gates need be opened or closed to increase or decrease the flow in the river, and the distribution of flow in channels can be better controlled. It imposes a guard lock in the path of navigation instead of the navigable pass shown in the full single-stage project.

148. The river is now actually navigated by all traffic through the four-mile reach between Iroquois and the head of the Morrisburg canal, through the ten-mile reach between Morrisburg and the head of Farran Point canal, and through the four-mile reach between Farran Point and the head of the Cornwall Canal. The vessels used in this navigation are, however, heavily powered in proportion to their size. The only parts of this section of the river, above Cornwall island, regarded as safely and conveniently navigable in its present condition by large lake freighters and ocean vessels are the four-mile reach from Weavers Point to the Farran Point rapids, and the four-mile reach from the foot of the latter rapids to the entrance to the Cornwall canal.

149. The entire reach of river from Morrisburg to the head of the Cornwall canal can be rendered safely navigable for deep-craft vessels with a moderate amount of dredging if the water level be raised to elevation 220. At this elevation the flowage damage is not extensive. The plans for improving the river for navigation alone provide, therefore, for raisng this reach by a series of dams across the head of the Long Sault rapids.

150. The plans provide a large discharge capacity through the gates of these dams, so that the pool created can be drawn down in winter, with a view to avoiding, ordinarily, the formation of ice jams in the reaches between Morrisburg and the dams, and of holding the rise consequent to such jams to minimum levels. Under no circumstances could the back-water from such rises affect the discharge capacity of the control section at the Galop.

According to the project recommended by the United States section (single-state development), the channel passes on the American side of the river almost all the way from Chimney Point to Iroquois and cutting through Galop Island, it then follows pretty closely the boundary line down to the head of Barnhart Island where it turns south across United States territory down to a little below Massina where it again flows near the boundary line until it reaches the Province of Quebec.

According to the project recommended by the Canadian section (two-stage development), the channel passes entirely south of Galop Island and follows the United States side of the river down to Morrisburg, and follows then the boundary line alternating the south and north sides thereof down to Long Sault Island, where it turns south through United States territory down to the Grass River and Cornwall Island, from where it follows near the international boundary down to St. Regis. The project contemplates however a rectification of the boundary line at Barnhart Island in order that one of the two power houses may be on Canadian territory. A channel is again opened through Galop Island not for navigation but for control gates only.

Now, honourable gentlemen, I must apologize for having taken more of your time than I intended, but I thought it was my duty incomplete as the information may be, and though my opinion may be of little value, to offer this small contribution to what I consider a question of the very first importance. I think it is the duty of every member of Parliament to try to enlighten public opinion upon this subject in order to arrive at a proper solution of the question.

Hon. Mr. REID: I would like to ask the honourable gentleman a question. He gave me the impression that he understood that I was opposed to having anything at all to do with the United States.

Hon. Mr. BEIQUE: I would be glad to find I was mistaken.

Hon. Mr. REID: I am very sorry if my remarks created any such impression. I never intended it at all. If the honourable gentleman so understood me I am very sorry, and would tell him that I had no such intention.

Hon. Mr. BEIQUE: I accept the honourable gentleman's explanation.

Hon. Mr. REID: The very fact that I mentioned that 300,000 horse power would be developed on the Canadian side and 300,000 on the American side would contradict that. Of course, I objected to damming the St. Lawrence. It should flow free so that there would be no interference with Montreal Harbour. I suggested also that instead of 24 miles going on the American side that the present canal system should be deepened. I would not like it to go out to the people of this country or the people of the United States that I was opposed to having anything to do with the United States.

Hon. Mr. BEIQUE: I am very glad to hear the correction.

Hon. Mr. SMEATON WHITE: In speaking about the joint rights, my honourable friend referred to the area from the head of Lake Superior to the sea; then in speaking of navigation, I think he referred to the lakes only. The navigation between the sea and Montreal would probably be mostly British.

Hon. Mr. BEIQUE: I think it is in the report.

Hon. Mr. SMEATON WHITE: That would be on the international section only.

Hon. Mr. BEIQUE: Possibly so. There may be a difference in the cost of deepening the canal to Montreal. At all events, my suggestion is this: whatever the figures are, navigation should be taken as a basis. I think it is fair. It is asked by the United States, and I am sure they would be disposed to accept that basis. I have it on good authority that the United States would be willing to pay on the basis of the four-fifths I have mentioned; but whether it be four-fifths or not, I think that basis should be adopted, and that both the province of Ontario and the province of Quebec should indemnify the Federal Government for its share of the expenses in the development of navigation, except what should be paid by the United States. I would urge upon the Government to make it a condition that it should remain a national asset for all time to come, the property of the Crown, in order that the full value of it in years to come, which will be enormous, may accrue to the interests of the public.

Hon. Mr. REID: For the benefit of the honourable gentleman, let me say with reference to that four-fifths, that between Montreal and Prescott practically the whole channel is Canadian. When we get through with it according to this report there will be 25 miles, or 25 per cent of it, in the United States.

Hon. Mr. DANDURAND: I think the honourable gentleman is referring to the tonnage.

Hon. Mr. ROBERTSON: On the Great Lakes.

Hon. Mr. DANDURAND: And on the St. Lawrence. When he says that navigation should be the basis, he means a comparison between American tonnage and Canadian tonnage.

Hon. Mr. REID: Do I understand that from the Welland Canal to Montreal four-fifths of the traffic is American and one-fifth Canadian?

Hon. Mr. DANDURAND: My honourable friend can put that question to the honourable gentleman who made the statement.

Hon. Mr. BEIQUE: I have only to repeat what I have said. I am satisfied that the Government of the United States will be willing to pay on the basis that I have mentioned; I think I have good authority for that statement; I do not see why the United States should have the benefit of free navigation to the sea, without paying their fair share of the expenses.

Hon. Mr. McLENNAN: If I remember the report of the Joint Waterways Commission, it stated that the interest of Canada in the deep waterways from the lakes to the

sea was one-fifth as compared with four-fifths which the Americans had. That included, I believe, their ideas of navigation from the ocean to ports on the lakes, the density of population that would be affected by it, and I understood that they were quite agreeable to paying 80 per cent of the cost of the complete works, Canada to pay 20 per cent.

Hon. Mr. CASGRAIN: Would the 80 per cent give them a title to the Welland Canal?

Hon. Mr. McLENNAN: No.

Hon. Mr. REID: And in Quebec too?

Hon. Mr. CASGRAIN: What would they get for their money?

Hon. Mr. McLENNAN: That was the point which I wished to ask the honourable gentleman opposite who has just spoken (Hon. Mr. Beique). Has he considered that question of sovereignty? We have joint arrangements for unimpeded and free navigation. Would the acceptance of money from the United States in any way give them a title to sovereignty over the Canadian waters?

Hon. Mr. BEIQUE: No, no. I would not be in favour of giving them any right of sovereignty at all. Their rights should be limited to those under the treaty respecting navigation. If they desired to act mischievously they could do so much more easily under the existing treaties than under a new treaty regarding the improvement of navigation and the development of power. Any special treaty should of course provide for reference of any disagreement to an arbitration tribunal such as that of the Hague, or some tribunal which would be a proper guarantee. We are neighbours of the United States and they have a sort of common interest in those waters, so far as navigation is concerned, and it seems to me that we are bound to make another treaty with them.

Hon. Mr. LYNCH-STAUNTON: If no other member desires to speak, I would move the adjournment of this debate until next Wednesday. Without careful consideration it is impossible to answer the very fine speech that has just been made.

Hon. W. B. ROSS: Before the last adjournment I asked the honourable leader on the other side if he could get from the Department of External Affairs anything like a precis, an abstract history of this whole subject beginning at the beginning. I suppose anyone could prepare such a precis if he took the necessary time, but life is too short for anyone who is not working in the departmental offices to hunt out all the particulars. The Department of External Affairs ought to be able to give us a short statement. I do not want them to reprint documents, as I said the other day when I mentioned this matter, but a summary would be helpful if this question is to be discussed. I must say that I am still rather in a haze about the whole matter.

Hon. Mr. DANDURAND: I communicated my honourable friend's wish to the Under Secretary of State for External Affairs, and he promised to have a precis prepared. I thought it would be ready last week. I will inquire before to-morrow afternoon.

On motion of Hon. Mr. Lynch-Staunton, the debate was adjourned.

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

THE SENATE

Thursday, March 22, 1928.

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

Prayers and routine proceedings.

CANADIAN FARM LOAN BOARD ACT, 1927

INQUIRY

Hon. Mr. WILLOUGHBY inquired of the Government:

What steps have been taken to put in operation the Canadian Farm Loan Board Act, 1927?

Hon. Mr. DANDURAND: I have an answer for the honourable gentleman, as follows:

Under Section 8, the Canadian Farm Loan Act cannot be put into operation in any province until the legislature of that province has, by enactment, authorized participation in the plan.

Official advice has recently been received from British Columbia as to the passing of the required legislation. No other province has yet been heard from but it is understood that similar steps are being or have been taken by several of the legislatures. When it is known what provinces are to participate in the plan, consideration can be given to the necessary appointments, subscriptions of capital and the other steps required to put the Act formally into operation.

PUBLIC WORKS IN KING'S COUNTY, P.E.I.

INQUIRY

Hon. J. J. HUGHES rose in accordance with the following notice:

That he will call the attention of the Senate to the urgent need of immediately repairing and strengthening the Souris Breakwater and

other public works in King's County in Prince Edward Island, and inquire if it is the intention of the Government to make provision for the necessary repairs to the said works during the present Session of Parliament.

Hon. Mr. DANDURAND: I would ask the honourable gentleman if he would not postpone his remarks until next week, as I have no information at this time. Meantime I will endeavour to secure the information for my honourable friend.

Hon. Mr. HUGHES: I would prefer to go on to-day, and perhaps the remarks I will make may be of some help to my honourable Leader in getting the information. It is just possible that I may not be here next week.

Hon. Mr. DANDURAND: All right.

Hon. Mr. HUGHES: Honourable gentlemen, in order that my remarks may be well understood, I will have to mention the Federal political divisions of the province of Prince Edward Island. The Island is divided into three political units called counties, namely, King's, Queen's and Prince, represented in the House of Commons by four members—one member for King's, two for Queen's and one for Prince. The counties are nearly equal in area, but Queen's, which contains the Capital City, Charlottetown—is the most populous.

From Confederation down till a few years ago, so far as I know, there was no discrimination against any of the Counties with respect to public works, public service or public appointments. During the last few years there has been marked discrimination against King's County in these respects, and I shall give some instances.

During the sessions of 1924 and 1925 I pressed upon the Minister of Public Works the advisability of strengthening and repairing the Souris Breakwater in King's County, and I believe the district Engineers recommended that this be done.

The main Estimates of 1925-26 contained an item of $36,500 for this purpose which Parliament voted, and a contract was let the same year for the work, but owing to the serious illness of the Contractor's partner the work was not proceeded with and the contract lapsed. The Souris Breakwater was not mentioned in either main or supplementary Estimates of the following years 1926-27, 1927-28, and is not mentioned in the main Estimates this year—the only estimates so far submitted to Parliament. I believe this is the only instance on record in Canada where Parliament voted money to repair a structure of this character, and when the work was not done owing to some accident, did not re-vote the money the following session, as a matter of course. The reason is obvious. If repairs to this structure were needed in 1926 they were still more needed the following year, and every year since. Then why has this work been entirely neglected?

This breakwater is now and has been for the past few years in a very dangerous condition, and is liable to be carried away at any time by a heavy storm. The breakwater makes the harbour of Souris, and on it the town largely depends. If the breakwater should be carried away the large railway wharf and the private wharf of Matthew and McLean would certainly be destroyed, and the eastern end of Prince Edward Island would be without shipping facilities. This must not be allowed to happen; but the Government is taking big risks.

Another thing should be mentioned, and it is this deterioration is going on so rapidly because of the absence of suitable repairs that $60,000 will now be required to do the work that $30,000 or $40,000 would have done two or three years ago. Now, the breakwater at Souris is a sample of the way in which the other public works in King's County have been neglected during the last few years.

Let me illustrate. In 1926-27 the Main and Supplementary Estimates for Prince Edward Island under the heading "Harbours and Rivers" contained items for King's county totalling $8,000, while for the other two counties they totalled $172,300. For 1926-27, under the same heading King's county got $1,000 while the other two counties got $126,800. The above figures do not include the items for a potato warehouse in each county last year which cost practically the same amounts.

This year the Main Estimates, under "Harbours and Rivers" provide for an expenditure of $13,700 in King's county and an expenditure of $206,100 in the other two counties, and the Souris breakwater is not mentioned. The other works in King's county that need immediate attention are the breakwater and harbour at Bay Fortune, the breakwater at Little Sands and the breakwater and harbour at Nuefrage.

When I came into public life some twenty-eight years ago there was in existence a steam packet service between Southern King's and the mainland which was very useful to the farmers, fishermen and business men of that part of Prince Edward Island. In 1924 an effort was made to abolish this service, but the Prime Minister, at my request, prevented this. Last year the service was abolished.

There is a movement on foot now to establish a steamship refrigeration service between Prince Edward Island and several points in Nova Scotia. I think this will be a useful service and will develop trade, but only two places in Prince Edward Island are to be ports of call, namely, Summerside in Prince and Charlottetown in Queen's. King's county is ignored. This would be a splendid opportunity to restore to King's the service that was abolished last year. I am doing what I can to have one or two places in King's made ports of call and I have written the Minister of Trade and Commerce on the subject, but I do not know what the result will be.

As with the public works and the public services of King's, so has it been with regard to public appointments in that county during the past few years, but I will not pursue that phase of the subject any farther at present. Suffice it to say that King's county has been treated as if it were a piece of foreign territory that had been conquered by the sword and its people had to be held in subjection by being served meagre rations.

I do not blame the Public Works Department or the Government for what has hitherto taken place. Naturally they took the advice of the men here and the men on Prince Edward Island who had the right and the privilege to advise them, but they must now see that the advice so given has been mostly sectional and otherwise unfair; and the Government will be to blame if the discrimination against King's county continues. But surely the Government of Canada will not allow such conditions to continue.

I wanted to place this matter before Parliament before the preparation of the Supplementary Estimates, in order that at least a measure of justice might be done to that county.

UNION OF CANADA AND NEWFOUNDLAND

MOTION

Hon. C. E. TANNER moved:

That in the opinion of this House Canada should favourably consider any proposal that may be made by Newfoundland for union with the Dominion of Canada.

He said: Honourable gentlemen, it is unnecessary for me to tell the House that the subject which I am introducing this afternoon is one that has engaged the attention of public men in Newfoundland and public men in Canada over a long period of time. Indeed, I think it is correct to say that the history of its consideration goes back to the early days of Confederation, and that it was hoped by the public men of those times that the Dominion of Canada would some time be rounded out by the union with Canada of the colony of Newfoundland. However, as honourable members know, no agreement was ever reached, or could be reached. Sometimes it appeared as if the representatives of Newfoundland and Canada were getting closer together; on one occasion, I believe, they were very nearly together. Sometimes Newfoundland was the reluctant bargainer, and at other times the Dominion of Canada. But notwithstanding that the leaders of those days failed in agreeing on a basis which would be fair to Newfoundland and fair to this country, I believe—and I have some reason for believing—that there is existent to-day to some extent, —perhaps not amongst the political leaders of Newfoundland, but amongst the people—a desire that not very many years hence a fair basis of union between Newfoundland and the Dominion of Canada may be arrived at. I believe also that I am correct in saying that in Canada there exists an opinion favourable to the union of this country with Newfoundland.

Looking back over the history of events, and having in mind the state of affairs to which I have just alluded—and I intend to be very brief in my remarks on the subject—I came to the conclusion that it would be desirable if this Chamber, where honourable members are representatives of public opinion in their various provinces, and are privileged to speak particularly for the provinces which they represent, were to give expression to the opinion which, I think honourable members will agree, exists in some measure in Canada and in Newfoundland in regard to the union of the two countries.

I need not say to honourable members that I realize at once that we cannot in this House make anything in the form of a definite proposal. That must necessarily come from the authority of the two countries, the Government of Canada, for the time being, and the Government of the Island of Newfoundland for the time being. But we in this House can have our own opinions; we can analyze public opinion as far as we can gauge it; and we are justified in putting upon record our views in regard to public opinion in the Dominion of Canada on this subject.

Honourable members will observe that all I am asking this House to do is favourably to consider any proposal that may be made by Newfoundland for union with the Dominion of Canada. The situation which I am placing before honourable members is this: that if the people of Newfoundland, on a review of

what has happened, and looking into the future, should conclude that it would be in the interests of their country, and in the interests of Canada, that further conferences might be held between the two in regard to Union, any proposal from them should be welcomed, in the opinion of the Senate of Canada, and the people of Canada should be ready to sit down and talk the matter over in a friendly spirit. That is the extent to which I am asking this House to agree this afternoon, and I think it is a reasonable proposition, and one which I hope will be unanimously approved by the House.

Honourable members may be reminded that we who come from the Maritime Provinces are perhaps a little more familiar with Newfoundland and its people than are others who are situated in more western provinces. For a great many years we in Nova Scotia have been very well acquainted with the island and many of its people. I may be permitted to say that personally I have always taken a great interest in Newfoundland, and have had relatives in there; and our people in Nova Scotia have had many personal acquaintances, both socially and in business matters, and have always had the highest opinion of the people of that island, and a great deal of respect for their enterprise and progress. I remember, too, that one of Newfoundland's prime ministers, one of the most eminent men of the Island, Sir William Whiteway, married his wife from Pictou, the town in which I was born. I remember also that one of the eminent men of that same town, a Roman Catholic, who was for many years parish priest, with whom I was very well acquainted indeed, and whom I very greatly admired, was called over to the Island of Newfoundland, and became the Bishop of Harbour Grace. I merely mention these little incidents to indicate that down in our province there are great numbers of people who know the people of Newfoundland very well, and I hope they know us as favourably.

The whole of Canada does a good deal of business with Newfoundland. I am not going to delay the House with any particulars; but I might refer honourable members to the report of the trade of Canada in 1927, which shows that we buy a good deal from Newfoundland, and sell a good deal to the inhabitants there. Last year we sold $11,000,000 worth of produce of various kinds, such as apples, potatoes, oats, wheat, flour, sugar, rubber, hay, cattle, meats, butter, cheese, oils, eggs, cotton manufactured, clothing, paper and its manufactures, iron pipes, hardware, machinery, automobiles, aluminum, electric appliances such as insulators, coal, petroleum, acids, medicines, and other articles; so that there is quite a large and growing trade between Newfoundland and the Dominion of Canada.

Another aspect of the matter to which I would call attention is the fact that Newfoundland and the Dominion of Canada are units of the one Empire. We have that in common. We are under one King and one flag, we have traded together during peace times, and Newfoundland and Canada fought together on the battlefields of Flanders. Newfoundland as nobly performed its duty during the Great War as did any other Dominion of the Empire. The fact that we are units of the same Empire, and under the same King and the same flag, constitutes a reason, to my mind, why we should hope that the time is not very far distant when the two may draw together and we may be made into one.

Then there is another feature of the situation, which is, that Canada is looking with great hopefulness and stretching out towards the future. We are told that we are expanding our influence throughout the world, and it is true. The leader of this House (Hon. Mr. Dandurand) has just returned from an important mission at Geneva, where the Nations of the World were represented; we are now taking our place in the Councils of the whole world, and Canada is looking forward to the time when this country will be reckoned as one of the great nations of the world. Now, bearing in mind the fact that we have Newfoundland so near to our shores, and that there is daily communication between Canada and that Island, it is highly desirable that the units of the Empire should be consoldiated further than they are, if the people of Newfoundland should so desire. Indeed, I would like to entertain a vision that the time will come when not only Newfoundland but the British West Indies—all of the units of the Empire on this side of the Atlantic—will be consolidated into one great Dominion.

Now, honourable members, I have said practically all that I wish to say in introducing this subject. I have purposely made my remarks very brief, because I hope that a number of other honourable members will join me in speaking on this subject.

In conclusion, I would simply repeat that all I am asking this House is, that if Newfoundland desires to come to us to discuss this subject of Confederation, we will give them a friendly reception, and sit down and talk it over.

Hon. A. B. COPP: Honourable gentlemen, I second the motion my honourable friend has introduced this afternoon with a great deal of

pleasure, for one or two reasons. First, I think that the time has arrived when if any such opportunity comes it should not be frowned upon, but that we should discuss with our friends of Newfoundland the proposition of their joining with the Dominion of Canada and making this Dominion that much larger and better off.

I do not know that I would have said a word except that as I read the motion, I would not want to see it interpreted strictly according to the language used. I would go as far as to say that we should consider any proposal made; but I question whether the language used in the motion should not be modified somewhat, where it says that we "should favourably consider any proposal that may be made." I am sure that this House would be favourable to giving consideration to any proposal made by representatives of the Island, and if possible, arrive at some satisfactory conclusion in regard to Union.

As the mover very well said, the question of taking in Newfoundland as part of the Canadian Confederation was discussed at the time this Dominion was formed, but for some reason or other the Islanders did not see fit to join us at the time. However, although the Fathers of Confederation failed to reach conclusions with the representatives of Newfoundland at that time, there is no reason to suppose that the door should for ever be shut, or that the leaders of thought at the present time should not give consideration to the matter if it should be brought before this Chamber; and, as the mover has very well said, such a union would be a very great advantage to this country.

Sir ALLEN AYLESWORTH: Honourable gentlemen, agreeing as I do very heartily with what the honourable gentleman from Pictou (Hon. Mr. Tanner) has in his mind in bringing before the House this resolution, I would like to say a few words in support of it, although I am free to admit at once that I have not given it the consideration which so important a question naturally deserves.

I am now one of the older members of this House—older in years, I mean—and I think that at the present time I am probably the only member from the Province of Ontario who would have personal recollections of the discussions, and of the difficulties, which surrounded the bringing about of Confederation sixty and sixty-five years ago. I can remember when, as a school-boy, I heard a good deal of discussion in regard to union between the Canadas and the Maritime Provinces. I can well remember that to us in Ontario, Newfoundland was then little, if any, more unknown or more distant than Nova Scotia. We knew of it simply as a sister colony, and we thought that if it was a desirable thing that there should be union between Canada and the Maritime Provinces, it would equally be of advantage to all that Newfoundland should be included. Of course we all know, as a matter of history, that representatives of Newfoundland took part in the Quebec Conference, and in the discussions which, so far as the island was concerned, unfortunately then came to nothing.

Now, perhaps by lapse of time, the question has become of even greater practical importance, and as much so to Canada as to Newfoundland. The recent decision of the Judicial Committee upon the question of boundaries between Newfoundland and Canada has made a very considerable difference in the situation as we Canadians thought it was before that decision took place. In speaking of it, one thing that ought to be always kept in mind is the important fact that the members of the Judicial Committee who by their decision fixed where, upon the ground, the boundary fell, were not in any manner engaged in awarding territory to either Canada or Newfoundland, but were simply and solely engaged in the judicial work of determining where, on the ground, the boundary —fixed by competent authority centuries ago —was in fact to be found.

In some of the discussions in the newspapers that I have seen, in regard to that award, the decision has been referred to as though it were a decision of commissioners or arbitrators fixing for the first time the boundary, and deciding the question of where the boundary should be. Of course it was nothing of the kind. The place where the eastern boundary of Canada should be was fixed by Imperial authority, by the Parliament and the Government of Great Britain, long before Canada was an autonomous country; long before there was any power or right in any of the inhabitants of Canada to deal with any such question. The eastern boundary of Canada was fixed by the decrees and the statutes of Government and of Parliament in Great Britain in exactly the same manner as the southern or the western boundary of Canada was fixed by the like tribunals. The Judicial Committee in its work two years, or eighteen months ago, was doing nothing but judicially interpreting and construing the various legal documents by which the position of that eastern boundary was fixed, and their determination of that question, which was purely a question of the legal and true interpretation of the language before them, is one in respect

to which, whatever feelings of disappointment or of astonishment the decision may have created, no one anywhere has any ground for complaint. The territory in question was British. It was to be assigned either to the colony of Newfoundland or to the colony of Canada, and the fixing of the boundary was simply a question of the British Parliament or the British Government deciding where it would be best, in their opinion, that the boundary between those two colonies should be placed.

The circumstance, however, that we now know that boundary is much farther to the westward than we Canadians had thought it was, gives, of course, very much increased importance practically to the question of what is to be done in the administration of the territory which was in dispute. The extent of it is somewhat astonishing to anyone who has not thought practically of the areas with which we are dealing in Canada. The island of Newfoundland itself is larger by one-third than the the whole of Ireland. The mainland territory—Labrador, as we may call it—is nearly three times the area of the island; so that, so far as mere acreage is concerned, there is an empire in the northern part of Newfoundland.

Considering the island alone, we have there a population of, I think, about one-half that of Nova Scotia. The island of Newfoundland alone is twice the size of the province of Nova Scotia or of Vancouver Island. It is no mean territory in size; it is a place worth thinking about; and union with it would be something desirable, I venture to think, from the standpoint of Canada, without regard to what may be the standpoint of Newfoundland itself.

Of the view of the people of Newfoundland we are not to speak. That is their own affair. And that perhaps makes the situation with respect to the proposal for union one of considerable delicacy. It is not unlike, it seems to me, the situation which might face any young man if he were contemplating matrimony; and perhaps the fact that this is leap year may either complicate or smooth away something of the difficulties, if there are difficulties practically in the situation. It is the ancient law, we understand, that during leap year the lady has the right to make a proposal, but I suppose the man has not in any way lost his right. Either party, I take it, may lawfully propose, and in exactly that situation I should think that either Canada or Newfoundland might, without any derogation from dignity, make proposals or suggestions one to the other, with regard to a subject even of this important character.

Sir ALLEN AYLESWORTH.

But that does not remove the difficulty as to which is to begin. Somebody must speak first, or nothing will ever be done, and it seems to me that we are indebted to the honourable gentleman who makes this motion that he has brought the subject under notice and given us an opportunity of expressing opinions with regard to it. For my part I approve, and I hope that the resolution which my honourable friend has proposed will receive the unanimous support of this House. I point to its language as showing that there is nothing in it to which anyone could take the slightest exception. It is an expression of opinion on our part that Canada should favourably consider any proposal that may be made by Newfoundland for union with the Dominion of Canada.

I want to make a suggestion as to the wording which may commend itself to the House. It seems to me it might make a little difference, just because of the situation I have been trying to describe. This wording is: "any proposal that may be made by Newfoundland." But Newfoundland may say, "Why should we make any proposal? We are the senior colony, the senior by centuries". It must not be forgotten that Newfoundland is England's most ancient of colonies, that Newfoundland has been a British possession for more than four hundred years, whereas Canada as a Dominion is but of the age of sixty; and we must not forget, either, that there is such a thing, now at any rate, as equality of status, and that whether the status of Canada as a Dominion is a new status or an ancient one, it is a status of equality. If that is so—if Canada as a Dominion is to-day of equal status with Britain itself, so is Newfoundland. There can be no gainsaying of that position. Canada is, we will all concede, the equal in political status of Newfoundland, and Newfoundland the equal of Canada. If Canada has a status of equality with Britain, so also has Newfoundland. Accordingly we are making here an overture toward union with no small community or trifling colony toward which any Dominion could afford to be patronizing or to offer to take under our Dominion wing; we are speaking, if we speak at all, to a sister—but to an elder sister among the Dominions that now make up the British Empire. In that view it behooves us to remember the delicacy of the situation, and I would suggest that we should say in our resolution nothing about a proposal that may be made by Newfoundland. Newfoundland may have no present wish to make any proposal. I would propose to strike out altogether the words, "that may be made by

Newfoundland" and to change the final word "Canada" into the word "Newfoundland". If we, as speaking for Canada, are not prepared on our part to make proposals, let us say simply:

That in the opinion of this House Canada should favourably consider any proposal for union with the Dominion of Newfoundland.

Hon. RUFUS POPE: Honourable gentlemen, I do not intend to take up any length of time on this matter, which has been so well dealt with by the honourable gentleman who has just taken his seat, and by the mover and the seconder of this resolution. I desire only to point to a practical side of the question. I do not know whether it has been reported in the press that a delegation of some sort from Newfoundland was coming in this direction. That territory which has been awarded to Newfoundland by the decision given in England on the boundary line has become very valuable, and if Canada desires to possess it, as she thought she did possess it, we have no time to lose. I can assure you that at the present stage it is attracting attention because of its timber and its fishing and other resources. One company alone, an American company, has 100 men there inspecting it. If we desire Canada to have a share in those natural assets we should be prepared to move onward, so far as that part of the country is concerned. If Newfoundland is not prepared to join us, is she prepared to dispose of that territory which has been, as we might say, taken away from us by the decision of the Privy Council? If she is willing to dispose of it, then let me say to the honourable leader of this House and to the Government that this is the opportune time, not six months hence, for the Government to give consideration to the acquisition of that territory.

I certainly agree with this motion, and would welcome as a sister dominion the island of Newfoundland, the oldest British possession on this continent. Nobody could welcome her more sincerely. I know, however, that a political battle is about to be waged in Newfoundland. The two parties there are going to engage in an election, and I can assure you that there will be no discussion in the next six months with reference to their joining with Canada, but there will be a discussion of Newfoundland's financial position and what she is going to realize from what has been awarded to her by the Privy Council in England. Let us take time by the forelock and come forward with a business proposition in this regard.

It is quite true that Newfoundland is an old colony. Its citizenship is old. The people have been born there, and their ancestors have been there for generations. That is just as true of some of our own people. I see opposite honourable gentlemen who are French-Canadians and who, while they are British subjects, want to be known as French-Canadians. I am an English-speaking citizen of the province of Quebec, and I want to be known as an Englishman. A Newfoundland citizen wants to be known as a Newfoundlander. All that sort of feeling has to be overcome. It will take time, and kindly treatment on our part, and, I may say, honourable gentlemen, more than that: if it comes to a show-down, it will require generous treatment on the part of the Dominion of Canada in order to bring about union with Newfoundland.

Hon. Mr. DANDURAND: Honourable gentlemen, I think we should all be grateful to the honourable gentleman from Pictou for—

Hon. Mr. TANNER: Is my honourable friend going to close? The reason I ask is that another honourable member, who is unavoidably absent, would like to speak on this question. Of course I cannot move the adjournment of the debate, but perhaps some honourable member would move that the debate be adjourned until his return.

Hon. Mr. DANDURAND: I looked around to see if any other honourable member wished to speak.

Hon. Mr. GILLIS: On behalf of the honourable gentleman from Welland (Hon. Mr. Robertson), who, I understand, wishes to speak on this motion, I move the adjournment of the debate.

The debate was adjourned.

C.P.R. AND C.N.R. AGREEMENTS BILL

THIRD READING

Bill 6, an Act to confirm a certain agreement made between the Canadian Pacific Railway Company and the Canadian National Railway Company.—Right Hon. Mr. Graham.

PATENT BILL

THIRD READING

Bill 7, an Act to amend the Patent Act.—Hon. Mr. Belcourt.

TRADE MARK AND DESIGN BILL

THIRD READING

Bill 8, an Act to amend the Trade Mark and Design Act.—Hon. Mr. Belcourt.

POST OFFICE BILL

MOTION FOR SECOND READING NEGATIVED

Hon. Mr. BELCOURT moved the second reading of Bill 22, an Act to amend the Post Office Act (Newspaper Ownership).

He said: Honourable gentlemen, when this Bill was on the Order Paper on a previous occasion I gave all the information which I had with regard to it, but there is one aspect of the matter which I should perhaps have made clear. It is this. The Bill in its passage from the other branch of Parliament to this one was placed in my name as Leader of the House. By whom, or why it was done, I do not know. The only reason that I can think of is that it was because the Bill went through the other House, where it received unanimous support, with the active co-operation and approval of the Postmaster General. Finding the Bill in my name, and as it was one that met with my personal approval I did not give it a second thought, and perhaps I left the House under the impression that I was dealing with it because it was a Government measure. Apparently that is not so. The Bill was not introduced by any member of the Government, but by one of the members for the city of Toronto. As I say, the Bill was supported by the Postmaster General, who helped to have it put in proper form, and who, before the Bill was reported and read the third time and passed, declared, as I find on page 482 of the House of Commons Hansard, as follows:

> Mr. Veniot: I am perfectly satisfied with the Bill as it stands. It is up to the hon. gentleman (Mr. Church) to agree to any further change.

No further change was made.

Having said that, I do not know that I should say anything more, except, perhaps, to repeat that the Bill, meets with my personal approval. It is a measure demanded, I think, a long time ago. I can remember articles in newspapers, both in this province and in the province of Quebec, and in both languages, strongly demanding a measure of this kind.

It may be a little irksome to newspaper owners and publishers to have to make such a statement and file it annually with the Postmaster General and to have to publish in their own columns; but I would imagine that the press of Canada, especially that part of it which occupies the upper rungs of the ladder, would be quite willing to comply with such a requirement. I cannot see how the newspapers or magazines could possibly be hurt by such a provision, and I think it will give the public a better acquaintance with those whose views are expressed under assumed names.

In these days we are moving away altogether from that sort of thing, and with open diplomacy, I think we are inclined towards open discussion. We are disposed and willing and anxious to know just whose opinions are being impressed upon our attention—opinions that have less or more value depending upon who expresses them. If an opinion emanates from a man of long experience and sound judgment, that opinion is likely to go much further than the opinion of a man who has had little or no experience and whose judgment has not proved to be of the soundest. Bills of this kind have been in existence for some time in England, in Australia, and in the United States, and from what I have been able to ascertain they have worked satisfactorily and to the advantage of the public.

A question was put to me yesterday—not in the House—as to whether we had a right to deal with a measure of this kind. A very learned and experienced member of the bar of this province, for whom I have the highest respect, expressed a doubt as to our jurisdiction, being rather of the opinion that this was a matter affecting property and civil rights. Well, gentlemen, if you look at the Bill you will see that it really does not affect property or civil rights, even indirectly; it is purely and simply a matter of post office administration. In 1882 the publishers of newspapers, magazines, and so on, were allowed to transmit their publications through the mails on specially advantageous terms, which have from time to time been bettered, and while I cannot state precisely what advantage they enjoy over individuals, it is certain that they do enjoy a privilege which others do not. This Bill merely places an obligation upon the publishers to do certain things in order to continue to enjoy that privilege. We are not dealing with their property or civil rights; we are not affecting their legal status or doing anything, which to my mind, can be said to interfere with property or civil rights; we simply say you will have to make these statements and publish them in your newspaper in order to continue to enjoy the privileges which have been granted to you.

I do not know that I can add anything further without repeating myself, so I will again move the second reading of the Bill.

Hon. J. D. REID: Honourable gentlemen, I am not particularly concerned in this matter one way or the other, but I feel that the Bill should go to a Committee. As a rule Bills that come before the House, unless they

are Government Bills, are sent to a Committee in order that we may hear all who wish to be heard, either in favour of them or against them. I think that was the position taken in the other Chamber.

Hon. Mr. BELCOURT: Oh, no. My honourable friend is mistaken. The Bill was read the second time, the House went into Committee upon it and reported it, and it was read the third time, all in the one afternoon.

Hon. Mr. REID: Is not that all the more reason why it should go before a Committee of this House? I am sure that if the Bill is fair to the newspapers and to the public the honourable gentleman should not be afraid of it going before a Committee. A Bill of this kind may have serious consequences to the newspapers either one way or the other. I can quite understand that perhaps the newspapers as a whole would not like to take the position that the Bill should have gone to a Committee and that they should have been given an opportunity of being heard; but we have Committees of this House for the purpose of taking up matters and inquiring into them, and submitting the evidence to the House so that we may come to a proper conclusion. It is all right for the honourable gentleman to give us his opinion. I do not know any more about the Bill that what I have heard from him, but I have always understood that the newspapers did file certain information with the Department. If we had that information before us we might come to the conclusion that it was sufficient.

I am only pleading now for sufficient information to enable me to come to a proper conclusion as to how I should vote. I would like to have the Bill go before a Committee. Surely that is not unreasonable. It is not going to lengthen the Session at all. I hope the honourable gentleman, therefore, will change his motion and send the Bill to one of the committees, where we may get the information which I have asked for.

Right Hon. GEORGE P. GRAHAM: I agree with my honourable friend who has just taken his seat. We could probably obtain the information better before a Committee, and I think we should do so, because this Bill contains perhaps more than appears to those who are not interested. If honourable gentlemen will pardon me, I will just go over it briefly. It says:

> The editor, publisher, business manager, or owner, of every newspaper, magazine, periodical, or other publication, shall file with the Postmaster General and the postmaster of the post office designated by the regulations, not later than the first day of April and the first day of October of each year, on blanks furnished by the Post Office Department, a sworn statement setting forth the names and post office addresses of the editor—

What editor? The sporting editor, the financial editor? the social editor? the news editor, or the editorial writer? What does the Bill mean on that point?

Hon. Mr. DANIEL: All of them.

Right Hon. Mr. GRAHAM: Does it mean the editorial writer? I may be wrong, but as one of the older journalists in this country, I believe the impersonal character of Canadian journalism has been its strength. It is what the paper says, not what some individual says, that the public look to; and the responsibility is with the owner of the paper, be that owner a corporate body or an individual. If a newspaper must file under oath the name of every editorial writer, what then? There are gentlemen who contribute greatly to the literature of this country through the newspapers who do not care to have their names published on the front page.

Hon. Mr. BELCOURT: I hope my honourable friend has a stronger argument than that?

Right Hon. Mr. GRAHAM: Those who have had some experience know that that is one of the strongest arguments that can be brought forth. I could name some gentlemen who write very high class articles for the newspapers, and who are not in the newspaper business at all, but in other employment. They write simply because they have a literary turn of mind, and the proprietor takes all responsibility, and must, for what those persons say. Now I continue:

> —managing editor, publisher, business managers and owners, and, in addition, the stockholders, if the publication be owned by a corporation;—

Nearly every newspaper now carries the name of the managing editor. The publishers —because they are joint stock companies— and the business managers are well known. There is no question about that.

Now we come to the owners—and this seems to be what the Postmaster General has in mind. In Ontario, and I suppose it is the same in other provinces, we make an annual return giving the names of the officers of the company, the names of the directors, the names of the shareholders, the number of shares they own, the value of those shares, and the amount paid on them.

Hon. Mr. DANIEL: That is not done, is it?

Right Hon. Mr. GRAHAM: It is in the province of Ontario, and I think it is in the other provinces.

Hon. Mr. LAIRD: Under the Joint Stock Companies Act.

Right Hon. Mr. GRAHAM: We have to do that, and we have to show how much has been paid on the shares, so this is all open to the public.

Hon. Mr. BELCOURT: Every corporation has to do that.

Right Hon. Mr. GRAHAM: Why make a newspaper publish all this information on the front page, and say that unless they do they cannot send their papers through the mails? Anybody who wants the information can get it without the newspaper publishing it.

Further, to take another line, all that information is available in the Income Tax Department of the Government—the salary of every member of the staff of every newspaper. Somebody will say, "But that is a secret." Well, if the Government thinks it ought to be secret, why compel us to publish it on the front page of our newspaper? It seems to me that this Bill will do no harm, but in many respects I do not see how it will do any good, or secure any information that is not available to the public at the present moment.

Another part strikes me as not necessary —that the newspapers shall publish their circulation. To begin with, why should these two gentlemen, each running a newspaper a short distance from the other, be told how much circulation each one has, any more than that the dry goods man should publish how many yards of cotton he sells? The number of copies issued is of interest only to the advertiser, who buys and pays for space according to the number of paid copies of the paper. He is the only one interested in the number of issues published. What the reader is interested in is the quality of the newspaper, and not how many are published. Only two or three copies of some of the most valuable books in the world were published. But the matter of circulation is now provided for, and the advertiser is protected. Evidently it is not the advertiser who wants this information at all, it is somebody else. Newspaper publishers in this country whose publications are of more or less importance belong to an association that provides an annual audit of circulation, and that audit is authenticated under oath, and every advertising agent in the Dominion of Canada has a copy of what we call the A.B.C. rating, and they know exactly the circulation of every newspaper, once a year. The man who buys advertising space pays for it according to circulation, and he knows what that circulation is. Now, what is to be gained by newspapers being compelled to put their sworn circulation in their columns? It is a matter between them and their advertisers, and that is all provided for by our arrangements.

As to the latter part of the Bill, as I said, it will not do any harm, but will not do any good? In a way, it is irritating, without producing the results which might be expected to flow from it, in view of the other facts which I have stated. The question of putting the word "advertisement" on reading matter is immaterial as most of the best newspapers do that now; they seldom take a reading advertisement without putting "Advt." at the bottom of it, to show the people that it is an advertisement. There is no hardship in that, but the other things provided for in this Bill, all except the names of bondholders or security holders in the institution, are now all open, and can be secured by any person who wishes.

Hon. W. B. ROSS: Honourable gentlemen, I wish to say a few words in respect to this Bill. The honourable member for Ottawa (Hon. Mr. Belcourt) has cleared up one matter that troubled me: that was, as to whether it was a Government Bill or a private Bill. We know now that this is a private bill, and that is of some importance in dealing with it in this House.

The next thing I wish to say about the Bill is that it would have been well if the mover had given us a fuller statement regarding provincial legislation on this subject. One advantage of sending the Bill to a Committee would be that all that information could be brought up.

Hon. Mr. BELCOURT: May I say to my honourable friend that I searched for provincial legislation on the subject, but I have not been able to find any.

Hon. W. B. ROSS: But the honourable member mentioned the question of furnishing information about shareholders.

Hon. Mr. BELCOURT: No; that is a statement to be furnished by newspaper corporations, just the same as all other corporations; it has no special reference to these matters.

Hon. W. B. ROSS: But you are dealing with the same facts.

Right Hon. Mr. GRAHAM: It deals with the same facts.

Hon. W. B. ROSS: Of course, that is a matter that I wished to mention—that if publishers are asked for the circulation, or for the name of an editor, or the number of

shares of capital, what difference does it make whether the return is made to the postmaster, or the attorney-general, or some officer of the Dominion Government? It amounts to the same thing.

Hon. Mr. BELCOURT: No; my honourable friend is under the impression that the law to which my honourable friend from Brockville (Right Hon. Mr. Graham) referred compelled the newspaper to furnish this information in regard to the names of editors and so on, and the circulation; but it does nothing of the kind.

Right Hon. Mr. GRAHAM: I did not say that.

Hon. W. B. ROSS: But that gets it in another way, so what difference does it make what name you put on the information, so long as the public has the information? I think it is a mistake to say that the same legislation as this is on the Statute books of other countries. I think this is wider. I have not yet come on any as wide as this:

—also the names of known bondholders, mortgagees, or other security holders.

It is important to notice that, because right on the face of this Bill I think there is conclusive evidence that whatever else this Bill may be, it is not a post office Bill. It is mathematically certain that it cannot make any difference to the post office whether the name of an editor is on the paper or not, or whether there is any statement about circulation. All this informaton is of no value to the post office qua post office; what is being done is, that the post office is being used as a sort of a club to accomplish something else.

Just exactly what it is, I do not know, but what I would say is that on the face of this Bill it is dealing, or attempting to deal, in whole or in part, with the law of libel. Some person has been libelled, and he says, "I want to have a tremendous lot of information in the form of a return to the Postmaster General." Well, the post office does not exist for that purpose. Let him take up the law of libel, or the criminal law, and say that if a man publishes a statement to the world he must print his name across the face of it, or if it is a corporation it can be asked for all these particulars; but that should be done by the criminal law. We know from the last few decisions in the Privy Council, one in particular, that by giving a statute a name, calling it "Post Office Act" or "Inland Revenue Act" does not make it a Post Office Act or an Inland Revenue Act, but the subject matter which is being dealt with must be looked at. I cannot conceive of the matters dealt with here being in any way related to the management of the post office at all.

Of course, we could give powers to a postmaster to interfere with all these things. He could be given power to inspect butter, or power to make a lot of regulations within subjects we may choose to name. But that does not alter the constitution, and enable the postmaster to interfere with things that are not assigned to him at all.

Speaking for myself, I would be almost inclined to take a vote upon this Bill here now, rather than have it go to a Committee, because I think the Bill is one that this House should not entertain at all.

Hon. Mr. DANDURAND: Honourable gentlemen, I confess that I have hardly had time to examine the Bill which is before us, as to the fact that it is tacked on to the Post Office Act, or the extent of the Bill, or its phraseology.

I simply want to address myself for a moment to a broader question than that which appears on the face of the Bill itself, but a question which in its essentials I believe, is dealt with by the Bill. It is that of impersonal journalism. My right honourable friend to my right (Right Hon. Mr. Graham) has expressed his preference for impersonal journalism; but there is very much to be said in favour of signed articles in newspapers. There are countries where that practice prevails, the leading articles being signed by journalists whose names become well known, and who in fact make for themselves a reputation, so that as their names appear at the bottom of articles from day to day for years, their productions become quite authoritative, according to the sound judgment and the brilliancy of the writers.

There are countries where journalism is impersonal, and it works no harm when for a number of years a newspaper has established itself, and gained the confidence of the public for its sure and sane leadership. But there are dangers looming ahead, which are the result of present-day transformation. One danger is the commercializing of newspapers, the ownership being obtained by large institutions, financial and others, which create chains of newspapers from one end of a country to the other, thus dominating public opinion. A body of men can purchase a series of newspapers, and daily carry on their campaign towards their ends—not public ends—but their ends. How will the ordinary reader, who is also an elector, find out who are the men moving behind the scene? They used to receive a paper which was directed by Mr. A.

or Mr. B., in whom they have confidence; but the paper passes into other hands; the policy does not seem to be very much varied, but it can be varied in important matters in such a way as to lead public opinion astray. This situation has engrossed the minds of very many thinkers throughout the world.

In Great Britain to-day considerable feeling is stirred by the fact that three or four parties will soon own practically all the principal newspapers of that country. Can honourable gentlemen realize the power that impersonal journalism puts in the hands of that small group of men, who can dominate public opinion, because the innocent readers scattered throughout the land, in urban or rural parts, do not know what is going on, or that they are being manipulated by men who have large interests, and are bent upon reaching their ends?

Hon. Mr. CASGRAIN: But they do not all agree.

Hon. Mr. DANDURAND: Well, they may not all agree on current questions, but there may be some vital question near to their hearts upon which they will agree. Now, we have lately seen quite a large newspaper bought by whom? By a trust company. I do not know whether, since I left three weeks ago, it has passed over to a corporation whose names are known, but the trust company may administer that newspaper or other newspapers, and that is all that the public will know of it.

Hon. SMEATON WHITE (Inkerman): I would like to know the name of the paper which was bought by a trust company; surely it is public property.

Hon. Mr. DANDURAND: Well, it is, and everyone within the sound of my voice knows of the incident when I mention it; but I simply mention it, not to denounce that operation—

Hon. SMEATON WHITE: I think it would be only fair to give the name of the paper; it is public property.

Hon. Mr. DANDURAND: I know it is not the Montreal Gazette.

Hon. SMEATON WHITE: Yes, but name the paper.

Hon. Mr. DANDURAND: Those transactions may go on, and yet the public will not know who is directing the campaign of the journalist in his office. Now, many times when listening at the radio I have heard a speaker delivering an address, but unfortunately I have not caught his name, though I was vitally interested in knowing who was speaking. I am sure that every honourable member of this House who catches part of a speech on a radio wonders to whom the voice belongs.

Hon. Mr. LAFLAMME (Mille Iles): What difference will it make, if the argument is good, who is speaking?

Hon. Mr. DANDURAND: From that angle it may make no very great difference, but we are all most interested in knowing who the person is who is speaking; yet people throughout the world are daily reading articles, and they do not ask themselves who the person is who is preaching to them. It seems that the time has come when the public are interested in knowing who speaks to them daily.

There was a time when absolutism prevailed throughout Europe. There was but one will; there was but one Government; everything was concentrated into one hand; and it became very interesting to know, and history took note of the advisers of the King. Some gained renown through their wise counsel; but, as we all know, others were stigmatized in history for leading a week monarch astray. That is to be found in every page of history. To-day democracy prevails: the monarch is the people. Are we not interested in knowing who are the advisers of the new monarch, democracy—who are the advisers that direct and mould public opinion day by day from the first of the year to the last—who are the men that are daily speaking to and teaching the democracy?

I am not wedded to the present Bill, either as to its form or matter, but I am wedded to the idea that the time has perhaps arrived when men who address the public and claim the privilege of directing public opinion, whether to the right or to the left, should be obliged to come out into the open and show their faces to the community. That is, I think, the broad principle that underlies this Bill. It may have been badly drafted; I do not know. I am ready to listen to any suggestion for the improvement of the Bill, but the purpose in view, that of requiring the writer who daily undertakes to direct public opinion to show his name or his face, is an idea which I favour.

Hon. Mr. McLENNAN: May I ask the honourable gentleman whether he realizes that the absolutism of which he spoke has been accurately described as despotism tempered by fear of epigrams? That is the greatest tribute you could pay to anonymous journalism.

Hon. Mr. CASGRAIN: If you pass a Bill requiring every person to sign what he writes,

the sporting editor will be obliged to sign, and if he makes a mistake in his prognostication, I pity him for the reception he will get next day on the street.

Hon. W. B. ROSS: I would like to ask the honourable gentleman (Hon. Mr. Dandurand) just one short question: how does this question of personal and impersonal journalism affect the Post Office?

Hon. Mr. DANDURAND: As I have said, I have not examined the form of the Bill, or its application to the Post Office Act, or the ground it is supposed to cover. I desired to address myself simply to what I thought to be the essential principle of the Bill.

Hon. Mr. ROSS: That might make a very good principle for another Bill—a Bill relating to the criminal law or something of that kind.

Hon. SMEATON WHITE: Honourable gentlemen, the right honourable member for Eganville (Right Hon. Mr. Graham) has referred to the first clause of this Bill. The second clause is in my opinion quite confused. It reads in this way:

> All editorials or other reading matter published in any such newspaper, magazine, or periodical for the publication of which money or other valuable consideration is paid, accepted, or promised shall be plainly marked "advertisement".

Every article written in a newspaper is paid for; that is, the editorial writers are paid. According to my reading of this Bill, we could not publish anything.

Right Hon. Mr. GRAHAM: If my honourable friend will read it carefully he will see that the payment is for the publication, not for the writing.

Hon. Mr. WHITE: It does not say so here.

Right Hon. Mr. GRAHAM: I had hard work straightening it out, but I finally got what was meant.

Hon. Mr. WHITE: It does not say so here. My honourable friend (Hon. Mr. Dandurand) made reference to a newspaper having been recently bought by a trust company. I imagine there is only one property in the public eye, and the gentleman who bought it claims that he is the proprietor; that he borrowed the money from the bank and is prepared to give proof of his ownership. I do not think it is quite fair to make a charge without naming the property. I think that if my honourable friend knows of a property that has been bought by a trust company recently he should, in fairness to the newspaper gentlemen who have bought properties recently, name the property to which he refers, because failure to do so puts all properties that have changed hands recently under a sort of cloud.

Hon. Mr. BUREAU: Was it bought with trust company money?

Hon. Mr. WHITE: The purchaser says that it was bought with money borrowed from the bank. He is prepared to say what bank he borrowed it from, and how much he borrowed. My honourable friend (Hon. Mr. Dandurand) makes a serious charge in his reference to a property bought recently. I do not know what property it could be except one, and the property that I allude to is the Mail.

Hon. Mr. REID: Of Toronto?

Hon. Mr. WHITE: Of Toronto—the Mail and Empire. If it is the same property, I think my honourable friend should say so and give the people who are interested in that transaction some opportunity to reply. Otherwise the statement is hardly fair.

So I move, honourable gentleman, that the Bill be not now read a second time, but be read this day six months hence.

Hon. J. W. DANIEL: Honourable gentlemen, I am not specially interested in the newspapers or in their editorial writers, but from what I have heard this afternoon I think this Bill should go before a Committee. I listened with a great deal of interest to the speech of the right honourable senator from Eganville (Right Hon. Mr. Graham), who, I think, stated that he is or for a number of years was a journalist, and that the great strength of the editorial writing in this country was in its anonymity. I agree with him, and in my opinion that is why it should be signed. I think that anonymous editorials in many cases carry much more weight than they ought to carry, and that if the signature of the writer were appended the editorial would probably be taken at a truer value. Therefore I am rather in favour of that part of this Bill. I think that the best way to deal with it would be to send it to a Committee.

Hon. W. A. BUCHANAN: Honourable gentlemen like the right honourable senator from Eganville (Right Hon. Mr. Graham), I do not see any real good in this Bill, or any particular harm. I am speaking as a publisher of a newspaper. I do not see any necessity for the requirements contained in this measure, and I do not consider that there is much public demand for such legislation. Now, having said that, I do not want to put

myself in the position of being opposed to the Bill. If there is any taint directed against the ownerships of newspapers in this country I am prepared, so far as I am concerned, to have the information called for in this legislation published in the newspaper with which I am associated. But I think that the people in every community where a newspaper is an influence know who are the owners of the newspaper. They know the influence that dominates it. They know that in Toronto, they know it in Montreal, they know it in Winnipeg and everywhere else. Then, as for calling upon the newspaper to furnish this mass of information, I would point out that, while it is true there may be a managing editor or a directing editorial influence, it is impossible to place before the public the names of all the editorial writers. There may be four or five. Some of them may be permanent members of the newspaper staff, and some may be only contributing editors.

In years gone by there used to be a feeling that some newspapers were controlled or dominated by corporations. The impression existed that certain newspapers in Western Canada were controlled by the great railroad corporations. I do not think that such a charge is made against a single newspaper at the present time. However, if the public really want to find out who are the owners of a newspaper, they may ascertain that readily enough. They may do so in our province, the province of Alberta, by going to the Registrar of Joint Stock Companies, who has a record of the name of every shareholder, and the number of shares that he holds.

I doubt very much whether any other business in this country would encourage legislation that would require it to produce the names of the concerns holding mortgages against it, and to publish those names in the columns of a newspaper. Having said that, although I have criticized the Bill more than I have supported it, still, as the publisher of a newspaper, I have no personal objection to legislation of this character; because what is now available through channels such as the Registrar of Joint Stock Companies could be made available to the public in the way that is proposed here. But I think that a great deal of the information that is demanded is useless and foolish. If the names of the owners of a newspaper are demanded, they might be published at certain periods of the year, but to ask for the names of all the members of the staff is unnecessary, because the policy of a newspaper is dictated by the man or the company that owns it, and is not in the hands of the editor, or the managing editor, or the business manager.

Hon. JOHN LEWIS: As one who has had some experience as a working newspaper man, and none whatever in ownership, I should be very greatly interested in any movement for increasing the independence of the editor or writer, but I cannot see how that object is going to be attained by the publication of the name of the owner, the name of the managing editor, and the names of the various editorial writers. Nor would that information convey very much enlightment to the public. If you pass this Bill you do not know whether the person who wrote a certain article wrote it on his own initiative or on the orders of the editor, and you do not know how far the paper is controlled by the editor or by the owner. You are exactly in the same position as you were before. It may be thought that the owner is under some outside control —that a corporation may possibly have got possession of the newspaper. They might do that just as well through some nominal owner. Therefore, in order to carry out the object of this Bill you would have to insist upon the publication of all the investments of the persons who own the newspaper. "Are you interested in the Canadian Pacific Railway, or in some bank, or some other big corporation?" You would never be at an end of the information that would have to be supplied.

The honourable leader on my side (Hon. Mr. Dandurand), whose remarks I listened to with very great interest, and with whom I usually agree, spoke of the chains of newspapers in the Old Country. It is a movement that I do not at all like, but what I do observe is that over there, whether by law or by practice, the names of all these people are well known—Rothermere, Northcliffe, Beaverbrook and so on—and it does not seem to check that movement in the slightest degree. The reading public do not seem to care a continental who owns the newspapers. Their circulation increases. It is a movement that, as I say, I do not like; I prefer the old personal journalism; but I do not see that this Bill is going to do very much to restore that condition.

Hon. N. A. BELCOURT: Just one word. My honourable friend who leads on the other side (Hon. W. B. Ross) said that there was no legislation of this kind anywhere, and he thought that if any legislation had dealt or might deal with the subject it would be legislation with regard to libel, defamation etc. But that is not correct. May I, just for

the enlightenment of the House, read what is the law of the United States? And I would invite honourable gentlemen to follow the Bill.

Hon. Mr. ROSS: Before you read it, understand that what I said was that I was unable to find any legislation as wide as this, covering bonds and mortgages and other securities.

Hon. Mr. BELCOURT: It is in order to satisfy my honourable friend on that point that I take the liberty of rising to read this. I invite honourable gentlemen to follow closely the Bill. I think you will find that it is, verbatim, the same thing.

That it shall be the duty of the editor, publisher, business manager, or owner of every newspaper, magazine, periodical, or other publication to file with the Postmaster General and the postmaster at the office at which said publication is entered, not later than the first day of April and the first day of October of each year, on blanks furnished by the Post Office Department, a sworn statement setting forth the names and post-office addresses of the editor and managing editor, publisher, business managers, and owners, and, in addition, the stockholders, if the publication be owned by a corporation; and also the names of known bondholders, mortgagees, or other security holders.

Hon. Mr. CASGRAIN: Would it be published on the front page?

Hon. Mr. BELCOURT: I am reading the section.

Hon. Mr. CASGRAIN: Yes, and I am asking the honourable gentleman as he reads. He is reading it for us, I suppose.

Hon. Mr. BELCOURT: My honourable friend can say when I have finished whether it is to be published on the front page or any other page of the paper.

—and also, in the case of daily papers, there shall be included in such statements the average of the number of copies of each issue of such publication sold or distributed to paid subscribers during the preceding six months: Provided, That the provisions of this paragraph shall not apply to religious, fraternal, temperance, and scientific, or other similar publications: Provided further, That it shall not be necessary to include in such statement the names of persons owning less than one per centum of the total amount of stock, bonds, mortgages, or other securities.

Will my honourable friend listen now?

Hon. Mr. CASGRAIN: Yes.

Hon. Mr. BELCOURT (reading):

A copy of such sworn statement shall be published in the second issue of such newspaper, magazine, or other publication printed next after the filing of such statement. Any such publication shall be denied the privileges of the mail if it shall fail to comply with the provisions of this paragraph within ten days after notice by registered letter of such failure.

Now, this is all under the Postal Service legislation.

Hon. Mr. CURRY: And we are copying American legislation.

Hon. W. B. ROSS: That is United States legislation.

Hon. Mr. CURRY: Better go further and accept the American Tariff.

Hon. Mr. MURPHY: The honourable member for Ottawa (Hon. Mr. Belcourt) invited us to follow him in the reading of the law which he has just cited. I did not observe, though I followed it closely, that the United States law contained the paragraph in this Bill:

and also the names of known bondholders, mortgagees or other security holders.

Hon. Mr. DANDURAND: Yes.

Hon. Mr. BELCOURT: Certainly.

Hon. Mr. MURPHY: There was an interruption.

Hon. Mr. BELCOURT (reading):

The names and post-office addresses of the editor and managing editor. . . and, in addition, the stockholders, if the publication be owned by a corporation; and also the names of known bondholders, mortgagees, or other security holders.

Hon. Mr. MURPHY: I did not catch that.

Hon. Mr. BELCOURT: If my honourable friend who has moved the six months' hoist (Hon. Smeaton White) is willing to withdraw his motion and let the Bill be read a second time, I see no objection to having it referred to Committee.

The proposed amendment of Hon. Smeaton White was agreed to on the following division:

CONTENTS

Honourable Messieurs:

Beaubien,	Macdonell,
Bénard,	McCormick,
Black,	McDonald,
Blondin,	McLennan,
Calder,	Molloy,
Casgrain,	Murphy,
Crowe,	Pope,
Curry,	Prowse,
Donnelly,	Rankin,
Fisher,	Reid,
Foster,	Ross (Middleton),
Girroir,	Schaffner,
Graham,	Sharpe,
Green,	Smith,
Harmer,	Tanner,
Haydon,	Taylor,
Laflamme,	Turriff,
L'Esperance,	Webster (Brockville),
Lewis,	Webster (Stadacona),
Little,	White
MacArthur,	(Inkerman).—41.

NON-CONTENTS

Honourable Messieurs:

Aylesworth (Sir Allen),	Lacasse,
Belcourt,	Laird,
Buchanan,	Lavergne,
Bureau,	Legris,
Dandurand,	Lessard,
Daniel,	McGuire,
Farrell,	Riley,
Hatfield,	Robinson,
Hughes,	Turgeon.—18.

DIVORCE BILLS

SECOND READINGS

On motion of Hon. Mr. Fisher (for Hon. Mr. Willoughby, Chairman of the Committee on Divorce), the following Bills were severally given their second readings:

Bill E4, an Act for the relief of Sydney Franklin Lankin.

Bill F4, an Act for the relief of William James Hall.

Bill G4, an Act for the relief of George Rubin Sanderowich, otherwise known as Rubin Sanders.

ADJOURNMENT OF THE SENATE

MOTION

Hon. Mr. DANDURAND: I move:

That when the Senate adjourns to-day it do stand adjourned until Tuesday evening next at 8 o'clock.

The motion was agreed to.

ST. LAWRENCE WATERWAYS PROJECT

PRECIS OF INFORMATION

Hon. Mr. DANDURAND: Before we adjourn, I desire to inform my honourable friend (Hon. W. B. Ross) that the precis on the waterways question, for which he asked, will be forthcoming at the next sitting of the House.

Hon. W. B. ROSS: Thank you.

The Senate adjourned until Tuesday next at 8 p.m.

THE SENATE

Tuesday, March 27, 1928.

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

Prayers and routine proceedings.

CANADIAN TRADE COMMISSIONERS

INQUIRY

Hon. Mr. BEAUBIEN inquired of the Government:

1. What is the yearly cost to the Government of each of the Trade Commissioners' offices of Canada?

2. How is the staff composed in each such office, giving the occupation, and separately the salary, living or other expenses, etc., of each Trade Commissioner, employee, etc.?

Hon. Mr. DANDURAND: I have received from the Department of Trade and Commerce the following answers:

1. Total Cost of Trade Commissioners' Offices for fiscal year 1926-27.

Office	Total Cost
Auckland, New Zealand	$ 7,713 73
Batavia, Java	10,520 72
Bristol, England	11,883 01
Brussels, Belgium	6,579 74
Buenos Aires, Argentine	20,144 66
Calcutta, India	13,454 66
Cape Town, South Africa	17,752 63
Dublin, Irish Free State	10,365 15
Glasgow, Scotland	10,474 37
Hamburg, Germany	14,441 58
Kingston, Jamaica	12,006 90
Kobe, Japan	16,795 37
*Liverpool, England	20,642 88
London, England	15,469 95
Melbourne, Australia	15,015 14
Mexico City, Mexico	12,410 26
Milan, Italy	13,438 63
New York City, U.S.A.	22,836 91
Paris, France	10,645 77
Port of Spain, Trinidad	9,336 05
Rio de Janeiro, Brazil	13,624 31
Rotterdam, Holland	11,666 28
Shanghai, China	12,120 11
Sydney, Australia	584 89

*Includes regular Trade Commissioner and Fruit Trade Commissioner.

2. Statement of salary, living allowance, and travelling expenses of staffs of Trade Commissioners' offices, for the year ending March 31st, 1927.

Office and Staff	Position	Salary	Living Allowance	Travel
Auckland, New Zealand—		$ cts.	$ cts.	$ cts.
C. M. Croft	Trade Commissioner	3,090 00	1,000 00	374 73
J. Neill	Stenographer	1,031 96		
*L. M. Bradley	Stenographer	19 52		
*E. S. Howell	Stenographer	102 23		
*M. Wynne	Stenographer	23 41		
*C. Johnson	Stenographer	14 56		

*Employed for short periods during the year.

2. Statement of salary, living allowance, and travelling expenses of staffs of Trade Commissioners' offices, for the year ending March 31st, 1927.—*Continued*

Office and Staff	Position	Salary	Living Allowance	Travel
		$ cts.	$ cts.	$ cts.
Batavia, Java—				
R. S. O'Meara	Trade Commissioner	3,000 00	2,000 00	773 70
J. C. D. Ockerse	Stenographer	1,632 95		
*Siaum Tiang Guan	File Clerk	418 88		
Bristol, England—				
D. S. Cole	Trade Commissioner	3,450 00	1,275 00	3,463 60
L. M. Vaughan	Stenographer	1,364 15		
*D. Dawson	Stenographer	398 31		
Brussels, Belgium—				
Y. Lamontagne	Trade Commissioner	3,045 00	1,325 00	69 23
H. Jones	Clerk	1,061 66		
L. Gmur	Typist	346 96		
Buenos Aires: Argentine Republic—				
E. L. McColl	Trade Commissioner	3,990 00	2,833 25	5,511 96
J. Moreira	Clerk	2,557 56		
D. Foster	Clerk	2,077 39		
*J. Gray	Typist	503 19		
M. Schefer	Office Boy	286 13		
Calcutta, India—				
H. R. Poussette	Trade Commissioner	5,520 00	1,316 05	2,332 21
D. N. Biswas	Clerk	343 52		
K. C. Sen	Stenographer	834 83		
*N. Ghose	Stenographer	82 70		
*S. D. Senn	Bazaar Broker	52 82		
*	Bearers	65 82		
Cape Town—South Africa—				
G. R. Stevens	Trade Commissioner	3,810 00	1,625 00	1,562 82
C. S. Bissett	Assistant Trade Commissioner	1,270 65	756 05	901 34
A. E. Simpson	Senior Stenographer	1,393 49		
E. Elliott	Stenographer	1,025 17		
F. Sumner	Stenographer	948 00		
*I. Farmer	Stenographer	246 03		
P. Casey	Messenger	218 86		
Special Messenger Service		14 96		
Dublin, Ireland—				
A. F. MacEachern	Assistant Trade Commissioner	900 00	583 30	79 87
F. W. Fraser	Trade Commissioner	1,551 61	1,014 62	2,102 18
K. M. Dowling	Stenographer	884 93		
*V. Lynch	Stenographer	4 86		
*G. Manly	Stenographer	472 84		
Glasgow, Scotland—				
G. B. Johnson	Trade Commissioner	5,100 00	1,275 00	400 44
C. J. McNichol	Stenographer	1,232 18		
M. C. Campbell	Stenographer	332 68		
Hamburg, Germany—				
L. D. Wilgress	Trade Commissioner	4,800 00	1,625 00	384 26
J. C. Macgillivray	Assistant Commissioner	473 55	294 35	290 44
C. I. Rooke	Clerk	1,502 91		
E. Burghardt	Typist	772 91		
*C. Kalinan	Typist	17 89		
*A. Rueff	Typist	23 90		
Kingston, Jamaica—				
P. W. Cook	Trade Commissioner	3,360 00	2,000 00	2,331 89
F. L. Casserly	Clerk	1,491 09		
M. G. Thomson	Stenographer	885 59		
T. Davis	Messenger	373 83		
Kobe, Japan—				
J. A. Langley	Trade Commissioner	3,045 00	2,125 00	614 97
R. Grew	Assistant Commissioner	634 52	525 20	442 51
R. Yoshimura	Translator	1,122 43	.....	268 79
*H. Ota	Clerk	136 15		
Y. Oyama	Stenographer	1,041 73		
H. Sawa	Clerk	303 90		
H. R. Tasai	Clerk Translator	790 38		
M. A. Vile	Secretary	2,456 60		
Liverpool, England—				
J. F. Smith	Fruit Commissioner	4,800 00	1,275 00	3,507 52
H. A. Scott	Trade Commissioner	2,840 00	1,225 00	291 96
E. Gabler	Stenographer	1,023 64		
*B. Norbury	Typist	347 51		

*Employed for short periods during the year.

2. Statement of salary, living allowance, and travelling expenses of staffs of Trade Commissioners' offices, for the year ending March 31st, 1927.—*Concluded*

Office and Staff	Position	Salary	Living allowance	Travel
		$ cts.	$ cts.	$ cts.
Liverpool, England—*Con.*				
*F. R. Quick	Clerk	140 15		
M. C. Reilly	Clerk	794 22		
*I. Sloan	Typist	90 56		
*E. Spencer	Typist	87 15		
London, England—				
H. Watson	Trade Commissioner	5,760 00	2,000 00	90 16
C. G. Venus	Clerk	2,356 63		
E. M. H. Chapman	Senior Stenographer	1,687 22		
*M. Hamilton	Stenographer	101 95		
*C. A. M. Harvey	Stenographer	309 93		
M. E. Lester	Stenographer	1,226 58		
M. J. Martin	Junior Stenographer	590 05		
Melbourne, Australia—				
D. H. Ross	Trade Commissioner	5,760 00	2,000 00	579 92
C. Hartlett	Clerk	2,155 25		
D. Cordell	Senior Stenographer	1,257 26		
K. Couper	Stenographer	778 18		
Sydney, N.S.W.—				
B. H. Millen	Commercial Agent	485 61		
Mexico City, Mexico—				
C. N. Wilde	Trade Commissioner	3,585 00	2,000 00	1,909 96
C. Valencia	Clerk	2,027 28		
Milan, Italy—				
F. H. Palmer	Trade Commissioner	3,360 00	1,702 91	1,026 74
J. J. Guay	Assistant Commissioner	2,070 00	1,218 75	167 03
M. E. Gernuschi	Stenographer	970 29		
E. Pizzali	Stenographer	682 88		
	Rent?			
New York City, U.S.A.—				
F. Hudd	Trade Commissioner	3,810 00	3,000 00	1,305 26
H. C. Suydam	Assistant Commissioner	802 33	981 25	265 26
J. H. F. English	Assistant Commissioner	155 16	96 77	108 22
S. St. John, Betts	Clerk	2,340 00		
B. Fitzpatrick	Stenographer	1,576 00		
*E. Martin	Stenographer	58 00		
K. O'Brien	Typist	896 00		
*L. Quevillon	Stenographer	513 00		
M. Sahulka	Stenographer	1,408 00		
Paris, France—				
H. Barre	Trade Commissioner	4,170 00	1,625 00	145 54
M. Matthews	Stenographer	1,107 07		
E. Humblot	Clerk	937 41		
A. Matthews	Stenographer	439 09		
Port of Spain, Trinidad—				
James Cormack	Trade Commissioner	3,405 00	2,000 00	289 18
J. H. Francis	Clerk	1,140 00		
C. Gauteaume	Stenographer	540 00		
Rio De Janeiro: Brazil—				
A. S. Bleakney	Trade Commissioner	3,900 00	3,628 43	1,002 84
F. Knight	Stenographer	2,336 04		
*E. R. Taylor	Stenographer	61 60		
*Office Boys		360 60		
Rotterdam, Holland—				
A. B. Muddiman	Trade Commissioner	3,585 00	1,883 79	2,455 08
D. S. Hailstone	Stenographer	1,175 61		
M. B. Bellen	Stenographer	506 48		
Shanghai, China—				
L. M. Cosgrave	Trade Commissioner	3,180 00	1,625 00	1,062 93
*K. L. Bird	Stenographer	53 73		
M. Hancock	Senior Stenographer	1,503 80		
*D. A. Heath	Stenographer	11 34		
V. Roach	Junior Clerk	677 55		
*L. A. See	Clerk	38 05		
*B. Y. Ting	Clerk	93 31		

*Employed for short periods during the year.

HOPPE COAL FIELDS AND ISENBERG ESTATE

INQUIRY

Hon. Mr. POPE rose in accordance with the following notice:

That he will call the attention of the House to the position of the Hoppe Coal Fields and enquire of the Government:—

1. Why has the Isenberg Estate been given a fiat to prove their claims?
2. Who are the actual owners of the Isenberg Estates in trusts?
3. Are there actual heirs who asking for a fiat? If so, who are they?

He said: Honourable gentlemen of the Senate, it is not my desire to detain you at any great length. Those honourable gentlemen who were members of the Senate when, a few years ago, the Hoppe leases were under consideration by a Special Committee are well aware of the fact that that Committee's decision dealt with a hard coal area, perhaps the largest on the continent of America, certainly far exceeding any other in the Dominion of Canada, and well situated with regard to both the East and the West. At the time this matter was dealt with by the Special Committee it was decided that this coal area should remain permanently the property of the Government of Canada and should not be alienated except by legislation of the Parliament of Canada; also that $100,000 should be the limit of compensation to the Isenberg Estate, representing the interest of the late Dr. Hoppe, for any expenditures that might have been incurred in connection with the development of this property. There are other applicants who, if an opportunity is presented, will come in with their claims, which some judicial opinions declare to be earlier and more fundamental than, and superior to, those of the Hoppe lessees or what is known as the Isenberg Estate. When I saw that a fiat had been granted in this case, it seemed to me that this was going beyond the desire expressed by the Committee, which was as follows:

If, as your Committee hopes and strongly urges upon the Government, the fiat granted on October 9th, 1922, is withdrawn, and the above mentioned Petition of Right permanently stayed, the question may arise whether under the special circumstances disclosed by the records of the Department of the Interior, an indemnity should be granted to the Isenberg Estate. In the opinion of your Committee such indemnity, if deemed advisable by the Government to be paid (as to which your Committee expresses no opinion), should be paid to nobody else but the Isenberg Estate, and should not exceed one hundred thousand dollars.

Mark those words, "permanently stayed." The Committee recommended that the Petition of Right be permanently stayed. I am not a lawyer, and I may be placing a wrong interpretation upon those words; but when that decision was given by your Committee I thought that I should never hear of the granting of the Petition of Right or a fiat to the Isenberg Estate, absolutely against the opinion expressed by your Committee, who brought witnesses before it who studied this question, and proved the corruption or the dishonesty of people who were attempting to take away from the Dominion of Canada this special heritage which we own. For that reason I was alarmed when I heard again of this Petition of Right.

We have observed recently that a great effort is being made to promote the shipment of Western or other Canadian coal to the centre of Canada. Permit me to say, honourable gentlemen, there is no coal deposit in the West or the East of Canada which can compete successfully with this deposit. Some of it is pure lignite. Under these circumstances we should cherish this asset with a great deal of jealousy and see that it remains absolutely within the possession of the Dominion of Canada. There should be no hesitancy on the part of this or any other Government in preserving for the people of Canada this wonderful deposit of coal. If the Isenberg people, whoever they may be, or, if they are dead and gone, any estate or organization representing them, are allowed a fiat, you cannot deny to others, at least to Canadians, a privilege similar to that which is granted to foreigners outside of this country. You are opening the door wide, honourable gentlemen, and the result may be the loss to the Dominion of Canada of this wonderful coal deposit as a national asset. Therefore I ask these questions.

Hon. Mr. DANDURAND: Honourable gentlemen, my honourable friend from Bedford (Hon. Mr. Pope) has gone somewhat beyond the terms of his query.

Hon. Mr. POPE: Yes, I understand that.

Hon. Mr. DANDURAND: This explains why I will answer his statement before reading the answers which I have from the Department of Justice. My hon. friend is surprised that after legislation had been passed by Parliament authorizing the Government to withdraw the fiat that it had granted, it has seen fit to issue another fiat. I may inform my honourable friend that the fiat was withdrawn because of certain allegations which affected the petitioner at the time. Besides passing the legislation which empowered the Government to withdraw that fiat, Parliament passed legislation placing under its own authority, the disposal of those leases called

the Hoppe leases. This decision of Parliament remains inviolate, and, from the conversation I had with the Deputy Minister of Justice, it cannot be affected in the least by any legal procedure such as the one which is just now under review. But a petition of right was presented by testamentary executors of the late Mr. Isenberg, suing for a fiat which would open the door of the Courts to his claim. That claim can only take the form of damages for the annulment of the leases. This is the case as it will present itself to the tribunal, the Exchequer Court. The Department received that petition.

Hon. Mr. SHARPE: It is not to restore the Hoppe leases to the Isenberg people?

Hon. Mr. DANDURAND: No, I am informed by the Deputy Minister of Justice that the only thing that the Isenberg Estate can obtain would be damages from the Government.

Now, my honourable friend has spoken of compensation being allowed the Isenberg Estate from the recommendation of a Committee of the Senate. The Department of Justice is well aware of that recommendation of the Senate of Canada; but I may say that the petition came to the Department of Justice through the diplomatic channel of the United States, and attention has to be given to the form of the petition and to the party who is presenting it. There are ethics between Governments which cannot be ignored, and this was one of those actions from a friendly Government which had to be given proper weight; so that, in conformity with the sentiments expressed by the Senate, the Department of Justice has deemed it proper to grant a fiat. I may add that negotiations are going on with the hope of a solution that would be satisfactory to every member of this Chamber; so that, with these explanations, the answers I have to the three questions of my honourable friend run as follows:

1. The fiat upon the first petition was revoked, as it was ascertained that there was an undisclosed champertous agreement in existence when the fiat was granted. A further petition was filed after the expiration of that agreement and upon the assurance that the agreement was not extended or that one of a similar character was not made, the Minister of Justice concluded that there were no just or reasonable grounds for withholding a recommendation for a fiat, and he accordingly made the recommendation upon which the Governor granted the fiat.

Hon. Mr. CASGRAIN: When was it granted, and when was it revoked?

Hon. Mr. DANDURAND: I have not the dates.

2. The Government has no information, but the petitioners are the Hawaiian Trust Company, Limited, and Bertha K. Isenberg, widow, executors of the last will and testament of the late Daniel Paul Rice Isenberg.

3. Answered by 2.

In order to refresh the memory of the Senate, I may say that the cancellation of those leases took place in a very abrupt manner upon the statement that those leases were the property of enemies of the British Empire. Well, that statement was perhaps true for the agent here who represented the owners—one Hoppe—but was very strenuously objected to and denied by Mr. Isenberg later on; so I think investigation took place which showed that the reason which actuated the Department in abruptly cancelling the leases, which ordinarily would run for some time before they were cancelled, fell to the ground. I am sure that is one of the reasons which actuated the Committee of the Senate in suggesting that compensation be given to the Isenberg owners. The suggestion at the time was a figure which would simply reimburse those people for the moneys which they had advanced to maintain those leases.

Hon. Mr. WILLOUGHBY: May I ask the honourable gentleman if he has any knowledge of the parties to the champertous agreement to which he refers. I take it that the fiat was granted on the petition in the first place, and he stated that the fiat was cancelled in consequence of its being founded on a champertous agreement. I happened to be on that Committee, and I would be very pleased to know if the honourable leader of the House has any knowledge as to who were the parties to the champertous agreement or as to the nature of it.

Hon. Mr. CASGRAIN: Would that mean that the lawyers were going to benefit by it? Is that the meaning of the champertous agreement?

Hon. Mr. WILLOUGHBY: I do not know.

Hon. Mr. CASGRAIN: What does champertous mean?

Hon. Mr. WILLOUGHBY: It might mean for the lawyers, or for a division of the profits that came from the Government.

Hon. Mr. DANDURAND: I did not catch the first phrase of my honourable friend's question?

Hon. Mr. WILLOUGHBY: As I take it, the fiat was cancelled in consequence of the

discovery by the Government that those who sought the fiat had entered into a champertous agreement. I wanted to know who were the parties to that agreement, and the nature of the agreement, if my honourable friend has any knowledge.

Hon. Mr. DANDURAND: Well, there was more than one inquiry on this matter. There was one which brought in the report to which my honourable friend from Bedford (Hon. Mr. Pope) refers; but there was another inquiry in which it was clearly disclosed by written evidence that the agent in Ottawa—I do not now remember his name—

Hon. W. B. ROSS: Murdoch, is it not?

Hon. Mr. DANDURAND: —had written to the Estate, or to the widow, and had undertaken to carry on a lawsuit and press for judgment on receiving fifty per cent of the amount to be recovered, if my memory does not fail me. It was upon the evidence which had been gathered by the Committee of the Senate, if I remember correctly, that the Department of Justice cancelled the fiat.

Hon. SMEATON WHITE: Does my honourable friend know that that decision was made, and that it was under a war claim? I think the lease was cancelled because he was an enemy and an alien.

Hon. Mr. DANDURAND: It was not cancelled because he was an alien. On the face of the document, it was cancelled because he was late in paying his arrears. I do not know whether it is every year or every six months that the demand is made for payment; but it was shown in the Senate Committee, which was presided over by the late Senator Bradbury, I think, on the examination of officials of the Department, that the practice was not to foreclose a lease after the expiry of the term, but that some extension of time was generally given. It was found that the special reason for haste in this matter was the allegation which had been made that the leases were made by enemies during the war, on the assumption that Isenberg was a German. As a matter of fact, it is claimed that he filed his lease himself as an American, and that the only German in the case, was his agent in Canada, Mr. Hoppe.

Hon. Mr. SHARPE: Were not the lessees behind in their payments?

Hon. Mr. DANDURAND: No, the payments had hardly become due. It was just a question of a few weeks.

Hon. Mr. WILLOUGHBY: It was not very long; I think there was very great diligence on the part of a gentleman in the Department who afterwards got his congé for exceeding his instructions.

Hon. Mr. DANDURAND: Yes. I have not gone beyond these statements, but the Committee thought that there had been a practice which was somewhat sharp in the Department. Of course, it is not proper to revive these facts, when a case in damages is before the Courts, but I am quite sure that the Isenberg Estate is fully possessed of all the documentary evidence that was produced before the Committee of the Senate.

The Senate Committee found that there had been practically a conspiracy between an inside official of the Interior Department and outside interests which, after the lease was cancelled, or as it was about to be cancelled, sent a party to those coal fields beyond Edmonton and staked claims and obtained a lease; and the report of the Senate Committee asked the Department to cancel that lease as having been obtained under very exceptional if not fraudulent circumstances. The case was clearly made out that there had been some practice in the Department which justified the Senate Committee in recommending that some kind of compensation or solatium should be given to Isenberg.

Hon. Mr. SHARPE: I think my honourable friend is getting a little mixed up. My question was in regard to the Hoppe leases, as I understood that Hoppe was very far behind in his payments. That is my understanding.

Hon. Mr. DANDURAND: I was not a member of the Committee, and I am simply drawing upon my memory; but if there are members of the Committee here, I would refer my honourable friend to the conclusions reached by that Committee, which were quite clear as to a certain share of responsibility falling upon the Department.

Hon. Mr. POPE: I do not think we should mix the two affairs together.

Hon. Mr. SHARPE: Not at all.

Hon. Mr. POPE: They are two separate and distinct matters. One was investigated by the Senate in regard to what are known as the Shillington leases. Dr. Shillington of this city had the leases. I had no part or parcel in the matter of obtaining the leases; but I happened to be down with the gentleman who was handling the mineral resources, whatever his name was, and I asked him what he was going to do about the Hoppe leases;

because Hoppe had become an enemy at that time, and in fact I understand that when the United States went into the war, he was an enemy of the United States, and was put away on an island by himself or with some others. This man in charge said, "We are going to terminate those leases, not because we are going to raise the question of his being an enemy, but because he had not paid his dues; we are going to terminate them by a certain date in May," I think it was. Then I said to him, "What happens then?" He replied, "Without the Minister orders otherwise, they will be open for staking." The Minister, so far as I know, did not order otherwise, and therefore they were staked by the Shillington interests as I understand, which I assume was a legitimate business, though I do not know. But that is not to be mixed up with the Hoppe leases or the Isenberg Estate.

Honourable gentlemen, the problem is this. If we open this question by a suit for damages, if they call it that, for the Isenberg people, we are certainly liable to open the door for a Canadian as well as a foreigner. The United States may be a friendly state, but they are not more friendly to Canada than the Canadian citizens in this House.

Hon. Mr. GRIESBACH: I understand the honourable leader of the House to say that the second fiat was granted because of diplomatic representations. I would like the honourable gentleman to assure the House either that it was granted because of diplomatic representations or because of the merits of the case. I would like to have that clear.

Hon. Mr. DANDURAND: The answer of the Department speaks for itself. I gave the form in which it had been presented, but the answer to the question of my honourable friend will be found in the answer of the Department that it was on its merits.

TARIFF ADVISORY BOARD

INQUIRY

Hon. Mr. TANNER inquired of the Government:

1. Who are the persons who have been members of the Tariff Advisory Board since its creation?
2. (a) What is the date of appointment of each person to the Board, and (b) what is the date of resignation or removal of each person retired from the Board?
3. What is the rate of salary of each member?
4. What is the total paid to each member of the Board (a) for salary, (b) for other allowances?
5. What is the total to date paid for salaries and allowances to persons serving under the Board?
6. What is the total of any other expenses in connection with the Board and its operations?

Hon. Mr. DANDURAND: The replies are as follow:

1. Right Hon. Geo. P. Graham, W. H. Moore, Alfred Lambert and D. G. McKenzie.
2. (a) Right Hon. Geo. P. Graham, Alfred Lambert and D. G. McKenzie, April 7, 1926; W. H. Moore, February 5, 1927; (b) Rt. Hon. G. P. Graham, February 4, 1927.
3. W. H. Moore, $10,000; Alfred Lambert, $4,000; D. G. McKenzie, $4,000.
4. Total Payments to February 29, 1928:

	Salaries	Trav. Allowances and Expenses
Right. Hon. Geo. P. Graham.. .. ..$	8,285 67	$ 1,700 03
W. H. Moore...	10,714 25	1,741 30
A. Lambert	7,599 95	3,397 71
D. G. McKenzie.	7,599 95	10,939 92

5. $32,128.13.
6. $26,695.03.

COMMUNISTIC PROPAGANDA IN CANADA

INQUIRY

Hon. C. P. BEAUBIEN rose in accordance with the following notice:

That he will call the attention of the Senate to the communistic propaganda carried on throughout the country, and inquire what measures, if any, the Government contemplates taking to repress the same.

He said: Honourable gentlemen, I will try to restrict as much as possible the remarks I have to make on the subject of my inquiry. I do not intend to deal with Communism as generally disseminated throughout the country. I wish to restrict myself to Communism as a militant revolutionary manifestation, and particularly through seditious teaching to children.

In the month of June of last year a petition was sent to the Government, requesting the abolition of Communistic schools and the deportation of their teachers. This petition came from a very respectable and important body of opinion. It had been approved unanimously by the annual convention of the Catholic Women's League in Montreal. Now, I would like to draw attention to the reason which caused this resolution to be passed at that time and forwarded to the Government. On the 24th of January, 1927, a very disturbing interview appeared in a leading French paper of Montreal, La Presse. That interview had been given by no less a gentleman than

Bishop Helenowski, who held a very high position in the Catholic hierarchy, in charge of all Catholics of Slavonic idiom in Montreal, of which there are over 15,000, if I mistake not. That gentleman thoroughly understands not only the Russian language but all the dialects of the Slavonic tongue, and he is in close contact with immigrants who come from Central Europe. What did Bishop Helenowski say?

Honourable gentlemen, I have quite a number of documents to cite, if not to read to you, and in many cases I would like to be permitted to analyse them, and then ask that they be put on record in Hansard.

Bishop Helenowski said:

The Communist movement exists in Canada. It is growing every day, it expands rapidly, and very soon will constitute a very serious menace. I am wondering why your authorities do not take heed of this.

The Bolshevists in Russia have taken possession of the children. They do likewise here. They have their schools where their doctrine is taught to the very little. For the men, they have a superior school, which they call, I think, popular university. They teach the worst things and expound the most dangerous principles. Murder, theft, revolution, violence under all its forms are glorified. During the most terrible period of revolution, in Russia, speeches could not be worse. And wait, this is not all. There are in Canada 15 Bolshevist newspapers, each of which is a first class instrument of revolutionary propaganda. They are 15, because they are printed in 15 Slavonic languages. They have a very complete circulating library, of which the books are constantly distributed. I may add that the efforts of the Bolshevist propaganda are more especially directed on the Ukrainians, as they constitute the most numerous group.

The situation is serious, full of danger in Montreal, it is worse in Winnipeg. It is the center of the Communistic movement in Canada. It has already a Socialist member of Parliament, an alderman, avowed communist. The printing of the newspapers is done in Winnipeg.

The unfortunate Slavonic immigrants are far from you; they do not understand you. They are good, simple folks exploited by unscrupulous people, often shamelessly robbed. Like all simple people, they have a tendency to believe that everyone is the same. When such is the case, they become easy prey for the Communist agents, who then make appeal to their lowest feelings.

The editor of the above newspaper continues:

In the close vicinity of St. Lawrence market, in the crowded section inhabited by foreigners, is a large hall where revolutionary assizes and Bolshevist meetings are regularly held, the Militants of the Great Night, the theorists of trouble following the Moscow doctrine, come and expose the theory of the individual retaking, theft with violence, glorify murder and all kinds of outrages. All this is done a few steps from the street, and we do not pay any attention. These terrible speeches are made under our very nose and nobody understands them. But if we do not understand them, let us ask the consuls of the good people to whom this dreadful propaganda is made, nine times out of ten, they will answer that they are aware of it. . . "But what can I do?" said one of them to me yesterday.

Later on another gentleman, whose word I know will not be doubted by the Government, spoke in the same strain. He is a man with a remarkable career, and is entitled to the respect of all of us, to which I will add my personal admiration. The many people from my province who know him would speak of him as I do. He is a very close relative to a member of this House. I refer to Father Casgrain. He had a splendid career as a British soldier, for years having been a member of the British army. Because of his exceptional education and his knowledge of eastern languages he occupied important positions in the army in Russia and in India. Prior to the war his friends were one day surprised to find that he had laid aside his glittering military uniform for the much more sober garb of priesthood. He had ceased to be a soldier, but he continued to serve.

This gentleman immediately attached himself to the benevolent association charged with the care of immigrants of Slavonic origin. He was extremely well equipped to be of use and to exercise charity amongst these poor immigrants who came here knowing nobody and understanding no one. I may add that during the war Father Casgrain was called back by the British Government and put in charge of one of the most important posts—I would almost dare to say the most important post in the British Intelligence Department. He was constantly at the elbow of the Minister of War, and occupied the next office to him, I believe. He was possessed of all the secrets of the War Office and rendered invaluable service. After the war he returned here to resume the work of charity which he had chosen prior thereto.

What does Father Casgrain say? He appeared before the Convention of the Catholic Women's League, at their request, and this is what he said:

The Communist Party in Canada is affiliated with the Third International, and its scope of action extends from Sydney to Vancouver. Its headquarters are in Toronto, where its English organ, "The Worker" is published, but the centre of its activities is in the West, where its influence is such that Winnipeg has won the lamentable distinction of being the sole city in North America where a Communist alderman has been elected, and the labour leader in Edmonton is also a Communist.

Those elections which have been won by the support of the foreign-born electors, are a warning to the authorities and should not be lost

sight of. In fact, the Western population is in great part of foreign extraction. Then, as those immigrants will soon have the right to vote, and as they read the same communistic newspapers, and are led by the same influences as their compatriots of Winnipeg and Edmonton, must we not foresee that following the same path they will elect also communist candidates?

I have in my hand one of their newspapers published in Ukranian, at Winnipeg. One page is dedicated to reports of celebrations, in the labour temples, in several of our industrial centres, to commemorate the Paris Commune, and gives an account of speeches delivered on that occasion. The speakers deplore the fact that that regime of terror has not lasted more than seventy-two days, and discuss the causes of its downfall. The presence of women in those demonstrations is of bad omen, and recalls to us the dismal part played by the women firebugs during the Commune.

Another page of that sordid newspaper is filled with praises to Lenine.

One may conceive the evil influence Red literature such as the A B C of Communism and newspapers of the above character may have on a population unprepared to resist this pernicious doctrine. So much so that we have only a Catholic weekly and a monthly review published in Ukranian to counteract such Bolshevist propaganda.

Furthermore the Bolshevist schools numbering about forty and where some two thousand children are in attendance, are doing nefarious work among the young. A glance will suffice to judge of the doctrine taught in those schools.

The A.B.C. openly declares that a convinced Socialist cannot be a Christian, since the Communistic doctrine is diametrically opposed to the Christian doctrine. A Ruthenian confrere has told me that atheism is taught in those schools by methods which would permeate the mind of the child with profound impressions. To deny God, for instance, one would challenge Him, saying, "If God exists, let Him stop my lifting hand, or let Him prevent me from moving out of this place," thus imitating the Jews saying to our Lord: "If thou art the Messiah, come down from the Cross!" And as those blasphemers are not immediately struck with God's lightning, the unfortunate children gradually and completely lose their faith in God, and thus become convinced Communists.

As those schools have now been in operation for a few years, and as during the same time Communistic newspapers have been circulated among that population, is it surprising that it is marching at a great pace towards atheism, and Communism as a consequence?

A striking evidence of this fact, is shown by the number of Labour Temples which to-day have replaced the churches and are used as places of reunion for the Communists. That is where the people and the new immigrants are induced to come and listen to speeches by instigating agents, or to dramatic representations written by Communistic authors, the effect of which is still more harmful than speeches.

After dealing with the doctrine of the Communists, with their extended, effective and successful organization, and the need of repressive measures against them, Father Casgrain concludes:

The situation is very serious and it is high time we should act. The more that propaganda is spread, the more difficult it will be to stop it. One must foresee what may take place in the future.

A party of Communists might be formed and might hold the balance of power in Parliament. It would then be too late to combat this danger which is threatening our country, and more especially Western Canada. Our Government would be well advised and would manifest good patriotism were it to adopt immediate measures to avert this danger.

Now, honourable gentlemen, I ask how far can these statements be substantiated by the documents which I hold in my hand. I have taken some pains to have translated extracts from the Ukranian News, a very important newspaper circulated regularly amongst no less than twelve or thirteen thousand of the Ukranian community. First, I wish to submit something of the structure of the Communist organization of the Ukranian. It is composed of an association called the Ukranian Labour Farmer Temple Association, in regard to which I have the following article:

The U.L.F.T.A. is a very complicated organizational machine, which has been created days and nights during the last ten years. The U.L.F.T.A. is not only its branches and societies. The U.L.F.T.A. is its 81 general branches of W.S., 41 branches of the Y.S., 6 societies, 59 dramatical singing circles, 56 mandolin and other orchestras, 41 children schools, 56 buildings, a few lots and 6 buildings are in process of being incorporated. The whole of the U.L.F.T.A., this is the great cultural-enlightement work which it carries on amongst the Ukrainian workers and farmers all over Canada. This is the great mass of people, which every Saturday and Sunday comes to its performances and concerts, meetings, lectures. This is the 2,000 children who are being instructed in its schools.

The U.L.F.T.A. this includes the unceasing activities of hundreds of circles, which shelter in tens of owned buildings, and every evening, and on holidays and Sundays, every day are carrying out a steady work in order to gain knowledge and class-consciousness not only for themselves, but for all the workers and farmers, which work on a plan how to make class-consciousness and to organize the non-class-conscious.

Hon. Mr. BEIQUE: What is the date?

Hon. Mr. BEAUBIEN: The date of the newspaper is February 16, 1928.

Now may I quote an extract from the same paper of February 2nd, 1928?

Hon. Mr. WILLOUGHBY: A Winnipeg paper?

Hon. Mr. BEAUBIEN: The same Labour News, published in Winnipeg.

Hon. Mr. GILLIS: Are those schools publicly supported?

Hon. Mr. BEAUBIEN: I am sorry that I cannot give the honourable gentleman an answer. If they receive support, I suppose it would be a provincial grant.

Hon. Mr. McMEANS: I can assure the honourable gentleman they do not get any provincial grant from Manitoba.

Hon. Mr. BEAUBIEN: Now, what is the teaching of these schools? Here it is:

Our joint activities are the assurance that in the future we will unite closer our strength for the benefit of our organizations and for the struggling of our demands, and at the end we will destroy those who although have no strength, but are making efforts to harm us. The enlightenment activities also help greatly our gains. The collective readings jointly with the branches of the U.L.F.T. and W.S. of the book, "The Science of Lenin" about the Communist Party were visited by 50 per cent of the members of our branch.

Therefore, part of the teaching of the schools is the gospel of Lenin. However, let me proceed.

In an extract from the same newspaper of the 21st of January, 1928, I find the following:

To-day all the world of workers and oppressed honour the fourth anniversary of the death of their leader. But not by crying and despair. They commemorate this day in honour of their great teacher and in order to spread his teachings amongst the non-class conscious masses of the working class, and to unite them to the cause for which Lenin worked and struggled.

To-day at the fourth anniversary of the death of our teacher, let us strengthen our organizational ranks, let us deepen our knowledge with the science of Lenin, let us become members of that party which Lenin built, and of which he was a member—members of the Communist Party. The best honour of our teacher will be if we, the workers, would join the ranks of Lenin's party, and within or outside of it would carry out his will.

On the 15th of December we find the same newspaper giving a report of a meeting at which they reproduced, what they call "living papers". They are nothing but plays.

"Living Paper" in the appearance of which we were aided by comrade E. Larin, who recently arrived here from the U.S.S.R. and made the initiative in that direction, that is to organize here such "living paper" as it is practised at present all over the villages of the Soviet Union. By itself such a show is very interesting. For instance, the persons represent the great capitalistic Governments with inscriptions on their chests—England, France, Poland, etc. They are joined by a woman, America, from whom Poland begs a loan for the army. They are talking amongst themselves about the preparation of war against the U.S.S.R., and this is all done before the door of the U.S.S.R. This door is large and on the top of it is a sickle and hammer. A body of workers come in. They are going to the U.S.S.R, but the above-mentioned persons persuade the workers not to go to U.S.S.R because it is an uncultured country. The workers, all of them reply, that they are fed up with the capitalistic culture, and that they are going to a country where Socialism is being established, and where there is no exploitation, but all work and live equally. But they (the workers) are held back.

The workers make their way to the door by force and they are met with great enthusiasm by the workers of the U.S.S.R. with the song of the International.

Another picture: a worker goes to the factory to work, saying good-bye to his wife and children. In a few minutes the wife is notified that her husband is killed in the factory. The wife runs to the factory. Some time after there is a court trial. The defense of the wife demands $12,000 for her husband, but the manufacturer says that her husband was careless and put his arm into the machine, and because of this the machine did not work for one-half of an hour, and he lost $10,000, so he seeks the above sum from the wife of the killed worker. The woman is crying that it is not right, but the judge orders to remove her from the Court as if she is insane, and decides that it is the workers' fault.

In another newspaper, the Labour News, of January 21, 1928, appears an article which describes the progress of the Communist Association among the Ukranians. It is the report of the agent of the association.

Great joyful changes on the farms

"What I noticed in time of my organizational tour in Manitoba—Report by T. Kobzky.

"On the instructions of the C.E.C., U.L.F.T.A., I went last winter on an organizational tour amongst the farms of Manitoba. This winter the C.E.C. sent me again on the same work. I had travelled seven weeks this time, from November 28, 1927, to January 15, 1928. I have visited thirty localities in some of which I have been previously. Within one year I have seen great changes amongst our farmers. Last year, when I travelled, there were localities which were at enmity to our organization. The reason of it was that the farmers were frightened by many black spirits (priests—142) who forbade to them to read the "F.L." and who told them that those who read the F.L. and attend the mass-meetings of the Bolsheviks will be deported. Some believed in such nonsense, but the majority did come to the mass-meetings in spite of those black spirits, and became convinced that our organization struggles for the truth; we opened their eyes and they recognized the reason why they were frightened. The black spirits were afraid that when the farmers will find out the truth, all of them would be driven out. This happened. Because when I visited the second time the same localities, I have seen that the situation was changed. Up to last year it was, that our opponents were afraid to rent to us the Narodny Dom for mass meetings, but this year they did not only gladly give us their buildings, but some of them, although not affiliated with our organization, are carrying out the work according to our constitution. Many of such "Narodny Dom" are already in the process of affiliation with the U.L.F.T.A. All mass meetings were more successful than last year, which is a sign that our farmers awoke from the patriotic sleep and are striving to the light. Everywhere they are interested with the enlightenment of economical and political matters. . . The U.L.F.T.A. is gaining every time, more great sympathy amongst the farmer masses, and I

wont make a mistake saying that within a short time our organization will be spread all over Manitoba, where only Ukrainian farmers live. The assurance of it is also in the fact that the F.L. drove out of the farms all patriotic newspapers. There are such localities where you cannot get the Ukrainian voice, even as a medicine, and there was a time when the latter was coming here in large bundles.

May I now quote an extract from the Farmers' Weekly? This concerns the Government of Canada and particularly the Department of National Defence.

May be not many of the Canadian farmers know that Canada has a Department of National Defense and a special minister. For that Department there are estimates for this year over 18 millions of dollars expenses. No thoughtful person can guess from whom Canada has to be defended. No one is attacking Canada. The U.S.A., namely its capitalists, invested so much money in Canada; the latter is their's without war. Therefore, why does Canada need a minister of National Defense? There is only one answer to it: the masters, capitalists, are afraid of their own slaves, and therefore they create a department of National Defense, which keeps militia, police, detectives, etc. In time of strikes the above organs of the masters rule "are keeping order" namely defending the masters property, which the working class created, but which the masters took for themselves.

Honourable gentlemen, the propaganda amongst the Ukranians is undoubtedly very serious, but that is not all. May I call your attention also to the propaganda in Ontario? I find in the Star of the 23rd of December last the following:

The spreading of Soviet propaganda among the school children of northern Ontario, with Montreal and Toronto distribution agencies paying marked attention, it is understood, to the pupils of the government's railway travelling schools, is at present engaging the attention of the provincial government through the Department of Education.

Teachers of the district, it is said, have uncovered evidences of organized attempts upon a large scale to influence the minds of the scholars under their charge, a large percentage of whom are of foreign parentage. The propaganda is being carried on generally through the medium of pamphlets which are circulated among the children. Some of these have been sent here for perusal by Hon. G. Howard Ferguson, Ontario Premier and Minister of Education.

During the week of November 7—the tenth anniversary of the Russian revolution—the propaganda activities were apparently in full swing. At this time several northern districts were flooded with literature aimed directly at the school pupil.

In the Confederation Jubilee Celebration what share did the Communists take? Allow me to answer by reading an extract from the Montreal Gazette of the 11th July last:

Left thus to their own mischievous devices, the Communists have grown more bold, and did not hesitate to pursue their dangerous activities during the Jubilee celebration a week ago. At the Jubilee parade in Toronto, according to the Toronto Globe, "those enemies of the country, the missioners of disruption," distributed "to persons who appeared susceptible circulars designed to breed suspicion and discontent, and to offset any feelings of patriotism which might be aroused by the celebration." Addressing themselves "To the Workers' Children," the Bolsheviks, or Bolshevik imitators, asked in their circular: "Whose Jubilee is it?" The document then proceeded.

You are told in the bosses' newspapers, in school and other places, that Canadians are celebrating a holiday. Whose holiday is it? It is the holiday of the bosses, of those for whom the workers toil. It is their holiday, not ours. For they, indeed, are prosperous, because they have made great profits from the hard toil of the workers. They have given us low wages so that they could be richer. They have something to celebrate. But we, the workers, should have none of it. It isn't our holiday.

Look at all the cadets and soldiers on parade! Why are these here, if not because the bosses want another war so that they can get rich, manufacturing uniforms, ammunition, and other war supplies? Besides, the bosses want to crush the only Workers' Government, Soviet Russia, because it stands for the rights of the workers. Do the bosses fight in wars? No, they send us, the workers, to be murdered. They themselves sit at home and get rich.

The Globe's comment upon this effusion is pertinent. The Toronto paper points out that the taxpayers of Canada, the owners of business and homes and of the land, are footing the bill for bringing out new settlers, in the hope that the newcomers and their children will become loyal citizens. Many of these are foreigners, and it is among foreigners that the propagandists are working. It is more unfair to Canadian citizens, in the Globe's opinion, to allow these disturbers to go about unhindered than it would be to deal harshly with the trouble-makers. Either Canada will have to stop them or cease bringing in material for them to work upon.. The alternative here suggested is one that no self-respecting Government can consider. No group of agitators can be permitted to alter the immigration policy of the Dominion, or to impede its operation. The plain duty of the Government is to rid the country of a pest that should never have been allowed to grow. Why is this not done?

May I now give a last extract, which will portray to you, honourable gentlemen, the result of the propaganda carried out amongst the children? What a wealth of documents I leave aside! If you honourable gentlemen desire to be edified on this subject take up The Worker, published in broad daylight in Toronto. I defy you to look through any number of The Worker without finding an open appeal to all the Communists of this country to band together in order to overthrow by red revolution—the words are theirs—or by bloody revolution, the system which has been established in this country. But I desire to restrict my remarks to what I consider the most sinister, the most pernicious form of propa-

ganda, that which attacks the youth, or the defenceless child, whose character is in process of formation, whose heart and soul are in the hands of the teacher, and who may be made good or bad for the remainder of his life. We of the Upper House are perhaps more responsible than the House of Commons for the safeguarding of fundamental rights in this country, and the greatest of all, the right to peace. Is it not our duty to inquire into that most pernicious form of propaganda, the seditious teaching of children? Here is an extract which will no doubt open the eyes of a great many people throughout the country. The Worker of the 18th of February last says:

> Thrills are not experienced very often in the Revolutionary Movement in Vancouver, but the Audience in the Royal Theatre on Sunday, January 29, were Stirred by a Meeting Unique in the History of the Labour Movement in the Part of the Country.

If we do not see much in the way of returns yet, from some of our work, we have no reason to be sorry for the time and energy spent on the children's section of the movement. Comments from outside of the Party ranks, prove that phlegmatic workers who could listen to the arguments of Communist speakers and not turn a hair, are being affected by the work of these young comrades of ours and there is no doubt that, just as Comrade Lenin gave credit to the Pioneers for bringing adults into the Party in Russia, we will have the same experience here in Canada.

Sunday's meeting proved the contention of some of our workers among the children that they are possessed of revolutionary spirit, intellectual calibre, and have all the potentialities for leadership in the struggles of the workers in the strenuous times that are crowding the present.

Comrade Edna Wowk was the first speaker, dealing with "The Aims of the Young Pioneers." She referred briefly to the attacks made on the Communist Party from time to time and showed her audience that the Pioneers were never forgotten on those occasions. "The ruling class," she said,—

and this is only a little tot—

—"are afraid that when we grow up we will join the fighting army of the workers that is going to take their power away from them. They only make one mistake there," she continued, "we are not going to wait till we grow up. We are doing our bit right now."

What is the gospel taught in the Ukrainian schools? Father Casgrain calls it the A B C of Communism. Let me take a short extract from that catechism of murder and revolution. It is openly taught in forty schools. It is proclaimed publicly in several newspapers, distributed regularly to the number of twelve or thirteen thousand. I am now coming close to the duty of the Government, and I desire to call the attention of the honourable leader of this House to what I am about to read. It will, I think, justify me in asking the Government whether their conscience is completely at rest, and whether they think they have a right to close their eyes to the Criminal Code of this country and the law regulating immigration. Not long ago I read of a case which was from many points of view a very sad one, and which occurred in the city of Montreal. It was that of a poor starving crippled beggar who kept a school wherein he taught children petty thieving. He fared very badly when he appeared before the judge. The man had a very heavy sentence imposed upon him. I think I can show to the Government now that publicly and openly, throughout this country, Communism with all that it implies is being daily taught to thousands of children. Communism, as Lenin understands it, is the very negation of every article contained in the Criminal Code, whether for the protection of personal or of property rights. Can that be denied? What have the Communists done in Russia? There a relatively small minority have by bloody resolution and by murder seized for themselves all the property and all the rights of the immense majority. It is their doctrine that is taught in Canada. In the full gamut of crime contained in the Criminal Code can you tell me one that has been omitted in the constitution of the Red Russia of to-day. Would it be the crime of sedition? Of course, sedition is the basis of their teaching. Is it murder? Why, it is said that no man shall stop to respect any other man's life when he is accomplishing a revolution. Executions? Yes, by the score; everybody knows it. And this is taught openly to the children of Canada. I ask in all seriousness if the Department of Justice is to allow this challenge to all the provisions of the law; and I challenge anyone speaking for the Government to show me one provision of the Criminal Code protecting either person or property that is not violated, denied, controverted, in the doctrines of Bolshevism which are openly preached and taught to thousands of scholars throughout the land. If the Department of Justice is going to allow that to be done, how can we expect the law of the land to be respected?

But I go further, and ask what justification or excuse is there for the Minister of Justice to allow that teaching to go on? That is the accusation brought against the Government. I think every member of this House understands the gravity of that accusation.

Then there is the A. B. C. of Communism, the Bolshevic Catechism for children, prepared for the poor little children of the immigrants who come to this country. Here is an extract from it:

> In order to bring into being the Communist system of society the proletariat must have all

power in their hands. They cannot destroy the old order so long as they do not possess this power. In order to accomplish their task they must become the ruling class in the State. It goes without saying that the bourgeoisie will not surrender their position without a fight. For them Communism means the loss of privilege and of place, the loss of "freedom" to coin money from the blood and sweat of the workers, the loss of rent, interest and profit. The Communist revolution, therefore, will meet with the fiercest opposition from the exploiters. The task of the dominant working class, therefore, consists in the merciless suppression of this opposition. As the resistance of the exploiters will inevitably be strong, therefore the rule of the proletariat will have to be a dictatorship. In a "dictatorship" there is a strong form of government, and men must agree to a high degree of resoluteness in the work of suppressing an enemy. It is evident that in such a situation there can be no talk of "freedom" for everybody. The dictatorship of the proletariat is incompatible with the freedom of the bourgeoisie. The dictatorship is, in fact, necessary to deprive the bourgeoisie of their freedom, to chain them hand and foot in order to make it absolutely impossible for them to fight the revolutionary proletariat. The more stubborn the resistance of the bourgeoisie is, the more desperately they muster their strength, the more dangerous they become; the harsher and more bitter must be the proletarian dictatorship, which in an extreme case dare not cease, till the terror is overcome. Only after the complete overthrow of the exploiters and the crushing of their resistance; when it is no longer possible for them to injure the working class; only then will the dictatorship of the proletariat become milder. The bourgeoisie will gradually be merged in the proletariat, the workers' State will gradually die away, and society will become a Communist society in which there will be no class divisions.

The dictatorship of the proletariat is an axe in the hands of the workers. He who is against the dictatorship, who shrinks from resolute action, who hesitates to attack the bourgeoisie such a one is no revolutionary. When the bourgeoisie are completly subdued the dictatorship will be no longer necessary. As long as the struggle is a life-and-death one it is the sacred duty of the working class to exert all their power to compass the overthrow of their enemies. In the transition from capitalism to communism there must be a period of proletarian dictatorship.

There is another extract taken from it which I will not read, but file in Hansard. It is as follows:

The Communist Revolution can triumph only as a world revolution. If, for example, the working class seized the power in any one country, while the proletariat of other countries still supported Capitalism, not from fear, but from conviction, the great predatory States would ultimately strangle the proletarian one. In the years 1917, 1918 and 1919 all the Powers sought to overthrow Soviet Russia; in 1919 they throttled Soviet Hungary. They were not able, however, to strangle Soviet Russia, because internal conditions in their own countries were such that they feared they would be overthrown by their own workers, who demanded the withdrawal of the armies from Russia. The existence of the proletarian dictatorship is in constant danger if the workers of other countries do not rally to its support. Moreover, in the country in which the proletariat have realized their dictatorship the work of economic construction is rendered very difficult. Such a country can import nothing or next to nothing from abroad. It is blockaded on all sides.

Do not forget, honourable gentlemen, that all this propaganda is spoon-fed from Russia, paid for by Russian roubles. Why? Because Lenin and all his followers have always held that the Red Revolution in Russia can only be maintained if that system prevails in other countries. There is an article of the A.B.C. of Communism that preaches that doctrine openly.

Now, honourable gentlemen, may I compare the attitude adopted by the Government of this country with that taken by the British Government? During the last Session in 1927 the British House of Commons adopted by a very large majority—not less than 128, if my memory serves me right—a Bill to deal with seditious and blasphemous teaching to children. What was the purpose of the law? It was to deal summarily with the teachers of Communism. To what extent were the schools of England contaminated at the time? May I read an extract from the British Hansard? Sir W. Joynson-Hicks said:

The Communists are now trying, instead of having Communist Sunday schools, to form sections or little tiny branches composed of children who are formed, wherever they can be got together, into groups. If they can get together half-a-dozen children, they start a group, and that group will be imbued by their teachers—I do not mean public teachers, but teachers of Communism—with the methods and ideas of revolutionary Communism. In March, 1926, there were 17 of these sections, with 300 members, and 23 school groups. I am glad to say for the credit of this country that they are not increasing very much. At the beginning of this year there were 26 sections consisting of 716 members, 39 school groups, and seven school papers.

But in Great Britain the child is always in contact with the people of his home. He is in the midst of his own community, where he can be improved very often by contact with other children, and where conditions are more favourable than in this land; yet the Government of that country thought it wise to pass a law to restrain seditious teaching to 716 children. Yet in this far-flung land of Canada, where practically half the population in the West is of foreign origin, where we have a bloc of no less than 115,000 Ukranians alone—people practically inaccessible to us on account of their language—the Government allows no less than 40 such schools to be operated, and no less than 2,000 children to be openly taught Communism.

Under these circumstances, I ask is it necessary for the Government to pass legislation for the purpose of expediting the condemnation and punishment of those Communistic teachers? Thank goodness, we have kept in our statutes, two laws that can now be brought into play for our protection. Last year, when the Government in a generous mood of disarmament wanted to lay down all the weapons which enable them to act severely and swiftly with offenders of this kind, honourable gentlemen will remember that this House said no. By a very decisive vote this House said to the Government: "These provisions are necessary, and you may be called upon to apply them at any time." Am I not right now in asking the Government why they do not apply them? No more expedient system could be devised in our legislation to free the community from the danger of this propaganda. Why, a slight indiscretion enables the Department of Immigration to pass an immediate sentence of deportation. There is under such process no possible agitation, no great advertisement for those preachers and teachers. No; they are summarily judged, and expelled from this land, which they speak of as hell, to their own land, which they seem to regret so much.

Why has the Government sat still? Why is the Government not moving? Is the Government not informed that propaganda of seditious teaching is going on too openly. No, the Government is well informed.

Why, then, does not the Government act? May I call the attention of this House to an additional reason why we should claim protection from the Government in connection with this movement? Honourable gentlemen will remember that, a few years ago, Russia made supreme effort to consummate a trade agreement with the United States. Krassin was sent there, but he pleaded in vain, and when he left he made a promise of which the head of the International Trade Union organization, Mr. Samuel Gompers, took a note, which I find in a very admirable book written by him on Communism in the United States. His book is entitled, "Out of their Own Mouths", and I read from page 224 the following extract:

The danger that the pro-Soviet agitation may be revived is not past. Krassin has boldly stated that the British trade agreement was obtained not by any fundamental concessions of communism to capitalism but by propaganda, and he plans to station himself now in Canada, whence he says he hopes to return "via New York". Provided only he will come "as an individual" certain Senators say he will be welcome. But he can operate quite effectively from Canada.

Now for the last reason. I know there may be political reasons, why a government at the head of a democracy, should be impelled not only by a sense of duty, but also by a very natural sense of self-preservation. There are certain strong currents of opinion that the Government does not like to cross, and no doubt in this case, the Government does not want to place itself resolutely against Communism in this country. I am afraid that is the reason. What other reason can there be? Common sense ought to tell us. Not one of the Ministers can be charged with holding any such subversive ideas. They are all thoroughly respectable gentlemen, imbued with perfect sentiments—moral, though perhaps not political. But they entertain none of those sentiments, and they have no interest to protect such people except that the Red wing of the electorate will mass their forces and attack the Government, for any energetic measures to check their propaganda in this country. If necessary, to give courage to the Government, I may tell them that very respectable papers are urging action. There is an excellent article in the Montreal Gazette of June 9, 1927, as follows:

Waiting for the Government

If the propaganda directed from Soviet House, in London, was dangerous—so dangerous as to warrant an international rupture—what is to be said of the movement which the propaganda has set on foot in Canada, and what is to be done about it? The public know of nothing that has yet been done by the Government to counteract the poison that has already been set in circulation, but the public expect that something will be done if the good faith of the Government is to be demonstrated. Public opinion is becoming aroused in this matter, and the request made by the Catholic Women's League is one which every right-thinking Canadian is ready to support. Ministerial inaction cannot, in the circumstances, be explained or justified on the plea that evidence is lacking. It would be absurd to suppose that the conditions described by Abbe Casgrain are unknown to the Government and have not been known to the Government for many months. The termination of the Soviet trade treaty is a beginning but it cannot be regarded the end.

Lest the Gazette should be considered politically biassed in the present instance, I will put upon record an article from Le Canada, the sacred organ of the Liberal party in the Province of Quebec. Listen to what it says in its issue of June 9, 1927:

We must admit that we have, unhappily, our small contingent of Communists and Bolshevists, but have we not learnt, by documents seized in London, that the head-quarters of their activities are to be found in the Queen City?

We have no intention of blaming the City of Toronto for this; we only wish to state an existing fact. Besides, it is of secondary importance that such revolutionary schools should

exist in this place or in another. The point that matters is that they do exist and that steps are not taken to close them; that professors teach their sinister theories and that they are not thrown out of the country.

Education is a sacred thing that governments may, and have reason to help to the utmost, but in which it is defficult for them to meddle directly, without risking to replace the proper authorities. However, when governments are faced with an organization that teaches social destruction, abolishment of religion, defiance of authority, and, in short, with a body capable of placing the destiny of the country in jeopardy, it is their duty to intervene and suppress the evil, as it is their duty, when faced with any calamity, to take rigorous means to prevent it.

We are convinced that up to now, no government in this country, either federal, provincial, or municipal sees with favor the Bolshevist intrigue. It is passing strange that the doings of so-called dreamers should have been ignored, but how can they be tolerated any longer when their efforts are directed towards children, towards those who will be the Canadian citizens of to-morrow. However desirous we are of making this a prosperous country, we shall never reach our goal by sowing the seeds of destruction and revolution.

Should this unfortunate state of things be attributed to immigration. We think not. It seems to have had a very different cause. But why bring in good immigrants if a concerted effort for their perversion is to be pursued in Canada. These propagandists of such criminal theories must disappear at any cost, and without hesitation we hold that the first to go must be the Bolshevist teachers who endeavor to create here the chaos now existing in Russia. To expel them from this country is perhaps a radical means, but it would be at all events the quickest and the surest.

I also wish to quote La Presse of June 9, 1927:

"I have found that a great number of children belonging to families coming from foreign countries, and who have abandoned the Catholic faith, are openly taught the Bolshevik doctrines by Russian teachers. There are about forty such schools attended by about 2,000 pupils, and their number is ever increasing.

"It is high time to denounce the infamous teachings of these communistic schools. Last year, I translated, myself, the official schoolbook prepared for the use of the teachers and the propagandists. Its title is: 'A.B.C. of the Communism' and is published in the Ukrainian language; it is on sale in Montreal.

"It begins by stating that religion is an opiate, intended to chloroform the people, that no true Communist can be a Christian, but must necessarily be an atheist, for the simple reason that the principles of Communism are diametrically opposed to Christianity. It then proceeds to advocate the overthrow of our present form of government, substituting in its place the Soviet regime with a proletariat dictatorship. The A.B.C. admits that such a revolutionary change in our social system could not be effected without violence."

We are of the opinion, with Abbé Casgrain, that it is high time to put our house in order, by sweeping out mercilessly these communistic agents who, like spiders are spreading their webs to bind youth to cause and to insure accomplices to their revolutionary work.

Everything has not been told on this subject, and if we take the trouble of gathering information, we would discover that this Sovietic propaganda has made dupes elsewhere than among the Ukrainian youth.

Happily, up to now, our working population has escaped, in general, from this contagion, but it is not our duty, and especially the duty of the government to protect it against this propaganda by expelling from the country these detestable trouble-makers, mischievous agents of a régime which, having ruined Russia, aspires to pursue its diabolic work in our peace-loving Canada, to sow the seeds of social, religious. economical destruction, which we are fully aware has brought forth a lamentable harvest in Russia.

The matter is a simple one, we need but bar the doors of the country against these Communistic trouble-makers and to expel those who, by hook or by crook, have found their way here.

Our immigration laws, strictly applied, provide all necessary weapons for the protection of the community.

It cannot be denied that La Presse is a paper with very marked Liberal leanings, and its advice is just as clear, and its warning just as certain as that of the Gazette.

Now, honourable gentlemen, I thank you for your kind forbearance. In closing may I simply ask: What will become of this discussion? We now have evidence undeniable, I think, that the law of the land is being violated, and that the consequences of that violation are very far-reaching. We also have evidence, and it cannot be denied, that the Government is informed of this situation and does not act. We have evidence that as far back as January, 1927, the Government was notified of what was going on by no less a person than a Catholic bishop; that six months later another gentleman, whom I know the Government consider worthy of the greatest possible respect, gave the same warning and entered into a full revelation of the conspiracy being carried on throughout the land; then the Catholic Woman's League, representing a very large and respectable body of opinion in the land, communicated directly with the Government, advising them again of what was going on. But they went further; they requested action. That was eight months ago, and what has been done? If something has been done, are not we in this House entitled to know what it is; and if nothing has been done, why not?

The first attempt of the Soviet Government outside of the boundaries of its own country, was made in Canada. We all know how anxious we were at the time, and what a strenuous fight the citizens of Winnipeg

had to re-establish and maintain order within their city. We have a much larger number of immigrants in this country to-day than we had at that time; and since then we have had four years of Communistic education. Is the Government going to act?—for I fear nothing has been done up to now—Is it going to tell this House that it will enforce the law and suppress this propaganda which is creating a solid army of enemies ready to be thrown on the side of trouble whenever the opportunity occurs?

Hon. W. A. GRIESBACH: Honourable gentlemen I have just one or two observations to add to what the honourable gentleman has said. Nothing that he has said is novel or new to me and with all the facts he has given I am in agreement. I must, however, draw his attention again, as I did last year, to the wrongful or interchangeable use of the words "Socialist" and "Communist". The Socialists and the Communists are two distinct tribes of people: The Socialist is a man who believes in the common ownership of things used commonly, and that such a condition can be brought about by constitutional means. The Socialists are, if you like, a political party. The Communists, on the other hand believe the same thing, but they believe that such a condition can be attained only by force. That is a fundamental difference.

My honourable friend also used interchangeably I think the words "Labour" and "Communism" and "Socialism". He will correct me in that if I am wrong. That is to be objected to for many reasons, the principal one being that it is not so; it is not true. We have in Canada a Labour Party, and outside of that we have a large body of people who are known as Labour people. We have also the Socialist Party and the Communist party. Now, it is true that the Communist party works largely amongst Socialists and Labour people, and I know many Socialists who have complained bitterly about the inroads the Communists have made in their party. A very prominent Socialist in Edmonton has told me that his party is badly wrecked as a result of the efforts of the Communist Party. Consequently the terms "Socialist" and Communist" should not be used interchangeably: the Socialist is one sort of man and the Communist another.

Hon. Mr. CASGRAIN: Which is worse?

Hon. Mr. GRIESBACH: The Communist is a man who advocates the triumph of his views by force, and any man who asks the question as to which is worse is lacking in intelligence. I do not know who it was.

Hon. Mr. CASGRAIN: It was I.

Hon. Mr. GRIESBACH: Common fairness requires that we should recognize that the Labour people and the Labour Party look upon the Communists as their greatest enemy. We know that is so in England, because there the Labour Party have expelled the Communists from their membership. Here in this country there are many splendid men, leaders of the Labour movement, whose energies are almost entirely absorbed in fighting this menace. Therefore, in this House, where we have time to think, and to discuss, and to come to more or less sound conclusions, do not let us make any mistake on this point, because the sound element of the Labour Party are entitled to all the sympathy and support we can give them in this struggle. They stand in the very front line of the battle, dealing with these people hand to hand, while we stand by and look on.

My second point is very easy. As I said, nothing the honourable gentleman (Hon. Mr. Beaubien) has said is new or novel to me, for I have made some study of this question. It is the duty of the Royal Canadian Mounted Police to know about this movement, and they do know about it. They know all that the honourable gentleman has mentioned, and much more; and all that they know has been put before the Government of this country day in and day out, week in and week out, month in and month out; and the Government knows all that the honourable gentleman knows, and a good deal more besides.

Now, the responsibility for action is upon them. They have the knowledge, and it is a question of policy how they shall act, and it is the do-nothing policy which the Government has to defend here in the face of this information.

Hon. Mr. ROBERTSON: Honourable gentlemen, this is a subject of more than passing importance. I have listened with very deep interest to my honourable friend who made the inquiry (Hon. Mr. Beaubien), and also to my honourable friend from Edmonton (Hon. Mr. Griesbach), and as there are a few things which may well be said upon the question, with the consent of the House I would move the adjournment of the debate until to-morrow.

Hon. Mr. DANDURAND: Honourable gentlemen, I have no objection to the debate being adjourned, but I dislike an indictment, so wide in its scope, going to the country without some answer, short though it may be, from the Government benches. I may say that the Government, as my honourable

friend from Edmonton has said, is fully aware of what is going on throughout the land. The Provincial authorities that have the administration of the law and the responsibility of maintaining order in the various Provinces also know what is going on. The reports of the Mounted Police are at the disposal of the Attorney Generals of each Province.

I do not see the situation in such a dark light as that of my honourable friend's dramatic imagination. I know that in the city of Montreal, with a million of population, there is no tremor and no fear. My honourable friend who has made the indictment lives in Montreal, and strange to say the whole fabric of his argument is woven from what takes place in Winnipeg or in Toronto. I am surprised at the implied criticism of the members from Manitoba who, seeing the evil in their midst, did not raise their voices, but left it to the honourable gentleman from Montreal (Hon. Mr. Beaubien). We in that metropolis are immune from such propaganda. The Provincial authorities of that Province keep their eye on the maintenance of order, and the Federal authorities and the Royal Canadian Mounted Police have a general view of what is going on throughout Canada. It is difficult for the Federal Government to impose deportation except in very special cases. But I want to state here, and I think I will have the support of the Department of Justice, that the Federal Government is not remiss in its duty to the population of this country in watching the immigrants that come in and what they are doing throughout the land.

Hon. Mr. McMEANS: I would like to ask the honourable gentleman if he thinks it is the duty of the provincial Governments to enforce the Deportation Act.

Hon. Mr. DANDURAND: No, I do not say that.

Hon. Mr. McMEANS: You said the same thing.

Hon. Mr. DANDURAND: No, I did not say that.

Hon. Mr. McMEANS: I would like to point out that for three successive sessions the Government of this country brought down, and piloted through the House of Commons, a Bill which was introduced by the Leader of this House, the effect of which would have been to prevent us deporting anybody from this country unless they first committed a crime. I take it that it is the duty of the Dominion Government to deport any person whose object is to overthrow the Government by force, and I do not see how by any argument my honourable friend can get around that very stubborn fact.

Hon. Mr. DANDURAND: My honourable friend has first to make his case. All I have is his lip declaration that certain persons who should be deported have not been deported. He has not named them.

Hon. Mr. McMEANS: That is the old argument you used last year—that he must first commit a crime. But if you have the reports of the Mounted Police, and the knowledge you claim to have, and if you know that these people have for their object the overthrow of the Government by force, then I say it is the duty of the Government to deport them.

Hon. Mr. DANDURAND: But my honourable friend must establish that the Government has been remiss in its duty in a certain particular case.

Hon. Mr. McMEANS: Haven't you got the knowledge yourself?

Hon. Mr. DANDURAND: I have yet to hear the accusation.

Hon. Mr. ROBERTSON: May I inquire whether or not His Honour the Speaker recognized my right to adjourn the debate?

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

JUDGES AS COMMISSIONERS OR ARBITRATORS

INQUIRY

Hon. Mr. McMEANS rose in accordance with the following notice:

That he will call the attention of the Government to a decision of the Court of Appeal in the Province of Manitoba to the effect that section 37, chapter 105, of the Revised Statutes of Canada, 1927, which reads in part as follows:

"Unless nominated by the Governor in Council no judge mentioned in this Act shall act as commissioner or arbitrator on any commission or inquiry."

is directory only and not mandatory, and will inquire from the Government if it is their intention to insist on the observance of the provisions of said section.

He said: Honourable gentlemen, in making this inquiry I would like to state at the outset that there is not on my part the slightest intention to criticize the judges of Canada, but I do desire to bring to the attention of the Government the construction which has been put upon a certain clause in the Judges Act, which was passed, I think, about the year 1921. You will all remember that at that time the judges of Canada had their

salaries increased, and there was inserted in the Act a clause to provide that they should not act in any way as arbitrators.

Hon. W. B. ROSS: On commissions or inquiries.

Hon. Mr. McMEANS: The purpose of the Act as passed at that time was chiefly to sustain the independence of the judiciary. There was then, I believe, a certain amount of criticism because judges had been appointed to act on political or other commissions, and Parliament considered that the passing of an amendment prohibiting the judges from sitting as arbitrators or on any commissions would go far towards establishing the independence of the Bench.

A decision has recently been given by the Court of Appeal in Manitoba that the provision in question is not in any way binding upon the judges. There were six judges who gave this decision; one of them was the trial judge, and the other five sat in appeal. I desire to say now that I do not for a moment attempt to criticize the late Chief Justice of the province of Manitoba, who sat as an arbitrator, because under the circumstances under which he did sit he would be, in my opinion, perfectly justified. He was requested by the City of Winnipeg and by the defendant Cross to act as an arbitrator with regard to a piece of property which the City had appropriated. Although the City had requested him so to act, when they found that the award had gone against them, they appealed from it on the ground that the judge was prohibited by this particular section from acting. The judge to whom the appeal was made held that this was not binding upon the judges. That decision was appealed to the Court of Appeal, and the five judges, I think, all gave judgment. One held that it was ultra vires; another held that it was only directory, and another that it was not binding upon the judges at all. There was one judge, I believe, who gave a dissenting judgment, holding that the section was binding.

Hon. Mr. DANDURAND: What was the date of that judgment?

Hon. Mr. McMEANS: It was reported in December last.

What I desired to point out to the Government was this, that if some of the judges hold that a clause of this kind is binding and others hold that it is not binding, some will consider themselves perfectly free to act as arbitrators and to sit on commissions, while others will feel inclined to follow the Act and will be bound by it. In order to put all the judges on an absolutely equal footing it is part of the duty of the Government either to repeal this clause in its entirety or to redraft it in such a way that it can be enforced.

In mentioning this matter I have no desire to discuss the judgment. On legal grounds it may be unassailable. But I would ask the Government to consider the question whether the clause should not be repealed or whether, if it is not repealed, it should not be redrafted so as to be made binding on all the judges in Canada, instead of being binding on some and not on others. If I may say so, I think that the present would be a very good time to settle this point, for I understand that there is a movement on foot to increase the salaries of the judges.

Hon. Mr. DANDURAND: I desire to answer my honourable friend—

Hon. W. B. ROSS: I wished to move the adjournment of this debate. It is late, and this is a rather important question. It might be worth while reviewing the legislation. If it meets with the views of the House, I will move the adjournment of the debate.

On motion of Hon. Mr. Ross the debate was adjourned.

DIVORCE BILLS

FIRST READINGS

Hon. Mr. WILLOUGHBY, Chairman of the Committee on Divorce, presented the following Bills, which were severally read the first time:

Bill R4, an Act for the relief of Katie Abramovitch.

Bill F4, an Act for the relief of Daisy Myrtle McPherson.

SOLDIER SETTLEMENT

MOTION FOR RETURN

Hon. Mr. GILLIS moved:

That an order of the House do issue for a return to include the following

1. Copies of regulations made by the Governor in Council under Chapter 68 of the Dominion Statutes of 1926-27, "An Act to amend the Soldier Settlement Act, 1919."
2. The number of applications for revaluations under the said Act.
3. The number of cases in which depreciation in value of lands, or lands and improvements, were determined and allowed.
4. The number of settlers reinstated under subsection (J) of the Act.
5. The total sum of depreciation determined and allowed.
6. (a) The number of applications refused, and (b) the number of applications pending and undisposed of.
7. The number of appeals under the Act.
8. (a) The number of persons employed in the work of revaluation, and (b) the total

amount paid and to be paid to each one (1) for salary or wages, and (2) for expenses and other allowances.

He said: Honourable gentlemen, this Act has been in force for nearly a year, and we have no information as to what progress has been made with regard to the adjustment of those claims. I trust that the motion which I have placed on the Order Paper will obtain the desired information.

The motion was agreed to.

DIVORCE BILLS

THIRD READINGS

On motion of Hon. Mr. Willoughby, Chairman of the Committee on Divorce, the following Bills were severally read the third time and passed:

Bill E4, an Act for the relief of Sydney Franklin Lankin.

Bill F4, an Act for the relief of William James Hall.

Bill G4, an Act for the relief of George Rubin Sanderowich, otherwise known as Rubin Sanders.

SECOND READINGS

On motion of Hon. Mr. Willoughby, Chairman of the Committee on Divorce, the following Bills were severally read the second time:

Bill H4, an Act for the relief of Kathleen Elizabeth Hedges.

Bill I4, an Act for the relief of Lotus Henderson Conover.

Bill J4, an Act for the relief of Marguerite Trelawney Buller Allan.

Bill L4, an Act for the relief of Alexander Graham.

Bill M4, an Act for the relief of William Henry Philipps.

Bill N4, an Act for the relief of Marjory Elgin Burch.

Bill O4, an Act for the relief of Frances Helen Renison.

PRIVATE BILLS

SECOND READINGS

Bill P4, an Act to incorporate The Canadian Commerce Insurance Company.—Hon. Mr. Prowse.

Bill Q4, an Act respecting The Sisters of Charity of the North West Territories.—Hon. Mr. Beaubien.

Bill 15, an Act respecting certain Patent Application of William H. Millspaugh.—Hon. Mr. Haydon.

Bill 16, an Act respecting certain Patent applications owned by The British Steel Piling Company Limited.—Hon. Mr. Haydon.

Hon. Mr. GILLIS.

SENATE READING ROOM

REPORT OF INTERNAL ECONOMY COMMITTEE

On the Order:

Consideration of the fourth report of the Standing Committee on Internal Economy and Contingent Accounts.—Hon. Mr. Daniel.

Hon. Mr. DANDURAND: Would the Chairman of the Committee please explain the change in the organization of the Senate Reading Room which is outlined in this report in the words:

The Committee recommend that the plan of organization of the Senate staff be amended by striking out position reference Number 25, and substituting the following therefor:
"25. Curator Reading Room."

Hon. Mr. DANIEL: It was considered by the Committee proper to do that, for the purpose, really, of increasing the salary of Mr. Perkins, who is now the Assistant Curator. It had been before the Committee, and I think also before the Senate, on a recommendation to the same effect; but the Civil Service Commission said they had no power to do anything as long as he was under the classification of Assistant or Joint Curator; so the word "joint" is taken out of the denomination of the present Assistant Curator, and he comes in as Curator, the same as Mr. Bérubé, the present one. That is the intention.

The report was concurred in.

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

THE SENATE

Wednesday, March 28, 1928.

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

Prayers and routine proceedings.

DIVORCE BILLS

FIRST READINGS

Hon. Mr. WILLOUGHBY, Chairman of the Committee on Divorce, presented the following Bills, which were severally read the first time:

Bill T4, an Act for the relief of Claire Ellen Burke.

Bill U4, an Act for the relief of George Edgar Gooderham.

THIRD READINGS

On motion of Hon. Mr. Willoughby, Chairman of the Committee on Divorce, the following Bills were severally read the third time, and passed:

Bill H4, an Act for the relief of Kathleen Elizabeth Hedges.

Bill I4, an Act for the relief of Lotus Henderson Conover.

Bill J4, an Act for the relief of Marguerite Trelawney Buller Allan.

Bill L4, an Act for the relief of Alexander Graham.

Bill M4, an Act for the relief of William Henry Philipps.

Bill N4, an Act for the relief of Marjory Elgin Burch.

Bill O4, an Act for the relief of Frances Helen Renison.

ST. LAWRENCE WATERWAYS PROJECT

DEBATE CONTINUED

The Senate resumed from March 21 the adjourned debate on the inquiry of Hon. Mr. Reid:

That he will call the attention of the Senate to the St. Lawrence waterways project, and inquire if it is the intention of the Government to lay on the Table of the Senate the report of the Advisory Committee on the proposed scheme.

Hon. GEORGE LYNCH-STAUNTON: Honourable gentlemen, we have the sovereign right to navigate the inland waters of Canada from their source to their outlet, from Port Arthur to Belle Isle, and from thence out into the waters of the Atlantic ocean. For such a right through the Dardanelles the Russian Empire fought and schemed during all its existence. So important, so great is the value of this right to every nation. Men may come and men may go, but the St. Lawrence river goes on forever; and I trust that so long as water runs and wind blows our descendants will continue to be the lords of the North and will have a free and uninterrupted right, stopped by no man and obstructed by no nation, to navigate that mighty river for the advantage of our country and the benefit of our people.

I listened the other day with great interest to the speech delivered by the right honourable member for Brockville (Right Hon. Mr. Graham) in which he spoke of his experience as a minister of the Crown and as chairman of one of the boards of inquiry in relation to this subject. He had realized the enormous importance of this question, which the Canadian Parliament may at no remote period be called upon to decide, and his knowledge influenced him so much that from his seat in this House, addressing the Government and the people of Canada, he entreated that we should not rush in where angels fear to tread unless and until the people of this country have had every opportunity to express their opinion and to acquaint Parliament with what should be done. In this case there is to be considered not only the question of whether or not we shall endanger the freedom of travel to this country, or whether or not we shall make Canada a pent-up Utica, but there is the further subject with regard to power. The power concessions of this country are great principalities which bear in their bosom a never-ending stream of wealth beyond the dreams of avarice, and they are perhaps the most important material property which this country possesses. Forests disappear before the axe, mines give up their wealth and are useless; but power goes on as long as the river lasts, as long as the world continues.

I am uttering these remarks for the purpose of asking you to give your most serious attention to these two questions which to my mind, transcend all questions on which the Canadian people have been asked to pass. In order that I may make clear the suggestion I am about to submit, I consider it important to draw the attention of the Senate to the exact position in law, domestic and international, of the two Governments which will probably be asked to make a convention, sometimes improperly called a treaty, regarding these two subjects.

The governments of the United States and Canada are very much alike on some points in regard to this question, but very dissimilar from the British and French Governments. The United States Government has no property rights whatever in the territory of the United States except in the District of Columbia, and in regard to such property as it has acquired. The Canadian Government has no property rights in any of the lands or waters of Canada excepting those it purchases, or has acquired under the British North America Act. The various States of the American Union own all the property of the State which has not been alienated; it is vested in the people of the State. So all the property in Ontario or any other province is vested in the Crown in right of the province.

A few years ago, in the interest of the Ontario Government, I gave this subject very careful consideration; I spent a long time in searching out the law; and I gave an opinion to the late Hon. Mr. Cochrane in which I stated that all the flowing water in the province belonged to the Province of Ontario: it was a natural resource, and any property that existed in that water must, under the exact and precise statement in the British North America Act, belong to the Province; that the Dominion Government had no power or authority over the water of Ontario; that it had no right, without the consent of the Prov-

ince, to take it for the purpose of constructing canals or developing powers, excepting in so far as it was necessary to take it for keeping up those canals which existed before Confederation. I gave it as my deliberate opinion, in so far as the Welland Canal was concerned, that the taking of water by the Dominion from Lake Erie for that canal was, in the eye of the law, what we in our province call conversion—improper conversion—and, if the province insisted, it should be paid for it.

By my advice an Act was passed declaring that any Crown grant theretofore or thereafter made, of lands running to the edge of a river, lake or stream, stopped at its borders, unless the grant specifically named the bed or centre of the stream. The Kenora case had decided that it went to the centre of the stream. By this Act the Ontario Government stopped any Court from hereafter deciding that that was the law. That was a very important piece of legislation for the Province of Ontario.

As soon as we had all this done, the Ontario Government made a claim on the Dominion, to pay to it the money which the Dominion Government had received for the sale of water to the various water power companies in Ontario; and under instructions I prepared and submitted to the Government an argument supporting that claim. The Department of Justice considered my argument, and after a month or so admitted that our contention was right in its entirety. We then proposed to make an agreement as to how much should be paid by the Dominion for the water taken into the canals. We agreed that it would be ridiculous to ask the Dominion to pay for water for canals—although it was conceded we were entitled to it—because that water was for the development of the country, and it was most unreasonable, when the Dominion was to develop our province, that we should put it to such unnecessary and improper expense as we thought that would be. It was then further agreed that the Dominion should pay the province half of the charges which it had received, or would hereafter receive, for water sold to the water companies.

Hon. Mr. CASGRAIN: To renters.

Hon. Mr. LYNCH-STAUNTON: To power companies. The arrangement was all made; the agreement was drawn up; but we never succeeded in getting it through Council, and it has lain there in that condition since.

When I saw that the Dominion Government intended to submit to the Supreme Court the question as to the ownership of those waters, I was reminded of the picture in Punch some years ago, which depicted an old lawyer with a silk gown and a wig walking down the street marked "Chancery Lane", and a street urchin coming up to him and saying, "Mister, be this Chancery Lane?" The lawyer replied, "Yes." The urchin said, "I know it." "Well, why did you ask me?" said the lawyer, and the urchin replied, "I wanted Counsel's opinion on it." Now, it is just as plain, under the decisions of the Privy Council, and as admitted by the Department of Justice, what is the title of the old provinces to these waters. I therefore wonder why it was necessary to have this same question thrashed out again, after it had been decided in the British Columbia Railway Belt case, and in the case of the Fisheries.

My reason for drawing your attention to this condition of the law is that no matter what treaty or convention the Dominion of Canada and the United States may make, the United States will not be able to enforce it, if there is any breach; it will not be worth anything for the protection of our rights in the waters of the St. Lawrence in so far as power is concerned. We have an actual example of this in the Chicago case. The city of Chicago obtained a permit from the United States Government to divert water from Lake Michigan into the Illinois River for sanitary purposes; that is to say, to make sewers and carry out the refuse of Chicago. As years went on they took more and more water, until they had taken about 8,000 cubic feet per second. Then the United States Government, being convinced that this interfered with navigation, brought an action to restrain them. That Government could not do anything but bring an action for they are not like the British Government, which is omnipotent; they are bound by their constitution, and are cribbed, cabined and confined by their Supreme Court and the Chicago Judge reserved judgment for nine years. The government succeeded, but relented, and increased the allowance to 8,000 second feet, basing its action on the claim that Chicago was interfering with navigation, over which the United States Government has absolute control. But unless the United States had been able to prove interference with navigation, they could

not have succeeded in their action, because they have no property rights and no legislative jurisdiction over property and civil rights in the Union, and no right or authority to make a contract on behalf of the State, or the inhabitants of the State, with regard to property and civil rights, which would be binding on those people.

Now, in England, we have a lawless constitution; the Government can do as it chooses, and Parliament can do as it chooses, but the United States Congress cannot do so. Parliament can pass a law for anything which is humanly possible to be done, but the United States cannot.

Now, let me draw attention to this. The scheme recommended is to canalize the St. Lawrence River from Prescott down to Lake St. Francis. That canalization as it at present exists, and the navigation, are on the Canadian side for all that distance, about fifty-four miles. It is proposed to change forever that course of navigation between Prescott and Lake St. Francis from Canada into the United States, and to run the Canal down through the State of New York to Lake St. Francis. But what man can tell what complications may arise in the future? Why is it that all nations want the freedom of the seas? Why is it that Russia wanted to come out through the Dardanelles, unrestricted by any conditions set by the Turkish Empire? Because one never knows what may arise. This country is not always going to be an infant. This country is going to be an enormous country, perhaps producing on the north shore of the St. Lawrence a nation as great and powerful as that to the south; and the time may come when we may need for our own people and our own trade and commerce the whole passage-way that is made by canalizing. The time may come when we may be such a rival to the United States in the trade and commerce of the world that it will be her vital interest to stop us wherever she can. Heaven only knows what the future holds for both of these countries; and is it not a matter of prudence, common sense and good judgment, to suggest that we hold what we have, and not allow ourselves to be lorded over in any part of this Dominion by any foreign nation?

I do not propose Cassandra like to prophesy what may happen, but I do say that no man, when he looks over the history of the world, needs any experience to know that what we should do for Canada is to keep the navigation of the St. Lawrence in our own territory so far as in us lies.

I do not question for a moment the good faith of the United States. It behooves this Government to walk circumspectly. I hope and trust that no Canadian Government will ever make a bargain with the United States without first submitting to the parliament of this country and to the fierce light that beats upon a throne—public opinion—all the terms and conditions, because there is no statesman so wise that he can see every trap and every pitfall, and there are no people so stupid that they cannot make wise and prudent suggestions. I trust that the Government, when it brings the proposition down, will announce to the Parliament of Canada that it is not a Government measure, on which the Government will stand or fall, but it will leave Parliament free to vote according to the dictates of their conscience and as in their judgment they deem proper for the welfare of this country, so that the question may not embarrass the Government or Parliament, and it may be possible to centre upon it the collective wisdom of the Canadian people and they may take the responsibility of deciding their future for themselves.

I was about to say that I have no reason to doubt, and do not doubt, the good faith of the American Government, and I have no experience which shows that that Government has ever done anything which is not honourable. It has stood for itself and its own country, it has asked for the last penny, but, so far as I know, it has never gone beyond what is right and honourable. But my fear of any arrangement being made is this. I have pointed out to you, honourable gentlemen, that the property in the river and in the land is not vested in that Government. It is proposed to develop power, for example, at Barnhardt's Island. The whole of that island is in the United States. I am told that the American shore, the water between the American shore and the island, the land beneath that water, and Barnhardt Island itself, are owned by a private corporation, the Aluminum Company, and the Canadian shore is owned by the St. Lawrence Power Company, who hold all the riparian rights, the water and the land under the water being the only properties owned by Ontario, and that neither the United States Government, nor the Canadian Government, nor the state of New York, have any property rights whatever. That being so, this canal must be built and this development made—of course, in proper form—by private citizens. Now we will imagine that the dam is in existence, all the power is developed on the American side, and the

company has promised that it will take only 1,000,000 horse-power and will live up to the treaty which the United States has made with Canada. Well, suppose that it does not do so. Chicago went beyond the limit. Suppose it develops a million and a half. Who is to stop it? It owns the water, it owns the land, it owns the dam. The United States has no jurisdiction, for it has admitted that the building of the dam will not injuriously affect navigation. "Ah, but," it is pointed out, "it may affect navigation at Montreal." Montreal is not within the United States, and, please God, it will not be. Interference with navigation in the foreign country does not give the United States Government any authority in the premises; it is only interference with navigation in United States waters that creates its jurisdiction or justifies its intervention. If the company develops that excess quantity of power who can restrain it? If the United States refers the matter to the court, a New York judge will reserve judgment as long as he chooses. Remember, restraint is a mighty serious thing to New York. New York wants the power. New York's industries are thirsting for it, and if they get it the case will be like that of Chicago. Oh, no; no patriotic American court will ever give judgment. And what can we do? With tears, somewhat like those of the crocodile, the representative of the United States may say: "I am sorry—I am really, truly sorry, but what can I or Congress do about it? We can urge them not to take the power, and there we must stop." That is the fact under the law.

The United States Government had a case in which they should have interfered. Diversion of the water at Chicago is not in violation of any treay, because they were clever enough to leave Lake Michigan out of the picture. The diversion at Chicago, in so far as it affects navigation in Canada, is a violation of common law, or rather international law. The domestic law of every civilized country, I think, is that every man shall use his property so as not to injure his neighbour. If I have a lot it has the natural lateral support of your lot adjoining. You may not dig down straight beside me and cause the soil of my lot to fall into yours, without paying me damages, because if you wish to develop your property you must prop mine up, or you must develop yours so as not to cause mine to cave in. There is the effect of that maxim of our law. The same obtains in international law. The world over, it is the law that in boundary waters or in boundary territory each nation shall use its territory or its waters so as not to injure its neighbour. There was a direct violation of that international obligation when Chicago took the water from the river to the prejudice and injury of Canadian navigation. But the United States has done nothing. Can it do anything more than go to law? It is not like the British Parliament, omnipotent. Surely men can learn from experience. Surely when we realize the condition of the constitution of the United States and the ability of that country to perform its covenants—not its willingness, but its ability to perform them—we should hesitate before entering into an agreement of this moment with them. We might lose that power.

How is that danger to be corrected? The only possible condition on which a prudent government would make an agreement for the division of the power in the international section is to insist that the United States purchase the bed of the stream and purchase all the rights that the Aluminum Company have, and that the United States itself develop and own the water power which is to be created there. Then it can control the water power, it can live up to its contract and implement its promises, and then it will be safe for us to enter into an agreement with the United States for the division of the power in the international section, and not until then, I submit with great confidence.

Now I wish, before I sit down, to say this: so far as the development of the St. Lawrence waterway is concerned, we can come right down out of the clouds and get down to business, for this is nothing more nor less than a business proposition. People are carried off by flights of fancy. I know that the people who live along the lake shore of Ontario have been tickled with the idea that some day, if this project is carried out, they may see an Olympic or a Mauritania swinging in the harbour at Hamilton or Toronto. They expect that some day the mountain will come to Mohammed—that some day we shall have freight borne on great ocean vessels from the head of the lakes to Europe, or from Europe to the head of the lakes; that, in fact, we shall make of Lake Superior an ocean, part and parcel of the Atlantic. That is purely fanciful, as every person who has studied the subject now admits. There is no hope or expectation by anybody who has considered the subject that at any time we shall have vessels plying between Liverpool and Port Arthur. The only hope or expectation is that vessels may carry grain from Port Arthur to Montreal.

Hon. Mr. McMEANS: You forget the Hudson Bay.

Hon. Mr. LYNCH-STAUNTON: I have said Port Arthur. I thought Port Arthur was not on the Hudson Bay. Perhaps it is; it may have changed since last night. But the truth is that all we can hope for is that our grain may be brought from Port Arthur to Montreal. Now, is it worth while? That is the point we want to settle; that is the point we have to discuss.

According to "The Grain Trade of Canada, 1926", the average rate from Port Arthur to Montreal is 9.60 cents per bushel; from the head of the Lakes to Port Colborne, 3.4 cents; from Port Colborne to Montreal 6.8 cents. You will notice that the combined rate from the Lakes to Port Colborne and from Port Colborne to Montreal is about the same as the through rate from Port Arthur to Montreal. These figures that I am giving you are the official statement of the average over the season. Sometimes the rate is higher and sometimes it is lower. From Montreal to Liverpool the rate is 8.50.

It has been considered by the people who have examined the facts—and I am told it would take a volume to explain the reasons—that the building of the Welland Canal will in all probability decrease the cost of shipping grain from the head of the Lakes to Montreal by from one to two cents a bushel.

The question is, then, whether or not, if we canalize the river for vessels which will carry 300,000 bushels—10,000 tons—we shall get the grain to Montreal any cheaper, and, if so, how much. Is the game worth the candle? That is the point. I am told that to transship at Prescott out of a vessel into an elevator costs one-eight of a cent per bushel, and out of an elevator into a smaller vessel one-eight of a cent. So the cost of transshipment is of small importance. I remember that the Montreal Transport Company, which has passed out of existence, used in the old days to have one ship and two consorts, which were really barges, carrying the grain from Kingston to Montreal. At the present depth of these canals, I am told, a vessel with two or three consorts can take the biggest load that can come down from there to Montreal, and these boats can proceed in our present canals to Montreal as fast as or faster than, those enormous freighters which carry the grain now to Buffalo, and there is no saving by shipment in the larger vessels. Now, that ought to have been easily understood, and it ought to be made plain whether there is any saving or not before we enter upon this gigantic expenditure, at least before we transfer to the United States of America part of our right-of-way down the St. Lawrence. The only point now to be considered is what is the saving from Prescott to Montreal. That is the whole question.

Hon. Mr. CASGRAIN: That is it.

Hon. Mr. LYNCH-STAUNTON: And it ought not to take a board of engineers or half a dozen commissions to find that out. It ought to be possible to ascertain what loads these barges can carry and what it will cost to ship down by them. Did it ever occur to you, honourable gentlemen, to think deepening of the canals may not and probably will not divert the grain to Montreal. You know freight is a most mysterious thing: it is past understanding. Did it ever occur to you that between Port Arthur and Liverpool we have the finest inland waterway that exists? We can convey a larger tonnage to Montreal by means of our present canal system than can be carried to New York by their present canal system. We know that the rail haul from Port Arthur to Montreal is shorter than the rail haul from Port Arthur to New York. The same is true of the water haul. Yet New York gets a larger portion of the trade than we do. Why is it? Can any man explain why the trade should go to New York? There is only one reason for it going to New York in spite of the fact that the distance is greater, the water shallower, and that everything else is against it, including the additional handicap that Liverpool is farther from New York than from Montreal. Yet, in spite of adverse conditions, this condition continues, and must cause wonderment to a man unacquainted with the business. The reason for it is because there is more tramp shipping available in the port of New York than there is in the port of Montreal.

Why is it that Quebec is not the great port of this country? Why is it that the people of Canada have gone to the trouble and expense of dredging out the river to bring traffic up to Montreal? We have the finest railway from the West, on the most level right of way, running between Winnipeg and Quebec, and yet Quebec has not got and never will get the trade that Montreal does. Many years ago when I was in Quebec I asked a friend of mine, a man of great experience, why this was so, and he said: "There is no use building this railway to Quebec; the

steamers won't come to Quebec for the grain. There is no money in drawing grain. They will go to Montreal if they have an incoming load, and without it they won't come at all. Therefore Montreal gets the trade." Do you suppose those steamers would ever go empty to Toronto? What trade would they pick up there? It would take a thousand vessels, costing over a billion dollars, to handle the grain that might come down by Montreal. These big ten thousand ton freighters this year cost $1,250,000 apiece. Look at the 4 per cent insurance! Look at the enormous cost of navigating them over long stretches of narrow canal waters! It is such things as these that have brought people to the conclusion that there is nothing in the fancy that such vessels will trade to Port Arthur.

I heard the honourable gentleman from De Salaberry (Hon. Mr. Béique) say the most extraordinary thing the other day. He said that in Quebec the United States was paramount over Canada's waterway; he stated that since we made these treaties we had no right to divert any water from the St. Lawrence river, or from the lakes, without the consent of the United States.

Hon. Mr. BEIQUE: "Materially", not "any water".

Hon. Mr. LYNCH-STAUNTON: I will show the honourable gentleman what he said. This statement of his has gone through the press of this country and has alarmed and greatly agitated our people. Here it is:

> Hon. Mr. Beique: Yes. They have equal rights for free navigation in the lakes, and in that part of the St. Lawrence above St. Regis. Those are boundary waters, and it was agreed that they are to be boundary waters for all time to come; therefore, whether the quantity of water is large or small, it cannot be diverted without their consent.

That is the opinion of one of the most eminent lawyers in Canada—that the water cannot be diverted without the consent of the United States. Did such an idea ever enter the head of any man in Canada—that we were so incompetent that we would make a Treaty to give our country away like that? The honourable gentleman continues:

> Mr. McLachlan, in his opinion, makes a distinction between navigation only and power. As far as navigation is concerned, it would be a small diversion, but it would be a diversion all the same.

I do not agree with that. I do not think that the framers of these Treaties were so stupid as to put us in such a position, and I will give my honourable friend my reason.

On page 152 of Hansard, where he quoted from the Boundary Waters Treaty, I find this:

> It is understood, however, that neither of the High Contracting Parties intends by the foregoing provision to surrender any right which it may have to object to any interference with or diversions of waters on the other side of the boundary the effect of which would be productive of material injury to the navigation interests on its own side of the boundary.

Now, by that the framers of this Treaty preserved their common law or international law rights. Before the Treaty was drawn the law provided that neither country should do anything in its part of the waters that would injuriously affect the rights in waters belonging to the other country. The framers of the Treaty wanted the international law to remain as it was before. So they inserted that clause, and it is quite clear that each country has the right now, as it had before the Treaty was made, to protest against any use of the water on the other side to the prejudice of its people.

Then, as to the question to which the honourable gentleman has referred, I find the following in a quotation in his own speech:

> The foregoing provisions are not intended to limit or interefere with the existing rights of the Government of the United States on the one side and the Government of the Dominion of Canada on the other, to undertake and carry on governmental works in boundary waters for the deepening of channels, the construction of breakwaters, the improvement of harbours, and other governmental works for the benefit of commerce and navigation.

That is written in the bond. It is written in the bargain that we shall have a right, as heretofore, to go on making public works for the improvement of navigation. Is that a nullity? Then the honourable gentleman said "Unless you make this bargain I fear that the United States may deepen the Erie Canal."

Hon. Mr. BEIQUE: The honourable gentleman should read the whole clause, where he will find the words "materially affect."

Hon. Mr. LYNCH-STAUNTON: I will do that. Here it is:

> —provided that such works are wholly on its own side of the line and do not materially affect the level or flow of the boundary waters on the other.

That is expressly what I have been trying to point out: that we never had any right to do anything on our side which would injuriously affect navigation on the opposite

side. That is the reason why we have been protesting and protesting against what has taken place at Chicago. That, we say, is a violation of the common law, a violation of international law. We say: "You are doing something which no civilized nation which respects international law should do to another." That provision simply preserves, as did the first clause I read, a right which, if it were not for that proviso, might be construed as having been given up. I submit with the greatest confidence that there is not a word or line in any one of these Treaties by which either country surrenders any rights which it previously had under international law. I am not speaking now of the right that was given or limited to protect the scenic beauty at Niagara Falls, or anything of that kind; I say the drafters of these Treaties particularly guarded themselves against surrendering an invaluable international right.

Then, my honourable friend said that he was afraid the United States would regard this as an unfriendly act. "An unfriendly act." That is a mighty serious phrase. When a Government tells another "We regard this as an unfriendly act," it usually means, "We will go to war." Although the United States is a giant, and compared to it we are a pigmy, I do not think they would say to us: "Unless you give us these rights we will go to war. We will regard it as an unfriendly act." I think my honourable friend is being scared by ghosts. Then as to the statement that we would provoke the United States to enlarge the Erie Canal, let me say that if the honourable gentleman's opinion is correct, the United States has no right to enlarge that canal. But, you see, the Erie Canal is owned by a State, and that State can do as it chooses, and can snap its fingers at international law, as Illinois has done. The law of the United States is as flux as quicksilver; you never can hold it; it will always get through your fingers.

Now, I say that we should not make this agreement unless we are satisfied that it will substantially lower rates, and that the game will not cost more than it is worth. The interest on a couple of hundred million dollars will bonus the carriage of a lot of grain between Prescott and Montreal. It seems to me that it would be better to carry it for nothing than that the Government should involve Canada in this great expenditure, unless it can be proved to a demonstration that there is money in it for the people of Canada. I submit that so far as the development of this power is concerned, we should not make any agreement until the United States have power and authority within the laws of the Union to carry out their agreement, or in other words, until they own the property and agree to construct the works themselves.

Hon. Mr. CASGRAIN: If no one wishes to speak, I would move the adjournment of the debate until next Tuseday.

Hon. J. J. HUGHES: Honourable gentlemen, I am in the position of the man in the jury box, who knows very little about the subject but who may have to give a vote.

Hon. Mr. MARTIN: Then why do you talk?

Hon. Mr. HUGHES: Because I may have to vote upon this question, and I wish, when the time comes, to vote according to the evidence, and, so far as I can, in the interest of Canada. I followed as well as I could the statements made by the honourable gentleman who has just taken his seat, and I understood him to state that when the Welland Canal was completed Canada would have all the navigation facilities that it would use in the St. Lawrence River, and that further canalization would be of no advantage to Canada so far as navigation were concerned.

Hon. Mr. LYNCH-STAUNTON: The honourable gentleman misunderstood me. I said that as soon as the Welland Canal is finished the only problem with which we will have to deal is as to whether or not we should canalize to the corresponding depth with the Welland Canal the part of the river St. Lawrence between Prescott and Montreal. I said I had been told that, for the reasons which I gave, canalization would not decrease the cost of carriage of grain from Prescott to Montreal; that it is an engineering problem which has been solved; and therefore the whole question now is as to whether the cost would be decreased to such an extent as to make it commercially profitable to this country. As to that, I cannot speak; I can only form my own opinion on what I have been told, having had no experience to justify me in giving a convinced opinion. But I said that it is a purely commercial proposition, that should be solved by business men, whether the rate on wheat and western grains will be so low afterwards as to make it a proper investment for this country.

Hon. Mr. HUGHES: Just another question. would further canalization of the St. Lawrence River bring return cargoes past Montreal, up to Toronto, and west of Toronto? Would there be any probability of that?

Hon. Mr. LYNCH-STAUNTON: That a vessel could go to Toronto? It might go.

Hon. Mr. CASGRAIN: An ocean vessel?

Hon. Mr. HUGHES: Or reduce the cost of cargoes for Toronto, Hamilton, and western cities as far as Port Arthur?

Hon. Mr. LYNCH-STAUNTON: I did not deny that, if the water was made deep enough, a vessel could be navigated to Toronto or the west.

Hon. Mr. CASGRAIN: Not commercially.

Hon. Mr. LYNCH-STAUNTON: But I said that it is now admitted even by the most ardent advocate in Toronto—I read an article to that effect in a paper the other day—that it is commercially out of the question—not that it cannot be done, but nobody will do it unless it produces a profit, and there is no money in it. That is now admitted on all hands.

Hon. Mr. BEIQUE: Would the honourable gentleman allow me to put one or two questions to him? I understood him to say that both Canada and the United States, in the international part of the river, are entitled each to the natural flow of the St. Lawrence.

Hon. Mr. LYNCH-STAUNTON: Yes.

Hon. Mr. BEIQUE: And that neither the United States nor Canada is entitled to divert materially that natural flow of water from one side to the other.

Hon. Mr. LYNCH-STAUNTON: Yes, to divert it so that it will injuriously affect navigation in the opposite state.

Hon. Mr. BEIQUE: But it would be so under common law, and it is so under the treaty?

Hon. Mr. LYNCH-STAUNTON: The treaties have not changed it.

Hon. Mr. BEIQUE: I think if the honourable gentleman takes the trouble to read my speech of the other day, he will find that that was the very contention that I presented to the Senate.

Hon. Mr. LYNCH-STAUNTON: I can only say as an excuse for my obtuseness, that I read the honourable gentleman's speech several times, and I did not find that precious sentence, and that the press of this country has drawn the same inference as I have; and I am delighted to hear him say that he has the same view as I have.

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

COMMUNISTIC PROPAGANDA IN CANADA

THE DEBATE CONTINUED

The Senate resumed from yesterday the debate on the inquiry of Hon. C. P. Beaubien:

That he will call the attention of the Senate to the communistic propaganda carried on throughout the country and inquire what measures, if any, the Government contemplates taking to repress the same.

Hon. G. D. ROBERTSON: Honourable gentlemen, my honourable friend from Montarville (Hon. Mr. Beaubien) yesterday brought to the attention of the Government, and of this House, a subject that is of national importance, and indeed of world-wide concern, as has been demonstrated in recent years in a number of countries. I find myself in complete accord in all that he submitted to the House, so far as the facts were concerned; but I would like to make passing reference to one or two features which, if not mentioned, might indicate to some readers or listeners that the foreign members of the population of Canada were all of one mind respecting these matters.

There is a large proportion of the population in Canada who were not born in this country. Many of them come from countries in which they did not have the advantages or liberties that we enjoy; and I sometimes wonder whether, if we had been born in an environment and had grown up under the conditions surrounding the Ukranian, whether we would not be just as susceptible to doctrines of this sort as he apparently is. Therefore the thought that I hope to advance this afternoon, for the information of and suggestion to the Government is that there ought to be an honest and earnest effort made by the people of Canada, directed by Government, to instruct the people who come to this country along proper, legitimate, honest lines.

Merely to state that these things exist and yet do nothing to remedy them, will not lead us to any logical conclusion or beneficial result. I know that my honourable friend, who brought this matter to the attention of the House and to the Government, seriously believes that something ought to be done to improve the situation. It is easy for one to say, "I told you so," but it is perhaps not so easy to initiate a movement that is not altogether popular with some classes of the

electorate; yet a time does come occasionally when governments must take cognizance of facts, and deal with situations as they find them, in the interest of the people.

Such a time came to Canada in 1919, when gentlemen of advanced views with reference to policies, which they desired to see made effective here, stepped over the line and had to be corrected. Public opinion largely brought about the correction; but shortly following that, I well remember that the Government of that day were very much concerned about what ought to be done under the then existing circumstances. They were faced with problems at that time following the Great War, and were endeavouring to rehabilitate and re-establish the war-worn men and women in Canada; therefore they endeavoured to refrain from creating any distress in the minds of the people at large, but at the same time sought to calm the people as to some facts touching this very subject to which my honourable friend has referred.

Our memories are short; we soon forget what happens to-day, but I desire to call to the attention of Parliament, and of all who may be interested, the fact that in August, 1920, a pamphlet of information was carefully prepared by the Government, and many scores of thousands of copies were distributed to the people of Canada, informing them of the situation as it then existed. I think I can show that during the next couple of years, whether due to that cause or not, there was a distinct lull in the aggressiveness of that portion of the population who termed themselves Communists.

In order that we may have a picture, chronologically presented, of just what this is all about, may I quote a paragraph or two to indicate what Communism is, and what it stands for, in order that any person in or out of the House to-day who may be interested may know just what this agitation is all about, on what it rests, and what the results have been and will be.

Honourable gentlemen know that Czarism and Communism are exactly opposites, or perhaps it might be more correct to say that it is really the same spirit, but in the hands of the opposite party, and that communism was born as a result of the abuses of autocratic power under the old Czarist system. I do not believe that it would be possible in a democratic country, such as the British Empire or the United States, based on democratic principles and constitution, for a movement such as communism to have originated and flourished. It exists because of the inherent and long-established conviction in the minds of peasants, serfs born under autocratic conditions, who do not and cannot conceive, until they have been out in the world for years under other governments, that the country in which they live is not governed as was the country in which they were born. So there came into existence a class of people known as anarchists who were attempting forcibly to overthrow the Government of Russia as far back as the reign of Czar Nicholas II. That development extends back thirty years.

Hon. Mr. CASGRAIN: The Nihilists.

Hon. Mr. ROBERTSON: They were, in the estimation of many of their fellows, real patriots and martyrs to the cause; and I want to say now that anyone who has read the detailed history of the reign of Nicholas II of Russia will probably have come to the conclusion that I did, that there was a man with a heart and soul as big as Lincoln's who endeavoured to relieve distress, and who succeeded in large measure. He placed on the Statute Book laws that would have led to responsible constitutional government in that great Empire had he been permitted to carry out his work; but, like Lincoln, in the midst of his task he was assassinated, and his successors unfortunately did not carry on his policies.

In 1917 the Russian people, coming to the conclusion that they had been deceived by Germany, and having lost the last vestige of confidence in their rulers, sought to overthrow the Government. Mr. Kerensky, who was the leader of the movement, attempted to establish in Russia a form of Government very similar to that in existence in the United States. In the midst of that effort the opportunity presented itself for the more radical to set up a dictatorship of the proletariat, or, in other words, to make those who had heretofore been oppressed the oppressors, and, although they were in a small minority so far as the population of that Empire was concerned, they, together with the army that had rebelled, found themselves in a position where they could exercise that dictatorship, and they have ever since been doing it. So a constitution was established, and the provisions of it are somewhat interesting. I will now quote a few paragraphs from a pamphlet that was issued in Canada in 1920:

> From March to November, 1917, Kerensky endeavoured to establish a stable government similar to and patterned after the form existing in the United States, but meanwhile the doctrines of Lenine and Trotsky were welcomed, accepted, and adopted by masses of workers and soldiers, who, in the name of liberty, committed every crime imaginable from theft to murder. In November, 1917, a new Government was declared to exist, the character and constitution of which may be described in the words of

the report of the United States Committee on foreign relations, dated April 14, 1920, which Committee had been delegated to investigate the status and activities of Ludwig G. A. K. Martens, the self-announced representative in the United States of the Soviet regime in Russia. His own sworn evidence shows his credentials to have been issued by the "Peoples' Commissariat of Foreign Affairs of the Russian Socialist Federated Soviet Republic" from Moscow, under date of January 2, 1919, and sealed with the official seal of the Commissariat. This Government, as was brought out in the course of the testimony, was set up in November, 1917, by counter revolution to the movement of March in that year, which had accomplished the dethronement of the Czar. The Republic operates under a constitution by the terms of which "all property rights in the land, treasures of the earth, water, forest, and fundamental natural resources within its boundaries are abolished; which confirms the transfer of banks into the ownership of the Government, by which there pass over without indemnification to the disposition of the county, provincial, regional, and Federal Soviets, all private live stock and inventoried property of non-labouring homesteads, and under which private merchants, trade and commercial brokers, monks and clergy of all denominations, and, in general, all persons who do not "perform useful social functions" have no right to vote or to be voted for.

That is a brief statement outlining the general terms and provisions of the constitution of the Soviet Republic as established in November, 1919. Mr. Martens, the self-announced official diplomatic representative of the Soviet Government in the United States, although carrying credentials from his Government, never presented them to the Secretary of State at Washington and was not recognized in the United States as the official representative of Russia.

A very exhaustive investigation was made by a Committee of the Senate of the United States, the details of which are very interesting, but too lengthy for me to place them on the record. Any honourable gentleman who desires to look them up will find them published in the Labour Gazette of August, 1920.

The reason I refer to this matter is that we ought first to know just what form of government it is that those people referred by my honourable friend from Montarville (Hon. Mr. Beaubien) last night are copying, and what it is they advocate, and in these few sentences you will find what doctrines they are spreading.

Mr. Martens, the representative of the Soviet Government in the United States—and I am leading up to what I think will be an interesting point—sought to establish and did establish in the city of New York a Bureau of Information. This was at the same time expected and represented to be a basis from which to establish trade relations between Russia and the United States. It transpired, however, that it was shortly known to be simply a propaganda bureau. A paper known as The Call, published in New York under his direction, was the official mouthpiece of Mr. Martens. During the investigation before the United States Senate Committee, Mr. Martens admitted, and indeed with some pride, that it was their mission to distribute propaganda literature and to send emissaries throughout North America to preach and teach the doctrines of Communism, and he specially mentioned Canada.

Hon. Mr. CASGRAIN: Cape Breton too.

Hon. Mr. ROBERTSON: Like my honourable friend from Hamilton (Hon. Mr. Lynch-Staunton), I would say Cape Breton is in Canada. At any rate, they proceeded without delay to carry out that mission, and very shortly afterwards we found evidences of it in Western Canada, which culminated in the trouble of May and June, 1919. A prominent banker in the city of Winnipeg, during the disturbances there, came to me and said: "I think you ought to know that there is a very substantial amount of $50 American currency bills being presented by foreigners in the northern part of the city of Winnipeg, at the banks, to be changed into bills of small denomination. We know that this currency has never been distributed here in compensation of any services rendered by these people."

If the time permitted me to deal at greater length with the evidence adduced before the Senate Committee you would be able to connect up this fact and the fact that a very large amount of money was placed at the disposal of Mr. Martens and his office in New York for the very purpose of advancing their interests and carrying on their propaganda.

Honourable gentlemen will recall that for a considerable period, in those troublesome days of 1919, it was difficult for the outside world to obtain authentic information as to what was going on in the city of Winnipeg. Telegrams were censored. The telegraph staffs quit their employment, some under stress and unwillingly, others willingly. I refer to the commercial staffs, for the railroad telegraph service was not affected. There was for several days only one medium through which the outside world knew what was going on in Winnipeg, and that medium, as you may remember, was the New York Call, Mr. Martens' paper. If honourable gentlemen were sufficiently interested to inquire of the Minister of Labour, I am sure they would find on record, over in the Labour Department, photostatic copies of permits obtained from the Minister of Transportation of the Soviet Government of Winnipeg for citizens of that

city to forward telegrams. These permits had to be obtained before telegrams could be sent.

Such is the connection between the Communist movement in Canada, of which my honourable friend (Hon. Mr. Beaubien) spoke last night, and the Communist Government now existent in Russia, and I think it is well to keep that connection in mind. A little later on one discovers that Rev. William Ivens, of Winnipeg, was the official correspondent of the New York Call. You are then led right along to the connection between the so-called Labour Church and this Communist movement. And other gentlemen —some of them not so far away, and whom you all know, but who need not be mentioned at the moment—were connected with the same movement.

So I wish to add my voice to that of my honourable friend from Montarville in saying that I believe that all he states is true, and particularly pernicious and dangerous are the efforts that are being made to pervert the minds of the little children who are growing up in our large centres, because unless the people are living in conditions of poverty, they do not readily take to these doctrines.

My honourable friend the leader of the Government (Hon. Mr. Dandurand) last night took occasion to remark that there was nothing of this kind in his city, the metropolis of Montreal. May I remind him that on the 31st of January last, on the very day that this House first discussed the Address of His Excellency, it was brought to the attention of the Government by the honourable member for Bedford (Hon. Mr. Pope) that these things did exist in the city of Montreal at that moment, and he quoted his authority, which can be found in Hansard of that date. That statement specifically says that Communist schools were established in various cities, and Montreal is specifically mentioned as one.

I further call the attention of my honourable friend the leader of the Government to the fact that away back in 1919 a person in Montreal wrote to the leader of the strike in Winnipeg a letter, which is quoted in this document that I have before me, issued in 1920, and which urged the Winnipeg strikers to adopt a certain plan of legislation that had been prepared by Daniel DeLeon, a Philadelphia Socialist, nine years before, and that was the basis of Lenin's Government in Moscow. The letter urged this man in Winnipeg to use the same plan as the basis of the Soviet Government then to be established in Canada. The author of the letter was a well known and supposedly philanthropic social worker in the city of Montreal. So my honourable friend's city, I fear, is no more immune from the dangers of this propaganda than any other city.

But I do say this, and indeed it will bear repetition, that we should never for one moment condemn a whole class or race of people because a few of them support some ism which is not common, or popular or right. May I remark in passing that in my opinion a considerable responsibility rests upon certain large interests in this country who are encouraging immigration, and who, if I am correctly informed, substantially bonus some of those Ukrainian papers that are supporting this very propaganda. I think that the Government would be well advised to devote a little attention to that particular point, because it is very material.

Following the climax in 1919, the agitation did decline for a couple of years. As Canada and other nations settled down to peace activities rather than those of war, the unrest that was in the public mind the world over seemed to pass away. People all wanted to be relieved of abnormal conditions and to get back to a sound basis. But the United States found that they were not rid of the results of Mr. Martens' activities and those of his accomplices. Therefore what did they do? For the protection of their own people and country, and particularly to meet this situation, the United States passed what is known as the Quota Law, and it has been the greatest boon to that country and the North American Continent that we can possibly imagine; and indirectly it has been a great boon to Canada, because it has had a salutary effect on immigration coming here. But no sooner was that Act passed than there were established in the United States back and front door lines of communication from Mexico and from Canada, necessitating extra precautions on the part of the United States authorities. While I know that very little has been said about it publicly, and that the press has scarcely ever mentioned it, yet I am sure that if the Government would inquire of its representative at Washington it would be able to ascertain that a very large number of people who had been advocating the overthrow of the United States Government by means advocated by Communists have found themselves pacing the deck of a steamer leaving the shores of the United States, without anybody saying anything about it or the papers making any mention of it.

So acute was the situation becoming that organized labour in the United States, and

the employers of labour, organized as they are there, both took cognizance of it. Here I want to come to another feature of the question which affects us. We are all human, and, unfortunately, men are inclined to pursue the course that seems best suited to their immediate purpose. May I say that the well known trade union movement existing for forty odd years, has been the bulwark that has guaranteed stability in industrial as well as national life to a very great extent for the last twenty years, and that is now recognized in the United States as being true, but it was only when governments came to realize and recognize the gravity of this propaganda that they began to appreciate the fact that I have just stated. There are still some employers in both the United States and Canada who say that if we can make these trade unionists on the one hand and these Communists on the other fight among themselves, we shall have both under subjection and shall get along nicely. Such has been the view of many. That view is rapidly passing, but it must always be kept in mind that if Communism ever succeeds in establishing itself to the point where it thinks it can force its will upon the community, whether it be a small or a large community, it will do so.

What is of more interest to us is the present-day situation. What has happened during the last six or seven years? Is the danger still on the wane, or are the facts as the honourable member from Montarville (Hon. Mr. Beaubien) submitted them last night now constituting a growing menace? I am inclined to think that for several years, probably up to the year 1924, the situation was growing less acute; but for about seven years nothing has been said about it by way of governmental announcement, and it has not attracted much public interest. But recently the work of these Communist schools which have been in operation for at least four years, has begun to be felt and their influence is widening, until they are undermining the faith and confidence of the people in spiritual things as well as in industrial matters and human relations. It is therefore important, I think, that we see just where the leading influences are today, and learn how we may identify them. The Communist first says that industrial unionism or industrial organization, instead of craft organization, should be adopted by all workmen, and following the difficulty in Winnipeg in 1919, which was an industrial movement, the One Big Union, so-called, which was the organization that led the men there in their trouble, has continued to function, feebly for a while, but with increasing activity in more recent times.

The One Big Union in Canada adopted almost word for word the policies, the principles, and the constitution of the I.W.W. Its literature was published by the I.W.W. headquarters, near Chicago. It is nothing more nor less than the I.W.W., and its chief weapons are sedition, sabotage and crime. It was well known that its appellation in the United States would not be popular here, therefore a new name was found which designated more correctly what was contemplated, namely, the sweeping of all workmen into one big union, for the purpose of becoming dictators. The 1919 movement was an experiment which thousands who participated in it have since admitted was a great mistake. Nevertheless, we learn by experience. The One Big Union is still alive, and is led by the same men who were in it at that time. It has its head covered; it is wearing a wig, like some gentlemen do when they appear before the Privy Council in England; but so that you may be able to identify it, whether it has its head covered or not, I will describe its activities.

The Commercial Telegraph Operators in Canada, who have been organized for 25 years, and who have had contracts with the telegraph companies since 1902, were having a convention in the city of Chicago in 1925. Three men, all from Canada, none of whom were Canadian born—one having been born in Germany and the others in the United States—attempted to obtain control of that organization for the purpose of turning it into a Communist organization. The delegates at that convention laid charges against those men in the constitutional way. They were fairly tried, and at that trial they made statements that I think would convince any honourable gentleman that their purpose was undoubted, and they were expelled from membership in that trade union. It will take only a minute to give you an indication of what I refer to. A Mr. Schnur, born in Prussia, was the head of the movement, and had been for several years an officer of the organization in Canada. On September 16, 1925, during the trial in Chicago, he said:

> We know that the press, the school and the church are among the agencies of the capitalist class, and we know that in the past they have functioned in the interest of the prevailing ruling class. The stand that I took at that meeting, that if the United Press interpreted the agreement with the union to mean that United Press men, members of this union, had tied up their labour power to their bosses, even to the extent of scabbing on their fellow workers in the same organization, to hell with that agreement.

That meant the violation of solemn contracts entered into between employers and workmen whenever opportunity seemed to make it advisable from their standpoint. In other words, such contracts were simply scraps of paper, and these men were indulging in a little Kaiserism. The employees' representatives resented that and voted for the expulsion of this gentleman and two others.

Now, who were the others? One was a gentleman named Lynch, who formerly had been in Winnipeg. He was not a Canadian. During his defence he said:

> The goal must be that we should organize ourselves to a point where we can prepare ourselves to control and own the earth. I don't respect any contracts. The working class has its own code of morals. Any strike, which is a miniature revolution, carries its own code of morals. The trouble with the working class is their mentality is tied up with conventionalities, laws, restrictions and niceties which are inflicted upon them by the capitalist class. I am talking to you as a radical Socialist.

Those two gentlemen and one other—I will not trouble you with his evidence—were expelled from membership in the organization. Within three months they called a meeting in the city of Toronto, and declared that they had organized a new body known as the Electrical Communication Workers of Canada. That organization was to take in all electrical workers, which would mean railroad and commercial telegraphers, street railway employees, men engaged on power transmission lines, and so on. Why did they do that? It is quite obvious. It was because they were not able to obtain control of a labour organization that was on the square, and into which they had been boring internally for years. They then began to bore from without, and I want you to know the results.

Early in 1926 they appointed a little committee of about six men, and made a demand upon the Canadian National Telegraphs for recognition and a contract for commercial telegraphers. Those commercial telegraphers had had agreements with the old Great North Western Telegraph, more recently merged into the Canadian National Telegraphs, agreements which had been entered into twenty years ago by mutual consent, and revised from time to time. The employers said to these gentlemen: "No, we do not recognize your right to represent these commercial telegraphers. We have an agreement with them and they have given no notice of a desire to alter it." And the company refused to deal with them. Then what did these gentlemen do? They proceeded to Ottawa and enlisted the sympathy and co-operation of three members of Parliament, all of whom sit in the House to-day, one occupying a ministerial seat at this moment, and attempted to secure recognition through the establishment of a board of conciliation in order to force an employer to recognize their right to have a contract because they had minority of the men within their ranks. They insisted that they represented a large majority of the men. The employers very properly said "Show us." They did not do so. On the other hand, the organization with which the employer had the contract issued a circular to the men stating that this question had arisen, and saying, "We want your proxy as to which organization you desire to represent you." To be perfectly fair, instead of asking the men to send their proxies to any officer of the organization, they were asked to send them to the general manager of the Canadian National Telegraphs so that he would be convinced that there was nothing underhand on their part. I have a copy of the official ballot.

Hon. Mr. MURPHY: Who sent that out?

Hon. Mr. ROBERTSON: The Commercial Telegraphers sent it to the men. They had, I think, 1134 members at that time, and I have the complete returns here as finally filed with the General Manager of the Canadian National Telegraphs. These give the names of places from coast to coast where these men were employed, and show that 1013 of the men cast their proxies and sent them to the company, thus demonstrating their desire to have the Commercial Telegraphers represent them.

Notwithstanding that, these people applied for, and temporarily obtained, an injunction to restrain the employer from doing business with the organization with which it had a contract, and with which it had been dealing for years; and finally, after the fall of 1926, when a new Minister of Labour came on the scene, they renewed their efforts to get a board of conciliation. This it was entirely outside the power of the Minister to grant.

So number one is the One Big Union; number two is the Electrical Communication Workers; and now there is another. There is an organization known as the Canadian Brotherhood of Railway Employees, which is founded upon the basis of a Canadian organization for Canadian workers. It was in existence first on the old Intercolonial railway, and it has gradually extended to other portions of the Canadian National railway system. In 1919, notwithstanding contracts in force and that there were no grievances existing under those contracts, practically every man in the sleeping car, dining car and freight-handling services in the West, went

on a sympathetic strike. They were encouraged to do so by the head of the organization who to my knowledge, because I was there, sat in the MacLaren Hotel in Winnipeg, and did not raise a hand to maintain the contract he had entered into. When these Electrical Communication Workers were fighting their fight, they came to the President of the Canadian Brotherhood of Railway Employees and invoked his assistance, which he gave them, and they made joint representations to the Government. Needless to say, the Government could not, and did not comply with their request. However, on January 4, 1927, the heads of three bodies—the One Big Union, the Electrical Communication Workers, and the Canadian Brotherhood of Railway Employees—addressed a communication to all national and independent unions in Canada suggesting that in defence of these poor telegraphers who were so abused there should be a conference held with a view to establishing a representative legislative body to really represent the labour of Canada. That meeting was called for March 15, 1927, in the city of Montreal. The day previous, March 14, the men of those three main organizations, who had attached their signatures to the notice calling that meeting, were in the city of Ottawa making their last attempt to press upon the Government their demands for the establishment of a board of conciliation to represent men whom they really did not represent at all. On March 15 they went to Montreal, and there was born a new labour organization, now claimed by them to be the legislative mouthpiece of Canadian workers, which is known, designated, and advertised, as the All-Canadian Congress of Labour; and the President is Mr. A. R. Mosher, President of the C. B. of R. E.

I had not intended to mention this, because I think it will take care of itself; but when the honourable gentleman from Montarville (Hon. Mr. Beaubien) brought this subject to the attention of the House last night, I determined that the country and the House and the Government should know the manner and character of the so-called Canadian Congress of Labour which will represent itself to the Government as the bona fide mouthpiece of organized workers in Canada. I hope that the few suggestions that I have made bold to put forward to the Government will be followed, namely, that the people of Canada should be given information from time to time as to where these festering spots are located, so that the people in the communities concerned may give some attention to the matter. Do not hide your information entirely. You get it every week; you know where the trouble lies, and what is going on. Let the facts be known, especially in those centres. There is nothing like the clear light of truth to cure disease, and I hope the Government will undertake to try that cure. I do not suggest that it is an imitation of what was done six years ago, but I do say that in 1920 the broadcasting of the facts to the people had a very salutary effect upon the whole situation for several years. From time to time similar information should be given to the people.

My other suggestion is that when any body of workmen, or any committee claiming to represent workmen, comes before a minister or the Cabinet, requesting or demanding audiences—they ought never to demand, but some of them do—that if the Government has any doubt as to their bona fides or as to who or what they represent, let it take the precaution of ascertaining before it gives them an audience, because once they receive an audience it is regarded as recognition, and immediately it is broadcast throughout the country to their own representatives and others that they have been recognized and that others have been repudiated. In this way the Government will avoid becoming the instrument of industrial unrest, and will, on the contrary, promote industrial peace.

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

APPROPRIATION BILL, NO. 1, 1928

FIRST READING

Bill 154, an Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1929.—Hon. Mr. Dandurand.

SECOND READING

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

He said: Honourable gentlemen, this is a Bill having for its object the granting to His Majesty of one-sixth of the Supply Bill which is at present under review in the other House. The amount involved is $37,198,026.71, which will carry the Government through April and May.

With this explanation, I beg with the leave of the Senate, to move the second reading of the Bill.

Hon. W. B. ROSS: Honourable gentlemen, I presume that this Bill is accompanied with the usual reservations and understandings about these Appropriation Bills. Just what those are is fully set out in the records of this House; but it is just as well to have it formally understood that that undertaking

accompanies this Bill, as it accompanied its predecessors from year to year. I need not enter on any explanation of that: I think every member of the House understands what the reservations are.

With that understanding, I see no objection to the Bill getting its second reading.

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

THIRD READING

On motion of Hon. Mr. Dandurand, the Bill was read the third time and passed.

The Senate adjourned until to-morrow at 3 o'clock.

THE SENATE

Thursday, March 29, 1928.

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

Prayers and routine proceedings.

ST. LAWRENCE WATERWAYS

INQUIRY

Hon. Mr. BEIQUE inquired of the Government:

1. In connection with the St. Lawrence Waterway development, to what extent would the use of the Canadian canals be interfered with by the construction of a channel or canal all on the Canadian side in the international section, both for navigation and power?
2. What would be the approximate cost of such channel or canal over and above that of the channel or canal as recommended by the Canadian section in the report of the Joint Board of Engineers: with reference in both cases to the above-mentioned reports to the parts applying to the subject-matter of both questions?

Hon. Mr. DANDURAND: The following are the answers from the Department of Railways and Canals:

1. The Canadian section of the enlarged Joint Board of Engineers considered a scheme in which the locks would be placed on the Canadian side of the river at the Long Sault. Such a scheme would involve an increase in cost over the recommended plan of $3,500,000 and would put out of commission the present 14-foot system of canals on the Canadian side. It did not, however, envisage an all-Canadian channel between the Long Sault and Lake Ontario, where the navigation channel crosses and recrosses the boundary line at various points. No estimate of a purely Canadian channel was prepared.

2. No engineering investigation has ever considered the possibility of a power development confined exclusively to the Canadian side of the St. Lawrence, and no estimate of cost has ever been prepared of such a power development, for the reason that the cost of such an undertaking was considered to be unreasonable and prohibitive.

THE ROYAL ASSENT

The Hon. the SPEAKER informed the Senate that he had received a communication from the Governor General's Secretary acquainting him that the Right Hon. F. A. Anglin, acting as Deputy of the Governor General, would proceed to the Senate Chamber at 6 o'clock to-day for the purpose of giving the Royal Assent to certain Bills.

APPROPRIATION BILL NO. 2, 1928

FIRST READING

Bill 155, an Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1928.—Hon. Mr. Dandurand.

SECOND READING

Hon. Mr. DANDURAND: Honourable gentlemen, this Bill covers supplementary expenditures for the past year, and is practically a sanction of the expenditures which have been made under warrants. It covers Civil Government, Agriculture, Pensions, Railways and Canals, Ocean and River Service, Public Works, Lighthouse and Coast Service, Fisheries, Labour, Indians, Soldiers' Civil Re-establishment, Trade and Commerce, and items which were paid by Governor General's warrants, which appear upon page 5.

Hon. Mr. ROBERTSON: What is the total amount?

Hon. Mr. DANDURAND: The total amounts are $3,306,347.02 and $4,471,400.87—about $7,700,000 or $7,800,000.

Hon. W. B. ROSS: The Bill is subject to the usual undertaking.

Hon. Mr. DANDURAND: Yes.

Hon. Mr. ROBERTSON: I suppose it is proper to assume that those amounts, being expenditures for the year now closing, and not being included in the Estimates of last Session, may properly be regarded as last year's Estimates, and should be deducted from the alleged surplus of the year.

Hon. Mr. WILLOUGHBY: I do not intend to discuss the Estimates now, but I have looked over them and in many cases the amounts are very striking. The figuring of the Department or the Minister who computed the Estimates has been singularly lack-

ing in accuracy. Sometimes unforseen things occur, of course, which no Department can provide against; but there are many cases in which the Estimates should reasonably have been anticipated.

Hon. Mr. DANDURAND: I could perhaps give some of the larger figures. For instance, there is a further amount required to meet the cost of holding examinations required by law; sundries, printing and stationery, and temporary clerical assistance. That comes under the Civil Service Commission. Of course the Government had to be guided by the Estimates of that Commission. There is $200,000 to provide for the establishment of a patrol service to investigate the condition of navigation in Hudson Strait and Hudson Bay.

Hon. Mr. WILLOUGHBY: Does the honourable gentleman remember the first sum?

Hon. Mr. DANDURAND: No, I have not that amount. Here is an item—I do not know why it was not covered by the general Estimates of last year—"River St. Lawrence ship channel, maintenance and operating dredging fleet—Further amount required, $400,000." Perhaps that is due to the fact that the open season was longer than usual, and that the dredges could work two weeks or perhaps even a month longer.

Hon. Mr. ROBERTSON: There is $50,000 on Fisheries.

Hon. Mr. DANDURAND: And there is relief to destitute Indians in British Columbia $5,000; and medical attendance, medicines and hospitals $15,000. I do not know what kind of plague struck them, but apparently there was a necessity that could not be denied or postponed. The Canada Grain Act was responsible for a further amount of $175,000.

Hon. Mr. WILLOUGHBY: What was the cause of that?

Hon. Mr. DANDURAND: I do not know. There will be amendments to the Canada Grain Act, and we could hear the officials of the Department. Then there is an item of $150,000 for the restoration of the old examining warehouse at Montreal. If I am not mistaken, that is the result of a fire. I need not go through all the expenditures. Has my honourable friend gone through the list?

Hon. Mr. WILLOUGHBY: Not to-day, but I have looked over them.

Hon. Mr. DANDURAND: There is an item of $1,000,000 for which the Merchant Marine was responsible.

Hon. Mr. WILLOUGHBY: There is an appropriation in connection with an aerial survey of the Hudson Bay and Straits. I happened to be a member of the Committee that sat to investigate conditions there, and which made a report. At that time I made the suggestion that an aerial patrol would be very helpful, and I remember being scouted as a mere landlubber by some of the members of the Committee and even by some of the officers of the Department. I am glad that even a landlubber may once in a while make a useful suggestion.

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

THIRD READING

On motion of Hon. Mr. Dandurand, the Bill was read the third time, and passed.

DIVORCE BILLS

FIRST READINGS

Hon. Mr. WILLOUGHBY, Chairman of the Committee on Divorce, presented the following Bills, which were severally read the first time:

Bill V4, an Act for the relief of Esther Brand.

Bill W4, an Act for the relief of Irene Adela Crann.

Bill X4, an Act for the relief of Jessie Ferguson.

Bill Y4, an Act for the relief of William Herbert Gamble.

Bill Z4, an Act for the relief of Mabel Maude Giles.

Bill A5, an Act for the relief of Alice Mockford.

Bill B5, an Act for the relief of Alvah Arthur Norris.

Bill C5, an Act for the relief of Eleanor Porter.

SECOND AND THIRD READINGS

On motion of Hon. Mr. Willoughby, Chairman of the Committee on Divorce, the following bills were severally read the third time, and passed:

Bill R4, an Act for the relief of Katie Abramovitch.

Bill S4, an Act for the relief of Daisy Myrtle McPherson.

UNION OF CANADA AND NEWFOUNDLAND

MOTION—DISCUSSION CONTINUED

The Senate resumed from March 22 consideration of the motion of Hon. Mr. Tanner:

That in the opinion of this House Canada should favourably consider any proposal that may be made by Newfoundland for union with the Dominion of Canada.

Hon. G. D. ROBERTSON: Honourable gentlemen, in view of the visit of the Deputy Governor I will endeavour to take not more than a few minutes, so as to clear the Order Paper for to-day. I desire to add a few observations to those already submitted to the House on the subject of this motion.

The Gulf of St. Lawrence, several hundred miles in width, probably 500 at its extremity, is the open door to probably the largest inland waterway in the world, certainly the inland waterway carrying the largest volume of traffic, and along the St. Lawrence River and the Great Lakes, for the 2,000 miles of their extent, their live many millions of people with billions of dollars' worth of property. Therefore, I regard the Island of Newfoundland as the Heligoland of the North Atlantic. It stands as a silent sentinel across the mouth of the Gulf of St. Lawrence, the passage at the north end being only 14 miles in width, through the Straits of Belle Isle, and the opening between Cape North on the mainland and Port aux Basques being, I think, not more than 60 or 70 miles. Therefore this great Island, which is about 42,000 square miles in area, or approximately the size of the State of New York, although it has not as many people, is a watch tower which, if necessity arose, would be a fitting frontier defence for all that great territory which borders the St. Lawrence River and the Great Lakes. If we were living in or looking forward to a time when the defence of that great inland waterway would be necessary, it seems to me that Newfoundland would be of paramount importance in this respect.

Hon. Mr. CASGRAIN: May I ask the honourable gentleman a question? Is he very familiar with Newfoundland? Has he been there?

Hon. Mr. ROBERTSON: Yes.

Hon. Mr. CASGRAIN: Except for the Straits of Belle Isle, of which the honourable gentleman speaks, warships could give Newfoundland a wide berth; and I do not think any warships would venture into the Straits.

Hon. Mr. ROBERTSON: From Cape North on the mainland to the Island of Newfoundland is no farther than the Germans shot shells into Paris during the war. I am not suggesting that there is likely to be any necessity for defence, but I am pointing out the strategic location of that great island.

Newfoundland was discovered in 1497 by John Cabot, or, as is more likely, by his son Sebastian. History tells us that Henry VII presented Sebastian Cabot with the sum of £10 for having discovered Newfoundland, and subsequently gave him a pension of £20. The Cabots apparently settled later in Massachusetts, for there the name has been transmitted and their characteristics are well known, as expressed in a little verse that I remember seeing some time ago:

Here's to good old Boston,
The land of the bean and the cod,
Where the Cabots speak only to Abbots
And the Abbots speak only to God.

For 200 years following its discovery there was not much development in Newfoundland except a little fishing done by fishermen from various European counties, but after the days of Sir Humphrey Gilbert the island began to grow in importance. The population continued to increase until to-day we find a population of approximately 259,000 on the Island proper and about 4,000 in Labrador, which belongs to the Dominion of Newfoundland. I call it the Dominion because it has a status equal to ours.

Hon. Mr. CASGRAIN: It is not in the League of Nations.

Hon. Mr. ROBERTSON: Well, perhaps it might be if it desired.

Before reaching any conclusion on the subject matter of the motion, it seems to me that it is important that we should review and know something of the resources, business and people of Newfoundland, in order that we may at least form some estimate of what the proposition would mean if conferences did occur between the two countries looking to a union. Therefore I have taken pains to ascertain some facts.

We find first that the population is, as I have stated, 279,000, and that there have been built on that island some 923 miles of railroad, 545 of which is considered as main line and 378 as branch lines. Their railway is of narrow gauge type.

Hon. Mr. CASGRAIN. Three feet six.

Hon. Mr. ROBERTSON: The capacity of the rolling stock and motive power is not very great, and the railroad does not pay its way, although it is an absolute necessity to the commerce of the Island. The Government of Newfoundland operate also a number of steamships, which are necessary in maintaining communication with the outlying portions of the island and with the mainland. Their steamship routes cover a distance of about 3,413 miles and are profitable, as is a rather extensive drydock at St. Johns, Newfoundland, which the Government own and operate. The operation of those public utilities—of dry-dock, steamships and railroads—

in the year 1925, the record of which is the latest that I have been able to put my hand upon, showed a net deficit of $358,509, the dry-dock and the steamships yielding a fairly substantial surplus, while the railroad had a considerable deficit.

The total revenues of the Newfoundland Government for 1925 appear to have been $9,783,000 and the total expenditure for the same year $9,436,000, the net result being a surplus, which was the first surplus that they enjoyed for a long time.

One-half of the public debt may be attributed to utilities and the other half to war expenditures. We remember with satisfaction, and I think it is well worthy of mention in passing, that the soldiers of Newfoundland were the first representatives of any British Dominion to arrive on European soil.

Hon. Mr. CASGRAIN: They were closer.

Hon. Mr. ROBERTSON: Because of their peculiar adaptibility and their experience in seafaring life they were of outstanding usefulness to the Mother Country in her naval and sea-patrol activities during the war. No one could for a moment offer any criticism of a public debt incurred in such a cause.

The other half of the public debt of Newfoundland is attributable to public utilities, such as the construction of the railroad and the provision of steamship services giving the people access to their own ports and to the mainland. Expenditure for these purposes is, as I am sure everyone will agree, absolutely essential to their development. Therefore we find that the national indebtedness on a per capita basis was in 1925 considerably less than our own, being about $236 per capita as compared with $275 in Canada.

Hon. Mr. CASGRAIN: I do not want to interrupt my honourable friend, but I would like to ask him, does that include the guarantee of £2,000,000 for the pulp mill at Corner Brook?

Hon. Mr. ROBERTSON: My information is not clear on that point.

The natural resources of Newfoundland are worthy of note. They are very considerable. At Belle Isle and Conception Bay there are known deposits of iron estimated to amount to 3,500,000,000 tons of high class ore, and there are found nearby almost unlimited quantities of limestone, a necessary concomitant to the manufacture of steel, as we all know. Some coal has been discovered, but it has never been worked. I am not at all sure that the reason is that it is not commercially profitable. It may be because of the large deposits of coal on the mainland, and because ore and limestone are taken from Newfoundland to Cape Breton, that it has not been desirable to develop the steel industry in Newfoundland. There may be substantial quantities of coal there, but this has never been thoroughly investigated.

The standing timber resources are not wholly known. The Island itself comprises 42,000 square miles of territory and has a very sparse population, settled immediately along the shore, largely in the south, and the interior is not thoroughly surveyed. But this is known, that in what is called the Gander Basin, which crosses the Island about the centre and is largely traversed by the railway, there is a timber area of 1700 square miles, with an estimated potential value of $630,000,000, which if properly handled can be perpetually maintained at that value. My authority does not come from Newfoundland, nor is it a Canadian authority. I obtained my information in all these matters from what I thought to be an absolutely independent, disinterested source.

Hon. Mr. WILLOUGHBY: Is the honourable gentleman refering to pulpwood?

Hon. Mr. ROBERTSON: No; it is large timber. So far as pulp is concerned, I think about 14,000 square miles of pulp area that have been surveyed, and it is estimated that over that 14,000 square miles there is an average of four cords per acre—

Hon. Mr. CASGRAIN: That is right.

Hon. Mr. ROBERTSON: —of pulpwood that may be removed and used for the manufacture of pulp and paper. But the resources that I mentioned as existing in the Gander Basin consist, I understand, of large timber.

Now as to minerals. Copper is widely scattered and quite plentiful. Galena is abundant, slate deposits are being worked, and gypsum exists in strata 100 to 500 feet in thickness, easy of access and pure in quality. Two hundred and fifty square miles of oil shales lie on the west coast, and though they will not be, I fancy, of very great value as long as oil flows from the earth, it has been shown by experiment that 16 gallons of oil to the ton of shale can be procured, and some day these resources may be valuable.

Newfoundland possesses also an asset to which I think we are all learning to attach greater value than formerly, and that is electric energy. There are potentially 1,200,000,000 horse-power awaiting development as and when required.

Hon. Mr. CASGRAIN: That is in the new portion, not on the island proper?

Hon. Mr. ROBERTSON: No, no; that is on the island proper. Then we come to the

fisheries. They have always been important. It was indeed the fishing industry which first brought people to the Island. There were 1,070 men and boys employed in that industry two years ago; and I assume that the number does not vary greatly from year to year. The value of the fisheries is, roughly, $10,500,000. It is a noticeable fact that warm countries consume the product of the Newfoundland fisheries. I notice, for example, that $2,500,000 worth goes to Spain, $1,500,000 to Holland, $1,500,000 to Italy, $1,750,000 to Portugal, and $1,500,000 to Brazil, making a total of about $9,000,000, the balance being distributed among various other countries.

Newfoundland has also a sealing industry. The fishing season, I may state, opens in May and closes in October. The sealing industry opens a little earlier—indeed it is on now. It commences, I think, on March 5th and ends about the time that the fishing industry opens. So the people who do the fishing can also engage in sealing, using the same equipment and boats. In 1926 the catch of seals amounted to 211,531, and the value was $395,510. That gives some idea of the revenues that are derived by the people employed in the industry, and shows what the industry means to the Island itself. It must be remembered that they have six months of the year for other employment, repairing their equipment and so on, or engaging in woods operations or anything else that they may desire to do during the winter months.

The facts I have stated will give, though imperfectly, an up-to-date knowledge of the resources, development, assets and liabilities of Newfoundland. Now, coming to the subject mentioned in the motion of my honourable friend from Pictou (Hon. Mr. Tanner), one cannot escape the conviction that had Newfoundland become a member of Confederation and been incorporated in the Dominion of Canada in 1867 it would in all probability have developed more rapidly than has been the case. However, Newfoundland had the right to make its own choice, and it has still. It is quite possible that the fishing industry would have been more profitable had Newfoundland united with Canada. We all know, and I am quite sure they know, that the ships of the Canadian Government Merchant Marine, for example, daily pass their door on the way to or from all ports of the world. Our Merchant Marine might well be in a position to afford them more satisfactory and cheaper transportation for their products than would otherwise be available. I do not know, but I think that is a suggestion that is worth considering.

I feel inclined to refer now to a matter that is peculiar to Newfoundland, and that is the fact that it is the centre of cable communication between America and Europe. It is a long story in itself, the history of the Atlantic cable—the laying of it, its three different failures and its final success, and how after the cable did finally succeed the business has grown until at the present time there are fourteen lines of cable stretching from America to Europe via Newfoundland. In St. Johns, Newfoundland, there is quite a large town whose people are all employees of the Cable Company, and they are comfortably housed and are getting along very nicely.

Hon. Mr. CASGRAIN: How many employees are there?

Hon. Mr. ROBERTSON: With their families they number several hundred, I think. What I desire to point out, however, is that notwithstanding the fact that the greatest volume of telegraph traffic in the world passes through Newfoundland, it does not get its news of the world until the news is about three days old. If that island were a part of this Dominion it would, I assume, enjoy the same Canadian Press service as all parts of the Dominion have.

If the Island should join Canada I assume it would have access and right to use the Canadian press despatches, and the people there would then in their newpapers get up-to-date news, and financial despatches as well, which I think would be of benefit to them.

We sell to Newfoundland some $12,000,000 worth of goods per year, and purchase from them less than $2,000,000. To my mind one of Newfoundland's greatest assets is that it is a sportsman's paradise, but that can never be properly developed unless it is properly advertised, and if the island were part of this Dominion, which is rapidly becoming known as a summer resort for the people of the world, Newfoundland would probably profit to some extent by being known as a part of Canada.

These are thoughts which I throw out for consideration along with my honourable friend's motion. Now that Newfoundland is the owner of a substantial amount of property on the mainland, whereby Labrador has annexed, to the extent of 300 miles, territory that was formerly in Canada, part of the province of Quebec, this fact would seem to be a fresh link in the chain by which we might be brought together.

I was much impressed by the proposal of the honourable member for North York (Hon. Sir Allan Aylesworth), and would respectfully suggest that my honourable friend from Pictou (Hon. Mr. Tanner) might fittingly ac-

cept that amendment. I am prepared to support the motion, especially with that amendment.

Hon. Mr. CASGRAIN: Honourable gentlemen, I have no intention of speaking at length on this motion, but I happened in 1880 to answer an advertisement, and went there as an engineer and spent six months surveying for a railroad there in the peninsula of Avalon, and I did not return there for forty-five years, when I was interested in those Iron mines.

There is no doubt that those mines are exceedingly valuable, and they sell ore to Germany to the extent of some 700,000 tons, and could sell more, but that is about the limit of production, and there is not very much profit in selling it on account of the high freight. The ore contains 52% of iron, and it is good ore, and part of it goes to Sydney. That is a good asset, and the industry employes about 3,000 men at big wages for short days. Those who pay the wages know that they are big, and that the days are short, and I have lost enough money there to know something about it.

But I do not believe that the Government of Newfoundland have any idea at all of being annexed to the Dominion of Canada. When I was there, one of the surveying parties, not the one I was in, was stormed by the wives of the fishermen, who broke their instruments, because they said that if we built a railroad they would get into debt, and in order to get out of debt they would have to sell out or be annexed to Canada. I do not think there is any desire to-day for annexation to this Dominion.

I visited Newfoundland with twelve members of the Imperial Parliament to see the opening of the big pulp mill there that had been assisted by the Government of the island and the Imperial Government, which has been purchased lately by the International Paper Company. The Northcliffe interests are located at High Falls, but I would say that pulpwood exploitation on the basis of four cords to the acre is not a paying proposition, so that I do not think it would be much of an asset. As a defence sentinel, we know that the fleets of the world could safely ride there, but then our good friend, the League of Nations, says that we are not to have any more wars anyway, so we may leave aside the defence business.

The next thing I wish to mention is that the Government—not the present Government—was a party, through the Hon. C. J. Doherty, their Minister of Justice, to presenting their case to the Privy Council, which could not give any other judgment than the one they pronounced, because it was an action en bornage, that is, they asked the Privy Council to define the line between what Newfoundland owned and what Canada owned. Thus they recognized that Newfoundland had proprietary rights. I met the Attorney-General of the Island the other day, Sir John Bennett, and I said to him, "You put it over us like a tent, didn't you?" and he laughed. I said, "The minute we agreed to have the line defined, then we admitted that you were the adjoining proprietor." But the real contention was not that at all; we were proprietors, but they had the right to take their fish on the shore, to get fresh water, and to get wood to do any little cooking, the same as France had on the French shore on the south side; but the Government of my honourable friend made a mess of it. Judge Doherty is a good judge, and how he made that mistake I do not know, except that Newfoundland would not agree to anything else and they had to go to it that way.

I have in my house an old Atlas which shows exactly the limit that has been fixed. But Canada and the province of Quebec lost nothing by that judgment, honourable gentlemen, for I would not accept all that territory even if offered it for nothing. The late honourable member for Ottawa (Hon. Mr. Edwards) had that place looked over, and he said that lumbering there would be impossible. If he wanted a ton of hay he would have to get it from Montreal; a barrel of pork would have to be brought from Chicago; potatoes from Prince Edward Island, and so on, for nothing grows in that part of Labrador, and there is not much farming on the island proper, either. But the people are happy; they live very well; as far as I know they have a good Government which suits them; and I think we should leave them alone.

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

SITTING OF THE SENATE

Hon. Mr. DANDURAND: I move that when the Senate adjourns this evening it do stand adjourned until to-morrow at 2.45 p.m.

The motion was agreed to.

The Senate adjourned during pleasure.

THE ROYAL ASSENT

The Right Hon. 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 Supreme Court Act.

An Act to authorize an extension of time for the completion of The Saint John and Quebec Railway between Centreville, in the county of Carleton, and Andover, in the county of Victoria, N.B.

An Act to amend the Public Printing and Stationery Act.

An Act to amend the Railway Belt Water Act.

An Act respecting The Royal Military College of Canada.

An Act to confirm a certain agreement made between the Canadian Pacific Railway Company and the Canadian National Railway Company.

An Act to amend The Patent Act.

An Act to amend the Trade Mark and Design Act.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1929.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1928.

The House of Commons withdrew.

The Right Honourable the Deputy of the Governor General was pleased to retire.

The sitting was resumed.

The Senate adjourned until to-morrow at 2.45 p.m.

THE SENATE

Friday, March 30, 1928.

The Senate met at 2.45 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

THE ROYAL ASSENT

The Hon. the SPEAKER informed the Senate that he had received a communication from the Governor General's Secretary acquainting him that the Right Hon. F. A. Anglin, acting as Deputy of the Governor General, would proceed to the Senate Chamber at 5.45 o'clock to-day for the purpose of giving the Royal Assent to certain Bills.

CANADIAN NORTHERN RAILWAY INCOME CHARGE BILL

FIRST READING

Bill 153, an Act respecting the Canadian National Railways and respecting the Canadian Northern Railway Company 5 per cent income charge convertible debenture stock.—Hon. Mr. Dandurand.

SECOND READING

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

He said: Honourable gentlemen, the purpose of this Bill is to approve and give effect to the Scheme of Arrangement and Compromise between the Canadian Northern Railway Company and the holders of its 5 per cent income charge convertible debenture stock. This stock is secured by trust deed, dated May 6, 1910, supplemented by trust deed dated May 17, 1915. The trustees are the British Empire Trust Company, Limited, London, England, and the National Trust Company, Toronto.

The stock is repayable at par on May 6, 1930. Interest is payable at 5 per cent or at such less rate, if any, as the net earnings of the railways concerned shall be sufficient to pay.

They were income bonds, and were to receive dividends only as the income justified it. Interest was paid on the bonds. It was not cumulative up to the year 1914, when interest ceased to be paid, and since then it has not been paid, but the stock is redeemable, is maturing, and is payable in 1930.

The Scheme of Arrangement provides for payment of the stock at 94 per cent of par on May 6, 1928, on which date the necessary money has to be in the hands of the trustees. The Scheme of Arrangement was approved at a meeting of the stockholders held in London on the 15th November, 1927.

Section 2 of the Bill confirms the Scheme of Arrangement and declares it to be valid and binding as if it had been enacted by the Act which will be based on the Bill.

The total principal outstanding on December 31, 1926, was $24,137,846.08, 94 per cent of this is $22,689,575.32.

The Bill provides authority for guarantee of the securities subject to the approval of the Governor in Council as to terms and conditions. The proceeds are to be deposited to the credit of the Minister of Finance. For the purposes of the Scheme of Arrangement, the sale of securities shall be by competitive bid; but in view of the fact that time is of the essence, and will be very limited, provision is made for temporary financing.

With these explanations, I beg to move, seconded by the Right Hon. Mr. Graham, the second reading of the Bill.

Hon. Mr. WILLOUGHBY: What is the rate of interest?

Hon. Mr. DANDURAND: The rate of interest is 5 per cent.

Hon. Mr. WILLOUGHBY: That is the old rate.

Hon. Mr. DANDURAND: Yes. Now the interest will be whatever the market will command when those bonds are issued. Of course, it will be nearer 4 per cent than the 5 per cent.

Hon. Mr. GORDON: Do you say the bonds are non-cumulative?

Hon. Mr. DANDURAND: Yes.

Hon. Mr. McMEANS: Are those liabilities which the Government was not responsible for and which they are now assuming?

Hon. Mr. DANDURAND: The whole system was responsible for the issue. It was only responsible for the interest as it was earned after ordinary administrative charges were met. Interest was paid at 5 per cent up to 1914. The company has not earned the 5 per cent since 1914, although a committee of the bondholders in London have been claiming that during those latter years sufficient income had been shown to justify the payment of a certain amount, at all events, of the interest by the railway company. All this has been settled. There is no more claim as to an accounting. Under the Scheme of Arrangement the parties accept the repayment of their capital purely and simply at 94.

Hon. Mr. CURRY: What price did the purchasers pay for the security?

Hon. Mr. DANDURAND: I have a statement to that effect. It is surprising how easily these bonds were observed by the British public. Some Canadians also held a certain amount. Income charge stock was issued by the Canadian Northern in the years 1910, 1911 and 1912. The first issue was made in 1910—$15,000,000 at 92½. In 1911 the railway company offered $7,500,000 of the stock, the price being 98. Some of the original purchasers paid over par for their stock, which had gone up.

Right Hon. Mr. GRAHAM: To 106.

Hon. Mr. DANDURAND: As far as 106, my right honourable friend says. In 1907 the gross surplus was $1,700,000.

Hon. Mr. GORDON: I assume that the bondholders have expressed their satisfaction.

Hon. Mr. DANDURAND: Oh, yes. They met in November last in London, and by a large majority—I think over 80 per cent of them—agreed that under the trust deed the agreement is valid.

Hon. Mr. McLENNAN: The agreement of the majority will carry the whole issue?

Hon. Mr. DANDURAND.

Hon. Mr. McMEANS: It would be interesting to know what the bonds were quoted at on the market before the arrangement was made.

Hon. Mr. DANDURAND: That I could not tell my honourable friend. As far back as October 1926 an agreement was made practically on these lines by Sir Henry Thornton. It was not sanctioned by the Government, and a new arrangement took place in 1927. Then the moot question was which was the better of the two arrangements. From information I have, if money was procured by the selling of Canadian bonds at over 4½ the 1926 arrangement would show an advantage over that of 1927; but if the Canadian bonds can be sold at or below 4.20, then the 1927 arrangement will show some advantage by fifty odd thousand dollars.

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

THIRD READING

On motion of Hon. Mr. Dandurand, the Bill was read the third time, and passed.

INCOME WAR TAX BILL

FIRST READING

Bill 156, an Act to amend the Income War Tax Act.—Hon. Mr. Dandurand.

SECOND READING POSTPONED

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

He said: Honourable gentlemen, this is a money Bill the object of which is to reduce the rate of taxation applicable to certain persons, corporations, and joint stock companies. There is also a reciprocal shipping income tax exemption. We cannot increase the charge, and I do not think we could even reduce the taxation, because we would be depleting the Treasury. So I doubt very much whether we can do anything else than accept the reduction in taxation and be thankful, and pass the Bill as it is.

Hon. Mr. DANIEL: The Bill has not been distributed.

Hon. Mr. DANDURAND: Perhaps I should read the Bill, inasmuch as it is a Bill which the Department needs for its current year:

The first schedule of The Income War Tax Act, chapter ninety-seven of the Revised Statutes of Canada, 1927, is amended by striking out from the second line of the proviso thereto the word "ten" and substituting the word "twenty".

The first schedule of the said Act is further amended by striking out the words

"Rate of Tax Applicable to Corporations and Joint Stock Companies

On the amount in excess of $2,000.00—9 per centum."

which immediately precede the proviso at the end of the said schedule, and by inserting the words

"Rate of Tax Applicable to Corporations and Joint Stock Companies

On the amount in excess of $2,000—8 per centum"

immediately after the said proviso at the end of the said schedule.

Paragraph (m) of section four of the said Act is repealed and the following substituted therefor:—

"(m) the income from the operation of ships owned or operated by a non-resident person or corporation, provided that the country where such person or corporation resides grants an exemption in respect of income earned therein from the operation of ships owned or operated by a person or corporation resident in Canada which in the opinion of the Minister is fairly reciprocal to the exemption herein provided. The Minister may give effect to this exemption, in any case, from the date, past or future, on which the exemption, granted by the country where the person or corporation aforesaid resides, took effect."

"And in the case of leases of mines, oil and gas wells and timber limits, the lessor and the lessee shall each be entitled to deduct a part of the allowance for exhaustion as they agree and in case the lessor and the lessee do not agree, the Minister shall have full power to apportion the deduction between them and his determination shall be conclusive."

Hon. Mr. GORDON: I do not quite understand that: "the lessor and the lessee."

Hon. Mr. DANDURAND: I should perhaps postpone the second reading of the Bill, and get the brief from the Minister which I can read. I will send for the brief, which will explain.

Hon. Mr. CURRY: Why has that Bill not been placed before us earlier? Why have we not had it in this House before? Because the Bill was only introduced in the House of Commons yesterday or the day before. I doubt if it was distributed in that House. The explanation was given by the Minister in the other House, and it was passed because the Commons is to adjourn this evening, and there will be a sanction of Bills.

I will suspend the motion for the second reading, and give the explanation which the Minister of Customs gave.

Hon. Mr. CURRY: Is it proposed to give the third reading to-day?

Hon. Mr. DANDURAND: It is, if the Senate is so disposed.

Hon. Mr. CURRY: I think we ought to have time to study and understand this Bill.

Hon. Mr. DANDURAND: I think I shall be able to give an explanation to my honourable friend before the close of this sitting.

Hon. Mr. CURRY: Why is it necessary to pass it to-day?

Hon. Mr. DANDURAND: The fiscal year begins on the first of April, and there is a necessity for the application of these amendments.

Right Hon. Mr. GRAHAM: The Business tax and the income tax must be paid before the 1st of May.

Hon. Mr. McLENNAN: In view of the high standards which were set before us yesterday and the feeling of all on both sides of this House that we should avoid being rubber stamps this is an unfortunate example to come down to-day. At whatever time this Bill may have been introduced in the other House the matter of the Bill must have been in contemplation one would think for quite a considerable time.

Hon. Mr. DANDURAND: Yes. Well, I will get the brief, and if it is not so clear as to be understood instantly, we will postpone the second reading until when we return.

The motion for the second reading of the Bill was allowed to stand.

DIVORCE BILLS

SECOND AND THIRD READINGS

On motion of Hon. Mr. Willoughby, Chairman of the Committee on Divorce, the following Bills were severally given their second and third readings, and passed:

Bill T4, an Act for the relief of Claire Ellen Burke.

Bill U4, an Act for the relief of George Edgar Gooderham.

FIRST, SECOND AND THIRD READINGS

On motion of Hon. Mr. Willoughby, Chairman of the Committee on Divorce, the following Bills were severally read the first, second and third times and passed:

D5, an Act for the relief of Pearl Hazel Clement.

E5, an Act for the relief of John Arthur Towers Irvine.

F5, an Act for the relief of William Henry King.

G5, an Act for the relief of John Pepper.

H5, an Act for the relief of Caroline Mildred Potter.

I5, an Act for the relief of Fanny Alrheta Schaefer.

J5, an Act for the relief of Ivy Ethel James Sergent.

K5, an Act for the relief of Angelo Spadafore.

L5, an Act for the relief of Lena Zimmerman Staples.

M5, an Act for the relief of Audie Bertha Stewart.

N5, an Act for the relief of Gertrude Aileen VanderVoort.

O5, an Act for the relief of Roy James Vollans.

P5, an Act for the relief of John Young.

UNION OF CANADA AND NEWFOUNDLAND

RESOLUTION AGREED TO

The Senate resumed from yesterday consideration of the motion of Hon. C. E. Tanner:

That in the opinion of this House Canada should favourably consider any proposal that may be made by Newfoundland for union with the Dominion of Canada.

Hon. Mr. TANNER: Honourable gentlemen, I have just a word or two to say before the matter is proceeded with this afternoon. There have been several suggestions in regard to the wording of the motion which I placed on the Order Paper. Personally I have no choice; I am not wedded to any particular words. I am fully satisfied with the expression of opinion which has come from honourable members of this House. All I desired—and I think my desire has been amply fulfilled—was to have an expression of good-will on the part of this Senate. The discussion so far has quite evidenced that honourable members are in sympathy with the proposition I submitted and are of the opinion that it would be desirable to receive in a friendly spirit, and to consider in such a spirit, any proposition looking to a union of Canada with Newfoundland. Having consulted with the honourable leader of the House, I am going to ask for leave to amend my motion slightly, not in principle at all, but only in the wording, to read as follows:

That in the opinion of the Senate Canada should consider in a friendly spirit any proposal for union with Newfoundland.

Therefore I will ask that all the words of my motion after the word "opinion" be left out, and that there be substituted the words, "of the Senate Canada should consider in a friendly spirit any proposal for union with Newfoundland."

The motion was agreed to.

Hon. Mr. DANDURAND: Honourable gentlemen, I take it for granted that no one takes exception to either the form or the matter of the resolution moved by my honourable friend from Pictou. I believe I am justified in saying that the opinion of Canadians has not varied on this question of Newfoundland's entry into Confederation. In reading the history of the negotiations between our two countries I find that the question between us has been mainly a question of terms.

Newfoundland was represented at the Quebec Conference of 1864, which met to discuss the possibility of Confederation, and it joined in a unanimous recommendation of a scheme of federal union. It delayed action, however. Our own British North America Act, clause 146, empowers the Dominion of Canada to enter into negotiations with the provinces of Newfoundland, Prince Edward Island and British Columbia for their admission into the union. Therefore, as far as Canada is concerned, it would not be necessary for us to obtain any further authority from the Imperial Parliament, as the necessary powers were granted to us under the article to which I have just alluded.

In 1868, after Confederation had taken place, negotiations with Newfoundland were resumed, and in 1869 a Newfoundland delegation came to Ottawa and arranged terms of union. The Newfoundland Government then went to the country on the issue, and was defeated by a large majority.

Sir John A. Macdonald comments on the situation in a private letter to the Governor General:

The acquisition of the island itself is of no importance to Canada, and the terms offered by us and acceded to by the government of the island were so liberal that in a pecuniary point of view we made a bad bargain. (Pope, ii, 145.)

In 1888 Canada proposed the sending of a Newfoundland delegation to Ottawa to confer upon terms of union. The proposal fell through, largely, it appears, because a date for the conference could not be agreed upon. This would show that there was not a very ardent desire on the part of Newfoundland to enter into new negotiations.

In 1895 there was a serious financial crisis in Newfoundland, and a delegation came to Ottawa again to discuss union. No results followed, as there was disagreement on the amount of Newfoundland's debt to be assumed by Canada. Newfoundland was also displeased, according to news which reached us at the time, with the opposition of Canada to the Bond-Blaine commercial treaty negotiated by Newfoundland with the United States in 1890, and subsequently disallowed by the British Government. This feeling is believed to have had its effect in the failure of the negotiations for union.

Beckles Willson, in his "Truth about Newfoundland", page 33, says:

The amount of Newfoundland debt to be assumed by Canada, however, was the deciding factor. The Premier of Newfoundland, Sir William Whiteway, expressed this view in an interview shortly afterwards: "Confederation is shelved for the present. We wanted to come in two years ago, but the Canadian Government would not agree to our terms . . . their assumption of our public debt of $16,000,000. . . . . They were ready to assume $10,000,000 only, and the negotiations fell through. Had Sir Charles Tupper, instead of Sir Mackenzie Bowell, been at the head of affairs, we might have been a part of Canada to-day."

Parkin, in his biography of Sir John A. Macdonald, also remarks, after commenting upon Sir John's view that Newfoundland's adhesion was not essential:

While he attached no vital importance to the refusal of Newfoundland in 1868, it can scarcely be believed that, had he been alive in 1893, he would have missed the opportunity then offered of adding the island to the Dominion for the sake of the half-million or million dollars which blocked an agreement.

Perhaps the difficulties which were encountered in 1895 would not loom as great to-day if discussion of this question of union were renewed. The situation of both countries is now quite different. The query arises in many minds as to which country would benefit the more by the union. With Canada, I believe, it is mostly a question of sentiment. Newfoundland has developed very slowly in comparison with our Dominion. It had a population in 1832 of 60,000, in 1874 of 161,000, in 1901 of 217,000, and in 1924 of 258,000. It should go forward far more rapidly, because of its large natural resources, and perhaps we shall see it developing much faster than it has done in the last fifty years. If Newfoundland joined with Canada it would have considerable financial assistance for the development of its natural resources, and this would give it a great impetus.

The enlarged territory of the Labrador coast has been spoken of as a valuable asset. It may be, and it may not. If that territory had remained, as it looked to be, a part of the Dominion, I see no reason why it would not have continued for the next fifty years to be the barren land it is to-day. It has a population not much greater than 5,000, including the Indians, and composed mainly of fishermen on the coast. If Newfoundland develops on its own lines, as heretofore, I suppose that the Labrador area will still be a barren land a hundred years hence.

I can quite well visualize the effect upon Newfoundland's fortune of having as its hinterland half a continent, the Dominion of Canada, which is going forward by leaps and bounds, and whose commerce, towards the Atlantic, encircles the old colony.

I can quite see that Newfoundland would bring us nearer to Europe. It needs no great flight of imagination to predict that in a not distant future a rapid transportation system from St. John to Plymouth would cut in two the distance travelled at present by the greyhounds from New York to Plymouth.

Independently of material conditions, from the sentimental point of view exclusively, I would gladly welcome Newfoundland into the Canadian family.

Hon. Mr. DANIEL: Is our tariff modified with respect to Newfoundland? Is it different in any way from the tariff respecting any of the other Dominions, or the world generally?

Hon. Mr. DANDURAND: Newfoundland is master of its own tariff. My attention has not been drawn to the question of our respective tariffs. We sell a considerable amount to Newfoundland. I think the honourable gentleman from Welland (Hon. Mr. Robertson), who spoke yesterday, mentioned that our exports to Newfoundland were about $12,000,000 worth, while Newfoundland sold to us only some $2,000,000 worth. I do not know how it would fare under our tariff, but I suppose that what would be satisfactory to our Maritime Provinces would be satisfactory to Newfoundland. I am not sure that the Maritime Provinces are not making some sacrifice in order to keep step with the general trend of thought in the whole Dominion of Canada, and that it would not ask for a reduced tariff. It is all a question between the Maritime Provinces and Canada, which can mainly be solved with the United States. As my honourable friend is from St. John, he knows what advantage there would be in some kind of arrangement being made which would facilitate the selling of the products of the Maritime Provinces across the line.

Hon. Mr. DANIEL: I was just inquiring whether or not our tariff gives any preference to Newfoundland over any other Dominion. I suppose it does not.

Hon. Mr. DANDURAND: Oh, no.

Hon. Mr. McLENNAN: Newfoundland is on the minimum tariff, is it not?

Hon. Mr. DANDURAND: I cannot say just at the moment. That is an interesting question, which I can take up when we meet again. I will make a note of it and will furnish the Senate with information as to the fiscal relations between the two countries.

Hon. Mr. McLENNAN: A serious difficulty, it seems to me, has been for a long time the question of tariff, and this naturally interests anyone from the Maritimes. Newfoundland is not a manufacturing country. Its tariff is very low, and if it came into the Dominion the people there would have to content themselves with whatever seemed to the Government of the day the best tariff for the whole Dominion.

The resolution was agreed to.

INCOME WAR TAX BILL

SECOND READING

Hon. Mr. DANDURAND: I would ask that we revert to the Income Tax Bill which was before us a short time ago.

I desire to draw the attention of the members of the Senate to the fact that this Bill arises mainly out of the Budget proposals which were made by the Minister of Finance. While I was discussing Newfoundland my right honourable friend from Brockville (Right Hon. Mr. Graham) went through the Bill and is now in a position to give any explanations that may be asked for.

Right Hon. Mr. GRAHAM: The necessity for apparent haste arises largely from the fact that the personal income tax must be paid by May 1st; and in order that the reductions may apply without any jarring, it is thought better that this legislation should be passed, if possible.

The first clause has merely to do with an increase in the reduction from ten per cent to twenty per cent. The second section deals with the rate of tax applicable to corporations and joint stock companies. The real meaning of the section is this. First, the tax was nine per cent, then it was reduced by ten per cent, making it a little over eight per cent, and this change is to make the tax a straight eight per cent.

Hon. Mr. CURRY: I do not understand about the increase from ten to twenty.

Right Hon. Mr. GRAHAM: It is an increase in the reduction, and in order to simplify it the ten is changed to twenty.

The reciprocal shipping income tax exemption is a measure that is supposed to give the Government authority to make a reciprocal arrangement with any country that will allow Canadian vessels to do business and make a profit in that country without charging a tax on that income. If that can be done it will benefit both countries. This came up at the Imperial Economic Conference of 1923, and caused considerable discussion. At that time we rather agreed to this proposal, if it could be carried out.

As to section 4, at the present time the owners of mines and so on are given a reduction from year to year as the mines deteriorate, because capital is disappearing as well as income. This the Minister assures me is to make it apply to the lessee as well as the owner of a mine, because the conditions are the same.

Hon. Mr. GORDON: How would that apply to a timber limit? It says: "In the case of leases of mines, oil and gas wells and timber limits."

Right Hon. Mr. GRAHAM: Generally the lessor is the Crown.

Hon. Mr. GORDON: Oh, I see.

Right Hon. Mr. GRAHAM: So the Crown can make the same reduction to a lessee that it can to an owner.

Hon. Mr. GORDON: That is all that was bothering me, because I had never heard of a timber limit being leased from any person else.

Right Hon. Mr. GRAHAM: I was a little puzzled over that, and I asked the Minister what it meant, and I have given you his explanation.

Section 5 is very easily explained. At the present time parents are exempt to the amount of $500 for each child up to the age of 21 years. This merely adds a child, no matter what its age may be, that is incapable of earning its own living.

The next section is a little more intricate. It allows the employee who now pays a certain amount into a pension fund to elect to have the amount he pays into that fund exempt from income tax or to pay the income tax on that amount and have certain amounts deducted from the aggregate. It is practically the same thing. Some employees wished to have the option, and this allows it.

Section 7 is to enable the Minister to secure all the information he desires in order to collect income tax on profits made by speculation—I use that word—by any dealing that ought not to be exempt, but the profits of which are easily hidden.

Hon. Mr. CURRY: Is it necessary that this Bill should be passed before the income tax forms are sent out? I notice they are not out yet. I generally make up my income tax about this time

Right Hon. Mr. GRAHAM: It may be that the Department wants to be sure that the Bill goes through before sending out these forms.

Hon. Mr. McLEAN: I think the forms are ready. I have had a man up here, and I have filled out mine.

Right Hon. Mr. GRAHAM: I refrain from filling out mine as long as I can.

Hon. Mr. McMEANS: I suppose this Bill reduces taxation.

Right Hon. Mr. GRAHAM: A fraction, in the case of corporations, and it increases the reduction from ten per cent to twenty per cent upon personal income.

Hon. Mr. McMEANS: If taxation is reduced and expenses are increased, where is it going to land us?

Right Hon. Mr. GRAHAM: It depends upon the viewpoint.

Hon. Mr. DANDURAND: Business is buoyant.

Hon. Mr. CURRY: Are these all the explanations it is necessary to give?

Right Hon. Mr. GRAHAM: Yes.

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

THIRD READING

On motion of Hon. Mr. Dandurand, the Bill was read the third time, and passed.

CANADIAN NATIONAL RAILWAYS

RETURNS FROM BRANCH LINES

Hon. Mr. DANDURAND: Honourable gentlemen, I desire to put upon Hansard a letter received from Sir Henry Thornton, which is an answer to an inquiry of my honourable friend from Middleton (Hon. W. B. Ross) bearing on the returns from branch lines in the West. It is dated March 22nd, and is addressed to the Minister of Railways:

Dear Mr. Dunning:

I duly received your letter of March 16th enclosing copy of the remarks of the Hon. W. B. Ross, regarding the value to the System of the branch lines which have been constructed under the authority of parliament since the amalgamation.

I have no recollection of furnishing any statement showing the earnings of any of our branch lines, as no such figures have been taken out. No separate books are kept with regard to any branch line and the figures suggested by the Senator could not be produced without a great deal of work and expense which I hardly think would be justified. As intimated in my letter of February 15, 1927, transmitting the new three year branch line program to you, we do feel that on the whole the branch lines constructed under the 1924-1926 program have been fully justified by the traffic results to date.

To repeat what I have said before, the branch lines which we recommend to the Government under the three year program arrangement fall into two general groups:—

1. Those which offer economic and operating advantage to the system.

2. Those which we recommend for the purpose of general development and colonization of the country, and as useful feeders to the system.

Every branch line recommendation made under our three year program has been subjected to the most careful and unbiased investigation and scrutiny of our traffic, operating and construction departments. No line is included which we do not consider we can amply justify from an economic or traffic producing viewpoint. Lines which fall under group No. 1 mentioned above, such as the Grand Mere diversion in Quebec and the Pilkington cut-off in Ontario, which were included in our last program, commence to justify their construction as soon as they are in operation. As you know, there are many such cases where by the diversion of a section of the line or the construction of a short cut-off we can eliminate the disadvantage of unfavourable grades, curves, etc., or greatly reduce the mileage, and it is certainly good business to undertake such work, overcoming the handicaps bequeathed to us by former administrations, as soon as money becomes available for the purpose. With regard to lines falling under the second heading, a most careful survey is made of the topography, soil conditions, etc., etc., and an estimate is made of the amount of traffic which may be reasonably expected from the district to be served, and recommendation is only made that such lines be constructed in cases where we feel certain that the line will pay its working expenses within a relatively short time after the commencement of operation. Due allowance, of course, must be made in connection with these branches for the value of the traffic which they provide for main line movement.

Summing up the position, I am satisfied that parliament has been fully justified in approving the two branch line programs which have been submitted to it, and that all of the branch lines constructed or to be constructed under the current program are in the interest not only of the railway but of the development of the country at large.

Sincerely yours,

H. W. Thornton.

Hon. Mr. McLENNAN: I think I have discussed this matter often enough with the honourable gentleman from Middleton (Hon. W. B. Ross), who, unfortunately, is not here, to be able to say that I think he will look upon that as a somewhat unsatisfactory answer. The last paragraph, as I caught it, speaks of the general manager of the system being fully assured of the propriety and advantage of building these branch lines; but earlier in the letter we are told that they have no figures, or no easily available figures, about the traffic.

Now, while they are going on recommending the building of lines and prohesying that they will produce good results—and I am not impugning their good faith at all—they are unable to tell whether the lines which Parliament has authorized them to build, and which they have built, are producing the traffic that they anticipated when they took the responsibility of recommending their construction to Parliament. There must be figures on a railroad system so well run as the National is to show the amount of traffic over these branches in carloads. The traffic must be shown, perhaps not in detail, but in a big summary.

We authorized the building of a line some place or other extending 15 miles into the country, the aim being, as we understood it in the Railway Committee, to bring a settled and producing part of the country within 15 miles of the railway, that being about the maximum haul that the farmer could make without serious disadvantage to his income. Those lines have been built, and now they cannot tell us what good they have done. Surely there must be some figures to show how many loaded cars came over that particular branch, and about how many carloads in a year were profitable or reasonably so. Take this three-year program, for instance, that was commenced, I think, in 1927. It is very unsatisfactory to be told that we cannot learn whether that construction was justified by the amount of traffic handled over the lines constructed. I would ask the Leader of the House to suggest to his colleague that the position taken by the manager of the railroad should be modified, and that more information should be given.

Hon. Mr. DANDURAND: I believe that the statement made by my honourable friend is deserving of attention by the administration of the Canadian National Railways. We can well remember the little memorandum which I read from the administration, stating what was expected in the development of a certain area in which a branch line was to be constructed. It gave not only what the area produced, but a surmise of what it would receive and absorb. The Department has those figures, and it would be easy for it, as my honourable friend suggests, to apply a test to the hopes upon which we authorized the building of the branches. Of course, everybody will realize that the three-year program has only produced a certain number of finished branches, and we are not so very far away from the end of the three years, and possibly the railway administration would require some time to prove the accuracy of its estimates made at the beginning of the term. The trade must find its way; it must leave certain channels and enter these new branches, and it would not be fair to ask the railway to give us a statement of operations during the first year, for example. As those branches are utilized, the railway authorities should be able to give us an account of the development of trade going and coming on those branches. It would be difficult for them to give the actual money returns, which are involved in the long haul, and those branches serve as feeders, but we could learn what actually leaves those branches and what comes to the various stations on those branches.

I will, however, draw the attention of the Department and of the railway authorities to this feature.

Hon. W. B. WILLOUGHBY: Honourable gentlemen, I do not intend to amplify what has been said; but individually I have felt for several years that this House should avail itself of the right to call the railway executives, as is done in the Railway Committee of the other House. I realize that it is more important for that to be done in the other House, in connection with the Canadian National system of railways, because they are the people who vote the money for the appropriation which must be made, hence there is necessity of inquiry, and searching inquiry, on their behalf. But in this House we have an ex-Minister of Railways on the other side, and one on this side, and we have many men of light and leading in their various commercial and other callings; so I think we should have not only a survey of the National Railways as to the branch lines under the scheme that has been referred to, which is quite in order, and the work of which is very well done; but also a general retrospect of the year's operations of both railways—for they are both amenable to this House under the Railway Act—and I think we should have the same regard to the Merchant Marine.

Hon. Mr. DANDURAND: When my honourable friend says both railways, what railways does he mean?

Hon. Mr. WILLOUGHBY: Of course, technically speaking, we could only take the National Railways. We could not, in the ordinary course of affairs, ask the C.P.R. for such a report, unless when they were asking for a charter, for we cannot ask any accounting of those who do not ask for anything from us.

Hon. Mr. DANIEL: They pay their own bills.

Hon. Mr. WILLOUGHBY: Yes, they pay their own bills and go their own way, and have their own charter. It is with the others that I am concerned, and the same with the merchant shipping. Some members of this House will have enough leisure to attend to these things, but many of us are too busy to do so. I think that in future, perhaps not this Session, we should have members of the Canadian Shipping Board appear before the proper Committee of this House so that we will be seized, at first hand, of the acts and proceedings of that Board.

Hon. Mr. DANDURAND: The Senate can always act upon its own responsibility, and decide as to its own action. I drew the attention of my honourable friend from Bedford (Hon. Mr. Pope) to the difficulty there would be in carrying on as exhaustive an inquiry into the administration of the Canadian National Railways as is being conducted before the Committee of the other Chamber.

Perhaps there could be a way of bringing the information at first hand without imposing upon the experts and heads of departments of the National Railways such a long stay in the capital. I know that more than one of the representatives of the railway have spoken of the handicap imposed on their administration on account of the principal officials being detained in Ottawa, in the other Chamber, sometimes for a month. That is one-twelfth of the year that those officials are taken from their work of administration, and their contact with the other officials and their staff. The railways are our property, and we must avoid throwing too many impediments in the way of their administration.

I am satisfied that the other Chamber, at all events, has found a solution for the very great problem which confronted us when we became the owners of that vast system. In this Chamber we were asking ourselves how the representatives of the people, in the other Chamber and in this one, could relieve ourselves of the administration of a property that cost over two billions of dollars, and how the shareholders, who are the people, could through their representatives in the Commons and the Senate, have a word to say once a year. When we were looking for a solution of that problem it was decided in the other Chamber to transfer the budget of the Canadian National Railway, and probably also the Merchant Marine, to a Committee of the House before which the officials could be brought and examined and cross-examined on their past administration and on their estimates for the year to come. In that procedure there has been found a solution for the problem which we had to face—how such a vast property, handed to a few men, yet the property of the nation, could be controlled to a certain extent by the shareholders.

Now, my honourable friend suggests that we might perhaps set up another and similar control by having the officials before us; but we will need to give the matter some consideration before we decide on a regular inquiry being made into the operations of the railway and the merchant marine. We would have to examine carefully the effect it would have and to what extent we could inquire, so as not to handicap too much the whole system in which we are so vitally interested.

Hon. Mr. HUGHES: Would there be any objection to the members of the Senate being represented on that committee in the other House—to making it a joint committee?

Hon. Mr. DANDURAND: That is a question which could be taken up between the two branches of Parliament.

Hon. Mr. GORDON: I am sorry to have to disagree with my honourable friend from Moose Jaw (Hon. Mr. Willoughby). We are all proud of the National Railways. We call ourselves proprietors and owners of them, and for that reason I think one part of our duty is to see that the officials who are responsible for their operation are allowed all the time possible to be at their work. If we are going to bring some of them to Committees in the other House and keep them there for a long time, as is now done, and then afterwards have them brought over here to go over practically the same ground, it seems to me that it would be double work, and at the same time do an injury to the road.

If some system could be devised, as suggested by the honourable member for King's (Hon. Mr. Hughes), by which a joint committee of the two Houses could arrange the different matters, it would be well; but by the other plan we would not get any information further than we now get from the reports that are afterwards submitted by the committee of the other House.

Hon. Mr. WILLOUGHBY: But I do not know if they do submit their reports.

Hon. Mr. DANIEL: How long has that Committee on Railway Estimates been in existence? Is this year the first?

Hon. Mr. DANDURAND: Oh, no.

Hon. Mr. WILLOUGHBY: But their reports are not printed.

Hon. Mr. DANDURAND: My right honourable friend here (Right Hon. Mr. Graham) tells me that he was the one who moved for the appointment of that committee three or four years ago.

Hon. Mr. DANIEL: Is the evidence that is taken distributed in any way? I do not think so.

Hon. Mr. WILLOUGHBY: That is the point. I realize that we do not want to keep the leading officials in charge of the Canadian system too long away from their work, in which they are applying their expert knowledge on problems that require their full attention; but I realize that when we do not see those reports we do not know at all what is said over there.

Hon. Mr. HUGHES: Are the reports not in part confidential?

Hon. Mr. WILLOUGHBY: To a large extent they are confidential.

Hon. Mr. HUGHES: They are not given outside the Department.

Hon. Mr. WILLOUGHBY: I think that is so. If we had access to those reports, there would be no point to my remarks; but we do not attend that committee, and I do not think we could attend if we wanted to, because the committee is confidential, and we have no intimation about it at all.

Hon. Mr. POPE: I notice that both the Canadian Pacific and the National Railways state that owing to reductions of rates and increases of wages they have sustained losses of eight or nine millions of dollars, and we must therefore look forward and consider what may happen. In view of the representations from the West in regard to the transportation of wheat to market, anyone who thinks of the future must realize that when Russia returns to the grain markets of the world, which will be soon, the opportunities our Western farmers now possess for the solution of the wheat problem will not exist. Therefore we must look forward to some way of transporting that grain. Now, both the railways tell us that owing to the increase of wages their earning power is not satisfactory to-day, and I suppose that is an intimation to us that their earning power would be greater if they had an increase in freight rates. I do not know, but I would like to know that, and it would be very satisfactory to an ordinary animal like myself to ask some questions if I could meet the wolf out of the woods.

SITTINGS OF THE SENATE

Hon. Mr. DANDURAND: I move that when the Senate adjourns to-day it stand adjourned until Tuesday, the 17th of April, 1928, at 8 o'clock p.m.

Hon. Mr. POPE: Honourable gentlemen, that is not at all satisfactory. I would like to move an amendment, as follows:

That the motion be amended by striking out the word "seventeenth" and substituting therefor the word "tenth", at the same hour of the evening.

Hon. Mr. HUGHES: We voted on that yesterday.

Hon. Mr. POPE: Well, we will vote again to-day. It is a motion now.

The amendment of Hon. Mr. Pope was negatived: yeas, 6; nays, 16.

Hon. Mr. DANIEL: Before the main motion is put, do I understand the Leader to say 8 o'clock?

Hon. Mr. DANDURAND: Yes.

Hon. Mr. DANIEL: I might suggest that after having about seventeen days we might meet at the ordinary time, 3 o'clock. I think there is no reason, after such a long adjournment for Easter, why we should add another day for the convenience of those who might well be here at 3 o'clock in the afternoon.

Hon. Mr. DANDURAND: Personally, I will be back here in time for 3 o'clock. I am thinking of those who are far away, and who like to pass their last Sunday in the midst of their families, and who will be accommodated by having the sitting in the evening instead of the afternoon. It has practically the same effect, for instead of sitting from 3 until 6, we have from 8 until 11, and we can go beyond, if necessary. But there will be hardly anything on the Order Paper; we will be receiving Bills from the other Chamber, and we will set them down for the following Thursday, as two days must be allowed for second readings. But it will be a convenient matter to very many members who come from as far as Halifax and St. John, and who may have a full sitting in the evening.

Hon. Mr. DANIEL: I always make it a point to come here the day before the sitting, so that I may be on hand when the time of sitting arrives. One of the most favourable features I noticed on coming into the Senate,

after leaving the other part of this Parliament, was that I no longer felt that I had to go out at night to attend the evening sittings. I have always disliked evening sittings, and I thought that after having had four or five weeks a little while ago, and now seventeen days at Easter, the members from St. John and Halifax would be quite willing to be here in time to meet at 3 o'clock, and I think they would.

Hon. Mr. DANDURAND: I would be disposed to have some sympathy for my honourable friend if he were among the old ones, but I find him to be looking like one of the young ones.

Hon. Mr. DANIEL: We are all getting that way.

The motion was agreed to.

The Senate adjourned during pleasure.

THE ROYAL ASSENT

The Right Hon. 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 Governor General was pleased to give the Royal Assent to the following Bills:

An Act respecting the Canadian National Railways and respecting the Canadian Northern Railway Company five per cent Income Charge Convertible Debenture Stock.

An Act to amend The Income War Tax Act.

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, April 17, at 8 p.m.

THE SENATE

Tuesday, April 17, 1928.

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

Prayers and routine proceedings.

EXPERIMENTAL FARMS STATIONS BILL

FIRST READING

Bill 10, an Act to amend the Experimental Farms Stations Act.—Hon. Mr. Dandurand.

DAIRY INDUSTRY BILL

FIRST READING

Bill 12, an Act to amend the Dairy Industry Act.—Hon. Mr. Dandurand.

PRECIOUS METALS MARKING BILL

FIRST READING

Bill 21, an Act to amend the Gold and Silver Marking Act.—Hon. Mr. Dandurand.

NATIONAL BATTLEFIELDS (QUEBEC) BILL

FIRST READING

Bill 34, an Act to amend An Act respecting the National Battlefields at Quebec.—Hon. Mr. Dandurand.

LOAN BILL, 1928

FIRST READING

Bill 35, an Act to authorize the raising, by way of loan, of certain sums of money for the Public Service.—Hon. Mr. Dandurand.

EXCISE BILL

FIRST READING

Bill 54, an Act to amend the Excise Act.—Hon. Mr. Dandurand.

CUSTOMS TARIFF BILL

FIRST READING

Bill 169, an Act to amend the Customs Tariff. —Hon. Mr. Dandurand.

WAR REVENUE BILL

FIRST READING

Bill 170, an Act to amend the Special War Revenue Act.—Hon. Mr. Dandurand.

COPPER BOUNTIES BILL

FIRST READING

Bill 171, an Act to amend the Copper Bounties Act, 1923.—Hon. Mr. Dandurand.

FOREST RESERVES AND PARKS BILL

FIRST READING

Bill 193, an Act to amend the Dominion Forest Reserves and Parks Act.—Hon. Mr. Dandurand.

CANADIAN NATIONAL RAILWAY BILL

FIRST READING

Bill 194, an Act to amend the Canadian National Railway Act.—Hon. Mr. Dandurand.

CUSTOMS BILL

FIRST READING

Bill 198, an Act to amend the Customs Act. —Hon. Mr. Dandurand.

POLITICAL PARTISANSHIP COMMISSION

INQUIRY

Hon. Mr. GILLIS inquired of the Government:

1. On what date was Alfred Taylour Hunter appointed a Commissioner to investigate charges of political partisanship in the Department of Soldiers' Civil Re-establishment?
2. On what dates did the Commissioner hold hearings? In what places were hearings held?
3. Where in the City of Ottawa did the Commissioner hold hearings?
4. Were the persons against whom accusations were made allowed by the Commissioner to be present and to hear the tesimony of witnesses against them, and to cross-examine witnesses?
5. What is (a) the pay per diem, and (b) other allowances paid or to be paid to the Commissioner? What is the total sum paid and to be paid to the Commissioner?
6. What is the total sum paid and to be paid for other services and expenses of the Commission?

Hon. Mr. DANDURAND:

1. June 30th, 1927.

2. (a) July 18th, 19th, 22nd, 26th, 27th, 28th.
August 10th, 11th, 16th, 17th, 18th.
September 1st, 2nd, 3rd, 9th. 26th.
October 13th, 14th, 15th, 17th, 18th, 19th, 25th, 26th, 27th, 31st.
November 3rd, 4th 14th.

(b) Hearings were held in Toronto, London, and Ottawa, Ont.

3. Hearings were held in Ottawa at the Chateau Laurier.

4. No, but they were furnished with copies of the evidence and were permitted to submit evidence in rebuttal.

5. (a) 55 days at $50.00 per diem $2,750.00
(b) Travelling expenses.. .. .. 420.00

Total sum paid .. ..$ 3,170.50

6. (a) Total sum paid for other services 7,108.06

Total expenses to date $10,278.56

(b) There are other expenses still to be paid, the amount of which is not known, as the accounts have not yet been received.

ENEMY REPARATION FUNDS

INQUIRY

Hon. Mr. REID inquired of the Government:

1. How much money has the Government now in hand in connection with the Enemy Reparation Funds?
2. Have any claims been paid in full or in part?
3. If so, what are they?
4. Has the Friel Commission submitted their final report?
5. If so, when will the Government submit it to Parliament?
6. Does the Government intend to pay the claims at once?
7. If so, why and when?

Hon. Mr. DANDURAND:

1. Canada has been paid to date $10,800,-992.91 under the provisions of the London Agreement, bringing the Dawes plan into effect. This sum has been paid into the Consolidated Revenue Fund.
2. No claims have been paid.
3. Answered by No. 2.
4. Yes.
5. The matter is now under consideration by the Government.
6 and 7. Answered by No. 5.

FEDERAL BOARD OF PENSION COMMISSIONERS

INQUIRY

Hon. Mr. TESSIER inquired of the Government:

1. Who are the persons who have been members of the Federal Board of Pension Commissioners since its creation?
2. What has been and what is the salary of each member? What is the total paid to each member of the board (a) for salary, (b) for other allowances and expenses?
3. What is the total to date paid for salaries and allowances to persons serving under the board?
4. What are the names of the lawyers or advisers whose services are retained by the board?
5. How much did they receive for their fees and salaries?
6. How many cases are now pending before the local board at Montreal?

Hon. Mr. DANDURAND: I would suggest that my honourable friend make his inquiry somewhat clearer, because the Department does not know to what my honourable friend refers, whether to the Federal Board of Pensions or the Federal Appeal Board. My honourable friend might simply withdraw this notice, and give an amended one to-morrow.

Hon. Mr. TESSIER: I will withdraw it, and put it on the Order Paper to-morrow.

SUPERANNUATION FUND NO. 5

INQUIRY

Hon. Mr. TANNER inquired of the Government:

1. What was the total amount to the credit of Superannuation Fund No. 5 as at April 1st, 1928?
2. Of this amount, how much was contributed by the Government and Civil Service, respectively?

3. What was the total addition to said Fund arising from the 4 per cent interest charge as set forth in subsection 3 of section 20 of the Civil Service Superannuation Act of 1924?

4. Have the officials of the Department of Finance or Department of Insurance made a valuation to ascertain whether the retention of said 4 per cent interest charge is necessary? If so, what is the view of these officials?

Hon. Mr. DANDURAND: I have the following answers from the Department of Finance:

1. $17,712,059.42.

2.

Contributed by Government...	$ 1,382,669 81
Contributed by Civil Serive....	15,487,408 25
	$16,870,078 06
Interest on Fund (paid by Government)..	841,981 36
	$17,712,059 42

3. Data not available.

4. No valuation of the Fund has yet been made for the reason that the service records of persons transferring to the Fund have not been completed by the departments.

INVESTIGATION OF HUDSON BAY PORT

INQUIRY

Hon. Mr. TANNER inquired of the Government:

1. How much has the Government paid to Mr. Frederick Palmer, consulting engineer, in respect to investigation as to the best port on Hudson Bay?

2. Was the Government unable to find in Canada an engineer equally qualified for the work?

3. Is the Government to pay Mr. Palmer any further sum; and if so, how much?

Hon. Mr. DANDURAND: The answers furnished to me are:

1. £9,425, 14s and 5d, made up as follows:

	£	s	d
Mr. Palmer's fee.. 7,350	—0	—0	
Services of Mr. Palmer's Assistant, Mr. E. J. Buckton 9 1/7 weeks at £50 per week.. 457	—2	—10	
Fares and out of pocket expenses for visits made to Canada by Messrs. Palmer and Buckton in December, 1926, and July and August, 1927.. 858	—9	—11	
Cost of printing, etc., Mr. Palmer's Report.. 760	—1	—8	

2. As was disclosed by the special committee of the Senate which went into the matter, the question of the relative merits of Churchill and Nelson was highly controversial, and in respect to which very pronounced differences of opinion existed among Canadian engineers and public officials. It was considered advisable, therefore, to secure the services of an unquestioned authority on port development, who could not be charged with undue interest or prejudice by partizans of either port. Mr. Palmer is an engineer of extended experience in port development in many parts of the world, and is consulting engineer for a number of important British ports. He has been honoured by the highest position in the British engineering world as president of Institute of Civil Engineers, and is undoubtedly the best qualified engineer for the purpose for which he was engaged.

3. No.

TRANSPORTATION OF COAL

INQUIRY

On the Orders of the Day:

Hon. Mr. TANNER: Before the Orders of the Day are proceeded with, I should like to ask the honourable the Leader of this House in regard to some decisions which it is said have been made with regard to the transportation of coal, from Alberta, east, and from Nova Scotia, west. There are reports to the effect that the matter has been settled by Order in Council. This I have been unable to verify. I did not observe that my honourable friend laid on the Table to-night any Orders in Council upon this subject, but I have heard that an Order in Council has been laid on the Table in the other House. I merely wanted to ask my honourable friend if he would be good enough to look into the matter so that perhaps to-morrow he would be able to give us the details as to both aspects of this subject.

Hon. Mr. DANDURAND: I will lay on the Table whatever has been laid on the Table of the other House.

JUDGES AS COMMISSIONERS OR ARBITRATORS

INQUIRY

Hon. W. B. ROSS resumed the adjourned debate on the inquiry by the Hon. Mr. McMeans:

That he will call the attention of the Government to a decision of the Court of Appeal in the Province of Manitoba to the effect that section 37, chapter 105, of the Revised Statutes of Canada, 1927, which reads in part as follows:—

"Unless nominated by the Governor in Council no judge mentioned in this Act shall act as commissioner or arbitrator on any commission or inquiry."

is directory only and not mandatory, and will inquire from the Government if it is their intention to insist on the observance of the provisions of said section.

He said: Honourable gentlemen, I have intervened in this discussion principally to impress the honourable gentleman who leads for the Government in this House with the importance of this inquiry, and to urge upon him the necessity of bringing the matter before the Government in order that something may be done in respect to what I regard as a very important subject. The judgment which the honourable member from Winnipeg referred to was given in a cause styled Winnipeg v. Cross, and is reported at page 40 of Volume 37 of the Manitoba Reports.

I do not think the members of this House need to be told that the British North America Act is quite clear upon two things: one, that the Provinces, under subsection 9 of section 14, have the right to constitute courts of civil and criminal jurisdiction, and to establish their procedure. The Government of Canada has been very scrupulous in observing the limitations of the British North America Act on that question and, so far as I know, there is not a trace of the Government of Canada ever having interfered in any way with that right. But you cannot quite return the compliment to the Provinces with regard to the judges. Sections 96 and 100 give to the Governor General in Council and the Parliament of the Dominion their powers with respect to the appointment of the Judges. Section 96 says:

> The Governor General shall appoint the Judges of the Superior, District and County Courts.

And section 100 says:

> The salaries, allowances and pensions of the Judges of the Superior, District and County Courts, and of the Admiralty Courts shall be fixed and provided by the Parliament of Canada.

Now, our constitution is quite clear on that, but some of the Provincial Governments, and some of the Judges of the Provincial Courts, seem to mix up and confound the Court with the Judge. The Court is one distinct entity and the Judge is another, and while the Provinces have complete control of the constitution of their Courts, there is not a syllable in the British North America Act giving a Province the right to define what the qualifications of a Judge are to be, or from what body of men he is to be chosen. On the contrary, that Act specifically provides that they are to be chosen from the Bar of the province.

Now, if we have to fix the salary, the question will necessarily arise: Are we to have the whole of his time or only a part of it? You cannot hire a clerk or a servant of any kind and fix a yearly or a weekly salary, or a day wage, without knowing whether that employee is going to give you the whole or only part of his time. It is a familiar principle of jurisprudence that where you have a general proposition you often have necessary deductions from it. I will explain that in this way. Take the statute that provides that in a Province there shall be a Supreme Court with jurisdiction in civil and criminal matters. That institution, which is created by perhaps one short section, will have power to preserve order, and to fine and imprison for contempt; it will also have power to rectify its own mistakes and to punish frauds that have been practised upon it. But nothing is said of that in the statute. Those things are necessary deductions, because the power to be a court would be of no avail unless those things were implied. That is the position that I take with regard to the statute that gives the Parliament of Canada power to fix the salaries of the Judges. It is a necessary deduction that Parliament should say whether the salary is paid for the whole of the man's time or for only a part of his time. If that were not so, you might have a very serious state of affairs: you might have a lot of Courts created by Provincial legislation, and Judges appointed by the Government of Canada practising their private profession and peddling their services as commissioners and arbitrators, for which, perhaps, they would get large sums. In the past some Judges have left the regular work of the Courts either to go undone or to be done by their fellow Judges, thus causing a great deal of complaint on the part of the Judges who had to do the work.

The majority of Supreme Court of Manitoba seemed to challenge the right of Parliament—there was one Judge whose opinion it was that the legislation of this Parliament was intra vires and was obligatory upon the Judges of the Supreme Court of Manitoba—but the majority seemed to impugn, in the first place, the power of Parliament to impose this limitation upon the Judge's office, and further, endeavoured to get away from it altogether by the suggestion that even if Parliament had this power, it was only directory. The language of the statute is quite clear. It says:

> Unless nominated by the Governor in Council no judge mentioned in this Act shall act as commissioner or arbitrator on any commission or inquiry—

—and anyone who takes the trouble to look at the Interpretation Act will see, on page 13,

that the word "shall" is to be construed as imperative, and the word "may" as permissive. There are the words. What do they mean? Here is a provision to remove any ambiguity or doubt that this provision is imperative.

I do not want to make a long legal argument in this House, but I just submit the broad proposition that we have the power specifically given to us in the British North America Act to fix the salaries of the Judges, and that a necessary deduction from that is that we are entitled to say that we shall have the whole of their time or to specify how much of it we shall have. Otherwise, it is beyond the capacity of mortal man to fix the salaries at all. I would like very much to have my honourable friend on the other side of the House bring this matter before the Government and to see that the Department of Justice or the Minister of Justice takes some steps to deal with it. If this is not done, this instance may be followed in other Provinces by what I would regard as plain violations of the Act. It would be just as well to nip this practice in the bud. If it is necessary—I am not suggesting that it is—if the Department has any doubt about it at all, now that so many cases are going to the Courts for opinions, let us have a judicial finding on this question.

Hon. Mr. DANDURAND: I think I have already stated that the Department was examining into the situation and studying the report. I do not know if there can be any appeal from the decision of the Court of Appeal in Manitoba to the Supreme Court of Canada, but separate and direct reference could be made to the Supreme Court of Canada. I can only repeat that the Department of Justice is seized of the matter, and I will bring the remarks of my honourable friend to the attention of the Minister of Justice.

DIVORCE BILLS

SECOND READINGS

On motion of Hon. Mr. Willoughby, Chairman of the Committee on Divorce, the following Bills were severally given their second readings:

Bill V4, an Act for the relief of Esther Brand.

Bill W4, an Act for the relief of Irene Adela Crann.

Bill X4, an Act for the relief of Jessie Ferguson.

Bill Y4, an act for the relief of William Herbert Gamble.

Bill Z4, an Act for the relief of Mabel Maud Giles.

Bill A5, an Act for the relief of Alice Mockford.

Bill B5, an Act for the relief of Alvah Arthur Norris.

Bill C5, an Act for the relief of Eleanor Porter.

REFERRED TO COMMITTEE

On the Order:

Second reading of Bill K4, an Act for the relief of Robert Alexander Ackersviller.

Hon. Mr. WILLOUGHBY moved:

That the said Bill be not now read a second time, but that it be referred to the Standing Committee on Divorce for consideration and report.

The motion was agreed to.

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

THE SENATE

Wednesday, April 18, 1928.

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

Prayers and routine proceedings.

DIVORCE BILLS

FIRST READINGS

On motion of Hon. Mr. Willoughby, Chairman of the Committee on Divorce, the following Bills were severally read the first time:

Q5, an Act for the relief of Edward Bennett.

R5, an Act for the relief of Annie Amelia Eliza Ferguson.

S5, an Act for the relief of Laura Longstaff Dent Kemp.

T5, an Act for the relief of Helen McLean.

U5, an Act for the relief of Robert Pius Nageleisen.

V5, an Act for the relief of Elsie Irene O'Meara.

W5, an Act for the relief of Doris Read.

X5, an Act for the relief of Thomas Zeamond Toll.

Y5, an Act for the relief of Katie Louise Turner.

Z5, an Act for the relief of Samuel Radcliffe Weaver.

A6, an Act for the relief of Florence Elizabeth Mousley Monarque Westover.

ST. LAWRENCE WATERWAYS—CANALS

INQUIRY

Hon. Mr. REID inquired of the Government:

1. If the Canal System between Prescott and Cornwall consists of the following Canals:

(1) Cornwall Canal,
(2) Farrans Point Canal,
(3) Rapid de Plante Canal,
(4) Galops Canal.

2. Does the report of International Joint Board of Engineers recommend the building of a dyke 17 feet high above main streets in front of the villages of Farrans Point and Aultsville, and will this submerge Farrans Point canal and locks and destroy it for navigation purposes?

3. Does the report of International Joint Board of Engineers recommend building a dyke 14 feet high above main street in front of the town of Morrisburg and will Rapid de Plante canal and locks be submerged or destroyed for navigation?

4. Does the report of International Joint Board of Engineers recommend building a dyke in front of the village of Iroquois and will the Galops canal and locks at Iroquois be submerged and destroyed for navigation purposes?

5. Does the report of International Joint Board of Engineers recommend building a dyke from Barnhart Island from the American side to and along Canadian shore, and building a new lock size of present locks in Cornwall canal where dyke would cross present canal?

6. What is the cost from first canal constructed to the present date of all canals between Cornwall and Prescott that will be of no value when new works are completed and will loss fall entirely on Canada, notwithstanding the deep navigation is being built entirely on United States territory?

7. How high will dyke from Barnhart Island to Canadian shore be above present level of St. Lawrence river as it enters head Cornwall canal, and how much higher will the river be above the town of Cornwall when dam completed from Canadian side to United States side at Barnhart island? How high is St. Lawrence river in present canal at Cornwall above main street in Cornwall?

8. If any portion of the dyke to be constructed between village of Iroquois and along the Canadian side of the river to head of Cornwall canal and across Barnhart island should break, or for any reason open up and allow St. Lawrence river to flow through, would the inhabitants of the villages of Iroquois, Morrisburg, Aultsville, Farrans Point and persons living between said villages and the population of the town of Cornwall be in danger of losing their lives by rush or flow of St. Lawrence river through such break?

Hon. Mr. DANDURAND: I have an answer for the honourable gentleman, as follows:

1. The present canal system between Prescott and Cornwall consists of (1) the North Channel, (2) the Galops Canal, (3) the Rapide Plat Canal, (4) the Farrans Point Canal, (5) the Cornwall Canal.

2. The report of the International Board of Engineers on the St. Lawrence Waterway project does not present a unanimous recommendation as to the manner in which the International Section should be improved. The recommendations of the Canadian Section do not propose to place any dykes in front of the villages of Farrans Point or Aultsville. The works proposed will, however, submerge the Farrans Point Canal.

3. The plans presented by both sections of the Joint Board of Engineers require the building of a dyke in front of the town of Morrisburg. All plans presented require the submerging of the Rapide Plat Canal. The water elevation proposed is from two to four feet above the lowest part of the main street of Morrisburg. The top of the dyke proposed is about 14 feet above the lowest part of the main street of the town and about nine feet above the mean level of Lake Ontario.

4. Plans presented by both sections require a dyke at Iroquois. These plans do not submerge the Galops Canal, but propose to utilize the Galops Canal, not for navigation, but for the carrying of a small percentage of the flow of the river.

5. The plans of the United States Section of the Board of Engineers show very extensive dykes between Crysler Island and Barnhart Island. The plans of the Canadian Section show practically no dykes in this region. The plans presented by both sections include locks for connecting up with the present 14 ft. canals, and continuing their use if desired after the new and larger works are completed. In the proposal of the American section a lock for 14 ft. boats is placed near the head of Sheek Island. In the proposal of the Canadian Section one lock is placed in the Crysler Island dam, and one lock is placed north of Barnhart Island, near lock 20 of the present Cornwall Canal.

6. The capital cost of the Galops Canal, the Rapide Plat Canal, and the Farrans Point Canal, as tabulated in Departmental reports, is as follows:

Galops Canal..	$6,143,468 11
Rapide Plat Canal	2,159,880 80
Farrans Point Canal	877,090 57

The work done in connection with the excavation of these canals will be used in the enlarged project as the channels will help convey the flow required to be passed through the section.

7. The water level at the head of the Cornwall Canal will be raised about 17 feet in the proposal of the Canadian Section, and 42 feet in the proposal of the United States Section. The level of the water in the present canal opposite the town of Cornwall is about the same as the surface of the streets in the town of Cornwall adjacent to it.

8. As stated in answer No. 7, the United States single-stage plan proposes to hold the water at a considerably higher level than the two-stage scheme propounded by the Canadian engineers. Under the latter plan, no damage could result at Cornwall or Farran's Point through the breaking of a dyke. At

Morrisburg the level proposed for the river under the Canadian scheme is only two feet higher than the main street in the low part of the town, and the village of Iroquois is in about the same position. In the plans presented by both sections of the Joint Board of Engineers a way to throttle the flow of the river in emergencies is provided by the gates in the artificial channel shown at Galops Island. These control works are designed to protect communities below, should a dam be carried away. The proposals of the Canadian Section in this regard are believed to be better than those of the United States Section.

THE DIPLOMATIC SERVICE OF CANADA

INQUIRY

Hon. J. S. McLENNAN rose in accordance with the following notice:

That he will call the attention of the Senate to the development of the Diplomatic Service of Canada, and will ask the Government to state their policy in relation to this development, the nature of the appointments to the Diplomatic Service; the tenure of office; the emoluments, and what provision is being made for the training of candidates for the Diplomatic Corps.

Hon. Mr. DANDURAND: I have not yet an answer for my honourable friend. Of course, if he wishes to proceed he may do so, but he may have to wait a day or two before I can get an answer to his inquiry.

Hon. Mr. McLENNAN: I shall proceed now, which will give time for consideration of whatever I have to say that may be of any value. As I foresee the course of events in the future, I think that one event in particular in the last twelve months will impress the people of the future as being of the highest importance to Canada, notwithstanding that other things more spectacular have naturally received more attention from the public of the present day. For example, the visits of very distinguished strangers, and the celebration of the sixtieth anniversary of Confederation have made a deep impression. Whether or not the impression of the latter event was largely due to the excellent way in which the Government marshalled the very striking incidents in the development of Canada through the long period during which many things seemed very difficult to finally work out, I do not say. Those incidents were marshalled so clearly and were so well disseminated by the press that they created a great feeling of confidence in the future of this Dominion. But important as all those things are, I think the fact that last year Ottawa became a capital in the international sense will outrank them all in the future.

We have welcomed the Minister of the United States to our midst. He has come here as the representative of the sovereignty of that great nation. His commission empowers him to deal with every question which may arise between the two countries; and in connection with his coming Canada has assumed certain responsibilities. In accordance with the practice of all civilized nations we guaranteed not only his safety in coming here, and while here with us, but also his safe return to his own country, whatever the relations between that country and this may be at that particular time. We guaranteed also that his person, his dignity and security would be safeguarded, and that the legation and his dwelling would become, so to speak, part of the territory of the United States, and so would be inviolate. Neither he nor the officials of his legation, nor his family nor his servants are subject to the laws of this Dominion. They are immune from arrest and trial. They can disregard every regulation, municipal, provincial or federal, without calling down on any of them the processes of law. The Minister must be treated with the respect and consideration which his standing as the personification of his country implies. Another privilege which he has is the privilege of access to the Sovereign—usually only on formal occasions—and immediate access to all of the Ministers of the Crown. In accepting this as a universal doctrine, it will follow that I am not one of those who believe that a glorified commercial traveller who will get trade for Canada is the highest form of representative we need in foreign countries.

Concurrently with the coming of the Ambassador to Ottawa, we sent a Minister Plenipotentiary, an envoy-extraordinary, to Washington; he being the representative of the dignity and power of King George to the extent to which King George is Sovereign of Canada. Our representative in Washington enjoys the same privileges and the same immunities as the American Ambassador receives here, the same, indeed, as are enjoyed by the representatives of some forty or fifty countries in all the great capitals of the world. All of those representatives, as their acts are so significant and their status so exalted, act under generally accepted rules of procedure which have grown up mostly within the last hundred years, but having antecedent forms which find their roots at the very beginnings of the time when intercourse between civilized nations began.

The language of diplomacy, so to speak, is, according to the cynic, one of mendacity. That, however, is highly inaccurate. Safety and courteous treatment of envoys are its real foundation, but on it has been built a structure of procedure of the utmost importance and delicacy. The expressions of proper consideration in our intercourse with those envoys, even down to the margin which is left on letters, and the size of the paper on which various communications are inscribed, are carefully regulated, and carry with them various degrees of significance. That this is not red tape, and that we are not improperly holding to old things is shown by the fact that the typewriter is used in diplomatic correspondence, even of the highest importance. This may possibly be a matter of regret to anybody who is an expert penman. All these things are carefully regulated, and wisely so, for they are the outward and visible signs of respect and friendliness, or the reverse. So complex are these relations that I understand at all important capitals there is a "Secretaire du Protocol," who is said to attend and give practical advice on those delicate questions of procedure and of precedence and etiquette which mean so much to all those who understand the particular form of language which has grown up in diplomatic circles. Of these immunities and amenities to which I have referred, all the allied nations may be justly proud, namely, the treatment, after the outbreak of war, of the representatives of the central powers; and they were carried out with consideration and courtesy until they had passed the frontiers of the states to which they had been accredited, and which the war forced them to leave.

If the privileges and immunities of diplomats are important, their duties are no less so. Those duties, briefly outlined, are: to keep their governments informed of all that concerns them in the political, economic and social life of the country to which they are accredited; to protect and defend the interests of their nationals therein; to maintain the dignity of the sovereign or nation which has sent them; to promote good-will and amicable relations; to maintain absolute neutrality in the domestic affairs of the country to which they are accredited; and to perform their duties with the strictest respect, veracity and good-will.

There are obvious advantages in having permanent representatives rather than envoys sent to take up special questions. These permanent representatives are in a position to create, through ordinary intercourse, an atmosphere friendly to their country, through personal acquaintance with the people who are carrying on the government of the country where they live and also with the opposition and the general public. If they are sensitive, they can readily interpret the trend of public opinion, perhaps more accurately than the local Ministry of the day, and so be of great service to their own country as to what, in omission or commission, would promote the ends which that government desires.

The appointments of last year had been for so many years in the air that they did not come with any surprise to the people of Canada. Anyone with a pictorial imagination has seen, through a good many years, the spectacle of a visionary Canadian standing with reluctant feet, sometimes advancing a little, sometimes retiring, on the threshold leaving to the diplomatic circles at Washington. Sometimes, when rumour was rife, that shadowy vision took definite form. At one time it took the form of a distinguished gentleman who did not go to Washington, but who now occupies the highest judicial position in his own province. Then the mythical Canadian faded away again; then the figure advanced a step, and this time took the form of one of our colleagues, not in the moment in the House, but whom we are glad to have still with us. And so the thing went on until last year.

We may well feel pleased that the State Department at Washington chose one of the most promising of its younger diplomats to send to Ottawa, and we are justified in finding in that act the evidence of good-will on the part of the United States. The wisdom of the choice that has been made by the Canadian government, in sending to Washington a gentleman who has been so well and favourably received there, and in various other places in the United States which he has had occasion to visit, has been justified. Our close relations with the United States made our sending an envoy there more natural than it would have been to any other country. The United States was doing what it has done with some fifty other nations; but it was a novel departure for Canada, and, like all novel departures was accompanied with some obvious disadvantages. But I think I may say that the people of Canada are inclined to look on the matter as settled, and are not disposed to criticize it, but rather wish it well.

However, I think most of the people who have given any attention to this matter felt that the Canadian people should have been prepared on the broad general question of our having envoys, and thus extending our relations with other countries. I think I am safe

in saying that only those who were in the confidence of the Government were not surprised by the announcement in the Speech from the Throne that arrangements had been made for sending envoys to Paris and to Tokio. But the extension of this service to other centres, if such be in contemplation, seemed to me to be a matter too important to come in and be accepted through the back door. It has never been the practice of the British people to repudiate, or fail to implement, arrangements made with other nations by our accredited representatives, except under the gravest circumstances. If those arrangements are not approved of, the Ministry may be punished, but an arrangement which has been made, and has received the due approval either of Great Britain, or of any one of the Dominions, is reasonably certain to be carried out, whatever may be the general opinion of the Parliament as to its wisdom or opportuneness.

I imagine that the representation of Canada in foreign countries through legations is a matter of such importance that it would have been not only expedient, but an obligation imposed upon the Prime Minister of the day, to have said to the people of Canada: "We believe that the time has come when Canada, instead of utilizing our Imperial connection through embassies and missions, should, in countries where we have sufficient interests, be represented by Canadians, and have the representatives of those countries at Ottawa."

When once the matter has been broached with a foreign country, particularly if that country finds the proposition to establish diplomatic relations with them an agreeable one, it would be very difficult to withdraw without wounding susceptibilities. As I have endeavoured to show, we had reached a resting place in carrying out the arrangement with Washington, for which everyone was prepared. The number of questions between the two countries is great; but when we go beyond the United States we get into positions which are by no means clear.

With France and Tokio we have close relations, but they are not the only countries of influence with which we have very important relations, and business of great moment to this country, and also, we trust, to them. For example, taking the question of trade, which is about the only one we can consider, with the Argentine we do something like $16,000,000 worth of trade; with Belgium, over $21,000,000, with Germany, $31,000,000; with Holland, $17,000,000; with Italy, $21,000,000; with France, $28,000,000; and with Japan, $25,000,000. Nationals of those countries live in Canada, particularly those from Italy; while Canadians, possibly not in great numbers, live or travel in some of those countries. Thus the questions which may arise are as important and troublesome as those which may develop with the two countries to which our diplomatic service is to be extended.

There is another side of that phase of the question. The chosing of two countries may cast some slight on other countries of comparatively equal importance, when we delay or refuse, or consider it inopportune, to send representatives. For example, Italy may say: "You send to France; you send across the Pacific; but we are also important. At the present time Italy is very sensitive of her importance, and she may ask, "Why not send a legation to us, and we will send an envoy extraordinary to you."

Be that as it may, if I may digress for a moment, it seems to me that this country could well restore a custom which was in vogue when I first began to take notice of politics: it was then known as giving an account of one's stewardship. Many members of parliament, and ministers almost without exception, chose some occasion during the recess to meet their constituents and tell them what was going on, and tell them how the government had dealt with particular questions in one way rather than in another, if they were supporters of the Government, and generally to educate the people by informing them at first hand, and in the most effective way, by word of mouth. It is a pity that that custom has fallen into disuse. It might be well to revive it, and I think that if there comes an extension of our diplomatic service, there will have to be something equivalent to the Lord Mayor's banquet in London at the Guildhall, where the Prime Minister of the day informs the country specially on its relations with other powers. We all remember occasions when that festival was awaited with the utmost anxiety, to know what Lord Beaconsfield would say about our relations with Germany; and we all remember the spirited reply that Lloyd George gave in regard to the Agadir crisis when he had to deal with that question. Whether that will be done or not I do not know; but I think there should be something equivalent to that, because the question of dealing with foreign countries cannot be carried on in the casual way we have adopted in dealing with our own internal matters, which do not affect the dignity or the action of any one except ourselves.

This whole question of representation in foreign states is one that is extremely difficult. It is too great a question not to be

dealt with in accordance with the best practice of this House in examining legislation to deal with the underlying principle—to protest, if one is against it; but if that protest be not carried to a defeat of the proposal, to turn to it, as we are accustomed to do, and make the Bill the best possible means of carrying out the object aimed at, whether we like or whether we dislike that object. I think that is the best method of work that this House could possibly have; and in what I have to say further on this question, that is the position I would like to take, namely, to make certain protests, and having made those protests, if the matter is gone on with, to make certain suggestions which will meet with some approval by the people who have the management of those affairs.

I therefore take upon myself to say that I believe the establishment of legations other than that with Washington has not been authorized by the parliament or the people of Canada. To that extent, if for no other reason, they are objectionable. I also think that such an establishment is premature; that we can get on as well without them, by continuing the use of the existing diplomatic machinery which Great Britain has placed at our disposal. The honourable leader of the House spoke the other day of the difficulty of carrying on negotiations when Canadian affairs were left in the charge of a casual and changing junior clerk in the British Embassy at Washington. I think that he must have forgotten—for I am certain he would not desire to make an inaccurate statement—that when Lord Bryce took charge of the Embassy at Washington, he found that there were over 130 questions open between Great Britain and the United States, most of these being Canadian questions, and when he left there every one of them had been settled, or was in process of being settled, on principles acceptable to the two nations. Such work was not done by office boys alone.

Any great extension of diplomatic relations carries with it a certain degree of hazard. Strained relations between countries have resulted from a variety of causes, some of them personal. Many differences have quieted down and led to no difficulty, others have caused trouble. For example, the House will remember that the importunity of Benedetti, the French Minister, and the arrogant way in which he put his remarks to William of Prussia, were one of the proximate causes which hastened the declaration of war between Prussia and France.

Take another case. In the fifties the representative of England in Washington was a Mr. Crampton. The first event of his career took place in 1854, when Lord Elgin was in Washington negotiating the Reciprocity Treaty with Canada and—fortunately for those people who enjoy a lively description—had with him Mr. Laurence Oliphant as his secretary. On the Queen's Birthday in 1854 Mr. Crampton gave a ball, at which the hospitality was so lavish, the guests were so well selected, and the music presumably so good, that Washington said that that ball had insured the passing of the Reciprocity Act, which was still being negotiated. A couple of years passed and the Crimean War began. Mr. Crampton was indiscreet enough to get mixed up with the Foreign Enlistments Act of the United States, and Mr. Marcy, who in such a genial mood had signed with Lord Elgin the Reciprocity Treaty, asked for the recall of Mr. Crampton for having trespassed on the neutrality which every envoy and ambassador should observe, and that fiery guardian of British interests, Lord Palmerston, acquiesced in his recall.

Again, younger men will remember the incident in which Sackville-West figured in 1888, when he was indiscreet enough to give advice to a former British citizen who had become naturalized in the United States and had asked for advice as to which party he should vote for. Refreshing my memory about the matter, I find that one historian says that Sackville-West was not a great letter-writer and might have avoided the thing, but he found himself in his summer home on a dull day, and, being prevented from going out, he let himself go on paper. It proved to be a trap, and Mr. Bayard on the eve of the election of 1888 sent Sir Lionel Sackville-West his passports, after Lord Salisbury had delayed a little in dealing with the matter, which had been reported to him through the American Minister in London.

The action of the United States in both those cases was acquiesced in. Palmerston persuaded the Queen to make Mr. Crampton a K.C.B.; and Lord Salisbury felt so strongly about the incident in the United States that he did not appoint a new Minister to Washington until after President Cleveland and Mr. Bayard had gone out of office.

Incidentally I may say that the Mexican Minister, possibly because he was not dull on a rainy day, gave the proper answer to a similar letter asking his advice. He said he had no advice to give on the internal affairs of a country to which he was accredited.

Taking a more serious instance, we all remember the strong feeling that prevailed in this country when it was thought that Great Britain was dilatory in dealing with the

Behring Sea matter. It was of great importance to Canada and I think there was possibly some justification for our feeling that our interests were not as carefully guarded by Britain as they would have been had it not been an outlying part of the Empire that was chiefly interested, namely, Canada, and had the matter concerned more closely the people of the United Kingdom. That was the momentary aspect of the affairs, but no one to-day, in looking back at it, feels that it would have been a proper move for Great Britain to press that matter to such a point as to cause strained relations and possibly bloodshed between her and the United States. The long experience of England had given her representatives patience, and the thing passed away and is to-day forgotten.

Another hazard in diplomatic relations is that public opinion in a young and self-reliant country may be unduly aroused. Canada is young and impulsive; Canada thinks highly, and rightly so, of what she is. Our representatives and the authorities who lay down the policy for them will have to be careful to avoid that zeal against which a great diplomatist, perhaps one of the greatest of the old school, warned his younger colleagues as so often leading to disagreements and sometimes to disaster: "Pas trop de zèle, messieurs."

Furthermore, in the appointment of envoys to act outside the borders of the Empire we are asserting a form of national status which I think all of us will agree is still somewhat nebulous; and on the other hand our dependence on Great Britain may be blazoned to the whole world, whenever this gesture of national self-sufficiency proves inadequate to meet all the exigencies, or breaks down through lack of preparation. Suppose some question arises in a country where we have no ambassador or no representative. We have to fall back on Great Britain. Our position is not to my mind a dignified one. Great Britain has for years, gratuitously to us and to all the other Dominions safeguarded our rights as carefully as those of the people born on her own island, and it seems to me regrettable that the expenditure which we are making—for these enterprises will be costly—might better be made in some way that would relieve the British taxpayers of burdens which they have carried, partly for the benefit of Canada and the other Dominions, without the least contribution on our part.

Such is my protest. Now let me continue with some suggestions as to how this extension of embassies and legations should be carried on, if it is to be done.

One may pass over the importance of care in the selection of Canadian representatives. Ill it would be for Canada if any Government which is kept in power by the Canadian people did not realize to the full the importance of appointing men of character, of ability and tact to represent this country abroad. An important question is, what shall be the status of those representatives of Canada? Will they be trained diplomatists representing the Canadian people, or will they be party representatives, changing with every change of Government? Practically all the nations of the world believe in being represented abroad by a permanent diplomatic body, free of political bias or political attachments and carrying out implicitly the instructions of whatever Government may be in power. The United States tried for many years the other system, that of changing diplomatic and consular representatives with every change of administration. They found it did not work, and now, with the exception of some of the greater embassies, they have a permanent and regular service. I understand that the exception with regard to the great embassies is not altogether unconnected with internal politics.

Can we find in Canada men who, in taking positions as our representatives, will look forward to representing their country and not a party? Such representatives have been found in other countries, where their personal character and their training have been reinforced by a great tradition in the service. Let me call the attention of the House to the fact that at the outbreak of the war Great Britain was represented at Berlin and at Vienna by men whose immediate ancestors were Germans. The Commander-in-Chief of the British Fleet was Prince Louis of Battenberg, a mediatized German prince. He was revered and loved by the entire personnel of the Fleet, and had it not been that his remaining in command would have placed him in an ambiguous position which any man of his standards could not tolerate, he would have been absolutely trusted by the service which knew him best, and which he loved. There are three great instances of what may come about if our envoys realize that they are the embodiment of all that Canada stands for in achievement, in self-respect, in dignity, and if they represent the people of this country, whether or not the particular group of men that Canada has chosen to carry on the government at a particular moment are personally sympathetic to them or not.

Canada, we believe, can find such men. Some of them, now in other positions, are not ill-prepared to hold the position of Can-

ada's representative, and to hold it in accordance with the standards I have indicated. Canada can train such men. On the other hand, if the diplomatic service is to be looked upon as supplementary to the Bench and to this House, as affording outlets for the rewarding of party services—if the millstone of political partisanship is to be fastened on this new venture that we are making, or may possibly make, better it would be that it should now be cast into the sea of forgotten things and failures.

Another very important question is the question of remuneration. How are these men to be paid? Private means have usually been considered absolutely necessary for men occupying diplomatic positions, at least in the service of Great Britain, and up to very recent times one of the necessary qualifications for entry into the foreign office was that a man should have £400 a year of private income. That condition, I believe, has been done away with. We do not want to have this service treated in a niggardly way, nor do we want to make it possible that the more important positions in it should be held only by men of great wealth. That is undemocratic. The one solution that I see is to make the allowances for housing and entertaining very liberal, and to make the actual remuneration comparatively little so that the position will not be attractive to the place hunter.

Then, if this project of having envoys is carried on, we will have a transition period, and I think that at the very earliest time possible we should begin training juniors for these positions, offering them a career in which ability will be recognized, and in which, as they gain experience, there will be opportunity to rise. We should probably have to fall back upon the British service, with its fine traditions, to help us, and also upon those splendid schools for political education which exist in Paris. To get the best results from our representatives in the interval, certain matters must be kept in the forefront. They must learn that in their dealings with foreign powers, accuracy in statement of what occurs or of what was said in an interview is a sine qua non in the smooth and successful carrying out of negotiations. That is a matter of training. Anyone who reads the memoirs of Mr. Page, or of Sir Edward Grey, will notice again and again references to the memoranda which they made immediately after an interview with the envoy of some other power. Very often, I think they exchanged those memoranda so that there could be absolutely no question as to what was said or promised, as the case may be. As I said before, that form of accuracy is not common among us in the ordinary intercourse of political life, but it is something which will have to be cultivated in order to deal successfully with the representatives of foreign countries.

Another thing that occurs to me as being vastly important, if we are to have a diplomatic service, is that the service should be used fully and thoroughly, and should not be interfered with by extraneous agencies. It is not necessary to give illustrations of special envoys or accredited ambassadors—not from Canada—who have done nothing but harm to the causes which they were trying to advance. If I were challenged as to the soundness of this statement, the correspondence which has just reached Parliament would, I think, bear me out. There was interjected into a letter about the waterways a suggestion that the tariff of the United States might be modified in connection with the larger scheme of the waterways. This suggestion was ignored by the American Secretary of State in his review. One gathers from the way in which diplomatic matters are carried on that the normal diplomatic course would have been for more or less private information to have been sent to our Minister at Washington, and for him, more or less casually, possibly at the diner table, to have asked the American Secretary of State if his Government would be at all inclined to favourably consider such a proposition. If Mr. Kellogg had said "No, we could not very well mix up a temporary and changing thing like the tariff with a permanent matter like international waterways," that information could have been communicated to Ottawa and the paragraph omitted from the letter. It is a sound principle of human intercourse never to bring forward propositions which are not likely to be favourably received unless they are of such vital importance that it is desirable to take the firmest of stands upon them.

This whole matter of diplomatic relations, whether or not I have made it clear to honourable gentlemen, is of the greatest importance. We have gone forward along untried lines. The Government, I think, without a proper mandate from the people of Canada, has gone forward and made arrangements with two great powers; but, having made those arrangements, I believe the people of Canada will back them up whether they approve of this extension or not. I think the people of Canada have a right to demand from this Government, or from its successors, that the new service should be founded on sound principles, and so carried on that Canada may be proud of the handling of her external affairs, which have so much to do with international

peace and good will and with the prosperity of this Dominion. So I ask the honourable Leader of this House—himself no mean diplomat, and not without experience—whose keen eye has seen foreign statesmen at work to give us full and complete, and, I trust, assuring information as to the way in which this matter will be dealt with.

Hon. R. DANDURAND: Honourable gentlemen, I stated when my honourable friend rose that I was probably not armed with sufficient information to cover the ground of his inquiry, but after listening to him I believe that I can satisfy his legitimate curiosity.

I should perhaps apologize to the House for not having spoken to any extent to the matter to which my honourable friend has referred, namely, the appointment of Ministers to Paris and to Tokio, when the Address in Reply to the Speech from the Throne, which mentions those two nominations, was before the House. Probably my reason for not doing so was that no one preceding me had raised the question, and that I felt that it appertained to the Minister for External Affairs, who is the Prime Minister of Canada, to first make a statement in the other House on a matter concerning his Department. Be that as it may, I am glad to find that my honourable friend associates himself with most of the public men in Canada in approving of the opening of direct communication between Canada and the United States by the creation of a legation at Washington. That action had the hearty endorsation of the two parties in Canada. The policy was that of the late Government of Sir Robert Borden, although it only matured when Sir Robert Borden had handed over the reins of administration to his younger and brilliant associate, Mr. Meighen. Nevertheless, Sir Robert Borden was in the House to explain and defend his policy, which was also carried on by the present Government.

This reminds me of a very interesting conversation which a brilliant member of this Chamber, Sir George W. Ross, while Prime Minister of Ontario, had with Mr. Joseph Chamberlain. He happened to be sitting at a dinner in London with Mr. Chamberlain, who then was, as far as my memory goes, Minister for the Colonies. Mr. Chamberlain remarked that it was most extraordinary that a province or a country should be content to be governed continuously by one party for thirty years, and he added that the traditions of the British electorate were different. He said that practically every five years five or ten per cent of the population transferred to the Opposition the allegiance which it had given to the Government which it had helped to create. Then he made this very interesting remark: "We in Great Britain do not admit that legislation that goes on the statute book opposed by a Party really becomes permanent national legislation till the Party that has opposed it comes into power and respects it and utilizes it." We are now in the position that both Parties have approved of our legation in the United States.

My honourable friend seems to be somewhat timid in expressing his endorsation of the further step which the present Government has taken along the same line in the creation of legations in Paris and Tokio, and he asks why, in such an important matter, the Prime Minister did not take the country into his confidence before taking that step. I desire to remind my honourable friend that there was an Imperial Conference in 1926, at which an equality of status between the members of the British Empire there congregated was proclaimed, and among the principles which obtained the endorsement of all the delegates was one that a sister nation having no direct representation abroad would continue to utilize British diplomatic channels. There was a broad general statement which had the value of an enabling act. This matter did not come before the public except through an announcement, at the beginning of January, of a legation in Paris, and, at the opening of Parliament, of a legation in Tokio. The two were decided upon at practically one and the same time, when the matter of the general policy of this Government towards the outside world was taken up and discussed in Council.

My honourable friend must not forget that the interests of Canada on the Pacific ocean are considerable—that at Vancouver we are developing a port which will soon threaten the laurels of the port of Montreal; that we have on the Pacific, as a neighbour, the Orient, which is bound to become an important commercial agent in the destiny of Canada. Japan and China will be our great associates in the development of trade on the Pacific. We are interested, therefore, if only from that narrow material point of view, in keeping in contact with those two great nations.

But we have more than commercial agreements to discuss. There are matters that are projecting themselves into our national life. There is the question of immigration from the Orient. We all know that this question engrosses the minds of many people throughout Canada. That being so, the present Govern-

ment has believed it important that these matters should be discussed sympathetically and in amity with those two nations. Canada believes that there is no reason to legislate in a way which would be harmful to the dignity of a large nation. Canada believes—and this Government expresses that belief—that more intimate relations with Japan will bring about a settlement of this difficulty which will be satisfactory to both countries. With that end in view it has decided to submit to Parliament, in its Supply Bill, a demand for a sum which will allow for the establishment of a legation and a delegation of Canadians at Tokio, with the reciprocity which it entails, of Japan having a representative here.

At the same time it is felt that the Government is working along the lines of the general policy of peace throughout the world. If Canada is in such a way to maintain amicable relations with Japan, and likewise with China, it would help to create an atmosphere of peace and amity on the Pacific. The Government hopes to do so by a direct and personal contact. When examining into this matter after our large southern neighbor had sent its delegate from Washington, the Council discussed the propriety of first calling from beyond the seas to the shores of Canada a representative of France, which was the pioneer country from which the first settlers of Canada came to these shores. There was a sentimental element in asking France to be the second country to send a representative to Ottawa; but there was more than a sentimental element. There was a secondary and concurrent reason which was born out of the Versailles treaty which we had signed. We had signed a Covenant which brought us to Geneva. We have now representatives sitting on the most important Commissions in Geneva. We are joined in that work which tends to replace war and force by peace and reason, and I shall shortly have occasion to submit the three conventions which are on the order paper for your approval, to show the various activities of the League of Nations. This work at Geneva is not and cannot be grasped by members of this Senate and parliament who do not make a special study of the reports which come of that great centre. Occasionally some evidence appears of the activities of the League; but one needs to be on the spot to see the work that is going on towards the betterment of the conditions of the human race, and to understand the importance of the work that is done there. The result of that work is that many times during the year a convention has to be signed, or a conference has to be attended to. There may be one on copyright in Rome in a few days, or there may be one at the Hague, or one in Paris, or many in Geneva. Those conferences call for the presence of a Canadian at the discussions and for his signature at the ratification. We have felt that when the countries of the world are located at a certain spot in Europe, represented by their foreign ministers, by diplomats of the first order who represent their countries in large centres like London, Paris, Berlin, Rome, or Vienna, it is not a fitting situation for Canada to have merely a commercial agent to rub elbows with the men who represent those large countries, and men of similar standing who represent much smaller countries than Canada. For that reason we have felt that it was opportune that Canada should have her legation in Paris, with a minister who would automatically represent our country to most of the centres of Europe, where Canada has some interest, and is called upon to send a representative.

We cannot constantly ask members of the Privy Council to cross the ocean to act on those commissions, or appear at the signature of treaties; and I think we made a fitting decision in declaring that it was time that the High Commissioner whom we had in Paris for the last thirty or forty years, should now be called upon officially to represent Canada. When that was decided I was asked by my Government to approach the French Government for the exchange of ministers. We had decided at the Imperial Conference of 1926 that so long as we had no direct representation in a country we retained the diplomatic agency; so my first duty was to go to London and ask the Minister of Foreign Affairs to cable to our ambassador, Lord Crewe in Paris and ask him to obtain an appointment for the official delegate of Canada to the Quai d'Orsay. In the course of the conversation I explained that we were going first to Paris, but that we had decided to go to Tokio also; and I may say that this policy of an amicable rapproachment with Japan for the peaceful settlement of all matters that might arise between us was most cordially received as the proper policy to be pursued. With the co-operation of Sir Austen Chamberlain and of the British ambassador, who up to that moment had represented Canada, I obtained the official audience which I sought with the French Minister of Foreign Affairs, Mr. Briand, who, after consulting his colleagues, cordially assented to an exchange of ministers.

Those are the facts as to what has taken place, and the procedure which has been likewise followed for the appointment of a delegate to Tokio. Through the good offices of

the Minister for Foreign Affairs at London, Sir Austen Chamberlain, we reached the Japanese Government, which was approached by the British ambassador at Tokio, and the decision was reached which was announced in the Speech from the Throne.

I believe that the reasons which prompted the present Government in making those two creations will meet with the approval of men who understand, who have some vision, and who can realize the importance of Canada playing a decisive role in the maintenance of amicable relations on the Pacific, and in having proper representation in Europe.

My honourable friend has expressed the fear that other countries would perhaps formulate some complaint on account of not being put on the same footing as France and Japan. But those countries will readily understand that Canada is simply developing its service abroad according to its needs. Those countries may feel out their way to Canada in order to find whether we would be disposed to have an exchange of ministers with them. It may be for this country, its Government and its Parliament, to decide what is best to do, and how far we should go in the development of our own diplomatic service; but surely no one will have reason to complain if we maintain the British diplomatic service, which is at our disposal throughout the world.

My honourable friend has indicated that diplomatic relations were sometimes hazardous, and he cited some instances where ministers were indiscreet; but I am sure he did not fear that we would not be able to breed men of proper stature for the representation of Canada, because later on, towards the end of his speech, he declared that we could surely find in Canada men of sufficient learning and understanding to represent us with dignity abroad. I know that the honourable gentleman is not one of those who could be accused of a Colonial inferiority complex. It is true that Canada is young and impulsive—I am using the expression of my honourable friend—but tomorrow, if it has not already, it will have a population of ten million, and if my honourable friend will look around he will find, basking in the sun of international diplomacy, some forty nations that are quite inferior to Canada in population and in development. So I am sure he will realize that Canada can hold its own in meeting, throughout the world, peoples who have for a number of years had representation abroad.

My honourable friend closed his interesting remarks with questions as to the diplomats we shall have to represent us—whether they will be reared to that career, or whether they will be party men. Well, for a number of years we shall of course, have to draw upon our public men, until we have gradually built up a diplomatic corps. My honourable friend knows that countries that have been schooled in diplomacy still at times use public men of high standing, and send them abroad, giving them the preference over men who have grown up in the service. As to the remuneration and the training of representatives, I may say that this matter is the object of study by our External Affairs officials, and that we shall in due time bring to Parliament the result of that investigation. Of course, the plan will have to be worked out mostly in conjunction with the Civil Service Commission, as some of those officials will come under the jurisdiction of that Commission, and will have to be classified. We now have one staff in Washington; we will have another one in Paris, and another in Tokio; so that in considering the men who are to enter the service of our External Affairs Department we will think of chosing a number of young men who will gradually grow in the service. My idea is that we should put the standard quite high, and not be influenced by friendly contact that one has, or the pressing demands that one may hear about. When we are establishing that service we must think of the young men who will enter that career and follow it, and who will be called upon, in years to come, to represent Canada abroad. I am very proud of my country, and I feel that we should put in contact with outsiders the best men that we can rear.

Hon. Mr. McLENNAN: Might I ask the honourable gentleman a question? His remarks as to permanence were put in such diplomatic language that I did not grasp whether he declared the intention of making the service permanent, or making it one of change with party changes.

Hon. Mr. DANDURAND: I can only speak for myself, because the matter has not been discussed; but I would feel that men who will grow into the service, and who will be appointed for service abroad, should meet with such general approval from the public at large that when the wheel of fortune brings a different party into power those appointments should be respected.

Hon. Mr. REID: Will they be appointed by the Civil Service Commission?

Hon. Mr. DANDURAND: Not the ministers.

Hon. W. B. ROSS: I understood the honourable gentleman to say that the question of the embassies was referred to in the Speech

from the Throne, and that no remarks had been made on that question from this side of the House. That is not quite the fact: I did refer to it; I stated my objection shortly.

Hon. Mr. McLENNAN: I did, too.

Hon. W. B. ROSS: And the honourable gentleman gave me his answer at that time. It was discussed on both sides of the House. I merely wanted to mention that.

Hon. Mr. DANDURAND: I have not looked at what was said in this Chamber, but I know that the statement I have now made is much fuller than the one I made on the Address. I must have made a passing reference to a remark that fell from the lips of my honourable friend.

Hon. W. B. ROSS: It was more than a passing reference; it will be found on pages 9 and 10 of the Debates of this year.

Hon. Mr. BARNARD: After this question has been discussed on such a high plane, one does not like to strike a lower note, but at the moment it might be of interest to have some idea of what the annual cost of this diplomatic service in Tokio and Paris is likely to be. We have had some idea of the cost of the Legation at Washington, and the annual bill is pretty steep. Is it expected that the legations at Paris and Tokio will be maintained on as lavish a scale as at Washington?

Hon. Mr. DANDURAND: The answer is to be found in the Supply Bill and the Estimates, copies of which have been distributed. My honourable friend will see that we start rather modestly at the two places. In view of our proximity to the United States, our active relations with them and the fact that we own half of North America, it has been felt that Canada ought to be represented at Washington in such a way as to arrest the attention of the people who congregate there and that our representation should be a fitting one for the Canada of to-day and the Canada of to-morrow; and I am sure that honourable members of this Chamber who have seen our establishment in Washington have felt some pride in Canada's standing amongst the nations of the world as represented there. Paris, on the other hand has older establishments. Some of the ambassadors there live in residences which are dignified by centuries of existence. I think that we shall do the right thing at Paris without incurring very great expense. I do not remember the exact amount provided in the Supply Bill for the Legation in Paris, or for the projected Legation in Tokio, which is on somewhat similar lines, but I think that my honourable friend will not criticize the amount when he observes it.

Hon. Mr. TANNER: I would like to ask the honourable leader of the Government if the Government of Canada has experienced any serious difficulty, of any kind, in dealing with diplomatic questions at Tokio or Paris. My object is to ascertain, if possible, the reasons why we are making this very important departure. Is it because we have had trouble in dealing with Tokio and Paris, or is it merely for the purpose of flag-flying?

Hon. Mr. DANDURAND: I may tell my honourable friend that not the least element of vanity entered into the consideration and discussion of this matter. The substantial reasons for the establishment of direct and close contact with Tokio were thoroughly debated, and I may boast that the conclusion reached proved to be so satisfactory that it was welcomed by the Foreign Office in London as a good piece of national policy—I may add, of Imperial policy. There are essentially Canadian problems which the whole British Empire is desirous of seeing settled in the most amicable way, and the close contact and co-operation which we are arranging will, I am sure, bring about results that could hardly be obtained by the roundabout method of communicating from Ottawa to London, from London to Tokio, and back from Tokio to London and from London to Ottawa. As my honourable friend is aware, we had for a long time dispensed with the method of communicating by way of London in most cases where we had matters to discuss with Washington. In such instances we sent a delegate or a Deputy Minister. But with our present direct representation, as I think my honourable friend will realize, Canada's affairs are being dealt with, as they should be, by a Canadian who has imbibed the Canadian atmosphere and has grown up amongst our problems and difficulties.

Hon. Mr. TANNER: But we have had the most friendly relations with Paris and Tokio. We have no difficulty in adjusting any questions that have arisen with the present machinery. We may have to go around a little, but we get there.

Hon. Mr. DANDURAND: Perhaps my honourable friend has not noticed the fact that I have stressed, of Canada requiring to be represented more than once in the year at large conferences in the capitals of Europe, and being obliged sometimes to rely upon a commercial agent to act with the Ministers of Foreign Affairs of other countries.

Hon. Mr. McLENNAN: The Minister at Paris, then, will be practically a Minister for the Continent of Europe, with headquarters at Paris.

Hon. Mr. DANDURAND: He will not be accredited to any country but France.

Hon. Mr. McLENNAN: No; he will be accredited to France, but he will exercise his powers all over the continent.

Hon. Mr. DANDURAND: He will be available.

Hon. Mr. SCHAFFNER: The honourable leader of the Government in this House made a slight reference to the property which has been purchased lately in Washington, and, while I do not remember his exact words, I understood him to say that those who have visited that institution in Washington are very proud of it. Well, that is not in agreement with my experience, or with the information that I have. If it is in order for the honourable leader of the Government to do so, I should be glad if he would give us particulars about that property in Washington. They have never been given, so far as I know. I understand that the institution is not a very imposing one, or of much credit to Canada. We know that the price was high, some $500,000. In view of another experience, the recent purchase by the Government of a property which had been closed up because it was infested with rats, I would like the honourable leader of the Government to explain how he is justified in describing the institution at Washington as one in which we should take pride. I do not refer to the Minister representing us; I am speaking only of the building. I should like to know why $500,000 was expended on a building which, as I understand, is located on the street, without any grounds in front, and with a school on one side and some buildings close to it on the other. Personally I would like a little more information, because the information I have received is just the opposite of what the honourable gentleman has stated to-day.

Hon. Mr. DANDURAND: I may inform my honourable friend that I have not had time to go to Washington in the last two years, but I see about me honourable members of the Senate who have commended Canada's establishment in Washington, and I have heard encomiums from persons whom I met in Europe and who had been in Washington and admired our legation there. However, as my honourable friend has put the question, I will obtain all the data necessary to inform him of the value of that building and the conditions that surrounded the purchase. I think it was chosen by Mr. Vincent Massey and that all due precautions were taken in determining the value of the property.

Hon. Mr. SCHAFFNER: Does the honourable gentleman think that Mr. Vincent Massey was the person that should decide what sort of property we should have?

Hon. Mr. DANDURAND: No, no; he made a report to the Cabinet, and architects were sent and valuators consulted. The Government does not do such a thing as to buy a property abroad without taking some precautions. I believe my honourable friend will be satisfied with the record that I can show him. Sometimes errors are made. I have occasion sometimes to give my approval for the purchase of property in the city of Montreal, and the institution with which I am connected has always to pay more than it seems to us we could get if we were selling the property. As between the purchaser and the vendor there is always a wide margin.

Hon. W. B. ROSS: I would like to ask the honourable gentleman a question, and of course he need not answer it if he does not wish. If a Canadian in the future visits Tokio or Paris will he go there as a Canadian or as a British citizen? It makes a great deal of difference. I have had some little experience in that connection. In Berbice, in South America, a Dutchman complained to me about the swagger of the Germans there, and I said: "Why do you put up with them? I would not do it." He said: "That is all right for you; you are a British citizen. I am a Dutchman; I have no show at all". The people of all the little countries of Europe are in that position. I have no intention of giving up my British citizenship and taking a minor place. I would like to go to Tokio feeling that I am a British citizen and have behind me the whole British Empire, and not merely a section of it.

Hon. Mr. DANDURAND: Personally I will go to Tokio or to Paris as a Canadian; and when my Canadian citizenship is questioned I will indicate under what King and Crown I stand.

Hon. Mr. ROSS: You will pass over to the British side.

Hon. Mr. BARNARD: There is one aspect of this question that is, I think, of considerable interest to a great number of people in Canada, and incidentally to a number of members of the Senate. The Canadian Legation, being the property of Canada, is, I take it, a part of the Dominion of Canada.

Hon. Mr. DANDURAND: Yes.

Hon. Mr. BARNARD: Would the honourable gentleman tell us whether the provisions of the Volsted Act are in force in that Canadian territory or not?

Hon. Mr. DANDURAND: I would say decidedly no.

Hon. Mr. BARNARD: Then we will go and look at it.

Hon. Mr. McLENNAN: I may say, honourable gentlemen, as I have recently been in Washington and at the Legation, that it impressed me, as it did my honourable friend from Westmorland (Hon. Mr. Black) as a dignified, commodious, handsome building. It is as far back from the street as the other houses in that district. A few doors away there is the Belgian Legation. The house is creditable to Canada, and the hospitality which is there exercised is such as to make us proud also of our representative.

PRIVATE BILLS

FIRST READINGS

Bill 40, an Act to incorporate the British Empire Assurance Company.—Hon. Mr. Haydon.

Bill 41, an Act respecting the Imperial Guarantee and Accident Insurance Company of Canada.—Hon. Mr. Haydon.

Bill 53, an Act respecting the Manitoba and North Western Railway Company of Canada. —Hon. Mr. Watson.

SEEDS BILL

FIRST READING

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

LAC SEUL CONSERVATION BILL

FIRST READING

Bill 195, an Act to facilitate the provision of storage in Lac Seul in the Province of Ontario, and to repeal the Lake of the Woods Regulation Act, 1921.—Hon. Mr. Dandurand.

DOMINION LANDS BILL

FIRST READING

Bill 199, an Act to amend the Dominion Lands Act.—Hon. Mr. Dandurand.

SPANISH TREATY BILL, 1928

FIRST READING

Bill 201, an Act respecting a certain Treaty of Commerce and Navigation between the United Kingdom and Spain and a certain Agreement between the United Kingdom and Spain regulating the treatment of companies. —Hon. Mr. Dandurand.

CZECHOSLOVAK CONVENTION BILL, 1928

FIRST READING

Bill 202, an Act respecting a certain trade convention between His Majesty and the President of the Czechoslovak Republic. —Hon. Mr. Dandurand.

TRADE AGREEMENTS BILL, 1928

FIRST READING

Bill 203, an Act respecting trade between Canada and Esthonia, Hungary, Latvia, Lithuania, Portugal, Roumania, and the Serb, Croat and Slovene Kingdom.—Hon. Mr. Dandurand.

ST. LAWRENCE WATERWAYS

REQUEST FOR REPORTS AND MAP

On the Orders of the Day:

Hon. Mr. REID: Before the Orders of the Day are called, I would like to make one or two requests of the Leader of the Government. I have received through the mail, as I think every member of the Senate has, a copy of the St. Lawrence Waterways Report. This is a very important and interesting document. Upon inquiring of the Assistant Clerk, I find that we are each entitled to only one copy. I wonder whether it would be too much to ask that fifty or sixty additional copies should be given to the Clerk to be distributed upon request. My reason for asking this is that I have had one or two requests for copies from prominent persons who are interested in this matter.

My other request has to do with the map showing the different parts of the waterways system. Of course, there is a map in the report, but it is very small. Would it be possible to have the Department of Railways and Canals prepare a large map, not including all the little details, so that it would be possible to see the whole situation at a glance? No doubt such a map will be required before the legislation is finally passed. If we had it in one of the Committee rooms it would be very useful to members of the Senate, and also to members of the House of Commons, who are interested in this matter.

Hon. Mr. DANDURAND: I will ask that 100 copies of the report be handed to our officer in order that those who are deeply interested in this matter may secure them. They will not be for general distribution, because many honourable gentlemen no doubt will be content with one.

As to the map, I would remind my honourable friend that it will take some little time to prepare it. However, if it has not already been done, I will ask the Minister of Railways and Canals to set his staff to work to enlarge the small map.

Hon. Mr. REID: I do not suggest that it should show all the minor details. I am making this suggestion now because I realize that the preparation will take some little time.

CHICAGO DRAINAGE CANAL

INQUIRY

Hon. W. B. ROSS: Is the honourable gentleman able to tell us when the precis relating to the Chicago Drainage Canal, which was promised some days ago, will be forthcoming?

Hon. Mr. DANDURAND: It should have reached me in time to lay it on the Table concurrently with its deposit on the Table of the other House. I am under the impression that it was to be handed to me Wednesday. I will find out why I have not received it.

TRADE TREATIES

REQUEST FOR COPIES

Hon. Mr. BEAUBIEN: Will the honourable gentleman arrange to have the Treaties mentioned a few moments ago distributed to the members? I suppose he is aware that some members in another place have bitterly complained because all these Treaties, which are very far reaching in their effect upon our trade, were passed in a very short time without even being distributed. I do not suppose I need add very much to justify my request, but I think I should say that every one of those Treaties affects 1,200 items of our tariff. We are about to enter into a very important arrangement with Czechoslovakia which, as everybody knows, is very highly industrialized, and therefore capable of becoming a very serious competitor with our national industry. Further, I think we ought to have information concerning the actual production and exportation of these various countries to Canada in order that we may deal intelligently with these Treaties.

Hon. Mr. DANDURAND: I have already asked the Department of Finance to furnish me with a statement of our commerce with those various countries, both as to exports and imports. I do not know whether the Treaties with the Baltic States and some of the Balkan States, or the Treaty with Czechoslovakia, have been printed and distributed. I was informed by a member of the House of Commons that he had not received them. Those Treaties, to which we adhere, and which give us most favoured nation treatment, were made with those various countries by Great Britain. I do not know whether I can secure copies of all of them or not. At all events I will have a copy which I can lay on the Table.

My honourable friend has rightly stressed the importance of the Czechoslovakian Treaty in comparison with the others. Practically all the other countries are exclusively agricultural, so that we are not in any very great danger of an invasion of our markets by their goods. Czechoslovakia, however, is in a different situation, and I will try to obtain a sufficient number of copies of the Treaty entered into between that country and Great Britain to satisfy the demand, or I will ask that it be printed. If needs be, it could be printed by the Printing Bureau for next week. In the case of the other Treaties the essential clause or clauses will be found on the right hand page.

The Hon. the SPEAKER: For the information of the House, I may say that Bill 201, respecting the Treaty with Spain contains a long schedule setting forth the whole Treaty.

Hon. Mr. BEAUBIEN: But I understand that is not the case with the other Treaties.

May I also ask my honourable friend to furnish this House with information concerning the tariffs of the other countries in so far as they relate to our intermediate tariff, which I understand will automatically be extended to those countries by the most favoured nation clause. It is very easy to understand that we may receive the benefit of such tariffs as will be of absolutely no use to us at all. Most nations in Europe are now so protected that it is almost impossible to penetrate their markets. My honourable friend knows that very well, because he has been the first member of the League of Nations to be able to state proudly for his Party, not for this—

Hon. Mr. DANDURAND: I was speaking for Canada.

Hon. Mr. BEAUBIEN: —that no less than three times Canada had reduced its tariff.

Hon. Mr. DANDURAND: Since the war.

Hon. Mr. BEAUBIEN: Yes, since the war. I think the honourable gentleman will bear me out when I say that nearly all the other nations have increased their tariffs tremendously. It seems to me that we ought to have all the information available to enable us to know the value of the quid pro quo we

are going to receive. Only after we have such information can we enter into a bargain of such magnitude in a businesslike way. I trust my honourable friend will be able to furnish us with that information as well.

Hon. Mr. DANDURAND: That is to say the Canadian tariff with the intermediate—

Hon. Mr. BEAUBIEN: No. We are going to receive in exchange from those foreign nations a special treatment. What is it?

Hon. Mr. DANDURAND: My honourable friend desires to obtain their tariffs, showing the different columns, more especially the columns under which we will come.

DIVORCE BILLS

THIRD READINGS

On motion of Hon. Mr. Willoughby, Chairman of the Committee on Divorce, the following Bills were severally read the third time, and passed:

Bill V4, an Act for the relief of Esther Brand.

Bill W4, an Act for the relief of Irene Adela Crann.

Bill X4, an Act for the relief of Jessie Ferguson.

Bill Y4, an Act for the relief of William Herbert Gamble.

Bill Z4 an Act for the relief of Mabel Maud Giles.

Bill A5, an Act for the relief of Alice Mockford.

Bill B5, an Act for the relief of Alvah Arthur Norris.

Bill C5, an Act for the relief of Eleanor Porter.

GENEVA OPIUM CONVENTION

MOTION

Hon. Mr. DANDURAND rose in accordance with the following notice:

Consideration of the Message from the House of Commons requesting the Senate to unite with that House in the approval of the following Resolution:—

"That it is expedient that Parliament do approve of the Geneva Opium Convention and Protocol signed at Geneva on the nineteenth of February, one thousand nine hundred and twenty-five, after the second Opium Conference, and which was signed on behalf of Canada by the Canadian representative duly authorized to that effect:

"And that this House do approve of same."

He said: Honourable gentlemen, I had occasion to state a moment ago that most of the people throughout the world had no idea of the importance of the actions of the League of Nations in many fields. I have in my hand a Convention relating to dangerous drugs adopted by the Second Opium Conference. There are some situations which cannot be met except through a general understanding of all the nations of the world. Prior to the war there were occasional congresses or unions of nations to try to cope with certain plagues. But the decisions arrived at were not followed by action, and years would pass before the nations that had signed the Convention felt that they should meet again in order to reconcile their differences. On the other hand, the various Commissions of the League of Nations, which are permanent, manned by men of high standing and knowledge, and accompanied by experts, and having at their back a very active Secretariat, can always follow up matters to fruition.

We take now the most difficult matter, which eats into the vitals of very many nations—that of narcotics, and a concerted action is attempted to blot out the diseases of those addicted to these drugs.

On September 16th, 1924, the Hon. H. S. Beland and Dr. J. A. Amyot were appointed to represent Canada at the second Opium Conference, held at Geneva, and were replaced, on January 12th, 1925, by Dr. W. A. Riddell, Dr. Béland being obliged to return to his position as a minister, at the calling of the House. I may say that I heard many commendations of the action of Dr. Béland, when I returned to Geneva at the end of that year. The difficulties of some nations that were interested in the pro and con of this question were so great that the friction became quite acute, and the president of the Conference, His Excellency Herluf Zahle, Ambassador of Denmark to Berlin, told me that they all regretted the sudden departure of Dr. Béland, because he had succeeded in re-establishing peace in very many of those conflicts that had taken place in the Commission at which he presided.

On September 22nd, 1925, the present Speaker, duly authorized, signed on behalf of Canada the Convention and Protocol relating to Dangerous Drugs, adopted by the second Opium Conference assembled at Geneva on November 17th, 1924.

The agreements reached by the second Opium Conference can be summarized as follows:—the 39 Articles are intended to complete the provisions of the Hague Convention of 1912, and to bring about a more effective restriction of the production of narcotics, and to establish a closer control of international trade. Provision is made for the establishment of a system of export authorisations and import certificates, and for the appointment of a Permanent Central Board for watching the international trade. The Board will prepare,

every year, a report which will be sent to the contracting parties, and make recommendations. All the requirements and formalities provided for by the Opium Convention are already embodied in our Narcotics Legislation, and the carrying out of the provisions of this Convention would not in the least increase the charges or expenses already incurred by this Government in connection with the suppression of opium traffic. Our legislation is embodied in Chapter 144, Revised Statutes of 1927.

The Signatory States recognize their obligation under Chap. 1 of the Hague Convention, to establish such control over opium as would prevent illicit traffic, and they agree to take necessary measures, within five years, to prevent the smuggling of opium from constituting an obstacle to the suppression of the use of prepared opium in those territories where such use is temporarily authorized. The Convention of 1912 was made applicable to Canada on December 17th, 1912.

The English and French texts of the above Convention and Protocol are being submitted to the Canadian Parliament for ratification.

As I will only submit this Convention, I might perhaps glance over the report of the Advisory Committee on the traffic in opium and other dangerous drugs, which I had the honour to present in December last as Rapporteur to the Council of the League. I do so in order that honourable gentlemen may have an idea of the work which is being carried on by this Advisory Committee on the traffic in opium. That Committee meets at regular dates for an examination of the question of the illicit traffic in opium.

The tenth (Extraordinary) Session of the Advisory Committee on Traffic in Opium and Other Dangerous Drugs was held at Geneva from September 28th to October 8th, 1927. Its specific object was the examination of the question of the illicit traffic. The Committee examined the report of the Committee of Enquiry on the Production of Opium in Persia, and congratulated that Committee on its detailed and exhaustive study, at the same time thanking the Persian government for the way in which it had responded to the suggestions put forward by the Committee of Enquiry. It pointed out, however, that as a rule any opium exported from Persia which is not covered by import certificates becomes absorbed in the illicit traffic.

I may say, in this connection, that Persia declared itself ready to proceed to replace the important crop of poppies by some other productive crop which would be a fair substitute for a living to those who were developing the poppy production. The Committee's efforts have been crowned with success as regards the general adoption of the maritime insurance clause, which is designed to render more difficult the despatch by sea of consignments of drugs intended for the illicit traffic. A large number of maritime insurance companies in different countries have accepted the Committee's recommendations. The Committee at its session examined 83 reports concerning seizures, and also returns of illicit transactions covering tons of morphine and diacetylmorphine in every part of the world. It is largely owing to the work of the Committee that the actual facts in regard to the illicit traffic are gradually becoming known. The Committee, at its last session, adopted four resolutions, which may be examined summarily.

The Committee desires to draw the special attention of the Council to Resolution I, passed at the Committee's ninth session. This resolution is addressed more particularly to members of the Council. The Committee says, ". . . . The entry into force of the Convention depends solely on the action taken by the States Members of the Council". Accordingly, I recommend this resolution to the special attention of the Governments of the States Members of the Council. A certain number of States that are members of the Council have to ratify a convention in order to bring it into existence, and when I made that report urging my colleagues of the council to sign in order to give it life I found that Canada was one of the laggers-behind. There need now to be but four signatures added to those that are there, and I know that those four signatures will be forthcoming with that of Canada, if this Chamber ratifies this Convention.

The Committee requested the Council to represent to the Government of China that it would prove of the greatest assistance to the Committee in its work if it were provided with a report as to all important seizures of narcotic substances effected by the Chinese maritime customs at the various ports and stations which are controlled by that service. Such reports would also help other governments to prevent the illicit export of narcotics into China.

The third resolution says that in view of the large seizures now being effected in several countries—seizures which in some cases exceed the volume of the licit traffic—and the fact that all governments do not give precise information as to the manner in which narcotic substances so seized are dealt with, thereby rendering it difficult to form an accurate idea as to the position of the traffic, the Committee requests the Council to be good enough to

ask all governments to state, in their annual reports, the precise manner in which such confiscated substances have been dealt with, and to give such other information as may be useful in regard to such confiscation or disposal. This resolution was adopted in view of the fact that, during the last few years, the seizures effected in certain countries have increased to such an extent, as compared with the volume of the lawful traffic, that the Committee has experienced some difficulty in determining the internal consumption. The Committee quotes in its report the case of one country in which the seizures amounted to four times the quantity of lawful imports. In the absence of definite information as to the ultimate fate of the confiscated drugs, it is impossible to form a clear idea of the situation in such cases; I propose, therefore, that the Council instruct the Secretary-General to direct the attention of the Governments to the above resolution.

The fourth resolution states that the illicit traffic undoubtedly continues "on an enormous scale"; that it is "backed by huge financial resources", and that "drugs are still being smuggled in very large quantities." It appears impossible at present to restrict the export from producing countries of raw opium and coca leaves to the small quantity necessary to supply the medical needs of the world. Experience also shows that the smuggling of drugs can be restricted to a considerable extent, but cannot be wholly stopped by measures that fall short of complete control, in view of the great financial gains which ensue from the smuggling of even small quantities. If all drug factories were adequately controlled by their Governments the drug problem would in large measure be solved. The Committee therefore requests the Council to urge as insistently as possible upon all governments members of the League and parties to the Opium Conventions, that all factories manufacturing dangerous drugs should be owned, or adequately controlled, by their governments. Under either system the Governments would at least:

(1) Regulate, and require an accurate accounting of, all internal traffic, including the purchase of raw materials, manufacture, sales, distribution, storage;

(2) Strictly control the issue and possession of licenses or authorizations for the manufacture, sale, distribution and storage of the drugs;

(3) Adopt, and rightly enforce, the import and export certificate system;

(4) Strictly control the export of dangerous drugs to any country which does not enforce the import and export certificate system. Where this system is not in force in the importing country, the Government of the exporting country must satisfy itself, beyond reasonable doubt, that the demand is for legitimate purposes only. This precaution is particularly important, since the readiest route which the illicit traffic can follow is through those countries which do not enforce the import and export certificate system. It is recognized that this will present various difficulties until the Central Board has been constituted; but it is imperative that such control should be exercised, as far as that is practicable, by the exporting countries until the Central Board begins to function. Experience in certain countries has shown that, even in present circumstances, a large measure of effective control can in fact be exercised in such cases.

I thought I would give you this summary of the work of the last meeting of the Advisory Committee, which has naturally followed the adoption of the Convention and Protocol which is now submitted to you; but I did so in order that you may have an idea of the activities of the League of Nations just in that small field—which is really no small one.

With these explanations I have the honour to move, seconded by Hon. Mr. Legris:

That the Senate doth unite with the House of Commons in the approval of the Geneva Opium Convention and Protocol, signed at Geneva on the nineteenth day of February, one thousand nine hundred and twenty-five, after the second Opium Conference, and which was signed, on behalf of Canada, by the Canadian representative duly authorized to that effect.

Hon. Mr. SCHAFFNER: I do not know whether I understood the honourable gentleman correctly, but I thought he said that the importation of those narcotics into Canada, or perhaps any other country, was only four times the quantity that was necessary for medicinal purposes. Was that the statement?

Hon. Mr. DANDURAND: No; in the report I have just read it appears that there were seizures made in a certain country of narcotics which were four times what was used for the lawful traffic. This goes to prove the activities of the smugglers, since there was seized in that country four times more drugs—prohibitive drugs—than were legitimately there.

Hon. Mr. SCHAFFNER: That is what I understand; but I take it that it is more likely four hundred times than four.

Hon. Mr. W. B. ROSS: Honourable gentlemen, I have entire sympathy with this Convention, and I imagine that everyone on this side of the House has, also; in fact, every good Canadian will be anxious that Canada should keep abreast of the world in a movement of this kind. There is only one thing that I would like to ask the honourable gentleman, who is au fait to the whole thing;

is there anything in this Convention that will require us to modify our Drugs Act? Honourable gentleman will remember that when that Act was brought before this House it contained a provision allowing a law officer to enter a private house and search without a warrant, and this House refused to accept that provision, and that power was seriously curtailed. But is there anything in this Convention that will interfere at all with our legislation here in administering the Act?

Hon. Mr. DANDURAND: No. I am informed that our resolution goes even a little further than we are obliged to go under the Convention.

Hon. Mr. W. B. ROSS: Then that would be satisfactory, I noticed in the newspapers that Japan has given notice that she is not coming in unless all the nations do so. Is that going to have any effect upon the Convention?

Hon. Mr. DANDURAND: Well, the Advisory Committee, whose Rapporteur I am at the Council, met again on the 10th April, and is now sitting; so my honourable friend has to-day seen a statement, coming from the representative of Japan; but this is a statement made in the course of discussion. Before they come to a decision and an agreement there will be considerable arguments pro and con, where everyone tries to see whether, if he makes some sacrifice, the others will do likewise.

Hon. Mr. BEAUBIEN: Do I understand from my honourable friend that this Conference has any effect at all on our internal administration of the law concerning drugs? From his description I understood that it only referred to the international control of the sale and purchase of opium.

Hon. Mr. DANDURAND: If my honourable friend will look at the Blue Book which has been distributed, which contains the Convention, he will find under article 12 what are our obligations:

Each Contracting Party shall require a separate import authorization to be obtained for each importation of any of the substances to which the present Convention applies. Such authorization shall state the quantity to be imported, the name and address of the importer and the name and address of the exporter.

The import authorization shall specify the period within which the importation must be effected and may allow the importation in more than one consignment.

Then, in article 13 he will find this:

1. Each Contracting Party shall require a separate export authorization to be obtained for each exportation of any of the substances to which the present Convention applies.

Hon. Mr. BEAUBIEN: International.

Hon. Mr. DANDURAND: Then, of course there are a number of enactments that cover those two important things—that Canada will be obliged to watch closely the importation, and see about giving a special authorization, and likewise for exportation. These obligations we already have in our own law. What is of special interest is the creation of the Permanent Central Board.

The Central Board shall consist of eight persons who, by their technical competence, impartiality and disinterestedness, will command general confidence.

The members of the Central Board shall be appointed by the Council of the League of Nations.

The United States of America and Germany shall be invited each to nominate one person to participate in these appointments.

The name of Germany is mentioned there because it was not in the League at that time. Then—

The members of the Central Board shall not hold any office which puts them in a position of direct dependence on their Governments.

The members shall be appointed for a term of five years, and they will be eligible for re-appointment.

Then, as to the duties of the Central Board:

1. The Central Board shall continuously watch the course of the international trade. If the information at its disposal leads the Board to conclude that excessive quantities of any substance covered by the present Convention are accumulating in any country, or that there is a danger of that country becoming a centre of the illicit traffic, the Board shall have the right to ask through the Secretary-General of the League, for explanations from the country in question.

The resolution was agreed to.

Hon. Mr. DANDURAND: I have the honour to move:

That a message be sent to the House of Commons by one of the Clerks at the Table, to acquaint that House that the Senate doth unite with the House of Commons in the approval of the Geneva Opium Convention and Protocol signed at Geneva on the nineteenth day of February, one thousand nine hundred and twenty-five, after the Second Opium Conference, and which was signed on behalf of Canada by the Canadian Representative duly authorized to that effect.

The motion was agreed to.

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

THE SENATE

Thursday, April 19, 1928.

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

Prayers and routine proceedings.

MILLSPAUGH PATENT BILL

REPORT OF COMMITTEE

Hon. Mr. GRIESBACH presented the report of the Committee on Miscellaneous Private Bills, to whom was referred Bill 15, an Act respecting certain Patent Application of William H. Millspaugh.

He said: Honourable gentlemen, the Committee have passed the Bill with one or two slight amendments and the addition of a clause. The Bill seeks to restore an application for a patent. The Committee were of opinion that a clause should be added to the Bill to provide that any person who between the dates in question has commenced to manuture, use, or sell the article may continue to do so.

TRANSPORTATION OF COAL

REPLY TO INQUIRY

Hon. Mr. DANDURAND: Honourable gentlemen, I was asked yesterday for the production of the Orders in Council fixing rates for the transportation of coal from the West to the central provinces, and likewise from the East. I find that the first Order in Council, respecting the transportation of coal from the West to Ontario, is dated the 16th of March, 1928, and that is the only Order in Council which was laid on the Table of the Commons. I add to it the Order in Council of March 30, 1928, which deals with the transportation of coal from the East.

Hon. W. B. ROSS: Will those be printed in the proceedings? They should appear somewhere.

Hon. Mr. DANDURAND: The laying of a document upon the Table does not insure its being printed.

Hon. Mr. ROSS: No; that is what I feared; but it is important that those documents should be printed. Honourable members of this House, and hundreds of persons outside, would like to have copies.

Hon. Mr. DANDURAND: They could be printed in the Debates as if they were an answer to an inquiry.

Hon. Mr. ROSS: Yes. That will be quite satisfactory, so long as the whole thing is printed.

Following are the Orders in Council referred to by Hon. Mr. Dandurand:

Certified copy of a Report of the Committee of the Privy Council approved by His Excellency the Governor General on the 16th March, 1928.

P.C. 439

The Committee of the Privy Council have had before them a report, dated 12th March, 1928, from the Minister of Mines, stating that circumstances have arisen which render it advisable to institute a test movement of Alberta coal to the Province of Ontario, with a view to arriving at what would appear to be a reasonable freight rate per ton.

The Government, appreciating the importance of an interprovincial coal movement and the extension of the markets for Canadian coal and being aware of the fact that the accomplishment of these objects hinges largely on the question of freight rates, has on different occasions facilitated trial shipments by the granting of financial assistance.

Since 1923, arrangements have been made annually for experimental shipments but owing to contingencies that have arisen the tonnage forwarded has not been of sufficient magnitude to demonstrate satisfactorily the feasibility of the project from an economic standpoint, or to establish definitely the actual cost of transportation.

There is considerable public demand throughout the provinces of Alberta and Ontario for the establishment of a coal movement between these two provinces at a period during the year when a surplus of railway cars for this purpose is available. While the claim is advanced that establishment of an interprovincial trade such as suggested would be of advantage to the country as a whole, it is agreed that such a movement should not be carried out except on a rate fair to the railways.

The Dominion Government, with the object of supplying as far as possible Canada's coal requirements from Canadian mines, directed the Board of Railway Commissioners to inquire and report to the government upon the cost of transporting coal in full trainloads from Alberta to Ontario. Pressure of duties incident to special hearings, together with that of the general freight rate hearing, prevented the execution of these directions until May, 1927, the findings of the Board of Railway Commissioners being submitted to the Government in September, 1927.

The Dominion Fuel Board, having given considerable study to the situation, under instructions from the Minister of Mines, presented a brief for the consideration of the Board of Railway Commissioners summarizing the fuel situation and containing the following representations which, in its opinion, should be taken into consideration in determining the rate on coal from Eastern and Western Canada to points in Ontario and Quebec:

(a) That it is in the national interest to extend the market for Canadian coal and that under existing conditions coal is entitled to preferential treatment in the fixing of freight rates.

(b) Until a wider market is found for Canadian coal there is little possibility of decreasing cost of production at the mines. The creation of a market in Ontario cannot be consummated until freight charges against Canadian coal are materially reduced.

(c) Under the present limited demand the mines produce a tonnage very much less than it is stated they are capable of producing and it is contended that if a lower freight rate were made effective the tendency would be to stimulate distribution whereby full time operation of the mines would be made possible thereby improving present conditions.

(d) That the reduced rate on coal be a seasonal one effective in the west during the late Spring and early summer when railway equipment is available at its maximum for this purpose and when during this period the mines are at their slackest period of operation.

(e) In furtherance of its views respecting the desirability of encouraging an all Caandian coal movement the Dominion Fuel Board respectfully requested that the Board of Railway Commissioners put into effect the lowest possible rate for special movements of Caandian coal consistent with economic railway operation, as might be determined by the Commission's own experts.

The majority report of the Board of Railway Commissioners held that a $7.22 rate was the out-of-pocket cost of hauling Alberta coal to Ontario. A minority report, however, contended that the out-of-pocket cost might be said to be $6.50 per ton. The Commissioners, in reporting on the question, point out that it is impossible to get the exact cost of a particular movement of railway traffic and that all that can be done is to approximate the cost. The fact that one of the Commissioners brought in a minority report in respect of the findings has led to a wide difference of opinion among the parties interested.

In view of the importance of this question, and the fact that the difference of view expressed in the minority report of the Railway Commissioners has led to a feeling of dissatisfaction among the interested parties; in view also of the fact that the Government and all interested parties are opposed to the granting of a subsidy for the movement, but are agreed that the railways be given a reasonable rate which would not prejudicially affect the rate on any other commodity, in order effectually to determine the exact facts and what may or may not be possible, the Minister recommends that a test movement to determine a special rate on coal from Alberta points to Ontario be undertaken under the following conditions, namely:

(a) That a temporary rate of $6.75 per ton be established to be effective for not less than three months in each year during the period of the test movement.

(b) That the cost of the movement under consideration be supervised by the Board of Railway Commissioners of Canada.

(c) That the cost of the movement be carefully checked by representatives selected by both the coal interests and the railways.

(d) That a detailed report of the representatives checking the cost of this movement shall be furnished the Board of Railway Commissioners for their consideration and that the full Board of Railway Commissioners, after hearing the parties interested, will determine from the evidence submitted to them what is a reasonable rate per ton, having in mind all the factors which, in the national interest, may properly be taken into consideration.

(e) That as the movement is a seasonal one and for a short period in each year, it is desirable that the test should extend for a period of three years in order that the Board of Railway Commissioners may have conclusive evidence of costs before them to enable them to give judgment.

(f) That at the end of each seasonal movement and pending a final decision, the Board of Railway Commissioners be authorized to name what amount if any over and above the rate of $6.75 per ton the Board estimates to be due the railways in the light of the information secured during the season, and to certify to the Minister of Mines the total sums of money due to each Railway Company in connection therewith.

The Minister further recommends that inasmuch as it is necessary to protect the railways from loss during the period of the test, a vote be placed in the estimates of the Department of Mines to cover disbursements which might accrue to the railways in the interim.

The Committee concur in the foregoing recommendations and submit the same for approval.

(Signed) E. J. Lemaire,
Clerk of the Privy Council.

Certified copy of a Report of the Committee of the Privy Council approved by His Excellency the Governor General on the 30th March, 1928.

P.C. 539

The Committee of the Privy Council have had before them a report, dated 29th March, 1928, from the Minister of Mines, submitting certain recommendations in respect of freight rates on certain movements of coal mined in Eastern Canada, which recommendations are hereinafter set out.

By Order in Council of the 3rd September, 1924 (P.C. 1537), provision was made for the payment by the Government of Canada to railway companies carrying coal mined in Eastern Canada of part of the freight charges for carrying such coal in the effort to extend the markets for such coal—the freight charges to the shippers being reduced at least to the extent of such payments. No reasonable trial could be had of the effect of Order in Council P.C. 1537, owing to the fact that it was not issued until a considerable time after the coal contracts for the year 1924 were concluded, and that the vote for moneys to be paid under such Order in Council expired March 31st, 1925. Extension of such provision was recommended by a special Parliamentary Committee in 1926, and again by the Royal Commission presided over by Sir Andrew Rae Duncan and appointed to consider problems affecting the Maritime Provinces.

By Order in Council of the 13th February, 1926 (P.C. 226), the Board of Railway Commissioners for Canada was directed to ascertain the costs of transportation of coal mined in Eastern Canada to consuming points in Quebec and Ontario at the season of the year when the water route for the same by way of the River St. Lawrence is closed to navigation.

The Board of Railway Commissioners for Canada has still under consideration the matter concerning which such Board was to inquire under Order in Council P.C. 226, awaiting certain representations and information relative thereto.

The Minister is of opinion that with a view to assisting the enquiry under P.C. 226 above mentioned into costs of and a reasonable rate for transportation of Eastern coal, and because it is desirable that every effort shall be made to arrive at such costs and rates under all practical conditions, and in respect of any movements which might reasonably offer commercial possibility of enlarged and extended markets for such coal and to afford such information and to make available data which can be secured in such manner, test movements of coal mined in Eastern Canada to points in the Province of Quebec should be instituted.

As for the temporary rate to be established for such test movements it is submitted that the principal reason for encouraging a movement of coal mined in Nova Scotia and New Brunswick to points in the Province of Quebec wholly by rail is the desirability of making possible the continued operation of coal mines in the winter. It is further submitted that from this area there is little probability of any coal moving wholly by rail to any points except points in the Province of Quebec.

"A"

The Minister, therefore, recommends that a test movement be instituted of shipments of coal produced in Nova Scotia and New Brunswick and transported to consuming points in the Province of Quebec under the following conditions, namely:

(a) That a maximum temporary rate of $3.00 per ton be established during the period of the test movement of coal mined in Nova Scotia and that a maximum temporary rate of $2.10 be established during the period of the test movement of coal mined in New Brunswick and transported wholly by rail to points in the Province of Quebec at such seasons of the year as in the opinion of the Minister of Mines it is not practicable to ship coal from Nova Scotia to St. Lawrence ports by vessel.

(b) That the cost of the movement under consideration be supervised by the Board of Railway Commissioners for Canada.

(c) That the cost of the movement be carefully checked by representatives selected by both the coal interests and the railways.

(d) That a detailed report of the representatives checking the cost of this movement shall be furnished the Board of Railway Commissioners for their consideration and the full Board of Railway Commissioners, after hearing the parties interested are requested to determine from the evidence submitted to them what is a reasonable rate per ton and also the actual cost of such movement under the alternative conditions specified in the last paragraph of P.C. 226, and having in mind all the factors which in the national interest may properly be taken into consideration.

(e) The movement being a seasonal one is to extend over a period of three years.

(f) That at the end of each financial year, pending the final decision, the Board of Railway Commissioners be authorized to name what amount, if any, over and above the rates per ton specified in Clause (a) above noted, which the Board estimates to be due the railways in the light of the information secured during the previous year, and to certify to the Minister of Mines the total sums of money due to each railway company in connection therewith.

(g) That such temporary rate be applicable to coal only when used as follows:

(1) For industrial and domestic use, but not for railway or locomotive use.

(2) On contracts made subsequent to above date.

"B"

The Minister also recommends that test movements be instituted of shipments of coal mined in Eastern Canada and carried by vessel to St. Lawrence ports and thence transhipped by the railways to points in the Provinces of Quebec and Ontario, and that a temporary rate of one-fifth of a cent per ton per mile but not more than seventy-five cents per ton less than the rate which would otherwise be applicable be established for the railway movements from such St. Lawrence ports, the amount of the said reduction being payable to the railways with a view to protecting them from any loss that may be incurred and that the following conditions apply to such test movements, namely:

(a) That such temporary rate be applicable to coal only when used as follows:

(1) For domestic and industrial purposes but not for use on railway locomotives.

(2) On contracts made subsequent to above date.

(b) That the temporary rate be not applicable to movements of coal to points where in the opinion of the Minister of Mines, Canadian coal already has the advantage in competition with American coal.

(c) That the cost of the movements under consideration be supervised by the Board of Railway Commissioners for Canada.

(d) That the cost of the movement of this coal be carefully checked by representatives selected by both the coal interests and the railways.

(e) That a detailed report of the representatives checking the cost of this movement shall be furnished the Board of Railway Commissioners for their consideration and the full Board of Railway Commissioners, after hearing the parties interested, are requested to determine from the evidence submitted what, in their opinion, is a reasonable rate per ton, having in mind all the factors which, in the national interest, may properly be taken into consideration.

(f) That it is desirable that the movement be limited to a period of three years in order that the Board of Railway Commissioners may have a reasonable test of costs before them to enable them to give judgment.

(g) Pending a final decision by the Board of Railway Commissioners as to what, in their opinion is a reasonable rate per ton, the Minister recommends that he be authorized to pay the railways the difference between the rate received by the railways hereunder and the rate otherwise applicable, such payments to be made by the Dominion Fuel Board only upon authorization of same by the Minister of Mines.

The Minister also recommends that inasmuch as it is necessary to protect the railways from loss during the period of the above mentioned test movements, a vote be placed in the Estimates of the Department of Mines to cover payments to be made hereunder.

The Committee concur in the foregoing recommendations and submit the same for approval.

(Signed) E. J. Lemaire,
Clerk of the Privy Council.

ST. LAWRENCE WATERWAYS

MOTION POSTPONED

On the Notice of Motion:

By the Honourable Mr. Tanner:

That a special committee of the Senate be appointed to inquire into and report from time to time on the matter of the development and improvement of the St. Lawrence river for the purposes of navigation and production of electric current and power and matters incidental to such objects; and that the committee be empowered to send for persons, papers and records, to examine witnesses under oath if deemed necessary, and to employ stenographers and other clerical help subject to approval of the Senate in regard to expenditures; and that the committee be composed of fifteen members of the House.

Hon. Mr. TANNER: I would ask that this motion be set down for to-morrow.

Hon. Mr. DANDURAND: In connection with that request I would suggest to the honourable members of the Senate who are giving any attention to the question of the improvement of the St. Lawrence River, that to-morrow, when this motion is made, they bring in any suggestions they may have to offer as to what should be the scope of this inquiry.

The motion stands.

AIR POSTAL SERVICE

MOTION FOR RETURN

Hon. Mr. POPE moved:

That an order of the Senate do issue for a return to include copies of all correspondence, tenders, papers and other documents, relating to the letting of a contract for air postal service between Father Point and Montreal; and a statement of the persons to whom contract is let, and the amount to be paid under the contract for the service.

The motion was agreed to.

CANADIAN NATIONAL RAILWAYS BRANCH LINES

STATEMENT OF EARNINGS

On the Orders of the Day:

Hon. W. B. ROSS: Honourable gentlemen, before the Orders of the Day are called, there is a matter of some importance to which I wish to direct the attention of the honourable members of the House, and particularly the honourable leader on the other side.

Over a year ago I was criticized by some of my friends in my own province for voting for expenditures on branch railways in the western provinces and against similar expenditures in my own. This led me to ask for some information, which I got, with regard to these branch railways in the West, showing whether they were losing money or whether they were approximately paying their way. Honourable gentlemen will see the answer that was given by reference to page 245 of Hansard of this House for last year. I wish to allude to one or two paragraphs in that answer.

Re Earnings from Canadian National Railways Branch Lines previously authorized by Parliament.

The Railway does not keep books in such a way as to definitely reflect the net earnings of these branches, but a method can be applied which in a general way will indicate if they are carrying themselves.

Hon. Mr. DANDURAND: Would the honourable gentleman please say from whom that answer or report comes?

Hon. Mr. ROSS: The honourable gentleman himself brought it first before a Committee of the House. It was furnished to the Committee at my request, and was considered so important that the suggestion was made—and the honourable gentleman accepted the suggestion—that besides being read in Committee it should be read in the House.

Hon. Mr. DANDURAND: But from whom does the report emanate?

Hon. Mr. ROSS: It came from the Railways Department; I do not know whether it was from Sir Henry Thornton, the President of the Canadian National Railways, or from any particular official.

By the end of the year 1926 the track had been laid on all of them, but some of them were only in operation during a small part of that year.

The total station earnings during the year 1926 on the branches built under the previous three-year program of branch line construction, including two supplementary lines authorized in 1925, was $3,022,831. This figure may be taken as representing the gross earnings from the branches in question.

Hon. Mr. CASGRAIN: On how many miles?

Hon. Mr. ROSS: The honourable gentleman asked that question last year, and did not get the information. We will look for that now.

If the same operating ratio for the whole Canadian National Railways for the year 1926, of 82.5 per cent is applied to these earnings, a net from operation of $528,995 would be obtained.

The total costs of construction of these branches to December 31, 1926, was $13,417,048, of which $5,030,996 was expended during 1926, and it is safe to assume half of this $5,030,996, or $2,515,498, would not pay interest during the year 1926. Therefore interest would be paid in 1926 on $10,901,550, which, if taken at 5 per cent would create a fixed charge of $545,077.

On the above basis the fixed charges on the branches in question were $545,077, and the net

from operation $528,995, indicating that during the year 1926 they came within $16,082 of carrying themselves.

That, I think, was regarded by the members of this House as a very satisfactory state of things. It is a good answer to people who simply say, "We want a road here," to tell them that it would be a dead loss. They cannot come back and say that we are building roads in the West, one after another, that are not paying their way.

I asked for some information on the same subject this Session, and honourable gentlemen will see the statement signed by Sir Henry Thornton, printed on page 245 of this year's Debates. I am not going to read that now, but practically the answer he gave was that he was not able to say. He gives us a general assurance that they located these roads with due care and built them with due frugality, and he lets it go at that. Now, if they could give this information last year I am unable to understand why we cannot get it this year, and I think it is important that we should have it.

I am not going to ask for a Committee now, but I suggest that the honourable gentleman call the attention of Sir Henry Thornton or some other person in the Railway Department to this matter, and point out that the answer given is, as far as I am concerned, entirely unsatisfactory, and that we should have an answer at least as full this year as we had last year. It is highly important that we should have that in order to know where we are going and what we are doing. If the railway authorities do not keep books to show the situation, with substantial accuracy, I think it is time that they did; and I would like some explanation as to why we have not that information this year when we got it last year.

Hon. Mr. DANDURAND: Perhaps it would be judged by a railway man a different matter to keep exact bookkeeping of the operations of each of those branch lines; but I stated the other day, when I brought in this answer, that I thought we could at all events obtain information as to what was being moved in freight going and coming along those branches. There is freight that starts at the various stations of those branches, and there is freight that is billed to those various stations.

I will draw the attention of the President of the railway to the information we got last year, and to the answer which he gave this year, which seems to be somewhat unsatisfactory. I will also point out to him that when we were studying the question of building those branches we were given an estimate of what each branch would produce, what freight there was in sight in the area to be served; so it seems to me that we could now test those figures by the result obtained. Of coursce, some of those branches have only been completed lately, and it may take some time before the normal freight traffic is developed to a satisfactory point on each of those branches; but we could be told how long the branch has been in operation.

ST LAWRENCE WATERWAYS

DENIAL OF NEWSPAPER STATEMENTS

Hon. W. L. McDOUGALD: Honourable gentlemen, I desire to make a statement on a question of privilege, and to give an absolute denial to certain newspaper implications reflecting on my honour and integrity, both as a member of this honourable body and as a private citizen.

The Toronto Globe of April 18 prints a despatch from its Ottawa correspondent, dealing with the bringing down of correspondence between the Canadian and United States Governments on the subject of the St. Lawrence waterways, in which it says, amongst other things:

> Hon. Senator McDougald is reputed to be connected with the Beauharnois Power Company, which recently obtained a charter from the Quebec Legislature for a gigantic development in the Quebec section of the St. Lawrence.

The report also contains a number of statements relative to the merits of private and public construction. I am concerned, however, only in giving an immediate, unequivocal and absolute denial to the implication of the Globe despatch that I am connected with the Beauharnois Power Company. I want to say here, and to say it with emphasis, that I do not own a dollar's worth of stock in this enterprise, and have no interest in or association with that company in any way, shape or form.

Now let me deal with a despatch which appeared in the Toronto Mail and Empire, also on April 18, and similar to that of the Globe, with the exception, perhaps, that where the Globe "reputes" the Mail and Empire "suspects."

> That the report was written by Senator McDougald, Sir Clifford Sifton and Thomas Ahearn is believed, and the other members of the committee played unimportant parts and did not influence the decision. These three capitalists are either known or suspected of being interested in power schemes, and the proposal to develop the national section first at the expense of private interests who would have the power, is credited to them. . . . The criticisms so far advanced are many and pertinent. . . .that the proposal endorsed by the Government was prepared by power interests represented by Sir Clifford Sifton, Thomas Ahearn and Senator McDougald.

Speaking for myself, I want to make a further positive and absolute denial of the

implications and suspicions of the Mail and Empire. The report was prepared by the Advisory Committee, and by the Advisory Committee alone. That the Government put upon that committee men who presumably knew something about power and power schemes was probably for the same reason that it puts upon the Railway Commission men who presumably know something about railways; but for two of the prominent newspapers of this country to put out an impression to the public of this and other countries that the members of the committee were actuated by motives of private gain, or collusion with power interests, is, I think, an action which is undue, unfair and unwarranted. So far as I myself am concerned, I cannot add too much emphasis to my denial of the suspicions and aspersions which these despatches have cast upon me as a member of the Advisory Committee, as a member of this honourable body, and as a private citizen. Perhaps I may take some slight comfort from the fact that this sort of thing seems to be one of the ordinary penalties of public life.

PRIVATE BILLS

FIRST READING

Bill 52, an Act respecting the Canadian Pacific Railway Company.—Hon. Mr. Willoughby.

THIRD READING

Bill P4, an Act to incorporate the Canadian Commerce Insurance Company.—Hon. Mr. Prowse.

GENEVA SANITARY CONVENTION

MOTION

Hon. Mr. DANDURAND rose in accordance with the following notice:

Consideration of the Message from the House of Commons requesting the Senate to unite with that House in the approval of the following Resolution:

That it is expedient that Parliament do approve of the International Sanitary Convention and of the Protocol of Signature signed at Paris on the twenty-first of June, one thousand nine hundred and twenty-six, and 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 same.

He said: Honourable gentlemen, on May 10th, 1926, the Committee of the Privy Council appointed, as Canada's representative to the International Sanitary Convention, Dr. J. A Amyot, C.M.G., Deputy Minister of Health, and requested the issue of full powers from His Majesty. The full powers were issued, and Dr. Amyot signed, on behalf of Canada, the International Sanitary Convention which was accepted by the International Sanitary Conference held at Paris, May 10th to June 21st, 1926.

This Convention contains general provisions to be observed by the signatories on the appearance of Plague, Cholera, Yellow Fever or certain other communicable diseases in their territory, and provides for measures of defence against these diseases. Its chief object is to govern, with the least possible interference with shipping and transportation, effective procedure, based on the scientific knowledge of the times for the prevention of the entrance and transportation of the great epidemic diseases, and such others as might become widely epidemic.

Part I contains general provisions regarding exchange of information between the signatories as to communicable diseases and prophylactic measures to be taken by their sanitary services. Article 15 states:

It rests with each Government . . . . to determine what procedure is applicable in its own ports to arrivals from any foreign port, and in particular, to decide whether, from the point of view of the procedure to be applied, a particular foreign port should be considered as infected.

With regard to merchandise and baggage, certain measures are referred to, such as disinsectization, deratization, disinfection. At ports and marine frontiers, ships infected with plague, cholera, yellow fever, typhus, smallpox, shall undergo medical inspection; the sick shall be disembarked and isolated; other persons shall be kept under observation for a certain period of time; the parts of the ship which have been occupied by infected persons shall be disinfected, etc. At land frontiers of the contracting states, persons showing symptoms of the above mentioned diseases shall be retained, and all measures taken by a country at its land frontiers shall be notified immediately to the interested neighbouring country. The sanitary control of lakes and of riverways is a matter for special arrangement by the Governments of countries concerned.

Part II deals with the Suez Canal, the Red Sea, the Persian Gulf, and pilgrimages from the north of Port Said to the Hedjez and other places. The Sanitary, Maritime and Quarantine Board of Egypt shall transmit all sanitary information regarding the conditions of the Hedjez and other countries through which the pilgrims pass.

Chapter III of Part II provides for sanctions against any captain of pilgrim-ships convicted of having infringed the sanitary regulations as set forth in this Convention.

Part IV deals with the composition and functions of the Sanitary, Maritime and Quarantine Board of Egypt.

Part V deals with ratification, signature and accession.

Protocol of Signature embodies reservations made by various signatories including Canada, as explained here below.

The Canadian delegate signed, on behalf of Canada, the present Convention with a reservation in case of Article 12 which is as follows:

The Government of a country in which an infected area is situated shall inform other Governments and the Office International d'Hygiène Publique in the manner specified in Article 4, when the danger of infection from that area has ceased, and when all the preventive measures have been taken. On the receipt of this information the measures prescribed in Chapter II, shall no longer be applicable to arrivals from the area in question, except in exceptional circumstances which will require to be justified.

The Canadian reservation is as follows:

Canada.—The Delegate of Canada reserves for his Government the right to decide whether, from the point of view of measures to be applied, a foreign area should be considered as infected and to determine the measures which should be applied in special circumstances to arrivals in Canadian ports. Subject to this reservation the Delegate of Canada declares that his Government is ready to take into consideration the obligation of Article 12 of the Convention and the official information which it may receive on the subject of the existence of diseases in foreign countries.

This reservation means, in a practical form, that although Canada may receive information that the danger has ceased, it may still maintain for a time its own preventive measures.

The English and French texts of the present Convention are being presented to Parliament for ratification, togther with the Protocol of Signature embodying the reservation made by the Canadian delegate.

This Convention does not contain any new requirement that is not already provided for by the Quarantine Act (Chapter 168 of the Revised Statutes of 1927). No amendment to our Act will be necessary, this Act being so flexible and giving such large powers to the Government that any unforeseen case of emergency could be met by an Order-in-Council. The officials of the Health Department do not think that the putting into force of this Convention would mean any additional charges or expenses.

With these explanations, I have the honour to move, seconded by Hon. Mr. Belcourt:

That the Senate doth unite with the House of Commons in the approval of the International Sanitary Convention and of the Protocol of Signature, signed at Paris on the twenty-first day of June, one thousand nine hundred and twenty-six, and signed, on behalf of Canada, by the Canadian representative, acting under full powers issued by His Majesty.

Hon. Mr. DANDURAND.

Hon. Mr. DANIEL: May I ask the minister what is the significance of the fact that this convention was signed by the Canadian representative acting under full powers issued by His Majesty? With regard to the Opium Convention and the Slavery Convention, those were both signed by the Canadian representative duly authorized to that effect. Is there any significance in the fact that this Convention was signed by a representative specially authorized by His Majesty, while the other two were evidently signed by a representative who was not so empowered by His Majesty?

Hon. Mr. DANDURAND: I have no exact data on which to base my opinion; but I would say that the difference in form comes from the fact that credentials were asked through a Canadian Order in Council, from His Majesty the King, and that those credentials were given for that occasion, while in the other cases the representatives were sent direct by Canada under a Canadian Order in Council, but without credentials from His Majesty the King. However, I will verify that surmise, and give exact information to my honourable friend.

Hon. Mr. DANIEL: It would look, on the face of it, as though there must have been some reason for the difference.

Hon. Mr. GRIESBACH: I would like to ask my honourable friend whether the Convention provides for police powers. There was a reference to pilgrim ships. Those ships cross the Red Sea on coming from countries that are not signatory to the oCnvention, and go to other countries that are not signatory. What polic powers are there to deal with those people?

Hon. Mr. DANDURAND: I have not caught the qualification of power.

Hon. Mr. GRIESBACH: Police power; you might use the word sanction. I can understand sanctions with respect to powers who have signed the Convention; but with respect to pilgrim ships, to which my honourable friend referred, loaded down with more or less diseased Mohammedans from the middle of Africa, heading for Mecca, where do the police powers come in for the control of those people, and who exercises them?

Hon. Mr. BELCOURT: I noticed a moment ago that officers are at those ports for the purpose of taking control over passengers,

and examining them. They are subjected to minute examination, and they are quarantined or isolated for that purpose at once; they are not allowed to circulate with others, and so on. I imagine that is one of the modes of putting into execution the provisions of the Protocol. I do not know whether that satisfies my honourable friend!

Hon. Mr. GRIESBACH: No, it does not.

Hon. Mr. DANDURAND: Well, I would answer generally that all countries which subscribe to this Convention are obliged to attend to the prescriptions of the Convention:

The competent authority shall not permit the departure of a pilgrim ship until satisfied:

(a) That the ship has been thoroughly cleaned and, if necessary, disinfected;

(d) That the drinking water on board is of good quality; that it is in sufficient quantity; that the tanks for drinking water are safe from all contamination and so closed that the water can be supplied only by means of taps or pumps; water-supply fittings known as "sucoirs" shall be absolutely prohibited.

Then Article 113 says:

The captain may not start without having in his possession:

(1) A list countersigned by the competent authority showing the name and sex of the pilgrims who have embarked, and the total number of pilgrims he is authorized to carry, etc.

I would say that each country is obliged to comply with the prescriptions of this act, and if it appeared that there was any laxity it would be for the countries surrounding the delinquent to establish a quarantine around that whole country in order to protect themselves. I have not gone through it, and I do not remember that there is any outside power to use compulsion on any country. I see here a number of sanctions:

Article 152.—Any captain convicted of a breach of contract made by him or on his behalf for the supply of water, food, or fuel shall be liable to a fine not exceeding 50 gold francs for each offence.

Article 153.—Any infringement of Article 107 shall be punished by a fine not exceeding 750 gold francs.

Article 154.—Any captain who commits, or allows to be committed, any fraud with respect to the list of pilgrims, or of the bill of health, provided for by Article 113 (1) shall be liable to a fine not exceeding 1,250 gold francs.

Article 155.—Any ship captain arriving without a sanitary document from the port of departure, or without its having been countersigned at the ports of call, or unprovided with the prescribed list, duly kept in accordance with Articles 113 (1), 125 and 126, shall be liable in each instance to a fine not exceeding 300 gold francs.

Hon. Mr. GRIESBACH: Is it necessary for us to alter our shipping regulations to agree with that, and to give to our courts the necessary powers?

Hon. Mr. DANDURAND: No. I have read the statement from the Department that this Convention does not contain any new requirements not already provided for by our Quarantine Act, Chapter 168 of the Revised Statutes of 1927. No amendment to our Act will be necessary, this Act being so flexible and giving such large powers to the Government that any unforeseen case of emergency could be met by an Order in Council. The officials of the Health Department do not think that the putting into force of this Convention would mean any additional charge or expense.

The motion was agreed to.

Hon. Mr. DANDURAND: I now move:

That a Message be sent to the House of Commons by one of the Clerks at the Table, to acquaint that House that the Senate doth unite with the House of Commons in the approval of the International Sanitary Convention and of the Protocol of Signature signed at Paris on the twenty-first of June, one thousand nine hundred and twenty-six, and which was signed, on behalf of Canada, by the Canadian representative acting under Full Powers issued by His Majesty.

The motion was agreed to.

INTERNATIONAL SLAVERY CONVENTION

MOTION

Hon. Mr. DANDURAND rose in accordance with the following notice:

Consideration of the Message from the House of Commons requesting the Senate to unite with that House in the approval of the following Resolution:

That it is expedient that Parliament do approve of the Slavery Convention signed at Geneva on the twenty-fifth of September, one thousand nine hundred and twenty-six, and which was signed, on behalf of Canada, by the Canadian representative duly authorized to that effect;

And that this House do approve of same.

He said: Honourable gentlemen, on September 25th, 1926, the Right Honourable Sir George E. Foster, as authorized by an Order-in-Council of August 7th, signed, on behalf of Canada, the International Convention on Slavery which was approved by the Seventh Assembly of the Leagues of Nations.

This Convention contains twelve Articles which may be summarized as follows:

The Contracting Parties undertake to prevent and to suppress the slave trade and to bring about the complete abolition of slavery in all its forms. For this purpose they shall give to one another all possible assistance and undertake to prevent compulsory or forced labour from developing into conditions analogous to slavery. Disputes arising from

this Convention, if not settled by direct negotiations, shall be referred to the Permanent Court of International Justice or to some other court of arbitration.

Slavery is defined as being the status or condition of a person over whom any or all of the powers attaching to the right of ownership and exercised. The slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery or with a view to selling or exchanging him and all acts of trade or transport in slaves.

In some parts of the world, such as the Central Provinces of the Soudan, notably Cordofan and Kassala, and in some parts of India, etc., there are surviving forms of slavery. This Convention has special application to these remote countries and does not involve any very direct action on the part of Canada.

The Convention will come into operation for each State on the date of the deposit of its ratification or of its accession.

I may say that slavery, as we know it, tends to disappear from the face of the earth; but there is still a form of slavery that may be described as forced labour. In the inquiry made by the League of Nations it was found that in many places men are forced into working bands, and, whether or not they are remunerated, are obliged to do work under a master without having acquiesced.

The United States have passed similar legislation, and although, as I have stated, Canada is not directly interested, it is good policy that we should help to create a universal atmosphere against slavery or coerced labour.

With these explanations I move:

That the Senate doth unite with the House of Commons in the approval of the Slavery Convention signed at Geneva on the twenty-fifth of September, one thousand nine hundred and twenty-six, and which was signed, on behalf of Canada, by the Canadian representative duly authorized to that effect.

The motion was agreed to.

Hon. Mr. DANDURAND: I now move:

That a Message be sent to the House of Commons by one of the Clerks at the Table, to acquaint that House that the Senate doth unite with the House of Commons in the approval of the Slavery Convention signed at Geneva on the twenty-fifth of September, one thousand nine hundred and twenty-six, and which was signed, on behalf of Canada, by the Canadian representative duly authorized to that effect.

The motion was agreed to.

Hon. Mr. DANDURAND.

EXPERIMENTAL FARMS STATIONS BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 10, an Act to amend the Experimental Farms Stations Act.

He said: Honourable gentlemen, this Bill has been brought down for the purpose of regularizing the experimental farms at Agassiz, Indian Head and Brandon, which were larger than the law authorized when first acquired, and for the further purpose of permitting the enlarging of the farms mentioned as well as for enlarging the experimental farms at Ottawa and at Nappan, N.S.

The Experimental Farm Stations Act, as it stands at present, provides for the establishment only of the Central Experimental Farm at Ottawa, and the four original branch farms, namely at Nappan, N.S., Brandon, Man., Indian Head, Sask., and Agassiz, B.C.

As a matter of fact, the Experimental Farm system now embraces, in addition to the original five farms, twenty other experimental stations acquired by purchase or grant, and for the establishment of these no legislative authority exists.

Furthermore, the Act at present limits the area of the Central Farm to 500 acres, of the farms at Nappan, N.S., and Agassiz, B.C., 300 acres, and of the farms at Brandon, Man. and Indian Head, Sask., to 640 acres. Actually, the present areas of these farms are as follows:

Central Farm	467 acres
Nappan	465 "
Brandon	652 "
Indian Head	680 "
Agassiz	1,400 "

so that the limitation clauses which the new Bill proposes to repeal have really been broken already.

Under the Act as it stands at present no extension of any of the original farms is legally possible, even though additional land might be required for carrying on experimental or research work at any of the farms in question.

At present the only method of acquiring land in connection with these farms is by purchase or transfer of Crown lands, no provision being made for acquisition by gift or bequest. An offer has been made to bequeath to the Crown, as an addition to the Experimental Farm at Indian Head, a section of land owned by a Mr. Patterson. Under the Act as at present constituted the acceptance of this bequest would not be legally possible.

The Bill removes any objection that might interfere with the acceptance of such a bequest.

I move the second reading of the Bill.

Hon. W. B. ROSS: To which Committee do you propose to send it?

Hon. Mr. DANDURAND: We could send it to Committee of the Whole to-morrow.

Hon. W. B. ROSS: It might be better, I think, to send it to one of the other Committees.

Hon. Mr. DANDURAND: We will set it down for Committee of the Whole, say, to-morrow, and I will accommodate my honourable friend if he desires to make some other suggestion.

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

DAIRY INDUSTRY BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 12, an Act to amend the Dairy Industry Act.

He said: Honourable gentlemen, this Bill extends the regulations as to cheese boxes, and the methods of making and reinforcing cheese and butter boxes. The paragraph to be repealed reads as follows:

"(j) Prescribing the size and dimensions of cheese hoops, cheese boxes and butter boxes; the joinery methods and fastenings of butter boxes, and the thickness of wood in cheese boxes and butter boxes."

The proposed changes are shown by the underlined words in the Bill. The effect of the Bill is to add joinery methods and fastenings of cheese boxes, and methods of reinforcement of cheese boxes and butter boxes, to the regulation which may be made by the Governor in Council under this paragraph. I am surprised to find that this regulation needs any strengthening, because some years ago when we had evidence that the cheese boxes needed strengthening, we proceeded along that line. I remember at that time photographs were brought to us, and circulated in this Chamber, showing an almost complete annihilation of cheese boxes landed in ports in Great Britain, so anything that will help to strengthen the boxes containing our cheese going abroad should be welcomed.

Hon. Mr. McMEANS: Does this Bill provide for the appointment of further inspectors?

Hon. Mr. DANDURAND: No. That may come later.

Hon. Mr. McMEANS: I understand there is a scarcity of inspectors throughout the country.

Hon. Mr. DANDURAND: These regulations would need to be controlled later at our ports, but I suppose that we have already a sufficient number of inspectors.

Hon. W. B. ROSS: Could the honourable gentleman tell me how many pounds there are in a box of cheese?

Hon. Mr. DANDURAND: Perhaps my honourable friend from Brockville could answer that question.

Hon. J. WEBSTER: Anywhere from 85 to 110 or 115 pounds. This Bill arises from the necessity to have a uniform thickness of wood in the containers. The manufacturers are to-day cutting the boxes so thin that they will not stand any rough handling, and owing to the condition in which our cheeses arrive at Liverpool and Glasgow, they are graded as seconds.

Hon. W. B. ROSS: I notice every now and again a report stating that so many boxes of cheese have been shipped, but I never could tell how much cheese that meant.

Hon. J. WEBSTER: A 15-inch hoop will contain about 80 pounds of cheese; a 16-inch hoop, 14 inches high, will contain anywhere from 100 to 110 pounds. The railway companies average them at about 90 pounds.

Hon. W. B. ROSS: But there is no standard of weight?

Hon. J. WEBSTER: No. Butter is all put up in 56-pound boxes.

Hon. W. B. ROSS: A box of cheese may contain anything between certain figures?

Hon. J. WEBSTER: Not in the trade. It depends on the size of the hoop.

Hon. W. B. ROSS: But there is no standard size?

Hon. J. WEBSTER: No.

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

PRECIOUS METALS MARKING BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 21, an Act to amend the Gold and Silver Marking Act.

He said: Honourable gentlemen, the first object of this Bill is to change the title of the Act from "The Gold and Silver Marking Act" to a title more descriptive of its nature

By section 2 a new provision is introduced in order to add platinum to the articles to which the Act applies. Another amendment, section 4, permits the term "platinum" to be applied only to articles made from platinum, which, as is well known, is now more valuable than gold or silver. Platinum jewellery has become very popular. Platinum is a metallic element occurring in alluvial deposits or in rock-forming minerals. It is found principally in the Ural Mountains, in Columbia, and in the United States, where the principal deposits are located in Alaska. It is also found to a limited extent in other portions of the United States, including Montana, California, Oregon and Arizona.

Hon. Mr. GORDON: Do not forget to mention Northern Ontario. There is some there.

Hon. Mr. DANDURAND: Is there some platinum in Ontario?

Hon. Mr. WILLOUGHBY: At Cobalt.

Hon. Mr. DANDURAND: When the Bill goes into Committee I will move a slight amendment to the title as it appears in the Bill, which is "The Precious Metals Act, 1928". I will move that this title be changed to read, "The Precious Metals Marking Act, 1928."

In amending the Gold and Silver Marking Act it has been thought desirable to give the Governor General power to designate the quantity and quality of the materials of which plated or filled articles shall be composed. This amendment applies specially to gold plated and gold filled articles, which are becoming increasingly popular. Of recent years articles with the thinnest possible veneer of gold have been imported, while Canadian manufacturers were endeavouring to build up a reputation for their wares by making gold plated articles with a heavier coating. Under the present Act, however, either the inferior or the better article can be called "gold filled" or "gold plated", and it is for the purpose of encouraging the manufacture in Canada of a better grade of goods that power is sought to designate the quantity and quality of gold or silver, as the case may be, that must be contained in an article before it can be termed either "filled" or "plated."

As to section 4, in addition to the remarks already made, it may be observed that power is also sought to prevent any colourable imitation of platinum to be used in the sale of platinum goods. This provision carries out the same provision as in the present Act in so far as gold and silver articles are concerned. It is also intended that the trade mark of a manufacturer shall be applied to all articles coming under the Act, in order to prohibit the practice of unscrupulous dealers having an inferior line made for them and applying to it a fictitious trade mark.

A further amendment is desired in the Bill as passed by the House of Commons, and I will move this amendment in Committee. It will read as follows:

This Act shall come into force on a date to be fixed by proclamation of the Governor in Council publishel in the Canada Gazette.

When the present amendments take effect many jewellers will have in their hands articles or merchandise which may be marked contrary to the amended sections of the Act dealing with platinum articles. The Retail Merchants' Association of Canada are of opinion that at least one year should be granted before making this Act effective. Hence the amendment which I will submit to this Chamber.

Hon. Mr. DANIEL: I notice that there are at the present time a great many articles advertised as "white gold", and there seems to be a good deal of confusion as to the composition of this article, whatever it is. The explanatory note refers to it, mentioning the objections which are generally made to the term "white gold" having no definite construction; but I do not see that the change made by new section 12A eliminates the term "white gold" or defines in any way its composition, to show whether it is platinum, or contains only a portion of platinum, or is composed of some alloy of platinum and gold. The amendment appears to me very indefinite with regard to that particular article. The note says:

The development of white gold has proceeded to such an extent that only an expert can decide whether an article is made of an alloy or of platinum; it offers great opportunities for deception. France, Switzerland and Austria have adopted legislation regulating a standard for platinum on the same basis as requested by the Canadian Trade.

Now, I do not see that this new Bill affects that matter in any respect. It speaks of platinum, but does not give any recognition to the term "white gold", or explain what it means or how it is to be constructed.

Hon. Mr. DANDURAND: Perhaps the definition of "platinum" would exclude the use of the expression "white gold". But when we come to the committee stage I will endeavour to give my honourable friend exact information.

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

NATIONAL BATTLEFIELDS BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 34, an Act respecting the National Battlefields at Quebec.

He said: Honourable gentlemen will remember that in 1908 a movement was inaugurated for the transformation into a national battlefield area of the fields on which were fought the battles which ended the French regime in Canada. His Excellency the Governor General, Lord Grey, took a prominent part in the movement and carried on a campaign throughout the length and breadth of this country in order to obtain approval for that idea. The result of that campaign, which culminated in the festivities on the battlefields themselves to celebrate the three hundredth anniversary of the founding of Quebec by Champlain, was the institution of a Commission to which were confided the improvement and the maintenance of those battlefields. A certain amount was voted to that Commission, which was presided over by Sir George Garneau, who was at that time, in 1908, Mayor of Quebec. I have not before me at the moment the names of the various members of the Commission, representing several provinces. If I referred to the Statute of 1908, I might be able to give those names to the House.

The repealed section 8 authorized the payment to the Commission of the sum of $300,000. The amount granted was duly paid, and the only reason for repealing the section is that the proposed amendment may appear in an appropriate place in the Act:

1. Section eight of chapter fifty-seven of the statutes of 1908, An Act respecting the National Battlefields at Quebec, is repealed and the following substituted therefor:—

"8. The Minister of Finance is hereby authorized to pay out of the Consolidated Revenue Fund of Canada to the Commission the sum of seventy-five thousand dollars a year for a period not exceeding ten years from the first day of April, 1928, to be expended by the Commission for the purposes and subject to the provisions of this Act. Such annual payments shall be made in four equal quarterly instalments payable on the first day of April, July, October and January, respectively, in each year, the first of such quarterly instalments to be paid on the first day of April, 1928."

As far as the work of the Commission has been done, it has received the commendation of the people who have visited the battlefields in recent years. There is still considerable work to be done. We shall be authorizing by this Bill a further expenditure of $750,000, to be incurred during the next ten years.

With these explanations, I move the second reading of this Bill.

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Hon. E. D. SMITH: I would like to ask for a little further information as to the object of this increase from $30,000 a year to $75,000. I suppose there must be something out of the usual. Is it intended to extend the boundaries of the park, or what is the object?

Hon. Mr. DANDURAND: The Chairman of that Commission, Sir George Garneau, in a letter dated November 18, 1927, to the Minister of Finance, states that at present the ordinary expenses for administration and maintenance of the Park amount to about $50,000 per year, and that when the Park is completed administration and maintenance will require about $75,000. The Chairman strongly commends to favourable consideration the suggestion that instead of voting each year the amount required Parliament make a statutory grant of $75,000. The excess of this amount over maintenance requirements will be applied to capital expenditure—completion of laying out and constructing the Park—and as the work proceeds capital expenditure will diminish and maintenance increase until the maintenance figure reaches the estimated amount of $75,000 per year.

I have no statement beyond that which is contained in that letter from the Chairman. There will be, as he states, an expenditure on the development and construction of the Park. I know there are buildings to be erected and work to be done in order to put the Park into perfect condition. I am under the impression —and there are Quebecers here, who can correct me if necessary—that a building which is from many points of view an eyesore, namely, the Ross factory, will be wiped out. I never could understand why Quebec citizens should for a moment tolerate the desecration of those fields and that splendid coast line and hill by the erection of those match-boxes. Happily they are to disappear. So there is considerable work that will have to be done.

But I notice that the main requirement is that of maintenance, and, while the capital expenditure will gradually be reduced, the maintenance will grow from $50,000 to $75,000 a year.

The members of that Commission are Sir George Garneau, Chairman; Hon. Adelard Turgeon, President of the Legislative Council of Quebec; Mr. Robert Bickerdike, who was formerly a member of the House of Commons from Montreal; Hon. Thomas Chapais, a member of this Chamber; Dr. Dussault, of Quebec; Hon. William H. Price, of Toronto; Hon. L. A. Taschereau, Premier of Quebec, and Dr. Doughty, of Ottawa.

Hon. Mr. DANIEL: How many battlefields does this Bill refer to? Or is it only to one?

Hon. Mr. DANDURAND: This one refers to the battlefields in the immediate neighbourhood of Quebec. Those would be the places where the Battle of the Plains of Abraham and the Battle of the Ste. Foy Road were fought, the one in September, 1759, and the other in the spring of 1760. That is, it refers, as far as I can see, to the two large battlefields in the vicinity of Quebec.

Hon. J. S. McLENNAN: Honourable gentlemen, I am fully in sympathy with the restoration and the preservation of our historical sites. From the information we have had it looks as if $75,000 a year were a considerable amount of money. I have previously called the attention of the house to the fact that in Cape Breton we have the site of Louisburg, in its time more important than Quebec in the relations between the France and the England of those days, and in the relations with the New England colonies. It was not until Louisburg was captured that an attack on Quebec could have been carried on with any hope of success. In other words, the command of the sea which that port gave the French was of enormous advantage in that struggle. Practically nothing has been done to preserve the many marks of the French occupation, and they are gradually being obliterated. Anyone concerned with historical questions, or with keeping alive the spirit of what we owe to our forebears, should have an interest in commemorating the remarkable success that those French colonists, only 2,000 in number, had in competition with a much more populous and enterprising people, the New England colonists. Deeds of bravery on sea and land, equal to those of Quebec and equal on both sides, were performed there.

The land at Louisburg is partly owned by the Government and in an extraordinarily easy state for purposes of commemoration, owing to the vast number of maps and so on which have been preserved, and certain works there which would make a vivid picture of what the town was in the old days. I am not speaking of the acquiring of any land which ought to be acquired, but I should say that two or three years of the Quebec allowance, something between $200,000 and $400,000, would make Louisburg one of the most picturesque and interesting places to visit that anyone could conceive of, and I would trust to the agency of the Government that may be done. All that has been done yet is to mark certain sites with remembrance tablets. I think this is absolutely inadequate to the importance of all that Louisburg historically stands for.

Hon. Mr. BELCOURT: Honourable gentlemen, my honourable friend has covered this whole ground very well; but I would add that I do not think there is a more epic spot in Canada than Louisburg. It was the centre of the fighting for a long time; it was captured and recaptured seven or eight times, I think. The story connected with Louisburg is one of extreme romance, and I think the suggestion of my honourable friend is quite in line with our development of archives during the last few years, and the erection of monuments commemorating the deeds of pioneers. During the past ten or twelve years there has been creditable activity, not only in the erection of monuments, but in the renovation and conservation of historic places. I thoroughly agree with my honourable friend, and I think his suggestions ought, and I believe it will, receive the attention of the Government.

Hon. Sir EDWARD KEMP: I understood the leader of the House to say something about the Ross rifle factory. I was very much surprised when that factory was erected on the battlefield, but I was under the impression that it was torn down long ago. I do not suppose it is used at all, or that it is being used for any useful purpose; but so far as that is concerned, it would be no loss to the country. It must belong to the Government, I am sure. When it was mentioned I wondered whether it had been sold or not.

Hon. Mr. DANDURAND: Unfortunately it is still there, but it is used for storage purposes, as far as my knowledge goes.

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

LOAN BILL, 1928

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 35, an Act to authorize the raising, by way of loan, of certain sums of money for the Public Service.

He said: Honourable gentlemen, there are large amounts of our public debt that will mature within the next few years, and the Minister of Finance asks that he be authorized, in addition to the sums now remaining borrowed, and the negotiation of loans sanctioned by Parliament under Acts heretofore passed, to raise by way of loan, under the provisions of the Consolidated Revenue and Audit Act, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rate of interest

and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money as may be required, not to exceed in the whole the sum of five hundred million dollars, for paying or redeeming the whole or any portion of loans or obligations of Canada and also for purchasing and withdrawing from circulation from time to time unmatured securities of Canada.

On the 31st of March 1928, the total outstanding bonds of the Dominion amounted to $2,383,834,086.

There are various methods by which the outstanding Public Debt might be retired. They may be enumerated as follows:

(1) Sinking Funds.

(2) Instalment Annuity Plan.

(3) Retirement of a fixed amount of debt each year either through serial bond issues or otherwise.

(4) By arranging the maturity dates of refunding issues so as to have at least a reasonable amount of the loans maturing each year, and retire these in whole or in part from surplus revenues.

(1) Sinking Funds:

If this plan were applied to the Dominion Public Debt, it would be a huge undertaking involving considerable administration and other expenses.

If a sinking fund of $25,000,000 per annum were established on a 4¼ to 4½ per cent basis, the total outstanding indebtedness would be retired in a period of thirty-eight years. In connection with the establishment of such a sinking fund, there would be a large annual charge due to the cost of management of the fund, and in addition the brokerage and commission charges.

At the present time loans outstanding in England amount to sixty-four million pounds odd, fifty-two million pounds odd of this amount carry sinking funds which amount to £9,700,000. The cost of handling these sinking funds amounted to, during the fiscal year just ended, $8,700 for brokerage and commission charges.

If sinking funds were established for all our outstanding issues on the above basis in order to contribute $25,000,000 per annum, the annual charge would be $62,000 for the first year, and increase each year to an approximate maximum cost of $275,000, or a total cost of say $5,000,000 for the whole period, to cover brokerage and commission charges, the charges of management expenses being additional to this amount.

(2) Instalment Annuity Plan:

This plan would accomplish the same result as sinking funds without involving the expenses attached thereto. Due to the large amount involved in such a scheme, it would be rather a complicated method to work out and apply to our refunding issues.

Both Nos. 1 and 2 would involve maintaining Public Debt charges for interest and retirement at a fixed amount during the whole period. There would be little hope for any relief through debt retirement until the scheme was completed.

(3) Retirement of a fixed amount of debt each year either through serial bond issues or otherwise:

This would have the effect of reducing the annual interest charges and relieving the taxpayer to that extent, and the retirement could be effected through paying off at least a portion of loans which mature each year.

With regard to all three of these plans, the fixing of the amount to be retired each year without regard to what revenues may yield is not desirable. Dominion revenues show pronounced expansions and contractions corresponding to the flucuations in business conditions within and without the Dominion, and it is quite possible for revenues to contract as much and even more than $50,000,000 in one year. This leads to the conclusion that it would be rather difficult to maintain revenues at such a level as to ensure in each year sufficient surplus to meet stated fixed retirements.

(4) By arranging the maturity dates of future refunding issues so as to have at least a reasonable amount of loans maturing each year.

Under this scheme the amount of debt to be retired each year would depend on the surplus available for such purposes.

During the period since 1923, we have redeemed outstanding bonds amounting to $134,700,000, made up as follows:

1925–26 bonds redeemed..	$ 20,000,000
1926–27 bonds redeemed..	43 000,000
1927–28 bonds redeemed..	55,505,650
Sinking Funds and miscellaneous retirements..	16,201,312
	$134,700,000 (odd)

or in round figures slightly in excess of $25,000,000 per annum.

From the year 1929 to 1932 inclusive, there are loans maturing amounting to three hundred and twenty-nine million dollars odd, and in 1933 and 1934 there are loans maturing to $980,000,000. In future refunding issues it would be a simple matter to arrange to have a stated amount maturing each year, enabling the maturing amount each year to

be taken up out of surplus revenues or whatever amount was not taken up to be refunded. As these amounts are paid off each year it would immediately reduce the charges for interest on Public Debt, and leave the saving of interest available for other Government expenditures.

All flotations during the War period at high rates of interest will mature within the next nine years, and there will be an opportunity of financing at much lower rates of interest, thus reducing the present annual charge to interest on Public Debt.

If the present outstanding issues were all refunded in the next nine years at 4¼ per cents basis without taking into account retirements, it would mean an annual saving of something over $18,000,000 per annum.

The latter scheme is the same as has been followed during the last few years. The length of time taken to redeem the present outstanding debt would depend altogether on the amount it would be possible to retire each year, and would no doubt take much longer than under a sinking fund basis; but, as previously stated, the annual interest charges saved would give immediate relief, whereas there could be no relief under a sinking fund basis.

With these explanations, I move that the Finance Department be thus authorized.

Hon. W. B. ROSS: I would like to ask the honourable gentlemen what is the amount authorized and not yet due, in the borrowing Acts that are referred to in the first part of section 2:

> The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament—

In addition to that, how much of those loans are unexhausted? I was going to suggest to the honourable gentleman if he sends this to Committee, that it might stand over until Tuesday. Perhaps by that time we might get this information.

Hon. Mr. DANDURAND: If any other honourable gentleman has any question to put for information, I would ask that it be put now so that I may get the answer. Perhaps I have under my hand the answer, but I cannot easily find it at the moment.

Hon. Mr. McLENNAN: It would be interesting to know what is the practice of other countries in relation to refunding or paying off their loans, as between the sinking fund system and the other which is suggested. I have been under the impression that a sinking fund, notwithstanding its expense, was much favoured in other countries. If that information could be given it might help us.

Hon. Sir EDWARD KEMP: I am afraid that the honourable leader will look in vain for any information he has in regard to the national debt. Apparently it never entered into the minds of the Government what was the proper way to deal with the debt, in order to have a uniform reduction every year, to have a very small amount set aside, spread over a period of say sixty or seventy years, whereby we would get rid of our war debt, which approximately amounts to $2,000,000,000. The situation appears to me to be like this. One day we read in the newspapers that during the last month the debt has been reduced a certain amount; and when the debt is increased at the end of the next month we do not hear anything about it; and then another month we hear that it has been reduced so much that month. But when the end of the year comes the debt is just about the same.

When the Finance Minister brought out his report this year with respect to the debt, he said he had a surplus. But some items that were overlooked have sprung up, and now we find there is no surplus. Now, why cannot we have a small, even an infinitesimal amount in the way of a sinking fund set apart, and know just where we stand with respect to our debt? Let us have some system about it, the way it is done in other countries, and the way it is done with all business organizations where mortgage bonds and that sort of thing have to be retired.

I would like to have my honourable friend's views with respect to a sinking fund for our debt.

Hon. Mr. DANDURAND: Well, my honourable friend will find, in the statement which I have just made to the House, a disquisition on the advantages and disadvantages of the sinking fund. He may read that at his leisure between this and next week, or this evening if he prefers.

Hon. Sir EDWARD KEMP: My honourable friend is a very sound financier, and I would like to know what his views are. His opinions may be sounder than those expressed in the other House.

Hon. Mr. DANDURAND: Well, I confess that I have not cogitated very seriously over the matter of the repayment of our war debt. It was perhaps an easy matter before the war, when our debt was $334,000,000; but now that it has been increased by two billions, it is

a matter that I would leave experts to grapple with. I may be able to obtain information as to the manner in which the most advanced countries in that regard are proceeding, but I believe there is no principle to be found in their methods, that they vary according to their capacity to pay now or within a reasonable time.

If other honourable gentlemen desire to ask any question, I would request them to do so now, and I will postpone the second reading of the Bill until Tuesday next in order that any information which they desire may be obtained from the Finance Department.

Hon. Mr. DANIEL: I notice that the Bill authorizes the Finance Minister to withdraw from circulation from time to time unmatured securities of Canada. Is it the intention of the Government to call in their unmatured bonds and things of that kind, and if so, in what manner and on what terms? Is it the intention simply to compel the holders of those bonds to turn them in?

Hon. Mr. DANDURAND: Oh, no. I can very easily answer that. This would authorize the Department of Finance to purchase bonds that offer, either directly or indirectly, but there can be no compulsion whatever. People who hold the bonds of Canada, payable at a certain date, are entitled to retain them till that date. As my honourable friend knows, however, there are always some of these bonds that are floating, so to speak, and it is for the Department of Finance to use its best judgment from day to day in the matter of purchasing such bonds.

Hon. Sir EDWARD KEMP: I do not want my honourable friend to think from anything I have said that I want him to hold this Bill over. I would like to point out, however, that for many years I have advocated the setting aside of a small sinking fund in order to retire the bulk of the debt, the part attributable to the war, for instance. That would be sound finance, and I do not know of any other country that does not proceed in that way. One per cent of two billion dollars would be $20,000,000 a year—that might be too much—or half of one per cent would be $10,000,000 a year. Mathematicians could easily tell what that would amount to at interest in the course of a certain number of years. We would want first to decide what we could afford to set aside, and then to see what it would cover. I really think, in view of the democratic form of government that we have in this country, and in view of the changes of government from time to time, there ought to be a definite plan for retiring that portion of the debt attributable to the war.

Hon. Mr. DANDURAND: I have just now given the opinion of the Department of Finance as at present constituted against that rigid form of a fixed sinking fund. The arguments will be found on Hansard. That is why I suggest to my honourable friend, if he holds very strong views on this question, that he give us the benefit of his views after examining the reasons that have been advanced.

Hon. Sir EDWARD KEMP: Can my honourable friend tell me in a few words what is the principle of the objections?

Hon. Mr. DANDURAND: It is the rapid expansion of the revenues of this country, and, unfortunately, the equally rapid contraction, due to economic conditions that sometimes have their source outside of this country. We all know that when depression sweeps over our neighbour to the south in any accentuated form we are apt to be carried downward by the wave. As I was following the arguments of the Department of Finance, they seemed to me most potent against the sinking fund idea, which would bind this country to a fixed amount. The amount of $20,000,000 seems too large to my honourable friend. It was being discussed from the angle of $25,000,000 a year.

Hon. Sir EDWARD KEMP: I didn't know that.

Hon. Mr. HUGHES: Would not the establishment of a sinking fund to take care of the war debt be equivalent to the Government lending money to itself? What advantage could possible be gained by it? To take care of an obligation of that sort is entirely different, I think, from taking care of obligations that have been incurred for ordinary works. If, for instance, the Government undertakes to build a work of importance that will last for a considerable number of years, and issues bonds against that work to establish a sinking fund that would take care of the bonds at maturity, when the advantages of the work would be available, that would be an ordinary business transaction; but as I see it the debt that has been incurred by Canada for war purposes is in an entirely different category. If the Government can save money to establish a sinking fund, why not wipe out that much of the debt and be done with it at once? What possible advantage could be gained by establishing a sinking fund?

Hon. Mr. STANFIELD: They can do as corporations do, and buy up their bonds.

Hon. Mr. HUGHES: It is for an entirely different purpose, as I have tried to explain.

Hon. Mr. STANFIELD: I think the honourable gentleman misunderstands me. In the papers you will quite frequently notice corporations advertising that they have so much money to expend to buy up bonds. Instead of putting their sinking fund at interest they call for those bonds and buy them and retire them. That is what the Government should do.

Hon. Mr. HUGHES: Is not that an entirely different transaction from paying off the war debt? I think it is. That is an ordinary business transaction of incorporated companies. But the whole of Canada and the whole of the resources of Canada are responsible for the paying of our national obligations; we are establishing a sinking fund and paying in our money to take care of ourselves. There could not be any possible advantage derived from that proposal as I see it.

Hon. Mr. DANDURAND: I would suggest that we take the second reading of the Bill, and that it be placed on the Order Paper for third reading on Tuesday.

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

CUSTOMS TARIFF BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 169, an Act to amend the Customs Tariff.

He said: Honourable gentlemen, the object of this Bill is the reclassification of a number of items in the tariff, and the co-ordination of the textile group. Honourable gentlemen know from looking at the Bill what the schedules represent, and they know the involved character of all customs tariffs. I will not undertake to explain these changes item for item, but will content myself with moving the second reading of the Bill.

Hon. Sir EDWARD KEMP: As the Leader of the House has observed, this is a complicated Bill: indeed, anyone who glances over it cannot come to any other conclusion; and when one takes the whole tariff into consideration he can imagine what a complicated thing it is. Yet, we meet people who are prepared to express opinions on it and who deal with in in a very glib way, and claim to understand all about it. So far as I am concerned, although I have given a great deal of attention to it, I confess I do not understand very much about it. Now we have before us another revision of the customs tariff in Canada.

Hon. Mr. DANDURAND: A partial revision.

Hon. Sir EDWARD KEMP: A partial revision, I should say, and although this is the usual manner in which the tariff is revised when revisions are necessary, the question has occurred to me: How many ways are there of revising the tariff of this country? Although we have drifted into this way of revising the tariff, there are also many other ways in which it is done. We have a Board on Tariff and Taxation. This Board has very little authority, and no power—and I quite agree that it should not have any power to revise the tariff: it merely takes evidence and presents it to the Minister of Finance.

Now, what is the procedure of the Tariff Board? They do not take the tariff and commence at the beginning and study each item in the tariff, but they depend upon somebody to appear before the Board, or send a letter, demanding a revision of the tariff on some specific article. Usually those persons, so far as my knowledge goes, know very little or nothing about the item which they want revised. They appear before the Board and make a complaint based upon a very theoretical set of circumstances and facts. People are brought before the Board from all parts of the Dominion, with their clerks, and they are placed on the rack, so to speak, and are charged in no very diplomatic way, but sometimes in a very offensive way, by these self-appointed representatives. What I suggest should be done is this. It seems to me that if the Board is going to be continued the Government should take upon its own shoulders the responsibility of appointing a man who understands the rules of evidence, a man who has been trained in the legal profession; then these complaints should be summarized and presented in a respectful and proper manner before the Board, and answers should be sought from those on the other side. But that is not done. The Tariff Board is the most peculiar sort of Board I have ever heard of.

Hon. Mr. CASGRAIN: It is like the Railway Board. If there were lawyers in it they would get nowhere.

Hon. Sir EDWARD KEMP: Usually it is lawyers who appear before the Railway Board, and the rules of evidence are observed, and there is some order. But the Tariff Board gets nowhere because everything has to be gone over again before the Minister of Finance who, after going through the evidence if he so desires, comes to a decision. Then we have the Government responsible—the

Government, which has to take upon its shoulders everything in connection with the revenue of the country.

Now, we have another way of revising the tariff which has come about in very modern times indeed. We have these favoured nation treaties that Great Britain has made with many other nations of the world, and every now and then some new nation is brought in and is given some preference in our markets because of these favoured-nation treaties of Great Britain. What our fiscal system in Canada has to do with the favoured nation arrangements that Great Britain may have with other countries I have never been able to understand, and I do not understand to-day. We are an autonomous country and are supposed to be, in respect to these matters, quite independent of the Mother Country, and she does not attempt to dictate to us; but we have that way of coming under, and the privileges that we extend under those favoured nation treaties to certain countries are what is known as our intermediate tariff. The intermediate tariff was adopted in our Customs Tariff after 1896 and lay dormant for practically a quarter of a century, until very recently. There were three columns in the tariff: the preferential tariff towards Great Britain, the intermediate tariff, and the general tariff. Then these countries come in, and, for some reason or other, the favour of the intermediate tariff is extended to them. Thereby, so far as the particular country which is favoured is concerned, we find when we wake up some morning that our tariff has been reduced half-way, or two-thirds of the way, between our general tariff and the British preferential tariff.

Another way we have of regulating our tariff is also a very modern one, and that is by what are termed trade agreements. We usually extend to the countries with which we make such agreements either our intermediate tariff or our treaty tariff. By the way, I should have said that we have four tariffs: in addition to the preferential arrangement with Great Britain and the intermediate and the general tariffs, we have the treaty tariff. This originated in our treaty with France. Some of the countries to which I refer obtain advantages under the treaty with France, and some of the rates under the French tariff are lower than those of the intermediate tariff, and others are the same.

Another sort of tariff arrangement is that of the direct treaty. We sit down in great solemnity with representatives of other nations and Canada makes a treaty with regard to advantageous trade conditions, so-called. Such treaties, like the trade agreements to which I have referred, carry sometimes the advantages of the French tariff, sometimes those of the intermediate tariff.

Then we have another way: by Order in Council the Government have taken power, and have power, to extend the intermediate tariff at any time to any nation whom they may select.

So we have all these ways of regulating our tariff, although we have now to consider solemnly a Bill which is called and will be looked upon as a real revision of the tariff.

Now, I would like to ask the honourable leader of the House a few questions. I have been wondering what sort of tangle this dear old Canada of ours has got herself into, with all these various agreements in various forms. I shall be told, I am sure, that we have the power to cancel any of these agreements at any time we wish, on six months' or a year's notice, or something of that kind. I need not point out—because it is obvious, and experience tells us—that when you change your mind and present to a country a request for the cancellation of a treaty of that kind you leave rather a nasty impression on the minds of the people of that country. It is not so easy afterwards to negotiate with them in any respect. Therefore I think our hands are pretty well tied up, and I am very sorry for what has been done with respect to the fiscal system of this country. I think it is going to be very serious for Canada, and I do not think it ever should have been done.

The question one might ask the honourable leader of the House to-day is this: to how many countries have we bound ourselves in this way? But it would be an easier question for him to answer if it were put in this way: What nations of the world are left—after all the Bills that have been passed and the sheaf of Bills that are coming before us, how many countries of the world are there as to which we are not bound hand and foot in our fiscal policy and our tariff? Nearly all the countries of Europe are included now, and I am told that the Government's fingers are just itching to draw up a treaty with Germany, whereby we may give Germany some great reduction in our tariff in favour of her goods and other nations who may enter into agreements with us.

What does it all mean? We heard yesterday of a statement which had been made by the honourable leader of the House—I do not wish to charge him with it, for it was said to have been made elsewhere—to the effect that Canada had reduced her tariff three times since the war. Did my honourable friend say that?

Hon. Mr. DANDURAND: Four times.

Hon. Sir EDWARD KEMP: Four times since the war!

Hon. Mr. DANDURAND: Besides the present occasion.

Hon. SIR EDWARD KEMP: Four times! And I got the impression that it was said in a more or less boastful manner. Now, that is a very fine thing to say in Geneva, and it is very comforting to my honourable friend to be able to say it there to show what a generous nation Canada is, but if we have reduced our tariff four times since the war we have reduced it in favour of the working people of some nation other than Canada. We have reduced it in favour of those who make the products of foreign countries. I would like to point out to honourable gentlemen here that, lying, as we are, alongside the United States, with their great industrial activities, we had better go a little slowly and see how we stand. We observe quite often in the newspapers the statement that there is an exodus to the United States. It is impossible for us to tell what the exact figures are, and I would not venture to say how many people have gone to the United States since the war. We know at any rate this fact, that during the ten years preceding the census of 1921 we had lost to the United States a number equal to that of the natural increase in this country. This is a very serious matter indeed. We are not holding our people. The graduates of our universities are going to the United States. I have been for more than a year on a Committee that has been trying to find a Canadian who would take a position with a reasonable salary as a sort of liaison officer between the professors in certain branches of the University of Toronto and the people who are at the head of industries of various kinds in this country. It would be the duty of this officer to see if more graduates, particularly those who have taken courses suitable for industry, could not be employed in this country. We find a great proportion of them going to the United States. We finally succeeded in getting a young man who had himself gone to the United States to occupy a position there. He had come back and applied for this position. We talked matters over with him. We had offered the position to two or three gentlemen, but they did not see that they could accept it, because they were already employed. This gentleman was willing to relinquish his position in the United States and come back to Canada. There were a dozen of us sitting around a table and we asked him: "Now, what is the motive behind this? Why do you accept this position? What induces you to leave the position you hold in the United States and come back to Canada and undertake this missionary job of a more or less nebulous character?" He put his head down and thought for a moment; then he replied, not in words of his own, but in these words:

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

That is the feeling of most of the Canadians who are in the United States to-day. They have been forced to go to the United States largely because of the tariff policy that this country has adopted, though not altogether because of that. I appreciate the magnitude and the magnetic influence of that great Republic to the south.

It behooves us to study this situation and ask ourselves whether the time has not come when we need to turn right about face. Let us be Canadians, and stick up for Canadians, and when a big job in Canada is vacant, let a Canadian try it instead of our seeking for someone from some other country, no matter how big the job is. With our experience and our educational facilities, there is no job in this country to-day that cannot be filled by a Canadian.

Hon. Mr. CASGRAIN: Have you a Sir Henry Thornton?

Hon. Sir EDWARD KEMP: Would you have chosen a Canadian in his place?

Hon. Mr. CASGRAIN: No.

Hon. Sir EDWARD KEMP: You would not?

Hon. Mr. CASGRAIN: Because there is no man like him.

Hon. Sir EDWARD KEMP: Oh, I see. Well, there are many of them in Canada.

Hon. Mr. LYNCH-STAUNTON: They take Canadians to run the New York Central.

Hon. Sir EDWARD KEMP: Canadians go to the United States to big jobs there. However, my honourable friend (Hon. Mr. Casgrain) raised that question about Sir Henry Thornton; I did not. I would like to have my honourable friends distinctly understand that.

Honourable gentlemen, we talk about prosperity in this country, and this country is prosperous. But we must not lose our Canadians. Now let us look into this question for a moment and see if we cannot find reasons why this country is prosperous. I cannot tell you all the reasons, but I have

these figures on the authority of a most eminent financial man in this country. Before the war the United States had invested in Canada $500,000,000, and now the United States has invested in this country $3,500,000,000. That money has gone into many different things, and it has helped to keep business going. If it had been twice as much it would have helped so much more. It has gone into industries and into sky-scrapers and other buildings, and all sorts of things. Canadian citizens and corporations before the war owned, in federal, provincial and municipal securities, $320,000,000, and now Canadian citizens have $2,900,000,000. All this is invested in what are termed trustee securities, federal, provincial and municipal.

Hon. Mr. DANDURAND: That is, by Canadian citizens?

Hon. Sir EDWARD KEMP: Canadian citizens.

Hon. Mr. DANDURAND: Before the war it was three hundred—

Hon. Sir EDWARD KEMP: Three hundred and twenty millions, and now Canadian citizens have invested in that kind of securities $2,900,000,000. I have not myself made a search in order to obtain these figures, but I give them on the best authority. I have no doubt the figures are correct.

Now, we have too much money invested in that kind of security in Canada. We want more money invested in industrial and other enterprises. There is money available if this Government, or any other Government, will have the courage to do what the Canadian people are bound to approve of, namely, study the tariff and make a tariff suitable to this country.

Hon. Mr. DANDURAND: Has the honourable gentleman stated in what that amount of $3,500,000 of American money has been invested?

Hon. Sir EDWARD KEMP: No, I could not give that information. The money has gone into various enterprises. Some of it has been invested in buildings; a great deal of it went into mining.

Hon. Mr. DANDURAND: Industries?

Hon. Sir EDWARD KEMP: Perhaps some, yes, but there is not very much development in industries going on in this country, I regret to say. I was just coming to that matter when my honourable friend spoke. I want to say, seriously and firmly, that the action of the Government and its many ways of interfering with the tariff by keeping a Tariff Board continually operating, day in and day out, all the year round, has had a very discouraging effect on capital. The Government are not doing, for instance, as Sir Wilfrid Laurier's Government did: they do not go at the tariff, investigate it, settle it for a certain period, and leave it alone. Hearings are conducted every day, and every hour. Then there are these trade treaties. You have capital so badly frightened that it will no longer venture into any big industrial enterprise in this country.

Just think of where we stand. Sixty-seven per cent of the products that are consumed in the United States are made in factories in that country. Will it astonish this House when I say that only 27 per cent of the factory products that we use are made in Canada? So you see the tremendous field there is. You want to bring to your help in this country the enterprise and the courage of every man who is willing to take a little risk in engaging in industry and investing his own money in it. To-day he is frightened out of his life, and his money is frightened away. You cannot get development in industry in this country unless you stop this treaty business, and unless you stop revising the tariff every day of the year, and all the time, or threatening people with that sort of thing. The people of this country are a common-sense lot of people. What they want is to be told the truth.

Hon. Mr. CASGRAIN: I do not know if I might dare to ask the honourable gentleman a question.

Hon. Sir EDWARD KEMP: Oh, yes: I would be delighted.

Hon. Mr. CASGRAIN: Well, at the Winnipeg Convention, one of the standard clauses was to change the time and conditions required.

Hon. Sir EDWARD KEMP: Indeed. I am glad that my honourable friend took such an interest in the Winnipeg Convention. It is very refreshing to know that it created such interest, but I am not sure that it is necessary for me to start on an argument on that particular point. It is there.

Hon. Mr. CASGRAIN: Of course, the word protection was never mentioned.

Hon. Sir EDWARD KEMP: Oh, indeed; is that so? I had not myself remembered that, and I was there. What is happening is that the United States have put on the free list not our products but Canadian citizens, like my honourable friend. They are on the free

list; but the United States have restricted the entry into their country of our products, and they are laughing up their sleeves at us. I have heard some of the best men over there say, "Oh, you are a funny people." They put their tariff so high that we cannot send any of our products over there, even wheat. They had 30 cents on wheat, and they were not satisfied with that; and their tariff system is so elastic that they went to Mr. Coolidge and wanted him to increase the tariff, which is now 42½ cents per bushel on wheat. They have power to increase the duty. They never lower it, they have always raised it.

Hon. Mr. DANDURAND: That was because their farmers were in bad shape.

Hon. Sir EDWARD KEMP: What about ours?

Hon. Mr. DANDURAND: Ours are in a much better condition.

Hon. Sir EDWARD KEMP: Ours can stand it? They don't object to that?

Hon. Mr. DANDURAND: Ours have the markets of the world.

Hon. Sir EDWARD KEMP: So have the United States.

Hon. Mr. DANDURAND: Well, the United States, a highly-protected country, is in a very sorry plight. Only look at their farming community.

Hon. Sir EDWARD KEMP: Now that my honourable friend has interrupted me I want to go back a little. I want to ask him when he speaks of the United States, what advantage the United States get for their products similar to those that we ship in those countries to which we have given favours in our market? Or do they get any advantage over us? We lower our tariff, and we make treaties, and the United States gets into those markets on just as favourable rates as we do, and we would too, if we would just stop and think and wait and see. Our flour is just as good as the flour of the United States, and we could sell it just as well in those foreign countries. What is the good of giving all those favours, and letting in the products of those European nations which pay out 20 cents for labour, while we pay out a dollar here; where the social conditions are so different from what they are in Canada. Do the superintendents and foremen of European factories, especially in those countries to which we are giving all these privileges—do those people have motor cars? Do they have radios? No; they do not have either. The last time I took a trip through Central Europe, before the war, I found that the workmen there had a frugal mid-day meal composed chiefly of vegetable soup, and they wore cotton clothes while our workmen wear woollen clothes; and our people have more food, and our mechanics own their own homes, and we have a different social system here from what they have there. But our tariff is going down and down all the time in favour of those people, while you expect to keep up the prosperity of Montreal and other cities under those conditions.

The fact of the matter is, honourable gentlemen, that we are half asleep, if not fully asleep over this proposition. We have encouraged our population to go to the United States by letting down the bars to those European nations all the time. What we need here is encouragement to men in all walks of life from the humble workingman up to the big man who can earn the highest salary—men who are capable of filling such positions as my honourable friend referred to a few minutes ago. They are sometimes called plus men; we need them too. I have watched them during forty years. They pick up their little belongings and go over to Buffalo and Detroit, and elsewhere in the United States. I asked an employee in an office where I was if he knew anybody on his street who had gone to the United States; and he said that you could go up and down the streets of Toronto and possibly you could do the same in Montreal; and on making inquiries you will find somebody who will know families that have gone or are going to the United States.

Now, honourable gentlemen, we have done some big things in this country. There is no better class of people on this earth than Canadians, and we can do anything we want to with this country if we make up our minds and have the courage. We have built canals and railways; but when we enter into any discussion of the whys and wherefores, the biggest thing we ever did in this country was to send 420,000 men overseas, and they proved themselves to be the best soldiers in Europe, and they came out of the War with great credit. Does anyone tell me that that kind of material cannot accomplish in this country whatever we want to accomplish, and that we have to make deals and trade agreements and all sorts of treaties with European nations, and lower our tariff whenever they come to us?

Who are the representatives of those European nations? I would not think of approaching a Minister of the Crown here with the assurance that they have when walk-

ing into his office and putting their case before him; and here, before the Tariff Commission not very long ago, people were brought from Great Britain to tell about the harm that would be done to their factories in Yorkshire or some other place, if the duty was revised on woolens; and that happened more than once. What have we to do with the factories in Yorkshire? Have we not got to build up a strong nation? And if we build up a strong nation, will not that be better for the British Empire? Let us run our own show, and let us examine into this matter.

Hon. Mr. DANDURAND: But those people were not approached or invited; they came of themselves.

Hon. Sir EDWARD KEMP: Well, I think the olive branch was held out a little bit. Now, I referred to the tremendous amount of money that was in dead securities that should be employed in productive enterprise, and the tremendous amount of capital that has come in from the United States. Over in the United States they like us: they are very proud of us. They think we are very fine neighbors, and like the farmer who would rather take a mortgage on the next farm to him than put his money into the bank so that he could see that it was there.

What are we doing in sending $242,000,000 worth of wood products out of this country to the United States alone, together with a few other raw products that we send there? That, and the influx of money to our mining industry and one or two other things, are keeping us going in the meantime. Honourable gentlemen, our attention must be directed sooner or later—I hope not later—to the question of encouraging enterprise in such a manner that we can defeat the tremendous appeal of that great republic to the south. It is a big problem, a difficult problem, but I have confidence that if we set our minds to solve it we can do it.

Hon. Mr. BELCOURT: If I understood my honourable friend rightly I think he said that 67 per cent of the goods manufactured in the United States were consumed in that country.

Hon. Sir EDWARD KEMP: Yes.

Hon. Mr. BELCOURT: Then the exportation would be the difference between 67 per cent and 100 per cent?

Hon. Sir EDWARD KEMP: No; the importation would be the difference.

Hon. Mr. BELCOURT: Well, I think it would be interesting and perhaps illuminating to know how much of their home products are exported. Perhaps my honourable friend can tell us?

Hon. Sir EDWARD KEMP: No, I cannot; I have not got those figures.

Hon. Mr. BELCOURT: I should think that that would play a large part in determining the policy as to their tariff.

Hon. Sir EDWARD KEMP: Well, at any rate, from practical experience we know that their tariff is double what ours is, and we also know that there is no inclination over there to lower it.

Hon. Mr. BELCOURT: I understand that, but I think it would be useful to know how much of their home production is exported to other countries throughout the world.

Hon. Mr. BEAUBIEN: About five per cent; that is all.

Hon. Mr. CASGRAIN: The honourable gentleman speaks of the erection of a high tariff. Does the honourable gentleman know how much the tariff is on boots and shoes going to the United States?

Hon. Sir EDWARD KEMP: It is very low, is it not?

Hon. Mr. CASGRAIN: They are free—not a cent of duty.

Hon. Sir EDWARD KEMP: What about it?

Hon. Mr. CASGRAIN: It is not such a high tariff as you say; it is free.

Hon. Mr. BEAUBIEN: We are in a rather strange position. The Government comes down to this House with a Bill that changes no less than some 200 items in the tariff—the changes going from onions to locomotives passing through, a very large proportion of the production of this country. The Bill as introduced contains the new sections of the tariff, but there is nothing that I can see to indicate to what extent changes have been made in any one of those items. The honourable leader of this House confesses that under present conditions he is unable to give any information. I certainly am not going to quarrel with him on that score. I very well apprehend that it is not very easy for the leader of the House, with the tremendous amount of work which he is obliged to do, to come down and give this House information on a Bill of this magnitude; but it seems to me that it is hardly acceptable that this House should take this Bill holus-bolus and make all these changes in the tariff without knowing their scope, and their effect on the industry

of the country. Are we going to accept this measure without being satisfied upon good solid evidence that it is not going to operate to the detriment of the industries of the country? It seems to me that the Senate cannot accept the position that it is suggested it should take. I know the capacity of the honourable leader of the House for work; it is colossal. And I know that his skill in discharging his duties in this House is equal to his hunger for work; but I very well know that whereas in another place the explanation of these changes would be easily referred to as a policy aiming towards free trade, such an explanation might be accepted very much better there than in this House. I think a good many members on both sides of this House are not satisfied that any reduction in the tariff is conducive to the welfare of this country.

The honourable gentleman from Toronto (Hon. Sir Edward Kemp) wisely said that the terrible scourge of this country, that has been increasing from year to year, and especially within the last five years, is intimately connected with the fact that industry in this country is insufficiently protected. Does the honourable leader of this House know that according to statistics published by his own Government, the population of Canada from 1921 to 1926 only increased by 600,000, whereas the natural increase would give no less than 900,000, not to mention over half a million immigrants received during that time.

Hon. Mr. CASGRAIN: They cost us money though.

Hon. Mr. BEAUBIEN: Honourable gentlemen, after stock taking made by the Government in 1926, the statement was made that we had lost every immigrant that had come to this country within the last five years—to be exact 540,000. They have come, they have looked at the country and they have gone.

Hon. Mr. CASGRAIN: And we are well rid of them too.

Hon. Mr. BEAUBIEN: Not only that, but 50 per cent of our own children have followed them. Fifty per cent of the natural increase of this country has gone along with those immigrants, and the Government of this country has no misgivings as to the cause. Only last year every speech that was pronounced at the time of the Jubilee of Confederation rang with marvellous phrases of the beauty, grandeur, and unlimited riches of this country; but still it cannot hold our own children who are tied to the soil, not only by their share of that patrimony, but by every fibre of their heart. They are gone, and the Government has no idea of the cause of their departure, which is simply because they have no work at home. There is no use looking for any other cause: we know that is the truth. Yet a Bill comes down to cut still more the work that our children could have at home, and no explanation is given. Perhaps we might come to the conclusion that there is no explanation to be given to this House.

Hon. Mr. CASGRAIN: May I ask the honourable gentleman just one question: is this a money Bill?

Hon. Mr. BEAUBIEN: This Bill has come to a House which three of the best jurists in this country have stated has equal rights with the House of Commons. That is my answer.

Hon. Mr. DANDURAND: Will my honourable friend permit me to put a question to him? The trend of his argument is that he apparently wants to raise the tariff rather than reduce it, and he says this Bill has for its object the reducing of the tariff. Well, if that is so, I challenge him or any other member of this Chamber to move an amendment to increase the tariff or any item of it. My honourable friend knows very well that the Constitution precludes the Senate from initiating any legislation which would create a charge on the Treasury or the nation, so that this Bill cannot be amended by the Senate. It can be rejected.

Hon. Mr. BEAUBIEN: So we have come to this now, honourable gentlemen, that the Government pleads absence of jurisdiction.

Hon. Mr. DANDURAND: I am not pleading.

Hon. Mr. BEAUBIEN: Has this Chamber any right to ward off the danger that you are pointing out to us now—that is to say, the reduction of protection? You say we have not, therefore why discuss it. Therefore we are members of a responsible House receiving a measure varying, if not cutting down—my opinion is that in most cases it is cutting down—

Hon. Mr. BUREAU: Cutting down what?

Hon. Mr. BEAUBIEN: The tariff of this country. And when you say we have no jurisdiction to interfere, I may tell you that this House will not be led away by that. We want information to show us to what extent the industry of the country is going to be hurt by this Bill. There is not a word of information.

Hon. Mr. HUGHES: It will not be hurt at all.

Hon. Mr. BEAUBIEN: I do not know whether my colleagues hold my opinion or not on the subject, but it seems to me that we cannot afford to pass this Bill without a tittle of information. Surely, if there is no defence of this measure there must be some explanation, and for my part I would suggest that this Bill be sent to one of the select Committees of the Senate, where we should have the experts of the Government come before us and show that this measure is justifiable. Then we would have some sort of evidence to go on, and might then be prepared to accept it. But to ask this House to accept it blindly, without one word of explanation—Nay! with the acknowledgment that no explanation can be given—is, it seems to me, honourable gentlemen, something that we cannot accept.

The Government has two methods of cutting the tariff. First of all, there is the method of making a great display before the Tariff Commission of this country, and the newspapers telling us that a petition has been presented by such and such an industry, and then entertaining us with news items stating that the Commission has taken the matter under consideration; and finally, I suppose, by embodying in a measure the conclusions of the Commission. But the Government has another method which is very much more effective. It simply extends to one country after another the most favoured nation clause, which is the tariff of France. Now we are about to extend it to the rest of Europe, thereby cutting the duty on no less than 1,200 items of our tariff. At one fell swoop off goes the top layer of our tariff wall, and the whole of Europe is invited to come along and get over the wall and share with us whatever remains of our market.

Just here may I digress for a moment and ask whether these treaty Bills could not also be sent to the same Select Committee? Could we not find out, for instance, to what extent the Treaty with Czechoslovakia is going to affect the industries of this country? Could we not have the experts of the Government come down and try to convince us of the merits of these measures? If that is not done, for my part I do not see how I could conscientiously vote for such measures blindfolded.

Hon. Mr. CASGRAIN: The honourable gentleman advocated the Treaty with France a short time ago. All these things were in that Treaty.

Hon. Mr. BEAUBIEN: When the Treaty with France came before the House I studied it with a great deal of care, and I told the Government then that I was not at all satisfied that the step proposed was a wise one for Canada. If my honourable friend will look up my speech at that time he will see that such has been my attitude. But there is one thing the honourable gentleman has forgotten. He has forgotten that the Hon. Mr. Fielding and the Hon. Mr. Lapointe went to France and camped there for no less than four months, and asked France to give a quid pro quo for every reduction that was made in our tariff.

But what has the Government done since fighting for and obtaining what they said was a fair exchange for every advantage given to France? They have said to other countries, like Italy, "Will you give us the best you have for the best we have?" and they have exchanged blindfoldedly. Honourable gentlemen can readily understand that the best that some other country can give us may be of no use to us at all. There are countries whose tariffs are so high that we can never expect to get over them. The Government has done the same thing holus bolus, with Belgium, and with Switzerland, practically a free trade country, which can therefore give nothing in exchange. And now we are going to do the same thing with the rest of Europe. The result will be that we will have no more general tariff at all: our tariff will begin not at the intermediate tariff, but at the French tariff, which is lower. How our industry will fare under this new treatment I cannot say, but I am extremely anxious to know. Therefore, I would suggest that all these Bills be sent to a Committee; then, if they have any merit, I have no doubt that the majority of this House will accept them with pleasure; if they have not, we will know it, and will act, I suppose, accordingly.

Hon. Mr. LYNCH-STAUNTON: I move the adjournment of the debate.

At six o'clock the Senate took recess.

The Senate resumed at 8 o'clock.

Hon. Mr. DANDURAND: I ask leave for the Tariff Commissioner, Mr. Russell, to come to the floor of the House.

Hon. Mr. LYNCH-STAUNTON: Honourable gentlemen, I have no intention of making a speech on this subject; I wish to make only a few short remarks. I noticed that the genial Leader of the Government, who never is indignant except histrionically, challenged the right of the last speaker to criticize or debate the question which is before the House.

Hon. Mr. DANDURAND: Will my honourable friend allow me to correct him? I would be the last man to criticize anyone for offering criticism. It is the full right of every member to do so. In fact, when I took the leadership of the Government in the Senate, I invited criticism, and I still invite it. My only point was that this Bill could not be amended by this Chamber: it could only be accepted or rejected.

Hon. Mr. LYNCH-STAUNTON: I have not the slightest doubt that the honourable gentleman speaks sincerely. As I say, his indignation on these questions is always simulated. His remarks were made in the form in which they were to daunt the honourable gentleman and to make him cease firing. But he admits, as we all know, that the only penalty with which the Senate is threatened, but never visited, when it opposes anything the Government suggests, is that "we will abolish you;" and I would not for a moment argue to this assembly our right to throw this Bill into the discard, because everybody knows that we can do so.

I agree entirely with the last speaker (Hon. Mr. Beaubien) that this Bill should be sent to a Committee. Our duty is to pass on this Bill, not blindly, and not in ignorance; and we would be stultifying ourselves if we passed on it without knowing not only its contents but the effect which it will have upon the country, whether for good or for bad. Therefore, we must surely inform ourselves on a Bill of such great importance. That being so, I would support with all my heart a motion to refer it to a Committee.

The honourable member from Toronto (Hon. Sir Edward Kemp), in the course of his excellent address, stated that the people are afraid, are nervous, are unhappy at the catch-as-catch-can policy which the Government has adopted on tariff questions ever since it came into power. I would point out to this House that you cannot take up a newspaper without seeing some new exploitation or re-incorporation of an important industry of this country. I know that in Hamilton several of the most important industries have changed in the last two years. Only last week I had an interview with a person who had been a client of mine for many years when I practiced as a solicitor, and who informed me that his company was about to be re-incorporated and was going to make a new bond issue. I said: "What on earth possesses you to put that great industry into that position? You are doing exactly what our neighbours are doing." "Well," he said, "we are afraid." We consider our great responsibility, and the risk that we run in carrying on this industry is too great. We propose to let the public have part of it. You do not know the anxiety of any person who has an important industry which is subject to an attack by Parliament, and we feel that we are carrying too much, and that by re-incorporating—selling preferred stock or bonds—we can go on and manage the industry without having such an enormous stake in it as we now have."

I know from conversations which I have had with many people in industries in this country that that is the reason actuating them: they are afraid that this constant tinkering with the tariff will endanger the stability and the future of these industries, which have been built up under a protective tariff, and they do not propose to carry the whole burden any longer. I am saying this not for any political effect, for I have no desire to make any, and I have no expectation that I will do any good, but I am saying it in the absolute belief that it is true, and with the knowledge that these people are speaking with perfect sincerity and that the reason which I have given to you is the true reason why they are changing their ownership.

Now, we have a Tariff Board, and I am not at all sure that their recommendations have been accepted by the Government. I know nothing about that; but if I may be permitted, I would suggest that that Board has been proceeding on a wrong practice. The revision of the tariff is not a matter of sentiment; it is not a matter for rhetoric: it is a pure business proposition; and to allow people to appear before that Board and make stump speeches about capital and labour and the abuse of grinding monopolies is all beside the question. The only things that that Tariff Board should consider are facts, and every person who appears before it should have a brief, stating in plain, unvarnished language the reason why, from an economic and commercial point of view, he wants changes to be made. That is the way it is done in the United States by those who appear before the Committee in Washington. The cases are prepared with the greatest precision. The arguments made are based entirely upon reasoning on the subject under consideration, and, as I say, the Board do not spend their time listening to fine speeches and rhetoric and abuse of "grinding monopolists" and all that sort of thing. Until the same sort of procedure is adopted our Board will continue to listen to facts bundled in and mixed up with fiction and will never come to any proper results or get a proper outlook on what should be done for the benefit of this country.

It is quite certain that the greatest anxiety and nervousness prevail among all the mercantile classes in this country, and it is a crying shame that the Government of Canada should be carried on in this way. People should know exactly where they stand. The Government should put forward crystallized propositions and let the people know their position. One day it is one thing, another day another thing, and matters are put off or postponed. And I may say that I do not think this Government has been alone guilty of infractions of the proper rule: I think that for years we have had an unsteady and ill-directed movement in the revision of our tariff.

Hon. JOHN LEWIS: Honourable gentlemen, I would like to say a few words on the constitutional question, or what may be called a question of procedure, alluded to by the honourable member for Montarville (Hon. Mr. Beaubien) and the honourable member from Hamilton (Hon. Mr. Lynch-Staunton). I sympathize with them in their desire to take this matter seriously, and seriously to consider any measure that may be brought before them; but when they go so far as to propose that this tariff Bill shall be sent to a committee of this House and considered item by item, I would like to refer them to a precedent, not a very old and musty one, but one created by this House itself a year ago. In 1926 this House rejected a measure for Old Age Pensions by a very large majority—I think, over two to one. In the following year this same body passed that same measure by a majority, I think, of about three to one: I have not the exact figures. Not one member of this House, so far as I know, arose and said: "I am converted; this is a good measure; I thought it was a bad one, but now I think it is a good one." Every one of those who had previously opposed the measure, but afterwards supported it, said: "No, I still think it is a very bad measure, but it has been passed twice by the other House and apparently accepted in a general election."

Hon. Mr. LAIRD: But the country had spoken in the meantime.

Hon. Mr. LEWIS: Yes, the country had spoken.

Hon. Mr. LAIRD: That was the reason.

Hon. Mr. LEWIS: But this case, with regard to the tariff, is exactly analogous. The Government went to the country in 1926, after having made reductions in the tariff which were very severely censured by protectionists, and the result was that the Government had a bigger majority than before; its position was converted from a very precarious one into a safe one. Furthermore, this change took place not only in the free trade West, but in the protectionist province of Ontario, where our representation—if I may call it so—was almost doubled.

I was going on to speak about the Pensions Act. Honourable members of this House took that position strongly. They said: "We do not approve of it. We wash our hands of the whole business. We will not change a comma, we will not change a letter." And they refused all kinds of amendments that were made for the purpose of improving the Bill. They said: "No, it is a bad measure. We throw it back on the Government's hands. It is the Government's responsibility, it is none of ours."

Surely in this case, those honourable gentlemen who feel strongly on the question of protection should take a similar position and say: "We do not approve; we are Protectionists; but we accept the popular verdict and throw the responsibility on the country. Evidently the country is not as Protectionist as we are, because the Government, by infringing on that principle, very largely increased its majority, converting its position from a very precarious one to one that is safe." I should think that ought to clear absolutely the conscience of these honourable gentlemen who want now to go so very minutely into all the details of this particular measure.

About the question of protection itself I do not intend to say anything except this. We are told that what we ought to do is to imitate and adopt the practice of the United States, which has very largely increased its tariff, already high.

Hon. Mr. CASGRAIN: Free boots and shoes.

Hon. Mr. LEWIS: The position in the United States is almost precisely the same that we have here. Everybody admits here that according to the common tests of prosperity this country is prosperous, but it is said that there is a great deal of unemployment. The position is exactly the same on the other side. By all the ordinary tests by which you determine the prosperity of a country, the United States is prosperous, but there is an enormous amount of unemployment there, estimated at various figures all the way from 1,800,000 to 4,000,000, the reason for this disparity being that they have no accurate official returns. But apparently nobody thinks that the figure is much less than 2,000,000. So they are in precisely the same position that we

are in, and that position is a very curious one: In both cases while there are many signs of prosperity, there is apparently a good deal of unemployment or, in our case, as honourable gentlemen on the other side say, of migration which is due to unemployment.

From many of the speeches that have been made here in this or previous debates you would imagine that this was a country of hewers of wood and drawers of water; that we do nothing but dig minerals out of the ground, and cut down the trees, and send them over to the other side; that this country is composed of a rural population and of hewers of wood and drawers of water. Well, surely those who say that have not examined our census figures, which show that the great prevailing tendency of this country has been an increase of the urban population at the expense of the rural, so that whereas many years ago the rural population was largely predominant, the proportion is now almost fifty-fifty and the provinces of Ontario and Quebec have a majority of urban over rural population.

Reference has been made to the amount of manufactured goods that we import as compared with the amount we manufacture. The actual figures are these; we import something like $662,000,000 of fully manufactured stuff from all countries, and $104,000,000 partly manufactured, and we manufacture in our own factories nearly $3,000,000,000 worth of goods. So, after all, I think, you can hardly speak of this country as a country of hewers of wood and drawers of water, which I take to mean a country where the bulk of the people are employed in unskilled labour. Testing this by our exports, you will find that a good deal of misapprehension is caused by the fact that we class our farm products as raw materials. These amount, out of a total of $1,282,000,000 to about $578,000,000. There is scarcely anything produced on the farm that is raw material. Many agricultural products are so classed in a sort of technical way—wheat for instance, but who will say that wheat is the product of unskilled labour? Let anybody go and try to produce it by unskilled labour and he will very soon find his mistake. The mere fact that a thing is produced in the open air does not make it raw material. Wheat, as a matter of fact, is a manufactured product of very highly skilled labour. When you once produce your wheat the greater part of your anxiety is over; the milling and the baking and all those things are minor industries as compared with the production of the wheat. It is the same with almost the entire products of our farms. At least nine-tenths of the people of this country are employed in what are called white-collar occupations in the towns—in commerce or in transportation, or in very highly skilled industry, either on the farms or in the factories. The next largest item of our exports is that derived from the forests. And of that the largest item is paper. That surely is a very high form, one of the highest forms, of manufactured goods—as high as we can go unless you are going to say that we should print the New York Times in Canada, which I think would be rather impracticable.

Hon. E. D. SMITH: Honourable gentlemen, I am sorry I have not prepared a speech on this question, but I felt that I should not be doing my duty if I allowed the opportunity to pass without entering a strong protest, not so much against this Bill, not particularly criticizing it, but against the fact that the Government have not seen fit in this revision of the tariff to take notice of, or pay any attention to, the remonstrances of the fruit growers. The fruit growers were amongst the first to make an appeal to the Advisory Board to hear their case. They were heard, I think, three times. The matter was discussed most thoroughly. Yet there has been no action taken. I do not know whether any action will be taken or not. It has been stated in the other House that the case had not yet been finished.

The fruit growers had a much better case, had a more serious grievance, than any other industry in the country. They were in a position where the grossest kind of injustice was done them, as will be apparent to anyone who hears their case. No other industries in the country, except those that were protected in the same way as the fruit growers, by specific duties, have a case comparable with that of the fruit growers, or are being treated as unjustly. Nearly all the industries that were investigated and had the tariff on their goods revised were protected by ad valorem duties. Now, an ad valorem duty that has not been changed much is just as valuable to-day as it was forty years ago as a means of protection; but a specific duty that was adopted forty years ago and remains unchanged is to-day worth only about one-third of what it was worth forty years ago as a protective measure, and it is not more than half as valuable as it was before the war. Yet the case of the fruit growers, where such great injustice has been done and their grievance has been neglected from year to year, is still further relegated to the future. If it is to be considered next year, and if there are good reasons for the delay, I shall not have so much criticism to offer. But I just wish to point

out the fact that they were the first to present their case and that they have a case more deserving of attention than any others, because all the duties upon fruit products, nursery products and vegetable products were specific duties imposed forty years ago, when labour was at $1 a day, whereas to-day the same labour is $3 a day, and therefore the protection was nearly three times as great then as it is now. A duty which was equivalent to 30 per cent when those duties were put on is now equivalent to only about 10 per cent. Such is not the case with any other industries in the country except those that have been protected by specific duties in the same way, and yet, as I say, this case has been relegated to the future.

We appeared before the Advisory Board. That is something that I have always felt we should have had in Canada long ago. If we had had such a Board immediately after the war we could have appealed to it and had the duties changed, and if justice had been done to the fruit-growing industry thousands of dollars—I think, millions of dollars—might have been saved to the industry. In the interval the fruit growers have had, I am certain, a worse time than any other agriculturists in the country. There were great complaints from the farmers of the West; there were great complaints from the wool growers, and, for a time, from the cotton growers. All those complaints were justified, but those who made them have recovered. The grain grower is getting fair prices now for his grain; the wool grower also is getting fair prices, and the cotton grower recovered in a couple of years; but the fruit growers are still in the same position that they were in seven or eight years ago. They have suffered continuously every year for the last seven years. This Dominion is situated just north of a great country that has a great diversity of climate and soil, and can grow the same kind of fruits that we can in Canada. The whole range of States from the Atlantic to the Pacific shoot their fruit into this country when the prices are high, and get all the cream of the market, but our growers have to wait and take lower prices for all their products. The market is always low while our growers have their fruit on the market. They have had no benefit from any action of the Government until a year ago, when the dumping duties were brought into operation. These dumping duties had been on the Statute Book ever since Mr. Fielding was Finance Minister, but they were not put into operation as regards fruit until about a year ago. Their enforcement had a very beneficial effect upon many items of fruit and vegetables, if not upon all of them. In the last two weeks an Order in Council has been passed cancelling those dumping duties, and the consequence is that the fruit grower is absolutely in a slough. He has no protection amounting to anything from the tariff—it equals only about 10 per cent; he has no protection on account of the dumping duties, and he is going to be left for another year in the same desperate position that he has been in for the last five or six years. Therefore I protest that the Government did not do something in this matter.

Now, I want to say something with regard to the appearances before the Advisory Board. As I have said, that is a Board that I have always advocated as a proper thing, but I do not think that it ought to be permissible for a trained expert in debate to be there to criticize, quiz, cross-examine and ridicule men who come before that Board to state their case. As the last speaker has said, that Board ought to be a Board for the hearing of facts presented by men who have grievances and complaints. It studies those grievances and complaints, and presents their case to the Government, and the Government then has the duty of taking whatever action it sees fit. But here we have the situation that day after day, every time that Board sits, Mr. Deachman and Mr. Darby are present, the latter representing the Board of Agriculture. Being at this work all the time, they are experts, and they are always debating and criticizing the policy of protection—not the facts. They are all the time arguing the theoretical question and presenting the theoretical argument. I contend that that is not the business of the Board, and that it ought not to listen to theoretical arguments. It is a fact-finding Board, but it considers it its duty to hear those discussions. I have seen a young man who was clever and smart in presenting his case in favour of some duties that he wanted put on; but Mr. Darby and Mr. Deachman would throw in some of their little bombs, and throw the young man off his feet. It is not fair. The natural result of that method will be that in course of time those who are appealing to the Board for increased duties will have to engage similar advocates, and then we shall have two men there, sparring on the theoretical question of protection or free trade. That is not the question to be discussed. The people of this country decided that every time it was put before them. I cannot agree with my honourable friend who has just sat down (Hon. Mr. Lewis), that that was the question at the last election. The question at that time was largely a constitutional one, and many side

issues were brought in, but not the question of tariff. Every time the tariff question has been put before this country since it was taken up in 1877 the policy of protection has been endorsed, and I am bound to affirm that if that question were put before the people to-day, it would carry with just as large a majority as it ever did before, if it were stripped of all the side issues that go along with it to counteract the influence of those voters who believe in protection. It has often been said that the farmers of this country pay no income tax of any kind. I am sure it would be far truer to say that for a great many years they have not made anything on which to pay income tax, and that applies to vegetable growers also.

In regard to the Bill before the House, it seems to me, after a very cursory examination of it, that it is very difficult for a layman to compare it with the duties that were in existence before, as probably more than half the items have been changed, and some items are put into different categories, but on the finished article there has been no reduction in duty, or rather, no opportunity for the manufacturer of the finished article to make money. The duties on some of the things he has to buy, some semi-manufactured articles, have been reduced, and therefore he is handicapped. As near as I can judge, the principle the Government has followed is the same as that which ths New Zealand Government has adopted—that the manufacturer of the last finished article that goes to the consumer is to be protected, but all others are to take their chances. Applying that principle to the fruit-growers, theirs is the finished article; therefore why should not the fruit-grower have the duty to protect his finished article, that goes directly to the consumer, equivalent to the duty allowed to the manufacturer of finished goods? That is all the fruit-grower has ever asked—to have a duty equal to the average duty on manufactured goods, which is 25 per cent. If the fruit-grower got 25 per cent he would be tickled to death, for he now gets only 10 per cent, or 15 per cent at most.

The fruit-growers do not want ad valorem duties; they want specific duties, for two reasons. They are more convenient for the customs officials, and the foreign exporter cannot cheat the customs by undervaluing; they are therefore simple and effective in those respects. In the second place, specific duties are of most value when the article is cheapest in the foreign country. When fruit is a drug in the foreign market, and is being dumped into this market, the ad valorem duty is not of very much use. These are the reasons why the fruit-growers want specific duties; but in order to assist any industry that is protected by specific duties, there must of necessity be changes in the tariff to correspond with the fluctuating value of the dollar.

In war-time there was such a demand for goods of all kinds that it did not matter whether duties were specific or not; but the principle of specific duties should have been adopted since the war, in order to do any kind of justice to the fruit-growers. I think there is where the Advisory Board in the end will be of great value, if they perform their duties honestly, and faithfully present the facts of the case as given by those who intercede before them; and I shall hope that when another year rolls round the fruit-growers will have had that attention which they have so long deserved.

Hon. W. B. WILLOUGHBY: Honourable gentlemen, it was not my intention to say a word in this debate, but the very pleasant speech made by the honourable member for Toronto (Hon. Mr. Lewis) invites a comment or two from me. I am not going to criticize either the matter or the manner of his address. I only want to point out what he brought to my mind. We are all democrats, in a certain way, and in this House, as in every other House, we must accept the considered opinion of the people. I am always ready to stand by that principle. When I think the people of this country have honestly given their opinion for a change, we must take notice of it; and I am prepared on this side of the House to abide by the considered opinion of the people on the tariff policy as on other questions. But I know that what many manufacturers and mercantile men in this country feel is the constant changing of the tariff, due either to recommendations from the Advisory Committee or otherwise, pending an appeal to the people, and therefore leading to a constant tinkering with the tariff. It is because of that constant tinkering and changing that men in commerce and industry cannot adjust themselves. If, at the end of five years, or whenever a Government went to the people, they would map out, for their appeal to the country, their various suggestions by way of alterations to the then existing tariff, and if the country pronounced in favour of that policy by returning the same party to power, the industry and commerce of this country would naturally accept the verdict, and I would be ready to accept it if the tariff was the main issue in the contest. But we are tinkering with the tariff Session after Session, and no industry in this country can adjust itself to the changes.

In Washington, if my observation and information be correct, we do not find with a Tariff Commission a constant lowering of the tariff, or practically any lowering of the tariff during a presidential term. A dumping law is frequently imposed during a presidential term of office; but even these enactments are extremely uncommon; while the manufacturers and traders of this country are liable from Session to Session, to have radical changes in the tariff policy which may put them out of business. To that I object.

Hon. GEO. GORDON: Honourable gentlemen, it appears to me that this is a case in which we have to make a virtue of necessity, not being in a position to do anything with this Bill, but either to pass or reject it, and I am sure this House would never think of pursuing the latter course. However, every person knows that the tariff is an instrument which can make or break business; and in glancing over this Bill I noticed one item on the free list, thus affording no protection to an industry whose balance sheet for the last three years shows that the profits are gradually disappearing. I do not wish to announce the name of that firm, but I will give it to the honourable leader of the House, in the hope that some relief can be given to that industry.

We hear people in this House and outside speaking of the great prosperity which is upon us, and telling how business is booming; but the business to which I refer is gradually going down, on account of competition from countries whose currency is depreciated, and where wages are low in comparison with ours. That busines could employ a great many men, and could be put in a prosperous condition by moving the finger, as it were, of the Government. It appears to me that that would be far more reasonable than to engage in the business of bonusing immigrants to this country to come in at one door and go out at the other.

In regard to the great prosperity that it is said we have at present, I believe that if it were not for the great natural resources we have in the fields, the mines, and the forests, we would be nowhere. In our great West there is no manufacturing, because the people out there seem to think that the manufacturers, who are their best friends, are their enemies; and they keep on crying for free trade, notwithstanding the fact that the United States are putting up the bars higher and higher against them. I am glad to say, however, that Providence is gradually intervening on behalf of the great West, and that the enormous mining development which I believe has just started, is going to give them in time what they should have had before now through industry and manufacturing. Then the West will wake up, and realize that the sooner they get manufacturing plants of different descriptions out there, which they can only have by getting some protection, the better off they will be.

I realize that as far as this Bill is concerned, there is not much use in saying anything about it.

Hon. C. E. TANNER: Honourable gentlemen, I feel tempted to make a few remarks on this subject, for one reason. We appear to be in a hurry. I judge that we are in a hurry, because we are sitting at night, and the Senate rarely sits at night unless it is in a hurry. Now, why are we in a hurry to get through with this Bill?

Hon. Mr. DANDURAND: I will answer my honourable friend right away. I am not in a hurry at all, but we—

Hon. Mr. TANNER: I was going to answer the question myself.

Hon. Mr. DANDURAND: We have quite a number of Bills that are down for second reading.

Hon. Mr. TANNER: My honourable friend can give his answer later on. The answer I make is this—and I feel a little justification in it. This Bill passed the House of Commons on the 30th of March, and that House resumed its sitting on the 10th of April. This Chamber did not resume until the 17th of April. We could have been dealing with this Bill more than a week ago if honourable members had not decided to adjourn for such a long period of time.

Hon. Mr. DANDURAND: The argument is not well taken.

Hon. Mr. TANNER: Some of us protested against the long adjournment.

Hon. Mr. LYNCH-STAUNTON: It is because you could not go home.

Hon. Mr. TANNER: Why could we not go home? We have homes just as good as those of my honourable friend to go to, and, just like my honourable friend, we go on the railway free, and we could go home if we wanted to; but we came up here to discharge our duty, and we were willing to remain, some of us at any rate. But I am pointing out that we could have been at this Bill on the 10th of April as well as to-day, and therefore there would not be any urgency about having a night sitting. So much for that.

Now, I have no hope whatever of getting to the bottom of this intricate Bill, nor do I see that any Committee of this House would

very profitably spend time on it, because, as far as I have followed the proceedings in another place, very few there understand it to-day. Even the Minister of Finance is very cloudy about a large part of it, and I think that the persons who were sitting behind him and supporting him must have taken it on what is called faith.

But we have a Tariff Advisory Board, and that is the item of interest to me. This Tariff Advisory Board is constituted and set up, we are told—and it is set up at a good deal of expense—for the purpose of clearing away the rubbish and making plain to the Minister and to Parliament what ought to be done in regard to tariff matters. What happens then? Does the Tariff Board make the subject clear, or does it not? I happen to have under my hand the report of the Tariff Board, signed by one W. H. Moore, who is Chairman, and who receives the substantial salary of $10,000 a year. Mr. Moore in this report points out the duty of the Board. What the Board is to do is set forth by Order in Council of the 7th of April, 1926, P.C. 530:

> The duties of the Board are to enquire into and hear representation on all matters pertaining to the tariff and other forms of taxation, as may be directed by the Minister of Finance, and to advise the Minister in regard thereto.

That is the duty which Mr. Moore and his colleagues recognize. Now, did the Advisory Board advise? And is this Customs Tariff Bill based on the advice of the Tariff Board? If not, then the whole thing fails. Well, here is the report, and after discussing various subjects, the Board, through its Chairman, Mr. Moore, points out the difficulty. I use his own words:

> Difficulty, however, exists as to determining the nature of the advice we are presumed by Order-in-Council to tender to the Minister.

Then he goes on and asks a question:

> What then becomes the nature of the advice expected from the Board? Is it for the Board to express an opinion that the relief in question should or should not be given? If this be not its function, then is it possible for the Board to report its opinion as to the extent to which the reasons urged for relief have been established, without reference or inference bearing upon the justification for relief.

I quote these extracts just to show that the Board, through its Chairman, Mr. Moore, is reasoning out how it should function in obedience to and in fulfilment of the Order in Council.

Then the Chairman goes on in the next paragraph to discuss the possibility or the advisability of presenting verbatim reports—I do not want to read the whole of this—or of presenting the evidence in precis form. He discusses these two aspects of the matter, and he condemns both. He condemns the precis form in these words:

> To present the evidence in precis form, possesses the advantage of brevity—and the disadvantage of incompleteness.
>
> Moreover, the transcripts contain the arguments of the applicants and their opponents, which, in our opinion, cannot be satisfactorily summarized, and after mature deliberation we have concluded that to attempt a summary would be not only unfair to those who have argued before the Board, but as well would render to you and to Parliament an incomplete service. The obvious intent of argument is to influence those who have authority over the matter under discussion.

So it would seem that Mr. Moore and his colleagues were groping along trying to find an avenue of approach to the Minister, and endeavouring to come to a conclusion as to how they could carry into effect the duty laid upon them by the Order in Council, namely, to advise the Minister and Parliament. Presumably Parliament—and Parliament is composed of the House of Commons and the Senate—is not supposed to act blindly upon such important subjects as this; Parliament is supposed to know why it votes, and why it does not; and the duty is laid upon this Advisory Board to make it clear to Parliament what course would be best in the interests of the country.

Then the report goes on—and this is the conclusion that is come to by the Board after discarding all the propositions to which I have referred:

> Thus it is that we have deemed it our duty to pass on to you the transcripts containing the records of our public proceedings, with only explanatory comment. We realize that in so doing we may not be rendering all the service you expect from us, but it has seemed to us that the precise way in which we may be most helpful will in course of time be developed by experience. Should further service be required we are naturally ready to give that service to the full extent of the board's capacity.

So what happened, honourable gentlemen, was this: they blindly took about a ton of this evidence—

Hon. Sir EDWARD KEMP: A truck load.

Hon. Mr. TANNER: It may have been a cart load or a car load—and plumped it down, not exactly on the Table, but within reach of the members of the other House. I do not know whether it has been submitted to this House or not; I have not seen it anywhere in the corridors. This Tariff Board, though that is what they were appointed for, nowhere in writing have made one single recommendation.

Now, what does the Minister himself say? He was asked if he had read and studied this

evidence. He says: "I have not read it and I do not intend to read it. I have not the time to read it." That is what he told Parliament. Yet, this is the stuff for which we are paying a lot of money—to inform Parliament, to make Parliament wise, so that Parliament may come to a proper and just decision in regard to the customs tariff.

Hon. Mr. GORDON: I hope my honourable friend does not intend to criticize the Minister for not reading it?

Hon. Mr. TANNER: Oh, no. I would not criticize him for that, I would justify him and defend him. But I was going to say that anyone who takes the trouble to read the discussions in another place will find that the Minister of Finance on several occasions stated that the changes which are incorporated in this Bill were made without any reference to the Board, but on the advice of other people altogether. One statement by the Minister was that he had been pestered for a long time—he did not use that word—by people who wanted a change made. Yet, as I say, although we have a Tariff Board which is supposed to be the ultimate word in regard to customs tariff changes, we find that their whole body of evidence is not considered worth reading by the Minister of Finance, because anybody could spend a lifetime reading that car load of evidence, and I am sure no honourable member of this House is going to imperil his life by undertaking to read it.

No doubt my honourable friend will say that the Chairman of the Tariff Board has been called into personal conference with the Minister of Finance. But that is no answer, because we are entitled to know, Parliament is entitled to know. The Government, under the authority of Parliament, set up this Commission to give Parliament advice, not in secret sittings with the Minister of Finance, but to give it to us in such shape that we could read, mark, learn, and inwardly digest it for ourselves. That has not taken place. But what are we going to do? Here we are; we have this stuff, and whether good or bad, I suppose we will have to swallow it.

Hon. Mr. DANDURAND: Honourable gentlemen, I have been in this House now for thirty years, and I have listened to many debates on the Canadian tariff. We all know the history of the tariff in Canada from 1867 to this day. First of all, there was a 15 per cent tariff, and in 1874 Alexander Mackenzie raised it to 17½ per cent; then in 1878 Sir John Macdonald carried the day and made what could be called a 30 per cent tariff; and since then the tariff has been reviewed and dealt with by nearly every Minister of Finance who has been in office for four years. We all know that in 1897 Mr. Fielding made his first revision of the tariff and brought in the preference to Great Britain. Ten years later, in 1907, he again made a general revision of the tariff. After 1897 the preference had been gradually increased to 33½ per cent, and we all heard fears expressed for our industries. We now know that those fears were groundless, because from 1897 up to the time of the war, the country enjoyed a considerable era of prosperity. The increase in the preference to 33½ per cent did not hurt industry, although some woollen manufacturers claimed that they had been affected; and from 1907 to 1914 I do not believe there was any clamour for higher duties even from the woollen manufacturers. I know that in 1904, or about that date, the anti-dumping Act was brought in. I attended a meeting of the representatives of the manufacturers, at Mr. Fielding's office, who asked for higher protection not for the days that were, but for the days that perhaps would come when danger would appear by reason of a depression on the other side of the line. They feared that the tariff would not be high enough to prevent 5 per cent of the overproduction across the line, which would not be a very great overproduction at a time of depression, being thrown across the line and disorganizing our whole trade. Mr. Fielding then managed to satisfy them by bringing in the Anti-dumping Act. We had prosperity under a somewhat reduced tariff during the Laurier regime up to 1913 or '14. I say 1913 or '14, because during the winter of 1913-14, just prior to the war, there had appeared signs of a depression. Under the regime of my honourable friends opposite, some of whom were members of the Borden Cabinet, the tariff was materially increased, and during the war a uniform 7½ per cent level increase came into effect.

I heard my honourable friend from Toronto (Hon. Sir Edward Kemp) state to-day that someone had boasted that since that time the tariff had been reduced in Canada three or four times. I am the person who made the statement, but I may surprise my honourable friend by saying to him that the honours, if honours they be, were equally divided between the Government of which he is a supporter and the Government which I support, because between 1918 and 1921 his Government twice reduced the tariff, and it removed that surtax of 7½ per cent, which represented quite an appreciable reduction.

Hon. Sir EDWARD KEMP: My honourable friend did not count that, did he?

Hon. Mr. DANDURAND: Yes. If all the other countries of the world were raising their fences during the regime of the Government of my honourable friend, what was Canada doing? It was reducing the tariff by 7½ per cent, and that was done at one fell blow. I am not quite sure whether it was under the Borden or under the Meighen Government, but there was also a reduction on agricultural implements by either of those Governments. I know that it was made before the King Government came in, in 1922.

Under the King Government there have been decreases in the tariff, particularly on the implements of production, covering quite a wide range, touching the products of the forests, the fisheries, the mines and the farms. Those are the important sources of production and wealth in this country, and the King Government, knowing what it was doing, and doing it for a clear purpose, systematically reduced the tariff on the instruments of production in order to help in the development of those industries which are natural to the soil and other conditions of Canada. What has been the result? A tremendous increase in Canada's production. What has been the result on our economic situation? Our balance of trade has been changed from an unfavourable one in 1922 to a favourable one, with the tremendous increase in our total trade of over $400,000,000. It is true that trade has been reduced to a certain extent in the last two years, but in many fields we are to-day producing in such large quanities that we require to reach out for larger markets. We have gone about finding those markets for our surplus production, and we have met with some success. If my honourable friends will look at the exports of Canada during the past six years they will find, I believe, that we have not laboured in vain. My honourable friend from Toronto (Hon. Sir Edward Kemp) and my honourable friend from Montarville (Hon. Mr. Beaubien) have pointed to the treaties that have been laid on the Table and have waxed eloquent in their indignation over these agreements with foreign lands. They fear that while we are reaching out for new markets our own market may be invaded. I would draw the attention of my honourable friends to the fact that those treaties are made with a fair knowledge of the conditions. They cover some of the Baltic States and extend to Roumania, Czechoslovakia and Hungary, countries which are agricultural and which with the exception of Czechoslovakia, have practically no manufacturing industry. Canada is considerably interested in making arrangements whereby its goods can enter these countries, especially when we know that we are giving a very meagre quid pro quo. If my honourable friend will observe the production of these countries he will find that they produce mostly the same sort of articles that we are ourselves exporting, and we meet their competition in those products in foreign fields. The honourable gentleman on examining those treaties will find, I think, that the policy followed by Canada is a good one. My honourable friend from Montarville (Hon. Mr. Beaubien) desires to know more particularly what we can export to Czechoslovakia and what advantage we are giving to Czechoslovakia in return. He will be duly informed on that point. Surely no one in this Chamber will assert that in reaching out for markets whose purchasing power affords an outlet for our products we should give nothing whatever in return. There must be a certain element of exchange, but it will be found that even in the general work that we have been carrying on for the extension of our markets we have been on the whole the gainers by the bargains that we have made. So my honourable friends need not be so fearful of what may happen to Canada if, being an exporting country, we make a necessary and justifiable effort to increase our market facilities.

My honourable friend from Toronto has admitted the present prosperity of this country, but he believes that we could have done far better. Are there very many countries which could boast on the figures that my honourable friend himself has given? He tells us that Canadian citizens before the war had invested savings in federal, provincial and municipal bonds to the extent of $320,000,000, and that to-day, as he has been informed by a reliable party, that figure of $320,000,000 has increased to $2,900,000,000. The increase represents the amount earned in twelve years in this country and invested in federal, provincial and municipal bonds. Is there any other country that can show such a result? Does a country that can show it deserve to be pitied? My honourable friend (Hon. Sir Edward Kemp) has said that before the war the Americans had invested in Canada $500,000,000, and that to-day that amount has been increased to $3,500,000,000.

Hon. Mr. CASGRAIN: Seven times.

Hon. Mr. DANDURAND: Does that show any sort of fear or doubt in the minds of those keen business men across the line as to what Canada represents in safety—in safe laws and in sane administration? Would those people dare to risk their money in this country if our

institutions, industrial and other, were as shaky as some honourable gentlemen have said? I doubt it very much.

My honourable friends have spoken of the migration of our people. Well, that migration has continued for a hundred years. There were times when our people crossed the line in greater numbers than at present. I remember that one of the most eloquent speeches made by Sir Wilfrid Laurier was one delivered in 1871, in the Provincial Legislature, in which he pictured a procession of people moving towards the line and saluting the Premier, then the Hon. Mr. Chauveau, as they took leave of their country. There will always be a movement of that kind. Some honourable gentleman—I have forgotten who—said that the people were leaving Canada because of the inability of this country to afford them employment. I venture to assert that a greater number leave Canada because of that natural trend from the farms to the cities. Montreal, which now has more than a million people, has not increased its population only by births; it has drawn largely from the rural districts. In the rural parts there are large families, and some of the farmers' sons, in preference to tilling the soil, go into the towns and cities. I saw the other day an article which mentioned the fact that dozens of small towns in New England had been peopled by Canadians from the province of Quebec, forty, fifty or seventy-five years ago, and that if to-day there is an easy movement of our population from Quebec into those centres it is because of the policy pursued by all Governments. This is particularly true of the Governments that preceded the Laurier administration, for I am speaking of those Governments that were in power over forty years ago, when Canadians left for towns and cities in the United States and traneferred their fortunes and their hopes across the border. The result is that to-day in every village in the province of Quebec there are cousins, neices and nephews of every family in the New England States. It is natural for these relatives to correspond, and they do, and they travel back and forth from one country to the other. There is naturally an attraction to those towns in the United States that are inhabited mostly by people coming from Quebec. We shall always have such conditions, and they are no justification for saying that the panacea is for this country to raise our tariff wall between the United States and Canada.

My honourable friend from Montarville (Hon. Mr. Beaubien) has suggested that this Bill be sent to a Committee. This is the first time that such a suggestion has been made on a tariff Bill since Confederation. Why has it not been made before? Because it has been realized by this Chamber that the tariff-making for this country is done in the popular Chamber and not in this. The popular Chamber has a mandate direct from the people and knows what they are thinking. Now, what does this imply? That, with the knowledge that we cannot amend this measure, we should examine the tariff changes that are made and satisfy ourselves whether these amendments are good or bad. Is it necessary for that purpose to refer the Bill to a Committee? Let every one of us consider what is the doctrine held by him on the tariff question and what are his inclinations, and we shall know where we stand. Now, I realize that every member of this Chamber is entitled to the information that he needs and desires on a Bill of this kind. This is an opportunity for honourable members of this Chamber to familiarize themselves with the working of the tariff. I have here the Commissioner of Tariff, who will answer any queries. So far as I am concerned, I do not intend to agree to this Bill being sent either to a Standing Committee or to the Committee of the Whole House. The practice is to move the second reading and from the second reading to proceed to the third. We are now at the second reading. I invite any member who desires to ask questions for the satisfaction of his conscience, or for his own enlightenment, to put those question now. This procedure is in accordance with what has been the practice in this Chamber during the last sixty years. We must all submit to the verdict of the people, as represented by the complexion of the House of Commons, on this question of the tariff, for it constantly comes before the people at every election. We know what the West believes; we know what the East believes. Judging by the essential requirements of Nova Scotia, New Brunswick and Prince Edward Island, I should say that the Maritimes are free trade provinces, and when I remember that Nova Scotia and New Brunswick, in a moment of aberration, rejected the Reciprocity Treaty of 1911 and failed to grasp the opportunity to obtain the United States market for their natural products, I wonder whether those provinces were entitled to better terms from the Dominion. I wonder whether the people of New Brunswick have not a feeling of despair when they think that they might have sold their potatoes free of duty under that Reciprocity Treaty. Would not Nova Scotia and New Brunswick have enjoyed considerable prosperity through the sale of their fish on the American market? All their ills have come from the fact that that market was closed to them. Yet great

leaders like Sir John A. Macdonald, Sir George Eulas Foster, Sir Charles Tupper strove constantly to have Washington give them a chance by resurrecting the Reciprocity Treaty of 1854-66. They made pilgrimage after pilgrimage to Washington from 1866 to 1891 and knocked at the door of the authorities there in an endeavour to obtain reciprocity in natural products. I feel that we may boast of some foresight, those of us who held to the old Liberal doctrine of a freer interchange of natural products between the United States and Canada. The people rejected us in 1911, but I have still in my ear the statement of my honourable friend from Wentworth (Hon. Mr. Smith) that when the people are summoned to the polls they are not always called to decide upon a single question; sometimes many other questions obscure the principal one. In 1911 it appeared that we were defeated on the Reciprocity issue, but I venture to assert that if we had by a referendum submitted the question at that time to the people of Canada it would have carried two to one, from the Atlantic to the Pacific.

Hon. Mr. McLENNAN: Not, sir, when it meant merely the flying of the Stars and Stripes up as far as the North Pole.

Hon. Mr. DANDURAND: My honourable friend seems to have lost faith in the Canadian people. He apparently believes that the people of New Brunswick, in selling their bags of potatoes to the United States, would be inclined to include their hearts within those bags. I do not believe it.

Hon. Mr. McMEANS: Is my honourable friend speaking to this Bill, or making a political address?

Hon. Mr. DANDURAND: I am speaking of the tariff. Now, my honourable friend has mourned over the situation of the industries of this country; but I know members of the Senate on both sides of this House who would not relinquish their bonds or shares in many industries in Canada that show prosperous balance sheets and large dividends. Canada is prosperous, and it will prosper under the present tariff as amended. I apologize to my friends on the other side if I have spoken with some warmth of some incidents of the past; but if they have sometimes faltered perhaps not those who are within the hearing of my voice—for party advantages, I will admit that there is no infallibility on our side.

Hon. Mr. GORDON: We forgive you all the same.

Hon. Mr. DANDURAND: My honourable friend from Wentworth (Hon. Mr. Smith) said we had done nothing for the fruit industry, or that he saw nothing in this Bill for the benefit of the fruit industry. I am informed that the inquiry before the Advisory Tariff Board on the question of fruit and vegetables has not been closed; but I point to Clause 219-A in this Bill, which gives some relief, I do not know to what appreciable extent, to our friends who are in the fruit industry, by putting spraying materials on the free list. I am told that that is something that has been asked by the fruit industry, and it is granted by this Bill.

Hon. Mr. BARNARD: Is that the regulation that removed the protection of the dumping clause?

Hon. Mr. DANDURAND: I am not speaking of the dumping clause; I am showing that this clause removed the duty which affected those materials and put them on the free list.

Hon. Mr. BARNARD: As a matter of fact, I think the Government has lately done away with the dumping clause as regards fruit. I think I have noticed in the press of western Canada that the fruit growers of British Columbia are very adversely affected by the fact that the dumping clause has been done away with.

Hon. Mr. DANDURAND: Well, I have received representations lately from the fruit growers on the action of the Government in withdrawing an Order in Council which benefitted them. I have not the terms of the representation here, but I am not speaking now on the question which my honourable friend has mentioned.

Hon. Mr. BARNARD: No, you are not; but it just occurred to me that possibly the statement of the benefits which my honourable friend has suggested as having been conferred on the fruit growers referred to the fact that he had taken away the dumping clause.

Hon. Mr. DANDURAND: Of course, my honourable friend will remember that there are always two parties interested in this question of duty. A customs duty, or protection, is a tax, and it is because it is a tax that we have this Bill.

Hon. Mr. BARNARD: But my honourable friend was just telling us how he had benefitted and protected the fruit growers, and I was wondering if his idea of protection was taking away the dumping clause.

Hon. Mr. DANDURAND: Now, my friend is drawing me into a field in which I would not dare to enter without being furnished with some information. I would rather state what has passed on the facts before us, and I was mentioning, as a solatium to my honourable friend from Wentworth (Hon. E. D. Smith) for whatever he deems it to be worth, the fact that spraying materials have been given to fruit growers in this country, free of duty.

Hon. Mr. BARNARD: I might in a very friendly way suggest to my honourable friend that he had better touch on some other question than fruit. I think he would make better progress for the moment.

Hon. Mr. DANDURAND: My honourable friend speaks of fruit. Of course, there are those who sell fruits, and there are those who eat them. Perhaps they do not see things from the same angle.

With these few remarks, and apologizing for the number of questions that I have touched upon, perhaps without due preparation, in answering the various objections that came from the other side, I move the second reading of the Bill.

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

Hon. Mr. DANDURAND: With the leave of the Senate, I move that the Bill be now read the third time.

Hon. Mr. BEAUBIEN: Honourable gentlemen, the Bill having been read the second time, I suppose it is only logical that I should rise now, to move that the Bill should be sent to a Standing Committee, and I will make the necessary motion that it be sent to the Committee on Banking and Commerce.

In making that motion, may I extend to the Leader of the House our hearty congratulations on the very remarkable speech that he has just made. I almost feel that the honourable leader has brought back to us an echo of the eloquence that resounds sometimes in the League of Nations. It reminds me of what a delegate representing the Canadian Government at Geneva told me upon his return to Paris. He said that he had heard the most eloquent speech, the most marvellous speech, that he could have dreamed of. Mr. Viviani had risen at a moment when somebody had proposed, I think it was in 1919, that Germany should be admitted to the League of Nations; and with his impetuosity, stimulated at that time by indignation, Viviani made such an appeal as carried away the whole Assembly; and the next day they resolved unanimously that henceforth they would never vote immediately after a discussion, because on the day previous they felt, as did the old Romans, that they had been enslaved by the chains of gold flowing from the orator's mouth.

The Hon. the SPEAKER: I do not like to interrupt the honourable gentleman, but the honourable leader of the House was moving for the third reading.

Hon. Mr. BEAUBIEN: I am sorry. I will wait.

Hon. Mr. DANDURAND: I move, seconded by the Right Hon. Mr. Graham, that this Bill be read the third time now.

The Hon. the SPEAKER: With the leave of the House.

Hon. Mr. WILLOUGHBY: That would be two readings in one night with the leave of the House.

The Hon. the SPEAKER: You will have to get the leave.

Hon. Mr. DANDURAND: I ask the leave of the House to move the third reading of a money Bill.

Hon. Mr. BEAUBIEN: I think I am now in order in moving, in amendment, that the Bill be not now read the third time, but be referred to the Committee on Banking and Commerce. Now, having extended to my honourable friend my congratulations, may I say to him that the question—

Hon. Mr. BELCOURT: Out of order again.

Hon. Mr. BEAUBIEN: No, I have a right to speak to my motion now. May I say to him that the question is put on more prosaic grounds. We are here as a body of business men. We have had submitted to us a measure coming from the other House, every item of which may stop or speed on the industry of the country. That is the whole question. We say to the Government, represented by my honourable friend: "Will you be good enough to explain to us the virtues of this measure?" My honourable friend stated in his opening remarks that he would not attempt to give the information, and he also remarked that it would be very difficult for him to go over this Bill clause by clause and give us all the information that would be required to justify anyone of those items. Why not send the Bill to a Committee where this will be done by the Government for the purpose of justifying this measure, and nobody could complain of that, but rather be satisfied. We would have the expert of the Government to explain the items that my honourable friend could

not explain to this House; and even if he could, anybody interested in an industry could not be heard, so that the information would be altogether one-sided.

I am not prejudiced against the Bill, but I cannot exercise the slightest degree of judgment in considering whether it is good, bad, or indifferent. We have not a tittle of evidence before us. My colleagues on this side of the House have said that it has never even been recommended by the Advisory Tariff Board. In another place the Minister of Finance gave some information on each item, but here we are, without any explanations whatever, and we are requested to pass these 200 items modifying the tariff, without knowing their significance, or what effect they may have on industry. For my part, I do not think this House can be justified in accepting such a summary proceeding. In the past we have had similar measures of public interest coming from the Government in regard to which evidence was heard as to their effect on the public weal. Why this measure should be treated differently I do not know. We may not have power to amend, but we certainly have power to inquire; and if it is shown clearly that in the sole interest of the nation this Bill should not be passed, is it not the duty of the Senate to reject it?

The only thing that we ask is that it be sent to the Committee, where we could hear the pros and cons, and make up our minds intelligently as to its real merits, and if there is merit in it my honourable friend knows that it will be passed. I think this House has never been narrow in dealing with measures brought before it; on the contrary, it has been very wide, and therefore if this measure is proven to be justified it will be accepted, but at all events we will have information about it.

Hon. Mr. DANDURAND. Honourable gentlemen, I cannot accept the motion of my honourable friend, because whatever may be the facts that are brought before him, there is, behind the evidence, the question of policy, and it is that question of policy that I will not consent to bring before the Committee, where parties who are more or less directly affected, will ask to be called and heard. After they have been heard, the question of policy will remain complete, because a vast proportion of the people of Canada are consumers, and are primarily represented by their elected members in the House of Commons, so that the tariff policy is one that escapes the judgment of this Chamber.

The judgment of this Chamber may be that of men who dominated this country ten or fifteen years ago, but do not do so to-day. The men who represent the public opinion of this country on the question of the tariff are in the other Chamber. They have been directly elected by the people, and I wonder what the people of this country would think if the majority of this Chamber, representing a sentiment that has been condemned once, twice, or three times during the last few years in this country, would affirm their own preferences in opposition to those of this day. So that, knowing that my honourable friends facing me are perfectly aware of the policy that is in this Bill, I accept their challenge in this House right now.

Hon. G. G. FOSTER: Honourable gentlemen, it is not my intention to take part in this debate; but it occurs to me that we are not exactly disagreed on all the points that are under consideration. In the first place, my honourable friend has asked for the concurrence of the members on this side of the House in the third reading of this Bill now. Is that right? Is that what is before the House?

Hon. Mr. DANDURAND: Well, I suggested it here.

Hon. G. G. FOSTER: Well, it seems to me, in view of the discussion that has taken place, the importance of the Bill, and the fact that there are men on this side of the House who are not without some degree of sympathy for the position my honourable friend has taken, that the public interest of this country will be well served by the adjournment of this discussion until to-morrow, instead of the third reading of the Bill being given to-night.

Hon. Mr. DANDURAND: If my honourable friend will move the adjournment until Tuesday, I am ready to agree to it.

Hon. Mr. FOSTER: I would move the adjournment.

Hon. Mr. BEAUBIEN: I have moved that this Bill be sent to the Committee.

Hon. Mr. DANDURAND: Yes, but the discussion may be adjourned.

Hon. Mr. CASGRAIN: Adjourn the debate.

Hon. Mr. FOSTER: Adjourn the debate.

Hon. Mr. CASGRAIN: I move the adjournment of the debate until Tuesday.

Hon. Mr. FOSTER: I did move the adjournment of the debate. The honourable leader said Tuesday, although all preference would be for to-morrow.

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

COPPER BOUNTIES BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 171, an Act to amend the Copper Bounties Act, 1923.

He said: Honourable gentlemen, legislation respecting the payment of bounties on copper rods was enacted by Chapter 40 of the Statutes of 1923. The Act came into force in 1923 and expires on June 30, 1928. For the first period, 1923-24, the bounty was at the rate of 1½ cents a pound; for the second period, 1924-25, at was at the rate of 1¼ cents a pound; for the third period, 1925-26, it was at the rate of 1 cent a pound; for the fourth period, 1926-27, it was at the rate of ¾ of a cent a pound; and for the fifth period, 1927-28, it was at the rate of ½ a cent a pound.

The Bill now before the Senate provides for the extension of the bounty for five years in yearly periods at ½ a cent a pound. It is provided that the sum to be paid in any one period shall not exceed $200,000. It is estimated that the amount of the bounty, on the basis of production in 1927-28, will be $62,510.

Refined copper is produced in Canada only by the Consolidated Mining and Smelting Company at Trail, B.C. Converter copper made by the Granby Consolidated at Anyox, and by the International Nickel Company, Limited, at Port Colborne is shipped to foreign refineries. Concentrates from the Britannia Mine and the Eustis Mine are exported. Copper-Nickel matte made by the Mond Nickel Company, Limited, at Coniston, Ontario, is refined at Clydach, Wales.

Outside of the United States there are, I am informed, only three copper refineries—one in Australia, one in Canada, and one in Japan. The United States output is 95 per cent of the refined metal. Our refinery in Trail, in West Kootenay, has an output of 10,000 tons, or 20,000,000 pounds a year, valued at $3,000,000. We produce raw copper, copper matte, and blister copper valued at $12,000,000, which is shipped to the United States and there refined, and of which $7,000,000 worth is returned to Canada.

The United States control the price of copper, their export price being $8 above the home market price. They naturally refine more cheaply, because as against the 20,000,000 pounds produced in a year at Trail, at Anaconda in the United States, they produce 17,000,000 pounds per month.

With this bounty it is hoped to develop the industry in Canada, and I have heard some people express the hope—whether they are optimists or not I do not know—that more than one or two additional refineries may be set up before the expiry of this bounty. With these explanations, I desire to move the second reading of this Bill.

Hon. Mr. GORDON: The explanatory note to the Bill says:

> Section 2 of the Copper Bounties Act, 1923, provides for the payment of bounties on copper bars or rods manufactured in Canada and sold for consumption therein.

I would like to know the reason why this bounty will not be paid on copper bars for export.

Right Hon. GEO. P. GRAHAM: If the honourable gentleman will allow me, I think I can tell him. As a matter of fact, there has been difficulty in supplying these rods to our own mills that manufacture wire, and it is in order to encourage the consumption of our own Canadian product by our own wire mills that this is done. If these things are exported they will have to pay a very big duty. The bounty of course enables the manufacturers of rods to sell more cheaply.

Hon. Mr. GORDON: I cannot just understand the logic of it. It appears to be the policy of the Government, and they have so stated, to create an export market. Do you not think it is desirable to create an export market for our copper?

Hon. Mr. DANDURAND: Before we think of creating an export market, we must be sure that we are satisfying the legitimate aspirations of our own people, and meeting our own needs. There is in the United States practically a monopoly of the refined product. They sell to the outside world at $8 a ton higher than the price to their own people. They would naturally be interested in capturing all that is being produced in Canada, at whatever price it might be offered, in order to dominate the market in this country and to maintain the price which they impose upon the rest of the world.

Hon. Mr. GORDON: Then this is not for the purpose of encouraging the production of copper in Canada.

Hon. Mr. DANDURAND: Oh, yes.

Hon. Mr. GORDON: I thought from what my honourable friend from Brockville (Right Hon. Mr. Graham) said that it was not.

Right Hon. Mr. GRAHAM: Up to the present moment the manufacturers of wire in Canada are not fully supplied by the Canadian product, and they have to buy on the other side. The object of this Bill is to enable our own producers of the raw material

for the manufacture of wire to sell at a price sufficiently low to enable our wire manufacturers to use our own product and to compete with other manufacturers of wire. This will have a double significance in that respect.

There is at the present time a most peculiar situation, as my honourable friend has pointed out. The United States manufacturers of these particular rods sell to their own people at a much lower price than that at which they will sell the same raw material to the Canadian manufacturers of wire; consequently they reap two benefits. They keep all their manufacture for their own people, or if they sell to the outside world, for instance to the Canadian manufacturer, he is under a handicap, and they can beat him in his own market.

This is a most complicated question so far as the manufacturer of wire is concerned, and I may say to the Leader of the House that I think the time has come when we should pass legislation—a sort of "reverse English" on the Dumping Act—to place a duty on any raw material that any foreign country sells to our manufacturers at a higher price than it sells to its own people.

Hon. Mr. REID: Is not that the case at the present time?

Right Hon. Mr. GRAHAM: If they sell here more cheaply than they do at home there is a remedy, but if they sell at a higher price there is no remedy. I say the Dumping clause ought to have a reverse section in it.

Hon. Mr. REID: I was just going to ask if that could not be remedied by increasing the duty on the importation rather than by a bounty? I would rather see the duty than the bounty.

Hon. Mr. DANDURAND: I have not studied the question, but when you have a clearly insufficient national production you would be penalizing to a formidable degree the users of the article.

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

THIRD READING

On motion of the Hon. Mr. Dandurand, the Bill was read the third time, and passed.

DOMINION FOREST RESERVES AND PARKS BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 193, an Act to amend the Dominion Forest Reserves and Parks Act.

Hon. W. B. ROSS: I was going to ask to have this Bill postponed, and another taken up in its stead. I have asked one or two Senators to read the Bill to see if it is all right.

Hon. Mr. DANDURAND: We could perhaps take the second reading now and send it to Committee to-morrow.

Hon. W. B. ROSS: I think that would be all right.

Hon. Mr. DANDURAND: The honourable gentleman knows what it means. It provides for the withdrawal of areas aggregating 32 square miles from forest reserves in Manitoba and Saskatchewan. No provision is made for the placing of additional areas under reservation for forestry in any of the provinces and no revisions whatever are provided for in connection with the forest reserves in Alberta and British Columbia.

The lands comprising the proposed withdrawals are, in every instance, situated immediately inside the boundaries of the reserves, in the transition zone between agricultural and absolute forest lands. Intensive re-examination has shown that the areas comprising the withdrawals are of agricultural value and all have been applied for on behalf of prospective settlers.

I move the second reading of the Bill.

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

CANADIAN NATIONAL RAILWAY BILL

SECOND READING

Right Hon. Mr. GRAHAM moved the second reading of Bill 194, an Act to amend the Canadian National Railway Act.

Hon. W. B. ROSS: Would the right honourable gentleman explain this Bill, because it is the worst drawn Bill I have seen this year.

Right Hon. Mr. GRAHAM: I am not an expert on drafting, but I can explain what the Bill means. The purpose of this Bill is to extend the jurisdiction of the Board of Railway Commissioners in dealing with Government-owned railways. Under the various statutes and amendments governing Government railways, the Board of Railway Commissioners have power to deal with matters of operation. They have also been given power to deal with equipment and with any additions or changes that are necessary in order to protect the lives of passengers and employees. It is proposed to put the Government railways under the Board of Railway Commissioners, in exactly the same position as company lines, so far as the expenditure of capital, or improvements that require the expenditure of capital are concerned. For example, if a subway is thought

to be essential, the only way now in which it can be obtained by the public is by getting the Government to consent. It is then built by the Government money, without any reference whatever to the Board of Railway Commissioners. Under an Act passed some years ago the Board of Railway Commissioners were given power, in the case of company lines, to order such work as a subway.

Hon. W. B. ROSS: That is instead of a level crossing.

Right Hon. Mr. GRAHAM: Yes. That work could be ordered, and the expense apportioned between the municipality insisting upon it being done, the railway that was ordered to do the work, and a fund that was established by statute of the Federal Parliament. Another example. A fence is to be built by the Government Railways. Up to the present time they have a standard that is not equal to that demanded by the Board of Railway Commissioners. This Bill will give the Board of Railway Commissioners power to say to the Government Railways: "The public are demanding a fence, and you must build a fence of the right standard." It may be necessary also to build extensions to stations, and so on. So far as such matters are concerned, the Government Railways will be placed in the same position as the company railways. The Government Railways retain one or two privileges which seem to be essential, such as the power of expropriation. Cases in dispute will not be handed over to the County Courts to be decided, but will go to the Exchequer Court for decision. Then as to the location of a line and all such matters, they will remain, as they were, under the Government Railways Act. Otherwise this Bill is to place the Government Railways in the same position as the company railways.

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

ST. LAWRENCE WATERWAYS PROJECT

DEBATE CONTINUED

The Senate resumed the adjourned debate on the inquiry of the Hon. Mr. Reid:

That he will call the attention of the Senate to the St. Lawrence Waterways project, and inquire if it is the intention of the Government to lay on the Table of the Senate the report of the Advisory Committee on the proposed scheme.

Hon. J. P. B. CASGRAIN: Honourable gentlemen, this is a rather lengthy subject, but I suppose I may proceed with it.

In the first place, I believe that to the honourable gentleman from Grenville (Hon. Mr. Reid), who introduced this question, we owe a profound debt of gratitude. This is certainly one of the most important matters, if not the most important, coming before Parliament in a long time, and had it not been for the honourable gentleman the Senate might not have dealt with it so thoroughly or tried to acquire all the necessary information about it. The honourable gentleman is very well qualified to bring up the question. He has been for thirty-seven years continuously in public life, without the exception of a single day. He was first elected in 1891, and to such a degree did he enjoy the confidence of his constituents that no one could beat him in his county, and he was re-elected and re-elected over and over again until he found a haven of rest in the Senate of Canada. He was also for a long time, during that period of thirty-seven years, Minister of Railways and Canals, and as such he had an opportunity to acquire special information. This information he has given to the House. I consider it of very great value indeed, and I believe that not only this house but also the Government of the day and the country at large owe him a debt of gratitude for the very clear exposition that he gave of this matter. I am sure that when the honourable gentleman replies and closes the debate he will have the Senate almost unanimously in favour of his contention.

He told us something very interesting, and it surprised me to learn it, although I have been going over that route for the last fifty-four years. He told us that instead of 25 feet of water in the channels approaching Lake Superior there is now only 18½ feet. The water there has fallen some 6½ feet. Looking at the old maps, I always saw that the level of Lake Superior was 605 feet, but I see by the report we have here that the engineers now find the level to be only 601 feet. That difference already accounts for four feet of the apparent reduction. Whether the reduction has actually taken place or whether the difference is due to new sets of levels having been taken I cannot say. I know that the Government have had levels taken right from the sea level to all the different parts of the waterway; I know also that there are differences. In any event the old maps that I saw showed the level of Lake Superior to be 605 feet, and to-day, according to this report, it is down to 601 feet. In the days when I used to pass the Sault Ste. Marie falls the head was some 26 feet. Now it also seems to have diminished. Naturally, the head being lowered, you could not expect that there would be the same distance between that and the bottom.

Away back in 1900, the year when I had the honour of being summoned to this House, Hon. Mr. Tarte, who was then Minister of

Public Works, conceived a very bright idea: he thought that by clearing out the outlet of Lake Huron he would give better navigation facilities. A client of mine, a man by the name of Piggott, was then excavating the harbour of Seaforth, and this man had agreed to give a certain depth of water, but while he was digging Hon. Mr. Tarte and his Department were opening the outlet of the lake and the water was falling. Hence there was considerably more excavation required to get the 20-foot navigation in this harbour and I was asked to go there. Naturally I was employed in a professional capacity. I persuaded Hon. Mr. Tarte, who was always a very good friend of mine, to come and see for himself. When we went there what did we find? There was a gauge there, and the engineer had lowered the gauge some 20 inches, and that was quite visible on the face of the wharf. The removing of some obstacle at the outlet of Lake Huron had lowered the level of lake Huron and Georgian Bay, and partly Lake Michigan also, by some 20 inches. Well, with that 20 inches, or nearly two feet, we have just about found the difference that the honourable gentleman has mentioned: the four feet in Lake Superior and the two feet in that vast expanse which is all supposed to be at one level—Lake Michigan and Lake Huron and Georgian Bay—account for six feet. Now if we look for the additional six inches, we find that it has been admitted—and the honourable gentleman has seen this book—that the Chicago diversion has reduced the level by six inches. So the honourable gentleman's contention was perfectly right. But I must say that I was astounded when we were told that instead of having, as in the old days, 25 feet of navigation, there was now only 18½ feet.

However, that contention does not agree with this book. If you read this book from cover to cover you will see that these wise engineers who prepared the report find that there is still 19 feet 3 inches on the sills of the American Soo Canal. There is a discrepancy there.

Another thing. The engineers do not agree. I suppose you know that. Anybody who has taken the trouble to read this report is aware that the American engineers want one stage and the Canadian engineers want two stages. That statement may mean very little to a layman, but in plain language it means this. The American engineers would have one dam at Cornwall, and that dam would hold back the water and not only flood out all the rapids, but actually raise the level of Lake Ontario. The Canadian engineers on the other hand say no, because that dam would be located just about half a mile above Cornwall and would be, I think, 83 feet in height. Imagine a dam of that height, with the water towering over the town of Cornwall. Of course our friends to the south do not care: they would drown out the people of Cornwall if this dam gave way. I am not talking now about the breaking away of the dam or the retaining walls or embankments. The Americans want to have just this one dam. The Canadian engineers want to go a little more easily: they want to make a dam about 60 feet high there, and to have another dam about 20 feet high a little above Morrisburg. Besides that they want the works at the Galops. You know where that is: it is the place where the water commences to flow out of Lake Ontario.

I am speaking now about only the first part of what the honourable gentleman discussed. I intend to speak for many hours. I do not know how long you will allow me to continue, but I may say that if anybody would like to go to bed that will make no difference at all to me, because I am not speaking to this House alone. I hope that my voice will be heard on the banks of the Mississippi, for it is the people from the Mississippi who want this St. Lawrence development. I do not know that in Canada there are many people who are very anxious about it. Certainly not the people of Northern Ontario and all those who, like my honourable friend next to me (Hon. Mr. Belcourt) were in favour of the Georgian Bay Canal. The Maritime Provinces have no use for this St. Lawrence project; and—I think the honourable member for Moose Jaw (Hon. Mr. Willoughby) will bear me out—the people of the Northwest are going to ship everything by the Hudson Bay route. So there are really not very many people eager for the carrying out of the scheme except our good friends from the shores of the Mississippi and those on the shore—

Hon. Mr. WILLOUGHBY: I do not like to interrupt my honourable friend, but if he will allow me sufficient time to get in the divorce reports that I would like to have adopted, he may keep on for four or five days and I shall have much pleasure in listening to him.

Hon. Mr. CASGRAIN: I intended to speak until called on to adjourn the debate. If you would prefer that I adjourn it now, I am quite willing to do so, in order that we may dispose of the other items on the Order Paper. I do not want to obstruct the business of this Chamber.

Hon. Mr. BELCOURT: We had better adjourn it now.

Hon. Mr. CASGRAIN: Then I move, seconded by my neighbour, that this debate be adjourned until Wednesday, the 25th day of this month.

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

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

THE SENATE

Friday, April 20, 1928.

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

Prayers and routine proceedings.

DIVORCE BILLS

FIRST READINGS

Hon. Mr. WILLOUGHBY, Chairman of the Committee on Divorce, presented the following Bills, which were severally read the first time.

Bill B6, an Act for the relief of Richard Thomas Bell.

Bill C6, an Act for the relief of Albert Cheney.

Bill D6, an Act for the relief of Katharine Adriance Burruss Christie.

Bill E6, an Act for the relief of Nellie Cohen.

Bill F6, an Act for the relief of Louis Cowell.

Bill G6, an Act for the relief of Wesley Thornton Davidson.

Bill H6, an Act for the relief of Orfie Earl Dingman.

Bill I6, an Act for the relief of Edith Alice Douglas.

Bill J6, an Act for the relief of Radford Alonzo Dunfield.

Bill K6, an Act for the relief of Reuben James Fenton.

Bill L6, an Act for the relief of Jane Annie Field.

Bill M6, an Act for the relief of Charles Edward Frank.

Bill N6, an Act for the relief of Bernice Gatehouse.

O6, an Act for the relief of Harriet Elizabeth Roussie Gray.

P6, an Act for the relief of Thomas Haggith.

Q6, an Act for the relief of Ellen May Collison Keene.

R6, an Act for the relief of Henry Peet.

S6, an Act for the relief of Leon Proulx.

T6, an Act for the relief of Dorothea Wilhelmina Reynolds.

U6, an Act for the relief of Violet Robinson.

V6, an Act for the relief of Susan Amelia Saunders.

W6, an Act for the relief of Agnes Georgiana Smith.

X6, an Act for the relief of Walter Edgar Soule.

Y6, an Act for the relief of Phoebe Ellen Stevens.

Z6, an Act for the relief of Thomas William Storey.

A7, an Act for the relief of Samuel Wellington Thompson.

B7, an Act for the relief of John Edward Timson.

C7, an Act for the relief of Jennie Campbell.

PARLIAMENT GROUNDS—TRAFFIC REGULATION

INQUIRY

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

That he will direct attention to two notifications, painted in large letters on the pavement at the front of Parliament Buildings; the notifications being in these words:—

"No parking in front of Buildings"

and will enquire of the Government:—

1. When were the said notifications placed on the pavement?
2. By whose direction were they placed on the pavement?
3. What is the meaning and what is the purpose of the said notifications?
4. Is any person charged with the duty of seeing that the notifications are obeyed?
5. Are the parking spaces laid off at east and west of the Parliament Building intended to be used for the "parking" of cars; or intended merely to be landscape ornamentation?
6. If intended for the "parking" of cars why are not drivers of cars required to use the said "parking" spaces instead of parking in front of the Parliament Building?
7. Is there any intention of providing any protection for pedestrians against fast driven motor vehicles at Wellington Street and entrances to Parliament grounds?

He said: Honourable gentlemen, I presume the honourable Leader has his reply ready in regard to this matter.

Hon. Mr. DANDURAND: I have not the answer yet.

Hon. Mr. TANNER: I have just a few remarks to make, and what I have to say may as well be said now.

Hon. Mr. DANDURAND: When these questions appertain to more than one Department they are sent to the Secretary of State and are circulated among the Departments interested. I do not know how many Departments are interested in this case.

Hon. Mr. TANNER: I quite understand, but the very few remarks I have to make may be helpful to the Departments in preparing their answers.

I think, honourable gentlemen, the tidings have reached at least one of the Departments, because I observe to-day that an officer of the Mounted Police is on duty at the eastern gate, for the protection, I presume, of pedestrians who are coming in and going out by that gate.

Now, it happened on the very evening I gave this notice of inquiry, that an honourable member of this House was very nearly a casualty, right in front of this building, in consequence of the want of regulation of motor cars, which come in where they like and go out where they like, turn where they like, and go at any speed they like. It happened that this honourable gentleman, who was going from the building, intending to walk down town, was caught between two cars, and, dazzled by the lights of those cars, which were moving very quickly, just escaped with his life. That is only one instance of what has been going on for the last two or three years, and I do not need to repeat what honourable members already know—that many members of this House and members of the other House have had narrow escapes in consequence—there being absolutely no regulation of motor cars when they are within the gates or while entering upon these grounds.

In my questions I point out, as honourable members may have observed, that at either end of the pavement in front of this building there is painted in large letters "No parking in front of buildings," and that opposite each end of the building there is a wide white painted line which, I presume, is to indicate that between those lines and in front of the building cars are not to be parked. Then, at the east and the west ends of the building, some department has provided regular parking spaces. From my room I happen to look out on one of those spaces. But when I come up to the building, what do I see? I see cars parked in front of the building, just wherever they like to go—good-looking busses, poor-looking busses, old busses and new busses; and when I look at the parking spaces I find maybe one car or maybe two. Apparently hardly anybody ever thinks of parking in these prepared parking spaces, whereas almost everybody appears to think that he or she is free to park a car anywhere in front of the building.

What I am anxious to find out is whether or not there is anybody in charge of these grounds; whether or not anybody is responsible; and, if so, whose duty it is to regulate the cars in their comings and goings upon the ground. I am aware that we have a Committee of this House, called the Committee upon Public Buildings and Grounds; but I realize that that Committee has no executive authority. It may advise or it may admonish, but it has no power. Now, I ask, where is the power? Is it in the Public Works Department, or in what Department is it? I want to get at the seat of responsibility: having done that, I want to know whether the persons responsible care or whether they are indifferent as to the lives of honourable members of this House and members of the other House, and other people who come up here.

Apparently the persons responsible do not care. Two or three years ago, when there was a series of accidents, an officer was stationed at the east gate for the remainder of the Session; but last Session nobody was put there, and this Session nobody was put there until to-day, as a result I presume of this notice of motion having trickled through to someone.

That, honourable gentlemen, is the sum and substance of my grounds in asking for this information. So far as I am concerned, I think these cars should be obliged to come in at one gate and go out at some other gate; that they should not be permitted to run around as they like. For instance, the other night, when it was dark, if the honourable member passing out of the building to the main walk or the eastern entrance, had known the cars had to come in from the east and go out the west, he could have safeguarded himself. But what he found was cars coming in here and there, cars turning here and there; and the first thing he knew, he was between two of them, which very nearly crushed the life out of him. I say that if there is a responsible authority anywhere, that authority should take hold of this matter and deal with it in an effective way. That is all I ask, and all I would expect.

Hon. H. W. LAIRD: Honourable gentlemen, I have a somewhat peculiar interest in this subject, because I happen to be the individual to whom my honourable friend from Nova Scotia (Hon. Mr. Tanner) has just referred as having had a narrow escape the other evening. I think it was on Tuesday evening, when a large social function, attended by about a thousand people, was being given in this building. On an occasion of that kind one would naturally expect a large increase in the vehicular traffic, and consequently that the necessity of some protection being given to the public would be greater. This is not the first time this ques-

tion has been raised in this House and public attention drawn to it, but apparently we are waiting until some casualty occurs before the trouble will be rectified. It seems to me that there are two factors which contribute to the present danger: one is the lack of a traffic regulator, particularly on occasions when there are large numbers of people in attendance at this building; and the other is the lack of a speed limit regulation within the gates to these grounds. I do not think the suggestion of my honourable friend that a traffic officer at either of the gates, or even the routing of traffic in at one gate and out at another, would entirely answer the purpose. I think the regulations should go further, and that they should prescribe a speed limit within the grounds. It seems to me absurd that, with a thousand people in attendance at this building, in addition to the people whose duties bring them here, pedestrians should be subjected to the danger of a non-regulated traffic which is allowed to go by these buildings at the rate of thirty or thirty-five miles an hour. Such a condition would not be allowed under any other circumstances that I can imagine. I would not like to suggest that the lack of attention upon the part of the Government authorities, or the failure of my honourable friend the Leader of this House to bring this matter to the attention of the proper authorities, is due to any deliberate design on their part to cause casualties among the membership of this side of the House, because that at the same time might involve a reduction in the membership of the other side as well, something which my honourable friend can ill afford to suffer. This matter has been brought officially and publicly to the attention of the Government, and if no action is taken, and an accident does happen to any member on either side of this Chamber or of the House of Commons, the Government will be faced with a very grave responsibility.

Hon. J. D. REID: Honourable gentlemen, I would like to see this go a little further. I do not think I have ever been in any city where I have seen such fast driving as there is right through Wellington street. That is where the danger is. When you are going out of either of the gates, the parking of automobiles right up to the gate, makes it impossible to see others coming along the street. You cannot cross Wellington street but you will see automobiles coming along at forty or fifty miles an hour. I was going to suggest that perhaps the traffic officer might be posted in the centre of the road opposite the gate to put an end to that sort of thing. I do not know why we have not got traffic officers there now. If you go down to Sparks street, where there is not as much traffic as there is on Wellington street, you will find plenty of traffic officers. In addition to that, I think the Government of the country is responsible if there should be an accident, because Wellington street is owned by the Government.

Hon. Mr. DANDURAND: Is it?

Hon. Mr. REID: I understand, I may be wrong—that the Government has to keep the street in order from O'Connor street to Elgin, and that it is their street.

As to speed within these grounds, I would not allow more than ten miles an hour. Even then it would not take more than three minutes to go all around the premises.

Hon. Mr. McLENNAN: I happen to be a member of the Committee on the Grounds. The Chairman of that committee unfortunately is ill, and the other member present at the only meeting we held is not here to-day. Two or three weeks ago we had before us the Deputy Minister of Public Works and the Controller of the Police, Colonel Starnes, and we went into the matter very fully with them. Those gentlemen promised to make a report dealing with this matter. It came out at that meeting that while the Government is bound to keep Wellington street in order, the police control, as to speed and other conditions, rests with the city, and that some arrangements have to be made with them to control the speed on that street.

Hon. Mr. BELCOURT: My honourable friend has forgotten who is the Chairman of the Committee of which he speaks. The Chairman happens to be here in my person. We had a meeting this morning, and we have had two or three before. I will not speak of what we did, because we are not prepared to make a report; but I will say that a great deal of difficulty arises on Wellington Street because of the question of control, or perhaps I should say mixed control. The city claims to have certain rights and certain obligations on Wellington Street with regard to traffic and other things, and the Department of Public Works also claims certain rights. I think a good deal of the trouble might be avoided if the Public Works Department and the Corporation were asked to meet and decide this question of control, once and for all, independent of any recommendations or suggestions that this Committee may make. If there is no one responsible, it is a case of shifting the burden constantly from one to the other.

Hon. Mr. REID: But that does not apply to the inside grounds.

Hon. Mr. BELCOURT: No, I confine myself to Wellington Street. There can be no doubt that the Public Works Department is responsible for the upkeep and maintenance of the inside grounds. That Department and the Corporation of Ottawa both claim to have certain jurisdiction, but we have not been able to ascertain just what that jurisdiction is, or where it begins or ends for either of the two parties. I think that the Government would do well to bring about a conference between the two, with a view of doing whatever is possible to prevent danger, and of ascertaining who is really responsible.

Hon. Mr. DANDURAND: Honourable gentlemen, I will bring to the attention of the Minister of Public Works the interesting discussion we have had. I may say, for the information of the Senate, that His Honour, the Speaker, informs me that the Gentleman Usher of the Black Rod has placed a messenger outside our door to regulate the traffic and also the parking in our area. But if the Public Works Department has exclusive control of the grounds, this matter should be taken up by them, and some order should be established which will be satisfactory to the members of Parliament and to outsiders who visit here.

ST. LAWRENCE DEVELOPMENT

APPOINTMENT OF SPECIAL COMMITTEE

Hon. C. E. TANNER moved:

That a special committee of the Senate be appointed to inquire into and report from time to time on the matter of the development and improvement of the St. Lawrence river for the purposes of navigation and production of electric current and power and matters incidental to such objects; and that the committee be empowered to send for persons, papers and records, to examine witnesses under oath if deemed necessary, and to employ stenographers and other clerical help subject to approval of the Senate in regard to expenditures; and that the committee be composed of fifteen members of the House.

He said: Honourable gentlemen, I would like to say a few words in explanation of this matter. I was very glad yesterday to hear the remarks of the honourable member for Grenville (Hon. Mr. Reid) as to the provision of maps, because that is practically the line of my own thinking in regard to this matter. In fact, a week or ten days ago I was in communication with Mr. McLachlan, the chief engineer of this branch of the Railway Department, and Chairman of the Canadian Section of the Joint Engineering Board, and I made the suggestion to him that in case a committee were appointed it would be desirable to have a good map which would show the course of the river and other details of public interest.

I took up this matter with other members of this Chamber, and they agreed with me that while a few honourable members like my honourable friend from Grenville (Hon. Mr. Reid), who has lived on the river all his life-time, and some others who have studied this matter closely, are well-informed in regard to the St. Lawrence river, the great majority of members in this House, and I dare say of the other Chamber, have only vague ideas on the subject. Their information is very limited, simply because they have not had opportunities, and have not felt themselves impelled to make a close study of that river and its possibilities in regard to navigation and hydro-electric power. Therefore we concluded that it would be a great advantage to have a Select Committee who would lay the foundation of the information; who would get, as it were, preliminary information in regard to the river itself, and provisions, international and otherwise, relating to its administration and ownership, and all those incidental matters.

I did not have any expectation whatever that the proposed Committee would be able to exhaust the engineering and other great issues, but that we might have, as it were, a school of instruction, a committee which would learn the fundamental general characteristics of the river, and to a certain extent study those international questions involved, so as to be prepared, when the subject comes up, as it may at a future Session, to deal intelligently with the whole problem.

I realize further that this committee could not get to the end of the subject, for the very good reason that questions as between the federal and provincial authorities are before the courts, and probably will be there until the end of this year. When a decision is given by the Supreme Court of Canada it will in all likelihood be appealed to the Privy Council, so that, in any event, the final decision in regard to the respective rights of the provinces and the federal authority may be held over until the latter part of this year.

A suggestion was made in regard to the scope of the committee. I do not know what my honourable friend opposite had in his mind, but it appears to me that any committee appointed by this House can be trusted not to go too far afield in a matter of this kind. In fact, they will not have the time during this session to go very far afield. Nor

do I think there need be any fear in regard to expenditures. Personally I had no thought of summoning witnesses whose presence would involve a large expense to the country. My idea at the beginning was that we would get all the preliminary information from persons connected with the various departments of the Government; but of course when the committee is constituted, the members of it may desire to get a little more than that. So far as expenditure is concerned, this motion expressly puts the matter within the control of the Senate itself; that is to say, any expenditure must have the approval of the Senate. Then there is the final control in the Government itself, inasmuch as they hold the purse, and if this or any committee desires to make an expenditure it can only do so when the Government is willing to provide the funds; so that even if there were any inclination on the part of this or any other committee to make expenditure, they are very carefully surrounded with safeguards.

There is just one other point I wish to mention. When I gave notice of the motion, without thinking very much about the matter I fixed the number of the committee at fifteen. The notice was prepared in a hurry, and I had no particular reason for fixing that number. Since that time I have learned that quite a number of honourable members of this House would like to be on the committee, and after consulting with the leader of the House, we have come to the conclusion that the number should be increased to twenty-five; so I am going to ask the House to agree to an amendment of the motion for that purpose. I will read what I propose:

That the motion be amended by striking out the word "fifteen" in the eighth line thereof, and substituting the word "twenty-five"; and by adding the following words, "and that the committee be composed of the Honourable Messieurs—"

My honourable friend, the leader of the House, has some names, and I have some other names, which together will make twenty-five, and with the permission of the House I would now submit this as an amendment to the motion.

The Hon. the SPEAKER: I would point out to the honourable gentleman that it is hardly regular for him to amend his own motion. He should ask some other honourable gentleman to move the amendment.

Hon. Mr. TANNER: We did it the other day, but some other honourable member will probably second the amendment.

Hon. Mr. DANDURAND: Or make an amendment.

Hon. Mr. McLENNAN: To get over the difficulty, I will be glad to move the amendment, which is as follows:

That the word "fifteen" in the eighth line thereof be struct out, and that the word "twenty-five" be substituted therefor; and by adding the following words "and that the committee be composed of the following Senators: The Honourable Messieurs Beaubien, Beique, Black, Buchanan, Casgrain, Copp, Farrell, Gillis, Graham, Hardy, Lesperance, Lynch-Staunton, McLennan, McDougald, McMeans, Molloy, Murphy, Pope, Reid, Robertson, Ross (Moose Jaw), Sharpe, Smith, Tanner and Willoughby."

The amendment of Hon. Mr. McLennan was agreed to.

The motion, as amended, was agreed to.

CHICAGO DRAINAGE CANAL

PRECIS OF INFORMATION

Hon. Mr. DANDURAND: I desire to lay on the table the precis of documents and proceedings relating to the Chicago Diversion, in answer to the inquiry of my honourable friend (Hon. W. B. Ross) on the 18th instant. The letter from the Under-Secretary for External Affairs explains that by arrangement with the American authorities these documents could not be released until the 20th instant.

I may add that a number of these documents have been sent over for distribution among the members of the Senate.

The Hon. the SPEAKER: The Clerk informs me that he now has on the Table 75 copies of this return for the information of honourable members of the Senate who may wish to see it.

PRIVATE BILL

THIRD READING

Bill Q4, an Act respecting the Sisters of Charity of the North West Territories.—Hon. Mr. Beaubien.

DAIRY INDUSTRY BILL

THIRD READING

Bill 12, an Act to amend the Dairy Industry Act.—Hon. Mr. Dandurand.

NATIONAL BATTLEFIELDS BILL

THIRD READING

Bill 34, an Act respecting the National Battlefields at Quebec.—Hon. Mr. Dandurand.

EXPERIMENTAL FARMS STATIONS BILL

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand the Senate went into Committee on Bill 10, an Act to amend the Experimental Farms Stations Act.

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.

EXCISE BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 54, an Act to amend the Excise Act.

He said: Honourable gentlemen, this Bill amends a number of clauses of the Excise Act. The most important provision seems to be the first clause, which deals with the relations between the provinces and the Excise Department. Section 23 of the Customs Act makes the provincial governments amenable to that statute, and the present amendment incorporates practically the same provision in the Excise Act.

"9a. (1) The rates and duties of excise imposed by this Act or any law relating to excise as well as the rates and duties of excise heretofore imposed by any law relating to excise or inland revenue enacted and in force since the first day of July, one thousand eight hundred and sixty-seven, shall be binding and are declared and shall be deemed to have been always binding and payable by His Majesty in respect of any goods which may be hereafter or have been heretofore manufactured or imported by or for His Majesty, whether in the right of His Majesty's Government of Canada or His Majesty's Government of any province of Canada, and whether or not the goods so manufactured or imported belonged at the time of manufacture or importation to His Majesty; and any and all such Acts as aforesaid shall be construed and interpreted as if the rates and duties of excise aforesaid were and are by express words charged upon and made payable by His Majesty. Provided, however, that nothing herein contained is intended to impose or to declare the imposition of any tax upon, or to make or declare liable to taxation, any property belonging to His Majesty either in the right of Canada or of a province.

There are some other clauses. I need not explain them now, but will do so at the Committee stage. It is understood that one of the provinces intends to embark upon the business of distilling, and such operations would come under the Excise Act.

Hon. Mr. DANIEL: What province is that?

Hon. Mr. DANDURAND: The province of Manitoba has passed an Act authorizing its Commission to open and operate a distillery. We can discuss those clauses when we go into Committee.

Hon. W. B. ROSS: Honourable gentlemen, I think the honourable leader on the other side is quite right in saying that the important section here is the first one, to which he has just referred. I have given a little attention to that, because I noticed the very moment I received the Bill that there is in it a question on which I think Parliament is not quite clear. I remember very well when the difficulty occurred with regard to the Customs, which led to this section being passed to enable the Dominion Government to collect Customs duties from provincial governments who were importing goods. I know the same question arose in Australia before it came up here, and I believe the Australian courts decided in favour of the central government on a clause in their statute which is not unlike ours. Ours is section 125 of the British North America Act, which exempts provincial property from taxation on the part of the Dominion Government, as well exempting the Dominion Government from taxation by the provinces. Then the question arises, if you can collect an excise tax from the provinces, why can you not collect an income tax? There is no doubt that what might be called the science of government has changed very much since 1867. I do not suppose that anyone who was a party to the preparation or the passing of the British North America Act contemplated any government in Canada going into the distillery business or into electric lighting, and just what is the scope of section 125 I would not attempt to say. If you give to the words their literal interpretation they cover a vast field that was not dreamed of at the time the Act was passed.

I think that we ought to have a little information from the Department of Justice about this section, as to the powers of this Parliament to make a province pay excise, and the grounds on which that might be done. Sooner or later there is going to be a big law suit on this very question. In one province you have electric light companies that pay no taxes, and such a condition may keep on growing and eventually extend from electric lighting to all kinds of things. Some one of these days a province may abolish private industry altogether and go into business itself, and then the question will be whether that province shall pay any taxes or not. I do not know. I would ask the honourable gentleman whether he could not have for us on Tuesday,

when the Bill will come before Committee, some light from the Department of Justice upon this question.

Apart from that, I have no objection to the Bill.

Hon. Mr. DANDURAND: I will submit the first clause of the Bill to the Department of Justice and ask them for their opinion.

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

SPECIAL WAR REVENUE BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 170, an Act to amend the Special War Revenue Act.

He said: This Bill amends a number of clauses of the Special War Revenue Act.

By section 1, Part II of Chapter 179 of the Revised Statutes of Canada, 1927, is repealed. This Part imposes a tax of one per cent upon the gross interest from loans and investments in Canada and upon the gross income from business transactions in Canada.

The Income Tax Act provides that this tax is a deduction from the income tax. This tax is collected generally from companies having practically no profits, as companies doing a large business as a rule, are not liable to the tax, because their income tax is greater than the amount under this Part.

The reduction in revenue is estimated at $30,000.

Section 2: There is an excise tax under section 19B on passenger automobiles manufactured and sold in Canada or imported into Canada. If, however, a transportation company or private individual buys a chassis or bus body, or both separately and puts them together, for its or his own use, and does not sell, he escapes this impost. This discriminates against the bus or body builder who sells to the trade.

The new section provides that automobiles for the use of the manufacturer or producer, and not for sale, are liable to the tax.

Section 3 states that the sales tax is reduced from 4 to 3 per cent. It is estimated that the reduction will be $16,000,000.

As to section 4, I may say that item 544 in the customs tariff was changed to item 538, and this necessitated the amendment.

Sections 5, 6 and 7, come under the Commissioner of Excise. There are side notes to these other clauses which give a fair idea of the reasons for the changes. When we go into Committee on the Bill I will bring to the Chamber any further information that it needs.

I move the second reading of the Bill.

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

DOMINION FOREST RESERVES AND PARKS BILL

CONSIDERED IN COMMITTEE—PROGRESS REPORTED

On motion of Hon. Mr. Dandurand the Senate went into Committee on Bill 193, an Act to amend the Dominion Forest Reserves and Parks Act.

Hon. Mr. Copp in the Chair.

Hon. Mr. DANDURAND: I would ask Mr. Roy Cameron, Associate Director of Forest Reserves, to come to the floor.

On section 1—withdrawal from forest reserves:

Hon. Mr. DANIEL: Would the Minister give us some idea of the extent to which the reserves are going to be diminished by the wthdrawal of these various areas. I suppose most of these reserves are extensive, but I think we ought to have some idea of how seriously these parks are going to be affected.

Hon. Mr. DANDURAND: In these reserves there are 22,000,000 acres of land, and under this Bill some 20,000 acres are withdrawn—an unappreciable quantity.

Hon. W. B. ROSS: Just a drop in the bucket.

Hon. Mr. DANIEL: For what purpose are they withdrawn?

Hon. Mr. DANDURAND: For settlers. They are agricultural lands.

Hon. Mr. SCHAFFNER: Does this apply to all the forest reserves of the Dominion, or to only some of them? What are the reserves?

Hon. Mr. DANDURAND: They are in Manitoba and in Saskatchewan, and are as follows: Big River, Fort a la Corne, Keppel, Nisbet, Pasquia, Pines, Porcupine, and Riding Mountain.

Hon. Mr. SCHAFFNER: I do not quite understand from the Leader of the Government the purpose for which these lands are withdrawn.

Hon. Mr. DANDURAND: They are agricultural lands, desirable for new settlers. There are small tracts of good arable land in these reserves which settlers in the neighbourhood apply for, and which are given to them under the regulations of the Department.

Hon. Mr. SCHAFFNER: It seems to me that this opens up a very important question. The Turtle Mountain reserve, in Southern Manitoba, is the one with which I am most familiar. There is a considerable quantity of land in that reserve which is suitable for agricultural purposes. During the time I was a member of the other House I was frequently called upon to see if I could not have some of that land opened for homesteading, and while it was my duty, as a representative of the people of that district, to make inquiry, and perhaps make some pretense of having those lands opened up, I was always pleased when the Government refused to open them up.

I think we should be exceedingly careful how we withdraw land from the reserves in Western Canada for homesteading or agricultural purposes. The number of acres of forest land in the West is comparatively small. I know that in my particular district people are constantly wanting to get part of those lands away from the reserve, and it looks to me as though this were a case of that sort. There is any amount of land in the West for farming purposes without withdrawing lands from the forest reserves.

Hon. Mr. WILLOUGHBY: I have only glanced at the Bill, but it appears to me that the lands to be withdrawn are on the boundaries of the reserves.

Hon. Mr. DANDURAND: Yes. They are agricultural lands devoid of trees, and are withdrawn in order to help the settlement and development of those districts. This work is done most carefully after an expert survey, and is very closely superintended by the officials of the Department.

My honourable friend can see the smallness of the invasion brought about by this Bill. Of course, never having visited any of these reserves personally, I do not know the exact condition, but since I have been in my present position, the Department has occasionally presented similar Bills. Under this Bill there is but one quarter section withdrawn in Manitoba.

Hon. Mr. SCHAFFNER: Is that the Riding Mountain reserve?

Hon. Mr. DANDURAND: Yes.

Hon. Mr. SCHAFFNER: Perhaps my honourable friend does not know that there is an agitation, in fact more than an agitation, to have a public park established in the Province of Manitoba, and that there is some controversy as to whether it should be located at the Riding Mountain reserve or at another reserve to the east of Winnipeg. It seems almost ridiculous that we should go to the length of passing an Act of Parliament to withdraw a single quarter section of land.

Hon. Mr. WILLOUGHBY: There are withdrawals in the other Privinces too.

Hon. Mr. SCHAFFNER: I am talking of Riding Mountain. I understand that we are putting a Bill through this House for the purpose of withdrawing one quarter section, 160 acres of land, from the Riding Mountain reserve. I would like to know why that is being done.

Hon. Mr. GREEN: It seems to me that the Government should go very slowly in withdrawing land from these reserves. There is always somebody who is ready to ask for the withdrawal of land from reserves for some particular purpose. Sometimes one can make the Department believe that he wants the land for a farm, whereas he wants it for a mineral claim, or for establishing a stopping house or something of that kind. These stopping houses, and all conveniences of that kind, are under the control of the Government as long as they are within the reserve. Surely there is some particular reason why a quarter section should come out of a reserve. It cannot be that we are so destitute of arable land that we must do that in order to get farms. There must be some reason behind it. Let us know what it is, and let us be careful what we do.

Hon. Mr. DANDURAND: If the members of this Chamber from the West, who know conditions there, need further information, I can postpone this stage of the Bill, and can either ask them to go to the Department before the Bill is adopted and examine into the matter with the chiefs of the Department, or refer the Bill to a Committee, if it is thought worth while, where honourable gentlemen could see maps and get into direct contact with the Department officials. There is no reason why in such a matter as this we should not satisfy all the members of the Senate who are interested. The Departments have nothing to hide, and will lay all their cards on the table.

Hon. Mr. SCHAFFNER: I am not suggesting that at all. What I would like to know is why one quarter section in the Riding Mountain reserve is being withdrawn.

Hon. Mr. GRIESBACH: There do not appear to be any withdrawals from the park areas in Alberta, consequently I do not speak with any knowledge as to the parts affected by the Bill. It seems to me that it is merely

a question of whether these deductions are arrived at on the motion of the officers of the Department, honestly conceiving that the land in question is arable land and therefore should be taken for agricultural purposes rather than be allowed to remain cumbered with forests that may take years to grow, or whether behind these withdrawals are applications of individuals who covet this land and who, when it is thrown open, propose to acquire it and add it to their own holdings If it can be established here that this Bill comes about from a desire of the experts of the Department to make agricultural land available for agricultural purposes, it is another story. It seems to me that is the whole point.

Hon. Mr. SCHAFFNER: Perhaps the question I asked can be answered now.

Hon. Mr. GRIESBACH: There is another aspect. The way in which this Bill has been drawn is apt to arouse suspicion. Instead of the Bill having been drawn to take out the quarter sections in question, it has been drawn so as to repeat the whole description of the whole area under discussion. The Bill is apparently much more consequential than the land itself.

Hon. Mr. DANDURAND: I was under the impression that I had stated the policy of the Department when I presented the Bill for second reading.

Hon. Mr. WILLOUGHBY: What has been said in reference to Manitoba is almost equally applicable to Saskatchewan, where they are withdrawing a half section.

Hon. Mr. DANDURAND: Of course it stands to reason that the Department would not present a Bill to withdraw a quarter section from a reserve. It is because there are a number of sections of reserves that are to be dealt with that it is presented. The question of my honourable friend from Edmonton (Hon. Mr. Griesbach) can be answered generaly by the statement that in some instances the Department acts proprio motu, and in other instances because demands have been made for the invasion of the forest reserves because they contain good arable land that could be utilized by the neighbouring settlers, or by newcomers. There are families with children who might desire to settle one of their sons nearby, and if there happens to be on the border some arable land it is natural that they should turn to the Department and ask for a survey of that part of the reserve, and that it be opened to a certain extent for settlement by people in the neighborhood.

Hon. Mr. GRIESBACH: That is very interesting, and very plausible, and probably it might all be true; but the whole situation might be cleaned up by the discovery that the gentleman who actually acquired the land is living in the city nearby and is known as a speculator. He might even be known as a prominent politician. That is the fear in land transactions that we have in the West, and that is what is in the back of the minds of the gentlemen who are drawing attention to the weaknesses of this Bill.

Hon. Mr. GREEN: I do not see just how we are going to get that information within a reasonable time. Perhaps some of the gentlemen here who come from that part of the country may know something of the circumstances and conditions generally, but I am afraid that the explanation of my honourable friend, the leader of the House, does not fit in. What I mean to say is that we have forest reserves and park reserves covering hundreds of square miles, in various parts of the country; and I do not think that in order to get arable land for somebody to farm it is necessary to withdraw a quarter section from a reserve of that description in Manitoba, and a half section from another reserve in Saskatchewan. Surely there must be some other reason why these small amounts are being withdrawn from those great reserves. If it were a question of withdrawing ten square miles, or even fifty or a hundred square miles from some corner of a reserve, in order to fix up boundaries or make it more easily accessible to the Government officials who look after it, I could understand it; otherwise I do not understand why it should be necessary to withdraw a quarter or half section out of a reserve that covers perhaps a hundred or two hundred square miles.

Hon. Mr. DANDURAND: Well, I can ask that the Committee rise and report progress, and ask leave to sit again. After the remarks that have been made, the Department may be able to furnish me with a satisfactory answer to the questions that have been put.

Hon. Mr. WILLOUGHBY: I would suggest that the Bill go over to the next Session and that the Department be directed to send here the applicants, for I believe there are some, for the parcels that are proposed to be released.

Hon. Mr. GRIESBACH: Send here—what do you mean by that?

Hon. Mr. WILLOUGHBY: Send to the Committee the correspondence and file in

reference to those particular portions that it is proposed to release under this Bill. Let us see who they are.

Hon. W. B. ROSS: Would it not be better to have the Bill go to a Committee?

Hon. Mr. WILLOUGHBY: Yes, that would be very convenient.

Hon. Mr. DANDURAND: I suggested that it could either go to a Committee, or that I could furnish information. To what Committee could it go?

Hon. Mr. WILLOUGHBY: The Agricultural Committee is dormant. I would suggest the Banking and Commerce Committee.

Hon. Mr. DANDURAND: Have we not an Agricultural Committee?

Hon. W. B. ROSS: It is not functioning.

Hon. Mr. DANDURAND: But it would function for that purpose. We should utilize those committees by referring something to them. Then I make that motion that the Committee rise and report progress and ask leave to sit again; then I can move it back to another Committee.

Progress was reported.

CANADIAN NATIONAL RAILWAY BILL

CONSIDERATION POSTPONED

On the Order:

The House in Committee of the Whole on (Bill 194), intituled: an Act to amend the Canadian National Railway Act.—Right Hon. Mr. Graham.

Hon. Mr. DANDURAND: In the absence of Right Hon. Mr. Graham, I would ask that this Order be discharged and be placed on the Order Paper for Wednesday.

Hon. W. B. ROSS: I would suggest to the honourable gentleman that that section, or whatever it may be called be re-drafted. It is extraordinarily constructed. I might understand what was in the mind of the Hon. Mr. Graham when he was speaking yesterday, but the Bill is complicated beyond all understanding. I think he could dictate a much clearer one than that.

Hon. Mr. DANDURAND: If it goes over until Wednesday to the Committee, the Department will be given time to substitute another draft, which may be submitted to the Committee.

Consideration postponed.

Hon. Mr. WILLOUGHBY.

DIVORCE BILLS

SECOND READINGS

On motion of Hon. Mr. Willoughby, Chairman of the Committee on Divorce, the following Bills were severally read the second time:

Bill Q5, an Act for the relief of Edward Bennett.

Bill R5, an Act for the relief of Annie Amelia Eliza Ferguson.

Bill S5, an Act for the relief of Laura Langstaff Dent Kemp.

Bill T5, an Act for the relief of Helen McLean.

Bill U5, an Act for the relief of Robert Pius Nageleisen.

Bill V5, an Act for the relief of Elsie Irene O'Meara.

Bill W5, an Act for the relief of Doris Read.

Bill X5, an Act for the relief of Thomas Zeamond Toll.

Bill Y5, an Act for the relief of Katie Louise Turner.

Bill Z5, an Act for the relief of Samuel Radcliff Weaver.

Bill A6, an Act for the relief of Florence Elizabeth Mousley Monarque Westover.

PRIVATE BILLS

FIRST READING

Bill 24A, an Act to incorporate the Highwood Western Railway Company.—Hon. Mr. Buchanan.

SECOND READINGS

Bill 40, an Act to incorporate the British Empire Assurance Company.—Hon. Mr. Haydon.

Bill 41, an Act respecting The Imperial Guarantee and Accident Insurance Company of Canada.—Hon. Mr. Haydon.

Bill 53, an Act respecting the Manitoba and North Western Railway Company of Canada. —Hon. Mr. Watson.

THE SEEDS BILL

SECOND READING

Hon. Mr. DANDURAND moved the Second Reading of Bill 11, an Act to amend the Seeds Act.

He said: Honourable gentlemen, the purpose of this Bill is to make such corrections or changes as have been advised by officers of the Department of Justice with a view to overcoming difficulties in administering the Act; to simplify and clarify the grade names for seeds of Commerce; To restrict or prevent the introduction and distribution of in-

ferior varieties of wheat and other cereal grains which have tended to destroy the good reputation of Canadian grain in our export markets; and to correct certain abuses pertaining to advertising and importing inferior grades of seed to the disadvantage of consumers in general.

With these explanations I move the second reading of this Bill.

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

Hon. Mr. DANDURAND: I would gladly send this Bill to the Committee on Agriculture and Forestry, but I doubt if the members of that Committee will claim a special knowledge of seeds.

Hon. Mr. GRIESBACH: It seems to me that this question of seeds is very closely allied to the question of weeds. The whole of the prairie provinces are tremendously interested in the growth of the sow-thistle and obnoxious weeds of that sort. I have not read the Bill, but if it has for its object the purification of seeds and the control of the sale of seeds, it will prove a very interesting piece of legislation to the provinces which are now very much worried about the seed question. I saw a statement that a great deal of the seed sown contained a large proportion of weed seed. It is a large question, and the Bill might well go to the Committee on Agriculture for examination, and we might hear something from the provinces in connection with it.

Hon. Mr. DANDURAND: Well, I might put it down for Committee of the Whole on Wednesday next, and see meantime if we cannot select a Committee of specialists to deal with it.

DOMINION LANDS BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 199, an Act to amend the Dominion Lands Act.

He said: Honourable gentlemen, the object of this Bill is to facilitate the securing by settlers in the West of a second homestead if they have disposed of or have lost their original homestead.

Hon. Mr. GRIESBACH: I do not understand that case. The losing of a homestead has surely nothing to do with the matter. As I read the Bill, it confers upon a person the right to a second homestead if he had a homestead prior to the first of January, 1925.

Hon. Mr. DANDURAND: I will read the clause and then see if my explanation accords with the terms of the Act itself.

> Except as otherwise provided in this Act, every person who has received or receives, or has become or becomes entitled to letters patent for a homestead by the performance of homestead duties, with or without payment of purchase money, or by the location of scrip thereon, shall be deemed to have exhausted his homestead right and shall not be entitled to obtain another entry for a free homestead;
>
> Provided, however, that any person who on the first day of January, 1925, had obtained or had become entitled to letters patent for a homestead as aforesaid, may be granted the right to make entry for a second homestead, subject to the provisions of this Act.
>
> The holder of a pre-emption or purchased homestead entry small not be permitted to abandon the same in his own favour or in favour of a relative for the purpose of making entry for the land as a second homestead under the provision of this subsection.

The explanation which I intended giving this Chamber is based on my understanding of the matter, and is subject to correction, for I am not myself familiar with the working of the Act. However, I think my information is correct. Under the present law—for it is not yet amended—if a settler received his patent before 1889 he was and is entitled to a second homestead. That grants the right to all the old settlers. Those who came in after 1889 could not obtain a second homestead. The son could, on reaching eighteen years. The father could not.

Hon. Mr. GRIESBACH: Just a moment. The honourable gentleman does not mean to say that the son could take a second homestead.

Hon. Mr. DANDURAND: He could take a homestead in his own name.

Hon. Mr. GRIESBACH: But any son, or anybody aged eighteen, could do that.

Hon. Mr. DANDURAND: Yes. If for any cause a homesteader had lost or disposed of his farm, he could not obtain a second one after 1889. Under this Bill the advantage which the old settler had up to 1889 is made available to all those who settled prior to 1925. Practically it means that the year 1889 is replaced by the year 1925.

Hon. Mr. GRIESBACH: Yes.

Hon. Mr. GILLIS: Was not the time extended after 1889? I was under the impression that the time in which one could take advantage of a second homestead was extended after that year.

Hon. Mr. DANDURAND: It is being extended to 1925 by this Bill.

Hon. Mr. GILLIS: But I understood that prior to this change that is now being made the time up to which a settler could take advantage of a second homestead was extended after 1889. I may be wrong in that respect.

Hon. Mr. DANDURAND: That is not in accordance with my information, but possibly such may be the case. Perhaps I had better read the explanatory notes, which may give still further enlightenment to the Senate:

1. Subsections 8 and 9 of section 11 which are proposed to be repealed, read as follows:—

"(8) Except as otherwise provided in this Act, every person who has received or receives, or has become or becomes entitled to letters patent for a homestead by the performance of homestead duties, with or without payment of purchase money, or by the location of scrip thereon, shall be deemed to have exhausted his homestead right and shall not be entitled to obtain another entry for a free homestead: Provided, however, that any person who, on the second day of June, in the year one thousand eight hundred and eighty-nine, had obtained or had become entitled to letters patent for a homestead, shall be permitted to make a second entry for a homestead.

(9) Notwithstanding anything contained in the last preceding subsection, any person who, on the first day of January, one thousand nine hundred and twenty-three, had obtained letters patent for a homestead, within that part lying south of the south boundary of township thirty-one of the tract known as the pre-emption and purchased homestead area, and defined by subsection one of section twenty-seven of chapter twenty of the statutes of the year one thousand, nine hundred and eight, but who is no longer the owner of a farm, may, in the discretion of the Minister, be granted the right to make entry for another homestead subject to the provisions of this Act, upon submitting proof of his bona fides as a settler in the form of a certificate from the Government of the Province setting forth that the said applicant conscientiously endeavoured to farm his land but failed because of circumstances not favourable to successful agriculture.

Under subsection 8 of section 11 of the Dominion Lands Act as originally enacted, a settler who has received patent for a free homestead is not entitled to a second homestead unless he had obtained patent for his first homestead or had become entitled thereto on or before the 2nd June, 1889.

In 1923 the Act was amended so as to permit a second homestead entry to be obtained by

"any person who, on the first day of January, 1923, had obtained letters patent for a homestead, within that part lying south of the south boundary of township thirty-one of the tract known as the pre-emption and purchased homestead area."

The right of second homesteads so provided for was made subject to the following restriction:—

"upon submitting proof of his bona fides as a settler in the form of a certificate from the Government of the Province setting forth that the said applicant conscientiously endeavoured to farm his land but failed because of circumstances not favourable to successful agriculture."

Since that time a great number of applications have been made for the right of second homestead from settlers whose former patented homesteads were located in the Province of Manitoba or in those parts of Saskatchewan and Alberta outside the tract described in the amendment of 1923.

The special circumstances which led up to the amendment of 1923, have relation to the peculiar climatic conditions which had prevailed over the southern portions of Saskatchewan and Alberta during a period of years. From the number of applications since received, it seems evident that there are many settlers not provided for by the 1923 amendment who are nevertheless equally entitled to the privilege of a second homestead, having been confronted with similar circumstances.

It is therefore proposed to withdraw the restriction which now confines the right of second homestead entry to settlers coming from southern Saskatchewan and Alberta, and to grant this privilege to any settler, without regard to his previous location, who up to the 1st January, 1928,—

But it has been amended to read: "The first day of January, 1925"—

—had obtained letters patent for a homestead without requiring him to submit a certificate of approval from the Provincial authorities.

The proposed legislation will not entitle a man who has already received patent for two homesteads to make entry for a third homestead.

It is alleged by correspondents that families are prevented from relocating upon land because the head of the family has lost his right to a free homestead entry. This section provides for the restoration of the right.

After discussion in the other Chamber the year 1925 was substituted for 1928 because it was feared that some of those who had settled after 1925 might be tempted to sell out and make application for another homestead. This Bill concerns chiefly the men who have for some reason or other lost their farms.

I do not know whether the explanations I have given are sufficient.

Hon. Mr. GRIESBACH: The explanations as to the facts are all right, except that reference to the settler having lost his land. I do not know what that means. That must be a reference to those southern portions of the two provinces where the right to a second homestead was given in 1923.

Hon. Mr. DANDURAND: It covers also the cases of farmers who have lost through foreclosure.

Hon. Mr. GILLIS: It depended on the circumstances.

Hon. Mr. GRIESBACH: The Bill now before us proposes to give the right to a second homestead to everybody who became entitled to his letters patent prior to the 1st of January, 1925. I am not prepared to say off-hand whether that is sound or otherwise,

but I do think this is a very important piece of legislation. It confers upon every person who has had only one homestead the right to another one. That is clear from the explanation. It is clear also that this will tend to exhaust the number of homesteads available for general settlement. Whether or not there is a measure of justice due to those who homesteaded prior to 1925, which entitles them to this special consideration, is a matter for very careful thought, but this proposed legislation would have, I think, a profound effect upon the whole settlement question in the West and I gravely doubt whether, with the small number here present to-day, and without a very careful inquiry, we should assume the responsibility of dealing with it.

Hon. Mr. GILLIS: I think it should be left over.

Hon. Mr. GRIESBACH: I think the Western men will agree with me that from the point of view of our western people this is a desirable piece of legislation, but if you are going to confer upon all the people who have ever had a homestead the right to take another one it is obvious that you will seriously deplete the number of homesteads that are available.

Hon. Mr. DANDURAND: Could the honourable gentleman explain what has been the effect upon settlement in the Western provinces of the privilege which was accorded to the homesteaders who obtained their patent before 1889?

Hon. Mr. GRIESBACH: Yes.

Hon. Mr. DANDURAND: Of course the homesteaders were then less numerous.

Hon. Mr. GRIESBACH: That is a long time ago, and there were comparatively few settlers in the country at that time. My recollection is that the legislation was passed long after 1889. Speaking from memory, I think it was a good many years later, probably about 1906; but the legislation was dated back so as to apply to those pioneers as a measure of reward for their efforts in settling this country. Everybody agreed to it at that time. In the first place, the number of those who could take advantage of it was comparatively small, and when the legislation was passed, in 1906, or whenever it was, there were still many homesteads available, so that the number of settlers who had taken homesteads prior to 1889 and could take advantage of the Act did not seriously affect the situation. To-day the situation is quite different, because this Bill would extend the same privilege to all those who obtained patents up to 1925, and there may be six or seven hundred thousand of them. There may be many more. Other honourable gentlemen from the West can make as good a guess as I can. But if there were 600,000 settlers with homestead entries in those three Western provinces in 1925 and they decide to exercise their right or take advantage of it somehow, as most of them will do, it will seriously affect the settlement situation, if the granting of free homesteads is any inducement to settlement. That is another question. Some people think it is, others think it is not. However, we have offered free homesteads to incoming settlers. Some people may say that our old timers and present settlers are more entitled to free homesteads than are the newcomers. This Bill involves a serious question of policy which, it seems to me, ought to be carefully inquired into. I am bound to say that I had not heard of the Bill before. I should have thought that it would have attracted a great deal more attention in the other House. Certainly I think our Western men should speak on it.

Hon. Mr. GILLIS: Under section 3 is there not a change as to the initial payment and the period over which the payments are spread? I think the initial payment was formerly 5 per cent and this is now increased to 10 per cent. Section 3 refers to sales of school lands.

Hon. Mr. DANDURAND: Yes. There are two clauses to which I have not referred: they cover sales of school lands, and terms of payments. Section 2 would enable the Minister to sell—

School lands required for reservoir, church, cemetery or hospital sites, or—

and this is the amendment—

or for other public purposes, or as right of way for any project.

The Minister may sell—

at a price to be fixed by an officer of the Department as the actual market value of the land, and upon such terms of payment as the Minister may prescribe, provided that the Government of the Province in which the land is situated expresses its approval of the sale and price in each case.

I should think this would be very good safeguard.

The last clause, section 3, says:

In respect of sales of school lands made subsequent to the first day of April, 1928, the amount to be paid in cash at the time of sale shall be one-tenth of the purchase price—

Hon. Mr. GILLIS: I think the old rate was 5 per cent.

Hon. Mr. DANDURAND: Yes, it was 5 per cent.

and the balance of such purchase shall be paid in eighteen equal, successive, annual instalments with interest at the rate of six per cent per annum.

Hon. Mr. GILLIS: The old regulation was ten annual payments, I think.

Hon. Mr. DANDURAND (reading):

From 1908 to 1923 the Act required one-tenth of the purchase price to be paid at the time of sale, with the balance in nine annual instalments.

In 1923 the Act was changed to allow the payment of one-twentieth of the purchase price at date of sale, the balance to be paid in nineteen annual instalments.

It is now proposed to provide that in the case of future sales of school lands the original arrangement shall prevail as to the amount to be paid at the date of the sale, that is to say, one-tenth must be paid down. The remainder of the purchase price may be spread over eighteen annual payments with interest.

The principal reason for the proposed amendment is that experience goes to show that the payment of one-twentieth of the purchase price at time of sale is not a sufficient guarantee of bona fides, and that one-tenth of the purchase price would not be too much to ask as the initial payment from those who purchase school lands.

Hon. Mr. GRIESBACH: That is very true.

Hon. Mr. DANDURAND: We might take the second reading. The Bill covers three distinct matters. The policy which will govern, and which is contained in clause 1, can be taken up later and discussed, when we come to the Committee stage.

Hon. Mr. STANFIELD: I would also suggest that the Minister have an official of the Department present, in case questions are asked.

Hon. Mr. DANDURAND: I will do that to protect myself.

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

The Senate adjourned until Tuesday next at 8 p.m.

THE SENATE

Tuesday, April 24, 1928.

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

Prayers and routine proceedings.

PRIVATE BILLS

FIRST READINGS

Bill 18, an Act respecting a certain patent owned by Canadian Cinch Anchoring Systems, Limited.—Hon. Mr. Haydon.

Bill 49, an Act to incorporate the Canadian Credit Institute.—Hon. Mr. Little.

Bill 50, an Act to incorporate the United Theological College, Montreal.—Hon. Mr. Robertson.

Bill 68, an Act to incorporate the Northwest Canada Conference Evangelical Church.—Hon. Mr. McMeans.

ELECTRICITY INSPECTION BILL

FIRST READING

Bill 36, an Act to amend and revise the Electricity Inspection Act.—Hon. Mr. Dandurand.

REGULATIONS AND ORDERS IN COUNCIL BILL

FIRST READING

Bill 62, an Act relating to the submission to Parliament of certain Regulations and Orders in Council.—Hon. Mr. Dandurand.

FERTILIZER BILL

FIRST READING

Bill 72, an Act to amend the Fertilizer Act. —Hon. Mr. Dandurand.

PRISONS AND REFORMATORIES BILL

FIRST READING

Bill 189, an Act to amend the Prisons and Reformatories Act.—Hon. Mr. Dandurand.

EXCHEQUER COURT BILL

FIRST READING

Bill 190, an Act to amend the Exchequer Court Act.—Hon. Mr. Dandurand.

YUKON QUARTZ MINING BILL

FIRST READING

Bill 196, an Act to amend the Yukon Quartz Mining Act.—Hon. Mr. Dandurand.

PARLIAMENT GROUNDS—TRAFFIC REGULATION

REPLY TO INQUIRY

On the Orders of the Day:

Hon. Mr. DANDURAND: Honourable gentlemen, my honourable friend from Pictou (Hon. Mr. Tanner) has made an inquiry concerning the regulation of traffic on Parliament Hill and on the street in front of the Hill. I have, in answer to his query, a state-

ment addressed by the Deputy Minister of Public Works to his Minister, which reads as follows:

I beg to call your attention to a discussion is regard to traffic regulations on Parliament grounds, which took place in the Senate on Friday, April 20th instant. Attached is copy of Hansard which contains the remarks then made.

I might say in regard to the subjects referred to, namely, parking and speed of cars on Parliament Hill and speed of cars on Wellington Street, that when the walks and drives around the Parliament Buildings were completed, special spaces were allocated for parking on the east and west sides of the building, and as it was found that these were not being utilized as intended, in the fall of 1925, lines were drawn on the pavement in front of the building prohibiting parking in front thereof, and instructions were given the constables on duty on the grounds that cars were to be properly parked. This was continued in 1926, 1927 and up to the present, but the constables on that duty find themselves unable to enforce the instructions.

A great many people, as you are no doubt aware, in attendance at Parliament have the idea that they are a law unto themselves when they are on Government grounds and resent being spoken to or directed in any way as to what they should do. The constables have had the experience that when they spoke to drivers of cars, the latter seemed to imagine that because they drove for a Minister, member of Parliament, a Senator or other high official, that they were privileged to do as they liked. The whole trouble apparently is that there is no means of enforcing the regulations made. That is, there is no penalty.

The city by-law of course does not give the Magistrate any jurisdiction on Parliament Hill. Therefore there is no way of summoning anyone who does not abide by the Government regulations and having him fined. I imagine the only course would be to pass some special legislation having to do with Government property, giving the Governor-in-Council authority to make regulations relating to Parliament Hill and any other Government sites where necessary. In that event, infractions of the regulations could be dealt with and the offending party summoned and fined the same as he would be in any other part of the City.

Similar efforts have been made to enforce the same speed limits within Parliament Hill grounds as apply elsewhere in the city, but these efforts have failed for the same reason, no attention being paid to the constable, as the offending party knew that the latter had no recourse against him if he did not comply with the constable's request.

With reference to Wellington Street, this street is under City jurisdiction so far as traffic regulations are concerned, and I attach a copy of letter which I have written the Mayor, requesting him, in view of the complaints made about driving at excessive speed along that street, to place sufficient traffic officers to prevent any excess over the legalized speed limit.

The Parliament Buildings being situated as they are makes it a much more difficult proposition to handle traffic than if they were on the level, as it means driving up and down hill when approaching or leaving them. Moreover, the difficulties of the situation are accentuated by the fact that the entrances are not opposite the City streets nor opposite the driveways within the grounds, which results in double turns, which are always dangerous.

It has been suggested that the only entrance to the Parliament grounds be through the centre gate, and that the entrance there be enlarged so as to provide for ingoing and outgoing traffic, the present centre gate now used for vehicular traffic to be used by pedestrians. It would require of course an appropriation and time to carry such a change out during the coming summer.

In the meantime, if it is desired to enforce one-way traffic, the only way apparently to do that is to have all vehicles enter by the east gate and leave by the centre or west gate. A great deal of the trouble now, it seems to me, arises from the fact that motorists proceed in both directions—come in the east gate, turn around in front of the Parliament Buildings and depart through the east gate. If the traffic were all moved in the one direction, pedestrians as well as motorists themselves, would know what to expect and be able to guard themselves more effectively.

(Signed) J. B. Hunter,
Deputy Minister.

The letter which Mr. Hunter wrote to the Mayor of Ottawa reads as follows:

April 23, 1928.

Dear Mr. Mayor:

You may have seen in the Press an account of the discussion which took place in the Senate on Friday, April 20th, in regard to fast driving along Wellington Street.

To give you an idea of the nature of the complaint, I may quote the remarks of one of the Senators, which were as follows:

"I would like to see this go a little further. I do not think I have ever been in any city where I have seen such fast driving as there is right through Wellington street. That is where danger is. When you are going out of either of the gates, the parking of automobiles right up to the gate, makes it impossible to see others coming along the street. You cannot cross Wellington street but you will see automobiles coming along at forty or fifty miles an hour. I was going to suggest that perhaps the traffic officers might be placed in the centre of the road opposite the gate to put an end to that sort of thing. I do not know why we have not got traffic officers there now. If you go down to Sparks street, where there is not as much traffic as there is on Wellington street, you will find plenty of traffic officers."

I would ask you to be good enough to authorize some traffic officers to be placed on Wellington Street immediately in order that motorists may conform to the City regulations regarding the rate of speed at which they are allowed to travel.

Yours very truly,

(Signed) J. B. Hunter,
Deputy Minister.

I have asked the Minister to kindly consider what solution he could give to the trouble which is indicated in that report.

BREACH OF AEROPLANE CONTRACT

EXPLANATION DESIRED

On the Orders of the Day:

Hon. Mr. POPE: I desire to draw the attention of the honourable leader of the Government to a matter in connection with the contract of a Mr. Cannon, who seems to represent the aeroplane service for the city of Quebec. I do not know exactly what the style of his organization is, but I understand he holds the contract for carrying Canadian mails from Father Point to Montreal by aeroplane. The Associated Screen News, Limited, of Montreal, made definite arrangements with Mr. Cannon to carry down to the landing place of the aeroplane Bremen at Greenely Island a representative of the Associated Screen News and Canadian Press representatives. I understand the arrangement was for the payment of $100 per plane mile.

Everything was concluded satisfactorily, as it was supposed, with Mr. Cannon, who represented the Canadian Transcontinental Airways Company; but when the time came for carrying out the contract, the New York papers came forward with another offer, and the Screen News of Canada was not asked to consider anything further in the way of price, but they were notified that their contract for representing Canada on that very auspicious occasion was cancelled, without any business reason being stated.

Now, Mr. Cannon and his associates are carrying mails, as I understand, from Father Point to Montreal, so they must have some government contract or some relations with the Government of Canada; and I do not think it is fair that anybody having such a contract should take the opportunity of receiving from the Hearst newspapers of New York an increased price, to the detriment of our own people, who desired and arranged to be represented upon an occasion so important.

I therefore take this opportunity of calling the attention of the honourable leader to this matter, in the hope that he may look into it and ascertain where the difficulty was, and why Canadians were not given the opportunity of being represented on that occasion.

Hon. Mr. DANDURAND: I confess my ignorance of any arrangement that may have been made between the Federal authorities and any association, aeroplane or other; so that, from the statement of my honourable friend, I cannot see that there is any contract between that association and the Federal authorities; but I will find out.

Hon. Mr. POPE: The honourable gentleman is aware that that organization, the Canadian Transcontinental Airways Company, carry our mails from Father Point to Montreal by aerial service, is he not?

Hon. Mr. DANDURAND: I know there is such a service, but I did not know that the society or corporation of which my honourable friend speaks was on a contract with the Federal government.

Hon. Mr. POPE: But they could not make a contract with any other Government to carry the Government mails, could they?

Hon. Mr. DANDURAND: But I did not know that my honourable friend was referring to a company that had the carrying of the mails.

Hon. Mr. POPE: Yes, I am.

LOAN BILL, 1928

THIRD READING

Hon. Mr. DANDURAND moved the third reading of Bill 35, an Act to authorize the raising, by way of loan, of certain sums of money for the Public Service.

He said: I promised honourable gentlemen that when moving the third reading of this Bill I would answer an inquiry that was made as to the borrowing powers which the Government still has under preceding Acts. I find that the answer is that the balance of borrowing powers, for refunding purposes only, is $131,202,516.67.

I move the third reading of this Bill.

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

PRIVATE BILL

THIRD READING

Bill 15, an Act respecting certain Patent Application of William H. Millspaugh, as amended.—Hon. Mr. Haydon.

DIVORCE BILLS

FIRST READINGS

Hon. Mr. WILLOUGHBY, Chairman of the Committee on Divorce, presented the following Bills, which were severally read the first time:

B7, an Act for the relief of Annie Pearl Appel.

C7, an Act for the relief of Dorothy Catalina Day Armstrong.

F7, an Act for the relief of Louise Morris Hays Grier.

G7, an Act for the relief of Thelma Katherine Halliday.

H7, an Act for the relief of Marion Jarvis Lewis.

I7, an Act for the relief of Annie Moore.

THIRD READINGS

On motion of Hon. Mr. Willoughby, Chairman of the Committee on Divorce, the following Bills were severally read the third time, and passed:

Bill Q5, an Act for the relief of Edward Bennett.

Bill R5, an Act for the relief of Annie Amelia Eliza Ferguson.

Bill S5, an Act for the relief of Laura Langstaff Dent Kemp.

Bill T5, an Act for the relief of Helen McLean.

Bill U5, an Act for the relief of Robert Pius Nagelcisen.

Bill V5, an Act for the relief of Elsie Irene O'Meara.

Bill W5, an Act for the relief of Doris Read.

Bill X5, an Act for the relief of Thomas Zeamond Toll.

Bill Y5, an Act for the relief of Katie Louise Turner.

Bill Z5, an Act for the relief of Samuel Radcliffe Weaver.

Bill A6, an Act for the relief of Florence Elizabeth Mousley Monarque Westover.

CANADIAN PACIFIC RAILWAY BILL

SECOND READING

Hon. W. B. WILLOUGHBY moved the second reading of Bill 52, an Act respecting the Canadian Pacific Railway Company.

He said: Honourable gentlemen, this Bill is in the ordinary form. It provides for the construction of two short branches in the Province of Alberta, and contains the usual provision for a bond issue of $40,000 per mile, or for the issue of debentures in lieu of bonds. It also gives the Company the right to acquire a line running from Lacombe in the Province of Alberta, which I think is owned by that Province. The other clauses are the usual ones in such Bills.

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

MILITIA PENSION BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 197, an Act to amend the Militia Pension Act.

He said: Honourable gentlemen, one only needs to look at this Bill to find that it is composed of very many amendments to the Militia Pension Act. There is no principle governing the Bill generally, but divers clauses are amended, so I think it proper that I should reserve my explanations of the various clauses until we go into Committee on the Bill.

I move the second reading of the Bill.

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

LAC SEUL CONSERVATION BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 195, an Act to facilitate the provision of storage in Lac Seul, in the province of Ontario, and to repeal the Lake of the Woods Regulation Act, 1921.

He said: Honourable gentlemen, those who were in this Chamber or in the other Chamber in 1921 will remember the legislation which was passed dealing with the administration of the Lake of the Woods and Lac Seul, and the difficulty there was in reconciling the interests of Manitoba and Ontario. At one time it had been decided between the Dominion Government, acting in the right of Manitoba, and the Ontario Government, to appoint a joint board, and it was agreed that there should be concurrent legislation passed by this Parliament and by the Ontario Legislature. The Parliament of Canada did its part, but through some difficulty in the Ontario Legislature prorogation took place without the concurrent legislation being passed. The Government of the day at Ottawa then decided to act on its own authority and to legislate regarding the administration of the two lakes and the English river. It passed an Act declaring that the works on those waters were for the general advantage of Canada, and thus assumed jurisdiction over that part of Ontario and Manitoba.

Efforts were made later on between the parties to come to some understanding, and we had some echo of it in the Bills that came to this Chamber at two succeeding Sessions, but which did not meet with the approval of the majority of the Senate. Now, in a far more serene atmosphere, I have again to deal with what in the past was a very vexed question. All the parties interested have agreed upon the Bill which is now in my hand, and therefore I will explain the events leading up to the agreement between the Dominion, Ontario, and Manitoba, which provides for the securing of storage in Lac Seul, and for the repeal of the Lake of the Woods Regulation Act of 1921:

The Department of the Interior, in the exercise of its administrative responsibility over the water power resources of the Province of Manitoba, instituted in 1911 a comprehensive

survey of the reach of the Winnipeg river within that province. It was immediately apparent that, while the flow of the river in its natural state was well balanced, it would be feasible to very materially augment the dependable flow and, consequently, the power, if storage could be obtained in the natural reservoirs in the upper watershed. Investigations with this and in view were accordingly initiated.

The natural reservoirs which were of primary importance were:

First, The Lake of the Woods, lying in the upper waters of the Winnipeg river proper and located partially in the Province of Ontario and partially in the United States; and

Second, Lac Seul, lying in the headwaters of the English river—the principal tributary of the Winnipeg, joining the latter just east of the boundary of the Ontario-Manitoba boundary.

The Engineers of the Department estimated that the securing of storage facilities in these two reservoirs would raise the dependable flow of the Winnipeg river from 11,000 cubic feet per second to 20,000 cubic feet per second, thereby proportionately increasing the dependable power resources of the river both in the Province of Manitoba and in the Province of Ontario.

With respect to Lake of the Woods, it is sufficient to say that following a prolonged reference before the International Joint Commission—necessary because of the lake being an international body of water—and the subsequent execution of a treaty between Canada and the United States, a five-foot storage range was authorized on the lake. Following this authorization, all the requirements of the treaty with respect to increasing the outlet capacity of the lake and providing sufficient and efficient control works at the outlets, have been met, and the regulation of the lake in the interests of the water powers on the river below is now being effectively carried on under the instrumentality of a board entitled, "The Lake of the Woods Control Board", consisting of two members representing the Dominion of Canada and two members representing the Government of Ontario.

It might be added that the Dominion Government has to date expended $1,167,000 in the provision of storage on this lake, one-third of which has been attributed to navigation and the remaining two-thirds attributed to power and divided as between Ontario and Manitoba in proportion to the respective heads on the river in Ontario and Manitoba. It might be added further that the proportion attributable to the powers in Manitoba will be reimbursed to the Dominion in due course by those powers as developed.

With respect to the storage in Lac Seul, it might be stated that this Department, as early as the year 1917, appreciating the future value of the Lac Seul storage to the Winnipeg river powers, opened negotiations with the Province of Ontario looking to the provision, when needed, of storage in Lac Seul. There has been a continuous interchange of communications and survey and engineering data since that date.

Until the present year, however, there has been no immediate necessity for the securing of the Lac Seul storage and no necessity for incurring the expenditure involved in the construction of a dam at the outlet of Lac Seul. The growth in the utilization of power on the Winnipeg river has now reached a stage at which the provision of this additional storage is highly desirable.

It might be added that the Ontario Government has, from the first initiation of the negotiations, recognized the great desirability of securing storage on Lac Seul in the interests of the English river powers lying wholly within the Province of Ontario, and has co-operated whole-heartedly with this Department in initiation measures looking to the securing of storage in the lake when such storage became necessary.

Without following the details of the negotiations, it is sufficient to say that the necessity for securing storage having developed, negotiations were opened with the Province of Ontario and the agreement embodied in the Bill entitled "The Lac Seul Conservation Act, 1928" is the result.

The provisions of the agreement between the Dominion, Ontario and Manitoba, are eminently fair and reasonable. The agreement provides for the construction of a dam by the Ontario Government at the outlet of Lac Seul, and a regulated storage range of 12 feet on the lake.

The dam will be built by the Government of Ontario and will remain the property of that Province.

The control of the water through the dam will be placed under the Lake of the Woods Control Board above referred to, composed of two members appointed by and representing the Dominion, and two members appointed by and representing the Province of Ontario. The duty of this Board will be to regulate the outflow of the lake so as to secure "the most dependable flow and the most advantageous and beneficial use of the same."

The capital cost of the dam (some $700,000) will be apportioned between the Dominion and Ontario; three-fifths to be paid and borne by the Dominion and two-fifths by Ontario, the said proportions being approximately equivalent to the power head benefiting on the English river in Ontario and the Winnipeg river in Manitoba.

The Dominion's share of the capital cost will be provided by the Department of the Interior on the basis that it will be wholly refunded to the Dominion by the powers benefiting on the Manitoba reach.

Since the Province of Ontario is not immediately benefiting by the construction of the storage dam, and cannot reasonably be expected to carry any of the financial burden until such benefits are accruing, the agreement provides that Ontario will provide its share of the capital cost, but that the Dominion will carry the interest charges upon such capital cost until such time as the power on the English river in the Province of Ontario shall have been developed. As this power is developed, the interest charges borne by the Dominion Government will proportionately decrease until they finally disapper when the English river powers are completely developed. In the meantime, the Dominion Government will add these interest charges to the amounts which are being assessed against the Winnipeg river powers now benefiting from the storage.

The maintenance and operation charges will be apportioned between the Dominion and Ontario upon the same basis as the apportionment of the capital charges.

The above summary of the provisions will indicate that the basis of the agreement is eminently fair, both to Ontario and to the Dominion, as representing the Manitoba in-

terests. The terms and conditions of the agreement have been checked over and agreed upon by the responsible administrative officials of the Ontario Government, as well as by the Engineers of the Ontario Hydro-Electric Power Commission; they have also been checked over and agreed upon by representatives of the City of Winnipeg, the power interests of Manitoba including the City of Winnipeg, Winnipeg Electric Railway Company and the Manitoba Power Company, and have further been considered and agreed upon by the Provincial Government of Manitoba.

In explanation of the repeal of the Lake of the Woods Regulation Act of 1921, provided for in Section 3 of the Bill, it might be stated that Concurrent Legislation embodying the same principles as the Regulation Act with respect to control of the flow from the Lake of the Woods and Lac Seul, is already on the Statute Books of the Dominion and of Ontario. The Ontario Act has, however, not been proclaimed and its proclamation is contingent upon the rescinding of the Dominion Lake of the Woods Regulation Act of 1921, which contains a "general advantage" clause declaring structures on the English and Winnipeg rivers to be to the general advantage of Canada. The execution of the agreement herein-above referred to between the Dominion, Ontario and Manitoba, in conjunction with the bringing into force of the Concurrent Legislation, makes the "general advantage" legislation contained in the Lake of the Woods Regulation Act unnecessary for the further protection of Manitoba interests. The repeal of the Lake of the Woods Regulation Act has, therefore, been concurred in by all authorities concerned, including the Government of Manitoba, the City of Winnipeg, the Winnipeg Electric Railway Company, the Manitoba Power Company and the Province of Ontario.

The statement which I have read is signed by J. T. Johnston, Director of Water Power and Reclamation for the Federal Government.

With these explanations I move the second reading of this Bill.

Hon. L. McMEANS: Honourable gentlemen, with your permission I should like to add just a few words to the explanation given by the Leader of the Government. This matter has been before the House on two separate occasions, and I am happy to say that it has now reached a final issue. I would like to point out, however, that when the Lake of the Woods Bill was first passed, it was because the two Commissioners, appointed by the Dominion and by the Province of Ontario, had no power to enforce any regulations, although they were appointed to regulate the flow of water. This condition of affairs left the city of Winnipeg and the Province of Manitoba at the mercy of a gentleman well known to all of us in Canada, Mr. Backus, who had bought up the old Keewatin Power Company, and had a dam upon the river upon which the city of Winnipeg and the Province of Manitoba depended for their electric power, and which to them was much as the old Tiber was to the Romans. An agreement was then reached that these Commissioners should have power to enforce their regulations. The Ontario Government entered into a solemn agreement that they would pass legislation concurrent with that passed by the Dominion. The Drury Government, however, fell down, and was unable to pass it. Perhaps it would not be proper to mention the cause at the present time. At any rate, it was not on account of any adjournment. The Dominion Government, under Mr. Meighen, in the face of these facts, passed what is called the Lake of the Woods Regulation Act, which declared that all works on the river should be for the general advantage of Canada, and under which the Dominion Government had the power to regulate the flow of the water, thus protecting the people of Manitoba, and especially the people of Winnipeg; because if the flow was reduced to a certain extent it would deprive them of electric power for lighting and manufacturing purposes. On two occasions the present Government presented a Bill to repeal the Lake of the Woods Act, which, as I said before, would have left the city of Winnipeg and the province of Manitoba at the mercy of Mr. Backus and his interests.

Hon. Mr. DANDURAND: My honourable friend is not quite right. The Federal Government brought in legislation because of a clear understanding with the Government of Ontario, an understanding which had satisfied the Meighen Government, but which was not at the time carried out by the then Provincial Government.

Hon. Mr. McMEANS: I beg to differ with the honourable gentleman. An attempt was made to raise the cry that this was an interference with the provincial rights of Ontario. These waters, the Lake of the Woods and the Winnipeg River, were not merely interprovincial, but they were international, and portions of them were within Manitoba.

However that may be, I am coming to this one point, that on two occasions the Government presented legislation for the repeal of the Lake of the Woods Regulation Act, and on two occasions, I am proud to say, the Senate threw it out. Now, you may imagine the dismay that went through the city of Winnipeg and through the province of Manitoba when it was known that the Government of Canada intended to repeal that Act, the only protection that they had. Therefore they relied—and I am happy to say they relied with a good deal of security—upon this honourable body, and they appealed to it.

On two occasions this House refused to assent to the repeal of that Act; and to-day, as a result of the action of this honourable body, we have the Bill that has just been explained and commented upon by the honourable leader of the Government.

Honourable gentlemen, we may be excused, and I in particular may be excused, if we indulge in a little self-glorification over the fact that owing to the action of this honourable body the people of Winnipeg have been protected, and the province of Manitoba has been protected, and a solution of the difficulty has been reached solely on the ground of the action taken by the Senate. I regret exceedingly that I cannot include the honourable leader of the Government in that glorification, because no matter what may have been his own private opinion, he was the gentleman who introduced the legislation looking to that repeal, which would have left us at the mercy of the Backus interests. I am indeed happy that this present solution has been arrived at, for which I think the credit is entirely due to this honourable body. I have here a letter from the Solicitor of the City of Winnipeg in which he states that the means whereby this agreement has been reached is due solely to the action of the Senate in rejecting the two Bills that were introduced into Parliament for the repeal of the Lake of the Woods Act.

Hon. W. B. ROSS: Honourable gentlemen, I desire to say only a few words about this Bill. I know the locality, I think, pretty thoroughly, and also the history of the legislation, extending away back beyond 1921. In 1921 a Bill was brought into this House which dealt with two different things. We have out there waters that are exclusively Canadian, and there other waters in which we are interested along with the United States. The Bill of 1921, when it came to the Senate from the other House, dealt with both the Canadian waters and international waters. I raised an objection to that portion of the Bill dealing with the international waters, and asked that it should be struck out and the matter left to the International Joint Board. I think the Bill passed its second reading, notwithstanding my objection, but later it was withdrawn and that part of the Bill relating to the international waters was eliminated. That is the only point that I wish to refer to now. That feature was objectionable then because there was no settlement of the difficulty connected with the Lake of the Woods at that time; but since then that has been settled by the International Joint Board and is the subject of a Treaty, which is not dealt with in this measure at all. So there can be no objection to this Bill on the ground on which I raised objection to the Bill of 1921. The present proposal deals with Canadian waters, and we are asked simply to confirm an agreement that is made among the three parties interested, eliminating entirely the international side of the question.

I think I understand the Bill completely. Furthermore, I think it is pretty well drawn and is pretty fair, and I cannot see any possible objection to it, or any reason for our withholding our assent.

Hon. Mr. DANDURAND: Honourable gentlemen, much as I would like to make my honourable friend from Winnipeg (Hon. Mr. McMeans) perfectly happy, I feel that I must explain under what conditions I brought in those two Bills in 1922 and 1923. He will see that I was quite justified in bringing them in. I do not say that the Senate was not justified in rejecting them; and I do not say that the present Bill is not more satisfactory than that of 1922 or 1923. Probably this one is more satisfactory, because all the interests have joined, and the scheme of development seems to be complete. But we must take the facts as they appear to us, and the facts that I related to the Senate in ten lines will explain exactly under what conditions I brought in the last Bill. My honourable friend will see that, much as he may glory in the improved legislation, there is nothing with which I have to reproach myself in having brought before this Chamber the proposed legislation of 1922 and 1923.

I would point out to the Senate that in explaining the present Bill I dealt very summarily with the background, because I did not desire to raise any question with regard to the past and the responsibility of the members of the Senate. But here is the explanation I gave to the House in 1923, as found in the Debates of the Senate for that year, page 1146:

> I would have liked to have a little time to refresh my memory as to the events which preceded the legislation of last Session, but perhaps I may summarize it in this way. The Dominion of Canada is in the rights of Manitoba, in so far as Manitoba has rights, to the waters that have their source in the Lake of the Woods and Lac Seul. Concurrent legislation was agreed upon by the Dominion of Canada and the Province of Ontario.

All these are nothing but facts—

> I am speaking of the early legislation. The Dominion of Canada passed an Act in accordance with an agreement reached with the Province of Ontario at the time. The Legislature of Ontario did not at its following Session implement its obligation by similar legislation—

This is just what I said a few moments ago.

Hon. Mr. McMEANS: That is what I said also.

Hon. Mr. DANDURAND (reading):

—and the Dominion Parliament during the same Session took power to establish a Control Board and declared that the works were for the general advantage of Canada.

My honourable friend will see that, word for word, I have been repeating what my memory had retained of the events.

In so declaring the Dominion of Canada was able to legislate. The statute has been on our Statute Book ever since. The Legislature of Ontario at its next Session did do its part, implementing its obligation to legislate.

When the Dominion Parliament passed that second Act—containing the clause with respect to works for the general advantage of Canada—

—assuming power to deal with the matter as one declared to be for the general advantage of Canada, the Prime Minister of the day stated to the House of Commons that the Act would be repealed when Ontario carried out its agreement by enacting the promised legislation.

That Prime Minister was not at the helm in the following year, but the Prime Minister who followed him assumed the obligation which had been declared to be binding on the Federal Government, and the legislation followed.

The Prime Minister who made that statement and his Cabinet went out of office and the succeeding Government last Session proceeded to implement the undertaking of its predecessor by bringing in legislation for the repeal of the Federal Act. But the proposed legislation met in this Chamber with some opposition; it was opposed also in the other Chamber.

So I could not allow to go unchallenged the statement of my honourable friend that I brought in legislation which was apparently detrimental to Ontario and Manitoba. The Prime Minister of Canada, Hon. Mr. Meighen, had stated that when Ontario implemented its obligation and passed the legislation, the Federal Act would be withdrawn. That is all that I intended to say in justification of the action of the Government which I represent in this House. The Senate in its wisdom decided that the works in that part of the country, at Lac Seul and the Lake of the Woods, should remain under the control of the Federal power. I had simply to submit to the decision of the Senate, and I abided by it.

Now, probably my honourable friend can find justification for his action in a solution that is more satisfactory to him and to all the interests. I will not lift a finger to detract in the least from whatever credit may belong to this Chamber, but it was my duty to state under what conditions the present Government made an effort to implement the solemn promise of the former Prime Minister.

Hon. Mr. McMEANS: Will the honourable gentleman permit me just a word of explanation? I do not want to enter into any further discussion of the matter. I do not understand where the implementing of a promise came in, because nothing was done by Ontario. If the honourable gentleman will carry his mind back to what happened in Ontario, he will remember that shortly afterwards there was a change of Government: Mr. Drury went out, and Mr. Ferguson came in.

Hon. Mr. DANDURAND: Yes.

Hon. Mr. McMEANS: Now, it is a fact generally known that Mr. Ferguson was not quite so friendly to those gentlemen who had influence over the Drury Government. The Backus interest was not so powerful with Mr. Ferguson as it had been with his predecessor in office, and no concurent legislation was ever passed by Ontario.

Hon. Mr. DANDURAND: Oh, yes.

Hon. Mr. McMEANS: No, it was never passed.

Hon. Mr. DANDURAND: It was passed in 1922.

Hon. Mr. McMEANS: The contention was as to whether the Ontario government would pass the Act and sign the agreement, but they would not do it until this was repealed.

Hon. Mr. DANDURAND: Ah, naturally.

Hon. Mr. McMEANS: There is just one other thing I would like to point out to my honourable friend, in a spirit of friendliness. Deputation after deputation came down from the city of Winnipeg, from the Electric Railway Company, and from the Province of Manitoba, knocking at the doors of the Government, begging them not to repeal that Act, saying that the whole future of their province and the very life-blood of the city of Winnipeg were at stake; but a deaf ear was turned to all that; and, in spite of those protests, and in spite of the representations which were made, the Dominion Government still passed in the House of Commons that Act to repeal the Lake of the Woods Regulation Act. The Senate threw it out. That is all I wanted to say. I am very happy that a solution has been arrived at; and, I repeat, it is a matter of great congratulation to the Senate of Canada that it is still alive to the fact that there are interests in this country which it is bound to protect, and in that case it certainly did protect them.

Hon. Mr. DANDURAND: I would like to add one little reminiscence. Honourable members of the Senate will recall that when I brought in the Bill, it had been stated that the Government of Ontario at that time seemed to be in too close alliance or sympathy with the Backus interests; and they would not repeal the Act. That was one of the reasons given. But it so happened that either when I brought the Bill before the Committee, or when I moved the second reading, the Provincial Government had been defeated and the present Ferguson Government was in power. Somebody said, "But now you do not proceed because there is an adverse Conservative Government in the Province of Ontario." I said: "I proceed with the Bill, because I am facing the Province of Ontario, which claims and has jurisdiction over the larger part." As a matter of fact, we are to-day repealing the Act of 1921, and we are doing so under conditions which are probably more satisfactory; but Ontario, the premier province of the Dominion, which was entitled to be heard, was claiming the right to be reinstated in its jurisdiction. I remember having stated that. But, whatever may have occurred at that time, I hope that the present Bill is much better than those of 1922 and 1923.

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

THIRD READING

Hon. Mr. DANDURAND: This Bill contains only a few clauses. It reads:

2. The agreement between the Dominion of Canada, the Province of Ontario and the Province of Manitoba, in the terms set out in the schedule hereto, shall be as binding on the Dominion of Canada as if the provisions thereof had been set forth in an Act of this Parliament, and the Governor in Council is hereby authorized to carry out the provisions of the said agreement.

3. The Lake of the Woods Regulation Act, 1921, chapter thirty-eight of the statutes of 1921, is repealed.

4. Section two of this Act shall come into force on a day to be named by the Governor General by his proclamation.

5. Section three of this Act shall come into force on the day upon which the Lieutenant-Governor of the Province of Ontario shall bring into force by his proclamation the Lake of the Woods Control Board Act, 1922, chapter twenty-one of the statutes of Ontario, 1922.

I would suggest that we dispense with the Committee stage and take the third reading.

Hon. W. B. ROSS: Personally I have no objection, unless some member of the House wishes to have it stand until to-morrow, I am willing that we should take the third reading.

Hon. Mr. McMEANS.

Hon. Mr. DANDURAND: With the leave of the House, I move the third reading of this Bill.

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

SPANISH TREATY BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 201, an Act respecting a certain Treaty of Commerce and Navigation between the United Kingdom and Spain and a certain Agreement between the United Kingdom and Spain regulating the treatment of companies.

He said: Honourable gentlemen, on the 31st of October, 1922, the British Government signed a Treaty of Commerce and Navigation with Spain, a clause of which provided that the terms could be extended to any of the British Dominions at the Dominion's option. On the 27th of June, 1924, Great Britain and Spain entered into an agreement concerning the treatment of companies. On the 10th of April, 1925, Canada entered into an agreement with Spain whereby Canada granted the intermediate tariff in exchange for the second column of the Spanish tariff. It was a clause of this Agreement:

The modus vivendi will come into force on April 20, 1925, and will cease to be in effect three months after its denunciation by either contracting party. In view of the provisional character of this arrangement the Governments of both of the contracting parties agree to commence without undue delay the necessary negotiations for the conclusion of a more general and definite convention for the regulation of the commercial relations between Canada and Spain.

The Company Agreement is of value to several companies, including Canadian banks. The Spanish tax on capital and reserves is one per cent: under the Agreement it will be reduced to one-quarter of one per cent.

The total imports from Spain, Canary Islands and Spanish Africa have reached, from 1923 to 1927, the following figures:

1923	$1,703,436
1924	$1,667,702
1925	$1,769,989
1926	$2,086,766
1927	$2,221,149

The total exports from Canada to Spain were:

1923	$1,043,093
1924	$ 866,795
1925	$ 252,212
1926	$ 947,968
1927	$ 782,254

While the second column of the Spanish tariff is considerably lower than the first, Canada is at a disadvantage at present, owing to the Conventional rates being considerably lower than the second column. This is true of many manufactured products that we might sell, and in respect to fish it places Canada at a disadvantage as compared with Newfoundland.

Hon. Mr. ROBERTSON: Could my honourable friend inform the House what constitutes the imports from Spain into Canada.

Hon. Mr. DANDURAND: I will give the principal imports. My honourable friend will remember that the total imports I gave as $2,221,149. The principal imports in 1927, with a total value of about $1,500,000, were:

Nuts, $770,572;

Rice, uncleaned, 3,006,341 lbs—that is on the free list;

Raisins, 1,035,829 lbs.;

Wines, non-sparkling, $294,381;

Cork manufactures, $309,907;

Salt, 403,088 cwt.; that is on the free list.

Our main exports have been:

Rubber tires, $37,932;

Farm implements and machinery, $236,202;

Automobiles, $27,266;

Automobile parts, $689;

Machinery, $23,936;

Electric apparatus, porcelain insulators, etc., $23,576;

Codfish, $4,357;

Salmon, canned, $119;

Cheese, $918;

Soda and Sodium compounds, $25,481;

All other articles, $161,771.

Quite a number of articles, which I need not put on Hansard, will benefit largely by the Treaty or Convention rates.

The United States has substantially a most-favoured-nation status with Spain.

The following Canadian articles are at a disadvantage in comparison with like goods from the United Kingdom and certain other countries: Canned salmon, salt codfish, rubber tires, hay rakes, threshing machines, and automobiles.

The United Kingdom has most-favoured-nation treatment with Spain. If Canada accept the treaty, she will enjoy the same advantages as the mother country.

The following articles are free of customs duty in all tariffs: Oranges; rice, uncleaned; and salt for sea or gulf fisheries.

On the following articles the general and intermediate tariffs are the same: Currants, dried; figs, dried; raisins; fruit in airtight cans; nuts; onions; olive oil, spices and corks.

On the following articles there is no difference between the rates of the intermediate tariff and the rates of treaties granting most-favoured-nation treatment: Grapes; onions; olives; spices; spirits; wines, non-sparkling, containing more than 26 per cent of proof spirit; and certain corks.

Honourable gentlemen will see that most of our imports from Spain are not of a similar nature to what we produce ourselves.

Hon. Mr. HUGHES: Does Canada get any advantage under the proposed legislation in the article of fish?

Hon. Mr. DANDURAND: Oh, yes. Honourable gentlemen will see that the Spanish tariff speaks of pesetas; a gold peseta equals 19.3 cents in Canadian money; a kilog. equals 2.2 pounds. The Spanish tariff is divided into First Tariff, and Second Tariff, and the following table shows the rates for these, and also the treaty rates. We are getting the Treaty rates according to the second column in the following table:

Item No.	——	First Tariff	Second Tariff (Applicable to Canada)	Some Treaty Rates
		Gold Pesetas	Gold Pesetas	Gold Pesetas
86	Stoves, fireplaces, washstands, water closets, etc. Per 100 kil.	108	36	30
98	Railway sleepers.....Per 100 kil.	3	1·30	1·04
100-102	Boards, planks, joists, etc.....Per cubic metre	33·36 and 40	11·12 and 13	10, 11 and 12
191	Transmission belts and cords of leather tubes, and other manufactures of leather or skin for machinery.....Per kil.	12	4	3·20
199	Trunks, valises, handbags, hat cases, and similar articles of leather.....Per kil.	23	9	8
288	Articles of rough unwrought cast iron, weighing each from 1 to 25 kilogs.....Per 100 kil.	115·20	38·40	30
295	Wheels, of iron or steel, weighing each more than 100 kilogs, for locomotive, railway and tramway cars.....Per 100 kil.	93·60	31·20	26

Item No.	—	First Tariff	Second Tariff (Applicable to Canada)	Some Treaty Rates
		Gold Pesetas	Gold Pesetas	Gold Pesetas
309	Iron, steel, or malleable iron parts for tubes and pipes as specified....Per 100 kil.	150	60	40
315–318	Articles of iron and steel, wrought or stamped in the rough....Per 100 kil.	115·20–170·40	38·40–68·40	30–55
329	Cables of iron or steel with admixture of textile fibres....Per 100 kil.	174·90	58·30	45
330	Other iron and steel cables....Per 100 kil.	150	60	42
363	Hand tools, with or without handle, for sawing, cutting, planing, filing, etc....Per 100 kil.	241	77	56
364	Hand tools or implements, otherwise unspecified in the complete tariff, with or without handles, weighing each more than 1 kil....Per 100 kil.	85·80	28·60	20·80
458	Aluminum ware, not covered with textile...Per 100 kil.	99	33	28
459	Cables of aluminum wire, with or without parts of other metal....Per 100 kil.	132	44	38
462	Household articles of aluminum and alloys...Per kilog.	26·40	8·80	5·50
502	Detached parts of internal combustion engines. Per 100 kil.	540	180	135
Ex 505	Traction engines and steam engines, semi-fixed, weighing 2,000 kil. to 10,000 kil....Per 100 kil.	246	82	66
Ex 506	Traction engines and steam engines, semi-fixed, weighing 10,000 kil. to 50,000 kil....Per 100 kil.	207	69	56
537	Machine tools, metal working, weighing each from 4,001 to 10,000 kilogs....Per 100 kil.	165	55	45
538a-543	Machines, apparatus and tools for working metals as defined, and wood....Per 100 kil.	99 to 302·50	33 to 132	24 to 72
567	Manure spreaders....Per 100 kil.	156	60	40
577	Machinery used in industrial mills and separate parts for same....Per 100 kil.	255·60	102	50; 68
590-593	Machinery unspecified in the complete tariff. Per 100 kil.	180–268	60–105	50–90
Ex 593	Refrigerating and freezing machinery, weighing each over 1,500 kilogs....Per 100 kil.	180	60	40
624-627	Dynamos, electromotors, ventilators, coupled with electric motors, alternators, transformers and magnetos, starters, rheostats, and detached parts of the foregoing, weighing each 500 to 5,000 kilogs. Per 100 kil.	155·25 to 414·00	51·75 to 138·00	45 to 108
643	Telegraphic and telephone apparatus, switchboards and their component parts....Per kilog.	5·75	2·87½	2·00
717	Calculating machines....Per kilog.	10	5	4·50
729–730	Chassis with engine ad complete automobile. Per kilog.	3–7·20	1·50–3·60	0·75–2·40
731	Motor trucks, omnibuses, etc., as defined....Per kilog.	2·40	1·20	0·75
886	Synthetic nitrates of calcium, ammonia and sodium and other synthetic nitrogenous compounds. Per 100 kil.	3	1	0·10
1021	Mechanical woodpulp....Per 100 kil.	3	1	0·80
1327	Salted codfish and stock fish....Per 100 kil.	96	32	25·60
1328	Fish powder (for food purposes)....Per 100 kil.	75	25	12
1331	Fish unspecified in the complete tariff, salt pressed, smoked or pickled, except in tins....Per 100 kil.	108	36	18·00
1408	Milk in powder....Per kilog.	3·75	1·25	0·80
1409	Milk otherwise preserved; and condensed milk without sugar....Per 100 kil.	375	125	100
1418	Hard cheeses weighing each 20 kilogs. (44 lbs.) or more and cheeses in boxes made with cheeses called Emmental and Gruyere....Per kilog.	4·50	1·50	0·70
1422	Preserved vegetables....Per kilog.	9	3	2·40
1427	Meat extract, liquid meat preparations, consommes, and prepared soups, without sugar, in a dry or liquid state....Per kilog.	3	1	0·75
1497	Transmission belts, discs and valves (of rubber) for machinery, whether or not strengthened with other materials....Per kilog.	20	4	3·50
1498	Solid tires of rubber for carriages....Per kilog.	8·75	3·50	2·25
1500	Inner tubes of rubber....Per kilog.	20	8	5·50
1501	Outer tyre covers of rubber, with or without parts of other material....Per kilog.	18	6	4·00

Hon. Mr. HUGHES: How does that tariff on fish compare with the tariff against Newfoundland? Will we be placed on an equality with Newfoundland?

Hon. Mr. DANDURAND: Yes, we will get on an equal footing with Newfoundland if we pass this Treaty.

Hon. Mr. REID: May I ask the honourable leader if he intends to urge that this Treaty should go through to-night? I understood him to say that he had several pages of tables, and of course it is impossible for us to follow the changes and understand them as they are given verbally in this House. I was going to suggest that he put those in the Hansard, so that we could see them and bring the matter up to-morrow.

Hon. Mr. DANDURAND: I can do that.

Hon. Mr. REID: If that is done I wish to get some information about one or two clauses in the Treaty.

Hon. Mr. WILLOUGHBY: And others of us will want to have something to say on certain phases of that Treaty.

Hon. Mr. DANDURAND: As my honourable friend would like to look at this statement, I will place it on Hansard so that he may examine it before I move the third reading to-morrow. There is no particular reason to go to Committee with this Bill, because its object is simply the approval of the Treaty.

Hon. Mr. REID: I was going to suggest Thursday, because we will not get Hansard until noon to-morrow.

Hon. Mr. DANDURAND: I will do whatever my honourable friend desires.

Hon. Mr. REID: I do not wish to delay the matter, but I would suggest Thursday.

Hon. Mr. DANDURAND: I would ask Mr. Russell to come to the floor, if some questions are to be put to me.

I think I have spoken of the agreement between the United Kingdom and Spain regulating the treatment of companies. There is special legislation in Spain which permits of a heavier levy on foreign than on domestic corporations, and the British Government has made an agreement by which no extra rates will be levied on British corporations. That will apply to the Dominions, provided the Dominions join in the acceptance of the Treaty. For this reason, and for the obvious advantage that we would obtain, we have decided to ask Parliament to approve of that agreement.

I move the second reading of the Bill.

Hon. Mr. REID: The explanations that have been given by the honourable gentleman would lead us to believe that this is a Treaty in so far as the tariffs between the two countries are concerned; but it strikes me that it goes farther than that, and gives to Spanish vessels the right to navigate our inland waters.

Hon. Mr. DANDURAND: My honourable friend does not mean that the Treaty gives them coasting rights?

Hon. Mr. REID: That is my interpretation. That is why I say I would like to have it thoroughly understood. Perhaps the honourable gentleman could make inquiries, and later give us a little fuller explanation than he can give to-night. Article 1 of course affects navigation, but there is also another clause which might do so.

Hon. Mr. DANDURAND: What article is that?

Hon. Mr. REID: Article 19. Article 1, I think, refers almost entirely to navigation. I will read it:

> There shall be between the territories of the two contracting parties reciprocal freedom of commerce and navigation.
>
> The subjects of each of the two contracting parties shall have liberty freely to come, with their ships and cargoes, to all places and ports in the territories of the other, to which subjects of that contracting party are or may be permitted to come, and shall enjoy the same rights, privileges, liberties, favours, immunities and exemptions in matters of commerce and navigation as are or may be enjoyed by subjects of that contracting party.
>
> The subjects of each of the contracting parties shall not be subject in respect of their persons or property, or in respect of their commerce or industry, to any taxes, whether general or local, or to imposts or obligations, of any kind whatever, other or greater than those which are or may be imposed upon subjects of the other, or subjects or citizens of the most favoured nation.
>
> It is nevertheless understood that the treatment to be accorded in the territories of each contracting party to the companies registered in the territories of the other shall form the subject of a separate special agreement between the contracting parties.

I would like to be certain whether that can be interpreted as I suggest or not.

Hon. Mr. DANDURAND: I would ask my honourable friend to look at Article 15, because it bears on the coasting trade.

Hon. Mr. REID: All right. I will read Article 15:

> The provisions of this treaty relating to the mutual concession of national treatment in matters of navigation do not apply to the coasting trade, in respect of which the subjects and vessels of the contracting parties shall enjoy most-favoured-nation treatment.

British and Spanish vessels may, nevertheless, proceed from one port to another, either for the purpose of landing the whole or part of their cargoes or passengers brought from abroad or of taking on board the whole or part of their cargoes or passengers for a foreign destination.

It is also understood that, in the event of the coasting trade of either contracting party being exclusively reserved to national vessels, the vessels of the other party, if engaged in trade to or from places not within the limits of the coasting trade so reserved, shall not be prohibited from the carriage between two ports of the former party of passengers holding through tickets or merchandise consigned on through bills of lading to or from places not within the above-mentioned limits and while engaged in such carriage these vessels and their passengers and cargoes shall enjoy the full privileges of this treaty.

Now I will read Article 19, and then I will explain my desire to be perfectly clear on this matter. Article 19 says:

All vessels which, according to the British law, are to be deemed British vessels, and all vessels which, according to Spanish law, are to be deemed Spanish vessels, shall, for the purposes of this treaty, be deemed British or Spanish vessels respectively.

You will notice that the last part of clause 15 gives Spanish vessels the right to take merchandise from one Canadian port to another, provided that it is consigned on a through bill of lading. If a vessel took on at Port Arthur a cargo consigned to Liverpool, it could unload it at Montreal. At all events, that is the way it appears to me.

Hon. Mr. DANDURAND: No. A Spanish vessel can take part of its cargo and leave it in a British port and proceed to another port and deliver the balance of the cargo.

Hon. Mr. REID: I quite understand the argument of the honourable gentleman, but I am a little afraid that that is not quite as plain as it should be; therefore I would like him to inquire from the Department of Justice, in order to be absolutely certain.

Then, as to clause 19, I understand that any Spanish vessel that is declared a British vessel by Britain shall come within the Treaty, and shall have the same right as a British vessel. A number of years ago we started out to build a merchant marine which has been of great service to the country. By reason of having it, we were able to regulate freight rates, and to assist in their reduction not only in our great western territory, but also in our eastern Provinces. Honourable gentlemen will remember that British vessels immediately started carrying this traffic, and that we have never been able to stop them. British vessels, built in England, had the same right to carry traffic between Canadian ports as a vessel built in Canada. Then what happened? Vessels from the United States and other countries simply went to England and were registered as British vessels and took part in that trade. The result was that the usefulness of our Canadian merchant marine was destroyed to such an extent that no new vessels were constructed for some time. When complaints were made to the Government, they passed a law that any vessel constructed in any other country than England or Canada would not be allowed to come in here and engage in the coasting trade. That is, you could not take a United States vessel, for instance, or a Spanish vessel, and run her to Newfoundland or to England and have her entered, and then compete with our merchant marine. They stopped the abuse to a certain extent.

As I understand Article 19, a Spanish vessel can go to England and be registered there and become a British vessel. She will then have under this Treaty the same right as a British vessel, to take part in the coasting trade in this country. What makes me a little fearful of Treaties of this kind is the fact that sufficient care is not always taken with regard to them. There must be a Treaty similar to this giving Norwegian vessels the same rights as Canadian vessels between Port Arthur and Montreal. I have not looked up to see under what authority foreign vessels are engaging in that traffic in Canada from day to day, but they are doing it.

Hon. Mr. DANDURAND: From what port to what port?

Hon. Mr. REID: From Port Arthur to Montreal, and from Nova Scotia ports to Montreal. They have been doing it for years, and still are, unless some change has taken place. As some honourable gentlemen from Nova Scotia must know, for many years foreign vessels have been carrying coal from one Canadian port to another. I want to be certain that there is no joker contained in this Treaty, as there has been in some others. I remember many years ago the Treaty between the United States and Canada being discussed in the House of Commons. I think Sir John Thompson was Leader of the Government at that time. When we made that Treaty we gave United States vessels the right to go through that portion of the St. Lawrence river between Cornwall and Montreal, which is entirely in Canada. There is no use checking the traffic between Montreal and the sea, because we all recognize the right of any vessel, no matter what flag she flies, to come to Montreal and Quebec for our goods, and to bring goods to those ports. When that Treaty was made with the United States it was supposed that their vessels would use the fifty

or sixty miles entirely within Canadian territory for carrying cargoes from the United States to Montreal; but I think I am right when I say that I suppose every man in this House knows that the largest proportion of the grain, grown in Manitoba, Saskatchewan and Alberta, loaded at Port Arthur and delivered to the city of Montreal and shipped to England, was carried by American vessels. If my memory serves me, 60 per cent of that traffic was carried in American vesels.

Hon. Mr. HUGHES: Were they not excluded at one time from the carrying trade, and is it not true that at that time we could not get the business carried on?

Hon. Mr. REID: I will answer the honourable gentleman. When Ogdensburg was the American terminus and Prescott the Canadian terminus—that is before large vessels were built on the Great Lakes—an American vessel would load grain at Port Arthur and carry it to Ogdensburg. Then another American vessel would take the grain through to Montreal, where it was discharged, and if there was an American ocean-going vessel there, it would carry the grain to the Old Country. When large vessels were constructed on the Lakes, of course the Canadian merchant marine built large vesels, and the Canadian Government built an elevator at Port Colborne for the transfer of grain brought down from Port Arthur in our Canadian vessels, so that it could be taken through to Montreal. Immediately the American vessels commenced to carry grain to Buffalo, and there put it into American vessels—and I think the right honourable gentleman from Brockville (Right Hon. Mr. Graham) will bear me out when I say that I see them going down the river every day. American vessels are carrying the grain all the way. When this was brought to the attention of Sir John Thompson, he said that was not right, and accordingly, I think by order in council, a small tariff was put on Canadian grain passing through the Welland Canal or being carried from Port Arthur to Montreal entirely by foreign vessels. A considerable sum of money was collected in tolls: of course I am only trusting to my memory, but I think it amounted to probably $160,000. Immediately the American Government took issue with us, because it was considered an unfriendly act, and we had to back down and give back the money. Ever since that time a considerable portion of the grain shipped—I think it is 50 or 60 per cent—has been carried from Port Arthur to Montreal by American vessels.

Now, I will tell you how this has affected the West. We have only a small merchant marine as compared with that of the United States, for the reason that it is an impossibility for us to get more of that traffic, and with all those other foreign vessels that are coming in there is of course only one way in which our Canadian Merchant Marine can make any money, and that is to go into the combine, the Marine Association, whose head office is in Cleveland, and who make the rates. We must either accept those rates or be put out of business. Of course we agree to them and they make plenty of money.

Let me give you an instance to show the position in which we are placed. I remember well, and I think other members of the House will remember, when vessels with a capacity of 85,000 bushels, the present Welland Canal size, used to be the largest vessels on the Lakes, and they carried grain, and made money in the business, at five cents a bushel from Port Arthur to Montreal. Two or three years ago the rates were at something like 12 cents. If you want to see what was the rate last year all you have to do is to ask the Bureau of Statistics. The average rate from Port Arthur to Port Colborne or Buffalo was three cents and a fraction; that is, between three and four cents for 800 miles. From Port Colborne to Montreal the rate was five cents and a fraction. Why, the Erie Canal vessels are carrying grain down to Montreal, and I see them passing every day.

Now, the reason I have explained to honourable gentlemen what has happened in the past is because I think that if this Spanish Treaty comes into effect and a Spanish vessel can be made British simply by registering as British, you will have engaged on this traffic between Port Arthur and Montreal a great many vessels that have been built in Spain and are manned entirely by Spanish sailors, except for one man, the pilot.

Hon. Mr. HUGHES: Can that not be done now under British registry?

Hon. Mr. REID: Not by a Spanish vessel as I understand. Norwegians are the only ones that I have seen. I think it was last summer I saw some Norwegian vessels. I may be told: "Those vessels come with a cargo through to Port Arthur and then they go back with another cargo through to Norway." That may be. I do not know whether we have them now or not, but we used to have on the St. Lawrence vessels that would leave at night with a cargo of whisky for Cuba and would arrive back the next morning ready for another load, when they had had only about enough time to go as far as Montreal.

What I fear is that the proposed arrangement may be interpreted as I have stated.

Hon. Mr. DANDURAND: No.

Hon. Mr. REID: A vessel leaves Port Arthur with a cargo of grain on what is called a through bill of lading. All that the captain of the vessel is responsible for when he signs that document is to have the cargo shipped from Port Arthur to Liverpool, or whatever may be its destination at the rate that is specified in the bill of lading. The cargo can be transferred to any other vessel, so long as it is shipped over to Liverpool. The vessels I speak of are small, of Welland Canal size, and therefore I think that they do transfer their cargoes.

Now I will tell you how our Merchant Marine is adversely affected. There are certain times in the year when the rates are higher, and other times when the Canadian Merchant Marine lose money on the traffic. In the spring there is a great rush and the vessels get a somewhat higher rate; they get a higher rate also in the fall; but June and July and August are very bad months for the Merchant Marine as a whole. You will find those foreign vessels entering in the spring, engaging in the business for a month or two, making a great deal of money, skipping out when the rates are lower, and coming back again in the fall. That is what has been happening for some time.

I am sorry to have taken up so much time, but I felt it necessary to explain what has occurred and to point out the desirability of being careful when making a Treaty such as is proposed, with respect to the tariffs between these countries. As a layman I interpret the clauses just as I see them, and, remember, if the Spanish Government interpret them in the same way it will be considered an unfriendly act to ask that justice be done to our own Merchant Marine and that the Treaty be interpreted as intended by the Government of Canada that entered into it.

Hon. Mr. DANDURAND: I would answer my honourable friend's query in very few words. Clause 15, which bears on the right of the foreign vessel to navigate our rivers, is a standard clause, understood all over the world. It only allows of a steamer from a foreign port entering a country, delivering perhaps a part of its cargo at one port, continuing to another port and delivering the remainder. It may then load at a port and must return to the foreign country. It cannot remain to do a coasting trade because it happens to be in our waters.

My honourable friend (Hon. Mr. Reid) was a member of the Government in 1913, if I am not mistaken, and it devolved upon him to study the Japanese Treaty. That contains the very same clause, and it has never anywhere been interpreted differently from what I say; and that is the natural and logical interpretation. Article 21 of the Japanese Treaty, which was accepted and passed by Parliament under the guidance of a colleague of my honourable friend, says:

> The coasting trade of the High Contracting Parties is excepted from the provisions of the present Treaty and shall be regulated according to the laws of the United Kingdom and Japan respectively. It is, however, understood that the subjects and vessels of either High Contracting Party shall enjoy in this respect most-favoured-nation treatment in the territories of the other.
>
> British and Japanese vessels may, nevertheless, proceed from one port to another either for the purpose of landing the whole or part of their passengers or cargoes brought from abroad, or of taking on board the whole or part of their passengers or cargoes for a foreign destination.
>
> It is also understood that, in the event of the coasting trade of either country being exclusively reserved to national vessels, the vessels of the other country, if engaged in trade to or from places not within the limits of the coasting trade so reserved, shall not be prohibited from the carriage between two ports of the former country of passengers holding through tickets, or merchandise consigned on through bills of lading to or from places not within the above-mentioned limits, and while engaged in such carriage these vessels and their cargoes shall enjoy the full privileges of this Treaty.

In other words, a Spanish vessel may come in with a cargo, deliver part of it at Quebec, proceed up to Montreal and deliver the rest; then it cannot go farther up, but must on the contrary return to the ocean, taking its cargo partly in Montreal and partly in Quebec, and go back to a foreign port.

Hon. Mr. REID: Does the honourable gentleman make the statement that if a vessel unloaded part of her cargo at Quebec and the rest at Montreal she could not then proceed to Port Arthur and take a load there for Liverpool? Suppose she took nothing up, and went to Port Arthur instead of Montreal. I understood the honourable gentleman to say she could not do that.

Right Hon. Mr. GRAHAM: She would have to go up empty.

Hon. Mr. DANDURAND: I am advised that the steamer, having delivered the rest of its cargo in Montreal, may go up to Fort William.

Hon. Mr. REID: Exactly.

Hon. Mr. DANDURAND: Empty.

Hon. Mr. REID: Yes; they nearly all go up empty.

Hon. Mr. DANDURAND: It can take a cargo there and return home.

Hon. Mr. REID: Very few vessels take cargoes up. Vessels come down with cargoes, but they go up to Port Arthur empty. So our coasting trade is affected by foreign vessels carrying a large quantity of grain.

Hon. Mr. DANDURAND: No. My honourable friend is in error, for the cargo taken at Fort William or at any other port must be delivered at a foreign port.

Hon. Mr. REID: Why should they go any farther than Montreal? However, the honourable gentleman has referred to what happened in 1913. Of course I am not finding fault with that. It is possible that in 1913, when I was a member of the Government, a treaty of some kind may have been made which in some respects has not been carried out in the way intended; like the United States Treaty to which I have referred. A mistake may have been made. But now that we are making new treaties I think we should be very careful. The honourable gentleman will remember a concession that was made to the Norwegian vessels; I do not know whether by his Government or by the Government of which I was a member. Norwegian vessels were permitted to do a coasting trade in Canada for a number of years, and if my memory serves me aright that privilege continued until we came into power in the fall of 1911, towards the close of that season of navigation. Norwegian vessels had for a number of years the right to carry coal from Nova Scotia to Montreal.

Hon. Mr. DANDURAND: That privilege was given for good and valid reasons, but I understand that they could not do so to-day

Hon. Mr. REID: No, because when we came into power we started to adjust the situation. We took up the matter at once, and I will tell you how it was straightened out: the war came on, those vessels were all commandeered and had to go back to their own country, and afterwards we did not permit them to start over again. That is the explanation. It was really no government that made the change.

Again take the clause that the honourable gentleman has just read. Making a Treaty with Japan would not affect our Merchant Marine. If Japanese vessels could go around to the Atlantic and come up the St. Lawrence and do business up at Port Arthur and Fort William our ships might be affected, but the Japanese Treaty has not much effect on the situation because the Japanese vessels are on the wrong side of the continent, over in the Pacific, and could not do a coasting trade.

Article 19 of the Spanish Treaty says:

> All vessels which, according to British Law, are to be deemed British vessels, and all vessels which, according to Spanish Law, are to be deemed Spanish vessels, shall, for the purposes of this Treaty, be deemed British or Spanish vessels respectively.

Now, the question I asked the honourable gentleman was this: could a Spanish vessel register in England and then, like a British vessel, be entitled to come over here and do a coasting trade? Anyone can go over to England and buy a vessel cheap, and if that vessel retains British registry and is brought over here she competes with our vessels and has the same right to do a coasting trade as a vessel built here in Canada. It would take a good lawyer to interpret that Article, but I would like to have the Justice Department assure us that there is no possibiliy of any Spanish vessel being allowed to do any coasting business in Canada under this proposed Treaty; also that no Spanish vessel, by sailing into Liverpool or some other English port and there changing to British registry, as can be done without the payment of any duty, would then be permitted to come to Canada and enjoy the same rights as a British-constructed vessel..

Hon. Mr. DANDURAND: I am advised that, on the contrary, such a vessel would not have that right.

Hon. Mr. REID: Very well. I have only brought up the question.

Hon. Mr. WILLOUGHBY: Honourable gentlemen, there is one small matter—though it is not small in its consequences—on which I would like a little explanation. I refer not to the Navigation Treaty, but to the agreement dealing with companies. The proposed arrangement with Spain has to do with two things: one is the subject of trade and navigation, and the other is the treatment of companies. Article 1 of the Agreement regulating the treatment of companies provides:

> For the purposes of the present Agreement the expression "Companies of a Contracting Party" means Joint Stock Companies and other associations engaged in commercial, industrial, transport, insurance, financial or other description of business, constituted and authorized in accordance with the laws in force in the territories of that Contracting Party, and having their central management and control situated in those territories.

Now, it is of course obvious that the provinces would be included in the territories of the contracting parties. It may be true, as pointed out by the honourable leader of the Government, that the financial arrangements between us and Spain as to taxation may

enure to the benefit of Canada by this treaty; that is, our banks, particularly, may in consequence of this Treaty be placed in a better position, with less taxation on them than they have at present.

But the constitutional question is bothering me. I assume that the legal officers of the department have given the matter consideration, as to the right of the Dominion of Canada to contract and give the rights that a foreign country can acquire under this Treaty.

Hon. Mr. DANIEL: Free of local taxes.

Hon. Mr. WILLOUGHBY: Free of local taxes and local control. That right is purported to be given by Canada under the B.N.A. Act, Section 132:

> 132. The Parliament and Government of Canada shall have all powers necessary or proper for performing the obligations of Canada or any Province thereof, as part of the British Empire towards foreign countries, arising under treaties between the Empire and such foreign countries.

Now, there is no Treaty at all between any province of Canada and a foreign country. Our provinces are only part of Canada. If there were a Treaty between Spain and the province of Ontario, if such a thing were possible—which of course it is not—I suppose under that section the Dominion Government would have the right to see to the performance of that Treaty so far as Canada was concerned.

As we all know, Sections 90 and 91 deal with the powers of the Federal Parliament; Section 92 deals with the powers of the local governments and provincial parliaments, and Subsection 11 of Section 92 deals with the incorporation of companies with provincial objects. It is known to us all that the Federal Government has power to bind the companies having Dominion corporation; but the right of the Canadian Government to make a Treaty binding companies having provincial charters, and the provincial charters dealing with thoroughly provincial matters, is a very different matter. It does not come under the clause by which the residual powers belong to the Dominion Government; it must come under these of which I am speaking.

To take another phase of it. No one disputes the right of the Dominion Government to legislate in the field of legislative action in which perhaps there is apparently an encroachment on a common territory. Take the case of banking. As we know, the Bank Act has to deal with provincial legislation, and overrides it to a certain extent. Not long since I had to deal with the case of a bank which had taken a warehouse certificate for an advance re grain to the farmer, and in that case he executed a chattel mortgage on this very property. Here is a case in which the Dominion Government exercised the superior power, because in the working out of the Bank Act all ancillary powers, and necessary ones for the functioning of the Dominion Act, were implied, and came under it. There are other illustrations, such as cases under the Bankruptcy Act, where the Federal Act in regard to bankruptcy takes precedence over local Acts in the matter of assignments, etc., and local laws in reference to priorities, and so on, because it becomes necessary in the functioning of that Act, which is clearly a Federal Act, to have those ancillary powers.

The question in my mind is whether we can give away any of the rights of the provinces of Canada—the rights that are clearly reserved to them under the B.N.A. Act under the specific powers given to them, therefore not controlled by any residuary powers, and dealing purely with provincial matters. The Dominion Government has not been too fortunate in the insurance legislation as between it and the province of Ontario. We all know that we came out second best under the Privy Council judgments, as between us and the Ontario Government in trespassing, as they said, on their field.

A doubt has arisen in my mind, and I know it is a very great question, whether we have not exceeded our powers as a Federal Government in purporting to bind the different provinces of Canada in any treaty—in this Treaty we made with Spain—over all fields not only of Dominion legislation but all fields of provincial legislation. Other nations like Great Britain could do it, because they have not our system of Federal Government. The United States could do it, because the United States government is supreme; but we have delegated to our provincial legislatures plenary power in certain fields of action.

I may be wrong in anticipating that there is any trouble in that way; but that is what occurs to me for the time being.

Hon. Mr. DANDURAND: Of course, it is difficult to make an exact delimitation of powers as between federal and the provincial powers. Many opinions have been presented to the Privy Council by men who are versed in constitutional law; but I draw the attention of my honourable friend to the fact that Article 1 is pretty broad, probably covering the laws of the province as well as those of the Federal Government.

> For the purposes of the present Agreement the expression "Companies of a Contracting

Party" means Joint Stock Companies and other associations engaged in commercial, industrial, transport, insurance, financial or other description of business, constituted and authorized in accordance with the laws in force in the territories of that Contracting Party, and having their central management and control situated in those territories.

Hon. Mr. WILLOUGHBY: All right. Take the province of Quebec, by way of illustration: that is part of our territory.

Hon. Mr. DANDURAND: It is broad enough to cover all of those provinces. If my honourable friend will read the Treaty, he will find that all we bind ourselves to is not to discriminate against those foreign corporations, so that any law of the province of Ontario or of Quebec which is made to cover citizens of those provinces will apply to all those foreign corporations that would come under the Treaty; and Spain would have no occasion to complain provided it got equal treatment with our nationals. We do not ask Spain for anything else, but we assure ourselves of an equality of treatment with the Spanish people, just as we will assure them of an equality of treatment on Canadian soil.

Hon. W. B. ROSS: I would ask the honourable gentleman if on the particular point he is discussing, there would be found any difference between this Treaty and those mentioned in the next Order of the Day—No. 18, the Trade Convention with the Czechoslovak Republic, and No. 19, the Trade Agreements between Canada and Esthonia and other countries. This Treaty seems to have been made by the Imperial Government acting for the Crown; but the next two seem to be treaties made by our own Government.

Reading the B. N. A. Act, I do not think there is any trouble about this Treaty, or one that has been made by the Imperial Government, for then we are given power by the Imperial Parliament to see that all parts of this country obey that Treaty. But I do not know about the other two, for it seems as if the Treaties might be different, unless some of our people change their position when we make a Treaty. After all, I suppose the three Treaties purport to be made by His Majesty King George, but two of them seem to be made by him as advised by his Canadian advisors, and one as advised by his British advisers. I think we need some light on that question, on account of the difference between the three Treaties.

Hon. Mr. DANDURAND: The Treaty referred to in Order No. 18, that is, Bill 202, entitled an Act respecting a certain convention between His Majesty and the President of the Czechoslovak Republic, is made between the Canadian people and Czechoslovakia, and on page 2 of that Bill my honourable friend will find the Schedule which reads:

Convention of Commerce between Canada and Czechoslovakia.

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada, and the President of the Czechslovak Republic, being desirous of improving and extending the commercial relations between Canada and Czechoslovakia, have resolved to conclude a Convention with that object, etc.

Now, my honourable friend will see that His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada, is represented by the Honourable James Alexander Robb, a Member of His Majesty's Honourable Privy Council for Canada, and the Honourable James Malcolm, a Member of His Majesty's Honourable Privy Council for Canada; and the Czechoslovak Republic is represented by Monsieur Frantisek Kveton, Consul of the Czechoslovak Republic, in Montreal; while the others are made by His Majesty the King of Great Britain, with those various republics, and we adhere to those Treaties by accepting one or two clauses of each of these Treaties.

Hon. W. B. ROSS: Yes, but the particular point is, are we dealing in those treaties with one nation, Great Britain, or with two—Great Britain and Canada? They are separate nations.

Hon. Mr. DANDURAND: I do not catch the question.

Hon. W. B. ROSS: There are people who say that we are an independent nation, independent of Great Britain, and that Australia is an independent nation. Now, have we here two or three nations that we are dealing with in these treaties, or only one—Great Britain? My own opinion is that there is one nation, the head of which is His Majesty King George.

Right Hon. Mr. GRAHAM: One King, anyway.

Hon. W. B. ROSS: And there is no use in talking about two nations—another nation that you call Canada.

Hon. Mr. DANDURAND: But my honourable friend cannot forget that there is the Dominion of Canada, which advises the King, and that Great Britain, the north of Ireland, Australia, New Zealand, South Africa, and

the Irish Free State also advise in the same way; but they are autonomous nations, practically in water-tight compartments, joined together by the same King and the same flag. They are advising, but are absolutely free, within and without, to speak and to act in the name of the one and the same King.

Now, my honourable friend's question can be answered very easily. Would he accept an order on any matter which would come from the King in Council representing the British Cabinet? What authority would an Order in Council of the Baldwin Government have in Canada, for instance? The Baldwin Government has no authority whatever in Canada; and yet the Baldwin Government speaks in the matter of legislation for the King in Council in Great Britain. But we have the King in Council in Ottawa—the King represented here by the Viceroy. You might say the Governor-General, but it is long since any party coming from the other side has governed this country. Canada governs itself, under the same King, and advises through its delegates here.

The Governor General could perhaps have been held erroneously to represent the King in Council in Great Britain, because he was made use of irregularly up to the 1st of July last as a liaison officer between various departments of Great Britain and the Dominion of Canada. But if the honourable gentleman will look at the B.N.A. Act, he will see that the Governor General represents the King, and so it was recognized by the last Imperial Conference.

Hon. Mr. ROBERTSON: Represents the King in a country that has not self-government.

Hon. Mr. DANDURAND: In 1867 we were given all the powers of a self-governing Dominion.

Hon. Mr. ROBERTSON: I mean a Viceroy.

Hon. Mr. DANDURAND: And I say the term Governor General is a misnomer: he is Viceroy. I have said that before in this House, and I believe that more than one Governor General took for granted that they were Viceroys in reality.

Hon. W. B. ROSS: I have the section of the B.N.A. Act to which my honourable friend refers. It is as follows:

132. The Parliament and Government of Canada shall have all powers necessary or proper for performing the obligations of Canada or any Province thereof, as part of the British Empire towards foreign countries, arising under treaties between the Empire and such foreign countries.

Now, I would like to ask whether Order No. 18 refers to a Treaty between the Empire and Czecho Slovakia?

Hon. Mr. DANDURAND: No.

Hon. W. B. ROSS: Very well, then; this does not give this Parliament power to enforce the provisions of the Treaty. The objection raised by my honourable friend will come in then. You can invade the rights of the Provinces under section 132, only if your Treaty is a British Treaty. I suppose at the time section 132 was written nobody contemplated Canada making a Treaty of its own. There may be trouble about that. If it is not a British Treaty, you cannot control the Provinces.

Hon. Mr. DANDURAND: To what extent does this control the Provinces?

Hon. W. B. ROSS: It invades their rights.

Hon. Mr. DANDURAND: The Department of Justice says no. It has examined into this question, and has declared that our powers are sufficient to make this Treaty without infringing upon the rights of the Provinces. If honourable gentlemen will look at the powers that are assumed under the Act, they will see that there is no necessity for alarm or for a protest from the Provinces, because such a protest could only arise if there were a grievance or if there were the exercise of a power which infringed upon the Provincial laws. You may, in an academic way, say that a condition may arise under which the Provinces could test the validity of this Treaty; but until such a condition as I have mentioned arises, I feel that we are on fairly safe ground.

Hon. W. B. ROSS: The honourable gentleman is going it blind. I think we ought, if possible, to know where we are going, and should avoid trouble. I can understand the Department of Justice saying you can do all this, provided that they hold that this is a British Treaty. I myself am inclined to think it is.

Hon. Mr. DANDURAND: But my honourable friend must not forget that Treaties are only made by His Majesty the King.

Hon. W. B. ROSS: That is why I say it is a British Treaty.

Hon. Mr. DANDURAND: He appears in this Treaty.

Hon. W. B. ROSS: But the honourable gentleman says it is not a British Treaty.

Hon. Mr. DANDURAND: I cannot close my eyes to the wording. In what capacity is

His Majesty the King appearing in this Treaty? It is "in respect of the Dominion of Canada." It is not in respect of the British Empire, or of Great Britain and the north of Ireland, but "in respect of the Dominion of Canada."

Hon. Mr. BEIQUE: Where is that?

Hon. Mr. DANDURAND: In the schedule of Bill 202. Of course we are discussing the Spanish Treaty, and my honourable friend has drawn my attention to an objection which he sees in Bill 202, the Czechoslovak Convention Bill.

Hon. W. B. ROSS: I only mentioned it because the point I raise was raised in connection with the Spanish Treaty.

Hon. Mr. LAFLAMME: I am somewhat vague as to the second schedule of Bill 201. Would the Leader of the Government explain what significance he attaches to the words "in the territories." Which territories?

Hon. Mr. DANDURAND: What is the clause?

Hon. Mr. LAFLAMME: Articles 1 and 2, on page 12 of Bill 201. For instance, Article 1 says:

For the purposes of the present Agreement the expression "Companies of a Contracting Party" means Joint Stock Companies and other associations engaged in commercial, industrial, transport, insurance, financial or other description of business, constituted and authorized in accordance with the laws in force in the territories of that Contracting Party.

Now, what was intended at the time this agreement was signed? That is what I am a little skeptical about.

Hon. Mr. DANDURAND: I would ask my honourable friend to read Article 1 in conjunction with Article 11. Article 11 says:

The stipulations of the present Agreement shall not be applicable to India or to any of His Britannic Majesty's Self-Governing Dominions, Colonies, Possessions, or Protectorates, unless notice is given by His Britannic Majesty's Representative at Madrid of the desire of His Britannic Majesty that the said stipulations shall apply to any such territory.

So it is quite apparent that when clause 1 was drafted it was meant to cover not only Great Britain but the other parts of the British Empire mentioned in Article 11, as they are mentioned in the Treaty, and that explains the very wide expression used in Article 1:

For the purposes of the present Agreement the expression "Companies of a Contracting Party" means Joint Stock Companies and other associations engaged in commercial, industrial, transport, insurance, financial or other description of business, constituted and authorized in accordance with the laws in force in the territories of that Contracting Party.

So this expression was used in order to cover any and all of the parties mentioned in clause 11, so that when we join and agree to this Treaty it covers the territories of the Dominion of Canada.

Hon. Mr. LAFLAMME: Let me see if I have that right. That means that notice is given under Article 11?

Hon. Mr. DANDURAND: Yes.

Hon. Mr. LAFLAMME: And the expression "in the territories of that Contracting Party" means the territories of the United Kingdom, and that is all. It applies to Canada, for instance, if notice is given under section 11?

Hon. Mr. DANDURAND: Yes.

I move the second reading of the Bill.

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

THIRD READING POSTPONED

Hon. Mr. DANDURAND: I suppose I have answered satisfactorily all the questions that have been put, and I would suggest that we now take the third reading.

Hon. Mr. REID: I thought the honourable gentleman had agreed that this would be printed, and that we would have until Thursday to look it over.

Hon. Mr. DANDURAND: My honourable friend has asked me a few questions, which I have answered.

Hon. Mr. REID: No. I have asked the honourable gentleman some questions, but not on the tariff, because I took it for granted that what he said would be carried out. I think what the honourable gentleman agreed to was to put on Hansard several pages of this information.

Hon. Mr. DANDURAND: Would my honourable friend agree that we take the third reading to-morrow?

Hon. Mr. REID: I stated that we would not get Hansard until noon to-morrow.

Hon. Mr. DANDURAND: Oh, yes, we will get it before noon. If my honourable friend has any special objection to to-morrow—

Hon. Mr. REID: I said it was a short day.

Hon. Mr. DANDURAND: Not necessarily.

Hon. Mr. REID: I think it should be Thursday.

Hon. Mr. DANDURAND: We will try it to-morrow. Very likely my honourable friend will receive light in the meantime.

Hon. Mr. REID: I think if you make it Thursday you will get through a good deal quicker.

Hon. Mr. DANDURAND: I will put it down for to-morrow; then, if my honourable friend tells me he has had enough time, we need not adjourn it further.

The motion for the third reading was postponed until to-morrow.

CZECHOSLOVAK TRADE CONVENTION BILL, 1928

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 202, an Act respecting a certain trade convention between His Majesty and the President of the Czechoslovak Republic.

He said: Honourable gentlemen, this is a Treaty which has been entered into between His Majesty the King, in respect of Canada, and the President of the Czechoslovak Republic. Czechoslovakia is one of the most self-supporting countries of Europe: it is rich in coal and other minerals, and is well forested and well developed agriculturally. The Republic contains over 75 per cent of the manufacturing industries of the former Austro-Hungarian Empire. The Republic is an extensive importer of bread grains, edible fats, coffee, tea and other luxury foodstuffs, agricultural implements, automobiles, tires, etc.

In December 1926 a temporary agreement was made between Canada and Czechoslovakia whereby on the main items of export from Canada most favoured nation treatment was given. In exchange Canada granted Czechoslovakia the benefits of the intermediate tariff. This agreement was made for the term of fifteen months, with the understanding that a further discussion, with the aim of a permanent Treaty, would take place in the interval. These negotiations have been completed, and the agreement now submitted calls for the mutual exchange of most favoured nation treatment.

The records of both countries are incomplete, due to the fact that Czechoslovakia is an island country and that the larger part of her imports pass through the free port of Hamburg. For that reason the major part of our exports to that country appear in the statements as to Germany.

Flour is our chief item of export. The Canadian Trade Commissioner at Hamburg, Mr. Wilgress, in a report to his Department states:

Last year more Canadian flour was sold in Czechslovakia than in any other country except the United Kingdom. This market is therefore of great importance to the Canadian flour milling industry.

A few weeks ago, after the signing of the present Convention, the representative of the Republic in Montreal, Mr. Kveton, in an interview, stated:

From the total imports, 2,531,287 barrels of wheat flour in the calendar year 1926, according to the Czechoslovak statistical returns, 1,021,248 barrels, valued at Czech 293,401,000 kronen or $8,699,340, originated in North America. The Canadian ratio, 70 per cent, would be 714,873 barrels, worth $6,089,538 at the Czechoslovak frontier. These figures include only imports designed in the returns as coming from Canada, Hamburg, and the United States, without even taking into consideration that probably a part of the imports credited to Germany, 193,725 barrels, and to the port of Trieste, 15,757 barrels, is of North American origin. If we take the average price of flour, basis Canadian port, $6.50 per barrel, we reach at least the amount of $5,200,000 for the very conservative estimate of 800,000 barrels of Canadian flour as having been exported to Czechoslovakia in the fiscal year ending March 1927. This quantity nearly corresponds with that of the certificates of origin issued by the Czechoslovak Consuls in Montreal and Toronto, since April 23, 1926, up to March 31, 1927, amounting to 778,612 barrels.

I have here the weekly news published by the Department of Commerce in Washington, under date of the 6th of April instant, which, speaking of Spain, Germany, Czechoslovakia and other countries, says:

Market for American Flour Declines

A leading importer of grain and flour in Czechoslovakia reports that Canadian flour has steadily been displacing American flour in that market since 1922, according to information received from Commercial Attache Elbert Baldwin. Due to the frequency of indirect shipments via Hamburg, Antwerp and Amsterdam, trade figures fail to trace this movement. In the case of the importer quoted, however, Canadian flour represented 95 per cent and American flour only 5 per cent out of 30,000 tons (338,000 barrels) imported during the period June-January, 1927. This is a reversal of the situation which prevailed in 1920 when the United States dominated this market and Canadian flour was practically unknown. It is said that the advantage gained by the Canadian mills has been accomplished largely by the better export technique recently developed by them. Recently Canadian exporters have been maintaining spot stocks not only at centres of distribution such as Hamburg, but also, if in smaller volume, at interior points. The domestic importer is consequently less exposed when purchasing Canadian flour to the danger of market fluctuation incurred when purchasing American flour, while the Canadian exporter, dealing in larger volume and close to a source market is able to hedge his own risk while protecting his customer. It is the opinion

of the importer quoted that the American flour could regain a large part of the lost market if equal facilities with Canadian competitors were accorded the importer.

The flour market being the important interest of Canada in Czechoslovakia, attention has been paid to the question of duties. In 1925 a sliding scale of duties was placed on flour, the rate being dependent on the value of wheat. On the 14th of July, 1926, the duty (minimum rate) on flour was fixed at $2.10 per hundred kilos (220 pounds). Imported flour was also made subject to a turnover tax.

The United States had a most favoured nation agreement, and as Hungary, the principal neighbouring flour-producing country, was negotiating a Treaty with Czechoslovakia, Canada was in danger of being discriminated against on that market. The present agreement places Canada on an equal footing with all countries.

At present the importation of motor vehicles into Czechoslovakia is restricted chiefly through the measures of protection accorded to local industries, and also through the practice of limiting the imports by the system of import licenses and quotas applicable to automobiles and motorcycles. At present there are 330 inhabitants to each automobile in Czechoslovakia. Canada was not allowed a quota until last year, when an undertaking was given by the temporary agreement signed that Canada should be given equal treatment with other nations. Canada is now entitled to a minimum quota of 500 automobiles a year.

There is a market in Czechoslovakia for certain agricultural machines, such as binders, etc., but in the past it has been difficult to build up a market owing to the fact that Canada not having a trade agreement, our manufacturers could never depend on the Customs Tariff rates, which made it difficult to compete with other countries and particularly the United States.

The principal imports from Czechoslovakia are:

Glass and glassware	$403,886
Tableware of China	313,675

Honourable gentlemen are aware of the celebrity of the glassware of Prague, Czechoslovakia, that product leads in the markets of the world generally. Therefore it does not come into competition with our glassware production.

Jewellery	$121,634
Cotton manufactures	79,684
Worsted, serges, etc	74,916
Hops	63,616
Flax, Hemp and Jute	52,147
Other wool and manufactures of	51,696

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The Customs duties collected on the total imports of $1,726,922 in the fiscal year 1927 amounted to $462,631.28. Of this amount $421,382.58 was collected on imports coming under the general tariff rate, and $41,248.70 on imports entered under treaty rates.

I have given the main items of the importations of Czechoslovakia and of Canada. Statistics of exports from Canada to Czechoslovakia show that our exports of flour, including that which goes via the port of Hambourg, are valued at $5,289,000, and our total sales to Czechoslovakia are estimated to reach $5,476,632—a figure which is perhaps less than the correct amount. It has been said that possibly our large sales of flour were due to the fact that Russia was not exporting. Well, for a number of years past, since 1922, as the American statement which I have read testifies, we have gradually made gains in that market in our sales of flour. We hope also to increase our sales of rubber tires, farm implements and machinery, and calculating machines. We have sold $21,763 worth of adding and calculating machines. We are developing a satisfactory trade with that country.

With these remarks I move the second reading of this Bill.

Hon. Mr. REID: I would like to ask just one question. I will not detain the House a minute. In the first place, I want to say that it does seem strange that in these other treaties, which are very plain and can be understood by anyone, no mention is made of navigation. Take Portugal: it is in exactly the same position as Spain, but you do not mention anything about navigation.

Hon. Mr. DANDURAND: If my honourable friend, with his inclination to travel, will go to Czechoslovakia, he will find that it has no port.

Hon. Mr. REID: I know that, but I am speaking of the next Treaty, in which Portugal is mentioned.

Hon. Mr. DANDURAND: But we are speaking now of Czechoslovakia.

Hon. Mr. REID: But I desired simply to remark that in this Treaty and in the next one there is nothing about navigation. The Treaty that we are at present discussing is, as I have said, very plain; it deals with nothing but the question of tariff. And I see in the next one that we are coming to—

Hon. Mr. DANDURAND: Take for instance the arrangements with the Baltic States.

Hon. Mr. REID: But what about Portugal? You have nothing about navigation in the arrangement with Portugal.

Hon. Mr. DANDURAND: But Great Britain made a special Treaty with Spain concerning navigation. Great Britain felt the necessity of covering that phase of its dealings with Spain. I do not know that it has done likewise in the Treaties it has negotiated with other countries, but these countries with which we intend to come into commercial contact through the treaties that I shall submit in a moment have offered us their most-favoured-nation treatment, and we offer them like treatment and stop there. We have not thought of accepting the treaties of Great Britain with these countries. We can limit our adherence to those treaties by going as far as we propose. So we have not dealt with the question of navigation with these other countries.

Hon. Mr. REID: I think the honourable gentleman has now answered me fully with reference to the right of Spanish vessels to do a coasting trade in Canada. He says that a treaty has been made between Great Britain and Spain with reference to navigation. That means that Spanish vessels can coast in Great Britain, and if we are to carry out the Treaty as made between Great Britain and Spain, and if vessels built in Great Britain have the right to coast here, Spanish vessels will under that Treaty enjoy the same right. However, I will not detain the House by discussing that at present; I will refer to it again.

Hon. Mr. DANDURAND: I am told that my honourable friend is in error, and I believe it, from my reading of the Bill.

Hon. Mr. REID: The honourable gentleman and I differ. He gives his opinion on that side, but he must remember that we have on this side lawyers who are also quite capable of giving good opinions. You never find two lawyers to agree on anything.

Hon. Mr. DANDURAND: But there is no one on the other side so far.

Hon. Mr. REID: No one has differed with the honourable gentleman?

Hon. Mr. DANDURAND: No one but my honourable friend has contended that a Spanish vessel, either directly under the Treaty or by transferring its registry to Great Britain, could come and do a coasting trade here.

Hon. Mr. REID: I am the only one on this side who has made that contention, but I heard the honourable gentleman (Hon. Mr. Dandurand) state his views on another clause, and on this the honourable gentleman from Moose Jaw (Hon. Mr. Willoughby) has taken a position directly opposite. So did the honourable leader of the Opposition (Hon. W. B. Ross). I mean, it is not strange that I should disagree with the honourable gentleman.

However, the question I desire to ask is this: as to these goods on which we are going to give a reduction in duty, must they be shipped direct from Spain, say, to Canada, or could they be shipped to the United States and from the United States to Canada? I thought in all these Treaties that we are making that the principle had been adopted that the goods must come direct from the other country to Canada if they were to have the benefit of these reductions.

Hon. Mr. DANDURAND: I am informed that Czechoslovakia must send its goods direct to a Canadian port.

Hon. Mr. REID: I asked the honourable gentleman about the Spanish Treaty. Is it necessary for the goods to come direct from Spain to Canada, or can they be shipped, say, to New York, and from there to Canada?

Hon. Mr. DANDURAND: I am advised that they must come direct to a Canadian port.

Hon. Mr. REID: The Treaty does not say so.

Hon. Mr. DANDURAND: It is the same wording as in the Japanese Treaty.

Hon. Mr. REID: Well, I will see if I can find in the Treaty to-morrow any special mention of that point, and if I can I hope the honourable gentleman will put that in.

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

THIRD READING POSTPONED

Hon. Mr. DANDURAND: I move the third reading of the Bill.

Hon. W. B. ROSS: I would ask the honourable gentleman to let the third reading stand until to-morrow. There are one or two members of the House who are absent to-night and who ought to be here when we take the third reading.

Hon. Mr. DANDURAND: All right. We will take the third reading to-morrow.

TRADE AGREEMENTS BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 203, an Act respecting trade between Canada and Esthonia, Hungary, Latvia, Lithuania, Portugal, Roumania, and the Serb, Croat and Slovene Kingdom.

He said: Honourable gentlemen, the United Kingdom has made various commercial Treaties with the countries that have just been mentioned and that are named in this Bill. Those Treaties do not apply to any of the self-governing Dominions unless the Dominion gives notice that it is its intent to accept the Treaty in whole or in part. In treaties with the countries mentioned in the present Bill it has been deemed advisable to accept the clause providing for the mutual exchange of the most-favoured-nation treatment.

Our trade with these countries for the fiscal years 1926 and 1927 was as follows: in 1926, our exports totalled $1,250,693 as against imports of $433,350; and in 1927 the relative figures were $2,374,021 as against $673,760.

In the classes of goods that we export our chief competitor is the United States, which enjoys the most-favoured-nation treatment with each country. As our exports are considerably in excess of our imports from these countries, the benefits, both present and potential, are obvious. Several of the countries in question are new entities, and from time to time there is a gradual adjustment of tariff barriers, and as the United States is entitled to the most-favoured-nation treatment that country would immediately get the benefit of any local adjustment. Canada is now being placed on an equal footing with the United States.

Here is the tariff position in each of the countries affected:

Esthonia has recently adopted minimum and maximum tariff schedules. The minimum rate is 50 per cent less than the general.

Hungary has one tariff but has special treaty rates with a number of countries. There is also a provision that she can increase the normal rates three times where there is tariff discrimination against her goods.

Latvia has now introduced a two-column tariff, the preferential being 50 per cent less than the general.

Portugal has two rates, the maximum being generally double the minimum, although sometimes it is greater.

Roumania has two rates, and it is provided that non-treaty countries may be called upon to pay the maximum, which is 50 per cent higher than the minimum.

The Serb, Croat and Slovene Kingdom has two rates. The maximum is often three times the minimum.

Lithuania early in 1926, amended its customs tariff so that goods coming from non-treaty countries might be made subject to a duty of 30 per cent over the present one-column schedule. This new rating was never put into effect, but now that Latvia and Esthonia have adopted coventional rates Lithuania may do the same.

The future benefits to Canadian industries in one way alone were set out in a letter received from a Canadian firm doing a large export business in Europe:

> We are extremely anxious that we should extend our European business in every way possible, and especially to do so at the present time in those countries which are again beginning to import our goods. The situation we find is that in certain European countries where the United States has a more favourable agreement than Canada, goods are being imported from the United States such as we manufacture, trade connections are being made, and we are absolutely unable to sell and to make favourable connections. We know that we are losing a number of good opportunities now and we fear that it will be very difficult for us to make good those losses in future years, because many of the valuable connections which might be concluded will be taken up by United States manufacturers.

It seems to me that I need only draw the attention of the Senate to the fact that all those states are agricultural and can never compete in our industrial market. I hope, nevertheless, that they will increase their sales to Canada, because we have so many things that we can sell to them that I would like to have them, in return take advantage of our market to a greater degree by exporting to Canada things that we do not produce, and that we buy abroad.

Hon. Mr. ROBERTSON: That we can manufacture at home.

Hon. Mr. DANDURAND: With regard to Esthonia, its chief industry is agriculture. Flax growing is becoming a most important branch. The population of the country is 1,110,000.

The unit of currency is the Esthonian mark or kroon; value 26.8 cents.

The trade between Canada and Esthonia is in favour of Canada. In the fiscal year ending 31st March. 1926, there were no imports from Esthonia, and during the fiscal year ending 31st March, 1927, the total imports were valued at $3,310—fibrilla, flax fibre and flax tow. The exports for the year ending 1st March, 1926, amounted to $86,-317, made up as follows: wheat flour, 11,352 barrels, value $79,463; combustion engines, $2,671; agricultural implements, $4,183. The exports for the year ending 1st March, 1927, amounted to $212,174, made up as follows: wheat flour, 31,746 barrels, value $209,027; rubber manufactures, $630; agricultural implements, $3,507.

The United States has a commercial agreement with Esthonia which provides for most-favoured-nation treatment.

Hungary has a population of 7,980,143. Agriculture forms the staple industry of the people, the principal crops being wheat, naize, oats, barley, rye, beans and sugar beets.

The total imports into Canada from Hungary during the fiscal year ended 31st March, 1927, were $60,956, of which $58,000 was beans. We imported beans that year because our crop of beans was short.

The rates of duty on beans are per bushel: British preferential, 15 cents; intermediate, 22½ cents; general, 25 cents.

The exports from Canada to Hungary during the fiscal year ended 31st March, 1927, were $50,777. The principal articles of export were:

Ploughs	$22,323
Parts of agricultural implements	5,553
Adding machines	5,481
Automobiles	693

Latvia has a population of 1,900,000. It is primarily an agricultural country: about three-quarters of its population are engaged in this industry. The principal products are dairy products, flax and timber. During the fiscal year ended March 31, 1927, there were no imports to Canada from Latvia, but the exports were valued at $68,019. The principal exports from Canada were:

Wheat flour	$27,218
Rubber, manufactures	2,419
Tallow	24,398
Agricultural implements	5,993
Other goods	7,991
Total	$68,019

Lituania has a population of 2,102,475. Over 80 per cent of the population are employed on the land. Their principal exports are timber, food stuffs, and animals and their products. The imports of Lithuania amounted to $15,662,700, and the exports to $14,679,470. That relates to outside countries. The imports into Canada were $4,107, and the exports from Canada $6,761.

The population of Portugal is 6,041,000. The Treaty that Canada is now subscribing to is the Treaty of Commerce and Navigation, entered into between Great Britain and Portugal in August, 1914.

Hon. Mr. REID: What was that Treaty? We should have that information about it.

Hon. Mr. DANDURAND: I can give you information as to why we have secured this contract with Portugal in one clause: it is the most-favoured-nation treatment.

Hon. Mr. REID: That is the same thing: Great Britain having made the Treaty.

Hon. Mr. DANDURAND: We have the same here. There are two rates, the maximum and the minimum; the maximum, as a rule, being double the minimum. Canadian imports have been subject to the maximum rates. The United States has most-favoured-nation treatment. One of the chief items of interest to Canada is fish. At present Newfoundland fish have a perference of 55 cents a quintal, thus making it impossible for Nova Scotia fish to compete with Newfoundland or Norway. On agricultural machinery the rates are not high, but United States manufacturers have an advantage of 50 per cent over Canadian firms. We sell comparatively little flour to Portugal, although Canadian millers are interested in marketing flour in the Azores and the Madeira Islands. Recently the Quaker Oats people of Peterborough wrote urging a Treaty with Portugal, as it would be helpful to them. It will be noted that there was a substantial increase in the exports in the fiscal year 1926. This was due to a shipment of $1,141,908 worth of wheat. In the previous year no wheat was shipped. For the nine months ending December 31 last, our exports to Portugal were $922,455 and to the Azores and Madeira Islands $160,737. On the import side, in the nine months' period we received $601,841 from Portugal and $65,487 from the two islands. While Portugese Africa is not included in the agreement, our trade with that Dominion is large, as the following statement will show. The chief item of importance is non-sparkling wines. The next is corkwood. The present and Treaty rates on wines are as follows:

—	Present	Treaty
Wines of the French grape of all kinds, not sparkling, imported in brls. or bottles		
(a) Containing 20% or less proof spirit, per gal	55 cents 30%	15 cents
(b) Containing more than 20% and not more than 23% proof spirit per gallon	55 cents and 30%	20 cents
(c) Containing more than 23% and not more than 26% of proof spirits, per gallon	55 cents and 30%	25 cents
(c) Containing more than 26% proof spirit until the strength reaches 40% of proof spirit, per gallon	55 cents and 30% and for each degree of strength in excess of 26% of proof spirit until the strength reaches 40% of proof spirit, 3 cents.	55 cents and for each degree of strength in excess of 2 6% of proof spirit until the strength reaches 40% of proof spirit, 3 cents.

The maximum tariff rates are usually 50 per cent or 100 per cent higher than the minimum, although there are some variations from this.

Article 29 of the general rules for applying the tariff states that "the minimum tariff will be applied in whole or in part to goods originating in countries to which this privilege is assured by commercial treaties." There is, moreover, provision in Article 5 of the Decree establishing the present customs tariff (April 20, 1923), which gives the Government power to increase fivefold the navigation and import taxes, or to fix rates upon duty-free goods when the ships or goods are from countries not extending to Portugal their minimum customs tariff rates, and when such countries impose restrictive or special measures, as defined, which would be regarded as prejudicial to Portuguese exports.

Canada's records show that wheat, codfish, agricultural implements, automobiles, rubber manufactures and needles and pins are the chief exports to Portugal. The total Canadian exports to that country were $121,773 in 1925-6, and $1,273,457 in 1926-7, there being over a million dollars of wheat exports in the latter period.

Private firms are not allowed to import wheat. which is Canada's chief export to Portugal. The sales were $1,141,908 in the calendar year 1926, and $813,203 in 1927. The Portuguese government opens competition from time to time for specific quantities, and at those times the rates of duty are fixed. There is no indication of a preferential rate on these importations. Wheat flour is controlled in the same way.

The reductions on Canadian goods entering Portugal would be as follows:

Item No.	—	Centavos per Kilog. Maximum	Minimum
486	Dried cod	2	1
	Fresh cod in brine or simply salted	1	0·5
488	Unspecified fish, fresh, not prepared or only with salt needed for preservation	0·4	0·2
	Sardines, fresh saled and pressed	0·4	0·2
489	Fish, not specified; salted, in brine, pressed, smoked or dried	0·8	0·4
506	Preserves of fish	16	8
	NOTE.—An order of January 19, 1924, stated that the duty on salt fish was to be 1 escudo per 100 kilogs. (½ cent lb.) and it was not made clear what effect this had on other fish items or whether it applied to both tariffs.		
	Harvesters, mowers, reapers, threshers, disc harrows, seed drills, cream separators, ploughs of more than one share, and some other farm implements	0·2	0·1
589	Passenger automobiles, without bodies	6 to 40	3 to 20
603	Passenger automobiles with bodies, complete or incomplete	Duty on chassis increased by 20%	
	Motor lorries	6	3
595	Solid rubber tyres	10	5
608	Inner tubes and outer covers of rubber, for vehicle wheels	40	20
774A	Footwear of rubber.....per pair	0·4	0·2
ex. 96	Pulp for the manufacture of paper	0·05	0·03
522	Cheese	60	30
718	Cardboard and pasteboard, plain	2	1
738	Newsprint paper	4	2
738A	Ordinary paper in rolls for printing periodicals and reviews imported by the interested parties	0·4	0·2
740	Ruled paper, letter paper and envelopes	16	8
747	Paper and cardboard, corrugated suitable for packing goods	4	2
644	Wood flooring	Escudos per cubic meter 10 ($23.10 per M ft.)	5 ($11.55 per M ft.)
683	Pins and needles	Escudos per Kilog. 1·50 (75 cents lb.)	0·50 (25 cents lb.)

Then there is the tariff with the Azores and Madeira, which need not be detailed.

Roumania has an estimated of 17,393,149, and is to a large extent an agricultural country. Wood and petroleum also are a considerable source of wealth.

The value of imports into Canada from Roumania during the fiscal year ended March 31, 1927, was $35,666, made up as follows:

Nuts	$ 7,473
Beans	23,256
Other articles	4,937
Total	$35,666

The value of exports from Canada during the same period was $465,840. The principal articles were:

Canvas shoes	$ 851
Rubber tires	17,629
Canned fish	3,214
Engines	4,906
Agricultural implements	28,955
Automobiles and parts of	406,507
Other articles	3,778
Total	$465,840

It seems, honourable gentlemen, that I have given sufficient information to establish the fact that there may be vast possibilities for our industrial people to develop a market in those various countries, and that I have amply established the necessity for accepting these Treaties.

Hon. Mr. REID: I still take issue with the honourable gentleman, and say that he is not treating the Senate fairly. Here are three of the most important Bills that will come before the Senate this Session. He brings them down on Friday for the first reading, and for the second reading at 10.30 to-night. He rushes these Bills through, and reads off information that, of course, no person can follow; at least, we have not got the figures in Hansard, and we will not likely have the information in regard to these different changes when he asks us to pass them on the third reading to-morrow. I submit that the public who read the proceedings on these three Bills, showing that no opportunity has been given to the members of this Chamber to look into the Treaties and see what they mean, will be convinced that this is not fair treatment of the Senate.

There is no doubt that the Treaties will all go through, but I think it would have been

fairer if the honourable gentleman had agreed to the suggestion I made, to give the Senate one full day for consideration of these Bills. There is no reason why we should not have had these Bills up earlier. The Senate did not meet yesterday, but with three Bills on the Order Paper we should have met on Monday. We did not meet till eight o'clock to-night, and we did a lot of business, and the Bills had to be rushed through.

I wish to place myself on record as one member of this Chamber who does not think there has been a fair deal with the Senate. However, that is the position the honourable gentleman takes, and of course I cannot help it.

Hon. Mr. DANDURAND: Well, I can say this to my honourable friend, that the Spanish Treaty and the Czechoslovakian Treaty are down for third reading to-morrow. I have explained to him that if he has any doubt as to any point in those two Treaties, and desires more time to study them, he will obtain that time.

I now present to him these Treaties with those Balkan States, and he knows very well that those countries are agricultural communities. He knows that our people are bursting with enthusiasm in their desire to extend their trade, and that they are ready to invade those markets if they are put on the same plane as our large competitor, the United States. I do not believe that there can arise, either to-morrow or even within a month, if my honourable friend would have that time, any reason why we should not give our manufacturers a chance to develop their trade in those countries.

No harm can come from those countries. My honourable friend knows what they produce, and I object to my honourable friend stating that the Senate is not doing its duty, when it had a clear case which shows the very great advantage to Canada by adopting those Treaties. I would have thought that my honourable friend, if he knew what our large manufacturing industries are hoping and the efforts they will make to invade those markets for which they are reaching out, would have said, "Well, anyone who runs may read, and surely we can give those Treaties a second and third reading, and our benediction." He has seen what we have done in Czechoslovakia, and the complaints of the United States representatives there; and I would draw his attention to the fact that the Senate hesitated three years ago to vote the Finland Treaty. It was pleaded that Finland could throw into our markets 95% of our productions that we were selling abroad. The following year the Senate was perfectly well entitled to more delay if it desired, but the following year it allowed the Treaty to pass, and last year we sold to Finland $1,800,000 worth of goods, which was more than we had sold the year before, and we are increasing our sales in that part of the extreme north of Europe.

I am quite sure that when our country enters the Baltic, it will render a good account of itself; so that I really believe that my honourable friend has no right to complain of the treatment he has received at my hands.

Hon. Mr. REID: Well, I would like to say to the honourable gentleman that I do not agree with him when he says there are such a lot of people rushing to have these Treaties passed. I think there is a great difference of opinion in Canada so far as these Treaties are concerned, as was shown the other evening by Senator Kemp, from Toronto, who in reference to these Treaties made very important statements.

My complaint is that Treaties are very important, yet there is not one Senator here who will have the opportunity of reading them before they are passed. I do not think that is fair treatment. The honourable gentleman wishes to put the Senate in the position of not having an opportunity of reading these figures. When the Bills come up to-morrow I will raise my objection again, and I will ask for more time to study them.

Hon. Mr. DANDURAND: Well we will take the second reading.

Hon. Mr. ROBERTSON: I am somewhat at a loss to understand this unseemly haste. One of these Treaties has been more than three years under consideration, and it might have been brought before the House, and not rushed through.

Hon. Mr. DANDURAND: I am not rushing it through.

Hon. Mr. ROBERTSON: My honourable friend says he is not rushing it through, but there has never been such a demonstration of railroading legislation through this House in the last ten years as I have seen to-night. Furthermore, there are two main questions.

Hon. Mr. DANDURAND: I have not limited discussion.

Hon. Mr. ROBERTSON: There are two main questions I would like to ask. These Treaties are said to be giving these countries named most-favoured nation treatment, and so far as Canada is concerned, she has to treat all nations alike that are named in these Treaties. My honourable friend states that while the reduction in the duty on wine, of

which Canada purchases a very great quantity, is 50 per cent in the case of Portugal, there is no change so far as Spain is concerned.

Another question I would like to ask is: would the situation under any or all of these Treaties be the same as under our Treaties with France and Australia, namely, that after they are in force, the countries with whom we have negotiated them will raise their general tariffs and thereby place greater barriers against our goods, while our concessions, being specific, will bind us? I think that point should be cleared up, and that honourable Senators should have an opportunity to see the record and to discuss in detail these various important matters. To my mind this treaty-making with the various nations of the world is nothing more nor less than carrying on the tariff-tinkering process which has been so prevalent during the past seven years.

Hon. Mr. DANDURAND: I have heard that expression of tariff tinkering before, but I do not suppose that we have done anything more than our duty in not touching that sacrosanct institution called the tariff. The country seems to have fared well under that tinkering. Our exports have increased.

Hon. Mr. ROBERTSON: They fell off $77,000,000 last year.

Hon. Mr. DANDURAND: My honourable friend has spoken of Australia. Would he suggest that we withdraw from our Treaty with Australia? Australia has exported into Canada $6,000,000 odd, while we have exported $18,965,881. From that he can see that we have exported three times as much as we have imported. Is that a fair deal with our sister nation?

Hon. Mr. ROBERTSON: I did not understand that I was to be asked questions about something that is not under discussion. I asked my honourable friend a straight, sensible question pertaining to the subject before the House, namely: Do these Treaties contain the same provisions that the French Treaty and the Australian Treaty contain, which enabled those countries to raise their general tariffs, whereby depriving Canada of any benefits, while our obligations, being in the nature of specific reductions, must continue to be respected? Surely we are entitled to that information.

Hon. Mr. DANDURAND: There is no fixed rate in these Treaties. I can tell my honourable friend that we are under no hard and fast rule to maintain a Treaty when conditions change to such an extent that we believe that the spirit of the arrangement is not being lived up to. And although I realize that we have not every year met with such satisfaction as we could have desired in the case of the French Treaty, there were perhaps more years when the balance was in our favour than when it was against us. We realize also that the formidable depreciation of the franc has had considerable to do with the situation; and I can repeat what the Minister of Finance has said, that the moment will soon arrive when we will consider the revision of the French Treaty.

But all I desire to say is that these Treaties have been before the country for a number of weeks, and that they have been in the hands of my colleagues. My honourable friend from Prescott desires some time to study these details. He could perhaps have done so before to-day, and could have come here prepared to make the necessary criticism if he had any to make. I cannot assent to the accusation of rushing through this legislation. I have presented the Bill; I have looked around when the discussion ended; and then I have moved the motion.

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

THIRD READING POSTPONED

Hon. Mr. DANDURAND: Shall we take the third reading now?

Hon. Mr. REID: I object to it. I want information on this Bill.

Hon. Mr. DANDURAND: That is just what I was expecting from my honourable friend.

Hon. Mr. REID: I have been asking for information. The honourable gentleman stated that so far as navigation is concerned there is a Treaty between England and Spain. I would like to see that Treaty.

Hon. Mr. BUREAU: It is here.

Hon. Mr. REID: Yes. At ten minutes past twelve it is presented for the first time. Am I expected to read that Treaty, and understand it, and discuss it?

Hon. Mr. BUREAU: It has been on the file. You have had Sunday to read it.

Hon. Mr. REID: I have not seen it on file; I have not seen the favoured nation Treaty between England and Spain. Does the honourable gentleman say that the Treaty that the Leader says applies to navigation is on the file?

Hon. Mr BUREAU: My honourable friend was asking for the Treaty of commerce and navigation between the United Kingdom and Spain, and I say it is here.

Hon. Mr. REID: I did not ask for that. I said that the Leader of the Government had mentioned that so far as navigation was concerned, the favoured nation Treaty between England and Portugal applied. I think the honourable gentleman understands all right. I would like to see that Treaty, and I ask that this Bill stand until to-morrow. If this is not rushing through legislation, I do not know what it is.

Hon. Mr. DANDURAND: My honourable friend did not notice that I asked if we should proceed with the third reading. If we do not, it will go over until to-morrow.

The motion for the third reading was postponed.

CUSTOMS TARIFF BILL

THIRD READING POSTPONED

The Senate resumed from Thursday last the adjourned debate on the motion:

That with leave of the Senate Bill 169, intituled: "An Act to amend the customs tariff," be now read a third time, and the motion in amendment, that all the words after the word "that" be left out and the following substituted therefor: "the Bill be referred to the Standing Committee on Banking and Commerce."

Hon. G. G. FOSTER: Honourable gentlemen, when I suggested that the third reading of this Bill should be postponed until to-day, I did so because I thought that, in view of the fighting spirit that was being demonstrated by the Leader of the Government, and the more or less worried condition of certain members on this side of the House, an adjournment would save a conflict that might have serious consequences. I had no intention of adding anything except that I did not agree with the honourable gentleman from Montarville (Hon. Mr. Beaubien) in his amendment. I did not think it wise that this legislation should be referred to a Committee at that time, and I do not think so now; but I hope the Leader of the Government is prepared to make a statement that will satisfy not only those who are here but those who are not here that the legislation is not as iniquitous as some thought when it was presented to this Chamber.

Hon. Mr. DANDURAND: I desire to thank my honourable friend for preaching peace to this Chamber. I have raised my voice in other halls in favour of peace, and I welcome my honourable friend as a recruit and an ally.

In the course of the debate last week, I said that the Senate should take advantage of the presentation of this Bill to secure information, and that the Tariff Commissioner was here to help me give that information. I have asked for a statement which I believe fairly covers the Bill as presented. I thought that if there was any particular item in the tariff upon which special information was desired, a question would be asked from the other side of the House, and that I could satisfy the inquiry. Be that as it may, I will read the statement which explains the object of the present Bill.

Hon. W. B. ROSS: Would the honourable gentleman mind taking it as read and handing it in? I do not think there will be any trouble about the third reading to-morrow.

Hon. Mr. DANDURAND: Yes. Do I understand the amendment will be withdrawn?

Hon. W. B. ROSS: That is my intention.

Hon. Mr. DANDURAND: Then I will move to discharge the order and to place it on the Orders of the Day for to-morrow.

The motion was agreed to, and the order was discharged and placed on the Orders of the Day for to-morrow.

Memorandum respecting Bill 169: An Act to amend the Customs Tariff

The parts of engines for fishing boats were reduced to the same rates as the complete engine.

Disinfecting, dipping and spraying preparations were put on the free list.

Certain machinery for mining purposes, of a class or kind not made in Canada, was put on the free list; certain other mining machinery was reduced.

The principal changes were in the textile group.

Cottons

In the list of cotton goods the maximum rate does not exceed 30 per cent, except in one case, where the rate is 32½ per cent. The former maximum rate was 35 per cent, except in one case, where the rate was 37½ per cent.

Cotton yarns exceeding No. 40, singles, formerly free under all tariffs, are now free under the British preference; 10 per cent under the intermediate tariff and 15 per cent under the general tariff. (Number or count of cotton yarn means the number of 840-yard hanks required to weigh one pound. No. 1 cotton yarn measures 840 yards to the pound. No. 40 cotton yarn measures 33,600 yards to the pound).

Sewing thread remains practically the same, with some slight adjustment.

Cotton Fabrics

There is a slight reduction in cotton fabrics.

Certain lines of manufactured household cottons were reduced 5 per cent under the British preferential tariff and the intermediate tariff of 2½ per cent under the general tariff.

Cotton Blankets

On cotton blankets there is a reduction of 7½ per cent in all tariffs.

Cotton Clothing

On cotton clothing there is a reduction under the intermediate tariff of 7½ per cent and under the general tariff of 5 per cent.

The remaining changes in the cotton schedule were principally in the wording of the items, while the rates were practically unchanged.

Linens

Linens and flax are classified separately from cottons and woollens.

In the finer grades of linens, which are not produced in Canada, there are reductions in the British preferential rates. In the adjustment of the items, there have been some slight increases and some slight decreases.

The changes in the rates on linens were made for the purpose of helping the native flax-growing and flax-weaving industry.

Woollens

Under the former tariff there was a drawback on dry spun yarns used in the manufacture of socks, stockings and jersey cloth. This drawback will be abolished on October next, as this yarn is now produced in Canada.

These yarns were reduced from 12½ per cent to 10 per cent under the British preferential tariff; the other tariffs remain the same.

Yarns for the weaving of woollen and worsted fabrics are made free under the British preferential tariff and reduced 7½ per cent under the other tariffs.

Material decreases were made on woollen goods imported in the gray for dyeing and finishing in Canada—5 per cent under the British preferential tariff and 5 per cent under the intermediate; no reduction in the general tariff. This change was made to aid the dyeing and finishing industry in Canada.

A reduction in duty was made on mitts and all but the more expensive lines of woollen underwear, socks and stockings.

A slight reduction is made on woven fabrics known as lustres or Italian linings and on light weight fabrics. This is the raw material of the woollen clothing men.

There has been no change on other woollen fabrics or on woollen blankets.

The wording of the woollen schedule has been changed to conform to the wording of the cotton, linen and silk schedules.

Silk and Artificial Silk

Practically no changes in the rates are made in the silk and artificial silk items. But the language of the schedules has been revised to conform to the cotton, woollen and linen schedules.

Drawbacks

In the drawbacks, assistance is given the publishing industry by granting a drawback of 80 per cent on certain papers used in the production of magazines.

A drawback of 99 per cent is granted on bituminous coal, when pulverized by proprietors of rolling mills for use in the production of iron or steel in rolling mills, or when used in the production of salt.

A drawback of 60 per cent is to be allowed on the materials used in the manufacture of various tools.

A drawback of 50 per cent is given on the materials used in the manufacture of engines for the equipment of aircraft. No drawback will be paid unless at least 40 per cent of the cost of producing the engine has been incurred in Canada. The 40 per cent is to come into effect in July 1930.

Two items were transferred from the free list to drawback items—certain woven fabric for bookbinding and woven fabrics for linings of hats and for buckram hat body shapes.

One aim in the reclassification was to have the classification of the different groups uniform, or as nearly uniform as possible.

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

THE SENATE

Wednesday, April 25, 1928.

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

Prayers and routine proceedings.

GOVERNMENT PROPERTIES IN OTTAWA

INQUIRY WITHDRAWN

On the notice of inquiry:

By Hon. Mr. McMEANS:

That he will call the attention of the Senate to the acquisition of properties in the City of Ottawa; and will inquire from the Government:—

1. What properties in the City of Ottawa, in addition to the Russell Hotel property, have been acquired, or does the Government propose to acquire?

2. (a) What is the price agreed or proposed to be paid for the Russell Hotel property and (b) for other properties in the vicinity of the Russell Hotel property?

3. For what purpose is it proposed to acquire the properties mentioned and referred to in the preceding question?

4. What is the estimated cost of removing the buildings on the Russell Hotel property and adjacent properties to be acquired?

5. What is the estimated cost of converting said properties into a public park?

6. What is the cost to the country of the property acquired west of the Ottawa post office to Elgin Street; and what was the cost of removing buildings from it?

7. Does the Government propose to acquire other properties near those above mentioned; and if so what properties, and at what estimated cost?

8. Does the Goveernment propose to acquire other property in the City of Ottawa, and if so what property and at what cost?

9. What properties real are owned by the Government in Ottawa?

10. The value of same?

Hon. Mr. DANDURAND: I have been informed that it is very difficult to prepare answers to the questions of my honourable friend, and it has been suggested that he should transform his inquiry into a motion for a return. He might perhaps give notice of such a motion for to-morrow and on that motion make the remarks that he intended to make on this inquiry.

Hon. Mr. McMEANS: Can the honourable gentleman inform me which of the questions are so difficult that it would take a long time to answer them?

Hon. Mr. DANDURAND: It so happens that my honourable friend's questions cover the operations of two or three departments, and bulky files have to be searched in order to obtain the information for my honourable friend. I am simply transmitting the request of the Deputy Minister of Public Works. He stated that his part was not yet ready, but he could see that the inquiry was leading very far, and he thought that a motion for a return would be more suitable in the present instance.

Hon. Mr. McMEANS: Could I not get answers to the first two or three questions, with regard to the cost of the removal of the Russell House and other property intended to be expropriated, and the probable cost of the proposed park?

Hon. Mr. DANDURAND: But my honourable friend should not forget that his first question reads:

What properties in the City of Ottawa, in addition to the Russell House property, have been acquired, or does the Government propose to acquire?

That covers nearly all the operations of the Government, and it seems to extend back without any limit as to date.

Hon. Mr. McMEANS: I do not desire to give the Department any extra trouble.

The inquiry was withdrawn.

FEDERAL APPEAL BOARD

INQUIRY

Hon. Mr. TESSIER inquired of the Government:

1. Who are the persons who have been members of the Federal Appeal Board since its creation?
2. What has been and what is the salary of each member? What is the total paid to each member of the Board (a) for salary; (b) for other allowances and expenses?
3. What is the total to date paid for salaries and allowances to persons serving under the Board?
4. What are the names of the soldiers whose services are retained by the Board?
5. How much did they receive for their salaries?
6. How many cases are now pending at Montreal?

Hon. Mr. DANDURAND:

1. Members of the Federal Appeal Board—

Colonel C. W. Belton, M.B., C.M., Chairman.

Mr. C. B. Reilly, K.C., Commissioner.

Lieut-Colonel J. H. Roy, M.C., Commissioner.

Capt. C. W. E. Meath, Commissioner.

Dr. B. L. Wickware, Commissioner.

2. Salary of each member—

Chairman	$7,000 per annum
Commissioners	6,000 per annum

Total payments to each member of the Board to March 31, 1928—

(a) For salary, Chairman		$32,365 58
For salary, each Commissioner		27,741 94
(b) Travelling expenses—		
Colonel C. W. Belton, Chairman	$12,142 00	
Mr. C. B. Reilly, Commissioner	11,655 24	
Lieut-Colonel J. H. Roy, Commissioner	11,290 30	
Capt. C. W. E. Meath, Commissioner	12,460 30	
Dr. B. L. Wickware, Commissioner	11,195 20	

3. Total payments to persons serving under the Board to March 31, 1928—$237,885.85.

4. Official Soldiers' Advisers—

V. J. Locke, Montreal, Que.
A. Pettigrew, Quebec, Que.
H. F. Hamilton, Halifax, N.S.
C. R. Hawkins, Saint John, N.B.
Dr. H. D. Johnson, Charlottetown, P.E.I.
C. Askwith, Ottawa, Ont.
J. V. Conroy, Toronto, Ont.
E. Fremlin, London, Ont.
J. R. Bowler, Winnipeg, Man.
F. J. Rowan, Regina, Sask.
S. G. Petley, Calgary, Alta.
I. A. Mackenzie, Vancouver, B.C.
G. H. Sedger, Victoria, B.C.

5. Salary payments to Official Soldiers' Advisers to March 31, 1928—$145,003.

6. Cases now pending at Montreal—

Ready for hearing	10
In preparation	286
Awaiting further information	27
Total	373

PARLIAMENT GROUNDS—TRAFFIC REGULATION

FURTHER STATEMENT

On the Orders of the Day:

Hon. C. E. TANNER: Honourable gentlement, a statement was read yesterday by my honourable friend the leader of the House in reply to an inquiry which I had made with respect to traffic control on Parliament Hill and Wellington street. I think that state-

ment is too important to be allowed to pass without a few words of comment. The substance of the statement, which comes from the Department of Public Works, is that after an experience of two or three years the Department have come to the conclusion that there is no authority to control traffic on Parliament Hill. It says—I am not using the exact words—that efforts have been made and that drivers of automobiles have deliberately disregarded any instructions or orders issued to them. Now, my primary purpose in making the inquiry was to ascertain whether or not there existed authority and responsibility for the control of the traffic, and so far, at any rate, the reply of the Department of Public Works throws light on the subject of my inquiry. The position which I understand the Department to take on the subject is that there is no authority existing to control the traffic. If the Department's statement be correct, all I can suggest is that the Government should forthwith make some regulation or provide some statutory authority whereby traffic regulations can be enforced. That is one aspect of the matter.

Another aspect to which I desire to draw attention is that apparently another branch of the public service is not thinking the same way as the Department of Public Works. Evidence of this is before the eyes of every honourable member of this House who chooses to look out on the grounds in front of the building, because to-day, for the first time this Session, an officer of the Mounted Police Force is on duty regulating traffic, in spite of the fact that the Department of Public Works says that that traffic cannot be regulated. I took the trouble to watch for five or ten minutes; and when drivers came up and attempted to park their cars in front of the building I saw this officer go over to them, and, after a few moments of conversation away they would go with their cars. If you want effectiveness, I suggest that you go to the Mounted Police and not to the Department of Public Works. Evidently the Mounted Police are the men who can do things.

I am making these remarks because I do not want the statement that was read yesterday to go out to the public without some explanation of what has happened since. To my mind, it would be a very serious matter if the public were to accept at full value the statement of the Department of Public Works that there is no authority existing which can control traffic. That is about all I have to say, except that if Mr. Hunter's statement were right, and 500 automobilists should chose to come up to Parliament Hill and park their cars in front of this building, we would have to climb over them.

Hon. Mr. TANNER.

PRIVATE BILLS

FIRST READINGS

Bill J7, an Act respecting a certain patent of Anchor Cap and Closure Corporation of Canada, Limited.—Hon. Mr. Haydon.

Bill 48, an Act respecting the Calgary and Fernie Railway Company.—Hon. Mr. Spence.

Bill 60, an Act respecting the Canadian Surety Company.—Hon. Mr. McGuire.

SPANISH TREATY BILL

THIRD READING

Hon. Mr. DANDURAND moved the third reading of Bill 201, an Act respecting a certain Treaty of Commerce and Navigation between the United Kingdom and Spain and a certain Agreement between the United Kingdom and Spain regulating the treatment of companies.

Hon. Mr. REID: Last evening, when this Bill and the other two trade Bills were before the House, I requested some information about navigation. That was really the main point that I wished explained. This morning I went over to the Finance Department and spent an hour or two with Mr. Russell, the very competent official who is in charge of this Bill, and discussed the matter with him, and he satisfied me that the clause with reference to navigation was all right.

I also discussed with him the question of the changes of tariff; and, while I do not agree that it is in the best interests of the country to make these changes, as the Government assumes the responsibility for them, I do not think the Senate should throw out the Bill. Therefore I withdraw my objections.

Hon. Mr. GILLIS: The honourable gentleman gave us certain figures with reference to the Treaties with Australia and New Zealand. It would be interesting to know the nature of the commodities exchanged with those two countries. I could, of course, move for a return.

Hon. Mr. DANDURAND: I will give the information to my honourable friend tomorrow. The honourable gentleman wants to know the nature of the exports of this country to Australia and New Zealand, and the imports from them for the past year?

Hon. Mr. GILLIS: Yes.

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

CZECHOSLOVAK TRADE CONVENTION BILL

THIRD READING

Bill 202, an Act respecting a certain trade convention between His Majesty and the President of the Czechoslovak Republic.—Hon. Mr. Dandurand.

TRADE AGREEMENTS BILL, 1928

THIRD READING

Bill 203, an Act respecting trade between Canada and Esthonia, Hungary, Latvia, Lithuania, Portugal, Roumania, and the Serb, Croat and Slovene Kingdom.—Hon. Mr. Dandurand.

CUSTOMS BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 198, an Act to amend the Customs Act.

He said: Honourable gentlemen, this Bill is composed of a number of amendments, the principal one being contained in Clause 1. It is to enable the Department of Customs to make clear its jurisdiction beyond the three mile limit in the matter of the seizure of vessels that are suspected of carrying contraband goods. The right of the Department has never been questioned as far as the three mile limit is concerned, but the Department desires it to be made clear that it can go beyond that limit, and it has fixed a twelve mile limit.

There are other clauses which are of less importance, which will call for explanations at the Committee stage. I will therefore reserve those explanations till that time.

Hon. Mr. STANFIELD: This applies only to ships flying the Canadian flag?

Hon. Mr. DANDURAND: Ships of Canadian registry.

Hon. Mr. DANIEL: Do the words "territorial waters" simply mean waters within the three mile limit?

Hon. Mr. DANDURAND: That, I think, has been generally accepted as the territorial limit; but although the right of a country to go beyond that limit, and to exercise its authority over its nationals or its ships is not settled, Canada claims that right just as do Great Britain and the other Dominions. I could perhaps give the opinion of the Minister of Justice on this point:

In 1923, as Minister of Marine and Fisheries, he introduced some legislation with regard to the north Pacific halibut fisheries. That legislation was designed to put into force the provisions of the treaty with the United States concerning the protection of the halibut fisheries in north Pacific waters. Both in the treaty and in the statute adopted by the house there was a provision which conferred extra-territorial jurisdiction upon the enactment of parliament. The minister mentioned the fact that this was in the treaty also because that treaty was ratified by His Majesty the King, and no one either in England or in Canada challenged the right of Canada in that respect, and that statute never has been challenged since. It has been enforced since, giving the right to our officers to seize vessels, even on the high seas, which are engaged in fishing halibut in the prohibited zone during the prohibited season. However, at that time the same objection that is now raised was raised against the statute, and for the purpose of elucidating the question, the Minister of Justice states that he is free to admit that authority can be quoted in support of a different opinion. It is a debatable question in some respects; it has been debated, but the trend of constitutional authority is now rather to the effect that the dominions have the same right within their sphere of legislation as the Imperial parliament has within its sphere. This view is specially supported in the case of the award re Cooks' and Stewards' Union. That was a New Zealand case, in which the court decided that the award of a New Zealand court of arbitration as to wages to be paid on vessels trading between New Zealand and Australia was binding with reference to vessels registered in New Zealand.

In the well-known Canadian case of Cain versus Gilhula, where aliens had been deported under the Canadian legislation with regard to alien labour, for having come to this country in contravention of our law, those men took proceedings by way of habeas corpus, and the court of first instance decided that as there was a question of extra territoriality involved our statute was not constitutional; but the Privy Council decided otherwise, and that Canada may exert extra territorial powers for the purpose of exercising her sovereign powers as effectively as the Imperial authority.

There have been two cases decided by the Supreme Court of Canada, in re Frederick Gerring and re North, in which vessels had been captured outside the three-mile limit, taken in hot pursuit, and the seizure was declared valid by the supreme court.

The circumstances in the present legislation may be a little different, but still the extra territoriality was admitted in that case. The minister realizes there is a certain element of doubt attached to the matter, and it is for that reason that in 1920, the then government submitted to parliament the resolution for the purpose of amending the British North America Act, in order that it should be made clear that any enactment of this parliament within its jurisdiction had the same effect with regard to extra territorial rights as an enactment of the Imperial parliament. The resolution was adopted by the parliament of Canada in 1920. There was an exchange of views between the law officers of the crown in Great Britain and the Department of Justice; and as a result, in 1924, the Minister of Justice, introduced a new resolution to this parliament with somewhat different language. It was to the effect that:

"An enactment of the parliament of Canada, if expressed to operate extraterritorially, shall have, and be deemed to have had, that operation, if and in so far as it is a law for or

ancillary to the peace, order and good government of Canada."

This resolution was voted by the House of Commons, but was slightly amended by the Senate, so as to safeguard the rights of the provinces in that respect. The amendment came to the House of Commons on the last day of the session and was accepted. It was afterwards found that the language was not exactly what it was intended to be, and that a new resolution would have to be passed to amend it.

The whole question came before the Imperial conference of 1926, not brought there by Canada but by other dominions, and it was then decided that this matter as well as other matters should be submitted to a committee of jurists which is to be appointed for the purpose of looking into all those questions. Meanwhile, as it is a very important matter concerning peace, order and good government in Canada, the minister thinks parliament should take the same view as was taken in regard to the halibut fishery treaty, and that it should be made clear that as far as we are concerned we believe that for the peace, order and good government of Canada we should have in that respect the extra territorial jurisdiction which the legislation of the Imperial parliament has provided with regard to their own affairs.

Hon. Mr. McLEAN: If this Bill passes, would it extend to vessels that had changed their registration to Newfoundland?

Hon. Mr. DANDURAND: I cannot answer the honourable gentleman on the spur of the moment. When we go into Committee I will be able to give him the opinion of the Department.

Hon. Mr. BELCOURT: Honourable gentlemen, the questions of constitutional law involved here are certainly very debatable. However, my purpose in rising is to suggest to the Leader of the Government that it would be well if he could get from the Minister of Justice a statement of the principle of law upon which the Imperial Parliament bases its power to attempt to give to its legislation this extra-territorial effect beyond the three-mile limit. I do not contend for one moment that it does not exist, but I am not aware of such a principle.

Hon. Mr. HAYDON: For our own nationals.

Hon. Mr. BELCOURT: Of course, but exercising rights against other people. The jurisdiction now proposed is one which is going to be exercised against other people who have equal or superior powers to our own. That is the debatable point. So far as any extra territorial legislation is concerned, whether it extends to twelve or fifteen miles, our nationals are bound. But to what extent are the rights conferred upon our nationals binding upon the nationals of other countries? For my part I would like to see on what the authority of the Imperial Parliament in regard to this extra territorial jurisdiction is based.

Hon. W. B. ROSS: Honourable gentlemen, the point that has risen about this Bill is not new to me at all. It came up in two or three cases in which I was interested, and I think I know very well its history. There was a case of a marriage in New Zealand, or New South Wales, in which the question was raised, and the jurisdiction of the province of New South Wales to legislate for one of their own subjects as to what he should do outside the territorial limits of that province, was denied by the Judicial Committee of the Privy Council.

With regard to Empire legislation, the Imperial Parliament has no territorial limitation at all, so far as its own citizens are concerned. A law passed by the Imperial Parliament binds all citizens of the Empire. But we are not in that position: we have a territorial limit; from certain legal points of view we are a province, with jurisdiction that extends certainly three miles from the shore. At one time the point was very much in dispute what rights we had over the water extending for the three miles; but as to the land under the three miles of water, which has been a subject of as much litigation as any point that ever came up in the British court, the Judical Committee of the Privy Council, in a very elaborate judgment in 1919, decided that this land under the three miles of water is a part of the mainland, and they who own the soil have a right to the water.

But there is a doubt whether or not we can exercise jurisdiction even over Canadian citizens beyond the three-mile limit. Some legislation was put on our own Statute Book which tried to overcome that difficulty by saying that a man who left Canada with intent to do a certain thing in a foreign country could be punished when he came back here.

Hon. Mr. BELCOURT: That is, the national only?

Hon. W. B. ROSS: Yes, I say one of our own people. Now, the question is one that cannot be satisfactorily settled here or anywhere else, except in the Judicial Committee of the Privy Council, and the sooner it gets there the better for all concerned, I should say.

There is the difficulty my honourable friend refers to, about changing the registry of a Canadian vessel to Newfoundland. Of course, it might be said perhaps that this was a colourable transaction. I would be inclined to think that if you cover Newfoundland registry, you cover any registry at all.

So far as this House is concerned, I think the proper thing to do is to let the Act

pass, and let the Government struggle with it as best they may. It is just possible that some vessel that is taken outside the three-mile limit will challenge this legislation, and the point will be brought up; but I do not think we gain very much in discussing the question here to-day, although it is very interesting for every one to have his say and ask his questions.

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

EXCISE BILL

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 54, an Act to amend the Excise Act.

Hon. Mr. Copp in the Chair.

On section 1—rates binding and payable by His Majesty:

Hon. Mr. DANDURAND: I was asked at the second reading to obtain the opinion of the Department of Justice on the constitutionality of this clause. It is as follows:

Dear Sir:—I understand you require to be advised upon the probable constitutional effect of section 1 of the Bill to amend the Excise Act, which provides for the application of excise duties to His Majesty in the right of any province. My view is that the decision of the Privy Council in the case of the Attorney General of British Columbia vs. the Attorney General of Canada, 1924, A.C. 222 (which related to customs duties and sales tax in the case of goods imported by the provincial government) is a binding precedent in favour of the constitutional validity of the legislation now proposed.

Yours truly,

W. Stuart Edwards.
D.M.J.

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.

SPECIAL WAR REVENUE BILL

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 170, an Act to amend the Special War Revenue Act.

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.

DOMINION FOREST RESERVES AND PARKS BILL

REFERRED TO SPECIAL COMMITTEE

On the Order:

The House again in Committee of the Whole on Bill 193, an Act to amend the Dominion Forest Reserves and Parks Act.

Hon. Mr. DANDURAND: Honourable gentlemen, when we were in Committee on this Bill last week, some information was asked concerning the policy of the department in the withdrawal of some parts of these forest reserves and their distribution to settlers. I suggested that we should send this Bill to a committee, where officials of the Department could be heard, and maps produced, so that we could have first-hand information. This was accepted as a proper suggestion, but I did not know to what committee we could send the Bill. I propose now to move that the Bill be referred to a Special Committee, to which I intend to send also the Seeds Bill, the Hay and Straw and the Fertilizer Bills, so that we will get information from the technical officers of those departments.

I therefore move that the Bill be referred to a Special Committee consisting of Messieurs Béique, Benard, Black, Buchanan, Dandurand, Donnelly, Gillis, Green, Lessard, Pope, Prowse, Raymond, Riley, Ross (Middleton), Ross (Moose Jaw), Turgeon and Webster (Brockville).

The motion was agreed to.

DOMINION LANDS BILL

MOTION FOR CONSIDERATION IN COMMITTEE

Hon. Mr. DANDURAND: I move that the House go into Committee of the whole, on Bill 199, an Act to amend the Dominion Lands Act.

Hon. Mr. GRIESBACH: Honourable gentlemen, before the motion is put, I desire to offer some observations; with respect to that portion of the Bill which deals with the taking of a second homestead. On the other portions I have nothing to say at the moment.

Hon. Mr. DANDURAND: Does my honourable friend intend to move against the Bill going to Committee of the Whole?

Hon. Mr. GRIESBACH: Yes. At all events I desire to draw the attention of the House to the situation before the motion is put.

With regard to that portion of the Bill which has to do with the taking of a second homestead, I mentioned when the Bill was last before us that it was a very radical departure from the policy that has prevailed all these years. Our immigration policy is based on the granting of free lands. These free lands are growing less from year to year. They are going to be secured only by going long distances from the means of transportation, and transportation facilities will have to be extended to them at great cost. A number of questions are involved in that phase itself. But it seems to me a most extraordinary thing that in this very year when we are confronted with the possibility of the public lands of those provinces being transferred to them, we in this House, who are trustees of these lands, should be asked to pass a Bill for the purpose of conferring upon all those who have had a homestead the right to take a second one. Briefly, my point is this, that Parliament should do nothing of the sort: that this is a question of provincial policy. The whole Bill deals with provincial policy for that matter. The Bill deals, for instance, with school lands, which are a concern of the provinces. I can see no objection to the clause relating to school lands, but I do see very great objection to the clause that has to do with the taking of second homesteads.

My view is that if the Government can put before this House a statement in writing from the Prime Ministers of those three provinces that they have no objection to this Bill, we should have nothing more to say, as it is a matter of provincial policy. If, on the other hand, such evidence cannot be put before us, or, rather, if we have reason to believe that the provinces oppose this Bill, then we ought to oppose it here and it ought not to carry. Before we are asked to vote upon it the Government should inform us, or we should take steps to ascertain, whether or not the provinces are in favour of this section of the Bill. My suggestion would be that instead of sending this Bill to Committee of the Whole House we might send it to a special committee or one of the standing committees of the Senate, which committee might instruct its secertary to communicate with the Premiers of the three Prairie Provinces and ask them the definite question, "Are you in favour of this Bill or not?" Then we shall have their answers in writing and shall know where we are, and I shall be prepared to abide by the decision of the Premiers of the Western Provinces without further discusison.

Hon. Mr. GRIESBACH.

Hon. Mr. DANDURAND: I would suggest that my honourable friend allow the Bill to go to Committee, where we can discuss this question. I have here a statement regarding it which I obtained after a conference with the representatives of the Department. This is an important question of policy concerning the West. I do not intend to press the matter, but we might consider it in Committee and report progress if the honourable members of the Senate are not unanimously in favour of proceeding further. If any objection is raised, or if more information is needed, of that kind or any other, I will readily agree to our postponing the Bill for such time as will permit of the production of the desired information. So I would suggest to my honourable friend that he allow the present motion to pass and that we go into Committee and discuss this question. It is a very interesting one. I shall read in Committee the statement which I have received from the Department.

Hon. Mr. GRIESBACH: My understanding is that the Committee of the Whole House could not communicate with the Prime Ministers of the provinces, but a select committee might do so.

Hon. Mr. DANDURAND: But I can undertake to obtain the information directly from the Department.

Hon. Mr. GRIESBACH: Very well.

The motion of Hon. Mr. Dandurand was agreed to, and the Senate again went into Committee on the Bill.

Hon. Mr. Robinson in the Chair.

Hon. Mr. DANDURAND (reading):

Previous legislation.—At the present time a settler is not entitled to a second free homestead unless he had completed the duties in connection with his first homestead by 2nd June, 1889.

This legislation was passed in 1892 (55-56 Victoria, Chapter 15, Section 4). The law has not been amended since, except that in 1923 a special provision was made dealing with Southern Saskatchewan and Southern Alberta.

Amendment of 1923—This special provision allowed a second homestead to any man who had received patent by the 1st January, 1923, but who is no longer the owner of a farm. Such a settler had to produce a certificate of approval from the Province. This was part of an arrangement under which settlers were moved north from the dry areas of Southern Saskatchewan and Southern Alberta. The expenses of such removal were borne in equal shares by the Dominion, the Province and the Railway Company. For this reason the Province had to approve the settler in every case.

Settlers not helped by 1923 amendment.—It was found that there were other settlers in more northerly districts who were not covered by the 1923 amendment. These settlers have suffered from frost, drought, etc., and are equally entitled to a new start.

In some cases families could go into a new district and the sons could take up land, but they are hampered in doing so because the head of the family has exhausted his homestead right. The present provision is intended to restore that right in the case of every settler who earned his patent before the 1st January, 1925.

Danger of rush to take up land.—While a great many settlers have earned patent, it is not expected that any large number will avail themselves of the new provision—only those who have located on inferior land, where they cannot make a success of farming, or the heads of families who wish to accompany their sons, as already explained.

It must be borne in mind that of those who homesteaded in 1889 and years immediately following, many are dead and others are so advanced in years that the present offer will not appeal to them. Of those who homesteaded in more recent years, many are comfortably located and will not be attracted by the offer of another homestead. There remains the settler who made a bad choice and found himself on inferior land. He may have been forced to let it go after struggling for years, or, possibly, he still owns it but finds he cannot make a living on it.

It has been asked, why throw the privilege of second homestead open to everyone—why not confine it to those who have lost their farms?

The answer is that the Department has found in the past, in dealing with cases in Southern Saskatchewan and Alberta, that in many instances the settler's debts are more than his land is worth and he cannot divest himself of title. No one is willing to accept a conveyance of the land on account of what is charged against it. For this reason it is thought advisable to avoid any restriction which would prevent an unfortunate settler from making a new start merely because he cannot get rid of his first homestead.

Danger of present locations being abandoned.—(1) Many settlers will not move in any case; (2) Others have already lost their lands, which have been disposed of to other parties; (3) In some cases a man who still owns his homestead and who wants to move, will be able to sell out to an incoming settler many of whom, especially from the United States, prefer improved land. In a case of this kind the settler who removes is replaced by a newcomer.

What lands remain available for homesteading and where are they?

That is one of the questions I put to the Department.

A glance at the homesteading maps of the Western Provinces shows that with some exceptions the land adjacent to Railways has been largely taken up. At greater distances from the Railway there are in the northern parts of the Provinces large areas which are available for future settlement.

The Natural Resources Intelligence Service of the Department of the Interior furnishes the following rough estimate of surveyed areas available for settlement:—

	Acres
Manitoba	1,850,000
Saskatchewan	1,800,000
Alberta	8,000,000
Total	11,650,000

56109—21½

In addition to the surveyed areas there are millions of acres of unsurveyed lands in Northern districts of the quality of which but little is known.

As to the surveyed areas it is of course admitted that a considerable percentage must be deducted to cover land which upon further examination may be found unsuited for farming; but the fact remains that there is still a very considerable field for new settlement in the northern parts of the Province.

Demand for second homestead.—The Department has been in receipt, from time to time, of numerous communications on behalf of persons who desire to take another homestead. Some of these are men with large families who want to start again in a new district. The father would be able to accompany his sons, but is debarred from taking up land for himself. In other cases, pioneers have gone through many difficulties but have got into a serious position because of adverse circumstances.

At the suggestion of Western Members, it was decided to arrange for a Conference on the subject, which was held during the past Summer.

Public Meeting at Regina.—On October 10th, 1927, a Public Meeting was held at Regina for discussion of the subject of second homesteads in Saskatchewan. The following gentlemen were in attendance at this meeting: Messrs. A. F. Totske, J. F. Johnston, George Spence, J. G. Ross, C. R. McIntosh, J. Millar, E. J. Young, John Vallance, C. E. Bothwell, Dr. Thomas Donnelly, John Evans, all Federal Members from the Province of Saskatchewan, as well as the Honourable Mr. Hamilton, Provincial Minister of Agriculture and Mr. F. H. Auld, the Deputy Minister of Agriculture, and Messrs. Waddington, Naismith and Anderson, Provincial Government officials.

Messages of regret at not being able to attend have been received from Messrs. M. McLean, Dr. Young and A. M. Carmichael, M.P.'s for the Province of Saskatchewan, as well as from some of the Provincial Ministers.

Resolution Adopted.—After a lengthly discussion of the subject, the following resolution was submitted and adopted, with only one dissentient:

"That this meeting go on record as favouring the necessary amendments to the Dominion Lands Act to allow those who have taken up a free homestead and proved same up, to file on any available quarter section of land in Western Canada as a second homestead."

Suggestion that individual applications should be investigated.—This suggestion was dealt with at the Public Meeting but it was the opinion of practically all that investigation of each application would be a very difficult, tedious, and in some cases, possibly, unfair and unjust task.

Classes of deserving cases.—Among the classes of people who should be given second homesteads are the following:

Persons who retain their first homesteads and are struggling along under unbearable obligations;

Those who have lost their lands and who are living in cities, towns and villages or on rented properties, or working for others and wish to secure farms and homes of their own;

Settlers who have not sufficient lands to carry on successful farming operations;

Farmers with families of small children who require additional land and who cannot for

financial and other reasons secure same in the localities in which they are located.

Lack of time prevented extension of the enquiry to the Province of Alberta, but conditions are generally much the same. The Premiers of Saskatchewan and Alberta have both signified their concurrence in the principle of the Bill.

This is, according to a statement by the Minister, to be found in the Commons Hansard, page 2138. So my honourable friend has already the concurrence of the Prime Ministers of Saskatchewan and Alberta.

Results in Southern Saskatchewan and Alberta—

Second homesteads have already been given, conditionally, under the 1923 Amendment to settlers leaving that part of Saskatchewan and Alberta south of the south boundary of Township 31. After some four or five years, it is found that the total number of Certificates of Approval issued to settlers of this class is less than six hundred, and it is further found that out of this six hundred, many apparently preferred to rent or buy land in their new location as only one hundred and sixty-nine asked for free homesteads.

The southern country is generally supposed to be the tract must severely hit by drought, etc., and yet the movement from that district under the 1923 Amendment has been of comparatively small proportions.

Will proposed change lessen the chances of immigrants in securing homesteads?

That was one of the questions which I asked the Department to answer.

In the fiscal year 1926-27 there were 3,215 homesteads taken up by persons coming from other countries (including settlers arriving from the British Isles). This is but a small percentage of the total immigration, indicating that incoming settlers are not attracted primarily by the offer of free homesteads. As a matter of fact, the Department of Immigration and Colonization do not feature free homesteads in their literature. The fact that such homesteads can be had is mentioned, but no special stress is laid on it.

I have given that rather extended statement from the Department to justify the legislation. The Senate can hope for further information only from those honourable members who come from the three Western Provinces. Many of them have been pioneers in the West. They know the conditions. If they are not ready to express an opinion on the matter and desire to think it over, I will move that the Committee rise, report progress and ask leave to sit again, in order that the honourable gentlemen who come from those provinces may have an opportunity to give mature thought to the measure. When the honourable gentleman from Edmonton (Hon. Mr. Griesbach) expressed the opinion that it was a reversal of a very important policy in the West, it struck me as being really a reversal of that policy, one of the principles of which was the refusal of a second homestead to the homesteader; but after discussing the matter with the Department and observing that the people's representatives in the other House from the provinces concerned were agreeing on the desirability of this proposed change, I considered that the Department was quite justified in submitting this legislation. I believe, too—though I am subject to correction—that the Prime Ministers attending the Dominion-Provincial Conference suggested the same policy.

Hon. Mr. GRIESBACH: Do I understand that the Prime Minister of Alberta attended this Conference?

Hon. Mr. DANDURAND: He was at the Provincial Conference.

Hon. Mr. GRIESBACH: Here?

Hon. Mr. DANDURAND: In October. As I say, I am open to correction—

Hon. Mr. GRIESBACH: But he was not at the Regina meeting?

Hon. Mr. DANDURAND: Oh, no.

Hon. Mr. GRIESBACH: This question did not come up at the Provincial Conference.

Hon. Mr. DANDURAND: It lingers in my mind that in my conversations with the heads of the Departments in my room just lately, there had been such an expression of opinion at the Conference. I will confirm that.

Hon. Mr. CROWE: Does this affect Dominion lands in British Columbia? The Peace River block?

Hon. Mr. CASGRAIN: No.

Hon. Mr. DANDURAND: That is not my impression.

Hon. Mr. GRIESBACH: Why should it not?

Hon. Mr. DANDURAND: It covers Dominion lands.

Hon. Mr. SCHAFFNER: I must have been rather neglectful in 1923. I had entirely forgotten that in that year we passed an Act allowing second homesteads to be taken out in Alberta and Saskatchewan upon lands south of Township 31, to a distance of about 180 miles from the boundary. Now, if there was any justification in 1923 for allowing all the lands south of that point to be taken for second homesteads, why is there not justification for taking the land north of that point? It strikes me as rather peculiar. As I say, I had entirely forgotten that we had passed such legislation in 1923. In fact, when I received some correspondence on the matter, I wrote stating that such was not the case. But I was mistaken. We did pass legislation in 1923,

but I do not think there could have been very much opposition to it in this House, or I would remember it. I think there are members present from Saskatchewan and Alberta who would not be willing to admit that most of the land in the southern part of those Provinces, extending to a distance of 180 miles from the boundary, is of such a character as has been described, and that it was given up because of drought. In my opinion a lot of the very best land in those Provinces is south of the boundary of Township 31. As I said in the beginning, if there was justification for passing the Act of 1923, I can see no reason why we should not pass an Act relating to lands farther north. As I understand it, this includes all parts of the three Provinces; there is no limitation.

Hon. Mr. POPE: And while they are doing that they had better grant some charters to the railroads to build branch lines. They will be around here before noon to-morrow.

Hon. Mr. GRIESBACH: The answer to the honourable gentleman is that the Act of 1923 was passed after there had been a lot of trouble in the southern part of Alberta growing, out of drought, of course, but mainly out of the larger question of whether or not farming operations should have been allowed in that part of the Province. It was the late Minister of the Interior, the Hon. Frank Oliver, I think, who expressed the opinion that that country should have been reserved for ranching; and in the discussion in another place that point is brought out. In an attempt to deal with that situation it was agreed that because of the lightness of the soil, 160 acres was not enough land on which to farm in that country; and the Government believed that they would remedy the situation to some extent by allowing another homestead to be taken. But it is to be borne in mind that this gives to everybody who ever had a homestead the right to take a homestead in the area mentioned.

I am not greatly impressed with the memorandum that has been read. I am a little bit diffident in saying that I do not care to accept the statement that the Premiers of the Western Provinces have agreed, because I fancy that according to parliamentary practice such a statement should be accepted; but I draw attention to the fact that only two Provinces out of the three are reported on. I would also point out that the Minister made his statement with respect to the Bill as introduced in the House of Commons, and not with respect to the Bill as now before us, and that he was willing in the course of the discussion to agree to almost any amendment that anyone cared to offer.

Hon. Mr. DANDURAND: That shows an open mind.

Hon. Mr. GRIESBACH: It showed so open a mind that it deepens the suspicion that lurks in my mind, and makes me think that we should look very carefully into the whole matter. Let me put it another way in order that the House may get a certain slant on it. There are in every constituency in those three Provinces a certain number of people who have taken up homesteads and who would like to take up second homestead. The gentlemen whose names have been mentioned are members of the House of Commons. Suppose there are 1,000 homesteaders in each constituency, and that 250 of them would like a second homestead; if those members of the House of Commons disapprove of this proposal they will come into conflict with these people at once. Consequently there is something to be gained politically by supporting the Bill, and a good deal to be lost by opposing it. But we in this House, the traditional guardians of the rights of the Provinces, were not invited to that Conference. Probably there is a reason for that too. This involves a question of policy—I might almost say of national policy. One can see the political wheels going around, and I think we ought to step in, and, as far as we can, assist the Premiers of those Provinces in the enunciation of a sound policy, which they will control, by the Dominion. I do not want to be at all offensive in saying that I hesitate to accept the statement the Minister made in another place as to the acquiescence of the Prime Ministers of those Provinces; but I would like to see a statement from them in writing, laid upon the Table of the House. If they say it is a good Bill, I have nothing more to say.

Hon. Mr. CROWE: Could the honourable Leader answer the question I have asked?

Hon. Mr. DANDURAND: The question is: Does this cover British Columbia? I do not believe it does.

Hon. Mr. BEIQUE: Yes, it does, in this way. This is an amendment to section 11 of the Dominion Lands Act, chapter 113 of the Revised Statutes, and sections 3 and 4 say:

3. Except as provided by this or any other Act of the Parliament of Canada, this Act applies,

(a) to the lands of the Dominion of Canada in the provinces of Manitoba, Saskatchewan and Alberta, and in the Northwest Territories of Canada;

(b) to the three and one-half million acres of land in that portion of the Peace River district of British Columbia, lying east of the Rocky Mountains and adjoining the province of Alberta, granted to the Crown, as represented

by the Government of Canada, by section 7, chapter 14 of the British Columbia statutes of 1884. 1908, c. 20, s. 3.

4. None of the provisions of this Act shall apply to the public lands comprised within the tract of land known as "the Railway Belt", in the province of British Columbia, granted to the Crown, as represented by the Government of Canada, for the purpose of constructing and to aid in the construction of the Canadian Pacific Railway, on the mainland of the said province, by section 1 of chapter 14 of the British Columbia statutes of 1884, except such provisions as relate to timber, which shall apply to the timber on such lands, and except those contained in section one hundred and one with regard to summary proceedings respecting forfeiture and trespass, and except as hereinafter specially provided; but the Governor in Council may, from time to time, make such regulations for the survey, administration and disposal of such lands as he deems suited to the conditions thereof.

Then there are some exceptions. But honourable members have there the extent to which it applies to the lands in British Columbia.

Hon. Mr. CROWE: It will affect the Peace River block that the British Columbia Government is asking the Federal Government to hand back, and also the Railway Belt.

Hon. Mr. GREEN: Not only that, honourable gentlemen, but the Premier in answering a question in another place said they were going to act on the report of Commissioner Martin, who recommended that these lands be handed back to British Columbia. If that is so, why throw open the lands now so that they can be homesteaded before they are handed back? I think British Columbia should be specifically excluded.

Hon. Mr. LAIRD: Honourable gentlemen, I must confess that I was not altogether impressed by the statement read by the Leader of the House. The general principle of the granting of second homesteads is one on which we might easily have different opinions. There are some features of the statement which has been read, with which one could readily agree; but aside from that, it strikes me that the present is a very inopportune time to adopt such a radical policy as is suggested The facts are that under the Martin report with regard to the public lands of British Columbia, a very large area there is to be returned to the Province according to the accepted policy already announced by the Government. In Alberta we find a similar situation—an agreement has been practically made between the Provincial authority and the Federal Government whereby the natural resources of that Province will be returned to the Province, and that agreement only awaits the reconciling of some differences with regard to some minor features. Under these circumstances, it seems to me that we would be very ill advised at this time to adopt a policy which involves such a radical change as is proposed, because if those resources are returned to the Provinces, according to the announced intention of the Federal Government, then these lands will come under the administration of the Provinces and it will be for them, rather than for this Parliament, to say whether the principle of second homesteads should be recognized or not. For that reason I think we should hesitate before adopting the principle involved in this Bill, and await the determination of the ownership of the public resources of the western provinces, which is liable to change in the very near future.

Hon. Mr. GILLIS: So far as Saskatchewan is concerned, land is our principal asset. If our lands are given away free, what is the particular object of our agitating for the return of our natural resources? I understand that British Columbia is equally interested in this matter, and in that case it is very necessary that we should clearly understand that the Provincial administrations are desirous of having this law passed. I believe that considerable progress has been made in the matter of handing over the resources to the various Provinces. They may, as has been said, adopt a different policy in dealing with the public lands in the West, and as this land is part of their resources, I think we should know exactly what their position is, particularly in view of the fact that this Bill has been changed since it was introduced in another place.

Hon. Mr. DANDURAND: I move that we rise, report progress, and ask leave to sit again.

Hon. Mr. GRIESBACH: What are we going to do next? In other words, where do we go from here?

Hon. Mr. DANDURAND: I will put the Bill down for Monday next, and in the meantime I will consult with the Minister of the Interior. Then I will either discuss the matter with my honourable friends, or I will state in the House what the policy will be. I will bring in such an opinion I think as will commend itself to the Senate.

Progress was reported.

ST. LAWRENCE WATERWAYS PROJECT

DEBATE CONTINUED

The Senate resumed from Thursday, April 19, the adjourned debate on the inquiry of the Hon. Mr. Reid,

That he will call the attention of the Senate to the St. Lawrence waterways project, and inquire if it is the intention of the Government to lay on the Table of the Senate the Report of the Advisory Committee on the proposed scheme.

Hon. J. P. B. CASGRAIN: Honourable gentlemen, last week, in order to facilitate Government business, I consented to the adjournment of this discussion. I had said that this House owed a debt of gratitude to the honourable member for Prescott (Hon. Mr. Reid) for having brought this matter before it. I think we also owe a debt of thanks to the honourable member from Halifax (Hon. Mr. Tanner) who has obtained the appointment of a Committee on the subject. I consider that such a Committee will be very useful, because the members of the Committee and of the Senate generally will be able to control what has been said in this House; and I understand further that the Committee will have before it experts who will either admit what has been said in the House, or, if it is wrong, correct it. I think this Committee should take cognizance of what has taken place here.

Now, the honourable gentleman from de Salaberry (Hon. Mr. Béique) spoke after the honourable Senator from Prescott (Hon. Mr. Reid). I may not agree with the honourable gentleman from de Salaberry, but before disagreeing with him may I say that he knows, from what has appeared in a certain newspaper in Montreal, the sentiments that I entertain towards him. I venerate him as a man who will attain four score and three years next May and is still full of vigour. His mind is as bright as that of a man of fifty; and physically—Why! when some of us get off the train with him and walk towards the hotel, we have to say; "Don't go so fast, we are not your age." When he goes up Beaver Hall hill very few men can follow him. He has reason to thank divine Providence. He is very active as a legal gentleman and in many other capacities. I have said before now that as a member of the Board of the Canadian Pacific Railway he is not a silent member, but very often he advocates what becomes the policy of that great enterprise. Having said that, may I now be permitted to differ from him on certain things. Of course, a man cannot be universally expert, and I think he would be the first one to admit that about navigation. He cannot possibly be as well versed as he might have been had he been a sailorman. For instance, he believes that big canals can have rates as low as small ones, when the fact is absolutely the reverse, as is proven by a book by Moulton, entitled, "Waterways vs. Railways", a most illuminating book which belongs to the Library of Parliament.

Hon. Mr. BELCOURT: It is old.

Hon. Mr. CASGRAIN: It is dated 1912, but there has not been very much change. The honourable gentleman first spoke a great deal about Mr. W. D. McLachlan. Well, Mr. McLachlan is a very good engineer, I dare say, but his opinion is that of an engineer. He spent four years, from 1914 to 1917, on the shores of Hudson Bay, and at last, in 1917, he discovered that Port Nelson was not a very good port—in fact not a good port at all—and he made the matter public, and of course both governments have spent much money in developing that port. Mr. Bowden was Deputy Minister of Railways and Canals.

Right Hon. Mr. GRAHAM: Chief engineer.

Hon. Mr. CASGRAIN: Chief engineer, and I think my honourable friend was Minister at that time. Mr. McLachlan might have inquired from the first captain who tried to make that port, and that captain would have told him at once that the port was not of much use.

To give you an idea of the difference between the engineers, this very voluminous report that we have here shows that the engineers themselves do not agree at all today. The Canadian engineers submit one thing, and the American engineers another. I think that at least those engineers, who were employed for some years, should have brought to this parliament and the Government a report in which they agreed.

For instance, take the one point—that of regulation of the levels of the great lakes. The Joint Board of Engineers, in their report, point out that regulation of levels is practicable only within very restricted limits, and that the benefits to be obtained are incommensurate with the cost. They conclude that general regulation is clearly inadvisable for the purpose of improving lake levels for lake navigation, and that there is no present justification for the great expenditure necessary to provide regulating works in the interest of power production. They further draw attention to the conflict of interests involved. If levels are maintained in the Great Lakes it will be at the expense of navigation in the St. Lawrence River. If lake levels are drawn down for power purposes it will be to the detriment of navigation in the Great Lakes. The interests to benefit by maintaining lake levels are largely in the United States. Those to benefit by improving navigation in the St. Lawrence are in Canada.

Now, I am not so sure that we have to take that as gospel truth—that nothing can be done to maintain a better level in the lakes. It must be remembered that on this Board of Engineers there is not one single sailor-man; yet they undertake to tell shipowners and mariners what is best for them. That has been the mistake of all the governments. For instance, an English engineer was imported last year to tell us that Fort Nelson was not a good harbour. But, Mr. MaLachlan had told us that for nothing in 1917, after having been four years at Nelson, and at the risk of losing his job. Therefore, obviously, that was a very poor investment that this country made. Does anyone mean to say that in the institute of Engineers of Canada, with some 5,000 members, there could not be found one competent engineer who could have said that Port Nelson was not a good harbour? Not a Session of the Senate has passed for the last twenty-five years without that question of Port Nelson being brought up. It was pointed out in this House that 16 miles out from the mouth of the River Nelson there was a depth of only 17 feet of water, and that it was just as difficult to make an artificial channel there as to dig a hole in a barrel of dry peas. Everybody knew that still it was necessary to employ that engineer Mr. Palmer. I suppose there was some reason for it.

Hon. Mr. DANDURAND: The same reason as for Sir Henry Thornton being sent for as an outsider.

Hon. Mr. CASGRAIN: Well, he was an engineer to run the railway, and I think he is doing pretty well; but it was not at all necessary to bring the other gentleman. But if I do not approve of importing Mr. Palmer, I must say that I commend the Government highly for having secured the services of Captain Mack, who has been for twenty years in charge of the navigation for the Hudson Bay Company. I suppose this House is aware that during the war all the maritime transports of Great Britain were carried on by the Hudson Bay Company, and Captain Mack was sent to Bergen in Norway to get that Prime Minister Protopopoff, who was with that rascal Rasputine trying to govern Russia so disastrously. Captain Mack was the one who was sent, and he took him to England. Later on he went again to pilot that notorious socialist, Albert Thomas, who is now at Geneva. He was sent from France in a ship, the Champagne, and when they got far up North Captain Mack piloted them for a while, towed them for some time, and brought them up to Archangel, in the White Sea, and there landed them safely. The other day in my office, Captain Bernier told me that that was the very best choice the Government could have made, in securing the services of Captain Mack, who has been navigating the Hudson Bay every year for nearly twenty years, to my knowledge.

I have mentioned the name of Captain Bernier, and since we are talking of navigation, here is one of the greatest men Canada has produced in a century—Canadian born and Canadian bred—a man representative of the very heart and soul of Canada, who has enlarged our knowledge of the resources of this country, and has added vast realms to our territory, never for his own enrichment, but for the enrichment of his country. Here he is, at the age of 76, with never a wrinkle in his face, and his eye as clear as a boy's, yet himself as poor as a church mouse, living on a little pittance of a pension. Why a grateful fatherland does not allow him a comfortable pension to free him from pecuniary cares for his remaining years, I do not know.

Captain Bernier commanded 107 ships during his career. In the old days in Quebec they were building, 40 or 45, full-rigged wooden ships every winter, and Mr. James Gibb Ross used to retain Captain Bernier and pay him an additional fee because he could make the trip so quickly, and the ships were sold at so many shillings more a ton according to the log which showed how fast they could sail. I have heard an instance related by one who was present Capt. Chalifour. When they were going down the lower St. Lawrence late in the fall at 11 o'clock one night with a stiff north-easter blowing, the ship being crowded with sails was very difficult to steer, and the mate and two men had a very hard time to keep her on the course. At last the ship was too much to manage, and they sent the cabin boy down for Captain Bernier. When he came up on deck he wanted to know, in profane language, what they wanted him for. The mate told him that the ship was too crowded with sail, and asked permission to take down the top sails, but Captain Bernier replied, "Look here, young man. I want you to understand that Bernier put up those topsails and God Almighty alone will take them down." He crossed on that voyage to the other side, unloaded his cargo, sold his ship and boarded the Polynesian of the Allan Line, and was back in Quebec in 29 days. That shows what kind of man he is. That man should be recognized by his country: nobody had a better right to be.

Now, in reference to increasing size of the canals, I have here the report of the Erie

Canal, which is called the New York State Barge Canal. It was a five foot canal, and it was increased to a 12 foot navigation with the idea that it would improve the tonnage.

Here is the State of New York department of Public Works special report to His Excellency Alfred E. Smith, Governor of that State on the New York State Barge Canal, by Frederick Stuart Greene, Superintendent of Public Works." I wish honourable gentlemen to see what happened to the United States for increasing the depth or enlarging that canal. That report says:

That the traffic carried on the Barge Canal has fallen short of expectations cannot be denied. The canal has a theoretical annual capacity of 20,000 tons. In 1919, the first year after the canal was opened throughout its length, 1,238,844 tons were floated, last season 2,344,013 tons were carried. This increase has not been sufficient to prove the canal an economic success.

That report is dated February 26, 1926. Now, note the figures as to cost.

The cost of the canal during 1925 was:

Maintenance and operation.. ..	$ 2,981,841.26
Capital charge..	6,137,495 08
Permanent betterments	1,092,051 52
Claims paid..	722,175 89
Gross Cost..	$10,933,563 75
Less Receipts..	359,936 91
Net cost to the taxpayers.. ..	$10,573,626 84

The greater part of the tonnage was bulk freight—grain, sulphur, salt, etc.,—which is carried at low rates by water and rail; a fair average rail rate on the commodities carried by canal from Buffalo to New York, the longest haul, is $3.70 per ton. In 1925 it cost the State $4.51 per ton for all freight floated on the canal, regardless of the length of haul. From these figures it is evident that it would have been cheaper for the State, if all the freight carried on the canal had been put on railroad cars and the State had paid the freight bills.

The canal is only floating one-tenth of its tonnage, and the report adds:

If twenty persons, knowing the Canal, were asked why it is so little used, probably twenty different answers would be given; but the fundamental reason is ice—the Canal is closed by ice for five months each year.

To go on still with the Erie Canal, when it had only five feet for navigation it did quite a tonnage, but when they increased it, it does not do now one-third of the tonnage that it did before it was increased

Hon. Mr. GRIESBACH: Why?

Hon. Mr. CASGRAIN: I will proceed and you will see. There are a large number of terminals named, about 16 in all that have received no canal freight either in the warehouses or out of them during the past two years. Then, the report goes on and gives what all these places cost, and proceeds:

Official records show that many of our Terminals have never been used for canal tonnage since the day they were built. The Terminal at so important a city as Albany costing $312,914 has received but one small canal shipment (lumber) during the past two seasons, and in that time no canal freight at all has gone in or out of the freight house.

Naturally thinking that because it was not prospering it might do so if they built elevators, they decided to build a 1,000,000-bushel elevator at Oswego, and it was represented to them that ships would be waiting to unload there and give freight to the canal. The report says:

The 1,000,000 bushel elevator at Oswego has been in service too short a time to say in fairness that it is a failure, but it is entirely proper to show its cost and earnings up to January 1, 1926. During the days of agitation for the construction of this elevator, it was claimed that lake steamers would be waiting at the wharf to discharge grain on or before the opening dates. This elevator was ready to operate on May 16th, last, but it was not until October 21, 1925, that any commercial grain was handled. This was Canadian wheat placed in the elevator for winter storage.

And it goes on to say how much money this has cost.

So you see, honourable gentlemen, that it is not always wise to think that by increasing the size of canals you will increase the business. The question whether you have a big canal or a small one will not affect the quantity of grain grown in the West. However, I will deal with that point later.

But let us come back to the remarks of the honourable gentleman from De Salaberry (Hon. Mr. Beique). The burden of his speech was that we could make a treaty. I have no doubt in my mind that the honourable gentleman could draft a treaty perfectly; perhaps nobody could do it better than he. That is all very well. We know, for instance, that in another place Monsieur Ernest Lapointe gloats over the fact that he signed a treaty all by himself, although the representative of His Majesty in Washington was willing, nay, eager to sign the treaty. Now I leave it to honourable members of this House, do you think that that treaty would have been weakened if it had been signed by the representative of His Majesty? Does the honourable gentleman who presides with such dignity over the deliberations of this House think that the treaty would have been weakened if it had been signed by the representative of the greatest empire that the world has ever known? Does the honourable leader of the Opposition think that the treaty would have been weakened? As for my honourable leader

on this side of the House, he will close this debate and will tell us whether he thinks it would have been weakened or not. These treaties are all very well. Not only Monsieur Ernest Lapointe, but anybody, can sign a treaty, but how about enforcing it? That is the question. Notwithstanding all the perfect clauses that the honourable member from De Salaberry might draw, is there any court to which he might appeal to have that treaty respected? Supposing that such a court existed and the honourable gentleman got a judgment from the court, where is the sheriff to execute that judgment? It is sad to say it, but it seems to me that in international matters, in the last resort, might prevails over right. It may be all wrong, but that is the fact. It is true that we might refer a dispute respecting a treaty to the Court at the Hague, but the question can be referred only when both parties are willing, and if both parties are willing to adjust their difference, what is the good of going to court? They can settle the dispute between themselves if they are both willing, but if one party is unwilling, that great international Court sitting at great expense at The Hague cannot even issue a subpoena or summon a witness. Nobody can deny that. Therefore the less we have of these treaties the better, for the interpretation that will prevail will probably be the interpretation placed upon the treaty by the richest and the mightiest.

Only yesterday, in the city of Quebec, there was held a great celebration on the occasion of the launching of a new steamer, called the Quebec. The Right Hon. Sir Charles Fitzpatrick was present and said a few words. As you are all aware, he was at one time Minister of Justice, he has been Chief Justice of the Supreme Court of Canada, and more recently Lieutenant Governor of the province of Quebec; certainly a man who has occupied very high positions. This is what he said in conclusion: "We hear rumours about certain treaties and other matters, but let us hope that the St. Lawrence River may always be a Canadian river. And remember Chicago!" That was said yesterday afternoon in the good old Chateau Frontenac in Quebec.

The honourable member from De Salaberry will admit, I think, that it would be very hard for him to scull a dory across a creek, or that he could qualify for captain or mate, or even coxswain. We ought to leave everyone to his own vocation, and, I repeat, when you want to know about navigation you should consult marine men—sea captains, navigators, and the rest.

Mr. D. W. McLachlin occupies, I dare say, a good position in the Government Service,

but it must be remembered that just as it is not the best lawyers who want to become judges, so it is not the best engineers who work for the Government. One of the members of this Commission, M. Olivier Lefebvre, who is Chief Engineer of the Quebec Streams Commission, is such a valuable man that various companies outside wanted his services, and he told the Government: "I am offered so much by"—never mind the name of the company; I know it well—"and I must resign and accept that salary." Then, in order to retain him, the Government of Hon. Mr. Taschereau votel him a salary of $15,000 a year. I do not know that there is any engineer working for this Government who is receiving such a salary, but the Government of Quebec is paying it because they did not want to lose his services. So I think that if the Government desire to secure the very best engineers they will have to pay a much higher remuneration than Mr. McLachlan and others are receiving.

The honourable gentleman said also that the engineers disagree. The American engineers want to have a one-stage development, that is, one dam on Barnhart Island, near Cornwall, and the dam there would be 83 feet in height. Mark you what it means, honourable gentlemen, to have such a dam towering over the town of Cornwall. The Canadian engineers want a two-stage development, with one dam about 60 feet in height at Cornwall, which would still be very high, and above Morrisburg another dam, 20 feet in height; the two making the same head, giving the same power, but without as much risk. With regard to the big one, the one-stage development, I have here the figures showing the pressure that would be exerted by the ice in the spring.

According to the report of the Joint Board of Engineers the maximum pressure that could be exerted by ice at the dam would be 32,000 pounds per linear foot. That is ten tons per square foot, if the pressure was exerted by the thrust of a wave.

In the discussion that took place the American engineers were asked what would happen if an accident occurred—if, for instance, there were a break in the dam. This question was considered a good while ago. I need not tell you that the captains and pilots are against any such dam, and when we want men to navigate steamers we do not look for engineers, even the most competent and most renowned. If there were a break in this dam what would be the consequences? Suppose there were an ice jam, the formation of which, it is admitted would be facilitated by the dam at the Long Sault.

The first report made by Canadian Government engineers on the damming of the Long Sault discussed the possibility of the dam being destroyed. This report was made not lately, but on December 15, 1908—almost twenty years ago—to the then Governor General, His Royal Highness the Duke of Connaught, and was signed by Wm. P. Anderson, who was Chief Engineer of the Department of Marine and Fisheries; Mr. M. J. Butler, who was Deputy Minister of the Department of Railways and Canals; and M. Eugene D. Lafleur, the Chief Engineer of the Department of Public Works. In section 6 of their report these engineers said:

> The possible destruction of the proposed dam by natural forces or by malice of an evily-intentioned person; (an earthquake might be the means of destroying the dam) certainly a very few pounds of dynamite in the hands of a man knowing how to use it, would be most disastrous. The volume of water which the dam would contain, would be sufficiently great, if liberated in the form of a wave to, at any rate, destroy the greater portion of the town of Cornwall—certainly the Cornwall canal or that portion of it below the dam—and without doubt the means of flooding Lake St. Francis and a large section of the land on the river bank protected by the Hungry Bay dyke; besides unquestionably imperilling the Soulanges canal, as well as the villages fronting the river between Lake St. Francis and Lake St. Louis. Whether the effect of a sudden break would be taken care of by Lake St. Francis and Lake St. Louis is a question. Experience had on a very much smaller scale would lead one to expect that the damage would be continued on through the lower portions of Montreal, with the possible destruction of the Lachine Canal as well.

Honourable gentlemen, the question is, will this Senate take the responsibility? How many lives would be lost? How many men, women and children drowned? Valleyfield, it is admitted, would be absolutely wiped out. Generations would have to live in constant fear, not knowing what might occur.

When in the discussion the Canadian engineers represented to their American friends, as I have just stated, that there might be an accident and the dam might give way, the American engineers said: "Well, if we cannot build a dam that will stay up we might as well quit right now." To this the Canadian engineers replied: "Have you ever known of engineers putting up a dam that they did not believe was going to stand? Yet hundreds have given way." Imagine the immense danger in having such a dam extending from the Canadian to the American shore and what a terrific pressure would be exerted upon it. Why, only this spring the lower part of Montreal was flooded. There was nothing like a wave 80 feet in height coming down; it was just a natural flood. Longue Pointe was flooded this month. To my mind it would be sheer madness to erect a dam at the Long Sault. It would be a menace to both shores of the St. Lawrence. You have read just lately of the enormous dam in California giving way, and there is no guarantee that this one would stand any better than the hundreds of others that have broken.

This great project is very alluring to those who do not know any better. We have constantly heard of similar schemes here in Canada. My honourable friend here (Hon. Mr. Belcourt), we remember, advocated the construction of the Georgian Bay Canal. We used to think that the flags of all the nations of the world would be flying on those great interior seas, and we were perfectly sincere. What is happening to-day? We are hearing the same old story. We are talking about bringing ocean vessels to the Great Lakes. Are honourable gentlemen aware that 50 ocean vessels are now on their way here and that these will ply the Great Lakes this summer? Are not those enough? Of those 50 vessels 18 are new ones that have just been built in England. Why could we not have built those vessels right here? Why should not the Government arrange to give sufficient protection to enable us to build those vessels in this country and give employment to our own people? This is an item which appeared, I think, in the Montreal Gazette:

> Some fifty steamers are expected to cross the Atlantic this spring to enter the grain, wood-pulp and pulpwood carrying trades on the Great Lakes and the St. Lawrence. This includes eighteen new lake vessels that are being specially constructed in British Shipyards for the Canadian service, and a number of them will be Norwegian boats, similar to the small craft that have visited this country in the past few years, trading on the Great Lakes during the summer and sailing from Montreal to European ports on the conclusion of navigation.

About 32 of these steamers will come up again this year.

> During the so-called off-season many of the lake steamers engage in carrying wood-pulp and pulpwood from lower St. Lawrence ports to regions in the vicinity of Niagara Falls, from which it is transported by rail to the large paper mills in the Central Freight Association territory.
>
> Considerable complaint has been made from time to time by owners of Canadian and American lake tonnage over what they term unfair competition. Whereas the maintenance and operation of the canals is a public charge on the people of Canada and, to a smaller extent, the United States, they are free to foreign steamers carrying cargoes from one level to another on an equality with the vessels of the two boundary countries. It is also stated that these craft spend little in Canada, and pay, in the case of the Norwegian boats smaller wages to their crews.
>
> Being a less suitable class of construction, as they are built to withstand the severe storms of the Seven Seas, the ocean craft have a relatively higher overhead than the regular

lake carriers, and compete more or less on an equality with them, even though they may obtain twelve months' employment as compared with about seven by the lakers.

Honourable gentlemen, I called attention to this matter last year. Those ships coming here use our canals without paying a cent, and we have to pay. Is that fair to Canadian bottoms? The foreign vessels bring all they need of ship stores. They pay their men about one-quarter of the wages that ours receive, and they are careful not to pay them during the voyage, but only when they return to Norway. Of course no man will quit and lose his wages, no matter how small they are. I think the Minister of Customs should investigate the stores brought in by those vessels and should make them pay duty on what they have. Why should those ships be allowed to go scotfree? They ought to pay duty before being permitted to come in here. They operate on the Lakes the whole summer in competition with Canadian ships that employ Canadian sailormen, who have wives and children depending upon their wages. And mark you this. We are told that if this great scheme were carried out there would be no breaking of cargo, but that vessels could go up to the Great Lakes, get a load there and come all the way back; but not one of those foreign steamers ever crosses the ocean during the summer. They ply from port to port on the Great Lakes during the summer season, and then in the fall of the year they come down and return home. They do not ply between a European port and the head of the Lakes. There 32 of these small ocean craft coming out this summer.

Hon. Mr. WILLOUGHBY: To do a coasting trade?

Hon. Mr. CASGRAIN: To do a coasting trade.

Hon. Mr WILLOUGHBY: We were discussing that question last night.

Hon. Mr. CASGRAIN: And that has been going on for years. When our vessels are tied up on account of the ice, those foreign vessels are engaged somewhere else; they go and operate in some southern clime. So they get steady employment for twelve months of the year.

Hon. W. B. ROSS: Why could not ours go away in the winter-time too?

Hon. Mr. CASGRAIN: Our big lakers could not come down, because they are, some of them, as long as 680 feet, whereas our canal locks are only 275 feet in length. It would be necessary to reduce them to half their size, and that would hardly pay. So our boats have to be tied up during the winter months.

This subject may be very dry, honourable gentlemen, but I think it is worthy of careful consideration. I have given it thought for years, and for the last seven weeks I have been devoting special attention to it, because I know that the proposed scheme cannot be carried out without the permission of this House. The Senate can vote for it or against it. We have to take the responsibility. Therefore I am doing my best to give to honourable members the benefit of the hours and hours of work that I have devoted to this subject.

With regard to ocean ships I would like to quote from a lecture that was given, mark you, in Chicago, before the Third Mid-West Power Conference by E. A. Forward, Member of the Engineering Institute of Canada. He says:

> The transportation efficiency of the present fourteen foot canal system depends on two factors, namely, the cargo capacity of boats that can pass through the locks, and the number of lockages that can be made daily.
>
> The record grain cargo for the season of 1927 was the steamer J. H. Price, which brought 99,052 bushels of wheat—2,971 tons—from port Colborne to Montreal.
>
> It is evident that traffic conditions on the St. Lawrence do not warrant the expenditures required to provide a twenty-five or twenty-seven foot channel for many years to come.
>
> Whether the construction of a deep waterway is justifiable on other grounds has been the subject of much discussion. In this connection it may be pointed out that the situation in Canada and the United States, as found by the International Joint Commission, is radically different. Canada now has transportation facilities far in excess of actual requirements, and her chief concern at the present time is to secure additional population to provide traffic which will enable them to pay their way. The special needs of the farmers of the Canadian West are already being met by the new outlet for their grain to the Pacific coast, via Vancouver and Prince Rupert: by ocean communication with Europe via Hudson Bay, soon to be realized; and, by low rail rates on export grain.

Do honourable gentlemen realize that a Canadian farmer can ship three cars of grain a given distance for what it costs a United States farmer to ship two cars the same distance? And still our western farmers complain. The United States freight rates are the cheapest in the world outside of Canada.

Before enlarging our canals, let us ask those who use the present canals if they are used to their full capacity, or even three-quarters of it. This has never been done.

This report of the engineers would have us believe that there are 100,000,000 tons of freight to be carried. That is not so at all. I have the exact figures, which I will give you. The average for many years past has been

about 90,000,000 tons, and of those 90,000,000 tons only one in ten goes east of Lake Erie; and as even that one ton has to be divided with the United States, and as they are getting 60 per cent and we 40 per cent of it, you will see that there is no need of increasing the capacity of our canals.

I have here a letter from Mr. J. Lambert Payne, in which he says:

I am sending to you herewith the report of the Superintendent of the New York State Barge Canal for 1925.

With regard to the traffic on the old Erie and the new barge canal, the latter having been completed in 1921, the facts for certain are as follows: The proposed St. Lawrence development originated in the United States. It would seem, however, that our neighbours make very little use of the present waterway. They have a big business at the Soo, but very little indeed for the St. Lawrence. For the year 1926 the total traffic through both the Canadian and American locks at the Soo was 85,679,087 tons.

Here may I draw your attention to the report of the Board of Engineers, in which they say it is 100,000,000 tons. Mr. Payne goes on:

Very little of this reached either the Welland or the St. Lawrence canals. As a matter of fact, 53,874,364 tons consisted of ore which goes out at Buffalo to Pittsburgh. A further 12,874,336 tons was coal, and about 9,000,000 tons was Canadian grain and flour—

—of which the United States takes 60 per cent, and we take 40 per cent.

So far as the St. Lawrence canals were concerned in 1926, out of a total volume of 6,123,701 tons, 1,772,860 originated in the United States. You will see at once that the American business is of very little importance, and I cannot see how a larger canal system would in any way stimulate American traffic on the St. Lawrence. The United States cannot expect to increase its exports of farm products because of growing domestic consumption. The attitude of our American friends towards the St. Lawrence canal scheme is merely a mask for the water power project.

As I told you, I am convinced that the three factors of increased overhead, the short season, and one-way traffic, would make it impracticable for large ships to operate through to Montreal at present rates. The larger the ship the larger would be the overhead, and it is also true that the larger the ship the slower would be its progress through the canals. It is time that governs freight rates by water, and not distance.

Yours sincerely,

J. L. Payne.

It is not my intention to-day to discuss the question of power, but I have here something about the diversion of water through the Messina canal. At the top of the Long Sault there is a canal cut from the St. Lawrence down to the Grassy river, a distance of ten or fifteen miles, and a diversion is made there of 86,000 horse power. During the war we permitted the company to build a submerged dam in order to throw more water into their canal to increase their power for the purpose of making more munitions.

Hon. Mr. REID: May I interrupt for a moment? I just want to explain that neither the Government nor the people of this country permitted that; it was one vote of the International Joint Waterways Commission that did it in opposition to the Government.

Hon. Mr. CASGRAIN: Thank you. And what happened? It was well understood that that submerged dam should be dismantled immediately the company stopped manufacturing munitions. That was ten years ago; and what has happened since? Not only has the dam not been dismantled, but there is to be an application in Washington on the 15th of June to raise it six feet more. If honourable gentlemen will permit me, so as to save the time of the House, I will file the details instead of reading them. This is just a statement of the facts.

Diverting Water From St. Lawrence Through The Messina Canal

Ottawa, April 7.—The International Waterways Commission, at the request of the Canadian Government, has postponed consideration of the application of the St. Lawrence Power Company to divert more water from the St. Lawrence river through the Messina canal, New York.

That such an application should be made at all is of considerable importance, as indicating the possibilities of complication that might arise if the United States and Canada should agree to proceed with the proposed St. Lawrence Deep Waterway and Power scheme, as a joint enterprise.

The proposal to divert more water via the Messina canal is of special concern to navigation interests, since the water so diverted debouches into the Grassy river and is lost to the St. Lawrence system. The proposal also demands consideration as showing that when a vested interest is allowed to be established in the St. Lawrence, even contractual obligations are in danger of being lost sight of.

The Messina canal has been diverting water from the St. Lawrence for a long time. During the war the power company operating the canal asked and secured permission to construct a weir extending into the St. Lawrence, to increase the flow of water into the canal. The plea was that the companies deriving hydro-power from the canal needed additional power to manufacture munitions of war. The agreement was that when the need for additional power to manufacture munitions ended, the weir would be removed. But ten years have passed since additional power was needed for munition manufacture, and the weir has not been removed. On the contrary, the company has come forward with a request to raise the weir, or submerged dam, by six feet, in order to enable it to divert more water.

River pilots have testified that the existing weir appreciably affected navigation, making the shooting of the rapids more difficult. The

pilots are unanimous in declaring that the weir should be removed, instead of being raised to divert more water.

The Canadian Government engineers have reported strongly against the proposal that the crest of the weir should be raised six feet, or at all. Shipping companies have lodged vigorous protests.

Some surprise is expressed that the Canadian Government has not served notice that it will move to have the St. Lawrence Power company carry out the undertaking to remove the dam. The matter may be a subject of negotiation between Ottawa and Washington, but the Canadian Government would have helped its case if it had formally requested the International Waterways Commission to withdraw the recommendation under which permission was granted to contruct the weir.

One would think that the United States had no water power of their own. On the contrary, they have plenty of water power, and very cheap water power. The reason they do not develop it is because they do not want to. In this book by Moulton, at page 368 it is said that in North and South Carolina the average charge per year per horse power is only $15. That is less than we pay in this country. At page 367 it says:

> The United States has leased water power at rates varying from 50 cents to $3 per horse power per year—

You pay more than that here.

> —and even at such low rates much of the power available has found no market.
>
> The Government has many dams already built that give immense potential horse power, and an unappreciative and unpatriotic public coldly passes them by and buys coal at $4 a ton with which to produce horse power. At the dams on the Muskingum river in populous Ohio, water power energy is now sold at 50 cents per horse power per annum, and at Augusta, Georgia, it is sold for $1 per annum.

From this you see quite plainly, honourable gentlemen, that the United States are not starving for power. Why should they want to develop it here when they have so much?

Now, here is a strange thing. If every drop of water that falls on the United States were turned into electrical power at every stage until it reaches the ocean, it would not produce nearly as much horse power as is to-day produced in the United States by coal. There are many instances in which coal is cheaper than water power: it is all a question of the price of coal.

Now, honourable gentlemen, may I be allowed to make just one personal allusion—the first time in twenty years that I have done so, I think. I have been familiar with the St. Lawrence route—I am almost ashamed to admit it—since 1874, 54 years ago, when I, like many other young men learning to become surveyors, pulled a chain on the C.P.R. I have passed through Sault Ste-Marie on many occasions, and if anyone tells you that you can get through the locks there quickly, I can tell you that it always takes a couple of hours. One's impressions when one is young are very strong. I always took a very deep interest in the St. Lawrence route and those great inland seas, the Great Lakes. Now I want to deal with navigation and nothing else. For 26 years I have been connected with navigation companies. The honourable member for Hamilton (Hon. Mr. Lynch-Staunton) made an admirable speech, and he diagnosed the case exactly. The distance between Prescott and Montreal is 121 miles, or one-tenth of the 1,228 miles between Montreal and Fort William. The crux of the whole matter is the reduction that can be effected in freight rates on that one-tenth of the waterways system. Now, when you come to think of it, if the State of New York were to put all the tons that are floated on the Erie canals on freight cars and carry them from Buffalo to New York, there would be a saving of 81 cents a ton. In the same way, the railway authorities agree that grain could be carried from Prescott to Montreal for about 3 cents a bushel.

Hon. Mr. REID: 2 cents, not 3 cents.

Hon. Mr. CASGRAIN: If it were taken at the same rate at which the Government proposes to carry coal from Drumheller to Toronto, it would be only a cent and a third.

Hon. Mr. REID: I would take that contract at 2 cents and make money on it.

Hon. Mr. CASGRAIN: That is quite possible, but I want to be conservative. It is admitted that the steamers would take it from Fort William to Prescott for 4 cents; so even if the rate from there to Montreal were 3 cents, you would have a rate of 7 cents. The further west you go the greater the saving appears to be. Around Chicago they say they would save 10 cents or 15 cents, while in this House it has been stated that 3 cents a bushel, or perhaps 6 cents a bushel, could be saved. The Canada Steamships last year carried wheat from Fort William to Montreal for 5 cents. If that is so, how could there be a saving of 6 cents?

Hon. Mr. STANFIELD: Did they make any money on it?

Hon. Mr. CASGRAIN: I will tell you how it is done. The grain season is very short. In the spring of the year when the season opens up there is a rush which continues until about the beginning of June, during the first week of June it commences to diminish, and about the 15th of June all of the grain is down, and the ships have very little to do,

and many of them are tied up till the new crop comes in. The new crop comes in about the 15th of September, and the grain-carrying trade continues until the end of the season. Very often there is not a profit in operating boats on the Lakes, but as ships cost almost as much when they are tied up as when they are moving—the only difference being the cost of the coal—they take freight for almost nothing. Wheat has been carried on more than one occasion from Fort William to Port Colborne for 1¼ or 1½ cents a bushel. On the other hand, the rate on the return cargo is very low. The great bulk of the freight comes east. Coal is transported from Lake Erie to Fort William or Duluth, a distance of 900 miles, for 30 cents a ton, or no more than it costs to take it from the curb of the street and put it in your cellar. Nevertheless, this is found money.

I said the honourable member for Hamilton had diagnosed the case to perefection. He also proved—and I won't go into that question, because that is a lawyer's business—that the United States is not competent to make a Treaty with Canada without power of attorney from New York State. It would be necessary for the Washington Government to acquire rights. And if the Supreme Court here, or the Privy Council afterwards, so decided, it would be necessary for this Government, before entering into a Treaty, to obtain the permission of the Provinces of Ontario and Quebec before doing entering into a treaty. However, that being a legal question I leave it to the lawyers and the courts.

When Canada deals with the United States in regard to matters in which the individual states are concerned, she must realize that she is not dealing with a sovereign body, but with a body which has only a partial control over the integral units, namely, the individual states, unless conditions are so radically changed that the states will surrender to the union their sovereign rights; and as it is upon this feature that the union is founded, there is absolutely no possibility of the states giving up their sovereign rights just in order to allow the union to enter into a waterways Treaty with Canada. In fact, the tendency is all the other way, and, led by the Governor Ritchie of Maryland, the states are more than ever expressing their sovereign rights.

Now I come to the great question of ocean ships. Ocean ships are costly. A 10,000 ton ocean ship would cost this year $1,250,000, or $125 a ton. The biggest laker on the Lakes, 15,000 tons, was built at the Port Arthur shipyards at a cost of less than $35 a ton. It carries 500,000 bushels of wheat—more than would be carried by a train three miles long. I claim that if an ocean vessel were to undertake one trip, it would never make another. The overhead is too large. In the first place, for what one ocean vessel would cost you could buy three lakers of the same tonnage; and in the second place, the ocean vessel, because of her construction, the bunker coal she has to carry, and fresh water, and the winches and derricks and other appliances, of which she carries many tons, would carry only 60 per cent of the load the lakers would carry. This means that if the laker was making 5 per cent, an ocean vessel could make only 1 per cent. Now, suppose that an ocean vessel did come here, how many days do you think it would take her to make the return trip from Liverpool to Fort William? It would take 50 days. I verified that statement by steamship men. I said: "Surely I cannot have the face to tell the Senate it would take 50 days," and they said they would not take off one day, that it would take 50 days for the trip provided the vessel had luck, no stoppages in the canals, no fogs, and no storms. I inquired next, "What is the cost per day of a 10,000 ton ocean vessel?" and I was told it was $800. Consequently, the cost of a 50-day trip would be $40,000.

The westbound freight is very small. If you can get one ton for ten you are doing very well. Now that we are getting coal from England a vessel might get a cargo as far as Montreal, but from there it would not get anything until it reached Port Arthur. At Port Arthur it would take in 200,000 bushels of grain, and I have figures here to prove that 11 cents is all it could possibly get for taking the grain right to London. Consequently, on 200,000 bushels its owners would get $22,000, and as the trip would cost $40,000 there would be a deficit of $18,000. So I leave it to honourable gentlemen to decide whether ocean vessels will ever come to that trade.

Now, there is another phase of this matter, and that is this American made propaganda for a deep waterway. I do not know that there is really very much clamour for it in this country. I am sure the Maritime Provinces are not very much interested in it, and do not want it very badly; Quebec does not want it; the northern port of Ontario does not want it—if northern Ontario wanted anything, it would be the Georgian Bay canal; the three western Provinces have an outlet through Vancouver and Prince Rupert, and very shortly they will have another through the Hudson Bay, so they are well provided for. Well, who does want it? Of course there is the allegation that has been made that it would placate the people of the western

states. But they have the Mississippi river. When we used to speak of the Georgian Bay canal they always spoke of "Chicago to the Gulf," and now they have got additional water by reason of the Chicago diversion. This may not mean anything to you when mentioned in cubic feet per second, but when I tell you that it is twice the normal flow of the St. Maurice river, you will appreciate what it means. It means the entire flow of that mighty river, the Saguenay, that is flowing year in and year out, that gives them good water for the summer months, though in the spring they have more than they want, as happened last year, because the country has all been cleared, and as soon as spring arrives the water collects. There is very little wood there, and the snow all melts at the same time.

This discharge of the Mississippi is something incredible. It is equal to twelve times that of the St. Lawrence. During the floods there were 3,000,000,000 cubic feet per second, and in the St. Lawrence we have an average of only 246,000 cubic feet per second. Some say that that is what is to force the Washington Government to vote money to develop the Mississippi, the people saying, "If you don't do it, we will go towards Canada." That agitation has been going on for a long time. It is a long time since President Roosevelt went down from St. Louis to Cairo, when the shores were illuminated, and the people were told that the Government was going to do the thing that was going to enrich everybody—canalize the Mississippi—and Roosevelt came back to Washington and spoke to the Army Engineers. After a while he was succeeded by President Taft, who floated down there, and this time they said, "We are going to have it sure." But when Mr. Taft came back it was reported to him that it was not necessary at all. Remember, it was simply a 14-foot channel they wanted to dig from the mouth of the Mississippi to Chicago, but that went by the board, and the work has not been done, and I think will not be done for some time to come.

But why not use their own water course instead of coming this way? As I said, distance does not count in water transportation, but time does. With railroads distance does, because time is all-important.

Far be it from me to be understood as saying anything disagreeable about the United States. It is a wonderful country. They have every climate; they have more gold than any other country in the world, we are told; they are immensely wealthy; they have more people who can read and write the English language than any other country; they publish more columns of newspapers every day than all the rest of the world put together; they have nearly half the railway mileage of the world, and with Canada's they have more; and they are a great progressive people.

But if we had one of those dams across the River St. Lawrence, who would control that dam? If you go into partnership with a man who is ten times more powerful than you are, and many times richer, who is going to conduct the business? I do not think there is any doubt in the world that that business will be conducted by the wealthiest and the most powerful partner. In any case, they would have their own interpretation, and they would certainly act accordingly. For instance, if there was a dam, as proposed, opposite Cornwall, with works and the weirs on the American side in American territory, and they have to dispose of that power, if more water was wanted, as the honourable gentleman from Prescott (Hon. Mr. Reid) stated, they would say: "No, we cannot open those weirs; you had better build a dam below Montreal; we have sold this power, and we have to deliver it, and we are not going to close our factories." Or again, when there was something said about recalling the water-power, they replied, "Very well; if you recall the water power, we will refuse to sell you coal." So we should not expose ourselves to the mercy of anyone.

In regard to the construction of an ocean ship, it is very expensive, $125 a ton, and the ship must be made strong enough to stand the severe storms of the Atlantic at all seasons of the year while the lakers are long steel boxes nearly 80 feet wide, just enough to negotiate the canal at the Sault and 600 or 650 feet long, with as many as 36 to 40 hatches. When they come before an elevator, the hatches are all opened and the elevator loads the ship up to the brim in very short time; and they have practically no overhead, and they carry much more freight than an ocean steamer of the same tonnage. The other one carries only 60 per cent on the same tonnage. Those lakers have a telephone to communicate between the stern and the bow, and in stormy weather they transport food from the stern, where the kitchen is, to those who are marooned in the front by means of a wire, for no man could walk to the deck, because the deck is almost awash. Those boats are more inexpensive and they do work much more economically than the ocean ships could possibly do, though they could not stand the ocean at all.

Colonel Hugh L. Cooper, of the United States, who built the Keokuk dam on the

Mississippi river, values the cost of this work that we are about to enter into at more than twice the price mentioned by the Joint Engineer's report. Of course, some years ago this was going to cost $252,000,000, but now the figure has reached about $650,000,000. Colonel Cooper, a very well known engineer, puts down the cost at $1,300,000,000.

I was speaking a minute ago about negotiating the Welland Canal. There is very much discussion whether that canal can be negotiated with those large ships. If there is a beam wind and the ships are coming up, they have to tie up. Anyone who knows anything about navigation will know that a ship cannot steeer if she has no headway, and, as it approaches locks, it must approach very very slowly; so it would be very difficult to negotiate that canal.

Then there is another objection, and a very serious one. When one of those great freighters of 10,000 or 15,000 tons enters the Welland Canal and gets near a lock, it has to come almost to a standstill, for if she would move in the least a way to touch the gate of a lock, the whole thing would be gone; so she is brought very carefully, and once she is in the dock she has to be warped; they would not dare to turn steam on, and she must be warped from one lock into the other. Fancy the time it would take, and the effort with steam winches, etc. On the Panama Canal there are huge locomotives, the biggest in the world—they call them mules; and there are steel hawsers holding the ships firm behind, and steel hawsers in front; and sometimes there are eight locomotives, if it is a big ship, and sometimes there are four. That is the way they negotiate those big ships from one lock to another with the greatest care. The locomotives are on terra firma, so they have a chance to hold the ship securely. There is nothing of that kind in the Welland Canal. How it was forgotten I do not know.

I have read only to-day that people are saying that even when the Welland Canal is finished, it is very doubtful if ship owners will use it. If they did not use it, we would be just as we are now; ships with fourteen feet draft would come down the Welland Canal, and we would be just as we were.

Big ships are not made to navigate restricted water; that is one thing that should be understood once and for all. They cannot be economically operated in restricted water. Only small and cheap ships can spend the time in canals. The overhead is too great on the expensive ships to spend their time there. Besides that, they are very slow in moving. If you are expecting friends from Europe, you know the time it takes to bring to the wharf an ocean steamer of perhaps 10,000 or 12,000 tons. It takes one half or three-quarters of an hour, with tugs. That operation has to be done when approaching a lock, when in the lock, and when coming out of the lock; so the time that is wasted can be judged. For instance, starting from Port Colborne at present with a load, with smaller boats, Montreal can be reached in a little over three days, and the trip going up occupies nearly four days, the round trip taking seven days. Starting from Port Colborne and going to Fort William, the round trip could be made in about the same time. So it can be seen that there is no advantage whatever in having those big vessels, for they would take nine days to go from Port Colborne to Montreal and back. That is the information I have from people in the business. A fourteen foot barge going from Port Colborne to Montreal would take seven days, while a twenty foot boat would take perhaps nine days.

People often wonder why so much of our wheat goes to New York and Buffalo. It is because this wheat has been contracted for, and has to be at a certain place at a certain time, and the parties interested will not take chances on a canal. For instance, if there should be a lock broken, or one of the boats aground in the canal, there is an entire tie-up for one, two or three days; and if the cargo misses connection, the buyer of the wheat on the other side may refuse to take it, or will take it only at his own price. That is why so much goes to New York, because there are always many steamers that want to take it at cheap rates, and they want to stabilize the ships. Instead of building or enlarging these canals from Prescott to Montreal, it would be much cheaper and better for the Government simply to send the wheat down by train.

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

PATENT BILLS

RECOMMENDATION OF COMMITTEE

Hon. Mr. BEIQUE presented the report of the Committee on Miscellaneous Private Bills, to whom was referred Bill 16, an Act respecting certain Patent Applications owned by the British Steel Piling Company, Limited.

He said: We have a number of applications of this kind. The Patent Act a few years ago granted one year to anybody who had patented an article in a foreign country, during which he was allowed to ask for a patent in Canada. This has been extended to two years, by a judgment of the Exchequer Court. I do not think that Canadians have the same privilege in foreign countries; I think it is only one year. However, there appear to be

a number of persons who delay for three, four or five years, after they have obtained a patent in foreign countries, before making application in this country. The Committee have considered the matter fully and report that the preamble of the Bill was not proved to their satisfaction. The Committee have arrived at this decision on the ground that the passage of the Bill would not be in the public interest.

In making this report I desire to inform the House that the Committee, on the occasion of considering this Bill, deemed it advisable to adopt a motion expressing the policy intended to be followed by the Committee. It is not made in the form of a motion, because that would not be regular.

Your Committee is of opinion that the provisions of the Patent Act, as to the time within which applications may be made, should be adhered to, except in cases of extraordinary merit.

It was brought to the attention of the Committee that when a patent is granted in a foreign country, say the United States, and a factory is erected in that country for the manufacture of the article patented, it is manufactured on so large a scale that we can hardly hope, when the article is patented two or three years afterwards in this country, that it will be manufactured here, because the price of the article will be 25, 40 or 50 per cent cheaper in the United States than in this country. The consequence is that for twelve or fifteen years, for the life of the patent, the people in this country will be purchasing the patented article from a foreign country. In view of these facts the Committee thought that this practice of extending unduly the time within which applications of this kind may be made should not be encouraged.

DIVORCE BILLS

SECOND AND THIRD READINGS

On the motion of Hon. Mr. Willoughby, Chairman of the Committee on Divorce, the following Bills were severally read the second and third times, and passed:

Bill B6, an Act for the relief of Richard Thomas Bell.

Bill C6, an Act for the relief of Albert Cheney.

Bill D6, an Act for the relief of Katharine Adriance Burruss Christie.

Bill E6, an Act for the relief of Nellie Cohen.

Bill F6, an Act for the relief of Louis Cowell.

Bill G6, an Act for the relief of Wesley Thornton Davidson.

Bill H6, an Act for the relief of Orfie Earl Dingman.

Bill I6, an Act for the relief of Edith Alice Douglas.

Bill J6, an Act for the relief of Radford Alonzo Dunfield.

Bill K6, an Act for the relief of Reuben James Fenton.

Bill L6, an Act for the relief of Jane Annie Field.

Bill M6, an Act for the relief of Charles Edward Frank.

Bill N6, an Act for the relief of Bernice Gatehouse.

Bill O6, an Act for the relief of Harriet Elizabeth Roussie Gray.

Bill P6, and Act for the relief of Thomas Haggith.

Bill Q6, an Act for the relief of Ellen May Collison Keene.

Bill R6, an Act for the relief of Henry Peet.

Bill S6, an Act for the relief of Leon Proulx.

Bill T6, an Act for the relief of Dorothea Wilhelmina Reynolds.

Bill U6, an Act for the relief of Violet Robinson.

Bill V6, an Act for the relief of Susan Amelia Saunders.

Bill W6, an Act for the relief of Agnes Georgiana Smith.

Bill X6, an Act for the relief of Walter Edgar Soule.

Bill Y6, an Act for the relief of Phoebe Ellen Stevens.

Bill Z6, an Act for the relief of Thomas William Storey.

Bill A7, an Act for the relief of Samuel Wellington Thompson.

Bill B7, an Act for the relief of John Edwin Timson

Bill C7, an Act for the relief of Jennie Campbell.

CANADIAN NATIONAL RAILWAY BILL

CONSIDERED IN COMMITTEE

On motion of Right Hon. Mr. Graham, the Senate went into Committee on Bill 194, an Act to amend the Canadian National Railway Act.

Hon. Mr. Robinson in the Chair.

On section 1—application of Railway Act to Canadian Government Railways:

Right Hon. Mr. GRAHAM: Honourable gentlemen, it will be remembered that when this Bill was up on a previous day my honourable friend who leads the forces to the left (Hon. W. B. Ross) took exception, not to the subject matter of the Bill, but to its con-

struction. After consultation between us, and with the assistance of the Law Clerk of the Senate and the head of the Legal Branch of the Department of Railways and Canals, we have arrived at a reconstruction of this Bill. I will read the clause as amended:

16. Notwithstanding anything in the Government Railways Act or any other Act, the provisions of the Railway Act respecting the construction, maintenance and operation of a railway (excepting those relating to the location of lines of railway, the making and filing of plans and profiles—other than highway and railway crossing plans—and the taking and using of lands and expropriation proceedings) shall apply to any Canadian Government Railway which would, but for the passing of this Act, be subject to the Government Railways Act, but only for the period during which the management and operation of that railway is entrusted to the company under the provisions of this Act.

At the suggestion of the Law Clerk these words are made into a separate sub-section:

All the provisions of the Expropriation Act and all legal procedure in matters arising under the Expropriation Act shall apply, during the said period, to such Canadian Government Railway in like manner as if this Act had not been passed.

I move that section 1, new section 16, be thus amended.

The motion of Right Hon. Mr. Graham was agreed to.

Section 1 as amended was agreed to.

The preamble and title were agreed to.

The Bill was reported as amended.

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.

SEEDS BILL

REFERRED TO SPECIAL COMMITTEE

On the Order:

House in Committee of the Whole on Bill 11, intituled an Act to amend the Seeds Act.

Hon. Mr. DANDURAND: Honourable gentlemen, I move that this Bill be referred to a special committee consisting of Hon. Messrs. Béique, Bénard, Black, Buchanan, Dandurand, Donnelly, Gillis, Green, Lessard, Pope, Prowse, Raymond, Riley, Ross (Middleton), Ross (Moose Jaw), Turgeon and Webster (Brockville),

The motion was agreed to.

56109—22½

PRIVATE BILL

SECOND READING

Bill 24, an Act to incorporate the Highwood Western Railway Company.—Hon. Mr. Haydon.

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

THE SENATE

Thursday, April 26, 1928.

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

Prayers and routine proceedings.

PRIVATE BILL

FIRST READING

Bill K7, an Act respecting the Dominion Fire Insurance Company.—Hon. Mr. Spence.

PENSIONS FOR DEPENDENTS OF CIVIL SERVANTS

INQUIRY

Hon. J. D. REID rose in accordance with the following notice:

That he will call the attention of the Senate to the question of a pension for the dependents of deceased Civil Servants retired under the provisions of the so-called Calder Act, and inquire if it is the intention of the Government to introduce legislation granting pensions to those dependents.

He said: Honourable gentlemen, I will take only a few minutes to explain the meaning of this inquiry, so that the honourable leader of the Government in this Chamber may be able to get the desired information for me. The honourable gentleman will remember that there was in force for a good many years. a Civil Service Superannuation Act whereby civil servants were granted superannuation as they retired. Later that Act was replaced by the Civil Service Retirement Act, under which civil servants were compelled to pay, I think, 5 per cent of their salaries, which was credited to their account and on their retirement refunded to them. Next came what is commonly known as the Calder Act, the purpose of which was to permit of the retirement of civil servants unable to perform their duties and the payment to them of a pension for the rest of their lives. They could be pensioned off on the lines of the original Civil Service Superannuation Act. The Calder Act was passed as a temporary measure to remain effective until a new pension Act could be passed through Parliament.

Finally the Civil Service Superannuation Act was passed. This measure, as I remember it, provided that all Civil Servants, even those who had not been on the superannuation list, should be eligible to receive a superannuation allowance according to the number of years they had been in the Service, and if I remember rightly, they were required to make payments equivalent to the premiums they would have paid had they been contributing all those years. In that Act there was a clause providing that certain dependents of deceased civil servants —for instance, the widows—should be entitled to pension. That, I think, is the situation to-day.

Now, the purpose of my inquiry is to lay before the Government the case of another class of persons who I think are entitled to some consideration. I knew employees who did not come under the original Civil Service Superannuation Act, and who were not afterwards brought under it, for the reason that they were called outside employees. Their case was brought to the attention of the Government just before the Pension Act was cancelled, but nothing was done in the matter, on account of the intention to cancel that Act. I will cite a case—and there are many such. Take the engineers employed on any outside work; perhaps engineers in the Public Works Department, or engineers employed on the canals. A number of engineers were appointed to the Department of Railways and Canals, but were assigned to work on the outside; say on construction on the canals along the river St. Lawrence. Such men remained on that work twenty, thirty, some of them forty years, and when the time arrived for their retirement they were simply allowed to go with the small amount that they had paid to the Government as required by the law. I have in mind one case where an engineer who had been at least thirty-five years in the Service died leaving a widow, and she has no means whatever. I could cite you a number of cases of that kind, relating to the several Departments. I think the people of this country were quite willing and pleased to see the civil servants or their dependents treated fairly, but this is, I think, a class that has been overlooked. My impression is that the amount which would be required in order to adjust the claims, if they are claims, would be very small. The greater number of civil servants who were not on the superannuation list were provided for when the latest Act came into force, and the adjustment which I suggest would apply only to dependants of civil servants who died before the Calder Act came into force and to the dependents of some who had to retire under the Calder Act. The Calder Act provided for superannuation, but made no provision for the widows. I would like the honourable leader of the Government to ascertain if any action has been taken with reference to the dependents to whom I have referred in my inquiry; and if no action has been taken up to the present time, I would ask the honourable gentleman to try to obtain from the official who looks after superannuation matters a report showing what it would cost the country to see that those who are not receiving an allowance, but are, in my opinion, entitled to it, are dealt with properly.

I desired to make these few explanations so that when this inquiry came before the proper Minister, or his officials, its meaning would be clearly understood.

Hon. Mr. DANDURAND: Honourable gentlemen, I do not know whether or not the remarks we have just heard go beyond the written inquiry which I have to answer. If they do, I will gladly transmit them to the Finance Department. In the meantime I can only give the answer which has come from the Department, and it is this:

This question has not been considered.

That is the answer so far. I asked for a note as to the situation of the civil servants under the Superannuation Act. The memorandum which I have received may not exactly fit in with the remarks of my honourable friend, but I may as well give it at the same time:

Civil servants retired in the years 1920 to 1924 under the Public Service Retirement Act —that is, the so-called Calder Act—did not contribute to any pension or superannuation scheme. This was a temporary measure pending the passing of the Superannuation Act of 1924 for which the Government assumed the full cost of the retiring allowances authorized. Public servants who had contributed to the Retirement Fund during the period of their service were, on retirement under the Calder Act, paid the amount to their credit in this Fund and, in addition, received the retiring gratuities or allowances given under the Act. It was felt that the measure was a generous one.

This enquiry of the hon. gentleman probably arises as a result of the provision made by Parliament last year under the Civil Servants' Widows Annuities Act. Under this Act, provision was made under certain circumstances for payment to widows only of deceased civil servants who, at the time of death or retirement were subject to Part I of the Superannuation and Retirement Act. It is to be pointed out that these civil servants were actually contributors to a superannuation scheme, whereas those retired under the Calder Act were not.

Hon. Mr. REID: The explanation that is given there covers everything but this point.

Men who had been in the service for, say, twenty-five or thirty years felt that they had to accept retirement under the Calder Act or would probably have had to retire without any allowance. Their widows have been left without any assistance whatever. Many civil servants who retired under the Calder Act did not know that a superannuation measure would be introduced shortly afterwards. Besides cases of that kind, there are also the cases of persons who had been a long time in the Service and who died even before the Calder Act came in. They should have been under the Superannuation Act, but they could not come under it on account of the way it was drafted at that time.

The information that I would like to obtain is along somewhat similar lines with the information which the Government had to get when the question of annuities to civil servants' widows was under consideration. I know the Government made inquiries with respect to the civil servants who had died and the number of dependents who were left, and I think that the amount of money required was found to be not very great and the Government were glad to do justice to the dependents.

Hon. Mr. DANDURAND: I will transmit the remarks of my honourable friend to the Department of Finance.

DISMISSAL OF WILLIAM ROGERS

INQUIRY

Hon. Mr. GIRROIR inquired of the Government:

1. When was William Rogers dismissed from his position as teacher of the Indian School at Afton, Nova Scotia?
2. What were the reasons for his dismissal?
3. Who was appointed in his stead?
4. Has the party appointed in his stead a teacher's license, or, what other qualifications has he for the position?

Hon. Mr. DANDURAND:

1. November 11, 1927.
2. Unsatisfactory services.
3. John L. McDonald, Taylor's Road, N.S.
4. Yes.

CANADIAN TRADE WITH AUSTRALIA AND NEW ZEALAND

STATEMENT

On the Orders of the Day:

Hon. Mr. DANDURAND: Honourable gentlemen, I was asked yesterday by the honourable gentleman from Saskatchewan (Hon. Mr. Gillis) to furnish him with the figures showing the imports and exports between Australia and New Zealand on the one side and Canada on the other. I have procured those figures and will place them in Hansard:

TRADE OF CANADA WITH AUSTRALIA AND NEW ZEALAND

(Fiscal years)

Articles Imported		Australia		New Zealand	
		1926	1927	1926	1927
IMPORTS FOR CONSUMPTION into Canada					
Grapes	Lb.	32,824	30,415	.....	.....
	$	4,825	7,738	.....	.....
Other fresh fruits	$	11,063	298	624	.....
Currants, dried	Lb.	429,591	933,112	.....	.....
	$	42,273	107,667	.....	.....
Raisins	Lb.	75,555	824,691	.....	.....
	$	9,404	121,024	.....	.....
Pineapples, canned	Lb.	159,917	.....	.....	.....
	$	12,256	.....	.....	.....
Fruits, canned, other	Lb.	18,652	611,771	.....	.....
	$	1,965	50,432	.....	.....
Onions	$	4,750	.....	7,081	.....
Corn	Bush.	235,181	.....	.....	.....
	$	271,494	.....	.....	.....
Peas	Bush.	.....	.....	1,928	205
	$	.....	.....	3,158	556
Sugar not above No. 16, D.S	Cwt.	120,000	793,033	.....	.....
	$	677,863	4,451,264	.....	.....
Cocoa beans, not roasted	Cwt.	1,463	699	.....	.....
	$	14,238	7,743	.....	.....
Whiskey	Gal.	824	213	.....	2
	$	7,621	1,712	.....	16
Gums, Australian, copal, kaurie, etc	Lb.	3,360	.....	152,875	295,721
	$	774	.....	18,180	30,375

TRADE OF CANADA WITH AUSTRALIA AND NEW ZEALAND—*Continued*

(Fiscal years)

Articles Imported		Australia		New Zealand	
		1926	1927	1926	1927
Essential oils	Lb.	18,913	20,516	.....	.....
	$	7,473	8,019	.....	.....
Seeds	$	.....	.....	23,706	55,520
Furs, undressed (incl. marine)	$	64,217	132,904	10,644	2,453
Hides and skins, raw, calf	Lb.	.....	.....	196,544	459,811
	$	.....	.....	55,338	101,519
Hides and skins, raw, cattle	Lb.	648,315	512,328	701,824	1,445,138
	$	99,435	69,034	100,324	182,721
Hides and skins, raw, sheep	Lb.	192,200	.....	168,402	355,740
	$	56,303	.....	54,655	111,519
Hides and skins, raw, other	Lb.	.....	.....	17,024	.....
	$	.....	.....	6,150	.....
Mutton	Lb.	215,250	895,268	24,300	12,785
	$	29,339	113,217	3,178	2,098
Canned meats	Lb.	102,526	140,675	176,530	115,934
	$	12,714	21,883	9,033	15,649
Poultry and game	$	6,586	3,640	.....	.....
Butter	Lb.	2,485,502	801,324	2,342,966	4,904,536
	$	910,814	289,098	928,395	1,728,020
Cheese	Lb.	270	18	.....	15
	$	69	10	.....	6
Grease, rough, for soap and oils	Lb.	219,802	1,328,763	.....	113,646
	$	18,839	103,954	.....	8,564
Gelatine	Lb.	161,751	227,523	34,216	24,920
	$	35,531	55,622	9,676	6,185
Sausage casings	$	75,985	143,662	1,024,480	1,442,617
Hemp	Cwt.	.....	.....	4,180	2,357
	$	.....	.....	35,348	17,899
Yarn, linen	Lb.	.....	.....	3,850	.....
	$	.....	.....	2,597	.....
Wool, raw	Lb.	728,030	676,244	1,319,481	3,023,475
	$	384,533	279,065	390,655	806,500
Wool tops	Lb.	155,294	209,589	.....	.....
	$	168,887	226,655	.....	.....
Noils	Lb.	55,231	.....	.....	.....
	$	40,644	.....	.....	.....
Vegetable fibre, n.o.p.	Cwt.	.....	.....	447	2,677
	$	.....	.....	4,010	18,782
Gumwood lumber	M ft.	166	31	.....	.....
	$	19,792	3,370	.....	.....
Lumber, dressed one side, n.o.p.	$	18,134	10,255	.....	.....
Cigarette paper in packets	$	3,799	.....	.....	.....
Books and printed matter	$	2,010	6,008	1,499	1,701
Soap	$	1,792	1,565	.....	45
Articles re-imported	$	3,163	40,020	11,881	18,735
Ships' stores	$	10,586	7,092	5,105	4,355
Settlers' effects	$	6,234	5,704	3,015	3,335
All other articles	$	6,649	27,542	16,503	17,672
Total Imports	$	3,042,054	6,296,197	2,725,235	4,576,842
EXPORTS (CANADIAN)					
From Canada					
Apples	Brl.	.....	.....	13,999	13,591
	$	.....	.....	84,976	82,700
Fruits, canned	Lb.	1,088	240	459,422	244,313
	$	99	22	39,363	20,377
Onions	Bush.	.....	.....	69,803	68,673
	$	.....	.....	90,245	106,089
Vegetables, canned	Lb.	47,741	95,517	335,270	302,424
	$	3,536	8,661	27,378	22,457
Oats	Bush.	29,610	191,988	140,644	27,505
	$	17,780	102,925	74,700	16,733
Oatmeal and rolled oats	Cwt.	.....	.....	10,036	10,075
	$	.....	.....	32,757	35,183
Corn starch	Lb.	.....	480	627,156	1,083,390
	$	.....	53	42,419	59,256

TRADE OF CANADA WITH AUSTRALIA AND NEW ZEALAND—*Concluded*

(Fiscal years)

Articles Imported		Australia		New Zealand	
		1926	1927	1926	1927
Confectionery, all kinds	$	18,967	19,387	182,168	178,258
Rubber manufactures	$	981,919	1,455,680	3,246,384	2,251,228
Seeds	1	6,115	1,015	28,118	28,737
Fish, dried, salted, pickled	$	10,265	7,593	360	.....
Fish, canned	$	1,656,667	2,116,906	530,723	557,325
Furs and mfrs of	$	693	7,868	66,628	42,842
Leather and mfrs. of	$	3,089	2,572	178,607	196,043
Cotton manufactures	$	50,669	9,457	184,665	96,733
Silk and mfrs. of	$	36,646	7,207	18,713	4,200
Felt manufactures	$	14,073	20,395	.....	768
Braces and suspenders	$	37	1,487	41,403	29,628
Clothing, other, and gloves (textile)	$	92,544	205,820	138,922	132,269
Corsets and brassieres	No.	43,568	36,746	64,313	77,330
	$	85,712	79,425	95,869	112,951
Wood, unmanufactured (incl. lumber)	$	1,354,218	1,238,376	714,645	676,676
Doors, sashes and blinds	$	900	1,195	116,923	82,780
Furniture	$	1,045	2,089	38,506	27,277
Paper board	$	29,335	33,971	83,670	63,004
Paper, printing	Cwt.	252,522	739,638	314,841	316,419
	$	1,057,621	2,760,726	1,256,568	1,215,208
Paper, wrapping	Cwt.	70,809	49,772	41,243	36,604
	$	448,910	289,216	257,538	209,484
Paper, bond and writing	Cwt.	3,529	8,408	7,312	9,619
	$	29,653	60,113	55,268	73,857
Paper, hanging or wall	Roll	418,374	389,715	483,367	359,166
	$	70,619	70,456	77,952	50,497
Books and printed matter	$	31,385	18,472	28,753	29,651
Iron pigs, billets, ingots, blooms	$	.....	.....	10,295	31,573
Iron bars and rods	Ton	79	22	7,461	14,625
	$	3,144	1,780	342,446	552,049
Railroad rails	Ton	.....	.....	1,138	11,183
	$	.....	.....	30,364	456,971
Iron pipe and tubing	$	273,815	212,697	236,726	324,936
Wire, iron	$	146,216	100,561	406,145	395,668
Farm implements and machinery	$	1,970,711	1,853,261	224,213	285,071
Razors	$	132,150	761,769	44,049	43,976
Nails, spikes, tacks of all kinds	Cwt.	2,137	1,575	67,916	60,574
	$	23,249	16,591	268,982	225,267
Machinery	$	252,702	143,706	110,910	132,903
Tools	$	22,584	18,822	82,042	77,536
Automobiles	No.	14,546	17,612	10,493	5,523
	$	4,648,260	5,032,000	5,032,760	2,346,991
Automobile parts	$	700,780	794,814	504,963	341,737
Bicycles and parts of	$	24,023	14,712	20,684	15,096
Chains	$	6,493	20,618	13,023	11,183
Stoves	$	1,580	874	8,947	1,910
Copper and mfrs. of	$	6,722	200	121,325	123,790
Lead in pigs	Cwt.	677	.....	7,840	.....
	$	6,654	.....	58,851	.....
Electric apparatus	$	216,229	227,174	417,547	624,848
Asbestos	$	102,339	23,243	924	533
Coal	Ton	16,609	19,819	6,127	1,283
	$	141,888	149,747	36,762	8,128
Glass and glassware	$	942	772	53,027	29,767
Plaster of paris	$	2,182	6,270	43,517	45,798
Medicinal preparations	$	1,435	3,903	41,896	51,642
Paints and varnish	$	19,457	78,931	17,338	16,021
Calcium carbide	Cwt.	9,306	7,722	12,207	12,803
	$	34,901	28,960	45,701	48,593
Soda and compounds	Cwt.	4,400	6,650	.....	.....
	$	28,028	42,360	.....	.....
Stationery, n.o.p.	$	1,131	9,333	19,533	21,804
Musical instruments	$	261,428	354,193	138,247	168,665
Cameras	$	927	.....	57,326	2,645
All other articles	$	378,829	447,413	439,863	751,301
Total Exports (Canadian)	$	15,411,746	18,965,881	16,562,007	13,538,513

ALLEGED BREACH OF AEROPLANE CONTRACT

STATEMENT

Hon. Mr. DANDURAND: The honourable gentleman from Bedford (Hon. Mr. Pope) asked me a few days ago, without putting the question on the Order Paper, for some information concerning a contract between the Government and a certain party in Quebec respecting the aeroplane trip for the relief of the Bremen crew on Greenely Island. In answer to this inquiry, which referred to the contract of Mr. Cannon, of Quebec City, with the Government for the carrying of Canadian mails from Father Point to Montreal, I am authorized to state that neither the Government nor any Department has any contract with Mr. Cannon or knows anything of the facts mentioned by the honourable gentleman in connection with the relief of the Bremen crew.

I observe that my honourable friend has moved for a return bearing on that contract. I will try to obtain that return as early as possible, and then, at all events, we shall know with whom the Government has a contract arrangement.

COMMUNISTIC PROPAGANDA IN CANADA

DEBATE CONTINUED

The Senate resumed from March 28 the debate on the inquiry of the Hon. Mr. Beaubien:

That he will call the attention of the Senate to the communistic propaganda carried on throughout the country and inquire what measures, if any, the Government contemplates taking to repress the same.

Hon. ANDREW HAYDON: Honourable gentlemen, for various reasons I have not taken opportunity in the four years in which I have been a member of this Chamber, except on one previous occasion, to attempt to make a speech in this House, though I have had occasion from time to time to deal with petitions presented and that kind of thing. But I may frankly say, that I have from time to time thought that this Chamber, besides discussing measures coming from another place, could have entertained propositions and discussed situations that have for me, as one of those coming more recently into this Chamber, a larger meaning. So I welcomed very heartily the resolution proposed by the honourable member from Montarville (Hon. Mr. Beaubien), because it is a question highly interesting to me, and I think to others, in many respects, and depends upon situations in the country that are sometimes not very clear, and also upon a line of thinking that, once in a while at least, it might not be out of place to refer to in the houses of Parliament.

May I say also that I was highly interested, as one of those coming recently to the Senate, in the discussion that took place—unfortunately, I think—behind closed doors in this Chamber the other day, dealing with what the country sometimes thinks of the Senate. In this connection an item was printed a week or two ago in a paper that used to come very frequently into the homes of Upper Canada in days gone by—the Montreal Witness. The statements made in that paper I intend to offer in place of my own:

What would make the sessions of the Senate intensely interesting to its members and to the country would be the initiation and threshing out of non-contentious and non-political measures, categories which include many of the most important and interesting measures that can come before parliament, but which often have to wait indefinitely the convenience of a house too absorbed in conflict to find time for such real service. It might be replied to this inexperienced suggestion that in the Senate, spectacles are either red or blue, and a patriotic movement actively urged by a senator of one complexion bespeaks by that very fact the coolest treatment from those of another political colour. Whether there is anything in that reproach or not, it would be the part of honourable senators so to welcome such serious problems to the calm of a haven remote from the din and distraction of recriminatory strife, and so responsibly to tackle them as effectively to remove any popular slur on their usefulness.

I think, honourable gentlemen, that the interesting question raised by the honourable member for Montarville, (Mr. Beaubien) comes within this category; and at the outset, in an attempt to follow the discussion, I offer two statements; one, that I hope not to be wholly uninteresting, and the other, that I promise not to keep honourable gentlemen over-long. At the outset I desire to make some historical references, and to go a little farther than did the honourable member for Welland (Hon. Mr. Robertson) the other day, and to search a little farther back into the origins of these "isms", because otherwise I do not see that the situation can be put from my point of view.

I am sorry to have to start off by taking exception to the remarks made by the honourable gentleman from Edmonton (Hon. Mr. Griesbach), or at least to say that I do not agree with the definition he laid down the other day when he used these words: "The Socialists and the Communists are two distinct tribes of people." I have had some interest in this subject for thirty-five or more years, from the days when I was in the University, and I think that statement is not

in accordance with the historical facts. The Communists and Socialists are not distinct tribes of people; they are the same people, but they are endeavoring, by the somewhat different methods, to approach the goal which they seek to attain. They both rest upon the conception that private property is wrong. Our whole experience of human life and human possession is based upon the acquisition of private property. It is upon the principle of ownership of private property that all our civilization rests. The Communists think that the possession of private property, dividing rich from poor, dividing the great from the lowly, dividing those in places of power from those who follow, is all wrong in itself; that it should be cured; and that the cure is the communal idea of ownership and possession, and all the rest of it. There is no distinction between the attitude and the philosophy underlying and behind Communism and Socialism.

The methods that they seek to employ, particularly the revolutionary Communists, is of course to be sought along the line of revolution based upon force, and the Socialists in endeavouring to work out the same idea, follow along the line of what we understand to be constitutional development. To that extent I am in accord with my honourable friend from Edmonton. But the idea that I desire to bring before honourable members this afternoon is that the constant evolution and development, the historical growth of Communism, the historical development of Socialism, is a constant breaking-down from revolutionary to a middle view and later to what I have termed a constitutional position. The whole history of those movements across the seas, in all countries, even including Russia—to which I shall presently refer—I think entirely proves that proposition.

Let me for a moment or two run quickly across the history of the years. You all understand what it means when one speaks about the Industrial Revolution in English life, for example—the old system of manufacturing at the close of the eighteenth century, when the cottage manufacturer employed helpers who lived in his house, and whose employment ended in a happy way so often, with the favourite apprentice marrying the favourite daughter of the owner. That meant a humanitarian connection between the employer and the employee. Then came the invention of machinery; then came the creation of capital and capitalistic production; then you had at the one end of our civilization, of our economic life, the owner of money and the factory, and at the other end the employee; and, as Carlyle said in 1830 and 1840, there was nothing between them except a cash nexus—a man worked for his employer, and the employer got what he could out of the employee.

This was the basis of the development of the trade union movement in Britain across the nineteenth century, a movement which still continues in various towns in all places, and in the Dominions to-day. That movement was constantly wrought out from the nineteenth century, sometimes involving fights and turmoil, but more particularly, when it accomplished anything doing so through a constitutional kind of procedure following the kind of precedent that broadened slowly down.

On the continent there was a different condition. You had old establishments—that of France broken at the time of the revolution. But those in Austria, Germany and Italy held, and particularly Russia, where there was no establishment at all except the establishment of an entirely autocratic regime. There you had a different attitude, a different soil, a different method of procedure.

Then comes the proper European movement of Karl Marx. Before I deal with him —for his Communist Manifesto was not issued before 1848, that year of the revolution, the year of the beginning of a Nationalist movement in countries of Europe—may I briefly point out that in the half century before Marx came you had a series of Communist societies formed by the radicals in France, in Germany, and in England, too, and they proceeded to form such communities, chiefly upon this side of the sea. You had Robert Owen, a Scotchman, a manufacturer of cottons near Glasgow on the Clyde, and you have his establishment on this side of the sea. Then you have the movements of Cabet and others in France, sometimes objecting to the conditions they found because of military rule, sometimes because of the impossibility of making their way out of the industrial life, sometimes because they wanted a freer system of education, and what not, but all of them based upon the notion that community in property was the ideal, and that the old notion of private property and institutions and landholding based thereon, and all the rest of it, must go by. I am not going to repeat the stories of them. They had many branches in various American States of America; they offered various exhibitions of establishments in various sections of American life; but every one of them failed, and only in 1895 did the last one go out of existence. They were communal attempts of a variety, not of the variety perhaps that we are more particularly acquainted with to-day.

That takes me down to the days of Karl Marx, a German Jew of unusual ability and talents and education, married to the daughter of a German noble, finding it impossible to live in Germany because he had issued his manifesto, which cried to the working men of Europe: "Now is the time to rise against the capitalistic establishment, and establish for yourselves a new system in the industrial world." He went to Paris, the melting-pot of Europe, but he could not stay there. He went to Brussels, and he was chased from the life of Belgium, and took up his habitation in London; and there is nothing more pathetic in all the story of human lives than that of Karl Marx and his wife living in a two-roomed apartment in the city of London, and their second little girl lying dead in the back room, with Mrs. Marx seeking from a French refugee in London a meagre loan of two pounds to bury the little child. Marx went on to issue many manifestos, following out his object, appealing to the people of Europe; and from where? From London—undisturbed, not interfered with by the British Government, allowed to live there with Engles his companion, for the rest of his life, offering still a series of appeals that spread across European life and stirring the industrial world of Europe.

That goes by, but Marx forms a kind of link between the revolutionary Communism which had raised its head for a short time in Germany as far as military power would allow it, and the time soon came when that Revolutionary Communism had softened down through a kind of Marxian Socialism into a more reasonable attitude on the part of those who sought freedom from establishments and from autocratic, aristocratic and plutocratic power.

Then, coming on a little later, I desire to draw attention to one very unusual example illustrating the theory that I am seeking to set before honourable gentlemen to-day. In England John Spargo was a follower of Keir Hardie. He came to the United States, and for some years now he has been called the village philospher, living in the little village of Bennington in the State of Vermont. He is interested in writing history, interested in writing very unusual articles for magazines, and in collecting pottery. In 1906 John Spargo was the author of a book called "Socialism—a Summary and Interpretation of Socialist Principles." He was a very outstanding Socialist in those days, and at the close of that book he proceeds to say:

> As an American Socialist Party we pledge our fidelity to the principles of International Socialism as embodied in the united thought and action of the Socialists of all nations.

He goes on to say that the Socialist movement owes its birth and growth to that economic development or world-progress which is rapidly separating a working or producing class from a possessing or capitalist class.

So he continues, regarding Socialism as the way out for the working people; as the way out for the world. Yet just this very month John Spargo, living in retirement, proceeds to write an article for the North American Review of April, 1928, which he calls "The Foe of Liberty and Progress," and starts out by saying:

> Whether considered as a philosophy of social progress, as a politico-economic ideal, or as a practical program for the advancement of the well-being of mankind, Socialism is discredited and obsolete.

In his earlier view, twenty-five years ago, John Spargo was a protagonist of that doctrine. He makes in this article some other references to the increase and growing operation and organization of labour in opposition to Socialism as one of the most hopeful and encouraging signs in American life. Then he goes on to argue that the constitution of American life and the constitution of our present industrial system is the only way out for the salvation of the worker—an absolute turnover from the days when, as I say, he was one of the outstanding protagonists of modern Socialism in the modern world.

I am offering these examples to point out that this kind of "ism", whether you call it Communism or Socialism, is in course of constantly breaking down, or constanly flattening out, or constantly disappearing as an element of force having any vital effect in the national life of any country.

May I now refer to the larger situation in Russia to-day? Russia has always been a country in which the forms of this movement have been extreme. That is because the oppression was extreme, on account of the long distance between the man in the street and the man in the castle: it was as if the whole world separated them. Russia to-day is interpreted by writers who have appeared from time to time in recent months, and by others who have visited Russia, all contributing to the important magazines both of Great Britain and of this side of the sea, and they have been offering unusually informing articles on the Russian situation. From these views there can be gathered the most illuminating examples showing how in Russia itself Communism is transformed and is constantly being transformed.

For instance, a writer who frequently offers his expressions of opinion in the New York Times, proceeds to review a book which is just out—"Marx and Lenine," written by Max Eastman, being also an exposition of what the author calls the Science of Revolution. He proceeds to show that the old Marxian doctrines on which a kind of reasonable Socialism has been founded, were finished, and that Lenine had proceeded to replace them in Russian life by a revolutionary form of the same doctrines. But that is vanishing, too. As he says: Lenine did not hesitate to call in the bourgeois experts whom Lenine had formerly despised, on the ownership of private property, that older system which Lenine and his system sought to overthrow. When the whole structure of War Communism ran up against peasant resistance, Lenine did not hesitate to abandon War Communism and restore private trade. So he goes on further to illustrate what that means, and he adds that Communism has created a mass of 120,000,000 peasant proprietors, private owners, petty bourgeois. That is the condition for the destruction of Communism. Just so soon as a man ceases to belong to the proletariat and rises into the bourgeoisie state, just that moment does he cease to be a Communist.

And what has happened to those 120,000,000 peasants? The Russian Soviet state calls upon those present proprietors of Russia to provide grain to keep up the exports of Russian grain to the world. They begin to do so. But it is taken for state uses. They find it therefore unprofitable for them to do so, with this result that instead of providing grain for the Communist State they provide only what grain they require for themselves, and the wheat export of Russia has vanished into almost nothingness—another example of many whereby the whole movement constantly falls and breaks, from the establishment of a basis of revolution to a new establishment on the basis of the ownership of private property—in short, to the practice and the conduct of private life as we in our civilization understand it. I have made this statement in outline for the express purpose of laying a foundation for one or two further observations and one or two conclusions to which I think logically my reasoning on this subject must eventually follow.

May I then proceed to discuss the Ukranians of this country very briefly, and then more particularly make some references to the interesting statements offered by the honourable gentleman from Montarville?

The Ukranians of the older generation are numbered among the strangers within our gates. They come from a civilization which, in some respects, is quite as old as ours. For centuries the Ukranian has been kept poor and ignorant, lest he grow strong enough to throw off the master's rule, made without his own consent. For centuries he has been told that his one chance of life lay in becoming a Pole or a Russian. If anyone has read Polish history or the history of the Ukranians, he will see how, period after period, first by the Poles, then by the Swedes, then by the Russians, and then by Russia, Prussia and Austria in the years of the partitions of Poland at the close of the Eighteenth Century, these people were harried and wasted and oppressed with fire and sword. No wonder, then, when they come into our country there is a still lingering tradition of fear toward the establishment of government even in Canada, to which they find themselves bound to conform. And what kind of people were they? The following comes from a distinguished European publicist later living and writing in America:

> They seem to surpass the Great Russians in natural intellect, good taste and poetical fancy, but they are less practical, solid and persevering. They are gayer and gentler than their brothers to the northward. Their women are soft-voiced and picturesquely dressed. Art and poetry, music and craftsmanship have always been at home among them—in so far as their rulers have permitted. They love the theatre. Their folk melodies are admired throughout Russia and ought to be known everywhere. The national poetry of few languages excels that of the Ukranians in energy of expression and depth of feeling. They are good workmen, too, and great gardeners. Even a very poor Ukrainian home looks like a house rather than a hut, is kept scrupulously clean, contains some touch of beauty, and possesses a garden patch that yields flowers as well as vegetables.

I have seen many pictures of these Ukranian homes brought from that country by travellers; and by reading I have learned something of their very distinguished culture in the universities though perhaps it does not appear in the poor peasants who settle on our western plains. I might add that the culture of England, Scotland and Ireland, great as they have been in the past, did not appear, for instance, when some of my forefathers, for example, settled in the bush forty or fifty miles from this capital city and struggled with the toils of settlement. I offer this retrospect from this point of view; I sometimes think that we are not quite charitable enough to those who come from such situations, out of lands of oppression, and have a history of this kind, and that we deal with them a little too brusquely.

I do not think I need offer any apology for what I say. I am the son of an English man and an Irish mother, and I am the husband of a Scottish wife, and when I say to you

that I have been at gatherings of Scotchmen —especially after those gatherings had been visited by a certain gentleman by the name of Mr. John Dewar—where the songs that were sung and the statements that were made, if they had not been made by British subjects and by people whose history and characteristics were well known, might have had serious consequences. If the statements had been made in Russia, every man of them who sung "Scots Wha Hae" would have been sent to Siberia the next day. I think I may also say the same of many Irish gatherings, where I have heard statements made which were made—without any too much respect, to use the language of the Anglican prayer book—"for those who are set in authority over us."

I am not standing here making apologies for the Ukranian people particularly; I am saying that we ought to understand something of these people whom. rightly or wrongly, we have invited to our shores, and whom, rightly or wrongly, we are seeking to assimilate and to establish as Canadians for the future.

May I now for a moment refer more particularly to some of the remarks made by the honourable gentleman from Montarville (Hon. Mr. Beaubien) and the honourable gentleman from Welland (Hon. Mr. Robertson) in respect, first, to the position of the schools, and, second, in respect to the position of the labour unions so far as the Ukranian movement—or the revolutionary movement, perhaps I had better say—may be found among them. In seeking to get some reliable information to enable me to deal with the school situation, I wrote in one case to an old classmate of my university days, one who has taught in many of the collegiate institutes of the Province of Ontario, and who for the past nine years has been an inspector of public schools in the city of Toronto. Of the reply I desire to quote a sentence or two. It says:

> I have just read Senator Beaubien's speech with great interest and with equally great surprise. If I were convinced that conditions are as he describes, I should be much alarmed. Whilst it is true that the Communist Party has an office in Toronto from which "The Worker" is issued, I have no reasons to believe that their publication is used by our citizens and certainly not by the young people of school age. In fact all that I know of Toronto, the citizens, the teachers, and the schools with which I have been in close contact for 9 years, leads me to believe that communism and what it stands for excites little interest and is almost unknown except in name. Whatever one might say against the city of Toronto, one could scarcely say that it provides good soil for the growth of communism. The teachers are all Canadians, the product of Canadian schools and colleges, with principles too deep-seated to be carried away by communistic literature or propaganda of any kind. There are no foreign schools, except church schools which children attend outside of school hours. I am sure that Bishop Helenowski and Father Casgrain would both repudiate the suggestion that church schools carry on communistic teaching. All children in this province attend Public, Separate or private schools. These are above reproach in this regard.

As the letter is rather long I will not quote the whole of it. It closes in this way:

> So far as I know the Board of Education threatening the young people of the city. They are too busy with constructive education to spend time pursuing phantoms.

I wrote also to another friend asking him to interview the Minister of Education in the Province of Manitoba, and I have received a similar answer from him, in which he indicates that in the schools of that Province there certainly is nothing of a Communistic nature. He says that in north Winnipeg there is an establishment called the Labour Temple, where there may be some kind of efforts made to talk to the youngsters in a strain that might be called not quite Canadian. My friend also interviewed the Attorney General of the Province of Manitoba, who said that if there had been any disclosures of happenings in the schools such as had been intimated in the speeches offered in this Chamber, he would have known of them. He says that none of these things are of any consequence, except the occasional outbursts in the Labour Temple—which in his view amount to nothing—and he adds that the Labour Temples are failing financially. He closes his statement by saying that something less than one-tenth of the Ukranian people do not belong to the Orthodox church, and that that one-tenth is composed of a mixture of Presbyterians, Methodists, and Bolshevists.

I have also obtained information from the Province of Saskatchewan. Here there are some references to what has happened in the schools. I have taken the liberty of referring —and I hope that what I have said has not been entirely uninteresting—to the music and the art and the dancing and dramatic work; of these Ukranian people, to Ukranian life, its traditions and teachings, and to the establishments of all these in the homeland. As far as I can discover the schools here in Canada offer a repetition of this life and expressions of this are found in these western schools. I have statements here from two teachers, both of whom say that the Ukranian children who attended their classes and who also attended the Labour Temple Association seemed dopy and inattentive, and that little youngsters who had sat for five or six hours in the public schools ran off with great joy

and gladness to enjoy the dancing and music of the Ukranian meetings near by. Are they to be condemned for that? Is that the sort of thing that must be taken as Communism; or are we to go out of our way to try to discover faults in the lives of those people—towards whom we should be charitable rather than critical—before branding them as unfaithful and disloyal? Should we do these things until we see actual disturbances? I began my own life as a teacher in a public school in the Province of Ontario, and I know it would be absolutely impossible to get youngsters to read pamphlets of any kind. I have learned also that to teach children you must go from the particular to the general. May I say that a few years ago I had an opportunity of looking into the faces of some of the children of these settlers at a school in Saskatchewan, and I never saw brighter, more responsive, more eager children in their attention and attitude and awakeness to what was being said. I think that if any sort of reasonable attitude is adopted towards those children, all of them, except perhaps a few in the very congested parts of the larger cities, can be made into worth-while Canadians. Even after hundreds of years of civilization and cultivation in Britain, the languages of the bogs of Ireland, of the Highlands of Scotland, and of the valleys of Wales, are regarded as outrageous tongues in the city of London.

Now I come to the Communistic activities themselves in relation to the Labour situation. I have already tried to point out to honourable gentlemen that the Communistic and Socialistic movements are constantly wearing away, breaking down and flattening out into our common ordinary life. I have a reference here in the 16th annual report on labour organization in Canada, published in 1926—and I have checked it over with the report for last year, which is not printed—in which this statement occurs:

> The first organization discussed is the Red International of Labour Unions which was formed as a result of a conference of Russian trade union officers and members of the Third (Communist) International held on July 15, 1920, a provisional committee known as the International Council of Trade and Industrial Unions being appointed for the purpose of calling a world congress of trade unions in the following year. In accordance with these instructions a meeting of trade union representatives was held in Moscow in July, 1921, among the delegates present being two from Canada—one representing the One Big Union and the other the Edmonton branch of the Lumber Workers' Industrial Union—to set up a permanent international organization under the name of Red International of Labour Unions.

In 1922 that Lumber Workers Association became affiliated with the Russian organization; but four years later, in 1926, it had passed out of existence and flattened down into the ordinary common system of our national life.

In respect to the Communist situation itself, referred to by the honourable gentleman, particularly in the city of Toronto, the reports coming in to the Department of Labour from year to year show quite clearly that the Communist organization there claims no larger membership now than it had half a dozen years ago—somewhere between four and five thousand in all Canada—which is an endorsement of the statement of my friend the school inspector, that if there is such an institution in existence, it is making no headway in Canada. Indeed, I remember, as a student in Toronto 35 years ago, attending a series of Sunday Communist meetings for diversion and entertainment, and I remember a gentleman with a very decided English accent telling the people that he had endeavoured to fulfil the scriptural injunction to multiply and replenish the earth; and stated that he had 14 children. And then he said: "But what reward do I get? $1.25 a day." That fellow then stood for the destruction of the established order of things. But days went on, and all this amounted to nothing more than a series of explosions on successive Sunday afternoons. In other words, it simply flattened out.

There is another phase, which I shall refer to in passing—that apart from the historical movement of things, tends to nullify this kind of propaganda. I refer to the differences within the ranks of labour organizations themselves. A man by the well known name of John Macdonald, who comes from the Clyde, is, or seems to be accredited as the leader of the Communist movement in Toronto. He has led various sections of the various parties. But he has been repulsed, and thrown out from one after another, and now he thinks he can gather around him a following that will make him worth while some day in the labour field again. But the story is oft repeated. As late as April 6th I find in the Ottawa Journal in large headlines the words: "Members of two rival political labour factions stage meetings." This is the story a conflict between the man who says he is a Communist and the man who says he is not—a conflict between those on the one side and those on the other who seek to control and dominate labour organizations.

Now, honourable gentlemen, I have only one more feature of my proposed remarks to place before you; and it relates to a line of

reasoning in which I myself am most deeply interested. The question raised by the honourable gentleman from Montarville is really not a question of Communism, not a question of Socialism, not a question of a labour movement, not a question of Ukranian life or of what is to be the situation of any set of foreign people or alien citizens in this country. It is a question that goes far deeper than that, and with far greater power and effect, into the very essence of the life of this and every other country that seeks to establish itself upon British traditions. It concerns the relations between those who govern and those who are governed; it concerns the answer to the question which the honourable gentleman from Montarville raised: What will the Government do to repress Communistic propaganda? What is the Government going to do about it?

I desire to make a brief reference to what I think is one of the most important books in the politico-legal sphere of English writing, a book written by Professor Dicey on the Law of the Constitution. In a very interesting series of chapters, he deals with the rule of law. May I illustrate? I write a letter on this desk, or the proprietor of a newspaper in the city of Ottawa prints an article. There is no law that tells me what I must or must not write, no law that tells that newspaper proprietor what he must or must not print; but in the dissemination of what I have written or what he has printed, we must keep within the law of libel. There is no censor in that matter; there is no consequence other than that I am confronted with the law if I offend. That, to me, is the great principle underlying the question raised by the honourable gentleman from Montarville. John Wilkes, as you know, was prosecuted several times at the close of the eighteenth century. There was a day, as honourable gentlemen know, when it was an offence to report the Debates of Parliament. Then came that long series of struggles by which the Press gained its liberty, and later, another long series of struggles by which people secured the right to convene in public meetings without first having secured permission from the sheriff or a couple of justices. All that is ancient history, but it illustrates the movement across the years, and shows that we pass from restriction to freedom—a freedom limited only by the law.

That brings me, then, directly to an article that appeared in the Montreal Gazette of April 14th last, dealing with a couple of Bills which I understand are being introduced in another place, and which concern a situation surrounded with a good deal of difficulty, discussion and antagonisms of various kinds in recent years. Personally I have been a close reader of the Montreal Gazette for many years and I hesitate not to say in the presence of any person, that it is easily in the forefront of the papers on this side of the Atlantic Ocean. Usually I have very little difficulty in agreeing with its statements, except an occasional editorial in respect to protection, for example, or in respect to the present question, which I find discussed in this paper. The discussion arose upon the situation which confronted the public of Canada in 1919, particularly the Winnipeg strike. Then, instead of dealing with the strike by peaceable means, it seemed necessary to deal with it by force. I am not competent to judge of the situation as it existed at that time. I always try to think that there must be a reasonable way to deal with a situation, but that one may have been so utterly unreasonable that it could not be dealt with otherwise than by the action which was taken. That I am not proceeding to discuss to-day. However, there arose out of that affair certain amendments to the Criminal Code and the Immigration Act. My point is best illustrated by the amendment to the Immigration Act. Under that amendment a man who may be guilty of seditious utterances, or guilty of something that casts discredit upon the establishments of Government as we have them, is liable to be reported to the Minister and to be taken in hand by an officer of the Department of Immigration and dealt with under the deportation clauses of the Immigration Act. Now let me come back for a moment to Professor Dicey's exposition of the rule of law. There is a distinct difference between England's practice in that respect and the practice of France. In the eighteenth century they were somewhat alike, although not resting upon the same consideration. During the war period we had an example of one method when we had censorship of this and directors of that and controllers of the other thing, in a time of necessity let us say. But we are to-day not in a state of war, but under conditions of peace. The rule of law in England was that if a man offended he came against the ordinary provisions of the law. In France, if a man offended he came within the clutches of the bureaucrat—of an officer of a department. The French practice rested upon what the French know as "le droit administratif"—if I pronounce it correctly. There is no "droit administratif" known to the law or language of England. There is only one kind of law to which a British subject must conform. There are two or more kinds of law

to which the Continental must conform; for the French system spread to other countries of Europe.

In this matter of deportation we are coming to the principle of the law of Europe and not that of the law of England. I quite recognize that the honourable gentleman from Montarville offered a sample of an English Act passed a year or two ago. It would certainly be presumptuous in me to criticize or comment upon the work of the legislature of England: I leave that to Professor Dicey. He does point out that in comparatively recent years it has seemed as if the practice of the earlier years had not been so clearly followed in England, and this he regrets. After all, the judge of an established court is the man who can most clearly, fully and definitely offer us the best sample of justice, and I will place myself in the hands of any judge, but not in the hands of an administrative official unless I am driven to do so by statute. Let us keep to the rule of Law.

This is the difficulty that comes to me when I hear the honourable gentleman from Montarville offer certain suggestions and ask what the Government is going to do about the matter.

So far, then, as the Ukrainians are concerned, or any people of alien origin within our confines, they have in the past looked upon government as the hand that was constantly raised against them. They have been held down by repressive measures, the power of the sword, the power of a strong autocracy. In the Australian section of Ukrainia you find the peasants in the not very distant past working for twenty-two cents a day, and in places where they are employed all the year round they were paid $5 for the entire year. As a result of such conditions there can be nothing but a feeling governmental oppression ingrained in their constitution. It may take a second generation to remove it.

The honourable gentleman from Welland (Hon. Mr. Robertson) said that in an endeavour to put down the movement of Communism his Government in days past issued a pamphlet pointing out, for the information of the country, the meaning of Communism and that sort of thing. I quite agree with the honourable gentleman that publicity through the press, the force of labour unions, the intervention of labour ministers in industrial situations are quite worth while; but I do not at all agree that the repression must come from the hand of government. That is what in days gone by, created oppression, the only conditions that these people knew. It was to escape from such a condition that they came to this country. Therefore, so far as there is any implication that the Government at Ottawa should seek to intervene in matters of that kind, I take exception to that, no matter what the political complexion of the Government may be, because it is a violation of that rule of law which lies at the basis of British life and British legal practice. It is compliance with "le droit administratif", placing oneself in the hands of the official, within the power of the bureaucrat.

The honourable gentleman mentioned the schools, and asked what the Government intended to do about the matter. I think he will agree that if those are Catholic schools, in his province or any other province of Canada, the Church may very well be trusted to take care of the situation. I have offered examples from the Protestant side of school life to indicate that such a situation as has been described by the honourable gentleman has not made its appearance in the public schools. If it is a question of law, then the offences come against the law of the province and must be attended to by the administration of the province to whose jurisdiction the law belongs.

I do not know that I can add anything of particular interest in this respect except to offer a further quotation from a paper published in Oshawa with reference to the settlement of the recent strike. Several newspaper references have been made to the work of the Minister of Labour, reviewing the many disputes which have arisen and the admirable achievements of the Minister in settling these various difficulties, in Winnipeg, in Toronto, in the East—in a variety of places. An attempt was made at Oshawa the other day to set the labour unions by the ears by persons professing themselves to be Communists, who came from the city of Toronto, led by Mr. John McDonald, this dissatisfied labour man to whom I have referred. Here is the concluding comment of the Oshawa Daily Times, a paper which, I understand, is not entirely in accord with the political views of the Minister:

> In our opinion great credit is due the Minister of Labour for coming to Oshawa in person and lending his good offices to bring about a settlement of the strike. His arrival here yesterday, was, in our opinion, most opportune, and his wise counsel and fair dealing, was, we believe, appreciated by both parties to the controversy. The people of Oshawa will have a higher opinion of Hon. Peter Heenan as a result of his visit here this week.

This is the intervention of common sense and reasonableness. I understand that the honourable gentleman from Welland (Hon. Mr. Robertson) may hold the view that the

statements made by himself and the honourable gentleman from Montarville in this House had some influence upon the situation. These are quite in keeping with the ideas and proposals which I have tried to advance this afternoon, bearing in mind that publicity of all kinds is the proper means by which to drag from their lairs the enemies of state life and bring them out into the open, so that the shining sun may show to their fellow citizens the meaning of their attempts to traduce the state. But, on the other hand, I cannot conceive that any force applied by the central power, whether by means of a bureaucratic act or even by the enactment of legislation which seems intensely severe, will result in anything but the raising against that governmental power of a very much stronger and fiercer antagonism than had ever existed before.

Thank you, honourable gentlemen.

Hon. A. B. GILLIS: Honourable gentlemen, I must congratulate the honourable gentleman on the very eloquent and interesting historical speech that he has given us this afternoon. It is unfortunate that we do not hear him oftener. To me it was a source of pleasure to listen to his very clear statements.

Now, as I come from a province which has probably more settlers from Central Europe than any other province of Canada, I think it is my duty to say a few words on this subject. I fully agree with the statements made by the honourable gentleman from Montarville (Hon. Mr. Beaubien) when introducing the resolution, that if conditions such as he described exist in any part of Canada the most drastic measures possible should be taken to suppress that sort of propaganda. It is, however, possible that the statements he made in the House may be construed as casting reflections not only on a certain element of the Ukrainian portion of our population, but also to some extent on all immigrants from Central Europe. It is well known that statements made in Parliament, as well as outside, are often distorted and made to mean something entirely different from what has been intended. To prevent the possibility of anything of that nature occurring in this instance, I think I should offer a word or two of explanation. For more than forty years I have lived amongst settlers from Central Europe. I have had business relations with them, and have had many opportunities of closely observing their attitude, and I can say without any hesitation that I honestly consider them, in almost every instance, a splendid class of settlers. They are industrious, painstaking, honest and in very respect good citizens. There are of course exceptions to every rule. As is perfectly natural, the older people have brought with them certain of their own traditions and customs, but these are changing rapidly and the younger generation are turning out to be first-class Canadians.

I had occasion during the war to enlist a battalion, and I was fortunate enough to secure a fairly large number of people of foreign extraction. From one family that I remember particularly there were no less than three young men enlisted. They volunteered and went overseas and did their part in the Great War.

The honourable gentleman who brought in the resolution stated that Father Casgrain, addressing the Catholic Women of Montreal a year or so ago, declared that in forty schools in Canada two thousand children were taught sedition and agnosticism. I think that Father Casgrain, if he had the information by which he knew that such schools existed, should have gone a little further and mentioned where those schools were located. Had he done so, the authorities could then deal with them and wipe out this iniquitous propaganda. But I question very much if many such schools exist in the Western provinces. It is possible that in the large urban centres there may be some schools in which children are taught such doctrines as have been described, but as far as the rural parts are concerned, I feel almost certain that nothing of that nature is taught to any extent. At any rate, if any such condition exist, it would naturally be in the public schools. I venture to say that many of those schools, if not all, are to-day receiving the regular government grants. So I imagine that good will result from what the honourable gentleman has brought before this House, in that careful inquiry will be made with regard to the conditions that exist.

As far as Saskatchewan is concerned, I understand that after May 1st the policing of that province will be placed under the control of the Royal North West Mounted Police. Judging from the results of their activities on Parliament Hill in the last day or two, I assume that they will be able to tackle almost any problem presented, whether they are given power or not. I understand they have no power to deal with the conditions on Parliament Hill, but I have been watching very closely for the last day or two and I find that the front of this beautiful building is kept fairly clear of automobiles and other dangers. I venture to say that if the Mounties are given a free hand,

propaganda such as described by the honourable gentleman will be speedily ended. That, in my opinion, is the only effective way to deal with the matter.

With regard to the foreign settlers generally, I have this to say: If we are desirous of seeing those people become the type of citizens they should become, we should by example set before them proper principles. Unfortunately, from a political standpoint, this has not been the case as far as Western Canada is concerned. At election after election since those people have had the right to vote they have been told all sorts of outrageous yarns about what a certain party would do if they got into power. At election after election, I remember, the cry was raised: "If you vote for a certain party you will be deprived of your land, you will lose your home, and you will probably be deported." That was a common misrepresentation, and it undoubtedly had its effect. Later the party that had been so maligned by political heelers came into office. Then the foreigners discovered that there was no truth whatever in such statements; that they had been made only for political purposes, in order to catch votes.

In order to show how statements are misconstrued I desire to cite one instance that occurred more recently, in the 1926 election. A picnic was held in the neighbourhood of Toronto, at which Mr. Meighen was the first speaker. Immediately after speaking he left the platform. During the afternoon a man by the name of Wright, a hotel-keeper in Toronto, was called upon to speak. He made the remark that the right of foreigners to vote should be restricted. This gentleman has no political standing in the Conservative Party, and had no right whatever to indicate what should be the policy of the party in that or any other respect. This statement was made without Mr. Meighen's knowledge or authority. It is well known to every one that Mr. Meighen always stood by his policy and proclaimed it from one end of Canada to the other without the slightest variation. Had he intended to make any change in the franchise in relation to foreigners he would have proclaimed it just as definitely and clearly among the foreigners in Manitoba and Saskatchewan as he would in Toronto, but he neither thought of nor uttered anything of that nature anywhere in Canada. But what happened? The statement of Wright was twisted and turned and it was made to appear that this man was speaking on the authority of Mr. Meighen. Wright's utterance was used throughout the Western provinces. Thousands of copies of it were printed in foreign languages and distributed two or three days before the election. It is needless to say that this had its effect, and in consequence, I am safe in saying, at least a dozen seats in the Prairie Provinces and probably a great many more, were lost to the Conservative Party. The political significance of actions of that nature may be of comparatively little consequence, but when we are trying to make our foreign settlers good citizens, why do we not act honestly with them? Why do we not say that we are above tactics of that nature? Surely the great Liberal Party should not stoop to distort facts for the sake of a little political gain. It was unfortunate that it happened, but this has been going on from year to year, and I may tell honourable gentlemen that the younger generation is very strongly resenting the fact that they have been looked upon practically as voting machines. Conditions are changing, and changing rapidly. The young descendants of those people from Europe are men of good judgment, and are making themselves familiar with conditions generally; and when they discover that an attempt is made by any party to deceive them for the purposes of political advantage they will certainly resent it.

I do not consider we need to have any great fear of the conditions that have been outlined by my honourable friend. In Saskatchewan I think we are perfectly capable of looking after ourselves in that regard, and do not think we will meet with any difficulty.

Hon. Mr. BEAUBIEN: If no other gentleman desires to speak on this subject, I will adjourn the debate.

Hon. Mr. DANDURAND: I would like to draw the attention of His Honour the Speaker to this question: On an Inquiry is an answer allowed to the party who put the Inquiry? I do not put the question in order to prevent my honourable friend from concluding, or answering the remarks that have been made on the subject; but he would need to ask the leave of the House. I am simply mentioning the rule which I think he infringes.

The Hon. the SPEAKER: In reply, I would say that the honourable gentleman is perfectly correct: there is no right to a reply on a question of this kind. When the honourable gentleman arose I thought he was going to speak on another subject.

Hon. Mr. DANDURAND: I mention the matter simply to recall the principle, so that there would not be a precedent established.

Hon. Mr. BEAUBIEN: I thank the leader of the House for having made his objection to

my motion in such a sympathetic way. I do not want to inflict myself again on this House; but I would like to show what authority I may have to offset the theory so cleverly and skilfully placed before the House by the honourable member for Lanark (Hon. Mr. Haydon). My honourable colleague holds that if a principle is wrong it will kill itself, but I think it can be shown by very substantial evidence that the proposed method of attending to the evil from which we are suffering is not desirable under the circumstances. I would therefore move, with the leave of the House, that the debate be adjourned until Wednesday next.

The motion was agreed to, and the debate was accordingly adjourned.

PRIVATE BILLS

SECOND READINGS

Bill 18, an Act respecting a certain Patent owned by Canadian Cinch Anchoring Systems Limited—Hon. Mr. Haydon.

Bill 50, an Act to incorporate the United Theological College, Montreal—Hon. Mr. Robertson.

ELECTRICITY INSPECTION BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 36, an Act to amend and revise the Electricity Inspection Act.

He said: Honourable gentlemen, the Bill which is before you has for its object the revision of the Electricity Inspection Act. I understand that the Act on the Statute Book was passed in 1907, and as considerable transformations have taken place in the electrical world, it is thought that the time has come to bring up this Act to meet the present conditions. The Bill is highly technical, and I shall not venture at this stage to explain the various modifications to the Act. I will do so in Committee, and I now move the second reading.

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

REGULATIONS AND ORDERS IN COUNCIL BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 62, an Act relating to the submission to Parliament of certain Regulations and Orders in Council.

He said: In 1906 certain amendments were made to the Acts mentioned in this Bill, and in addition there was a revision of the statutes. While the Department of the Interior has been tabling the regulations, action was not taken for complete validation by resolution of parliament, and therefore there is a doubt as to the validity of the regulations that have been passed since 1906, and by this Bill we are seeking to validate all these orders in council that have been passed since that time.

The Bill has reference to Orders in Council or Regulations made by the Governor in Council under authority of The Railway Belt Water Act, chapter 47 of the statutes of 1912; The Dominion Forest Reserves and Parks Act, chapter 10 of the statutes of 1911; The Dominion Lands Act, chapter 20 of the statutes of 1908; The Rocky Mountains Park Act, chapter 60 of the Revised Statutes of Canada, 1906, or the Yukon Act, chapter 63 of the Revised Statutes of Canada, 1906, which are hereby declared to have the same force and effect as if they had been approved by both Houses of Parliament as required by said Acts respectively.

The Acts referred to contain a provision that Regulations passed thereunder shall remain in force until the day immediately succeeding prorogation of that Session of Parliament and no longer unless approved by resolution of both Houses. During a number of Sessions from 1906 onward the required resolution was not passed and consequently this legislation is needed to validate Regulations and Orders in Council made under the various Acts.

Hon. Mr. McMEANS: I would ask if the practice of governing this country by Orders in Council is to be continued, and then the Acts to be validated. Since I have been in this House I have heard a great many discussions in which the late Government was accused of having governed the country by Orders in Council. Now I find this Government passing Orders in Council, and then passing an Act to validate them.

Hon. Mr. DANDURAND: No, I believe my honourable friend is in error. If he will allow me, I will try to correct him. Every session we pass Acts which need to be applied and which can only be applied by regulations to be approved by the Governor in Council. This legislation which is submitted to us is of the regular kind, and we approved of it; but certain of those Acts state that not only will these regulations as made and modified be tabled at each of the following sessions in the two Houses of Parliament, but also that resolutions of Parliament will approve of them. Apparently, since 1906, there has been an omission in the procedure which was

dictated by the Act itself. Those regulations were regularly tabled, so that the members of Parliament were seized of their contents, but in many cases there was an omission of a resolution approving of those regulations. A number of actions have been taken under those Acts, and under the procedure made in those regulations, and the Government today is obliged to come before Parliament and ask that they be validated.

My honourable friend will remember that this is an omission which can be placed at the door of some high officials, and of ministers themselves, probably; but it covers more than one administration. The cause of the inaction would probably lie with the official of the department who should have seen to preparing the resolution, or calling the attention of the Minister to the fact that such resolutions should be submitted in order to conform with the Act which called for them.

Hon. W. B. ROSS: Honourable gentlemen, I watched the discussion in the other House on this Act and I think the honourable gentleman has stated exactly what the facts seem to be. I have a suspicion that the best way to guard against mistakes of this kind would be to require the Clerk of the Privy Council, who signs all these orders, to make it one of his duties to see that they are laid before Parliament. Of course, I cannot foresee, and say whether by affirming these Orders now we are taking away any rights; but I have a suspicion that probably no one noticed that those resolutions had not been filed; so that, as far as I can see, we might just as well allow this Bill to pass.

Hon. Mr. BELCOURT: Honourable gentlemen, in my experience of Parliament, which is rather long, I think the rule requiring these regulations to be validated, has been more honoured in the breach than the observance. I believe that only a limited number of the regulations have been approved by parliament.

Hon. W. B. ROSS: And very few people ever noticed that.

Hon. Mr. DANDURAND: Every Session I have brought to the House quite a parcel of Orders in Council, but I do not remember having brought a resolution asking that they be approved.

Hon. W. B. ROSS: I might mention that the late Senator Cloran, at either the first or the second year that I was in this House, made what I thought was a very strong and convincing speech against Government by Order in Council. His point was that as far as possible everything should be put in an Act, and then people would know where they were; but to leave power in the hands of the Minister to issue an Order in council was what he greatly objected to. Since that time the English Parliament has drifted largely to a new system: it puts the principle in the Bill, and leaves the rest to regulations to be made afterwards. That is an important change in the science of government. We are probably doing the same thing. In that event, it may be just as well to insist upon these things being tabled. To a certain extent it is a form; but perhaps it is an important one.

Hon. Mr. DANDURAND: There is much to be said for the suggestion of my honourable friend. The Clerk of the Privy Council should be entrusted with the duty of bringing to the House, or sending to the Prime Minister, and the Leader of the Government in this Chamber, a proper resolution. I will draw attention to the suggestion.

Hon. Mr. SCHAFFNER: If I understand the honourable Senator from Ottawa (Hon. Mr. Belcourt) it has not been the custom to have Parliament approve of Orders in Council.

Hon. Mr. BELCOURT: I cannot remember any particular instance in which a resolution was submitted to Parliament for approval. There may have been such cases, but I have no recollection of them.

Hon. Mr. SCHAFFNER: I think the honourable gentleman is correct. It is absolutely necessary that those Orders in Council should be approved by Parliament. It is quite possible that legislation by Order in Council may become an abuse, and I am glad this question has come up. I presume that Orders in Council are generally passed when Parliament is not in session.

Hon. W. B. ROSS: Between Sessions.

Hon. Mr. SCHAFFNER: Then, when Parliament does meet, it seems to me exceedingly important that the Orders in Council should be explained, and should receive the approval of Parliament.

Hon. Mr. WILLOUGHBY: What about regulations?

Hon. Mr. SCHAFFNER: The same applies to regulations. Whatever legislation has been effected by Order in Council or regulation should be approved, otherwise the system may become an abuse.

Hon. Mr. BELCOURT: I have a vague recollection of discussing the matter on one

or two occasions, and there seemed to be an impression that the mere depositing on the Table was sufficient, and that unless someone took exception no further procedure was required. I imagine that is the reason why in very few instances resolutions were submitted.

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

THIRD READING

On motion of Hon Mr. Dandurand, the Bill was read the third time, and passed.

PRIVATE BILL

SECOND READING

Bill 68, an Act to incorporate the Northwest Canada Conference Evangelical Church.—Hon. Mr. McMeans.

FERTILIZERS BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 72, an Act to amend the Fertilizers Act.

He said: Honourable gentlemen, this Bill contains a number of amendments to the Act which will have to go to a Standing Committee where they may be examined thoroughly. That being so, I need not go through the amendments now.

I move the second reading of the Bill.

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

PRISONS AND REFORMATORIES BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 189, an Act to amend the Prisons and Reformatories Act.

He said: Honourable gentlemen, Part 9 of the Prisons and Reformatories Act applies only to the provinces of New Brunswick and Prince Edward Island. The purpose of this amendment is to extend to Nova Scotia as well the application of the sections concerning the home for young women in Cloverdale, New Brunswick. Owing to a mistake, Nova Scotia was not included in the amendment of two years ago and this is for the purpose of sending young women from Nova Scotia as well to that home in New Brunswick.

Hon. W. B. ROSS: They go there under sentence of a court?

Hon. Mr. DANDURAND: I suppose so, yes.

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

EXCHEQUER COURT BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 190, an Act to amend the Exchequer Court Act.

He said: Honourable gentlemen, this bill offers some slight amendments on matters of procedure For instance, there are now two judges of the exchequer court, the chief justice and a puisne judge, and this bill is for the purpose of making it clear that either the president of the court or the puisne judge may exercise the power which in many statutes is conferred upon a judge of the exchequer court.

There is also a section of the act which provides that the practice and procedure in suits, actions and matters in the exchequer court shall be regulated by the practice and procedure in similar suits in His Majesty's high court of justice in England. That provision was made in 1877, and since then the practice and procedure in the high court of justice in England has been amended in many respects. This bill is for the purpose of having those same amendments apply to our exchequer court.

The bill will also give to the judges of the court the right to make general rules and orders, instead of only the chief justice as formerly.

I move the second reading of the Bill.

Hon. W. B. ROSS: I would think it would be a good plan to require that when these rules and orders are made be published in the Gazette. Perhaps that provision is in the main Act. However, we can take that up to-morrow.

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

YUKON QUARTZ MINING BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 196, an Act to amend the Yukon Quartz Mining Act.

He said: The object of this Bill is to introduce a system of percentages to replace the present method whereby the federal government collects royalties on minerals. We are adopting the Ontario system. The difficulty in the Yukon has been that owing to the very excessive cost of operations in the outlying districts—transportation and other costs incidental to mining—it has been impossible for the companies to operate and to pay royalties, and year by year we have been extending to them a privilege in allowing them to escape payment of these royalties. Had

we compelled them to pay the royalties—we have the assurance of responsible people to this effect—it would have closed down mining operations in that district; and in order to obviate that I am introducing this legislation, putting the system on precisely the same basis as that of the province of Ontario. Upon annual profits in excess of $10,000 and up to $1,000,000 the payment shall be three per cent; in excess of $1,000,000 and up to $5,000,000 five per cent; and in excess of $5,000,000 and up to $10,000,000, six per cent. On the excess above $10,000,000 there is a proportional increase of one per centum for each additional $5,000,000.

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

CUSTOMS TARIFF BILL

THIRD READING

The Senate resumed, from April 19, the adjourned debate on the motion that Bill 169, intituled: "An Act to amend the Customs Tariff," be now read a third time, and the motion of Hon. Mr. Beaubien in amendment, that all the words after the word "that" be left out and the following be substituted therefor: "the Bill be referred to the Standing Committee on Banking and Commerce."

Hon. Mr. BEAUBIEN: Honourable gentlemen, I moved that this Bill be sent to the Committee on Banking and Commerce. My reason for so doing was that the Bill was submitted to the House without evidence at all as to the extent of the changes made in the tariff or as to the possible effect of those changes on the industries of this country. It appeared to me to involve a matter of principle, well worth consideration by this House. The honourable the Leader of the House took a different view, his contention being that on a money Bill the House of Commons is supreme, and that the submission to this House and passage by it of any such measure is a perfunctory proceeding.

I am glad to acknowledge that since I made my motion the honourable leader has been good enough to add certain explanations with regard to the Bill, which have been published and which I have found this morning in Hansard. So far so good. Now that the right of this House to exact information on measures submitted to it has been vindicated, I do not feel justified in insisting on my proposition, which I am frank to say did not meet with unanimous approval, even on this side of the House. I fully recognize also that the issue is not of such tremendous importance as to be made, so to speak, a battleground of the respective jurisdictions of the two Houses. If this were a Bill of paramount importance I would not withdraw my motion.

May I add simply this? I regret that the information furnished is not complete. My purpose was to enable honourable members of this House, in dealing with this measure, to obtain at least a fair idea of the effect of all the changes made. I observe that some machinery is to be admitted free of duty. To what extent will this change injure our home industry? I do not know. Should we not be informed on such a point? The tariff on no less than two hundred items has been changed. Should we not know what the effect of those changes is going to be? A great many of them, I am told, will not affect Canadian production at all: so much the better. Some of them, I understand, will affect Canadian production. The Government contends that in the interest of the country at large it is better that such should be the case. Very well; but should we not be fully informed? Therefore I accept the information as the modicum required to save the principle at stake, but I regret that I can find in such information very little that is useful in ascertaining either the importance of the changes contemplated or their effect upon Canadian industry.

I beg leave, honourable gentlemen, to withdraw my motion to have the Bill sent to the Committee on Banking and Commerce.

Hon. W. B. ROSS: Honourable gentlemen, just one word. I do not think there is much difference of opinion between the honourable leader of the Government and honourable members on this side with regard to this question, but in order that there may be no misunderstanding about it in future I wish to say—and I think the honourable gentleman will agree with me—that the limitation on this House as part of the Canadian Parliament is contained in section 53 of the British North America Act, which says that the Senate shall not impose a tax or appropriate any part of the public revenue. As was stated in a report made to this House, and embodying a report of the Imperial Parliament, that is the only limitation upon the powers of this House. From the very important decision given by the Privy Council in 1926 in the case of Nadan versus the King, it is quite clear that we cannot by any practice that we may adopt in this House modify that substantive law. It would require a statute of the Imperial Parliament to do that.

There has always been, I think, a clear understanding here that while our powers are unlimited except as qualified by that section of the British North America Act, there are one or two things with which it would not be wise for us to interfere. One of them is the Supply Bill. If a Bill coming here contains

nothing but supply, I take it that it would be wise for us to pass it. But that is a voluntary restriction that we put on ourselves Though I do not pretend to imagine the circumstances which would justify us, we have the legal power to interfere; but the commonsense way of dealing with a matter of that kind is to leave the Government of the day unhampered, except in what is to me an unimaginable case. The same is true of the Customs Act.

The honourable gentleman from Montarville (Hon. Mr. Beaubien), I think, was quite right in asking for information. The House has power to send a Bill of this kind to Committee if it chooses to do so, and the Committee may say, "We want to correct some mistakes," or, "We want to make a recommendation." You cannot tell. It is the same with the Income Tax. That was amended in this House two years ago, but it was amended at the instance of the Government. The same thing may happen again. However, apart from such instances, I think that unless there is a very urgent reason against it, this Chamber should pass such legislation as the Supply Bill, the Tariff, the Income Tax Bill and that sort of thing. Nevertheless it may be very wise at times to subject these measures to discussion and possibly even to make recommendations.

Hon. Mr. DANDURAND: Honourable gentlemen, the remarks of the honourable leader on the other side will meet with very little criticism on my part. We committed ourselves by adopting unanimously the resolution of a Special Committee, signed by my honourable friend (Hon. W. B. Ross), in which it was declared as the first principle to which adhered—

> That the Senate of Canada has, and always had since it was created, the power to amend Bills originating in the Commons appropriating any part of the revenue or imposing a tax by reducing the amounts therein, but has not the right to increase the same without the consent of the Crown.

When I took the seat which I now occupy I expressed concurrence in the principles of that resolution. Changing sides did not mean that I had changed principles. But I would point out to honourable members the distinction that we ought to make between the assertion of a principle and the appropriateness of applying it. We have our limitations. The Senate was created for a certain purpose and was given those powers with which the Fathers of Confederation felt the Upper Chamber should be vested. It never occurred to them that the Senate of Canada should interfere with the taxes which the people consent to pay. I hold that the levying of taxes is a matter which belongs very specially to the House of Commons. There the people are directly represented, and when the members of that House consent to certain taxation I doubt very much that we should interfere with it one way or the other.

The Tariff Bill which is at present before us involves essentially the principle of taxation. It deals with the amounts which must be paid by Canadians who desire to purchase foreign goods. Those duties came into force on the very day that the Budget Speech was made, and the House of Commons has sanctioned them, since the Bill is now before us. This being so, I consider that the Senate should be very careful about doing anything which would thwart the popular will, as expressed in the House of Commons, as to a levy which is to be made upon the people of this country. The doctrine or tradition of this Chamber has been that the House of Commons is supreme in this matter. As a fact, since 1867 Bills of this nature have never been referred by us to Committee for examination in detail; they have passed from the second to the third reading.

This does not mean that the Senate is not interested and has not the right to ask for information. As I stated on the second reading, I recognize the Senate's right to information, because, first and foremost, the Bill is before us and although our power is simply that of acceptance or rejection, we may be in need of further light before we can decide to reject the Bill.

But I suggest again that in such a matter as a levy upon the people the Senate would not be justified in interfering with the proposed legislation and rejecting it—and thus bringing about the dissolution of Parliament and an appeal to the people—unless it felt that the whole economic system was being revolutionized by a Bolshevistic government which did not represent the will of the people. For this reason I felt that the tradition of the Senate should be respected and such a piece of legislation, emanating as it does from the House of Commons, should not be submitted to a Standing Committee of this Chamber, before whom private interests could be brought in to explain how they were being affected; inasmuch as the House of Commons is supreme on the question of the extent to which the people shall be taxed, and in what direction they shall be taxed. That is what prompted me to object to a change from the traditions of this Chamber, and to say that I invited inquiries of all kinds and was ready to give the desired information. I gave some information to my honourable friend (Hon. Mr. Beaubien), but he knows how hard it is

to say what will be the direct effect of a particular change upon one industry or another. If he asked me what would be the effect of a reduction of the tariff on a certain class of article and an increase of imports of that class, I should most likely be obliged to tell him that I could not say, because the manufacturers of that article in this country, if they were afraid of greater competition from abroad, would in many instances readjust their prices in order to meet that competition, and might do so perhaps without very great loss to themselves and with considerable advantage to the consumer. There I enter upon the broad question of freer trade, but I do not intend to go further into that aspect. I simply mention it in order to indicate how difficult it is in many instances to answer a direct question as to the probable effect of a change in the tariff.

With these few remarks I move the third reading of this Bill.

Hon. W. B. ROSS: I desire only to add a qualification to what I said a few moments ago, for fear I might be misunderstood, with regard to this House in some extraordinary event interfering with any such Bills as I mentioned. The action taken by this House in that event could be only in the way of reduction or rejection. A proposal on the part of any member of this House to increase the levy would, I take it, be at once ruled out of order by the Speaker of the House.

Hon. J. J. HUGHES: Honourable gentlemen, at some time during this Session I wish to make some observations in support of the idea that it would be in the interest of Canada to have the customs and excise duties on spirituous and malt liquors and on cigarettes reduced. I was under the impression that I would have to make those observations while either this Bill or Bill 198 was before this House. I am not very particular, but I would like to have an opportunity of discussing the matter at whatever time it would be in order and would suit the convenience of the honourable leaders—whether on this Bill, or on Bill 198, or at any other time.

Hon. Mr. DANDURAND: We might perhaps dispose of this Bill first.

Hon. Mr. HUGHES: Any time would suit me.

The amendment of Hon. Mr. Beaubien was withdrawn.

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

CUSTOMS BILL

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 198, an Act to amend the Customs Act.

Hon. Mr. Robinson in the Chair.

Hon. Mr. DANDURAND: I would ask Mr. Blair to come to the floor.

On Section 1—vessels found hovering in territorial waters may be boarded and brought into port:

Hon. Mr. DANDURAND: I was asked by the honourable member from Souris (Hon. Mr. McLean) what would happen if a ship transferred its registry to Newfoundland. My answer is that in that case we could not follow that ship beyond the three mile limit, or the territorial waters; but the term "territorial waters" does not mean exclusively the three mile limit. My attention has been brought to the fact that in the Bay of Chaleurs there are rum-runners who stand a few miles away, or in the centre of that bay, and sell rum to our fishermen when they go out, to the very great detriment of the families of those fishermen, who come back with more of a load personally than their own barges carry.

Hon. W. B. ROSS: To the detriment of the Customs, too.

Hon. Mr. DANDURAND: All those ships that are within territorial waters will be reached, including our own Canadian ships.

Hon. W. B. ROSS: But any ship that was found within the limit could be taken.

Hon. Mr. DANIEL: The waters of the Northumberland Straits between New Brunswick and Prince Edward Island, which are much farther apart than six miles, are called territorial waters, are they not?

Hon. Mr. DANDURAND: I have a recollection that they are, but I would not give a decided opinion.

Hon. Mr. TURGEON: The honourable leader has mentioned the Bay of Chaleurs, which we might say is a store for liquor of all kinds. A request was made to me to look into the question, and I find that ever since Confederation we have been infested on both sides of that Bay, in the county of Gaspe, and more particularly on the north shore, and we find that that bay is territorial water all along from one side to the other.

I wish to be permitted to read to this House from the Imperial Statutes of 1851,

in which the limits of the Province of New Brunswick are given, and the northern portion of New Brunswick is right in the middle of the Bay of Chaleurs. I have also a report of an appeal to the Supreme Court of Canada, as far back as 1880, on the question of fisheries, and that Court held that the waters of the Bay of Chaleurs were territorially from one side to the other, and that therefore we have been unduly infested for sixty years during Confederation with smuggling which has taken place in that bay.

I believe I can prove to the satisfaction of this House that the Bay is territorial water, and I ask that we may be exempted from that infestation, because I understand that rum-runners from St. Pierre de Miquelon are preparing to come with new boats to Bay of Chaleurs with cargoes that they hope to be able to dispose of before this Bill comes into effect.

I shall read from Chapter 63 of 14 and 15 Victoria in reference to the boundaries of New Brunswick. In order to make it shorter I will read simply the portion which is sufficient for my argument to-day:

—thence along this meridional Line to the 48th Parallel of Latitude; thence along that Parallel to the Mistouche River; and thence down the Centre of the Stream of that River to the Restigouche, thence down the Centre of the Stream of the Restigouche to its Mouth in the Bay of Chaleurs; and thence through the Middle of that Bay to the Gulf of the Saint Lawrence; the Islands in the said Rivers Mistouche and Restigouche to the Mouth of the latter River at Dalhousie being given to New Brunswick; And whereas it is expedient that the said Boundary should be settled in conformity with the said Award; Now, therefore, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. New Brunswick shall be bounded as in the said Award mentioned; and it shall be lawful for One of Her Majesty's Principal Secretaries of State to appoint such Person or Persons as he may think fit to ascertain define, and mark the Boundary Line between the said Province of New Brunswick and the said Province of Canada, according to the Intent of the said Award.

I think that description makes it perfectly clear that the boundaries of the Bay of Chaleurs are from the centre of the bay to one side, and the south of Quebec province.

The judgment of the Supreme Court of Canada was given in the case of John Mowat vs. William McFee, and was an appeal from the Supreme Court of New Brunswick. The case is reported in Vol. V at page 66. In order to be brief I will just read the last section of the judgment:

Now, as to the issue in fact joined upon this plea: there being no new assignment disputing any of the matters averred under the quae sunt eadem, nor any replication avoiding the conviction and condemnation pleaded, all that remained to be proved was the allegation of the committal of the offence of illegal drifting for salmon in contravention of The Fisheries Act, and the plea was proved by the record of the conviction and condemnation of the property which was produced. Independently, however, of the conviction still remaining in force and unreversed, it is clear that the act of drifting for salmon, which was proved, and indeed throughout admitted, although that drifting may have been more than three miles from either shore of New Brunswick or of Quebec abutting on the Bay of Chaleurs, was a drifting in Canadian waters, and was within the prohibition of The Fisheries Act, and of the regulations made in virtue thereof, produced in evidence; for the Imperial Statute, 14 and 15 Vic., c. 63, makes the boundary line between old Canada and New Brunswick proceed from the mouth of the Mistouche River, at its confluence with the Restigouche, down the centre of the stream of the Restigouche to its mouth in the Bay of Chaleurs, and thence through the middle of that Bay to the Gulf of St. Lawrence; so that the whole of the Bay is within the present boundaries of the Provinces of Quebec and New Brunswick, and within the Dominion of Canada, and the operation of The Fisheries Act.

The Court allowed the Appeal with costs. I believe it is quite evident from these quotations that the Bay of Chaleurs is territorial water all through, and that the Government of Canada since Confederation has been dormant as to conditions, I therefore call upon the Government, through the honourable leader of this House, to look into this matter immediately, without waiting for the passing of this Bill, and if it is found that I am right, to see that instructions are given at once to officials of the Department of Customs to take command of the whole Bay of Chaleurs from one side to the other, and stop those boats from coming before this Act can be put into full effect. I trust that my honourable friend the leader of this House will call the attention of the Government to this matter at once.

Hon. Mr. DANDURAND: Honourable gentlemen, my honourable friend is only partially in the right. His statements cannot be gainsaid, but we are now dealing with the Customs Act, which we are amending to allow the Customs authorities to extend beyond the three-mile limit.

The reason why we are amending the old Act is that section 151 of that Act at present reads as follows:

151. If any vessel is found hovering in British waters within one league of the coasts or shores of Canada, etc.

That restriction would preclude the Customs authorities from going beyond the three

miles out from the coast or shore, and the Department of Justice felt that we should amend the Act in order to go farther

Hon. Mr. TURGEON: I do not object to the amendment of the Act, but it should be found out by the Department of Justice that the Bay of Chaleurs is to-day territorial water, and orders should be given, without waiting for the passage of this Bill, to the officers who are situated in that Bay. That is what I am most anxious about.

Hon. Mr. BEAUBIEN: May I ask my honourable friend if he has a great deal of confidence in the virtue of the section providing for the extension of the arm of Canada to its own citizens beyond the three-mile limit, as far as vessels are concerned?

Hon. Mr. DANDURAND: Yes; that is the opinion of the Department of Justice.

Hon. Mr. BEAUBIEN: He holds no misgivings as to the probability of an ever-changing registry?

Hon. Mr. DANDURAND: I would not like to give my own personal bond as to what the Privy Council may decide.

Hon. Mr. BEAUBIEN: No, but I am referring to a practical point. I know that, so far as jurisdiction is concerned, the value of this amendment is very questionable; but does my honourable friend not think there might be a change of register? Canadian vessels will be on a footing of inferiority with foreign vessels as far as search and seizure are concerned. Surely, if any Canadian wants to use his boat for the purpose of rum-running, the first thing he will do, if under our own flag he is subject to seizure within twelve miles, will be to seek shelter under the flag of some other country.

Hon. Mr. DANDURAND: Then we will have to do what our neighbours to the south have done—seek agreements with the countries whose flag hovers outside our jurisdiction, so as to extend our right to seize up to twelve miles.

Hon. Mr. BEAUBIEN: My honourable friend knows that there are 55 nations who sit at the League of Nations. It would be very easy to change the register of a boat as often as required to get out of the reach of Canada. For my part, I do not think this is a practical way of getting around the difficulty; and, after all, you place Canadian boats on a footing of inferiority.

Hon. Mr. DANDURAND: Well, we will do the best we can, and we will report to my honourable friend and to Parliament next year as to the value of this legislation.

Hon. Mr. BEAUBIEN: The question is not whether you are doing the best you can, but whether this legislation is good or bad. You are certainly placing Canadian ships on a footing of inferiority.

Hon. Mr. DANDURAND: This was the recommendation of the Commission which investigated this matter.

Sections 1, 2, 3, and 4 were agreed to.

On section 5—burden of proof:

Hon. Mr. BEAUBIEN: What is the meaning of this section?

Hon. Mr. DANDURAND: If my honourable friend will look at the explanatory note he will find:

> The burden of proof that the proper duties payable with respect to any goods have been paid, and that all requirements of this Act with regard to the entry of any goods have been complied with and fulfilled shall, in all cases, lie upon the person whose duty it was to comply with and fulfill the same or in whose possession the goods were found.

Hon. Mr. BEAUBIEN: Is that principle not always laid down?

Hon. Mr. DANDURAND: Yes.

Sections 5 and 6 were agreed to.

On section 7—export of beer:

Hon. Mr. HUGHES: Honourable gentlemen, I think this is where I shall make my remarks, if I make them at all.

Hon. Mr. DANDURAND: It is now 6 o'clock, and we will not sit this evening, so my honourable friend may take up the matter on the third reading to-morrow.

The Bill was reported.

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

THE SENATE

Friday, April 27, 1928.

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

Prayers and routine proceedings.

DAYLIGHT SAVING

SITTINGS OF THE SENATE

On the Orders of the Day:

Hon. Mr. DANDURAND. Honourable gentlemen, before the Orders of the Day are called, I desire to say that I had intended moving that when the Senate adjourns to-day it do stand adjourned until Monday

evening, because there were already on the Order Paper for Monday two important Bills, the Act to amend the Dominion Lands Act, and the Act to amend the Militia Pension Act; but as I shall not be able to proceed with those two measures, I desire to notify the members now that I intend moving that we adjourn until Tuesday evening at 8 o'clock.

The Hon. the SPEAKER: I would draw the honourable gentleman's attention to the fact that, as I understand, daylight saving will come into effect on Sunday. So it might be well to make some arrangement with regard to that.

Hon. Mr. DANDURAND: We will meet according to daylight-saving time.

PARLIAMENT GROUNDS

TRAFFIC REGULATION

Hon. Mr. DANDURAND: Honourable gentlemen, the Deputy Minister of Public Works, having read yesterday the remarks of my honourable friend from Pictou (Hon. Mr. Tanner), has sent in a further statement concerning his jurisdiction in regulating traffic on the Hill. He desires me to draw the attention of the Senate to the fact that the observations contained in his memorandum were based wholly upon information furnished him by the Commissioner of the Royal Canadian Mounted Police as to the experience of constables in endeavouring to carry out the instructions given them. Mr. Hunter says:

In confirmation of the above I beg to enclose for your information copy of a communication from the Commissioner of the Royal Canadian Mounted Police to me under date of April 23, 1928. My own opinion is that the success of the constables in improving conditions yesterday and to-day in front of the Parliament Buildings is due to the publicity which this matter has been given recently, which has doubtless impressed itself upon the mind of the public.

I put in the communication from the Commissioner of the Royal Canadian Mounted Police, which confirms the statement made by the Deputy Minister:

Royal Canadian Mounted Police
Office of the Commissioner
Ottawa, April 23, 1928.

Dear Mr. Hunter,—

I attach hereto three reports, one from Superintendent Belcher, one from Staff Sergeant Ramsey and one from Detective Constable Christie, regarding the parking and management of automobiles on Parliament Hill.

With reference to our previous conversation, I might say that as far as Wellington Street is concerned, until the question of responsibility for that street is definitely established, our putting men on that street would be an acceptance of the responsibility, which might prejudice any future action.

Without some regulations, backed up by laws and penalties, it is perfectly useless for the Police to try to interfere with the drivers.

The only thing I can see would be for a Bill to be passed in the House, authorizing the Minister of Public Works to make regulations and provide for penalties for their enforcement, regarding the regulation of traffic on Government property in Ottawa.

I think that the plan which you showed me, by which the East Gate would be closed to motor traffic, and two Gates in the centre, one for entrance and one for exit, with regulation for one way driving on Parliament Hill, would be of great assistance and provide security.

At present, the number of men employed on the Hill would make very little difference, and I might point out that the number of men for Police protection in "A" Division, Ottawa, has necessarily increased from 126 in 1920 to 205 in 1928.

At the present time, we have the exact number of men required to carry out the duties on hand, and whenever there are ceremonial occasions or special functions in the Parliament Buildings are given, all men supplied have to be brought in to work extra time over and above the eight hours a day which they are supposed to work.

However, if the Government desires and supplies the funds, extra men could be put on, but I do not consider that it would be of any use until they have some definite regulations and some penalties to back them up.

Yours very truly,
(Signed) Cortlandt Starnes,
Commissioner.

Hon. Mr. TANNER: I think, honourable gentlemen, that the Mounted Police are very much to be congratulated on the excellent service they are giving.

DIVORCE BILLS

FIRST READINGS

Hon. Mr. STANFIELD (for Hon. Mr. Willoughby, Chairman of the Committee on Divorce) presented the following Bills, which were severally read the first time.

Bill L7, an Act for the relief of Victoria May Cameron.

Bill M7, an Act for the relief of Laura Esther Phillips Fortune.

Bill N7, an Act for the relief of Claude Frederick Gibbs.

Bill O7, an Act for the relief of Lillian May Gill.

Bill P7, an Act for the relief of Ruth Gray.

Bill Q7, an Act for the relief of Isabella Muriel Holland.

Bill R7, an Act for the relief of Lily Leona Letheren.

Bill S7, an Act for the relief of Sarah Jane Pinkney.

Bill T7, an Act for the relief of Gwendoline Proctor.

Bill U7, an Act for the relief of Frances Evelene Ross.

Bill V7, an Act for the relief of Hazell Scelena Shaw.

Bill W7, an Act for the relief of Amy Simmons.

Bill X7, an Act for the relief of William Charles Worley.

THIRD READINGS

Bill D7, an Act for the relief of Annie Pearl Appel.

Bill E7, an Act for the relief of Dorothy Catalina Day Armstrong.

Bill F7, an Act for the relief of Louise Morris Hays Grier.

Bill G7, an Act for the relief of Thelma Katherine Halliday.

Bill H7, an Act for the relief of Marion Jarvis Lewis.

Bill I7, an Act for the relief of Annie Moore.

PRIVATE BILLS

THIRD READINGS

Bill 40, an Act to incorporate the British Empire Assurance Company.—Hon. Mr. Haydon.

Bill 41, an Act respecting The Imperial Guarantee and Accident Insurance Company of Canada.—Hon. Mr. Haydon.

Bill 52, an Act respecting the Canadian Pacific Railway Company.—Hon. Mr. Willoughby.

Bill 53, an Act respecting the Manitoba and North Western Railway Company of Canada. —Hon. Mr. Watson.

CUSTOMS BILL

THIRD READING

Hon. Mr. DANDURAND moved the third reading of Bill 198, an Act to amend the Customs Act.

Hon. J. J. HUGHES: Honourable gentlemen, in the early part of this Session the right honourable the junior Senator for Ottawa (Right Hon. Sir George E. Foster) made some observations that I thought were the thoughtful expression of good ideas. He said that the Senate, because of the age and experience of most of its members, because of their detachment from the turmoil and strife of party politics, because of the semi-judicial character of this House, and for other reasons, should be in a position to give a lead to the House of Commons and the country by way of helpful suggestion and constructive criticism in the matter of legislation. It is with that end in view that I venture to make a few remarks on the Bill that is now before this House for consideration.

I remember a year or two ago reading in a reliable publication, the name of which I cannot recall at the moment, that the coast line of the Maritime Provinces, including the eastern part of Quebec, and taking into consideration the bays and inlets and harbours and rivers, and the numerous small islands along the shore, would be between 2,000 and 3,000 miles in length. That condition of things, with the islands of St. Pierre and Miquelon near the Newfoundland coast and only a short distance away, where unlimited supplies of alcoholic liquors can be obtained, lends itself to smuggling in a wholesale way. Under these conditions it is very difficult—practically impossible—to prevent smuggling without the expenditure of large sums of money and the employment of a very large number of men and a considerable number of vessels. When we take into account the fact that this business offers such large inducements in the way of profit, and that it is not looked upon as a crime by a large number of our citizens, it is not surprising that the men engaged in it have no difficulty in finding confederates and sympathizers to enable them to carry on their work. It is doubtless true that this business can be curtailed to a very considerable extent by the Dominion of Canada, but if it were eliminated the effect would be to increase home brewing to a very considerable extent—and it is hard to say which is the greater evil. Medical men in the Maritime Provinces have told me that the quality of the liquor consumed there is detrimental to the health of those who use it. Many people think that, no matter what precautions may be taken in the distilling and brewing of liquors, they are injurious to public health; but everybody admits that the quality of the liquor has much to do with its injurious effect.

Now, to my mind there is one way of curing this evil, and that is by removing the temptation to smuggle or to make liquor in the homes by very considerably reducing the customs and excise duties on those articles. I do not think that the reduction of the price would make very much difference in the consumption. There are three classes in the community that are interested in this question. The first class, a small class, is composed of very respectable people who do not use alcoholic liquors at all. Another class, a very large class, use alcoholic liquors in moderation; and in that class are some of the best men in the community. Then, as we all know—there is no use in blinking facts

—there is a third class, a small class, who use alcoholic liquors to excess, and abuse their privilege.

Now, if the customs duties were reduced, and if, in consequence, the prices of alcoholic liquors were largely reduced, the first class I have mentioned certainly would not be injured, because they do not make use of them at all As to the second class, in my opinion they would be benefited. They certainly would not be injured, because a portion of those people, in consequence of the exceedingly high price of good liquors and the low price of the smuggled stuff and the home brew, purchase and consume the latter, which is certainly detrimental to health. The third class would certainly be benefited by what I propose, because if they could obtain the quality commodity at a moderate price, it is reasonable to suppose that they would not purchase the inferior article, which, of course, their common sense tells them is not equal to the other.

Hon. Mr. GRIESBACH: May I ask the honourable gentleman a question? I understand that in the Provinces of Prince Edward Island and Nova Scotia you have prohibition. I am curious to know how you argue that in the event of the duty being reduced and liquor being made cheaper, the people of those Provinces could benefit in any way by such action.

Hon. Mr. HUGHES: I am trying to explain that to my honourable friend. We have prohibition on paper.

Hon. Mr. GRIESBACH: On paper?

Hon. Mr. HUGHES: On paper. But we have a large consumption of alcoholic liquors.

Hon. Mr. CASGRAIN: Why do you not take wine?

Hon. Mr. HUGHES: We have a large consumption of an inferior quality of liquor, and that could be remedied by such legislation as I am proposing.

I have talked with men engaged in this business of smuggling and home brewing; I know, as a citizen, what is going on; and I believe I am well within the mark in saying that 80 per cent—I would put it at between 80 or 90 per cent—of the liquor consumed in the Maritime Provinces does not pay duty. What the percentage is in the other parts of Canada I do not know; but from the information I have obtained from people living in the other Provinces I think that I would be safe in saying that at least 50 per cent of the liquor consumed in Canada does not pay duty.

Hon. Mr. REID: That is the export stuff. They pay duty on the Canadian manufacture.

Hon. Mr. HUGHES: I am talking of the liquors consumed in Canada, either imported or made here, and I say that 50 per cent of the alcoholic liquors consumed here pay no duty.

Hon. Mr. REID: A duty is paid on all the liquor that is produced in Canada whether it goes out of the country or not.

Hon. Mr. HUGHES: That may be so at the present time, but according to the information given before the Royal Commission, a good deal of the liquor exported from Canada in bond found its way back.

Hon. Mr. REID: I understand that the Government not long ago passed a law that all liquor manufactured in Canada, whether exported or not, must pay the full excise duty.

Hon. Mr. HUGHES: That is my understanding and of course, that will reduce the quantity consumed that does not pay duty.

Hon. Mr. REID: That is, what is imported?

Hon. Mr. HUGHES: I will say that the information I have received on this question, and the statement I am making, are correct, that the revenue of the country would not suffer by a considerable reduction in the duty. In my opinion the revenue would be increased.

Legal men, like judges and lawyers say that perjury in the courts because of smuggling and illegal brewing is increasing rapidly. The efforts of men engaged in this business to get clear of the consequences of their conduct, and the efforts of their friends to shield them in the Courts, are destroying the moral character of the people.

There are many men in this House who are perhaps more competent than I am to give an opinion on that subject, but if these evils could be removed by legislation it would surely be the duty of Parliament to pass such legislation. If the large number of men engaged in the preventive service, as well as those employed in this illegal traffic, could be put into productive work, that of itself would be an advantage to the country. To my mind this traffic is very injurious, looked at from any angle, and I believe that the best cure we can find is by removing the temptation of large inducements that bring many into this illegal and criminal traffic.

I do not think the legislation proposed would injure the provinces that have prohibition, or prevent them in any way from carrying out that law. Under the Doherty Act the

provinces can prevent importation if they wish to do so, and they have a right to place any restrictions they please on the internal trade. In my opinion, the high prices of liquor do not help the provinces in any way to enforce prohibition, and I think the suggested amendment would be a help rather than a hindrance. I think that legislation along the lines that I have indicated would be a considerable advantage to Canada from every point of view.

Prohibition is a good ideal, a splendid thing on paper, but I remember that when I was attending school I read about the Legislative Council or Areopagus of ancient Greece having employed Solon to codify the laws. He performed that duty, and came before the Council of the Areopagus to explain it, and made his statement: "These are not the best laws possible; they are not even the best I could write; but they are the best the Athenian people are capable of receiving and obeying." That is supposed to be the very embodiment of wisdom for all countries and all times in legislative matters; we must take conditions as we find them, and must remember that a large number of people in Canada consume alcoholic liquors, and will continue to do so.

For these reasons, and many others that might be mentioned, I think it is the duty of Parliament to face this situation and to pass such laws as the people of Canada are capable of receiving and observing, and will be willing to observe. I have placed my views before this Chamber imperfectly, but I believe I am giving expression to a view that is worthy of consideration, and I hope the matter will be discussed by others more capable than I am, and that some good may result.

Hon. J. McLEAN: Honourable gentlemen, I feel very much as does the honourable gentleman who has just sat down. The firms of which I am head are interested in shipping, and at this time of the year, as the season opens on the 26th of April, there will be 2, 3, or 4 vessels around Prince Edward Island outside of the three-mile limit all day, but at night they come in within probably half a mile of the shore. Men can go out there in a boat, and get liquor for $2 that would ordinarily be sold at about $4. Last year we had four factories, two of our own and another one on each side, that made complaints to me over the telephone. They said there were three vessels within half a mile of the shore, and that the men went out, and the factory had to be closed because the men all got drunk and had a row, and could not be controlled.

I asked the party who sent this message to give me the names of the vessels and the captain, and he did so, and I at once telegraphed to the Minister of Customs at Ottawa, and received back a prompt answer that he was sending the steamer Margaret to seize those vessels. That steamer went down from the Magdalen Islands, but got on the rocks, and she was there for some time, and of course those vessels got clear.

I have always been under the impression that if the duty on liquor was reduced one half, the Customs Department would receive more money than they are doing at present. When the duty was put on during the war, all of us in the Maritime Provinces approved of it, but before the duty was raised we had no smuggling to any extent.

Hon. Mr. HUGHES: And there was no home brewing.

Hon. Mr. McLEAN: No, there was no home brewing; but now when a man gets a chance of making $9 a gallon on liquor he goes down to St. Pierre or other places on the coast, where it is impossible to catch them on account of the expense of looking after them, which amounts to as much as the duty, and he buys from the smugglers. I read the other day about two vessels that were caught at Charlottetown for smuggling liquor, and they were fitting out to go to St. Pierre to return with liquor.

So far as home brew is concerned, the same principle applies. I heard a story of a countryman of my honourable friend, an Irishman, who got a bottle of home brew and paid a dollar for it. He went to his doctor and asked if it was safe for him to drink the stuff. The doctor took a taste of it and replied, "No, I don't believe it is; I have known men to go stone blind from drinking home brew." Pat went away very disconsolate, but a week afterwards, when the doctor met him and asked what became of the whiskey, Pat replied, "Oh, I done well with it; I sold it to a blind man for $4." I believe that if the duty on liquor is high enough it will induce many consumers to go out of legitimate business and go into the liquor business; but if the duty is reduced, so that liquor can be bought at a reasonable price, there would be no home brew made.

We never heard of such a thing as home brew in the Maritime Provinces until the duty was put so high that it was made worth while to go into manufacturing it.

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

PRIVATE BILLS

THIRD READINGS

Bill J7, an Act respecting a certain patent of Anchor Cap and Closure Corporation of Canada, Limited.—Hon. Mr. Haydon.

Bill 48, an Act respecting the Calgary and Fernie Railway Company.—Hon. Mr. Spencer.

Bill 60, an Act respecting the Canadian Surety Company.—Hon. Mr. McGuire.

ELECTRICITY INSPECTION BILL

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 36, an Act to amend the Electricity Inspection Act.

Hon. Mr. Beaubien in the Chair.

Hon. Mr. DANDURAND: I will ask Mr. Stiver, Director of Electricity and Gas Inspection Services, to come to the floor.

On section 1—short title:

Hon. Mr. DANDURAND: The general principle of this Act, which is that electricity sold by measure shall be measured accurately is to be maintained. In order to do this the amendments and alterations proposed are necessary, owing to the tremendous development in the methods of distribution and measurement of electricity during the past twenty years.

During the administration of the Act the officers of the Department have obtained an intimate knowledge of the requirements of both sellers and buyers of electricity, and in drafting the amendments the interests of all concerned were very carefully considered.

Before the draft was presented to Parliament it was discussed with the representatives of the Canadian Electrical Association, the Hydro-Electric Power Commission of Ontario and the National Research Council. As the public has no organization which could be called to consultation, it was necessary for the Department officials to exercise special care to insure that their interests did not suffer.

When the Bill was before the Commons in Committee the representatives of the people decided that six years was the maximum time that a meter should be left in service for re-inspection, consequently section 8 of the Bill was amended by inserting the word "lesser" before the word "periods."

Sections 1 and 2 were agreed to.

On section 3—unit of supply:

Hon. Mr. McLENNAN: Before we proceed, I would like to ask the honourable gentleman if there is any provision for inspecting the connection of the current through the wires with the meter.

Hon. Mr. DANDURAND: From the power house to the meter?

Hon. Mr. HAYDON.

Hon. Mr. McLENNAN: Yes. I know one case where an electric company was paid twice for the same current over a considerable period of time. I am bound to say it promptly made good the overpayment.

Hon. Mr. DANDURAND: As the loss would be simply on the company, the public are not interested. The control starts only at the meter, because it is according to the meter that the consumer is called upon to pay.

Hon. Mr. McLENNAN: It is according to the meter, but in this case two consumers were paying for the same electricity.

Hon. Mr. DANDURAND: Under the Act it is only the meter that is tested.

Section 3 was agreed to.

Sections 4 and 5 were agreed to.

On section 6—inspection standards:

Hon. Mr. DANIEL: I would like to ask the Minister, are all electrical supply stations inspected by official inspectors of the Department here, or are such stations simply under the control of the people who manufacture the electricity and sell it to the consumers? Is there an official inspection of all the meters and things of that kind, whereby it is ascertained how much should be charged the consumer of electricity?

Hon. Mr. DANDURAND: The inspection under this Act is limited to the meter. It covers the sale of electricity all over the country.

Hon. Mr. DANIEL: Are all the meters in use inspected by officials of the Department?

Hon. Mr. DANDURAND: They are inspected by the Government officials.

Hon. Mr. DANIEL: Is there only the one inspection, or are they inspected from time to time?

Hon. Mr. CASGRAIN: Every year.

Hon. Mr. DANDURAND: The meter is inspected by the departmental official sufficiently to assure him that it is in order, and every six years, or oftener, the meter must be re-tested.

Hon. W. B. ROSS: The honourable gentleman from St. John (Hon. Mr. Daniel) has brought up a point on which I would like to ask a question. Suppose a meter has been installed for, say, three months, and a man after paying one or two bills suspects that it is not right. I have not examined the Bill thoroughly, but I would like to ask, is there a provision in it which would entitle that man to have an inspection if he wants it?

Hon. Mr. CASGRAIN: He can get an inspection, and if the meter proves to be right he must pay the cost.

Hon. Mr. DANDURAND: Section 17 reads:

If at any time the contractor or purchaser is dissatisfied with the condition or registration of any of his meters, the inspector shall, on the request of either party, and upon deposit of the required fee, proceed as prescribed by regulations made by the minister. Tests made under such circumstances shall be designated disputed meter tests.

Hon. W. B. ROSS: That is all right.

Section 6 was agreed to.

Section 7 to 20, inclusive, were agreed to.

On Section 21—fees and stamps:

Hon. Mr. DANIEL: This Bill does not state what the fees shall be, but it states that the Governor in Council shall establish them. Can the minister give any idea as to what would be the fees for these inspections?

Hon. Mr. DANDURAND: The present schedule of fees is as follows:

Schedule of Fees

For meters verified at regular testing places:—	
Class 1. Ampere hour meters of any type or capacity for use on circuits of any voltage, and two wire watt-hour meters of any capacity, for use on circuits not exceeding 250 volts..	$0 60
Class 2. Three wire direct current or three wire single phase watt-hour meters of any capacity, for use on circuits not exceeding 250 volts between outers, and polyphase meters of any capacity for circuits with a maximum potential not exceeding 250 volts..	0 75
Class 3. Meters similar to Classes 1 and 2 but for potentials exceeding 250 volts but not exceeding 650 volts..	1 50
Class 4. Meters similar to Classes 1, 2 and 3, but for potentials exceeding 650 volts and meters when tested with either current or potential transformers, or both..	5 00
For meters verified in situ:—	
Meters may at the request of either the purchaser or contractor, be tested in situ at an additional fee of..	1 00

Meters of any type or capacity which operate from current or potential transformers, or both, when presented without transformers, will be tested at the fee applying to the class to which the meter itself belongs providing the actual volt and ampere ranges of the meter, as well as that of the complete set, be marked on the name plate.

Section 21 was agreed to.

Sections 22 to 32, inclusive, were agreed to.

The preamble and title were agreed to.

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.

PRISONS AND REFORMATORIES BILL

THIRD READING

Hon. Mr. DANDURAND moved that the House go into Committee on Bill 189, an Act to amend the Prisons and Reformatories Act.

Hon. W. B. ROSS: Why not give it the third reading? It is simply to correct an oversight.

Hon. Mr. DANDURAND: It is suggested that we dispense with the Committee stage. I move, with the leave of the House, the third reading of this Bill.

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

EXCHEQUER COURT BILL

THIRD READING

On the Order:

The House in Committee of the Whole on Bill 190, an Act to amend the Exchequer Court Act.

Hon. W. B. ROSS: We might take the third reading of that.

Hon. Mr. DANDURAND: At the second reading I fully explained the purport of this Bill. I move the third reading.

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

YUKON QUARTZ MINING BILL

THIRD READING

Hon. Mr. DANDURAND moved that the House go into Committee on Bill 196, an Act to amend the Yukon Quartz Mining Act.

Hon. W. B. ROSS: I do not think we need do so. I have word from the member for the Yukon that this is satisfactory.

Hon. Mr. DANDURAND: We have adopted for the Yukon the Ontario law. It is also practically the same in principle as the Quebec law.

Hon. W. B. ROSS: Yes.

Hon. Mr. DANDURAND: I move the third reading of the Bill.

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

GOLD AND SILVER MARKING BILL

CONSIDERED IN COMMITTEE

Hon. Mr. DANDURAND moved that the House go into Committee on Bill 21, an Act to amend the Gold and Silver Marking Act.

Hon. W. B. ROSS: Why? Does the honourable gentleman want to move any amendment?

Hon. Mr. DANDURAND: Yes, there are some amendments. I will simply put in the amendments and we will report the Bill. The third reading will be deferred so that honourable members of the Senate may examine the amendments proposed. They are somewhat technical, but the sole object is to bring platinum alloy under the Act.

Hon. Mr. ROSS: That is what I understood.

Hon. Mr. DANIEL: The honourable gentleman (Hon. Mr. Dandurand) stated, when this Bill was up before, that he would bring in some information with regard to white gold, as to what is really meant by it, and what is its composition.

Hon. Mr. DANDURAND: I had the information, but I do not find it at hand at the moment. I hope to have it for the third reading.

The motion was agreed to, and the Senate went into Committee on the Bill.

Hon. Mr. Stanfield in the Chair.

Hon. Mr. DANDURAND: The amendments which I have to propose are as follows:

Clause A

The title of chapter eighty-four of the Revised Statutes of Canada, 1927, is repealed and the following is substituted therefor:—

"An Act respecting the Manufacture, Marking and Sale of articles composed of Gold or Silver or Platinum, and of Gold Plated, Silver Plated and Platinum Plated Ware."

Clause B

Section 2 (e) of the said Act is repealed and the following is substituted therefor:—

"2 (e) "mark" means any mark, sign, device, imprint, stamp, brand, label, ticket, letter, word, figure, or other means whatsover of indicating, or of purporting to indicate, quality, quantity, or weight of gold or of silver or of platinum or quality or kind of gold or silver or platinum plate."

Clause C

Section two of the said Act is further amended by inserting immediately after paragraph (f) the following as paragraph (g):—

(g) "platinum" includes any alloy or platinum;" and by changing paragraph (g) to paragraph (h).

Hon. Mr. DANDURAND.

Clause D

The heading of section seven of the said Act, namely: "Gold and Silver" is hereby repealed and the following substituted:—

"Gold, Silver and Platinum."

Clause E

The first subsection of section seven of the said Act is repealed and the following is substituted therefor:—

"7. This section applies only to gold articles, silver articles and platinum articles."

Clause F

Paragraph (b) of subsection two of section seven of the said Act is repealed and the following substituted therefor:—

"2 (b) a mark or marks, hereinafter called a 'quality mark' truly and correctly indicating, in the manner required by this Act, the quality of the gold or silver or platinum."

Clause G

Paragraph (b) of subsection three of section seven of the said Act is repealed and the following is substituted therefor:—

"(b) has applied to it by the Government of any foreign country a mark or marks authorized to be applied under the laws of that foreign country, and indicating truly and correctly, the quality of the gold or silver or platinum, and all the other provisions of this Act have been complied with as regards the article."

Unless these amendments are read in conjunction with the old Act, they are somewhat difficult to understand; but when they appear in our Orders they can easily be studied, and any criticism that they call forth may be made upon the third reading, when we can further amend the Bill, if need be.

The proposed amendments were agreed to.

The preamble was agreed to.

The title, as amended, was agreed to.

The Bill was reported, as amended.

ST. LAWRENCE WATERWAYS PROJECT

DEBATE CONTINUED

The Senate resumed from Wednesday, April 25, the adjourned debate on the inquiry of the Hon. Mr. Reid:

That he will call the attention of the Senate to the St. Lawrence waterways project, and inquire if it is the intention of the Government to lay on the Table of the Senate the Report of the Advisory Committee on the proposed scheme.

Hon. Mr. CASGRAIN (resuming): Honourable gentlemen, I desire to thank you for your great kindness in bearing with me so long the other day, and also to apologize for again appearing before you; but I consider that the importance of this question, and the time that has been spent upon it by some of us, justifies me in doing so.

I would like to say a word now about the prices for the carriage of grain. By a strange anomaly the prices for the carriage of grain have not increased since before the war; in fact, they are among the few things that today are lower perhaps than they were before the war.

In my remarks the other day I said that it cost 11 cents to carry a bushel of wheat from Port Arthur or Fort William or Chicago to Liverpool. I wish here to corroborate that statement. During the five years from 1910 to 1915 the average price of taking one bushel of wheat from Duluth or Port Arthur or Fort William to Liverpool was less than eleven cents—to be exact, it was 10.73 cents, including elevator charges, storage for five days if necessary, insurance, transportation, terminal charges—everything. No ocean vessel could ever compete with that price. In order not to weary the House, I hold here a document issued by the Legislature of the State of New York, the Empire State of the American Union, which gives the annual average freight rate on wheat per bushel, from Chicago to New York—and when it is from Chicago the distance is the same as from Port Arthur or Fort William—and from New York to Liverpool for the years 1900 to 1914 inclusive. I will ask the permission of the House to put this on Hansard, and, if anyone is interested in it, they will see why it is put there. It is only short, about ten lines.

Annual average freight rates on wheat per bushel, from Chicago to New York by lake and canal and by lake and rail, and from New York to Liverpool via ocean, for the years 1900 to 1914, inclusive.

Year	*By lake and canal Cents	By lake and rail Cents	New York to Liverpool Pence
1900. . .	4.92	5.05	3⅜
1901. . .	5.64	5.57	1¼
1902. . .	5.75	5.78	1 7/16
1903. . .	5.94	6.17	1 7/16
1904. . .	5.21	5.02	1⅛
1905. . .	6.01	6.29	1⅝
1906. . .	6.44	6.40	1 7/16
1907. . .	7.18	6.97	1¾
1908. . .	6.50	6.50	1 9/16
1909. . .	5.85	6.88	1⅝
1910. . .	5.60	6.54	1½
1911. . .	5.87	5.23	2
1912. . .	6.07	6.42	3 11/16
1913. . .	6.20	6.81	2 11/16
1914. . .	5.81	6.54	3

*Rates include one-half cent per bushel elevation at Buffalo.

The Committee that has been appointed to consider this question can very well verify these figures. The honourable member for de Salaberry (Hon. Mr. Beique) said to me yesterday: "Don't insist so much about ocean vessels no longer being a factor to be considered in the transportation of wheat, and so on, in the canals. I am satisfied." I said: "Well, my venerable friend, perhaps you are satisfied; but somebody else may not be, so we cannot emphasize it too much." So I shall proceed by stages.

Now, the same rates that prevailed before the war prevailed in 1922, 1923, 1924, 1925, and 1926, although the price of coal had increased and wages had almost doubled. The price of wheat also had increased, but the navigation companies were still carrying it at the pre-war rate. Under the circumstances, it will not surprise honourable gentleman to learn that the companies were not able to pay dividends, even on the preferred shares, but were carrying the wheat at the expense of the owners, who were not even getting interest on their money. A man, for instance, having a thousand shares in a certain company, and having paid the full price for them, instead of receiving interest or dividends on his investment would actually be lending $7,000 a year; and as this continued for five years, over that period he would be lending $35,000, and might well be called a public benefactor. But did the companies get any thanks for this? Not at all. All they got was persecution, and plenty of it; and a certain busybody and troublemaker who tried to regulate ocean rates—I will not name him, but if the cap fits him, he can put it on—was the instigator of the persecution.

Hon. Mr. STANFIELD: He is still in trouble.

Hon. Mr. CASGRAIN: Did they get any thanks from the farmers of the Northwest? Far from it. On the contrary, those gentlemen actually went to Buffalo, in the United States, and built a 2,000,000 bushel elevator there. Why did they not build it in Canada right opposite Buffalo? That 2,000,000 bushel elevator must have cost nearly $2,000,000 to build; and all that money was spent in the United States, whereas the $1,000,000 that was paid in wages might as well have been paid to Canadian workmen.

Hon. Mr. DANDURAND: They must have had a reason.

Hon. Mr. CASGRAIN: I am very glad the Leader of the House says they had a reason.

Hon. Mr. DANDURAND: I say they must have had a reason.

Hon. Mr. CASGRAIN: I thought so too; I was a little chary about it; but I will tell you the reason. An American ship can come to Port Arthur without paying any

duty, take wheat that should be carried by Canadian vessels, transport it to Buffalo, and put it in this elevator where another American vessel will pick it up and take it on to Montreal, thus evading the law. We could not do that with our smart neighbours to the south; they would soon "get wise" that this was going on. But it has been going on, and it will continue to go on again this summer. This is another matter that the Committee can inquire into.

Hon. W. B. ROSS: What law are they evading?

Hon. Mr. CASGRAIN: They are overcoming the law.

Hon. Mr. McLENNAN: May I ask the honourable gentleman a question? Does he know any way by which that could be prevented?

Hon. Mr. CASGRAIN: Absolutely. It is the easiest thing in the world. It can be done by Order in Council, in the same way that these vessels are permitted to carry wheat from one Canadian port to another without the payment of duty. That is done in the busy season.

I do not think that Mr. Wood of Missouri and his satellites in the West have very much love for Canada or the Empire. They have been "putting it over the Government of this country like a tent," and we have stood for it, and apparently are going to continue to stand for it for no one knows how long. American ships have been allowed to come here more than once. As honourable gentlemen know, during the latter end of June, and during July, August, and the beginning of September, Canadian ships have been tied up with their crews—for it is very difficult to get a crew just whenever it is needed—waiting for the crop to grow and to be harvested and thrashed and carried by the railroads to Port Arthur or Fort William. After that an Order in Council is issued, and along come these American ships and carry off the grain while the Canadian ships continue to wait. That is what is going on, honourable gentlemen.

You may say that when those American ships are brought in they are of some use. I will show you what use they are. They only aggravate the congestion. These American ships carry ore all through the summer from the Mesaba Range to Conneaut, a port on Lake Erie, from where it is taken by rail to Pittsburgh. The ore is extracted in very large quantities in the Mesaba Range, and it is brought in carloads to the end of a dock where a big derrick takes a whole car-

load and drops it into the ship, so that the ship is completely loaded in a few hours. That is done in fair weather. In the fall, when the ground is frozen, it is not profitable to extract the ore, and just about that time, towards the end of the season, which is the only time the Canadian ships might make a few dollars, somebody secures the passage of an Order in Council, and these American vessels come over and take the bread and butter out of the mouths of our sailors and their wives and families.

Hon. Mr. GRIESBACH: The present law as to the operation of ships on the Great Lakes, is that none but a Canadian ship can carry from one Canadian port to another.

Hon. Mr. CASGRAIN: Except an Order in Council is passed.

Hon. Mr. GRIESBACH: Precisely. The situation is occasioned by the American ship having to carry to an American port, and to reload, so as to evade the law. Now, you say that by Order in Council the operation of the law is suspended during that period to permit the movement of wheat, in the course of which the American ship carries the wheat from where to where? To American ports or Canadian ports?

Hon. Mr. CASGRAIN: A Canadian port. Otherwise there would be no need of an Order in Council.

Hon. Mr. GRIESBACH: I am asking the question in order to bring out the point.

Hon. Mr. CASGRAIN: Of course, congestion takes place, because those American ships crowd around the elevators and they seem to get ahead. A whole fleet succeed in getting down with a load, because to those American ships it is found money; their purpose has been fulfilled; the ore has been brought down from the West. So they have this spare time, and they are willing to accept even starvation prices, and thus they can always outbid the Canadian ship that is trying to make a living, and has been tied up while they were busy. If there was some reciprocity in this matter, and if the Canadian ship was allowed to go and take ore in the Mesaba Range and bring it down, it would be fairer, but all we bring down is a little ore to Sarnia. Our ships are idle for weeks and weeks.

About eighty per cent of the freight that comes eastward through Sault St. Marie is ore, as everyone knows, and the wheat is only 9 per cent. However, when the ore is finished, then the wheat comes in. It would be a good thing if this matter was arranged so that our own Government would not cut our

throats by passing an Order in Council to do something that is actually forbidden by the law.

In order that I may not be mistaken I wish to read from another document issued by the Legislature of the State of New York, Document No. 40, these few lines:

> The cost of construction of an ocean-going vessel is three-fold the cost of the construction of lake carriers of like displacement, and their carrying capacity is about 60 per cent of the carrying capacity of lake vessels; so that the ratio of earning per dollar invested in ocean vessels is only about one-fifth of the earnings of each dollar invested in lake vessels. This is exclusive of higher insurance on ocean vessels, and other larger operating expenses, which would still further reduce the returns from the cargoes of ocean vessels while attempting to compete with lake carriers on the Great Lakes.

That simply means this, that a laker that will carry 500,000 bushels will cost just about $1.00 per bushel, while an ocean steamer will cost $5 per bushel for all that she can carry. There is the difference, from one to five.

Now as to elevators, the finest elevator in Canada is at Port Colborne, and it is perhaps one of the best anywhere. It is a wonderful elevator. It was built some twenty years ago, costing only 60 cents a bushel at that time. It is a 2,000,000 bushel elevator. If we wanted to duplicate it now, the cost would be nearer 90 cents per bushel. Naturally if big ships are able to negotiate the Welland Canal, and come down to Kingston or Prescott, huge elevators will have to be placed there, and the best type of elevator would be the one at Port Colborne, which was made by Mr. Jamieson, who built more elevators than all others put together.

To give you an idea of the perfection of that elevator at Port Colborne, when a canal boat comes up from Montreal and docks at that elevator, she can be filled to her capacity cargo, 85,000 bushels, in 34 minutes. That is the time between the casting off her lines and her heading back for Montreal. That is not done every day, but during the season seven or eight vessels are being loaded or unloaded at that same elevator in one day. There is no trimming required. The wheat is supposed to be spread evenly in the bottom, and the trimming is avoided because the wheat travels at such a rapid rate of speed, 5,000 feet per minute, so that the trajectory is almost horizontal for 40 feet, and it spreads the grain at a dead level all over the ship. This is what permits the loading to be done in that short space of time.

Such an elevator at Kingston or Prescott would require at least a capacity of 3,000,000 bushels. We would then have our perfect system for the big ships when they had succeeded in negotiating the Welland Canal. I hear that a good many of them will not attempt that, and so we will go on as we have been going except for those that will unload in this new elevator. Then we will have from Kingston or Prescott the cheapest equipment —those river and canal barges; that is, a small barge with a little power and consorts. They do not require much power, because they move at the rate of only five miles an hour. Some one may ask how they can pass through the locks. Well, the tug shoves one in, and then the next one comes, and the next and the next, and generally the tug stays behind and takes these at the rate of five miles an hour, and that is the way this is carried on, on the Erie canal.

That is the cheapest of the cheapest, but the honourable gentleman from Prescott who brought up this question (Hon. Mr. Reid) thinks it could be done equally cheap, if not cheaper, by railroad, because the distance from Prescott to Montreal is only 120 miles, and it is all down grade, there is no trouble with the grade, and so a huge train can come down. I might say that Mr. M. J. Butler, when he was Deputy Minister of Railways and Canals, suggested this idea as against the Georgian Bay Canal. He would have the big ships coming to Prescott or Kingston, and then trains to carry the freight, and those trains would work twelve months in the year. The whole trouble, honourable gentlemen, is located between Prescott and Montreal. You never know what time one boat will get stuck somewhere, and tie up the whole traffic. We had some gentlemen here who were advocating the waterway systems; some came from Kansas, and some from the shores of the Mississippi, and I accompanied them. There was a beam wind, and when our boat went in the Canal there was a boat on the other side, and we were stuck there the whole day, and everything on the Canal was stopped. You know very well that when a ship has no headway she cannot steer any more, and if the wind is a beam one she has to stay there till it abates.

There is another very nice idea here also; it is the creation of a zone like there is at the Panama Canala. Do you know where that zone would be? It would commence from the international part of the river and have a width of from five to ten miles, and take in Montreal and right down to the Gulf, and the same thing on the other side. Now, I come to what you may think is strange, but here it is, and it is not the raving of an excited, petty local politician, but I find this in the documents of the State of New York.

After I have read a few lines I think the honourable gentlemen will bear me out in saying that this is the kernel of the whole matter. This legislative document of the State of New York, published at the expense of the public, states:

For a hundred years the two nations—

That is, the United States and Canada—

—have been in perfect accord and no thoughtful person would suggest that these cordial relations should ever be severed, but—

Notice the "but"—

—but as a matter of prudence and good statesmanship, if a ship canal were ever to be built down the St. Lawrence river, and for nine-tenths of the distance from Lake Ontario to the Gulf of St. Lawrence wholly within Canadian territory and under the sovereign control of the Dominion of Canada, if not the British Empire, then there should be a cession of territory—

Mark you: cession of territory.

—the entire length of the St. Lawrence river, 5 or 10 miles back from the river, constituting a zone like the Panama Canal Zone, secured by treaty with the Republic of Panama, or like the zone recently established by allied powers along the Bosphorus extending from the Black to the Aegean Sea. Such zones should be neutral territory or under the joint sovereign control of both nations.

Yes, 120,000,000 against 10,000,000. Well, it is just like a baseball team with its full complement, and one man making the other team. That is what it amounts to.

Hon. Mr. DANDURAND: Who is the irresponsible being who wrote that?

Hon. Mr. CASGRAIN: It is the State of New York. It is published at public expense.

Hon. Mr. DANDURAND: But those are only the ravings of someone.

Hon. M. CASGRAIN: It goes on:

Some such concessions ought to be made by both nations—

Yes, but they do not give us any expectations of a concession from Uncle Sam.

—to secure the freedom of the St. Lawrence from the domination of either nation if it were to become a highway built and maintained by both nations. That must be apparent to all, otherwise it may become a waterway for military or naval purposes of transcedent importance in dominating the sovereign control of the Great Lakes, whose neutrality is now preserved by international treaty.

Now, that needs no comment. Is not that enough? Is there a member of this Senate who would agree to a clause like that in a Treaty? I do not believe there is.

Hon. Mr. DANDURAND: But no government has ever suggested it.

Hon. Mr. CASGRAIN: Well, the honourable gentleman believes that the United States Government at Washington will make any kind of a Treaty, but they have no right in these premises. It is the State of New York that wants this, not the Government at Washington, which is not a party to the Treaty at all; and they say, "That is what we want, or you will get nothing."

Hon. Mr. DANDURAND: Is that a statement issued by the State of New York? Is it a resolution of the legislature at Albany, or what is it?

Hon. Mr. CASGRAIN: This is a legislative document of the State of New York issued at public expense. I remember having the pamphlet in which it appeared some time ago, and I really could not give you the full details; but I think honourable gentlemen in this House know me well enough to know that I would not fabricate this.

Hon. Mr. DANDURAND: I do not surmise or suggest anything of the kind, but I say it may be a speech made by a member of that body at Albany. We have speeches made in this Chamber and in the House of Commons that are printed, and that appear as printed by our printing office.

Hon. Mr. McLENNAN: Everybody knows that the honourable gentleman is too good a Canadian to invent that.

Hon. Mr. CASGRAIN: So much for the zone, and we will not comment on it; but here is another thing that we forget altogether in this matter, and it is one to which I would draw the particular attention of the Committee. It is the matter of insurance. Anyone who is not a sailorman, or captain, or navigator, or mariner, would think that a ship when in a canal was safe, and that the insurance rates should not go up; but the Committee will prove that rates are almost prohibitive for large boats in canals.

Hon. Mr. BELCOURT: That applies to all marine in every country in the world.

Hon. Mr. CASGRAIN: In canals?

Hon. Mr. BELCOURT: In a harbour you have to pay more insurance than if a ship is out, going to any place in the world.

Hon. Mr. CASGRAIN: Yes, but supposing this canal is built, if those large ships enter the canal their rate would be perhaps double or treble; the Committee will say exactly the proportion. One would have thought a ship was perfectly safe in a canal, and could not be ship-wrecked, but all sorts of accidents happen in canals. Never a summer goes by

but we hear of a barge being sunk, or something else. Last year an American boat went through the locks, and the water emptied out into the lower canal; it was a great big pleasure yacht, and they chased it down to the Gulf, but it made its get-away. The Canadian pilot had to jump into the river opposite Quebec.

Another thing is that they talk of making this canal some 25 feet deep, and the Americans talk of 27 feet, but even that will be absolutely no good. At Galveston and New Orleans the freighters have a draught of 35 feet, and the ships are 25,000 tons, and carry about 825,000 bushels. Now, why 35 feet? Why is it necessary to be so deep? It is to give sufficient rigidity to a ship, which must have a draught in proportion to its length, otherwise, in a storm she would break her back.

Hon. W. B. ROSS: No, it is the breadth, the beam, is it not?

Hon. Mr. CASGRAIN: No, the depth. A ship should be very deep, and when you take off a foot or two from the standard depth it costs immensely, because you have to strengthen the ship, and that raises the price very much.

Now, as soon as conditions become normal, the Atlantic ships will be 25,000 ton boats, and will run like a ferry between the same two ports. They will have a draught of 35 feet, and would sail from New York or Newport News or Portland to Liverpool, or from Quebec to Liverpool, with a 35 foot draught. Both the American and European terminals would be equipped just as our lake ports are, with proper terminal facilities so that those boats could be loaded and unloaded at both ends of their journey, and not have to carry hundreds of tons of equipment such as derricks, swing-beams, winches, and dummy-engines which waste a great deal of steam on account of the long pipes leading from the boiler to where the steam engine is working especially in cold weather; skippers are obliged to keep steam up in port. All these appliances would be installed at the terminals, and their weight of hundreds and hundreds of tons would be replaced by good paying cargo. The 8,000 and 10,000-ton freighter could not compete at all with the 25,000-ton freighter, which would use only 67 men, whilst the 8,000 or 10,000-ton boat uses 45 men; and the hundreds of tons of expensive machinery now carried for nothing from one side to the other would be replaced by a paying cargo.

Before this St. Lawrence River Ship Canal could ever be built, opened to navigation and used, proper facilities would have been installed, with stationary electrical plants on the wharves, as I have said, and loading and unloading would be done by the quickest methods. I have already mentioned the instance of 85,000 bushels of grain loaded into a vessel at Port Colborne in 34 minutes.

I have said very little about the cost of the power, but may I refer to the statement made on that subject by Mr. R. M. Wilson, who is Chief Engineer of the Montreal Light, Heat & Power, and has developed the Cedars Power. That is a very successful development; so too is the one at Messina. Mr. Wilson has stated under oath, in different cases, that this scheme, in his opinion, would cost $300 per horsepower. We have also the statement of Colonel Hugh L. Cooper, who says that the dam at Cornwall alone would cost $300,000,000; and Colonel Cooper should know what he is talking about, for he is one of the most eminent engineers in the United States. He built the famous Keokuk Dam on the Mississipi River, which is supposed to be a wonder, and which people go a long way to see.

I have referred to the dumping of cars at Mesaba Range. I might draw the attention of any honourable gentleman who takes an interest in this sort of thing to the fact that there are in Montreal Harbour two places where cars are taken within the jaws of a tremendous piece of machinery and are simply tossed this way and that, and emptied just as you would empty a plate. One is at the lower elevators and the other at the upper elevators. So it would be very easy to handle all the freight with these new appliances.

The question of cargo lots is another very important feature. I spoke some time ago about return cargo. Now, I must say that there is a very remote possibility of an ocean vessel, going to the Great Lakes, getting a cargo lot from one foreign port to one lake port. And an ocean vessel cannot go distributing here, there and somewhere else; it must unload where it makes its terminal. You have an instance of that in the city of Quebec. Vessels with considerable freight for Quebec pass right by that city and go right up to Montreal and unload there, and that freight has to be hauled down by rail to Quebec. It is difficult to get foreign products in cargo lots for such ports as Montreal, Portland, Boston, Providence, New York, Philidelphia, Baltimore, Newport News, New Orleans and Galveston. These are all great distributing centres. It is especially difficult to get cargo lots for those ports from the Continent of Europe.

Now as to tonnage. This is a rather complicated matter, and I would like honourable senators to give a little attention to it. There are so many different kinds of tonnage that the word may be very deceiving.

For instance there is the tonnage of a man-of-war; that is its displacement, which means the number of tons of water that it takes to support the weight of that ship, including the weight of the guns, the coal in the bunkers, the fresh water carried for long voyages, and everything else on board. When you see the tonnage of a man-of-war you say: "My! What huge tonnage!" It is the weight of the volume of water displaced when the warship is full.

Then there is what is known as the deadweight tonnage. A vessel that is light will come next to an elevator: we will say it is one of the big boats. Five hundred thousand bushels are poured into it and sink it down to the Plimsoll mark, or the water line. You have put in 15,000 tons: that is called the deadweight tonnage.

But that is not the tonnage that you hear about. The gross tonnage and the net tonnage are different things altogether. They are not a question of avoirdupois at all. Gross tonnage is calculated at the rate of 100 cubic feet of capacity per ton. The cubical content of the ship is measured by taking the areas of a number of cross-sections, and the closer they are, the more accurate is the result. Measurements are taken of the height from the keel or bottom of the vessel, generally to the main deck, in 'tween ships. You multiply the figures of the length, width and depth by a certain co-efficient to get the cubical content. Dividing this by 100, you have the gross tonnage of the vessel. It must be remembered that, as I have said, this has nothing to do with the weight, but is simply the capacity. Then you have to make certain deductions in order to ascertain the net tonnage; and that is where captains and mariners and Lloyds get in their fine work. It is on the net tonnage that tonnage charges and harbour dues are paid. From the gross tonnage there might be deducted the space occupied by the engine, the accommodation for the crew, the space taken by the bunkers for coal, the space for the water tank, and so on and so on.

I have here Lloyd's definition of these various tonnages, and with the permission of the House I will place it in Hansard so that honourable gentlemen may read it. It is much more exact, but harder to understand, than what I have said:

Ocean Ship

Displacement.—To the lay mind, displacement tonnage must convey the most ready and accurate idea as to the relative sizes of ships, as it gives their actual weights, or, in other words, the weights of the volumes of water they displace. It is the system used in denoting the tonnage of all warships. As Sir William White says in his classic work on Naval Architecture, it is usual to express the volume in cubic feet, and for sea water to take 64 lb. as the weight of a cubic foot; so that the weight of the ship in tons multiplied by 35 gives the number of cubic feet in the volume of displacement when the ship floats in sea water. If our ships were simple parallelopipedons, the displacement in tons would, of course, be quickly arrived at, by simply multiplying the length in feet on the load line by the breadth, also in feet, on the load line by the mean draught in feet, and dividing the product by 35. But as the under bodies of our ships are anything but simple rectangular forms, two processes are generally made use of in computing a vessel's displacement, as the calculations in each process are required to determine the position of the centre of gravity of displacement, or centre of buoyancy, and also because the two results are a check on the correctness of the calculations. One process consists in dividing the length of the ship on the load water-line by a number of equi-distant vertical sections, computing their several areas by one of Simpson's rules, and then treating them as if they were the ordinates of a new curve, the base of which is the load water-line. In the other process the depth of the vessel below the load water-line is divided by a number of equi-distant longitudinal planes parallel to the water-line. The areas of these are computed by Simpson's rules, and are treated as if they were the ordinates of a new curve, the base of which is the vertical distance between the load water-line and the lowest longitudinal plane.

Gross Register Tonnage.—Gross register tonnage is reckoned at the rate of 100 cubic ft. of capacity, and is measured according to the Merchant Shipping Act, 1894, by taking the areas of a number of transverse sections, varying in number from 4 in ships not exceeding 50 ft. in length to 12 in vessels of over 225 ft. The areas are then treated as the ordinates of a new curve of the same length as the vessel, and the area of the new curve, found by Simpson's first rule, will be the capacity of the vessel in cubic ft., which, being divided by 100, gives the gross register tonnage. The gross tonnage consists of the sum of the following items: (a) The cubical capacity of the vessel below the tonnage deck; (b) the cubical capacity of each space between decks above the tonnage deck; (c) the cubical capacity of the permanent closed-in spaces on the upper deck available for cargo or stores or for the berthing or accomodation of the passengers or crew; and (d) the "excess of hatchways". From this total certain deductions are allowed for passenger shelter, and crew accomodation for propelling space, bunkers, etc.

Net Register Tonnage.—This is arrived at by deducting the various allowances specified above from the gross register tonnage. It is the usual basis for tonnage taxes and port charges.

Deadweight Tonnage.—This is the weight expressed in avoirdupois tons of 2,240 lbs. required to depress a vessel from the light water line (i.e., with only the machinery and equipment on board) to the load line. It is, therefore, the weight in avoirdupois tons of the cargo, fuel, stores, water, crew, etc., which a vessel is designed to carry with safety.

In connection with the proposed scheme we have to consider customs inspection and prohibition. Suppose that the plan advocated by these engineers were carried out and that three miles below Prescott the waterway crossed from Canadian territory into the United States. While going through the lock there your baggage would have to be inspected. There is no guarantee that you would not get off at that lock, and, as the other side is very dry, you would undoubtedly be put to a great deal of trouble and would be searched carefully, just as you are in a train going to New York. An inspector may take away something that he finds in your satchel or under your bed, and that you may be trying to hide. I know from experience. Then there is the Customs inspection: between the time of entering and the time of leaving the United States territory you do not know what bother the Customs officers may give you. All that for the pleasure of leaving our good Canadian territory, where there is plenty of water, mark you, honourable gentlemen, and where the canal is at present located and has always given satisfaction.

There is another point to be borne in mind. We are all aware that sea water weighs about 64 pounds per cubic foot, and fresh water about 62 pounds. Consequently if ocean vessels of a certain draught came into our fresh water the draft would be increased. In order to make this perfectly understandable, let us take a concrete case. If the draught of a vessel in salt water is 31 feet, the draught in fresh water will be exactly 32 feet.

Let me mention another thing en passant. The loss caused by the Chicago diversion is admitted by everybody to be six inches. It has been admitted again, lately, even by the Supreme Court of the United States. It took a long time to obtain that acknowledgment, but we have it now. Well, supposing you have a ship of 500,000 bushels on a 20 foot draught, each foot would represent 25,000 bushels, and the six inches would represent a loss of 12,500 bushels. If that ship could be kept moving she could easily make twenty trips in the season; consequently, although under practically the same expense, for wages, for fuel, for insurance, etc., she would miss 250,000 bushels. It would require nearly three big canal boats to take that down. She must leave that quantity behind because of the Chicago diversion.

We hear a great deal of talk about treaties. A treaty is all a question of confidence. In the old days, in the city of Quebec, if a man borrowing money were asked for an I.O.U. it would be considered an insult. Men were lent money on their honour. I remember particularly a very worthy old gentleman who would never take notes of that kind. He was Judge Panet, the grandfather of all those Generals Panet that you hear about in the Militia Department and elsewhere. Someone asked him: "Why do you not?" He said: "J'aime mieux la parole d'un homme honnête que l'écrit d'un coquin."

Hon. Mr. DANDURAND: Translate it.

Hon. Mr. CASGRAIN: I am asked to translate it. "I would sooner take the word of an honest man than the writing of a crook." So, as to all these treaties, I would sooner take the word of the United States and rely upon their honour than depend upon any instrument in writing that can be wiggled out of.

Just one more point and I shall conclude After all, we must take care of, and must not interfere with, the St. Lawrence tourist traffic, which would be very much affected by the proposed river dam.

Hon. Mr. DANDURAND: That is the fly.

Hon. Mr. CASGRAIN: Yes, indeed it is.

The Government has to consider how the various interests which cater to the St. Lawrence tourist trade would be affected by an agreement with the United States to construct dams across the St. Lawrence and drown out the rapids—the most wonderful chain of navigable rapids in the world.

Shooting the rapids has long been advertised as a principal lure to tourists. Not without reason. Men who have stormed the Horn in sailing ships have gotten a thrill out of a trip down the St. Lawrence rapids. The opportunity of shooting the rapids is undoubtedly a big factor in determining the decision of excursionists to visit Montreal and go on to Quebec and the Saguenay.

I have taken this from the Standard of last Saturday. So there is where the fly is.

Then if there were an interruption in the navigation, as honourable gentlemen will realize, the whole system from Niagara to the sea would be wasted. Ninety per cent of the tourists come from the West. If there were any one place in those rapids where it would be necessary to turn into a canal, nobody would want to take the trip down the rapids, for there is no pleasure in navigating a canal. Here is the proof. The same boats that come down the rapids with 1,000 or 1,200 passengers and that have to go up by the canal, leave Montreal on the return trip at noon; at 4 o'clock they have travelled seven miles and are at Lachine, and at 6 o'clock next morning they are in Prescott. In eighteen hours they have gone 121 miles, and those are fast boats, just as fast river boats as can be built for passenger service. When going up those boats have hardly any

passengers. The fare is very cheap, and, as I say, the boats are full on the trip down, carrying sometimes 1,000, sometimes 1,200 passengers. Why are there so few passengers going up? Because nobody wants to waste his time in a canal. Honourable gentlemen know that it is forbidden by the Government regulations, and rightly so, to go more than five miles an hour in a canal, because the wash would destroy the banks. The money that is left in Canada by those tourists on the St. Lawrence is an enormous amount.

Honourable gentlemen, these are my closing words. We in Canada are at present in an independent position. We have our own system of canals and rivers so fixed and ordained that we can go from Montreal to Port Arthur or Fort William, a distance of over 1,200 miles, without docking at a foreign wharf or entering a foreign lock. We have an absolute sovereignty over that long distance. We are independent and have to consult no one as to when to open or close our canals. Ever since the birth of Confederation it has been the policy of all Governments to guard most jealously our complete independence in our administration of our regimen of navigation. Although Canada had spent, without anyone's help, a comparatively immense amount on the construction of its waterways, allowing others to use them without paying tolls, still at Sault Ste. Marie, where there are three parallel canals on the American side, our government has built an expensive canal on the Canadian side. We had a perfect right to use the United States canals at the Sault, but the policy of Canada is that we should have always an absolutely independent waterway from the head of ocean navigation to Port Arthur. That is a wise policy and it has served us well. Why should we depart from it to-day? The honourable member from Prescott (Hon. Mr. Reid) tells us that three miles below the place of that name it is the intention to abandon the present location of our waterway and remove it to the American side for a distance of twenty-four miles and build the Power House, locks, etc., and the regulating weir in United States territory. The day this project is executed we shall have lost the sole control of our waterway between Montreal and Port Arthur. Why should we be asked to sacrifice our independence? This cannot be done without the consent of this Senate. Am I right in saying that I do not believe one member of this honourable House would agree to sacrifice our present absolute independence from foreign control. Let us at any cost keep our waterway in Canada.

We are trustees appointed for life to safeguard the interests of Canada. The representatives of the Canadian people select the advisers of His Excellency who recommend to him who shall sit in the Senate. They have faith in us, and rightly so, because the Senate has never betrayed its trust. Why, I repeat, should we move our waterway to the United States and thus lose our liberty of action? Remember, we have a saying in French "Qui a compagnon a maitre"—"He who has a companion has a master." Might we not say a partner instead of a companion? If you take a partner who is much more powerful and many times richer than yourself, is there any doubt as to who will rule? Now is the hour for honourable members of this House to consider whether we should go into this partnership. To-day we are free men. Where is the necessity of sacrificing our freedom for generation and generations and perhaps for ever.

The Senate of Canada, with the people of Canada at its back, is stronger than any government. Let us unite as one to save our country's freedom, so that our children's children may always be able to say, in the immortal words of Sir John Macdonald: "A British citizen I was born, a British citizen I will die."

Hon. Mr. REID: Honourable gentlemen, if nobody else wishes to speak upon this inquiry, I would. with the consent of the House, like to close the debate. Therefore I would move the adjournment of this debate until Wednesday next.

The Hon. the SPEAKER: This is the same point that came up yesterday. The honourable gentleman has no right of reply. If he desires to make further remarks, it would be much better procedure to bring in another motion or question on similar lines.

Hon. W. B. ROSS: I will move the adjournment for the honourable gentleman.

Hon. Mr. CASGRAIN: Surely anyone who makes a motion has a right to close the debate?

Hon. Mr. DANDURAND: It is not a motion.

Hon. Mr. REID: Of course, if I have not the right, and the Senate does not agree, I will have to take some other method.

Hon. Mr. DANDURAND: Has the honourable gentleman asked leave?

Hon. Mr. REID: Oh, yes. I said that with the leave of the Senate, I would like to move the adjournment of the debate.

Hon. W. B. ROSS: We agreed to such a motion the other day.

Hon. Mr. DANDURAND: There is a reason for this procedure of the Senate. Of course, I am now speaking generally. If a question is put it is supposed to deal with a summary matter, but here the discussion is opened by reason of the fact that the attention of the Senate is drawn to a certain matter. If an honourable gentleman who has brought a certain matter to the attention of the Senate brings up some new matter of a contentious nature in his reply, some of those who are being answered may also ask leave to answer in their turn, and there would be no end to the discussion. That is the reason for the rule. On the other hand, if my honourable friend had proceeded by way of motion for a return or for papers, as the mover of the motion he would have had the right to close the debate. The situation is not very much altered by the fact that this is simply an inquiry, although the idea underlying an inquiry is that it will be quickly disposed of.

Hon. Mr. REID: This is a very large question. The other day I spoke for what I thought was almost an unreasonable length of time, and for that reason I did not take up a few points that I really felt should have been dealt with. The purpose of my present request is not to discuss anything that has been said by any other member, but to present new matter; really it would be a continuation of the remarks I have already made. If the Senate agrees, I would like to have that opportunity.

The motion of Hon. W. B. Ross was agreed to, and the debate was adjourned.

The Senate adjourned until Tuesday next at 8 p.m. (daylight saving time).

THE SENATE

Tuesday, May 1, 1928.

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

Prayers and routine proceedings.

PUBLIC BUILDINGS AND GROUNDS

REPORT OF COMMITTEE

Hon. G. G. FOSTER presented the second report of the Special Committee on Public Buildings and Grounds.

He said: Honourable gentlemen, there is nothing to add to the report, except to say that the Committee, though they had given the matter careful consideration, were not absolutely certain that this report would eventually be accepted as final by this Chamber, but we submit it for consideration of the recommendations that it contains.

IMMIGRATION BILL

FIRST READING

Bill 187, an Act to amend the Immigration Act.—Hon. Mr. Dandurand.

CRIMINAL CODE BILL

FIRST READING

Bill 191, an Act to amend the Criminal Code. —Hon. Mr. Dandurand.

IMPORTATION OF INTOXICATING LIQUORS BILL

FIRST READING

Bill 192, an Act respecting Interprovincial and International Traffic in Intoxicating Liquors.—Hon. Mr. Dandurand.

TORONTO TERMINALS RAILWAY COMPANY BILL

FIRST READING

Bill 204, an Act respecting the Toronto Terminals Railway Company.—Hon. Mr. Dandurand.

QUEBEC HARBOUR LOAN BILL

FIRST READING

Bill 214, an Act to provide for a loan to the Quebec Harbour Commissioners.—Hon. Mr. Dandurand.

SAINT JOHN HARBOUR LOAN BILL

FIRST READING

Bill 216, an Act to provide for a loan to the Saint John Harbour Commissioners.—Hon. Mr. Dandurand.

HALIFAX HARBOUR LOAN BILL

FIRST READING

Bill 217, an Act to provide for a loan to the Halifax Harbour Commissioners.—Hon. Mr. Dandurand.

FEDERAL DISTRICT COMMISSION BILL

FIRST READING

Bill 218, an Act to amend the Federal District Commission Act, 1927.—Hon. Mr. Dandurand.

RAILWAY BILL

FIRST READING

Bill 220, an Act to amend the Railway Act. —Hon. Mr. Dandurand.

DIVORCE BILL

FIRST READING

Bill Y7, an Act for the relief of Gladys Ham. —Hon. Mr. Willoughby.

WATERWAYS TREATY OF 1909

INQUIRY

Hon. J. D. REID rose in accordance with the following notice:

1. That he will call the attention of the Senate to the development of water power on the St. Lawrence River, and inquire if an application has been made to the International Joint Waterways Commission by the Beauharnois Power Company, to whom a charter was granted by Quebec Government during its last Session, or any other person, persons, corporations, or the United States Government, for the purpose of getting the authority of the International Joint Waterways Commission to proceed with the construction of the works as authorized in said charter?

2. Has the International Joint Waterways Commission authority or jurisdiction of waters all in Canadian territory between Cornwall and the Atlantic Ocean?

3. If not, and application has been so made, will the Government take action to prevent said Commission functioning in waters between Cornwall and Atlantic Ocean?

He said: The remarks which I wish to make will deal entirely with the Treaty of 1909. I do not wish to address myself to the project that has been before this House several times in regard to the waterways, and the reason which impels me to speak to-night is that important questions are raised by this item which I found in one of our newspapers:

Quebec to Maintain Counsel in U.S. When St. Lawrence Power Case is Up

Engineering Advices to Province Intimate Raising Crest of Long Sault Dam May Jeopardize Navigation Below Cornwall and Hydro Installations Just West of Montreal—Hearing on June 15

Special to The Mail and Empire.

Quebec, April 15.—Navigation below Cornwall, Ont., and hydro installations just west of Montreal, may, in the opinion of Quebec Government experts, be jeopardized if the St. Lawrence Power Company, of Massena, N.Y., is allowed to raise the crest of its Long Sault dam. The Taschereau Cabinet, therefore, has ordered Arthur Amos, chief of Hydro Service and member of the Running Streams Commission, and O. Lefebvre, chief engineer of that commission, to defend Quebec's interests before the International Joint Waterways Commission at Washington, D.C., on June 15, when the applications of the United States company will be considered.

The St. Lawrence Power Company, a subsidiary of the Aluminum Company of America, has a dam traversing the section of the River St. Lawrence between the south side of Long Sault Island and the U.S. shore. At Massena it has a power house, where St. Lawrence waters develop 86,000 horsepower. These waters pass into the Grasse River and return to the St. Lawrence near Cornwall. The company's application now is that it be allowed to raise the crest of the dam six feet.

Although the dam and power house are outside of this province, the Quebec Government has had the Running Streams Commission study the project closely, to ascertain in what manner, if any, Quebec may suffer. It is understood the engineers fear that raising the dam might retard the opening of St. Lawrence navigation from time to time, and might also change water levels adversely to affect hydro power plants at Soulanges and at Lachine, Quebec. In 1923, it is said, an ice jam formed at Long Sault and hindered the opening of St. Lawrence navigation. Expert opinion here seems to be that a raised dam would only aggravate that danger. It is for these reasons that Quebec is preparing to fight for its rights at Washington.

That despatch, together with the rumour I have heard that an application has been or is to be made by the Beauharnois Company, which got a charter from the province of Quebec at its last session, supply the reason why I wish to discuss the Treaty to-night. At the outset let me say that I hope no one will interpret my remarks as objecting to or taking issue in any way with the action of the Quebec government in granting that charter. They had an absolute right to do so, and I would be the last to stand in this House or elsewhere and criticize any action of that Government.

But if this rumour be true as to the application of this company, I am afraid the granting of it may interfere with the rights of the province of Quebec, and of Ontario as well; and as the International Joint Waterways Commission will meet in a few days, I think it well to bring the situation, as I believe it exists, to the attention of honourable gentlemen and the Prime Ministers of Canada and of these provinces, and their cabinets.

When this Treaty in 1909 passed the House of Commons and Senate and became law, I was a member of the House of Commons and took a very active part in that discussion. So far as I can remember there was no member of the House of Commons who took issue with the making of a Treaty with the United States—I can say that for myself, and I think I can say it of all other members—but their interpretation of the Treaty was different from that of the government that made it.

Let me first say how I believe the making of this Treaty occurred. In 1907, I think we had in the House of Commons one of the greatest fights that we ever had, over what was known as the St. Lawrence Power Company's Bill. There was a propaganda throughout Eastern Ontario that this Company was to furnish light and power between the towns of Cornwall and Brockville. Everyone in that locality was delighted at that prospect, for we all wanted light and power, and had been

looking forward to some way of getting power. I, for one, was in favour of the St. Lawrence Power Company bringing power up to Brockville, as we understood the Bill, but when I read the Bill was presented to Parliament, I found a clause in it which gave the company power to build a dam from the Canadian shore to the United States shore, in addition to building a transmission line and supplying power along between Cornwall and Brockville.

Others in the House or Committee took issue with that clause which gave that company the right to build that dam from the Canadian to the American shore. The company already had a deed in perpetuity not only from United States Federal Government, but also from the New York State Government, and those charters included a right to build a dam or dams in the St. Lawrence so far as those Governments could give such a right. The Company had also the right to build canals, locks, and everything necessary on their own side of the river.

When that Bill was brought to the attention of Sir Wilfrid Laurier and his Government they took the position that that clause should not be in it. Though the preamble of the Bill merely stated that the object was to build a transmission line, it contained that objectionable clause; but, thanks to Sir Wilfrid Laurier and his Government, they took that clause out of the Bill, and gave the company only the transmission line, as asked for, between Cornwall and Brockville.

As I say, we had a very hard fight in that Parliament, and it came out at that time that instead of the St. Lawrence Power Company being a corporation, as we believed, that was owned and controlled by Canadians, it was a company which the Aluminum Company had purchased; therefore it was the Aluminum Company that was really asking for that charter, and trying in that indirect way to get absolute control of the St. Lawrence at the Long Sault.

That action of the Laurier Government, I think, satisfied the Aluminum Company that they could never get those rights unless they got them from the Parliament of Canada. I believe they realized that from the discussion that took place in the House of Commons at that time by members of both sides of the House—for there was no party feeling in it at all. Thanks to the honourable gentleman who was Minister of Railways and Canals at that time, the Right Hon. George P. Graham, that clause was struck out, and they went home without a charter, such as they wanted, because the main clause was not in it. Realizing that it was impossible to get authority to build a dam from the Canadian to the American side except through Parliament, I believe the Aluminum Company threw up their hands, and then started out on a new plan.

In connection with this Treaty on the Waterway, I may say that the first one was made in 1842, long before Confederation, and continued till 1870, when a new Treaty was made; and from 1870 until 1907, when this Treaty came into Parliament, there was no difficulty about the St. Lawrence Waterway, and no trouble between Canada and the United States. But immediately after, or as soon as it could be done, the Aluminum Company got the United States Government to suggest that the time had arrived when this Treaty should be revised. There did not appear to be anything wrong with that suggestion, and accordingly the two governments got together with the idea of reviewing this Treaty, and where it was at fault they thought they would have a new Treaty between the two governments. That is only a surmise of mine, because no one except one who is in the Government at that time would know whether or not that was the true reason. At all events the Treaty was brought into Parliament, was agreed to and signed by both parties, and came up in the House of Commons about 1910 or 1911; I have the date here, and I will perhaps confirm it in a minute or two.

When the Treaty was brought before Parliament, it was subjected to very long criticism before being passed. Honourable gentlemen can read in the Commons Hansard of that date the whole discussion that took place, which in my judgment was almost entirely on three points.

One point was that I took issue with the jurisdiction that was given to the International Waterways Commission. I believe it was the opinion of more than one member of the Commons—it is hard for me to remember the number—but I know that it was the opinion and judgment of the best lawyers in the province of Ontario with whom I discussed the question. I took it up with each lawyer individually, and he did not know that I had discussed it with others, and I got the strongest opinions any of the men could give—and they were prominent lawyers—that if that Treaty ever went through the question might arise as to the jurisdiction of that Commission. I mentioned in Parliament that in taking issue I was not expressing merely my own opinion as a layman, but that of the most prominent lawyers I could find in the province of Ontario.

Following that up, we had the Hon. C. J. Doherty, who afterwards became Minister of

Justice, joining in the criticism, and he took the same position as I did. Sir Robert Borden, another lawyer, took the same position. Then we had in the House of Commons at that time Mr. Lennox, who later became one of the Judges of the Supreme Court of the Province of Ontario. He joined in opposing the Bill unless the Treaty was amended so that there could be no difficulty in regard to it. I remember well that when the issue came forward I raised the question not once, but many times, and pressed it very hard in different ways, and I was told by the gentleman who was then in charge of the Bill, the late Hon. Mr. Pugsley, that there was no jurisdiction outside of Parliament. In order to show that I not only got the assurance of the Hon. William Pugsley that my interpretation was wrong, but that I also received the same answer from Sir Wilfrid Laurier, may I read from Hansard? I am not doubting that Sir Wilfrid Laurier and the Hon. Mr. Pugsley believed at that time that they were quite right when they expressed the opinion that they did. I am convinced that their answer was in accordance with what they believed to be correct.

Here is the question that I asked:

Mr. Reid (Grenville): Will these Commissioners have the power to grant the right to dam a navigable stream such as the St. Lawrence, say at the Long Sault or the Cedar Rapids, without coming to Parliament?

Mr. Pugsley: My honourable friend surely does not feel it necessary to ask that question. There is nothing in the Treaty which gives the Joint Commission the power to authorize the damming of the St. Lawrence. That authority could only be given by this Parliament, and all that the Treaty provides for is that even if this Parliament were to give authority then, in so far as boundary waters are concerned, there must be the approval of the Joint Commission.

Mr. Reid: I am glad to hear that. It was rumoured that they would have such power.

Sir Wilfrid Laurier: Do not believe rumours.

Then followed a discussion by some of the other members. Then Mr. Lennox raised the same question, as will be found at page 919, and got the assurance of the Hon. Mr. Pugsley that there was no question that Parliament had the absolute right. Again I spoke on this question on May 16th, and again I urged that the consent of Parliament should be obtained before anything was done in this matter, and Mr. Pugsley said:

That is the law now. No such plan can be approved without the authority of Parliament.

I mention that to show that when that Treaty went through there was no question in the minds of the members of the Government, and they, of course, would know better than anyone else the results of the discussion that took place prior to the making of the Treaty.

But as I say, the Opposition were not satisfied with Mr. Pugsley's interpretation, and accordingly I suggested to him that an amendment should be added to a certain clause. The proposed amendment did not change the Treaty at all, but it made it plain that the Government should be consulted in case any serious question should arise. There were three important questions involved. Mr. J. A. Currie I think it was, raised the question that the Treaty being made gave to the United States Government or a United States citizen if they had a claim in connection with the works under this charter, the right to enter action against a Canadian citizen or company, or even against the Canadian Government. I am not a lawyer, and of course cannot interpret a legal question, but it appeared to me that they were getting special privileges. If a Canadian has a claim against the Government, he has to get a fiat from the Government before he can sue them or take any legal proceedings against them; but under this provision it was not necessary for the United States Government, or the Aluminum Company, say, to do so. Whether that interpretation is correct or not, only lawyers can decide. At all events, Mr. Currie, I think it was, said: Why do you give that right to them when we do not get the same right in the United States? and Mr. Pugsley, I think it was, replied to this effect—I have not the page marked just now, but I read it a few days ago—that the United States laws were such that this was not necessary so far as the United States end of the Treaty was concerned.

Then another question was raised by the Hon. John Haggart. He stood up in his place and asked if this Commission would have jurisdiction east of Cornwall—I think his words were "between Cornwall and the Atlantic ocean"—and without hesitation Mr. Pugsley said no; and I think, although I am subject to correction, that Sir Wilfrid Laurier or some other Minister answered in the same way. In any event, the impression was left on the minds of the members of the House of Commons that the understanding between the two Governments was that the jurisdiction of the International Waterways Commission ended immediately the Quebec border was reached. Now, that is the reason, and the only reason that I have mentioned the Beauharnois charter. I want to discuss that situation for a minute or two, and when I am discussing it I would apply the same argument to the Province of Ontario if this development were to proceed in that Province.

Hon. Mr. BELCOURT: Will my honourable friend allow me to ask him a question?

Hon. Mr. REID: Certainly.

Hon. Mr. BELCOURT: Would not the question of the right of remedy of a State, or of a citizen of Canada against the United States Federal Government or the Government of the State of New York, or vice versa, be matters to be dealt with altogether under any Treaty that might be made for the purpose of carrying out this work?

Hon. Mr. REID: I would say in reply to the honourable gentleman that that, of course, is a purely legal question, and a question of the interpretation of the Treaty—

Hon. Mr. BELCOURT: I am afraid my honourable friend does not apprehend the purport of my question. Would not the matters which he has been discussing be subject to the Treaty, and they not be dealt with in the Treaty under which the work would be carried on? These remedies and all these questions would be settled by the Treaty itself.

Hon. Mr. REID: Exactly.

Hon. Mr. BELCOURT: So you would not have to have recourse to the common law of the United States, or any statutory law.

Hon. Mr. REID: I will try to answer that a little later, if the honourable gentleman does not mind waiting, although, as I say, the question that I am arguing this evening is one that some able lawyer is better able to discuss than I am.

Now, that is the situation as we understood it after the Treaty was passed, and I may say to the honourable gentleman who asked the question a minute ago, that I will not attempt to deal with the matter of jurisdiction so far as the courts are concerned. But I am going to take this position: When that Treaty passed I do not believe there was a man on either side of either of the Houses of Parliament but believed that the powers of that Commission were limited. When I say limited, I mean that the Commission could only go so far, and that the Parliament of Canada had to decide in matters of great importance. When that discussion was taking place one of the members of the House of Commons was Mr. Charles Magrath, who afterwards became a member of the Commission. I do not wish in any way to reflect on Mr. Magrath; I do not believe a better appointment was ever made; he was an engineer, and an honourable and upright man. No man could find any fault with him or cast any reflection upon him. I do not wish it to be understood that I am casting any reflection upon any member of that Commission. Whatever they did was done, I believe, in accordance with their interpretation of the Treaty. But one would think that after such a lengthy discussion in the House of Commons the Commission, when appointed, would take that discussion into consideration, and would know the meaning of the Treaty. One would think that that discussion would have been an indication to them of the position they should take in connection with matters that came before them. Several matters did come before them. I could not this evening go into them all. I want to take only one as an illustration and to lay it before the House to see if my conclusions are those of honourable members present. I have told you what were the opinions and decisions of members of the House of Commons and members of the Senate. That Treaty was made in 1909. In 1918 an application was made to the United States Government by the Aluminum Company or one of its subsidiary companies. There are three or four of them. One is the Long Sault Development Company, on the American side of the river; another is the St. Lawrence Power Company, of New York State; and there are the St. Lawrence Power Company of Cornwall and several others. Suffice it to say that the Government of 1918, of which I was a member,were informed verbally, not from any official communication from the United States, that the Aluminum Company had made application for permission to place a dam across the South Sault channel. This question has been discussed so often in this Chamber that you all remember, when I speak of the South Sault channel, that in the Treaty—which I will not read, because I desire to take no longer than necessary—there is a clause that says that the channel on the north side of Barnhart Island and the channel on the south side of Barnhart Island shall not be obstructed in any way, but must be kept free and open to both parties in perpetuity. There can be no mistake or misunderstanding about that clause of the Treaty. The United States Government, without consulting the Government of the Dominion of Canada, and on their own motion, received the application and granted permission to the Aluminum Company to dam the South Sault channel. Then, if I remember rightly—I am subject to correction by anyone who has followed this matter up—the company applied to the International Waterways Commission; or possibly the United States Government gave them this permission subject to the approval of the International Waterways Commission. These details are hard to remember in full, but I desire to put the matter as fairly as I can.

When the company applied to the United States Government in September, 1917, they claimed that the matter was very urgent; that they had to get this dam built before winter, in order to obtain the benefits of it in the interval from September, 1917, until the spring of 1918. They stated that the object was to develop more power at their plant for the purpose of producing more munitions for the war that was then in progress.

The application was heard by the International Waterways Commission. It was then, I think, that our troubles began. The Dominion Government, hearing of the application, sent representatives to the meeting of the International Waterways Commission to oppose, first, the taking of any action except in accordance with the rule of the Commission to the effect that about thirty days' notice must be given to the other contracting party. The Government of the day were represented by Hon. Hugh Guthrie, who was Solicitor General, and Mr. F. H. Keefer, M.P., another prominent barrister. They were sent not at the request of the United States Government, not on any notice from the Aluminum Company, nor on any notice from anyone, but simply on the understanding that the application was before the Commission and was to be heard on a certain date. An Order in Council was passed authorizing these men to go to the meeting, and also drawing the attention of the United States Government to the fact that the Dominion Government should be informed and consulted in the matter. I have a copy of the Order in Council here, but it would take too long to read it all.

The effect of the Order in Council was that the Commission should not go ahead without further information, without knowing what the application meant, and so on.

The Commission met in Atlantic City and took evidence. The United States Government had their solicitor present, and at the first meeting they urged and insisted that all rules be suspended and action be taken on the application at once. Our solicitors, Mr. Guthrie and Mr. Keefer, took issue, pointing out that we were entitled to thirty days' notice. The State of New York had a representative there, and he also took issue. Our solicitors not only pointed out the requirement of thirty days' notice, but also objected to any permission at all being given to dam the South Sault or place any obstruction that completely destroyed navigation, for this was specially forbidden by the Treaty. After some discussion the Commission did postpone final action, and adjourned to meet in the city of Montreal about three weeks afterwards.

At the meeting in Montreal the United States again insisted that action be taken at once. The position that the Dominion Government of that day took was this. They passed an Order in Council dated the 2nd of September. It is not a very long one, but there is attached to it a rather lengthy memorandum. These documents are very interesting but it would take me some time to read them. I will do so if that is desired, but perhaps it would be better, if honourable gentlemen would not object, to place them all in Hansard. That would save the time of the House.

Hon. Mr. LESPERANCE: What is the purport?

Hon. Mr. REID: The first one is short:

> The Committee of the Privy Council have had before them a Report, dated 31st August, 1918, from the Right Honourable Sir George E. Foster, Acting Secretary of State for External Affairs, submitting that there has recently been before the International Joint Commission an application of the St. Lawrence River Power Company, a corporation of the State of New York, for the approval of a project to construct certain works in the South Sault Channel of the St. Lawrence River, an international navigable boundary water; that as a result of this proceeding a situation has arisen that may seriously affect Canadian interests; and that for the reasons set out in the Memorandum hereto annexed, it is desirable that the whole matter should be made the subject of direct discussion and settlement with the Government of the United States.
>
> The Minister, therefore, recommends that representatives of this Government be delegated and empowered to approach the United States Government through the appropriate channel and to enter into negotiations upon the matter with representatives of that Government upon the basis of the annexed Memorandum.

You see, when the United States Government or the Aluminum Company ignored entirely the Government of Canada, the Dominion Government took this position: "We will send representatives to Washington to discuss this matter direct with the Government of the United States." And may I say for your information that not only this entire Order in Council, but the one that follows it, and also the instructions to the Government representatives, show that the Dominion Government were willing to make, with the United States Government, or with any individual or corporation, whatever arrangements were necessary for the winning of the war. Hon. Arthur Meighen and Hon. Arthur Sifton went to Washington, and they took our engineers with them, to explain how Canada would be affected and to discuss the matter with a view to endeavouring even if our interests were interfered with, to assist the United States to make more munitions. The memorandum is, as I say, a very lengthy one, but perhaps if I

read a portion you will understand the gist of it and of the instructions given to our representatives when they went to Washington:

The St. Lawrence River Power Company, a corporation of the State of New York, has made, under what is conceived to be the authority of the Treaty of January 11, 1909, between the United States and His Majesty the King, an application to the International Joint Commission for the approval of a project to construct a submerged weir in the South Sault Channel of the St. Lawrence River. The South Sault Channel is an international boundary water, and the Government of Canada and the United States having appeared by counsel in the proceeding and the hearing thereon, certain questions have arisen that affect not only the treaty relations between Canada and the United States and the powers of the International Joint Commission, but also the prosecution of the European War. For the reasons hereinafter indicated, it appears desirable that the matter should be made immediately the subject of direct consultation and negotiation between the two Governments.

The position as reported by counsel for the Canadian Government may be here summarized. In September 1917, the St. Lawrence River Power Company applied for and secured permission from the Secretary of war of the United States to undertake certain works in the South Sault Channel, namely, to dredge a channel through what is known as Dodge's Shoal, to construct a moveable ice boom, and to extend to Long Sault Island, by means of a submerged weir, the jetty or deflecting dyke already existing in the South Sault Channel. It was stated that the object in view was, through the effect of these works on the river ice-formations, to secure during the winter season an increased development of hydro-electric power in the Company's power plant at Massena, New York, which is dependent for its operation upon a diversion of the waters of the St. Lawrence River. The construction of the submerged weir, was only permitted by the Secretary of War subject to the approval of the International Joint Commission; the other works, however, were approved, without the knowledge of the Canadian Government and without any reference to the Commission, and have in whole or in part been proceeded with.

Although the immediate completion of all these works has been represented as being highly desirable and even urgently necessary, almost a year was allowed to elapse before the St. Lawrence River Power Company took steps to fulfil the condition imposed by the Secretary of War in respect of the proposed submerged weir; it was not until August 9th, 1918, that the Company's plans and application for approval thereof were filed at the offices of the International Joint Commission at Washington. Thereafter, on August 12th, before any notice of the application has been formally served upon the Canadian Government, counsel for the United States Government presented a motion before the International Joint Commission in the course of a hearing upon another matter, praying that the hearing on the application should proceed at that session notwithstanding the Commission's rules of procedure, which require notice and publication of the application and provide for a considerable period for the filing of counter statements. In support of his motion counsel represented on behalf of the United States that the St. Lawrence River Power Company was supplying the electrical power essential to its parent corporation, the Aluminum Company of America, one of the world's chief producers of aluminum; that the proposed works would result in an increased production of aluminum during the coming winter months estimated at six million pounds; and that this increased production was urgently necessary for the purposes of the Government of the United States and the Allies in the prosecution of the War. Counsel, therefore, urged that it should be made possible to hold an immediate hearing on the merits of the application.

Counsel for the Canadian Government, having had no opportunity to secure instructions, opposed the motion, declaring at the same time the readiness of his Government to co-operate in all necessary war measures and urging that the matter was more properly one for direct consultation between the Governments.

After consideration the International Joint Commission ordered the suspension of the rules and fixed the hearing of the application for August 29th at Montreal.

At the hearing at Montreal counsel for the United States, for the first time, came forward with a definite request that the application should be granted forthwith as an urgent war measure, and presented in support thereof a letter from the Secretary of War of the United States. Counsel for Canada submitted, and argued in support of, a statement presented to the Commission, copy of which is attached hereto. It was contended that under existing treaties the Commission was without power to grant the approval sought; and the suggestion was repeated that in any case the proper and more expeditious procedure was that of direct negotiations between the two Governments and the Government of Canada was prepared to enter upon such negotiations immediately.

The International Joint Commission has taken the application under advisement until September 12th, when it is possible, though of course not certain, that a decision may be announced. It was urged at the hearing that unless the proposed work was commenced before September 15th there would be a risk that it could not be finished before the winter.

Having regard both for the necessity of securing the most effective prosecution of the War and for the great desirability of a wise regulation of the boundary water system between Canada and the United States, it is believed that the procedure pursued in this matter is not calculated to result in a mutually satisfactory solution. The Government of Canada is strongly convinced that some other and more direct means of settlement should be sought, and in this conviction it submits the following considerations and suggestions:

Article VII of the Webster-Ashburton Treaty of 1842 declares that the Channels of the River St. Lawrence on both sides of Long Sault Islands and of Barnhart Island... shall be equally free and open to the ships, vessels and boats of both parties". This declaration, relating as it does specifically to the South Sault Channel, clearly prohibits the construction of the proposed submerged weir, which admittedly would prevent all navigation through this Channel. So far as the Treaty of January 11, 1909 goes to the question, it is equally conclusive against the project. Article VIII lays down

an order of precedence to be observed among the various uses for boundary waters enumerated therein, and declares that "no use shall be permitted which tends materially to conflict with or restrain any other use which is given in preference over it in this order of precedence". In the order of precedence that follows, "uses for navigation" are given preference over "uses for power and for irrigation purposes". The construction of the proposed submerged weir is sought purely for power purposes, and as such it must be held to be prohibited by Article VIII, since it would not only "tend materially to conflict with or restrain", but it would wholly prevent, the use of this channel of the St. Lawrence River for navigation. Clearly, therefore, the International Joint Commission is without power to approve the proposed structure, and it is apparent that the application if pressed as at present must fail.

2. It is true that the project in question might have been put forward in such a manner that it could properly have become the subject of inquiry and recommendation by the International Joint Commission. In the turn which the proceeding actually took the United States Government became in effect the real party; the case became in substance a United States Government matter. Such a case might properly have been referred to the International Joint Commission for inquiry and report under Article IX of the Treaty of January 11, 1909; for it is under this Article that governmental matters or projects should be submitted to and considered by the Commission. It need only be added here that the Government of Canada was prepared from the beginning to entertain such a course and to assist in every possible way in carrying it out.

3. As already intimated, the Canadian Government is not unmindful of the considerations of urgency advanced in this matter on behalf of the Government of the United States; it is not only ready, but is very anxious to do everything in its power to promote in every sphere of endeavour the most effective and harmonious co-operation in the prosecution of the war, in which the two Governments are associated under common ideals against a common foe.

4. For this great purpose the Canadian Government recognizes that in view of the near approach of the winter season it is highly desirable that a speedy conclusion should be reached upon the question of the necessity for the construction of the proposed works in the South Sault Channel. To this end the Canadian Government would suggest that the whole matter should be withdrawn from the purview of the International Joint Commission and be made immediately the subject of diplomatic negotiation between the two Governments. This suggestion is advanced in the belief not only that it will if accepted conduce to a speedy conclusion of the matter, but that it is more appropriate that all proposed measures of co-operation in respect of the war should be discussed in this manner rather than through the medium of the International Joint Commission. In the view of the Canadian Government it was never contemplated that the machinery of this Commission should be used for the settlement of such unusual executive measures as present themselves to the two Governments in the extraordinary emergency that confronts them to-day; rather the Commission was designed to promote, for permanent and comprehensive application, the establishment of a system of principles under which a great natural highway, common to the two countries, might be wisely and deliberately developed for the common benefit. The circumstances in which the present matter has been brought forward and heard need only be recalled to show how little calculated they are to afford to the Commission the opportunity for careful and fully informed consideration that is so essential to the fulfilment of the Commission's real purpose.

5. If, therefore, the United States Government still considers that the proposed works ought to be constructed as a war measure, the Government of Canada is prepared to enter into immediate discussion upon the matter, and to that end it would propose the following as a basis:

(a) If the Government of the United States is satisfied that, unless the proposed works are constructed in the South Sault Channel, there must necessarily be a substantial shortage in the supply of aluminum for the purposes of the United States and the Allies in the prosecution of the war, the Government of Canada will assent to the proposed construction as a war measure. In pursuance of this undertaking, the present application of the St. Lawrence River Power Company to the International Joint Commision should be withdrawn.

(b) The terms upon which the proposed works shall be constructed shall be agreed upon at a conference between representatives of the two Governments delegated and empowered for this purpose.

(c) In order that the South Sault Channel may be restored to its present status, the terms should include a provision to the effect that the submerged weir, if constructed, shall be removed within twelve months after the conclusion of the European War.

(d) There shall be diverted from the St. Lawrence River by the St. Lawrence River Power Company a greater quantity of water daily than is at present being so diverted. This paragraph is not to be construed as admitting any right on the part of the St. Lawrence River Power Company, or of any other person or corporation, to divert water from the St. Lawrence River.

(e) The Canadian Government, being advise that it would be possible to develop some seven hundred thousand horse power from the waters of the St. Lawrence River in the vicinity of the Long Sault Rapids, and recognizing that any such development could only proceed under agreement between the two countries, proposes for consideration that the two Governments should take immediate steps jointly to prepare a scheme looking to such power development in the interests of the two countries. In the light of this possibility the Canadian Government is strongly of the opinion that no permanent project by private interests should be permitted at this time that would prevent or interfere with the carrying out of such a joint program by the two countries.

6. In conclusion, the Government of Canada earnestly trusts that by means of such a conference between the two Governments as is here proposed some mutually satisfactory solution of the matter may be reached; for it would look with the gravest concern upon any casual or hastily considered project that might have serious results upon the navigability of the

great highway that constitutes Canada's main artery of communication and commerce. In this connection the Canadian Government would welcome further information concerning the circumstances and authority under which the dredging of Dodge's Shoal in the South Sault Channel, herein before referred to, was undertaken, for even although it should appear, as alleged, that this change in the river bed will have no effect upon the navigability of the St. Lawrence River, yet in the view of this Government it is highly desirable, in the interest of the establishment of sound principles and rules for the development of the common boundary waters, that such projects of private companies should be submitted in advance to the International Joint Commission. The Canadian Government, which is advised that this dredging has already had the serious effect of lowering by at least five inches the water at the head of the Cornwall Canal, reserves for further attention any rights in respect thereof under existing Treaties.

A similar reservation is made in respect of the proposed ice-booms—the construction of which is apparently contemplated without any consultation with the Canadian Government or reference to the International Joint Commission.

Ottawa, August 31, 1918.

That was the first Order in Council, and it was sent to the United States Government, and from that date till the present we have never received an acknowledgment of it. I am not going to delay the House by reading the next Order in Council; but on October 12th, not having heard a word of any kind, our two Ministers, Right Hon. Arthur Meighen and the Hon. Arthur Sifton, were sent down to Washington by the Government of Canada.

Hon. Mr. BELCOURT: What year was that?

Hon. Mr. REID: 1918, just when this investigation was going on. The Government sent them to Washington to get this matter settled, and the Order in Council shows that, so far as Canada and its Government were concerned, they were prepared to do what was right in this matter.

But the point at issue was this: if the United States Government could make an application to the International Joint Commission for permission to dam the South Sault Channel, when it was specifically mentioned in the Treaty that it had to be kept open, and if that Commission acted on an application of one Government without the other Government knowing anything about it, except by hearsay, then the Government of Canada did not think that was a fair interpretation of the Treaty.

Hon. Mr. HUGHES: What result did the delegates who went to Washington attain? What report did they make, if any?

Hon. Mr. REID: They got just what they expected; they saw Mr. Lansing. I have not their report, because it would take some time to read, but they reported back that they had seen Mr. Lansing, and he said he would take it into consideration; so that when I say we never got an answer until the first Order in Council, the one which I read, I should add that they got an answer verbally to that effect.

Hon. Mr. MURPHY: The honourable gentleman explained at considerable length what interpretation was placed on the Treaty of 1909 during the discussion in the House of Commons; and although he did not say so specifically, he at least raised the anticipation that he was going to show this Chamber that a different interpretation was placed upon that Treaty later by the members of the International Joint Commission, which was organized under the Treaty, and that that different interpretation arose in connection with a specific matter that came before the Commission. I desire to ask the honourable gentleman if the specific matter to which he referred is the one connected with extending the height of this weir at the South Sault Channel.

Hon. Mr. REID: Exactly. Now, having explained the scope of the Commission, and what the Treaty really meant, so that honourable gentlemen would understand fully all the proceedings from the Treaty down to this stage, I come to the particular point. The Commission, which comprised three Canadians—I think Mr. Magrath was the Chairman; Mr. Mignault, who is now Justice Mignault, and H. A. Powell acted on the matter before them, and interpreted the Treaty as giving them power, if they so desired, to place obstructions in the channel, or do anything else necessary in connection with boundary waters.

So the decision of the Commission was that permission be granted to the Aluminum Company to place this submarine weir in the South Sault Channel, and thus destroy its use so long as that obstruction was there. But the weir was to be temporary, and at the end of five years, or after the war—whichever was the last—the Aluminum Company was to take that weir out and leave the channel as it originally was. The war ended just a short time afterwards, I think it was in 1918, but according to that decision they had the right to use that weir for five years.

Hon. Mr. DANDURAND: But when was that decision rendered?

Hon. Mr. REID: On August 30, 1918.

Hon. Mr. DANDURAND: By the Commission?

Hon. Mr. REID: Yes, by the Commission, and therefore the South Sault Rapids were dammed or obstructed so that the channel was of no more use from that time on.

Hon. Mr. BELCOURT: Might I ask my honourable friend if, in rendering their decision, the International Commission in any way referred to the Order in Council?

Hon. Mr. REID: No, they never referred to it at all. The decision was made on August 30th, and the Order in Council was dated September 2nd. The meeting of the Commission was held in Montreal, as far as my memory goes, about the 25th of August; then they took a certain time to come to their final decision, which was reached about the middle of September. Meantime the Government of Canada hurried forward to try to take the matter out of the hands of the Commission in order that the Government might settle it. That is why the Order in Council was dated as it was.

Hon. Mr. BELCOURT: My honourable friend says the date of the Order in Council is the 2nd of September?

Hon. Mr. REID: Yes.

Hon. Mr. BELCOURT: What is the date of the decision of the Commission to allow them to go on?

Hon. Mr. REID: I have that right here. I will give it to the honourable gentleman.

Hon. Mr. BELCOURT: I think the honourable gentleman said the case was adjourned to the 12th of September.

Hon. Mr. REID: Here is the decision:

Whereas, by its application dated July 25, 1918, as subsequently amended with the permission of the Commission, the St. Lawrence River Power Company, a corporation organized under the laws of the state of New York, having its principal office at Massena, New York, applied to this Commission for its approval of the construction and maintenance of a submerged weir in the St. Lawrence river.

Hon. Mr. BELCOURT: Perhaps my honourable friend would read the conclusion and give us the date?

Hon. Mr. REID (Reading):

Therefore, without at the present time finally deciding the question whether the Commission should approve the construction and permanent maintenance of the said weir, and without prejudice in any way to its right to decide such question hereafter, and in view of the pressing necessity for the immediate increase for war purposes of the available supply of aluminum, and at the urgent request of the United States.

It is hereby ordered, as an interim measure, that the construction of the said weir and its maintenance until the expiration of the term of five years from the date hereof, or until the termination of the present war, is hereby approved upon the following conditions:—

(1) That at the expiration of said period of five years, or upon the termination of the present war, whichever shall last occur, said weir shall be removed by the applicant; reserving, however, to the applicant or any other interested party the right to apply to the Commission at least one year before the expiration of the said period for a further continuance of the said weir, and on such application the Commission may approve of such continuance on such terms and conditions as it may deem appropriate and equitable for the protection of the rights and interests of the people on either side of the line in accordance with Article VIII of the Treaty of 1909.

(2) That the said weir shall be constructed and maintained in accordance with the plans mentioned and under all the terms and conditions set forth in the paragraphs numbered from 1 to 11, both inclusive, in the permit therefor granted by the Secretary of War dated September 10, 1917, so far as same are applicable.

(3) That for the purpose of protecting the rights, property and interests on either side of the boundary from any injurious effect resulting from the construction and maintenance of said weir the Commission will, during the term of its approval herein, retain jurisdiction over the subject matter of said application, and may make such further order or orders in the premises as may be necessary.

Provided, that in making the foregoing order the Commission shall not be deemed to have considered nor passed upon any question pertaining to the right of the applicant to divert water from the St. Lawrence river.

Dated at New York, N.Y., September 14, 1918.

C. A. Magrath.
O. Gardner.
Henry A. Powell.
James A. Tawney.
P. B. Mignault.
R. B. Glenn.

Hon. Mr. BELCOURT: That is twelve days after the date of the Order in Council.

Hon. Mr. REID: Yes.

Hon. Mr. BELCOURT: What action, if any, has been taken by the St. Lawrence Power Company with reference to these works that they have erected?

Hon. Mr. REID: Nothing, only to leave them there.

Hon. Mr. BELCOURT: Have they applied for permission?

Hon. Mr. REID: Yes, and the Commission have never taken any action upon the application.

Hon. Mr. MURPHY: Is the action of the International Joint Commission in contravention of the interpretation of the Treaty in the other House?

Hon. Mr. REID: As far as I can see, it was. I think the two Governments should have decided that, because it is stated in the Treaty that neither of the two channels was to be obstructed.

Hon. Mr. BELCOURT: That is a very important phase of the question. May I ask what is the opinion of the honourable gentleman with regard to the permanence of these works? I understood my honourable friend to read from the decision of the Commission that the application to make these works permanent was to be made by the interested parties at least twelve months before the expiration of the five years.

Hon. Mr. REID: They never made that application then, but when the five years was up they did apply to make it permanent, and the Commission never acted on that application, and I have read in the newspapers that at the last meeting in Washington, within the past month, the application to make them permanent was renewed, and the Commission refused to act.

Hon. Mr. BELCOURT: That is exactly the point. What is the honourable gentleman's opinion as to whether or not the right to have these works made permanent is gone forever?

Hon. Mr. REID: I was just going to explain that. I think it is. We have the evidence of Mr. Davis—I known him well—that they intended it to be permanent when they applied for only five years. However, be that as it may, rightly or wrongly, I think the proper thing would have been for the United States Government to meet our Government and arrange the matter instead of taking the position that the Commission had entire power.

Hon. Mr. BELCOURT: I hope my honourable friend will not think I am too bothersome, but this is a very important feature. Will my honourable friend tell us whether, in his opinion, the Government of Canada could not to-day compel the people to take down the works?

Hon. Mr. REID: I will answer that if the honourable gentleman will just wait until I read what I claim to be the authority of the Commission, and what they say. The position taken by every man in the House of Commons was that the Commission had not that power. Perhaps I can settle that question at once in this way. At a meeting in connection with the matter, the United States solicitor, a very able man, and one who has had charge of arranging Treaties for the last 25 years, took issue and said this Commission had power to settle anything. At that time each of the Commissioners gave his opinion of the whole matter. Mr. Magrath's opinion does not appear in writing on the file, but everyone knew what it was. Mr. Mignault gave a long written opinion which I would like to read. It is a very valuable opinion, and, as I judge from reading it, was that the Commission had not the power to permit that obstruction, or to grant the prayer in the petition for a permanent obstruction in the South Sault river; but he did say that they had a right to deal with it as a temporary matter, because of the war and other conditions, and that they were responsible for its removal again.

Hon. Mr. BELCOURT: That temporary period was determined.

Hon. Mr. REID: Yes, but they have not removed it.

Now, a majority of one settles the decision of the Commission so far as the Commission is concerned. Mr. Powell gave his opinion as to the powers of the Commission. He, of course, had the Treaty before him, and he must have read, as Mr. Mignault did, the discussion that took place in the House of Commons, so I take it that in expressing an opinion they knew just what Sir Wilfrid Laurier and his government intended when they made that Treaty and appointed the Commission. I will not read Mr. Powell's opinion, for it is very long, but I will read the parts that are pertinent.

Hon. Mr. MURPHY: What is the date of that? 1918?

Hon. Mr. REID: Yes.

I find here at page 18 of the report of these proceedings that Mr. Powell says:

> Navigation rights exist in all navigable boundary waters, some by virtue of sovereignty, some by virtue of the Treaty of 1909, and some (it is assumed for the purpose of discussing question 3) by virtue of the Ashburton Treaty. The most searching analysis, however, of the language of these provisions or of their context, would fail to detect anything from which an inference might be drawn that the ownership or origin of navigation rights qualifies or limits the power of the Commission in dealing with navigation uses.
>
> It is immaterial by whom or in what way these rights are held: the Commission controls the uses of the waters in which they exist, and these rights, irrespective of origin or ownership, are subject to its control. Of course this control must not be exercised arbitrarily, but in accordance with the requirements of the treaty.

Further on Mr. Powell says:

> In view, however, of the great and immediate necessity of producing aluminum for the purposes of the United States and the Allies in

the present war, and of the fact that unless the weir is put in by the middle of December of the present year this necessity cannot possibly be met, and of the further fact that the United States Government has earnestly requested the Commission to grant its approval of the weir at once, to enable the work of construction to be begun as soon as possible and completed before that date, I agree with the other members of the Commission that as an interim measure the Commission should approve of the erection of the weir and of its maintenance for a limited period, without prejudice to the rights of any person and without trammeling its freedom of judgment as to what final order it should hereafter make.

He also states:

Counsel for the State of New York, without taking any stand in regard to the Ashburton Treaty, joined counsel for Canada in protesting against the exploitation, in whole or in part, of these great international resources by private persons and corporations for speculative purposes. The Commission can fairly be trusted to safeguard the interests of the two peoples against commercial vampires.

Then further on he says:

The action of the Commission in this application has been the subject of considerable adverse comment in the public newspapers, especially of Canada. This criticism is based upon an erroneous view of the facts connected with the application, and an apparent misconception of the character and duties of the Commission. Outside of settlement by reference to the Hague Tribunal, the well recognized methods of adjusting international difficulties have been war, diplomacy and arbitration. The International Joint Commission is a new experiment. In respect to any dispute growing out of the uses, obstructions or diversions of boundary waters, either the United States or Canada can invoke its jurisdiction, and have the dispute decided, so far as the Commission is able so to decide it, in accordance with the principles of law and justice. This decision is binding upon the other party.

I also find in the evidence in this same book that Mr. Powell takes the position that they have an absolute right to decide everything, and that the powers of Parliament and of the Government have been delegated to the Commission, which can settle everything irrespective of Parliament or the Government.

Hon. Mr. L'ESPERANCE: Is that on account of the war?

Hon. Mr. REID: No. He takes that position with respect to everything.

Now let me also read the argument put before the Commission by the Hon. Hugh Guthrie, acting for the Government of Canada. He says:

Mr. Guthrie: As I was about to say, in my opinion, representing the Government of Canada in this matter, there is not very much between us upon the facts, and my submission is that upon the admitted facts, upon the statement of the case which has been put in by the applicant company, there is no power in the International Joint Commission to approve this order; and if there were such power I do not think in their discretion they should approve it.

We rely, of course, in that position, in the first place, upon what we consider our absolute treaty rights. The Treaty of 1842, commonly known as the Ashburton Treaty, is still a treaty in full force and effect. It is the treaty which lays down the boundary lines between Canada and the United States. Of its very nature it is a permanent and binding arrangement, and was reached after a long discussion by the various countries. It is an arrangement which was come to upon consideration, valuable consideration. The preamble of the treaty itself recites that it is an arrangement made with such equivalents and compensations as are deemed just and reasonable. Where Canada yields a point in a particular instance the United States yields a point in another instance. It is founded, therefore, upon equivalents and compensation. A treaty of that nature must be looked on as a very sacred international bargain which cannot lightly be broken, varied or altered.

Now, article VII of the Treaty is very explicit in regard to the channel of the St. Lawrence at Long Sault island. Those terms which apply to the Long Sault read as follows:—

"It is further agreed, that the channels in the river St. Lawrence on both sides of the Long Sault islands . . . . shall be equally free and open to the ships, vessels, and boats of both parties."

There are three requirements of that section with regard to both of those channels. The first is that they shall be equal, that is the usage of them. Next they shall be free, and next they shall be open. It is interesting to note just a point in regard to the use of that word "equally." There has been some comment on the use of the word. If I understand rightly, the contention of my learned friend, Mr. Koonce, when the matter was before this Commission at Atlantic City, he sought to argue that "equally" meant merely that there shall be no discrimination; that the South branch of the Long Sault might be closed so long as it was closed against all parties, because then there would be an equality of non-user, which would satisfy the language of the treaty. I am unable to agree with any such view of plain language, and I am satisfied it would be nothing short of a distortion of words to put such a construction upon it. But the word "equally" has a history. In the original draft of the treaty the word "equally" did not appear, and in other sections of the treaty the word "equally" does not appear with regard to the New Brunswick waters.

Mr. Mignault: Can you suggest, Mr. Guthrie, why it was put in?

Mr. Guthrie: Yes; I am going to suggest why it was put in. Would you permit me to proceed, because that is the point I am making. The word "equally" did not appear in the first draft. Now, this is a matter, perhaps, of some slight importance. It is an historical point anyway. In the works of Daniel Webster published by the well-known house of Little, Brown & Company, of Boston, in 1856, we get some light upon the question as to how the word "equally" came to be inserted.

Mr. Mignault: Will you give me the reference, please?

Mr. Guthrie: The reference is to volume VI of the Works of Daniel Webster, published by Little, Brown & Company, of Boston, in 1856,

at page 282. The first reference is to a letter written by Lord Ashburton and addressed to the Honourable Daniel Webster on July 16, 1842. In this letter Lord Ashburton enters a mild protest or suggestion that under certain circumstances the passage of a British vessel might be refused, and he suggests:—

"We want a clause in our present treaty to say that, for a short distance, namely, from the upper end of Upper Long Sault island to the lower end of Barnhart's island, the several channels of the river shall be used in common by the boatmen of the two countries."

Mr. Webster replied to that letter in a communication dated July 27, 1842. From his letter I read the following, at page 284:—

"Beside agreeing upon the line of division through which these controverted portions of the boundary pass, you have suggested also, as the proposed settlement proceeds upon the ground of compromise and equivalents, that boats belonging to Her Majesty's subjects may pass the falls of the Long Sault, in the St. Lawrence, on either side of the Long Sault islands, and that the passage between the islands lying at or near the junction of the river St. Clair with the lake of that name shall be severally free and open to the vessels of both countries."

Mr. Webster's interest was in the river St. Clair. It happened that at Detroit the channel passes through Canadian waters. He saw that if the clause were made plain and the treatment for both countries made equal, it might afterwards be contended that the important channel at Detroit was wholly in Canadian waters, and that might not accord equal treatment to the ships of the United States. He agreed that the matter should be straightened out, and toward the end of his letter he says:—

"It being understood that all the water communications and all the usual portages, along the line from lake Superior to the lake of the Woods, and also Grand Portage from the shore of lake Superior to the Pigeon river, as now actually used, shall be free and open to the use of the subjects and citizens of both countries."

At the close of Lord Ashburton's letter of July 29, 1842, he says:—

"I should remark, also, that the free use of the navigation of the Long Sault passage on the St. Lawrence must be extended to below Barnhart island, for the purpose of clearing those rapids."

At page 352 of the same volume in the letter of Mr. Webster it is said:—

"So, again there are several channels or passages of different degrees of facility and usefulness, between several islands in the river St. Clair, at or near its entry into the lake of that name. In these three cases, the treaty provides that all the several passages and channels shall be free and open to the use of the citizens and subjects of both parties."

After the draft treaty, which is said in this work to be in the handwriting of Mr. Webster, and it had been transmitted by President Tyler to Congress, the word "equally" was inserted, and it is said here in the handwriting of Mr. Webster, "To make plain and clear that the usage and rights of those waters specifically mentioned in paragraph 7 of the treaty should be equally free and equally open to the ships, vessels, and boats of both parties." Mr. Webster's interest being at Detroit rather than in the St. Lawrence, and the interest of Lord Ashburton, according to his original letter, being more particularly in regard to the St. Lawrence river.

That is so plain a declaration, in so prominent a document as an international treaty, that I do not see how any tribunal or any court could vary it or set it aside in any way; but, on the contrary, it must be bound by it and give it due effect.

Now, it was suggested in the argument of my learned friend, Mr. Koonce, that perhaps it had been superseded.

Mr. Tawney: Before you leave that, may I ask you a question? Do you contend that the word "equally" applies to any right other than that of the right of navigation?

Mr. Guthrie: It shall be "equally free and open."

Mr. Powell: To the ships, vessels, and boats?

Mr. Guthrie: Yes; to the ships, vessels and boats.

Mr. Powell: That is a limitation.

Mr. Guthrie: For the moment I would think that navigation would be the only thing in their minds. At that time the power development would hardly have been present in their minds.

Mr. Powell: The limitation to navigation means exclusion of everything else.

Mr. Guthrie: "Ships, vessels and boats" is as broad a term applying to navigation as I think it could well frame. It would include all the craft that were known at that time.

Mr. Mignault: It might include the right to fish in these waters?

Mr. Guthrie: No; I do not think the free rights to boats would include a fishing right.

Now, it has been suggested that that treaty has in some way been superseded by the subsequent treaty under which the International Joint Commission has been established.

Mr. Mignault: There was a treaty of Washington in, I think, 1871, which refers to the right of navigation.

Mr. Guthrie: There is some reference to it, but not as affecting this portion of the river.

Mr. Powell: What section of the treaty of 1871 applies to the navigation of the St. Lawrence river?

Mr. Koonce: Article XXVI.

Mr. Guthrie: That is navigation below Cornwall. It does not affect this matter at all. Now, the Treaty of 1910 was a treaty, as stated in the preamble, made between the United States of America and the United Kingdom of Great Britain,

"to prevent disputes regarding the use of boundary waters and to settle all questions which are now pending between the United States and the Dominion of Canada involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other, along their common frontier, and to make provision for the adjustment and settlement of all such questions as may hereafter arise."

Under that treaty this Commission, under Article VII, was established, and by Article VIII the jurisdiction of this Commission was also established. There is nothing in the treaty of 1910 to confer jurisdiction upon this body save what is set out in Article VIII. It is the only article which confers jurisdiction, Article VII being the article which constitutes the body. Article VIII says:—

"This International Joint Commission shall have jurisdiction over and shall pass upon all cases involving the use or obstruction or diver-

sion of the waters with respect to which under Articles III and IV of this treaty the approval of this Commission is required, and in passing upon such cases the Commission shall be governed by the following rules or principles. . . ."

Now, there are only two classes of cases which would come before this Commission brought here by the parties. I do not refer to those cases which may be referred by the Governments. It is clear that the case does not come under Article IV or have any bearing upon Article IV, because that applies only to waters flowing out of national waters. So it must come under Article III if it comes at all. Article III reads as follows:—

"It is agreed that, in addition to the uses, obstructions, and diversions heretofore permitted or hereafter provided for by special agreement between the parties hereto, no further or other uses or obstructions or diversions, whether temporary or permanent, of boundary waters on either side of the line, affecting the natural level or flow of boundary waters on the other side of the line, shall be made except by authority of the United States or the Dominion of Canada within their respective jurisdictions and with the approval, as hereinafter provided, of a joint commission, to be known as the International Joint Commission."

That, I take it, means—and I submit that this is a correct meaning of the sentence—that if in any case the United States or the Dominion of Canada seeks to make any change in its own water or waters under its own jurisdiction, they may do so provided they obtain the approval of this Commission; but in doing so they must not transgress Article I. Article I says:—

"The High Contracting Parties agree that the navigation of all navigable boundary waters shall forever continue free and open for the purposes of commerce to the inhabitants and to the ships, vessels, and boats of both countries equally, subject, however, to any laws and regulations of either country, within its own territory, not inconsistent with such privilege of free navigation and applying equally and without discrimination to the inhabitants, ships, vessels, and boats of both countries."

The moment there is interference with what the article calls "privilege of free navigation," then neither country has any jurisdiction in its own international waters, or its own territorial waters, to do any act. Both countries might, if they saw fit, refer such a matter to this Commission under other sections of this treaty. But until that is done, and it would have to be done by both countries, neither one nor the other can do any act which will be inconsistent with such "privilege of free navigation." That, I submit, makes the old treaty power rights stronger than they were in the original. It does not supersede it in any way. It does not destroy or annul or alter it. But by Article VIII it is expressly provided that the foregoing provisions shall not apply to or disturb any existing uses of boundary waters. One of the uses of boundary waters is the use of navigation.

I will not read that, it is so long. I will just take it as read, and will put it in. I will put in the rest of Mr. Guthrie's argument; it is a very powerful argument, and one that I think everyone should read. I will put in also the argument of Mr. Frank Keefer, and likewise the argument of Mr. Marshall McLean, for the State of New York, and Mr. Koonce.

[The statements above referred to are as follow:

Argument of Hon. Hugh Guthrie continued

That is a use, and it is so described in Article VIII. The three uses that are there permitted and the priority in which they are permitted are stated to be, first, for domestic and sanitary purposes; second, uses for navigation, including the service of canals for the purpose of navigation; and third, uses for power and navigation. Navigation is a use, and there is an express limitation in Article VIII that the foregoing provision—that is the provision which confers jurisdiction on this board—shall not apply to or disturb any existing uses; and the existing use that we rely upon in this case is the use of navigation which was conferred on us by the Ashburton Treaty, section 7 of which provides that this particular branch of this particular river shall be kept free and open to the vessels, ships, and boats of both countries.

Mr. Tawney: Do you observe in Article I that the limitation there is to navigable boundary waters?

Mr. Guthrie: Yes.

Mr. Tawney: Do you make any distinction between navigable and non-navigable boundary waters?

Mr. Guthrie: I do not make the distinction, but notice that the words "navigable boundary waters" are there, and I submit that any water that is capable of navigation is navigable water. The fact that ships do not ply does not affect the question of whether the water is navigable or not. We have in Canada many rivers and lakes upon which ships never ply. But there is deep water, and some day they might be used. Certainly it is abundantly proved by my learned friends themselves that this stream, the South Sault, was used for commercial purposes. It was used for pleasure boat purposes. It was used for excursion boat purposes, which is a combination of business and pleasure. Until the railway came in there it was more or less common. It was navigable and it is navigable to-day. But the evidence seems pretty clear that there was very little traffic on it; perhaps none except the motor boats and launches. There were the docks. One of the witnesses said, "There is a wharf at my place; there is another at Dodges shoal, and there is another a little higher up." He also said, "Freight used to come down, but the railways changed all that."

Mr. Magrath: Do you think it would be necessary to go both ways to cause it to be navigable?

Mr. Guthrie: We can go both ways. We have in the South Sault an alternate route. I do not say it is the best route. Let us have an ice jam in the North Sault; let us have a gate on one of our locks thrown out of commission; we have the alternate channel, and we do not want it blocked. But there is a larger view of it even than that, and the larger view is this: Some day—and I trust soon—there will be a power development and a dam across the North Sault. It has to be an

international work, I assume. Then it becomes all the more important to have the South Sault as a navigable channel.

Mr. Powell: That is an argument addressed to our discretion.

Mr. Guthrie: Yes; I am only pointing out the importance of it in this. I am not yielding a point in regard to our rights under the Treaty. Now, my information is that the Government has in contemplation the construction of a dam across that north branch. It will have to be undertaken internationally, I assume, with the concurrence of the United States. Probably it may be referred to your Commission for settlement. But if such a work is undertaken, and that north channel is closed, the south channel becomes all the more important. You may say that the Richelieu boats are too big to come down it now, but all that is wanted there is a lock to make navigation good. My point is, however, that the water is navigable, and that is so abundantly proved that I do not think I need labour the question.

Mr. Powell: There is one thing that bothers me, and I think the case is stronger in your favour than you are putting it, because the two High Contracting Parties in their language in the Ashburton Treaty have recognized this very division of the water as navigable and provided for it.

Mr. Guthrie: I would not expect for a moment that I could put it in language as strong as the Treaty. I am relying on the Treaty, but I am trying to point out some of the reasons for the great importance of this question to the Government of Canada. The thing that is also important and should not be lost sight of is this: that this very concern, this Aluminum Company of America, with one of its subsidiary companies, known as the Long Sault Development Company, tried the very thing that the Government wanted to do. They tried to get the right to build a dam across there, and they did not get the right from the State of New York, but subsequently that right was taken away by the State of New York and the matter got to the courts and to the Supreme Court of the United States.

When the Long Sault Development Company got its charter to construct that dam it was a very broad one. They set out that "the rights hereby granted shall never be so used as to impair or obstruct the navigation of the St. Lawrence river, but, on the contrary, that such navigation shall be preserved in as good condition as, if not better than, the same is at present, regard being always had to the amount of the natural flow of water in said river as affecting its navigability from time to time."

Now, New York State undertook to grant lands under the South Sault to this company. It was held by the United States Supreme Court that they could not do so, but all through the Development Company took the position that it was navigable water and they were going to actually improve it. Their charter certainly forbade them injuring the navigation, and I point out also to the Commission that in every permit issued at Washington the navigation of the river has been recognized because the clause has been put in that they must not injure navigation. The three permits contain the clause. The charter of the St. Lawrence Power Company, obtained from the State of New York has the same clause—they must not injure navigation. The navigation has been recognized. As I said before, though, the matter has been so clearly proven and demonstrated here that I need not argue the question any further.

Now, I go back to the Treaty, and, as one of the commissioners remarked, that is certainly our strongest ground. That is the ground that we rely on as a bar to any action by this Commission in regard to this application. I stated in the beginning that in the opinion of the Government of Canada the Commission had no jurisdiction. Whether I used the word "jurisdiction" correctly or not may be open to question, but certainly I am putting it on fair grounds when I say that the Commission has no right to do it. We claim a treaty right. If that Article VII of the Ashburton Treaty does not give the people of this country free and open right to those channels for the ships, vessels, and boats of this country, if this Commission has power to close that channel by this dam, it can close the Detroit river, it can close the St. Lawrence river. Where is it going to stop? This Government relies on that treaty. It looks on it as sacred, and it claims its rights under it. Treaties must be respected. The whole world is convulsed with a war now because a nation in a moment of madness undertook to deny treaty rights. We want every right that is given to us under that treaty. For that reason we ask this high tribunal not to seek to vary it, not to deny our right in a single particular, but to keep open and free that channel specifically mentioned in Article VII.

Now, as I said yesterday, the Government of Canada is not disposed to play dog in the manger in this matter. We have no such desire and no such wish. I think it would have perhaps been better if my learned friend, Mr. Koonce, yesterday had obtained a letter from the Secretary of War directed to the Government at Ottawa instead of to this Commission, asking that this matter be taken up. I can assure him it would have been taken up and would be yet, and the shortest cut to obtain the relief in this matter is for the Government of the United States, it being the party who should institute proceedings, to communicate at the earliest possible moment with the Government of Canada, in order not only that the whole of the greater question may be discussed, but that this particular difficulty may be discussed with a view of making it operative and satisfactory for purposes of the present war, and at the earliest moment of time. My learned friend suggests that that means delay. They do not want it. The president of their company does not want it. It takes time and can never be done. If the United States wants it done I have authority to say let them apply to Canada and the question of delay in adjusting these matters will not be the fault of Canada.

Mr. Koonce: Will you please state how that can be brought about?

Mr. Guthrie: Let the Secretary of War send a telegraphic communication to Sir Robert Borden, and two men can settle this matter in an hour. We are dealing with the Government of the United States and not with a very weighty private corporation, and that is a very grave distinction. I submit to you that if this dam were to go in and become the property of this private company, it will never come out, and that river will be locked. I heard it suggested by counsel. "Suppose it were

put in and we rip it out at the end of the war." If it goes in it will never come out. That company is too strong. Three or four years from now they will say, "Look at the money we have spent. Leave it there." We want to be in a position of dealing fairly and squarely with the Government of the United States, because we apprehend that this is an international matter. If the two Governments should refer it to this Commission—and I think probably they would refer the greater question to this Commission—all well and good. Your jurisdiction would then be complete, but, in the meantime, my suggestion—I can only make it as a suggestion—is that my learned friend Mr. Koonce should get busy with the wires and ask his Government to make an intimation, and I am sure that in hours it will receive a reply, and if a commission will come to Canada, or we go to Washington, this particular matter will be dealt with satisfactorily to both Governments, and the lack of production needed for the war will not lie at the door of Canada. My submission, to be very brief, is that under the language of that treaty, Canada has treaty rights which must not be interfered with.

Mr. Tawney: Pardon me for asking you one question with reference to the construction of the Webster-Ashburton treaty. It may have some bearing upon this matter. Was there any protest by Canada or by Great Britain to the diversion from the south channel of the Long Sault of the water of that channel, or any part of it, through the power canal of the St. Lawrence River Power Company at the time that diversion was authorized by the United States Government?

Mr. Guthrie: I am not in a position to answer that question, but I was in the House of Commons, as was also a member of your Commission, at the time this question occupied the attention of the House of Commons. That was in the year 1910, after the construction of the canal, and I can tell you that there was a very loud and long protest on that occasion.

Mr. Tawney: That had relation, however, primarily, to the development of power in the Long Sault, that is the north channel of the Long Sault.

Mr. Guthrie: Yes, sir, it was charged that one led to the other.

Mr. Tawney: I wanted to know whether there was any protest, either through diplomatic channels or otherwise, by either Canada or the British Government, with regard to the diversion which the Government of the United States authorized from the south channel at the time that diversion was authorized?

Mr. Guthrie: I am not in a position to answer the question more than to say this, that I do not think the matter was ever brought to the attention of the Dominion of Canada. That was before the Treaty of 1910. It may be that we did not consider that we had any rights at that time.

Mr. Tawney: Well, you certainly had your rights under the Webster-Ashburton Treaty, if this was a navigable water.

Mr. Guthrie: But the charter of the company says that they were not to interfere with navigation. I suppose that seeing that before us, if we did see it, we could rely on it, but the fact that they have taken half the water out of that south channel in breach of the terms of that treaty surely does not give them the right to stop it altogether.

Mr. Tawney: Not unless the other party acquiesces.

Mr. Guthrie: Well, we do not acquiesce; we protest and we protest against the original construction on the ground that they had no proper authority to make that construction. And as vigorously as I can protest I do protest against that and against any further construction.

Mr. Powell: That word "free" is a technical term.

Mr. Guthrie: I find that the word "free" is about the broadest—

Mr. Powell: It is at once the broadest and the most constricted.

Mr. Guthrie: It has such meaning as unfettered, uncontrolled, unhampered, uninterrupted, without let or hindrance. It is as broad a word as you can use.

Mr. Powell: Are those dictionary meanings?

Mr. Guthrie: Yes; but not all of them by any means.

Mr. Powell: But what about this legal use? By a process of evolution the original meaning of the word "free" has been departed from until it can be more fairly described by saying that it was very restricted. Take the law in respect to the use of the highway. Every individual in the United States or Canada has a right to the free and uninterrupted use of the highway. They have the free and uninterrupted use of a river. At the same time a man using the highway can back his car in against the sidewalk as long as he does not unreasonably interfere with the driving of others. A vessel can anchor in a stream where another vessel may be beating against the wind and have to get out of his way, and that other man has not a free and uninterrupted use.

Mr. Guthrie: Yes, he has.

Mr. Powell: Not in the language of the dictionary. It is a highly technical use of the word "free".

Mr. Guthrie: I certainly think that "free" would not permit the building of a dam across the water.

Mr. Powell: Is not this the case, that the free and uninterrupted navigation of a river would not prevent the owner, if the owner had such a right of soil in the bed of the river, from erecting therein a pier stretching out so long as it did not unreasonably interfere with navigation, and that question of unreasonable right to navigation will be tried out in a suit for what? For a nuisance. And the thing would be whether it was reasonable or not.

Mr. Guthrie: I grant you that all things must be reasonable; otherwise they would be a farce.

Mr. Powell: If you go back to the Ashburton Treaty you may restrict the word "free" and adopt it as a highly technical term which does not mean free as given by lexicographers; yet you cannot restrict it to the point of absolute prohibition.

Mr. Guthrie: It has been argued that the word "free" means untaxed or without charge, but the word "open" was put in to extend it, and you have both words to deal with. So if one foot is not on strong ground the other foot is.

Mr. Mignault: The word "open" with the word "free" shows that navigation should not be restricted.

Mr. Powell: In the United States there was an island in the centre of a river, and the

railway company was building two bridges—the right of free and uninterrupted navigation was invoked, and it came before the Supreme Court of the United States in the way of getting an injunction against the railway company for putting the bridge over one branch of the stream and absolutely closing it. The Supreme Court of the United States held that inasmuch as there was an ample and sufficiently capacious alternate route, the injunction would not lie.

Mr. Guthrie: They did not have a treaty with another nation that said both routes shall be open.

Mr. Powell: If you had not the Ashburton Treaty the other principle might come in.

Mr. Guthrie: I am making no suggestion of that kind at all. We are sleeping at night on the Ashburton Treaty.

Argument of Frank H. Keefer

Mr. Frank H. Keefer: I would not want to say anything to derogate from what the Solicitor General for Canada has urged. I had something to say on the question of the word "equally". The Solicitor General has pointed out that in that very Section VII you are dealing not only with these channels on both sides of the Long Sault island, but you are also dealing with the channels in the river Detroit on both sides of Ile Bois Blanc, and the river St. Clair itself. He has pointed out how the word "equally" has been inserted as being applicable to all. In addition, the contention is that the adjective "equally" is qualifying "free and open" in such way that if either side should close one of these important channels, which we say cannot be done, that therefore under the treaty the rights of the parties subsist, because it has been closed equally to both sides. Well, that suggestion of counsel for the other side is untenable. The words are "equally free and open".

Mr. Tawney: For a specific purpose.

Mr. Keefer: Yes, for a specific purpose, namely, the movement of boats.

Mr. Tawney: Let us assume that that purpose no longer exists.

Mr. Keefer: But that would not cause you to abdicate your rights under the treaty. That purpose may not exist to-day, but it may exist in the future.

Mr. Tawney: Suppose it does not exist, has it the same effect?

Mr. Keefer: Certainly, until the two High Contracting Parties vary it, that treaty stands, and the two High Contracting Parties are the only ones who can vary the treaty. The High Contracting Parties have not delegated to this Commission the duty of altering this high agreement, the Ashburton Treaty. Wherein has been given this Commission the power to close, if they saw fit, on the application of any party, the Detroit river? That is part of this transaction mentioned in the treaty. The part expressed in the treaty is "free and open" and the qualification is "equally free and open" and the argument advanced on the other side is that if you close it, it is still free and open. As the Solicitor General has said, such a contention amounts to the worst distortion of language one could possibly hear. It is a pretty good Irish bull to say that if it is closed it is open, and it is free.

I would point out to you that supposing the application were now made under the treaty to erect, for the first time, say, that little spur below the Massena canal, and the application was to confirm the plans for such a transaction—of course that was built before the treaty, and therefore, does not come under your jurisdiction—but we will suppose that application was made to do that, and it came before your Commission. If that did not affect navigation, it is quite within your authority to do so; it is in the navigable boundary waters. But the very minute the applicant in his application shows to you that he is going to stop navigation, you have no power whatever to grant his application. You can make an order relating to that little spur, but you cannot make an order to close up the river. That is the distinction between the two.

Mr. Powell: I cannot appreciate that at all. Suppose that proof were made that by the construction of a dam we would be improving navigation, and aiding navigation, we would have power to do that. I cannot see where the lack of jurisdiction is.

Mr. Keefer: The moment you commence to impede or prevent navigation, you have no power to act.

Mr. Powell: Suppose we said that we would grant the application, but the applicant would have to put in a lock for the purpose of navigation, we would have the power to do that.

Mr. Keefer: I do not think we need take up time considering a question of that kind. The application, as made, is to close up a navigable channel, and we have got to deal with what we have before us.

Mr. Powell: If we make an order it is our duty to append to it such conditions as we see fit. If we see fit to annex the condition that there is to be a lock there, the lock must go.

Mr. Keefer: If you have jurisdiction, yes.

Mr. Powell: That would not be in violation of the treaty; in fact it would be in furtherance of the treaty.

Mr. Keefer: I say that this application is in violation of the Ashburton Treaty.

Mr. Powell: The application may be, but we may cut and carve that application in ways that would astonish people.

Mr. Keefer: Well, I point out that the wording of the treaty is "equally free and open," and yet it is argued by the applicant that if this channel is closed it is not in violation of this treaty, because it is equally closed to both parties. What I say is, that the treaty provides that it shall be equally open to both parties.

Mr. Powell: I understand your point. In other words, the power to regulate does not mean the power to prohibit, and in this case we must stop short of actual prohibition of navigation.

Argument of Marshall McLean

Mr. McLean: On behalf of New York State I wish to make a brief statement of the rights of the State, as it seems to me they are affected.

May it please your honourable Commission. I wish to present very briefly two or three points wherein it seems to me the rights of the State of New York are affected by this application. The first is in the matter of the navigable waters, which I am going to assume are affected, because it seems to me there can be little question, from the testimony brought

out, that the waters of the South Sault channel should be considered, and are, in fact, navigable waters. As Mr. Keefer so well put it, waters that are susceptible of navigation are navigable waters, and there is abundant authority for that statement.

That being the case, New York State has an interest in these navigable waters, and a very great interest. In Article VII of our constitution, the sovereign State of New York has conceded to the Federal Government the control of navigation, but no further.

The State of New York has retained its sovereignty in the navigable waters and the lands underlying these waters in the State of New York, whether they are navigable waters, or interior waters, or boundary waters. In questions of navigation the Federal Government is supreme, and so far as these waters are concerned, if the question of navigation only were in issue we would not have the right possibly to raise any question before this Commission. Under the application that has been presented, and the testimony that has been laid before you, a structure is planned which will cross the South Sault channel. It is called a submerged weir. It is, in fact, a dam. The applicant has frankly stated that its effect will be to back up the water in this channel and to practically shut off all but five or six thousand second-feet of the water that heretofore flowed down that channel. It is also frankly conceded that there will be an increased head in the Massena power canal. There will be an opportunity for the diversion of a greater amount of water. This naturally affects the navigability of this river in which the State of New York, with all its citizens, has a very substantial and vital interest. Therefore, it seems to me that we are pefectly right and only acting in the discharge of our duties, in calling your attention to these rights of the State. We feel that the State and its officers would be derelict in their duty to the citizens if we did not present this feature of the case to you.

The second point that I wish to lay before you is, that it seems to me that any applicant coming before this International Commission—a body of great responsibility and high honour—should be exceedingly and essentially careful that in presenting the application and in coming before this tribunal it should come with its title perfect and with its hands absolutely clean. I may refer to the equitable powers and duties of this Commission. By reference to the charter under which the State of New York incorporated the original corporation, you will find that the legislature took ample care of the rights of the State of New York in the navigable waters, and also of the rights of Canada across the line, because it provides, after enumerating various powers that are given:—

"But not to interfere with the navigation of the St. Lawrence river."

I am quoting these words from that charter. Now, if in fact this dam does affect the navigation of the St. Lawrence river, it seems to me that this applicant is without power to make this application.

There is one point, under the first heading, to which I omitted to call your attention, and that is that in the very permit issued by the Federal Government itself, the language of the permit is in part as follows:—

Hon. Mr. REID.

"It hereby expesses the assent of the Federal Government, so far as concerns the public right of navigation."

Not of the navigable waters, not of the lands underlying the navigable waters within the State of New York, but merely the rights of navigation. Our Court of Appeal, in a very recent case, in which is set aside the Long Sault charter—212 New York, page 1, and affirmed in 242 United States, page 72:—

"The state can no more abdicate its trust over property in which the whole people are interested, like navigable waters and soils under them, so as to leave them entirely under the use and control of private parties, except in the instance of parcels mentioned for the improvement of the navigation and use of the waters, or when parcels can be disposed of without impairment of the public interest in what remains, than it can abdicate its police powers in the administration of government and the preservation of the peace."

Mr. Mignault: Did not the New York Court and the Supreme Court make a distinction between an international river and a national river, apparently holding that the State of New York could not exert the rights of the state in an international river. Is that the effect of the decision?

Mr. McLean: I do not think it is limited to an international river. The principle applied not only to boundary waters but also to navigable waters entirely within the boundary of the state.

Mr. Mignault: What is the principle? If the State of New York owns the bed of national and international rivers, why cannot the State of New York alienate such rights?

Mr. McLean: It can under certain circumstances, but it must be for the public use; the reason, of course, being that the sovereignty of the state is in the people. The legislature, merely being the agent of the people, cannot violate its trust in ceding away the rights of the people in its sovereignty without an adequate return.

Mr. Mignault: That will apply to any river, the principle being that it cannot be alienated for private purposes.

Mr. McLean: Yes, it must be for public use. Now, these are the two points that I wish to lay before you. There are a great many ramifications that flow out of these points, upon which long arguments might be made, but I think they have been so clearly laid before you already, that I shall not burden you with my particular views in respect to that.

To come to the last aspect of the matter, as it appears to me, and as I outlined briefly in my opening. It is this: New York State stands ready to make any sacrifice to aid in the winning of the war. Judge Koonce has come here with a direct message from the Secretary of War, asking that this Commission approve the application. A most interesting question has been raised by Mr. Guthrie with respect to the jurisdiction of this Commission. That, of course, I leave in your hands. But if this Commission should determine that it has jurisdiction in the premises, and, further, if it should determine that this application is made in good faith as a war measure—and I assume we must so find in view of Judge Koonce's message—then we stand ready to waive these rights which I have placed before you in this brief statement, but with this reservation—

Mr. Powell: The effect of your argument being that the State of New York cannot waive these rights in favour of a private interest.

Mr. McLean: I consider that this is not a private interest. If you find that it is a war measure, and is necessary for the prosecution of this war, for the United States and its Allies, I say that that takes it out of the question of its being a private interest. But so that it may not be for a private interest, I ask this: that in any permission which your honourable Commission may grant, it should be strictly limited to the period of the war, and that it should be stipulated in that permission that the title to any lands occupied, which now are in the State of New York, should remain there, and that the title of any structure erected on these lands belonging to the State of New York should remain in the State.

Mr. Mignault: As to the title to the lands, is it your contention that the applicant company does not own the lands on which the weir would be built?

Mr. McLean: These lands are lands of the State of New York.

Mr. Mignault: And cannot be alienated by the State of New York for private purposes?

Mr. McLean: Not without compensation, and for purposes which the legislature would say were public purposes. And even then the question as to whether it was a public purpose would probably have to be passed upon by the court, which would have to determine whether it was in fact a public purpose or not. It has been held in some of our cases that public lighting plants are a public purpose; streets are a public use, street railways are a public use, and I understand that this corporation, in addition to supplying aluminum, also supplies water to the community, and that is a public use. It may supply electric light, and, in so far as that feature would go, it would be a public use. But the application is made here, as I understand it, simply for the purpose of manufacturing an additional amount of aluminum.

Mr. Mignault: Assuming that the additional amount of aluminum is manufactured for the prosecution of the war, would you say that is a public purpose?

Mr. McLean: I would.

Mr. Mignault: Irrespective of the profits which the applicant company may derive from the sale?

Mr. McLean: That might cast some doubt over the structure after the war, but the structure would still be there and there would be the fundamental principle that so long as it was necessary for the winning of this war it would be a public use. Of course that is my personal view.

Mr. Magrath: Does the province of Ontario wish to say anything?

Argument of George W. Koonce

Mr. Koonce: Mr. Chairman, I shall occupy only a few moments of your time. I appreciate the courtesy of counsel for the Canadian interests in limiting this thing simply to the question of whether or not the Commission has jurisdiction. They introduced no evidence and made no arguments, so far as I could see, that would cause you to think that these constructions that it is proposed to put in the river are in any sense a material injury to the interests of Canada or to any of its inhabitants.

For the purpose, though, of setting the department right, and it seems that nearly all of the learned gentlemen have attempted to—

Mr. Keeffer: What did you say that we have waived?

Mr. Koonce: Everything but the question of jurisdiction.

Mr. Keefer: No. The plea in bar is the first plea we make. We are not waiving anything.

Mr. Koonce: I suppose you would have gone into the merits of the thing if you had any objection to it other than the fact that you question the jurisdiction of the Commission. I cannot conceive that the great Government of Canada that is so closely allied with us in this contest, assuming good faith on our part, would interpose any technical objection to this proposition.

Mr. Keefer: Certainly not.

Mr. Koonce: And, therefore, that your only doubt is as to the jurisdiction of the Commission to deal with it. That, I assume, to be your position. Now, just briefly I will state the action that the department took in this matter. After the declaration of war, when we began to marshall our forces, we organized what is known as a Council of National Defence. That Council of National Defence is a very large body, and it is divided into a number of committees, among which is a committee known as the Federal Water-power Committee. That committee deals entirely with the question of co-ordinating, improving, and accelerating the development of water-power for the purpose of manufacturing munitions and other war materials needed in this conflict.

This application of the Aluminum Company of America is one of the results of the formation of that committee. Aluminum was one of the things that we needed. They found that there was likely to be a shortage. Every effort was made to speed up and increase the production. This power plant at Messena was known to be in operation. It had been in operation for twenty years unobjected to, so far as we know, by anybody on account of navigation, the use of waters, or anything else. So far as we know, it has never been objected to by anybody in either country. It was found that the production of aluminum at this place could be increased in a certain way. To do that this company, proceeding along the lines laid down in the federal laws, proposed these three things and made application to the War Department for the necessary authority. That was all made in one application. One was the construction of a submerged weir leading across the South channel near the entrance to the canal for the purpose of deflecting the water; a second was the dredging of a channel across what is known as Dodges shoal; and the third was the construction of an ice-breaker or wing dam composed of piers and movable structures between for the purpose of deflecting the ice down the Big Sny and thence down the main channel.

Mr. Tawney: Do I understand you to say that these three objects were all set forth in the original application?

Mr. Koonce: Yes; they were all applied for by the company at once. They were considered as three things necessary to effect the object they had in view. They desired to remove the ice difficulties at that place in order that they could continue the full winter operation of their plant. They were applied for at one time.

Mr. Mignault: In one application?

Mr. Koonce: In one application. The company had nothing to do with the separation of

them. We have always been careful to comply with the provisions of this treaty, and energetic in trying to have its provisions properly observed. We have done all we could in that direction. Every case that has come before me—and I have handled nearly every case in the War Department for the last twenty-five years affecting the navigable waters that involves any questions under this treaty—has been given the most careful consideration. Our engineers were called upon for a report upon this proposition, and from their report we determined that the dredging of this channel would not injuriously or materially affect any international interest, and that this wing dam or ice-breaker would not injuriously interfere with or affect the levels of the waters.

When it came to this submerged weir we were in doubt. Our conclusion was that it might affect the level of the water on the Canadian side, and in some measure interfere with the canal that the Canadians had built for commerce on that side.

Mr. Tawney: Did the War Department conclude from the report of the engineers that the dredging would not affect the level of the water above the shoals and, therefore, not affect navigation, independent of whether there was or was not compensation by the construction of the weir?

Mr. Koonce: Well, we did not think that even by itself it would have any material affect.

Mr. Powell: I do not see how it is possible for reasonable men to find that.

Mr. Koonce: The evidence shows that there might be a change of a couple of inches. Of course, I have not time now to go into the evidence in regard to the levels of the St. Lawrence river, but you gentlemen are gentlemen of judgment and intelligence and you certainly can see that two inches could affect navigation very slightly.

Mr. King: The evidence went further than that.

Mr. Koonce: That was the evidence given by the engineers of the power company; they thought it might be as much as two inches.

Mr. Tawney: It was thoroughly investigated by the engineers of the War Department?

Mr. Koonce: It was. Our engineers went over all the estimates and data and we required full data to be submitted by the company. And that is the conclusion that we arrived at, and, as Commissioner Magrath stated at the Atlantic City meeting, whenever the engineers of either country reach a conclusion in these engineering matters, such conclusion should be accepted unless shown to be erroneous. Our reason for separating the two was this: We decided that the submerged weir was the construction that should come before you, and we know that the dredging of the channel would take considerable time. We separated the two so they could go ahead with the dredging in advance, which they did immediately. They commenced that work on the first of October. In other words, one of the permits, in our judgment, required your approval, and the other did not. If we were in error about it it was simply an error of judgment; it was not with any intention of violating the treaty.

Mr. Mignault: Assuming that the weir is never built, would not the dredging affect the level of the water on the other side of the line?

Mr. Koonce: Well, we did not assume that the weir would not be built.

Mr. Powell: You simply took the resultant of all the effects instead of taking them individually?

Mr. Koonce: Yes; and we did not take what the power company said about it; we investigated it and made the calculations ourselves, and that was the conclusion we arrived at. I would like to say that the ice-breaker, with these thirty-foot piers, which some seem to make objection to, would in themselves be in the nature of compensation to some extent for this dredging. I would like you to take that into consideration.

Mr. Mignault: It would put us in this position, unless we authorized the construction of the submerged weir the level of the water on the other side of the line would be affected by the dredging.

Mr. Koonce: I will simply say in that connection that the channel has been dredged. Nobody has alleged that there has been any injury at all. I am informed that the dredged channel would affect the levels in the canal only at times when the river was at an extreme low stage, and this extreme low stage has occurred only during the navigation season a very few times in the last twenty-five years. Navigation in the canal has, I understand, a depth of water of fourteen feet nine inches, and they need only fourteen feet for navigation purposes. I make this statement simply to show that we have acted in perfectly good faith in this matter, and that we have been actuated not by a desire to give the Aluminum Company of America any additional power or any additional water.

The primary object of this project is not to increase the rate of withdrawal of water, but simply to remove these ice difficulties. We came to the conclusion that the project that they submitted to us would be successful in that direction.

Mr. Powell: But this result follows: although the result of all the effects would be an elevation of the water in the international channel of two inches, yet this company will be drawing out over 6,000 second-feet more than they are at the present time.

Mr. Koonce: But they cannot divert water out of the river to the detriment of the level of the river without the approval of the Government any more than they can construct this weir. They have to get that approval. They do not propose to take any more water, and if they did the question would have to come before you.

The company has already dredged the channel. If injury results, I should very much regret it. If this submerged weir should not be built I have no doubt that the War Department will do whatever is necessary to remedy any injurious effect caused by this dredged channel.

After these works were started the emergency became more acute. A further investigation showed us that instead of allowing the company until December 31, 1919, as provided in the permit, it was necessary to speed up these things so as to get the best results at the earliest possible moment, so they were told to put this matter before you at once and the department found that in order to get these works constructed, and in order to get the benefit of them this winter it must have your immediate action. In transmitting the applica-

tion to the Secretary of State with the recommendation that it be referred to you, the Secretary of War distinctly states that "It is important to the military interests of the nation that this matter be given immediate consideration." That is all that it is necessary to say in regard to the fact that you have not had the usual thirty or sixty days' notice.

I suppose you want me to say something about the question of jurisdiction which has been raised by the Canadian counsel. The learned counsel for the Dominion Government has gone back to the Webster-Ashburton Treaty of 1842. Article VII of that treaty provides that the channels in the St. Lawrence river, on both sides of the Long Sault islands, and of Barnhart island, shall be equally free and open to the ships, vessels, and boats of both parties. While at Atlantic City I made offhand some remarks about the proper interpretation of the word "equally". I did not rely upon that at all, and I do not think it is necessary to enter into any serious or extended discussion of the meaning of the word. But I would like to call your attention to the fact that apparently at the time this treaty was made those who drafted it seemingly considered that there was no navigation along this part of the St. Lawrence river. You will see what they say in Article III, which relates to the St. John river, which is in Commissioner Powell's part of the country. It is stated in Article III that "navigation of the said river shall be free and open to both parties, and shall in no way be obstructed by either"; recognizing the fact that there was a navigation that they were providing for.

Then refer to the subsequent treaty of 1871. That treaty, referring to the river St. Lawrence, from the 45th parallel of north latitude, where it ceases to form the boundary between the two countries, states that it "shall forever remain free and open for the purposes of commerce".

The same treaty says that the navigation of the rivers, Yukon, Porcupine and Stikine, ascending and descending, from, to, and into the sea, shall forever remain free and open for the purposes of commerce to the subjects of Her Britannic Majesty and to the citizens of the United States.

Article XXVIII of the same treaty states that the navigation of lake Michigan shall also, for the term of years mentioned in Article XXXIII of the treaty, be free and open for the purposes of commerce to the subjects of Her Britannic Majesty.

All that is said in this Ashburton Treaty is that the channels shall be free and open to the vessels, ships, and boats of both parties, which indicates to me that they recognized at that time that there was no useful navigation in these rivers, and that they were providing for a possible or potential navigation, for instance, something like the Cornwall canal on the Canadian side and possibly some similar canal on the American side; in other words, those channels should remain free and open for the ships if those ships materialized and navigation was to be provided for. They do not use the word "navigation" or the word "commerce".

Mr. Mignault: They say that these two channels shall be equally free and open to the ships, vessels, and boats of both parties.

Mr. Koonce: But that may be for the future.

Mr. Mignault: Would not that imply that it was done for the rights of navigation?

Mr. Koonce: Yes; provided navigation would be made possible. Uusing the word "navigation" for commerce in connection with all these streams where navigation existed, and the omission of those words in relation to the St. Lawrence, may have been due to the fact that they knew that there was no commerce or navigation of these streams, but there was a potential or a possible navigation which has been since created by the Cornwall canal.

Mr. Tawney: Article I of the treaty of January 11, 1909, is still more significant, if you are discussing that. It says that the High Contracting Parties agree that the navigation of all navigable waters shall forever continue free and open.

Mr. Koonce: Yes; that is in line with all the language of all the treaties where they mean to provide for present navigation.

Mr. Mignault: Mr. Koonce, the evidence here is merely that the south channel is navigable. It has not been used much for navigation, but it is navigable.

Mr. Koonce: We will come to that later. Treaties are nothing more than contracts between nations making them. At the time this Webster-AshburtonTreaty was made it was probably wise to make this provision for free and open channels. In those days probably the only access people in the interior had to the outside world was down the natural rivers. They could float down the navigable portion and when they came to impassable rapids take the boats up, carry them around, and place them in the river again and proceed to their destination.

But a contract between nations is always subject to modification. The Webster-Ashburton Treaty was in full force and effect until 1909, when the same High Contracting Parties made a new treaty. The Treaty of 1909 essentially modifies the Webster-Ashburton Treaty. The reasons for these modifications were due to disputes and controversies that arose over the use of boundary waters, and the High Contracting Parties proceeded to formulate a treaty that was intended to cover boundary waters and does effectually cover such waters. And, so far as the use and diversion of boundary waters are concerned, the Webster-Ashburton Treaty has now no binding force. The Treaty of 1909 was concluded between the High Contracting Parties for the adjustment and settlement of all questions that might hereafter arise between the United States and the Dominion of Canada, involving the rights, obligations, or interests of either in relation to the other, along the common frontier. That treaty defines boundary waters as the waters from main shore to main shore of the lakes, rivers, and connecting highways along which the international boundary runs, including the bays, arms and inlets thereof. The St. Lawrence river at the point where these works are being constructed, covered by this application, is a boundary stream between the United States and Canada, under the definition of this treaty, and being a boundary stream it necessarily comes within the purview of that treaty.

Mr. Tawney: Have you considered the preliminary article in that connection?

Mr. Koonce: That is what I am quoting from, but I put it more or less in my own language.

Mr. Tawney: You are reading from the preamble; I was referring to the definition of boundary waters in the preliminary article.

Mr. Koonce: I have read that.

Mr. Tawney: It says that for the purposes of this treaty that boundary waters are defined to be waters from main shore to main shore of the lakes and rivers.

Mr. Koonce: I have just read that and I observe that the St. Lawrence river, the Long Sault channel, and the South Sault channel, and all the bays and arms of it, come within that definition of boundary waters. There is no question that you cannot help coming to the conclusion that this treaty was intended to supersede all other treaties, so far as boundary waters are concerned, and so far as questions connected with the use and obstruction of boundary waters are concerned. Of course the Webster-Ashburton Treaty remains in force, except where these waters constitute a common frontier between the United States and Canada. Article III provides that in addition to the uses or obstructions and diversions heretofore permitted, or here after provided for by special agreement between the parties hereto, no further or other uses, or obstructions, or diversions, whether temporary or permanent, of boundary waters on either side of the line, affecting the natural level or flow of boundary waters on the other side of the line, shall be made except by authority of the United States or the Dominion of Canada, within their respective jurisdictions, and with the approval of a joint commission, to be known as the International Joint Commission. And, Article VIII confers upon you jurisdiction in all cases arising under Article III.

Mr. Powell: It is stronger than that.

Mr. Koonce: Article VIII says that the "International Joint Commission shall have jurisdiction over and shall pass upon all cases involving the use, or obstruction, or diversion of the waters with respect to which under Articles III and IV of this treaty the approval of this Commission is required."

Mr. Powell: It not only gives the power to approve but it confers on us general jurisdiction.

Mr. Koonce: Yes. The only point which our friends opposite have made is that this treaty specially excepts navigable waters. Article I provides that the High Contracting Parties agree that the navigation of all navigable waters—and as Mr. Tawney has pointed out this article further goes to confirm the view that the Webster-Ashburton Treaty is superseded in that respect—that the navigation of all navigable boundary waters shall forever continue free and open for the purposes of commerce to the inhabitants, and to the ships, vessels, and boats of both countries equally. Note the words "for the purposes of commerce". The High Contracting Parties, the eminent Commissioners who made the treaty, were well aware—

Mr. Powell: It says the ships, vessels, and boats.

Mr. Koonce: It all goes back to the ships, vessels, and boats for the purpose of commerce.

Mr. Powell: There are two classes there, and the preposition "to" connects it with the word "commerce".

Mr. Koonce: It all goes back to the word "commerce" and is intended for commerce.

Mr. Mignault: Do you argue that providing it be for the purpose of commerce these channels could be entirely closed?

Mr. Koonce: If it be entirely for the purpose of commerce, the treaty says it shall not be closed, and you have no jurisdiction. Possibly neither the north channel nor the south channel in this case are navigable within the meaning of the words in the treaty.

Mr. Powell: So far as I am concerned, I do not agree with that. Even the driving of logs has been held in the courts to be navigation.

Mr. Koonce: If there are no more logs to drive, there is no more commerce in that line.

Mr. Powell: Navigation does not necessarily mean ships.

Mr. Koonce: Here is the definition: A stream is navigable within the meaning of this treaty when it is navigable in fact, and it is navigable in fact when in its natural condition, and without the aid of artificial means, it affords a channel for useful commerce of a substantial and permanent character, conducted in the customary modes of trade and travel on water. A theoretical or potential navigability, or one that is temporary, precarious, and unprofitable, is not sufficient.

Mr. Powell: What is that definition from?

Mr. Koonce: It is a composite of the best definitions I could find. In other words, the navigability of a stream for the purpose of bringing it within the terms of this treaty depends upon this fact, whether the river in its natural state is such that it affords a channel for useful commerce for the passage and re-passage of boats engaged in transportation of the commodities of the country. Under that definition I state there is no evidence before you to show, and nothing to indicate, that the South Sault channel ever was or is now a channel for any useful commerce. Nor is the north channel, and the Canadian Government recognized it years ago when they built the Cornwall canal. We may recognize the fact that there is a potential navigability on this stream, and may build a canal on the south side, but until that time comes, until these obstructions which exist in their natural state have been removed by artificial means, the river remains as it is in a state of nature, and it is not a channel for any useful commerce.

I appreciate very much the presence of our friend representing the State of New York, and the issue he has put before you, but I am sorry that I cannot agree with the learned counsel from my own country. The learned counsel for the State of New York appeared before you yesterday and made his statement, and his appearance here is very desirable, and he made a very creditable presentation of his side of the case. But I submit that so far as the state of New York is concerned, this is a domestic question between the State of New York and the Aluminum Company, and that whatever right the State of New York have to the soil on which the construction is to be built, is a question that has to be adjudicated and settled by the departments of the Government of the United States, either the executive or the judicial departments, and that the State of New York has its remedy for any invasion of its property rights that may be occasioned by this structure. I submit, therefore, that it is unnecessary for the International Joint Commission to consider whether the Aluminum Company of America owns the

soil in the St. Lawrence river upon which they propose to build this weir, or whether the State of New York owns it. If the State of New York owns it, the State of New York can prevent them from laying a single stone on it, and no decision you could reach could confer on the State of New York any authority they do not now have under the laws of the United States.

On the question of conservation, which has been so ably presented by Mr. King, and also by my friend Mr. Keefer. I have a word to say. They have spoken about the necessity of co-ordinating resources, and of the two Governments getting into an agreement and developing the water-powers as an international affair. That is a very creditable proposition, and I have no criticism to make of it.

Mr. Tawney: Are you aware of the fact that the Government of the United States, four years ago, submitted to the Dominion of Canada a series of questions in the form of a reference to be submitted to this Commission, after investigation of all these questions of power and navigation on this watershed, and also on the upper end of the lakes, and that no action has yet been taken on it by the Dominion Government?

Mr. Koonce: I did not know that.

Mr. Tawney: In June, 1914, a reference was made, recommending it.

Mr. Koonce: Mr. Keefer has repeatedly said: why don't you bring this matter to the attention of the Dominion Government, without any reference to the International Joint Commission? Mr. Keefer has not read this treaty very carefully, if he believes in such a thing as that.

Mr. Powell: That would be only a matter of courtesy between you and the Dominion Government; that has nothing to do with us.

Mr. Koonce: However desirous we might be to communicate with them and to reach an agreement, we could not do it. Article III of the treaty refers to the uses, obstructions, and diversions heretofore permitted or hereafter provided for by special agreement between the parties hereto. I suppose he had reference to that provision when he said that we could agree on this thing. But, if he will refer to article XIII, he will see a definition of special agreement. Article XIII says:—

"In all cases where special agreements between the High Contracting Parties hereto are referred to in the foregoing articles, such agreements are understood and intended to include not only direct agreements between the High Contracting Parties, but also any mutual arrangement between the United States and the Dominion of Canada expressed by concurrent or reciprocal legislation on the part of Congress and the Parliament of the Dominion."

In other words, to reach an agreement between the United States and the Dominion of Canada on this question, we would have to have an Act of Congress over there, and an Act of the Parliament of Canada over here, and that would take an interminable time.

Mr. Keefer: So far as we are concerned, we have a celebrated measure called the War Measures Act, by which, by Order in Council, we can do almost anything in twenty-four hours.

Mr. Koonce: We have no such legislation in our country, and it would take a very long time to bring it about.

Mr. Keefer: We could do it in twenty-four hours.

Mr. Koonce: It would be impossible for us to arrange a matter of that kind by legislation, and the only other alternative would be a new treaty. Conservation of natural resources is a high-sounding phrase, and an attractive phrase, and it is a very good doctrine, but I submit that in this time of stress and war, "conservation" is not the proper word—"preservation" is the thing that interests us now; self-preservation, national preservation, preservation of our ideals, preservation of freedom, preservation of Anglo-Saxon civilization. These are the things that are confronting us. The preservation of these things is the thing that is engaging our attention, and everything else should be lost sight of for the time being, until we accomplish the great purpose we have in view. Until that time, conservation and the discussion of all these economic theories are of no more consequence than the rattle of a pebble at the bottom of a pauper's grave.]

Now let me state what I understand the situation is. You have to read all the evidence that was given before the Commission in order to appreciate it. Summing it all up, the conclusion I have arrived at, according to the evidence, is this. Mr. Magrath does not write any opinion, but he did express an opinion when he was in Parliament. I think all his actions in connection with this matter show that he takes the position that the powers of the Commission are not such as would authorize them to place a dam permanently in the South Sault Channel. Mr. Mignault did give a written opinion, and from reading it I come to the conclusion that his opinion is the same as that of Mr. Magrath. With regard to Mr. Powell's opinion, which he gives, I suppose, as lawyer, and as he holds it. I conclude from the question he asked and the statements he made, as shown in the evidence, that in his opinion no other position could be taken than that the Dominion Parliament and the Dominion Government alienated to this Commission all their jurisdiction and powers in connection with the boundaries in the St. Lawrence River between Canada and the United States.

Hon. Mr. DANDURAND: Would the honourable gentleman allow me to put him a question?

Hon. Mr. REID: Certainly.

Hon. Mr. DANDURAND: That is the opinion of some members of the Commission. Did they affirm at the same time that the Government of the United States had transferred all their similar rights to that Commission? What was the argument of the representatives of the American Government on that point? What was the answer of the American Commissioners?

Hon. Mr. REID: The answer was given by the American representative, Mr. Koonce, I think. I have the argument and can give you the points in connection with it. This is his argument—

Hon. Mr. DANDURAND: I do not ask for the argument. My honourable friend has cited only the Canadian Commissioners, but surely the American Commissioners expressed an opinion, and the point must have been discussed by the representatives of the American Government.

Hon. Mr. REID: This short note may explain it. Mr. Koonce in his argument—

Hon. Mr. BELCOURT: No, but what do the Commissioners say?

Hon. Mr. REID: I want to give you first the argument for the United States.

Hon. Mr. BELCOURT: Of course, he was bound to argue that; he could not argue anything else.

Hon. Mr. REID: He argued, of course, that the Commission had entire jurisdiction.

Hon. Mr. BELCOURT: Yes; no doubt.

Hon. Mr. REID: You see, it takes a long time to refer to it now. I have given you the written opinion of Mr. Mignault. Mr. Magrath has not made any statement. The position that Mr. Powell takes with regard to the attitude of Mr. Guthrie and to all the evidence that was given, is this, as I interpret it. The Dominion Parliament and the Dominion Government have alienated all their rights and powers to the Commission. The Commission alone, and not the Government or Parliament of Canada, have the power to decide whether or not the United States Government, or through them some other authority, shall be given the right to dam the St. Lawrence river at that point. The Commission alone have power to decide that question.

Hon. Mr. DANDURAND: By a majority vote.

Hon. Mr. REID: That is, by a majority vote, certainly. Therefore, so far as any decision of that Commission is concerned, a majority of one, on either side, binds both Governments. That is, as plainly as I can put it, the position that he takes.

Now, what I fear, and what I ask the Government to take action upon, is this. When this Treaty was passed through Parliament in 1909, Sir Wilfrid Laurier answered Hon. Mr. Haggart that this International Commission had no power east of Cornwall. They would have no right to decide whether the Beauharnois Power Company or anybody else would have the right to develop power. They have no say whatever in such matters; but there is no doubt in my mind that the Commission would give that Beauharnois Company all the power that they had to proceed with that work and carry it on, just as the Quebec Government did. Therefore I think that the Government of this Dominion and of the provinces of Quebec and Ontario should join and take issue with that Commission as to their having any right to deal with that question.

Hon. Mr BELCOURT: And the Commission has none at all.

Hon. Mr. REID: Well, if you would read the evidence that was taken—

Hon. Mr. BELCOURT: It has no power at all of that kind; it has only power to investigate.

It has no power to make a bargain.

Hon. Mr. REID: You and I agree, but that is not the position taken by one of the Commissioners. If they are asked to take this matter up they must meet, and if one of the Commission agrees with the view that they have the right, they will do it.

Hon. Mr. BELCOURT: But they have not the right.

Hon. Mr. REID: That is the point I am taking; I say they have not, but as I read these arguments, they say they have such right, and that they could dam other parts of the river entirely across. I ask the Government to watch closely that the Commission should notify the Governement at once if ever a suggestion or proposition is made to them. This is a matter that affects not only the province of Québec, but, also Ontario, and if it is admitted that the Beauharnois Power Company comes under the juridiction of this Commission, then the Commission would have to be consulted if a dam was placed across the river below Montreal to raise the water harbour. If we ever admit that they have a right to go into Cornwall I claim that we are in trouble, so far as the rest of the St. Lawrence is concerned, between Cornwall and the Atlantic. The argument they put up in support of that position is that Canada has agreed that they shall have the right to deal with navigation through to the Atlantic. If they have that right, of course they must be consulted on any interference with navigation.

I am making these remarks because I consider that now is the time for the Government to take this matter up and settle it with the Commission once and for all. If the

Commission, or any member of it, takes the position that this is within their jurisdiction, I say that some action should be taken; or if the United States take the same position, and admit such right, then I say it is up to the Government to withdraw the power of that Commission, or remove them, and not appoint any others until they get that matter settled definitely and beyond doubt with the United States Government.

According to the news item I read at the outset of my remarks, the Commission meets on June 15th, and time passes very quickly. I feel that this matter is of great importance, not only so far as the Beauharnois Power Company application is concerned, but for all future time in reference to the damming of the St. Lawrence river.

It may be said that the Commission do not intend to deal with this matter even if the application has been made but I will try to explain the position as I understand it, and I feel that immediate action should be taken not only to find out just where we stand with relation to the Commission, but also what position is taken by the United States. I have raised the question so that there can be no possible doubt as to what authority this Commission or any that may succeed it, will have in any matter that comes before them. I think my position is a fair and reasonable one. The Government of Canada, because they believed it was right and in accordance with the discussion they had in the United States, promised the people of Canada that the Commission had no power to go east of Cornwall, or to authorize the damming of the St. Lawrence. With that decision the Commission, or at least one member of it, takes issue. As I read in the evidence to-night, the position Mr. Powell takes is that this is a Commission between England and the United States, and that Canada has nothing to do with the carrying of it out, because they have abdicated their powers to this Commission. Well, of course, if we have nothing to do with it we should never have passed the Treaty through this Parliament.

Hon. Mr. BELCOURT: Will my honourable friend allow me to put another question to him? Has he seen anywhere that the Government of the United States has claimed that they could go to the International Commission and make with it a bargain as to work which is contemplated?

Hon. Mr. REID: I think I can show the evidence where Mr. Koonce was making that argument. He said—

Hon. Mr. BELCOURT: But that was in regard to another matter altogether. Has the United States made a pretence anywhere at any time that they could go to the International Commission and make a bargain with them in regard to the proposed deepening of the St. Lawrence, rather than make it with the Government of Canada?

Hon. Mr. REID: As I read the evidence here I came to the conclusion that the United States Government through its solicitor, Mr. Koonce, takes the position that the international Joint Commission has the right to decide any question, even the damming of the St. Lawrence; that all our powers have been handed over to this Commission.

Hon. Mr. BELCOURT: That cannot apply to the present proposition.

Hon. Mr. REID: At all events, I draw the conclusion from Mr. Powell's argument that that is really how he interprets their powers. A majority of one can decide these matters, and I think this question is of such importance in many other ways that I cannot go into to-night, that I ask the leader of this Government to take up with his colleagues and also the Quebec and Ontario Governments, the matter of keeping tab on what is going on, and if there is any action, or any meeting, or any suggestion by the United States Government, we should take some action to find out what the members of the Commission are going to decide, and they should be removed or changed if they place any other interpretation than what Sir Wilfrid Laurier and his Government gave when this Treaty was being put through. I hope the Premier of the Province of Quebec will also take action, on account of the rumours, and the newspaper item which I read.

I thank you, honourable gentlemen, and apologize for occupying so much time.

Hon. Mr. McCORMICK: Honourable gentlemen, for the enlightenment of some members of the House who are not lawyers I should like to ask some questions. With regard to the authority that Parliament conferred on its nominees, I would like to know if it could confer such power in regard to the regulation of traffic in International waters as would enable those men to contravene the provisions of the Treaty of 1842—the Ashburton Treaty—as well as the Treaty of Washington of 1871, allowing free navigation of those waters for all time. I would like to know if any provision was made which enabled this Commission to deal with those matters, and whether Parliament has authority to give them the power of decision to obstruct naviga-

tion without the interference of the Imperial Parliament or to modify those two Treaties in agreement with the United States.

From the discussion this evening it would seem strange to me if powers could be conferred on any commission appointed by this Parliament to deal with a similar Commission appointed by the United States, and how powers could be given to those men in the way of obstructing navigation, contrary to the provisions of those two Treaties.

Right Hon Mr. GRAHAM: But these Commissioners are appointed by the British Government, not by the Canadian Government.

Hon. Mr. REID: On the recommendation of the Canadian Government.

Hon. Mr. McCORMICK: The Treaty of 1871 included members representing the United States, but in case of an Imperial Treaty dealing with such matters, would not any modifications to be made, or relaxation of the authority and power of this country held under such Treaty with the United States, require the consent of the Imperial Government? That is what I want to know.

Hon. Mr. BELCOURT: Honourable gentlemen, I do not want more than two minutes in order to make this thing plain. If one will only remember that this International Waterways Commission was created and set in motion merely for the purpose of settling disputes which may arise between Canada and the United States in regard to their contiguous or boundary waters, then one need not bother so much with all the questions to which my honourable friend has referred.

The Commission has no jurisdiction to initiate any scheme or any new works, or to prevent any new works, or that kind of thing. Their jurisdiction is merely as international arbitrators, to settle disputes which are brought to it by one party or the other, that is, by the United States or Canada. They have to interpret the statutes, the Ashburton Treaty and the Treaty of 1909, and they have no right under the Treaty to determine any charge or any complaint that rights under those Treaties have been invaded or infringed by either one or the other. That is all they can do. That is all they are there for. They have no power or jurisdiction of any kind to initiate any bargain, or provide for any new work to be erected. They can only pronounce on works that have been erected, and say whether they are in conflict with either one of those two sets of authorities. That is the limit of their jurisdiction.

Hon. Mr. McCORMICK.

Hon. Mr. REID: But suppose the Aluminum Company made application to dam the St. Lawrence out as far as the boundary line, the Commission could grant a right to the International line. Supposing the Aluminum Company were to build a dam on the Canadian side—they own all the property for a mile or two on each side of where this dam would go—and suppose they were to build right to the water's edge, which would probably be a hundred feet or so from there to the International line; and supposing they got the right of the Commission to build not only to the International waterway but also across to Canada?

Hon. Mr. McCORMICK: If the Commission had not authority to give it they could not get it.

Hon. Mr. REID: As I understand, the Dominion Government has the decision of one member of the Commission, who is an able lawyer, that all their powers have been handed over to this Commission.

Hon. Mr. BELCOURT: But that is nonsense.

Hon. Mr. REID: It is not nonsense, for they have already acted on that.

Hon. Mr. GRAHAM: Would not the plans have to be handed over to the Dominion Government before the Commission could interfere with navigation?

Hon. Mr. REID: Yes, but the Company are not interfering with navigation if they build their own dam near to the water's edge on the Canadian side.

Hon. Mr. BELCOURT: The words constituting the Commission, their rights and their powers, are in these few lines:

To prevent disputes regarding the use of boundary waters, and to settle all questions which are now pending between the United States and the Dominion of Canada involving the right application or interest of either in relation to the other, or to the inhabitants of the other, along their own frontier, and to make provisions for the adjustment and settlement of all such questions as may hereafter arise.

That is not giving jurisdiction to make a contract or bargain of any kind for future works. That has nothing to do with it.

Hon. Mr. REID: Of course, that is the position the honourable gentleman takes.

Hon. Mr. BELCOURT: But I am surprised that any one does not see it.

Hon. Mr. REID: But they have already taken action in opposition to what the Govern-

ment said they could do. They have agreed to an obstruction in the South Sault Rapids, and nearly destroyed that channel. The obstruction has not been removed, and they will not remove it.

Hon. Mr. BELCOURT: But that was done with the consent of the Government.

Hon. Mr. REID: No, the Government opposed it.

Hon. Mr. BELCOURT: It fully complied with the Order in Council.

Hon. Mr. REID: No, the Government sent Mr. Guthrie and Mr. Sifton to argue against it.

Hon. Mr. BELCOURT: It was temporary work, only to last for a certain time.

Hon. Mr. REID: That does not make any difference; they opposed that, because if that channel was to be interfered with it would involve a question between the two contracting parties. That is the position the Government takes.

Hon. Mr. BELCOURT: But they gave permission under certain terms.

Hon. Mr. REID: They gave no permission at all.

Hon. Mr. CALDER: As I understand the Government never agreed to it, but the majority of the Commission agreed to it.

Hon. Mr. BELCOURT: The Order in Council was passed on the 2nd of September.

Hon. Mr. REID: Protesting against it.

Hon. Mr. BELCOURT: Not protesting, but allowing it to be done under certain conditions.

Hon. Mr. REID: No, it is not.

Hon. Mr. BELCOURT: I read it before; then on the 14th of the same month the Commission decided, under the provisions and stipulations of the Order in Council, to grant permission in accordance therewith.

Hon. Mr. CALDER: My honourable friend says the Commission was appointed to settled disputes. Once a dispute arises with reference to the use of water, or an obstruction of the waters, or the navigation of the water, then the Commission has power.

Hon. Mr. BELCOURT: Yes.

Hon. Mr. CALDER: Well, it is very easy to arrange for a dispute. All that has to be done is to have an application from one party for a certain thing to be done, and immediately there is a dispute.

Hon. Mr. BELCOURT: My honourable friend will understand that a dispute will not arise until some overt action is taken contrary to the Treaty. It is not so easy to arrange for a dispute as my honourable friend pretends. It is for something done, not something to be done.

Hon. Mr. CALDER: That is exactly where the Commission has stepped in and acted before. Take the cases cited by the honourable gentleman from Grenville (Hon. Mr. Reid). It is because they wanted something to be done, in which the Commission acted, that there was a dispute; and there is no reason why the Commission should not act in the same way in the future.

Hon. Mr. DANDURAND: I would draw the attention of my honourable friend to the narrow limits of his inquiry. His speech this evening seems to go much beyond the two questions put. I am afraid that his inquiry will not elicit such an answer as will cover the ground that he has covered this evening.

Hon. Mr. REID: I quite understand that I have gone further than the questions asked, and I take it for granted that the Department will answer only the inquiry on the Order Paper. I do not want them to take up the whole question; that would not be fair; if they answer the inquiry I must be satisfied.

THE LATE HON. SENATOR KING

TRIBUTE TO HIS MEMORY

Hon. Mr. DANDURAND: Honourable gentlemen, by the passing of the Hon. Mr. King, of New Brunswick, the Senate has lost one of its oldest members. He stood second in order of appointment, and I think in age, of the present members of the Senate. He was born in 1836, and later engaged in the lumbering business, and developed it to a considerable degree. He was one of the lumber princes of his Province. More than half a century ago he founded the King Lumber Company at Chipman, New Brunswick, where it is still being carried on by the grandsons of the deceased.

The late Senator King was a public spirited man and soon became the representative of the people in his own county. As far back as 1877 he was warden of Queens County, and he sat in the House of Commons from 1878 to 1896, with the exception of one year when he was refused a seat by the action of the returning officer although he had received a majority of the votes of the electors. The late Mr. King was fifty years in Parliament, and during

his later years had the pleasure of seeing a son sitting in Parliament as a member of the present Government.

Mr. King brought to his duties in the other House, as he did in this Chamber, a long experience of business affairs. For many years he was an active member of the Committees of this House, but latterly his strength diminished, and during the past ten years his voice was rarely heard in this Chamber. I well remember the time when he would discuss all matters that were of interest to his Province or to Canada generally.

We have lost a valuable and esteemed member of this Chamber, and to his family we tender our warmest sympathy.

Hon. W. B. ROSS: Honourable gentlemen, on behalf of the members on this side of the House, as well as for myself, I wish to join with the honourable gentleman in extending our sympathy to the family of our late colleague, Mr. King. There is nothing I can add to what the honourable gentleman has already said. Mr. King was a long time in the public service, and was held in high esteem, not only in his own Province, but by everyone in this House.

PRIVATE BILLS

SECOND READINGS

Bill 49, an Act to incorporate the Canadian Credit Institute.—Hon. Mr. Little.

Bill K7, an Act respecting the Dominion Fire Insurance Company.—Hon. Mr. Spence.

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

THE SENATE

Wednesday, May 2, 1928.

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

Prayers and routine proceedings.

DIVORCE BILLS

FIRST READINGS

Hon. Mr. WILLOUGHBY, Chairman of the Committee on Divorce, presented the following Bills, which were severally read the first time:

Bill Z7, an Act for the relief of Arthur Joel Cox.

Bill A8, an Act for the relief of Mary Ellen Gussie Edwards.

Bill B8, an Act for the relief of William Henery Leonard Gale.

Bill C8, an Act for the relief of Harriet Louisa Gates.

Bill D8, an Act for the relief of Duke Mulloy Gordon.

Bill E8, an Act for the relief of Victor Edward McPherson.

Bill F8, an Act for the relief of Annie Schreiber.

Bill G8, an Act for the relief of James Retson Watt.

ST. LAWRENCE RIVER DEVELOPMENT

PRINTING OF PROCEEDINGS

Hon. Mr. TANNER presented the Second Report of the Committee in the matter of the development and improvement of the St. Lawrence river.

He said: Honourable gentlemen, I may explain that this Committee is asking leave of the House to have the proceedings from day to day printed and if there is no objection, I would like to move that the Report be concurred in to-day.

Hon. Mr. DANDURAND: The suggestion was made that a verbatim report of the proceedings would be such a voluminous document that it was not likely to be read, and I think it was the honourable gentleman from de Salaberry (Hon. Mr. Béique) who thought that something could be done to eliminate repetitions and useless explanations in order to compress the document within reasonable compass, thus adding to its interest.

Hon. Mr. TANNER: I may say to my honourable friend that communication will be had with Mr. McLachlan for the very purpose mentioned, asking him to revise his statement.

Hon. Mr. DANDURAND: That could be done with all from whom information is sought. They could with considerable advantage to themselves revise the manuscript.

Hon. Mr. REID: There may be some little questions taken up that they might not think of importance. At another Session the evidence taken before the Committee will be very valuable to all of the Senators as well as to the members of the House of Commons, and unless the evidence is too voluminous, I think it would be well to print it all.

Hon. Mr. DANDURAND: This probably could be discussed better in the Committee.

Hon. Mr. REID: That is right.

Hon. Mr. DANDURAND: A few days ago one of my colleagues made quite an exhaustive statement on a certain matter. I sent to him asking him to give me a concise statement of the remarks he had made, and he answered "It is all meat."

Hon. W. B. ROSS: I was going to suggest that the statement of Mr. McLachlan, which was really the opening statement, should be printed entire. The others might be cut down.

Hon. Mr. DANDURAND: Mr. McLachlan might like to revise his statement.

Hon. W. B. ROSS: He would revise it to correct it, but I think he would find it hard to compress it except by cutting out mere repetitions.

The motion of Hon. Mr. Tanner was agreed to, and the Report was concurred in.

ROYAL CANADIAN MOUNTED POLICE IN SASKATCHEWAN

INQUIRY

Hon. Mr. GILLIS inquired of the Government:

1. Have the Dominion Government entered into any arrangement or agreement with the Government of the Province of Saskatchewan in respect to duty or service for the Saskatchewan Government by the Royal Canadian Mounted Police, and if so, on what terms in respect to duty, service and payments is the arrangement or agreement made?
2. Are any members of the Provincial Police Force of Saskatchewan to be absorbed in the Royal Canadian Mounted Police, and if so, how many?
3. Who is or will be the officer in charge of the Force in the Province of Saskatchewan?

Hon. Mr. DANDURAND: I have an answer for the honourable gentleman. It is as follows:

1. Yes. The terms in respect to duty and service are that the Saskatchewan Provincial Police will be disbanded as at the first day of June, 1928, and the Royal Canadian Mounted Police will take over their work.

The R.C.M. Police are to remain a Dominion Force entirely under the control of the Dominion Government, except that in matters relating to the administration of justice within the Province, the R.C.M. Police will act in accordance with the wishes of the Attorney General of Saskatchewan.

The agreement is to continue in effect for a period of seven years from the 1st of June, 1928.

With regard to payments, the Government of Saskatchewan is to pay the Federal Government, annually, by semi-annual instalments at the end of every six months, the annual sum of $175,000, payable as aforesaid in semi-annual instalments.

2. Yes. Number not yet known.
3. Assistant Commissioner Worsley.

ADVANCES TO CANADIAN NATIONAL RAILWAYS

INQUIRY

Hon. Mr. TANNER inquired of the Government:

What are the respective amounts (a) advanced by the Government in cash to the Canadian National Railways, and (b) for which the securities of the Canadian National Railways have been guaranteed by the Government in each of the fiscal years including and since 1921-22?

Hon. Mr. DANDURAND: The answer is as follows:

Fiscal Year	Cash Advances	Bond Guarantees
1921-22	$ 97,950,645 36	$61,000,000 00
1922-23	77,863,938 23	. . . . .
1923-24	23,710,616 70	72,500,000 00
1924-25	9,934,452 64	81,000,000 00
1925-26	10,000,000 00	. . . . .
1926-27	10,000,000 00	34,879,252 86*
1927-28	. . . . .	65,000,000 00
	$229,459,652 93	$314,379,252 86**

*Note: The $34,879,252.86 covers statutory guarantee required by G. T. Pacific 4 per cent Debenture Settlement.

**Included in this total of $314,379,252.86 were refundings and retirements of debt amounting to $127,413,044.15.

CANADIAN NATIONAL RAILWAYS—BRANCH LINES

INQUIRY

On the Orders of the Day:

Hon. W. B. ROSS: Before the Orders of the Day are called, I would like to ask the Leader of the Government if he has any further answer to the request that I made with regard to the earnings of branch railroads in the Northwest. The honourable gentleman will remember that he read a letter from the President of the Government railways saying that he could not give us any information. I called attention to the fact that last year he did so, and I hope that we will get something this year.

Hon. Mr. DANDURAND: I am under the impression that I acted upon the suggestion of my honourable friend. I will inquire of the Department.

PREVIOUS METALS BILL

THIRD READING POSTPONED

On the Order:

Third Reading (Bill 21), intituled: "An Act to amend the Gold and Silver Marking Act," as amended.—(Honourable Mr. Dandurand).

Hon. Mr. DANDURAND: I am going to move that this Order be discharged and be placed on the Order Paper for to-morrow, but before doing so I may say that I was asked by the honourable gentleman from St. John (Hon. Mr. Daniel) to give an explanation of what is meant by white gold. This is the statement I have obtained:

Platinum is an important metal of a dim silvery appearance, very difficult to melt; now more valuable than either gold or silver. At

present it is worth about $60.00 an ounce, but it fluctuates and has been as high as $180.00 an ounce.

White gold of recent years has been used more extensively, and sometimes contains a percentage of platinum. It is impossible to tell white gold from platinum without being assayed, which of course is quite impossible for the ordinary purchaser when shown articles of this material. In course of time white gold will tarnish, whereas the platinum will not, but in new articles shown across the counter when the white gold is polished, in appearance it is identical with platinum.

For this reason the Act states that when an article is sold as platinum its metallic contents must be at least 95 per cent composed of platinum either alone or in conjunction with iridium.

White gold is composed of traces of silver and iron, some nickle and copper in about equal quantities, and zinc. It is sometimes erroneously referred to by the trade as white platinum. It is sold as is ordinary gold, by the karat. It is a little more valuable than the ordinary gold owing to the fact that it is harder to work up, but it is by no means as valuable as platinum, as it sells for approximately $20.00 an ounce.

Iridum is the most infusible and one of the heaviest of metals, found associated with the ore of platinum. It is so called from the iridescence of some of its solutions.

I move that this Order be discharged, because my honourable friend to my left (Hon. Mr. Belcourt) has asked me about an amendment I had suggested, that the Act should only come into force—

Hon. Mr. BELCOURT: On proclamation.

Hon. Mr. DANDURAND: I thought I had moved the amendment, but as my honourable friend does not see it, I will move that the third reading be postponed until to-morrow so that the amendment may be put in.

Hon. Mr. BELCOURT: I hope my honourable friend will not forget, because I shall not be here to-morrow at the hour when this Bill is called.

The motion was agreed to, and the Order was discharged.

DOMINION LANDS BILL

CONSIDERATION IN COMMITTEE POSTPONED

On the Order:

The House again in Committee of the Whole on Bill 199, entitled, an Act to amend the Dominion Lands Act.

Hon. Mr. DANDURAND: Honourable gentlemen will recall that on the second reading of the Bill, and when we were in Committee some days ago, the question was asked as to the consent of the various provinces to the present legislation. This inquiry arose from the fact that the natural resources of the provinces now held in trust, or held by the Dominion Government, may sooner or later be returned to the various provinces; so the question was a natural one.

I stated that the legislation had been submitted to the members of Parliament from Saskatchewan, or a large number of them, and that the result was the Bill before us. Now, I have asked the Department and the Minister for an answer to the inquiry which has come across the floor and I have this correspondence between the Prime Minister of Saskatchewan and the Minister of the Interior:

Ottawa, 17th February, 1928.

Honourable James G. Gardiner,
Premier, Regina, Saskatchewan.

There seems to be pretty general feeling among Western Members that provision should be made at this Session for granting of fresh homestead entries with the reservation that this privilege should not enable the conversion of pre-emption or purchased homestead entries into second fresh homestead entries. Understand you are not unfavourable to this. Please confirm.

Charles Stewart.

Hon. Mr. GRIESBACH: Is that a letter, or a telegram?

Hon. Mr. DANDURAND: That was a night letter, and an answer by mail came from the Prime Minister, dated Regina, February 18:

Your proposal in wire February Seventeenth that second homestead entries be allowed with the reservation that privilege should not enable the conversion of pre-emption for purchased homestead entries into second fresh homestead entries is satisfactory.

James G. Gardiner.

The same letter of inquiry was sent to Hon. Mr. Bracken, Premier of Manitoba, and his answer is dated December 22, 1927:

Dear Mr. Stewart:

Replying to your favour of the 16th instant, re second homesteads, I beg to advise that the Government of Manitoba will offer no objection to the amendment you propose to the Dominion Lands Act.

Yours very truly,

(Sgd) John Bracken.

As to the Prime Minister of Alberta, I have this letter from the Hon. Mr. Stewart; dated April 27:

The attached copies of my exchange of correspondence with the provincial premiers on the subject of proposed legislation enabling the granting of second free homestead entries, speak for themselves.

Premier Brownlee was here in January and I explained the proposed legislation to him in my office. He has raised no objection by letter, nor has he said anything further on the subject during more recent interviews here. I have

taken it for granted that he is quite satisfied. The bill was in the House of Commons during Premier Brownlee's recent visit, and I feel quite sure had he found anything in it to criticise he would not have failed to tell me.

Yours faithfully,

Chas. Stewart.

I had a call from Hon. Mr. Pattullo, and I drew his attention to the matter of the Lands Act, and to the discussion which took place in this Chamber, and I received from him the following telegram. He seems to be favourable to the legislation:

Montreal, Que., 5.40 P.M. April 30, 1928.

Senator Dandurand,
Ottawa, Ont.

Regarding Dominion Lands Bill British Columbia Lands Act already permits second homesteading to applicant who has received crown grant to first or who has had former application cancelled.

T. D. Pattullo.

So we have these statements, which fairly cover the inquiry made to me the last time we were in Committee on this Bill. I am sure, also, that the Minister of the Interior is the official representative of the province of Alberta here, and he has a fair knowledge of the sentiment of that province. The statement he makes, that the members from the House of Commons are generally satisfied, is established by the fact that the legislation passed unanimously. There was some criticism bearing on one clause which allowed some discretion to the Minister of the Interior, but that clause was eliminated; so that we have this Bill coming from the Commons, where quite a large representation from those western provinces sit, and it has their sanction. I doubt whether a Bill presents itself that is surrounded with greater safeguards than this Bill.

I asked on the second reading, or in Committee, for the opinion of the various Senators from the West. I have heard a few statements, but I belive the case is sufficiently made for me to move this Bill into committee.

Hon. Mr. WILLOUGHBY: Honourable gentlemen, I would like to speak on this Bill before that motion is put. I think a select committee of this House would be the proper one to deal with this matter, a committee not composed exclusively of Senators coming from the western provinces, but the majority being so irrespective, of course, as to which side of the House they are on.

It may be very properly said that the three premiers having been communicated with, as had been suggested, they had certainly a right to some extent to reflect the opinion from those provinces. I cannot gainsay that; I have a right to admit that, but I do not know whether the matter had been very much considered by them. At least in one province, the middle province, from which I come, I think that any suggestion emanating from the Dominion Government at the present time would receive hearty endorsement; I do not expect to get criticism from that province.

Individually, I think that the right to the second homestead is too wide. I am not antagonizing the idea of the second homestead; I quite support it, because I think there are many cases in which it will bring another chance in life to a man who has been unfortunate, perhaps sometimes due to his own fault, sometimes due to climatic or other conditions. But I think that in all justice a second homestead should be limited in its scope to the province in which the man had obtained his first homestead. The lack of such a proviso is the only objection I have to the Bill, and I would like to see that phase sent to a Special Committee that would inquire especially into that point, and decide whether that suggestion would be a proper one.

I do not want to move in the first instance; I think any one who has my opinion might move that the Bill be referred to a select committee in preference to sending it to the Committee of the Whole House.

It is only fair that every one of those provinces, which have been looking after those who have been financially unfortunate, be the reason what it may, should have an opportunity again of taking charge of the financial derelict, shall I say, and giving him the opportunity to re-establish himself in the province which has been helping to carry him on. Very frequently the settler's taxes have become derelict, and his property is not only lost to him, but frequently lost to the province. I think in the old provinces of Saskatchewan, Manitoba and certainly in Alberta, there will be found lands fit for settlement and new homesteads adequate to take care of those who desire to avail themselves of this Act. If that be not so, then our campaign of immigration in both Manitoba and Saskatchewan is idle and absurd. We know that in the northern end of Saskatchewan we have a very large area of land still open and fit for settlement; and what is true of Saskatchewan is perhaps true to a more limited extent of Manitoba.

Without reflecting at all on Alberta, of which I have no intention, I think it only fair

that in those provinces which have carried the burden of the day the Act should be restricted in such a way that the homesteader must make his selection in the province in which he had his first homestead, or preemption, as the case may be.

Hon. Mr. GRIESBACH: Honourable gentlemen, in what I have said on this Bill I have refrained from discussing the merits of the particular question referred to. I have merely taken the ground that in view of the fact, as we are informed, that those lands are about to be returned to those western provinces in the very near future, or within the coming year, we ought not to legislate on the subject at all, or if we do so, we should not legislate in this sense, unless we are satisfied that the Governments of those provinces approve.

Now the leader of the Government has put before us certain statements which are not wholly convincing, and I think they are scarcely sufficient for us.

True, the Prime Minister of Saskatchewan has at some length stated his approval; the Prime Minister of Manitoba has said that he has no objection; but there is nothing definite from the Prime Minister of Alberta. With reference to the government of British Columbia, there is an allusion to the British Columbia Land Act, under which a system of homestead prevails that differs from ours, where a man may take a homestead on payment of a dollar an acre for the land; and I am further informed that actual homestead land for agricultural purposes is scarcely to be found.

But there looms up in connection with this discussion the report of Mr. Justice Martin, who during the past year sat as a Board of Arbitration on the question of the return of the so-called railway lands to the Province of British Columbia. The Commissioner found in favour of the return of those lands, and my information is that the Prime Minister has said that immediately, or some time in the near future, those lands will be returned. Now, those are homestead lands to a large extent, including as they do, the Peace River block.

I say I am not discussing the policy of giving a second homestead, but one may discuss, in passing, the policy of provincial governments in the matter of the dsiposal of those lands. Heretofore they have been held for the purpose of stimulating immigration by giving a free grant of land, but it is quite on the cards that in the future provincial governments may decide to dispose otherwise of those lands for the purpose of securing a revenue. I am not prepared to say how they may tie it up in connection with the immigration policy, but in respect to the provinces of Alberta and Saskatchewan, I submit that the statements before us are by no means conclusive as to the whole argument of support by those provinces of this measure.

Apart from all that is the desire to study this Bill with greater care, and to hear the evidence of officials of the Department. Therefore I move, in amendment to the motion, that this Bill be referred to a Select Committee of this House.

Hon. Mr. DANDURAND: But the honourable gentleman should himself name the Committee.

Hon. Mr. GRIESBACH: I do not care to name the members of the Committee from the other side, but I will name them from this side.

Hon. Mr. DANDURAND: Oh, no.

Hon. Mr. GRIESBACH: Then I will confer with yourself as to the names.

Hon. Mr. DANDURAND: It is not a standing committee?

Hon. Mr. GRIESBACH: A Special Committee. I am willing to accept suggestions from the other side for the names. From this side the names I would suggest are—Messieurs Sharpe, Green, Planta, McMeans, Ross (Middleton), Donnelly, and myself—seven.

Hon. Mr. LAIRD: Is there no one from Saskatchewan on your Committee?

Hon. Mr. GRIESBACH: I would suggest Willoughby instead of Ross (Middleton), or we can pass this Order of business and come back to it later, when I can secure a list of names from the other side.

Hon. Mr. DANDURAND: My honourable friend could just move that Committee, or he may add a few names; it is his suggestion. Personally I do not feel the necessity for the Committee, because I believe it is simply a question of policy which does not need any special investigation as to facts. Because of that conviction I thought that it was a matter on which our friends from the west should give us freely their opinion and their advice, which I welcomed. The heads of the provincial governments seem to be content, and they have spoken, and I doubt very much the need for an enquiry as to facts. If my honourable friend had expressed any

opinion as to the necessity for information on some branch of the matter, as coming from the Department, which would enlighten him, I would gladly join him, but I cannot see what will be gained by any investigation the Committee may make.

Hon. Mr. GRIESBACH: The point I raised a few days ago was that we should have very definite statements from the Prime Ministers of those four provinces that they agreed to the legislation in this Bill, for the reason that it is practically a provincial matter. We are morally trustees, and the trusteeship is about to end, and I question the wisdom of bringing in this legislation at all at this time.

Hon. Mr. DANDURAND: But my honourable friend knows that since he has been in Parliament, in the Commons as well as here, the transfer of those natural resources has been on the tapis. Will we have a solution in one province within twenty-four months, or twelve months? And as to the others, will we have any solution within twelve years? So I can see that Saskatchewan is not very much interested in abandoning the cash income it has for the natural resources that remain. But, all the same, we must continue to administer these lands, and my honourable friend is facing a whole delegation from Alberta which sits in the other House. The silence of the Prime Minister, who is told of the legislation, offers no objection. Must we wait and press the Hon. Mr. Brownlee for an opinion which he may not be ready to give? He may not like to take the responsibility. Perhaps his silence marks prudence, but a Government which has the responsibility must act, and here the honourable gentleman has an entire delegation from his own province in the other Chamber. That is why I cannot exactly see where an investigation will lead us.

Hon. Mr. GRIESBACH: An investigation into the Bill itself is what is in the minds of various members of the Senate and of other persons who have discussed the matter with me. They desire to discuss the Bill further. Personally, I have pinned my objection to the Bill upon the fact that there are not before this House definite statements from these Premiers to the effect that they want this passed. It is such definite statements that I want, and they are all I want. The honourable leader of the Government has brought down two or three replies of a sort. Those from Manitoba and Saskatchewan seem to be fairly definite. There is nothing in writing from the Prime Minister of Alberta; and the situation that has developed within the past few weeks with respect to lands in British Columbia, it seems to me, qualifies the reply from that province to such an extent as to make it of no value at all. There is my point. The Committee would merely, so far as I am concerned, take steps to get definite replies.

The honourable leader of the Government has said that it is the duty of the Government to act. Well, it is the duty of the Provincial Governments also to act. I can quite believe —and I mentioned it the other day—that this legislation will be extremely popular. I can quite believe that the constituency representatives in the other House would scarcely dare oppose it. But our position is different: we are the historic guardians of the interests of the provinces. We are their historic wall of protection. It is our business to know definitely that these provinces approve of this legislation. If they do, as the land is about to be transferred to their hands, I should think that we would have nothing more to say; but if there is reason to believe that they do not approve of the legislation or that it is likely to interfere with the policies which they themselves propose with respect to these lands, then this House ought to know about it. We should know what we are about.

Hon. R. F. GREEN: Honourable gentlemen, I am not quite sure that I understood just what the honourable leader in this House had to say as to British Columbia. As I understood it, he said that Hon. Mr. Pattullo had been consulted and that he had a wire from Mr. Pattullo saying that the land laws of British Columbia provided for a second homestead entry.

Hon. Mr. DANDURAND: Yes.

Hon. Mr. GREEN: If that is the only answer that we have at present from British Columbia, it means nothing. The homestead Act of British Columbia is entirely different from the homestead Act of the Dominion. Under the British Columbia Act a man, of course, must perform certain duties, and then he has also to pay $1 an acre for his land.

The honourable leader on the other side stated that this question of the return of the lands had been before the country for a long time and that we should not look for an early settlement of it. There has been no dispute lately, as far as British Columbia is concerned. The Commissioner has recommended the return of these lands unconditionally, and the honourable leader of the Government in another place, in answer to a direct question, said: "We are going to act upon the recommendation of this Commissioner, and we are going to return the land." The only quali-

fication he made was the statement, "We have not decided yet as to the time."

Now, surely, unless you are going to exclude British Columbia from this particular Act, we should have something more definite from the Government of British Columbia as to what they think of this proposed amendment, because it applies to lands which are not at present under their control, but which they expect will be as soon as there is an opportunity to bring in the necessary legislation to put the lands, where they should have been, under the control of the Province.

Hon. W. B. ROSS: Honourable gentlemen, I have scarcely anything to say upon this Bill. There seems to be a good deal in the suggestion of the honourable member from Moose Jaw (Hon. Mr. Willoughby). There is no doubt at all, I think, that if we pass this Bill as it is, it will have a somewhat disturbing effect upon the population in the Northwest. It is quite possible, at all events, that it may have; that people in Manitoba and Saskatchewan who have a right to a second entry may leave those provinces and go away to the Peace River. Whether that is a wise thing or not is a question on which the people in the Northwest are better able to give an opinion that I am, but I think it would be well to get some information in that respect.

Then there is the other point, about the consent of the Premiers. I am satisfied as to all except Premier Brownlee. We should be in a rather awkward position if on the transfer of these lands to the provinces in the Northwest we should be billed at $10 an acre for all the land that will be taken up in second entries. I think we ought to know definitely that the provinces are at one with the Dominion in allowing this thing, so that there may be no future claim made against the Dominion Government on account of those lands. You do read in the newspapers of possible claims made by some of the western provinces for the value of lands transferred in the past, with compound interest added to it. It would be well for us to look a little ahead and try to avoid any claim or misunderstanding on that point.

If the Bill goes before a special committee we can ask for a definite answer from Alberta. We can further ask for information in regard to the other point, as to whether or not this right of second entry should be limited to the province in which the man lives who makes the entry.

Hon. H. W. LAIRD: Honourable gentlemen, regarding the merits of this proposed legislation I do not think there is any conflict of opinion. I think that as far as Western Canada generally is concerned, this would be a popular move, and the best evidence of that is the fact that the Government of the day is in favour of it and has introduced the proposal, and it has received the approval of the Western members in the House of Commons. So I think we may take it that as to the merits of the legislation there are probably not two opinions. The only objection that I can see to it would be that from some province—Manitoba, for instance—where there is not much available homestead land left, there might be a general exodus to other provinces, and this might leave some unpleasant results following in its wake.

But the question that arises in my mind is whether it is advisable for us to pass this legislation at this particular time. What more evidence have we to-day than we had the other day when this question was before the House? I think we may take it for granted that the statement of the Province of Manitoba reflects public opinion in that province and that no objection would be raised by Manitoba to this legislation. The same, I think, applies to the Province of Saskatchewan, and, if you will read between the lines of the message received from Premier Gardiner of Saskatchewan you will see the reason why, so far as that province is concerned, he has no objections to raise. The reason is that inasmuch as Saskatchewan, like Manitoba, has few public resources, except land, it is the intention and probably the policy of the Saskatchewan Government to claim, in lieu of resources, the cash grants which they are at the present time receiving. But the situation is different in British Columbia and Alberta. The telegram read from Mr. Pattullo, who is the Minister of Lands of the Province of British Columbia, so far as I was able to follow it, meant nothing. In the first place Mr. Pattullo is not the Prime Minister of British Columbia; and, in the second place, he is at present in the province of Ontario and therefore would not naturally be in a position to consult with the Government which he represents. But if you consider what he actually states in the telegram you find that he gives no opinion at all on the question: he simply says that the policy of the British Columbia Government to-day is that second homesteads are now being given under certain conditions, which are different from those of the Dominion homestead Act. He does not say whether or not the British Columbia Government would be favourable to the Federal Government giving second homesteads. That is the point at issue in this

legislation. Then we come to the province of Alberta. I think it is most essential that we should have an official expression of opinion from the Government of that province. They probably have more to gain, or more to lose, than any other of the four Western provinces.

Therefore, while in my opinion it may not be necessary to refer this matter to a select committee just to satisfy ourselves as to the opinions of the Western provinces on this question, I think it would be within the realm of propriety for the Senate to proceed no further with this Bill for, say, a week, until the Government could get an official opinion from the province of Alberta, and probably an official opinion from the province of British Columbia, with regard to this Bill. Then, so far as I am concerned as a Western man, if they have no objection to it, the Bill should be accepted. I think it would be the part of wisdom to give these two provinces the opportunity to say whether or not they have any objections to this particular Bill. The giving of second homesteads by the provincial authorities is another question entirely.

Hon. F. L. SCHAFFNER: Honourable gentlemen, I wish to make just a few remarks on this matter. I made some the other day. I am very much in favour of the Bill, provided there are sufficient restrictions, which I consider extremely important. I do not know much about British Columbia or the homestead regulations of that province, but I do know something about the Prairie provinces. I see a great deal in the suggestion made by the honourable senator from Moose Jaw (Hon. Mr. Willoughby), that it might be well to restrict the homesteading privileges to each province, Manitoba, Saskatchewan, or Alberta. This Bill was considered in another place and, as I understand, the members from the three Prairie provinces were unanimously in favour of it. There are in Western Canada many cases in which settlers were confronted with very difficult problems, and I assume that that condition had something to do with the initiation of this Bill. Some of those cases have already been mentioned. In other instances land was homesteaded that was absolutely useless. I know of some instances of that kind in Alberta. It may be said that people should not have taken up such land, but in a great many districts in those three Prairie provinces it is somewhat difficult for a man to tell just what kind of land he is taking up. So I am in favour of this Bill. I concur in the remarks made by the honourable member from Moose Jaw, and I see not the slightest occasion for referring the Bill to a special committee. I entirely agree with the honourable leader of the Government. He might, as the honourable senator from Regina (Hon. Mr. Laird) suggests postpone this matter for a week or so, but so far as a special committee is concerned, I see nothing that it could do further than we have now done. I am in favour of the House going into Committee on this Bill at once, and I hope that the Bill will be passed by the Senate some time during this Session.

Hon. Mr. DANDURAND: Honourable gentlemen, I need not state that I have always taken the position that this Chamber is entitled to all possible information. I was going to say that I would object most strenuously to the Bill being referred to a committee which believed that it had authority to make amendments and bring back an amended measure. We have sometimes sent a public Bill to a committee simply for the purpose of getting direct information from the heads of Departments. In this instance I cannot see that we could get more information from the departmental heads than I myself secured from gentlemen who had reflected upon this Bill and given me a full statement of their views, which I placed on Hansard last week.

I am willing to have this Bill postponed until the middle of next week for any further information that can be obtained. In the meantime, if any constructive suggestion can be made, I will gladly submit it to the Minister of the Interior, who will refer it to his chiefs of branches. My honourable friend from Moose Jaw (Hon. Mr. Willoughby) suggested one amendment, in which my honourable friend from Boissevain (Hon. Mr. Schaffner) has concurred, that the homesteader should not be entitled to a homestead in another province. I do not know the particular reason for such a limitation, but I am ready to submit that to the Minister of the Interior, and it may appeal to his judgment. If within the next week any other suggestions can be made for improving this Bill, I shall be glad to receive them either from honourable members in this Chamber or privately, and in a week's time I shall bring the Bill back for further consideration in Committee.

Hon. Mr. GRIESBACH: That is all very well. I may not agree with the honourable gentleman from Moose Jaw (Hon. Mr.

Willoughby). I may be instructed by my province to take a quite different view as to restrictions. That is a matter to be discussed. But what I want to know is, what steps—

Hon. Mr. DANDURAND: The honourable gentleman would have no objection to a Manitoban going into the Peace River District?

Hon. Mr. GRIESBACH: Just at the moment I am not saying what I think; I am abstaining from discussing the merits of the Bill. But the honourable gentleman from Regina (Hon. Mr. Laird) has made the suggestion that the honourable leader of the Government in this House might procure for us the information for which I am particularly asking. I asked the honourable leader for it last week, and for one reason or another the information which he has procured and placed before us is not satisfactory. Again I ask, if this Bill is adjourned for a week, will he in the meantime submit it to these Premiers? I refer not to the Bill which was brought down in February last, and which they discussed, but to the Bill that is now before us. Will the honourable gentleman obtain their telegraphic replies before the Bill comes before us again? If the Leader of the Government will do that, my objection is met; but I want to have the Prime Ministers of those Provinces in writing on this question, because it means a good deal to the Province that I represent here. I want the Prime Minister of my Province to know exactly what this Bill contains, and to accept it or refuse it. His instructions to me are what I will follow here.

Hon. Mr. GILLIS: We might call before a Committee officials of the Department who could give us information that would be a guide to us, and we could probably discover what lands are available in the Provinces.

The proposed amendment of Hon. Mr. Griesbach was negatived.

Hon. Mr. DANDURAND: I now move that the Order be discharged, and be placed on the Orders of the Day for Wednesday of next week.

Hon. Mr. LAIRD: Will the honourable Leader say that in the meantime he will endeavour to get authoritative opinions from the Prime Ministers?

Hon. Mr. DANDURAND: I will bring the statements that have been made during this debate to the attention of the Minister of the Interior, and will ask him to procure the information requested. Of course, I do not know where we will stand if we receive no reply from one of the Prime Ministers. We will have to assume our own responsibility.

Hon. Mr. GRIESBACH: If the Prime Minister in question has had submitted to him the contents of this Bill, and does not see fit to reply, I should say he is for it.

The motion was agreed to, and the Order was discharged.

MILITIA PENSION BILL

CONSIDERED IN COMMITTEE AND REPORTED

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 197, an Act to amend the Militia Pension Act.

Hon. Mr. Copp in the Chair.

Hon. Mr. DANDURAND: I will ask Col. Orde, Judge Advocate General of the Department, to come to the floor.

Sections 1 to 6, inclusive, were agreed to.

On section 7—pension to officer or militia man of His Majesty's Army Reserve, etc.:

Hon. Mr. GRIESBACH: I would like to offer the observation with respect to this clause that it could be a good deal better than it is, but that inasmuch as any amendment that I would offer would be in the nature of an increased charge, and therefore out of order, I can do no more than comment.

This section deals with the treatment that this country metes out to reservists of the British army who were serving in our Permanent Force at the outbreak of the war, and who, by reason of the fact that they were on the Army Reserve, and because of arrangements existing between the Government of Canada and the British Government, were entitled to be released from the Canadian service and to be sent back to join their Imperial army units. Inasmuch as they were all highly trained men, and for the most part specialists, the Government of Canada at the outbreak of the war asked that they be retained in Canada. They were so retained, for the most part against their will, and served in Canada for the duration of the war, and as a result lost opportunities of advancement and promotion that they otherwise would have had. In addition, the Government of Great Britain, I am informed, towards the conclusion of the war made a special offer to all reservists who at that time would have had about 17 years of service to their credit, stating that if they would continue to serve for four years more, which would give them 21 years of service, they would

be entitled to their pensions as British soldiers. We in Canada made no such offer. What we did was to keep them in our service and demobilize them, and the day of their demobilization is determined in this Bill. When the Expeditionary Force was demobilized their demobilization was complete.

A reservist is a British soldier who serves five years with the colours and seven years on the Reserve, or seven years with the colours and five years on the Reserve; so at the outbreak of the war the man with the most favourable case would be one who had less than twelve years service. That is to say, if he had twelve years service his time would have expired. The man with the most favourable case is one who had eleven years and eleven months service on August 4th. If his demobilization took place in 1920 he would have had six years service so that his combined Canadian service and British service would come to less than eighteen years. We cut him off at that, and therein lies his grievance, because had he gone back to England he would have had the opportunity of another four years service, and would have been given a 21 year pension at the end of that time. There are not many of these men: there were 149 to start with, and they are down to fifty something now.

This clause is designed to meet their complaint. Under it a reservist will be able to count his Imperial service and Canadian service, which in no case will amount to more than eighteen years—indeed, in all cases to less. The Government will then seek to ascertain what pension he would have been entitled to receive if his service had been wholly Imperial, and undertakes to give him an equal pension. But my information is that there is no pension for less than eighteen years in the British Service; consequently this particular reservist will get no pension at all from the Canadian Government. It has been contended in another place that the purpose of this legislation is to put these reservists on the same footing as our own soldiers. But this is uncalled for, because, as far as I am aware, the only way to bring about any sort of equality is to count the Imperial service on and towards a Canadian pension. If that had been provided for in the Bill, I think—indeed, I am sure—the reservists would have been satisfied. You are aware of the fact that shortly after the war we brought down an amendment to the pension legislation affecting not only military but also civil pensions, in order to enable the Government to clear the deck, so to speak, of its surplus officers and officials by a system of pensioning after ten years service. Under the ten years service amendment a number of these men were disposed of. The effect of this Bill, therefore, is that a reservist discharged from the Canadian service with ten or more years service to his credit is better off than a reservist who returned to England and completed 21 years service with the British Army. That is a statement made by an officer of the Department, and I think it may be relied upon. That, from the point of view of doing justice, is a comfortable statement. We are able to say that we have done better for him than he would have been done for if he had twenty years service. That information should go out to those who complain.

Now, this further statement may be made. Clause 7 is primarily designed to benefit those discharged from Canadian service who did not have sufficient service—that is to say ten years—under the Canadian system to qualify for a Canadian pension; and after this section is passed the Government will ascertain what any reservist in the ten year class might have got from the Imperial Government had he returned, and will then ask him to elect whether he will keep the gratuity which he got on his Canadian discharge, or return the gratuity to the Government and take in lieu thereof the pension contemplated by section 7. That is where the sticker comes in, if I may say so, for the reason that only warrant officers and commissioned officers receive a gratuity on discharge under the ten year system. The lesser ranks receive no gratuity and no pension. So when you ask one of these men to return $1,000 or $800 that he may have got as a gratuity and to take in lieu thereof a pension of $12 a month, there is a great possibility that he will say: "Thank you for nothing." It is just possible that this section as drafted may confer a benefit upon the reservist of lower rank than warrant or commissioned officer, but I gravely doubt it. If this has any advantage for those reservists it will be very small, and will serve to do little more than recognize an obligation which, by experience of the operation of the clause, the Government in subsequent years may see fit to recognize in further amendments.

I desire to put this statement on record, because as a class these were a very useful set of men and did a very valuable service to Canada here during the war.

Hon. Mr. BEIQUE: Possibly the information has been given, but I think we should get from the Department a statement of approximately the number of men who will benefit from the changes suggested in this Bill.

Hon. Mr. GRIESBACH: This clause or this Bill?

Hon. Mr. BEIQUE: The number of reservists that have to be added, and the amount of expense that will be entailed.

Hon. Mr. DANDURAND: I am informed that there are 149 officers who may be affected by this legislation.

Hon. Mr. GRIESBACH: Officers and men.

Hon. Mr. DANDURAND: And that it involves a matter of some $8,000.

Hon. Mr. BEIQUE: That is quite satisfactory.

Section 7 was agreed to.

Sections 8 to 11 inclusive were agreed to.

The title was agreed to.

The Bill was reported without amendment.

THIRD READING

On motion of Hon. Mr. Dandurand, the Bill was read the third time, and passed.

DIVORCE BILLS

SECOND READINGS

On motion of Hon. Mr. Willoughby, Chairman of the Committee on Divorce, the following Bills were severally read the second time:

Bill L7, an Act for the relief of Victoria May Cameron.

Bill M7, an Act for the relief of Laura Esther Phillips Fortune.

Bill N7, an Act for the relief of Claude Frederick Gibbs.

Bill O7, an Act for the relief of Lillian May Gill

Bill P7, an Act for the relief of Ruth Gray.

Bill Q7, an Act for the relief of Isabella Muriel Holland.

Bill R7, an Act for the relief of Lily Leona Letheren.

Bill S7, an Act for the relief of Sarah Jane Pinkney.

Bill T7, an Act for the relief of Gwendoline Proctor.

Bill U7, an Act for the relief of Frances Evelene Ross.

Bill V7, an Act for the relief of Hazell Scelena Shaw.

Bill W7, an Act for the relief of Amy Simmons.

Bill X7, an Act for the relief of William Charles Worley.

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

THE SENATE

Thursday, May 3, 1928.

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

Prayers and routine proceedings.

SEEDS BILL

THIRD READING

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

PRIVATE BILLS

FIRST READINGS

Bill 46, an Act respecting the Nipissing Central Railway Company.—Hon. Mr. Gordon.

Bill 69, an Act respecting the Interprovincial and James Bay Railway Company.—Hon. Mr. Gordon.

PRECIOUS METALS BILL

THIRD READING

Hon. Mr. DANDURAND moved the third reading of Bill 21, an Act to amend the Gold and Silver Marking Act.

Hon. Mr. BELCOURT: Honourable gentlemen, I have submitted to the Leader an amendment to this Bill, and I am going to propose it in the way of a substantive clause, clause h. May I read it?

This Act shall come into force on a day to be fixed by proclamation of the Governor in Council published in the Canada Gazette.

Honourable gentlemen will see that the people engaged in the trade affected by this Bill have on their hands a great deal of merchandise which they would not be able to dispose of in any way if this Bill were to come into force at once. The honourable leader of the Government acquiesces in my suggestion that time ought to be allowed these people for the disposal of the goods which they have on hand and which cannot be made to comply with the provisions of the Bill. That is the reason for my amendment.

The amendment was agreed to.

Hon. Mr. DANDURAND: I move the third reading of the Bill as amended.

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

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THIRD READINGS

On motion of Hon. Mr. Willoughby, Chairman of the Committee on Divorce, the following Bills were severally read the third time, and passed:

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Bill V7, an Act for the relief of Hazell Scelena Shaw.

Bill W7, an Act for the relief of Amy Simmons.

Bill X7, an Act for the relief of William Charles Worley.

IMMIGRATION BILL

SECOND READING PROPOSED

Hon. Mr. DANDURAND moved the second reading of Bill 187, an Act to amend the Immigration Act.

He said: Honourable gentlemen, if new members were not coming into this Chamber each year, I should hesitate to make any lengthy remarks on this Bill, because most of the arguments in favour of this repealing measure have already been advanced, as well as the objections to the repeal. Perhaps I may be at fault in failing to convince the majority in this Chamber in the past. It may be that I did not enter into the matter at sufficient length to win the support of the majority for this Bill. I will try to add some arguments, if possible, to those which honourable gentlemen have already heard, and I think that by a fair presentation I shall be able to enlighten the faith of my honourable friends and obtain their judgment in favour of this measure.

The amendment to the Immigration Act to which this Bill refers was passed in 1919, if I am not mistaken, at a time when there was some excitement in the country following events that had occurred in Winnipeg and the upheaval in Russia. There was an impression that the country was threatened with a wave of Bolshevism. People were nervous, and as a result of the fear which seemed to seize a number of officials, not only did we pass this amendment to the Immigration Act and an amendment to the Criminal Law which I shall discuss later on, but we also deemed it necessary to transfer the Royal Canadian Mounted Police to the East and have them cover as well as possible the large centres of population, lest there might be an uprising of some sort. I think that to-day there is a clearer understanding of the character of our people and we are ready to recognize that the fear which permeated the minds of the authorities in 1919 was a vain one. We now realize that there is a great deal of sanity amongst the population and no danger of their being carried away by any such wind as blew over Russia.

I will read the section of the Immigration Act which came into force as a result of that emotion, and I would draw the attention of honourable gentlemen to the wording, because I think they will find from my reading of the Immigration Act without this clause that it contains practically all the safeguards that are contained in this one, but prescribes them in far less dangerous terms, as many people believe, than the clause which we are now asked to repeal. Section 41, to be repealed, reads as follows:

41. Every person who

(a) by word or act in Canada seeks to overthrow by force or violence the government of or constituted law and authority in the United Kingdom of Great Britain and Ireland, or Canada, or any of the provinces of Canada, or the government of any other of His Majesty's dominions, colonies, possessions or dependencies, or advocates the assassination of any official of any of the said governments or of any foreign government, or who in Canada defends or suggests the unlawful destruction of property or by word or act creates or attempts to create any riot or public disorder in Canada; or

(b) without lawful authority assumes any powers of government in Canada or in any part thereof; or

(c) by common repute belongs to or is suspected of belonging to any secret society or organization which extorts money from or in any way attempts to control any resident of Canada by force or by threat of bodily harm, or by blackmail; or

(d) is a member of or affiliated with any organization entertaining or teaching disbelief in or opposition to organized government;

shall, for the purposes of this Act, be deemed to belong to the prohibited or undesirable classes, and shall be liable to deportation in the manner provided by this Act, and it shall be the duty of any officer becoming cognizant thereof and of the clerk, secretary or other official of any municipality in Canada wherein any such person may be, forthwith to send a written complaint to the Minister, giving full particulars: Provided, that this section shall

not apply to any person who is a British subject, either by reason of birth in Canada, or by reason of naturalization in Canada.

2. Proof that any person belonged to or was within the description of any of the prohibited or undesirable classes within the meaning of this section at any time since the fourth day of May, one thousand nine hundred and ten, shall, for all the purposes of this Act, be deemed to establish prima facie that he still belongs to such prohibited or undesirable class or classes.

I believe that this section 41 is useless, discriminatory and arbitrary. I say useless because the State is sufficiently armed and protected by sections 3 and 40 of the Immigration Act and sections 132 and 134 of the Criminal Code, which cover sedition. Section 3 of the Immigration Act specifies the prohibited classes:

No immigrant, passenger, or other person, unless he is a Canadian citizen, or has Canadian domicile, shall be permitted to enter or land in Canada, or in case of having landed in or entered Canada, shall be permitted to remain therein, who belongs to any of the following classes, hereinafter called "prohibited classes":—

I will not read the whole description, but only the marginal notes referring to the classes:

Persons mentally defective; diseased persons; persons physically defective; criminals—

Under that head come:

(d) Persons who have been convicted of, or admit having committed, any crime involving moral turpitude.

Then the clause includes:

Prostitutes and pimps; procurers; beggars and ragrants; charity immigrants; persons not complying with regulations; public charges; psychopthic inferiority; chronic alcoholism; mentally or physically defective; advocates of force or violence against organized government—

I will read this paragraph:

Persons who believe in or advocate the overthrow by force or violence of the Government of Canada or of constituted law and authority, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials, or who advocate or teach the unlawful destruction of property.

Also the next paragraph:

(o) Persons who are members of or affiliated with any organization entertaining or teaching disbelief in or opposition to organized government, or advocating or teaching the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers either of specific individuals or of officers generally, of the Government of Canada, or of any other organized government, because of his or their official character, or advocating or teaching the unlawful destruction of property.

The section includes also:

Enemy aliens; spies; conspirators.

Paragraph (r) reads:

Persons who have been found guilty of high treason or treason or of conspiring against His Majesty, or of assisting His Majesty's enemies in time of war, or of any similar offence against any of His Majesty's allies.

There are paragraphs with regard to exceptions; members of family accompanying rejected person; test of illiteracy; and deportation, etc., of residents leaving Canada to assist enemy.

That is section 3 of the Immigration Act. My honourable friends will see, if they still have before their eyes the clause which is sought to be expunged from the Immigration Act, that the two clauses are largely on the same lines.

Now, section 40 of the Immigration Act, the section preceding that which is considered obnoxious, says:

Whenever any person, other than a Canadian citizen or person having Canadian domicile, shall be found an inmate of or connected with the management of a house of prostitution or practising prostitution, or who shall receive, share in, or derive benefit from any part of the earnings of any prostitute or who manages or is employed by, in, or in connection with any house of prostitution or music or dance hall or other place of amusement or resort habitually frequented by prostitutes, or where prostitutes gather, or who in any way assists any prostitute or protects or promises to protect from arrest any prostitute or who shall import or attempt to import any person for the purpose of prostitution or for any other immoral purpose, or who has been convicted of a criminal offence in Canada or who admits the commission prior to landing or entry to Canada, of a crime involving moral turpitude, or has become a professional beggar or a public charge or practises polygamy, or who has become an inmate of a penitentiary, gaol, reformatory, prison, asylum or hospital for the insane or the mentally deficient, or an inmate of a public charitable institution, or enters or remains in Canada contrary to any provision of this Act, it shall be the duty of any officer cognizant thereof, and the duty of the clerk, secretary or other official of any municipality in Canada wherein such person may be, to forthwith send a written complaint thereof to the Minister, giving full particulars.

Section 3 of the Immigration Act, dealing with prohibited classes, and section 40, for the setting in motion of the procedure for the deportation of prohibited or undersirable classes, as a defence of society against criminals, are supplemented by sections 130, 131, 132, 133, and 134 of the Criminal Code, which cover sedition:

133. Seditious words are words expressive of a seditious intention.

2. A seditious libel is a libel expressive of a seditious intention.

3. A seditious conspiracy is an agreement between two or more persons to carry into execution a seditious intention.

134. Every one is guilty of an indictable offence and liable to imprisonment for a term of

not more than twenty years who speaks any seditious words or publishes any seditious libel or is a party to any seditious conspiracy.

135. Every one is guilty of an indictable offence and liable to one year's imprisonment who, without lawful justification, publishes any libel tending to degrade, revile or expose to hatred and contempt in the estimation of the people of any foreign state, any prince or person exercising sovereign authority over such state.

136. Every one is guilty of an indictable offence and liable to one year's imprisonment who wilfully and knowingly publishes any false news or tale whereby injury or mischief is or is likely to be occasioned to any public interest.

My honourable friends will see that under the Immigration Act the State can refuse entry to men who would generally fall under the clause which I now ask the Senate to withdraw, and even when they have entered they can be deported for offences that are mentioned. Furthermore, if anyone has been in this country longer than the five year term during which he would be entitled to obtain Canadian domicile, he may be prosecuted for sedition and treated accordingly. So we have had in this country prior to 1919 all the legal enactments necessary to protect society, and had we not added this amendment we would still have been armed with all the necessary authority to maintain law and order in Canada.

The Act of 1919, which I stated was the result of some feeling throughout the land, which has since been found to have been a vain emotion, was never called into action or utilized, which shows that we could have done without the Act, since it was never deemed useful for any special purpose. I may be told that it is far more expeditious to take a man and bring him before a court of inquiry composed of officers of the Department, or sometimes a single officer, and obtain a decision that the party is deportable under the Act which we are now discussing, and send him back home. While that may be said, I do not believe that that is an argument that will stand in a free country like Canada.

We are the offspring of a country that knows the value of freedom, and I believe that it is repugnant to any human being to think that he can be so summarily and arbitrarily sent away from a country without a fair trial. I believe it is repugnant to the laws which have been enacted throughout the realm, which we have been in the habit of judging as the highest mark of civilization since the Habeas Corpus Act was proclaimed in Great Britain. Those laws we have largely reproduced in our own statutes.

I believe that this law that was made in 1919, is one that we could very well afford to withdraw to-day, because it is a law of exception. We have an old saying, when using the French language in the courts, which runs as follows: "Lois d'exception sont de mauvaises lois." That is, laws of exception, or laws made for individual cases, are dangerous laws. This is one of the laws that falls under that category.

My honourable friend may say that it is very difficult to define seditious intention which runs through a certain number of clauses in the Criminal Code, which I have read. The British legislators have tried their hand at defining that and put it on the statute books, but I have a definition which I think fairly represents the matter, and it was better to allow the judges to decide in each case what was the seditious intention. It was defined, and is generally recognized as follows:

A seditious intention is an intention to bring into hatred or contempt or to excite disaffection against the person of Her Majesty, or the government and constitution of the United Kingdom or of any part of it as by law established, or either house of parliament, or the administration of justice; or to excite Her Majesty's subjects to attempt to procure, otherwise than by lawful means, the alteration of any matter in church or state by law established; or to raise discontent or disaffection amongst Her Majesty's subjects; or to promote feelings of ill-will and hostility between different classes of such subjects.

Hon. Mr. McMEANS: Might I inquire where my honourable friend got that definition?

Hon. Mr. DANDURAND: Yes, I cite it from Crankshaw; I will give my honourable friend the page; I thought I had it before me. Now, it is quite clear that up to the present we have never felt the need of placing it on the Statute Book, because under our Immigration Act, and under the Criminal Code we have all the powers we need to cope with anyone who would attempt to break the law.

I say that this section is discriminatory, and it is discriminatory in a very odious way. It declares that the party exempted from this deportation is:

Any person who is a British subject either by reason of birth in Canada or by reason of naturalization in Canada.

A Canadian-born is a British subject by reason of birth in Canada; a foreigner is a British subject by reason of naturalization in Canada; and those two classes are exempted from this Act; but not the Britisher who was not born in Canada. So that this Act which was made specially against the Englishman—I say the Britisher, but specially against the Englishman—remains on the Statute Book, and it declares that any foreigner whom we have naturalized here has become a Canadian, and cannot be deported. That is quite reason-

able, because he has lost his first nationality, and there is no country to which we could deport him. Neither could a Canadian-born be deported anywhere, because he is of this country.

This clause was drafted for the very purpose of reaching the Englishman or the Britisher coming from the British Isles. Of course, it was intended for what was called the Hyde Park soap-box orator, but it comprised His Honour the Speaker, who may be deported to-day or tomorrow, and also the Minister of Railways in the other House.

Hon. Mr. GRIESBACH: Only if he has misbehaved himself, surely.

Hon. Mr. DANDURAND: If an officer at the frontier of British Columbia believed His Honour the Speaker had committed an offence which brings him under this Act. So here we are, with special legislation which affects any Englishman born under the British flag, who comes into this country, treating him as an undesirable. My honourable friends may say he need not be deported if he behaves himself.

Hon. Mr. GRIESBACH: Any British subject.

Hon. Mr. DANDURAND: Any British subject not born in Canada, nor any foreigner who is naturalized. This situation is surely not one that we should be very proud of, and to my mind it bespeaks too great a timidity in the valour, the virtue or the other good qualities of Canadianism. I think there is no country in the world which contains such a sane population as we have in Canada. The microbe of Bolshevism can not have the slightest chance of ever taking hold of our body politic. There is a healthy sentiment in Canada between capital and labour. I know hardly any country where there is so little class conflict. Some 50 per cent of population in this country is in towns and cities, yet we have only two labour members in the House of Commons. I remember the time when we had one member from the city of Montreal, and a considerable effort was made by the leaders of the Liberal party to replace him by a Labour member. Some 600 or 700 labour men in that exclusively labour population gathered to select a candidate, and a good labour man was offered, but he did not poll 50 votes, while some 600 or 700 votes were given to a doctor who ran in the same division. This shows very little class consciousness. I mention the city of Montreal as an example, but I could go through the whole of Canada and find the population similarly disposed. There is no enmity between Capital and Labour in this country, and I believe that we can well afford to maintain the principles which have governed us in the treatment of citizens who come here under our Immigration Act and under our Criminal Law, and withdraw from the Statute Book a section which was the outcome of a passing emotion in the country, and rely on the good sense of our people, upon the value of our institutions and on our jury system, to accord to any man a fair trial in the courts before deciding to deport him.

Hon. Mr. LYNCH-STAUNTON: Would the honourable gentleman answer this question? I understand his argument to be that the repeal of this section is in the interest of labour. Will he say publicly that the labouring population of this country is made up of people who desire to destroy its institutions, to upset its organization, or to assassinate His Majesty? I have heard this said before, and I would like somebody to show me where any labour man in this country is interested in the repeal of this section, because, unless he is a person of that description it does not affect him, and I never dreamed that the labouring people of this country came within the class of assassins and murderers.

Hon. Mr. DANDURAND: My answer to my honourable friend is a very simple one. The Trades and Labour Councils at their annual Congresses have asked that this amendment to the Act be repealed. They have asked at the same time that the amendments to the criminal law, to which we will come in a moment, be repealed. They have asked that because they feel that it is the poor man, the small man, who can be handled roughly and summarily, and be treated unceremoniously, and thrown out of the country. They feel that they need the general protection of the law. My honourable friend, when he rises in the House, feels that he has all the protection of the law; he can defend himself; but those leaders of the labouring population feel that the under-dog is entitled to equal treatment with the citizens at large. They do not claim to be assassins, they claim to be respectable citizens, and they claim the right to protest against a certain order of things in society.

Hon. Mr. LYNCH-STAUNTON: The honourable gentleman is not answering my question. I asked him if the murderers and these

people who disturb states and governments and assassinate princes came from the labouring classes. I understand that they come from all classes. Does he propose to brand the labouring classes in such a way? Men in my class are just as liable to be assassins as they are.

Hon. Mr. DANDURAND: Surely my honourable friend realizes that it is the man at the foot of the ladder who needs to be protected by the laws of the country.

Hon. Mr. LYNCH-STAUNTON: Is he an assassin?

Hon. Mr. DANDURAND: No, no more than my honourable friend is; but he feels that he should come under the general laws of the country, and that he should not have hanging over him the threat of being hauled before an officer somewhere along our 4,000 miles of border and ordered out of the country. There are safeguards in our criminal law based upon a long experience of what Britishers conceive to be real protection for everyone.

Hon. Mr. LYNCH-STAUNTON: The honourable gentleman knows that there are many laws by which we can railroad people out of the country. Is he going to repeal those?

Hon. Mr. DANDURAND: Well, there are; but I say they are sufficient, and that a law that was enacted because of a fear that permeated this country in 1919 should be withdrawn, and that we should maintain our system of laws which are the result of the experience of ages—which we better from year to year, if you will—and which have been sufficient to protect our country and the State. I do not intend to cover by my argument the repeal of the criminal enactments which are practically along the same line. I will do that when the time comes. I will give the arguments of the labouring element, who say that when, by strikes and combinations and other means at their disposal, they are simply defending themselves against capital, they are likely to fall under the law.

Hon. Mr. LYNCH-STAUNTON: My honourable friend persists in saying that the labouring people are assassins.

Hon. Mr. DANDURAND: If my honourable friend thinks there are among them men of that stamp, he is welcome to brand them as such. They simply base their right to demand the withdrawal of the clause on the fact that under it they or some of their people may be made to suffer; and therefore they say: withdraw the amendment passed in 1919.

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Hon. Mr. LYNCH-STAUNTON: I do not think the labour people care a rush whether it is withdrawn or not.

Hon. Mr. DANDURAND: They have come before the Government yearly, and if this Government were to go out to-morrow, you would have the Trades and Labour Council still coming before the Government yearly.

Hon. Mr. LYNCH-STAUNTON: The Conservative Government tried to repeal it too. They were just as bad as you are.

Hon. Mr. DANDURAND: That was in 1919; now we are in 1928; and I think the time has come when we should not brand an Englishman as one against whom we must constantly protect ourselves, and against whom there must be such exceptional legislation.

Hon. Mr. McMEANS: I object to the honourable gentleman's statement that this legislation was passed with reference to Englishmen. The honourable gentleman knows that neither Englishmen nor any other class are excepted. You could not send a man from Canada to a country to which he did not belong. If he is a Canadian, you cannot deport him to another country.

Hon. Mr. DANDURAND: I said that.

Hon. Mr. McMEANS: But you said that this was aimed solely at Englishmen.

Hon. Mr. DANDURAND: Yes.

Hon. Mr. McMEANS: With all due respect to the honourable gentleman, I say that is not so. If there is an Englishman in the country, and he has to be deported, he can be sent to no place but England. It is the same with a man from Australia or from Scotland or any other British possession; so why does the honourable gentleman make that statement? I resent it, as a member of this House. I voted against the repeal last year, and I do not think the statement of the honourable gentleman is fair or just.

Hon. Mr. DANDURAND: I will answer in a word: withdraw that proviso from the Act which strikes at Englishmen, and your law is valueless.

Hon. Mr. McMEANS: Where else would they go?

Hon. Mr. DANDURAND: That is why I say it is directed against Englishmen.

Hon. Mr. McMEANS: What about an Irishman, an Australian, a New Zealander?

Hon. Mr. DANDURAND: He is a Britisher.

Hon. Mr. McMEANS: He is not an Englishman any more than I am, or than my honourable friend is. It was contended here last year, and it was pointed out to the honourable gentleman, that Section 40 of the Immigration Act—I have not got it here, and I do not know the number of the section in the Revised Statutes—provided that even a woman who was an inmate of a house of ill-fame, or a man who was a beggar on the street, could be deported from the country without a trial. It was suggested at that time —and I think my honourable friend will see the force of the suggestion—that if these people who commit small offences should not have a trial before they are deported, it is rather inconsistent to provide that people who have for their object the overthrow of the Government should first be tried. Why do you not bring in a Bill to repeal clause 40 of the old Act? I would like the honourable gentleman to be fair about this thing.

Hon. Mr. DANDURAND: I will be, absolutely.

Hon. Mr. McMEANS: As far as I am concerned, I desire to view this legislation with extreme impartiality. I have listened to the remarks of the honourable gentleman and think there is a great deal in what he has said, but I do not think he has been reasonable and fair.

Hon. Mr. DANDURAND: I can answer the honourable gentleman very easily. He says there are certain classes of people who can be deported, and who yet would fall under the law apart from that clause. That is true. They come under clause 3 of the Immigration Act; they are people who have come into this country. My honourable friend will notice that the classes that I have mentioned as being deportable are set out in the Act. It says:

> No immigrant, passenger, or other person, unless he is a Canadian citizen, or has Canadian domicile, shall be permitted to enter or land in Canada, or in case of having landed in or entered Canada shall be permitted to remain therein, who belongs to any of the following classes—

That affects immigrants who have come into Canada, and who belong to the classes, enumerated, or who have come in, in violation of the provisions of this Act. So there is no contradiction. They fall under the Immigration Act. Others can be brought before the courts and tried, and can be returned home under clause 40, which says:

> Whenever any person, other than a Canadian citizen or person having Canadian domicile, shall be found an inmate of or connected with the management of a house of prostitution or practicing prostitution, or who shall receive, share in, or derive benefit from any part of the earnings of any prostitute or who manages or is employed by, in, or in connection with any house of prostitution or music hall or dance hall or other place of amusement or resort habitually frequented by prostitutes, or where prostitutes gather, or who in any way assists any prostitute or protects or promises to protect from arrest any prostitute or who shall import or attempt to import any person for the purpose of prostitution or for any other immoral purpose or who has been convicted of a criminal offence in Canada or who admits the commission prior to landing or entry to Canada, of a crime involving moral turpitude, or has become a professional beggar or public charge or practices polygamy, or has become an inmate of a penitentiary, gaol, reformatory, prison, asylum or hospital for the insane or the mentally deficient, or an inmate of a public charitable institution, or enters or remains in Canada contrary to any provision of this Act, it shall be the duty of any officer cognizant thereof, and the duty of the clerk, secretary or other official of any municipality in Canada wherein such person may be, to forthwith send a written complaint thereof to the Minister, giving full particulars.

Hon. Mr. BELCOURT: And deportation shall take place only after trial and conviction.

Hon. W. B. ROSS: I cannot agree to the second reading of this Bill. When dealing with this Bill I cannot help dealing also with the Bill which proposes to repeal that section of the Criminal Code, because to me the principle seems to be the same. It has been said that in some way or another this legislation was directed at organized labour. If I thought that for a minute, my honourable friend would not have any great difficulty with me in getting the repeal of this Bill.

Some ten years ago or thereabouts, there was let loose on the world a force that has not yet subsided. That force was directed against all organized governments and against all existing religions. The people who were engaged in the work of attacking existing governments and existing religions boasted that they were not bound by any law of God or man, and if you read of the work they did in Russia and in some other places outside of Russia, you will not have any doubt on the subject at all. As I say, that force is not yet spent. Those who read the newspapers know that within a short time they arrested a thousand of these men in Japan, and we know that in China to-day there has been a state of things which has been very much aggravated by the works of these people from Moscow.

Hon. Mr. BELCOURT: Were they deported without trial?

Hon. W. B. ROSS: No. I think their heads were cut off right then and there. They

also had to be turned out of Arcos House, in London, and notwithstanding that, we know that the authorities there are quite well aware that they are still active in England. The police authorities in this country know that the Reds of Moscow are represented here, even in this city. The honourable gentleman from Montarville (Hon. Mr. Beaubien) the other day gave us some information with respect to that, and as I understand that he will give us still more information when he speaks on this question to-day, I do not intend to touch upon matters with which he is much more familiar than I am.

In the Toronto Globe of April 26th there is a short article on these two Bills, or sections of Bills, that expresses my view exactly. It is not long, and I want to read it; and when I have read it I will have said practically all I have to say in justification of my opposition to the Bill that is now before the House. The caption of the article is, "Bowing to the Reds." The article is as follows:

The Federal Government appears to be going far in making concessions when it seeks at this time to pass legislation repealing laws designed to control the activities of Communists and other revolutionary bodies. The echo from Arcos House is still heard, and only a few days ago Sir William Joynson-Hicks stated in the British House of Commons that Soviet money was being sent to Britain for purposes of creating trouble. Hon. Ernest Lapointe, Minister of Justice, said in the Ottawa House on Monday that the bill which he is sponsoring to repeal a section of the Criminal Code is to make amends for hasty action taken during the Winnipeg strike. The Red flag is again unfurled in Winnipeg, possibly in a just cause, but this does not tone down its color, and there has been ample evidence in recent years that what is needed are not concessions to the revolutionary elemcnt, but more stringent regulations.

The Minister of Justice believes the Criminal Code is sufficient for all purposes. If so, well and good. The section which he is endeavoring to have repealed has done no harm, and may have had a restraining influence. It declares unlawful and provides an imprisonment penalty for officers of—

"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."

The records of the Government's Labor Department show that there are such organizations in Canada, and their activities are well known. To repeal this law is to encourage them. It is serious enough that the law has not been enforced as it should have been, but as long as it is on the statute books it can be invoked. The Government proposes to junk it. And this is not all. Another bill stands in the name of the Minister of Immigration lessening control of undesirable immigrants, on the ground that the same end can be reached by the Criminal Code. The section of the Immigration Act which would be repealed by this measure declares that:

"Every person who

"(a) by word or act in Canada seeks to overthrow by force or violence the government of or constituted law and authority in the United Kingdom of Great Britain, and Ireland, or Canada, or any of the provinces of Canada, or the government of any other of His Majesty's dominions, colonies, possessions or dependencies, or advocates the assassination of any official of any of the said governments or of any foreign government, or who in Canada defends or suggests the unlawful destruction of property or by word or act creates or attempts to create any riot or public disorder in Canada; or

"(b) without lawful authority assumes any powers of government in Canada or in any part thereof; or

"(c) by common repute belongs to or is suspected of belonging to any secret society or organization which extorts money from or in any way attempts to control any resident of Canada by force or by threat of bodily harm, or by blackmail; or

"(d) is a member of or affiliated with any organization entertaining or teaching disbelief in or opposition to organized government;

shall, for the purposes of this Act, be deemed to belong to the prohibited or undesirable classes, and shall be liable to deportation in the manner provided by this Act."

The withdrawal of these protective measures would be a distinct surrender to the undesirable elements which are chafing at the bit in Canada at present, going as far as they think they dare to promulgate their nefarious policies, and are anxious to bring in more of their kind. If pressure is being brought on the Government to reduce the restrictions, it is evidence that sterner measures are needed and that enforcement is urgent. The Government is playing with fire in its proposals. There are still enough loyal British subjects in the country to sense the danger existing in many larger centres of population and in other districts to register a vigorous disapproval if a suggestion of concession gives the revolutionary element more wing. Mr. Lapointe's repeal bill has already passed the House of Commons five times and has been vetoed in the Senate. This time the vital British and Canadian membership of the Commons should spare the Senate the trouble; and should do the same with Hon. Mr. Forke's bill. It will be time enough to bow to the Reds and the Pinks when they no longer exist, but not until then.

That is my sentiment about it. When this force that is, as I say, still active over the world, one of the most cruel, unrelenting and unscrupulous forces that ever were let loose —when this has passed away and we need be troubled no more about it, then we can consent to the repeal of the law. In the meantime I stand by the provision as it is, and will oppose the repeal.

Hon. C. P. BEAUBIEN: Honourable gentlemen, a short time ago I submitted to this House an inquiry which was narrowed down to one phase of the subject-matter now being discussed in this House. The inquiry was a simple one: whether the Government intended to grant the petition sent to it by the Catholic Women's League, requesting the deportation of Communistic teachers from this country.

We had last week the opportunity of listening to a very interesting speech by the honourable gentleman from Lanark (Hon. Mr. Haydon), which, I am bound to say, has widened considerably, if not heightened, the discussion that I had introduced in this House. My honourable colleague has given to the discussion the background of history. He seemed to paint with a light hand—almost, I might say, with a light heart— a picture of Communism as associated with Socialism for the past fifty or one hundred years. I could not help thinking as I saw my honourable friend draw this picture, which seemed, as it were, to be softened by distance, that he would have had to use different colours in order to paint a living picture of Communism as it exists in our day; I mean the real Communism of the Third Internationale. Here, at the outset, I fear I must decline to admit that Socialism and Communism are one and the same thing. My honourable friend was right when he spoke by the book and cited the history of the last fifty or seventy-five years, or of one hundred and fifty years ago, that of Jean Jacques Rousseau; but, honourable gentlemen, are we dealing now with a matter that concerns our great great great grandfathers, or dealing with a real menace knocking at our doors at the present time? I take it that I must refuse to follow the honourable gentleman through the arcanas of history, and must come to grips with the real problem of to-day.

Socialism and the Communism of the Third Internationale are totally, absolutely different things. Socialism, it is true, is based on the principle that all private ownership should disappear and that property should be held in common and apportioned amongst all the members of the community. Very well. May I now show to this honourable House what kind of Socialism exists under the Third Internationale? I will cite the best authority available to me. What does the Soviet Constitution say on the subject? May I refer honourable members to a book by David Goldstein on "Bolshevism—Its Cure," in which, at page 377, is quoted this article of the Soviet Constitution:

> Being guided by the interests of the working class as a whole, the Russian Socialist Federated Soviet Republic deprives all individuals and groups of rights which could be utilized by them to the detriment of the Socialist Revolution.

Therefore, at the very beginning, the first gesture of the Soviet Constitution is to deprive every person or group of every right that can be used against the Soviet Constitution. How has that worked out? May I refer honourable gentlemen to a very remarkable article published in "La Revue des Deux Mondes"? The honourable leader of this House will admit that there is no more conservative or better informed publication printed in the French language. The number to which I refer is that of the 1st of April last. It is quite up to date. What does it say? In Russia none but Communists are voters. It is an easy thing, honourable gentlement, to build up a political party if none but those who share its views are admitted to vote. That is what obtains in Russia. How many active members of the Communist party do you think there are in Russia, a country whose population numbers no less than 120,000,000? The number of active, militant Communists in Russia is 500,000 at the most. Now what does the Revue des Deux Mondes say as to the part played by those 500,000 in a population of 120,000,000? This is what the Revue says:

> According to the will of Lenin, one half million of confirmed Communists hold all the avenues of power, executive, legislative, administrative or financial, in such a manner that no act, public or private, of any individual can be accomplished without their control. They alone, as supreme masters, disposing of force and using it freely, they alone may accord or suppress to a nation of slaves the right to education, to work, to the use of any material, property, the right to lodging, to liberty, to life, even the right to untrammelled thought.

I shall not enter into detail to show you what measure of liberty remains to even the militant Communist. I might say, though, en passant, that even the militant Communist has practically none. His party has refused to him, under pain of death, that liberty which seems to be so close to the heart of the Communist in other countries; I mean the right to strike. The active Communist can work only if his party allows him to; he must work where his party tells him to work, as long as his party permits him to work, and for what his party will give him. And have you any idea at all of the wages of the Communist in Russia? They range from $12.50 to $40 a month. Forty dollars a month is the wage for the most highly paid of the skilled workmen in Russia, men who work on the railways; and the cost of living has increased since the war no less than 250 per cent. We know what such men are paid here.

And what about the condition of the workers in farming districts? Twenty millions out of the fifty millions of them are now without employment; thirty-eight per cent are without any beast of burden, and all of them are obliged to sell their products for what the Bolshevist government will give them, and no more.

Such a condition of affairs naturally causes us to reflect. Why are 120,000,000 people obliged to submit to such treatment? May I refer honourable gentlemen to a very interesting article published in "Le Correspondant", another great French review—my honourable friend opposite (Hon. Mr. Dandurand) will not deny it—of the 10th of March last, and therefore quite recently, and signed by M. Joseph Douillet. M. Douillet was formerly Belgian Consul in Russia and is an ex-member of the Nansen Mission which went to the succor of Russia during the awful famine of 1921. M. Douillet was arrested by the Soviet Government and sent from prison to prison for no less than seven months, and were it not for the influence of his Government he would not be alive to-day to tell his experience. Read that article and you will understand why it is that the Russian people have to submit to treatment of that kind. Read what he says of the systematic imprisonments, planned a year in advance by the Soviet Government, whereby every year, in rotation, a number of workmen from each industry have to go to prison, there to be confirmed by terror in obedience to their Government. Read of the manner in which prisoners are treated who have been promised liberty in exchange for the liberation of Russian prisoners held by other countries—how prisoners in Russia have been kept in confinement from month to month, their liberation delayed, and how they have been gradually poisoned until a fatal attack of "indigestion" has prevented Russia from accomplishing her part of the contract. Read what M. Douillet says of the treatment meted out to the Georgians who revolted—how a poor Georgian, for instance, is brought down into a deep cellar, tied to a grate, in the darkness, and asked whether he will reveal the name of his fellow conspirators, and when he refuses seventeen prisoners are brought into the glare of the light and killed, one after the other—women, children and old men—all killed before his eyes, until he falls unconscious. He is brought back to the prison where Douillet is, and there, on opening his eyes, he exclaims: "I can stand it no longer!" At the end of the month, on the long list of those who have been executed, are found the names of Georgian conspirators, betrayed at last by the man who has been systematically tortured, until his human strength has failed and he has been obliged to divulge the names of his friends.

But I will not tarry on that. May I now cite to my honourable friend a very remarkable article? He will find it in a periodical which I know he will also consider absolutely trustworty, "La Revue Universelle", in the issue of March 1st last, another very recent date. It publishes a letter from Boukharine, the President of the Third Internationale, the man who is responsible for the drafting of the present Soviet Constitution—a letter which was not intended for publication. It was sent to an old friend of his, exiled like many others, from Russia; this one because he was a friend of Trotzky. Eli Britan, the person to whom the letter was sent, published it. I will take from the letter just a few paragraphs, which I think will enlighten this House as to the deep-rooted sentiment of cynicism and cruelty which actuates that government:

> There no longer exists anywhere, if there ever did exist, a single class of population for whom life is harder than it is in our Soviet paradise. (If this is paradise, what must be the Soviet hell? It would be interesting to ascertain.)
>
> There is not left standing a single stone of the structure of the Russian State, which had stood for centuries. We make experiments on the living body of the people—ah! the devil take it!—exactly as a first grade student "works" on the corpse of a vagrant that he has procured.
>
> Here, at home, we are the unrestricted masters, we do not fear anybody. The country, harassed with wars, illness, death, famine (this is a dangerous but wonderful means), does not dare make any noise, being faced with the constant threat of the Tcheka and the army (as it is called). The soldiers, believe me, are not always disatisfied with us. Our duty as revolutioners obliges us to feed as well as possible the pretorians, and to flatter the greyhounds. It is a strange combination, this Russia, that you say belongs to you! Often we ourselves wonder at its patience now famous. The devil only knowns what we are doing, but nevertheless things seem to go the way they should.
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> * * * * *
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> The nation is silent. It will always remain silent, my dear. It is not "the body of Christ, but a flock of cattle, a herd of wild beasts.
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> * * * * *
>
> The state is not a "moral idea", as was taught in the University of Moscow, and it will never be "Civitas Dei", as our friends affirm. It is something like the swamp of the devil, where one class must absolutely, to satisfy its need of gratification, strangle another, in condescending, at intervals, to sign a certain agreement.

That is from Boukharine, the president of the Third Internationale.

Now, honourable gentlemen, I am coming to part of the speech of my honourable friend from Lanark (Hon. Mr. Haydon). I think he contended that there is a connection

between socialism and the communism of the Third Internationale, but the latter is nothing but a cruel, selfish, autocratic system, and I intend now to follow my argument by calling it by its true name; Bolshevism is the real term. My honourable friend called it Communism, and he said it was disappearing quietly and gradually; I think his term was "flattening out and breaking down." Well, may I refer to other authorities that I have in hand? I refer now to the English Review for June, 1927, an article entitled "Circling the Scorpion", by Ernest Remnant:

Any real evolution of the Bolshevik regime is impossible unless the dictatorship is abandoned. "The dictatorship of the proletariat", writes Stalin, "is opposed to democracy, that is to say, to the equality of all citizens". If there is a justice in the Soviet State, it is a "class justice". Lenin proclaimed that "all is moral that is useful to Communism; all is immoral that is injurious to Communism." There are elections in Russia, but they are class elections in which only certain categories of citizens can take part. They are entirely vitiated by the Communist monopoly of party politics.

Such are the essentials of the political regime. But if and when the Soviets transform their foreign and economic policies, will they not be able similarly to transform their political system—to abandon the dictatorship? The answer is No, if only because the social experiment which has been thrust upon a great people at the cost of more than twenty-five million lives through famine, civil war, pestilence, stifling of the birthrate, and political assassinations will not be forgotten easily. The victims of the Tcheka, estimated by those responsible at two million persons, will suffice some day or other to raise up thousands of avenging hands. These hands have been powerless so far simply by reason of the system of universal espionage, but what if it were abolished? Even if the Communist leaders were ready and willing to turn their backs on the past and establish a new regime, their own personal security would still demand a continuance of the terror and dictatorship. And the Tcheka itself compels the leaders to remain dictators because of fear for its own safety at the hands of an avenging people.

But in any case the dictators have no idea of transforming their foreign or economic policies. To consider the former question first. In November, 1926, after the victory of the "moderate" Stalin, the congress of the Communist Party adopted a motion which began thus: "The party considers that our revolution is a Socialist revolution, that it not only constitutes the point of departure for the Socialist revolution in the Occident, but also furnishes the basis for the development of the world revolution." Then follows a lengthy criticism of the tactics of Trotsky, who urges speed, and a defence of those of Stalin, who urges temporization. To pretend that it is a spirit of proselytism that spurs the Communist party to foment the world revolution is an error. The instinct of self-preservation is the key to their conduct.

Lenin himself was convinced that the "dictatorship of the proletariat" could not be maintained for long unless the social revolution spread to other countries. A Communist oasis in a capitalist desert was bound to disappear sooner or later. Speaking after the proclamation of the Nep, Lenin said that the collaboration of the Soviet power with the peasants was a makeshift, and that if the world revolution delayed too long the collaboration would cease and the Soviets perish. Thus it is that despite the disastrous economic situation the money that is available goes first to fomenting the world revolution.

Now, honourable gentlemen, I would refer you to a news item from Moscow published in the Montreal Gazette of May 2, 1928, in which the power of Russia was displayed in such a demonstration as may not exist the world over. The article is as follows:

Moscow Gives Military Show For May First

To-day's scene in Red Square was an astounding demonstration of the might of the armed proletariat, just as it was intended to be.

For the first of May in Soviet Russia is not just a Labour Day, as elsewhere, but the day of labour victorious, to serve as an example and encouragement to the revolutionary spirit throughout the world.

So the celebration opened with a military parade, to which I venture to suggest no country in the world could show a parallel to-day. Over the cobble stones of historic Red Square, past the towering Kremlin wall and the sinister squat un-European mausoleum where lies Lenin, who achieved this miracle, marched thousands after thousands of soldiers in quick step, cheering till the sky echoed. Artillery rumbled along at a canter, cavalry—wide lines of barbaric horsemen on tough ponies—galloping furiously boot to boot with machine precision and yelling.

That would have recalled to Amanullah, of Afghan blood, the memory of ancient days when his own savage tribesmen swept down to loot rich India. Then tanks came, roaring and grinding, then armoured cars, then machine-guns, heavy with motorcycles and light with bicycles. And above all the airplanes, first in battle formation, and later "stunting" recklessly. And there was the shattering roar of Kremlin guns.

It was an amazing exhibition in the heart of the capital city of the country whose representative a month ago flung the challenge at the world powers, assembled at Geneva, to abolish navies and armies completely within four years. What followed was less splendid, less nerve crashing, but to me personally—who have seen many armies, not only on parade but in battle—far more impressive. Civilians —(men and women) with rifles and bayonets, marching their thousands in perfect military discipline. Here you get the revolution's truest force—the sovereign proletariat, conscious, trained—and armed.

I turn now to the propaganda of Russia throughout the world, and may I quote Senator Pittnam, of the United States Senate, in a statement reproduced in the Annals of the American Academy of Political and Social Science, 1926:

Stalin, the most powerful man in Russia to-day, said just last December: "The theory and practice of the Communist International is the organization of the mass revolutionary movement against capitalism. This is true. This is the task of Communists."

Let us see how they fulfil that task. I refer to the Revue Politique et Parlementaire, March 10, 1928, in which A. de Goulevitch says:

Kamereff, on 1st March, 1924, in a speech reproduced in "Izvestia" of the 13th of April, 1924, declared that the budget of Soviet Russia omits 200 millions gold rubles spent on foreign propaganda.

May I again refer to the letter from Boukharine, which touches on one propaganda made by the Soviet:

Read Well Our Two Constitutions

It is frankly stated that it is not the Sovietic Union, nor its parts which interest us, but the fight against the capital of the world, and universal revolution, to which we have always sacrificed everything, to which we sacrifice the country, to which we sacrifice ourselves (it is evident that the sacrifice does not include the Sinoviev).

Because we only look to the future harvest, we shall never have any pity for those that we need as manure to fertilize the "communistic fields".

* * * * *

We shall leave it (Russia)—if we leave it—with enough money to buy half the world and to organize a social revolution in all the planets and stars of the solar system. The life of the conspirator does not frighten us. It will not be for us a novelty. It still has the advantage of making a big impression on the masses. I repeat (and it is a pleasure to do so) that we now possess unlimited means placed already out of reach of those from whom they have been taken.

But why these dark thoughts? We have always had luck, and it will not forsake us.

Then listen to this last part:

The Russian sow which peacefully has rested on the right side for some three centuries, has turned over, and now shall rest on the left side with the same equanimity, perhaps, for a period still longer, and until the advent of the universal social revolution.

Now, honourable gentlemen, will you allow me to refer briefly to the effect of that propaganda throughout Europe? Do I need to bring back to the memory of this House what took place after the war in Hungary? I happened to be there in 1921, in Budapest, and strange to say my companion was a Canadian in charge of the American Westinghouse Company of Budapest. He took me first of all to the residence of Tirza, the Prime Minister of Hungary, and told me that when the red revolution began the Bolsheviks went to his house and shot him down like a dog before his wife and daughter. He then took me to the municipal hall, where every morning scores of people were shot down.

You will say that is old history. Yes, but it has been repeated practically continually since the war in Austria. I remember being in Vienna immediately after one revolution, and finding practically every store on the main street had been looted and partly demolished, the store fronts were still boarded up, and I was told that for days the mob had raided half of the city.

I would like now to refer to a despatch to the London Times of July 20, 1927, concerning the activity of the Bolshevik propaganda concerning Austria. This will show that all those raids were the immediate result of money sent from Moscow;

Excited Speeches.

(From our Correspondent.)

Riga, July 19.—The disorders in Vienna claimed a great share of the attention of Bolshevist leaders at Moscow over the week-end, and supplied a fresh theme at numerous mass meetings in connexion with the end of the first stage of "Defence Week".

To-day the Ikki, or Executive Committee of the Communist International, published an appeal to the "workers, artisans, peasants, and soldiers of the whole world," not to allow the "heroic" Viennese revolutionaries to suffer defeat.

The Soviet Press greets the fact that the demonstrators disregarded their leaders and the instructions of their own Central Committee as the most hopeful sign. The Pravda says that this emancipation from the restraints of its leaders proves the truly revolutionary character of the outburst. Among many extravagant speeches reported from Moscow is one by Bukharins who declared that the spark which had already started the conflagration in Vienna would rapidly spread throughout the whole of Europe. The U.S.S.R. would enter this new European war fighting for a revolution which would enable the workers and peasants to conquer half the world.

While the Bolshevist leaders evidently did not expect any attempt in Vienna to seize the reins of Government to succeed they hardly disguise their satisfaction that real fighting actually occurred and that the blood of workers was spilt in the streets of "peaceful Vienna," where "bourgeois politicians considered such a thing impossible." They compared the Vienna riots with the Bolshevists' first open attempt to overthrow the Provisional Government in Petrograd in July, 1917, adding that "although order appears to be restored, we confidently look forward to Vienna's October, as the revolutionary blood shed to-day must certainly bear a rich harvest."

May I also call the attention of this house to a despatch to the London Times of April 29, 1927, in which it is stated that the Belgian Government has been obliged to expel the communist agitators, and they were supported by the House in doing so. Some objections were made to such drastic measures, but the reply of the minister was that it was an imperious necessity in order to protect Belgium against enemies who had come for the sole purpose of causing trouble and overthrow

the established Government there. The despatch is as follows:

Communists Expelled from Belgium

(From our Correspondent.)

Brussels, April 27.—Communist deputies questioned M. Hymans, the Minister for Justice, in the Chamber to-day in regard to the recent expulsions of Russian and Polish Communists who had formed a Communist school at Liége where workmen were instructed in methods of sabotage in factories.

M. Hymans replied that the Government insisted that foreigners should conform to the laws of the country in which they lived. It was not to be tolerated that they should set up propaganda centres. The Liége police authorities were keeping a close watch on the dissemination of Communist and anarchist propaganda in that industriel region. It was being carried on by foreigners, most of them Russians or Poles. These foreigners were known to receive their instructions from abroad, and their ideal was revolution on the Soviet model. Many of them possessed funds which came to them from mysterious sources and through secret channels. If foreigners abused the hospitality accorded to them by inflaming passion and disturbing the internal life of Belgium their presence in the country would not be tolerated.

Now may I call the attention of the Senate to La Presse of Montreal of the 21st of February last, which contains a very striking piece of news from Europe. Probably very few honourable members know that a Bolshevik Government was in charge of Norway for a time. Such, however, was the case. At the general election of the 27th of October last Norway returned 62 Communists, 31 Radicals, 31 Conservatives, and 28 Farmers. The Radicals joined the Communists, and they formed a Bolshevik Government with 9 Ministers, 7 of whom were without education. When the program of the Government was published there was a panic and a run on the banks; everybody wanted to get rid of his property and to hide or protect whatever he had. Then the Government fell. But what does the article say? It says that the success of the Communists in Norway was directly traceable to the propaganda of Kollontay, the Soviet representative of Russia in Norway, and his wife.

But let us pass on. My honourable friend from Lanark (Hon. Mr. Haydon) told us very sympathetically how poor Carl Marx had been expelled from his own country and from France, and had sought refuge in Great Britain; and how, while living there in two small rooms, he had had to beg a few pieces of silver to bury his dead child. England, the honourable gentleman said, had not refused him the time-honoured hospitality always extended to foreigners by that country.

Now, honourable gentlemen, I am going to ask you to be patient with me while I refer to the policy adopted by the British Government. First of all, may I refer the honourable Leader of this House to the London Times of the 21st of September last, which reproduces a speech delivered by the Home Secretary, in reference to the raid on Arcos House. During the course of his speech, the Home Secretary said:

These people were trade representatives of the Russian Government, here for trade purposes, and for nothing else. Instead of carrying out those duties in the interest both of Russia and Great Britain, they acted as spies upon a friendly country, and as propagandists of influences which are hateful to the majority of our people. As such we came to the conclusion that the time had come for us to turn them out and once more be masters in our own household.

* * * * *

I have always held, and so has English law that political opinion is free in this country but rebellion is not. Rebellion is to-day a crime, as it always has been, and the time has in my view come to say that preparation, even if only mental preparation, for rebellion is, or should be, made a crime in this country. When you find that the whole Communist organization devoted its time, its talents, and its propaganda to undermining the rights of democracy the time has surely come to call a halt. The ballot box of the country is free and open whenever an election takes place. The whole basis of democratic government is the right of majority rule.

Not so these people. They care nothing for votes of Parliamentary action. They are for general strikes and Councils of Action. They are for propaganda and sedition in the Navy and the Army. Here is a short extract from the Workers' Life of last month:

"The Fighting Force must be told the truth. To refuse to make the . . . . designs of the Tory Government clear to the workers in fighting units is a gross betrayal of working-class interests. People will find, presumably in the next war, that an instructed corporal in charge of the patrol dump will drop a match. They will find that bomb racks in aeroplanes will have a pin loose and the bombs will drop out before the machines leave the ground." What is that but an attempt to seduce the soldiers of the King from their duty?

Another of their Communist papers of last month says: "We carry on continual propaganda for the general strike against war." I might quote you endless similar statements. These are not the views of friends of Great Britain. They are not the views of democracy. They are the views of traitors within our country, paid and directed by enemies without; and I call upon the Labour leaders, both inside the House and in the Trades Union Congress, not merely to cut themselves off from the Communist Party, but to join with us in stamping out those grave attempts to destroy our Constitution.

I place these articles upon Hansard so that those who are interested in the subject may be enlightened. Perhaps then the Government will realize that what Great Britain, with a compact, homogeneous population, trained for centuries, has been constrained to do, we are much more obliged to do, not hav-

ing the same advantages. We have to admit many foreigners into our country. They are scattered over an enormous area, where they are very difficult to reach, many of them being entirely out of our reach because they do not know our language. Perhaps the Government will learn a lesson from Mr. Winston Churchill. Here is an extract from the London Times of May 30, 1927:

Trade Unions and the Extremists

The Chancellor of the Exchequer has sent a long letter to the Conservative candidate for the Bosworth Division, from which the following are extracts:

In the seven years ending in 1926, no fewer than 322,000,000 days' wages have been lost through trade disputes. In fact, the number of days' wages lost has quadrupled twice over, or multiplied 16 fold (as compared with pre-war times). This is the bitter fruit which has been brought to the wage-earners by the extremists increasingly getting hold of the old trade-union movement and using it for class warfare and political ambitions.

Just as the trade unionists have let themselves be led by the nose by the Socialist extremists, so the Socialist extremists have fallen increasingly under the influence of Moscow. Many of them are fascinated by the spectacle of a gang of conspirators having succeeded in toppling over the Russian Empire and now ruling it with a rod of iron. They think they might, with a little luck, do the same sort of thing here and get the country into their grip by violence and hold it down afterwards by terror.

Then, again, in the London Times of the same date I find the warning of the Bishop of Durham, which is as follows:

Russian Propaganda in Schools—Bishop of Durham's Warning

Past and present students of Bede Training College assembled in large numbers at Durham on Saturday on the occasion of the college re-union.

At the luncheon the Bishop of Durham (Dr. Hensley Hanson), in proposing the toast of "The College," spoke of the need that teachers should counteract the malefficient influences of Russia in elucation in this country. "The axe is laid at the root of our civilization", he said, "and the poison is working here in our country.

In the London Times of May 7, 1927 appears another article on this subject:

Foreign Influences

The Prime Minister was shouted down the other day in the House of Commons ("Shame") because he uttered a truth so obvious that no one but a half-wit would have ventured to contradict it, because he said there was a steady growth of the influence of the extremists, or so-called Minority Movement, with the great trade union movement. Does anyone doubt for a moment that that movement has been making headway in recent years and that it cows the older trade unionist and infects the younger trade unionist by its deeply-considered propaganda. Just as the trade union movement has been increasingly dominated by the extreme elements, so the extreme elements have been increasingly dominated by foreign influences and by foreign influences which are avowedly hostile, and malignantly hostile, to the welfare of Britain and of her people. What more tragic and shameful spectacle could we have witnessed than the vast calamities which last year's industrial conflict brought on all of us, on all classes, and of the fact that these calamities were due to the influence of leaders like Mr. Cook—(laughter)—at one and the same moment the master of the British miners and the abject slave of Moscow?

In the English Review of June, 1927, appears "Circling the Scorpion" by Ernest Remnant, which reads as follows:

For, whatever may, or may not have been discovered in the hidden safes in Moorgate, ample and irrefutable evidence has long been in possession of the Foreign Office to justify the strongest possible steps against a treacherous enemy—even war.

In less sophisticated days, indeed, a declaration of war, followed by the blockade and bombardment of Russian ports, would have provided a simpler, quicker, cheaper, and more effective means to enforce observance of treaties essential to the maintenance of international peace than the intermediate exchange of futile notes. In face of the evidence accumulated all over Europe and in Asia of Bolshevik plots to destroy civilized government, the most patient believer in negotiation (unless, like our bemused labour leader, he is avowed or secret sympathiser with Bolshevism) must by this time have given up hope of useful result from conciliation and parley.

Now may I call attention to the measures which the Japanese Government were obliged to take no longer ago than the 12th of April last, when several hundred Communists were arrested. I quote from the Montreal Gazette:

In connection with the recent arrest of many Communists, the procurator-general made the statement to-day that "the predominant aspect of the whole affair is the serious fact that Japan now is confronted by an unusually grave national difficulty, inasmuch as revolutionism is pretty well diffused."

The official opinion was that "the present attempt to undermine the foundation of the Empire from within is more serious than the threat of armed force from without."

The strength of the Communist movement in Japan is attributed in part to the return from Russia last year of "leaders trained in fighting methods by the leaders of the Third Internationale."

It is understood that the Government plans to dismiss numerous college professors and to dissolve student groups owing to their radical sympathies.

Of the several hundred persons under arrest, the prosecution of 150 has already begun, and if the investigations now going on produce sufficient evidence the prosecution of many others is certain. The Communist movement is said to be highly organized, with local groups under commissars, and every facility for carrying out extensive propaganda.

Chile also had a Red problem to solve. The Government there deported the leaders to the island of Juan Fernadez, where, by the way, Robinson Crusoe was supposed to have

stayed. Their families were sent with them, and they were given tools, houses, and everything they required to establish the republic of their heart, but a few months later they came back and begged on their knees to be admitted to the community, and they were allowed to come back on promising the Government not to offend again.

May I also call the attention of the Senate to an article in the London Times of August 1st, 1927, which states that Brazil had to protect itself by deporting the Communists.

I desire also to refer to an article in the Times of September 7, 1927, showing that the Bolivian Government, in order to protect itself had to expel the Bolsheviks from that country. The article is as follows:

La Paz, Bolivia, Sept. 6.—In the course of a debate in the Bolivian Parliament to-day the Foreign Minister, Senor Gutierrez, delivered a strong attack on the Communist International, which he charged with fomenting and spreading Communism and revolt in South America.

The Minister read a number of documents forwarded by the Bolivian Legation in Paris, and alleged to have emanated from the Soviet Embassy in the French capital. The documents, which were signed by Bukharin, were in the form of instructions to "Comrade Martinez," urging him and other Communists in South America to organize a general Communist revolt.

The Minister announced at the same time that the police had nipped in the bud an attempted Communist conspiracy in Bolivia and had seized a quantity of powerful explosives. At the conclusion of the speech Parliament passed a vote of confidence in the Government.

It is recalled that the rising of Indians in Bolivia was attributed at the time to Communist influences.

Now I come nearer home. I have had the opportunity of reading a document placed before the Senate of the United States by Senator Lodge on January 3rd, 1924, which revealed a nation wide conspiracy, originating and financed in Moscow, for the purpose of overthrowing the Governments of the United States and Canada. It reads:

Imported revolution is knocking at the door of the United Mine Workers of America and of the American people. The seizure of this union is being attempted as the first step in the realization of a thoroughly organized program of the agencies and forces behind the Communist International at Moscow for the conquest of the American continent.

The overthrow and destruction of this Government, with the establishment of an absolute and arbitrary dictatorship and the elimination of all forms of popular voice in governmental affairs, is being attempted on a more gigantic scale, with more resolute purpose, and with more crafty design, than at any time in the history of this Nation.

The Communist régime at Moscow, bent on world conquest, is promoting and directing one of the best organized and most far-reaching campaigns in America than any country has ever been confronted with. The Communist organization on the American continent is composed of more than six thousand active leaders and lieutenants, and approximately one million members adherents and sympathizers, scattered in every state and province of the United States and Canada, and who are actively or tacitly promoting the scheme to import Bolshevism and Sovietism to this side of the Atlantic.

This campaign affects the people of the Dominion of Canada as much as it does the United States. The revolutionary agents of Moscow are working as actively and energetically among the people of the one country as they are among the people of the other. Proof of this statement is found in the recent red outbreak among the misguided miners of Nova Scotia, where armed revolution was preached; where an illegal strike occurred and the red movement was only broken by the vigorous and forcible action of John L. Lewis, president of the United Mine Workers of America.

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The menace of Bolshevism in America—the United States and Canada—is not a figment of imagination or an invention of hysteria. It is not a passing fancy or a deceiving mirage. Nicolai Lenin and his group of associates at Moscow are waging a definite contest for the subjugation and seizure of the United States and Canada. They would destroy the present governments, destroy the sovereignty and independence of the people, and, in their place, enthrone the idols and fallacies of Bolshevism.

Millions of dollars are being spent in this contest. Much the money is coming from continental Europe and the remainder is being collected through organizations and committees created for that purpose or by donations and contributions of sympathetic or well-intentioned people in the United States.

Immediately before the start of the miners' strike on April 1, 1922, the sum of $1,110,000 was sent into the United States by way of Canada, from Moscow for the purpose of enabling the Communist agents to participate in the strike. Behind this move was the scheme to overthrow the leadership of the union and then convert the strike into an "armed insurrection" against the Government of the United States.

The massacre of the strike breakers at Herrin, Ill., was engineered by these Communist agents "boring from within" the miners' union. According to their own statements, they were engaged for seven weeks beforehand in their preparation for a tragic occurrence of this kind at some point in southern Illinois as a means to "arousing the workers to revolutionary action." Details of this incident will be disclosed in a subsequent article of this series.

In the coal fields of southwestern Pennsylvania, where the strike started by orderly process, mine plants, tunnels, and power-transmission lines were blown up, the homes of miners were wrecked, and men were beaten or injured by these Communist agents in an effort, under the instructions of Gregory Sinoviev, president of the Communist International, to arouse "the revolutionary spirit of the workers and prepare them for the coming revolution in America." All of these things show what American employers would have to deal and contend with if the Communist plans were to succeed and the present legitimate American labor movement were weakened or destroyed.

Three times in three years the Bolshevik leaders at Moscow have attempted armed insurrection and revolution in the United States.

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With the strategy of a field marshal Zinoviev sent the following instructions from Moscow to Communist agents in the United States a few weeks before the start of the miners' strike on April 1, 1922:

"The Central Executive Committee of the Communist Party of America must direct its particular attention to the progress of the strike of the miners of America.

Agitators and propagandists must be sent to the strike regions.

It is necessary to arouse striking coal miners to the point of armed insurrection. Let them blow up and flood the shafts. Shower the strike regions with proclamations and appeals. This arouses the revolutionary spirit of the workers and prepares them for the coming revolution in America."

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The conspiracy which caused the loss of the lives of twenty-two men at Herrin Ill., on June 21, 1922. . . . was a carefully planned affair, schemed with all of the diabolic cruelty and disregard for law that characterizes the activities of the Communist movement.

Participating in the events which led to the slaughter of these men were 67 members—virtually all of them of Lithuanian nationality—of the local chapter, in the town of Herrin, of the Communist Party of America, together with 19 other Communist agents and organizers for the purpose of arousing the local Communists, and precipitating an attack upon the strip mine of the Southern Illinois Coal Company.

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In November, however, they were busily plotting for another strike of the coal miners on April 1, 1923, supported by a railroad strike brought about by the "one big departmentalized Union" of railroad workers.

Plans for this strike were being actively laid, emissaries were hurrying to Moscow for consultation with Lenin, Zinoviev and Losowsky. "National" conventions were being arranged for at Chicago and Cleveland. A national farmer-labor party to draw together the farm workers and the industrial workers was being promoted by Foster, funds were being sent into country from abroad, or raised by so-called national defence committees, labor defence councils, or miners' relief committees.

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The sum is being annually derived in this manner runs into millions of dollars, with only an approximate idea as to its aggregate. In addition, millions of dollars are being sent over from Moscow and other Bolshevik centres in European capitals.

The United Mine Workers learns from an authoritative source that the money from abroad is coming in through the usual international banking channels, originating in Moscow, Berlin or Stockholm, and that it is distributed to the accounts of various individuals in different banks after it reaches this country.

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Efforts were made also to extend the movement to Ohio, West Virginia, Indiana, Illinois, central and eastern Pennsylvania, and to Nova Scotia, and Alberta. Contacts were established with local union officials and state board members in Illinois; with H. E. Keas, a Communist agent in Ohio; E. R. Fay and R. P. Alcock in Alberta; and with J. B. McLachlan, Alexander McKay, and Angus McLennan in Nova Scotia.

Arrangements were made through McLachlan and McLennan for Howat to invade Nova Scotia in April and May to promote a Communist organization there in conflict with the authority of the international officials of the United Mine Workers. McLachlan sent $200 to Merrick to defray Howat's travelling expenses, but Howat insisted on Thomas Myerscough, an aid of Merrick, accompanying him, and McLachlan was asked to contribute $600 more.

Howat failed in his efforts to gain entry into Canada because Canadian immigration authorities kept him out, and he returned to Pittsburgh. There he continued his campaign to overthrow the leadership of the miners, and to carry out the program of the conference of February 10.

In the files in Merrick's office which were seized at Pittsburgh was a letter written by E. R. Fay, of Newcastle, Alberta, Canada, wrote to Myerscough, asking for a program of the insurgents, "and all necessary information to start the ball rolling to get rid of John Liar Lewis and his gang of skunks". Fay said, "he acted on the recommendation of Tim Buck, the national industrial organizer of the Workers Party of Canada."

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There are 200 organizations in the United States actively engaged in or sympathetic with the Communist revolutionary movement as directed and conducted by the Communist Party of America. Some of them are local in their scope and work; others are nation-wide. Forty-five of these organizations of either "pink" or radical structure are engaged in the Communist effort to seize control of the labour unions in this country and convert them to the revolutionary movement. In virtually every instance these organizations have direct contact, through the mechanism of interlocking directorates, with the Central Executive Committee of the Communist Party of America, or with its "legal" branch, the Workers Party of America.

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The major propaganda distributing agency of the Communists is the Federated Press. This is an alleged newspaper service with headquarters at Chicago. It has been financed and promoted through the central Communist organization, under instructions of the Communist International at Moscow. It serves approximately 200 newspapers, publications, and agencies in America, and about 120 newspapers in Europe. It also supplies an "economic service", described by William Z. Foster as "consisting of statistics upon the actual condition of our industry system", to local labour unions that can be induced to subscribe for it.

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The efforts of the Communists are not confined to taking possession of trade-unions. They have a systematic program also for entering legislatures and municipal assemblies, and with the declaration that their members in those positions are amenable to the same discipline as in the trade-unions. They aim also to enter the Army and the Navy. Bukharin and Berzin, of the Executive Committee of the Communist

International, in a manifesto to the Communists of America two years ago, said:

"We consider one of the most important tasks before you is the organization of Communists groups in the Army and Navy, which should carry on energetic propaganda in favour of soldiers' and sailors' soviets, and denunciatory agitation against officers and generals.

"Act centrally. Do not fall asunder. Organize conspirative revolutionary headquarters."

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To-day the Bolshevik organization in America is better systematized, more co-ordinated, and has a larger range of activities than it ever had before. These activties are expanding and spreading in scope. The Communist organization is not as elastic as it was in the hands of the Germans, and it is not as well financed. It is, nevertheless, very real and every effective, and from a skeleton organization created by the Germans has multiplied many times in strength and scope of action, and to-day has ramifications that reach into virtually every labour union, every industry, every community, and most of the phases of American life."

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Money in great sums is coming into the country to finance these efforts. It is not merely to pay the expenses of propaganda and revolutionary effort among the trade-unions, but is intended to enable the Communists also to keep in close touch with the affairs of the National Government at Washington. A half dozen agents are on the job in Washington all the time, whose duty it is to watch each movement and gauge the political effect of each action taken by the Government.

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The Communist movement in the next twelve months will be conducted along more intensive lines than it has at any time in the past. The labour organizations will meet their greatest assaults and attacks, and the Communists will make greater efforts than they have at any time in the past to get possession of them. The movement is aimed not only at the labour unions but at the entire industrial, social, and political structure of the country, and with the single aim of eventually establishing a Soviet distatorship in the United States, and converting the country into a vassal colony of the Communist International at Moscow.

Now I come to Canada. I am sorry that I have had to traverse the world to disprove what was so eloquently said by the honourable member from Lanark (Hon. Mr. Haydon), namely, that Socialism, or Communism —which is the same thing to him—was gradually disappearing from the face of the earth. Honourable gentlemen will see, from the extracts and reviews that I have quoted to them, that Bolshevism, instead of disappearing, has never before been as active as it is to-day. My honourable friend the Leader of the Government in this House is a student of history. I ask him if he can recall any time in the history of the world when Communism of that class was as rampant the world over as it is to-day, or when a large community of 120,000,000 served as a base of its operations, and when practically every nation had to defend itself against its vicious attacks. Further, can my honourable friend name any other single Government that has lasted as long as the Bolshevik Government has lasted while continuing its nefarious work? That Government has been at the helm for ten years. What other Government is there that can claim to have been in power for the last ten years?

Now, what have been the activities of these forces at home? I am quite aware that the Government is informed on this subject. Last year in discussing this Bill the Leader of the House said: "We have the services of the Mounted Police at our disposal; we are perfectly well informed." Well, I am going to put this question to my honourable friend: Is it or is it not true that the duly accredited representative of the Bolshevik Government has stated publicly at different times that he is now carrying on an active campaign for the purpose of overthrowing the Government of Canada by force? If my honourable friend doubts what I am telling him, I would refer him to the Chronicle Telegraph of Quebec of the 23rd of June, 1927, in which it is reported that Mr. Maurice Spector, who is the editor of "The Worker", stated openly what the work of the Communist Party was in this country. The article is as follows:

"Our methods are those of agitation, propaganda, and organization among the masses," he replied. "We publish "The Worker," which is circulated all over Canada. We distribute thousands of leaflets and manifestoes on every important political and social subject. We have education courses to spread the ideas of Marxism and Leninism. We have study circles which make it a point of analyzing every current event. We hold public meetings. All this work is more or less general in character and is, of course, quite open and above board."

"What about labour unions?" "We strive to be particularly active in the organized labour movement. The working class is the dynamic force in changing present day society. For that reason we endeavour to win over the trade union movement to a policy of class struggle against, instead of collaboration with the employing class."

"Does that mean that you are opposed to all efforts to bring closer harmony between capital and labour?" "Emphatically yes. For we can conceive of no fundamental identity of interest between the exploiter and the exploited."

"How many supporters would you say you have in Canada, outside of actual members?" "We measure our influence by our strength in the trade-union movement and the Canadian Labour party. In the Canadian Labour party the communists have led several conventions in the last few years. A communist is president of the Ontario section of the Labour party. Another communist heads the Labour party in Edmonton. We are very adequately

represented on the executives of every provincial section and every central council of the Labour party. We were able to initiate the "Hands-off-China" conference.

"Our influence is strongest in Ontario. In Saskatchewan we are influential in the left-wing farmers' movement, since a number of leading farmers are members of our party. Since Quebec is showing greater signs of industrialization the party is making plans for work among the French-Canadians. At present we don't mind admitting that our influence is very slight among this very important body of Canadian workers.

"The communist party, which has already more than once been the most active political force in the workers' movement in Cape Breton, will again resume its leading position with the development of fresh struggles between the miners and Besco."

"Do you mean that you are trying to stir up trouble in the maritimes particularly?"

Mr. Spector hesitated for a moment. "Well, we prefer to put it differently, and we think, more accurately. What I mean is that at our coming national convention very careful plans will be laid and policies formulated to infuse the whole Canadian labour movement with a spirit of greater militancy and aggressive class consciousness ,to take advantage of the present relative industral industrial revival by wage demands in every industry and by demands for more adequate social legislation."

Regarding the party's strength in the other provinces, Mr. Spector said that in Alberta it is the leading working class party of the miners. In British Columbia sympathetic interest in the movement is so great that some of the biggest audiences in Canada can be secured in Vancouver. The banner province for communism is, however, Ontario, Mr. Spector said, with Alberta following.

I cannot stress sufficiently here the importance of the work that we do to organize the unorganized—the great mass of workers whose interests are not taken care of by trade unions. The first step in this important branch of the work is to show these masses that the bosses are their natural economic enemies."

"What opposition do your followers meet from employers, and how do they circumvent it?" "If the identity of a comrade is discovered by the employer, then inevitably he is fired. Any communist worker knows that he assumes certain risks when he joins the party. In fact one of the strongest impulses inducing men to join the party is the knowledge that the risk is there to run.

"We try to get the factory workers to join trade unions and the more militant we invite to join our ranks. That's where we get our recruits."

"Just as soon as you feel that your position is strong enough in any given factory, do you endeavour to start a strike?" "Yes, as soon as we reach that point we start a fight for better conditions."

"Then it is frankly a fight between you people and society as it is organized in this country to-day." "Yes."

Here let me quote from the Montreal Gazette of July 11, 1927:

When the police of Scotland Yard, acting for the British Government, descended upon the premises of the Soviet agency in London and found there a mass of evidence proving that a widespread and most poisonous propaganda had been carried on under cover of immunity granted to a trading institution, the official relations between the British Government and the Soviet were promptly severed. The evidence secured during the raid on Soviet House, in London, covered the operations of the Moscow conspirators in the British Dominions, including Canada, and as much of this evidence as appertained to conditions in this country was placed in the hands of the Canadian Government. Relations between the Dominion and Russia were thereupon discontinued, and the Soviet agent in Montreal was given his conge. The Canadian public approved whole-heartedly of this step, as far as it went; but nothing more was done.

May I also refer my honourable friend to the Montreal Gazette of the 29th of March this year, in which the following appears:

For the purpose of organization on the part of the Communist party in Canada the Dominion has been divided into nine districts, with divisions in all the provinces. Nova Scotia, according to the report of the Department of Labor, has six branches; Quebec, nine; southern Ontario, 19; North Bay-Timmins, 13; Sudbury-Soo, 18; Port Arthur-Kenora, 23; Manitoba and Saskatchewan, 22; Alberta, 23, and British Columbia, 14 branches.

Does my honourable friend know that no later than the 1st of May instant over 1,000 people met in Winnipeg, and, surrounding the red flag, sang "The International"? Here is the report:

Winnipeg Reds Hold Celebration

Winnipeg, May 2.—(C. P.)—More than a thousand men stood with bared heads in the City Hall Square last night while the international, revolutionary song of the Communist party, was sung, concluding the May Day demonstration of the party in Winnipeg.

The gathering in the square followed a parade of 800 men and women and a large number of children who, led by their elders in the ranks, chorused "The International," "The Red Flag" and "The Marseillaise."

Does my honourable friend know that on the same date this very same Mr. Spector, in the Monument National, in Montreal, spoke as follows:

The speaker upheld the Union of Socialist Soviet Republics as the symbol of hope and admiration to the working class of the world. He charged that Great Britain was attempting to form a block for a war against the Soviet, not entertaining any of the latter's proposals for a perfect peace when the Soviet Union proposed complete disarmament at the last Geneva Conference.

Mr. Spector described the recognized Labour Day in September of each year as a day only for the capitalists. Organized power must be mustered by the workmen to defeat the ends of these financiers, he said, demanding that action be taken to overthrow the capitalistic system. He denounced the capitalists as being "arrogant, merciless and ruthless."

In conclsion he asked that the workers stand for the defense of the Soviet Republic and its ideals. A collection for the cause was then taken up.

But listen!

Ukranian dances and songs were given by a large number of the children, and music was also contributed by the Mandolin Orchestra and the Young Pioneers' Mandolin Quartette. During the afternoon a number of the May Day sympathisers met in a hall at 1108 St. Lawrence Main where a concert and reception was held.

This brings me back to the inquiry I have made of the Government. My honourable friend can see with what company the Ukrainians are associating, and he can see there the confirmation of the truth brought home to him by gentlemen whom he himself holds in the highest possible esteem. He cannot ignore that amongst the Ukrainians a pernicious propaganda is going on, and I intend placing on the record a confirmation of this fact by another gentleman, himself a Ukrainian. By implication the honourable member from Lanark (Hon. Mr. Haydon) said that my speech might be interpreted as lacking in charity towards the Ukrainians. I do not think I said anything that could be so perverted. If I did, it was not my intention to do so. I have asked Parliament and the Government to protect the Ukrainians against cynical, paid propagandists. Oh, not people who are over-zealous through conviction; not at all; but cynical organizers paid so much a day in money that comes from Moscow. They get their reward when their nefarious work is considered worth the money. They must be useful. If they are not they get no pay at all. Therefore, I am siding with the people who are nothing but victims of those propagandists. I would like to read to the House a letter from the Rector of St. Michael's Church in Montreal, Father Gregorychuk.

I was very much interested in your Motion concerning Communism in Canada. Being myself a Ukrainian and knowing conditions pretty well among Ukrainians in Western and Eastern Canada, may I draw to your attention, the following facts: about Communism, among Ukrainians in Canada.

1. The number of Ukrainians in Canada is about 250,000 to 300,000. All these people come to Canada with good intentions to work for their own and Canada's welfare.

2. The most dangerous thing for these people is Communistic Propaganda, which is spreading very rapidly, through Communistic papers, schools, and representations given in Communistic Halls, under the name of Ukrainian Labor and Farmer Temple Association.

3. The centre of Communism for Western Canada is Winnipeg, where a very powerful organization is working to make Ukrainians accept communistic doctrine. The same thing is done for Eastern Canada, the centre being Toronto, where there are two Communistic Temples, especially for Ukrainians, built at a cost of about $125,000.00.

4. I am following the Communistic movement among Ukrainians very closely, and may state that the people are taught through the papers, to hate the present system of Government in Canada. In the speeches delivered very often in Communistic Temples, they openly boast the time will come when the present Government will be overthrown by force and revolution and the Proletariat will reign as in Russia. The Communistic Schools number about forty, with 2,000 children in attendancce. They are taught Atheism, hatred of every religion, and love of Lenin and his Doctrine.

5. During representations and concerts, Canadian National Hymn is always omitted and replaced by Internationale—the National Anthem of Soviet Russia.

6. I may state that this Propaganda has gained already many adherents among Ukrainians in Western and Eastern Canada, and is gaining new adherents every day. If they are not opposed very soon this organization will be a menace to Canadian Constitution.

7. It is my humble opinion that our Canadian Government should act and protect the innocent people who are led into false doctrines by agents of Moscow.

8. I am saying this not as a priest but as a British subject, because I am well acquainted with the conditions obtaining among my people in the East and West, and it is my opinion that everybody irrespective of creed and race, should act and suppress this pernicious propaganda.

I trust that my humble opinion, as above, will be taken in the spirit in which it is written.

A last word, honourable gentlemen. A request has been made by a very respectable element of the population, that the Government should deport those who teach Communism to little children—to say nothing of men like Spector, Tim Buck and others who appeal to people mentally able to defend themselves. The children are not in that class. The British Government has recognized the danger to the extent of adopting special legislation for the purpose of protecting the children in England, although there are only three hundred of them going to Bolshevik schools. We have two thousand such children here, and they are practically out of our reach. The priests know them, for 90 per cent of the Ukrainians are not members of the Orthodok church, but Catholics. Men whose absolute integrity cannot be contested have come and asked the Government to deport those teachers of Communism. The answer of the Government to a request of that nature, so moderate and so reasonable, is given in the two Bills that we have before us to-day. The Government says, in effect: "The Catholic Women's League of Canada point to people who are poisoning the minds and souls of foreign children who come here knowing nothing of Canada and are thereby made enemies of the nation instead of friends. They want us to deport them, do they? Very well, we shall cast aside all our means

of deporting them, lest we should inadvertently make use of those means." That is the answer of the Government.

And the Government is endeavouring to justify it by saying that the legislation now submitted is intended to relieve Englishmen of a humiliating discrimination. My honourable friend knows very well that the law was never intended to make a distinction between treatment meted out to Englishmen and the treatment to other people. Why did not the honourable gentleman simply give a fair and complete explanation? When we can we do expel objectionable people; when we cannot, we do not. When a foreigner comes here and abandons his nationality to take Canadian citizenship, why can we not expel him? Because he has no other country but Canada. We would deport him if we could, but we cannot, because he has forsaken his own country and there is no country to receive him? That is the only reason. The Englishman or the Australian can be deported, because he still has a country to which he can be sent.

But there is another point. My honourable friend (Hon. Mr. Dandurand) reads the regulations of the Immigration Department which debar from this country any persons holding such ideas as those I have just exposed before the House. If a man who is known to have, or who admits having, Bolshevist principles comes before an Immigration Officer at the frontier, as everyone knows, he is refused admittance. Is that not the truth? If he is admitted, it is only by error—or rather by fraud. Every man who appears before a Canadian Immigration Officer is obliged to answer whether or not he is tainted with Bolshevism, and if being tainted with Bolshevism, he is admitted, it is because he has lied. Therefore, according to my honourable friend's argument, this would be the extraordinary position: the man who says to the Immigration Officer, "Yes, those are my opinions—I am a Bolshevist," is told, "You cannot enter this country," but the man who is guilty of felony and treachery, of lying to the Immigration Officer when he is asked what opinions he holds, is permitted to enter this country and is then sacred to the Government. The Government says, "If he had told the truth we would have returned him immediately to his own country, but he has told a lie; therefore we must treat him very gently and give him all the privileges accorded to a citizen of Canada. We must have him judged by the Courts." Does not the reason which necessitated the passage of this law exist today just as it did some years ago?

It is well known that nothing is seized upon more eagerly by the Bolshevists than the publicity of a dramatic trial for expulsion from a country. That is the best sort of propaganda they can have. It enables them to pose as poor, helpless victims—they, the men who are paid with the blood-soaked money of the Soviets. Those are the people whom the Government wants to protect. Those are the people it is eager to treat as the children of the soil. I say that no more unreasonable demand has ever come before this House.

There is one last feature to which I would like to refer. How is it that the Trades and Labour Congress of Canada has given assent to these Bills? Everybody knows that the labour unions are continually attacked and continually on the defensive on account of Bolshevists boring from within. I have quoted from a document of a legitimate labour union, the United Mine Workers of America, showing that they implored the protection of their own Government in the United States against those very men. Yet to-day we see the Trades and Labour Congress of Canada supporting this measure.

Will you allow me, honourable gentlemen, to illustrate my view of the situation in this country by a reminiscence? It is a rather curious one. When I was a young lawyer I appreciated every one of the clients who came into my office. One day a rather strange looking man came in. He was pale, thin, sickly looking. I said to him: "My friend, what is the matter? Are you ill?" "Oh, yes, sir," he said, "I have swallowed a lizard." "You have swallowed a lizard?" I said. "Yes," he said, "I was drinking at a spring and I swallowed a lizard, and now it gnaws at me and I cannot take a meal unless I first give it two hard-boiled eggs."

There is a lizard that is gnawing all the time at the entrails of the legitimate labour unions, and they have been compelled, as it were, to compromise by supporting these two Bills. Those are the two hard-boiled eggs that the labour unions have fed to the Bolshevists boring from within. The Communists say to the leaders of labour unions, "For the time being we will stop our propaganda against you if you will support the passage of these two Bills." Down go the eggs, and the labour leaders gain respite for the time being. But let them not forget that they are feeding the lizard that will continue to gnaw at their entrails.

And as far as the Government is concerned, is it not in about the same position? The labour unions, urged by their Red wing, so to speak, say to the Government: "We shall deal lightly with you, but"—yes, there is a "but"—"but you will please pass those

two Bills. You will declare before the two Houses of Parliament and before the country that you have no confidence in the way in which you might exercise the powers that are given to you by the law." That is the position. If my honourable friend (Hon. Mr. Dandurand) were on this side of the house I could understand his speech. I could understand the honourable gentleman rising in his place and saying to the Government: "I want you to lay down those arms, for I have no confidence in you or in the way you may use them." But for the Government to come before the country and ask to have itself completely disarmed—

Hon. Mr DANDURAND: I said we were fully armed.

Hon. Mr. BEAUBIEN: Fully armed? Are you or are you not making a dangerous use of these two provisions of the law? If you are not, then why do you want to throw them up? Why, especially, do you come to this House with an argument false at its base? Why should you try to plead for the Britisher when you have no excuse to do so?

And now a last word. Will my honourable friend inquire and inform this House whether it is true or not that there are 40 Bolshevik schools among the Ukrainians? I would like him to stand up before the three gentlemen I have mentioned and dare to give them the lie. I have full confidence in the Mounted Police, in their effectiveness and honesty. I have still greater confidence in the man at their head, for I know him, and I will take his word. I would take my honourable friend's word, but he will not give it to me.

Honourable gentlemen, I predict that my honourable friend will not deny the facts, for he is not able to do it. If he will go to the Mounted Police they will confirm what has been said, and my honourable friend with his usual skill will plead all around the question, but he will not touch it. But I am going to give him another chance. Less than one month ago, in Winnipeg, there was a meeting of 1500 or more people, and Popovitch —whom the Honourable Leader and the Mounted Police know as nothing but a paid emissary, doing his nefarious work there night and day—openly incited the people to revolution. As he is a very efficient speaker, he carried the whole meeting with him. Will my honourable friend come before this House and deny that? He will not, because it is true.

Hon. Mr. GORDON: Was he deported?

Hon. Mr. BEAUBIEN: No, he is not deported, and the Government knows that Popovitch is carrying on his insidious work, and doing it wonderfully well.

Hon. Mr. DANDURAND: Is he a naturalized Canadian?

Hon. Mr. BEAUBIEN: Yes, he is naturalized.

Hon. Mr. DANDURAND: Ah! That is the answer.

Hon. Mr. BEAUBIEN: That is not the answer, and therefore nothing is done. My honourable friend comes before this House and says: "We are overloaded with arms, so that we can hardly move about. Let us throw some of those arms aside."

Hon. Mr. DANDURAND: But this clause would not reach such a one.

Hon. Mr. BEAUBIEN: Just a minute. In your arsenal you have got the ammunition to lay him low. Why do you not do it? That is my question; it is a fair one, and I want an answer to it.

Hon. Mr. DANDURAND: I will answer at once. There is such a thing as a Government of the Province of Manitoba. The administration of the law is in its hands, and if there is any criminal act committed in Winnipeg it is under the eyes of that Government, and of the Attorney-General of that Government, and it is for that Government to administer the law.

Hon. Mr. BEAUBIEN: Now, honourable gentlemen, we have come down to brass tacks.

Hon. Mr. DANDURAND: Under the law.

Hon. Mr. BEAUBIEN: But does not everybody know that you have taken charge of the red propaganda in this country?

Hon. Mr. STANFIELD: Would they have allowed in the United States such a meeting as was held in Winnipeg? I am asking for information.

Hon. Mr. BEAUBIEN: No. But let me proceed. You have now notice that this large meeting was held; that it was held by Popovitch; that Popovitch is paid by Russia for nothing but his nefarious work here, and he does it effectively, because he is a gifted speaker. Will you be good enough, when you answer, to enquire of the Mounted Police if these facts are true or not? Then if true, will you look through your arsenal and find out how you can deal with Mr. Popovitch? It will not be difficult; you can do so if you

want to. On the other side of the line, if a document such as I cited was brought to the attention of the Government, deportations would not tarry. Why do you not act?

Do you recollect the millions that we have lost? Take only the case of the British Empire Steel. I know it. The Bolshevists acted as they did elsewhere—blowing up the houses of the miners, burning, ransacking the mines, flooding them with water. We paid for that. Do we want the return of these conditions? It is for us to decide.

Of course we are relatively prosperous now, and it is very difficult for the red propaganda to be aggressive when times are good, but the fat cows will go, and the lean cows must come, and in their wake the pack of Bolshevik wolves will follow. Shall we have peace when prosperity goes? This is for you to say now. If you do as they have done in the States, in England, in France, in Belgium, then we shall have peace; but if you persistently close your eyes, always fear even your shadow lest you may suffer politically, then when hard times return, when work is scarce, when unemployment increases, and discontent also, we will have a very rich red harvest from what you are sowing to-day.

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

DIVORCE BILL

SECOND AND THIRD READINGS

Bill Y5, an Act for the relief of Gladys Ham.—Hon. Mr. Willoughby.

PRIVATE BILLS

FIRST READINGS

Bill H8, an Act respecting the Cumberland Railway and Coal Company.—Hon. Mr. Casgrain.

Bill J8, an Act to incorporate the People's Thrift Corporation.—Hon. Mr. Casgrain.

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

THE SENATE

Friday, May 4, 1928.

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

Prayers and routine proceedings.

56109—28½

DOMINION FOREST RESERVES AND PARKS BILL

THIRD READING

Hon. Mr. DONNELLY presented the second report of the Special Committee to whom was referred Bill 193, an Act to amend the Dominion Forest Reserves and Parks Act.

Hon. Mr. DANDURAND moved the third reading of the Bill. He said: Honourable gentlemen, we had the advantage of hearing the chief of the branch dealing with forest reserves, and his statement was most illuminating and satisfactory to the Committee, who unanimously passed the Bill.

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

DIVORCE BILLS

FIRST READINGS

Hon. Mr. WILLOUGHBY, Chairman of the Committee on Divorce, presented the following Bills, which were severally read the first time:

Bill J8, an Act for the relief of Edward Aranha.

Bill K8, an Act for the relief of Mildred Jarvis Aspinall.

Bill L8, an Act for the relief of William Bell.

Bill M8, an Act for the relief of Lillias Agnes Cressman.

Bill N8, an Act for the relief of Jane Glass.

Bill O8, an Act for the relief of Laura May Hinscliffe.

Bill P8, an Act for the relief of William Hogg.

Bill Q8, an Act for the relief of Helen Horn.

Bill R8, an Act for the relief of Jessie McPherson.

Bill S8, an Act for the relief of Sylvia Ortenberg.

Bill T8, an Act for the relief of Thomas Joseph Warmington.

ENGAGEMENT OF JOHN D. LOGAN

INQUIRY

Hon. Mr. BLACK inquired of the Government:

1. At what date was John D. Logan employed as Chief of the Archives Department in the Maritime Provinces?
2. At what date did he leave for United States, having relinquished the work?
3. For what period thereafter was he paid his salary?

Hon. Mr. DANDURAND:

1. February 16, 1925.

2. Retired from the service on February 1, 1928.

3. He has not been paid since his retirement.

During his period of service Dr. Logan was absent in the United States on various occasions amounting in all to sixteen or eighteen months.

BUFFALO AT WAINWRIGHT PARK

INQUIRY

Hon. Mr. SHARPE inquired of the Government:

1. At what price were Buffalo hides sold for at Wainwright Park in the years 1925-1926-1927?

2. How many hides were sold; to whom were they sold; was there a contract; were they sold by public auction; were the hides graded or sold in bulk?

3. How much money was received for the said hides?

4. Did the Government have any other offer for the hides?

5. How many Buffalo were sent north last year; who had the contract for taking them north?

6. How far north were they taken, and how much money was paid for taking them north?

Hon. Mr. DANDURAND:

The slaughter of the buffalo was carried out during the months of November, December and January, which renders it difficult to give the disposal of the hides during the calendar years. For this reason the replies herewith give the disposal of the hides during the fiscal years, being April 1 to March 31, following.

During the 1926-1927 kill and the 1927-1928 kill a large percentage of the green hides were contracted for, but were only delivered as payment for same was made.

1. 1925-1926—Green hides: $35 each; $30 quantity lots. Dressed hides: $40 to $75 each according to size and quality. Department paid selling costs.

1926-1927—Green hides: Sold by tender at $27 each. Dressed hides: Same as in 1925-1926. Department paid no selling costs.

1927-1928—Green hides: Contracted for at $32 each for total supply available. Dressed hides: Same as in 1925-1926. Department paid no selling costs.

2. (a) 1925-1926: 871 hides; 1926-1927: 1,054 hides; 1927-1928: 1,971 hides.

(b) 1925-1926: Trudel Fur Mfg. Ltd., 395 hides; sales to individuals, 476 hides; 1926-1927: Trudel Fur Mfg. Ltd., 820 hides; Yaegers Furs, Ltd., 59 hides; sales to individuals, 175 hides; 1927-1928: Trudel Fur Mfg. Ltd., 1,668 hides; Yaegers Furs, Ltd., 113 hides; sales to individuals, 190 hides.

(c) 1925-1926: No; 1926-1927: Yes; 1927-1928: Yes.

(d) No.

(e) Dressed hides graded; green hides not graded.

3. 1925-1926: $31 014.35; 1926-1927: $42,371.-28; 1927-1928: $56,090.

4. 1925-1926: Hides available to any one at prices set by Department; 1926-1927: Tenders called. Number of bids received; 1927-1928: Yes.

5. (a) 1,934 head.

(b) Alberta and Great Waterways Railway, and Athabaska Shipping Company, Limited.

6. (a) To a point in the Wood Buffalo Park approximately 30 miles south of 60° north latitude.

(b)

Alberta and Great Waterways Railway	$ 4,191 75
Athabaska Shipping Co., Ltd.	9,670 00
Stockmen, etc.	610 00
Total	$ 14,471 75

TRANSPORTATION OF COAL FROM WESTERN AND EASTERN CANADA

INQUIRY

Hon. Mr. TANNER inquired of the Government:

1. Over what mileage and by what routes and railways respectively will the said rates apply (1) from Drumheller mines in Alberta to Toronto, Ontario; (2) from Minto Mines in New Brunswick to Montreal, Quebec; (3) from Springhill, Nova Scotia, to Montreal; (4) from Pictou county, Nova Scotia, to Montreal; and (5) from Sydney, Nova Scotia, to Montreal?

2. What are the rates fixed in respect to each of said routes?

Hon. Mr. DANDURAND:

1. (a) Via Canadian National Railways:

(1) Applicable via South Saskatoon, Sask., Winnipeg, Man., Armstrong, Ont., and Capreol, Ontario, 1989.2 miles.

(2) From Hardwood Ridge Station N.B., via Canadian National Railways to Montreal Bonaventure Terminals, applicable via Edmundston, N.B., Joffre, Que., and Drummondville, Que., 547.6 miles.

(3) From Springhill mines to Springhill Junction, N.S., via Cumberland Railway and Coal Company, thence Canadian National Railways to Montreal Bonaventure Terminals:

(a) Applicable via Moncton, N.B., Edmundston, N.B., Joffre, Que., and Drummondville, Que., 684.4 miles; (b) Applicable via Moncton, N.B., Campbellton, N.B., Joffre, Que., and Drummondville, Que., 718.6 miles.

Note: These mileages include the five mile haul on the Cumberland Railway and Coal Company, between Springhill mines and Springhill Junction.

(4) From Westville, Stellarton and Thorburn, N.S., via Canadian National Railways to Montreal Bonaventure Terminals: (a) From Westville applicable via Moncton, N.B., Edmundston, N.B., Joffre, Que., and Drummondville, Que., 768.5 miles; (b) From Stellarton applicable via Moncton, N.B., Edmundston, N.B., Joffre, Que., and Drummondville, Que., 771.6 miles; (c) From Thorburn applicable via Moncton, N.B., Edmundston, N.B., Joffre, Que., and Drummondville, Que., 779.7 miles; (d) From Westville, applicable via Moncton, N.B., Campbellton, N.B., Joffre, Que., and Drummondville, Que., 802.7 miles; (e) From Stellarton applicable via Moncton, N.B., Campbellton, N.B., Joffre, Que., and Drummondville, Que., 805.8 miles; (f) From Thorburn applicable via Moncton, N.B., Campbellton, N.B., Joffre, Que., and Drummondville, Que., 813.9 miles.

(5) Via Canadian National Railways to Montreal Bonaventure Terminals; (a) Applicable via Moncton, N.B., Edmundston, N.B., Joffre, Que., and Drummondville, Que., 856.0 miles; (b) Applicable via Moncton, N.B., Campbellton, N.B., Joffre, Que., and Drummondville, Que., 990.2 miles.

Note: In answers to sections (2) (3) (4) and (5) of Question 1, mileages to Montreal shown as to Bonaventure Terminals. Rates also apply to Moreau Street.

(b) Via Canadian Pacific Railways:

(1) From Drumheller mines at Alberta to Toronto, Ont., via C.P.R. applicable via Irricana, Bassano, Canadian Pacific main line to Winnipeg — Fort-William — Port Arthur — Toronto, 2,107 miles.

(2) From Minto to Fredericton via F. and G.L.C. and Railway, Fredericton Junction to McAdam—Montreal, 501 miles.

2. The rate fixed for the movement from Alberta to Quebec and Ontario points is $6.75 per ton, in accordance with Order-in-Council P.C. 439. The rate fixed from Nova Scotia points to Montreal is $3.00 per ton, and from New Brunswick points to Montreal $2.10 per ton, in accordance with Order-in-Council P.C. 539.

CANADIAN NATIONAL RAILWAYS

EARNINGS OF BRANCH LINES

On the Orders of the Day:

Hon. Mr. DANDURAND: The honourable Senator who leads the other side of the House asked for some information concerning the earnings of the newly constructed branch lines in the West. I have a statement from the Assistant Deputy Minister, Mr. Yates. It is an follows:

The Senate Debates for Wednesday reached me only this morning, and I note, therein, Honourable W. B. Ross' inquiry as to branch line earnings.

The minister called Sir Henry Thornton's attention to the information given to the Senate Committee last year by officers of the Canadian National Railways ,and asked if the same information could not be taken out for 1927.

Sir Henry has advised that his officers are now compiling the earnings of the different stations on each branch line, and that this information would be forwarded as soon as completed. It will, of course, take some little time. Sir Henry adds that they hope also to give an approximation of the expenses based on the operating ratio for the various territories. This is in line with the statement that Senator Ross has in mind.

FERTILIZERS BILL

THIRD READING

Hon. Mr. DANDURAND moved the third reading of Bill 72, an Act to amend the Fertilizers Act.

He said: Honourable gentlemen, this Bill was sent to the Committee on Agriculture and was reported the day before yesterday with a slight amendment to section 2. That section reads as follows:

Section four of the said Act is further amended by inserting the following subsection immediately after subsection seven thereof:—

"(8) If the applicant for a registration number be non-resident in Canada, the application shall be signed by a representative or agent in Canada of the applicant as well as by the applicant himself, and shall contain an undertaking by the agent or such representative to be held responsible for due compliance with the provisions of this Act."

The Committee added after the word "applicant" the words "domiciled and resident in Canada." This is to insure the permanency of the agency. The honourable gentleman from de Salaberry (Hon. Mr. Beique), a member of the Committee who happened to be absent, has suggested that there should be a further addition to the clause to ensure the maintenance of that agency. The honourable member for Ottawa (Hon. Mr. Belcourt) has the amendment.

Hon. Mr. BELCOURT: Honourable gentlemen, I beg to move that the following be added at the end of clause 2:

Unless such agency or a like agency be maintained registered as above, the applicant shall cease to have the right to import, sell, or offer or hold for sale any fertilizer in Canada.

Hon. Mr. McMEANS: Would the honourable gentleman explain the effect of the amendment?

Hon. Mr. DANDURAND: The clause has for its object the registration and the licensing of any foreigner who desires to import fertilizers into Canada, in order that the fertilizer may be controlled as to its real value. The Committee has added a proviso that the agent of the foreigner should be domiciled and resident in Canada. My honourable friend now moves an amendment that if the agent shall cease to do so the license shall be cancelled. It is to make sure that the Department will have someone who will be answerable for the quality of the fertilizer that may be imported.

The proposed amendment was agreed to.

The motion for the third reading of the Bill, as amended, was agreed to, and the Bill was read the third time, and passed.

IMMIGRATION BILL

DEBATE POSTPONED

On the Order:

Resuming the adjourned debate on the second reading of Bill 187, an Act to amend the Immigration Act.—Hon. Mr. Robertson.

Hon. Mr. DANDURAND: I move that this Order be discharged and be placed on the Orders of the Day for Monday next.

Hon. Mr. SHARPE: Tuesday

Hon. Mr. DANDURAND: That makes a short week. I say Monday because this and the following Bill may give rise to considerable discussion. We will not bring them to a vote on Monday evening, if my honourable friend so requests. I would think, however, that we should utilize that evening for a full discussion of these two measures. I do not know how long the Session is going to last, and as we have numerous Bills on the Order Paper, I think we should not crowd our work into three days a week, as we have been doing. Furthermore, if we do not sit in the evening no Committee can be called in the morning, so there is a double advantage to be gained by sitting.

Hon. Mr. SHARPE: There is just this to be said: These are very contentious Bills, and there are many members who will not be present, because we have not been in the habit of sitting on Monday nights. I think it would be better to put these Bills over to Tuesday, and to bring on any other Bills you like.

Hon. Mr. DANDURAND: I have no objection to doing that. I will move that this Order be discharged, and that it be placed on the Orders of the Day for Tuesday.

The motion, amended as suggested, was agreed to.

INTOXICATING LIQUORS BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 192, an Act respecting Interprovincial and International Traffic in Intoxicating Liquors.

He said: Honourable gentlemen, this is not the first time that I have risen in this Chamber to move legislation of this kind. I have had perhaps some of my most strenuous hours during the last six years in dealing with this matter. This Bill provides that in any Province where there is in force an Act in virtue of which it is unlawful to sell or to have in possession intoxicating liquors without authority or permit of the Government of the Province or of any Board, Commission, or any other governmental Agency authorized to issue or grant such permit, it shall be unlawful to import liquors otherwise than through the governmental Agency, Board or Commission which has the control of the sale of liquor in the Province.

When I brought similar legislation to this Chamber before, it covered, as far as my memory carries me, but the two Provinces of Quebec and British Columbia.

The Hon. the SPEAKER: Will the honourable gentleman allow me? I would draw the attention of honourable gentlemen to Rule 17 of the Senate, which says:

If Senators have occasion, when the Senate is sitting, to speak together, they go below the Bar; otherwise the Speaker stops the business under discussion.

Some Hon. SENATORS: Hear, hear.

Hon. Mr. DANDURAND: My honourable friend to my right (Right Hon. Mr. Graham) suggests that there may be a motion to abolish the Bar.

I was proceeding to state that when I had brought similar legislation to the attention of the Senate, it was to cover mainly, if not exclusively, two Provinces that had a monopoly of the administration and sale of liquor through a Commission. The contention of some of my honourable friends from British

Columbia at that time was that there was no clear indication of the will of British Columbia to allow a complete monopoly to the Provincial authorities.

Since that time the situation has altered considerably, and the example of Quebec and British Columbia has been followed by several other Provinces. I will not name them all: I know that the Province in which we sit has adopted a Liquor Control Act, and I do not know but that the Provinces of the Middle West have done likewise.

Hon. Mr. GRIESBACH: Yes.

Hon. W. B. ROSS: And New Brunswick also.

Hon. Mr. DANDURAND: At the last Interprovincial Conference a wish was expressed by the Prime Ministers of such Provinces—and it was not opposed by the Prime Ministers from the other Provinces—for such legislation as would assure them of a complete monopoly in the sale of liquor in their Provinces. Under these conditions, backed by the desire of the Prime Ministers and Ministers who were at the Interprovincial Conference, I move the second reading of this Bill, which I hope will be accepted generally by this Chamber as being in accordance with the wish of the population of Canada at large. I need not go into the details of the Bill. They are in practically the same form as they were in the Bills which failed of adoption three or four years ago when the matter was taken up.

Hon. W. B. ROSS: I do not rise to oppose this Bill, but I would like to call the honourable gentleman's attention to the fact that the somewhat strenuous controversies that he had in this House were mainly, I think, over the export warehouses. There was something in the nature of a contest, but not a very bitter one, with regard to a law in British Columbia which allowed private citizens to import, based on the ground that there had been some kind of pledge, given by the provincial Government, that when they got their Liquor Bill through, the right of private importation would be preserved to the citizens of the Province. I understand, although I have no formal authority to speak for anyone, that that feature is not now regarded as being of so much importance. As the honourable gentleman says, the whole situation has changed. A great many of the Provinces have adopted government control of liquor, and that being so, I think probably it is desirable that this law should pass.

There is just one matter I should like to call to my honourable friend's attention. It has to do with the passage of liquor from one Province to another. If the honourable gentleman left Montreal for Ottawa and happened to bring a flask of good whiskey with him, when he came into Ontario he would be importing; or if a man left Halifax for Vancouver carrying a small quantity of liquor, he would be importing. I do not know how you are going to check that.

Hon. Mr. DANIEL: There is no need to check that.

Right Hon. Sir GEORGE E. FOSTER: If he comes from Halifax he will have drunk it all before he gets to Vancouver.

Hon. Mr. CASGRAIN: Not necessarily. Temperate people won't do that.

Hon. W. B. ROSS: It might be wise to put in some kind of an exception to permit of a small quantity being carried from one Province to another. This is not a fanciful thing. A woman who came here from Montreal, had a bottle of brandy, which she said was for cooking purposes: it was taken from her by the authorities, and I do not know whether she escaped a fine or not. I do not know just how the honourable gentleman can guard against that, but if some exception were made, I think it would make the Act more workable.

Hon. Mr. CASGRAIN: There should be an exchange between wet Provinces.

Hon. SMEATON WHITE: This last has no reference to beer, has it? It does not say so. It is only intoxicating liquors. I don't think beer would come under this Act at all.

Hon. Mr. DANDURAND: I think that under the Volstead Act beer is considered alcoholic liquor, unless it is under 2 per cent.

Hon. SMEATON WHITE: I think the interpretation here of intoxicating liquors would not apply to beer. I believe there is an exchange of beer in the provinces both ways.

Hon. Mr. BARNARD: Honourable gentlemen, as I took some small part in the controversy to which the honourable gentleman referred, when legislation somewhat similar to this in character was before the House on three previous occasions, I would like to say a word or two before this motion passes.

In the first place, as the honourable gentleman has very truly said, conditions have changed. In the second place, as he wrongly said, this legislation is not the same as that which was previously introduced, and wherein it differs I will specify in a few moments.

I may say this that legislation has always been originated by the Attorney General of the Province of British Columbia and his reason for asking for it was that he wished to do away with the export warehouses. He wrote letters that were slanderous, and almost tragic, to his friends in office in Ottawa with regard to the subject-matter of this legislation. He went so far as to suggest—I suppose by way of carrying the majority of the Senate with him at one time—that there was a fund here which would be used for the purpose of debauching the members of this House so that this legislation would be defeated. He gave a statement to the press of British Columbia very shortly afterwards, in which he suggested that those members of this House who voted against this legislation were in effect, if not actually, guilty of two murders that took place in some kind of a hi-jacking, or rum-running row. From this it can be seen that he felt very keenly and very strongly on the subject, and he always took the ground that he wanted the legislation in order to put the export warehouses out of business, and thereby stop rum-running and bootlegging.

We took the ground at that time that he did not need the legislation in order to attain the result which he professed to desire. We showed, by the answer from the different departments, and by the circular of the Department of Customs, that the declared policy was that no export bonded warehouse would be licensed unless by the consent of the Attorney-General of the province wherein the warehouse was situated. We showed that at the very time he was agitating for this legislation, and decrying the evils of the export bonded warehouse, he was, as a matter of fact, giving his consent to new licenses, establishing further bonded warehouses, and consenting to transfers and renewals of licenses already in existence. I think we had as many as 26 consented to by this same party in two or three years. We showed that on the very day that the letter expressing his fears for the political honesty and morality of the members of this honourable body reached Ottawa, he gave his consent to the issuance of more licenses for bonded warehouses. Consequently, when he pursued that course of action we were very much inclined to question his sincerity in saying that his object in asking for this legislation was to close up those warehouses.

The honourable gentleman who leads this House said that his position was somewhat inconsistent, and in order to pull the Attorney General out of the hole into which he had dug himself, the leader of the House went to the Justice Department and obtained from them an opinion, contrary to the policy already declared by the different departments, to the effect that they had no legal right to refuse those licenses, notwithsanding that they had already said that they could do so.

I admit that the honourable leader, by obtaining that opinion, confused the issue to a certain extent. However, we are indebted to the present Minister of National Revenue for clearing up that situation, because I find that at the last Provincial Conference the Attorney General of British Columbia again made his request, and on page 30 of the precis of discussions in that conference we find this:

> Attorney-General Manson, of British Columbia, expressed the hope that an independent piece of legislation should be introduced and that the bonded warehouse be got rid of as soon as possible.

Still coming back to his old love, the bonded warehouse. Then:

> Hon. W. D. Euler, Minister of National Revenue, declared that the Government had every desire to co-operate with all the provinces, and was sympathetic with the suggestions that had been made. With respect to export houses he declared that not a single bond had been issued during the past year, and that if any province objected to bonds being granted they would be refused.

In addition to that, notwithstanding the opinion which my honourable friend the leader produced so triumphantly on the last occasion when this matter was up for discussion, the Minister of National Revenue gave an order of the Department, at the beginning of the present session, cancelling all the licenses, and giving them until the 1st of March, I think it is, to get rid of their stock. This, again, shows the absolute inconsistency of the Attorney General of the province of British Columbia, and also of course, of the government here, with regard to insisting on putting through the legislation which they proposed.

Being of a charitable disposition, I have never been able to fathom the reason why the Attorney General of British Columbia is asking for this legislation. We know what he told us, but under the circumstances we can hardly be expected to believe it. A comparison of the Bill before the House with Bill 209, which was introduced in 1925, will show a very important difference. By the latter it was possible for the Provincial Government to play fast and loose. They had provisions in that Bill which would have enabled them to cancel all the licenses one day, and then upon request of a certificate by the Government, they could have declared inoperative this law that they were asking to have passed

and they could revive all the licenses the next day, and of course give them to their political friends.

That is all I wish to say in regard to the Bill. I do not propose that the Attorney General of British Columbia should get away with this matter on a pious affirmation that he wanted to get rid of all of the bonded warehouses; because those who oppose this measure have contended—and subsequent events have proven that they were right in so doing—that if he had wanted at any time within the last ten years to do so, he could have got rid of every one of those bonded warehouses without any legislation whatsoever.

There is just another phase of this Bill to which I wish to call attention, and I propose when the Bill is in Committee to move an amendment. It will be observed that clause 3 provides as follows:

3. (1) Notwithstanding the provisions of any other Act or law, no person shall import, send, take or transport, or cause to be imported, sent, taken or transported into any province from or out of any place within or without Canada, any intoxicating liquor, etc.

I am inclined to think that this Section is unconstitutional. Section 121 of the B. N. A. Act says:

"All articles of the growth, produce or manufacture of any one of the provinces shall, from and after the Union, be admitted free into each of the other provinces."

Now, my honourable friend proposes by this Bill to prohibit, we will say, the export of Ontario wines from Ontario into any other province. We in British Columbia are making a wine that is very popular on the prairies and for which we have a very large market. It is the loganberry wine.

Hon. Mr. CASGRAIN: What is the alcoholic content?

Hon. Mr. BARNARD: It is an intoxicant within the meaning of the Act. It has just as high a percentage as the Ontario wine, and my honourable friend probably knows, having sampled it in a place not a hundred miles from where he is sitting, that it has a very decided kick to it.

Hon. Mr. CASGRAIN: Yes, about 15%.

Hon. Mr. BARNARD: But I am going to argue that this House has no jurisdiction or no right to pass a law prohibiting goods manufactured in one province from entry into another province. Therefore, when we go into Committee on this Bill I will move to strike out the words, "within or" in the 23rd line of this clause, making the Bill effective as far as goods imported from out of Canada are concerned.

Hon. Mr. BEAUBIEN: May I ask the honourable gentleman if the effect of his amendment will be to leave the law as it is as to importations from outside of Canada into Canada?

Hon. Mr. BARNARD: Yes, that is the intention.

Hon. Mr. McMEANS: I would like to ask the honourable leader of the Government if there are provincial laws now prohibiting the importation of liquor from one province into another.

Hon. Mr. CASGRAIN: Yes.

Hon. Mr. McMEANS: Then, why the necessity for this Bill? I am sure there is not a province in the Dominion that has not a law to the effect that liquor can be imported into that province. If we are going on the presumption that those laws are ultra vires, and this Bill is passed for the purpose of legalizing them, that is another question:

Hon. Mr. LYNCH-STAUNTON: Honourable gentlemen, I wish to draw attention to the fact that a vast number of tourists come into Canada, travelling from one province to another. It is said that some of those tourists purchase liquor in one province and carry it into another. Those people know nothing about our law, and it certainly cannot be the intention of the government to impose the penalties of this Act on persons who are merely carrying a small quantity of liquor for their own consumption. I imagine the intention of this Bill is to prevent trade being carried on in opposition to the Government. Now I propose to move in Committee, if the Bill is constitutional, that we add to clause 3 this proviso:

Provided that this section shall not include any importations in less quantities than one Imperial gallon by persons who have lawfully purchased the same in any province.

Hon. Mr. DANDURAND: The suggestion of my honourable friend would be welcomed by his leader, who has just suggested that a citizen of Canada should not be disturbed if he carries a small quantity of liquor from one province to another. But I do not know how the suggestion will be welcomed by the wet provinces. They are self-contained, and very jealous of their own exclusive jurisdiction. It would perhaps make the law very difficult of application, but I will draw the attention of the Minister who has prepared this Bill, and of the Department of Justice, to the question raised of the constitutionality of the Act, and we may take it up when we go into Committee.

I am sure that if my honourable friends will look at the debate that took place six or seven years ago in this very chamber they will find that the matter as to the constitutionality of this clause was very thoroughly discussed. I think there were also numerous discussions in the other chamber. Perhaps I can find the opinion of the law clerks on this matter, as given at that time, and we may debate the point thoroughly when we go into Committee and take up that very clause.

I move the second reading of the Bill.

Hon. Mr. LYNCH-STAUNTON: It must be remembered that in my suggestion there is nothing involved as to the constitutionality of the Act. It is only to exempt persons from the Act who have lawfully purchased in one province a small quantity of liquor to carry into another.

Hon. Mr. DANDURAND: I quite understand the purport of that suggested amendment, but I could not express to-day any opinion as to the value of the policy, because if you open the door only an inch you may allow a number of abuses to creep through it.

Hon. Mr. LYNCH-STAUNTON: They will do it anyway.

Right Hon. Mr. GRAHAM: I am afraid to enter into this field, where it is both wet and legal. This is the situation as I understand it. The provinces do not attempt to prohibit the carrying of liquor from one province to another—

Hon. Mr. CASGRAIN: Oh, yes, they do.

Right Hon. Mr. GRAHAM: Wait a minute; but they do say that after you get across the line, "You cannot have it in this province if it has not been purchased here." It is not crossing the line that is the offence; it is having it after you do cross the line.

Hon. Mr. BARNARD: That is not the Act.

Right Hon. Mr. GRAHAM: It is the provincial Act that I am talking about. Then the provinces own the highways, and they have a clause in their Act prohibiting any person from carrying on their highways liquor otherwise than that purchased locally in that province. Now, where the whole matter will land I do not know. The provincial governments, as I understand it, have been maintaining, in their legislation, the control of the possession of liquor; I mean the conveying on their highways of liquor that has not been purchased locally in the province where the highway exists. Now, if that legislation is sound—and it seems to have been upheld—it would not be of much use to tell a man he could carry a bottle across the line, if he were pinched as soon as he crossed the line.

Hon. Mr. LYNCH-STAUNTON: I think the honourable gentleman is quite right as to the provincial law, but the penalties under this Act are much more severe than the provincial penalties.

Hon. Mr. BARNARD: Now I would suggest that if that law is intra vires of the provinces, there is no necessity for this one. What is the object? If a man cannot carry it on his person after he has crossed the border of the province, why prohibit him from taking it to the border?

Hon. Mr. BEAUBIEN: Will my honourable friend allow me? He is aware that a person who is in illegal possession of liquor, say, within the province of Quebec, is liable under the law to a very severe penalty. I understand that the same is true of other provinces where the sale of liquor is controlled by the Provincial Government. Is the Dominion Government now doing anything more than superimposing another penalty on that already provided by the provincial law, which, as I think my honourable friend will admit, is very heavy? Why should we, by Federal legislation, enter needlessly upon ground that is entirely covered by provincial law? Just at present we are discussing the nice point whether or not the law makes provision with regard to the crossing of the line.

Hon. Mr. DANDURAND: There is much more than that in the Bill.

Hon. Mr. BEAUBIEN: The crossing of the line is practically nothing. What are important are the transportation, possession and use of the liquor after it has crossed the line, and those are very well provided against, as my honourable friend knows, by the Provincial law.

Hon. Mr. DANDURAND: My honourable friend knows full well that it is a moot question whether the Province can prohibit the importation of liquor from abroad—for we are talking of liquor. Even if a man can go to the Customs office, pay the duty and legally take possession of the liquor, the Province intervenes and says that it is a violation of the Provincial Act for him to carry the liquor to his own house. Well, it has been asserted by important legal luminaries that

no Provincial Act can alone prevent such importation; that a Federal law must reinforce the desire of the Province to be the sole dispenser of liquor to the public within its boundaries.

Hon. Mr. BEAUBIEN: What is the use of permitting the importation of liquor if a person cannot take possession of it when it has crossed the line? That is the question I would put to my honourable friend.

Hon. Mr. DANDURAND: That is the very query which is uppermost in the minds of a number of lawyers.

Hon. Mr. BARNARD: Can the honourable gentleman tell us if this Bill has been passed upon by the Courts of Quebec?

Hon. Mr. DANDURAND: I have no recollection that its legality has been tested. It may have been. I am not sure.

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

TORONTO TERMINALS RAILWAY COMPANY BILL

SECOND READING

Right Hon. Mr. GRAHAM moved the second reading of Bill 204, an Act respecting the Toronto Terminals Railway Company.

He said: Honourable gentlemen, this Toronto Terminals question is not new at all. Endeavours have been made for years to straighten out the matter, and it is now undergoing the process of adjustment. Away back as far as 1892 an agreement was arrived at between the Grand Trunk Railway and the C.P.R. as to the use of what is known as the Union Station in Toronto. Honourable gentlemen will understand the situation perhaps better when they are told that at Toronto the Grand Trunk Railway virtually had possession of the water front; that is, it intervened between the water front and the city of Toronto proper. There was a very dangerous situation. Under that agreement the two railway companies operated through the Union Station, which was owned by the Grand Trunk.

A great many orders were issued and agreements made in later years. In 1906, if I remember the date correctly, what is known as the Toronto Terminals Railway Company was formed, but it was not operative for some years, until the necessity of doing something to obviate the danger of the railway crossings at the station and thereabout became so evident that an attempt was made to remedy the situation. Then the Toronto Terminals Railway Company became active as a sort of holding company operating the terminals of the two great railway systems.

In 1909 an order was passed for the removal of the level crossings, or what is now known as the building of a viaduct. Subsequently several orders were issued and agreements made for the purpose of carrying out the order of 1909, but nothing came of it until the year 1912, when the Board of Railway Commissioners ordered not only that the viaduct be constructed, but that it be completed by the end of 1914. The railway companies, looking into this, found that it was an impossibility, in the short space of time allowed, to construct a viaduct of the proportions that the Toronto Viaduct must necessarily have, and they did not believe that the plans included in the order were the most practicable for the construction of that viaduct. After a good deal of discussion and one or two more amendments of orders in respect to the purchase and disposal of property, the Grand Trunk and the C.P.R. joined in an agreement with the city of Toronto. I think that was in 1913.

The war came on immediately afterwards, and nothing was done towards the carrying out of the arrangement. In the years 1922, 1923 and 1924 strong pressure was brought to bear for the clearing up of this situation, which had become intolerable in so far as it affected traffic in the city of Toronto, which is the centre of traffic for the province of Ontario, as well as the distributing point for western traffic emanating in the province of Ontario, and for the traffic emanating in the West and coming into Ontario. One of the companies, through one of their engineers, submitted another plan, which they thought was preferable. It was, I think, proposed by the late Mr. McLeod, who was the Chief Engineer of the Canadian Northern system and afterwards came on the staff of the Canadian National. This plan was not approved by the railway companies. It would have been approved by them, I think, with some modifications, but that the city of Toronto, which was a party to the agreement and was paying approximately one-third of the cost, could not see its way clear to agree to the substitution of bridges for the larger scheme of the viaduct.

All this culminated in a meeting in the office of the Minister of Railways some time in 1924, I being the unfortunate, or fortunate, occupant of that position at the time. In the meanwhile, I might say, under the agreement the Toronto Railway Station had been constructed, but without the construction of a viaduct or some other means, the new station, including the Toronto postal terminals and express terminals, was absolutely use-

less and was not being reached. Representatives of the city of Toronto, the Harbour Commission, the C.P.R. and the Canadian National Railway, which had become the successor of the Grand Trunk, met in the office of the Minister of Railways on several occasions, and the discussion lasted for some weeks. The conference was attended also by the representatives of the city of Toronto in the Federal House. I made this proposition to the various parties: that all the plans submitted, together with the plan included in the former agreement of 1913, should be referred to an engineer whom the Minister of Railways might name, who would have authority to look into all these plans and propositions; he would have the co-operation of the Engineer of the City of Toronto, the Chief Engineer of the Harbour Commission, and the Chief Engineers of both railways; he would proceed to Toronto, so as to be on the ground, and, after he had fully investigated the situation, would make a report, stating definitely what he proposed under the circumstances as a solution.

It was fortunate for me, and I think it was fortunate for the railways, the City of Toronto and the Harbour Commissioners as well, that we had in the employ of the Railways Department then as Chief Engineer the present Chief Engineer, Colonel Dubuc. Colonel Dubuc is not only an eminent engineer, who did great war service, but is also a man of great business ability. You can readily understand that a man who possessed only the engineering scientific skill could make a mess of that kind of job. He had to deal with four interested parties—I might say five, for he had to deal also with the Government, because the Government had to supply the Canadian National's portion of the money.

After investigation Colonel Dubuc reported that he had his plans ready. We called a meeting then in the Department of Railways and Canals, and all parties were represented. They came to a conclusion as to what plans should be accepted. They were the plans of 1913, with certain modifications. The City accepted the agreement, the Harbour Commission was pleased, both railways accepted it, and on behalf of the Government I accepted it. A certain amount of money was voted for the portion which the Canadian National would have to contribute towards the construction of this viaduct. The work is not properly described by the term "viaduct", because it includes many things that do not come under that description.

The Toronto Terminals Railway Company acts for the city of Toronto, but more especially for the Canadian Pacific Railway and the Canadian National. Now you ask me how they finance that. The City of Toronto does its own financing. The Toronto Terminals Railway Company, representing the C.P.R. and the Canadian National, issues its securities for the construction of these works, and the works are carried on really by the Terminals Company. The two railway companies, the C.P.R. and the Canadian National, purchase the securities of the Toronto Terminals Company at par; and the Canadian National and the C.P.R. have to have authority to raise the money for the purchase of these securities. In 1924, after this agreement was made, it became necessary to have legislation passed in order to give authority to raise the cash to buy the securities of the Toronto Terminals Company. The amount indicated in the legislation of 1925, following the agreement of 1924, was for the undertaking of the Toronto Terminals Company, but business men can readily understand that once the work which properly came under the Terminals Company's jurisdiction was done it required much other construction incidental to the changes. For instance, the C.P.R. has to build an engine house. It has to do several things not really included in the Terminals Railway Company's work. The necessary money has to be raised for that purpose. So with the C.N.R. When the work came to be carried out it was found that the money voted, or the amount which was authorized to be raised for this work, was not sufficient; it included only what was comprised in the Terminals Railway Company's work and did not provide for all the incidentals outside. Both railway companies have found themselves compelled to do, incidentally to the work of the Terminals Company, a great deal of construction that was not provided for in the former Bill.

Furthermore, the Canadian National Railway Company made an estimate of what it would secure for certain lands which had to be disposed of, but the amount received from the disposal of these lands has fallen somewhat short of the amount estimated.

There is another item, of a considerable amount, and it is this. When the Union Station was constructed notes were given to the banks in exchange for funds for the carrying on of the work. Securities had to be issued and the proceeds devoted to the retiring of these notes by the Canadian National Railway Company. The interest was provided for in the Estimates up to the time of the agreement of 1924. But this is 1928, and nothing was provided for interest from 1924

to 1928 on the money invested in the station. This extra amount, which is about $3,500,000, is also included. Then, the work of the Toronto Terminals Railway Company itself, I believe, will cost perhaps a million and a half more than has been anticipated.

This Bill authorizes an increase from $7,000,000 to $10,500,000 in the amount of the securities which the company may issue.

Hon. Mr. GRIESBACH: Has the Terminal Company got any revenue?

Right Hon. Mr. GRAHAM: The Terminal Company may have some revenue, but I doubt it. If in years to come there is an arrangement made for the operation of these terminals by the Terminal Company, whether or not there would be a revenue, would depend upon the value of their securities. Up to the present time I cannot see how there would be any revenue.

Hon. Mr. GRIESBACH: Are any of these securities in the hands of the public, or are they all held by the Railway Company?

Right Hon. Mr. GRAHAM: Just by the Railway Company.

Hon. Mr. GRIESBACH: None of these securities are in the hands of the public?

Right Hon. Mr. GRAHAM: No.

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

CONSIDERED IN COMMITTEE AND REPORTED

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

Hon. Mr. Copp in the Chair.

Section 1, and the title, were agreed to.

The Bill was reported without amendment.

THIRD READING

On motion of Right Hon. Mr. Graham, the Bill was read the third time, and passed.

QUEBEC HARBOUR LOAN BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 214, an Act to provide for a loan to the Quebec Harbour Commissioners.

He said: Honourable gentlemen, when the Quebec Harbour Board made application for a vote of $10,000,000 in 1925, this amount was to cover the first unit of the Wolfe's Cove Terminals as outlined fully in the estimate presented at the time. That application was supported by the Shipping Federation of Canada, and by Sir Henry Thornton and Mr. E. W. Beatty, Presidents of the Canadian National Railways and the Canadian Pacific Railway respectively. The first unit consisted of approximately 4,300 feet of quay-wall, a grain elevator, grain galleries, sheds and every other facility required to make a first class terminal. On account of the vote having been reduced to $5,000,000 a contract was let by the Quebec Harbour Commissioners covering the amounts of money voted, and the work was started in October 1925. This contract called for the construction of 2,666 feet of quay-wall and about 3,000,000 yards of dredging.

In August 1925 tenders were called for this work and seven of the largest and best known contracting firms in the Dominion put in tenders, the successful and lowest tenderers being the Northern Construction Company and General J. W. Stewart. This firm and General Stewart are known the world over as contractors, and the progress of this work has been very satisfactory and is being done by people who understand their business thoroughly. This contract was let on the unit-basis at so much per thousand feet, board measure, for the crib work, and so much per yard for the stone, dredging and concrete.

As regards the following up of this work, the Chief Engineer and General Manager of the Harbour Board, Brigadier-General Tremblay, has a competent staff of engineers and inspectors, and they see to it that the contract is followed out to the letter not only as to the quality of the materials used but also the quantities. So far everything has been running to the entire satisfaction of General Tremblay and his assistants.

The Board is asking this year for a further advance—although in so far as Wolfe's Cove Terminals are concerned the total amount voted in 1925 has not as yet been expended—because if the monies were voted only during the Session of 1929 a large part of the season of that year favourable for construction would be lost, and as a result of delay of at least one year would ensue. Furthermore, owing to the fact that tenders would have to be called for in a hurried manner, and that contractors obtain their requirements and materials at short notice, the prices would be considerably enhanced.

The amount now asked for will complete what is known as the "First Section" of the Wolfe's Cove Terminals, which will consist of berthing facilities for six of the largest ocean-going vessels and two lake boats, fully equipped with grain elevators, grain galleries, railway facilities etc.

The balance of the present vote, namely, $2,840,000 is for additional improvements on the Louise Docks, consisting of additional grain handling facilities and some dredging; the reconstruction of sheds and the sinking of some cribs; $350,000 is to take care of bonds sold to the public by the Quebec Harbour Commission in 1898, $150,000 maturing July 1st, 1928, and $200,000 December 1st, 1929.

Increased grain storage on the Louise Embankment is asked to enable the Commission to take advantage of the new 11 cent per bushel rate from Port Arthur and Fort William to Quebec. Previous to the decision of the Railway Board, which became effective on September 11th, 1927, a prohibitive paper rate of 21 cents was quoted. During the course of the winter the Harbour Commissioners were obliged to refuse to accept grain at the elevator owing to lack of storage facilities. The capacity of the grain elevator at present operating is 2,000,000 bushels. The extension, to provide for the construction of which an advance is requested, is strongly recommended by the grain interests.

The present book-keeping and accounting system was introduced under the Chairmanship of the late Sir William Price in 1912, by Mr. J. Leonard Apedaile, Chartered Accountant of Touche & Company of London, England, New York and Montreal. Mr. Apedaile is now the Financial Comptroller and Managing Director of Price Brothers & Company Limited of Quebec. The system adopted at that time has not been changed in any particular; and the following outside audits have taken place for many years past:—A monthly audit by the firm of Auditors, Messrs. Morin, Barry, Cote & Marceau of Quebec; besides a further audit every month by Mr. R. A. Tibbitts, Inspector of Harbour Commissions, under authority of the Department of Marine & Fisheries. The audit of the officials of the Department of Marine and Fisheries consists of a thorough examination of the works completed and investigation of those in progress. No monies, the advance of which is authorized by votes of Parliament, are paid over until these officials are satisfied that they are being expended in a proper manner, and that orders in council have been passed authorizing these payments. During the past two years further audits have been made; one under the authority of the Auditor General in 1926, and the other during the Summer of 1927 by the Audit Board.

I have felt it my duty to explain the safeguards surrounding the expenditure of this money, because I know questions are being raised throughout the country concerning the control of these Harbour Boards. This work is being done by the best of contractors, and at prices far below those of most of the contractors who tendered. The company is a solid one, having their principal place of business in Vancouver, and the work is being done in a thorough and satisfactory manner.

The through rate which has been fixed by the Railway Board for grain coming to Quebec will do much to develop that port; and it is my hope and expectation that when the summer season closes arrangements will be made to facilitate the movement of our grain down to Saint John and Halifax. Although I am not an expert, I have always felt that the amount of money spent on the Canadian National Railways in order to procure easy grades should secure to that railway the long haul from Winnipeg to the seaboard. Conditions were absolutely prohibitive up to the time when the Railway Board decided to put into effect a rate which I suppose will be satisfactory to the Canadian National, and which will give it a chance to carry considerable freight from Winnipeg to Quebec, and later in the season to Saint John and Halifax, instead of exclusively to the head of the Lakes, where it is often diverted in too large quantities to the United States seaboard. It is true that when Winnipeg sends grain to Quebec, or farther east, it is an export proposition; but surely there must be at Winnipeg an easy selection of the grain that is absolutely destined to Europe.

The port of Quebec was put under Commissioners in 1912 or 1913. If we had continued to administer it from the Public Works Department, we would simply have voted a sum to that Department for expenditure. I think that the administration of the port is in safe hands, and that it is being conducted on orthodox lines.

I may also add what I said three years ago: that a considerable portion of the ocean traffic must perforce stop at Quebec. We have had hardly any steamers exceeding 6,000 tons coming to Montreal, and there have been seasons when the water was somewhat low and even those vessels could not come up to that city.

With these remarks, I move the second reading of the Bill.

In case some questions should be put to me calling for an immediate answer, I would ask General Tremblay to come to the floor.

Hon. W. B. ROSS: I do not rise to oppose this Bill. All the information we have had from the honourable gentleman on the other side is satisfactory. It seems that a very careful audit is made of expenditures. The

public will be glad to have the honourable gentleman's assurance upon that.

But there are three harbour Bills here, and I am going to have something to say about Halifax Harbour when the Bill relating to it comes up.

Hon. Mr. DANDURAND: Unfortunately my honourable friend cannot increase the amount.

Hon. W. B. ROSS: It would be very satisfactory, however, if we had a schedule of the tolls and charges on ships and cargoes entering and leaving the port of Quebec. For instance, I have been told, and I do not suppose there is any dispute about it, that the Harbour Commissioners of Quebec ever have paid interest upon these loans, and probably never will. The same probably is true of some other harbours. But I am told there is a reason for that, namely, that immigrants who land at Quebec and are distributed throughout the country from there pay no head charge. I am told also that at Ellis Island, New York, there is a head charge of $5. It can easily be seen, if 100,000 immigrants a year came into Quebec, that at $5 per head they would produce a pretty handsome revenue. It is useless, however, to give people money and expect them to pay interest on it unless you also give them power to collect tolls or charges. Practically, what you have at Quebec is a national port: the whole country pays for it. I think it only fair that a clear statement should be made in that regard, in order to show the task set for the Harbour Commissioners. I do not know whether there is an export charge or any charge on grain going through that port.

Hon. Mr. DANDURAND: I am told that it is the same rate as that charged in Montreal.

Hon. W. B. ROSS: There must be available a table of the rates and charges. I would like to see that. Further than that, I would like the figures of the total amount of interest on the bonds outstanding, and the yearly receipts at Quebec. They collect something. I would think that the Quebec Commissioners themselves could make such a statement, which would be very satisfactory for the public to have. There may be such a thing, but I have not happened to see it. I would like to get further information.

Hon. Mr. CASGRAIN: As I was born in the city of Quebec, I am rather familiar with the port there, and I may say that I firmly believe that in the not very distant future Quebec will be able to take care of its interest. As I said in this House the other day, cargo vessels will be drawing 35 feet of water before long, and it will be out of the question for such boats to go up to Montreal without tremendous expense.

Besides that, since the C.P.R. steamers of 14,000 tons have been plying between Canada and Liverpool, the big passenger steamers have never gone beyond Quebec, and it is found that a weekly service can be carried on with three of those large and expensive steamers, whereas if they went to Montreal the company would require four steamers. This makes an enormous difference in cost. It is the old story of big ocean vessels navigating in restricted water, besides the delay that must be caused by fog, the dangers to passengers, and all that. I remember not long ago that at sundown the steamers had to lie at anchor until daylight, in order to protect their insurance. I do not know if that is going on yet. Though the channel is magnificently lighted, and apparently it is easier to go down the river at night than in daytime, they cannot safely navigate late in the fall, or if there is a little blizzard. The large C.P.R. steamers, in order to be able to make a weekly service, have to turn around at Quebec, and thus they can maintain the service with three ships instead of four.

Hon. W. B. ROSS: But that alone would not pay interest on those books.

Hon. Mr. CASGRAIN: No, but speaking about interest on bonds, I am not aware that Halifax harbour ever paid any interest on its bonds, or St. John either.

Hon. Mr. WILLOUGHBY: They are coming to that.

Hon. Mr. CASGRAIN: I think perhaps it will be a close race with Quebec, but I think Quebec will be able to pay interest on its bonds in the near future, because the big ships I have mentioned and also the 25,000 ton ships will pay harbour dues. I may say that the honourable member for Stadacona (Hon. L. C. Webster) had a 24,000-ton oil tanker come in to Quebec recently, but that ship would find it very difficult to get up to Montreal.

Hon. W. B. ROSS: Are they not deepening the channel from Quebec to Montreal all the time.

Hon. Mr. CASGRAIN: Yes, but unfortunately the channel below Montreal has been lowered one foot on account of the Chicago Drainage canal, although only six inches on the lakes—I cannot explain why.

Ships are now loaded up to the very last inch, and they are not 35-foot boats. They have tried to get a 30 foot channel, but I think in ordinary water the channel is only 26 feet.

Hon. W. B. ROSS: I am not complaining about Quebec not paying interest on its bonds. They cannot pay unless they made charges which would enable them to pay; and they could do that if the country did not insist on things being done for nothing. With regard to Halifax, that port would be in exactly the same position, and either one of two things will happen: either there will be no interest paid on the bonds, or the harbour of Halifax will be sealed against the little trade that it now has.

Hon. Mr. DANDURAND: My honourable friend asked for the charges. They are these: for elevation, 4/10ths of a cent per bushel, elevated from the boat; when elevated from the rail, 6/10ths of a cent per bushel; delivery, 4/10ths of a cent; warehousing, 6 cents per ton; storage 1/25th of a cent per bushel per day—the same charges as in Montreal.

Hon. Mr. McLENNAN: The same wharfage?

Hon. Mr. DANDURAND: The same wharfage.

Hon. W. B. ROSS: That covers grain. What about other goods?

Hon. Mr. DANDURAND: It varies from 6 cents per ton on wheat to 40 or 45 cents a ton on goods.

Hon. W. B. ROSS: What about the vessel?

Hon. Mr. DANDURAND: There is a tonnage charge against the vessel.

Hon. Mr. DANIEL: Is the income all from top wharfage? Is it not from side wharfage in Quebec?

Hon. Mr. CASGRAIN: The tonnage is from side wharfage.

Hon. Mr. DANDURAND: I do not exactly understand the question.

Hon. Mr. DANIEL: What I mean by top wharfage is the charge that is made for the goods that are landed on the wharf. By side wharfage I mean the dues that the vessel has to pay for lying at the wharf.

Hon. Mr. CASGRAIN: For docking.

Hon. Mr. DANDURAND: There are two charges under those two heads.

Hon. Mr. GRIESBACH: I wanted to put forward another view that has not yet been touched upon, except as put forward by the leader of the Government. It is this. We have in Canada about five ports—Montreal, Quebec, St. John, Halifax and Vancouver.

Hon. Mr. CASGRAIN: What about Prince Rupert?

Hon. Mr. GRIESBACH: Prince Rupert is not doing very much now.

Hon. Mr. DANDURAND: It is forging ahead.

Hon. Mr. GRIESBACH: We who live in the interior are tremendously interested in the easy export of what we produce, and we know by experience that the line of transportation which provides for that export is only as good as the weakest or smallest portion, the neck of the bottle, so to speak; and it is incumbent upon this country to have complete facilities for free movement of the world exports at our own expense.

The provision of those facilities is a matter that is to be properly charged to the country as a whole, and not to a particular part of the country where the port is located. Consequently I take the view that has been put forward by both leaders, that in accepting this assistance, Quebec becomes a national port, and its progress and development become a great benefit to all parts of the country. Consequently I am in favour of anything which tends to improve the facilities of those ports, and put ourselves in the position of being able to take care of all that we have to export. We shall not be free from the charge of indifference, and we shall not rid ourselves of the complaint that a good deal of our valuable export goes to the United States in the matter of grain, until we can say that we are actually able to handle all that we have to export.

Then, having declared myself favourable to the expenditure on the national port, the next question that arises, and that has been touched upon by the leader, is as to whether or not the plan proposed is on a sufficiently large scale worthy of a national port, sufficiently comprehensive, and whether it is being proceeded with in a proper manner, whether proper steps are being taken to see that all expenditure is being carried on economically and efficiently.

The leader of the Government has pointed out that the successful contractor, out of seven tenderers, was the firm of Stewart of Vancouver. General Stewart's firm has been engaged in work of this sort all over Canada, and in other parts of the world, and his reputation as an efficient and responsible contractor is well-known. That is very satisfac-

tory. The work itself is in the hands of General Tremblay, an engineer of repute and distinction, a young man who will probably grow up with this work; and I am very glad to be able to support this measure, as one coming from the very interior of the country, as remote as one may well be from the place where our exports leave our country to go into competition with the rest of the world.

Hon. Mr. McMEANS: Honourable gentlemen, I think it would be extremely interesting if the honourable leader of the government would furnish us with a few more facts in connection with this proposed loan to the Harbour Commissioners of Quebec. I for one would be very glad to know the amount of wheat and other grain that has been exported from the port of Quebec. I think that about a year or two ago, when this matter came up in this House, there was a loan of five and a half millions of money to the port of Quebec.

Hon. Mr. GRIESBACH: Five millions.

Hon. Mr. McMEANS: On that occasion it was shown that an infinitesimal amount of grain had been exported from that port; that the Harbour Commissioners of Quebec were in arrears, even so long ago as that, to the extent of some $8,000,000 for interest. Could not the honourable gentleman furnish us with information as to how much more public money is to be poured into this port of Quebec? Are we to assume now that, if granted $8,500,000, this will be the end of it? Or is the honourable gentleman going to make a demand for another $30,000,000 or $40,000,000 of the people's money, for which they are so heavily taxed? We have had this matter before the people of Canada for the last 20 or 30 years.

I remember that in the old days, when the Transcontinental railway was first placed before the people, the government enlarged upon the fact that that scheme would make a great port at Quebec. But $200,000,000 of the people's money was expended on the transcontinental railway, having in view the fact that this railway was going to carry goods down to the port at Quebec, and that that port was going to be a great place for export trade.

What is the position to-day of the port of Quebec in comparison to the port of Montreal? How much grain is carried from the port of Quebec, and how much from the port of Montreal? Any one who looks at the figures is amazed. Let me assure the honourable leader of the Government that this is a dream in which he is now indulging, about making a great port at Quebec. The late Sir Wilfrid Laurier, for whose memory I have great respect, stated when he built the transcontinental railway that he would have a freight rate of six cents a bushel from Armstrong to Quebec. How many years ago was that? The railroad was built at the expense of the people, and was there ever a rate of six cents a bushel? The lowest rate they ever put on, I think, was 23 cents a bushel. Now, I understand the honourable leader of the Government states that he is going to get 11 cents, and he is still going to make a port at Quebec.

With all deference to the honourable gentleman, I think he is indulging in an idle dream After all the money that has been poured in there, and the railways that have been built I cannot see that he has made a great success of the port of Quebec as part of the Dominion, and I doubt very much whether he will ever do so.

I think the country is entitled to the figures I have mentioned, and I believe they will furnish us with a great deal of information. Let us know the amount of grain that is being shipped into the port of Quebec, the amount of money that has been spent on that port, and the amount the government still expect to spend before they can realize that dream in which they have so long indulged, of making Quebec the great port of the Dominion. I think we are entitled to these facts, and that it is the duty of the honourable leader to place them before this House before he asks for further loans from the people of Canada.

Hon. Mr. CASGRAIN: What about the figures for Port Nelson?

Hon. Mr. McMEANS: What has Port Nelson to do with the port of Quebec? Port Nelson is asking nothing.

Hon. Mr. CASGRAIN: There is never a squeal out of the honourable gentleman about Port Nelson.

Hon. Mr. McMEANS: Perhaps the honourable gentleman would tell me where Port Nelson is.

Hon. Mr. CASGRAIN: The Nelson river; you have heard of it.

Hon. Mr. DANDURAND: I may answer my honourable friend as follows: The Harbour Commissioners owe $13,000,000, out of which $2,000,000 and more have not been expended since 1913.

Hon. Mr. McMEANS: Has $13,000,000 been expended?

Hon. Mr. DANDURAND: Not quite, because there are still some $2,000,000 due that are available at present, practically.

Hon. Mr. McMEANS: They have never paid any interest on the advance?

Hon. Mr. DANDURAND: No, there has been no interest paid. That is why I said that if we had not appointed a commission in Quebec, but had advanced the money to the Public Works Department to expend, the questions as to the administration, and the balance one side or the other, would not arise. We advanced, say, $25,000,000 to the port of Halifax through the Public Works Department, but nobody raises the question every year as to how this money was spent, and as to the return we are getting. There are expenditures that can only produce returns when they are completed.

We are through with the expenditure for the equipment of this port at Quebec. When the amount which is asked is expended there is the assurance that we will have berths for six large ocean steamers, plus two lake freighters. Besides, we will have the moving of grain from Winnipeg to Quebec. So far that movement has been stifled through prohibitive rates, which were 21 cents, but are now 11 cents. That lower rate has only come into force since the 11th of September last. The elevator has a capacity of 2,000,000 bushels. It was quickly filled and the Commisisoners of the Harbour of Quebec have been obliged to refuse further shipments because they had no more storage.

Hon. Mr. GILLIS: How many bushels were shipped from the Port of Quebec last year? The reduced rate has been in force during the past season, and we should expect that in consequence a larger quantity of grain would go to that port. It will have no greater advantage next year than it had this past season. If we knew the exact number of bushels shipped from Quebec during the past season it would be a sort of criterion as to what the volume of business from that port is going to be.

Hon. Mr. DANDURAND: There were close to 10,000,000 bushels exported last year from the Port of Quebec.

Hon. W. B. ROSS: I would like to ask the honourable gentleman if the Quebec Harbour Board does not make a yearly return to the Government.

Hon. Mr. DANDURAND: Certainly.

Hon. Mr. ROSS: If we could get their statement to the Government for last year it would be enlightening.

Hon. Mr. DANDURAND: I can give my honourable friend the report for the year 1926. The 1927 report is not yet printed, but we have it in manuscript form.

Hon. Mr. McMEANS.

Hon. Mr. STANFIELD: I think the honourable gentleman (Hon. Mr. Dandurand) was slightly in error when he stated that the Public Works Department had spent $25,000,000 in Halifax. I think it was the Railways Department.

Hon. Mr. BUREAU: It was Government money anyway.

Hon. Mr. STANFIELD: I admit that.

Hon. Mr. WILLOUGHBY: I would like to ask for some further information from the honourable gentleman (Hon. Mr. Dandurand). I am not hostile to anything that is for the good of Quebec City. I happened to be a member of the Special Committee of the Senate that investigated and reported on the alleged improper discrimination against the Port of Quebec; and I see present in the House at least one other gentleman who was a member of that Committee. Not having heard all this discussion, I do not know to what extent, if any, it is in contemplation to enlarge the elevator capacity there.

Hon. Mr. DANDURAND: It will be doubled.

Hon. Mr. WILLOUGHBY: That will be 4,000,000.

Hon. Mr. DANDURAND: Four million, and another elevator will be built at Wolfe's Cove, where money is now being expended for enlargement.

Hon. Mr. WILLOUGHBY: I take it that it is the expert advice of the Department that the present elevator capacity does not exceed the tonnage that is there now; in other words, that so much grain is being stored there that you have not facilities for storing any larger quantity. I must assume that if I am to support this vote. I always thought—and I supported this opinion when I was in the Committee to which I have referred—that there existed an improper discrimination against Quebec. You know what was the prospect held out to us in the West as to the possibilities of the Transcontinental Railway and how it would establish a direct and shorter line, and with better gradients. That was one of the very important considerations that influenced opinion in the West to support the proposition for the construction of the Grand Trunk Pacific and the Transcontinental Railway. It was supported in many cases outside of party lines. I do not know whether the Government is in possession of any knowledge as to what quantity

of grain might be anticipated to pass through the Port of Quebec. I know that it is only problematical. Perhaps the gentlemen from the Commission could give some information.

Hon. Mr. DANDURAND: The hope of the Quebec Commission is that very much of the grain that goes through Buffalo will be transferred to the Port of Quebec. That is the hope of Quebec.

Hon. Mr. WILLOUGHBY: I hope that that hope will be realized, but I recognize, though very reluctantly, that up to the present time it has apparently been necessary to ship via Buffalo. I would like to see all our grain go out by Canadian ports.

Hon. Mr. TESSIER: That is what we are trying to bring about.

Hon. Mr. WILLOUGHBY: Commercially speaking, I do not think we shall ever be able to accomplish that happy result. I am not going to extol the advantages of Buffalo, but in the mills in that part of the country, and in the tonnage lying ready for ballast and freight at New York, it has certain strategic advantages for rapid distribution that no harbour in Canada can ever compete with. But I am certainly not going to boast of any of Buffalo's advantages. What quantity of grain would it be possible to ship from Quebec, with these enlarged facilities?

Hon. Mr. DANDURAND: They figure on eleven times the capacity of the elevator.

Hon. Mr. WILLOUGHBY: And that is going to be at least 4,000,000.

Hon. Mr. DANDURAND: Forty-four millions.

Hon. Mr. WILLOUGHBY: I mean the elevator capacity will be 4,000,00. The shipments will be eleven times that?

Hon. Mr. McLENNAN: Are there not to be two new elevators built, one of them at the new dock?

Hon. Mr. DANDURAND: The present capacity in the Louise Basin will be doubled, and later there will be an elevator built at Wolfe's Cove.

Hon. Mr. McLENNAN: Quebec will then have, if our hopes are realized, 70,000,000.

Hon. W. B. ROSS: I see that the revenue of the Harbour Commissioners for 1926 exceeded the revenue for 1925 by $110,000. It would be interesting to know how far 1927 exceeds 1926. That is a pretty big step-up.

Hon. Mr. WILLOUGHBY: It is very much up.

Hon. Mr. DANDURAND: The revenues of last year were over $700,000.

Hon. Mr. ROSS: They were $678,000 in 1926; so they are still going up.

Hon. JOHN McCORMICK: I think we should not be too critical of the improvements that are proposed for a port like Quebec, or a port like Vancouver, St. John, Montreal or Halifax. One of the reasons why there was not more grain sent over the Transcontinental to Quebec was that the rate was about 21 cents. Now the rate is 11 cents. Quebec is an ocean port with any quantity of water. The railway from Winnipeg to Quebec has a grade that is, I am told, for the distance, far better than any other grade in North America.

Hon. Mr. CASGRAIN: That is right.

Hon. Mr. McCORMICK: One of the purposes for which that line was built was to enable us to ship the products of this country out by our own ports, and, so far as possible, to have goods come into the country through our own ports and over our own lines. There seems to be no doubt as to the good results that will follow if the line from Winnipeg is put into condition and facilities are provided which are lacking now for the handling of grain at Quebec. So favourable is the grade that engines can haul freight on that line from Winnipeg more easily than freight can be hauled a similar distance anywhere else in North America. Not only is that line of great importance to Quebec, but it helps considerably in meeting the transportation requirements of the country and enabling us to have our produce carried at a reasonable rate. As a Maritime man I would like to see no obstacle thrown in the way of this project, which I think is quite feasible and would be advantageous to carry out, and I trust that the necessary moneys will be voted to provide facilities at Quebec for the handling of the business. You have there an ocean port where no dredging is required. I do not wish to make an extravagant statement, but I will say that the Port of Quebec will compare favourably with any. It is a splendid ocean port. If you are to have a larger quantity of the produce from the central part of Canada shipped over your own lines, Quebec is the port to which it should be sent, because of the saving in distance; and the distance to the maritime ports of Saint John and Halifax is very little farther than Portland. I mention that because I expect that in the near future, not only will you build up an im-

portant business at Quebec as an export point, but with the taking over of the Saint John Valley Railway, built with a grade similar to that of the Transcontinental, you will have a line extending from Winnipeg to Saint John for the shipment of goods in the winter time. If you extend the shipments down to Saint John we shall be pleased indeed, and you will be lessening the quantities of our goods that are sent out through foreign ports. We have not so many ports of our own that we should be too critical about any proposals for their development.

So far as interest on the money is concerned, Montreal is the only port that will earn interest, but I think that the money invested in the Port of Quebec will be quite safe if the affairs of that harbour are well managed. But even if other ports than Montreal are not in a position to pay the interest on the money we should not be too critical. These are matters of national importance, and if by furnishing the necessary money we can make our ports equal to any on either the Pacific or the Atlantic, we should not hestitate to do so. As a Canadian from the Maritime Provinces I feel justified in supporting without any hesitation whatever, any measure of this kind so far as the finances of the country will permit.

Hon. Mr. SCHAFFNER: From where to where does that 11 cent rate apply? From Armstrong to Quebec?

Hon. Mr. CASGRAIN: May I answer that? There was a certain rate charged for freight from Winnipeg to Port Arthur or Fort William, a distance of about 440 miles. Since that rate paid, the request was made that the Transcontinental should carry freight a similar distance at the same rate. On the Transcontinental at a distance of 440 miles from Winnipeg is a place called Armstrong. Then, if my memory serves me aright, the rate from Armstrong east was made about 10 cents per hundred pounds.

Hon. Mr. DANDURAND: In answer to my honourable friend (Hon. Mr. Schaffner) I may say that the rate covers the haul from Fort William, Port Arthur or Armstrong to Quebec.

Hon. Mr. McMEANS: Was not that rate made so as to meet the rate which was in existence from Fort William down to Montreal or Quebec by water? This question of rates is of course very difficult to understand.

Hon. Mr. DANDURAND: The rate fixed was intended to meet the water rate from Fort William or Port Arthur to Georgian Bay ports and the rate from there by rail to Montreal.

Right Hon. GEORGE P. GRAHAM: Honourable gentleman, may I be permitted to say a word on this subject? I may intimate, in starting, that Quebec Harbour has long been a hobby of mine. I am delighted to see its improvement. Those of us who have visited Quebec Harbour and have taken more than a passing interest in it in years gone by are amazed at the conditions which Providence has arranged for a real harbour in the good old city of Quebec.

Hon. Mr. BUREAU: And they cost nothing.

Right Hon. Mr. GRAHAM: There have been difficulties, as in all such undertakings, but may I express the opinion that this young country is just now in the throes of development. We see before us a great future, and in my opinion, while we should not be reckless, we should be possessed of the requisite courage to take advantage of our situation. We have sent a good deal of our grain via Buffalo, but that has been explained by my honourable friend here. With the development of trade in the years to come, it will be possible to increase the tonnage that will be lying in our Canadian harbours, waiting for our wheat as ballast, etc.; but if we hesitate to provide the harbour facilities because we have not this tonnage, or for any other reason, then we shall never have it. It seems to me that, notwithstanding what has been said by my honourable friend from Winnipeg (Hon. Mr. McMeans), Quebec Harbour has a real future.

The question of the rail rate on grain from the West was a vexed one, and unless you are a student of rail rates, competition in rates, railway agreements and international agreements and all that kind of thing, it is hard for you to understand why the rate on the Transcontinental was not reduced long ago, as was intended by the builders of the Transcontinental. But now it has been reduced to 11 cents. With what result? The elevator at Quebec is loaded to capacity and the Harbour Commissioners have to refuse any more grain, for lack of capacity. Our elevator is used for winter storage for this reason, that late in the season there is a great rush to get the grain out of the West; it is rushed from Port Arthur and Fort William over to the Georgian Bay ports, is taken by rail down to the seaboard, and every

available building that can be found for storage at that time is used. That is the reason, I might say to the honourable gentleman who was discussing the matter the other day, that in the autumn, for the benefit of the grain producers, even American ships are allowed to bring cargoes of grain to Canadian ports, to be held there in storage. If that were not allowed there would be millions more bushels of grain kept in the elevators west of the great lakes. It is an intricate question.

Now as to the money. May I mention that the Halifax Harbour Bill will be added in a minute. The present Bill will be passed, I suppose, in a minute—

Hon. Mr. McLENNAN: That depends on the honourable gentlemen.

Right Hon. Mr. GRAHAM: —if I do not talk it out or do something of that kind. There is this difference, as referred to by my honourable friend from Colchester (Hon. Mr. Stanfield): the Public Works Department has not expended much money on the Harbour of Halifax. In years gone by, Halifax Harbour was really controlled by the old Intercolonial Railway, and through the Intercolonial Railway vote this harbour was maintained and improved. I think all will agree that, while in its time that was perhaps a good way, it was not the best way for the development of the harbour at Halifax. Men on the ground, men who are in continuous touch with shipping, inward and outward, are in the best position to know what is required in order to meet the conditions that exist. Some years ago I suggested to some representatives from Halifax that they should have their harbour placed under a Commission. It was thought at that time by those gentlemen that this would not be the best thing to do; and one can readily understand that, because all that was required in order to get anything in reason for Halifax was an item in the Intercolonial Railway vote.

Saint John was in the same position, and between the C.P.R. and the C.N.R. and the Public Works Department there was not what might be called a concerted movement in one direction for the improvement of the Saint John Harbour. I believe the Commission will be the best thing for Saint John Harbour.

Interest has been mentioned. Just here I want to pay a compliment to the management of the Montreal Harbour. The Montreal Harbour Board is probably the only one that pays interest regularly. That port, however, has the advantage of a remarkable situation, and it has been able to work up a tremendous trade, export, as well as import. In the old days I sat up many a night putting through votes of money for Halifax Harbour and the Intercolonial Railway, on which we never got any interest whatever. The money was expended at that time to develop the Harbour of Halifax, and to improve the conditions under which Canada would do her trade. The same is true of the Saint John and Quebec Harbours.

Hon. Mr. DANIEL: The Public Works Department made any improvements that were made in the Saint John Harbour. It was not the railway.

Right Hon. Mr. GRAHAM: I would hardly go that far, but almost.

Hon. Mr. DANIEL: Not at all.

Right Hon. Mr. GRAHAM: The Intercolonial did some work in the Harbour in my time, but it was not extensive. I will not argue, however, but will agree that the Public Works Department did it. In any event, it was the Government that voted the money, and no return was expected except in benefits to navigation and to the trade of the country. The question is not one of whether interest will be received on the expenditure or not, but whether it is a good thing to do, and whether the money given to these Commissioners is properly expended. Every cent you charge, either inward or outward, comes out of somebody's pocket, and I am not sure that it is not in the interest of the people of Canada that we should all bear this expense and get the benefit in other ways. If the Harbour can pay, so much the better; but it is no argument against the Halifax or Saint John Harbours to say that they cannot pay the interest, and I am firmly convinced that the proper way to handle the affairs of those Harbours is through Commissions.

Hon. Mr. SCHAFFNER: Is it a fact that the Harbour of Montreal pays its interest.

Right Hon. Mr. GRAHAM: Yes. It is a wonderful Harbour and, in addition to the export of grain, an enormous business passes through it from all quarters of the world.

The honourable gentleman from Middleton (Hon. W. B. Ross) said a moment ago that if Halifax Harbour imposes a large fee it will

endanger the Harbour, and that if it does not it cannot pay the interest. Under these circumstances, honourable gentlemen, I would say let us forego the interest and let Halifax Harbour get the business.

Hon. W. B. ROSS: I hope the honourable gentleman does not infer that I am throwing any stones at the Harbour Board in Quebec because they do not pay interest. On the contrary, I pointed out very good reasons why thy could not.

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

THIRD READING

Hon. Mr. DANDURAND: As the clauses of this Bill are the usual ones, I would move, with leave of the House, that we take the third reading now.

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

SAINT JOHN HARBOUR LOAN BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 216, an Act to provide for a lon to the Saint John Harbour Commissioners.

He said: Honourable gentlemen, the members of this Chamber know that this Harbour Commission was created last year upon the recommendation of the Duncan Commission. The Harbour of Saint John belonged to the city of Saint John, and the harbour properties were transferred to the Commission, the total consideration for the transfer amounting to $2,135,118.00, payable as follows: an existing bond indebtedness of the city, amounting to $1,467,164.96, incurred in the development of the Harbour, to be taken over by the Harbour Commissioners; the balance of $367,953.04, to be paid to the city in Harbour Commissioners' bonds. The bonded indebtedness taken over by the Commission and the new bonds issued to the City in the above consideration are to be guaranteed by His Majesty both as to principal and interest.

The valuation of the property to be taken over by the Commissioners was calculated as follows: Value of structures—piers, wharves and sheds—owned by the City, and to be transferred to the Harbour Commission for the consideration named in the Bill to create such Commission.

I have a list of the properties which were included in the valuation.

Some Hon. SENATORS: Dispense!

Hon. Mr. DANDURAND: The following is a table of revenue receipts and expenditures for the past eight years:

Year	Gross Earnings	Expenditures
1920.. .. ..$	194,811 88	$ 176,599 70
1921..	174,273 37	176,737 18
1922..	210,139 33	174,861 01
1923..	216,232 17	190,061 71
1924..	203,192 15	191,998 47
1925..	178,209 73	171,291 81
1926..	183,169 62	181,375 59
1927..	257,704 97	218,462 80
	$1,617,733 22	$1,481,388 27
	1,481,388 27	
	$ 136,344 95*	

*Surplus for 8 years' operations.

Right Hon. Mr. GRAHAM: The city was interested in that.

Hon. Mr. DANDURAND: Yes, that was under the administration of the city. The entire program of harbour improvements contemplated by the Commissioners, totals $10,000,000 which was to provide new works to the north of the present wharves between No. 7 pier and Navy Island, and contemplated the eventual construction of two new piers and one quay wall, each 1,250 feet long, providing additional accommodation for ten vessels.

The initial development proposed with the loan now asked for will provide berthing space for four vessels loading general cargo and two vessels loading grain, and includes the necessary dredging to provide basins and a channel of 30 feet at low water, to be increased to 35 feet should it later be found necessary. There will also be provided a new grain elevator, with a capacity of 2,400,000 bushels, with grain conveyor galleries connecting with two of the new berths. The new shipping berths will be equipped with one storey freight sheds 575 feet by 90 feet.

The work is to be undertaken with the idea of providing a complete unit of development ready for operation within the term of three years over which the loan is to be spread, as provided in the Bill.

I move the second reading of the Bill.

Hon. Mr. SCHAFFNER: I suppose information as to the amount of grain that went through Saint John during the past season has not yet been compiled. I would like to know to what extent it is increasing from year to year.

Hon. Mr. DANIEL: The amount of grain that passes through Saint John varies from year to year.

Hon. Mr. SCHAFFNER: But it is increasing?

Hon. Mr. DANIEL: It increases in some years and decreases in others. I do not think there has been as much grain going through the port this year as there has been in some previous years. Two or three years ago about 19,000,000 bushels were transported through that port; this year I think there has been not quite so much. It may be that when that thing happens that my honourable friend from Sydney (Hon. Mr. McCormick) spoke of, and when the Transcontinental is used to the extent that was intended when it was built, the amount of grain coming down to the Maritime Provinces will be very much increased. As a matter of fact, the grain that comes to Saint John is brought there almost entirely by the Canadian Pacific Railway, and, as I say, it varies from year to year, according to the amount that is available and the demand outside.

Hon. Mr. DANDURAND: Last autumn when I was on my way to Europe, I met exporters who do a considerable trade with Canada, who informed me that they were located in Paris and were buying for the European and Mediterranean trade. I was surprised to learn that they were buying grain to be shipped from the Georgian Bay ports by rail to Saint John, and that they were furnishing tramp steamers to carry it. They also informed me that they had no fear whatever for the port of Saint John, provided it had proper facilities and some advantages in railway freight rates. This seemed to me to be a very hopeful indication of what can be done if we bestir ourselves a little. As my right honourable friend (Right Hon. Mr. Graham) has said, we must not say, "But the freight is not there," but rather, "Let us provide the facilities" and, if we do not obstruct the movement of grain to them, in due time the ports of Quebec, Saint John, and Halifax will develop.

Hon. Mr. GILLIS: What will happen when the Hudson Bay railway is built?

Hon. Mr. STANFIELD: Don't worry.

Hon. Mr. McLENNAN: I would like to confirm what the honourable gentleman has said, and what was referred to by the honourable gentleman from Saint John (Hon. Mr. Daniel), that the provision of tonnage and of facilities is of the most vital moment in the development of a port. The fact that the C.P.R. ships more freight than the Canadian National from the port of Saint John illustrates the point perfectly. The C.P.R. has its steamers coming to Saint John, and the dates of sailing are fixed months ahead, and their traffic people have to get their proportion of the grain to load their steamers in a manner to make them seaworthy. If you get steamers coming to a port you will develop that port.

I have had occasion to look into the question of the development of ports. No enterprise has been undertaken at any of the ports of Europe that has not brought development. Outstanding cases on the Continent are Antwerp and Rotterdam, and in England the New Quay at Liverpool. Liverpool fought hard against the building of the Manchester Ship Canal, but it was finally built, and was a splendid development and earned money. Nevertheless, Liverfpool, which increased its facilities for trade, developed to an even greater extent than Manchester. So I feel that if the money that is spent in these ports is spent with intelligence and vision and economy we will be quite justified in passing these votes now and whatever others may be necessary in the future.

Hon. Mr. STANFIELD: While grain is a very important item, and constitutes a great part of the tonnage shipped, we must not lose sight of other goods. For instance, we export I don't know how many carloads of automobiles to Australia. Several times this winter when I was in Halifax I was surprised at the number of carloads waiting there for shipment by steamer. Furthermore, if we can develop more tonnage apart from grain, the railroads will have higher earnings.

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

THIRD READING

On motion of Hon. Mr. Dandurand, the Bill was read the third time, and passed.

HALIFAX HARBOUR LOAN BILL

SECOND READING POSTPONED

On the Order:

Second Reading Bill 217, an Act to provide for a loan to the Halifax Harbour Commissioners.—Hon. Mr. Dandurand.

Hon. W. B. ROSS: I may say to the honourable gentleman that I propose to move an amendment to this Bill. Perhaps he would let it go over until Monday night. The purpose of the amendment is to carry out what seems to be the stated intention of the Government with regard to Halifax Harbour, namely, that there shall be no increase in the tolls and rates and charges. The Bill as

it is leaves it open to the Commissioners to fix tolls and charges, and they have power to increase them. If that is to be done, it ought to be done by Parliament.

Hon. Mr. DANDURAND: I draw the attention of my honourable friend to the incompleteness of the motion of which he gives notice. We have nothing to indicate what the rates are to-day.

Hon. W. B. ROSS: There are tolls and rates and charges in the Harbour. For instance, the Canadian National Railway simply absorbs those. A ship comes alongside and pays harbour dues. I do not want to go into the details at present. There has been a steady increase in shipping there, but if you are going to change the whole law relating to the Harbour, you can very easily close up the Harbour of Halifax, and it is one of the few things about which the people of Halifax are hopeful.

Hon. Mr. DANIEL: Is the railway charge on the side, or where is it, at Halifax?

Hon. W. B. ROSS: No, it is part of the freight. In other words, your port there is a national port.

The Order was allowed to stand.

RAILWAY BILL

SECOND READING

Right Hon. Mr. GRAHAM moved the second reading of Bill 220, an Act to amend the Railway Act.

He said: Away back in the year 1909 the Railway Act was amended to provide for the protection of level railway crossings. It contained several provisions. One was that a fund should be set aside, I think $200,000 a year for five years. It gave power to the Railway Commissioners, where they deemed it necessary, to have a crossing protected, in the way of a viaduct or any other way; to hear evidence in the premises; and to apportion the cost of the elimination of this railway crossing, or its protection, between the municipality, the railway, and this railway crossing fund. But the most that was to be taken from this fund was not to exceed 20 per cent, and this 20 per cent must not exceed $5,000. The balance was to be divided between the municipality and the railway company.

A few years later an amendment was made by which this amount was increased to $15,000. There was a proviso that not more than six crossings should be eliminated under this Act in any one municipality.

Hon. Mr. GRIESBACH: At one time.

Right Hon. Mr. GRAHAM: At one time. That was to prevent a large city making an application to have six or a dozen crossings eliminated, which might exhaust the entire fund for that year. It was also provided that only one appropriation in any one year could be made for the elimination of any one crossing.

I might add that there was a definition as to what a crossing meant. I cannot give it in technical terms, but it included not more than four railway tracks, if I remember correctly, and it also provided only for steam railways. In this Bill that is changed to any number of tracks, and steam is not specified; it can apply to a railway propelled by electricity.

In 1919 the Act was further amended, and provision was made for a vote of $200,000 a year for a term of ten years. The amount to be drawn from this fund was not to exceed 40 per cent of the entire cost of the elimination of the crossing, and could run up to $25,000.

Now, this Bill makes a few changes. In the first place, I have indicated one or two of them. There is accumulated, or will be a sum unexpended of about $2,600,000, up to the present time, or to the end of next year.

In the Act of 1909 no provision was to be made for a crossing that had come into existence after the year 1909, the date of the passage of the Act, it being implied that any crossings made after the passing of that Act would be made at the risk of the railway companies or the municipalities. This Bill provides that the fund may be applied to the elimination of a crossing that has been created since 1909, provided the railway and municipality have come to an agreement and understanding.

The amount that can be voted is reached in this way. Forty per cent can be drawn from this fund if the cost be not over $100,000; but if the cost be over that, the entire amount that can be charged against this fund must not exceed $100,000.

The last clause of the Bill provides for notice. Previously notice was made by posting up notices in the stations; this Bill provides that notice must be given in the Canada Gazette.

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.

DIVORCE BILLS

SECOND AND THIRD READINGS

Bill Z7, an Act for the relief of Arthur Joel Cox.—Hon. Mr. Willoughby.

Bill A8, an Act for the relief of Mary Ellen Gussie Edwards.—Hon. Mr. Willioughby.

Bill B8, an Act for the relief of William Henery Leonard Gale.—Hon. Mr. Willoughby.

Bill C8, an Act for the relief of Harriet Louisa Gates.—Hon. Mr. Willoughby.

Bill D8, an Act for the relief of Duke Molloy Gordon.—Hon. Mr. Willoughby.

Bill E8, an Act for the relief of Victor Edward McPherson.—Hon. Mr. Willoughby.

Bill F8, an Act for the relief of Annie Schreiber.—Hon. Mr. Willoughby.

Bill G8, an Act for the relief of James Retson Watt.—Hon. Mr. Willoughby.

The Senate adjourned until Monday next, at 8 p.m.

THE SENATE

Monday, May 7, 1928.

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

Prayers and routine proceedings.

ACCOMMODATION IN THE SENATE CHAMBER

REPORT OF SPECIAL COMMITTEE

Hon. Mr. BELCOURT presented the first report of the Special Committee appointed to consider the possibility of enlarging the Galleries of the Senate.

He said: Honourable gentlemen, the Committee whose report I have just presented had several sittings, attended, I think, by all the members, who gave very serious consideration to the matter. We had the advantage, first of all, of submitting the whole matter to Mr. John Pearson, the architect of this building. He asked for two weeks time in order to fully consider the matter and make a plan, and report to the Committee. Mr. Pearson returned last week, and we had the opportunity of going over the ground and consulting with him. The result of our deliberations is the report which I have just put in. I have asked the Clerk of the Committee to place in my hands, along with the report, the different plans which were submitted by Mr. Pearson. I should add at once that these plans had previously been discussed with the Deputy Minister of Public Works and the Architect of the Public Works Department, Mr. Fuller. These gentlemen attended all our meetings, and when Mr. Pearson finally submitted these plans, both these gentlemen were present and said that they had gone over the matter in detail with Mr. Pearson and thoroughly agreed with him. So you have in this recommendation and in the plans accompanying it, a scheme which has met with the approval of the architect of the building, Mr. Pearson, and the expert authorities of the Public Works Department.

I will put these plans on the Table, and any honourable members of the House who wish to look at them will be able to do so.

Hon. Mr. WILLOUGHBY: Have you marked the one you accepted?

Hon. Mr. BELCOURT: They are all details of the one plan. Whether honourable gentlemen will come to the Table now, or will pass these plans around from one to another, is for them to say.

Hon. Mr. DANIEL: Those are the plans of the galleries?

Hon. Mr. BELCOURT: Yes.

The Hon. the SPEAKER: Do I understand that the honourable gentleman desires to move the adoption of the report now?

Hon. Mr. BELCOURT: Not necessarily.

The Hon. the SPEAKER: Or follow the rule?

Hon. Mr. BELCOURT: Yes. Follow the ordinary rule. Honourable gentlemen can see the plans after the House rises.

HALIFAX HARBOUR LOAN BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 217, an Act to provide for a loan to the Halifax Harbour Commissioners.

He said: Honourable gentlemen, we might carry the second reading of this Bill now, and if the suggestion made by my honourable friend (Hon. W. B. Ross) last week is not simply a pious wish, and if he is still inclined to move an amendment to the Bill, he might do so in Committee.

Hon. W. B. ROSS: Yes, I could make my remarks in justification of my amendment in Committee perhaps better than at present. I have no objection to the second reading, provided I have an opportunity to move my amendment. I have already indicated what line it follows: it is an amendment to provide that the Harbour Commissioners shall not increase the existing tolls and charges in Halifax

Harbour; that if that were done it would be done by Parliament, and done next year, when everybody who was interested could be heard. It is immaterial to me whether I explain my case now or do it in Committee.

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

FEDERAL DISTRICT COMMISSION BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 218, an Act to amend the Federal District Commission Act, 1927.

He said: Honourable gentlemen, this Bill deals with the improvements that have been going on, more or less irregularly, since the inception of the Ottawa Improvement Commission, which dates back to 1899. This Commission has done very good work in the beautifying of our capital, and it has had the unanimous approval of Parliament from time to time. I recalled some time ago the statement of Mr. Joseph Chamberlain that legislation became national and permanent when it had the sanction not only of the Party that initiated it, but also of the Party that, having opposed it, found it on the Statute Book when they came into power, and continued and used it. The Ottawa Improvement Commission has obtained that general endorsation, for I find that, though created under the Laurier Government in 1899, it was continued by the Borden Government under chapter 62 of the statutes of 1919, when it was enacted that the grant to the Commission should be $150,000 annually for ten years. In 1927 this sum was increased to $250,000 for sixteen years.

We now ask Parliament to do two things: provide for a capital payment of $3,000,000 to clothe the Commission with the necessary authority to purchase some costly property in the very centre of the city, and to reduce the amount, voted last year, of $250,000 for sixteen years, to $200,000 for fifteen years. Since one year has already elapsed, the appropriation, thus reduced, would cover the same period.

The reason given for the capital expenditure amounting to $3,000,000, is the pressing necessity of taking advantage of the opportunity to purchase the Russell property, which was about to be pulled down and replaced by a larger and more permanent edifice. I believe that this desire of the Federal Government to secure that property in order to increase the breadth of Central or Confederation Park, which is about to be created at the very hub of the city, will commend itself to this Chamber. I confess that when I came to Ottawa for the first time—and that was, at all events, before 1886—I felt that the Fathers of Confederation had perhaps lacked foresight and courage in not buying the land extending to Sparks street and below, in order to afford perspective and breadth to the land surrounding and facing the Parliament Buildings. I am not disposed to turn that remark into a condemnation, because we were then four struggling provinces with small budgets, and I realize that the Fathers of Confederation did make a noble effort in constructing the buildings that were erected on the Hill. Now our Dominion is developing from the Atlantic to the Pacific, and we have a Capital supported by that vast area which comprises nine provinces, and we must have the courage to do the needful if we would not leave ourselves open to condemnation by the generations that are to follow.

The Borden Government felt similarly disposed when, in 1913, it appointed a Commission composed of His Worship the Mayor of Ottawa, His Worship the Mayor of Hull, Sir Alexandre Lacoste, K.C., of the city of Montreal, the retired Chief Justice of the Court of Appeal; Herbert S. Holt, of the city of Montreal; Frank Darling, of the city of Toronto and R. Home Smith, of the city of Toronto; giving them the following commission:

> To take all necessary steps to draw up and perfect a comprehensive scheme or plan looking to the future growth and development of the city of Ottawa and the city of Hull and their environs, and particularly providing for the location, laying out and beautification of parks and connecting boulevards, the location and architectural character of public buildings, and adequate and complete arrangements for traffic and transportation within the area in question.

I have not read the report that that Commission made, but I understand that it is quite comprehensive and covers in part the improvements that are now submitted for your approval.

I mention that the Parliament Buildings and the departmental buildings to the right and to the left could not be seen and admired by anyone looking from Wellington street, and that provision should have been made for a larger area of ground and park in front of the buildings. Now with the purchase and tearing down of the property I have referred to, it will be possible, I understand to obtain a splendid view of the whole of Parliament Hill all the way from Laurier Bridge. At this time, when the cost of property has not yet reached abnormally high figures, it is desir-

able to secure the requisite properties, and the Government should be empowered from year to year to buy properties in the vicinity of the Parliament Buildings, and down past Sparks street, as occasion offered. I believe it would be a fairly good venture to buy a large area in front of these buildings. The property so purchased would be carried by the rentals which they now earn, and which would gradually increase. It is simply an idea that I have, but I am quite sure that property extending over quite a large area can be bought on terms which would produce a clear net interest of five or six per cent. I have a conviction that if the state did that, the generation that would have charge of affairs fifty years hence would think that the men of this day really had some vision.

With these remarks, I move the second reading of this Bill.

Hon. Mr. McMEANS: Honourable gentlemen, I have listened to the honourable leader of the Government, and I regret that he has not given us a little more information in regard to this subject. He mentioned a sum of about $3,000,000, but I understand from the debate which occurred in another place that the amount was estimated at $9,000,000.

Hon. Mr. DANDURAND: The $9,000,000 comprised the capitalization of the annual grant of $200,000 for 15 years.

Hon. Mr. McMEANS: Be that as it may, this measure is going to cost this country an immense sum of money, and though I am not a prophet, nor the son of a prophet, I venture to predict that before this contemplated expenditure is ended there will be a debt placed on this country of no less than $20,000,000; and I want to enter my protest, humble though it may be, against this expenditure of public money in the present state of the country. We are to-day groaning under a burden of taxation so great that it has paralyzed our industries and is driving our people into other countries. We have spent many millions in inducing people to come to this country; we have built railroads in the west almost to the door of every farm. According to a statement made in another place, the railroads have cost in the neighbourhood of $2,500,000,000. We have piled millions upon millions of dollars in ocean ports—Quebec, Montreal, Halifax, St. John, Vancouver, and Port Arthur.

An Hon. SENATOR: Hudson Bay.

Hon. Mr. McMEANS: So far there is no port there, and the millions have not been poured into Hudson Bay so far, but they probably will be. All those vast sums of money have been expended in this country for the purpose of attracting immigration. I am told that something like $10,000,000 a year has been spent on immigration, taking into consideration the amounts spent by the Dominion, the different provinces and the various railroads. We have advertised throughout the world the advantages of this country—our great wealth in fisheries, forests, mines, agricultural lands, electrical energy, etc., to induce people to come to this country; but why is all this immense wealth poured out for that purpose when we have not been able to retain the population that we get?

I submit that the real reason for this state of affairs is the immense taxation that the people of this country bear. Everything we wear, everything that enters into the life of the people, is taxed to such an extent that it is almost impossible for an ordinary man or woman to make both ends meet.

Hon. Mr. CASGRAIN: That is protection.

Hon. Mr. McMEANS: No, I am not talking about protection. Take the case of a manufacturer: suppose he has a factory in Toronto, and he manufactures a pair of boots that cost him $5; he has to pay an income tax to the Dominion and an income tax to the city. He sells those boots to a jobber, and the jobber has to pay an income tax to the Dominion and an income tax to the city. The jobber in turn sells them to a retailer, say in Winnipeg, and in that city the retailer pays an income tax to the Dominion and another to the province. Therefore, on that one pair of boots there are six taxes levied by the country. It is the same in regard to clothing and food. No matter where people go, what they require—from a doctor, a dentist, or in the way of clothes—the people, from infancy to old age, must bear this immense burden of taxation; and until that burden is lightened we can never hope for any great prosperity in this country.

The other day it was stated on the floor of this House that between $2,000,000,000 and $3,000,000,000 have been put away in the savings banks because the people were afraid to invest it in any industry or commercial enterprise, on account of the great taxation. I know of cases in which, where the capital stock of loan companies has been held on the other side of the water, the money has been

withdrawn from this country, solely because of that immense taxation.

We know that excessive taxation produces excessive expenditure. If this expenditure is continued as it has been going, the burdens will be so great that the people of this country will be reduced, like the Egyptians of old, to making bricks without straw.

I could take my honourable friend out through the province of Manitoba—and that province is no exception—and I could show him district after district where the municipalities cannot pay their debts, solely because the farmers who owned the lands were obliged to let them go at sales for taxes. Municipalities acquired all those lands on account of that huge taxation and the high cost of living that has placed the owners of property in that position.

I do not know very much about this proposition for the city of Ottawa; but I do know that we are going to involve ourselves in a large expenditure of money for what is unnecessary at the present time. I would like the honourable gentleman to inform this House at whose request, and on what ground, this expenditure is being made. It was not at the request of the people of the city of Ottawa. If a vote were taken in the city I venture to say it would be against this proposition. The honourable gentleman laughs; but has he inquired of the citizens? Has he talked it over with the people who pay the taxes in the city of Ottawa? Let him do that, and he will find that there is a very different opinion prevailing even in this city as regards this proposed improvement.

The government goes into the business district, in the heart of this city, and tears down immense buildings, for what purpose? To make a park there. Is it for recreation purposes? Is it to give people fresh air? Will it be of any benefit at all except, as the honourable gentleman says, that it may afford a view of these parliament buildings from the bridge crossing the Rideau canal? That is the only reason I can ascertain for which the honourable gentleman is going to incur this enormous expenditure. The other day I asked the question about tearing down the Russell House, and the reply was that it would cost $1,100,000; but I now understand that all the buildings clear down to Laurier Avenue are to be demolished for the purpose of providing a view of the parliament buildings. That might be all right if the treasury of this country were in such a condition that we could afford to do it; but I say there must be a pause; there must be some retrenchment in the expenditure of the public money of this country, because the people are now bearing a burden which it is almost impossible for them to bear. It may be that the very wealthy people can afford to pay the income tax without feeling it, but the cost of securing the necessaries of life bears so heavily upon the people that I protest against the expenditure of this money at the present time.

The debt of the country is immense, and if we take into consideration the money that must be advanced to the Canadian National Railways this year it is not being decreased, while the expenditures are increasing. I understand that the cost of carrying on the Government will be $8,000,000 extra this year; and not the slightest attempt is being made to decrease the cost. The Departments are multiplying. If we compare the number of rented buildings in Ottawa in 1914 with those rented by the Government to-day we find something like 13 or 14 buildings then, and against 58 to-day. Rentals now being paid in Ottawa amount to between $700,000 and $750,000 a year.

There is no immediate necessity that I can find for starting on the expenditure proposed by this Bill—no reason at all. Ottawa has been here since 1867; it is a beautiful city; nature has placed it in such a position that its natural beauty is probably not equalled by any place in Canada, probably not anywhere in America. Yet the Government bought a lot of property adjoining the post office, and from the debates I have read I understand that they are going to spend $30,000 in paving the space occupied by the buildings that have been torn down. They start off with $3,000,000, and if the honourable gentleman and I live long enough I think he will admit to me, in years to come, that I was quite right when I said that $3,000,000 would wind up with about $20,000,000. I think they will not get off even with that amount.

I have nothing more to say except that with the heavy taxation on the people at present the ordinary man cannot afford to have a family at all, because on account of the cost of living he is not able to make both ends meet. With this huge debt hanging over us, I claim that it is a very poor time to start out on large expenditures like those proposed in this Bill.

Hon. Mr. CASGRAIN: Honourable gentlemen, the last speaker mentioned some matters that were entirely irrevelevant to the matter under discussion. He spoke of the two or three billions that lie in the savings bank at the moment because the people were afraid of taxation; but the honourable member for Toronto (Hon. Sir Edward Kemp) told us

the other day that that was not the reason at all. Those gentlemen ought to tune their fiddles so as to play the same tune. The other honourable gentleman said it was because they did not have enough taxation that all this money was kept in the bank; that there was no stability of tariff; that we should have a higher protective tariff, and then this money would come out of the bank and build up factories, and we would see tall chimneys belching smoke in the blue sky.

Hon. Mr. SCHAFFNER: Honourable gentlemen, before the motion is put, the protest I want to enter is that I think the Government, or the leader in this House, should give us some information before we proceed any further with this Bill. I would like to know the power of the Federal District Commission, also who they are, and if they can buy a building for $1,125,000 without the matter being submitted to Parliament.

Hon. Mr. DANDURAND: It is quite easy to answer my honourable friend, because this Bill is a reproduction of the Act which he himself voted for in 1919.

Hon. Mr. SCHAFFNER: I beg pardon?

Hon. Mr. DANDURAND: I say the Bill which I have covers all these matters. It is an amendment to the Act of 1927, and I think my honourable friend will see that this Act of 1927 reproduces word for word the clauses of the Act of 1919. So that we have uniform legislation governing that body.

There shall be a Commission to be called "the Federal District Commission," consisting of ten members, of whom nine shall be appointed by the Governor in Council and shall hold office during pleasure and at least one of whom shall be a resident of the City of Hull. One shall be appointed by the Corporation of the city of Ottawa, hereinafter referred to as "the City" and shall hold office for a period of one year from the the date of his appointment, or for such period not exceeding three years as shall be determined by by-law duly passed by the City; Provided, however, that if the mayor or an alderman of the City is appointed by the City to be a commissioner he shall cease to hold office as commissioner when he ceases to hold office as mayor or alderman, and the City shall thereupon appoint a commissioner for the unexpired term.

4. (1) The Commission shall be a body corporate, and shall have power to make such by-laws, employ such persons, and pay and defray such expenses as are necessary to enable it to carry into effect the purposes for which it is constituted or any of the powers conferred on it by this Act; but no by-laws so made shall come into force or effect until approved by the Governor in Council, and no alteration, modification or repeal of any such by-law shall have any force or effect until approved by the Governor in Council.

(2) Any by-law of the Commission may impose penalties not exceeding fifty dollars, recoverable upon summary conviction, for the infraction of its provisions, and may provide for the imprisonment of offenders in default of payment of such penalties for any term not exceeding two months.

5. (1) The Governor in Council shall designate one of the commissioners appointed by the Governor in Council to be chairman of the Commission, and he shall hold office as chairman during pleasure.

(2) There shall be a secretary of the Commission, who shall be appointed by the Governor in Council, and who shall hold office during pleasure.

6. The Chairman and other members of the Commission shall serve without remuneration, but they shall be entitled to receive and be paid their actual disbursements for expenses necessarily incurred by them in the discharge of their duties under this Act.

I would be very happy if my honourable friend would look at the Act of 1919, which was passed by this House also, because he would see that the clauses that I am reading have been taken from the Act of 1919, and very likely he would then find them in the Act of 1899. Then—

7. The Commission may,—

(a) Purchase, acquire and hold real property within such area or district as may from time to time be designated by the Governor in Council for the purpose of public parks or squares, streets, avenues, drives, thoroughfares or bridges;

(b) do, perform and execute all necessary or proper acts or things for the purposes of pre- or the vicinity thereof by the acquisition, maintaining and protecting all or any of the works of or under the control of the Commission, and for preserving order thereon;

(c) co-operate with any local municipality in the improvement and beautifying of the same or the vicinity thereof by the acquisition, maintenance and improvement of public parks, squares, streets, avenues, drives, thoroughfares or bridges in such municipality or in the vicinity thereof;

(d) Grant concessions for the maintenance of places of refreshment, amusement or shelter, or for "the encouragement of sports and games, upon any property under its administration or control, where in the judgment of the Commission it is advisable in the public interest to do so.

My honourable friend will notice that in the Bill which I present there is one clause to be added, one subsection which was in the Bill of 1921, and which had been dropped, and which simply completes the Act. It is to give power to sell or lease any property which it is not necessary to hold, and which is not needed for parks and so forth for the beautification of Ottawa. It is the first section:

Subject to the approval of the Governor in Council—

The Commission shall have the right to—

—sell or lease any real property of the Commission not being a portion of any public park or square, street, avenue, drive or thoroughfare, which is not required for the purposes of the Commission.

That was in the Act of 1921.

Hon. Mr. SCHAFFNER: Not to sell or lease; it was to buy property without the consent of Parliament.

Hon. Mr. DANDURAND: This is adding a clause to sell or lease, but always under the control of the Governor in Council, and:

For all or any of the aforesaid purposes, the Commission may expend the whole or any portion of the sums that are placed at its credit under this Act.

As honourable gentlemen will remember, in 1919 $150,000 was given the Commission for ten years; in 1927 the amount was increased to $250,000 for sixteen years; so that under the Act they could dispose of the sums that I mention:

The Minister is hereby authorized to pay out of the Consolidated Revenue Fund of Canada to the Commission the sum of $250,000 a year for a period not exceeding sixteen years.

That is the Act of 1927. The amendment makes a reduction to $200,000 for fifteen years.

Then the Commission has borrowing power. It can, if it needs a larger sum of money, capitalize those annuities; but it is provided that there shall be an interest and amortizing fund. The time is limited for the issue of debentures; principal and interest are to be a first charge on income. Estimates are to approved

Now I come to the other question of my honourable friend:

The Commission shall from time to time, before making expenditures under this Act, submit to the Minister detailed estimates of the expenditures proposed to be made by it, which estimates shall be accompanied by such full information as is sufficient to enable the Governor in Council to determine as to the necessity or advisability of such proposed expenditures, or any portion thereof; and no expenditure shall be made by the Commission under this Act until it has been approved by the Governor in Council.

15. The Commission shall send to the Minister, on or before the 1st day of September in each year, a detailed statement of all its receipts and expenditures up to the last day of March of such year; and copies of such statements shall be laid before Parliament by the Minister within the first 14 days of the next following Session thereof.

Hon. Mr. SCHAFFNER: After the expenditure has taken place.

Hon. Mr. DANDURAND: That is a statement of the expenditure of the year. I have yet to learn that there has ever been any criticism of the work of the Commission, or that there has ever been any complaint of extravagance on their part. I think we have generally heard commendation of their work.

Hon. Mr. CASGRAIN: It is the cheapest public work that has ever been done.

Hon. Mr. DANDURAND.

Hon. Mr. DANDURAND: They were high-class men who were simply working for the love of the task that was confided to them. The very same Commission which was instituted in 1899 was continued under the following Governments from 1911 to 1921.

Hon. Mr. GRIESBACH: May I ask whether the statements the honourable gentleman refers to have been duly laid before Parliament as required by the Act?

Hon. Mr. DANDURAND: I remember having deposited some of them myself. I would suppose that the law had been complied with. The Clerk at the Table could find out, although I am pretty certain that the law has been complied with.

Hon. Mr. TANNER: Is it not a fact that the acquisition of the property west of the Post Office, and of the property between Sparks street and Laurier avenue, is not really the work of the Commission, but rather the proposal and the work of the Government?

Hon. Mr. DANDURAND: My honourable friend will find the answer in the terms of the Act that I am reading.

Hon. Mr. TANNER: The point I am trying to get at is this. I make the statement, and I have some authority for making it, that the Commission does not hold itself responsible for this expansion of parks in the city. In fact, I understand the Commission desires that it should not be held responsible at all. We are all very pleased with the work the Commission has done in the past; but if my information is correct, it desires the public to understand that it is not responsible for the acquisition of the Russell Hotel property and other properties.

Hon. Mr. BELCOURT: May I explain to my honourable friend? The acquisition of territory other than that covered by the Russell hotel and the Russell theatre has not yet been provided for in any way.

Hon. Mr. TANNER: Someone has taken it over.

Hon. Mr. BELCOURT: I am saying that what the Government has done so far in the way of expropriating property to the south of Sparks street has regard only to the hotel and the theatre.

Hon. Mr. TANNER: Everbody who has read the discussions in another place knows that the Prime Minister has very plainly indicated that the plan of the Government includes the taking over of the property down Elgin street from Sparks street to Laurier avenue.

Hon. Mr. BELCOURT: I think that is contemplated; but I want to point out that it is not so for the present, at all events. Nothing has been done except to take over the Russell theatre and the hotel property.

Hon. Mr. TANNER: That is precisely what I am saying. I agree with my honourable friend.

Hon. Mr. BELCOURT: I do not disagree with my honourable friend's statement; but I want to point out to him that the action of the Government so far has only been with regard to the hotel and the theatre. Nothing has been done with regard to the property to the south. When that is done, quite likely it will be done by the Government through the Department of Public Works. It may be that the Federal Commission will be responsible for looking after the square when once it is completed; but there is no idea at present of making the Commission responsible.

Hon. Mr. TANNER: I am very pleased with my honourable friend's statement, because it is quite in accord with what I have in mind, and with what I have been told is correct.

Hon. Mr. DANDURAND: I was proceeding to tell my honourable friend that he would find in the Act governing the Commission that the responsibility for its action in purchasing real estate lies primarily with the Government.

Hon. Mr. TANNER: Exactly.

Hon. Mr. DANDURAND: The Government intends to maintain that right of supervision.

Hon. Mr. TANNER: In fact, the Commission does not want to be charged with it.

Hon. Mr. DANDURAND: Clause 13 says:

> No real property shall be purchased or acquired by the Commission, except with the previous consent of the Governor in Council; and if the Commission is unable to agree with the owner of the property which it is so authorized to purchase, as to the price to be paid therefor, the Commission shall have the right to acquire the same without the consent of the owner, and the provisions of the Railway Act, 1919, relating to the taking of lands by railway companies shall, mutatis mutandis, be applicable to the acquisition of such real property by the Commission.

So the Government is not hiding behind the Commission, but is making use of the experience and knowledge of the Commission and its study of the ground, and it confers with the Commission and authorizes the purchase of property when it judges proper.

Hon. Mr. TANNER: The Commission is not buying the Russell House property?

Hon. Mr. CASGRAIN: The Government.

Hon. Mr. DANDURAND: The Government, after conferrig with the municipal authorities, has decided that it is important to acquire that piece of property, and of course it will transfer it to the Commission, or the Commission will proceed by expropriation to secure that land. But all this is done in accordance with an understanding between the Government and the authorities of the city of Ottawa, and the purchase of the Russell house and the Russell theatre is part of the scheme; and it is largely because that scheme has been approved by the Commission and by the Government that the Government now comes to Parliament asking to vary the grant from $250,000 a year to $200,000, and to be allowed to furnish an initial payment of $3,000,000 for the purchase of those and other properties.

Now, my honourable friend from Boissevain (Hon. Mr. Schaffner) has asked me who are the members of the Commission. They are: Hon. Thomas Ahearn, Chairman of the Commission; G. E. Fauquier; W E. Matthews; Dr. Chevrier; A. E. Provost; the Mayor of Ottawa; the Mayor of Hull, and F. E. Bronson. I have named eight of the gentlemen. I will furnish the other two names to my honourable friend.

Hon. Mr. McLEAN: I understand that when the vote was increased last year from $175,000 to $250,000 the Commission was at liberty to expend the money as they saw fit up to that amount. Now they get $200,000 and are also given $3,000,000, but they can do nothing unless the Government approves.

Hon. Mr. DANDURAND: They are limited to those sums.

Hon. Mr. BELCOURT: They do not get $200,000 a year and power to borrow $3,000,000. They are allowed to capitalize this annual grant of $200,000 for fifteen years, and they have only the products of that capitalization to spend, and no more. They do not get the annual grant and also $3,000,000.

Hon. Mr. TANNER: The honourable gentleman from Ottawa (Hon. Mr. Belcourt) has just stated, if I understand him correctly, that this Bill is to provide the Commission a grant of $200,000 a year for fifteen years. Now, I would like to be clear whether or not that $200,000 a year will not be charged with the purchase price of properties like the Russell hotel.

Hon. Mr. BELCOURT: No.

Hon. Mr. DANDURAND: I understand that will be taken out of the $3,000,000 we are voting them.

Hon. Mr. TANNER: The Russell hotel property will be paid for out of the $3,000,000?

Hon. Mr. DANDURAND: Yes.

Hon. Mr. TANNER: Can my honourable friend say whether it has been settled that the Government or the former owners of the hotel property will get the insurance that was on the building?

Hon. Mr. DANDURAND: I could not say I can obtain that information. I do not know who held the title at the time of the fire.

Hon. G. G. FOSTER: Whoever it was that owned it would get the insurance.

Hon. Mr. DANDURAND: That would be the one who carried the insurance.

Hon. G. G. FOSTER: I have no desire to take up the time of this House unnecessarily in discussing this subject; but I think there is in the country and in this chamber a misunderstanding that might well be straightened out. I understand that the $3,000,000 is a straight grant, given by Parliament, for the purpose of buying this property.

Hon. Mr. DANDURAND: And other properties.

Hon. G. G. FOSTER: And other properties. I have been told here that the $3,000,000 required for that purpose was obtained by capitalizing the $200,000 for fifteen years; but that view is not correct; for the three million is a direct grant.

Hon. Mr. BELCOURT: That is not what I understand.

Hon. G. G. FOSTER: It is not understood in the country in that way; but it is an extra expenditure of three millions.

With regard to the suggestion by the leader of the Government that in the days gone by, when these grounds and buildings were being erected and laid out, Parliament might well have secured the land in front of these buildings. May I say that I am quite certain I am right when I tell him that the leader of the Conservative Party, Sir John A. Macdonald, the man who was responsible more perhaps than any other man for the erection of these buildings, told Parliament that in his judgment every inch of land for two blocks south should be bought and that some time it would be needed. That view stands to his credit today; but it was not agreed to by Parliament.

I am one of those Canadians who are proud of our capital city and its building. I do not want to see any foolish economy adopted with regard to Ottawa, simply because it happens to have the good luck to be the capital. On the other hand, I cannot ignore the condition that has been mentioned by the honourable gentleman from Winnipeg (Hon. Mr. McMeans) and we should beware lest the people of the country should get the idea that we are wastefully and extravagantly spending their money for our own aggrandizement and to satisfy our own vanity and the vanity of citizens of Ottawa. I yield to no man in admiration of the first Commission, and the work they did in Ottawa. The building of Laurier road, as I believe the drive along the canal is called, is a tribute to the man whose name it bears, and Rockliffe Park is a credit not only to the city, but to the Commission and to Canada; but it seems to me that we are now venturing upon ice that is too thin for safety. I am of the opinion that if honourable members of this House, and members in another place had been given a drive such as I had a few days ago, through the improvements under consideration by this Commission, not a man of them would dare to say that they were reasonable or just. With an honourable member of this House I went out to a place that seemed to be a long way from Parliament Hill. We travelled for an hour, and we saw flower beds, roads, culverts, bridges, and everything else imaginable under construction or contemplated. I said to our conductor: "How far are we from Parliament Hill now?" He said: "We are 3½ miles from there." "Good heavens," I said, "you are not planting flower beds 3½ miles from Parliament Hill?" "Yes," he said, "and as far the other way." That is not right, honourable gentlemen. You should go down the driveway, go across the Rideau canal river, see there the great area of land that has been cleared and being prepared for vast expenditure. It is not right.

I went down to the lake just this side of the Experimental Farm. They told me they are going to take down the bridge there. I asked, "Why are you going to take this bridge down?" The answer was, "We want to make the lake bigger." Make the lake bigger! I could not believe that anybody meant that. Yet they are going to remove that bridge. "And then what are they going to do?" "Build the bridge around the edge of the lake." What do the people of this country

care whether the bridge is in one position or the other or whether the lake is large or small? I say that is unnecessary expense. I do not say that the people of this country cannot afford to undertake whatever expense is necessary in order to beautify Ottawa and make it a credit to Canada. I have no quarrel as to the purchase of these buildings close by, provided that the price is fair and reasonable and that the property is desired for the proper development of a necessary park system in the vicinity of the Parliament Buildings. But do not transform the whole of Ottawa into parks—do not spend the money of the country for improvements extending for ten, twelve or fifteen miles. Do not think for one moment that people care whether flower beds are growing across the canal or not. That is of little consequence to them as compared with the necessary expenditure of money for the proper development of Canada. Let Ottawa be made as beautiful as it reasonably can be, by a wise, prudent and careful Commission, but do not try to make it appear that the people of this country desire, or will tolerate, or will consider as proper business, the development of Ottawa at the enormous expense we hear mentioned daily on the streets of this city as sums to be expended for the present or for to-morrow.

Hon. Mr. BELCOURT: Honourable gentlemen, just one word. I find that I was mistaken in the statement I made a moment ago, that the $200,000 instalment was part of the $3,000,000. I find now that the $3,000,000 and the $200,000 are separate. The sum of $3,000,000 is to be expended on the Russell House property and certain works. It is to be paid out of the consolidated funds or to be raised by way of securities. I desire to make that correction.

Hon. Mr. WILLOUGHBY: The sum of $3,000,000, I take it, is advanced by the Government direct for the purchase of land and for other expenditures. The other sum is a vote to the Commission and is to continue.

Hon. Mr. BELCOURT: Yes, that is quite correct.

Hon. Mr. WILLOUGHBY: It must be so.

Hon. Mr. DANDURAND: The $3,000,000 will be at the disposal of the Commission—

Hon. Mr. WILLOUGHBY: Quite true.

Hon. Mr. DANDURAND: —for capital expenditure, to be made according as authority is received from the Governor in Council. The $200,000 will be for maintenance work, and when there is a margin left it can be used for continued improvement work.

Hon. Mr. WILLOUGHBY: There are two different sums for expenditure.

Hon. W. B. ROSS: You have $200,000 for fifteen years for maintenance, as I understand.

Hon. Mr. CASGRAIN: That is right.

Hon. Mr. ROSS: The $200,000, or the greater part of it, or perhaps more, may have to be spent each year.

Hon. Mr. DANDURAND: Probably.

Hon. W. B. ROSS: So the period of fifteen years mentioned there is in a way somewhat misleading. Practically the $200,000 would necessarily be a perpetual grant. The weak spot that I see in the case as presented so far is that we have not been given the particulars or a view of the whole scheme. I understand that it takes in Rockliffe Park and embraces a considerable area, extending as far as three and a half miles from the Parliament Buildings, and including a bridge across the river. I do not know how far south from the Parliament Buildings the scheme will extend, but I understand that it will certainly go as far as Cartier Square; whether it will go beyond that or not, I do not know. It is desirable that we should know first just what are the maximum area and the maximum expenditure contemplated. We are dealing with the scheme piecemeal. I would like to get into my head some idea of the scheme as a whole, and if we saw the whole scheme and were fully informed as to the property that it was intended to acquire, I would be inclined to advise that the property be taken now, when it can be purchased probably more cheaply than it can fifteen or twenty years from now, but that the buildings, instead of being torn down, might be used until such time as the development requires that they be replaced. With the present Rockliffe Park and the woods west of the city, I do not see that much further development is necessary at the present time. I do not think that Rockliffe Park should be treated otherwise than as a natural park. We have in Halifax a natural park which, though small, is one of the most beautiful in Canada. Rockliffe cannot beat it at all. There are roads to be maintained in the park; the dead wood has to be taken out; and provision has to be made for the caretaking, and for any little accident that may happen. The same could be done with Rockliffe Park and with the woods out in the west end.

The course to be taken in dealing with this question is to ascertain first what area is to be taken, let the Commission acquire the property they want, and then extend the time for the carrying out of the scheme. There is absolute truth in what my honourable friend from Winnipeg (Hon. Mr. McMeans) says about the excessive expenditure that is going on. I have expressed my opinion in this House more than once about our expenditure, and I do not intend to state it over again. The cost of living, to the average man, is very burdensome, and the only way you can provide relief from that is to reduce taxation; but reduced taxation you cannot have if expenditure is to be increased. So it is incumbent upon this House, as well as the other, to minimize the yearly expenditure. I have heard the statement—I think it was made in another place—that when this scheme is completed the annual cost of caretaking will run to $700,000 a year. The amount will, of course, depend on what you are going to do. If you intend placing flower beds all through Rockliffe Park and the woods to the west of the city, and costly structures here and there, I can quite credit that statement. It would be a serious expenditure.

There is in this matter another point which I think should be made in fairness to the city of Ottawa. No one has made it yet. I would like to have from someone a statement showing the relations between the city of Ottawa and the Dominion Government. For instance, are we quite certain that all this property that we are going to take over and place in the hands of the Commission will be free from civic taxation? That is an important point. If it is not settled now—

Hon. Mr. BELCOURT: The title is taken in the name of the Crown.

Hon. Mr. ROSS: I know it is taken in the name of the Crown, but are you going to have a political agitation, which may be effective, to subject this property to taxation by the city of Ottawa?

Hon. Mr. BELCOURT: But my honourable friend knows, as I do, that if the title is taken in the name of the Crown, no taxation is possible.

Hon. Mr. ROSS: I am stating another point. The title of the railways is with the Crown, but there has been agitation in several of the provinces and you are now paying Nova Scotia a sum of money—I forget the exact amount—about $200,000 a year in lieu of taxation, and you are paying a sum of money to New Brunswick. The same sort of thing may happen in Ottawa.

Hon. Mr. BELCOURT: But my honourable friend will agree with me that that can be done only with the consent of the Crown. The case is vastly different.

Hon. Mr. ROSS: It can be done by Act of Parliament.

Hon. Mr. McMEANS: I would like to point out to the honourable gentleman (Hon. Mr. Belcourt), if I may, that this property is not free from taxation. You would have to pay the frontage tax for the roads, the frontage tax for sewers, the frontage tax for the boulevards, and the frontage tax for water.

Hon. Mr. BELCOURT: My honourable friend refers to local improvements.

Hon. Mr. McMEANS: Yes. There will be local improvement taxes amounting to an immense sum of money.

Hon. W. B. ROSS: And the larger your area, the larger those charges will be. I would like to be satisfied on this point. I should think that someone could give us some idea of what the total valuation of property in the city of Ottawa is, what the total taxation is, and what is the amount received by the City from the Crown as represented by the Government of Canada—if the City receives anything at all. Do we pay any sum in lieu of water rates? I understood from someone the other day that we do.

Hon. Mr. BELCOURT: A fixed sum.

Hon. Mr. ROSS: That is taxation. Do we pay anything for fire protection?

Hon. Mr. BELCOURT: There is an agreement between the City and the Government covering all those matters.

Hon. Mr. ROSS: It would be interesting to see that.

Hon. Mr. BELCOURT: Yes.

Hon. Mr. ROSS: And I would like to see it. Perhaps it is my own fault that I have not seen it. I am not prepared to give an absolute negative to this proposition. I would like, in a way, to see the Bill go forward, but I want to be sure that we know enough about the matter to be able to explain our case to the country when we go home and tell what we have done.

Hon. Mr. BELCOURT: I think myself that it is a most reasonable request. I agree with my honourable friend.

Hon. Mr. ROSS: I do not like to be suggesting all the time that Bills be referred to committees, but I would like to have these

Commissioners before us in some Committee, and with their plans, and have them tell us freely, clearly and fully just what they contemplate doing.

Hon. Mr. BELCOURT: I do not think they have yet made any kind of plan beyond the taking of the hotel and the theatre.

Hon. Mr. ROSS: That is rather bad, because it looks as if the scheme were going forward piecemeal, with the idea, "We will get this appropriation through this year, and two years from now we will get another passed."

Hon. Mr. DANDURAND: I understand my honourable friend to inquire, how much of the $3,000,000 to be expended on capital account will be devoted to the purchase of property.

Hon. Mr. ROSS: No. I know there is in the minds of the members of that Commission a scheme to beautify Ottawa as the capital of Canada. They are looking at the matter from that point of view, and they are taking a pretty large view—they are not at all cramped in their notions in that respect. I do not complain of that, but I would like to know how far they intend going, regardless of this particular grant. What are they going to ask for in two years from now? What will they ask for in five years from now? What is the whole amount? If we get the desired information and see that the plans are justified, we can say: "All right; acquire the property that you say is necessary for the completion of your scheme as a whole, and, having done that, let us be economical and slow in the annual expenditure." I cannot imagine that the present scheme includes anything in the nature of a big public work that has to be rushed to completion within six months, for the sake of economy. Sometimes it does not pay to take time: for instance, in putting up a large building it is better to complete it as soon as possible. But in dealing with a place like Rockliffe Park, if you maintain the roads you have a very fine place without any further expenditure; and the same is true of the property to the west of the city.

As I say, I do not desire to block the Bill in any way, but I would like to have a full, clear idea of what the whole thing means, not only for the present, but also for the future, and to be able to give an account of my stewardship if I am asked why I voted for this heavy expenditure.

Hon. Mr. GRIESBACH: Can the honourable leader of the Government now answer my question, as to whether or not the annual report required by the Act has actually been printed and laid before us? I do not remember having ever seen it. Who knows about it? I have never even heard of it.

Hon. Mr. DANDURAND: My honourable friend must admit that I lay on the Table many reports which he never looks at.

Hon. Mr. GRIESBACH: My next point is, I would like to see the report anyhow, if it exists.

Hon. Mr. DANDURAND: I can undertake to let the honourable gentleman see it.

Hon. Mr. GRIESBACH: My next question is, what area does this Commission cover at the moment? Does it, for instance, extend over to Hull? And is it seriously proposed to beautify Hull? I would like to know what headway has been made in beautifying Hull.

Hon. Mr. McLENNAN: I was going to make this suggestion—

Hon. Mr. GRIESBACH: I would like to have an answer to my question before the honourable gentleman proceeds.

Hon. Mr. DANDURAND: I am listening to my honourable friends, and I intend to provide honourable members of the Senate with all the information for which they are now asking, but I will do that when we go into Committee.

Hon. Mr. McLENNAN: May I suggest, with reference to that question of information, that it would be of some value to have the general plan of the present Commission compared with the admirable and very thorough report and plan prepared by the Commission whose names the honourable gentleman (Hon. Mr. Dandurand) has given. I have not looked at it for a year or two, but it was a remarkable piece of planning, showing great vision, and would have made of Ottawa a very beautiful centre. Great attention was given to its preparation by very able men, and it is worth the while of anyone interested in this question to look at the report and the plan. It included, by the way, the utilization of the land to the west of this present plot and beyond the Supreme Court, with departmental buildings which were to be concentrated, and with access to them through the town.

Just one thing more. I happened to be in Winnipeg last autumn, and was much struck with the really great beauty of the provincial buildings there, and one of the officials to whom I have expressed my admiration of the building and the way it was maintained said:

"This costs the people of Winnipeg 17 cents a year per head; don't you think it is worth while to pay that to have such a building as this in our midst?" If there is a proper scheme, and if it is economically carried out, it will cost considerably less than 10 cents per head of the population of Canada to have these and other buildings belonging to them beautified to the extent that they can be, without any other scheme involving high expenditure in outlying districts.

The honourable gentleman from Middleton (Hon. W. B. Ross) spoke of the park at Halifax. That park is really a woodland beautifully situated, and costing very little money. It seems to me the same plan might be carried out in the meantime at Rockliffe as it is at present, in order to let the public and visitors enjoy a piece of beautiful and well-kept woodland.

Hon. Mr. DANIEL: I would like a little information on one point. I suppose if I were a financial man I would not need to ask the question; but this Bill authorizes two sets of expenditures, one of $200,000 a year for fifteen years, which I assume is for maintenance and for expenditure to the extent of that amount; and in addition there is a sum of $3,000,000, with no length of time mentioned for that expenditure, so far as I can see, but that amount is to be placed at the disposal of this Commission to expend on capital account. I find that in addition to those sums, they are authorized to issue debentures, securities, etc., and the extent of that is not mentioned. Of course the country will have to pay interest on those debentures or securities, but whether that payment will come out of their $3,000,000 or $200,000 I do not know, and I would like an explanation.

Hon. Mr. DANDURAND: Those debentures that the Commission are authorized to issue would be against the annuities that they are being voted, and they would have to run concurrently with the number of years that are ahead for the period of the payment of the annuities, and will have to be amortized.

Hon. Mr. DANIEL: That is, the $200,000?

Hon. Mr. DANDURAND: Yes.

Hon. Mr. TANNER: Honourable gentlemen, I am not going to suggest that the honourable leader of the House is endeavouring to hurry this matter through, but in saying that I want to suggest that it would be a mistake on the part of the Government to do so. I think the matter is of very considerable importance, even from the standpoint of the Government themselves. Although the welfare of the Government is not particularly our concern, I would like to impress on my honourable friend my belief that the country does not understand this proposition. I think my honourable friend from Alma (Hon. G. G. Foster) emphasized a view in regard to public opinion of which the leader of the House should take notice.

So far as I am concerned, I have no quarrel whatever with the Improvement Commission. In fact I would praise the Commission, for I think that generally speaking, they have done wonderful work, and that we are all, in a general way, very proud of the beautification of Ottawa that has taken place. But we are at a different proposition to-day. This is not so much the carrying on of the beautification as heretofore managed by the city, but we are virtually now entering on a very large and expansive plan of parks within the city; and I am convinced that we are not to look at this matter at all from the point of view of the Ottawa citizen, any more than from that of the Montreal or Vancouver or Halifax citizen. We are to regard this as a Canadian question, not that we are going to spend money to please the people who live at Ottawa.

Hon. Mr. DANDURAND: Oh, no.

Hon. Mr. TANNER: Their homes are here, but when we come to spend money we must be satisfied that it is going to be a good and wise expenditure from the point of view of Canadians from ocean to ocean. Now, my observation in this city is that there is a very real difference of opinion about this park business, the Russell House property, and other properties. I have conversed with prominent business and professional men in this city, and I find they are far from being agreed in regard to it. In fact, I have heard very emphatic condemnation of the scheme from business men—not all of them, but the business men with whom I have conversed. That is one reason why I think we should be a little slow, and take our time and consider this matter fully, and have a complete understand of it. For my part I would like to have the whole matter submitted to a Committee, and in that way to learn not only the beginning of the affair but the end of it.

Hon. Mr. DANDURAND: Well, it began in 1899, and it will never end.

Hon. Mr. TANNER: I know, but I think we should know where we are going to finish with this present project. We are told now that we have acquired this property west of the Post Office. We were told one day that it was to be made into a park, with flowers

and trees; but the next day it is to be all covered with concrete. Of course that is not involved in this Bill; it is a separate vote. Then we are told that we are acquiring the old Russell Hotel, the Russell Theatre, and other properties on Elgin Street between Sparks and Queen Streets, I suppose. Well, what will we have then? We have that block cleaned out; but what is it for? My honourable friend tells us it is for a view, in order that we may go down there, I suppose, and look up and view the parliament buildings.

It is suggested that that view is desirable because when one goes to Washington he can stand or walk on Pennsylvania Avenue and look up to the Capitol. But the situations are entirely different, for when you are on Pennsylvania Avenue in Washington you are down in the heart of the city, in the hotel district, and it is a very different proposition from walking down from the business districts of Ottawa to Queen Street, which is not a business district, merely for having a view of the parliament buildings. There may be something in that argument, but it certainly does not appeal to me; consequently, as I suggest, I think we ought to take our time about this proposition and let the whole matter go to a Committee; let us know how much we pay for this property west of the Post Office, how much it is going to cost to improve it, what is to be done with it, how much it is going to cost to acquire the Russell House property and others between Queen and Sparks street, and what it is going to cost to improve them. Therefore I think the Government should come to us candidly, and if they have it in their minds to extend that plan and take the City Hall and Knox Church property, tear them down, and take all the other properties such as the Aylmer apartments, the Militia Department building, and the Roxborough apartments—if they are included in the grand scheme—let us know about it, and understand it.

No honourable member of this House is going to stand in the way of reasonable and proper improvement, and reasonable and justifiable expenditure, but instead of throwing out hints as the Prime Minister of the country has been doing in another place, let the Government come forward and candidly say in this House, if they do not want to say it to the other House: "This is our plan; we expect, if we are in power, to carry this plan into effect in the next five, ten, fifteen or twenty years, and in pursuance of that plan we are now entering in on an instalment of our expenditure by taking the properties between Elgin and Sparks street, and the canal and Sparks street."

I think this is the time for what is sometimes called a show-down on the whole matter. Let us know the point of beginning, and where the government intends to end. I am not saying this because I am pledging myself to oppose these improvements. I want to see Ottawa improved. I want to see Ottawa, as the capital of Canada, the most beautiful city in the country; the most beautiful city on the continent, for that matter; but I want to see this House, and parliament generally, taken into the entire confidence of the Government of the day in relation to these matters, instead of coming, as they would appear to be coming, with a little bit now, and another little bit later on, never disclosing their ultimate purposes, or what the whole thing is going to cost the country.

There is another point of view which I would like to mention. It is all very well to have these millions expended in Ottawa for beautification as well as for practical purposes; but we must remember that we have a wide-flung country from the Atlantic ocean to the Pacific ocean. We have portions of this country which have been waiting ever since Confederation for improvements and practical works that are needed by the people. I could take my honourable friend, the leader, down to Nova Scotia, to Pictou county where I was born, where the people need railway development. There is a railway that has been before this Parliament, and that I hoped would have been brought up this year, in what is called the Guysboro district, through the Garden of Eden, and east of the river St. Marys. The Government is pledged to it, and it was expected to be brought up this year; in fact, a supporter of the Government in the other chamber went down to Nova Scotia two or three weeks ago and announced that the railway was to be provided for this year. Now, that is a matter which perhaps does not appear to be of much importance to members of this House, but the people down in that district, who are the very salt of the earth, have been waiting year after year, and listening to promises year after year, and they have been hoping and wishing, not for a view, not for anything picturesque, but for a practical railway that will enable them to travel and carry their produce to the market in order to sell it.

I give that just as an illustration. What do those people care for this Bill? I warn my honourable friend, and I hope he will convey the warning to the leaders in the other House, that unless they provide for some matters of that kind, those people away down in the forgotten parts of the country, who have been strong supporters of the present Gov-

ernment, when they hear that we are building parks and spending millions of dollars upon these parliament buildings, will refuse to continue to support the Government of the day. They will say to themselves, and say with a good deal of justice, having endured for over 60 years the hardships to which I refer: "If the Government of the day is satisfied to spend five or ten millions of dollars so that people may walk down and take a good view of the parliament buildings, and are unwilling to provide us with transportation which we need, and which has been promised to us, we will no longer support that Government."

Hon. Mr. DANDURAND: And my honourable friend will be very sorry.

Hon. Mr. TANNER: I want to tell my honourable friend that I have always supported and voted for the construction of that railway, and I will do that again.

There is another matter that I want to submit to my honourable friend, and that is that we have, right in this city, and right in this building, in connection with this Chamber, men with families who are being paid starvation wages in the public service. When I make inquiry and find among the Civil Service men who are employed around this building, it is astonishing to me, how they live and how they bring up families on the paltry salaries that are being paid to a great many of them.

Now, what is the use of spending $3,000,000? What to those people is the value of that, so that they may stand down on Sparks street, or Queen street, and have a clear view of the parliament buildings in which some of them are employed, when they reflect that after they have walked up from Queen or Sparks street to these buildings, and given their day's service, and then gone to the cashier who hands out their wages, they receive a cheque which does not enable them to keep their families from want?

Now, let us provide for these absolutely necessary things, these things that are of practical benefit, before we spend millions of dollars unnecessarily, it may be, in providing views. This building is open; it is on a hill; we can see it well from Wellington street; we can see it from the east, and from the north, and from the south; and if this large expenditure is to be made firstly to provide a view, as my honourable friend has suggested, I would say that it might very well be deferred. In any event, I would like to impress upon my honourable friend the desirability of not putting this matter through to-night, but postponing it, and perhaps referring the whole matter to a Committee so that we may know exactly how much expenditure we are embarking upon in the end, and what we are really going to do with all the money.

Hon. Mr. ROBERTSON: Can my honourable friend, the leader of the Government, verify what information I think the public have with reference to the capital expenditures already made, and what is in contemplation in the immediate future? Are we correct in saying that the sum of $1,125,000 has been paid for the properties known as the Russell House, and that it is within the $3,000,000 vote that is now before us? Will the honourable leader of the Government confirm the statement that has already been published in the press, that $525,000 has been paid for properties on the Rideau river, in New Edinburgh, to which it is intended to transfer the staff and work of the Census Branch of the Department of Trade and Commerce. Could he give us also the cost to the Government of the properties already expropriated and the buildings demolished in the area bounded by Wellington, Elgin, and Sparks streets, and the Post Office, and tell us whether the purchase price of those properties, as well as of the Bate Building and the skating rink, and so on, on Laurier avenue, is to come out of the $3,000,000 appropriation? It is my belief—and if I am wrong I should like to know it—that expenditures already have been made, or contracts entered into, for the purchase of properties that will absorb the whole $3,000,000. Then, as I want to be perfectly frank, my next question must be: If a capital expenditure of $3,000,000 is to be made on the purchase of properties this year, entirely apart from the amount to be expended for maintenance and beautification, what is likely to be the capital expenditure on further properties the purchase of which the Government has in contemplation for the fulfilment of this scheme? I think those are important questions. May I ask my honourable friend if it is possible for him to give an answer now to the question: Is it the intention of the Government to utilize the premises in New Edinburgh for the Census Staff?

Hon. Mr. DANDURAND: I cannot answer my honourable friend now. I will get the information for him.

Hon. Mr. ROBERTSON: Well, let me say a word as to what I believe will be a real grievance on the part of a considerable number of civil servants if that is done. I do not know what the Government has in contemplation, but I know what is common

rumour. The property on Sussex street was well adapted for use as a horse stable and saw mill, but I do not think that on examination it will be found suitable for the housing of civil servants, unless there is first a complete renovation at a substantial cost. Some 300 or 400 employees of the Census Branch of the Department of Trade and Commerce—most of them girls working for very small salaries, ranging, probably, from $75 to $120 a month—reside in the centre of the city within walking distance of their employment. They are not able to live elsewhere because of the cost of transportation to and from their work. Furthermore, from their present place of employment they are able to step out and get their lunches at noon. If they are moved to New Edinburgh, where there are no facilities for obtaining their noonday meal, and they are compelled to utilize the street railway four times a day, there will be imposed upon them an expense which is wholly unnecessary and which ought not to be imposed upon them. If it is found necessary to utilize that property for the temporary housing of that staff, they ought at least to be provided with transportation to and from their work, because the extra burden falls upon them through no fault of their own. That may be a small matter in the Government's mind, or it may never have been thought of. I commend it to my honourable friend for consideration.

Hon. Mr. DANDURAND: I have listened with considerable interest to the expression of the ideas originating in the inquisitive minds of my honourable friends. I take it for granted that we are simply enlarging to a certain extent the expenditure on a program which already has been generally approved, namely, the improvement of the capital of the Dominion. We have approved that program many a time. We did it first when we established the Commission, and since then we have done it yearly in providing the necessary funds to carry on the work of that Commission.

I have always understood that that Commission had the confidence of Parliament. As far back as 1919 we provided funds to cover the expenditure for the ensuing ten years at the rate of $150,000 a year. I draw the attention of my honourable friends to that date—1919; just after the war—when people were wondering how the country would be able to carry its load; yet, Parliament, including this Chamber, voted that sum for ten years. Last year again Parliament, including this Chamber, voted $250,000 a year for sixteen years. Surely that bespeaks some confidence in the Commission and some reason why it should continue to carry on.

To-day the Government comes to this Chamber and says: We will reduce the former amount by $50,000 a year, and will make the term fifteen years; but out of the Consolidated Revenue Fund we will provide $3,000,000 for immediate needs. I say for "immediate needs," because the needs were very pressing. We were notified by the city that a permit was being asked for to allow the pulling down of the old Russell hotel and the building of a new hotel on a larger scale.

To govern is to foresee! The Government came to the conclusion that it would be a bad thing to allow a substantial and costly building to be put up there when it would interfere with the development of a plan to beautify and dignify the city. I know, and those around me know what it is to pay taxes; but the Government of the country must go on; the men at the helm must take some responsibility and decide when it is proper to make certain expenditures. I do not at all blame my honourable friends for discussing this figure and expressing some surprise at it. I will make a confession to them. The first time I heard that we had bought the Scribe hotel I received a shock, and felt it as greatly as the honourable gentlemen facing me. At that time, in 1920, we were facing a deficit on our railway system of $50,000,000 or $100,000,000, and, like many others, I wondered how we would succeed in restoring our finances. I trembled when I contemplated an expenditure of $2,000,000 on a building in Paris. That was five or six years ago. Since then, every time I have been in Paris I have felt ashamed of myself for having contributed to the reliquishment of that idea. That property has increased in value three or four times, and would have paid us large returns, and would have put Canada at the hub of the city of Paris. That has been a lesson to me.

We are now in the year 1928, not in 1919 when we were just emerging from a world-wide cataclysm, and the present proposal contains a partial compensation. We say that instead of the grant being $250,000 a year it will be $200,000, but that we will spend $3,000,000. A stitch in time saves nine!

Hon. Mr. ROBERTSON: Not this time.

Right Hon. Mr. GRAHAM: It will save ten this time.

Hon. Mr. DANDURAND: We now find ourselves restricted, hemmed in by properties surrounding Parliament Hill. We must have some breathing space. I am very sorry indeed that we do not own the whole of Wellington street. I used to be ashamed of the shacks that faced our buildings; but at last they have been torn down.

Those who travel about the world judge nations by their capitals. I am not the only one here who has seen many capitals, and who knows that the civilization of a country is measured by its capital. We want to have a capital which will be worthy of a nation of 25,000,000 or so in fifty years, if you will. We own half the Continent of America; we border on two oceans; we are a sturdy race. Yet my honourable friends appear to be afraid of an expenditure of $3,000,000 to beautify the capital of Canada. I do not believe they are afraid. Do honourable gentlemen know that $3,000,000 plus $200,000 a year for fifteen years means only 4 cents per head of the population to-day? In years to come Canada will grow, and the cost per capita will be less.

I will give my honourable friends all the information they ask, and if any question arises in the mind of any honourable gentleman, I pray that he will ask for information. There is nothing to hide. This is a national work. We believe that the Commission is composed of honest man, and that they can lay their cards on the table. The Government is ready to do likewise. What is the Government of the country, if it is not a Committee of the House of Commons, the popular branch of Parliament? There is a responsibility to be assumed, and we shall not run away from it. It is for this reason that we ask that some confidence be imposed in the Government in the control of this expenditure. Nothing will be spent on capital account without the knowledge of the Government.

I move the second reading of the Bill.

Hon. Mr. TANNER: If it is a breathing space that is desired, why go across from Sparks street to Queen street, and tear down buildings when we have Wellington street right next door?

Hon. Mr. DANDURAND: Like my honourable friend I feel that we should have controlled the whole of Wellington street.

Hon. Mr. TANNER: We are going to put up buildings on Wellington street. Why not tear down the buildings that are now there and have a breathing space?

Hon. Mr. DANDURAND: I think we will work towards the various sections of the surrounding city.

Hon. Mr. TANNER: The air is better over there. It comes from Hull.

Hon. Mr. DANDURAND: I am reminded of an answer that I got from a citizen of Venice when I asked him what sentiment had lingered in the minds of the people of Venice from the occupation of the city by Napoleon in the last century. He said: "Well, we must be thankful. We had 365 churches; he razed 65 of them, and now we have that many more lungs in the city of Venice." We do not intend to pull down churches, but we intend to beautify the city of Ottawa and make it a capital worthy of Canada.

Hon. Mr. TANNER: Down below Sparks street we will have tender memories of the police court and the city hall.

Hon. Mr. McMEANS: I understand the honourable gentleman to say that he would only be too glad to furnish us with information. Would it not be well to postpone the second reading?

Hon. Mr. DANDURAND: I can furnish the information in Committee.

Hon. Mr. CALDER: I do not rise to oppose this measure in the slightest degree. While I am a very strong believer in the beautification of the city of Ottawa, there are one or two things, that in my judgment should be cleared up. Section 8 of the Bill provides for an allowance of $200,000 a year for fifteen years. I take it that that is mainly for maintenance purposes; nevertheless, portions of that $200,000, if the Commission see fit, may be used for capital expenditure.

Hon. Mr. DANDURAND: To a certain extent.

Hon. Mr. CALDER: This provision is made for a period of fifteen years. We all recognize that it may be increased or decreased by Parliament in future, and I should not be at all surprised if, in the course of years, $200,000 a year would be found insufficient to maintain the properties.

In the second place, as I see it, section 9, which is a substantive section, provides in effect a grant to the Commission for the purchase of land. It says:

9. (1) The Minister may provide, for the purposes of the Commission in so far as they relate to the purchase of land or the carrying into effect of any scheme of improvements and undertakings requiring a larger outlay than is available out of the actual annual income of the Commission, by the sale or other disposition of

securities of the Commission, guaranteed as hereinafter provided, an amount or amounts not to exceed in the aggregate three million dollars, or he may, with the approval of the Governor in Council, pay to the Commission, out of any unappropriated moneys in the Consolidated Revenue Fund, such sum or sums, not exceeding three million dollars as may be required for said purposes, or may make such provision partly in one way and partly in the other.

That, to my mind, is quite clear. Then it continues:

The Commission may, for the purposes of this section, create and issue obligations, bonds, debentures or other securities, herein called securities. All negotiations for the sale or other disposition of the securities, shall be carried on by the Minister.

Now, is it quite clear that, should the Government decide to advance to the Commission the sum of $3,000,000 for the purpose of acquiring properties, the Commission may not, with the approval of Parliament, issue bonds for the purchase of other properties? I am not sure that that is quite distinct and clear.

Section 10 says:

10. (1) No securities shall be issued by the Commission for a period extending beyond the first day of July, one thousand nine hundred and fifty-eight.

In other words, any moneys that are to be raised by securities issued by the Commission shall not be borrowed for more than thirty years, whereas the grants given under section 8 are to extend only for a period of fifteen years. Of course it is quite clear in that section that any moneys due for interest on account of the securities issued, are payable by the Government and are not taken out of the $200,000 provided for in section 8.

My point is this. Does section 9 make it perfectly clear that the total sum of money that may be advanced to the Commission for the purchase of properties does not exceed $3,000,000?

There is one other point I would like to raise, for my own information. To what extent has the Government actually committed itself down to the present time, in respect to properties? There has been a great deal of talk in the city of Ottawa about this matter. We know that the Russell House has been purchased, and that all the property from the Post Office as far as Elgin street has been purchased and the buildings have all been removed. In addition to the Russell Hotel there were those properties on Canal street. I do not know whether those buildings belonged to the Russell Hotel or not. There were also Bate's warehouses and—

Hon. Mr. BELCOURT: Bate's warehouse and Birkett's warehouse have been Government properties all along.

Hon. Mr. CALDER: I did not know that. I think the House is entitled to know the actual extent to which the Government has already committed itself with respect to the purchase of these properties, and the amount involved. When we have that information we shall know exactly to what extent the $3,000,000 may be used for the purchase of other properties.

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

PRIVATE BILLS

SECOND READINGS

Bill 46, an Act respecting the Nipissing Central Railway Company.—Hon. Mr. Gordon.

Bill 69, an Act respecting the Interprovincial and James Bay Railway Company.—Hon. Mr. Gordon.

Bill H8, an Act respecting the Cumberland Railway and Coal Company.—Hon. Mr. Casgrain.

Bill I8, an Act to incorporate The People's Thrift Corporation.—Hon. Mr. Casgrain.

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

THE SENATE

Tuesday, May 8, 1928.

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

Prayers and routine proceedings.

DIVORCE BILLS

FIRST READINGS

Hon. Mr. Willoughby, Chairman of the Committee on Divorce, presented the following Bills, which were severally read the first time:

Bill U8, an Act for the relief of Florence Reno Moxon Attewell.

Bill V8, an Act for the relief of Mary Irene Boyd.

Bill W8, an Act for the relief of Augustus Vernon Ellis.

Bill X8, an Act for the relief of Agatha Jean Hobbs.

Bill Y8, an Act for the relief of Hazel K. Clunie Howard.

Bill Z8, an Act for the relief of Helen Stewart Graham Lovell.

Bill A9, an Act for the relief of Marie-Anne Palardy Murphy.

Bill B9, an Act for the relief of Joseph Patrick Nolan.

Bill C9, an Act for the relief of John James Ward.

LEAGUE OF NATIONS

MOTION FOR RETURN

Right Hon. Sir GEORGE E. FOSTER moved:

For a return giving in tabular form the conventions passed by the assembly of the League of Nations, and forwarded for action to the Government of Canada since 1919, and showing the action taken on each, whether adhered to, signed or ratified, and where not ratified giving the reason therefor,

A similar return of the amendments to the covenant of the League of Nations.

He said: Honourable gentlemen, with the consent of the House I should like to make an amendment to this motion before moving it. I should like to drop out the second part, which is not very important, and which might necessitate considerable delay, and for it substitute the following:

Also showing the nations which up to date have signed optional clause 36 of the Statutory Protocol of the Permanent Tribunal of the International Court of Justice.

I do not think this will consume so much time. When the return comes down I should like to have something to say about it, and will defer my remarks until then.

Hon. Mr. DANDURAND: All the information which my right honourable friend asks for was furnished in September in the last Assembly. A tabulation of the various conventions was given. This Session we have ratified three of those conventions, so that, even if the work were twelve months old, it should not take a long time to complete the list.

The motion was agreed to, as amended.

INTOXICATING LIQUORS BILL

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 192, an Act respecting interprovincial and international traffic in intoxicating liquors.

Hon. Mr. Robinson in the Chair.

Section 1 was agreed to.

On section 2—definitions:

Hon. Mr. DANDURAND: Notice was given that an amendment might be moved to this clause, on constitutional grounds. At that time I stated that I would obtain the opinion of the Department of Justice on the point taken, which bore on the right of the Dominion Parliament to prohibit the movement of goods from one Province to another. This is the answer that I obtained from the Deputy Minister of Justice:

Referring to your conversation with me last evening, I may say that since the discussion took place in the Senate upon the Doherty Bill to which you referred the effect of section 121 of the British North America Act upon legislation of the kind now in question came up before the Supreme Court of Canada for consideration in the case of Gold Seal Limited v. Dominion Express Company and the Attorney General of Alberta, LXII Supreme Court Reports, 424. In that case it was held by the Supreme Court that Part IV added to the Canada Temperance Act by chapter 8 of the statutes of 1919, and prohibiting the importation of intoxicating liquor into those provinces where its sale for beverage purposes is forbidden by provincial law, is intra vires of the Dominion Paliament under its general power "to make laws for the peace, order, and good government of Canada". Regarding the effect of said section 121 of the British North America Act, Anglin, J. expressed himself as follows (page 466):

"Neither is the legislation under consideration in my opinion obnoxious to s. 121 of the B.N.A. Act. The purpose of that section is to ensure that articles of the growth, produce or manufacture of any province shall not be subjected to any customs duty when carried into any other province. Prohibition of import in aid of temperance legislation is not within the purview of the section."

and Mignault, J. at page 469, as follows:

"Nor do I think that any argument can be based on sec. 121 of the British North America Act which states that

all articles of the growth, produce or manufacture of any of the provinces shall, from and after the Union, be admitted free in each of the other provinces.

This section, which so far as I know has never been judicially construed, is in Part VIII of the Act, bearing the heading 'Revenues, Debts, Assets, Taxation,' and is followed by two sections which deal with customs and excise laws and custom duties.

In the United States constitution, to which reference may be made for purposes of comparison, there is a somewhat similar provision (art. 1, sec. 9 par. 5 and 6) the language of which, however, is much clearer than that of sec. 121. It says:—

'No tax or duty shall be laid on articles exported from any state.

No preference shall be given, by any regulation of commerce or revenue, to the ports of one state over those of another; nor shall vessels bound to or from one state be obliged to enter, clear or pay duties to another.'

I think that, like the enactment I have just quoted, the object of section 121 was not to decree that all articles of the growth, produce or manufacture of any of the provinces should be admitted into the others, but merely to secure that they should be admitted 'free' that is to say without any tax or duty imposed as a condition of their admission. The essential word here is 'free' and what is prohibited is the levying of custom duties or other charges of a like nature in matters of interprovincial trade."

In view of the above I will not endeavour to answer in detail the arguments put forward in the Senate. It seems to me quite sufficient

to say that, the matter having been determined by the Supreme Court of Canada, the point must be taken to be settled for the time being, and that there is no reason, therefore, on constitutional grounds, why the legislation should not be passed.

Hon. Mr. REID: How does he really interpret that decision?

Hon. Mr. DANDURAND: He is citing the judgment of the Supreme Court in a stated case, and in order to give greater information to the Senate, he gives the reasons of two of the Justices who rendered the judgment.

Hon. Mr. REID: They really decided that we have power?

Hon. Mr. DANDURAND: Yes.

Hon. Mr. McMEANS: I understand at the present time there is a provision in the Doherty Act which says that you cannot import liquor into any Province where prohibition exists. Most of the Provinces have ceased now to be prohibition Provinces. The law at present is that it is beyond the power of the provincial legislatures to make laws against the importation from one province to another. It is assumed that most of the provinces that have their own liquor laws have passed laws of that kind; but owing to the provisions of the Doherty Act it has been held that those laws operate only in provinces where there is prohibition. I take it from what the honourable gentleman has said that this Bill will make it prohibitory to take liquor from one province to another. Am I correct in that?

Hon. Mr. DANDURAND: I would suggest that the Bill we are considering enacts prohibition with the authority of His Majesty the King in that province.

Hon. Mr. McMEANS: I did not quite understand that.

Hon. Mr. DANDURAND: The Bill that we are passing now prohibits the movement of liquor from one province to another as between individuals, but allows His Majesty the King, for the various provinces, to make an exception.

Hon. Mr. LYNCH-STAUNTON: It has nothing to do with temperance legislation.

Hon. Mr. REID: If we have power to prohibit the transportation of liquor from one part of the Dominion to another, would not this Parliament also have power to prohibit any other article of manufacture?

Hon. Mr. DANDURAND: If my honourable friend will notice, in the case which I cited, the Supreme Court held that:

> Part IV added to the Canada Temperance Act by Chapter 8 of the Statutes of 1919, and prohibiting the importation of intoxicating liquor into those provinces where its sale for beverage purposes is forbidden by provincial law, is intra vires of the Dominion Parliament under its general power "to make laws for the peace, order and good government of Canada."

Having cited that, my answer should be negative in regard to matters of general trade.

Hon. Mr. REID: The reason I asked that was that I understood that the Privy Council decided that the provinces had the right to sell liquor in that particular province, and we had rights in regard to manufacture. If they have an absolute right to decide what is to be sold in that particular province, and then decide that a certain article of production shall not be sold in that province, I can quite understand how we could pass an Act prohibiting the transport of goods of which they had prohibited the sale in that province. But I think this Act goes a little farther. In the provinces of Alberta, Manitoba and Ontario, they have not prohibited the sale; any one can go down the streets here and buy all he likes; it is not prohibition at all.

Hon. Mr. DANDURAND: It is a regulation.

Hon. Mr. REID: And if the government is selling it, or allowing it to be sold, then it strikes me that we have not the power to prohibit the transport of that particular article into that province. In other words, the decision referred to does not apply to this particular article at all. The Supreme Court decided that we have the right to prohibit the transportation into a province, and the provinces have the right to say whether liquor shall be sold or not; but if they have already allowed it to be sold, it strikes me that the honourable leader has not got the proper reply from the Minister of Justice to his particular question.

Hon. Mr. LYNCH-STAUNTON: Honourable gentlemen, we ought to consider this clause defining "intoxicating liquor." In the province of Ontario it is forbidden by law to sell beer, or have it in one's possession for sale. In the province of Quebec the sale of beer or having it in one's possession for sale is not forbidden.

Hon. Mr. DANIEL: Does that mean ale?

Hon. Mr. LYNCH-STAUNTON: Yes. Therefore the words "intoxicating liquor" may not mean the same in Quebec as they do in Ontario. It appears to me in this way. If this legislation were in force a man might take a dozen bottles of beer in his motor car to Hull, and so far as the provisions of this statute are concerned he would not be offending against the law; but if he were to buy a dozen bottles of all in Hull and bring them

into Ontario he would be offending against the law. The same rule would apply in Alberta; a man could take any quantity of such liquors as are permitted to be sold in bars in Alberta, and indeed any quantity of liquor which is not sold in bars in any other province.

Now, the definition may make quite a confusion in that way. The definition is:

(a) "intoxicating liquor" means any liquor which is, by the law of the province for the time being in force, deemed to be intoxicating liquor, and—

—note the conjunction there—

—and which it is unlawful to sell or have in possession without a permit or other authority of the Government of the province, etc.

Now, what is the result of that going to be? It strikes me that this legislation is unnecessary, and that it will be of no benefit whatever to a province, and, it may work great hardship on innocent persons travelling from one province to another. There is a minimum fine of $200 on any man who offends against these provisions. A gentleman who was speaking to me in this Chamber the other day is required, by his doctor's orders, to carry with him about two ounces of whiskey all the time, which he said would last him for six months. If some officious person should stop that man when coming from Quebec, or going into Quebec, with that two-ounce bottle, he must pay at least $200 of a fine. Now, what benefit is that to any province?

If I were hailed before a Justice of the Peace under this Act I would have a second information laid against me under the provincial Act, and the Justice would certainly fine me under both, for there are two laws. The law is ample in the province of Ontario, and the law in Quebec is similarly efficient, and every province has its own law for that; so what use is this law, anyway?

There are plenty of laws against bootleggers and people who are flagrant lawbreakers; but who on earth would think of buying a bottle of whiskey in Montreal to bring to Ottawa, or of buying a bottle of whiskey in Ottawa to take to Montreal? He would be only encumbering himself for nothing, for when he got to Montreal he could buy a bottle in the street, and when he got to Ontario from Montreal he could buy it even cheaper than he could in Montreal.

Hon. Mr. BELAND: But he must get a permit.

Hon. Mr. LYNCH-STAUNTON: He must get a permit when he goes into Ontario.

Hon. Mr. BELAND: He does not require that in Quebec.

Hon. Mr. LYNCH-STAUNTON: But my point is this, that the only persons who would have any object in carrying it would be those who have a small quantity; there would be no sense in a man going into Quebec, and risking the penalties of all the laws there, in order to bring in a couple of cases, for that would get him into hot water at once. But a man is quite liable to bring in half a bottle, for liquor is expensive, and one does not want to throw it away.

I cannot see the reason or necessity for this law; and all laws which have not some good purpose to serve are obnoxious and a nuisance. It seems to me that here you have two troubles; first, this definition, then afterwards the prosecuting of people who are not doing any wrong, for it is lawful to drink in this province and in Quebec. I venture to say this legislation is in no way a reflection of the temperance sentiment of the country, and has nothing whatever to do with encouraging temperance. It is simply to protect the monopoly of the province.

Now, assume that a province established a monopoly in bread, would it not strike honourable gentlemen as the horrible piece of tyranny to fine a man $200 for bringing a bun out of Quebec, or taking a bun into Quebec? In the eye of the law one is just as innocent as the other, because the law permits the consumption of liquor in both provinces, and there is no more reason, as the law stands, why a man should be penalized for bringing a bottle of whiskey out of Quebec, than for bringing out a loaf of bread or a bag of salt, if the province had a monopoly in salt or bread. I think that would strike people as very unfair, very harsh, and when a law is unfair and harsh and unnecessary, I submit it should not be passed. If we think that we must pass this legislation at the request of the provinces, I think that at least we should not make it absurd by allowing fanatical or unfair magistrates to persecute innocent people. I have had a long experience of the administration of justice by magistrates, and I have very seldom seen a magistrate who would not impose some sort of a fine when it carried costs.

Hon. Mr. DANDURAND: But they are not the beneficiaries of the fine.

Hon. Mr. LYNCH-STAUNTON: They get the costs, and the bailiffs get costs, and the constables get costs; and I have had cases where a man has been charged and fined only 25 cents, yet that carried costs of perhaps $30 or $40. In any case that will carry costs, those fellows are avid for costs.

Take the case of a man coming up here, and the onus is on him; he comes from Quebec, and has a small bottle of whiskey, and somebody pulls him up before the magistrate on the roadside and demands that he prove his innocence. He must send to Quebec to get a man to prove it for him. Many men are caught on these offences because they know the enormous cost of bringing witnesses. If I had a bottle of whiskey that I had brought down from Sarnia, and somebody pulled me up in the streets of Ottawa, I would tell him that I did not buy it in Quebec, but he might say, "Well, I saw you over in Hull yesterday." I would reply that I did not buy it in Hull, but how am I going to prove it? I would have to send up to Sarnia to bring a witness to prove that I bought it from him there; then he may have forgotten that I was in his place; I may have been a stranger to him.

Honourable gentlemen, these little persecuting laws should be very carefully looked into, and I think this Senate should be astute to ascertain whether or not there is any real reason for fining a transient traveller, a stranger who comes through this country. There are tens of thousands passing through Canada now, or an ordinary citizen may happen to bring a small quantity of intoxicating liquor in his satchel or pocket. This legislation is a form of persecution, and the reason I think it will be of no use is because, to use a large phrase, it will be made an engine of persecution. I think, however, that if we made an exception of a reasonable quantity of liquor it could not hurt many people; so I am going to move an amendment when we come to section 3.

Hon. Mr. BARNARD: I would like to ask the honourable leader to lay on the table the opinion he has received, so that we may look at it before we have the third reading. He seems to be somewhat unfortunate with these Bills, because he seems to be so frequently driven to the Department of Justice to get an opinion.

Hon. Mr. DANDURAND: Well, I was asked to do so.

Hon. Mr. BARNARD: I am wondering if the official who gave this opinion is the gentleman who gave us one on a previous occasion, when we found one of the Ministers of the Crown saying, in effect, that the opinion did not make any difference, he was going to do what he wanted to do; and he did it, directly contrary to the opinion. Of course at the time it was delivered the opinion was convenient, and possibly this one is. I think we should have time to look at the case in the Supreme Court to which the leader refers, but in glancing through it I find that the decision was given on a stated case, and as far as I have been able to see in the very short time at my disposal, there is in the case stated no mention that the goods in question were the manufacture or produce of another province. I do not profess for a moment to set up my legal opinion against that of the Judges of the Supreme Court, but I would like to point out to this House how far their zeal in the cause of temperance is leading some of the legislators of this country. My province of British Columbia is possibly less ingenious than the sister province of Quebec, who allow you to import as far as the dock, but when you have the goods there, prohibit you from carrying them home; which seems to be a very simple way, if it is legal, of preventing people from importing. My province adopted a different method. It imposed a duty, but called it not a duty, but a tax, and as the provincial law stands to-day any liquor which is imported into British Columbia otherwise than through the Provincial Liquor Commission has to be declared immediately and is liable to a tax equal to the profit the Commission would have made if it had sold the liquor, plus 10 per cent. The Liquor Commission, like all Government institutions, was of the opinion that it was making a very handsome profit. Like all Government institutions, it thought it was handling its business pretty well, and it arbitrarily declared that it made a profit of 34 per cent—a figure which, I may say, is not reflected in the annual returns of the Commission, for if it had made so much money the amount of revenue which the province derives would be very much greater. With the 10 per cent added, by way of fine, the private importer in British Columbia has to pay 44 per cent.

That law was taken through the provincial courts. Unfortunately the plaintiff became bankrupt by the time he got through the local Court of Appeal, and the case went no further. The Court of Appeal, with one dissenting judge, decided that the law was intra vires. The result is this, that if that law is intra vires there is no effect given at all to section 121 of the British North America Act. There is no reason why we should not put that same tax or duty on Manitoba wheat, on Quebec boots and shoes, or on any other product or manufacture of any other province. That is where I say the zeal of some good people in the cause of temperance is leading the legislators of this country. I think it is

wrong, and the matter ought to be carefully considered. Even if the Justice Department have guessed right this time, there still remains the question whether or not it is expedient to pass legislation of this kind without considering very fully the effect of what we are doing.

Hon. Mr. DANDURAND: Honourable gentlemen, all that I can add to what I have already stated on this matter is this. There is a general desire on the part of the provinces that have established a monopoly that this legislation be submitted to the Canadian Parliament. There are a couple of good reasons that suggest themselves to my own judgment. The first one cannot be gainsaid; it is the fact that authority rests with this Parliament to prohibit importation into the country. We prohibit it by virtue of this Bill. We go further and prohibt shipment from one province to another.

Hon. Mr. LYNCH-STAUNTON: Where do you get that authority, Mr. Leader? I follow you when you say that you prohibit importation into Canada, but I do not follow you on the right to prohibit importation from one province into another.

Hon. Mr. DANDURAND: We do so under our right to legislate for the peace and good government of Canada; and there I rely upon the judgment of the Supreme Court, which says that the source of our power is in that general power.

Hon. Mr. LYNCH-STAUNTON: But the honourable gentleman must remember that the foundation of Chief Justice Anglin's judgment, as read by the honourable gentleman, was that this was a temperance matter—the regulating of the sale of intoxicating liquors. The Chief Justice said that on that ground you had the right to legislate. Does the honourable gentleman think that that argument would apply to the sale of bread and that you could prohibit the carrying of bread from one province to another?

Hon. Mr. DANDURAND: I am inclined to think not.

Hon. Mr. LYNCH-STAUNTON: This is not a temperance Act at all. That is, it seems to me, a point which differentiates it.

Hon. Mr. DANDURAND: But my honourable friend does not speak for all his compatriots in expressing that opinion.

Hon. Mr. LYNCH-STAUNTON: No; I speak for myself.

Hon. Mr. BARNARD.

Hon. Mr. DANDURAND: He will find that the Governments of Ontario, Quebec, British Columbia and all the other provinces have claimed that they were proceeding on the lines of temperance, and that it was in order to establish temperance that they regulated the sale of liquor.

Hon. Mr. LYNCH-STAUNTON: We know that is only apple-sauce.

Hon. Mr. DANDURAND: That is the official stand taken. The reason given is that they will accomplish the purpose better in that way than they would by prohibition, and it is as a preferable substitute for prohibition that they have established the Liquor Control Boards. Now they ask that our power be exercised in the direction of strengthening their own legislation. I suppose they must find it to their interest, but they feel that they will thus be able to control better the general sale of liquor within their jurisdiction and carry out more effectively their higher purpose of maintaining temperance throughout the province.

Hon. Mr. LYNCH-STAUNTON: I must confess that "Almost thou persuadest me."

Hon. Mr. REID: Does the honourable gentleman mean that the Province of Ontario, for instance, says: "We are working now towards prohibition: you can have all the liquor you want for beverage purposes, and that is prohibition, but if you go over to Hull, get a bottle of whisky there and bring it to Ottawa, that is not prohibition"? Is that the proper interpretation of what the honourable gentleman says?

Hon. Mr. DANDURAND: No. I may say that yearly I hear the Prime Minister of Quebec boast that he has reduced drunkenness to a considerable degree, and he cites statistics to show the superiority of his legislation over that of the past.

Hon. Mr. BARNARD: But what is Ontario doing?

Hon. Mr. DANDURAND: Ontario is very likely working on the same lines and will boast likewise in years to come.

Hon. Mr. BARNARD: There is quite a difference.

Hon. Mr. McMEANS: I desire to point out to the honourable gentleman (Hon. Mr. Dandurand) that under the legislation now existing any province in which prohibition is in effect may obtain from the Dominion Government the right to prohibit the importation of any liquor into that province.

Hon. Mr. DANDURAND: Is the honourable gentleman putting a question?

Hon. Mr. McMEANS: No; I am making the statement that any province in which there was prohibition had, by Act of the Parliament of Canada, received authority to prohibit the importation of liquor into the province. It seems to me that it would be a very simple matter to add to that Act a provision to the effect that any province selling liquor under Government control should have the same right. Then each province would pass legislation such as it deemed wise. As the present Bill is drawn it applies only to the provinces where liquor is sold by Government Commissions; it does not apply to the provinces where prohibition is in force.

Hon. Mr. DANDURAND: I see the point.

Hon. Mr. McMEANS: Make the law uniform. If you desired to give the provinces the right to prohibit the importation of liquor, or the carrying of liquor from one province to another, all you had to do was to amend the Act already in force so as to make it apply to those provinces where liquor is sold under Government control. I do not see the necessity of this Bill at all. Each province could then run its own show.

Hon. Mr. DANDURAND: But I see no harm in this alternative. This is what has been suggested by the Dominion-Provincial Conference.

Hon. Mr. LYNCH-STAUNTON: The trouble is that there is a law in each province and we are making another law, and a man may be fined twice for the same offence.

Hon. Mr. DANDURAND: That may help to sober him up.

Hon. Mr. LYNCH-STAUNTON: No, no; it will knock him cold. It will not sober him at all. It makes two laws for the one offence. I think that is unheard of in any legislation. You never did it before.

Hon. Mr. DANDURAND: It makes two offences.

Hon. Mr. McMEANS: Perhaps the honourable gentleman (Hon. Mr. Dandurand) would consent to a reduction in the duty.

Hon. Mr. DANDURAND: Question!

Hon. Mr. ROBERTSON: Before the question is put, may I ask my honourable friend whether he has any knowledge of what would be the attitude of any province—say the province of Ontario, for example—in which there are a number of counties where the old Scott Act is still in force, if the people of a particular county asked the Provincial Government to forbid absolutely the importation of liquor into the county, just as the Provincial Government, as my honourable friend (Hon. Mr. Dandurand) says, is asking the Federal Government to prohibit importation into the province? Does my honourable friend think that the Provincial Government would heed such a request and pass legislation to that effect? I have serious doubts as to the Provincial Government itself doing what it seems to be asking this Parliament to do.

Hon. Mr. DANDURAND: I cannot answer the question, because I have not the Provincial Act before me. I remember that the Scott Act or the Duncan Act, remained in force in some of the counties of the Eastern Townships until recent years. I cannot say whether a person who lived in a district in which the Scott Act was in force could import or carry liquor into that district. My honourable friend from Alma (Hon. G. G. Foster) signifies that the answer is in the negative.

Hon. Mr. ROBERTSON: Is it not true that any citizen living in a Scott Act county can go into a county where liquor is sold, purchase it legally there, and have it legally in his possession anywhere in the province? I think such is the case. Therefore it seems to me that it would not be within the jurisdiction or power of the Provincial Government to establish an arbitrary boundary line and fine a man if he crossed it. I think the same principle applies here. I am greatly interested in the point made by the honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton), because, if the matter is carried to its logical conclusion, that is the result.

Hon. Mr. DANDURAND: My honourable friend from Alma seems to take a view contrary to that of my honourable friend (Hon. Mr. Robertson), claiming that in the district where the Scott Act or the Duncan Act was in force there could be no importation.

Right Hon. Sir GEORGE E. FOSTER: I think my honourable friend to my right (Hon. Mr. Robertson) will find a difference between the two cases that he has cited. There is a difference in motive, and there is also a difference in result. The Scott Act county voted Scott Act not that it might get an opportunity to sell liquor and make gain.

Hon. Mr. DANDURAND: Or buy liquor.

Right Hon. Sir GEORGE E. FOSTER: It voted Scott Act and prohibition in order to prevent the sale of any liquor within its boundaries. The desire of the Provincial Governments of Ontario and Quebec is the

same. Ontario—to confine ourselves to that province—asks that liquor be kept from being imported from, say, Quebec into Ontario, not in order to influence and perfect a better temperance sentiment in the country, but in order to protect the Government in the sales that it makes out of its own shops, because those sales would be lessened and the profits therefore diminished if liquor were allowed to be brought in from an adjoining province and sold without coming under Government control and producing revenue for the Government. The two cases are different. The motives are absolutely different.

Hon. Mr. DANDURAND: But, at the same time, would not enactment of the Provincial law and the regulations of the Provincial Government respecting the control and distribution of liquor be set at naught if liquor could be imported otherwise than under Government Control?

Right Hon. Sir GEORGE E. FOSTER: Its control would be taken away.

Hon. Mr. BEAUBIEN: Is my honourable friend aware of any abuse by way of importation from one wet province into another?

Hon. Mr. DANDURAND: No. I have not inquired.

Hon. Mr. BEAUBIEN: There seems to be no purpose at all except to protect one monopoly against another. Here we are, at the request of the Government, about to impose a very heavy penalty. It is to be made a criminal offence to take business from one Control commission and pass it over to the other. That is the meaning of this amendment. If I buy in Hull the same kind of liquor, in the same quantity and at the same price, when I should buy it in Ottawa, I am a criminal. I understand very well the judgment rendered by the Supreme Court, and I understand on what ground they have based that judgment. They have stated, in effect, that it was lawful for the Federal Government to transfer part of its power to the provinces for the purpose of preventing the sale of liquor in dry districts. Rightly or wrongly a province may say—and it has happened—that on moral grounds the sale of liquor should be prevented. I understand that. Therefore the power exercised by the Federal authority for the good government of the country, or for good morals, etc., may legally be transferred to the Provincial Government. But we have no parallel case in the present instance. You can buy any quantity of liquor in Quebec if you buy it bottle by bottle. You can buy any quantity of liquor in Ontario if you pay $2 for a permit, which can easily be obtained. Therefore the liquor trade is not now considered in either province as being immoral. The only restrictions are that liquor must be sold in certain places, at certain hours, by certain people and at certain prices.

In what position is Parliament placed? There are in all the wet provinces under government monopoly very stringent laws that effectively prevent importation from another province. I venture to say that no liquor at all is ever imported into Quebec except under the control of the Commission, and that has been the situation practically since the Commission was instituted. I think my honourable friend (Hon. Mr. Dandurand) will not contradict that statement. Why is that the case? Because there are very stringent laws in the province of Quebec and it is not worth while trying to violate them. Nobody will do it. Therefore the monopoly is perfectly protected. In the province of Ontario, I dare say, the situation is similar. There are severe penalties imposed on both sides of the line. Now the Government comes along and adds another penalty, and makes it heavy enough to crush anybody—not on moral grounds at all, but simply in the interest of one monopoly or another. It means that if my honourable friend the leader of the House should have a chill, he must be very careful to buy his liquor in the Province where he is, and to take no chance by importing any quantity, however small or however badly needed, from another Province. It seems to me that we are drifting into the position in which the United States has been for years: we are making so many laws because of one fad or another, generally blessed with the name of moral necessity, that we are becoming more and more fettered every day.

Hon. Mr. HUGHES: How will the proposed law operate in respect to those Provinces that have legal prohibition at the present time?

Hon. Mr. LYNCH-STAUNTON: It does not apply to them at all.

Hon. Mr. BEAUBIEN: They are already provided for.

Hon. Mr. DANDURAND: I do not know whether the Senate has made up its mind yet or not, but I feel that I owe an answer to my honourable friend. He has made two arguments, both of which I think are faulty.

Hon. Mr. BEAUBIEN: Go ahead.

Hon. Mr. DANDURAND: He has attempted to persuade the Senate that as between Quebec and Ontario there is an absolute unviolated monopoly; that Quebec protects itself thoroughly, and that Ontario does likewise. The conclusion to be drawn from that argument is that most of this legislation is useless. But against his opinion I cite the Governments of those respective Provinces, who do not think as my honourable friend does.

Hon. Mr. BEAUBIEN: To make matters perfectly clear, I first put a question to my honourable friend. I asked him if he knew of any abuse at all by way of importation from one wet Province to another wet Province, and he said distinctly that he did not.

Hon. Mr. DANDURAND: Oh, I said I had not inquired.

Hon. Mr. BEAUBIEN: Well, that is the best way of not knowing.

Hon. Mr. DANDURAND: I am not employed as a detective on the border line.

Hon. Mr. LYNCH-STAUNTON: Did the Provinces at the Conference cite any cases in support of this extraordinary proposition?

Hon. Mr. DANDURAND: All that I remember is the unanimous expression of their desire.

My honourable friend laid stress on another argument, namely, that he understood that a Province having prohibition could ask that that prohibition or total abstinence be respected. If that is so, why should not a half-way measure be respected as well? Here is a Province—Quebec, or Ontario, or British Columbia—that decides to invoke a certain set of laws for the peace, order, and good government of the Province. Why should my honourable friend say: "If they proceed in a certain way"—say total prohibition—"we will respect their will; but if they adopt another system in order to reach the same end, we will not do so." My honourable friend says we should not interfere. I cannot see the logic of that argument.

Hon. Mr. LYNCH-STAUNTON: I wish my honourable friend were on the other side.

Hon. Mr. DANDURAND: Question!

Section 2 was agreed to.

On section 3—importation into Province forbidden unless consigned to His Majesty, etc.:

Hon. Mr. LYNCH-STAUNTON: I beg to move in amendment to this clause, that there be added at the end the following words:

provided that the provisions of this section shall not apply to importations of intoxicating liquors in quantities of half a gallon or less.

Hon. Mr. CASGRAIN: Oh, make it a gallon.

Hon. Mr. LYNCH-STAUNTON: Some honourable gentlemen say they cannot swallow a gallon.

Hon. Mr. DANDURAND: Where will the amendment come in?

Hon. W. B. ROSS: At the end of section 3.

Right Hon. Sir GEORGE E. FOSTER: I think my honourable friend comes very near to bringing himself under the Corrupt Practices Act. He raises the quantity which he proposes to let in free with a view to gaining votes. How does the honourable gentleman justify that? If he would get a certain number of votes by putting the amount at half a gallon, and thinks he can get more votes by putting it at a gallon, is he open to the temptation of raising his limit? I am afraid of the effect on my honourable friends opposite.

Hon. Mr. DANDURAND: I have not consulted my colleagues as to this amendment, and therefore cannot accept it. If my honourable friend submits it, I would ask that the Senate express itself upon it, and that the Chairman should ask those in favour to rise, so that the Commons may know that there is such a body of opinion in the Senate.

Hon. Mr. BELCOURT: It is quite manifest that if the amendment should carry, it will wholly defeat the Bill.

Some Hon. SENATORS: No, no! Not at all.

Hon. Mr. McMEANS: This Bill is not confined to Provinces that prohibit the importation of liquor from a foreign country. I had thought at first that that was the main object of the Bill, and that the importation from Province to Province was only a side issue.

Hon. Mr. DANDURAND: I can see the difficulty of enforcing such a provision, as the one proposed, and how it would weaken the regulations of the various Provinces. One could always claim that the liquor in his possession fell under that exception.

Hon. Mr. LYNCH-STAUNTON: But he would have to prove it. The only intent of this is to protect people who carry small quantities from one Province to another. I do not know whether it goes further.

Hon. Mr. GRIESBACH: The honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton) deplores the inutility of the law, and in that respect I entirely agree with him; but to amend it in this respect seems to be piling absurdity upon absurdity. As soon as the hypothetical person arrives in another Province with his half gallon of liquor he comes under the operation of the law of that Province, which says that it is an offence to have the liquor because he has not bought it in the Province in which he is.

Hon. Mr. LYNCH-STAUNTON: We cannot prevent that.

Hon. Mr. GRIESBACH: No, but we are not improving the Act.

Hon. Mr. McMEANS: If the Bill is passed with the exception proposed by the honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton), it will override the Provincial law.

Hon. Mr. DANDURAND: Then it is all the more obnoxious.

Hon. Mr. LYNCH-STAUNTON: I do not think the honourable gentleman has considered that carefully. The amendment simply says that so far as half a gallon is concerned the Act is non-existent. There is no enactment whatever regarding a half gallon. Suppose we were to leave out anything in the Act, we would not be passing legislation, but refraining from passing it. I might express myself in another way. This amendment does not make it lawful to bring liquor into a Province if it is unlawful under the Provincial legislation.

Hon. Mr. BEAUBIEN: I think the distinction is clearly emphasized by the repeated demands of the Liquor Commission of Quebec. I think I can say that the first demand for the passage of a law such as this came from that Commission. When they inaugurated their system they knew very well they could not prevent importation. Many people were grumbling as to the cost of liquor, and thought it was not reasonable to be asked to pay $4 or $4.50 for a bottle of Scotch whiskey; many others complained that the Liquor Commission were making no less than 70 or 80 per cent profit on the light wines imported, notwithstanding the fact that the control of liquor was handed over to them by the Quebec Government for the purpose of replacing hard liquor by light wines. They said: "That is the way in which we shall fight intemperance;" and they were rather annoyed because the people said to the Commission: "You are making an extravagant profit; you are adding 70 or 80 per cent to the cost of light wines.

Hon. Mr. HUGHES: Has not the Government got control of the Commission?

Hon. Mr. BEAUBIEN: Certainly the Quebec Government has control, and it passed that control over to the Commission. But according to the views of many people, the Commission has abused its power by taking an extravagant profit, and they were afraid that individuals would say: "You are charging too much; we can import, and we will do it:" If this law is passed the Liquor Commission of Quebec will be thoroughly satisfied, for that danger will be removed forever, because a man does not import one bottle of Scotch from across the ocean. I think the demand of my honourable friend is a most modest one. It will protect tourists and others who travel here, as they do at home, with a flask or a bottle of whiskey, against a certain class of people who have but one interest, namely to catch people in a hotel and rifle their bags to ascertain whether or not they are violating the law, so that they may inform against them and participate in the fine.

Hon. Mr. CASGRAIN: Blackmail!

Hon. Mr. BEAUBIEN: It is nothing else.

Hon. Mr. GILLIS: It has been said that the Federal Act will override a Provincial Act. If one were caught with the quantity of liquor mentioned in the amendment in his possession, and were brought before the Provincial courts and tried, would there be no power to punish him for having that liquor in his possession?

Hon. Mr. LYNCH-STAUNTON: Yes, under the Provincial law.

Hon. Mr. GILLIS: Then what protection has one got?

Hon. Mr. LYNCH-STAUNTON: Suppose the honourable gentleman were brought up and fined under the Provincial law, under this Bill, as introduced, he would be liable to a further fine of $200. There is no legislation like it on the Statute Books of Canada. You have two clear authorities; one under the Provincial law, and one under the Dominion law.

Hon. Mr. BELCOURT: Does my honourable friend contend that Parliament could not enact a law to prohibit the entry of intoxicating liquors into Canada?

Hon. Mr. LYNCH-STAUNTON: Certainly not.

Hon. Mr. BELCOURT: Well, if we can do that, cannot we prevent inportation into the Provinces at the same time?

Hon. Mr. LYNCH-STAUNTON: We do not do it; we do not prevent them.

Hon. Mr. BELCOURT: It would prevent them. If we enacted a law prohibiting importation into Canada, no Province could import.

Hon. Mr. LYNCH-STAUNTON: I have not considered that.

Hon. Mr. BELCOURT: Surely that is so.

Hon. Mr. DANDURAND: Question!

The Hon. the CHAIRMAN: Where is it proposed to place the amendment?

Hon. Mr. LYNCH-STAUNTON: At the end of the first subsection of section 3:

That the provisions of this section shall not apply to importations of intoxicating liquor in quantities of one-half gallon or less.

Hon. W. B. ROSS: It should be "subsection 1."

The proposed amendment of Hon. Mr. Lynch-Staunton was carried: yeas, 35; nays, 27.

Section 3 as amended was agreed to.

On section 4—burden of proof:

Hon. Mr. LYNCH-STAUNTON: That is a very extraordinary section. I thought at first that it meant that the onus was on the prisoner. I do not think it does. What it says is this:

4. The burden of proving the right to import intoxicating liquor, or to cause intoxicating liquor to be imported, or to send, take or transport intoxicating liquor, or to cause intoxicating liquor to be sent, taken or transported into any province shall be on the person accused.

I am very much mystified as to what that means. Does it mean that if I am taken with a quantity of whiskey in my possession I have to prove that I have lawfully transported it, or that I have a right to import it? I do not think the clause is well drawn. If I am the prisoner I am not claiming the right to import; I am standing there charged with having imported. I say I did not import it—and of course every prisoner denies the charge—must they not then go on and prove that I did import it, and then come back again and ask me, "Had you the right to import it?"

Does the honourable leader see my point? A man is first charged with having in his possession liquor that has been brought out of another province. He denies it. Then has not the Crown to prove that he did import it, before they put him on his defence? That is the proper way under British law. If it is so, I am quite satisfied with it. Then if they prove that he did import it they will say to him, "Now, you imported that liquor, and it is established to the satisfaction of the Court that you did; what right had you to do it?" If that is the meaning of the clause, I think it is good on principle.

Hon. Mr. DANDURAND: That is my view.

Hon. Mr. LYNCH-STAUNTON: My impression was that this section would put the onus on the prisoner of proving that he did not bring it from the province of Quebec, but as I read it now I think that what the honourable leader says is correct—that it makes that the prosecutor first prove that he brought it from Quebec, and after he has proven that, the prisoner must prove that he had the right to bring it from Quebec, and that proof will clear him. If it is that way, I will not oppose it.

Hon. Mr. DANDURAND: If the accusation is that he imported.

Hon. Mr. LYNCH-STAUNTON: No, this section does not apply to that. The section applies to the right to import, not to the importation.

Hon. Mr. DANDURAND: But defendant will say, "I had the right to import."

Hon. Mr. LYNCH-STAUNTON: No; the defendant says, "I did not import;" then you have to prove that he did import.

Hon. Mr. DANDURAND: I am only looking at the article as I see it; it is based on the right to import.

Hon. Mr. LYNCH-STAUNTON: Then I take it that this section does not apply to the charge at all until it is proved that he imported. The section does not come into play until it is proved that he imported.

Hon. Mr. BEIQUE: I think this is a proper section.

Hon. Mr. LYNCH-STAUNTON: Then if it is, it is all right.

Section 4 was agreed to.

On section 5—penalties for violation:

Hon. Mr. LYNCH-STAUNTON: I suggest to the honourable gentleman that an improvement of this section would be to strike out the words:

Of not less than two hundred dollars

Strike out those words, and leave the magistrate a discretion; leave no minimum penalty at all; make it read that he shall have a penalty for the first offence of not more than $1,000 and in default of payment an imprisonment for not more than six months. It would then read:

penalty for the first offence of not more than $1,000, and in default of payment to imprisonment for any term not more than six months.

Then the magistrate can put it on to him if he thinks the offence is real, or he can let him down. By this section as it stands you are going to make the magistrate fine him $200, though he should not fine him at all if there are extenuating circumstances. Let the magistrate have the discretion. I move an amendment to that effect.

Hon. Mr. DANDURAND: I can well see the reason why this clause is drafted as it is. It is to act as a deterrent, but if my honourable friend strikes out the minimum penalty on the first offence and leaves the right of the magistrate to go up to $1,000, then the accused party can well feel that he may escape with a light fine.

Hon. Mr. LYNCH-STAUNTON: Oh, yes, that is right.

Hon. Mr. CASGRAIN: It is quite enough.

Hon. Mr. REID: The point I want to raise is this. Many people are travelling through Canada from Europe, England, and other places, and they are all under the impression that they can buy liquor in the several provinces, but they do not understand this law. We have tourists going through this country spending two or three hundred millions of dollars; they may cross over at Niagara and might take some liquor, and then go on into Quebec.

Hon. Mr. BELAND: They must throw it in the Ottawa river when they cross.

Hon. Mr. REID: Yes. Well, I do not think that is fair at all. Then another thing is that they may be arrested, though they do not know the law, and in a case of that kind they should have only a small fine, for they are not bootleggers; but as this Bill stands the magistrate must fine them $200. A good many of those tourists may not have $200, then they will have to go to jail, there is no other way of dealing with the offence. I think the fine for the first offence should not exceed $200; that would give the magistrate the privilege of imposing a lesser fine on tourists, while the $1,000 would reach the men who were importing illegally. These tourists are told that they can buy liquor in any province, and there is no trouble in getting any quantity they want. They might cross at Brockville, Kingston, or Prescott, and they might buy perhaps four or five bottles—a little more than half a gallon—then they would have to pay $200 when they did not really understand the law. I do not like to see those people detained and fined, and at present the magistrate has no power but to impose that $200, whereas if they are really tourists he would probably fine them $10, or something like that, which would be probably a fair penalty when the tourists did not understand the law. I would rather see the section arranged so that the magistrate could impose a small fine, and work it up to a large fine that he could impose on any one violating the law knowingly.

Hon. Mr. DANDURAND: I have the impression that this Bill is mainly drafted to aim at the professional exporter.

Hon. Mr. LYNCH-STAUNTON: Bootlegger.

Hon. Mr. DANDURAND: Because there may be a considerable trade going from one province to the other, an illegal exportation. I have heard of some Quebec liquor finding its way to Ontario, and from Ontario elsewhere, even to Quebec.

Hon. Mr. LYNCH-STAUNTON: You have heard that since I asked the question.

Hon. Mr. DANDURAND: No; my honourable friend was speaking of the movement on the border, but I was thinking of what I had seen of a movement on the St. Lawrence; so that possibly, if the amendment of my honourable friend carries through parliament, the traveller would be sufficiently protected, because he would have half a gallon in his possession. It seems to me that the amendment of my honourable friend would exclude travellers from the operation of this Act.

Hon. Mr. CASGRAIN: But who wants this Bill, anyway?

Hon. Mr. DANDURAND: The provinces.

Hon. Mr. CASGRAIN: Which provinces?

Hon. Mr. DANDURAND: All of them.

Hon. Mr. CASGRAIN: Have you any request?

Hon. Mr. DANDURAND: Yes, from the Attorney General. My honourable friend comes in late at times.

Hon. Mr. BEAUBIEN: I think this section carries a slur and sting to the magistrate and in its wake it might also carry great injustice to many people. Suppose a person comes in with a shade over a half gallon of liquor, and he is brought before a magistrate of common sense, who has to decide that the law has been violated; what is the magistrate to do?

Hon. Mr. DANDURAND: He would say, "Drink the difference."

Hon. Mr. BEAUBIEN: If we could insert that good spirit in the amendment there would be no objection; but the magistrate is obliged to fine this man $200. My honourable friend knows very often what happens is not a sentence but an acquittal, so that the law that is unreasonable and inhuman defeats itself. The magistrate sitting there knows that there is absolutely no wrong intention, and in the face of a law drawn as this one is, under which he must impose at least $200, he would probably say, "Not guilty". So that the law is not a reasonable and practical one. Why not deal in this case as we do in other cases, and have confidence in our judiciary; and if the judge has to deal with a bootlegger he will impose $1,000, but if he has to deal with an innocent transient he will impose only a small fine.

Hon. Mr. LYNCH-STAUNTON: I have heard many judges lament that legislation of this kind was ever passed in Parliament, because it took all discretion from the judge, and innumerable facts arise that we cannot have in mind when we are passing laws of this kind. We know that it was extreme penalties of this kind that first brought the criminal law in England into disrepute. Judges allowed men to escape who they knew were guilty, on the most extraordinary trifling demurrers to indictments; because they knew that a man would be sent to the gallows for stealing a loaf of bread, or transported for life for some trivial crime. Jurists have in all times, as far as I have read the history of jurisprudence, condemned this class of legislation. Leave the discretion with the magistrate.

The Hon. the CHAIRMAN: The amendment is to strike out the words in the fourth line, "not less than two hundred dollars," and in the sixth line—

Hon. Mr. LYNCH-STAUNTON: Strike out the words "for the first offence". Those words are not necessary, even if you leave the penalty as it is. I move that the section be amended by striking out all the words in the third line after the word "penalty", and all the words in the fourth line down to the words "and not more than one". Strike out the words, "for the first offence of not less than two hundred dollars and", in the third and fourth lines. Then, in the sixth line, strike out all the words after the word "for"; that is, strike out the words "any term not less than three months and".

The Hon. the CHAIRMAN: And leave the rest?

Hon. Mr. LYNCH-STAUNTON: Leave the rest in.

The Hon. the CHAIRMAN: Would the honourable gentleman mind reading the clause as proposed?

Hon. Mr. LYNCH-STAUNTON:

Every person who violates any of the provisions of this Act shall be guilty of an offence and shall be liable on summary conviction to a penalty of not more than one thousand dollars—

I put in the word "of" instead of "and"—

of not more than one thousand dollars, and in default of payment to imprisonment for not more than six months.

Then strike out all the words after "six months".

Hon. Mr. BEIQUE: It is better to differentiate between first offences and subsequent offences.

Hon. Mr. LYNCH-STAUNTON: Then restore the words "for the first offence" and the words, "and for each subsequent offence to imprisonment for any term not less than six months and not more than twelve months."

The Hon. the CHAIRMAN: Strike out the words in the fourth line, "not less than two hundred dollars and", and in the sixth line the words "not less than three months and"?

Hon. Mr. LYNCH-STAUNTON: Yes. Then there would be no minimum for the first offence.

Hon. Mr. BELCOURT: I do not think that that is necessary. That would be an occasion for the exercise of discretion by the magistrate.

The Hon. the CHAIRMAN: Let me read the section as proposed to be amended:

Every person who violates any of the provisions of this Act shall be guilty of an offence and shall be liable on summary conviction to a penalty for the first offence of not more than one thousand dollars, and in default of payment to imprisonment for any term not more than six months, and for each subsequent offence to imprisonment for any term not less than six months and not more than twelve months.

Hon. Mr. LYNCH-STAUNTON: Yes.

Hon. Mr. REID: I would like to ask the honourable gentleman if he would not consider leaving to the magistrate to decide what the penalty should be?

Hon. Mr. LYNCH-STAUNTON: So we do.

Hon. Mr. WILLOUGHBY: You mean, the imprisonment penalty?

Hon. Mr. REID: The imprisonment penalty. The point I am making is this. Take the class that I referred to—

Hon. Mr. LYNCH-STAUNTON: The honourable gentleman does not follow the proposed amendment. In the case of the first offence absolute discretion is left to the magistrate. For the second offence there is a minimum imprisonment.

Hon. Mr. REID: That is for the second offence, but I am speaking of the first.

Hon. Mr. LYNCH-STAUNTON: For the first offence there is absolute discretion.

Hon. Mr. REID: But the magistrate may impose a penalty up to $1,000?

Hon. Mr. LYNCH-STAUNTON: Yes.

Hon. Mr. REID: That seems to me a very severe penalty. Some magistrates might impose a fine of $200, and others might impose a fine of $10. If the clause is passed with the words "one thousand dollars", the magistrate may say: "The penalty provided is $1,000; I will let you off with $200," or something like that. The accused will not be able to pay the fine. I think we should not have any amount there at all, but should allow the penalty to be whatever amount the magistrate wishes to impose.

Hon. Mr. CASGRAIN: There must be a limit. We might say, "but not more than two hundred dollars".

Hon. Mr. REID: Have the penalty for the first offence not more than $200. According to this section the magistrate may fine a person who has committed a first offence $1,000.

Hon. Mr. WILLOUGHBY: Or one dollar.

Hon. Mr. REID: Or one dollar.

Hon. W. B. ROSS: I would like to ask both the honourable gentleman who is proposing this amendment (Hon. Mr. Lynch-Staunton) and the honourable leader of the House (Hon. Mr. Dandurand) whether there are not in the Customs Act penalties with regard to people who bring liquor into the province? You seem to be piling one offence on the top of another. I take it that if a man brings intoxicating liquor into Canada he must comply with the Customs Act and pay his duty. If he does not do so, he is fined or imprisoned. Now, why do we want this section?

Hon. Mr. DANDURAND: I have not the Customs Act at hand, but I should suppose that this is a repetition of a clause in the Customs Act. However, I have not examined it.

Hon. Mr. ROSS: We have to check that. I cannot understand why you have a penalty with respect to liquor taken from one province to another, and applying to any quantity over half a gallon. In the case of a man who illegally brings liquor in from abroad, are these penalties greater or less than the Customs penalties?

Hon. Mr. BELCOURT: The Customs Act does not prohibit the entry.

Hon. Mr. ROSS: No, but it is necessary to pay duty, and, mind you, if it is an illegal importation—

Hon. Mr. BELCOURT: But I do not understand how my honourable friend thinks that there is a conflict or duplication.

Hon. Mr. ROSS: If you have this provision in the Customs Act, why do you want it here?

Hon. Mr. BELCOURT: I am asking my honourable friend where he sees the conflict. I cannot see it.

Hon. Mr. ROSS: I say one penalty is placed on top of the other if under the Customs Act, for illegal entry, you have a fine of $1,000, and under this Act you impose another $1,000. There is a penalty of $2,000. That is a mere question of addition.

Hon. Mr. BELCOURT: But those penalties are under different laws.

Hon. Mr. ROSS: I know that. Then you could have eight or ten laws, with a penalty of $1,000 under each.

Hon. Mr. BELCOURT: I do not know that we could have eight or ten, but it seems to me we can have two, and they are not in conflict at all.

Hon. Mr. ROSS: There is no limit, once you admit that it is fair legislation to have two fines of that kind. Then why not three or four?

Hon. Mr. BELCOURT: No. Because two would be proper, it does not follow that three or four would be.

Hon. Mr. DANDURAND: I will suggest that we suspend consideration of this clause.

I see what is in the mind of the honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton), though I do not believe that his amendment is on the right lines. We can come back to this clause to-morrow. In the meantime I will see about drafting a clause which will tone down the penalty for the first offence.

Section 5 stands.

On section 6—prosecution in place where liquor imported:

Hon. Mr. McMEANS: I desire to point out to the honourable leader of the Government something in clause 6. I do so for the purpose of obtaining information rather than offering opposition in any way. Section 6 reads:

A prosecution for any offence under this Act may be brought and carried on, and a conviction had, in the city, town or place to or into which any intoxicating liquor is unlawfully imported, sent, taken or transported, or in the place where the accused resides, but no prosecution shall be brought in any province against a person not within or residing in such province without the written approval of the Attorney General of such province.

When you come to section 7 you find practically a contradiction of that:

A prosecution for any offence under this Act may be brought and carried on and a conviction had in the city, town or other place from which any intoxicating liquor is unlawfully imported, sent, taken or transported, as aforesaid.

There is a saving clause in section 6, but none in section 7. I was going to suggest that section 6 be amended by adding after the word "transported" in the fourth line the words:

or in an city, town or other place from which any intoxicating liquor is unlawfully imported, sent, taken or transported, as aforesaid.

That would incorporate section 7 in section 6, with the saving clause at the end of six I make that suggestion because I think there is a contradiction between the two sections. I am only calling the honourable leader's attention to it, so that there may be no doubt as to the meaning.

Hon. Mr. DANDURAND: I do not believe there is any contradiction.

Hon. Mr. McMEANS: Is it intended that the saving clause in section 6 shall not apply to the case of section 7?

Hon. Mr. DANDURAND: I was under the impression that section 7 affirmed the right to prosecute in the place from which the goods were shipped. The accused is supposed to be there. He is the person who has forwarded the goods, and that is where the offence has begun. There should be no grievance on his part if he is prosecuted in the place from which shipment has been made.

Hon. Mr. McMEANS: I would call the honourable gentleman's attention to the first few words of section 6:

A prosecution for any offence under this Act.

Hon. Mr. BEIQUE: The whole thing should be in one section. I think it is a mistake to have the matter covered in two different sections.

Hon. Mr. BELCOURT: It does not seem to me that there is any contradiction at all. Section 6 provides that the prosecution may be had in the place to which the liquor is sent, but if the party who has sent it does not happen to reside in the province, then the consent of the Attorney General is required. That is not in contradiction with section 7, which provides that the prosecution may take place where the liquor is brought.

Hon. Mr. McMEANS: But one has a saving clause requiring the written approval of the Attorney General, and the other has not.

Hon. Mr. BELCOURT: Yes; that is required if the accused does not happen to reside in the province. That is what section 6 means, and that is what it says.

Hon. W. B. ROSS: Honourable gentlemen, I have another objection, which is involved with this one. Section 6 is an old friend of mine. I remember a prolonged contest took place in the Senate when it sat in the Museum Building, over a clause in another Act which, in part, was almost identical with section 6. I thought at first that this section was a copy of the other.

Hon. Mr. DANDURAND: I see it is a copy of a section of the Canada Temperance Act.

Hon. Mr. ROSS: I suspected that. I had not seen the Canada Temperance Act, but this clause was very familiar to me.

Now, in order that you may understand my objection, let me give this illustration. Suppose a man who lives in Montreal goes to Vancouver. On his return home he is charged with having taken more than his half gallon of whiskey into British Columbia. Now, this clause begins by saying where that man may be prosecuted, but it has this saving provision:

But no prosecution shall be brought in any province against a person not within or residing in such province without the written approval of the Attorney General of such province.

Under this Bill as it now reads, that Montreal man not being a resident of British Columbia, you could not bring a prosecution against him without the consent of the Attorney General of British Columbia; but the amendment that I have always wanted—and I had it carried one time—is that no prosecution should be brought without the consent of the Attorney General of the province in which the accused resides—in this instance, the Attorney General of Quebec. If a man is taken from Montreal out to British Columbia, tried there and discharged, how is he to get home? I remember someone saying, "Let him walk home." But that is not fair legislation. Therefore I would like to see this amended so as to require the consent of the Attorney General in the province in which the accused resides.

That is one feature. Now, with regard to section 7, I think it ought to be amalgamated in some way with section 6. If this were done, and the change made which I have suggested, with regard to the consent of the Attorney General, I would agree to this amendment; but I never agree to any section that would take a man out of his native province on a charge of that kind.

Hon. Mr. DANDURAND: I will suspend those two clauses. My view of it, without looking at the clauses, would be that if liquor were imported into British Columbia, say, in violation of this Act, and the exporter did not live in British Columbia, he could only be sued in British Columbia with the consent of the Attorney General of his Province.

Hon. W. B. ROSS: No. If it were that way I would have no objection. But it is not the Attorney General of his own Province, but of the other Province.

Hon. Mr. DANDURAND: Yes, I see. I should think it would need the authorization of the Attorney General where he resides.

Hon. Mr. BELCOURT: Or happens to be.

Hon. Mr. DANDURAND: But I can quite realize the value of clause 7 under my interpretation, because there you prosecute at the place where the exporter is supposed to live.

Hon. Mr. BEAUBIEN: It is evidently not intended that a man shall be deprived of the right to be tried in his own jurisdiction. Unless, of course, he is in the Province where the infraction was committed.

Hon. Mr. BELCOURT: Where the offence is laid.

Hon. Mr. BEAUBIEN: Where the offence is committed. Suppose that I, belonging as I do to the Province of Quebec, infringe that law in this Province, by reason of the fact that I am in this Province I can be sued before the tribunals of this Province; but if I cross over to the Province of Quebec I cannot be removed from my home jurisdiction without permission of the Attorney General.

Hon. Mr. DANDURAND: Of what Province?

Hon. Mr. BEAUBIEN: Of the Province from which the importation is made.

What I want to put to my honourable friend is this. I think this is a wise provision, but it is only made in the case of importation. When you deal with the exportation end of the transaction you have no such provision. Surely the offence is the same whether you consider it from the importation or exportation point of view; and if it is wise and just and fair to protect the importer, and to practically arrange that he may be judged in his own community unless he happens to be outside of his own Province and within the Province where the act was committed, why should there not be the same safeguard for the man who commits an infraction from the exportation end?

Hon. Mr. REID: Take the case of a tourist coming from the Province of Quebec and going to Niagara Falls and crossing over to his home in the United States. Upon coming into Ontario he might have a little in excess of the half gallon. He would be arrested, I suppose. Would he be kept in the Province until the Attorney General was communicated with?

Hon. Mr. DANDURAND: He would be tried where he was.

Hon. Mr. REID: Suppose a man is travelling from Quebec with his family, and comes to Cornwall, and a constable there arrests him; that man might say: "I have two bottles, but I am entitled to that, the rest of it belongs to this friend of mine." Is he to be held there until they write to the Attorney General?

Hon. Mr. DANDURAND: Oh, no. He can be tried there because he is there.

Hon. Mr. REID: According to this measure, as I interpret it, a man living in the United States, and who happens to be travelling through this country cannot be sued without the consent of the Attorney General.

Hon. Mr. DANDURAND: Oh, yes. The consent of the Attorney General would be required only in case he was not within the Province.

Hon. Mr. REID: A tourist would be there.

Hon. Mr. DANDURAND: If somebody exports liquor from Montreal to Ottawa there is an offence against this law, and there may be an offence against the laws of the two Provinces.

Hon. Mr. REID: Yes.

Hon. Mr. DANDURAND: Clause 6 says:

A prosecution for any offence under this Act may be brought and carried on, and a conviction had, in the city, town or place to or into which any intoxicating liquor is unlawfully imported, sent, taken or transported, or in the place where the accused resides, but no prosecution shall be brought in any Province against a person not within or residing in such Province—

Hon. Mr. REID: Without the consent of the Attorney General.

Hon. Mr. DANDURAND: So when he is absent, and a warrant would have to be issued to bring him from one Province to another, the approval of the Attorney General is needed.

Hon. Mr. REID: I see. What the honourable gentleman says is that he could be prosecuted, say, at Cornwall, without any application to the Attorney General of Ontario.

Hon. Mr. DANDURAND: Yes, because he is there.

I would ask that sections 6 and 7 stand.

Sections 6 and 7 stand.

On section 8—search warrants:

Hon. W. B. ROSS: What is the object of this section? Is there not an abundance of legislation without this, both Dominion and Provincial, to deal with a situation of this kind? I do not know that it is going to make the situation any worse.

Hon. Mr. DANDURAND: It is simply a consequence of the Act. There are prohibitions and penalties, and amongst the penalties are the confiscation and destruction of the paraphernalia and the goods.

Section 8 was agreed to.

Section 9 was agreed to.

Progress was reported.

HALIFAX HARBOUR LOAN BILL

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 217, an Act to provide for a loan to the Halifax Harbour Commissioners.

Hon. Mr. Beaubien in the Chair.

Sections 1 to 6, inclusive, were agreed to.

On section 7—repayment of loan:

Hon. W. B. ROSS: I have no objection to section 7 as it stands, but I have a proviso to move by way of amendment. It really is not in conflict with the mind of the Government, as I read it, from what has taken place in the other House.

At the time of Confederation some of the men who were very hopeful of its effect prophesied that under it Halifax would become the Liverpool of America. Unfortunately that prophecy has not been realized. The ports of entry in the Province were increased, and provincial vessels that used to go to Halifax went to those ports. Things gradually got worse, and shipping in and out of Halifax began to decrease. Passing over the bad times we come down to the time, about 1914 or 1915, when new terminals were built in that city. I remember very well at that time asking Mr. Gutelius, the manager of the railway, the object of extending the railway from the north end of the city to the south end. I pointed out to him that I did not quite see the sense of such a large expenditure there, unless there was a reason behind it. He said he had a great scheme behind it. That scheme embraced what is now included among the hopes for the future of the city of Quebec, namely the carrying of freight by the Transcontinental to Quebec, and from there to Halifax. For some reason or other that scheme fell down, the terminals at Halifax were almost idle, and the prospects which for a time were so bright seemed to pass away. Under the new rates those prospects may revive, and the trade that Mr. Gutelius was figuring on when he was responsible for the extension of the terminals in Halifax may, in a measure come about. If it does, part of the prophecy as to Halifax becoming a Liverpool may be realized.

Following the building of the terminals a grain elevator was built; I assume that it is modern and up to date; but for a time these terminal facilities seemed to be an injury to Halifax rather than a benefit. Then certain things happened, notably the change in the legislation with regard to the British preference, and goods entitled to the British preference now have to be entered in a Can-

adian port, and in the winter time that has certainly been a great stimulus to the trade of the city of Halifax.

A second thing that influences the situation and prospects at Halifax is that it is a very accessible harbour, easy to get in and out of at almost all seasons of the year, with only occasionally a fog. Another favourable feature at Halifax is the very low harbour charges.

Under the influence of those three factors there has been growing up quite a little trade into Halifax. Ships leaving European ports on the way to St. John, Portland, Boston or New York have been coming into the port of Halifax in greater numbers every year. I know one shipping man who said he went to Montreal four years ago to look after his business in Halifax, and he took one clerk with him, but this year he took four clerks; his business had increased four-fold in four years.

The tonnage entering and leaving the city of Halifax for 1927 was greater than the tonnage entering and leaving the port of Montreal. Of course, we must not draw wrong conclusions from that fact, because a 10,000-ton steamer might go in and run up the figures, though she carried very little freight; but the ships are coming in larger numbers on their way to American ports, and on their return from those ports. Besides that, we have a line of steamers from Nova Scotia to Newfoundland via Halifax, and to New York and return, and I understand there is another line contemplating a service from New York to Halifax and some other points, perhaps around to Montreal. This change in the situation at Halifax harbour is really a most hopeful sign, and in addition to the business effect, it has a psychological effect upon the city, for the people are hopeful that this business will increase, and they are very anxious that nothing should be done to prevent the trade continuing as it is, or expanding. I do not know anything at present about which the merchants of Halifax are more anxious than they are as to what effect the harbour commission may have upon ships and cargoes that enter and leave that harbour.

Before leaving this part of the subject I might state that the charges on shipping going into Halifax will be found very moderate. There is a charge for pilotage; a ship of 600 tons pays $21.60 going in; ships above 600 tons pay 60 cents for every 100 tons above the 600. A 1,000-ton ship would pay $24 going in and $24 coming out, therefore the pilotage would cost $48. It is a mere matter of computation to find what a 20,000-ton ship would pay. Then there is a hospital charge of $5 twice a year, so that a ship would pay $10 a year, and would not be charged anything further. Then there are the harbour master's fees, and that charge is $7 for every ship over 1,000 ton rate. There are a number of smaller charges for little vessels that I need not mention. The harbour master's fee is called harbour dues in some literature. There are two kinds of dockage at Halifax—side dockage and top dockage, which would be charged against the hull in one case, and in the other, against the cargo, for landing it. That charge is absorbed in the freight rate. say from Liverpool to Montreal, via Halifax, and the freight rate is worked out by the railways. What the people are frightened of is the disturbance of present arrangements.

The Harbour Commission is going to have turned over to it $13,000,000 worth of property, and as I understand the matter, for a short time there will be no charge for interest, the fear is that when the time comes for them to pay interest on that $13,000,000, and when they have to keep up repairs on that property, these costs may be thrown upon the ships that enter that harbour. Besides the $13,000,000 property that will be turned over to the Commission, they are getting this loan of $500,000, and it is contemplated they are to get another $3,000,000, so it is very difficult to say to what extent this Harbour Commission may go in future. What is desired is that this state of things which during the last few years has brought about an increased trade through Halifax should remain as it is.

I have examined very closely and carefully the speeches made in another place, and I find Minister after Minister of the Crown, particularly the Minister of Militia who comes from Nova Scotia, declaring that there is no intention that the tolls and charges on ships and their cargoes in the city of Halifax shall be increased beyond what they are at present. I do not know whether it is quite regular to read what they had to say on the point, or whether it would be very instructive, but honourable gentlemen will find on Hansard pages 2530 to 2546, the allusions to this subject. The Minister of National Defence, a member from Nova Scotia, says: "You need not be frightened about that; we have no intention whatever of increasing those rates." Another minister says, with regard to the transfer of the $13,000,000 of property, that that is not to become a charge, and not to affect the tolls and charges on ships and cargoes entering Halifax.

Hon. Mr. DANDURAND: I thought I had understood the honourable gentleman to say that for a time this $13,000,000 would not pay interest, but later on it would.

Hon. W. B. ROSS: Yes, as I understand it. It will be funded after a while, and they will issue bonds. But now I am really taking the members of the Government on the other side on their own ground, that there is no intention of increasing these charges, or disturbing the present state of things in the city of Halifax; and I rather think it may have been an oversight on their part that no provision corresponding with what I am now suggesting has been inserted in the Act. The amendment that I wish to add to section 7 is to this effect:

Provided that neither under this Act nor under section 19, chapter 58 of the Statutes of Canada 1927, shall the Halifax Harbour Commissioners have power to impose tolls, rates or dues greater than those now imposed or collected in the harbour of Halifax on ships and cargo entering, using or leaving the said harbour of Halifax.

Chapter 58 is the Act creating the Harbour Board, and it is under that Act that the Commissioners would have power to fix tolls and charges. I do not think I need to read it; it is just a provision that those Commissioners will have power to fix tolls, charges, penalties, and so on by by-law; those by-laws to be confirmed by the Governor in Council. My amendment just leaves the matter in statu quo. As I say, I cannot find any conflict between this line of procedure and the expressions of the ministers in the other House.

I wish to say just another word as to the danger of driving away any of those lines of steamers. Honourable gentlemen will understand how a ship may slip into that harbour and slip out, provided they have no heavy assessments laid on them; but if there is such they will not consider it worth while to go in there. It has been a long and tedious task to get those ships to come there, and if this power as to charges is left in the hands of the harbour commisisoners they may drive them out; and once they are out it may take long years to get them back. If they are driven out the hopes of the city of Halifax, and of a great many people in the country, will be disappointed.

The fact that those ships call there may mean a great deal to the province of Nova Scotia. Not very long ago I was reading an article in the New York paper giving an account of what one of those steamships took out of the New York market in fitting themselves out for a voyage across the Atlantic, and perhaps providing for something on the way back. It can be easily seen that steamships coming into the harbour of Halifax will create a local market for farm produce like eggs, butter, milk, etc. That actually happens now; a ship will come into port short of all those supplies and make a demand that simply exhausts the local market for the time being. Some of those ships are settling down to regular schedules; they know just when they will be there, practically like express trains coming into a station, and a large trade can be built up in supplying those ships. Of course that will take time, but it is one of those things to which I think the people there can fairly look forward. If that trade were to develop it would benefit the whole province, and I would be sorry indeed that there should be any doubt in the minds of the people there as to any danger of that kind at all.

It may be said that the Commissioners would have to collect more money there. To that I would reply that if you accept my amendment you do not close the subject, for all it says is that you take that power out of the hands of the commissioners, so that if the tolls and charges in the city of Halifax are to be increased it will be done by parliament, and all parties would have a chance to be heard. That would be the more satisfactory way, I think; and I hope that the honorable gentleman will see his way clear to accept this amendment, because I think it is really carrying out the mind of the Government. Of course the honourable gentleman understands that I am not trying to extort any pledge that there should not be any change in the future, or anything of that kind. All I am asking is simply to preclude those commissioners from making that change. Parliament ought to make it if it is made.

At six o'clock the Committee took recess.

The Committee resumed at 8 o'clock.

Hon. Mr. DANDURAND: I have submitted the amendment of my honourable friend (Hon. W. B. Ross) to the Minister of Marine and Fisheries, and although he sympathizes with the sentiment which has given rise to the amendment, and is at one with my honourable friend in a desire to promote the interests of the port of Halifax, he states that it would be impossible for him or the Government to accept the suggestion of my honourable friend for the simple reason that it would be creating a privilege, in the case of one port, which might be resented by the other ports if they were not treated in a like manner. There was a time—I cannot fix the

date—when a delegation of worthy citizens of Saint John, New Brunswick, petitioned the Minister for similar treatment. The Minister said to them at that time that he was unable to make any such distinction between the port of Saint John and the other ports of the country, either on the Atlantic or the Pacific.

The procedure which governs the fixing of the tolls and rates at the various ports under Harbour Commissions is this. The Harbour Commissioners prepare a scale of rates covering ships, according to their tonnage and the freight which they carry, and submit it to the Minister of Marine and Fisheries, who studies it with the help of experts, and, if they approve, it is submitted to the Governor in Council. When adopted by the Governor in Council that scale becomes effective in that port.

I draw the attention of my honourable friend to the numerous safeguards which surround the fixing of the rates. Halifax has a Commission, composed of citizens of Halifax who are bent upon promoting the interests of the Harbour, and also of the city of Halifax and the Province of Nova Scotia; and all the conditions that my honourable friend has laid before us as existing to-day, and representing hopes for the development of the port in the future, are familiar to these gentlemen and must be uppermost in their minds when they do anything that may increase or diminish the potentialities of the port. A further safeguard and protection is afforded by the action of the Governor in Council. A representative of the Province of Nova Scotia sits on the Council. The Government has a well known policy—and I am sure it is the policy of all Governments—of extending the trade of the country and the prosperity of the nation. Halifax must be specially taken care of. I say specially, because it is the furthermost port on the Atlantic, and is the premier feeder of our Canadian National Railway system. It is through Halifax and Saint John and our St. Lawrence ports that Canada makes its contact with the outside world. Our exports are considerable, and we must all make an effort to direct them through Canadian channels. If we do that for the greater advantage of the country those exports will reach the ports on the Atlantic and on the St. Lawrence. Likewise, we are all interested in obtaining return freight, and whatever comes from Europe is welcomed at our ports. My honourable friend has given as one of the reasons why the port of Halifax has seemed to enjoy a larger patronage during the past few years, the fact that our legislation offered the importers an incentive to use Canadian ports in order to enjoy the benefit of the preference. All this is indicative of a policy, which I call the national policy of Canada; and there can be no danger, therefore, in allowing the general policy governing all our ports to continue regularly without bringing in an element which would unhinge the whole system and create friction throughout the country. My honourable friend can well realize that if anyone were to rise in this Chamber to add to this amendment in order to include the port of Saint John, and that if someone else were to ask to include another port, such action would be readily seized upon in the other House. Perhaps those ports that have fairly high rates would not be in so much hurry to ask for a permanency of the rates if they felt that under this amendment some other ports had much lower rates.

Having said that, I hope my honourable friend will not insist upon his amendment, and will accept the affirmations of good will which he has found on the lips of the Ministers in the other Chamber, and to which I give echo.

I desire to add to this statement bearing on the amendment, the fact that rates—which must be fair rates—are not the principal element in the development of a port. But before touching on that point I should like to say that the rates in the future will be or should be governed at every port by what the Harbour Boards at such ports may deem the trade will carry without injury to their development. My honourable friend has said that he fears that in years to come the $13,000,000 which have been advanced to Halifax, and which stand against that port, may be represented by debentures, the interest on which will have to be carried by the trade at that port. All I can say to my honourable friend is that that charge or load should never be in the way of the prosperity of the port. There are other ports to which large sums of money have been advanced, and it devolves upon the Federal Government, after equipping and manning our ports, to see that we do not destroy their effectiveness by putting upon them loads which would act as an impediment to the general policy as expressed throughout the years. The matter of the compensation to be received from those ports should always be governed by the principle that the ports must operate as feeders for our railways, and for the creation of commerce.

I was saying that rates were not exclusively or mainly a factor in the development of a port. I recognize that there are situations

such as that mentioned by my honourable friend, of tramp ships and others stopping at Halifax on their way to and from American ports, and I realize that nothing must be done to prevent the development of that trade. As a port is being nursed and developed, special care should be taken to watch over its development; but speaking generally, and without any reference to special conditions, I realize that there are ports, where no dues are collected, which have not prospered, and that there are other ports with heavy dues that have been prosperous, and that have developed a considerable trade. Many factors enter into the succes of a port. There must be, first, the machinery for the handling of freight, and, as we have seen by the legislation which has been passing through this Chamber during this Session, the policy of the Government has been quite liberal towards the proper development and efficiency of the ports. I believe that we all realize what an important part the ports play in the life of the nation, and I am sure that my honourable friend will rest content with that expression of good-will by both branches of Parliament.

Hon. W. B. ROSS: Well, honourable gentlemen, I am sorry to disappoint my honourable friend. The fact that other places might ask for the provision proposed in this amendment is not a complete answer. The situation at Halifax is entirely different from that of St. John, Quebec or Montreal. Those three ports have a natural trade. In the St. Lawrence there is certain trade that Quebec is bound to have, and it will stand certain charges. The same thing is more true of Montreal, and is also true of the port of St. John; but this trade at Halifax is built up almost altogether from passing ships, and in order to conserve it I think it is absolutely necessary to assure those ships that come there that there will be no increase in those charges.

Taking the honourable gentleman on his own terms, there does not seem to be any reason why he should not give us this concession as to the port of Halifax. In the other House, when it was pointed out by the member for Pictou that in order to provide for interest charges there would necessarily have to be an increase in the tolls and charges in Halifax harbour, the Minister of Militia, the member of the Government for Nova Scotia, answered: "Nobody has asked that that be done." Then it was said to him by the member from Pictou: "I do not care what the Minister may suggest; they are going to pay the bills in the future." The Minister replied: "It is not intended that they should pay the bills, and no commission yet has done so." The member for Pictou then said: "I am sorry I cannot take my honourable friend's word for that. He will not always be in his present position," and the Minister said: "My honourable friend can take my word for what has happened in the past, namely, that no commission in Canada has yet paid the bills." Again, in another part, on page 2530 of Hansard, in answer to the same member, the Minister says: "I beg my honourable friend's pardon. There is no suggestion in this bill that there shall be any increase in the port charges." Then he repeats that, saying: "What I am arguing is that there is no suggestion in this bill at all about increasing the charges."

Now, if the Government is sincere about this, that there is to be no increase in the port charges at Halifax, let us know it in this Bill. This amendment will give us that. I think that my honourable friend will do a great public service if he accepts this amendment. Certainly it will be received with a great deal of favour in that province of Nova Scotia.

Hon. Mr. DANDURAND: Of course, my honourable friend will realize that I am not in his position. He can make a gesture, while I am here to maintain principles; and the principle that covers all the ports of the country, which exist under one and the same rule, must be adhered to if we do not want to have some crazy-quilt legislation by which one port will come to Parliament for their regulations, which are made by Order in Council on the recommendation of a harbour commission, and other ports will stand under the law as generally written, to wit, recommendation by the harbour commission, as sanctioned by Orders in Council.

There are movements which sometimes appeal to popular fancy, and I can understand that men would feel that there is something to be gained by taking advantage of a passing wind; but there is such a thing as orthodox legislation. This Government has done for the port of Halifax what had never been done before, and has done for Nova Scotia and New Brunswick what those provinces did not anticipate in their wildest dreams during the last twenty-five years.

It is easy for any one to rise and say, "We want more," but I draw the attention of the members of the Senate to the fact that there is a general law for everybody, governing Prince Rupert, governing Vancouver, governing Montreal, governing St. John, governing Quebec; and that, much as I would like to bring a smile to the lips of my friends from

Nova Scotia, for I know that they feel keenly over this advantage which they claim, I cannot do it.

But I have a very strong conviction that there is not a member of the Senate from the province of Nova Scotia who feels that he needs to tremble as to the fate of the Halifax harbour when it falls under the general law. I cannot admit that the sober-minded Scotchmen of Nova Scotia will wish to place themselves under anything but the general law of the country. That is the reason why, joining the Minister of Marine and Fisheries, whom I represent here, and the Government which has the responsibility for this legislation, I cannot accept the amendment.

Hon. Mr. BEIQUE: I must say for my part that I agree entirely with the leader of the Government in this House, and I would have hoped that the leader on the other side would see his way to abandon his amendment. I think that if we made a special class, and gave a special position to Halifax, we would encourage a great disturbing element, and, as was very properly said by the leader on this side, it would lead to demands of the same kind being made by others.

The honourable member has given, as a reason for his amendment, that navigation companies must be reassured that rates will not be changed. Well, that applies to other ports as well. Take Montreal, or the ports on the Pacific; they would be obliged to ask the same thing. They are making efforts to induce the strong navigation companies to establish a system of trading into their ports; and if an amendment of that kind were accepted it would very probably induce companies of that kind to ask for the same protection as would have been given to Halifax. For that reason I think the proposed amendment would not be proper legislation, because it would create a disturbing element.

Hon. W. B. ROSS: I do not want to repeat, but I wish to remind the honourable gentleman that I pointed out the difference between Halifax and those other ports; that Halifax depends solely upon getting this trade, while those other ports mentioned have a natural trade. Another point is that I am simply asking that this commission shall not increase the tolls beyond what they are at present; but Parliament can make a change in regard to the tolls and charges in the harbour of Halifax next year if they wish to do so, and then all the merchants and steamship companies that are interested can have a hearing in regard to the matter.

But I have a very strong objection to taking any risk at all of these commissioners making a by-law increasing these charges, and having an Order in Council passed. It took a long time to get these ships to Halifax; it was a matter of very slow growth, and if they get away again I do not know when we would get them back. I am simply taking the Government, and my honourable friend as representing the Government, at their word in saying that they have no intention of increasing those charges. That is very well. Then if another harbour commission comes and says that they want the same, the answer to them is: "The circumstances are not the same; your harbour would stand that change without any risk, but it is touch and go in Halifax harbour just now."

Hon. Mr. DANDURAND: I would ask my honourable friend to reflect over this situation; can he imagine that the fixing of rates and tolls for the various ports is a matter that can be regulated by Committees of the two Houses? Because legislation must pass both houses. Can he visualize a report, fixing various rates concerning one port or another, coming before a Committee of the Commons, without representatives of the provinces, from all the districts where there are other ports appearing to see if they could not get a certain favour for themselves? We would thus be returning to the "Scratch my back and I will scratch yours" policy of the United States, where there was no responsibility for making a budget, but a group of States organized and made a deal with another group in order to carry a majority and make a raid on the treasury.

Can my honourable friend imagine that this is a matter that does not belong very specially to the executive of Parliament? I cannot see that this is work that is germane to the mandate of this Parliament. It is something that is technical, but the members will care little for technicalities if they think that there is a rival port that is to get an advantage over them; their appetite will be soon whetted under those conditions. No complaint has appeared, and no harm has been done under the present system, and I will say that we should leave the matter where it properly belongs, according to the general legislation which has been respected by all parties and all Governments since we have had harbour commissions.

Hon. Mr. McCORMICK: Do I understand that it was the intention of the Government, when the Harbour Commission was formed in Halifax, that they were to collect interest on an expenditure of the enormous sum of $13,000,000?

Hon. Mr. DANDURAND: No.

Hon. Mr. McCORMICK: If the Government had a system of plans for all the ports, we would possibly be endangering the whole Bill if we insisted on this amendment. Although I am a maritime man, and a Nova Scotian, I would not like to do injustice to any other port. This money has been expended in Halifax for the advantage of the trade and commerce of the whole country, not merely for the city of Halifax. With the city of St. John it is an entirely different matter, as that city owns the port there, and they have expended about $2,000,000 for improvements, so that they are obliged, in order to pay the interest on that investment, to charge for those improvements. If we permitted that amendment to go through we would be giving the port of Halifax an unfair advantage over St. John, and I do not think we should endanger the whole Bill by doing that. I do not think it would be fair to do it.

Hon. Mr. McLENNAN: May I ask the honourable gentleman if there is any provision, in the practice of the Department, for interested parties to be heard on questions such as that of changing rates. That is, a board of harbour commissioners makes a proposal for a change in rates, and that goes before the Minister and the Governor in Council in order to become effective.

Is it the practice for the merchant and shipping companies and merchants interested to be heard by the Minister before such change is made, or could those changes go through simply by the harbour commissioners representing to the Government what they proposed, and go into effect without the shipping people knowing about it?

Hon. Mr. DANDURAND: My answer can only be a surmise, because I have not put that question; but I will do so, and inform myself. I would say, however, that the harbour commissioners at Halifax would think very seriously and deeply, and conditions would have to alter very materially, before the Commission itself, which is charged with the responsibility for the port, would come to the Government and ask to have an increase. Surely that Commission, composed of three good men, I am told, would discuss the situation with the principal shippers and importers, and with the Board of Trade. I cannot imagine that a question vital to the Port of Halifax would be treated in a surreptitious manner or that application would be made at the Council for increased rates without the men interested in Halifax being informed in the matter. Besides there is in the Council a representative of Halifax, who would have to bear the responsibility before the people of Halifax and of the whole province. I cannot conceive of any harm being done in this respect. I can conceive of the Harbour Commission working towards the betterment of the situation in Halifax to the disadvantage of other ports, and the Government resisting such a demand in order to hold the scales even between different ports. I cannot imagine mandators acting against their mandate. I have never seen it.

Hon. W. B. ROSS: I want to remind the honourable gentleman of something I said before the House rose. The charges are at present absorbed into the general freight tariff. Take the Canadian National Railways: they own the terminals, and in fixing their rates they absorb all these charges for wharfage. This amendment is not disturbing that arrangement. You still have that in your own hands. The objection that I have to the Bill as it stands at present is that that arrangement, which practically nationalizes the Port of Halifax, is at once to be disturbed, and you do not know that these Commissioners will make the same allowance that is now made by the Canadian National Railways for terminals. Why disturb it?

Hon. Mr. DANDURAND: But nobody suggests that the present situation be disturbed.

Hon. Mr. ROSS: But that is what you are doing the very moment you pass this Bill.

Hon. Mr. DANDURAND: No. Can my honourable friend establish the assertion that we are disturbing the situation? We are not. We are leaving the situation as it is.

Hon. Mr. ROSS: You cannot help it. You are turning over thirteen million dollars' worth of property to those Commissioners. What property is that? Is that property not the terminals there or some portion of them?

Hon. Mr. DANDURAND: We are not turning it over.

Hon. Mr. ROSS: Why it is provided here.

Hon. Mr. DANDURAND: But my honourable friend must not forget that they are representatives of the State and that the title remains in the State. The properties belong to the nation, and the Commissioners are simply administering them for the nation.

Hon. Mr. ROSS: Why do you not leave them as they are?

Hon. Mr. BEIQUE: They are administering them for the Government.

Hon. Mr. ROSS: Why are you tossing these things about? That is how you are unsettling the minds of the people. Leave your charges as they are, and have them regulated from time to time through the Railway. Then you give what Halifax, or at least a large portion of our people, are craving for —a national port.

Hon. Mr. DANDURAND: Does my honourable friend not see the advantage that accrues to the Port of Halifax from the fact that there are working arrangements between the Canadian National Railways and the Port authorities? Does he not see how much more difficult it would be to try to transfer to Parliament the arrangement of that partnership between the Canadian National Railways, which belong to the State, and the Port of Halifax, with respect to the thirteen millions and more which will be advanced, and which also belongs to the State? The Canadian National Railways are operating for the State. The Harbour Commissioners are operating for the Government. So you must always come back to the fact of the Government taking the responsibility. I cannot see how we can transfer to Parliament such a complicated situation as that which prevails in Halifax, and which will endure as long as it is to the advantage of Halifax and of the country. We are making considerable expenditures to develop this port. We are putting up grain elevators, building hotels—a plethora of hotels, I understand—and doing our level best to develop the trade at that seaboard. Surely my honourable friend must rest satisfied that the men who are giving such close and serious attention to the Port of Halifax, as well as to Saint John and other ports, will do nothing to harm it.

Hon. Mr. ROSS: With regard to Parliament not being able to deal with that complicated situation in Halifax I would point out that you are dealing right here in the city of Ottawa with a complication as great, or greater. The Commission that you have here is just as complicated. There is no more difficulty in Parliament dealing with a complicated situation than there is in any other body of men dealing with it.

Hon. Mr. DANDURAND: All we are doing is voting money to that Commission.

Hon. Mr. ROSS: With all your technical men here, you ought to be much better able to deal with the situation. Besides the wharves in Halifax that connect with your own railways, we must bear in mind that there are private wharves visited by ships, and they are to-day picking up a little trade with the West Indies.

Hon. Mr. BEIQUE: Will the honourable gentleman permit me to ask him this question? Is he afraid that the Harbour Commission will recommend an increase of rates?

Hon. Mr. ROSS: I do not know what they may do.

Hon. Mr. BEIQUE: It is not likely. I will put another question—

Hon. Mr. ROSS: All I ask is that in one stroke you provide that the existing charges shall not be increased. You say you are not going to increase them. Put that into the Bill; that is all I ask.

Hon. Mr. BEIQUE: I understand the purport of the amendment, but it seems to me that the honourable member, if he will allow me to say so, would place a good deal of responsibility upon us. Here is a Bill whereby the Government recommends the voting of half a million dollars to help the Port of Halifax and improve the terminal facilities there. Now, if the legislation of the Government is disturbed, the Government may very properly say, when the Bill goes back to the Commons, "Drop the Bill."

Hon. Mr. ROSS: Then let them drop the Bill.

Hon. Mr. BEIQUE: Therefore the Port of Halifax would suffer in not having the improved facilities.

Hon. Mr. ROSS: I do not mind at all that statement of what the Government would do about it. They will do, of course, as they see fit about the matter. That phase would not move me at all. If they cannot make good their expressed intentions and goodwill towards the port, of course they have to withdraw their grant, that is all.

Hon. C. E. TANNER: I would like to say a word or two before this matter gets too high in the air. It appears to me that if it continues a little while longer it will be taking on the character of a national problem almost greater than the question of the St. Lawrence Waterways. Now, I do not look at it as being of such a serious character from the standpoint of the whole country, and it appears to me that this is the right place to deal with it. It is the peculiar function of the Senate to look after the interests of the provinces. The people of the city of Halifax are not the only people who are interested in the port of Halifax. There are very important interests throughout the province. Take for instance the great apple industry of Nova Scotia. Great quantities of potatoes

and other natural products pass through the Port of Halifax, going over the wharves to the ships. The producers of the commodities that I mention are just as much interested in the charges and tolls in the Port of Halifax as are the citizens of Halifax itself. Therefore, speaking as one who represents a district of Nova Scotia other than Halifax city or county, I feel that the Senate has really a duty to safeguard the interests of the outlying parts of the province; especially since, a few minutes ago, my honourable friend the leader of the House (Hon. Mr. Dandurand) rather challenged us to come out and stand behind this amendment of the honourable member from Middleton.

Let us look back for just a moment. My honourable friend (Hon. Mr. Dandurand) suggested that it was a very serious matter for Parliament to undertake to fix these rates. Parliament is not fixing these rates except in one respect: it is proposed that there be a maximum, but the regulation of the rates would remain, subject to that maximum, in the hands of the Harbour Board and under the control of the Governor in Council. All that my honourable friend the leader of this side of the House (Hon. W. B. Ross) asks is that the maximum shall not be increased. My honourable friend says, and the leaders of the Government in another place also say, that the maximum rates are to remain unchanged. It does not seem to be such a tremendous problem when we are all agreed upon the fundamental fact that the rates are to remain as they are.

Hon. Mr. DANDURAND: Does my honourable friend know what those rates are?

Hon. W. B. ROSS: I gave them this afternoon.

Hon. Mr. TANNER: My honourable friend on this side read the rates, as I understand.

Hon. Mr. DANDURAND: But my honourable friend said also that they were partly absorbed by the Canadian National Railways.

Hon. Mr. TANNER: I ask my honourable friend, do the Minister of National Defence and the other members of the Cabinet who said that the rates would not be increased—do they know the rates, or are they as uninformed as I am with regard to them? If they are uninformed, what authority have they to say that the rates will not be increased? My honourable friend will place the Minister of National Defence and others on the horns of a dilemma if he insists that we must know the rates.

Hon. Mr. DANDURAND: No; I simply asked my honourable friend if he knew them.

Hon. Mr. TANNER: However, I say, all that my honourable friend (Hon. W. B. Ross) is asking for is that there be a maximum. It is not so very long since this Parliament and the Government of the day went a great deal further in the fixing of rates than the adoption of this simple amendment. My honourable friend will remember that they undertook to fix, and actually did fix, railway rates, going over the heads of the Board of Railway Commissioners. The members of that Board are appointed and paid to fix and regulate railway rates, yet Parliament intervened at the instance of the Government of the day.

Hon. Mr. DANDURAND: But my honourable friend knows very well that it was done in response to the Duncan Report.

Hon. Mr. TANNER: I am not saying anything against the act, but I am pointing out that there is a precedent. If Parliament was competent to fix those railway rates, surely it is competent to declare now, and quite justified in declaring, that the wharf tolls—upon which we are all agreed, although we may not know just what they are—shall remain as at present. And that is all my honourable friend (Hon. W. B. Ross) is asking.

Now what is the situation? The Government is really not creating this Harbour Board on its own initiative. The citizens of Halifax came to the Government and said: "Legislate to give us a Board of Harbour Commissioners." The Board is appointed at the request of the citizens. What does that mean? As I see it, it amounts simply to this, that the Government, at the request of the people of Halifax, is giving them an increased measure of local self-government. It says: "We will appoint three men who will take control and look after your harbour." I think my honourable friend from Middleton (Hon. W. B. Ross) represents at least a very large share of public opinion in asking for this amendment. There is not entire agreement in Halifax city and county on the subject, but my honourable friend, on behalf of a large section of public opinion says: "Now that the Harbour Board is created, give us this safeguard." I do not think that what he proposes is an unreasonable thing. As he

has pointed out, it is not a link in any great national chain; it does not affect Vancouver or any other province than Nova Scotia; it is simply a domestic matter. The people want it, and so far as I have heard the argument up to this moment, there has been no good reason given why they should not be granted their request.

Hon. A. B. COPP: Honourable gentlemen, I could understand and in some measure appreciate the attitude of my honourable friend who moved this amendment if he were thinking and speaking for the province of Nova Scotia alone. But this is more than a local question; it is a national question that has been given consideration for the last few years particularly, and for many years to a certain extent. It was not long ago that the people of the Maritime provinces, uniting more than they ever did before, made certain representations to the Government with regard to what was required in those provinces. As a result of that unity on the part of the people the Government appointed what was known as the Duncan Commission. That Commission examined very carefully into all matters relating to the Maritime provinces, and, amongst other things, it reported in favour of Harbour Commissions for the ports of Saint John and Halifax. In response to the Report the Government have brought in legislation for the control of both those ports.

I can understand my honourable friend in a way not being able—and possibly it would not be quite fair—to compare the situation of Halifax or Saint John with that of the larger port of Montreal, or even Vancouver or Quebec, but we can make a comparison between the ports in the Maritime provinces. A few days ago we passed here a Bill organizing and establishing a Harbour Board for the city of Saint John in language almost identical with that used in the Bill we are discussing to-night for the creation of a Harbour Board for the port of Halifax. Not a word was said with regard to taking anything away from the responsibility of the Harbour Board of Saint John, but to-night we have an amendment offered to the effect that some special provision should be made for the port of Halifax. I say this is a national question, not a local one, and as a representative of the province of New Brunswick I fear that if any particular favours are handed out to the port of Halifax—if this amendment is adopted and incorporated in the law and regulations with regard to that port—a feeling of rivalry between Halifax and Saint John, a feeling that has been dead for the last two or three years, may be revived. I feel, not only as a citizen and a representative in this Parliament of the Province of New Brunswick, but as a representative of national life, that we should forget these local issues. The Government are trying to develop along broad national lines, not one port in competition with another, but all the ports of Canada; and we are equipping and financing many ports, because we feel that their development means a great deal to the trade of this country. I feel that a very great mistake would be made if this amendment were carried giving the port of Halifax this particular privilege over the other ports of the Dominion of Canada. I cannot support the amendment, and I regret very much that my honourable friend feels that he must press it at the present time.

Some Hon. SENATORS: Question!

Hon. Mr. McLENNAN: It seems to me that the peculiar position of Halifax in relation to a very large part of its trade has been overlooked. Trans-Atlantic steamers having termini not only in Europe but in the United States and engaging in the transit trade have been in a gradually increasing degree making Halifax a port of call. For many years none of them did it; they began it tentatively, and they are continuing to carry it on. A trade like that, where it is a question of landing some passengers or a few thousand tons of freight from a steamer which carries many hundred passengers and many thousand tons of freight, could very easily disappear, and it is that which makes the question of charges of call all-important. Take whatever boats you will that are engaged in that trade, and you will find that what their managers take into account is the pilotage at this particular port, the port charges, the price at which they can get bunker coal, or if she happens to be an oil burner, the question of whether there is a supply of oil and its cost.

If this amendment should carry, I hope no disastrous consequences will follow. If it should not, I think there is no question of making a distinction that would benefit or hurt any other port, because that tonnage cannot go to Saint John. That part of the trade going up the St. Lawrence might call at Sydney if Sydney once had the justice—even from an omniscient Government—that I hope some day it will have.

It is perfectly reasonable that an inexperienced Board of Harbour Commissioners, —they are just beginning new at the job in Halifax—should ask for this safeguard in view of the peculiarity of the circumstances. Except to a small extent Halifax is not a

point of origin either of passengers or of freight: it is largely a port of transit for both. I do not know enough of the local situation or of the weight of local opinion on this matter to speak with any great confidence, but I think I am justified in saying that under the peculiar circumstances there is nothing in the request of my honourable friend from Middleton (Hon. W. B. Ross) that would be inimical to the port of Halifax.

Hon. Mr. BELCOURT: May I ask the honourable gentleman from Middleton a question. Is it not so that the effect of the amendment, if carried, would be to perpetuate this situation?

Hon. W. B. ROSS: No. Parliament could change it next Session. A good constitutional lawyer like my honourable friend ought to know that.

Hon. Mr. BELCOURT: If any attempt were made next year to amend the law, the people of Halifax would say: "You gave us that grant, and we have built works on the condition that the rates would not be increased."

Hon. W. B. ROSS: No, no! Not at all!

Hon. Mr. BELCOURT: They would set that up.

Hon. W. B. ROSS: They have no right to set it up. I made a statement to guard against that very thing. This prevents the Commissioners raising the existing rates, but there is nothing that can tie the hands of Parliament. More than that, I made the statement that I was not moving the amendment with a view of creating a situation so that it could be said: "Oh, you did so and so and you must adhere to it for all time." I admit frankly that Parliament can do as it likes next year, and Halifax will have no vested rights.

Some Hon. SENATORS: Question!

The proposed amendment of Hon. W. B. Ross was negatived: yeas, 18; nays, 34.

Section 7 was agreed to.

The preamble, and the title, were agreed to.

The Bill was reported.

THIRD READING

On motion of Hon. Mr. Dandurand, the Bill was read the third time, and passed.

CRIMINAL CODE BILL

SECOND READING PROPOSED

Hon. Mr. DANDURAND moved the second reading of Bill 191, an Act to amend the Criminal Code.

He said: Honourable gentlemen, this Bill is a twin brother of the Immigration Bill which we discussed last week. I say a twin brother advisedly, because the two pieces of legislation involved were passed on one and the same day in 1919, and for the same reason. They were a result of the strike that took place in the city of Winnipeg.

Now, I intend to give as concisely as possible the state of the criminal law up to the amendment of 1919, and the effect of the amendment of that year. The criminal law up to 1919 provided for the repression of sedition, seditious libel, seditious words, and unlawful meetings. The enactments concerning sedition are to be found in sections 87, 130, 132, 135, and 136 of the Act.

Hon. Mr. ROBERTSON: Will my honourable friend let me interrupt him for a moment? I am sure he does not want to misinform the House as to these amendments to the Criminal Code being passed at the same time as the amendments to the Immigration Act. The amendments to the Immigration Act were passed by the House of Commons on May 12, 1919, and were amended on June 6, and received the Royal Assent on June 6. The amendments to the Criminal Code were passed on July 19, 1919, or nearly a month and a half afterwards.

Hon. Mr. DANDURAND: My honourable friend will admit they were the result of the same circumstances.

Hon. Mr. ROBERTSON: Not at all.

Hon. Mr. DANDURAND: That was my recollection. I stand corrected by my honourable friend, as he was in the Cabinet at that time and was following that legislation.

I said that up to 1919 the Criminal Code defined sedition. That is to say, it contained provisions, the object of which was the punishment of seditious offences. There were three or four clauses which covered that matter.

Section 133, which before the revision of the statute was section 132, says:

> Seditious words are words expressive of a seditious intention.
>
> A seditious libel is a libel expressive of a seditious intention.
>
> A seditious conspiracy is an agreement between two or more persons to carry into execution a seditious intention.

From this it will be seen that the words "seditious intention" play an important role in the penal legislation for the repression of such offences.

Now, in the law as it stood in 1919 there was no definition of "seditious intention," but there was a clause which tended to except certain actions from the application of

that Act. Those exceptions are to be found in the Bill which is now before us. They were repealed in the Act of 1919, and now it is sought to reinstate them in the criminal law. The section which I have read was followed by this clause:

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."

Hon. Mr. WILLOUGHBY: What section is that?

Hon. Mr. DANDURAND: It was 133 up to 1919. By the legislation of 1919 it was dropped, and now it is sought to reinstate it. My honourable friend will see it on the second page of the Bill which I am now discussing.

Now, I have said that up to 1919, and even up to this day, "seditions intention" has not been defined by Parliament. An effort was made in Great Britain to define it, but after considerable discussion Parliament decided to allow it to remain under the Common Law. In 1890 and 1891, when we discussed the codification of our criminal law, the matter was taken up by the Canadian Commissioners, and the definition that had been atempted in the British Parliament was submitted to the House; but, as in England, the House of Commons, after a prolonged debate, decided to retain the common law definition of seditious intention, and to leave to the judge and jury the decision as to what was an overt act. The other day I quoted from Crankshaw. In his fifth edition, page 143, he cites Sir James Stephen on this matter as follows:

In tracing with his usual clearness and ability, the history of this most interesting branch of the law, the late Sir James F. Stephen says that there are "two different views of the relation between rulers and their subjects. If the ruler is regarded as the superior of the subject, as being by the nature of his position presumably wise and good—the rightful ruler and guide of the whole population,—it must necessarily follow that it is wrong to censure him openly, that, if he is mistaken, his mistakes should be pointed out with the utmost respect, and, that whether mistaken or not, no censure should be cast upon him likely or designed to diminish his authority. If, on the other hand, the ruler is regarded as the agent or servant—

—in our democracy the ruler is Parliament—

—and the subject as the wise and good master who is obliged to delegate his power to the so-called ruler because, being a multitude, he cannot use it himself it is obvious that this sentiment must be reversed. Every member of the public who censures the ruler for the time being exercises in his own person the right which belongs to the whole of which he forms part. He is finding fault with his servant. If others think differently, they can take the other side of the dispute, and the utmost that can happen is that the servant will be dismissed and another put in his place, or perhaps that the arrangements of the household will be modified. To those who hold this view fully, and carry it out to all its consequences, there can be no such offence as sedition. There may indeed be breaches of the peace, which may destroy or endanger life, limb or property, and there may be incitements to such offences, but no imaginable censure of the government, short of censure which has an immediate tendency to produce such a breach of the peace, ought to be regarded as criminal."

I mention that opinion of Stephen's simply to indicate the two interpretations that can be given as to what is called sedition in words, more than in action. I stated that if we retained sedition, not as defined, but as expressed by our criminal law, we would have all the same safeguards against the attempt to curb the expressions of condemnation of the Parliamentary system, or the actions of the hasty, and these safeguards against an undue repression of free criticism were in that Act which was recalled in 1919, but which is now found in the Bill before us, in an effort to reinstate them. Under this clause, 133-A, there is this:

133a. 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.

Now, the section which I have just read was repealed; it was a safeguard against undue repression of free speech, and was replaced by section 98.

Hon. Mr. BELCOURT: When was it repealed?

Hon. Mr. DANDURAND: In 1919 and it was replaced by section 98, which in its turn,

the present Bill seeks to repeal. Section 98 states—I am sorry that I am obliged to read it—

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.

(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, 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.

(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 devise, 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.

I do not know if I should continue to read the clause, but my intention is to give an interpretation of these clauses which I have read, and of the others of this Act as given by the organized labour of this country, represented by the Trades and Labour Congress, because it is mostly through the efforts of organized labour of Canada and the Trades and Labour Congress that the Minister of Justice and the Government have been brought to action in this matter. Since this legislation was passed the Trades and Labour Congress at its annual meetings has passed resolutions, and among them was one asking for the repeal of this Act. Now, there are those who are apt to speak somewhat slightingly of the labour association, as if their opinion was to be treated with indifference; but the Parliament of Canada is obliged to take note of the movements and opinions of the whole nation, and to treat with due respect the opinions of various classes in this country It is because there is a strong sentiment among the labour unions asking the recall of this legislation, as well as that of the Immigration Amendment Act which we discussed last week, that this legislation is before the Canadian Parliament.

If honourable gentlemen care to look up the proceedings of the Trades and Labour Congress they will find in the report of their Thirty-sixth Annual Congress the opinion of their legal attorney, which was asked, upon the effect of this legislation; and it is that opinion which I intend to read in part to the Senate. It is the opinion of Mr. J. O'Donoghue, attorney of Toronto, in commenting on that first clause:

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.

Hon. Mr. ROBERTSON: Will my honourable friend give us the date of that opinion?

Hon. Mr. DANDURAND: Yes, I think it was in their meeting of 1920 or 1921, the Thirty-sixth Annual Congress.

Hon. Mr. ROBERTSON: Mr. O'Donoghue has been a resident of the United States for some time, and I think he is now, and I was just wondering.

Hon. Mr. DANDURAND: He was then a resident of the good city of Toronto. I cite his opinion as to the effect of this clause:

Any dictionary will show that "force" has a very wide meaning, covering "influence", "pressure", and the like. If the statute meant "physical force" it would not go on to enumerate "violence" and "physical injury". A court would be quite justified in interpreting the word in its natural or dictionary sense.

As for the word "terrorism" some light can be thrown upon the interpretation of it, by that given it in the Winnipeg case of Rex v. Russell. There Judge Metcalfe says:

"To walk around about, for instance, to a place where people are employed in large numbers, and to 'boo', gentlemen of the jury, as much terror may be inspired through that as by two or three fighting chaps coming along with bludgeons. Take it from me, in strikes you can incite terror without hitting a man over the head. You can incite terror of starvation; you can incite terror of thirst. Is not that quite as effective as inciting by bodily violence? Your stomach will bring you quicker than a crack on the head sometimes. If it is possible that picketing can be done in this country, then the lawful method of picketing is so ineffective that it is a reasonable inference that in a strike of this class, unlawful means would be intended to be applied. Some-

times it has a deterring effect upon people's minds by exposing them to have their motions watched, and to encounter black looks."

The use of these words leaves the door wide open for the prosecution of every trade union in Canada. If "force" is intended to mean "physical force" it should be so stated. The pressure or influence exerted by trade unions is the exercise of "force". That can be interpreted to come within the above section. Read the following extract from Judge Metcalfe's charge to the jury in the Russell case:

Mr. O'Donoghue continues with this extract from Judge Metcalfe's charge to the jury in the Russell case, one of the Winnipeg cases:

"Mr. Russell gave us his idea of a sympathetic strike. He said, 'When a dispute originates between an employer and his employees, and when the labour organizations see that organization being beat, they come to their assistance by calling a strike to force their employers to bring force to bear upon the original disputants to make settlement.' That is Russell's definition given in the box. . . . . Force, force, force."

Now, section 2 of the Bill says—and as I proceed I desire to reiterate that I am giving the point of view of the Labour Unions as expressed by their Congress:

(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, 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.

There is here a seizure which can be made without warrant on mere suspicion, and it entails forfeiture. Now, Lord Camden is cited as to the meaning of a seizure without warrant. This is Lord Camden's opinion. He asks:

Where is the written law that gives any magistrate such a power? I can safely answer there is none, and therefore it is too much for us without authority to pronounce a practice legal which would be subversive of all the comforts of society. If suspicion at large should be a ground of search, especially in the case of libels (i.e. seditious publications), whose home would be safe?

Section 4 I have not read, but will read now:

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.

It is represented by the labour associations that under Mr. Justice Metcalfe's interpretation a trades union advising or engaging in a strike might be held to be an unlawful association, and the accused might be an innocent person attending one of the meetings not as a participant, but simply as a curious onlooker.

Subsection 5 says:

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.

Labour organizations find that with this clause it becomes more and more difficult for them to rent buildings because of that threat which is hanging over the lessors, of entry and seizure simply on suspicion.

Subsections 8, 9 and 10 apply to persons who print, import, sell or distribute books, newspapers, etc. These clauses are very broad and general, and anyone who may happen to have in his possession, or to sell, a book or newspaper containing in some corner an expression of opinion which can be held to fall under these clauses, would be liable to imprisonment up to twenty years.

Such are the fears expressed by the labour associations, and the reasons why they have asked that this legislation be repealed. They claim that under it they can be threatened in many ways. They claim also that under the old Act, which provided for the punishment of sedition, there was ample protection for society. They ask that, as these exceptional clauses by their broad terms apply to men who may have had no guilty intentions, the safeguards which were contained in the old Act and are now included in the second clause of this Bill should be reinstated in the Criminal Code. Honourable gentlemen will notice that such safeguards do not exist at present, and they are most important. They followed the clause which referred to felonious or seditious intention. It will be understood that with such a broad expression as "seditious intention" it is necessary to protect free speech and criticism on the part of His Majesty's Loyal Opposition. For this reason section 133A should to my mind, be reinstated:

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.

We all know that His Majesty means the King in Council; that is, the executive responsible to Parliament—a Committee of Parliament.

(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.

With these explanations, honourable gentlemen, I lay the Bill before you. As I have said, its purpose is to offset exceptional legislation arising out of the excitement of the events of 1919. Peace now reigns in Canada. The disturbance was but a passing phase. The spirit of our people was not curbed by the legislation we now seek to repeal. Our people, as I have said, are animated by a sincere respect of the law, but the legislation of 1919 has created a spirit of criticism and recrimination among a large portion of our population, who now ask that it be repealed.

My honourable friend from Hamilton (Hon. Mr. Lynch-Staunton) inquired the other day whether there was any reason why we should protect people who were described as assassions, etc., and whether the labour organizations were jumping to the conclusion that they were aimed at by such opprobrious terms. In answer to my honourable friend I would point out that such accusations, if brought against him or against myself, would not frighten us much, because we could easily defend ourselves, but labour men are strong only in association. The strong arm of the law can reach the labour man and sometimes deal summarily with him, whereas my honourable friend from Hamilton and myself might fairly be trusted to defend ourselves if we were accused unjustly. The labour element feel that they must protect themselves by joint action. It is by joint action that they have succeeded in improving their conditions in the industrial and economic world. It is through associations in trades unions that they have succeeded in protecting themselves against undue exploitation, and it is on the same principle of self-protection in the exercise of what they deem to be their rights that they are jealous of any legislation which might fall more heavily upon them than upon men who stand higher in the social scale.

That is what I desired to say in support of this measure, which would mean a closing out of the passing events of 1919 and the restoration of normalcy in our penal legislation.

Hon. Mr. WILLOUGHBY: May I ask the honourable gentleman a question? What call has been made upon the Government by the Trades and Labour Congress of Canada in the last few years?

Hon. Mr. DANDURAND: I can answer my honourable friend. Every year the representatives of the Trades and Labour Congress ask leave to meet the Cabinet. Those delegates come from all parts of Canada, as representing the various associations forming the Congress, and they lay before the members of the Cabinet their claims. It was not my good fortune to be present at the conference held during this Session, but I was present last year, and I see by a statement of the Minister of Justice that the Congress made the same demand again this year. In making it last year, I remember, they took advantage of my presence to say: "For the first time in recent years we see present a representative of the Senate, and we wonder if his heart will not melt, and the hearts of his colleagues, and if they will not render us justice."

Hon. Mr. LYNCH-STAUNTON: Did they melt you?

Hon. Mr. DANDURAND: I remember the incident quite well because of that personal appeal to myself as representing the Senate on that occasion.

The representatives from the Congress are received with ceremony, and each of the delegates from the largest branches of their Congress arises and explains a resolution or two. There are a considerable number of resolutions, covering all the matters that they have at heart. According to the Minister of Justice, they have come every year asking for the removal of this legislation from the Statute Book, and to my personal knowledge they did so last year.

Hon. Mr. WILLOUGHBY: I know that this legislation undoubtedly originated at a time of more or less panic and excitement. It was very necessary at that time, I think. Those who live in the West know that many of the persons who instigated the proceedings in Winnipeg wanted to overthrow organized government. This legislation was doubtless introduced for the purpose of repressing such persons and coping properly with any continuance or renewal of an effort of that kind. I was not aware that organized labour, who have never been persecuted, as I take it, under this legislation had in the last few years been re-

newing annually their representations for its repeal. I have no warrant to speak on behalf of organized labour at all, but I do know that there are other things which the Government is attempting to deal with at this Session and which to them are dearer than the repeal of this legislation.

I do not know whether any representations have been made by the labour organization in the province of Quebec not allied with the Trades and Labour Congress of Canada. I refer to the Catholic Federation, whose proper name I do not remember. It has a numerous membership.

Hon. Mr. DANDURAND: At this meeting of which I speak there were representatives from the province of Quebec.

Hon. Mr. WILLOUGHBY: Asking what?

Hon. Mr. DANDURAND: They were there jointly with the others.

Hon. Mr. WILLOUGHBY: As I say, I am not criticizing the act of the Government particularly, but I have grave doubts whether the stable, sane labour movement of Canada attach any special importance to the repeal of this legislation at the present time. There is outside organized labour an element which is a constant menace, not only to organized labour, but sometimes also to established society. Many in that element are sworn enemies of organized labour and do whatever they can to defeat its ends. I can quite understand that that particular element is anxious for the repeal of any legislation that may curb its activities.

If, however, the honourable leader of the Government in this House says that the repeal of this legislation is one of the requests made by organized labour, I have nothing further to say.

Hon. Mr. DANDURAND: My honourable friend knows Mr. Tom Moore?

Hon. Mr. WILLOUGHBY: Oh, yes.

Hon. Mr. DANDURAND: Mr. Tom Moore was the head of the delegation, and was very strongly in favour of the repeal of the legislation.

Hon. Mr. WILLOUGHBY: Certainly he has a right to speak.

Hon. Mr. McLENNAN: May I ask the honourable gentleman if I am right in having understood him to say that organized labour as represented by the Trades Unions of Canada accepted the definition of "unlawful associations" as given in section 98, namely:

(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. . . ..

Hon. Mr. DANDURAND: What is my honourable friend reading?

Hon. Mr. McLENNAN: I am reading from section 98. Do the Trades Unions of Canada, speaking officially to the Government of Canada, accept that as a definition of their purposes and aims?

Hon. Mr. DANDURAND: With reference to that section they complain that the word "force" does not necessarily mean physical force, but may mean pressure, because the section goes on to refer to "violence". The word "force" as interpreted in the dictionary would not necessarily be limited to physical force. I may inform my honourable friend that persons who opposed the repeal of this legislation before that expression of opinion as to the meaning of the word "force" have said: "Well, if that is the legal interpretation, or the possible legal interpretation, we would be ready to consider amendments to correct a construction which we had not in view." It is simply to indicate on that very point what is an "unlawful association." You must look at the words which describe and define "unlawful association." They say that under the terms of this Act any association advocating a strike or a general strike or a sympathetic strike could be made to fall under the terms of this clause.

Hon. Mr. LYNCH-STAUNTON: Does not the honourable gentleman know that there is a rule of law, called ejusdem generis, observed in every court, that words of the same kind, coming together as these do, receive the same interpretation. When words of that kind appear in legislation you constantly find that where it is intended to give them a particular or a different interpretation it is so stated. All courts follow that rule.

Hon. Mr. DANDURAND: My honourable friend understands fairly well that I have tried to put before this Chamber the point of view of the labour associations that have come to us with their fears. I am not expressing my own fears of the Act, because I would not be disposed to accept all the various interpretations which Mr. O'Donoghue has put upon the Act; but the sentiments thrown out by the labour organizations are given expression in their resolutions.

Hon. Mr. LYNCH-STAUNTON: The honourable Leader of the Government re-

ferred to the remarks which I made the other day, and seemed to insist on giving them the turn that I charged that labour unions would come within these laws.

Hon. Mr. DANDURAND: No. The honourable gentleman proceeded by way of a question. He said to me: Does the honourable gentleman desire us to believe that the labour organizations are disposed to put themselves under the terms of this resolution which speaks of assassination and so forth?

Hon. Mr. LYNCH-STAUNTON: What I said was this: That people who wanted to offend against this law tried to clothe themselves in the uniform of the labour organizations; that in my opinion the labour organizations had no fear of being brought within this law; that it was only those who happened to be in labour organizations, and who wanted by force and violence to bring about their ends, who were trying to drag in their connection with labour organizations and make those organizations bear a burden which they are not entitled to bear. The labour organizations in Canada are composed of a lot of law abiding people, and I do not think that we should be influenced by the arguments of men who want to get this law repealed so that they may offend, as they did in Winnipeg, by saying it is aimed at labour organizations. It never was aimed at them. The law of this country has always been particularly solicitous about the protection of labour organizations. My protest was against people who were pretending, when they knew better, that labour was in danger under the present state of the law.

Hon. Mr. DANDURAND: My honourable friend presented his argument differently, but I have no doubt that was what was in his mind.

Hon. G. D. ROBERTSON: Honourable gentlemen, a few words on this subject may be fitting at this time. I want first to call the attention of my honourable friend the Leader of the House to the fact that it has been commonly stated, and the statement has been bandied about for the last five or six years, that the two pieces of legislation which we have been considering, as embodied in the Criminal Code and in section 41 of the Immigration Act were the result of Parliament's action during a panic, and that such action was taken hastily and without consideration, and that therefore those provisions should now be rescinded. That statement is true only so far as one specific amendment to section 41 of the Immigration Act is concerned. I will take just a minute to impress that fact upon the House.

The Winnipeg strike, which has been referred to, and which I do not intend to discuss in detail, began, as I remember it, on May 15, 1919. When I turn to the House of Commons Hansard of May 1st, of that year, page 1956, I find that an honourable member of that House moved:

> That Messrs. Guthrie, Tweedie, McIntosh, Allan, Thomson (Qu'Appelle), Boys, Douglas (Cape Breton South), Jacobs, Murphy, Ross, Archambault and Copp, be appointed a special committee to consider and report upon the law relating to sedition and seditious propaganda, and on any changes in the law which may be considered necessary to meet the existing conditions, and that the said Committee have power to sit while the House is in session.

Mr. Speaker then proceeded to say:

> This motion can only be entertained by unanimous consent. Is it the pleasure of the House to adopt the motion?

Thereupon, I find, the motion was agreed to without further debate. Therefore it is true, as shown by the record, that two weeks before Parliament knew there was to be any disturbance in the city of Winnipeg the House of Commons appointed a special Committee to inquire into that subject and to report upon the changes in the law that were considered necessary. I want to clear up that point, because I am sure my honourable friend and his Government, and the supporters of that Government, do not desire to communicate an improper opinion to the public at large upon so important a subject. There is the record of what was done by the unanimous consent of the House of Commons.

Hon. Mr. BUREAU: Will my honourable friend read the motion again, please?

Hon. Mr. ROBERTSON (reading):

> —to consider and report upon the law relating to sedition and seditious propaganda, and on any changes in the law which may be considered necessary to meet the existing conditions, and that the said Committee have power to sit while the House is in session.

Hon. Mr. BUREAU: What conditions?

Hon. Mr. BELCOURT: Can my honourable friend tell me if the Commitee reported, and if so, on what date?

Hon. Mr. ROBERTSON: I have not looked that up. All I wanted to do was to make it clear that this legislation was not passed after the Winnipeg strike occurred, or as a result of panic in the country. That impression is quite incorrect, although I know it is generally understood to be the fact.

Now, honourable gentlemen, my honourable friend the Leader of the Government

has made a very excellent and strenuous plea on behalf of labour organizations in Canada, and has quoted a resolution that was submitted to Parliament in 1920, and a very able report upon that subject made by a gentleman learned in the law. As the head of one labour organization in Canada, with 8,000 members in this country, I am prepared to say that never during the last eight years when this more or less controversial question has been discussed, have I seen a paper, or one member of the 8,000 whom I have the honour to represent, that thought it worth while to mention the question. Therefore, I do not agree that there is general unrest among the members of the bona fide trade unions who respect and fulfil the contracts into which they have entered with employers. A very large number of those men, probably the majority, own property and have an interest in the State and the interests of the State. They are not concerned about or afraid of the provisions of section 98 of the Criminal Code.

So far as the other piece of legislation which the Leader of the Government will submit following this is concerned, they are somewhat interested. They are interested for the basic and fundamental reason that by its provisions certain British subjects may be denied the right to trial by jury—a basic and fundamental right which British subjects have enjoyed for many centuries past, and one which they truly prize. When the Leader of the Government was discussing that Bill the other day, what did he say? He said that one of the reasons why the Government asked for the repeal of section 41 of the Immigration Act was that the provisions of the Criminal Code were ample to meet all emergencies.

My position is this. The day may come when the Canadian Parliament can safely repeal section 98 of the Criminal Code; but, in view of all that we know, in view of what the honourable gentleman from Montarville (Hon. Mr. Beaubien) laid before this House a few weeks ago with reference to Communistic propaganda in Canada, I submit that the time has not yet arrived. In a jocular mood I am inclined to suggest to my honourable friend that the same delegation that annually meets this Government has on each occasion demanded other things than this repeal—things in which he, apparently, is not nearly so much interested nor so anxious to bring into effect. I think he will agree that that same delegation has asked year after year for the abolition of the Senate, and, during the last year or two, for certain very substantial amendments to its powers.

Hon. Mr. DANDURAND: They did, and I gave them the reasons why it could not be done.

Hon. Mr. ROBERTSON: I mention that in order that the House may realize that my honourable friend is sympathetic towards one of their requests, but not towards all.

Hon. Mr. BELCOURT: He is trying to do something for them.

Hon. Mr. ROBERTSON: For reasons which I will be glad to give the House, when the other Bill comes up for discussion, I am prepared to go along with my honourable friend in saying that section 43 of the Immigration Act is no longer useful, and that its repeal would tend to industrial peace; but in view of what we know, in view of the Communistic propaganda that is going on, and in view of what I think is true—namely, that there has been somewhat of a revival and increase in that propaganda in Canada during the past two or three years—I ask why this legislation, which is a real protection against infractions of the law that merit discipline, legislation which has never injured any honest citizen, be he workman or otherwise, should be removed from the Statue Book? I think Parliament would be well advised to continue it at least until all semblance of Communistic activities in Canada shall have passed; then, when that element of labour has subsided and submitted to law and order, and has stated its intention of doing so, the time may have arrived when section 98 of the Criminal Code should be repealed.

I want to make this clear. There are in Canada 200,000 men, in labour organizations that I could name, who are in exactly the same position as the 8,000 men whom I have the honour to represent, and who do not care a whit about this bit of legislation. It is not doing them any harm, and they are not afraid of it. I do say, however, that many of those same men feel that section 41 of the Immigration Act is discriminatory against British subjects; and, even though I think it can be readily shown that it is not, I believe it serves no good purpose. Therefore I will support the continuance of section 98 of the Criminal Code so long as certain elements, who call themselves labour men, continue to make it necessary to protect society against eventualities, and until such time as those people can co-operate with the honest labour unions of Canada, whose members are citizens first, and

who attempt to defend their own interests only after they have performed their duties to the State. Then we will all be of the same frame of mind, and probably Parliament need have no fear of repealing the section now under consideration. Until that time, however, that element at which the legislation is directed will continue to be responsible for maintaining this law on the Statute Book.

Hon. Mr. DANDURAND: Question!

The motion for the second reading of the Bill was negatived on the following division:

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IMMIGRATION BILL

MOTION FOR SECOND READING—DEBATE CONTINUED

The Senate resumed the adjourned debate on the motion of Hon. Mr. Dandurand for the second reading of Bill 187, an Act to amend the Immigration Act.

Hon. G. D. ROBERTSON: Honourable gentlemen, I regret to have to impose myself upon the House twice in one day, but I will endeavour to be as brief as possible in the discussion of this Bill.

I wish first to make clear the fact that Section 41 of the Immigration Act which is now under discussion was only in a small part enacted at a time when it might be said that the minds of Parliament and the people were disturbed, and therefore that it might be regarded as hasty legislation. The Immigration Act itself in 1919 underwent a very general revision. It was introduced into Parliament and got its first reading on April 7, 1919, and received its third reading in the House of Commons on May 12, 1919, three days before Parliament knew anything of any disturbance in Winnipeg.

The revision of that Act was very general. The honourable gentleman who fathered the Bill, piloted it through the House of Commons successfully, now sits in this Chamber. At that time the following sections were revised and given third reading, as I said, on May 12, 1919: Sections 2, 3, 5, 6, 10, 13, 22, 27, 28, 29, 33, 38, 40, 41, 42, 43, 45, 46, 47, 48, 49, 50 and 58.

In order that we may have the record clear, may I read Section 41 as it was passed on that date, three days before Parliament knew of any disturbance anywhere.

Hon. Mr. DANDURAND: Not passed separately from the Immigration Act?

Hon. Mr. ROBERTSON: No, I am coming to that. There was an amendment with which I shall deal. Section 41 as passed on May 12 by the House of Commons, having been discussed in Committee some two weeks prior to that time, reads as follows:

41. Whenever any person other than a Canadian citizen advocates in Canada the overthrow by force or violence of the government of Great Britain or Canada, or other British dominion, colony, possession or dependency, or the overthrow by force or violence of constituted law and authority, or the assassination of any official of the Government of Great Britain or Canada or other British dominion, colony, possession or dependency, or of any foreign government, or advocates or teaches the unlawful destruction of property, or shall by word or act create or attempt to create riot or public disorder in Canada, or shall by common repute belong to or be suspected of belonging to any secret society or organization which extorts money from, or in any way attempts to control any resident of Canada by force or threat of bodily harm, or by blackmail, or who is a member of or affiliated with any organization entertaining or teaching disbelief in or opposition to organized government; such person for the purposes of this Act shall be considered as belonging to the prohibited or undesirable classes, and shall be liable to deportation, and it shall be the duty of any officer becoming cognizant thereof, and the duty of the clerk, secretary or other official of any municipality in Canada wherein such person may be, to forthwith send a written complaint thereof to the Minister giving full particulars.

That is Section 41 as it was introduced in the House of Parliament on April 7, 1919, five weeks before trouble was known of anywhere, and it was given a third reading in the other House three days before the Winnipeg incident broke out. Therefore I would again

point out to the House that the general report, circulated now for eight years, to the effect that this legislation was rushed through Parliament in fifteen minutes, as I heard some one say, is absolutely wide of the truth.

Now, those amendments to the Act, with all those clauses, came over to the Senate, and, they were considered carefully, and were passed in the form that I have read, Section 41. If I remember correctly, they were passed on June 4, and given a third reading here. However, on June 6 the late Sir James Lougheed, leader of the Government in this House, introduced an amendment to Section 41, of which I will give the House details in a moment. But I want first to deal with the reasons why these amendments were introduced; there were two, and I will read them shortly. But I want to preface the reading by giving the reasons why they were introduced. One was that of May 19. The honourable the leader of the Opposition in this House, who now graces the chair of Mr. Speaker, inquired of the Government as to what was going on in Winnipeg, and whether or not Federal authorities were taking any cognizance of the difficulty, or leaving it all to the provinces. Those are not his words, but that, in brief, is what he said. A few days after that, on May 21, the same honourable gentleman in the discharge of his duties as leader of the Opposition in this House, made similar but more minute inquiries, and on the last occasion, May 26, directed his inquiry particularly to the Postmaster-General concerning the delay, and interruption of transportation and delivery of the Royal Mail. Then, on June 5, the honourable member for De Lanaudière (Hon. Mr. Casgrain), on the Orders of the Day, made a rather pointed speech calling attention to the Government to the reports that were current at that time about a sympathetic strike in Winnipeg and its probably far-reaching effects, and read into the record the fact that he had in his possession at that time a protest from 26 labour organizations urging that something be done to protect bona fide labour organizations from being compelled or brought into a sympathetic strike maelstrom.

That was one of the reasons why the Government of the day did consider the necessity of advisability of strengthening the law as far as possible to meet what was a real emergency at that time; but it was not because of any voluntary act or desire of the Government of that day to be arbitrary, or to hit somebody with a club. It was because His Majesty's Loyal Opposition was demanding action, day after day, in this House and in the other House as well. If honourable gentlemen will look at the record they will find what was going on.

The other cause was that a report had come to the Government that at midnight on a certain date, May 17, a number of men had gathered themselves together on the banks of the Red river in Winnipeg, and by solemn proclamation declared the existence of a Soviet Government in western Canada. Naturally it was never possible to prove absolutely the details or the truth of that report, but the very fact that immediately following that, certain gentlemen in Winnipeg were functioning as ministers of the Soviet Government and requiring citizens to have permits to purchase a bottle of milk—not a gallon of liquor, but milk—or a loaf of bread, or to send a telegram. As Minister of Labour I say to you now, as I said before, that there are photostatic copies on record of those permits without which those articles could not be procured or telegrams transmitted. So that I think the corroborative evidence justified the Government of that day in issuing such a proclamation as I have referred to.

Therefore on June 6, 1919, the then leader of the Government in this House introduced an amendment to section 41 of the Immigration Act. I will just read it. The first amendment was after the words "attempt to create riot or public disorder in Canada," insert these words: "or who without lawful authority assumes any powers of government in Canada or any part thereof."

Now, that was inserted obviously because of this information which the Government at that time had, that already there were men who were guilty of declaring by their proclamation the establishment of another government in this country. I leave it to the judgment of the House whether under those conditions such an amendment was justified. The other amendment, that was added to the end of section 41, reads as follows:

> Provided that this section shall not apply to any person who is a British subject either by reason of birth in Canada or by reason of naturalization in Canada, and proof that any person belonged to or was within the description of any of the prohibited or undesirable classes within the meaning of this section at any time since the fourth day of May, 1910, shall for the purposes of this Act be deemed to establish prima facie that he still belongs to such prohibited or undesirable class or classes.

Those were the amendments that were proposed by the leader of the Government in this House on June 6, 1919, and those amend-

ments passed both Houses that day, and were passed that day because it had already been arranged that the Deputy Governor was to come down on the evening of June 6 to give Royal Assent to a substantial number of Bills.

I think honourable gentlemen will appreciate the fact that I had some knowledge of what occurred at that time, and I therefore make this explanation for the purpose, and in the hope, of making it absolutely clear as to the how and the why of what then occurred.

Passing over the incidents that followed, I make no reference except this, that in the bona fide railroad organizations of all sorts in the running trades, express and telegraph service and track service, numbering more than 100,000 men, they through their representatives first offered their services in the capacity of go-betweens in Winnipeg, and finally reached a place where they had agreements, with which I had some connection, whereby the employers who were said to be responsible for the origin of the strike signed an agreement with me pledging themselves to adopt and to grant the same consideration in the matter of collective bargaining with their men in the shops in Winnipeg, as the railroads had had in existence for a substantial number of years. I called in the representatives of those 100,000 railroad men and asked, "Is that a fair statement of the principle of collective bargaining as applied to all your men in Canada?" They said, "It is", and gave me a letter to that effect, which is on record and was published in the press at the time. The executive officers of the three railroads in Winnipeg then had the same document submitted to them, and we asked them, "Is that a fair statement of the principle and method of collective bargaining as practised between you and your employees in all your shop trades here in Winnipeg, as well as in all other classes of service?" They said, "It is," and signed a document to that effect, which is on record.

Now, there were 4,000 odd so-called shop employees on strike. They blazoned to the world that they went on strike in support of the principle of collective bargaining, which they claimed was denied certain metal trade shops in the city of Winnipeg. After reaching that stage where it was proven conclusively that the method which has been acceptable to these 4,000 men in their dealings with their own employers was now again openly offered through a Government agency to the men who were on strike, what happened? The representatives of those various railroad organizations, in the capacity of mediators, called a meeting of the strike committee, and they were "turned down"—to use a phrase that is common in railroad parlance. Then and there it became apparent beyond peradventure that contention for the principle of collective bargaining was not the real cause of the continuation of that strike.

It became necessary in the interest of public service and social order to take cognizance of the serious situation then existing. Steps had to be taken by the Federal Government. What steps did they take? They did not read the Riot Act and disperse processions or gatherings of people, although people gathered by thousands and passed resolutions of the most flagrant inflammatory character, entirely illegal and absolutely wrong. No, we did not do that, but we called into session the strike committee and endeavoured to reason with them, and when it was found utterly impossible to make any progress it became evident that some move had to be made in the interest of order, the carrying on of Govenrment and the functioning of society. Therefore it became a duty, unpleasant though it was, to take into custody the men who were most directly responsible for the situation, in order to bring it to a head; and within seven hours of the time when they were taken into custody a representative of the Federal Government in Winnipeg announced to the world that not a single one of those men should be deported from Canada unless and until he had had a fair trial by a jury of his peers. So this amendment to the Immigration Act that was passed on June 6 was never used, because it was unnecessary, and because in my humble opinion—and I had to assume some of the responsibility at the time, being 1,500 miles away from the seat of Government—in my humble opinion the people of Canada would not have approved of any British subject being denied the right of trial by jury, notwithstanding any law that might have been hurriedly passed.

A month later, after due deliberation, Parliament passed the amendment to the Criminal Code, which have been discussed tonight. Ever since that was done, in my humble judgment, section 41 of the Immigration Act has no longer been necessary or desirable, but it has been used for the last six years by the honourable gentlemen supporting the Government, and by the Government supporters elsewhere, for purposes of political propaganda, though they themselves were originally more responsible than were the Government of the day for the legislation ever having been introduced into Parliament and passed. So in 1920, the necessity for it, in my opinion and in the opinion of the Government of that day, having ceased to exist, I had the honour of introducing into this House

Bill X2 for the repeal, not of section 41 in its entirety, but of the amendments that were hurriedly passed on June 6, 1919. We discussed the matter at length here. The House was divided in opinion. The second reading was carried by a majority of one. I remember quite clearly that there were 22 members who voted in favour of the repeal of certain portions of section 41, and the 22 consisted of 11 Liberals and 11 Conservatives. So it was not a party division. But in Committee the Bill did not survive.

Nothing happened in 1921. The question was not raised. There was no agitation at that time, so far as we knew, except that apparently some time in 1920 this learned gentleman had issued an opinion, of which my honourable friend the leader of the Government was giving us the benefit to-night, unfortunately omitting to tell us that it was eight years old.

Hon. Mr. WILLOUGHBY: And not a correct opinion.

Hon. Mr. ROBERTSON: Well, I am not arguing that point. In the dying days of 1921 the people of Canada saw fit to put a new Government into power, and it has been there most of the time since. I think the present is the sixth occasion on which it has brought down these two amending Bills, indicating that the legislation was passed in days of panic, when Parliament was not sensible or responsible, and that it ought to be repealed. Year after year, as soon as this House has denied that repeal, it has been heralded abroad to the people that a Tory Senate or the Tory majority in this House, has been responsible for the continuance of this dire injustice perpetrated so despicably upon the poor citizens, particularly the labouring men, of Canada. I think the time has come when we ought to wake up and refuse to allow the labouring man to be made the pawn in the game. I think that, in view of the facts as they are now, and in view of what we have done to-night in maintaining on the Statute Book adequate and reasonable protection for society against radical Communism, we can well afford to discontinue section 41 of the Immigration Act, because it has never been used since it was passed, it serves no useful purpose, and has for the past eight years been used simply for political propaganda.

Now I desire to refer to one other point. It has been argued elsewhere, and a year ago my honourable friend the leader of the Government (Hon. Mr. Dandurand) made use of the contention here, that the legislation was discriminatory in character. He asserted, if I remember correctly, that the law discriminated against a British subject in favour of men from a foreign country; and I have noted from the record that during the last week or so a Minister of the Crown, stating that he was an immigrant, drew a similar comparison beween himself and a citizen, say, of Poland. He pointed out, I think, that the citizen from Poland or any other country outside the British Empire could become naturalized in Canada at the expiration of five years' residence in this country. By the way, prior to the amendment of the Immigration Act in 1919 the period was three years. The Minister to whom I refer said that the foreigner who had resided five years in Canada could apply for naturalization, and if the application was granted that man became a Canadian citizen and could not be deported to any country, because he had no country other than Canada; but that if a person happened to be born in England, as this Minister was, or in Scotland, as another Minister was, though he resided here for fifty years, he could be deported, with impunity, at the whim of an officer of the Immigration Department. That is not true. No officer of the Immigration Department can deport anybody. The case must be examined first by a commission of officers of the Immigration Department, and after a thorough investigation all they can do is to make a recommendation to the Minister. But I have not noticed this Government being particularly conspicuous in their desire to shoulder responsibility for anything, and therefore the story goes abroad, and it is believed by people who do not know the law and have no occasion or opportunity to know it, that people may be railroaded out of the country at the whims and dictates of some petty officer of the Department of Immigration. Nothing is farther from the truth. I think that a little program of education along these lines ought to be inaugurated by somebody in this country for the purpose of having the people understand our laws as they are, and the importance and necessity of a knowledge of them.

What are the facts? It is said, when that comparison is made, that the gentleman from Poland who has been naturalized must be tried. How? Under the provisions of the Criminal Code. If it is proven that he was openly endeavouring by violence or force to overthrow government, or assassinate a sovereign, or a prime minister, or an official of the Government, he is liable to a rather severe penalty, the maiximum being twenty years in penitentiary. That is the fate that must befall the Polander if he has been naturalized in Canada. If he has not been naturalized he can, of course, be deported. What about the English-born man? He says: "I demand the

right of trial by a jury of my peers. I protest against being railroaded out of the country—deported at the whim of an Immigration officer." It has been made clear, I think, that it is a misconception to think that he can be dealt with in that way.

Hon. Mr. DANDURAND: But my honourable friend must not forget that by virtue of section 22 there may be constituted a Board of Inquiry consisting of one officer.

Hon. Mr. ROBERTSON: But it must recommend to the Minister.

Hon. Mr. DANDURAND: If there is an appeal.

Hon. Mr. ROBERTSON: Yes, there is. What happens to the Englishman or the Scotchman who finds himself charged with sedition, or with an attempt to overthrow government by violence, or to assassinate a sovereign, a prime minister, or any official? He is in this position, that the authorities may say to him: "We are sorry that you have gotten into this mess. Because you are a British subject, born in England, we will give you the opportunity of going back home. You cannot stay here any longer, because we must keep our house in good order." I agree with the gentlemen who have said that there was discrimination, but I absolutely disagree that that discrimination was against British subjects, the British-born; it was absolutely in their favour. But for six years they have howled and said, "We do not want it." Therefore I am willing to let them have their way, because I do not think it makes a bit of difference to Canada or Canadians.

For all those reasons, without going into further details, I am prepared to support this Bill. First, I think that it was always wrong to deprive a British subject of a trial by jury. That is a right that belongs to British subjects wherever the Union Jack flies throughout the world, and it ought to be preserved. Second, the legislation as passed in 1919 was never enforced. Third, after the amendment to the Criminal Code, section 98, was inserted into the law on July 7, 1919, section 41 of the Immigration Act became wholly unnecessary. Fourth, it has been more or less the cause of unrest, dissention, dissatisfaction and bickerings, and, worst of all, the subject of political propaganda for six years. For these reasons I think it is no longer necessary to continue this piece of legislation on the Statute Book, and I intend to support the Government's Bill.

Hon. Mr. LYNCH-STAUNTON: I am not going to make a speech, but I want to draw attention to the fact that this legislation originated not in 1919, but in 1910 or perhaps earlier. It certainly was legislation brought in by the Liberal Government. Section 41 of the Immigration Act, chapter 27 of the Statutes of 1910, is as follows:

Whenever any person other than a Canadian citizen—

That covers the Englishman and everybody else—

advocates in Canada the overthrow by force or violence—

We did not learn until ten years afterwards what "force" meant—

by force or violence of the government of Great Britain or Canada, or other British Dominion, colony, possession or dependency, or the overthrow by force or violence of constituted law and authority, or the assassination of any official of the Government of Great Britain or Canada, or other British dominion, colony, possession or dependency, or of any foreign government, or shall by word or act create or attempt to create riot or public disorder in Canada, or shall by common repute belong to or be suspected of belonging to any secret society or organization which extorts money from, or in any way attempts to control, any resident of Canada by force or threat of bodily harm, or by blackmail; such person for the purposes of this Act shall be considered and classed as an undesirable immigrant, and it shall be the duty of any officer becoming cognizant thereof, and the duty of the clerk, secretary or other official of any municipality in Canada wherein such person may be, to forthwith send a written complaint thereof to the Minister or Superintendent of Immigration, giving full particulars.

Then the Act goes on to provide for an investigation by a Board of Inquiry, and for the deportation from the country of an undesirable immigrant. The honourable gentleman from Welland (Hon. Mr. Robertson) has shown where a couple of unimportant clauses were added.

Hon. Mr. DANDURAND: Unimportant?

Hon. Mr. LYNCH-STAUNTON: I did not mean to say unimportant; where a couple of short clauses were added, is what I meant to say.

Hon. Mr. DANDURAND: Short shrift.

Hon. Mr. LYNCH-STAUNTON: This Immigration Act was the law of Canada for ten years before we heard of any of those troubles. It was brought in and passed by the Liberal Government. There is no change at all in it, I think, as far as those amendments affect anybody, because a Canadian citizen is a person who is domiciled in this country. But a man may be a British subject, and not a Canadian citizen, and at any time during the past 28 years he could have been

railroaded out of this country if he offended against this Act. I wish to point out further:

That the Governor in Council may at any time order any such person found by a Board of Inquiry or an examining officer to belong to any of the undesirable classes referred to in section 41 of this Act to leave Canada within the specified period.

I think this is slight corroborative evidence that the honourable gentleman from Welland (Hon. Mr. Robertson) is correct when he says that this legislation was not passed by a panicky Conservative Government.

Hon. Mr. BELCOURT: What difference does that make?

Hon. F. L. BEIQUE: Honourable gentlemen, I think it is my duty to explain the vote which I propose to give on this measure. I will do so in a very few minutes, mainly by reading a short correspondence that I had with Mr. Thomas Moore, President of the Trades and Labour Congress. In January last I received, as no doubt other honourable members of this House did, the memorandum to which the Leader of the Government has referred. It was accompanied by a letter dated January 11, 1928, addressed to me, and reading as follows:

For your information I have pleasure in forwarding copy of the memorandum on legislation etc., submitted to the Dominion Government on Monday, January 9th, by the Trades and Labour Congress of Canada.

Your support towards securing the enactment of the measures referred to will be greatly appreciated.

On the 17th of January I answered that letter in this way:

Dear Sir:

I read with a good deal of interest your Memorandum on legislation etc., submitted to the Dominion Government on January 9th, by the Trades and Labour Congress of Canada, and specially, the part having reference to the reform of the Senate.

As an old member of the Senate, I think the members of that Chamber would be interested in having from you a list of the Bills passed by the House of Commons, say within the last ten years, which were rejected by the Senate with your criticisms of the action of the Senate in each case. Also a list of the Bills thus rejected after having been passed three times by the House of Commons.

If you will take the trouble of making your criticisms, I will see that they are placed in the Senate Hansard with the answer which I may deem advisable to make.

In reply I received a letter dated January 19th, as follows:

I appreciate very much the interest you have taken in the memorandum on legislation submitted to the Government recently by the Trades and Labor Congress of Canada.

Regarding your suggestion as to Senate Reform: I think you will realize that it is the principle in which we are most deeply interested. So long as there is absolute veto by the Senate there is a violation of the principle of truly democratic government. This is particularly emphasized by the action of the Senate in rejecting so many times the amendments to the Immigration Act and the Criminal Code which have passed the House of Commons under different Governments and after the people of Canada have had the opportunity, at general elections, of expressing their opinion on the same.

As to the list which you ask for: I feel sure that with your length of service in the Senate that you are as fully acquainted as I could possibly be with the number of measures which have passed the House of Commons and been rejected by the Senate.

I have no desire to have my criticisms of such action entered on the Hansard records especially when comment could be added which I would have no opportunity of answering.

Whilst thanking you for the kindly spirit which no doubt prompted your offer I most respectfully decline the same, being of the opinion that it would serve no useful purpose at this time.

And again on the 24th of January I answered as follows:

I have your letter of the 19th instant.

Apparently the Fathers of Confederation were of opinion that the principle of truly democratic government would permit the Constitution of the Senate as it was adopted and which was intended to guarantee the rights of Minorities.

As to the amendments to the immigration Act and to the Criminal Code as passed by the House of Commons to which you refer, as they were repealing amongst others, the following provision of the Criminal Code "any Association, organization, society or corporation, whose professed purpose or one of whose purposes is to bring about any government, 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", the action of the Senate in rejecting the Bills as passed by the House of Commons was, I believe, in accord with public opinion in the Country.

I might rest here, and permit this correspondence to explain the vote which I intend to cast, and the vote which I gave on the previous measure; but I desire to add that anybody who has followed events in Russia can have no doubt that the Government there, which has been in existence now for some ten years, depends entirely upon its propaganda in foreign countries. We all know that Italy was on the eve of Communism; that France also was on the eve of Communism and that England was very much threatened at one time. I do not believe that we are very seriously threatened here, but I think it is our duty to protect that class of people to which

the honourable member from Montarville (Hon. Mr. Beaubien) referred the other day. The propaganda here is addressed to a class of persons who are entitled to protection—are uneducated foreigners, mainly children—and I think it is a serious menace to them and that they are entitled to protection on our part. I think that to repeal at this time the provision referred to in the Bill would be to encourage that propaganda, and for my part I am not disposed to do that.

Hon. Mr. ROBERTSON: May I ask the honourable gentleman a question? Does my honourable friend think that the propaganda he refers to, and the danger that he anticipates, would be lessened to a greater extent by deporting a man and allowing him to carry on his work elsewhere, or by dealing with him under the Criminal Code as it stands now, with this clause is eliminated from the Immigration Act, and giving him whatever time the courts decide is proper to think over his past action?

Hon. Mr. LYNCH-STAUNTON: Does the honourable gentleman object to him being deported if he is convicted?

Hon. Mr. ROBERTSON: No.

Hon. Mr. BEIQUE: I repeat that I think the repeal of these provisions would encourage the propaganda, and I say further, that it is the duty of the local Governments as well as of the Federal Government, to put a stop to this propaganda, and, if necessary, to act jointly, and to deport these people who are teaching the doctrines which have been referred to by the honourable gentleman from Montarville (Hon. Mr. Beaubien).

Hon. W. A. GRIESBACH: Honourable gentlemen, at this late hour and at this stage of the discussion I have no intention of offering more than a few brief observations. I think we have heard all that anybody in this House can contribute to the discussion, and that it may be fairly said that as there is a division of opinion as to what is the best thing to do with this Bill, we must therefore look outside of the House for further information as to how the Act has worked in the past, and as to the necessity for passing or rejecting the Bill. I propose to move, therefore, that the Bill be referred to a Special Committee which would call before it witnesses—officers of the Department of Justice, the Department of Labour, and the Department of Immigration—who would be able to testify as to the working of the Act. They can tell us whether the Act has been useful or not.

It is observable that there are two arguments growing out of the fact that no action has ever been taken under the Act. There are those who argue that because no prosecutions have ever been made this amending Bill should be passed; and there are others who take an entirely different view, and argue the very opposite. There are many members, I think, on this side of the House, and perhaps on the other side, who are strongly of the opinion that the existence of the law as it is has been a very powerful deterrent to those who might have misbehaved. All this information can be got from such witnesses as may be called by the Committee, and when the Committee makes its report the members of this House will be able to approach the question in such a way as to do what is best in the interest of the country. Therefore I intend to move—

Hon. Mr. BELCOURT: I intend to speak in support of the Bill, therefore I would ask my honourable friend if he would not defer his motion until there is a motion made by the Leader on this side.

Hon. Mr. GRIESBACH: The second reading has been moved.

Hon. Mr. BELCOURT: I want to speak on that question.

Hon. W. B. ROSS: This will not cut you off.

Hon. Mr. BELCOURT: But I think it would be better—

Hon. Mr. SHARPE: Just take your turn.

Hon. Mr. DANDURAND: What are the terms of the motion?

Hon. Mr. GRIESBACH: It is:

That this Bill be not now read a second time, but that it be referred to a Special Committee consisting of Hon. Messrs. Taylor, Schaffner, Barnard, Calder, Macdonnell, Dandurand, Graham, Riley, Ross (Moose Jaw), Bureau, and the mover.

This is seconded by the honourable member from Colchester (Hon. Mr. Stanfield). My honourable friend opposite (Hon. Mr. Belcourt) will have all the opportunity in the world of speaking against the amendment and for the Bill.

The Hon. the SPEAKER: This procedure is not exactly in order, although I believe the Senate has followed it on former occasions. We are now on the second reading of the Bill, and we should deal with the motion for the second reading before a motion of this kind is put. The gentleman in charge of the Bill will move that the Bill be referred to

the Committee of the Whole House; then the honourable gentleman can move his amendment. Unless the honourable gentleman has some special reason, I think that would be the better procedure.

Hon. Mr. GRIESBACH: Surely, Mr. Speaker, if we take a vote on the second reading of the Bill, and the motion is defeated, the Bill is lost. Honourable gentlemen may not desire to commit themselves at this stage as to whether the Bill should pass or not, but they may be willing to vote for the amendment to send it to a Committee. If any amendment is ruled out of order there is nothing to do but vote against the Bill.

Hon. Mr. BELCOURT: I rise to a point of order. I thoroughly agree with the rule as stated by His Honour the Speaker. This motion of my honourable friend is not in order at all. The question before the Chair is the motion for the second reading of the Bill. The discussion on that is not finished I propose to speak on that question, and I have the right of precedence.

Some Hon. SENATORS: Go ahead.

Hon. Mr. BELCOURT: I do not propose to detain the Senate at this hour.

Hon. Mr. GRIESBACH: If the amendment is ruled out of order, what follows? The honourable gentleman concludes his speech and we take a vote on the second reading.

Hon. Mr. BELCOURT: A member of this House who wishes to speak on the question, and who has a right to do so, will not be able to do so.

Hon. Mr. LYNCH-STAUNTON: The Bill may be lost.

Hon. Mr. GRIESBACH: If we proceed to a vote the Bill may be lost.

Hon. Mr. BELCOURT: Precisely. If the second reading is refused by reason of my honourable friend's present move, the result will be that one Senator at least, and maybe others, will be deprived of the right to speak on the motion before the Chair.

Hon. Mr. GRIESBACH: The motion before the Chair need not be put until the debate is finished. My point is that if my amendment is ruled out of order and a vote is taken on the motion for the second reading, and that is defeated, the Bill is lost, and that is the end of the discussion.

Hon. Mr. BELCOURT: That is exactly what I object to. I do not want to lose my right to speak.

Hon. W. B. ROSS: The honourable gentleman cannot possibly lose his right to speak. Even on the amendment he can say everything he wishes to say in favour of the Bill.

Hon. Mr. BELCOURT: All right. I will move the adjournment of the debate.

The motion was agreed to, and the debate was adjourned.

DIVORCE BILLS

SECOND READINGS

Bill J8, an Act for the relief of Edward Aranha.—Hon. Mr. Willoughby.

Bill K8, an Act for the relief of Mildred Jarvis Aspinall.—Hon. Mr. Willoughby.

Bill L8, an Act for the relief of William Bell.—Hon. Mr. Willoughby.

Bill M8, an Act for the relief of Lillias Agnes Cressman.—Hon. Mr. Willoughby.

Bill N8, an Act for the relief of Jane Glass.—Hon. Mr. Willoughby.

Bill O8, an Act for the relief of Laura May Hinscliffe.—Hon. Mr. Willoughby.

Bill P8, an Act for the relief of William Hogg.—Hon. Mr. Willoughby.

Bill Q8, an Act for the relief of Helen Horn.—Hon. Mr. Willoughby.

Bill R8, an Act for the relief of Jessie McPherson.—Hon. Mr. Willoughby.

Bill S8, an Act for the relief of Sylvia Ortenberg.—Hon. Mr. Willoughby.

Bill T8, an Act for the relief of Thomas Joseph Warmington.—Hon. Mr. Willoughby.

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

THE SENATE

Wednesday, May 9, 1928.

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

Prayers and routine proceedings.

PRIVATE BILL

FIRST READING

Bill D9, an Act respecting a certain patent of Jean Baptiste Hurteau.—Hon. Mr. Rankin

DIVORCE BILLS

THIRD READINGS

Bill J8, an Act for the relief of Edward Aranha.

Bill K8, an Act for the relief of Mildred Jarvis Aspinall.

Bill L8, an Act for the relief of William Bell.

Bill M8, an Act for the relief of Lillias Agnes Cressman.

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Bill S8, an Act for the relief of Sylvia Ortenberg.

Bill T8, an Act for the relief of Thomas Joseph Warmington.

IMMIGRATION BILL

SECOND READING—REFERRED TO SPECIAL COMMITTEE

The Senate resumed from yesterday the debate on the motion for the second reading of Bill 187, an Act to amend the Immigration Act.

Hon. Mr. DANDURAND: Honourable gentlemen, a point of order was raised last evening on the procedure followed by the honourable gentleman from Edmonton (Hon. Mr. Griesbach). It was based upon the contention that a motion to submit a Bill to a standing or Special Committee before the Bill received its second reading was irregular. I confess that I have had no opportunity to study the question. It was my privilege to be Speaker of this Chamber for some time, and I remember that this matter came under my observation. I have a vague recollection that it is permissible to commit a Bill before the second reading, but it is done only under special conditions and for reasons duly given in the motion. Generally we have proceeded otherwise. This is a public Bill, and usually when the second reading is passed the principle is adopted. That I recognize. But we have very often passed the second reading of a Bill on the understanding that we were passing it only in order to send the Bill to Committee for special study, and were not bound by the principle, but had the right, either on the report from the Committee or on the third reading, to discuss the principle and deal with it according to our judgment Unless His Honour the Speaker has a firm opinion against this procedure, my honourable friend (Hon. Mr. Griesbach) will perhaps, in accordance with the tradition of this Chamber, allow the second reading of the Bill without the Senate being committed to the principle of it, and we may then follow his suggestion to send it to a Special Committee.

Hon. Mr. BEIQUE: Honourable gentlemen, I think that the second reading implies that we adopt the principle of the Bill. We have in certain circumstances acted otherwise, but I think that has been by unanimous consent of the Senate. By unanimous consent a Bill may be referred to a Committee without the principle having been accepted. I think it would be faulty procedure to dispense with the consideration of the principle and send the Bill to Committee without the unanimous consent of the House.

Hon. Mr. DANDURAND: I had not gone as far as my honourable friend, who says that unanimity is necessary, but I have no objection to standing by that suggestion.

Hon. Mr. BEIQUE: Possibly the Bill can be referred to committee by consent of the majority of the Senate.

Hon. Mr. GRIESBACH: I have no objection to the adoption of the suggestion put forward by the honourable leader of the Government, that the Bill be given second reading on the understanding that the principle is not agreed to. On the other hand, I think it is well worth while to discuss the point whether or not the Bill may properly be committed before the second reading. A Bill which is down for second reading may contain contentious matters upon which it is desirable to secure information. It seems to me an incredible thing that before the second reading honourable members cannot secure, by means of a Special or Standing Committee, information upon which they may base their decision as to whether or not they will accept the principle of a Bill. As a matter of actual fact, this very situation is provided for, and I think it is worth while reading to the House some information that I have on the subject. In May's Parliamentary Practice, at page 357, it is stated:

> It is also competent to a member who desires to place on record any special reasons for not agreeing to the second reading of a bill, to move, as an amendment to the question, a resolution declaratory of some principle adverse to, or differing from the principles, policy or provisions of the bill; or expressing opinions as to any circumstances connected with its introduction or prosecution; or otherwise opposed to its progress; or seeking further information in relation to the bill by committees, commissioners, the production of papers or other evidence, or, in the Lords, the opinion of the jusges.

In introducing my amendment I expressed the hope that the Committee would secure in-

formation from representatives of the Departments of Justice, Labour and Immigration. What I said in introducing my amendment is on all fours with what I am reading here.

Then at page 359, dealing with this question, May says:

It must be borne in mind, however, that the resolution, if agreed to, does not arrest the progress of the bill, the second reading of which may be moved on another occasion.

Consequently I may assert that any set of precedents or any rules of procedure should be props to support and not chains to bind. To lay it down as a rule of this House that a Bill may not be committed before the second reading would be in my judgment to establish an unsound principle, which would tend to hold up public business, and cause lengthy discussions about matters of no very great importance. I submit that my amendment is in order, but I defer to the wishes of my honourable friend and will agree to the second reading of the Bill, with the understanding that no one is bound by the principle.

Hon. Mr. DANDURAND: I may say that my honourable friend's move did not do violence to my own view as to what was proper. I would ask His Honour the Speaker whether he has an opinion to express on this matter.

The Hon. the SPEAKER: Honourable gentlemen, last night, when the honourable junior Senator for Edmonton moved his amendment, I pointed out that I thought the better procedure was to adopt the motion for the second reading of the Bill before referring it to a Special Committee. But I know that on a former occasion this House has followed the procedure that the honourable gentleman desires to have adopted in the present instance. Unfortunately I have not been able to find and cannot give, the reference to the occasion when it occurred. I had noticed in May the reference that my honourable friend (Hon. Mr. Griesbach) has cited just now. I find also that Bourinot in dealing with the matter says:

Any member may propose as an amendment a resolution declaratory of some principle adverse to, or differing from, the principles, policy or provisions of the bill, or expressing opinions as to any circumstances connected with its introduction or prosecution or otherwise opposed to its progress, or seeking further information in relation to the bill by committees, commissioners, the production of papers or other evidence, or the opinion of judges.

There has been action of that kind taken at different times. This does not actually say that in that case the Bill should be referred to a Committee, but I think it is doubtful if the House would like to have it dealt with in this way. I do not think that the Speaker can say that the procedure is out of order.

Hon. Mr. GRIESBACH.

Hon. N. A. BELCOURT: Honourable gentlemen, the support which I intend to give to this Bill is based on reasons which may be summarized in this way. The legislation which this Bill seeks to repeal is unnecessary, arbitrary, and contrary to natural freedom and the proper administration of law and justice.

I say it is unnecessary because the sections of the Criminal Code which have been repeatedly quoted and sections 3 and 40 of the Immigration Act provide every possible remedy which section 41, now in question, contains. All the difficulties which arose during the war could have been adequately and properly settled by means of the provisions of the Criminal Code which were in force at that time and are still in force, or by means of the provisions of the Immigration Act as it then existed. I have convinced myself without difficulty that section 41 is a mere duplication of legislation which existed at the time that this section was passed, and even in 1910, at the time of the passing of the original legislation referred to by my honourable friend from Hamilton (Mr. Lynch-Staunton). At no time, to my mind, has section 41 been of any real service in the administration of law or required in the interests of public policy in Canada. I do not know what was the purpose which prompted the enactment of that section in 1919, unless it was to create a counter-current to the feeling which was manifest at the time, of lawlessness and of Socialism gone mad. I think myself that was the motive which inspired the enactment of 1919, whatever may be said with regard to 1910.

I do not intend to trouble the House by reading over section 87 and sections 130 to 136 of the Criminal Code, or sections 3 and 40 of the Immigration Act. I invite honourable gentlemen to read those provisions again with care and attention. When they compare them with section 41, which we are now proposing to repeal, they will find that, with one exception, there is nothing in section 41 which is not contained in those other sections.

Nor do I think that I should take up much of the time of honourable gentlemen in discussing the repeal of section 41 were it not for this one exception, which I desire to point out, and which is the main reason prompting me to support the Bill. In section 41 there is a provision by which a man may be deprived of his national status and his property, the status of his wife and children may be taken away, and he may be prevented from continuing to reside in Canada. Without being given any kind of notice or warn-

ing, or any opportunity to prove that he is not guilty, he may be taken by the scruff of the neck and deported, and have all his property confiscated forever.

Hon. Mr. GRIESBACH: Where does my honourable friend get authority for stating that there will be confiscation of property?

Hon. Mr. BELCOURT: The statute provides for it.

Hon. Mr. GRIESBACH: Which statute?

Hon. Mr. BELCOURT: This section provides for it. His property may be forfeited. If my honourable friend will read the section over he will see that I am perfectly right. A man may be deprived of everything he holds dear, without having any opportunity to defend himself. That is absolutely contrary to every known principle and all traditional practice in the administration of justice throughout the British Empire.

It may be regarded by some honourable gentlemen as something which everybody knows, but when a matter of this kind is under discussion it is opportune to recall the language of Magna Charta. I invite the closest attention of honourable gentlemen to every word that is contained in section 39:

No man shall be taken or imprisoned—

And I emphasize the word "man," which is the generic term, and in Canada would apply to any one who is a British subject, whether by birth or naturalization or who is an alien.

No man shall be taken or imprisoned, nor prejudged of life or limb, nor be disseized or put out of his freehold, franchises or liberties or free customs, nor be outlawed or exiled, or any otherwise destroyed unless he be brought in to answer and prejudged of the same by due course of law; nor shall the King pass upon him, nor condemn him but by lawful judgment of his peers or by the law of the land: and the King shall sell to no man, nor deny or defer to any man, either justice or right.

I submit in all earnestness that every one of the words contained in these lines is absolutely material to the discussion now going on. I have endeavoured to ascertain whether at any time in the British Empire anything similar to the legislation we are now discussing has ever been passed; whether any man has ever been treated anywhere else in the British Empire in the way prescribed by section 41. I have found no case in which the old principle, upon which the whole British Empire rests and has been governed since the days of Jean Sans Terre, has not been observed and followed. If I had no other reason that fact alone would not only justify me in supporting the Bill, but would compel me to do so. Because of Magna Charta I cannot do otherwise than support this Bill.

Hon. Mr. GRIESBACH: May I ask a question, just to clear up that point as to confiscation of property? Am I to understand that the amendment before us rescinds the provision for the confiscation of property?

Hon. Mr. BELCOURT: Yes. I forget at the moment just where that provision is, but my honourable friend will surely find it in that section or in 98 of the Criminal Code.

Hon. Mr. GRIESBACH: I am just asking for information.

Hon. Mr. BELCOURT: I cannot point it out at the moment. I may be able to do so later.

Hon. Mr. BEIQUE: The honourable gentleman will perhaps permit me to ask this question. When the Soviets were dealt with in England last year, were the provisions of Magna Charta respected?

Hon. W. B. ROSS: The honourable gentleman (Hon. Mr. Belcourt) is thinking of the Criminal Law and not of the Immigration Act.

Hon. Mr. BELCOURT: I forget in which the provision is contained. It may be in section 98. I am not quite sure.

Hon. Mr. ROSS: That is where it is.

Hon. Mr. BELCOURT: Whether it is in section 98 or in section 41 does not make any difference. Section 98 remains on the Statute Book. My honourable friends on the other side decided last night to retain that section.

Hon. Mr. GRIESBACH: My honourable friend made the distinct statement that the confiscation of property is in this Bill, and was rather severe with me for suggesting that it might not be in the Bill. I would like to follow up that question.

Hon. Mr. BELCOURT: I do not mind my honourable friend interrupting me now or at any other time, and if I misled him by saying it was in this Bill I am sorry. It is in section 98 of the Criminal Code. In any case is it not quite clear that deportation without any notice would result inevitably in the loss of a man's property? How could anyone who has lost his civil status exercise any recourse to any Canadian or other tribunal to conserve his property, whether real or personal?

Hon. Mr. WILLOUGHBY: Subsection 7.

Hon. Mr. BELCOURT: I cannot say what was done last year in England when Arcos

House was cleared. There was a public investigation of the matter. The police found there complete, incontrovertible evidence that the Soviets were carrying on propaganda and were preparing to employ violent means. Their property was confiscated.

Hon. Mr. BEIQUE: Would not the Minister have evidence of that kind before deporting a man?

Hon. Mr. BELCOURT: I have great respect for Ministers of the Crown, but they very seldom take the trouble to investigate matters of that kind. The evidence in a case of deportation, when it comes to the department, is handed over to the Deputy Minister to read and look over, and to make a report to the Minister, who would probably simply acquiesce in the conclusion of the Deputy Minister. I think I am not exaggerating anything when I say that that is the general practice of members of the Government in matters of that kind.

Nor have I any too much confidence in the judgment of an ordinary constable or policeman to decide those very nice questions of what constitutes sedition, and pronounce upon ex parte evidence. I would not like to trust the life and property of any one individual to the tender mercies of someone who is simply trying to find somebody to hang.

I repeat that all cases, not only those which arise by reason of Socialism or Bolshevism, but even cases which arose during the war, would find their solution under the provisions of the criminal law regarding the particular matter.

Now, I say that this legislation is arbitrary, extremely draconian and violates every principle of justice, of fair play, and even of law. The means adopted are inhuman and cruel, and again I repeat it is not only against the law of England but it is against the principles and practice upon which the criminal law has been administered everywhere in the Empire.

Some one may say, "Well, this man for whom you are trying to seek a trial is not in a position to avail himself of the provisions of Magna Carta, because he is not yet a British subject; he is not a Canadian citizen, and he cannot claim the privilege or the right to have a trial." But we must not forget this, that the immigrant who is here, has come on our invitation. He has complied with all the requirements of the Immigration law; he has settled on Canadian land, and is engaged in agriculture, or some other industry or occupation.

I grant that he is not yet a British subject, but he is so at least by intention, and when the time comes that he is able to make application to become a naturalized subject he evidently intends to do so. He has acquired some rights. He has resided in Canada one, two, three, four years or more. Though he has not acquired the full rights of a British subject, he is on the way, and he is daily acquiring some more rights to that title. He has no intention of doing anything wrong; that is to be assumed, without some overt action on his part. So long as he conducts himself properly as an ordinary citizen, to all intents and purposes, he is entitled to show that he has not committed any crime against the law. But under this section he has no trial, no opportunity of coming even before a Board of Investigation, no means of securing a hearing by the Minister, or any one else; he will be deported without ever knowing why, or who his accuser is or of what he is accused, and he will never know. His family is expelled with him and he loses his property.

I would prefer to rely on the old principle of English law, that it is better for ninety-nine guilty men to escape than that one should be punished wrongly. I would rather apply that to the case of the immigrant, to whom, after all, we are under obligations for the reasons I have stated. I say this legislation is neither British justice nor British policy, nor in accordance with the administration of British justice anywhere.

During the debate we had some very interesting discussions with regard to Socialism in its different forms. My honourable friend from Montarville (Hon. Mr. Beaubien) and my honourable friend from Lanark (Hon. Mr. Haydon) both discussed the subject at some length, and evidently with considerable previous study and observation. I was interested in what they said. May I for a few moments put before you my views on this subject? My object mainly is to make what I think are necessary distinctions between ordinary Socialism and the various meanings of what different Socialists advocate, and which make legislation of this kind more or less necessary or more or less unnecessary.

There was a time when the word Socialism was anathema. Any kind of Socialist propaganda or Socialist claim was denounced. But we have made some progress. Socialism, when conducted within the margin of the duties to the state and to the family, has made considerable headway. What was previously condemned, perhaps only twenty-five years ago, has since been adopted. I might mention, as an example, the growth of Trades Unionism. Not very many years ago the belief was common that that development would create any amount of trouble for the

country, but the right of labour men to unite against the capitalist is no longer disputed. It is admitted all over the world that just as the capitalists have a right to fight and combine, so the working men have a similar right to defend themselves and their class.

I think we must not go too far in condemning all the practices and teachings of Socialism. I notice that all Socialists have a common purpose and common object, and I think I can define that purpose in these words: "To convert private property in land and capital into collective property, and use it for the common good." I think that is a fair definition of Socialism, and perhaps there is no difference between legitimate Socialism, if I may call it that, and Communism, Syndicalism and Bolshevism, with respect to their common end. So far as I have been able to ascertain, they all evidently have the purpose which I have just described. But when the socialist becomes a danger to the state, when Socialism must be combated by force, and if necessary by violence, is when the means resorted to in order to apply or try to attain this common purpose become violent and revolutionary.

It might not be amiss if I were to indicate briefly what have been the accomplishments or rather the failures of Socialism ever since the time of Plato. Almost to the beginning of the twentieth century Socialism had accomplished little or nothing beyond what I have referred to as Trade Unionism. Plato himself was purely a Utopian. He was a critic and philosopher, but he never suggested any means by which his philosophy or his policy might be put into execution. So it was with every one of them, right down to the end of the nineteenth century, at all events down to Sir Thomas More. No attempt was made to put into execution the doctrine of Plato, or any other of the Socialists who followed him. As a matter of fact it was only after the French Revolution that an attempt of some sort was made to impose the doctrines of Socialism. We may remember one of them in the middle of the nineteenth century, Babeuf, who probably was the first man to invoke or counsel force. His teaching was not improperly described as being merely: "Yearnings for equal division of unequal earnings." He preached that doctrine, but he never indicated how he was going to accomplish it; therefore he never put into practice methods which could be condemned.

After him we had Saint-Simon, Fourier, Cabet, Robert Owen and others. Now, what were they? They were merely Utopians. They had no scheme, no measures to suggest, and did not attempt to have their ideas enforced. When I say there was no scheme I should qualify that, for one of them advised and urged that the most democratic Socialism which he was advocating and adopting as his text and program was that the state should be the "banker of the poor." But those were merely highfalutin statements, without any kind of indication as to how the ideas could be brought into execution.

Karl Marx himself was nothing but a philosopher, a critic; he had nothing substantial to suggest. He contented himself with writing. He was a very able and prolific writer, but never at any time did he suggest the means for carrying out this equal division of property among the people of the earth. Proud'hon, who was one of the stormy petrels of the Revolution of 1848, had a more violent doctrine—"Property is theft;" but nothing came of that except the vapourings of a wild man.

Now, other forms of Socialism—Syndicalism and Bolshevism—offer real dangers to the state against which Society must be protected. But I am not exceedingly alarmed, I must say I am not very much alarmed, over the doctrines of either Syndicalist or Bolshevist, because, like the ordinary Socialist, they are seeking something which is utterly and absolutely unattainable. The laws of nature, which cannot be evaded or beaten, and which are going to survive as long as this world lasts, stand in the way of equality of intelligence, equality of effort, equality of will, energy and activity, and equality of attainment. If we ever got to the stage when Socialism had succeeded in making throughout the world an equal division of all the property in the world, that very instant would be coincident with the instant when the pendulum would start to swing the other way.

I appeal to honourable gentlemen of experience and intelligence as well as to the ordinary man on the street, whether equality of effort, equality of capacity, equality of mind would not start to produce the very reverse of what might have been accomplished in the equalization of things worldly. I do not think such equality can ever come, but assuming that it did, it would last just one instant of reason, and no longer. Men would start again to accumulate individually all they could. They would not exert their intelligence and efforts to maintain collective ownership, but would immediately endeavour to obtain something for themselves to increase their own individual possessions. Collectivism in that sense is an utter impossibility. The Bolshevik revolution reached the height of violence, inhumanity and injustice, lawlessness and disorder. It consummated spoliation, has

abridged the right of assembly and free speech; the abolition of organized government; yet it has failed. Syndicalism has for its purpose the ownership and control by industrial organization of the means of production and distribution, thus making the workingman his own employer and securing for himself the entire product of his labour. Its principal means is General Strike and Sabotage. It differs from mere Socialism because of its uncompromising denunciation of the requirements of state and every form of organization.

It has accomplished nothing—has met with nothing but failure—notably in the Port of London strike in 1912.

Now, if we bear in mind that the Communists, Bolshevists, and Syndicalists are bound to continue to fail, that conviction should, to a considerable extent, allay our fears and our panic. I repeat that if these violent Socialists break the law, if they endeavour to impose their views by means of violence, then the state may well combat them with their own weapons. I quite believe the time may arise, but I do not think it has yet arisen in Canada, when it would be necessary to oppose violence to the wild, silly talk in which some of the people engage, even in Canada. In the meantime, I do not think it is going to help the State or society in any way to enact these very drastic, Draconian laws. Of course, we know what Russia aimed at, and what Russia has done in pursuance of that aim has shown how utterly futile the aim was. Bolshevism in Russia to-day is far less dangerous, far less drastic, than it was last year, or even three or four years ago. Nothing is more ridiculous to me than the idea of a Soviet World League under the hegemony of Russia. Bolshevism is merely a temporary aberration. It cannot break down modern civilization. It has not made and cannot make any real progress in Canada.

My honourable friend from Lanark (Hon. Mr. Haydon) the other day used a phrase that I intend to copy. He attempted to show, and I think he showed brilliantly, that Bolshevism, like all other violent forms of Socialism is flattening out. The very violence and fury which the Russians imported into their aim, and into the means which they adopted for carrying out that aim, are the source of its complete failure. The aim itself contains the source and cause and reason of its own destruction. Is there anybody with a sane head on his shoulders who thinks the situation brought about by Russia can last? It is only a question of time till there, as in other cases in the past when violence was resorted to in order to impose either social doctrines or religious views, or linguistic restrictions, persecution will have the effect of rendering impossible the very thing it is intended to accomplish. Russia to-day is already sick and tired of the doctrine that was adopted a few years ago. Was anything more absurd, more silly, or more stupid ever suggested than that the Soviets could establish their dominion all over the world? It is so preposterously absurd that I cannot understand why anybody should lose five minutes' sleep over it.

Now, I said a moment ago that Socialism within legitimate bounds had accomplished something for the working man. Under it he has secured recognition of his right to coalesce and to strike. In other ways too, we have to a considerable extent adopted some of the principles advocated and the practices followed by Socialists. To my mind the Government operation or Government ownership of railways, hotels or water-powers, or things of that kind, are simply the result of the teachings of Socialism. After all we have imitated the Socialists in that respect. The Hydro Electric Power System of Ontario is a species of Socialism; so is the Government operation of the Canadian National Railways; and I cannot quite understand why Socialism, carried on in a legitimate way, should not be permitted to the working man as it is permitted to the State, which gives him an example of it every time it gets a chance.

I have always been opposed to government operation of any kind. Governments are made to govern—and the less they govern the better for the governed—not to become the rivals of individuals in carrying on the necessary industries of the country. I am opposed to government operation now, and can see no reason why I should ever be converted to that principle.

Now, just a word or two more and I am finished. We heard during the discussion, especially during the speech of my honourable friend from Montarville (Hon. Mr. Beaubien), some statements which I am sure he did not make without what seemed to him to be sufficient authority. Before making them, he must have been in possession of considerable information. Among other things, he said that there are in this country to-day 40 schools in which the doctrines of Bolshevism are openly taught, and he defied the Leader of the Government to say that that was not so. I wonder that it has not occurred to my honourable friend, and to others who have come by the knowledge of things of that kind, to denounce such cases to the proper authorities; I wonder that they do not discharge what is to me a clear duty of citizenship, and go to the proper authorities with this information. If that were

done the law could be set in motion and those teachers could be tried, and if found guilty, they could be deported. All these dangers will be met in proportion to the enlightenment resulting from study, from education, out of a proper observation of obligations to society and the state.

Hon. Mr. BEAUBIEN: It has been done officially. It has been brought to the knowledge of the Government, and I have given my authority. If my honourable friend wants me to repeat it, I may say that notice has been given to them by Father Casgrain. Furthermore, my honourable friend might have found in my speech an extract from a newspaper published in the West by the Ukrainians, in which they themselves admit having 40 schools in which Bolshevism is taught. If that is not evidence, I do not know what is. I have asked my honourable friend to inquire from the Mounted Police. I am ready to stand by their answer. The Government is informed from day to day, and they have known of these things for a great many months.

Hon. Mr. BELCOURT: Does my honourable friend mean the Government at Ottawa?

Hon. Mr. BEAUBIEN: Yes.

Hon. Mr. BELCOURT: Well, my honourable friend has gone to the wrong place. My honourable friend surely knows that if he wants these teachers prosecuted, all he has got to do is to go to the Attorney General of the Province where the schools are.

Hon. Mr. BEAUBIEN: Oh, no.

Hon. Mr. BELCOURT: My honourable friend knows as well as I do that the administration of justice is in the hands of the Provinces. Furthermore, this is a matter of education, and is exclusively within the jurisdiction of the Provinces. This Parliament or this Government has nothing to do with criminal procedure or practice.

Hon. Mr. BEAUBIEN: Will my honourable friend allow me? I brought before this House the petition of a very respectable association, asking for the deportation of Bolshevik teachers. The setting in motion of the very clause which the Government now wants to eradicate from the Immigration law belongs to the Federal Parliament.

Hon. Mr. BELCOURT: Of course, on that subject my honourable friend and myself would not agree, because I am absolutely opposed to secret deportation. To exile a man without giving him a chance of defending himself is revolting to every principle of law and justice that I know. To me it is an utterly and completely unacceptable proposition, and the legislation passed in 1919 to me was always wrong.

Another thing that is common in this Canada of ours, and perhaps it is so elsewhere as well, is that gentlemen—I am not speaking of course of members of Parliament—that gentlemen engaged in the industrial and commercial life of the community readily and persistently shirk their duty in these matters. Take the example of trying to hand this thing over, passing the buck, so to speak, to the Dominion Government, which can do nothing, instead of going to the people who can prosecute. After all, the men who are mainly interested in such a matter as this are the capitalists, the men who have the greatest stake to protect. But do you find these men taking up this matter? Do they not all shirk their duty with regard to it? They spend their time at home before their firesides, smoking their pipes and criticizing often most severely those who are trying to remedy the situation. Do they ever offer any constructive ideas or tender their services or co-operation? No. They are too busily engaged in amassing money to think that they are the ones principally interested and under obligation to move, and that they are the ones to suffer most.

We all have a lesson to learn. We should not merely preach to the Socialist, but should try to perform our duty in respect to him. To begin with, we should educate our own people to a real standard of citizenship; then we should try to educate those people who have come here. In what schools in this country are the duties of citizenship insisted upon? Where is the child who really gets proper instruction with regard to the duty that he owes to the State? Not much more than 50 per cent of our electors take the trouble to vote. Our people have been brought up to look upon the Government at all times as something from which to get something.

We must not simply get panicky and fearful of what may result from propaganda of this kind. In dealing with such matters we must look around. Let us meet the propaganda; let us bring up our children with a proper conception of their duties to the State; then if the Bolshevik propagandist utters seditious words or counsels or practises violence, let us set up the criminal law and we shall have an ample remedy. I would suggest that one attack against these Bolsheviks, one public trial carried on openly, and followed by conviction and deportation, would have far more effect than all the private or secret deportations that can be made. What we must do is to call the

attention of the public to what is going on; to show them that the authorities are alive to the situation and are looking after the interests of Canada. If you bring one of those men to justice and make an example of him, and send him away as quickly as you can after he has had a fair trial, you will have done a great deal more to stop this propaganda and prevent violence than you can do by a hundred or a thousand secret deportations.

Hon. Mr. GRIESBACH: Before the honourable gentleman sits down, I would like by way of a question, to complete the discussion that I began with him at the outset of his remarks. I am not surrendering my right to speak later. The honourable gentleman began by saying that the terrible thing you did to an alien under this Bill was to deport him and confiscate his property. I expressed some surprise at that, and asked where the confiscation was to be found, and he said in the Immigration Act.

Hon. Mr. BELCOURT: May I correct my honourable friend? His statement I do not think is correct. I did not say that these things were done; I said these things were liable to be done.

Hon. Mr. GRIESBACH: Could be done under the Act.

Hon. Mr. BELCOURT: Yes, and I made a mistake. I afterwards said under the Criminal Code, which is correct.

Hon. Mr. GRIESBACH: The honourable gentleman made two mistakes. His first mistake was to say that this provision was to be found in the Immigration Act.

Hon. Mr. BELCOURT: I thought my honourable friend was going to ask a question. He has no right to make a speech.

Hon. Mr. GRIESBACH: Well, then, I will ask a question. Where in the Criminal Code is there provision for the confiscation of the property of the individual who is deported?

Hon. Mr. BELCOURT: Conviction under the Criminal Code would bring about, as an immediate and necessary consequence, the deportation and the loss of property.

Hon. Mr. GRIESBACH: No. The Naturalization Act provides that an alien may hold property in this country in the same way that a citizen may hold property. The section my honourable friend is relying on is this:

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—

Hon. Mr. BELCOURT: That is an entirely different question.

Hon. Mr. GRIESBACH: You said the man could be deported and his property confiscated, and you based your argument on that assertion. I ask you to prove that assertion.

The Hon. the SPEAKER: Do I understand that the honourable gentleman from Edmonton (Hon. Mr. Griesbach) is prepared to withdraw his amendment?

Hon. Mr. GRIESBACH: On the understanding that on the passing of the second reading my motion is to be put to the House.

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

REFERRED TO SPECIAL COMMITTEE

Hon. Mr. DANDURAND: I move that the Bill be committed to Committee of the Whole.

Hon. Mr. GRIESBACH: I move in amendment, seconded by the honourable member from Colchester (Hon. Mr. Stanfield):

That the Bill be not referred to the Committee of the Whole, but that it be referred to a Special Committee of the Senate, composed of the following: Hon. Messrs. Barnard, Bureau, Calder, Dandurand, Graham, Macdonnell, Riley, Ross (Moose Jaw), Schaffner, Taylor, and the mover.

The proposed amendment of Hon. Mr. Griesbach was agreed to.

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

THE SENATE

Thursday, May 10, 1928.

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

Prayers and routine proceedings.

THE BUSINESS OF THE SENATE

Hon. Mr. DANDURAND: Honourable gentlemen, so far we have proceeded somewhat leisurely in the disposal of our work, and we have done what we have had to do without undue haste. I am informed that an effort will be made to prorogue Parliament at the end of the week after next. As this leaves only two full weeks to accomplish the

work that is still ahead of us, we will not be able to take quite so much time between sittings; but I think that by taking shorter week-end adjournments and attending seriously to our work, we will be able to deal with all the legislation that is to come before us, and still finish ahead of the Commons.

THE DIVORCE BILL (ONTARIO)

Hon. Mr. McMEANS: With the permission of the Senate, I should like to call the attention of the Leader of the Government to a state of affairs which I think is very unsatisfactory. A year ago we passed the Ontario Divorce Bill through this House and sent it to the House of Commons. It was stated at that time that it was too late for that House to deal with the Bill, and that it must be introduced at an earlier stage of the next Session. At almost the first sitting of this House this Session the Bill was again passed, and sent over to the Commons; but I am told that owing to some arrangement that has been made, the Government will not allow it to be discussed.

I think it is unfair to the members of this House and to the people of the country that a measure of such vital importance should be held up, and that the members of the other House should be prohibited from expressing an opinion upon it. If a vote were taken on the Bill, it would be very easily disposed of.

There has been a great deal of talk about what this House is going to do if legislation of that character is treated in such a way in the other House. It has been suggested that when the time for prorogation comes we should say that there are 25 or 30 divorce petitions before the Committee that have a right to be heard, and that we can in that way bring attention to the state of affairs that exists. I call the attention of the Leader of the Government to this condition, because I think—and I am sure that I have the endorsation of the majority of the members of this House—that something should be done by this body in order to ensure proper consideration of such important legislation initiated in this House.

Hon. Mr. DANDURAND: Honourable gentlemen, it was my duty to draw the attention of the Government to the desire of the Senate that public legislation initiated in this Chamber should receive consideration in the other House. I was answered that the new regulations left very little time for the discussion of private Bills and public Bills initiated by private members. I stated that the Senate had twice passed a Bill to which they thought the House of Commons should give consideration, and I was informed that it could only be dealt with in its turn. I believe that public legislation in the hands of private members can only be reached after the private Bills have been disposed of. Some time was allotted yesterday to the consideration of private Bills in the other House, and I hope that House will be able to arrange its agenda in such a way as to dispose not only of private legislation, but of public legislation that has been initiated in this Chamber.

Hon. Mr. BELCOURT: Honourable gentlemen, I suppose that ordinarily it would not be proper for me or for any other member of this House to discuss the procedure in an other place; but I think we are justified in this instance in speaking about it, because it immediately and directly concerns legislation initiated in the Senate. My honourable friend who has complained (Hon. Mr. McMeans)—I am not saying without reason—will remember that I have a rather serious complaint of that kind myself, a complaint which I share with every member of this House. On three occasions this House unanimously passed a Bill which I have been introducing for the last six or seven Sessions, but which has not yet become law. I would not, however, for one moment think of blaming the Government because the Bill has not passed this year, even through it reached the House of Commons a long time ago, because I agree with my Leader that the Government is not in any sense responsible. The situation is simply the inevitable consequence of the new rules and regulations adopted by the House of Commons; but I would suggest that that House be invited to revise its rules so that public Bills initiated in the Senate may receive consideration.

Hon. Mr. REID: Honourable gentlemen, I do not agree with the Leader of the Government that it is not the fault of the Government that the Bill referred to by the honourable gentleman from Winnipeg (Hon. Mr. McMeans) has not been brought forward. Many times I have seen the rules of the House of Commons suspended in order to take a vote on a Bill. We know that if the Government were to move the suspension of certain rules, the Bill could be taken up to-morrow and passed or voted down.

CANTEEN FUNDS BILL

FIRST READING

Bill 39, an Act respecting the disposal of certain Canteen Funds.—Hon. Mr. Dandurand.

PRIVATE BILLS

THIRD READINGS

Bill 18, intituled: an Act respecting a certain Patent owned by Canadian Cinch Anchoring Systems, Limited.—Hon. Mr. Haydon.

Bill 68, intituled: an Act to incorporate the Northwest Canada Conference Evangelical Church.—Hon. Mr. McMeans.

Bill 50, intituled: an Act to incorporate The United Theological College, Montreal.—Hon. Mr. Robertson.

Bill J7, intituled: an Act respecting a certain patent of Anchor Cap and Closure Corporation of Canada, Limited.—Hon. Mr. Haydon.

FEDERAL DISTRICT COMMISSION BILL

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 218, an Act to amend The Federal District Commission Act, 1927.

He said: Honourable gentlemen, during the discussion of the second reading of this Bill I was asked quite a number of questions, and I stated that I thought I would be able to answer them to the satisfaction of the members of the Senate when we came to Committee.

I have gone through the debate on the second reading, and I have prepared answers to all the questions that were put. I was asked if the $3,000,000, and the advance of $200,000 to run as annuities for fifteen years would complete the program in view by the Government and the Commission. My answer is in the affirmative. That is all that is projected for the present. I may be asked what is meant by the expression, for the present. Well, as far as the Government has examined the situation it is not disposed to go further. That does not mean that Parliament and the Government bind themselves never to present any extension of the present program.

The Prime Minister was asked what was covered by that program, and what the $3,000,000 would produce. I bring his answer to the Senate:

> The acquisition of the Russell house block, property, leases, et cetera, and the construction of the park, including the remodelling of the intersection of Sparks and Elgin streets, an outlay of $1,600,000 will be required. To complete the Remic rapids bridge, $423,200 will be required. For new driveways and parks, that is the enlarging of some of the areas already planned, $144,400. For the widening and improving of existing driveways and parks, $116,600—a total program for this year of $2,281,200. That is the total capital expenditure. The bill suggests either that that amount should be met immediately and directly out of the consolidated revenue, or that securities for that amount should be issued in the name of the commission, the interest and principal of which would be guaranteed by the Minister of Finance. In addition, it is estimated that during future years, expenditures on new driveways and parks will be $600,000, and the remodelling of the existing driveways will amount to $130,000, or a total of $730,000; this together with the outlay in 1928 makes a total outlay of $3,011,200. I think that gives my hon. friends the particulars they asked for.

That covers the particulars of the work, and the expenditure of the $3,000,000 asked of Parliament.

I was asked by the honourable gentleman from Edmonton (Hon. Mr. Griesbach) for the filing of the report of the Federal District Commission for the fiscal year 1927; I think it was in conjunction with a question whether those reports had been tabled year by year. My answer is that it has been tabled, but as there are two Chambers to Parliament I am not sure that those reports have been deposited at the same time in both Chambers. However I now lay on the table of this House the last report of the Commission for 1927, in case it is not to be found in the records of the Senate.

Hon. Mr. GRIESBACH: I asked for a printed report.

Hon. Mr. DANDURAND: I have not been handed a printed statement. I got a typewritten statement. Probably it was in that form that it was brought to Parliament.

Hon. Mr. GRIESBACH: I think it is of sufficient importance to be printed, because we cannot discuss this question year after year without having the figures definitely before us, and available for all parties. It is much more worth printing than many other reports that are printed.

Hon. Mr. DANDURAND: That suggestion will have to be referred to the Joint Committee of Parliament. The honourable gentleman from Pictou (Hon. Mr. Tanner) asked if the property west of the post office and between Sparks street and Laurier avenue were bought by the Commission, or rather by the Government. The answer is that property west of the post office to Elgin street and Sparks street has been expropriated by the Government, but expropriation proceedings have not been completed. As to the property between Sparks street and Laurier avenue, the Russell House block is being purchased by the Commission. Dey's Arena rink property, which is on Laurier avenue near the bridge, was purchased by the Commission. Property on the west side of the canal, from Sparks to Laurier, excluding Dey's rink, has been Government property for years under the head of Canal Reserve. In 1926 and 1927

Parliament appropriated $100,000, which was paid to the Commission for the purpose of making a park of the Canal Reserve. The plan of the Federal District Commission contemplates the widening of Elgin from Sparks to Laurier avenue. Beyond the Russell Block it is anticipated that the widening will be undertaken by the city.

In answer to a question of the honourable gentleman from St. John (Hon. Mr. Daniel), I may say that the Act provides an annuity of $200,000 for the period of fifteen years. It also authorizes the Government to appropriate a capital sum of $3,000,000, to be paid from the Consolidated Revenue Fund or raised on Government-guaranteed securities of the Commission, the interest and sinking fund charges on any securities issued being provided for by the Government.

The Prime Minister stated in another place that at least the immediate requirements would be provided to the Commission out of the Consolidated Revenue Fund. As to the balance of the $3,000,000 it would be in the discretion of the Minister of Finance whether it should be provided for by payment out of the Consolidated Revenue Fund or by the disposal of guaranteed bonds.

The honourable gentleman from Saltcoats (Hon. Mr. Calder) put the question: Does section 9 of the Bill make it perfectly clear that the total sum of money that may be advanced to the Commission for purchase of properties does not exceed $3,000,000? The answer is that the $3,000,000 referred to in the Act is the maximum sum which may be provided either by cash payments out the Consolidated Revenue Fund or by the issue of Securities. For example, if the $3,000,000 were paid to the Commission out of the Consolidated Revenue Fund the Commission would have no power to issue securities.

The honourable gentleman from Welland (Hon. Mr. Robertson) concerned himself with the purchase of the New Edinburgh property, but before doing so he put a question concerning the acquisition of property and the construction of the park on the canal bank.

Hon. Mr. ROBERTSON: You have already given that answer.

Hon. Mr. DANDURAND: Then, in answer to the remarks of the honourable gentleman concerning the removal of the Bureau of Statistics to the New Edinburgh building, I bring to him the statement of the Minister of Trade and Commerce, under whose jurisdiction the Census Bureau is. This is the statement that he has prepared:

The Bureau of Statistics comes under the department which I have the honour to administer, and one of the reasons why the building has not been erected on Wellington street, as provided for some years ago, was the problem of finding suitable quarters for the Bureau, which is the first building that is to be demolished. I was consulted by the Minister of Public Works. I say frankly that I was not particularly in favour of purchasing the New Edinburgh mills. The Bureau of Statistics requires 41,000 feet of space to house it properly. There was no such amount of space available except in the new building which was being erected on Wellington street, which space we could not secure for less than $1.25 per foot per annum. So we were facing an annual expenditure of over $47,000 to house the Bureau in rented property. I was of the impression that the New Edinburgh mill property was an old property. It is over twenty years old, but a building of good brick and concrete construction, and when I saw the buildings, as a manufacturer knowing something about mill property and buildings, I was utterly surprised at the value of this property. Those buildings to-day, giving the same amount of floor space, at modern construction prices, including the head office, which is a very fine building, could not be replaced for less than $350,000 or $400,000. The property at half a million dollars is extremely cheap when you take into consideration the fact that it comprises the whole bank of the river right down to the residence of the late Sir John A. Macdonald, "Earnscliffe." There is one building on the property which contains over 50,000 feet of floor space; I think it is 600 feet long and 60 or 70 feet wide. This building, with a reasonable amount of alteration, would provide at least temporary housing for the Bureau of Statistics for a few years, until probably at some future date a more central location can be provided for the bureau.

I say quite frankly that in the first instance I was opposed to putting the Bureau of Statistics in this property because of its location, but if we were to go ahead with the buildings which were to be erected on Wellington street—I had to withdraw my objections, and I may say that they were easily withdrawn when this property was offered to the government at the price it was. I may say that the price asked for that property was not $500,000, but $750,000, and there was a very considerable amount of negotiating done before it was secured for $500,000.

I have obtained a number of copies of the small plan, which indicates the improvements to be made in front of the East Block and across Sparks street along Elgin street to Laurier avenue; but as this little plan did not show me exactly the lay of the ground, because I do not live in Ottawa, I asked that a large plan be prepared which would indicate the properties as they are to-day. With that and the small plan, which is in the hands of most of the senators, they will understand the improvements that are to be made. There will be the opening of the street as far as Laurier bridge, and practically the public buildings in that area will remain. Those buildings are shown on the plan which is on the table.

Hon. Mr. McLENNAN: I asked if the honourable leader would find out what the intention of the Government was in relation to carrying out the schemes laid down in the old report of the former commission. That was not touched on in his remarks.

Hon. Mr. DANDURAND: I must apologize to my honourable friend if I did not obtain the information on that point, but I did happen to state that the Government does not intend to go beyond the advances that are made under this Bill. The amount is quite large, and it will take some years to work out the present plan. When it has been brought to a completion, two, three or four years hence, perhaps my honourable friend will give us his views as to the future development, and if he does I shall be glad to bring them to the attention of the Government.

Hon. Mr. GRIESBACH: I was under the impression that I had asked the honourable leader of the Government over what area or district this Commission extended its activities; whether, for instance, its jurisdiction extended across the river, what it was doing on the other side, and whether its program included the beautifying of Hull.

Hon. Mr. DANDURAND: I did make enquiry on that point, but have not yet had an answer. Perhaps I can obtain it before the third reading. If there is a plan covering all the work, which is rather extensive, I shall gladly give my honourable friend (Hon. Mr. Griesbach) an opportunity to examine it.

Hon. Mr. BELCOURT: To my knowledge there are two pieces of work which the Improvement Commission have carried on. There is on the western drive the bridge that connects Ottawa with the island. The island, I understand, is on the other side of the interprovincial boundary. There is another bridge now being completed, to connect the island with the Quebec shore.

Hon. Mr. BELAND: I understand that the bridge on the Quebec side is being built by the Provincial Government.

Hon. Mr. BELCOURT: That is news to me. Then the Commission have also improved the section of the city in the vicinity of Flora Lake. They have made some improvements on the banks of this lake. If they have done any other work I am not aware of it.

Hon. JOHN STANFIELD: Honourable gentlemen, unfortunately I was not present on Monday evening, when this matter was under discussion. I intend to be very brief, but I desire to call attention to certain Government property in Ottawa that needs cleaning up. Any honourable member who takes a walk past the Chateau Laurier and along by the old Daly Building, in front of the Connaught Building, will find that the street there is a disgrace to any country. Going on a little further, you come to some vacant land, which is never kept tidy. It belongs to the Dominion Government. A little farther on are the structures that were used by the Lyall people when they were erecting these buildings. They are now owned by the Public Works Department. They are a disgrace to any government and a disgrace to the city. There is in front of them a fence, a part of it painted green some years ago, and other parts not painted at all.

Hon. W. B. ROSS: Or painted red.

Hon. Mr. STANFIELD: All the property to which I refer is opposite the park. On that property are derricks with thick wire ropes stretching across the street. It would not be very difficult to clean out the place and put it in decent condition.

Hon. Mr. L'ESPERANCE: It would not cost enough money.

Hon. Mr. STANFIELD: But I am urging economy. I walk along there quite frequently, and the sight is certainly an eyesore to me. If it is an eyesore to a man like myself, from the country, then what must it be to those who have been brought up in cities and who are accustomed to seeing the beautiful things that cities have?

Just another matter. I do not know who is responsible for building that fence around the Russell property—whether it is the Dominion Government, or the Improvement Commission, or who it is, but I do say that it is a scandalous waste of money. No. 1 pine lumber has been used. You cannot see a knot in it. The fence is built of 12-inch boards that must be 12 feet long. Someone may say, "But they intend to take it down and will use those boards again." I have had enough to do with building to know this fact, that when you come to take down a fence or structure of that kind the boards get more or less smashed. If a business man were doing work of that nature he would buy cheap lumber, No. 2 or No. 3 quality. This may seem a small thing, but, honourable gentlemen, it is small things that count. In the manufacturing business you have to watch out for the cents. A very small percentage will make a considerable difference in profit

at the end of the year. So whoever is responsible for that fence and those other conditions to which I have referred should look after them.

Hon. Mr. MACDONELL: Has not Ottawa a City Council? Why should the Government and the taxpayers of this country keep the streets and back yards of Ottawa clean? The honourable gentleman referred to the condition of one of the streets, and made the suggestion that the Government take that up, at the expense of the taxpayers of the country.

Hon. Mr. STANFIELD: Pardon me, I did not.

Hon. Mr. MACDONELL: It is a matter for the City Council.

Hon. Mr. STANFIELD: The honourable gentleman misunderstood. I called attention to the disgraceful condition of the street. I did not ask the Government to take it up.

Hon. Mr. MACDONELL: That is not the Government's fault.

Hon. W. B. WILLOUGHBY: In dealing with the appropriations for the work of the Commission for this year, including the capital expenditure of $3,000,000, the honourable leader of the Government, in answer to the honourable senator from Sydney (Hon. Mr. McLennan), intimated that "Sufficient unto the day is the evil thereof." We have heard from many sources that it is the wish of the Premier. in any event—and I take it to be the Premier's intention to carry it out if he remains in office long enough—to expropriate all the land from the Russell block down to Cartier Square. We have just been told by the honourable gentleman (Hon. Mr. Dandurand), I understand, that the City will undertake the widening of Elgin street from Sparks street to Laurier avenue. There is in that area a very large amount of extremely valuable and costly property. I am not going to criticize the proposal, or deal with it at present, but in the commencement of a career of large expenditures it is, I think, a wise thing to understand what will be the ultimate result. Are we to be called upon next year, or in succeeding years, to pass a vote for the purpose of expropriating some other property down towards Laurier avenue, and carrying out other schemes?

Hon. Mr. DANDURAND: No, that is not the intention of the Government.

Hon. Mr. WILLOUGHBY: That is some satisfaction at least.

Hon. Mr. ROBERTSON: Just one further point. My honourable friend (Hon. Mr. Dandurand) has very frankly and, I think, satisfactorily answered the questions that I propounded the other day, but the thought occurs to one, now that it is made clear that the whole $3,000,000 referred to in this Bill as capital expenditure is to be used this year—

Hon. Mr. DANDURAND: Not all this year.

Hon. Mr. ROBERTSON: Well, $3,011,000, my honourable friend said.

Hon. Mr. BELCOURT: This year and next.

Hon. Mr. DANDURAND: It may run into 1929.

Hon. Mr. ROBERTSON: Of course the fiscal year runs into 1929. I am just wonderink why it was necessary or desirable to bring down this proposal to expend $3,000,000 in the form of a Bill, instead of putting the amount in the estimates and disposing of the matter in that way.

Hon. W. B. ROSS: I think that either I or some other member asked a question about the relations between the Dominion Government and the City. Just what obligations are we going to assume towards the City with respect to these improvements? I understood the honourable member from Ottawa (Hon. Mr. Belcourt) to say that there is a sum paid for water supply, under a contract of some sort between the Government and the City. I would like to see that.

Hon. Mr. BELCOURT: What I said, or meant to say, was that there is an agreement between the Department of Public Works and the City of Ottawa covering the matters to which my honourable friend refers—fire protection, water supply, etc. Those have been covered by agreement for a very long time. The agreement has been modified from time to time in various ways. It provides also for the maintenance of certain bridges in different parts of the city. My honourable friend would find in that agreement, I think, all the information for which he has asked, and possibly something more.

Hon. Mr. ROSS: Is there any danger of additional expenditure being forced on the Government? I am speaking now of indirect expenditure. Suppose you erect a new building. What happens with regard to the frontage? Do you pay for half of that portion of the street which is in front, or do you pay anything at all?

Hon. Mr. BELCOURT: I am not sure. I cannot answer that.

Hon. Mr. ROSS: This plan as outlined covers a pretty wide territory, and I would like a little more information on that, if it is available.

Hon. Mr. BELCOURT: I would suggest that my honourable friend ask for the production of that agreement, which will show whether those things are provided for or not. It may be quite proper to ask that the agreement be modified as may be necessary by reason of these expropriations.

Hon. Mr. DANDURAND: I may answer my honourable friend further by giving the views of the Government concerning its relations with the City of Ottawa. The Government is doing generously its part towards the proper development of the Capital. On the other hand, the City, as a municipality, has a right to affirm that it exempts from taxation considerable government property. The value of Dominion government property in Ottawa exempt from municipal taxation has been $38,413,025 in recent years. The present tax rate of the city is 31.70 mills. That is the annual rate that would be paid to the city on government property were it taxed like other property.

All that Ottawa receives in lieu of taxation is an annual grant of $100,000. In 1924, in a memorandum submitted by the City of Ottawa, it was contended that the Government should pay annually the following amounts: a grant of say, $100,000 towards the maintenance of a fire brigade and of $40,000 towards the maintenance of the police department; towards pavements, street and sewer maintenance, $50,000; towards street lighting, $5,000. These amounts total $195,000, and if the Government were in the same position in respect of its properties as the owners of other property in the city, these, it is alleged, would be the grants we should have to consider making, to some extent at least, to the city. In addition to the $100,000 in lieu of taxation, we pay some $40,000 for a water supply, and that is all the city gets. The extra amount being given by the Government to the city for improvement and park purposes may be regarded as not in excess of an equivalent.

If the project now before us is approved, the City Board of Control and the Federal District Commission will control the character of the buildings fronting on the new Confederation Park along Elgin street, in order to give the central portion of the city proper relief and dignity, so that such improvements as are effected on that section may be reflected in other parts of the city.

Hon. Mr. REID: I do not know whether the agreement to which the honourable gentleman refers has all been explained. I suppose that it will be necessary now to have another agreement, and in this connection I would like to ask the honourable gentleman a question. The amount of taxation that the City will lose on all these properties that are taken over will be a considerable sum, and I assume there has been no agreement with regard to that. If there has been such an agreement, I would like to know. What arrangement is to be made with the City with respect to the taxation that the City was receiving on the Russell House and the other properties?

Hon. Mr. DANDURAND: I do not know that any special agreement has been made recently. I have in my hand a memorandum regarding the agreement of 1925. Chapter 21 of the Statutes of 1925 authorized the Minister of Public Works to extend for a period of five years from July 1, 1925, the provisions of the agreement between His Majesty the King and the Corporation of the City of Ottawa, dated March 13, 1920, and provided that the Government should pay to the Corporation the sum of $100,000 annually for a period of five years from July 1, 1925, the said payments to be in full satisfaction and discharge of all claims and demands on the Government by and on the part of the corporation, except as otherwise provided in the agreement.

The exceptions are as follows:

(1) The Government will pay the corporation for water supplied in all buildings or properties now, or hereafter owned by the Government in the City of Ottawa, including Rideau Hall and the Central Experimental Farm, at the rate of 13c. per thousand gallons, up to two hundred million, and 10c. per thousand gallons for water used in any year in excess of this amount. In the case of water supplied buildings and other properties leased by the Government, this shall be subject to the general water rates established by the corporation. The total payments to the City of Ottawa by the Department of Public Works for water supplied during the calender year 1927, was $45,220.69.

(2) The Government pay annually a sum equal to 10 per cent of the cost of water meters installed by the corporation.

(3) In consideration of the annual grant to the City and the Improvement Commission, the amount paid annually to the corporation shall be in full payment in respect of water supplied for street sprinkling, fire protection and parks and driveways.

(4) The Government shall maintain and keep in repair pavements and walks of:

(a) Bridge over the Rideau Canal known as Connaught Place.

(b) Laurier Avenue Bridge over the Rideau Canal.

(c) Bridges over the Chaudiere slides.

(5) The Government shall maintain and replace when necessary certain sidewalks and pavements adjoining government properties and shall be subject to local improvement rates imposed by the corporation in the same way as other property owners.

If I find that an agreement has been made lately on account of the rearrangement and the present expropriations, I will lay it before the House.

Hon. Mr. REID: I am not raising any objection at all, but I desired to know whether it would not be necessary to make another agreement. Prior to the agreement of 1925, I think, the Government paid $100,000.

Hon. Mr. DANDURAND: That was the renewal of a five-year agreement that had extended from 1920 to 1925.

Hon. Mr. REID: The previous agreement provided for the payment of $100,000. Under the agreement of 1925 the City, I think, was given another $100,000 in payment for water supply, etc., that we had free before. When the Government was paying the first $100,000 all the salaries of civil servants were exempt from taxation by the City of Ottawa. That exemption was afterwards withdrawn, and the civil servants are all paying civic taxes on income.

Hon. Mr. TANNER: I am not sure whether I heard the honourable gentleman correctly, but I got the impression that there was to be a widening of Elgin street from Sparks street to Laurier avenue.

Hon. Mr. DANDURAND: Except for the public buildings in that area, everything will be turned into a park.

Hon. Mr. REID: What about the Roxborough Apartments?

Hon. Mr. TURRIFF: I am not objecting to the beautification of the city, but I would like to ask if the Government is making any stipulation that the city should provide a source of decent water for the city. This matter was brought up two or three years ago in the Senate, and at that time honourable gentlemen expressed themselves very clearly on the subject.

Another matter that I think ought to be dealt with is the poisoning of the air of the city with the sulphite fumes that we get every few days. I am told that it is a very simple matter to put an apparatus in the chimneys that will do away with that vile smell. I think that the Government, in spending these vast amounts of money, running into several million dollars, should compel the city to do the right thing in these matters. Evidently nothing will be done without compulsion, and I think the Government should withhold the money until it is done.

Hon. Mr. REID: That is in Hull.

Hon. Mr. BELCOURT: My honourable friend is quite right. The smell of sulphite which permeates the atmosphere is noticeable all over the city of Ottawa, especially when the wind blows from the north. I do not know whether it affects other people in the same way that it affects me, but at times it has made me positively ill. I also think my honourable friend is perfectly right in stating that the difficulty can be very easily overcome; I believe there are ways of consuming the smoke; but of course nothing will be done without compulsion. It is all the result of a form of egotism with which the world is very much troubled—nobody will do anything that means any expense to him, no matter how many others may be inconvenienced. I do not know whether the city of Ottawa has any control of the matter, but I think the Government might compel the plants to consume these gases.

Hon. Mr. DANDURAND: I will draw the attention of the Government to the possibility of exerting some little pressure on the municipal authorities.

Hon. W. B. ROSS: How would it do to put a proviso in the Bill that they should not get any money until those nuisances are abated?

Hon. Mr. GORDON: I, like almost everyone else, am pleased to see the capital made worthy of the country, and I appreciate very well that it can be done only by making large expenditures. On the other hand, I believe that a mistake has been made in one respect. I think that before agreeing to make this large expenditure the Government should have taken advantage of the opportunity to make this a Federal District, similar to the District of Columbia. This would have been the proper time to do it. Everybody knows that the members for this constituency are bothered so much about patronage matters that they have not time to attend to their proper duties. I think the sooner we com-

mence to realize that this locality should be divorced altogether from such influences, the better it will be for all concerned.

As I say, I think a mistake has been made in not taking action to make this a Federal District. A man would be simple indeed if he concluded that this was going to be the end of the expenditure. If the Government are to make all these improvements, and there are more to follow, I think they should get a quid pro quo, and that steps should be taken very early to create a Federal District. If it were not for the fact that I believe this to be a worthy work, I would feel disposed to oppose the Bill very strenuously upon the grounds I have mentioned.

Hon. Mr. DANDURAND: My honourable friend would perhaps be ill advised in so doing, because there are obstacles in the way of reaching a decision now. Parliamentarians on both sides may, by expressing their views, strengthen the hands of the Government. I may tell honourable gentlemen that the Prime Minister has expressed a disposition similar to their own, and he has allowed us to hope that when the census is taken in 1931, and a redistribution of constituencies takes place consequent upon that census, the time will be at hand to discuss the creation of a Federal District. At that time there will be a redistribution of the members to be elected by the Province of Ontario, which is entitled to a certain number of representatives, based on the representation of Quebec. Probably it would be a good thing if the Senate, before 1931, were to pass a resolution along these lines. Personally, I would pledge my vote to any such resolution.

Hon. Mr. GORDON: I would just point out to my honourable friend that when that time comes, the Government in power will be besieged by all their influential friends who may be opposed to the creation of a Federal District, and that after the money has been spent the opposition will be more strenuous than it would be now. For that reason I think it would have been easier to have accomplished the end in view before these large sums of money were promised.

Hon. Mr. BELCOURT: I happened to represent Ottawa in the Government of Canada for twelve years at a time when patronage was enough to kill a half a dozen men of this day. Why it did not kill me I have never been able to explain to myself satisfactorily. A Federal Commission would have been a godsend to me. I have thought for many years past that a Federal District should be established, but I want to point out that it cannot be done quite as easily and simply as my honourable friend seems to think. A proper Federal District could not be created without taking in a portion of Quebec, and that would offer a great many difficulties, for instance, with regard to the laws governing property and civil rights, and municipal laws, which in the two Provinces do not agree. There are many things that would have to be adjusted, and which would require much time and careful consideration. Furthermore, there would be the difficulty of the franchise. I doubt very much whether the people of the capital and the surrounding country would be quite willing to forego their right to vote. I think the establishment of a Federal District would have to be predicated upon the people retaining their franchise. It is true that we have an example in Washington of the people agreeing to lose their federal vote.

Hon. Mr. McLENNAN: It was that way in the beginning. Anyone who came to Washington knew that he would be disfranchised.

Hon. Mr. BELCOURT: It was a voluntary sacrifice, made before settling down in Washington; but here you would have to take away the right to vote from probably 200,000 or 250,000 people who might not be willing to be shorn in that way.

I have given this matter very deep consideration, partly for the reason that I have mentioned, and partly because I believe that the establishment of a Federal District is the best way to make the capital worthy of the rest of the country. This question has been much talked about, but I have never yet heard of any solution that would be satisfactory to the majority of the people, and I think that the improvements now contemplated are very far off, if they have to wait until these difficulties are adjusted. The acquisition of the Russell theatre and the Russell House block could not possibly have taken place for a great many years if the solution of these difficulties had been a necessary preliminary.

Hon. Mr. GORDON: But the argument of my honourable friend strengthens my argument, does it not? He says that a number of people here will be opposed to being disfranchised.

Hon. Mr. BELCOURT: I said they have been opposed.

Hon. Mr. GORDON: Therefore the time to deal with people of that opinion is before

this great expenditure is made. That is why I say it is unwise to start this work before doing that. I am glad the honourable gentleman has agreed with me in that.

Hon. Mr. BELCOURT: No, I do not.

Hon. W. B. ROSS: I would like to suggest to the honourable gentleman from Ottawa (Hon. Mr. Belcourt) that possibly it would help the situation if, with regard to the franchise, the whole Civil Service were put on the same footing as the Judges.

Hon. Mr. BELCOURT: I have not discussed that point of view, but it certainly is worthy of consideration. I was speaking of the point of view of the 250,000 people who enjoy the franchise to-day. It might be easy to do that with the Civil Service, but it would not be so easy with the whole community.

Hon. Mr. GRIESBACH: You will remember that last year I raised this very question of the creation of a real Federal District, and aroused a certain amount of hostility thereby. I agree with all that has been said by the honourable gentleman from Nipissing (Hon. Mr. Gordon), particularly his observation that now is the appointed time to bring this question forward. After the discussion last year, I wrote to the Federal Government in Australia, and to the Government in Washington, asking for full particulars with regard to the creation of their Federal Districts.

Let me draw the attention of the honourable gentleman from Ottawa to the fact that this legislation is distinctly unpopular. Any honourable gentleman who has to vote for it will vote for it with a wry face, because at the next election photographs of the buildings that are being acquired and destroyed in this city for the purpose of carrying out this scheme will be shown throughout the country, and in many constituencies the people will have borne in upon them the fact that they themselves have been agitating for buildings half as big and half as good as those that have been destroyed here. There is a feeling in the country that the people at Ottawa are not rising to the occasion and co-operating as they should do. If this movement is to become a popular one, I suggest to the honourable gentleman from Ottawa that it would be in the interests of the citizens and property owners of the city to take a lead in the discussion of the formation of a Federal District. This is only the beginning of the expenditure; there will be further expenditures; and if the members of Parliament are to vote those sums, their constituencies will expect them to satisfy themselves that a large and comprehensive plan is being carried out free from all local influences, and that a national capital is being built that will be a credit to the whole country. They will never be satisfied while you have a municipal organization, a federal organization, and a very strongly entrenched political organization, and I submit that it is in the interests of the citizens and property owners here to come to a conclusion as to whether they are prepared to forego their franchise for the purpose of securing the backing of the country, or whether they propose to eat their cake and have it.

I venture to predict that within two or three years this scheme will sag at both ends and give way in the middle, unless the people of the country can be assured that the Government controls the expenditure and is carrying out a comprehensive scheme leading to the final conclusion of a national capital free from local interference. Possibly next year some of us will put the matter in concrete form before this House; meantime those who vote for this measure will do so, as I say, with a wry face. It is an unpopular measure, and I do not like it.

Hon. Mr. BELCOURT: It is no more unpopular than was the one for the creation of the Ottawa Improvement Commission in 1899. No one knows that better than I do, because I had a great deal to do with it. The opinions that we have just heard expressed were frequently expressed at that time, and yet I think that to-day everybody must admit that the work done by the Ottawa Improvement Commission has been very well done, and that it has gone far to beautify the city. Every member of this House must feel a pride in what has been done. The objections were then just as strong and as loud as they are to-day, possibly more so, and the answer to those criticisms is just what anyone can see around the city. My honourable friend evidently took the impression from my remarks a moment ago that the citizens of Ottawa are opposed to a Federal Commission. I think the majority of the people of Ottawa would be willing to have such a Commission; but I do not think it would be right or proper, or consistent with public policy, to ask those people to accept $250,000 and forego their votes.

Hon. Mr. GORDON: I think it would.

Hon. Mr. BELCOURT: That is my honourable friend's opinion.

Hon. Mr. GORDON: I thought you asked for opinions.

Hon. Mr. BELCOURT: But I don't think it is right. So far as the Civil Service is concerned, that is a different proposition. I think the idea might be seriously entertained

in regard to them, but in regard to the citizens, they will always want to exercise their franchise. After all, we must remember that that is a duty to the state. We cannot look upon that as merely a favour or a pleasure granted to citizens. There is a duty implied in casting one's vote, and why should we deprive people, by this Bill, of the privilege and duty of exercising their franchise?

In these matters a solution might be found which would be satisfactory, but I do not think it is right to say that the citizens of Ottawa, whom I have represented in Parliament for thirty years, want to eat their cake and have it too, to use the words of my honourable friend. I do not think that is fair to the citizens of Ottawa at all. They have done a great deal in the way of helping to improve the city. In every street you will find beautiful trees, and in front or around the premises of every small house or cottage you will find a little bit of lawn. That is a very special feature of this city, and it proves what I say, that the citizens of Ottawa have in this and many other respects made a great deal of individual sacrifice in order to make the city what it is.

Nobody can deny that Ottawa is a beautiful city. Nobody can deny that it is a city that is well-kept, notwithstanding that a temporary fence has been put up for a few days; but I venture to say that no city can be found in Canada that is better kept, that is cleaner, or that looks cleaner, than the city of Ottawa.

Hon. Mr. WILLOUGHBY: Including winter streets and sidewalks?

Hon. Mr. BELCOURT: Well, there were unsusual conditions last winter, but I agree with my honourable friend if he means that the city of Ottawa can do something better than it did last winter, in regard to their streets. I am one of those who have made protest against the condition of the streets. My boys smashed my motor car on two occasions during the winter, because of the condition of those roads. Such occurrences bring home to one the need of improvement, but the city of Ottawa will correct those evils, and you will never see the streets again in the condition in which they were last winter. I think the Ottawa people are entitled to be spoken of in a little more generous way than in the language used by my honourable friend. I do not think they are the kind of people who want to eat their cake and have it too.

Hon. Mr. SCHAFFNER: I said last year, and I want to repeat, that the term "Federal District" is a misnomer here. I think that we should either have a Federal District or not, one or the other. I think that the old name, "Ottawa Improvement Commission," is a better term than "Federal." So much for that.

The explanation given by the leader of the Government in connection with the purchase of the property on Rideau street, two miles from here, is not clear to me. I did hear that the purchase of that property was in order to extend the driveway; I do not know if there is anything in that.

Hon. Mr. BELCOURT: The purpose is to acquire all the property fronting on the Ottawa river. That is the purpose of the acquisition of that property.

Hon. Mr. SCHAFFNER That is one of the purposes of purchasing that property, is it?

Mr. BELCOURT: Yes.

Hon. Mr. SCHAFFNER: The explanation that has been made very prominent to-day, that we were getting the property at an unusually small figure, is not a business reason, for it was built only for a saw-mill, or some purposes of that kind.

But that is not the reason I wanted to say a few words. We have been talking about beautifying Ottawa. Nobody denies that Ottawa is a very beautiful city; nature has done a great deal, and my honourable friend has quite properly referred to the trees on the streets, and I accept what he says. But let me refer to one feature which I may be told does not belong to the Government, but is under the jurisdiction of the city, I think I am justified in mentioning it, because we are about to expend a very large amount of money towards beautifying the city, to which I am not objecting; but ever since I came to Ottawa I have observed a condition which does not exist in any city of Canada. I will go further than that, and say that it does not exist in any town or small village; that is, the miserable, the disgraceful sight which can be seen on the principal streets of this city. Once a week, and often twice, you will see, right out on the street, in front of the houses, old boxes, old tin boilers, old cans, and I don't know what else, containing garbage. An honourable gentleman suggests bottles, also. Well, you find them in some places, and not in others, but this matter of garbage has concerned me a great deal.

It has been said that Ottawa is not a modern city, because it has no lanes. I was talking with a prominent gentleman of the city the other day, and I told that that I could understand how that happened in the old part of Ottawa, and I asked him the condition in the newer parts like Ottawa South, where I had thought would be lanes. I was very much surprised to hear him say: "We don't want

lanes; they are covered up with all sorts of trash." I referred him to our city, where we have lanes, which are under jurisdiction of the city council, and the citizen has to keep them in as good order as the streets of the city are kept. But if there is no other place to bring out the garbage except onto the streets, if you are going to beautify the city of Ottawa there should be some way of having proper vessels in which that garbage is kept covered. If members of this House have not observed what a disgraceful sight is presented on every one of the streets of this city in connection with the garbage, I would suggest that they take notice of it.

Hon. Mr. BELCOURT: I am thankful to my honourable friend for having pointed this out; I am absolutely and entirely in agreement with him. It is a disgrace, as he says, that this method of handling garbage should be carried on in the Capital of Canada, and what makes it worse is that it is not at all necessary. There is hardly any dwelling that has not in the back or at the side a place to put garbage cans and so enable the garbage carrier to pick them up and put in his vehicle. I believe that the reason the garbage cans have been put on the sidewalk or on the grass space at the front of the houses is that the contractors have made that a condition. The Council is not bound to accept any condition of that sort, and I think the corporation is to be blamed, and blamed severely, for making any contract which allows that kind of work to go on. I think it is a shame that it should be permitted, and I may assure my honourable friend that what he has said to-day will bring about serious consideration on the part of the City Council, and I am thankful to my friend for bringing it up.

Hon. Mr. McLENNAN: The reason I am inclined to make a wry face at this Bill is that we are embarking on a very wide expenditure with quite inadequate information. For example, take this plan which we have on our desks; it gives us no idea at all about the amount of property that is to be expropriated and condemned before the park can be made. You have a church on the corner of Elgin street, you have one of the most important apartment houses further down and you have a number of other buildings of more or less importance, all if which will, it is contemplated, be condemned and demolished.

I would like to see Ottawa beautified and made into a capital of which we could be proud, and the physical features, largely on account of the river, are such that that can be done. I am whole-heartedly in approval of the purchase of the Edwards property, because that caused a break in the driveway along the river; but I do object starting to spend $3,000,000 in this area without being told of the other millions of dollars that will have to be spent in order to get rid of the buildings that are now there. I should say, off-hand, that it would run into millions of dollars.

At all events we are asked to start in on a big, wide growing scheme, and I should hope that the proper scheme would grow, but we should know what we are doing before we start on it. If the Russell House cost something over a million, what is it going to cost to go all the way down? The most fervid son of Ottawa cannot deny that all through here, right away down, there is important property which will have to be condemned, like the present city hall. We ought to know what the cost is going to be. That was my reason for asking how far this scheme followed the old report of the former commission. They laid out their complete scheme, but the present one is only laid out casually, and we are asked to vote without any intimation, whether, after having started this plan, we must go on and face a greater expenditure.

Hon. Mr. BELCOURT: I would like to call the honourable gentleman's attention to the fact that the Government is not to-day in a position even to come to a definite conclusion one way or the other in regard to the rest of that property. It is certainly not in a position to go on with the whole scheme. It will be many years before the money can be found to do that. I ask my honourable friend if it is not the policy of wisdom to make no statement of any kind at this juncture, especially when the price of those properties will be much higher if a statement were to go out that ultimately, some time or other, the Government would want to take them.

The wise thing to do would be this; when the Government is about to decide to acquire those properties, have somebody go about and make the best bargain that can be made with the different owners; but if we advertised to-day that in two years, or ten years, all that property is to be taken by the Government, the prices would go sky-high. So it is better in any case not to make any statement. The Government is not in a position to take those buildings, so it is going to leave them there. I entirely agree that the city hall and the fire hall should disappear sometime, but I think it would be very unwise to say that positively to-day, and we are not in a position to do so.

Hon. Mr. McLENNAN: Quite so; that is the part of wisdom; but on the other hand

it has been stated, and the public know, that the whole general scheme was to make a park down towards the south, and include the ground on Laurier avenue that the Government owns at present.

Hon. Mr. DANDURAND: My honourable friend forgets that the opportunity of developing this present plan was seized because the Russell property was on the market, and because there was a threat of a valuable building going up; so that with the present expenditure the Federal Commission can develop a very nice part of the city, and increase the park area down to the Laurier bridge, and thus create an impression of beauty on thousands of people who daily reach the city. That is where they arrive, and that is what they will see. There is the Cartier Park further on, past the City Hall; and all this will form a general area that will give the impression of a large park. There will be buildings remaining in the centre, but those buildings are not of a mean character. You have the City Hall, and you have the hospitals or schools further on. There will be a certain dignity added to that part of Ottawa. The reason for the plan was the necessity of making a prompt decision as to the Russell property. The rest has followed.

Hon. Mr. McLENNAN: I have no criticism to offer at the moment with regard to the purchase of the Russell House property. That is apparently excellent business. As to the fears of my honourable friend from Ottawa (Hon. Mr. Belcourt), we know that, after all, the Government has power to expropriate for the benefit of the Commission.

Hon. Mr. BELCOURT: We all know what that means.

Hon. Mr. McLENNAN: Furthermore, it would have been better had the matter been put not only here, but elsewhere, as it has been put by our leader, who is skilful in the art of putting things pleasantly, and said nothing about the plan extending down to Laurier avenue and Elgin street.

Hon. Mr. DANIEL: I would like to ask the honourable senator from Ottawa whether he knows how municipal taxation is arranged in the District of Columbia. If there were a Federal District here, would the inhabitants be free from municipal taxation?

Hon. Mr. WILLOUGHBY: They would pay the equivalent.

Hon. Mr. BELCOURT: It is a long time since I looked up the provisions which govern the District of Columbia, but my recollection is that the District of Columbia is administered by three Commissioners.

Hon. Mr. McLENNAN: Yes.

Hon. Mr. BELCOURT: Two are elected by the people and one is named by the Government, and they do the whole work.

Hon. Mr. DANIEL: They arrange the taxation?

Hon. Mr. BELCOURT: I think the whole expenditure is Federal expenditure but those three Commissioners administer the fund which is furnished by the Federal Government for the purposes of that District.

Hon. Mr. DANIEL: The people are not free from taxation?

Hon. Mr. BELCOURT: They have not the franchise, but as has been pointed out by my honourable friend from Sydney (Hon. Mr. McLennan), at that time the District of Columbia was created Washington amounted to little or nothing, and the people were willing to make the sacrifice. The people who have gone there to live make the sacrifice in going there. That is different from the taking away of a right which has been exercised from time immemorial by the people of the district of Ottawa.

Hon. Mr. WILLOUGHBY: I thought that the honourable leader of the Government gave me a very definite answer when, in view of the announcement attributed to the Prime Minister, I asked whether it was contemplated, that the Government would ultimately acquire all the property down to Laurier avenue. It was very important to me in dealing with this aspect of the matter, to know if that were the case. I do not want to criticize what has been done, and I am not going to discuss it, but I understood from the honourable gentleman's answer that there was nothing in contemplation by the Government, for the present or for the future, other than the expenditure of $3,000,000. If, on the other hand, this is but the initial step, as would appear from the answer given to the honourable gentleman from Sydney (Hon. Mr. McLennan), and if it is to be followed by further expenditures next year and in ensuing years, for the acquisition of all that additional property, then the scheme assumes an entirely different aspect. I do not desire to prevent your bargaining power, or your saying that you are going to do this, that or the other thing, but there are many who are not willing that the present expenditures should pass

without criticism, under the special circumstances that the honourable gentleman has set out or that the Government should embark on the acquisition of all that territory between Sparks street and Laurier avenue at any price, or at an expenditure running, as it would run, into millions of dollars.

Hon. Mr. DANDURAND: I may have led my honourable friend into error when, on moving the second reading of the Bill, I stated my own view of the situation. I said that personally I should think the Government ought to pick up any property available within a certain area, that all the buildings thus acquired would be sure to give a net return of five or six per cent in rentals, and that in years to come—whether in a quarter of a century or later—our children or our grandchildren would find that the Government held property which was costing nothing to the country, because it was paying property, and which would be available whenever it was considered necessary to provide for the expansion of our Parliament Buildings. That was simply a suggestion that I threw out. I was not speaking for either the Prime Minister or the Government.

Hon. Mr. WILLOUGHBY: That is not the explanation the honourable gentleman gave to me. I am not saying this by way of carping criticism. Perhaps that was an answer to remarks made by others. I thought the answer given to me was a categorical one, binding the honourable gentleman as a representative and member of the Government.

We have another illustration of what is, I think the haphazard method that is followed. There is now in course of erection a very fine ten-story office building not far from the Metropolitan Building on Wellington street. The new structure will be a highly creditable one, I have no doubt, but if it is the desire of the Government to beautify Parliament Hill and all the approaches to it, and to have in the vicinity as many open spaces as possible and no very high buildings, I think we should have something to say about the erection of that particular building. Parliament might very well take to itself the right to prevent the erection of any building which would ultimately detract from its appearance of Parliament Hill and its approaches. There are many stories about what is going to happen regarding the tenancy of the new building, but I am not going to tittle-tattle on that. In any event the erection of a high office building such as this, so close to our Parliament Buildings, is decidedly a very great detriment architecturally and from the landscape point of view, and when you have a scheme of betterment and beautification. I do not think that office buildings of that character, or any other high buildings, should be erected on Wellington street, opposite any of the Parliament Buildings. They are an obstruction to the view.

The honourable leader said that he would favour the expropriation of property on Metcalfe street. That would take away the Rideau Club, with all the comforts so dear to members of this House. What would you do about the O'Connor street corner? There you will find a tall office building which is utilitarian, not handsome, and which will certainly detract from the whole picture of Parliament Hill and its approaches.

Hon. GEORGE GORDON: Honourable gentlemen, I am in complete accord with the statement of the honourable member from Boissevain (Hon. Mr. Schaffner) that the term "Federal District Commission" is a misnomer. Heretofore the Commission has been known as the Ottawa Improvement Commission, and we are very thankful to the men who were members at various times for the good work which they did. Before proceeding with what I desire to say, I would refer incidentally to the remarks of the honourable member from Ottawa (Hon. Mr. Belcourt) regarding the residents of Ottawa doing so much in beautifying their homes and lawns. We all know that what he states is a fact, and we appreciate it very much. But we know also that there is not a city, town or hamlet in Canada whose people would not literally give their eye teeth to have the Government make expenditures for the beautifying of their locality.

The Commission is known as the Federal District Commission. What is its scope? We have here in Ottawa a beautiful city. Hull is another fine city, and there is a very beautiful river flowing between the two places. It appears to me that a Federal Commission should include in its first expenditure some of the area of Hull. Why discriminate against Hull? What has Hull done to warrant treatment of this kind, I would like to know.

Hon. Mr. DANDURAND: It has been very hospitable.

Hon. Mr. BELCOURT: It is not very eager for a Federal Commission.

Hon. Mr. GORDON: There is a water frontage in Hull, just as there is here, and for the life of me I cannot understand why, if the Commission is really a Federal body, it should not include Hull in some of its expenditures. It is now proposed to spend $3,000,000, and I think that the water frontage

of Hull should be used as a basis for part of that expenditure. That city should be beautified under the proposed plan. I contend further that Hull and Ottawa, although separate municipalities, are as a matter of fact one community. Is Hull being discriminated against just because it is in the province of Quebec?

Hon. Mr. DANDURAND: I must point out to my honourable friend that the Federal Commission, so-called, must be governed in its action by the capital placed at its disposal.

Hon. Mr. GORDON: I am in favour of half of the amount being used to beautify Hull, or the water frontage there.

Hon. Mr. DANDURAND: I understand that the Commission will investigate, for a future time, the possibilities of beautifying Hull. I do not know how far the plans are advanced, but the money that is at the disposal of the Commission does not exceed the amount required for the plans which are before my honourable friend.

Hon. Mr. GORDON: Then there is really under contemplation a further expenditure, to be made on the other side of the river?

Hon. Mr. DANDURAND: Not that I know of.

Hon. Mr. BEIQUE: Honourable gentlemen, in closing this important debate may I be allowed to make this suggestion? As we have heard a great deal about the intention to create a Federal District here, the honourable leader of the Government should, at the opening of next Session, move for the appointment of a Committee composed of all the young men of this House to study the question, which is a very complex one, and endeavour, in consultation with the Government, to suggest a solution. I think important work could be done by the Senate next Session.

Hon. Mr. DANDURAND: That is a very valuable suggestion, which we should act upon at next Session.

Section 1 was agreed to.

On section 2—period for payment of annual grants extended:

The Hon. the CHAIRMAN: Shall section 2 carry?

Hon. Mr. McMEANS: No. I am going to move an amendment that the word "fifteen," in the fourth line, be struck out and the word "five" be substituted. I do not see, honourable gentlemen, why we should here bind ourselves to a fifteen-year program, involving the expenditure of so much money every year. If we fix a period of five years there will be ample time to see whether this scheme is going to be a success, and after the expiration of the five years it can be carried on by other legislation. The period of fifteen years is too long. I have already expressed the opinion that the expenditure provided for by this Bill is unwarranted at the present time. Why should we pass legislation declaring what we are going to do fifteen years from now?

Hon. Mr. DANDURAND: Then my honourable friend should, with bowed head, confess his past errors.

Hon. Mr. McMEANS: How?

Hon. Mr. DANDURAND: The honourable gentleman in 1919 voted for $150,000 a year for ten years.

Hon. Mr. McMEANS: Where?

Hon. Mr. DANDURAND: In this very Chamber.

Hon. Mr. McMEANS: I do not remember it. I was not here at that time.

Hon. Mr. DANDURAND: Yes, my honourable friend was here in 1919.

Hon. Mr. McMEANS: I do not think I was here when the vote was taken.

Hon. Mr DANDURAND: The reason for the fifteen-year period is that the sum provided is allocated chiefly to maintenance. When the fifteen years are over, very likely —very surely—my honourable friend and I will be here to ask for a vote for another fifteen years.

Hon. Mr. McMEANS: I sincerely hope so, but I still maintain that there is no necessity of binding yourself for fifteen years when it is sufficient to bind yourself for five years, or from year to year, for that matter. We cannot get any information. All that we are told is purely surmise. I think the honourable gentleman made the statement the other day that it is going to cost about $750,000 a year to maintain these parks. That may be right or it may be wrong. All these plans are extremely expensive. When the five years have expired we shall know how we stand. Only the other day it was stated in another place that this little piece of property down here, which you can jump across, is going to be paved, the buildings having been torn down, and the paving is going to cost $30,000. That is running wild in the expenditure of public money. I can

see no reason why the word "fifteen" should not be struck out and the word "five" substituted, and I think we are very liberal in suggesting five years, for the expenditure ought to be authorized from year to year.

Hon. Mr. DANDURAND: My honourable friend voted in 1919 in favour of an appropriation of $150,000 annually for ten years. What is worse—for the larger the figure the greater the crime—he voted last year for $250,000 a year for sixteen years.

Hon. Mr. McMEANS: Yes, but I did not vote for $3,000,000 for the Russell House.

Hon. Mr. DANDURAND: In this Bill we are reducing the annual amount from $250,000 to $200,000.

Hon. Mr. McMEANS: You start out with $3,000,000, and when the five years is up, the amount will probably be $5,000,000. It is the thin edge of the wedge. You will never be able to satisfy these people anyhow, and I think we had better get figures and facts and circumstances.

Hon. W. B. ROSS: The honourable gentleman has just made two suggestions, one to reduce the fifteen years to five years, and the other—and it would suit me best—to make the appropriation for just one year. I do not think there is any great difference between the five years and the fifteen years, because we cannot bind Parliament. Next year this Act may be repealed. Anyone who looks into this matter knows that we will have to pay that $200,000 practically in perpetuity, and we will be mighty lucky if we do not have to pay more.

Hon. Mr. McMEANS: I move to strike out the word "fifteen", and to put in the word "five".

Hon. Mr. DANDURAND: I draw the attention of honourable gentlemen to the fact that if the amendment carries the Bill may be withdrawn, and the $3,000,000 may be put in the Estimates, and the $250,000 a year for sixteen years will remain.

The proposed amendment of Hon. Mr. McMeans was negatived: yeas, 19; nays, 25.

Section 2 was agreed to.

Section 3 was agreed to.

The title was agreed to.

The Bill was reported without amendment.

THIRD READING

On motion of Hon. Mr. Dandurand, the Bill was read the third time, and passed.

DIVORCE BILLS

SECOND READINGS

On motion of Hon. Mr. WILLOUGHBY, Chairman of the Committee on Divorce, the following Bills were severally read the second time:

Bill U8, an Act for the relief of Florence Reno Moxon Attewell.

Bill V8, an Act for the relief of Mary Irene Boyd.

Bill W8, an Act for the relief of Augustus Vernon Ellis.

Bill X8, an Act for the relief of Agatha Jean Hobbs.

Bill Y8, an Act for the relief of Hazel K. Clunie Howard.

Bill Z8, an Act for the relief of Helen Stewart Graham Lovell.

Bill A9, an Act for the relief of Marie Anne Palardy Murphy.

Bill B9, an Act for the relief of Joseph Patrick Nolan.

Bill C9, an Act for the relief of John James Ward.

INTOXICATING LIQUORS BILL

FURTHER CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate again went into Committee on Bill 192, an Act respecting Interprovincial and International Traffic in Intoxicating Liquors.

Hon. Mr. Robinson in the Chair.

On section 5—penalties for violation (reconsidered):

Hon. Mr. DANDURAND: I would move that we replace section 5 by the following:

Every person who violates any of the provisions of this Act shall be guilty of an offence, and shall be liable on summary conviction to a penalty for the first offence of not more than two hundred dollars, and in default of payment to imprisonment to any term not exceeding three months, and for a second offence not less than two hundred dollars and not more than one thousand dollars, and in default of payment to imprisonment for any term not less than three months and not more than six months, and for each subsequent offence to imprisonment for any term not less than six months or not more than twelve months.

We give leeway for the first offence.

The Hon. the CHAIRMAN: An amendment has already been moved to this section. In order to make way for the new amendment, I declare the previous one lost. Shall the section as amended carry?

Hon. Mr. McMEANS: No. I want to make a few remarks before it is carried. I want to ascertain if the penalty clause is

changed, because I have a telegram from the Manitoba Government, as follows:

Manitoba Government feels that importation of Intoxicating Liquors Act Bill as passed by House of Commons April twenty-seven is most necessary for proper law enforcement in provinces which have Government sale stop if an amendment is enacted providing that said Act does not apply to quantities of intoxicating liquor of one half gallon or less the Manitoba Government is of opinion that said Act would thereby be rendered largely nugatory stop Manitoba Government is also of opinion that penalty provisions in the said Act as passed by House of Commons are most satisfactory and should not be altered.

I consider it my duty, having received this message, to put it before the House.

Hon. Mr. DANDURAND: I have reason to believe that the slight amendment we are making to the penalty clause will be acceptable to the various Governments.

Hon. Mr. BEAUBIEN: You have no money penalty for the third offence.

Section 5, as amended, was agreed to.

On section 6—prosecution in place where liquor imported:

Hon. Mr. DANDURAND: I asked the opinion of the Department of Justice as to the opportuneness of altering this clause and the next, and I received the following letter from Mr. Edwards:

I have considered sections 5, 6 and 7 of this Bill in the light of the discussion which took place in the Senate yesterday.

With regard to section 5, I would see no objection to substituting the draft which I enclose herewith, and which you will see provides for a maximum penalty of $200.00 for a first offence, and no minimum, but leaves the penalties for a second and subsequent offence the same as they were formerly for a first and subsequent offence.

We have done that.

With regard to sections 6 and 7, I am of opinion that no good purpose would be served by amending these sections in the manner suggested. It is not a principle of the Criminal Law of Canada that anyone who commits a criminal offence shall escape punishment merely because he may happen to reside in Canada at a great distance from the place of trial, and ordinarily you would not expect to find any provision such as is contained in section 6 requiring the written approval of the Attorney General of the province in which the trial is to take place. To that extent therefore persons accused of offences under this Act will have an advantage over persons accused of offences under the Criminal Code. If the written approval of the Attorney General is to be required, I submit that it should clearly be the Attorney General of the province in which the trial is to take place who should give the consent, rather than the Attorney General of the province in which the accused resides. As the prosecution is to take place in the former province it is under the administrative control of the Attorney General of that province, and the Attorney General of the other province has no connection with the case whatever. The former is the Attorney General of the province which has suffered injury from the offence, and is presumably familiar with the circumstances of the case, and the evidence upon which he proposes to prosecute. In cases where the expenses are to be borne by the public they would fall upon the prosecuting province, and the question whether the necessary expenses are to be incurred or not should therefore be decided by the Attorney General of the paying province and not by the Attorney General of a province having no responsibility in the matter. It seems to me that the Attorney General of the prosecuting province is in a position to decide whether in any given case the accused should be brought from another province, and he should not, in my judgment, be placed in the position of having to submit the case to the Attorney General of some other province before proceeding with the prosecution. It is to be presumed that he would have a proper appreciation of the responsibilities of his office, and would not give the written consent required except in a proper case.

Hon. W. B. ROSS: Honourable gentlemen, I would like to say this about that opinion, which is really not a legal opinion, but an opinion on the policy that underlies that section; and I think the weak spot in the Deputy Minister's argument is in dealing with this as part of the criminal law. It is really sumptuary legislation. Murder, theft, and all such offences are on a different footing altogether. In carrying out the provisions of an Act like this I would not be bound by the old criminal law.

I do not want to repeat what I said the other day, but it strikes me as very unfair that a man can be arrested for perhaps having a bottle of whiskey after he leaves this province. He may be a man from Halifax, who goes to British Columbia, and after he gets back home someone there lays a claim—"I knew you had a bottle of whiskey." Then he is taken out there and tried. Suppose he is found not guilty, what provision have you for getting that man home? He is thousands of miles away from home; he may have to walk back. I do not think there would be any difficulty about it if the Attorney General of British Columbia wrote to the Attorney General of Nova Scotia and gave him some facts and figures and asked him to give his consent to the man being arrested and taken, say, from Halifax to Vancouver. This Bill is asking for too much. What is going to happen one of these days, if they do not look out, is that the Government will lose the whole of their legislation. They ought to be reasonably fair.

Hon. Mr. DANDURAND: I do not think my honourable friend realizes the situation as it would occur. He takes the man from

Halifax to Vancouver, the extreme limits of this country. I do not think this section was passed with the idea of following one who would have a flask of whiskey and take it to Alberta, and from Alberta find his way to Halifax. I would think the Attorney General would not give his authorization on such a flimsy accusation, and put his own province to an expenditure of $300 or $400—for when my honourable friend speaks of the accused walking back I believe he is stretching his imagination somewhat.

Hon. W. B. ROSS: Well, how would he get home, supposing he were found not guilty?

Hon. Mr. DANDURAND: We may take it for granted then that the province would be very happy to save itself damages by buying a return ticket.

Hon. W. B. ROSS: There would be no damages against them if the man was arrested and tried.

Hon. Mr. DANDURAND: What I mean to say is that this legislation is directed to men who would make a business of carrying liquor from one province into another. I would say that the main application of this legislation would be between two neighbouring provinces. If there was a systematic assault on the law of Ontario by some exporters from Montreal, they would understand that the Attorney General of Ontario would say: "We will prosecute that party, and we will prosecute him in Toronto, and not in Montreal, where he could be prosecuted under this Act." So I do not see that there is any very great danger of this law being abused.

As the Deputy Minister of Justice well states, it is an advantage given the accused over the general Criminal law. Under that law a summons could go from one part of the country to the other. In this instance the warrant only issues outside the province for one offence under this Act when the Attorney General says so in writing; so that the accused under this Act has that protection, at all events, over all others accused under the general Criminal law.

Hon. Mr. BEAUBIEN: I asked the honourable gentleman yesterday to explain why there should be a distinction between sections 6 and 7 in dealing with the offender. Under section 6 the jurisdiction for the offence is governed by two things, either the presence of the accused or his residence in the province into which the importation is made. If a person imports into the province of Ontario from Quebec he may be prosecuted on two grounds; because he is present in that province, or because he resides there. Outside of those two conditions the authorization of the Attorney General must be obtained in advance. Am I right?

Hon. Mr. DANDURAND: Yes.

Hon. Mr. BEAUBIEN: Well, if that is the case for an offence when a man imports, why should that same precaution not apply in the case of a man who offends because he exports? I cannot for the life of me see the difference between the guilt of one who imports and the guilt of the person who exports. It is all the same offence, either at one end or at the other. Why should an importer to the exclusion of the exporter be protected by the assurance that he can only be prosecuted in one province if he was present there or resided there? Why does that distinction exist in the law? I think we are losing sight of the fact that this is not at all a criminal offence. We are creating an offence here in order to protect the business of liquor control either in one province or the other. It seems to me that in that case it is only just and fair to ask that the same precaution taken by this Bill to protect the man who infringes its provisions at the importation end should be extended also to the man that infringes from the exportation end of it.

Hon. Mr. BEIQUE: That applies only to section 6.

Hon. Mr. BEAUBIEN: I compare section 6 to section 7.

Hon. Mr. LYNCH-STAUNTON: It seems to me that section 6 makes provision that a prosecution may take place in the area into which the liquor is imported, and it may take place against one who lives in another province for sending it into that province. Suppose I find a barrel of whiskey in Ottawa that has been sent from the province of Quebec by John Smith, who resides there; I am going to prosecute him who resides and is presently in the province of Quebec. But where am I going to prosecute him? The venue lies only in the place from which the liquor is sent. Where was it sent from? Where was his place of residence when it started on that journey? Was it not the railway station in which is was deposited? Or was it the warehouse from which it was taken out? It may have been taken out of a warehouse in Quebec by that man, and sent up and kept in Montreal for a month, and then re-shipped from Montreal. Where would I lay that venue? It seems to me a most extraordinary provision.

Then they go on to say that "no prosecutions shall be brought in any province against a person not within or residing in such province." It does not say a person that does not reside within the province, but "not within the province". When? When he committed the offence? Or when they are laying the information. The man who drew that section no doubt had in his mind that the person who committed the offence was at the time in the other province.

But supposing that that person happened to be in the province for a day when they were laying the information, where would he be prosecuted? It says "not within" the province, but it does not say when. It says: "or residing in such province, without the written approval of the Attorney General"—of what province? It does not say which province. Is it the province in which he is, or the province in which he is not?

Hon. Mr. DANDURAND: The Attorney General of such province.

Hon. Mr. LYNCH-STAUNTON: It does not speak of any specific province; which province does it refer to? The one in which he lives, or the one in which he does not live? If a man lives in Quebec, and you are prosecuting him in Ontario; to which Attorney General will you go? I cannot make out which Attorney General you would apply to, and it seems to me that the next section deals with exactly the same state of facts. The facts are identical in both sections. The note at the side says: "Prosecution in place where liquor imported. Where accused resides. Non-resident." I cannot make anything from the note but I would like to know which Attorney General has that man's fate in his hand. Is it the Attorney General of the province from which the liquor came, or the Attorney General of the province to which he goes?

Hon. Mr. BEAUBIEN: May I add just one word? May I ask the Government leader whether it would not be judicious to consider that, after all, whether you take it at one end or at the other, there is always but one offence.

Hon. Mr. DANDURAND: There may be two offenders.

Hon. Mr. BEAUBIEN: Just a second; there is one offence for which you may have two offenders. As a matter of fact no man can import liquor into one province unless he exports it at the same time from another province. It cannot be otherwise. Now, if that is the case, why not state that no man shall be prosecuted for any offence under this Act at all unless it would be, first, in the province in which he has domicile, or in the province in which he is present at the time the offence is committed. In that case a man would not be taken from one province to another, and judged by any other community than his own. My honourable friend knows the importance of that. Otherwise a man from Ontario could without reason be brought before a judge and jury of Quebec, and vice versa. Of course I understand that if a man from Quebec comes here and commits a crime in the province of Ontario, he is arrested, and of course he must be judged here; he is present here. But, first of all, this is not a criminal offence at all; so let us take every possible precaution so that a man, save in exceptional circumstances, will not be removed from his natural jurisdiction. Therefore let the two exceptions—presence and domicile—apply to any infraction unless the permission of the Attorney General be an essential condition before the prosecution.

Hon. Mr. BEIQUE: The argument of my honourable friend is directed not against section 6, but section 7. Let us dispose of section 6. The argument of the honourable member from Hamilton (Hon. Mr. Lynch-Staunton) is directed against the wording of section 6. It seems to me that section 6 is pretty clear. The offence is governed by section 3, and consists in exporting liquor from one province to another.

Hon. Mr. BEAUBIEN: Or importing.

Hon. Mr. BEIQUE: Exporting or importing.

Hon. Mr. LYNCH-STAUNTON: Is the honourable gentleman correct? Is there any offence in exporting?

Hon. Mr. BEIQUE: Yes.

Hon. Mr. LYNCH-STAUNTON: I think not; I think it is only in importing.

Hon. Mr. DANDURAND: No. The second line says, "shall import, send."

Hon. Mr. LYNCH-STAUNTON: But where does the honourable gentleman say the crime is committed? I do not want to interrupt him, but I would like to draw his attention to my point. It is this. A crime is never completed until the liquor crosses the border; so in sending it from Quebec, there is no crime committed in Quebec.

Hon. Mr. BEIQUE: It is in Ontario that the crime is committed, but it is committed in the Dominion of Canada.

Hon. Mr. LYNCH-STAUNTON: Quite right.

Hon. Mr. BEIQUE: It is a question whether the crime is committed in a certain province or at the boundary between two provinces. Suppose that liquor is invoiced from Montreal to Toronto: the crime is committed by invoicing and sending the liquor.

Hon. Mr. LYNCH-STAUNTON: Not until it arrives.

Hon. Mr. BEIQUE: That is a question, but, anyway, why should we discuss it at the moment? We are now discussing another point. Section 6 deals with the commission of an offence defined in section 3. The question is whether the party who has committed the offence may be prosecuted under the Criminal Code in the place where he resides, or in some other place in Canada. He can be arrested at another place.

Hon. Mr. BEAUBIEN: Yes, but not judged there. He certainly can be prosecuted only where the crime has been committed.

Hon. Mr. BEIQUE: I am speaking of the common law. Under the common law he would be tried at the place where he is arrested.

Hon. Mr. LYNCH-STAUNTON: No; under the common law the venue must be where the crime has been committed.

Hon. Mr. BEIQUE: The honourable gentleman stated a moment ago that in his opinion the crime is committed at the boundary between the two provinces.

Hon. Mr. LYNCH-STAUNTON: No; after the liquor has crossed the boundary.

Hon. Mr. BEIQUE: After it has crossed the boundary. Then he could be tried only in the province of Ontario, in the case that I suggested. Now, would it be fair that a man living in New Brunswick or Nova Scotia should be brought to the province of Ontario instead of being tried in his own province?

Hon. Mr. LYNCH-STAUNTON: He should be tried in the province of Ontario.

Hon. Mr. BEIQUE: He should be brought up from New Brunswick to Ontario?

Hon. Mr. LYNCH-STAUNTON: Yes.

Hon. Mr. BEIQUE: I do not think so. At any rate, section 6 is worded so as to provide that the accused shall not be brought from his own place of residence without the authority of the Attorney General of his province. He will be tried in the province in which he is domiciled, unless it is otherwise decided by the province into which the liquor has been imported.

Hon. Mr. LYNCH-STAUNTON: Is that what the honourable gentleman takes to be the meaning?

Hon. Mr. BEIQUE: Yes.

Hon. Mr. LYNCH-STAUNTON: Perhaps it is. I do not understand it so.

Hon. Mr. BEIQUE: I think the clause is pretty clear. At first sight, when the honourable member commenced his argument, I was undecided, but on reading the clause carefully I consider that the wording is perfectly clear.

Hon. Mr. McMEANS: Does the honourable gentleman think that the consent of the Attorney General applies to section 7 as well as to section 6?

Hon. Mr. BEIQUE: Let us dispose first of section 6. Then, on section 7, as to the argument of the honourable member from Montarville (Hon. Mr. Beaubien), the honourable leader of the Government will be called upon to say why the protection afforded in section 6 is not afforded also in section 7.

Hon. Mr. LYNCH-STAUNTON: Do I understand the honourable gentleman to say that if a man is resident in Quebec and is accused in Ontario of the crime of importing liquor into Ontario, it is necessary to obtain the consent of the Attorney General of Quebec? Is that the argument?

Hon. Mr. DANDURAND: No.

Hon. Mr. BEIQUE: The consent of the Attorney General of the province of Ontario.

Hon. Mr. LYNCH-STAUNTON: To bring him to Ontario?

Hon. Mr. BEIQUE: Yes.

Hon. Mr. LYNCH-STAUNTON: I did not understand that.

Section 6 was agreed to.

On section 7—prosecution in place from which liquor is imported or sent:

Hon. Mr. McMEANS: I would like to ask the honourable leader of the Government for an explanation. I am not quite clear on the matter. Section 6, which you have just passed, says:

> No prosecution shall be brought in any province against a person not within or residing in such province without the written approval of the Attorney General of such province.

Hon. Mr. DANDURAND: Is my honourable friend on No. 6?

Hon. Mr. McMEANS: I am on section 7, but I am asking if that latter part of section 6 will apply to section 7, which says:

A prosecution for any offence under this Act may be brought and carried on and a conviction had in the city, town or other place from which any intoxicating liquor is unlawfully imported, sent, taken or transported, as aforesaid.

Does that override the portion of section 6 which requires the written approval of the Attorney General? I cannot understand it.

At 6 o'clock the Committee took recess.

The Committee resumed at 8 p.m.

Hon. Mr. Robinson in the Chair.

On section 6—prosecution in place where liquor imported (reconsidered):

Hon. Mr. DANDURAND: Honourable gentlemen, I move to strike out clause 7 and to incorporate it with clause 6, which will then read in this way:

A prosecution for any offence under this Act may be brought and carried on, and a conviction had, in the city, town or place to or into which any intoxicating liquor is unlawfully imported, sent, taken or transported, or in the place where the accused resides, or in the city, town or other place from which any intoxicating liquor is unlawfully imported, sent, taken or transported, as aforesaid, but no prosecution shall be brought in any Province against a person not within or residing in such Province without the written approval of the Attorney General of such Province.

Hon. Mr. McMEANS: That is the same amendment that I moved.

Hon. Mr. DANDURAND: Then the honourable gentleman from Manitoba has at last had his way.

Hon. Mr. McMEANS: It took a long time for you to see it.

Hon. Mr. DANDURAND: The honourable gentleman is perhaps mistaken. It is not my Bill.

Hon. Mr. McMEANS: The honourable gentleman is the foster father.

Hon. Mr. DANDURAND: I had to refer to the Department of Justice, who informed me that these two clauses had simply been taken from the Doherty Act, which we had already passed.

Hon. Mr. McMEANS: May I suggest that if the draftsman who drafts this legislation would exercise a little more care, he would save a lot of the time of this House.

Hon. Mr. DANDURAND: My honourable friend will realize that criticism is much easier than action.

Section 6, as amended, was agreed to.

On section 7—prosecution in place from which liquor is imported or sent:

Hon. Mr. DANDURAND: I move to strike out section 7.

The motion was agreed to, and section 7 was struck out.

The Hon. the CHAIRMAN: Shall I report the Bill?

Hon. Mr. PROWSE: Before you report the Bill, Mr. Chairman, while I am not in sympathy with any part of it, I wish to make a few remarks upon it. This is a law framed by lawyers, and while I do not wish to cast any reflections on the lawyers, I think it should be framed according to common sense.

Subsection (b) of section 2 says:

"Province" means any Province of Canada in which there is for the time being in force an Act giving the Government of the Province, or any Board or Commission or other Governmental agency control over the sale of intoxicating liquors therein.

Prince Edward Island, which I have the honour to represent, is under Government control. Now you bring in a law that overrides their law, and I have not a shadow of a doubt that it is absolutely ultra vires, and contrary to the British North America Act, and therefore cannot be passed. I propose to move an amendment that this Bill shall not apply to Nova Scotia or Prince Edward Island.

The proposed amendment of Hon. Mr. Prowse was negatived.

The Bill was reported as amended.

PRIVATE BILLS

FIRST READINGS

Bill 14, an Act to incorporate the Niagara Falls Memorial Bridge Company.—Hon. Mr. Rankin.

Bill 17, an Act respecting the St. John River Storage Company.—Hon. Smeaton White.

Bill 59, an Act to incorporate the Central Finance Corporation.—Hon. Mr. Spence.

Bill 66, an Act respecting a certain patent of Douglas J. Martin.—Hon. Mr. Haydon.

PENSIONS AND NATIONAL HEALTH BILL

FIRST READING

Bill 205, an Act respecting the Department of Pensions and National Health.—Hon. Mr. Dandurand.

RETURNED SOLDIERS' INSURANCE BILL

FIRST READING

Bill 290, an Act to amend the Returned Soldiers' Insurance Act.—Hon. Mr. Dandurand.

NATURALIZATION BILL

FIRST READING

Bill 19, an Act to amend the Naturalization Act.—Hon. Mr. Dandurand.

SECOND READING

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

He said: Honourable gentlemen, with the leave of the House, I will move the second reading of this Bill. I have a few necessary references to explain the Bill, and with the idea of sending it to the Committee on Banking and Commerce, without the Senate binding itself to whatever principle there may be in the Bill.

As a matter of fact there is no principle in the Bill. The Naturalization Act of 1914 contains the principle, and the present amendment has simply for its object the altering of procedure. It did not take me long to find the line of cleavage between those who stand for the old procedure and those who favour the new. This present Act seeks merely to eliminate the procedure before the judges which terminates with a certificate which must be sent to the Secretary of State, who has full discretion to accept or reject; so that the matter is as to what virtue there may be in the procedure of the old Act, and what reasons there may be for altering that procedure.

If the honourable gentleman will allow me, I will run through a very short statement explaining the history of this legislation.

The Naturalization Act, as it stands, is the result of deliberations of Imperial Conferences of the years 1902, 1907 and 1911. Prior to its enactment naturalization was local throughout the United Kingdom and the Dominions. These Naturalization Acts purported to make persons naturalized thereunder British subjects within the respective territories of the United Kingdom, Dominions and Colonies. Persons so naturalized would, therefore, have British nationality in the territory of naturalization, but they could not be regarded as British nationals if they stepped beyond the confines of such territory. The essential feature of the present legislation is that an alien, naturalized in the United Kingdom, in any of the Dominions or in India, is recognized as a British subject throughout His Majesty's Dominions.

It should be pointed out that this legislation is in effect a treaty or convention between the United Kingdom and the various Dominions, and there can be no doubt that it should be observed with even greater sacredness than that which surrounds an international treaty. It confers a most highly-prized privilege in that it grants to the holder the rights of assistance by British consuls throughout the world.

For these reasons it is necessary that the Naturalization Act in Canada should be most carefully administered. A certificate should not be issued to anyone, or to any class of persons, where the holder, or any member of a class, is liable to annoy or in any way be a charge upon the United Kingdom or any Dominion.

The underlying features of this legislation are embodied in principles laid down at the Imperial Conference of 1911. They are as follows:

1. Imperial nationality should be world-wide and uniform.

2. The Naturalization Act should be so framed as to enable each self-governing Dominion to adopt it.

3. The Mother Country finds it necessary to maintain five years as a qualifying period. This is a safeguard to the Dominions as well as to us, but five years anywhere in the Empire should be as good as five years in the United Kingdom.

4. The grant of nationality is in every case discretionary and this discretion should be exercised by those responsible in the Dominion in which the applicant has spent the last twelve months.

I say the last twelve months because under the Canadian Act one need not be more than twelve months in the Dominion, provided he establishes that he has been four years in some other part of the Empire.

The principle involved in this Bill is No. 4. The grant of nationality is in every case discretionary, and this discretion should be exercised by those responsible in the area in which the applicant has spent the last twelve months; that is, in the Dominion or in Great Britain. It is essential, therefore, that the authority which grants naturalization should have full discretion in doing so. This appears to be fully given by Section 4 (3) of the Act as it stands. I refer to the Act that we passed in 1914, which is on the Statute Book. It is as follows:

> The grant of a certificate of naturalization to any such alien shall be in the absolute discretion of the Secretary of State of Canada, and he may, with or without assigning any reason, give or withhold the certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision.

This legislation was enacted in the United Kingdom in 1914 and was subsequently adopted in Australia, South Africa and Newfoundland.

The absolute discretion is, however, limited by later clauses of the Act. Sections 22, 23, 24, 25, 26 and 27, which are printed with the Bill, provide that an applicant shall appear before a judge for the purpose of being examined regarding his qualifications for naturalization. Section 27, as you will see, provides that the Minister may thereupon, in his absolute discretion, issue a certificate of naturalization. This has been construed to mean that where a judge reports that the applicant is fit and qualified, the Secretary of State may, in his discretion, issue the certificate, which means that he is not bound to follow the finding of the court where the report is favourable, but if it is unfavourable, he has no discretion and must refuse to issue the certificate. In other words, the discretion of the Minister is not complete, and one of the main purposes of this Bill is to confer complete discretion upon him. There is no such limitation elsewhere.

It has been found that the provisions of the Act requiring a report of a judge have not worked satisfactorily. A very slight analysis of the situation would show that this must be so. The main duty of a judge is to construe the law and to decide upon legal questions. In other words, he is not called upon to decide questions of policy. Such a question of policy, as is involved in the grant of naturalization, is one for the Government. The result has been that the administration of the Act has not been uniform—as many judges, as many opinions regarding qualifications for naturalization. For instance, a judge has rejected a large number of applications of Greeks because he considered them to be unassimilable, and the report having been against the applicant, the Minister was unable to intervene and exercise his discretion. In other cases judges have refused naturalization because the applicants could neither read nor write either of the official languages. In the opinion of the Right Honourable Charles Doherty, former Minister of Justice, an applicant for naturalization should not be required to read or write. It should only be necessary for him to make himself understood in one of the official languages.

While I should not be considered to be criticising the judiciary, I must, nevertheless, state that in a very great number of cases the Department of the Secretary of State has been unable to follow the conclusions of many judges. There have been cases where favourable reports were given by judges, which implies that the applicant had an adequate knowledge of either language, and the reports of the Mounted Police showed that it was necessary to interview the applicant through an interpreter. If such applicants appeared before a judge, his examination for the purpose of finding out whether they had an adequate knowledge of either of the languages was very ineffective. Favourable reports have been made on behalf of married women, who, under the Act, are debarred from naturalization. Unfavourable reports have been made on applications by Germans on account of their nationality long after the restrictions on the naturalization of former alien enemies were withdrawn.

The employment of judges in applications for naturalization seems to have been continued from the former legislation, which was not only ineffective but scandalous, the whole procedure being left in too many cases in the hands of irresponsible clerks of the court. This method is not adhered to in the United Kingdom or any of the other Dominions.

In the United Kingdom investigations are made in the Home Office through the intervention of the police. The applicant is not required to advertise. He makes his application to the Home Secretary, furnishing he names of four persons who can vouch for his character and qualifications.

In Australia an advertisement of the application is necessary, and the regulations contain very precise provisions relating to the material to be produced in support of the petition.

In South Africa an advertisement, at least one month prior to filing the application, must be inserted in the official Gazette in both official languages and also in a Dutch and English newspaper, and such further evidence as the Minister may require must be submitted.

In Newfoundland there are no provisions relating to advertising or the giving of notice.

Bill 19 appears to prescribe greater precautions than are required either in the United Kingdom or in any of the Dominions. Under Section 22, as amended, the applicant must send a notice of application to the Minister, which must be forwarded to the post office nearest the place of residence of the petitioner, and the postmaster shall thereupon post such notice in a prominent place in the said post

office and advise the Minister thereof. Such posting must be made ninety days before the issue of the certificate.

Under Section 23 the applicant is required to advertise in a newspaper published at or nearest to his place of residence, in either the English or French language, in the prescribed form, his intention to apply for naturalization, and shall produce to the Minister a copy of the newspaper containing the said advertisement.

Under Section 24 certificates of character and an adequate knowledge of the English or French language must be given by three persons, of whom two must be natural-born British subjects. Two must be householders and one a justice of the peace.

In the practice which has prevailed in the Department of the Secretary of State additional evidence is procured through two Departments of the Government:—

(1) A report is asked for from the Department of Immigration and Colonization, from which can be ascertained the time of the applicant's arrival in Canada;

(2) Through the Royal Canadian Mounted Police a report is received upon his character and his knowledge of the French or English langugage. I need not affirm that the investigations by the Police are thorough. They have the reputation for doing business that way.

I have given a rapid explanation of the law as it stands and as it is meant to be amended. I think it most important that we should understand the entire working of the Act from the inside. Personally, I confess, I never attempted to have a single person naturalized; so I have not followed the procedure. Honourable members of the Senate have inquired whether information with regard to procedure could not be had; therefore it has been agreed with the honourable gentleman who leads on the other side (Hon. W. B. Ross) that, without prejudging the question, we should pass the second reading this evening and then send the Bill to the Committee on Banking and Commerce, which will sit to-morrow morning, in order to obtain an intimate knowledge of the working of the present Act from the officials who has been responsible for administering it. When we are fully informed on the working of the Act and on its defects, if there are any, we shall be in a better position to judge of the amendments that are offered.

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

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

56109—35

THE SENATE

Friday, May 11, 1928.

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

Prayers and routine proceedings.

DIVORCE BILLS

FIRST READINGS

Hon. Mr. WILLOUGHBY, Chairman of the Committee on Divorce, presented the following Bills, which were severally read the first time:

E9, an Act for the relief of Irene Matilda Ballinger.

F9, an Act for the relief of John Hare.

G9, an Act for the relief of Helena Martyniuk.

H9, an Act for the relief of Francis Marmaduke Steele.

I9, an Act for the relief of Rose Tlustie.

J9, an Act for the relief of Robert Anderson Traill.

THIRD READINGS

On motion of Hon. Mr. Willoughby, Chairman of the Committee on Divorce, the following Bills were severally read the third time, and passed:

Bill U8, an Act for the relief of Florence Reno Moxon Attewell.

Bill V8, an Act for the relief of Mary Irene Boyd.

Bill W8, an Act for the relief of Augustus Vernon Ellis.

Bill X8, an Act for the relief of Agatha Jean Hobbs.

Bill Y8, an Act for the relief of Hazel K. Clunie Howard.

Bill Z8, an Act for the relief of Helen Stewart Graham Lovell.

Bill A9, an Act for the relief of Marie Anne Palardy Murphy.

Bill B9, an Act for the relief of Joseph Patrick Nolan.

Bill C9, an Act for the relief of John James Ward.

PRIVATE BILLS

THIRD READINGS

Bill 49, an Act to incorporate the Canadian Credit Institute.—Hon. Mr. Little.

Bill 60, an Act respecting the Canadian Surety Company.—Hon. Mr. McGuire.

Bill H8, an Act respecting the Cumberland Railway and Coal Company.—Hon. Mr. Casgrain.

Bill 69, an Act respecting the Interprovincial and James Bay Railway Company.—Hon. Mr. Gordon.

Bill 24, an Act to incorporate The Highwood Western Railway Company.—Hon. Mr. Haydon.

Bill 48, an Act respecting the Calgary and Fernie Railway Company.—Hon. Mr. Spence.

Bill 46, an Act respecting The Nipissing Central Railway Company.—Hon. Mr. Gordon.

SECOND READING

Bill D9, an Act respecting a certain patent of Jean Baptiste Hurteau.—Hon. Mr. Rankin.

FIRST AND SECOND READINGS

Bill K9, an Act to incorporate the Detroit River Canadian Bridge Company.—Hon. Mr. Haydon.

Hon. Mr. HAYDON moved that the Bill be referred to the Standing Committee on Railways, Telegraphs and Harbours.

Hon. G. D. ROBERTSON: Honourable gentlemen, the Bill has already been given second reading; but I presume I am in order in saying that I am a little doubtful of the regularity of giving second reading to a Bill so important as the present measure evidently is, before it has even appeared on the Order Paper. I would like to have this reservation made, that if from the scrutiny of the Bill it should appear to the Committee that it involves a principle that ought to have been considered in the House, it will be permissible to consider it when the Bill is reported from Committee.

Hon. Mr. GORDON: The purpose is simply the incorporation of the company.

Hon. Mr. ROBERTSON: My honourable friend from Nipissing no doubt knows that several bridge Bills have proven very contentious in another place. I was simply taking the precaution of putting honourable members in such a position that, if the circumstances show that the principle of the Bill should have been considered on the second reading, it will not be out of order for them to discuss it when the Bill returns from Committee.

Hon. Mr. DANDURAND: I have never been a great stickler for rules, and I have long since learned that you can twist the neck of a Bill when it is reported from Committee, or on the third reading, or on the question, "Shall the Bill pass?" So we can cope with anything in the Bill at any of those stages.

The motion was agreed to.

The Senate adjourned until Monday, May 14, at 8 p.m.

THE SENATE

Monday, May 14, 1928.

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

Prayers and routine proceedings.

DIVORCE BILLS

FIRST READINGS

Hon. Mr. WILLOUGHBY, Chairman of the Committee on Divorce, presented the following Bills, which were severally read the first time:

Bill L9, an Act for the relief of Violet Claire McCredie.

Bill M9, an Act for the relief of Garnet Britten Walton.

LIVE STOCK AND LIVE STOCK PRODUCTS BILL

FIRST READING

Bill 61, an Act to amend the Live Stock and Live Stock Products Act.—Hon. Mr. Dandurand.

INTOXICATING LIQUORS BILL

THIRD READING POSTPONED

On the Order:

Third reading of Bill 192, an Act respecting interprovincial and international traffic in intoxicating liquors:

Hon. Mr. DANDURAND: Honourable gentlemen, I do not intend to move the third reading of this Bill now, but would ask that this Order be discharged and be placed on the Orders of the Day for to-morrow. For the information of honourable members, so that they may ponder over the situation and form an opinion as to what our action should be when the Bill comes up for third reading, I may say that I have in my hand telegrams from the Governments of the various Provinces interested in this legislation, advancing various arguments against the adoption of the amendment made by this House to allow the carrying of half a gallon of liquor from one Province to another. Most of these arguments bear on the difficulties which would be encountered by the Provinces in the application of their own laws if the amendment were to remain in the Bill.

The motion was agreed to, and the Order was discharged.

PRIVATE BILL

THIRD READING

Bill K7, an Act respecting the Dominion Fire Insurance Company.—Hon. Mr. Spence.

CANTEEN FUNDS BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 39, an Act respecting the disposal of certain canteen funds.

He said: Honourable gentlemen will remember that in the Session of 1925, Parliament passed an Act disposing of certain canteen funds that had accumulated during the war. These funds were divided into ten parts, and were distributed among the Provinces according to population, one share going to the Yukon Territory. That legislation received the unanimous approval of the two branches of Parliament.

I now propose the second reading of a Bill to allow of the similar treatment of a fund of $124,000 which is in the hands of the Finance Department, representing moneys coming from units while in training on this side of the Atlantic, some in Canada, some in the West Indies, and some I think, even in the United States.

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

CONSIDERED IN COMMITTEE AND REPORTED

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

Hon Mr. Copp in the Chair.

Sections 1 to 7 inclusive were agreed to.

The title and preamble were agreed to.

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.

PRIVATE BILLS

SECOND READINGS

Bill 14, an Act to incorporate the Niagara Falls Memorial Bridge Company.—Hon. Mr. Rankin.

Bill 17, an Act respecting the Saint John River Storage Company.—Hon. Mr. Smeaton White.

56109—35½

Bill 66, an Act respecting a certain patent of Douglas J. Martin.—Hon. Mr. Haydon.

Bill 59, an Act to incorporate Central Finance Corporation.—Hon. Mr. Spence.

DEPARTMENT OF PENSIONS AND NATIONAL HEALTH BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 205, an Act respecting the Department of Pensions and National Health.

He said: Honourable gentlemen, this Bill has for its object the amalgamation of the Department of Soldiers' Civil Re-establishment and the Department of Health, under the name of the Department of Pensions and National Health. I will now move the second reading of the Bill, and explain the various details and amendments as we go through them in Committee.

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

RETURNED SOLDIERS' INSURANCE BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 290, an Act to amend the Returned Soldiers' Insurance Act.

He said: Honourable gentlemen, this Bill contains but three amendments to the Soldiers' Insurance Act. The most important one is to be found in the second section, which amends the statute of 1922. By that statute applications for insurance could only be received up to 1923, but it is now suggested by the Bill that this right be revived, and that soldiers be authorized to make application for insurance up to the 30th day of June, 1933, that is for five years more.

I will move the second reading of the Bill, and it has been suggested to me that this Bill and the Pensions Bill, which has not yet reached us, should be sent to a special Committee. If this Bill gets its second reading I will move such a Committee.

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

Hon. Mr. DANDURAND: I move that the Bill be referred to a Special Committee composed of the members who examined the Bill in 1925, together with the following members, who replace deceased Senators: Messieurs Belcourt, Black, Dandurand, Griesbach, Laird, Macdonell, Robinson, Ross (Moose Jaw), Sharpe, Turgeon, Beland, Hatfield, Ross (Middleton), Calder and Robertson.

The motion was agreed to.

ACCOMMODATION IN THE SENATE CHAMBER

REPORT OF SPECIAL COMMITTEE—DEBATE ADJOURNED

Hon. Mr. BELCOURT moved concurrence in the first report of the Special Committee appointed to consider the possibility of enlarging the Galleries of the Senate.

He said: Honourable gentlemen, when this report was submitted to the House I made a few observations, which it is perhaps unnecessary for me to repeat to-night. I think it would be well, however, for me to read the report once more. It is to be found at page 352 of the Minutes:

The Special Committee appointed to consider the possibility of enlarging the galleries of the Senate, beg leave to make their first Report, as follows:—

1. Your Committee recommend the addition of four galleries on the east and west sides of the Chamber, to provide accommodation for between 200 and 230 extra guests at official functions.

2. According to plans and estimate submitted by Mr. John Pearson, and concurred in by the Chief Architect of the Department of Public Works, the cost of construction of the eight galleries would be between one hundred and one hundred and ten thousand dollars.

3. Your Committee is informed by the Chief Architect that if construction is commenced immediately after prorogation, the additional space would be available for the Opening of the next Session.

4. The Committee submit herewith for the information of the Senate, the plans prepared by Mr. Pearson. It will be noted from these plans that the proposed work will not involve any structural change in the building.

All which is respectfully submitted.

In addition to what I said the other day, I might mention that Mr. Pearson, who evidently gave the matter very serious thought and consideration, was quite enthusiastic about the effect which the making of these galleries on both sides would have in beautifying the Senate Chamber. In his opinion the change would add very greatly to the artistic features of our House; and he added —what I think will be considered a matter for congratulation—that they would add not only beauty but comfort. One of the points he mentioned particularly was that those galleries would remedy the draught on the east side of the Chamber, of which honourable gentlemen opposite frequently complain.

Hon. Mr. McLENNAN: That is why we would be glad to change to the other side.

Right Hon. Mr. GRAHAM: The reason is not sufficient.

Hon. Mr. BELCOURT: We hope you will get a good airing before you come over to this side.

Hon. Mr. DANIEL: Are there to be four galleries on each side, or two?

Hon. Mr. BELCOURT: Four. The recommendation reads as follows: "Four galleries on the east and west sides of the Chamber." Mr. Pearson also added that the acoustics of the Chamber would be improved, and that the ventilation or atmosphere of the Chamber would be bettered by these changes.

I do not know that I can add anything to what I said the other day and to what I have just said, but if honourable gentlemen would like to ask any questions about the work of the Committee, and its recommendations, I hold myself at their disposal.

Hon. W. B. ROSS: What did you say the other day as to the estimated expenditure?

Hon. Mr. BELCOURT: Between $100,000 and $110,000.

Hon. Mr. DANDURAND: Honourable gentlemen, ever since I came into this Chamber I have reflected with very great sorrow on the fact that no one insisted that the architects should give us a replica of the old Senate Chamber. I have passed through quite a number of capitals, and have seen many parliament buildings, but I do not know that I have ever saw any Chamber comparable with the Senate of Canada as we had it before the fire. Honourable gentlemen can therefore imagine my feelings—shall I say my indignation?—at finding our old Chamber replaced by this den. It may have certain qualities, architecturally speaking, and I confess that I am not competent to cross swords with experts on the architectural value of this Chamber; but I told Mr. Pearson that he would have to wait for all those who had known the other Chamber to close their eyes before he would be permitted to hear an unbiased judgment as to the value of this Chamber.

The outstanding reason which the report seems to present for transforming these cold walls into galleries, and giving us a chance to feel that we breathe more freely, is that the seating capacity will be increased for official functions. I confess that I am not interested to any extent in that reason given by the Committee; for me it stands very far in the background.

We have not the opinion of the associate architect, Mr. Marchand, but I am glad to find that the principal architect of the building recognizes that the carrying out of the Committee's suggestion would increase the architectural value of this Chamber. This admission may ease our consciences when we decide—if we do—to suggest that the Gov-

ernment place in the Estimates a sum for alterations to this Chamber. I believe that the Parliament buildings will not be complete until the proposed transformation is accomplished. Surely, when we have spent on them $10,000,000 and more, we should not hesitate to add $100,000 if it will provide us with a Chamber which will to a certain degree recall the old Gothic Chamber. With those heavy columns in the centre we shall never have the splendid features of our old Chamber, yet, if the proposed improvement is made, we shall feel that we have come as near to it as possible under the conditions of the building as they exist to-day.

Hon. J. S. McLENNAN: Honourable gentlemen, I am very much relieved to hear the Chairman of this Committee assure the House that no detriment to the acoustic properties would result from the opening of the walls. We know the effect of having one of the present curtaining galleries open; and certainly the acoustic properties of this Chamber are not such that anyone responsible for them may be proud of his success. I had great fear that the opening of eight apertures for the purpose of enlarging the gallery accommodation might make any honourable member, unless he were a Boanerges, inaudible in this Chamber.

I also thought that the galleries would be disappointing in that those three large columns on each side, which naturally could not be removed, would prevent the people seated behind them from seeing any of the proceedings on the floor of the House. So I am very glad to have the assurance of the architect, for whose originality I have the greatest respect, and the assurance of the Chairman and members of the Committee, who have looked into these particular matters, that there will be no difficulty in this respect.

Notwithstanding the additional accommodation which these galleries will provide, I think that the Senate should at some time or another, not far distant, take into consideration the question of entrée. As I understand, a great many people living in Ottawa and connected with the officials of the various Government Departments come year after year to the Opening of Parliament and other functions. They are able to do this because they are on what is called the Official List. It seems to me that the list might be limited to a certain number, and that people of the class to which I refer might ballot for the alloted number of places. I am not speaking now of the womankind of Senators or Members of the Commons. The space saved by the restriction I suggest might be made available to people of distinction connected with the universities or with our great philanthropic societies, who could be invited to attend. I think such an honour would be much appreciated by them and would do much to make the value of these occasions felt more widely throughout the country.

Hon. J. G. TURRIFF: Honourable gentlemen, though I do not expect it will do any good, I wish to enter my protest against the expenditure of another $150,000 for the purpose of changing this Chamber. I have no doubt at all that if the architects say it will cost $100,000 to $110,000, the cost will be $150,000 before we have finished. As my honourable friend from Alma (Hon. G. G. Foster) remarked when this matter was under discussion before some time ago, the money would be spent just to make this Chamber a little larger for only one occasion in the year. We have no guarantee whatever that the Chamber, when it is finished, will be as good as it is now. The architects, or whoever are responsible for it, evidently made a botch of it in the first place, and I think they will make a worse botch of it if they are given a chance to go at it again. So I think it would be very foolish to spend the money to enlarge the Chamber for the one occasion, the Opening of Parliament. We are spending money by the millions every year in Ottawa. This building has already cost a tremendous amount of money. My honourable friend (Hon. Mr. Dandurand) said something about $10,000,000. It cost $12,000,000 or $13,000,000 if I remember rightly. Surely that is enough. Is it worth while to spend another $100,000 to $150,000 for one entertainment? The interest on that expenditure would be $5,000 or $6,000 a year. I claim that the change is not worth the cost. Furthermore, I feel very uncertain that either the acoustic properties or the appearance of the Chamber will be improved in any way, or that people will be able to see well from the galleries. At all events, I want to enter my protest against such an extravagance as this proposed expenditure would be.

Hon. W. B. ROSS: Honourable gentlemen, I do not know that I can add anything to what has already been said, but I want to have my say as to where I stand in this matter. I have not heard any sufficient reason at all to justify the expenditure of $100,000 on this Chamber at the present time. We have just voted very large sums of money to be spent in the City of Ottawa. There will be complaints on that score; but, be that as it may, the proposed expenditure on the Senate Chamber will probably be regarded

in the country as more unjustifiable than the expenditure of the money we have voted for the City of Ottawa. There are only two occasions, rather than one—the Opening and the Closing of Parliament—when we need more room than we have at present.

With regard to the improvement in the acoustic properties of the building, I should not be inclined to take the opinion of anyone who has had anything to do with the planning of either the House of Commons or this Chamber, because they seem to have been built without any attention at all to acoustic properties. The Chamber is not, on the whole, uncomfortable, and I think it will do us very well for some years to come.

I think the wisest thing to do with this report is to allow it to stand for a week in order to see what the opinions of honourable members are. For the present I feel very strongly that the expenditure is unjustifiable in the present state of the finances of the country.

Hon. J. W. DANIEL: I would like to ask the honourable member from Ottawa (Hon. Mr. Belcourt), would it not be possible to get something which would really show what the Chamber would look like after this change had been completed. There are two or three architectural drawings on the Table, but they are not such as would give the ordinary person, not used to consulting architectural drawings, a good idea of the result of the change. I could not tell what it would be. There are what are called profiles and one thing and another of that kind, but they do not give me the slightest idea of what appearance the Chamber will have if the proposed change is carried out.

With reference to the remarks of honourable gentlemen on the question whether the scheme is advisable or not, I am of opinion that it is. To me this Chamber, when I first saw it, was a great disappointment indeed. I had been accustomed to the old Chamber, which pleased the eye and was comfortable to sit in, and much easier to hear in than this one is. It is not exactly correct, I think, to say that the changes are for only one day in the year. The fact is that there are more occasions, though not very many, it is true, when public receptions are held in this Chamber. There are the Opening and the Closing of Parliament and allied functions, and as this is the place where such functions have always been held, and held now and will be held in the future, I think the Chamber should be at least satisfying to those who use it ordinarily and who would expect to use it on such occasions. I rather differ from my honourable friend who objects to the expenditure

There is no doubt we are making very large expenditures—so large, indeed, that in my opinion the addition of $100,000 would not make very much difference. I am not yet convinced that the alterations would give a satisfying appearance to this Chamber. I would like to see a drawing that would show the inside of this Chamber as it would appear with the changes proposed. Outside of that, I am inclined to think that they should be made.

Hon. Mr. BELCOURT: My honourable friend appealed to me to give him, if possible, some idea of what the artistic improvement would be. I can only do the same as my honourable friend himself, try to visualize the artistic effect which these improvements would create. We have this design, which, it seems to me, indicates pretty well just what the changes are.

Hon. Mr. DANIEL: It does not show the galleries. It shows only an open space.

Hon. Mr. BELCOURT: I think that gives a fair idea of what the changes will be, but one has to draw on one's own imagination.

Hon. Mr. DANIEL: It does not show any of the seats.

Hon. Mr. BELCOURT: There will be three rows of seats. The galleries will not be very deep, because there is a space of only about twelve feet.

Hon. W. B. ROSS: The honourable gentleman, I think, told us how many people these new galleries would hold, but I have forgotten what number. How many more presons can be accommodated in the Chamber with these new galleries?

Hon. Mr. BELCOURT: As I understand from these plans and from what Mr. Pearson told us, the galleries would be about twelve feet deep, allowing of three rows of seats, and they would accommodate between 200 and 220 people. Personally, like the honourable leader (Hon. Mr. Dandurand), I am not laying very much stress upon the additional accommodation which this Chamber would afford.

Hon. Mr. WILLOUGHBY: Does the honourable gentleman know how deep are those pillars that would be placed back in the recess? Perhaps they are square.

Hon. Mr. BELCOURT: I do not know that. I think they are square.

Hon. Mr. WILLOUGHBY: They would obstruct the view. Perhaps the honourable gentleman intended dealing with that point also.

Hon. Mr. TANNER: Only the people in the front row would see anything.

Hon. Mr. BELCOURT: Oh, no. The people in the back row would see just as well as the people in the front.

Hon. W. B. ROSS. But they could not see the Governor General.

Hon. Mr. BELCOURT: I do not think that those pillars would protrude so much that people could not see the Governor General. It is possible that the Governor General might not be visible to the people sitting in the fourth gallery, but I should think that the other three galleries would afford a clear view.

Hon Mr. GILLIS: Would not the proposed pillars extend out from the galleries?

Hon. Mr. BELCOURT: No; as I understand it, there would be no change made in that sculptured wood. You would have the seats back of that, and it would not be altered in any way.

Hon. Mr. McMEANS: The galleries would extend back?

Hon. Mr. BELCOURT: They would extend back about twelve feet.

Hon. Mr. CROWE: Would the offices behind the galleries be done away with?

Hon. Mr. BELCOURT: No. They might be a little shortened, but they would not be done away with.

Hon. Mr. STANFIELD: Does this estimate of $110,000 include the fees that Mr. Pearson would get out of it, or would those fees be extra?

Hon. Mr. BELCOURT: There was nothing definite said as to who would do the work. I believe it was practically understood that Mr. Pearson would not do it, but that it would be done by the Public Works Department. I think my honourable friends from Alma (Hon. G. G. Foster) and Inkerman (Hon. Smeaton White) will agree with me that it was understood that the work should be done by that Department.

Hon. Mr. CASGRAIN: Who made the design?

Hon. Mr. STANFIELD: The architect would expect to get paid.

Hon. Mr. BELCOURT. I do not know.

Hon. Mr. STANFIELD: Five or ten per cent anyway.

Hon. Mr. DANDURAND: I would suggest to my honourable friend (Hon. Mr. Belcourt) that he should have further consideration of this report postponed to next week, so that honourable members of the Senate may ponder over the situation. I would simply ask them to turn over in their minds this consideration, when mention is made of the large amount spend for the Parliament Buildings. A few years ago we were all carried away by the persistency of one of our colleagues, who urged that a certain large expenditure should be incurred in order to complete the Buildings. I confess that to me at the time it seemed that the expenditure might have been postponed. Nevertheless we adopted the honourable gentleman's view. I refer to the late Senator Bradbury and to his suggestion that the carillon or chimes should be placed upon the tower of Parliament. Yet we were wondering how we would bring about an equilibrium in our finances. But the honourable gentleman had a vision of chimes in the tower as the crowning feature of the whole edifice. Their installation was the result of the action of the Senate, and since the 1st of July we have been proud to think that such an idea emanated from this Chamber. Honourable gentlemen may be surprised next week when I inform them of the amount of the expenditure undertaken by us at that time, when we were not as assured as we are to-day that we were entering upon an era of prosperity. I repeat that this building must be completed, and I think it essential, if possible, to improve this Chamber. It is one of the two Chambers of Parliament, and is visited by the public in large numbers. I confess that in years past I used to feel proud when I saw men from the large capitals of Europe looking at our Chamber, and heard them saying "This is the most beautiful Chamber I have ever seen."

Hon. Mr. CASGRAIN: That is the old one.

Hon. Mr. DANDURAND: Yes. I want if possible to regain that sense of pride in the Senate Chamber. I hope honourable gentlemen will sleep over this proposition, and that in a few days we may decide to ask the Government to carry out certain architectural improvements.

Hon. Mr. BELCOURT: I would move that this Order be discharged, and be placed on the Order Paper for Tuesday of next week.

The motion was agreed to, and the Order was discharged.

ST. LAWRENCE WATERWAYS PROJECT

DEBATE CONCLUDED

The Senate resumed from Friday, April 27, the adjourned debate on the inquiry of Hon. Mr. Reid:

That he will call the attention of the Senate to the St. Lawrence Waterways Project, and inquire if it is the intention of the Government to lay on the Table of the Senate the report of the Advisory Committee on the proposed scheme.

Hon. Mr. REID: Honourable gentlemen, the honourable member from Middleton (Hon. W. B. Ross) has kindly consented to allow me to make a few remarks on this inquiry, in order to wind up the debate, after which I intend to withdraw the notice, as the report referred to has been laid on the Table.

There are a few matters that I wish to explain and to which I did not refer in my former remarks. In the first place, for some time there has been a great propaganda carried on in favour of this scheme. I do not think that since this debate began it has been carried on to the same extent as before. However, from what I have heard, I am afraid that a new propaganda may be started to becloud the position taken by some of us, and to endeavour to make this project a political question. Let me say also, lest anybody may think that this is the first time the matter has been before Parliament or before the Government, that it has been before Parliament on a number of occasions. I think seven times in all it has been before Parliament and before the Government of the Dominion, and each time very important questions have arisen affecting the Dominion of Canada. Six times out of the seven Canada emerged in a poorer position than she had previously occupied. The first time that exactly the same question came before Parliament was in 1908, when a Bill called the St. Lawrence Power Bill was under consideration. I remember that Bill well. It was only after it had got into Committee and was thrashed out there that we found in it a clause that would have given to the Aluminum Company just what they are asking for or are hoping to get. Thanks to Sir Wilfrid Laurier, then Prime Minister of Canada, and to the right honourable gentleman from Brockville (Right Hon. Mr. Graham) who was then Minister of Railways, a clause of the Bill was rejected, and Canada was saved the heritage that belonged to her. At that time the gentlemen who opposed the Bill were: Sir Wilfrid Laurier, Prime Minister of Canada; Hon. George P. Graham, Minister of Railways and Canals; Hon. Sir Clifford Sifton and his Commission; Andrew Broder, Member of Parliament; Sir James P. Whitney, Premier of Ontario; Sir Robert Borden; Mr. Lennox, M.P., later a Supreme Court Judge in Ontario; myself, and many others. Members on both sides of the House of Commons joined in following Sir Wilfrid Laurier and the Hon. Mr. Graham in their opposition to the Bill. In addition to the gentlemen I have just mentioned, others were opposed to the Bill, among them being Sir John Kennedy, the Chief Engineer of the Harbour of the city of Montreal; Louis Coste, engineer in the Department of Public Works; Mr. Lafleur, of the Public Works Department; W. P. Anderson, engineer of the Marine and Fisheries Department; M. J. Butler, Deputy Minister of the Department of Railways and Canals, and the engineers employed by the Conservation Commission. We also had with us at that time the masters of vessels using the St. Lawrence between Kingston and Montreal, the shipping Federation, and all the municipalities along the St. Lawrence.

Hon. Mr. HARDY: Honourable gentlemen, I rise to a point of order. The honourable Senator is speaking on an inquiry. I maintain that an inquiry should be disposed of at the sitting when it is brought up, and I would submit to His Honour the Speaker that this debate is entirely out of order.

Hon. Mr. REID: I may say to the honourable gentleman that I asked for the permission of the House to speak again, and I understood it was granted.

Hon. Mr. HARDY: If the honourable gentleman has the unanimous leave of the House, he will be in order.

Hon. Mr. REID: I thought I had it. That is the reason I am speaking.

Hon. Mr. HARDY: There is no record of leave having been granted.

Hon. Mr. CASGRAIN: The honourable gentleman had better read Hansard.

Hon. Mr. HARDY: It is not on record. I would ask for a ruling.

The Hon. the SPEAKER: The honourable gentleman really has no right, as I think he understands, to speak on this question. If this were a motion he would have a right to reply; but as it is only an inquiry, if any honourable gentleman objects, that ends the discussion.

Hon. Mr. HARDY: I do object, formally. I do this with all respect to my honourable friend. I would remind honourable gentlemen that last week we listened to a very exhaustive and able statement from the honourable gentleman from Grenville, extending over two hours or more. I believe that this matter has been dealt with by this Chamber somewhat leniently in the past; but when an inquiry is made, I cannot see just why it should be allowed to develop into a debate extending over several days.

Hon. Mr. REID: I may say to the honourable gentleman that I have spoken only once before on this matter. This is a very important subject. When I wished to reply, His Honour the Speaker did mention that it would not be in order for me to do so; but it has been the custom in the House of Commons to give a member an opportunity to wind up the debate. There are only a few more points that I wish to explain. I do not wish to trespass upon the time of the Senate if honourable gentlemen feel that I should not do so. Therefore, if that is the feeling, I have nothing more to say.

Hon. Mr. CASGRAIN: Honourable gentlemen, this is not an ordinary inquiry. This has been a debate.

Hon. Mr. HARDY: I do not think the point of order is debatable.

Hon. Mr. CASGRAIN: I myself have troubled this House on three different occasions on this question. This is perhaps one of the most momentous matters that we could possibly consider, and why we should not hear an ex-Minister of Railways and Canals, if he has any new information, is beyond me. Does this House refuse to hear what he has got to say?

Hon. Mr. HARDY: I insist upon the point of order.

The discussion was concluded.

ADJOURNMENT OF THE SENATE

Hon. Mr. DANDURAND: Some eight days ago I was asked if the Senate could not avoid sitting in the afternoon to-morrow, and sit in the evening instead. Personally I have no objection to meeting the request. If we were to meet to-morrow afternoon, I am afraid that we would not have a quorum. For that reason I move:

That when the Senate adjourns this evening, it do stand adjourned until to-morrow evening at 8 o'clock.

The motion was agreed to.

The Senate adjourned until to-morrow at 8 p.m.

THE SENATE

Tuesday, May 15, 1928.

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

Prayers and routine proceedings.

ADMISSION OF WOMEN TO SENATE

INQUIRY

Hon. Mr. McMEANS inquired of the Government:

If, in view of the recent decision of the Supreme Court of Canada, it is their intention to take any steps, looking to the admission of women to the Senate of Canada, and, if so, what course of procedure do they intend to follow?

Hon. Mr. DANDURAND: The Minister of Justice stated that the Government would consider the advisability of presenting a resolution tending to the amendment of the Constitution so as to give women the right to be appointed to the Upper Chamber. That is, so far, the only information which I can impart to my honourable friend.

I might add that a reasonable time should be allowed the parties interested, representing the better half of Canada, the women, to decide whether, through some association or individually, they would not petition the Privy Council for leave to appeal from that decision.

Hon. Mr. McMEANS: May I further inquire of the honourable gentleman whether it would not require an amendment to the British North America Act? And was not the opinion of the Provincial Prime Ministers, who assembled here adverse to any change in the British North America Act?

Hon. Mr. DANDURAND. I can only say that the situation will be duly considered before the Government decides upon the policy to be formulated.

MEDICAL EXAMINATIONS FOR PENSIONS

MOTION FOR RETURN

Hon. Mr. BEAUBIEN moved:

That an order of the House do issue for a return showing all instructions and Table of Disabilities made by the Board of Pension Commissioners under the authority of the Pension Act, 1909, for the guidance of physicians and surgeons making medical examinations for pension purposes.

The motion was agreed to.

IMPORTATION OF INTOXICATING LIQUORS BILL

RECONSIDERED IN COMMITTEE

On the Order:

Third reading of Bill 192, an Act respecting Interprovincial and International Traffic in Intoxicating Liquors, as amended.

Hon. Mr. DANDURAND: Honourable gentlemen, I move that this Bill be not now read a third time, but be recommitted to Committee of the Whole for the purpose of reconsidering the amendment made in Committee to clause 3, permitting the carriage of one half-gallon of intoxicating liquor from one province to another.

The motion was agreed to.

Hon. Mr. DANDURAND: I move that this Bill be considered in Committee now.

Hon. Mr. STANFIELD: Honourable gentlemen, is this procedure strictly in order? As I understand, the amendment was made in Committee and was concurred in by the Senate. I am not opposing the present motion, but I would like to know whether or not it is in order to refer this bill back to Committee for the purpose of reconsidering the amendment.

Hon. Mr. DANDURAND: This is the procedure which is generally followed under the rules of the House of Commons. I am convinced that it can be followed in this Chamber, although the amendment of a Bill reported from committee has generally been proceeded with on the order for the third reading. I might have moved in accordance with the usual procedure, but all that could have taken place would have been perhaps a division of the House on the amendment. As a matter of fact, all amendments made in Committee can be tested in the House, either on the report from Committee or at the third reading, and honourable members can then officially register their votes pro or con. I could have moved that the amendment in question be struck out, and then an amendment could have been moved to my motion; but it seemed to me that honourable members would have more facility in discussing the whole matter in Committee than on the motion for third reading. However, I am in the hands of the Senate as to the procedure.

Hon. W. B. ROSS: I should think, myself, without having considered the matter particularly, that sending it back to Committee would be the preferable way of dealing with it, because that allows more latitude. If you deal with it in the way which the honourable gentleman mentioned last, you are tied down to vote yea or nay upon that half-gallon allowance that was inserted. If the Bill is sent back to Committee you can discuss whether to adhere to that or whether to cut it down. Tastes may differ. I should think that, on the whole, that would be the better way.

Hon. Mr. BELAND: Honourable gentlemen, this is the procedure which is followed in the House of Commons. On the third reading of a measure, if a member takes exception to an amendment that has been carried in Committee, he makes a motion, in amendment to the motion for third reading, that the Bill be not now read a third time, but be sent back to Committee of the Whole House with instructions to strike out the particular amendment that has previously been adopted. The House decides upon the motion and the amendment. What is now proposed is quite different. The honourable leader (Hon. Mr. Dandurand) moves to send the Bill back to Committee for reconsideration in a general manner. As a matter of fact, when a Bill is recommitted to Committee of the Whole, any member, on any clause whatsoever, can move an amendment, which may be considered and carried or rejected. There is the difference between the two methods of procedure. I do not know which has obtained in this honourable body, but it seems to me that it would be more regular to move that the Bill be referred to Committee of the Whole House with instructions from the House to strike out the amendment to which the honourable gentleman takes exception. However, I have no objection if the Senate desire to reconsider the whole Bill.

Hon. Mr. McMEANS: I would point out, honourable gentlemen that there is no motion before the House that the Bill be read the third time. How can the honourable gentleman move that it be not now read a third time when there is no motion for the third reading?

The Hon. the SPEAKER: The honourable gentleman's (Hon. Mr. Dandurand's) motion was that the Bill be not now read a third time, but be referred to Committee of the Whole House.

Hon. Mr. McMEANS: How can that motion be made?

The Hon. the SPEAKER: On the order being called.

Hon. Mr. McMEANS: Surely there must be a motion that the Bill be read the third time.

Hon. W. B. ROSS: The Bill was set down for the third reading, as I understand.

Hon. Mr. GILLIS: I think the course proposed by the honourable leader is the only course that we can follow. The Bill is up for third reading, and he wishes to have it referred back to Committee in order to have an amendment made to a particular section. I think he is following the only course that is possible under the circumstances.

The Hon. the SPEAKER: Do I understand that the honourable gentleman is objecting to the course pursued?

Hon. W. B. ROSS: No, I think the motion is the right one.

Hon. Mr. STANFIELD: I only brought it up to find out where we stood. I think the honourable gentleman has heard me say that I am not opposing it.

The Hon. the SPEAKER: Then, the honourable gentleman moves that the Bill be not now read the third time, but referred to a Committee of the whole House.

The motion was agreed to, and the Senate went into Committee of the whole on the Bill.

Hon. Mr. Belcourt in the Chair.

The Hon. the CHAIRMAN: Is it proposed to go over the whole Bill?

Hon. Mr. DANDURAND: No. Honourable gentlemen will remember that we added a clause to section 3 by amendment. Section 3 reads as follows:

(1) Notwithstanding the provisions of any other Act or law, no person shall import, send, take or transport, or cause to be imported, sent, taken or transported into any province from or out of any place within or without Canada, any intoxicating liquor, except such as has been purchased by or on behalf of, and which is consigned to His Majesty or the Executive Government of the province into which it is being imported, sent, taken or transported, or any board, commission, officer or other governmental agency which, by the law of the province, is vested with the right of selling intoxicating liquor.

The amendment which was proposed and carried reads as follows:

Provided that the provisions of this Section shall not apply to importations of intoxicating liquors in quantities of half a gallon or less.

To be in order, I believe that I should move that this amendment be reconsidered, and that if that is carried we may then either reject it or further amend it.

The Hon. the CHAIRMAN: On a motion or a vote.

Hon. Mr. DANDURAND: Yes. Now, I draw the attention of the Senate to the fact that the amendment not only allows the transportation of liquor from one province to another, but the importation. Consequently it would permit a group of people to import from outside of Canada into any province as many half gallons as they would be entitled to, according to the importance of the group who would do the importing. So that I think the amendment itself goes beyond the intention of the mover, who thought only of the transfer or the carrying of a small quantity of liquor from one province into another.

Now, as to the policy itself, I may say that the opinions of the various governments that are interested are unanimously against the amendment. I will first read, or repeat the opinion of the Honourable Mr. Price, the Attorney General of Ontario. The Deputy Minister of Justice had sent a telegram to all those Governments, notifying them of the amendment, and asking their opinion upon it as far as the legislation was made in favour of those provinces. Attorney General Price says:

Toronto, Ont., 11.

W Stuart Edwards,
Deputy Minister of Justice,
Ottawa, Ont.

Answering your wire even date concerning bill prohibiting importing intoxicating liquor into government control provinces. Amendment in Senate would strike at very basis of law enforcement in any province if any quantity of liquor were allowed to be taken from one province to other. Consider amendment ultra vires as it would infringe on the right of the province to regulate the sale and disposition of liquor within its borders,

William H. Price,
Attorney General.

There was another despatch, received from the Honourable Sir Henry Drayton, who is Chairman of the Ontario Liquor Commission, which reads as follows:

Toronto, Ont 11.

Hon W D Euler,
Minister Department of National Revenue,
Ottawa, Ont

Newspaper reports indicate modifications to proposed provisions as to importation of liquor absolutely necessary that each province should have complete control of liquors for use in that province. This board permits the importation through itself of liquors required but not stocked by the board. No exceptions should be made if Government control is to properly function. In like manner no liquor should be moved from one province to another except when consigned to the Government Liquor Commission of the province into which the liquor moves. Any exception permitting movement uncontrolled by provincial authorities simply continues past difficulties.

H L Drayton,
Chief Commissioner.

Premier Taschereau, in a telegram sent to the Solicitor General, stated that he agreed with the opinion expressed by Mr. Manson, and that if the Senate amendment was withdrawn there would be a far more effective control in the province. His telegram to Mr. Edwards is as follows:

HQ Quebec, Que 11.

W Stuart Edwards, K.C.
Deputy Minister of Justice, Ottawa, Ont

Telegram received. Have sent to Hon Mr Lucien Cannon, Solicitor General long telegram from Hon Mr Manson Attorney General of British Columbia, protesting against amendment by Senate. I am inclined to share Mr Mansons view, but will take up matter with chairman of liquor commission tomorrow and report to you more fully.

L A Taschereau.

Premier Baxter of New Brunswick says:

Saint John, NB 11.

W Stuart Edwards,
Deputy Minister of Justice,
Ottawa, Ont

Have already wired Prime Minister protesting against proposed Senate amendment. Consider it absolutely destructive of control. Our Commission will import for any reputable individual any special requirement, and that should be sufficient; otherwise amendment simply opens door to bootlegging by authority of law.

John B M Baxter.

Mr. Manson, Attorney General of British Columbia sent this telegram:

Victoria BC 11.

W Stuart Edwards
Deputy Minister of Justice,
Ottawa, Ont

At Dominion provincial conference nine provinces were unanimous in asking that private importation liquor in Government control provinces be prohibited. Senate amendment will almost completely certainly materially destroy value of Bill. Private importation entirely inconsistent with Government control. We have met situation by undertaking import any special brand connoisseur may may wish on basis we will sell to him at regular Government price. This removes any possible exception which may be taken to Bill as passed in Commons. Obviously by use of number of names for private importation half gallon quantities Government control could be circumvented would add that in my personal view exemption favor breweries in section three subsection two quite unnecessary and unasked for by brewers. Premier MacLean has wired Premier King protesting Senate amendment. Understand other provinces taking similar course.

A M Manson.

The Attorney General of Manitoba says:

Winnipeg, Man. 11.

W Stuart Edwards
Deputy Minister of Justice,
Ottawa, Ont

Your telegram re Bill prohibiting importation intoxicating liquor into Government control provinces received. Government Manitoba is of opinion that if amendment is enacted so as to except any importations in less quantities than one half gallon by persons who have lawfully purchased same in any province, then this act will by such amendment be rendered largely nugatory, and Government control and proper law enforcement will be most seriously impaired. Manitoba Government offers strong protest against any such amendment as proposed by Senate. Dominion provincial conference at Ottawa in November last unanimous in request for an amendment providing total prohibition of importation into province, and there is nothing from any province to indicate need of modification of the request.

W J Major
Attorney General of Manitoba.

Honourable Mr. Davis, from the Saskatchewan Government, wired:

Regina, Sask. 11.

W Stuart Edwards
Deputy Minister of Justice,
Ottawa, Ont

I wish to protest as strongly as possible against proposed amendment to Bill dealing with importation of liquor into Government control provinces, by which amendment exception made of half gallon quantities. In my opinion this is totally unnecessary, as our liquor system meets every demand of our citizens. This exception will result in abuse and will make enforcement of our law more difficult than ever. No demand here for any such exception.

T C Davis.

I have conversed with quite a number of people, who are convinced that it would be very difficult to properly enforce the law if a person is found in possession of liquor which he claims to have had in another province across the border, and asks protection under this Act. Anyone might set up such a claim, and the objection is made that it would be very difficult to properly control the use of liquor, and properly administer the Act, if any one in a province could claim that he had just come across from the other side of the border and had duly bought that liquor on the other side.

There is a further objection made, that the provinces—I am speaking generally—are making an effort to furnish absolutely pure liquor, pure alcohol, and under conditions which would be created by this amendment alcohol could circulate throughout a province, coming from nobody knows where, which would be uncontrolled liquor, involving a risk as to its being of a quality inferior to that sold and controlled by the province.

These are the objections I have heard since we passed that amendment, so it seems that, as every man found in possession of liquor would fall under the law of all the provinces, all that could be said against the present legislation would be that there would be a

double penalty to one who was found in possession of liquor which had not been bought in that province.

Of course the Attorneys General of the various provinces fear that this legislation would to a certain extent nullify, or create the impression that it nullifies, the provincial legislation, and precedes it, so that one having liquor in his possession which he claimed to have purchased in another province would not be amenable to the provincial law. I do not know what is the value of that argument, or if there is any virtue in it, but under those circumstances I would ask that we reconsider this section with a view to dismissing or retaining it.

Hon. Mr. McMEANS: Honourable gentlemen, I do not rise to oppose the motion made by the honourable leader of the Government, but simply to point out that all this difficulty arises from the fact that the Federal Government keeps on divesting itself of authority to legislate in matters of interprovincial trade When prohibition came into the different provinces they asked the Government of Canada to give them the right to enact legislation prohibiting the importation of liquor into those provinces. That right was granted, and under that authority from the Federal Government they passed laws making it unlawful to import liquor into any province where there was prohibition. I understand that that is the law to-day, so that if a province has prohibition it can enact any laws it deems wise to prohibit the importation of liquor into that province.

Now, the provinces have changed their opinion, on the question of prohibition, and they have passed laws regulating the sale of liquor by Government control; consequently the Act which enabled them to pass laws prohibiting importation of liquor is nugatory.

All this difficulty would have been avoided if the Federal Government had remained in control of legislation regarding interprovincial trade, and in regard to this question of importation from one province to another. I cannot see why an Act of this kind should be brought before the Federal Parliament at all. If the Government of Canada says to the different provinces: "If you have prohibition, you can pass any law you like forbidding the importation of liquor," then, reasoning on that line, why should they not say that any province controlling the sale of liquor shall have the same power to prohibit the importation of liquor into that province? Then each province could pass such laws as they deemed suitable for the occasion.

It would have been a very easy matter for the Government of Canada to amend the Act, and say that even in cases of provinces that had changed their policy from that of prohibition to Government control would have power to prevent the importation of liquor from one province to another. That would solve all this difficulty, and we would not have had this trouble at all.

I think this is poor legislation, that it has been poorly handled, and that it is going to have a very poor effect. I just desired to point that out; not that I am opposed in any way to the present motion, but the Government is tinkering with these things all the time, divesting itself of Federal authority, and handing it back again, and then coming to make another change.

Hon. Mr. DANDURAND: My honourable friend knows the policy which underlies this legislation, and which was embodied in the Doherty Act. It is based on the position of the Canadian Parliament, whose policy is to respect the wish of each province. As the provinces were not all in accord, and will probably never all be in accord as to the policy which would tend most to temperance, the Federal Parliament lends its power to the provinces in order that they should be able to apply their own views and policies within their borders. This legislation is simply to that effect; it says that there will be no importation from the outside of Canada, nor from one province to the other, except to the Government or its official commission. This is to limit the importation to the one institution in the Province. If that is done, the control is perfect—there is but one purchaser and one distributor throughout the Province. This legislation has that end in view, and is based on the wishes of the Prime Ministers who gathered here in October last.

Hon. Mr. McMEANS: But you draw a distinction between Provinces. This does not apply to a Province where there is prohibition, but it does apply to a Province where there is Government control. I think the argument is of greater force on that account. If you are going to give the Provinces the exclusive right of importing liquor, why not give it to them? Why say that one Province shall be bound and that another shall not?

Hon. W. B. ROSS: I think the Leader on the other side of the House (Hon. Mr. Dandurand) has made good his claim that this amendment is wider than is necessary in order to accomplish the purpose of the honourable gentleman who moved it. I think the mover had in mind certain cases, and to get clear of general statements I will take particular cases. If a man leaves Montreal for Vancouver with a pint of whiskey in his valise, it is not likely that he will have drunk

it all before he comes into the Province of Ontario. That being so, what is he to do with it when he gets into Ontario? Is he to throw it out of the window, and go out and buy another pint if he needs it? I think that what was in the mind of the mover of the amendment was the case of a bona fide traveller carrying, as he put it, half a gallon. Personally, I think half a gallon is an unnecessarily large quantity: that a pint should be sufficient. The amendment, as worded, would probably give people residing in a Province chance to order liquor from outside. It should not be impossible to frame a clause to enable a bona fide traveller from one Province to another, or one passing through a Province, to carry with him a pint or a half a pint of alcohol. I think the amendment as it now stands might be repealed, but I would suggest to the honourable gentleman that he could improve the Bill by providing for such cases as the one I have mentioned.

Hon. Mr. DANDURAND: I confess that I have tried my best to devise some kind of amendment to meet the case which my honourable friend has just described, but so far I have not succeeded. I met a member of the Senate to-day who had discussed that very situation with the Chairman of the Quebec Liquor Commission, who said that common sense should prevail among the officers charged with the supervision of the movement of tourists and travellers, and that he would never countenance any procedure which would be odious and which would affect the good reputation of the Province in the eyes of the travelling public. From the discussion which we have had, I am of the opinion that perhaps we could have the various Provinces adopt regulations which would relieve people having a small quantity of alcohol in their possession from the tyranny of over-zealous officials. I leave it to any honourable member of the Senate to suggest a formula which will not lend itself to considerable abuse on the part of people who will try to carry on a trade for profit along the border. It is my conviction that this discussion will do good, however, and that if we do not insist upon the amendment, the various Provinces will see to it that their officials act humanely and with some consideration for the public that travel from one side of the border to the other.

Hon. W. B. ROSS: I am rather inclined to think that may be the solution, and that the difficulty may be overcome if the honourable gentleman, or the Government that he represents, will take steps to see that some regulation of that kind is made. When I lived in the Northwest a prohibition law was in force, and I remember being on the train one day when the Mounted Police came in and examined the hand baggage. A very small flask, containing about two ounces of brandy was found in the bag of an old lady, and she was taken off the train and was fined. I mentioned a similar case the other day that occurred here. I think the difficulty can be met if the Provincial Governments will give instructions that bona fide travellers, carrying alcohol in quantities of not more than a pint, shall be allowed to pass. If we could get an assurance that an attempt would be made to secure a regulation of that kind, I think we might very well drop the amendment.

Hon. Mr. BELAND: How can we get the assurance that my honourable friend speaks of? Who is going to take the initiative with the Provinces, and bring them to terms, as it were, as to the quantity that may be transported from one Province to another?

Hon. W. B. ROSS: I think the honourable gentleman on the other side of the House (Hon. Mr. Dandurand) would be a very good one to do that.

Hon. Mr. WILLOUGHBY: I suggest that there is one way in which you could get that assurance, namely, by passing the law as it is, and putting in a proviso that it shall not be effective as to this clause until such time as the Government of any Province passes reasonable regulations, to be approved by the Minister of Justice. I think it could be worked out very readily. I have no opinions on this Bill; it is not my habit to carry liquor on the trains, and I do not want to regulate the habits of other people; on the other hand, I do not want to see the bootleggers allowed to transport liquor.

Hon. Mr. McLENNAN: Would it not be better where they have Commissions to pay the Provinces the compliment of believing that those Commissions are administered by reasonable and intelligent people, falling back on the old principle of de minimus non curat lex? Then, if we find many more of these pathetic cases of the two ounce or four once bottle, possibly Parliament might intervene.

Hon. Mr. DANDURAND: I doubt very much whether the suggestion of the honourable gentleman from Moose Jaw (Hon. Mr. Willoughby) would be practicable. I think it would be giving too much importance to a practice which is exceptional. I am quite sure that the Prime Ministers and Attorney Generals of the Provinces are of our opinion

as to the treatment that should be accorded travellers or tourists crossing the line from one wet Province to another. They are men of intelligence, and will realize that the practice of the detective who opens the satchel of an old lady and lays an information against her because he finds a small glass of cognac, for the possession of which she is fined, is repellant to the sense of justice and humanity of the members of this Chamber; and I am convinced that our views will be heard in proper quarters, and that instructions will be given so that further injustices of this kind will not be perpetrated.

Hon. Mr. BEAUBIEN: The suggestion made by the honourable Leader of the House has a great deal to commend it; it is full of common sense and humanity. He hopes that instructions will go down from the Prime Ministers of the different Provinces to the officials, so that any man who may happen to be in possession of a small quantity of intoxicating liquor while passing from one Province to another will not be molested. But what is the honourable gentleman's suggestion? He suggests, first of all, that we make a cast iron law which magistrates, if they have a conscience, will be forced to apply; and at the same time he expresses the pious hope that the law will be disregarded by the very officers appointed to carry it out. If we say that common sense should be exercised by the officers selected to enforce the law at the boundary of each Province, why should not we exercise the same common sense when we make the law?

Hon. Mr. DANDURAND: This is a very wide statement.

Hon. Mr. BEAUBIEN: The honourable gentleman says that no liquor at all shall be imported, transported, or sent from one Province to another, and at the same time, with a very engaging smile, he says: But we trust that the Prime Ministers of the different Provinces will issue instructions to the officers charged with maintaining the law to use common sense and to abstain from tyranny, and to allow a man with intoxicating liquors to come into a Province without impediment. Surely, what is common sense for the officer or for the magistrate is common sense for us. If a man should be allowed to carry a bottle of whiskey from one wet Province to another without being molested, surely we can state that in the law. Do I understand the honourable gentleman to say that we cannot draft a section to cover that?

Hon. Mr. DANDURAND: It is very difficult to find a formula.

Hon. Mr. BEAUBIEN: I cannot agree with my honourable friend. It may be that the amendment goes a little too far; but if it does, I think it should be said that it repeats the exact terms of the section itself. The honourable member for Hamilton (Hon. Mr. Lynch-Staunton) took the exact terms of the section to draft the exception.

Hon. Mr. DANDURAND: I draw attention to the fact that the word "importation" as used in the amendment, covers importation from abroad, and from one Province to another. In the view of the draftsman of the Bill there is importation from outside the country, and from one Province to another, and in the amendment the word "importation" covers both.

Hon. Mr. BEAUBIEN: Is it possible that the amendment goes further than the honourable gentleman who drew it intended? Perhaps it may be conceived that a man would import from one province to another, or from Europe, at the rate of half a gallon at a time. Now I leave it to the common sense of honourable members of this Chamber whether that is possible or not. And let us not lose sight of this fact, that the Bill was presented to this House for the purpose of stopping bootlegging. It was laid down in the first place: "We do not want to stop personal importation in small quantities, the carrying of liquor by travellers. No; we are aiming at the man who makes a business of importing in large quantities." That is the way the matter was presented to this House. Then the honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton) said: "Very well, let us pass the Bill with this modification. We suggest that it should not apply to the half-gallon or less that may be carried by the traveller." That was the whole suggestion.

May I call attention to this fact? This is enabling legislation. In the first place, protection is afforded to the different Liquor Commissions created by provincial law. Secondly, this enabling legislation covers all importations except in half-gallon quantities. Those are the only exceptions in the Federal legislation which we are now contemplating. Besides, the importation of the half-gallon might still be prevented by provincial legislation. We have no authority to interfere in any way at all with the operation of the provincial law. I do not know to what extent it is permissible for a man who buys a bottle of whisky in this province to carry it into the province of Quebec, in view of the provincial law which says it is illegal to have in your possession in the province of Quebec, or to transport into that province,

liquor that has not been bought from the Liquor Commission of Quebec. So even in that respect I am not too sure that we are protecting the traveller. Anyhow we are invited to lend our aid in tying him up. It seems to me that there ought to be some limit to this enabling legislation and it is not going too far to allow the small quantity of half a gallon to be imported by a traveller from one province to another.

If my honourable friends fear that the importation may be done from a distance—that a man may order a great quantity of liquor from another province, to be shipped half a gallon at a time, I would suggest this amendment:

The provisions of this article shall not apply to any person taking or carrying a half-gallon or less of intoxicating liquor from one province to another.

That exception, in the first place, would be limited to the person carrying or taking the liquor with him, and, secondly, it would apply only to importation from one province to another.

Hon. Mr. DANDURAND: Would my honourable friend allow my motion for reconsideration of the amendment to be put? The Committee adopted the amendment; so I have moved for reconsideration of it. When reconsideration is allowed, my honourable friend (Hon. Mr. Beaubien) may move his amendment.

Hon. Mr. LAIRD: Honourable gentlemen—

Hon. Mr. DANDURAND: My honourable friend (Hon. Mr. Laird) understands my present motion? It is that we reconsider the amendment that we made. If the Committee decides to reconsider, then the question will be open.

Hon. H. W. LAIRD: I am going to speak to that question. It is said that fools rush in where angels fear to tread. For an hour and a half this evening the House has been engaged in what I feel is one of the most useless discussions I have ever heard within the precincts of this Chamber. The Government brought down legislation for the purpose of prohibiting the exportation of liquor from one province to another, and in a moment of weakness the other night the majority of this House varied that legislation to the extent of providing that half a gallon might be taken from one province to another. The result is that we have protests against this proposed amendment from several important provinces in which there is Government Control. Although the discussion here this evening has lasted for an hour and a half, I cannot for the life of me see where it has helped us in any way towards any better solution of the difficulty than we had when we started. The system of Government Control was established in various provinces after a referendum had been taken and the people had declared in favour of the system. The Provincial Governments have placed on their Statute Books the necessary legislation in order to maintain the system of Government Control. Those Provincial Governments, who are responsible to the people for carrying into effect what the people by their vote have demanded, say that the legislation which this Chamber proposes to pass will affect them seriously in the administration of Government Control. I do not see why we should make trouble for ourselves by precipitating ourselves into a matter which logically belongs to the Provincial Governments.

When this whole question is boiled down, when it is considered aside from the fine legal technicalities we have had from all the lawyers who have participated in this discussion to-night—and I do not know of any but lawyers who have taken part—what is the ordinary layman to think? To what conclusion does he come? As a layman it strikes me that the whole point of this present situation is, are we to defer to the protests and the requests of the Governments who are logically the authorities to carry out what the people in the different provinces have demanded by their votes in the referenda that have taken place. Why should we worry at all about the question? They are the people to worry about it, and if they say that allowing the export of half a gallon from one province to the other will seriously hinder them in carrying out the wishes of their people, why should we insist on permitting it? Why not support the legislation that was originally brought down by the Government and give the people of the provinces what they have demanded and what, it seems to me, is a reasonable request for them to make?

There is a further point in this matter. There is Government Control in Ontario and Quebec, and in other provinces lying contiguous to one another, and the purpose is to stop importation from one province to the other. That should include the bottle or the half gallon that may be carried by a tourist. Why should tourists or other people be allowed to take liquor from one province to the other? Why should any man from Ontario take liquor to Quebec, or vice versa? Travellers can get liquor in Quebec if they go there; so why take it there? Why should we pass

an amendment in defiance of the requests of these provinces, just for the sake of a hypothetical case that might possibly arise, that of a man taking a bottle of whisky from one of these provinces to another? Who is going to take a bottle of whisky from Ontario into Quebec, or from Quebec into Ontario? Why, the idea is ridiculous. I do not see why we should waste the time of this Chamber in discussing what to my mind, the mind of a very humble layman, is the simplest possible proposition, and that is to give control to the Governments of the provinces, who are merely acting in pursuance of the demand made by their own people that the Government should control the sale of liquor. The Provincial Governments consider that in order to effect that control they should have the right to stop people from bringing liquor into the province. That is all this legislation proposes. I voted against the amendment the other night, and I see all the more reason now why I should vote against it again to-night.

The Hon. the CHAIRMAN: Honourable gentlemen, the question is whether this Committee of the Whole will reconsider the amendment to section 3.

Hon. Mr. BELAND: Everybody is willing to reconsider.

The motion was agreed to.

Hon. Mr. BEAUBIEN. Now, honourable gentlemen, I am not going to plead again the necessity of protecting the man who in good faith goes across the line with a small quantity of liquor. I am going to reduce it to forty ounces, which is, I understand a large bottle. My amendment reads as follows—

Hon. Mr. DANDURAND: Will the honourable gentleman allow me? I move that the amendment which was passed be withdrawn. My honourable friend will move in amendment.

Hon. Mr. BEAUBIEN: I move in its stead:

The provisions of this section shall not apply to any person taking or carrying forty ounces or less of intoxicating liquors from one province to another.

Will the Government accept this amendment instead?

Hon. Mr. DANDURAND: No.

Hon. Mr. BEAUBIEN: Forty ounces?

The Hon. the CHAIRMAN: Honourable gentlemen, the question is as follows. It has been moved by Hon. Mr. Dandurand that this amendment added to clause 3 be withdrawn. An amendment has been moved by Hon. Mr. Beaubien—

Hon. Mr. DANDURAND: Perhaps my motion might be carried and then my honourable friend (Hon. Mr. Beaubien) might move his amendment.

The Hon. the CHAIRMAN: The question is whether the amendment to section 3 shall be withdrawn.

The motion was agreed to.

The Hon. the CHAIRMAN: Hon. Mr. Beaubien moves this amendment, to be added to section 3.

Hon. Mr. BELAND: At the end of subsection 1 of section 3.

The Hon. the CHAIRMAN (reading):

The provisions of this section shall not apply to any person taking or carrying forty ounces or less of intoxicating liquors from one province to another.

Right Hon. Mr. GRAHAM: Into a dry province?

Hon. Mr. MacARTHUR: I would like to ask the honourable gentleman from Montarville (Hon. Mr. Beaubien), who has moved this amendment, whether it means taking or carrying from any province in Canada to any other province in Canada.

Hon. Mr. BEAUBIEN: No.

Hon. Mr. McMEANS: It means only where there is Government Control of liquor.

Hon. Mr. MacARTHUR: That is what I have been trying to find out for two or three days. Are you distinguishing between a wet province and a dry province?

Hon. Mr. McMEANS: Yes.

Hon. Mr. MacARTHUR: The honourable gentleman's resolution says "from one province to another."

Hon. Mr. BEAUBIEN: Will my honourable friend allow me? This is simpily a clause which prevents subsection 1 of section 3 from operating in a certain case. Now, where does subsection 1 of section 3 operate? Only in provinces under Government Control. Do I make myself clear.

Hon. Mr. MacARTHUR: Absolutely not. Honourable gentlemen, I do not wish to say anything that will add to the difficulties in solving this vexed question, but there are in this Bill many features that from the start have not been clear to me. The honourable

leader of the Government (Hon. Mr. Dandurand) this evening read some representations that had been made by the Premiers and the Attorneys General of different provinces. He mentioned all the provinces, I think, except Nova Scotia and Prince Edward Island. In the first place, have any representations of any kind been made by Nova Scotia and Prince Edward Island?

Hon. Mr. DANDURAND: These telegrams which I read were probably answers to telegrams sent, and I should infer that telegrams were not sent to Nova Scotia or Prince Edward Island because they were considered unnecessary under the provisions of this Bill.

Hon. Mr. MacARTHUR: What I want to make clear is that the wording of clause 3 puts Prince Edward Island and Nova Scotia into the same category exactly.

Hon. Mr. CASGRAIN: No, no.

Hon. Mr. MacARTHUR: The other provinces have what is called Government Control. The provinces of Nova Scotia and Prince Edward Island have a Commission, and "Commission" is named in this clause. The Government really control the sale, but they are known as prohibition provinces. The honourable member from Winnipeg (Hon. Mr. McMeans) said that it applied to the taking of liquor from one wet province to another, and did not apply as between a wet and a dry province. I do not know what is the status of Prince Edward Island and Nova Scotia, or under what category they come.

Hon. Mr. CASGRAIN: They do not come under this provision; they are not included.

Hon. Mr. MacARTHUR: It does not say so. They have a Government Commission. The difference is that in Nova Scotia and Prince Edward Island liquor cannot be obtained except on a doctor's prescription, and there is a label on the bottle, whereas in the other provinces you get it through public sale.

The Hon. the CHAIRMAN: I may explain to my honourable friend that by the addition of one word the proposer of the amendment has done away with the objection which my honourable friend makes. The amendment now reads:

> The provisions of this section shall not apply to any person taking or carrying forty ounces or less of intoxicating liquors from one of the said provinces to another.
>
> "The said provinces" means the provinces having Government Control.

Hon. Mr. DANDURAND: Question!

Hon. Mr. MacARTHUR.

The Hon. the CHAIRMAN: The question is on the amendment proposed by the honourable gentleman from Montarville.

Hon. Mr. ROBERTSON: I should like to see more discussion on this amendment before taking a vote.

Hon. Mr. CASGRAIN: It is too late now.

Hon. Mr. DANIEL: We are voting on Senator Beaubien's amendment.

Hon. Mr. ROBERTSON: I think it should be discussed. There has been no discussion on his amendment.

The Hon. the CHAIRMAN: If the honourable gentleman wants to speak, all right; go on.

Hon. Mr. ROBERTSON: Honourable gentlemen, I have a word I would like to say on this amendment of the honourable gentleman from Montarville (Hon. Mr. Beaubien), especially in view of the fact that I voted in favour of the amendment that has now been repealed. Since the discussion in the House last week there have developed two reasons why I think this House is justified in altering its attitude towards this motion. One is, that since the Bill was under consideration practically all the provincial governments, through their Attorneys General or Premiers—

Hon. Mr. LAIRD: I rise to a point of order. Are we voting on this or are we speaking on it? You asked for the yeas to be counted, and you have not asked for the nays. Where are we at?

The Hon. the CHAIRMAN: As I understand it, the honourable gentleman from Welland (Hon. Mr. Robertson) asked to speak further on the motion before the Chair, and I understood that he had the unanimous consent of the House to do so.

Hon. Mr. ROBERTSON: I might say to my honourable friend from Regina (Hon. Mr. Laird) that I did not understand it was by consent of the House that we discussed it further, because the amendment of my honourable friend from Montarville (Hon. Mr. Beaubien) had not been discussed by the House before the motion was put, and therefore, I thought it was perfectly proper that there should be some discussion. There might be other honourable gentlemen who desired to say something.

For two reasons I think the House is justified in reconsidering this decision of a few days ago. One is that the Attorneys General and Premiers of different provinces have, generally speaking, made it known clearly that they think we ought not to put in the amend-

ment. One of the particular duties of this Senate is to give recognition to requests of provinces, particularly if there is a difference of opinion, and protect minorities, and so on. Here we find the provinces unanimous. They are responsible for the administration of this law, and for the complaints that may arise under it.

In addition to that, I think that the amendment now proposed, if passed, would not be effective in certain provinces, at least where it has already been declared that the provincial law governs, and that the province has a right to forbid the importation. If in the course of its administration it is found that abuses are imposed on the people, travellers or others, then it seems to me that this House might well take some recognition of it, in the public interest, and in the interest of interprovincial trade.

But under existing circumstances I do feel that the House should accept the Bill as it now stands, having repealed the section as passed the other day, and await results of the operation of the law embodied in this Bill, and not further interfere. Much as I sympathize with the amendment of my honourable friend from Montarville, I am afraid it will lead to some objection on the part of the provincial governments, and I for one would not like to see this House put itself on record as arbitrarily passing any legislation in which practically all the provinces are directly concerned, and which they are saying they do not favour

Hon. Mr. McMEANS: Might I ask the honourable leader of the Government if there is not a law at present in force by which the carrying of liquor from one province to another is prohibited?

Hon. Mr. ROBERTSON: Surely.

Hon. Mr. McMEANS: I am speaking about the Act respecting express companies and common carriers.

Hon. Mr. CASGRAIN: The Doherty Act.

Hon. Mr. McMEANS: No, it prohibits any common carrier from carrying liquor from one province to another.

Hon. Mr. DANDURAND: They can only do so under the provincial law.

Hon. Mr. DANIEL: Honourable gentlemen, it appears to me that the honourable Senator from Hamilton (Hon. Mr. Lynch-Staunton), who brought in this amendment, did so for one purpose only, that is, to protect tourists and bona fide travellers from being annoyed by the opening and examination of their baggage and luggage to see whether they had in their possession a bottle or some small quantity of alcoholic liquor.

For instance, a traveller starting from Vancouver may, and probably would, have a flask in his bag. He comes through all those various provinces, and I suppose under this law he is liable to be fined $200 by each province into which he goes with that little flask of liquor, though it is carried innocently, and not for the purpose of bootlegging or disobeying any law, but for his own convenience as an ordinary traveller, perhaps in many cases as a medicine.

I think it would have been better if those Prime Ministers of the various provinces had been a little fuller in their communications, and stated that there was no necessity for this law, because they did not intend to carry it out in such a way as to trouble people whom our amendment is supposed to protect. They might have given some intimation of that kind.

I think, with the honourable gentleman who moved this amendment, that probably financial regulations under provincial laws would be the best way to settle this matter; and I think the best method of causing the various provincial authorities to assume that attitude, and make those regulations, is to put into this Bill now such an amendment as will cause them to think it would be to their advantage to do that very thing. That is why I propose to support the amendment introduced by the honourable Senator from Montarville (Hon. Mr. Beaubien).

The proposed amendment of the Honourable Mr. Beaubien was negatived: yeas 14; nays, 26.

Hon. Mr. BELAND: Honourable gentlemen, I have another amendment which may appeal more to my own colleagues, inasmuch as it reduces the quantity of liquor to 26 ounces, and also specifies that such liquors will be carried by a bona fide traveller for his personal use, and some other provisions which I will read to you in a moment, which I think will meet the objection raised a few minutes ago by the honourable gentlemen from Prince Edward Island (Hon. Mr. MacArthur). I think his objection was well taken in some regards, but his suggestion was too broad, because some of the provinces have no law for control of intoxicating liquors.

Now I would propose to add, after subsection 1 of section 3:

1-A. The preceding section shall not apply to intoxicating liquors in quantities of not more than 26 ounces when such quantities are carried by a bona fide traveller for his personal use,

and have been purchased lawfully in any one province, and are taken or transported to a province where they may be lawfully purchased by the public, with or without permit.

The last words are used to cover some provinces where the public cannot purchase liquor from a store without a permit. That is the case of Ontario, while in the province of Quebec no permit is needed; anybody can walk into a liquor store and purchase a bottle.

I believe that this amendment covers many of the objections that honourable gentlemen have made to the former amendment, and I hope it may have the good fortune to carry.

Hon. Mr. GRIESBACH: I suggest to the honourable gentleman that he would add the words "or her", after "his"—to make it read: "for his or her personal use."

Right Hon. Mr. GRAHAM: Or "his, her and theirs".

Hon. Mr. DANDURAND: Honourable gentlemen, we have been thinking of people who might be annoyed at the border between two provinces. I really believe that we should be thinking of the provinces that we are annoying just now. They have their own laws, but we propose to bring in legislation which would seem to run counter to their own legislation. While I support the view of my honourable friend from Montarville (Hon. Mr. Beaubien) that their laws will not be made valid by our legislation, yet there will be an entanglement in the minds of the people, and law-suits which will arise, and summonses before the courts, and all this uselessly. While we intend that the provinces should remain supreme within their own jurisdiction, we entangle the whole situation. Each province will carry its own legislation within the province, but we do not allow the provinces to enforce the legislation within their own territory. So that I cannot accept the amendment.

The proposed amendment of the Honourable Mr. Beland was negatived; Yeas, 17; Nays, 23.

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.

DIVORCE BILLS

SECOND READINGS

On motion of Hon. Mr. Willoughby, Chairman of the Committee on Divorce, the following Bills were severally read the second time:

Hon. Mr. BELAND.

Bill E9, an Act for the relief of Irene Matilda Ballinger.

Bill F9, an Act for the relief of John Hare.

Bill G9, an Act for the relief of Helena Martyniuk.

Bill H9, an Act for the relief of Francis Marmaduke Steele.

Bill I9, an Act for the relief of Rose Tlustie.

Bill J9, an Act for the relief of Robert Anderson Traill.

DEPARTMENT OF PENSIONS AND NATIONAL HEALTH BILL

CONSIDERED IN COMMITTEE AND REPORTED

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 205, an Act respecting the Department of Pensions and National Health.

Hon. Mr. Copp in the Chair.

Hon. Mr. DANDURAND: I would ask Mr. Scammell to come to the floor.

Sections 1 and 2 were agreed to.

On section 3—Department:

Hon. Mr. ROBERTSON: I rather regret that this important Bill is being dealt with at so late an hour and with so small an attendance in the House. I think the Bill merits closer attention on the part of the House, and suggest that probably many members who are not here would like to be here. I make this observation in case the Leader of the Government should think it worthy of consideration.

In connection with this section, I wish to make a few remarks. When the Board of Pension Commissioners began to function, it was universally agreed that the matter of the assistance and support of citizens of this country who had participated in its defence during the Great War should be dissociated from everything political, and it was therefore decided that an independent tribunal, to be called the Board of Pension Commissioners, should be set up with full authority to administer the law, independent of departmental interference. It seems to me that section 3 of this Bill departs from that well established and sound principle, and brings the Board of Pension Commissioners within the ambit of departmental control. While that control may never be exercised, there is nevertheless opportunity for it; and I suggest that before this section passes the principle that I have mentioned should be very carefully weighed, because it may well be that we are opening a door which will lead to abuses such as have existed in the country to the south of us since the Civil War, and which will confer benefits in undeserving instances while denying it in others. I strongly object to the Board of

Pension Commissioners being subjected to departmental control, I care not under what Government it may be and I would therefore respectfully ask the Leader of the Government if he would not agree to let this section stand over for further consideration, perhaps to-morrow, when we have a fuller attendance in the House.

Hon. Mr. DANDURAND: I think my honourable friend is labouring under a misapprehension. There is nothing changed in the law. There is a change in title of the Department, but no change in the powers or attributes of the various branches in charge of the Soldiers' Civil Re-Establishment.

Hon. Mr. ROBERTSON: Then why change the law?

Hon. Mr. DANDURAND: Simply in order to amalgamate two Departments that were working separately under the same head. Under the present law, who is Minister of Soldiers' Civil Re-establishment? Dr. King! Who is Minister of Health? Dr. King! Who will be the Minister in charge of the administration of the amalgamated Department? Dr. King! His powers are not increased in the administration of the Department of Soldiers' Civil Re-establishment; as a matter of fact, they are somewhat diminished, as my honourable friend will find as we proceed from one section to another. From now till the 1st of May of next year, it will be the duty of the Minister and of the Governor in Council to reorganize the Department according to the classification which already has been followed; but after that date all that service will come under the sway of the Civil Service Commission, and as a consequence the powers of the Minister will be diminished. So this Bill is simply for the purpose of passing over the control to the Civil Service Commission, within a certain time, after the Minister decides as to the number of officials that are needed.

Hon. Mr. ROBERTSON: In view of the absence of some of those who are more directly interested in soldier and pension matters, I would ask that this clause stand until to-morrow.

Hon. Mr. DANDURAND: I may say that this evening I consulted the honourable gentleman from Edmonton (Hon. Mr. Griesbach) and asked him if he had read this Bill. He informed me that he had read it from A to Z, and had found nothing to complain of in it. I read it myself; and as I had started by reading the debate in the House of Commons, which ended nowhere, I was fooled into believing that it was a most intricate Bill, and so I sent for help. Then, upon reading it quietly, I found that there was nothing in it except the amalgamation of the two Departments. We will not take the third reading this evening, however, and I think that between now and 3 o'clock to-morrow my honourable friend will find that he is under a misapprehension.

Hon. Mr. ROBERTSON: I was quite unaware that the honourable gentleman had consulted with the honourable from Edmonton (Hon. Mr. Griesbach). His absence was one of the reasons for my suggestion. On the understanding that the Bill will not be read the third time until to-morrow, and accepting the assurance of my honourable friend that the honourable gentleman from Edmonton has no objection to it, I am content to let the clause pass.

Hon. Mr. DANDURAND: We will not take the third reading this evening.

Section 3 was agreed to.

Sections 4 to 12 inclusive, were agreed to.

On section 13—title of Minister altered:

Hon. Mr. ROBERTSON: Subsection 2 of section 13 reads:

> Whenever in any Act of the Parliament of Canada, or in any regulations or orders made thereunder, the Department of Health, the Deputy Minister of Health, the Department of Soldiers' Civil Re-establishment, or the Deputy Minister of Soldiers' Civil Re-establishement is mentioned or referred to, there shall in each and every case be substituted therefor the Department of Pensions and National Health and the Deputy Minister of Pensions and National Health respectively.

May I inquire of my honourable friend as to the manner in which it is intended that the jurisdiction of the Deputy Minister shall supersede that of the Board of Pension Commissioners?

Hon. Mr. DANDURAND: In no respect whatever.

Hon. Mr. ROBERTSON: That would surely indicate it.

Hon. Mr. DANDURAND: No. This is simply the effect of the situation as it is. There are two Acts, one referring to the Deputy Minister of Health, and one to the Deputy Minister of Soldiers' Civil Re-establishment; henceforth they will be represented by the Deputy of the amalgamated Department.

Hon. Mr. ROBERTSON: Does my honourable friend give the assurance that the Board of Pension Commissioners will continue to operate as an independent unit, and

will not be interfered with, in matters that come under the jurisdiction of the Board, by officials of the Department who are outside of the Board of Pension Commissioners?

Hon. Mr. DANDURAND: I am informed that no change is contemplated in the situation of the Pension Board as it has functioned up to this date.

Section 13 was agreed to.

Sections 14 to 16, inclusive, were agreed to.

The schedule, preamble and title were agreed to.

The Bill was reported.

DOMINION LANDS BILL

FURTHER CONSIDERED IN COMMITTEE

The Senate again went into Committee on Bill 199, an Act to amend the Dominion Lands Act.

Hon. Mr. Copp in the Chair.

Hon. Mr. ROBERTSON: Honourable gentlemen, I think it would be wise, by agreement, to let this matter stand until tomorrow. It is a matter of considerable importance, and I do not think we ought to deal hastily with it, in the absence of several honourable gentlemen who are interested in it, especially honourable members from Western Canada. I would ask my honourable friend to let this matter stand.

Hon. Mr. DANDURAND: If my honourable friend will take note of the information I have, he may afterwards renew his request. This Bill was postponed for a week or more, at the request of honourable members of the Senate, in order to ascertain the attitude of the four Western Provinces, the only provinces interested, on this question of allowing homesteaders to obtain a second homestead. Honourable gentlemen will remember that that was the reason for postponing the Bill. I asked the Minister of the Interior to send out copies of the Bill. It had been alleged, I think that the Bill before us was not the measure as it was introduced in the Commons. Answers have now come from the Prime Ministers of all these provinces.

Edmonton, Alberta, May 9, 1928.

Hon. Charles Stewart,
Minister of the Interior,
Ottawa, Ont.

Your letter third reference Dominion Lands Bill Provincial Government concurs.

(Signed) J. E. Brownlee.

Victoria, B.C., May 9, 1928.

Hon. Chas. Stewart,
Minister of the Interior,
Ottawa, Ont.

Re Bill one hundred ninety nine can see no objection to this amendment.

(Signed) J. D. MacLean.

From the Prime Minister of Manitoba to Mr. W. W. Cory, Deputy Minister of the Interior:

Replying your letter of eleventh instant re Dominion Lands Bill, Provincial Government will offer no objection to provision for second homestead.

(Signed) John Bracken.

Hon. Mr. SHARPE: What is the date of that, please?

Hon. Mr. DANDURAND: It is dated May 14th. The Prime Minister of Manitoba was here during the week preceding the 14th of May and was in contact with the Deputy Minister of the Interior. He stated that he was going to Winnipeg and would consult his colleagues and send an answer. That is the answer.

The answer from the Prime Minister of Saskatchewan is dated May 10th:

Your letter of May third stop Bill number 199 an Act to amend the Dominion Lands Act was reviewed by Cabinet Council here and agreed to.

(Signed) James G. Gardiner.

The answers cover the four provinces. I wonder if my honourable friend (Hon. Mr. Robertson) will insist upon the Bill being left in Committee of the Whole.

Hon. Mr. ROBERTSON: With the information which my honourable friend the leader of the Government has tendered the House, I have no further objection.

Hon. Mr. GRIESBACH: I think I was largely responsible for the Bill being held up. I made it quite clear that I was not discussing the principle of the Bill, or the question whether or not there should be a second homestead. What I stressed at the time was that the natural resources were about to be turned over to the Provinces, and I did not think a Bill of this sort should pass unless it were approved of by the Governments of the provinces largely involved. The honourable leader of the Government was good enough to say that he would endeavour to inform the House as to how the Provinces viewed the question. There the matter stood. Now that the honourable leader of the Gov-

ernment has put the House in possession of the information that this legislation has the consent of the Provincial Governments involved, there is nothing further to be said, so far as I am concerned. I agree to the Bill.

On section 1—second homesteads:

Hon. Mr. SHARPE: I would like to ask the honourable leader of the Government if Bill 199 as passed by the House of Commons on the 17th of April was the Bill that was submitted to the different Prime Ministers. It is considerably different from the Bill that was introduced on the 11th of April.

Hon. Mr. DANDURAND: The Bill that has come from the Commons to the Senate, and is before us, is the one that I requested the Department of the Interior to send to the various Governments. And I may say that, although Mr. Bracken speaks of a letter of the 11th, he must have received one of the 3rd of May at the same time. It must have arrived during his absence from Winnipeg.

Hon. Mr. SHARPE: I am quite sure that the Bill that was introduced on the 11th of April had been submitted to the different Provincial Prime Ministers, but I did not know whether this other Bill, passed by the House of Commons on the 17th of April, and now before us, had been submitted to them.

Hon. Mr. DANDURAND: Yes.

Hon. Mr. SHARPE: That is what I wanted to know.

Hon. Mr. DANDURAND: That is the Bill that I asked the Department of the Interior to send to the Prime Ministers.

Section 1 was agreed to.

Sections 2 and 3 were agreed to.

The preamble and 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.

LIVE STOCK AND LIVE STOCK PRODUCTS BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 61, an Act to amend the Live Stock and Live Stock Products Act.

He said: Honourable gentlemen, this Bill carries into effect the desire expressed by a number of people who have studied the question of the grading of beef for domestic consumption. As a result of a discussion which took place in Parliament a year or two ago the Minister of Agriculture started an inquiry on the subject. A small committee was appointed, who examined the conditions throughout the country, more especially in the West, and a sub-committee went to the United States to study there the application of a similar law. It was decided to bring in this amendment to the Live Stock and Live Stock Products Act. It is an amendment to section 4. Section 4 reads:

The Governor in Council may make regulations prescribing,

(a) the manner in which stockyards are to be constructed, equipped, maintained and operated;

(b) the manner in which complaints against the operation, maintenance or management of stockyards shall be made and investigated;

(c) the manner in which live stock and live stock products shall be inspected, graded, branded or marked;

(d) the manner in which live stock and live stock products graded in accordance with the regulations under this Act shall be sold. . . .

The amendment adds the following paragraph respecting the regulations which the Governor in Council may make:

For voluntary application only, specifications and standards for beef for domestic consumption and also the conditions under which brand, applied to beef by the trade, and relating to such standards, may be recognized and protected.

The intention of the Minister of Agriculture is to proceed step by step to ascertain what are the wishes not only of the retail trade, but also of the consumers, and gradually to apply this provision in order to insure sufficient protection to the individual who buys a piece of beef without knowing exactly its quality. The Minister will proceed through the experimental stage to ascertain how the law may be better applied for the protection of the consumer. It is this purpose that has actuated him in presenting this legislation to Parliament. It has been received without criticism or opposition, but rather with commendation, in the other House.

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: As there is but one clause, I move, with the leave of the House, that the Bill be now read the third time.

Hon. W. B. ROSS: It is a voluntary Bill, as I understand it.

Hon. Mr. DANDURAND: Yes.

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.

THE SENATE

Wednesday, May 16, 1928.

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

Prayers and routine proceedings.

PRIVATE BILL

THIRD READING

Bill D9, an Act respecting a certain Patent of Jean Baptiste Hurteau.—Hon. Mr. Rankin.

DIVORCE BILLS

FIRST READINGS

Hon. Mr. WILLOUGHBY, Chairman of the Committee on Divorce, presented the following Bills, which were severally read the first time:

Bill N9, an Act for the relief of Rebeina Pearl Bolingbroke.

Bill O9, an Act for the relief of Manassa Fretz.

Bill P9, an Act for the relief of Charles Henry Gifford.

Bill Q9, an Act for the relief of Joseph James Harold Graham.

Bill R9, an Act for the relief of Bernice Alberta Haight.

Bill S9, an Act for the relief of Rose Eadie Harris.

Bill T9, an Act for the relief of Mildred Florence McGowan.

Bill U9, an Act for the relief of Gabrielle Norton.

Bill V9, an Act for the relief of Grace Elizabeth Parker.

Bill W9, an Act for the relief of Charles St. Clair Parsons.

Bill X9, an Act for the relief of Ivy Reader.

Bill Y9, an Act for the relief of James Ramsay Sloan.

Bill Z9, an Act for the relief of Harold Wilfrid Vivian Vincent Turner.

Bill A10, an Act for the relief of Gordon Thomas Wilson.

Hon. Mr. DANDURAND.

PRIVATE BILL

FIRST READING

Bill B10, an Act to incorporate the New Brunswick Bank.—Hon. Mr. Black.

SECOND READING

Hon. Mr. HAYDON: On behalf of the Hon. Mr. Black, with the leave of the Senate, I would move that this Bill be now read a second time.

Some Hon. SENATORS: Explain.

Hon. Mr. HAYDON: This is simply a Bill to incorporate a bank in pursuance of the provisions of the Bank Act. I understand from the honourable Senator in whose hands the Bill really is (Hon. Mr. Black) that it has undergone the usual examination. I know nothing more of it personally.

Hon. Mr. REID: Where is the bank to be?

Hon. Mr. HAYDON: In the Province of New Brunswick.

Hon. Mr. GORDON: Perhaps some honourable gentlemen in this Chamber are not aware that we had a bank known as the Bank of New Brunswick, which was absorbed by the Bank of Nova Scotia. The charter of that bank, I think, is still in existence, and the bills of that institution are out even to this day. Furthermore, the name of the bank is still chiselled in stone over the doors of some of the buildings which were previously occupied by the bank. I know of one such case in Saint John.

I do not think any person objects to a new bank being started, but I do think another name should be chosen.

Hon. Mr. HAYDON: Is not that a matter that could be dealt with when the Bill is referred to Committee?

Hon. Mr. GORDON: Yes.

Hon. Mr. DANDURAND: I drew the attention of the honourable gentleman who has this Bill in hand (Hon. Mr. Black) to this point, and he informed me that the name, not being exactly the same, was satisfactory to the Bank of Nova Scotia. However, that can be discussed in Committee.

Hon. Mr. GORDON: I may inform my honourable friend (Hon. Mr. Dandurand) that the honourable gentleman (Hon. Mr. Black) was under a misapprehension at the time. I do not know where he got his information, but the fact is that that institution is opposed, not to the incorporation of the bank, but to the name.

Hon. Mr. DANDURAND: That may be discussed in Committee.

Hon. Mr. GORDON: Yes.

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

REFERRED TO COMMITTEE

Hon. Mr. HAYDON: I desire to move with the leave of the Senate:

That Rules 24 (a) and 119 be suspended in so far as they relate to this Bill.

This is to allow the Bill to get on because of the rapidly approaching close of the Session.

Hon. W. B. ROSS: Is not the honourable gentleman premature with that motion?

Hon. Mr. STANFIELD: I do not want to hold this Bill back, but I would point out that we have been here for months, and I do not quite understand why an important Bill to incorporate a bank should be brought here in the dying days of the Session. We are giving the first and second reading to the Bill to-day; now we are asked to send it to a Committee that may meet on Monday or Tuesday. It is not fair to the people who may want to oppose the Bill.

Hon. Mr. GORDON: I do not think that motion should carry. I think the Bill should be posted.

Hon. Mr. HAYDON: If honourable gentlemen object, I will simply move that the Bill be referred to the Committee on Banking and Commerce.

The motion to refer the Bill to the Committee on Banking and Commerce was agreed to.

PUBLIC ACCOUNTS AND THE SENATE

MOTION

Hon. J. J. HUGHES moved:

That in the opinion of this House, Rule 78 of the Senate should be amended by providing for the appointment of a Standing Committee on Public Accounts.

He said: Honourable gentlemen, some weeks ago this House discussed the long adjournments that take place at the beginning of the Sessions, the somewhat long adjournments over the week-ends, and the particularly long adjournment that took place at the beginning of the present Session. The general impression seemed to be that the Senate should take a more active and sustained part in the work of the sessions, and be a greater factor in the parliamentary life of the nation. It was pointed out that there was nothing to prevent us from doing this if we wished, because our powers were equal to those of Commons in every particular save one, namely, that we cannot originate money bills.

The opinion of the Senate that is pretty generally held in the country is, that it is a place of repose for worn-out politicians who need a rest—

Hon. Mr. GORDON: Who said that?

Hon. Mr. HUGHES: Some people and some newspapers.

Hon. Mr. CASGRAIN: You should not repeat it.

Hon. Mr. HUGHES: —and for wealthy men who have served their country and their party, and who wish to do a little light legislative work on the side, but who do not wish to, or cannot undertake the more onerous work done by the Commons. This opinion is not well informed or just, because the Senate does much useful work. But it could do more, and it therefore rests with ourselves whether this opinion will be wholly or partially removed, or allowed to deepen and grow, with perhaps undesirable results.

A large part, or perhaps the best part, of parliamentary work is now done by Committees and Commissions, and I think this tendency is increasing. Some writers say this is a natural and proper development of democracy and should be encouraged. This thought brings me to the subject matter of the Resolution I have on the order paper. Our powers being equal to those of the Commons, and it being our duty to revise and supervise the legislative work of the Commons, why is it not equally our duty to supervise the administrative work of the other branch of Parliament?

In 1919 this House established a Committee on Finance, which I am told had two or three sittings, but no more. If I understand the thing aright, the special work of this Committee was to examine and supervise the Supply Bill, and to suggest methods for raising the revenue. The Supply Bill is prepared by the Government of the day, goes through the Commons after being examined by the Committee of the whole House, and comes to the Senate so late in the Session that it is very difficult, if not impossible, to give it any thorough or intelligent examination; and in my opinion, you had better not touch the thing you cannot do properly.

With regard to suggesting methods of taxation it might be different, but since a Tariff Board has been appointed, and with the opportunities the other House has for criticism and suggestion, it is doubtful whether a Com-

mittee of this House could help much. Of course, suggestions should be always in order, and no Government should be above taking suggestions from Members of Parliament or respectable citizens anywhere. There is, however, a Committee which I think this House is particularly well adapted to take charge of, namely, the Public Accounts Committee. Such a Committee would be charged with the investigation of past expenditures, and could therefore begin its work when Parliament meets. The Public Accounts are tabled then, the Auditor General's report is ready, and there is nothing to delay proceedings; and from what I have seen of them, Committees of this House are very business-like bodies. The lawyers on them do not wrangle over rules of evidence, procedure and other immaterial things; they get right down to work, and are in a word, fact-finding, not fault-finding bodies. This is why I say that this House is peculiarly well adapted to have a Public Accounts Committee.

Another thing that might be mentioned is this. The work of the two Houses is not well apportioned; the Public Accounts Committee of the other House has not met for two or three years. It may be that they have too much to do over there, while we are not overworked. Then why not make a better division? Moreover, for obvious reasons, the country might have more confidence in the findings of a Committee of this House than in the findings of a Committee reporting to the other Chamber. If a Committee of this House would do its work properly and report unanimously, the country would soon come to have as much respect for its findings as it now has for the report of a Royal Commission, or even for the decision of a bench of Judges, and that would be very desirable.

A Public Accounts Committee could state exactly what the public debt amounts to, and thus set the public mind at rest on that point. During the past winter there was considerable discussion in the country over this very thing. One set of disputants took the Funded Debt in 1922 and compared it with the same debt in 1928, and declared that the reduction in the debt had been small in that six years period. The parties who did that left out of the calculation the large floating debt, under the head of "Temporary Loans" in 1922, amounting to $144,535,000, practically all of which had been paid off before 1928, the balance left amounting to only $201,000.

I give this as an illustration of the confusion and misapprehension that exist in the public mind in regard to public questions about which there should be no doubt. There will always be many public questions, particularly questions of policy, about which honest men may honestly differ. But honest men should not differ about established facts; hence the desirability of having in Canada some public body which in many cases could give the facts to the people. If the Senate cannot or will not do this, I know of no public body that can, and we have uncovered one of the weak points in democracy and in Parliamentary Government. If, on the other hand, the Senate would do this, I think the country would appreciate it, and would be grateful for it; and, what is more, I think the country is entitled to such a service.

I wanted to make these suggestions this year, so that the House could, if it wished, express its opinion of them, and act accordingly next year.

Hon. Mr. DANDURAND: Honourable gentlemen have heard the motion which has been made for the creation of a Standing Committee on Public Accounts. I would very much like to have the view of the Senate on this proposed departure. We have had no Public Accounts Committee since 1867.

Hon. Mr. GORDON: Have we not a Finance Committee?

Hon. W. B. ROSS: Yes. That is the answer.

Hon. Mr. DANDURAND: There were perhaps good reasons to appoint a Finance Committee, but not to appoint a Public Accounts Committee. I believe that we should not duplicate our Committees in that way, but that we should be satisfied with the Committee which we have.

Hon. W. B. ROSS: I think if the honourable gentleman would take steps to put the Finance Committee at work he would gain the end he desires. All he would have to do would be to make a motion to refer the Public Accounts to that Committee. I was in the House when the Finance Committee was created, and I know it was the intention of one of the Senators, who is now dead, to take an interest in the accounts, and to ask other members to assist him. There is no reason why that should not be done now. The honourable gentleman could easily be made a member of the Finance Committee, and could start its blood circulating.

Hon. Mr. DANDURAND: Now that the honourable gentleman has put his motion before the House, I suggest that he withdraw the motion, and allow the Senate to ponder over it.

Hon. Mr. HUGHES: Honourable gentlemen, I will be very glad to comply with the wish of the honourable leader. I did not know whether my motion would be put. I mentioned it merely as a suggestion, with the desire of getting the opinion of the House, and acting accordingly next Session. If the Finance Committee has the same power as a Public Accounts Committee would have, that would be satisfactory. I was not quite sure of that, and hence I brought the matter before the Senate. There would be no object at all in having two committees with similar powers. I think the Finance Committee has only nine members, and whether that number is large enough may be a question.

My object is attained, having brought this subject to the attention of the House. If the Committee already has power, all it may need is some new blood, or an increase in the number of members. That will meet the object that I had in view.

Hon. W. B. ROSS: I would say to the honourable gentleman that I think the Finance Committee has the same powers as the other Standing Committees, that is, power to send for persons and papers; and if he got the Public Accounts before that Committee, it would have just as wide powers as the one that he proposed. The only other suggestion I would make to the honourable member would be that next year he should see that he gets a place on this Finance Committee, and sees that the Committee functions instead of lying dormant.

The motion was withdrawn.

ADJOURNMENT OF THE SENATE

Hon. Mr. DANDURAND moved that when the Senate adjourns to-day it do adjourn until Monday next at 8 o'clock p.m.

The motion was agreed to.

DEPARTMENT OF PENSIONS AND NATIONAL HEALTH BILL

THIRD READING

Bill 205, an Act respecting the Department of Pensions and National Health—Hon. Mr. Dandurand.

DIVORCE BILLS

THIRD READINGS

Bill E9, an Act for the relief of Irene Matilda Ballinger.—Hon. Mr. Willoughby.

Bill F9, an Act for the relief of John Hare. —Hon. Mr. Willoughby.

Bill G9, an Act for the relief of Helena Martyniuk.—Hon. Mr. Willoughby.

Bill H9, an Act for the relief of Francis Marmaduke Steele.—Hon. Mr. Willoughby.

Bill I9, an Act for the relief of Rose Tlustie. —Hon. Mr. Willoughby.

Bill J9, an Act for the relief of Robert Anderson Traill.—Hon. Mr. Willoughby.

SECOND READINGS

Bill L9, an Act for the relief of Violet Claire McCredie.—Hon. Mr. Willoughby.

Bill M9, an Act for the relief of Garnet Britten Walton.—Hon. Mr. Willoughby.

The Senate adjourned until Monday, May 21, at 8 p.m.

THE SENATE

Monday, May 21, 1928.

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

Prayers and routine proceedings.

PENSION BILL

FIRST READING

Bill 289, an Act to amend the Pension Act. —Hon. Mr. Dandurand.

SECOND READING

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

He said: Honourable gentlemen, this Bill contains a number of amendments to the Pension Act. Some have already been before this Chamber for examination; some are new. I will not explain each of these amendments, because they are in many respects technical. I would ask leave of the House to move the second reading of the Bill, with the intention of having it sent to a Special Committee to examine into these various amendments and report.

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

REFERRED TO SPECIAL COMMITTEE

Hon. Mr. DANDURAND moved:

That the said Bill be referred to a Special Committee composed of Hon. Messrs. Beique, Beland, Belcourt, Black, Calder, Dandurand, Griesbach, Hatfield, Laird, Macdonell, Robertson, Robinson, Ross (Moose Jaw), Ross (Middleton), Sharpe and Turgeon.

The motion was agreed to.

DEPARTMENT OF NATIONAL REVENUE BILL

FIRST READING

Bill 291, an Act to amend the Department of National Revenue Act.—Hon. Mr. Dandurand.

SECOND READING

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

He said: Honourable gentlemen, with the leave of the House I will now move the second reading of this Bill. It has been suggested to me that we send the Bill to the Banking and Commerce Committee, in order to hear the officials who have the special charge of administering this Act, and I am quite willing that this should be done.

The amendment to the Department of National Revenue Act, embodied in this Bill, has for its object the withdrawing from the Civil Service Commission of the appointment of certain employees, called appraisers and investigators. It mentions also all officers in the Customs-Excise Preventive Service: they are already excepted from the jurisdiction of the Civil Service Commission and are appointed by the Minister himself, yet they are included in this Bill because it provides special machinery for the appointment of the three classes mentioned.

The reason for this change is contained in many official documents. As honourable gentlemen know, a Royal Commission on Customs and Excise was appointed and did considerable work towards the betterment of the collection of Customs and Excise dues and the more efficient application of the Act. In their report, at page 8, the Royal Commissioners state:

> Our inquiry has shown that the present system of appointment of appraisers or other officers requiring expert or technical knowledge is unsatisfactory, and we are convinced that where expert and technical knowledge is required, the examination of the applicants for positions should be conducted by those who are specially qualified to act in the premises.
>
> We are of opinion that all appointments to the office of appraiser at the different ports of the Dominion should be made by the Minister after examination of the applicants by the Board of Appraisers.
>
> We quite recognize that this method of appointment would conflict with the system now in vogue under the Civil Service Act, but notwithstanding this we are of opinion that this method should be adopted.
>
> We suggest that the Board of Dominion Appraisers when constituted should supersede the present Board of Customs in all matters and duties relating to appraisal.

At page 10 the Commission, speaking of the Preventive Service, says:

> In connection with the future appointment of members of the Preventive Service, we would recommend that all applicants should be examined and reported upon by the chief regional officers in the respective districts as to their special qualifications, and that the Minister should have the right of appointment from those so reported as eligible.

As to the investigation officers it also declares:

> The recommendations we have made in respect of appointments to the Preventive Service should apply also to the method of appointment in this branch.

The Parliamentary Committee which sat in 1926 gave great attention to the representations of the Commercial Protective Association, composed of most of the large wholesale houses of Canada. The Association made this recommendation:

> That the board be given power to retain such appraisers as they deem competent and qualified and to appoint, with the Minister's approval, and notwithstanding the provisions of the Civil Service Act, such further appraisers as may be required from time to time.
>
> In dealing with important merchandise and in ensuring that the full duties provided for in the law are collected, it is above all things essential that there should be an efficient system of appraisal by competent appraisers.
>
> The appraisal system is the very heart of the whole system of the collection of customs revenue, and if the appraisal system is not sound there is bound to be inefficiency and failure to detect frauds.
>
> The Canadian appraisal system is lamentably weak. At many ports there are not a sufficient number of capable and efficient appraisers to give that prompt service which is so essential to the conduct of business. At the smaller ports men are acting as appraisers in addition to performing other duties—men who have not had the training to fit them for their duties as appraisers, and at all ports the rate of pay is so inadequate that trained experts cannot be prevailed upon to enter the service.

The Parliamentary Committee which investigated this matter in 1926 reported as follows:

> First, the methods of appraisal are exceedingly careless and fail to safeguard the interests of the importer, or the revenues of the country from being defrauded by undervaluation, and, secondly, persons appointed as appraisers are in many instances untrained in the branch to which they are appointed.

In these recommendations, coming from the public that is most interested in the proper collection of customs and the proper appraising of goods, the wholesale people of Canada, from the Parliamentary Committee of the other Chamber which sat on this matter, and from the Royal Commission which investigated it thoroughly, all agree that the appointment of appraisers should be left to the Minister, who would have examinations made by the Board of Appraisers, composed of the high officials of the Department. With this end in view, the Bill to amend the Department of

National Revenue Act is before us, and the Minister has deemed it proper to submit the following procedure:

"(4) The Minister may, after such examination as he may prescribe, select and nominate suitable persons for appointment by the Civil Service Commission, to positions appertaining to any of the following classes of officers,—

(a) Customs appraisers of all classes whether serving at the various ports and places of entry or as Dominion appraisers;

(b) All officers in the Customs-Excise preventive service;—

Already excluded from the control of the Civil Service Commission.

(c) All officers assigned to duty as investigators of values and claims for drawback.

If such appointment is not made by the Commission within fifteen days from the date of notice to it of such selection and nomination, the Governor in Council may, on the recommendation of the Minister appoint during pleasure any such officer.

The officers so appointed by the Commission or by the Governor in Council, as the case may be, shall be paid such salaries or remuneration in accordance with civil service regulations as may be determined by the Commission or the Governor in Council respectively, and the Minister may appoint the times and manner in which the same shall be paid.

The question has been put: if the Minister assumes the right to select and nominate suitable persons, why should he have the Civil Service Commission intervene? Why should he not cut loose from the Civil Service Commission completely and make the appointment directly? The Minister has felt that after he has taken all the necessary precautions in having the Board of Examiners pass upon the various candidates from among whom a choice might be made by him, the name of the person selected, or, if several positions are open at the same time, the names of the persons selected for the various positions, should be sent over to the Civil Service Commission, who would be given fifteen days in which to examine into the selections and at the expiration of that period would make any suggestion that they deemed proper. The Commission may ask for information as to the inquiry made by the Board of Examiners; may itself inquire as to the qualifications of the parties offered; may have, in its own records, notes concerning some of them; and in any event the Civil Service Commission will have a right to investigate, to consider the name of the party or parties offered, and make any objection, if it deems useful to do so. The Minister will receive that report, and if there are any objections he will inquire into them and finally decide as to the selection to be submitted to the Governor in Council.

This is the machinery which is contained in the Bill. Considerable improvement has already been made in the service, and new blood will be introduced into it through this Bill, if it is adopted by Parliament, and the responsibility will lie with the head of the department.

I am quite sure that this is no very great inroad into the work, duties or privileges of the Civil Service Commission. In this branch of Government there are some 5,500 employees, and the Minister states that this amendment will have the effect of withdrawing a maximum of 250 persons from the authority of the Civil Service Commission. That does not mean that there will be 250 vacancies to be filled, as these positions are already held by some persons; but under this Bill the Minister may have a free hand in changing the positions of those various employees, retaining the men who are efficient; and in course of time some vacancies will be created which will be filled by virtue of the powers granted him by this Bill.

Hon. Mr. REID: May I ask the honourable Minister what other classes will still remain under the Civil Service Commission. As I understand it, this Bill practically takes the whole of the Customs and Inland Revenue from that Commission.

Hon. Mr. DANDURAND: I cannot be more precise in my answer for the moment, but when we go into Committee I will ask Mr. Breadner to bring me the information. I have the statement of the Minister that this is taking out of the Commission's authority a maximum of 250 employees out of 5,500.

Hon. Mr. REID: But it strikes me that it takes out the whole of the outside service. Of course, preventive officers are put in any position that may be named in the outside service: they can be allocated to do any duty.

Hon. Mr. CASGRAIN: There are a few appraisers who are absolutely technical.

Hon. Mr. REID: I do not mean appraisers.

Hon. Mr. CASGRAIN: But the Bill only means appraisers.

Hon. Mr. REID: No; appraisers, preventive officers, and all other officers.

Hon. Mr. DANDURAND: No, the three classes are:

(a) Customs appraisers of all classes whether serving at the various ports and places of entry or as Dominion appraisers;

(b) All officers in the Customs-Excise preventive service;

(c) All officers assigned to duty as investigators of values and claims for drawback.

Hon. Mr. REID: Of course, the preventive officers, the special officers, were taken out last year. This Bill does not refer to special officers; it means that all preventive officers are taken out of the control of the Commission. I agree that it is important to get the very best men for the special work of appraisers, as of course it is for any office; but you cannot very well take some of them from the service, though the Minister should have power to appoint the special appraisers. I just want to understand what this Bill really means; I am not complaining, but rather seeking for information.

Hon. W. B. ROSS: Honourable gentlemen, I do not care to discuss this Bill now. I think we will be in a much better position to discuss it after we have the officers of the Department before us, and get their reasons for what would no doubt be regarded by the public as an inroad on the Civil Service Act. I think Parliament would be called upon by a great many people to give a very clear and sufficient answer, if we passed this Bill making an inroad on the Civil Service Act.

If I rightly understand the Bill, I think I could already give assent to that part of it relating to the case of appraisers and men requiring something more than general knowledge or literary knowledge. They would be of no value in appraising an invoice of goods, or anything of that kind; you require men who have been in business for that.

Hon. Mr. CASGRAIN: Retired merchants.

Hon. W. B. ROSS: Yes, men of that sort; and I think it would be satisfactory to have the officers of the Department before us, and hear their reasons in detail for the changes they want to make in the Civil Service Act. When the Bill comes back from Committee, if there is any reason why we should make amendments, they could be made then.

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

INCOME WAR TAX BILL

FIRST READING

Bill 321, an Act to amend the Income War Tax Act.—Hon. Mr. Dandurand.

THE INTERPARLIAMENTARY UNION

REPORT OF CONFERENCE

Hon. N. A. BELCOURT rose to call the attention of the Senate to the proceedings had and resolutions adopted at the 24th Conference of the Interparliamentary Union held in the City of Paris, France, on the 25th August and subsequent days, 1927.

Hon. Mr. DANDURAND.

He said: Honourable gentlemen, it is the duty of the President of each national group composing the Interparliamentary Association to submit, at the Session of Parliament which follows the holding of the Conferences of the Union, a report of all the activities of the last preceding Conference. I propose to do so now, and, as this may occupy a little time, I do not intend to make any comments or observations of my own, but will content myself with the reading of the report, which has already been submitted to the Interparliamentary Union at its annual meeting held recently, and the resolutions which were adopted at the Conference held last year in Paris.

The Honourable Senator Dandurand, Privy Councillor, and the undersigned, who were then and are still members of the Council of the Union, attended the different meetings of the Council, of the several Committees and of the General Conference in August, 1927, at Paris.

The following nations: Germany, United States of America, Austria, Belgium, Bulgaria, Canada, Denmark, Dominican Republic, Egypt, Esthonia, Finland, France, Great Britain, Greece, Hungary, Netherlands, British Indies, Ireland, Italy, Japan, Letonia, Mexico, Nicaragua, Norway, Lower Countries, Peru, Philippines, Poland, Roumania, Salvador, Sweden, Switzerland and Czechoslovakia were represented by their delegates, numbering in all 440.

Previous to the Conference preliminary documents relating to the matters appearing on the agenda for discussion at this Conference were distributed to the delegates a month in advance of the Conference; these documents also contained the reports and conclusions of the various Committees and the Resolutions to be submitted for adoption. The subjects of the agenda were:

1. Abuse of Noxious Drugs.
2. Methods for the Codification of Internatioanal Law.
3. Technical plans for the reduction of Armaments.
4. Resolutions prepared by the Committee for European Customs' Entente.

The meetings were held at the "Palais du Luxembourg," in the Senate Chamber. Mr. Paul Doumer, President of the Senate of France, was elected President of the Conference, which he opened with a speech of welcome which was received with much applause. Mr. Raymond Poincaré, Minister of Finance and President of the Council, M. Aristide Briand, Minister for Foreign Affairs, M. Painlévé, Minister of War, M. Bouisson, President

of La Chambre des Députés, and many of the members of the Government attended one or more Sittings.

The President of the Reichstag and some of the leading members of that Chamber and many of the Parliamentarian leaders of the 33 nations were present with other delegates and all took a deeply interested part in the procedings. There were several receptions and other brilliant functions given by the Municipal Council of Paris, the President of the Republic, M. Briand, M. Painlevé, M. Poincaré, M. Bouisson, Senator, Fernand Merlin and others.

The Delegates from Great Britain, Lord Treowen and others, and from the United States, Senators Burton and Tyson, took a prominent part in the activities of the Conference.

On the first day the Hon. Senator Dandurand opened the General Debate, and was followed by several other delegates, including myself. After the close of the General Debate, the subjects mentioned in the Agenda were discussed as follows:

Friday, 26th August. Abuse of Noxious Drugs.

Saturday, 27th August. Establishment of Customs Union in Europe (in which only European delegates participated).

Monday, 29th August. Technical plans for reduction of Armaments.

Tuesday, 30th August. Methods for Codification of International Law.

The Resolutions annexed to this Report were unanimously adopted.

The Delegates were reminded of their obligations to include these Resolutions in the Report to their respective Parliaments. They are as follows:

1 Resolution with regard to Noxious Drugs.

2. Resolutions with regard to Customs Agreement between the countries of Europe.

3. Resolution with regard to the abolition of Passport Visas.

4. Resolution with regard to reduction of Armaments.

5. Resolution with regard to Codification of International Law.

During the General Debate I brought before the Assembly the question of Parliamentary Government as it functions nowadays and insisted upon the necessity of a thorough examination of its present conditions, its shortcomings and failures, as well as the necessity for its improvement, and that this grave subject should be especially dealt with by a Commission appointed for the purpose of being reported on fully at the next Conference. It was unanimously decided that it would be one of the principal questions for discussion and action at the now approaching Conference, at Berlin, in August next, and the subject accordingly has been placed on the Agenda.

In the meantime the Bureau of the Union has printed and circulated the opinions of some of the great Parliamentarians of Europe on the subject. They are Mr. Harold J. Laski, professor of Economic Sciences of the Faculty of London Uuniversity; Mr. Charles Borgeaud, professor at the University of Geneva; M. F. Larnaude, honorary dean of the Faculty of Law at Paris; Gaetano Mosca, Senator, of the Kingdom of Italy, professor at the University of Rome, and Mr. M. J. Bonn, professor at the Commercial Iinstitute of Berlin.

I shared with the President of "La Chambre des Députés" and a few other delegates the honour of presiding at two Sittings of the General Assembly. During the Conference it was a repeated source of gratification to me, as President of the Canadian Group, to hear from most of the delegates who had attended the Conference of 1925, held, as you no doubt remember, partly in Washington and partly in Ottawa, that they were still under the vivid impressions which they had carried away from their visit to Canada, of what they then saw and of the very enjoyable and profitable trip it had afforded them.

The Annual Meeting of the Canadian Group was held on the 19th April in Room 116, House of Commons, when the General Elections took place, with the following results:

Hon. Presidents: The Right Hon. W. L. Mackenzie King; the Hon. R. B. Bennett; Mr. Robert Gardiner.

President: The Hon. N. A. Belcourt, P.C., K.C.

Vice-President: The Hon. Sir Geo. H. Perley, P.C., K.C.M.G., M.P.

Executive Committee: Hon. Hewitt Bostock, P.C., M.P. (Speaker of the Senate); Hon. Rodolphe Lemieux, P.C., M.P. (Speaker of the House of Commons); the Right Hon. Sir Geo. Foster, P.C., G.C.M.G.; the Hon. Senator Dandurand, P.C.; the Hon. Senator C. W. Robinson; the hon. Senator Chas. P. Beaubien, K.C.; the Hon. Senator Smeaton White; the Hon. Senator W. B. Ross, K.C.; the Hon. Senator J. S. McLennan; the Hon. Senator L. McMeans, K.C.; the Hon. Senator G. D. Robertson, P.C.; the Hon. Senator J. J. Hughes; Hon. Charles Dunning, P.C.; Hon. Charles Stewart, P.C.; Hon. Robert Forke, P.C.; Hon. E. B. Ryckman, P.C.; Mr. E. R. E. Chevrier, M.P.; Mr. W. G. McQuarrie, M.P.; Mr. G. H. Pettit, M.P.; Mr.

J. A. Fraser, M.P.; Col. Murray MacLaren, M.P.; Col. Thos. Cantley, M.P.; Mr. H. C. Hocken, M.P.; Mr. Alfred Speakman, M.P.

The membership of the Group has recently been largely increased and we now have 125 members.

I wish to draw special attention to the publications of the Union. A volume containing the reports, recommendations, discussions and resolutions submitted to and adopted by every Annual General Conference is published shortly after each Conference and a certain number of these volumes are available for each national group. The members of the Canadian Group, at their last Annual Meeting, were unanimously of opinion that an effort should be made to have these volumes and the other publications printed in the form of pamphlets, which are issued between Conferences, made available for each member of the group. I hold in my hand one of these volumes. This is the report of the conference held in Washington and Ottawa in 1925. With this and other purposes in view it was decided to make the annual membership contribution to the Canadian Group $5 yearly. This, I may say, is the same as the contribution to the Empire Parliamentary Union. The advantages of membership in the Union are of exceptional value, as the Union deals with all international questions. It is an ally and coadjutor and co-operator of the Society of the League of Nations, and in constant relation with it. It affords many other advantages for travelling and for meeting the leaders of public thought and action in the various countries which have formed national groups.

At the Conference in Ottawa, in 1925, the first one ever held in Canada, there were 425 delegates representing 41 nations. Opportunities for making life-long and most interesting acquaintances between all these groups are frequently offered.

The Union welcomes the discussion of the matters investigated and reported upon at its several conferences by the Parliamentarians of the different units, and is prepared to give its most serious consideration to recommendations and suggestions emanating from the Parliamentarians of the different groups.

In the name of the Canadian Group I invite the close attention of the Members of Parliament to the great work accomplished by the Union in the past and to its efforts in the future. Honourable gentlemen are also invited to discuss the subject matters dealt with in the resolutions contained in this report.

The next Conference will be held in Berlin, Germany, between the 23rd and 28th, both inclusive, of August next. A meeting of the Canadian group will be called in a few days to select nine delegates who will attend this Conference.

The report of the Canadian group is as follows:

The Annual Meeting of the Canadian Branch of the Inter-Parliamentary Union was held on Thursday, the 19th April, 1928, in Room 116, House of Commons.

Hon. N. A. Belcourt (Senator), President, was in the Chair.

The following members were present:

Hon. Senators Beaubien, Bénard, Hughes, Rankin, McMeans, and Spence;

Messrs. S. C. Robinson, Fraser, Chevrier, Pettit and McQuarrie, Members of the House of Commons.

Hon. Mr. Belcourt reported that a general conference attended by delegates of 33 countries, including Canada, was held at Paris from the 25th to the 30th of August, 1927.

Mr. Paul Doumer, President of the Senate, acted as Honorary President of the General Conference.

The President of the French Republic, Mr. Poincaré, President of the Council; Mr. Painlevé, Minister of War; Mr. Briand, Minister of Foreign Affairs; Mr. Bouisson, President of the Chamber of Deputies; Senator Fernand Merlin, President of the French Group; honored the Convention either by giving receptions or by paying a visit to the Convention.

The main questions debated were:

1. The fight against noxious drugs of addiction.
2. A system of customs agreement between the countries of Europe.
3. Abolition of passport visas.
4. The reduction of Armaments.
5. The codification of International Law.

The following resolutions were adopted:

(a) The fight against noxious drugs of addiction:

"The XXIVth Inter-Parliamentary Conference calls the very special attention of the Groups of the Union to the serious dangers attendant upon the abuse of opium and other drugs of addiction for the health and morality of the peoples, especially with regard to the younger generation.

"The Conference declares unanimously that the attainment of the ends aimed at in the fight against this abuse will only be reached by the following measures:

"(a) Limitation of the culture of the poppy and coca leaves and of the production of all narcotics to the recognized amount needed for medical and scientific purposes, this measure to include the total suppression of the use of opium for smoking.

"(b) The establishment of a system of control by national or international means for the observance of the rules fixed to the above effect.

"(c) The elimination, of all profits by private dealers in the drug trade, with the exception of the drugs required for legitimate purposes as mentioned above.

II

"The XXIVth Inter-Parliamentary Conference, taking note of the fact that under Article 6, chapter 2, of the Hague Convention of 1912, the contracting powers undertook to adopt measures for the suppression of the manufacture, trade in, and use of prepared opium within the territories subject to their jurisdiction, recommends for the consideration of the Groups of the Union to urge the Governments concerned to set a definite term not to exceed fifteen years, within which the manufacture, trade in and use of prepared opium within their respective territories and possessions be finally and completely suppressed.

III

"Considering that the two Conferences held at Geneva from November 1924 to February 1925 resulted in the conclusion of a series of international agreements concerning the gradual limitation of the abusive use of opium and of other dangerous drugs, and making for the establishment of effective control and supervision of the use of such drugs,

and seeing that opinions differ as to the value of those agreements,

the Conference recommends that the Groups who regard the agreements as an important step forward the achievement of the ends in view urge their respective parliaments and governments to see that the Geneva agreements are ratified by their country without delay,

and asks the Groups who are unable to share this opinion to make every effort to induce their states to endeavour to revise those agreements at the first possible opportunity in accordance with the principles enumerated in Resolution I.

"In the meantime those Groups are asked to make every effort to induce their states to exercise a strict control on the manufacture and export of narcotics, in view of the fact that it is practically impossible to supervise the traffic.

IV

"The Conference recommends that the Groups shall examine the possibility of obtaining the adoption by legislative and administrative measures of the prohibition of the production and distribution of heroine.

V

"Whereas the great dangers above-mentioned created by the abuse of drugs of addition may compromise the reconstruction in the social and economic field which is recognized as necessary, after the world war, in next to all countries,

the Inter-Parliamentary Bureau is requested to transmit these resolutions to all the Groups of the Union and to all the Governments and Parliaments of the world."

(b) A system of customs agreement between the countries of Europe.

A system of customs agreement between the European countries was then put in the form of a resolution, but as the tariff is part of the political program in Canada, it does not seem advisable that this group should consider this resolution.

(c) The abolition of passport visas:

"The Conference reiterates the recommendation of the Stockholm Conference in 1921 and the Berne-Geneva Conference in 1924 in favour of the abolition of passport visas, without prejudice to any measure which may be considered necessary for the security of the State."

(d) Reduction of Armaments:

"Resolution:

The XXIVth Inter-Parliamentary Conference

Recalling the fact that the States

Signatories of the Peace Treaties of 1919-20 and of the Covenant of the League of Nations, unanimously recognized that the maintenance of peace requires "the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations";

Seeing that by virtue of the aforementioned peace treaties, the armaments of certain States have been reduced and limited "in order to render possible the initiation of a general limitation of the armaments of all nations;"

Seeing that this preparation for a Convention of general limitation has, thanks to the sustained efforts of the Preparatory Disarmament Committee of the League of Nations, resulted, in spite of numerous reservations, in unanimously accepted drafts in favour of the limitation of armaments for land and air, but has not succeeded in reconciling the various points of view expressed in the matter of naval armaments;

Seeing that these failures have caused great disappointment to those who, suffering from the effects of the present economic disorder, count on seeing their hopes realized by means of the reduction of the burden of military organization;

Expresses the wish that the governments, basing themselves on the lofty principles of the Covenant of the League of Nations, employ with energy every means in their power to favour an appeal to arbitration in case of contest between States, to ensure security for each State, facilitate the general reduction of armaments and hasten the common work necessary for the achievement of this threefold result;

The Conference asks the Groups of the Union to work for this end within their respective Parliaments and with their Governments, with all the energy which the situation demands, and invites them to organize active popular propaganda in order that public opinion may express itself imperiously in favour of the reduction of armaments and the reign of justice between the nations."

(e) Codification of International Law:

A: "In view of the importance and urgency of a progressive codification of International Law,

considering that by such codification the flagrant injustices and numerous uncertainties which characterize International Law in its present state would be eliminated and that a stable and generally accepted basis would then be created for the solution of international disputes in the supreme interest of peace,

in view of the recommendation made to the Council of the League of Nations by the Committee of Experts for the Progressive Codification of International Law, to the effect that the codification of a first series of subject-matters which, in the opinion of the experts and according to the declarations of a considerable number of Governments, are to be regarded as ready for such a codification, should be taken in hand,

the XXIVth Inter-Parliamentary Conference warmly supports the recommendation, and records the wish that a first Conference on Public International Law be summoned as soon

as possible and that all States, whether members or not of the League, be invited to participate in it, with a view to giving practical and tangible effect to the highly important work of the Committee of Experts.

B. In view of the very satisfactory progress made in the work pursued up till now by the Committee of Experts of the League of Nations,

the Conference recommends that the Committee of Experts, functioning as a Permanent Committee, as is the case with other bodies within the League, shall be invited to pursue and push forward its studies with a view to preparing fresh preliminary draft conventions on other chapters of Public International Law the codification of which appears desirable and feasible.

It insists on the importance of a thorough and conscientious preparation of the work of the Conferences on Public International Law, and recommends in particular that the present and future work of the Committee also embrace the question of the unification of certain principles of International Penal Law, and be carefully studied in every quarter concerning itself with the development of International Law, and that it be, if necessary, co-ordinated with the work of other competent institutions, and especially with that of the Pan-American Union.

C. The Conference recalls the Resolution voted by the XXIIIrd Conference held at Washington and Ottawa in 1925 recommending the drafting of a general synthetic plan of Codification of Public International Law,

and requests the Committee for Juridical Questions of the Union to submit the draft of such a plan to the next Inter-Parliamentary Conference.

The draft shall regard war solely as a crime against International Law, (with the exception, however, of the right of legitimate defence which justifies a resort to arms), and must consequently include, in addition to positive Law, rules intended to secure the Law of Peace (Friendly arrangements, mediation, conciliation, arbitration, resort to international jurisdiction), as well as rules relating to the ultimate execution of decisions reached.

Hon. Mr. Belcourt laid stress upon the importance of the Canadian Group joining the others in giving serious consideration to the above mentioned matters. He pointed out that these resolutions were printed in a volume which could be available and distributed. Necessary steps will be taken by the Secretary, in order to secure copies for the members of the Canadian Group.

The Union is closely allied to the League of Nations with which it works in co-operation. All the independent countries in the world which have joined the League of Nations belong to the Union.

The United States has also formed a very imposing group, which has been very active and has exercised great influence in the Union. It received the delegates at Washington in 1925. Mr. Belcourt recalled that the Convention of 1925 had, as previously arranged, sat partly in Washington and Ottawa. A very enjoyable and profitable trip was then made through parts of Quebec and Ontario. The delegates were delighted with the way in which they had been received in Canada.

Mr. Belcourt read part of the circular for 1928, which invited the different Groups to consider resolutions respecting the control of foreign politics, the manufacture of arms and war munitions by private parties, the establishment of commissions for the prevention of conflicts between the nationals of the same country and the prohibition of the noxious drug traffic.

He also explained that our statutes contain provisions against this traffic, and that, although this Group was in full sympathy with the three first mentioned resolutions and could record its approval, he did not see the necessity of making a thorough study thereof and drafting reports. He however dilated on the question of the reduction of armaments and the codification of international law, reading copious excerpts from the annual report of the 24th Conference.

On motion of the Hon. Mr. McMeans, seconded by Mr. McQuarrie, it was resolved that this Group is in full sympathy with the resolutions respecting the reduction of armaments and will on all occasions give them its most hearty support.

The codification of international laws gave rise to some debate, most of the members present realizing the importance of publishing a code containing the principles and rules of practice of the international law.

On motion of Senator Beaubien, seconded by Senator Hughes, it was resolved that the Canadian Group desires to place itself on record as giving its full approval to the project of entrusting a committee of scholarly gentlemen with the task of codifying the principles of international law which now govern the relations between the different countries of the world.

The Chairman reminded the meeting that the next Conference of the Union will be held at Berlin, Germany, and expressed the hope that Canada would then be adequately represented. The members present were of the opinion that this country should not neglect this opportunity of taking rank with the other Groups which are playing an important part in the different activities of the League of Nations.

The elections of the Board for the year 1928 then took place and gave the following result:

Hon. Presidents:
The Rt. Hon. W. L. Mackenzie King.
The Hon. R. B. Bennett.
Mr. Robert Gardiner.

President:
The Hon. N. A. Belcourt, P.C., K.C.

Vice President:
The Hon. Sir Geo. H. Perley, P.C., K.C.M.G., M.P.

Executive Committee:
Hon. Hewitt Bostock, P.C., M.P. (Speaker of the Senate).
Hon. Rodolphe Lemieux, P.C., M.P. (Speaker of the House of Commons).
The Rt. Hon. Sir Geo. Foster, P.C., G.C.M.G.
The Hon. Senator Dandurand, P.C.
The Hon. Senator C. W. Robinson.
The Hon. Senator Chas. P. Beaubien, K.C.
The Hon. Senator Smeaton White.
The Hon. Senator W. B. Ross, K.C.
The Hon. Senator J. S. McLennan.
The Hon. Senator G. D. Robertson, P.C.
The Hon. Senator L. McMeans, K.C.
The Hon. Senator J. J. Hughes.
Hon. Charles Dunning, P.C.
Hon. Charles Stewart, P.C.
Hon. Robert Forke, P.C.
Hon. E. B. Ryckman, P.C.
Mr. E. R. E. Chevrier, M.P.

Mr. W. G. McQuarrie, M.P.
Mr. G. H. Pettit, M.P.
Mr. J. A. Fraser, M.P.
Col. Murray MacLaren, M.P.
Col. Thos. Cantley, M.P.
Mr. H. C. Hocken, M.P.
Mr. Alfred Speakman, M.P.

On motion of Mr. McQuarrie, seconded by Hon. Mr. McMeans, it was resolved that Arthur Beauchesne, Esq., Clerk of the House of Commons, be appointed Secretary-Treasurer of the Canadian Group.

Hon. Mr. McMeans said that the Group was indebted to Hon. Mr. Belcourt for the splendid work he had done in the past few years. His organization of the delegates' visit to Canada in 1925 deserved great credit. The visitors were very enthusiastic over the reception given to them, and very favourably impressed with the conditions as they saw them in Canada. No better advertisement could have been made for the Dominion.

He proposed, seconded by Hon. Mr. Beaubien, and it was resolved that the Canadian Group of the Inter-Parliamentary Union desires to express its warmest thanks to Hon. N. A. Belcourt, its President, for the splendid work he has performed both as Chairman and a delegates to the Conferences which have taken place in Europe and America.

The Chairman suggested that a yearly contribution be paid by the members in order to subscribe to the publications issued by the Headquarters in Geneva. He pointed out that under the Constitution, the Groups were empowered to adopt regulations and fix an annual fee, in order to meet its expenses. On motion of Mr. Pettit, seconded by the Hon. Mr. Beaubien, it was resolved that an annual fee of $5.00 be paid by the members of the Canadian Group.

The Chairman stated that the different matters embodied in the resolutions passed at Geneva and transmitted to the Canadian Group, should be brought to the attention of Parliament during the present session. He added that he would submit these matters to the Senate, and, after some slight discussion, it was unanimously resolved that Mr. McQuarrie be entrusted with this duty for the House of Commons.

The following gentlemen were admitted as members of the Union:—

Senators

Honorable W. A. Buchanan.
Honorable A. B. Copp, P.C.
Honorable G. G. Foster.
The Right Honorable G. P. Graham, P.C.
Honorable W. H. McGuire.
Honorable D. E. Riley.
Honorable C. W. Robinson.

Members of the House of Commons

Messrs.

H. B. Adshead.
Hugh Allan.
Thos. Bell.
A. Bettez,
J. C. Brady.
Hon. Lucien Cannon, K.C., P.C.
Col. T. A. Cantley.
T. A. Cayley.
J. E. Dussault.
J. J. Guerin.
A. A. Heaps.
L. W. Johnstone.
N. K. Laflamme.
A. E. MacLean.
G. T. MacNutt.
Agnes Macphail.
Peter McGibbon.
Cameron R. McIntosh.
J. A. Mercier.
E. G. Odette.
Charles G. Power.
F. W. Perras.
Col. S. C. Robinson.
A. E. Ross.
Earl Rowe.
A. F. Totzke.

The Meeting then adjourned, to meet again when called by the Chairman.

I have one or two of the volumes containing a full report of the discussions and the recommendations made at the Conference of 1925, and I shall be very glad to lend them to any honourable gentlemen who may wish to consult them. On behalf of the Inter-Parliamentary Union may I bespeak the interest of the members of this House. During the past three years, in which I have taken a more or less active part in the proceedings of the Union, I have derived a great deal of benefit and obtained much information which I can only qualify as invaluable. My honourable friend to my right (Hon. Mr. Dandurand) reminds me that it is well to mention again the fact that we are entitled to send nine delegates to the next Conference in Berlin. I believe that under an amendment passed recently the number is practically unlimited which each group can send. May I urge those who may be going to Europe next summer to make the Conference part of their itinerary. I am quite sure that Berlin is going to do its very best to properly receive and entertain those who attend the Conference, as a very great measure of satisfaction was shown when Berlin was selected as the place of meeting. The meeting to select our delegates will be held on Thursday or Friday, if possible, and not later than early next week. I think by that time we shall be in possession of information and details of interest to those who may contemplate going over.

I should have said that the Union holds meetings several times in the year; that its Committees or Commissions sit practically all the time between the Conferences, and discuss questions and arrive at conclusions, and make reports and recommendations to be submitted to the next Conference.

Hon. Mr. CASGRAIN: It was my good fortune to attend one of these Conferences, and I remember that the honourable gentleman from Moose Jaw (Hon. Mr. Willoughby) also was there. Many matters of deep interest were discussed. For instance, at the meeting of the Inter-Parliamentary Union at

Washington in 1926, Mr. Thomas Johnson, of the Irish Free State, proposed that in case of Great Britain becoming involved in war the other nations agree to regard the British Dominions as neutral territory and not attack them. Sir Robert Horne said that would be a very convenient arrangement for Great Britain, as it would leave them that much less territory to protect, but he could not "imagine any belligerent state which happened to be in hostility with Great Britain at the time agreeing to a plan by which their course of action and their power of injury to the country with which they were fighting should be so limited." "I wish to tell the Conference quite definitely," he continued, "that Great Britain does not ask for this concession; nor do I know of any other part of His Majesty's Dominion that would ask for this eleemosynary aid in the event of a conflict breaking out." He added that any dominion of the empire was free to assist Great Britain or not as it may choose, in case of a war, but that that would not free them from liability to attack on the part of any enemy who would choose that method.

Thus quietly, but effectively he punctured any idea that a Dominion could stay out of an Empire war by mere choice.

CANADIAN NATIONAL RAILWAYS

RETURNS FROM BRANCH LINES

On the Orders of the Day:

Hon. Mr. DANDURAND: Honourable gentlemen, I desire to read a copy of a letter from Sir Henry Thornton, President of the Canadian National Railways, to the Minister of Railways and Canals, setting forth the data requested by the honourable Leader on the other side (Hon. W. B. Ross) as to earnings of branch lines. It reads:

Dear Mr. Dunning:

In reference to yours of the 23rd ultimo and further to mine of April 25th, in connection with information as to earnings and expenditures on the new branch lines constructed under authority of Parliament 1924-25.

The earnings for the nineteen branch lines in question, covering a total of 565.7 miles as reflected by the station earnings were $3,829,-010. If the same operating ratio for the Canadian National Railways (less Eastern Lines) for the year 1927, namely 83.6% is applied to these earnings, there would be net earnings for the year 1927 of $627,957.00.

The total cost of construction of these Branches, to December 31st, 1927 was $14,760,-172.27, of which $1,343,123.68 was expended during the year 1927 and it is safe to assume that one-half of this amount would not be bearing interest. Therefore interest would be paid in 1927 on $14,088,610.43, which if taken at 5% would create a fixed charge of $704,-430.52. On the above basis the net earnings would be within $76,473.00 of paying the fixed charges.

This method of testing these branches is the same as given to the Senate last year, at which time it was explained that the Railway does not keep its books in such a way as to definitely reflect the net earnings of branch lines, but that this method in a general way will indicate if they were carrying themselves.

Yours faithfully,

Sgd. H. W. Thornton.

President.

Copy of Branch Line Statement attached hereto.

Canadian National Railways

1924-1927 Branch Line Construction Program as passed by Parliament

Statement showing cost to December 31st, 1927 of branch lines now complete, and in operation; Interest during Year 1927, also Station Earnings and calculated net earnings during Year 1927.

Branch	Miles	Cost to December 31st, 1927	Station Earnings
Nova Scotia—			
Locksport Spur	4.22	$ 183,571 10	$ 42,285
Quebec—			
Grande Fresniere	12.0	407,626 11	384,839
China Clay	2.3	84,977 89	37,800
Manitoba—			
Ste. Rose du Lac	22.56	353,271 67	16,640
Pine Falls	20.36	545,025 90	546,557
Saskatchewan—			
Peebles Southerly	22.41	302,327 74	106,426
Gravelbourg	10.17	129,240 29	63,808
Willowbunch	28.49	790,759 28	224,561
Turtleford S.E.	65.53	1,275,242 69	156,005
Prince Albert N.E.	23.94	349,149 79	60,800
Eston S.E.	34.75	662,686 53	173,242
Dunblane-Central Butte	38.77	2,818,135 71	24,624
Acadia Valley	24.62	514,230 03	67,472
Alberta—			
Loverna Westerly	49.93	1,115,847 33	174,744
Hanna-Warden	62.18	1,583,714 09	164,140
St. Paul S.E.	20.82	593,424 45	28,377

Canadian National Railways—*Concluded*

1924-1927 Branch Line Construction Program as passed by Parliament

Branch	Miles	Cost to December 31st, 1927	Station Earnings
British Columbia—			
Kamloops-Kelowna-Lumby	105.12	2,560,953 42	1,191,576
Vancouver Island	10.11	108,307 86	159,247
Cowichan Bay	7.44	381,680 39	205,867
Total	565.7	$14,760,172 27	$3,829,010
Expended in Year 1927 $1,343,125.68—half of which would not carry interest		$ 671,561 84	
Amount carrying interest in 1927		$14,080,610 43	
Interest at 5%		$ 704,430 52	
If operating ratio of 83.6% (which is ratio for System less Eastern Line) net would be 16.4%, or			$ 627,957

Montreal, Que.
May 10th, 1928.

DIVORCE BILLS

THIRD READINGS

On motion of Hon. Mr. Willoughby, Chairman of the Committee on Divorce, the following Bills were severally read the third time and passed:

Bill L9, an Act for the relief of Violet Claire McCredie.

Bill M9, an Act for the relief of Garnet Britten Walton.

SECOND AND THIRD READINGS

On motion of Hon. Mr. Willoughby, Chairman of the Committee on Divorce, the following Bills were severally read the second and third times, and passed:

Bill N9, an Act for the relief of Rebeina Pearl Bolingbroke.

Bill O9, an Act for the relief of Manassa Fretz.

Bill P9, an Act for the relief of Charles Henry Gifford.

Bill Q9, an Act for the relief of Joseph James Harold Graham.

Bill R9, an Act for the relief of Bernice Alberta Haight.

Bill S9, an Act for the relief of Rose Eadie Harris.

Bill T9, an Act for the relief of Mildred Florence McGowan.

Bill U9, an Act for the relief of Gabrielle Norton.

Bill V9, an Act for the relief of Grace Elizabeth Parker.

Bill W9, an Act for the relief of Charles St. Clair Parsons.

Bill X9, an Act for the relief of Ivy Reader.

Bill Y9, an Act for the relief of James Ramsey Sloan.

Bill Z9, an Act for the relief of Harold Wilfrid Vivian Vincent Turner.

Bill A10, an Act for the relief of Gordon Thomas Wilson.

PRIVATE BILL

THIRD READING

Bill K9, an Act to incorporate The Detroit River Canadian Bridge Company.—Hon. Mr. Haydon.

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

THE SENATE

Tuesday, May 22, 1928.

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

Prayers and routine proceedings.

DIVORCE BILLS

FIRST READINGS

Hon. Mr. WILLOUGHBY, the Chairman of the Committee on Divorce, presented the following Bills, which were severally read the first time:

Bill C10, an Act for the relief of Frank Deering.

Bill D10, an Act for the relief of Mary Mabel Jennie Potten Impey.

Bill E10, an Act for the relief of Cyril Wilfred King.

Bill F10, an Act for the relief of Myrtle Adelia Baker Knauff.

Bill G10, an Act for the relief of James Harvey Lefurgey.

Bill H10, an Act for the relief of Hilda Evelyn McDowell.

Bill I10, an Act for the relief of Catherine Ellen Mobbs.

Bill J10, an Act for the relief of Edith Elizabeth Poole.

Bill K10, an Act for the relief of Henry Frederick White.

Bill L10, an Act for the relief of Frederick Clayton Wilton.

Bill M10, an Act for the relief of Lilliam May Yuill.

STATISTICS OF PENITENTIARIES

INQUIRY

On the notice of inquiry:

By Hon. Mr. Casgrain:

That he will inquire of the Government:

1. How many criminals are there in the penitentiaries of Canada.
2. How many men and how many women?
3. How many Canadian born?
4. What are the nationalities of these criminals?
5. What is the number for each language?

Hon. Mr. DANDURAND: Stand.

Hon. Mr. CASGRAIN: Is this inquiry to stand until the Session is over? It is a very simple inquiry.

Hon. Mr. DANDURAND: I am kind to the honourable gentleman. I might ask him to transform his inquiry into a motion for a return: then he would get the return next Session.

Hon. Mr. CASGRAIN: But I need not accept the honourable gentleman's suggestion. This is a free House.

Hon. Mr. DANDURAND: Meanwhile the honourable gentleman marks time.

The inquiry stands.

FOREIGN VESSELS IN CANADIAN CANALS

INQUIRY AND DISCUSSION

Hon. J. P. B. CASGRAIN rose in accordance with the following notice:

That he will call the attention of the Senate to foreign vessels others than those of the United States of America using Canadian canals without paying tolls or contributing to their maintenance, and that he will ask the Government to place on the Table of the Senate a list of such vessels, if any, plying from Montreal to Buffalo, or from Port Arthur or Fort William to Buffalo or vice-versa, giving first the names of each vessel.

2. Their tonnage.
3. The number and nationality of the crews.
4. Under what flag they are sailing.
5. What amount, if any, each vessel has paid to the revenue of Canada.
6. When each vessel has entered for the first time the Lachine Canal last year.
7. When each vessel has passed for the last time, last year out of the Lachine Canal?
8. What amount of ship stores did each vessel have entering Canada, and what amount of ship stores did it have leaving Canada.

He said: Honourable gentlemen, it may be within the recollection of some honourable members of this house that I spoke the other day about foreign ships using our canals free, and making use also of our other improvements in navigation, our ports, etc. Exception was taken to my remarks by M. Ludvig Aubert, the Royal Consul General in Montreal for the Kingdom of Norway. He stated that he felt very much aggrieved at the stand I was taking with reference to Norwegian ships. I told him that I was extremely sorry to hurt his feelings, and was quite willing to do anything within reason to give him satisfaction. I may say that Mr. Aubert is a very estimable gentleman. He is the dean of the consular corps in Montreal, which means that he is the Consul who has been in Montreal the longest. He is very popular, very well liked, in our city. He told me then that I had made some incorrect statements. That changed the whole aspect of the matter. He was taking exception to what I had stated in a rather long speech; so I said: "Mr. Aubert, if you will give me your statement in writing, I promise to read it verbatim to the Senate, and the Senate can judge whether I have been incorrect or not."

Before dealing with that, I wish to say that I have here an official list of Norwegian and Danish boats which were engaged in trade on the Great Lakes in the season of 1927, and which carried grain cargoes internationally, chiefly between Buffalo and Montreal. The statement gives the names of each steamer, the number of trips, and the capacity. There are fifteen of these steamers. The names are mostly unpronounceable. One steamer alone, called the Haux, made sixteen trips. With the permission of the Senate I will place the list on Hansard and leave honourable Senators to try to pronounce the names.

Steamer	No. of Trips	Capacity wheat Bushels
Terje	5	52,000
Bill	5	62,000
Anders	3	52,000
Rein	8	52,000
Hansa	3	50,000
Mimer	1	50,000
Reinunga	5	47,000
Wenchita	6	52,000
Biskra	8	58,000
Hauk	16	52,000
Roar	4	57,000
Tiro	1	47,000
Lom	7	53,000
Imacos	12	53,000
Lingerman	1	58,000
Total		795,000

Here is the letter received from the Royal Norwegian Consul General, Montreal, dated May 4, 1928:

Dear Sir:—

In 1926, as well as this year, you have made certain statements in the Senate regarding the Norwegian Shipping on the Great Lakes. I beg to refer you to the Debates of the Senate, Tuesday, June 8th, 1926 (no. 24) and the debates of the Senate, Wednesday, April 25th, 1928 (no. 24).

When I happened to meet you on Saturday, April 28th, you brought up the question of the Norwegian shipping and the Norwegian competition with the Canadian Shipping on the Great Lakes, and I took the liberty to mention to you that your statements in the Senate regarding the Norwegian Shipping were incorrect. In reply you stated that, if you had made incorrect statements, you would be glad to be furnished with such material, as would enable you to correct those statements, which were not conforming to existing conditions. I promised you to do this and will in the following mention the points, which I consider the most important ones.

1. You have stated (see the Debates of the Senate for April 25th, 1928, page 367) that Norwegian ships are coming out this summer "to do a coasting trade" in Canada.

Well, there I admit I should not have used the word "coasting". I should have said to engage in lake and river trade. Coasting means that the vessels would go from one Canadian port to another. That was not what I intended to convey, and the text of my speech shows that very clearly.

Allow me to say that this statement of yours in contrary to fact. The Norwegian ships in Canada are not allowed by Canadian law to engage in coastwise trade, and they are obeying the Canadian laws in that as well as other respects. Moreover, if you are at all familiar with the clearing methods used by the Canadian Customs stations, you will know that it is practically an impossibility for any foreign ship to engage in coastwise trade in Canada without the knowledge and control of the Customs authorities. Your statement, therefore, automatically implies (I dare say unintentionally on your part) a charge against the Canadian Customs authorities for neglecting to prevent Norwegian shipping from breaking the Canadian laws. Even if you would not correct your statement out of love for the Norwegian shipping, I am convinced that you would do so to clear the Canadian Customs authorities of any suspicion of neglect in the matter.

In connection herewith I would like to quote the following from a letter, which I have received from a Norwegian shipping agent residing in Montreal:—

"I dare say that the Norwegian Ships have not as yet, and I do not expect them to try to evade the present laws, rules and regulations in the lake trade, and as agent, I have always thought it advisable to co-operate with all authorities in seeing that all formalities are complied with by the shipmasters, officers and men.

The Norwegians are not breaking any coasting laws in Canada. It has been stated that by using Buffalo as a transhipping point that the Canadian coastwise law could be evaded, but this has not been of any interest whatsoever to the Norwegian ships. The ships I operate are mostly interested in loading in ports such as Duluth, Chicago or Milwaukee as far as grain is concerned, and only when my friends have had special cargoes for which they needed tonnage have I accepted cargoes out of Buffalo. Wherever the grain loaded in Buffalo originates, I do not know, and never will know, until the grain is loaded.

The western farmers did not build a 2,000,000 bushel elevator in Buffalo to store United States grain.

In closing the business for the ships, same is done through brokers in American ports such as Duluth, Chicago or in some cases Buffalo and New York. Very little grain is booked in Montreal and other Canadian ports for the Norwegian ships.

It seems that the representatives for the largest grain houses in the world, people who have been in business in Montreal for many years, are thoroughly pleased with the way business have been transacted and handled for Norwegian ships. At least, I have never had any complaints to the contrary in the years I have been in business."

2. In 1926 (see the Debates of the Senate, June 8th, 1926, page 179) you stated that the foreign ships are free from regulations. I do not know where you have obtained this information—

I will show this honourable House in a minute.

—but if you had approached me in the matter before you brought it up in the Senate, I would have been able to give you the correct information. I think I am safe in stating that the Norwegian regulations concerning the seaworthiness of ships are at least as severe as the regulations of any other country. For your information I beg to enclose herewith a copy of "Norwegian Regulations concerning the Seaworthiness of Ships", published in 1920 by The Inspector-General of Shipping and Navigation, at Oslo, Norway. There are numerous other regulations regarding Norwegian Shipping, and if you desire more information than this, I am quite willing to let you have it.

3. In 1926 you stated (see the Debates of the Senate, June 8th, 1926, page 178, first column) that Norwegian ships are plying in trade here "without buying anything in this Country." You also stated that foreign vessels do not employ any Canadian seamen. You state furthermore that these ships do not pay a cent of wages to Canadian labour.

I will not answer that myself, but will leave it to the Dominion Marine Association.

In this connection allow me to quote what the previously mentioned Norwegian shipping agent says in this respect:—

"It is also to be remembered that last season, I, as agent for 8 Norwegian lake traders, shifted about 150 men in Montreal and other Canadian ports and paid out in wages alone about $35,500, which money were drawn by the shipmasters to pay their crews."

Whether those crews were all Canadian or not, I would like to know.

"In addition there were employed 8 lake pilots, or so called sailingmasters, who received

wages to the amount of $13,915. It is to be noted that I pay the sailingmasters the highest going wages in the trade. I have also paid $4,414 in pilotage in River St. Lawrence during 1925."

Well, who would pay them? Would they expect us to pay the pilotage dues for those ships?

"The Harbour Commissioners of Montreal received $20,556 for unloading of vessels in the Grain Trade. Towing and wrecking companies received $11,921, and I paid repair bills to the amount of $15,290."

Who was going to pay them if he did not?

"It is of course natural that the ships engaged in the Trade on the Great Lakes buy their fuel at the most convenient and economical points. $56,157 was spent last year on bunkers, of which approximately 55% in Canada. It is to be noted that my company never received the refund of duty for coal imported into Canada, even though it is customary to get this duty refunded by ships engaged in trade between Canadian and foreign (U.S.) ports.

I paid for my ships also $8,795 in stevedoring in the port of Montreal, and I know that there are spent money in numerous ways by the crews, officers, masters, etc., which are beneficial to the country. Personally I am employing 3 men—all war veterans—who are also making a living out of the Norwegian ships trading the lakes."

Well, some families have got as many veterans as that, and are making no boast about it.

"In regard to supply for the ships:—When the articles condemning Norwegian shipping in Canadian waters started, it was stated that the ships did not buy anything in Canada, or not any more than what was absolutely necessary. The latter statement is partly correct, as it is poor policy on any shipowners part not to buy stores where they are the cheapest. However, the stores as barrelled beef, pork, etc., etc., are to-day the most expensive meals served on board the ships who have opportunity to replenish their stores with fresh goods in the line of beef, vegetables, eggs, milk, etc., etc.—Tinned goods of all descriptions are of the most expensive subsistance given ships crews. With other words it is lack of knowledge if the ships do not buy sufficient stores in Montreal for the round voyages in the lake trade."

You will notice, honourable gentlemen, it is "lake trade" again.

"My office paid $16,278 in ships stores during 1925."

Why is it always 1925? What about 1926 and 1927?

4. On April 25th, 1928, you stated as follows:—

"They (the foreign vessels) pay their men about 1/4th of the wages that ours receive, and they are careful not to pay them during the voyage, but only when they return to Norway".

Also this statement is absolutely incorrect. There is a difference between Canadian wages and Norwegian wages, but your statement grossly exaggerates this difference.

But he does not say what the difference is. This House and especially the ex-Minister of Labour (Hon. Mr. Robertson) might also be interested in knowing that.

With regard to the Norwegian sailors' right to receive their wages, the law respecting seamen of February 16th, 1923, stipulates that the master shall be entitled to retain, until the seaman leaves the service, 1/3 of such wages as the seaman himself may draw; the amount retained must not at any time exceed half a month's wages. Of course, any ship's master, who would try to retain a sailor's wages until the ship's return to Norway, would not be able to obtain a crew at all. In addition to this, he would be compelled by the Consular Authorities to comply with the law. I know of no case in which any Norwegian ship's master has tried to violate the law in this respect.

There are other statements made by you regarding the Norwegian shipping, which are not correct, but I consider that the above-mentioned points are the most important ones.

The Norwegian shipping in Canada is carried out according to Treaty and Law, and so far I am not aware of the Norwegian ships having abused the hospitality, which the Canadian Government has extended to the ships of my country, on the same footing as that of ships of other countries. I also believe that on the whole the Canadian grain trade and other Canadian export and import business are well served by the Norwegian freight steamers. I cannot but regret that you have, without proper previous inquiries, made several incorrect statements regarding my country's shipping trade, statements tending to create an animosity against our ships, which would not be well founded.

I beg to say that I accept your offer to correct your statements to the Senate, and I shall appreciate it if you would do so before parliament closes.

Yours truly,

Ludvig Aubert,
Consul-General of Norway.

Now, honourable gentlemen, the question is raised—and I will not attempt to discuss it to-day—whether our canals are open and free to everybody. This country seems to be free in everything. In every other country foreigners must have a passport, but here they do not need even a card of identification. They can come in and go out as though they owned the country. In 1903 when we abolished tolls on the canals, we gave the United States the privilege of using our canals without paying tolls, because at that time we were using their canal at Sault Ste-Marie, and some of us were guileless enough to think that in return we would have the right to use any American canal. But we soon found that was not the case. When some parties went down to Whitehall they were told: "Oh, no, the Erie Canal belongs to the State of New York." So you never see a Canadian boat on the Erie Canal. We ought to be more particular, and ought to know what we are getting. It will be a nice question for the Senate to take up next Session, whether we are obliged to give free canals to all the ships of the world. We pay tolls on the Panama Canal, and on the Suez Canal,

and on the Manchester Canal there are tolls for British vessels, and tolls which are heavier for foreign vessels.

Now I have only a page to read of a statement from the Dominion Marine Association. It is as follows:

To the Right Honourable The Premier
and the Members of the King's
Privy Council for Canada.

Owners of Canadian vessels trading on the Great Lakes and St. Lawrence River submit that in the trade of these inland waters of Canada they are subjected most unfairly to competition of foreign vessels from overseas which bear none of the burdens borne by Canadian ships and pay no share of the cost of construction and upkeep of inland channels and ports and of the Dominion Canals.

Ships, principally from Scandinavian ports, joined recently by some from Germany, Denmark and other countries, come up through the Dominion Canals and engage in the carriage of bulk freight internationally, or across the line, between the United States and Canada, leaving these waters for ocean service before the close of navigation. They enjoy the free use of the canals and river channels. They are not subject to the Canadian laws and regulations as to qualification or number of officers and crew.

That is what I am reproached for having said.

They pay no annual inspection fee to Canada for hull or boiler or machinery. They pay nothing through ship or owner by way of taxation and add nothing to Canadian revenues.

It seems to me that is what they are complaining of.

They reduce their own overhead by all the year round service, and at the same time they pay about one-third of the Canadian wage schedule and thus work serious damage to Canadian labour as well as to the shipping industry.

Well, I stand corrected as to wages. I said one-quarter; I should have said one-third. However, honourable gentlemen, you will admit that one-third is a big reduction, and remember, honourable gentlemen, that not I, but the Dominion Marine Association, is responsible for this statement.

The Dominion Marine Association submits that these foreign ships should not be permitted to enjoy all the advantages of Canada's inland waters with none of the burdens or disadvantages incident upon Canada's own shipping, and that primarily the imposition of Canal Tolls upon vessels not flying the flags of Great Britain, the United States or Canada, could be arranged so as to exact a fair contribution towards the revenues of the Dominion and the expense of maintaining canals, channels, ports and aids to navigation, and at the same time afford a reasonable measure of protection to Canadian inland shipping upon which this foreign service is now being dumped.

To answer that the canals were built for Canadians and not exclusively for Canadian vessel owners and that the proper procedure now is to impose upon these foreign ships all the burdens and taxation borne by Canadian vessels and their owners does not meet the case. For one thing it is not apparent at present how the foreign and the domestic service can be put on a parity in the matters mentioned or how the present Dominion taxes upon income can be applied; and for another, there is no assurance that this alternative procedure will be promptly adopted.

The Canals were not made free to the world with a view to the present conditions. Tolls were removed because in 1903 Canadian ship owners backed by the leading commercial organizations of the country asked for relief from this burden and because they presented the argument that they were then enjoying free passage through the United States Canals at Sault Ste. Marie. It may be true that those Canals are free to all ships but as they are inaccessible to ships of any size except through the Dominion Canals their freedom from tolls establishes no precedent for action in Canada.

The Manchester ship Canal distinguishes in its tariff of tolls, between local, coasting and foreign traffic, and while the traffic rather than the flag may be looked to, the result is to the advantage of the local shipping.

Yet the Great Lakes are in a peculiar position differing from that of other waters entered by canal. They carry an immense inland trade of their own. They are owned exclusively by the two bordering countries, while by far the greater part of the St. Lawrence is owned exclusively by Canada, and it is submitted that Canadian shipping which is being developed on these waters, and the owners of these ships who have been taxed to improve these waters and to build and upkeep the canals, should be protected against the inroad of the unburdened, untaxed foreign competition complained of, and that in no other effective way can this protection be given at present than by the imposition of a toll on the canals.

The Association refers also to the petition now in process of being signed by inland mariners, of which a copy is attached, and which will be presented to the Government in due course when signed.

Dominion Marine Association.

I thank this honourable House for the patience with which they have listened to me, but I think this is a question that should interest us next session. I really believe this House would be well advised if they took up this matter.

Hon. G. D. ROBERTSON: Honourable gentlemen, I do not desire to enter into a discussion of the subject matter which the honourable member has just submitted to the House; but some two or three weeks ago I received a communication on a matter of public interest that affects the question that my honourable friend has been discussing today, and therefore I propose to take a moment to mention it.

My honourable friend referred to what is stated in the document to be a fact, that the rate of compensation paid to men employed in the merchant marine of foreign countries, that has been operating in our great lakes and inland waterways is about one-third of that paid by Canadian steamship companies and ship owners to Canadian sailors, as I assume.

That is a startling comparison when we consider, at the same time, that the rates paid by our Canadian shipping men are very substantially below those paid by United States ship owners. This question is of some interest in connection with another subject that is now engaging the attention of the Senate, namely, the inquiry into the St. Lawrence waterway matter, because of the serious discrepancy that exists in the cost of operating ships, and the laws which govern the manning of them.

My information is that ships of United States register which are operating on the Great Lakes are required to man their ships by three shifts of men, working eight hours each, but that rule does not apply on Canadian vessels. In addition to having the three-shift crew instead of two-shift, making a difference of approximately a third in the cost of operation in favour of the Canadian steamers, so far as labour is concerned, the following seems to be a comparative list of wages paid to Canadian and American ship employees.

The captain of a ship operating on the Great Lakes, if the ship is of Canadian register, receives from $1,400 to $3,500 a year, while the same sized ship registered in the United States pays the captain from $3,000 to $5,000 a year. The chief engineer of a Canadian ship receives from $1,400 to $3,200 a year, while on an American ship the chief engineer receives from $3,000 to $4,500. The other officers and employees receive the following comperative rates of pay:

	On a Canadian ship	On an American ship
	Per month	Per month
First Mate	150	210
Second Mate	110	185
Wheelsmen	75	105
Watchmen	60	105
Deckhand	45	77.50
First Cook	110	155
Second Cook	55	105
Porter	40	77.50
Second Engineer	145	250
Third Engineer	110	185
Oilers	75	105
Firemen	70	105

The list of one officer and one employee in each of those classes would aggregate, on a Canadian ship, $1,278.66 per month, and on the same sized American ship, for the same service and the same number of men, the cost would be $2,165 per month.

Hon. Mr. ROBERTSON.

In addition to that, as has been already pointed out, the American crew is one-third larger than the Canadian crew because of the three-shift arrangement. Therefore, if it be true, as my honourable friend has read, that ships of foreign register—that is, apart from the United States and Canada—come into our inland waters and operate at a labour cost of one-third our present labour cost, what must the situation be? Because the present Canadian labour cost would approximately be only 60 per cent of the standard paid by American vessels operating in competition in the same water.

My correspondent, who comes from the city of Montreal and is a mariner, says:

> By referring to the circular you will notice that the U.S.A. vessel owners operating in competition with the Canadian vessel owners are paying much higher wages, and in this competition the U.S.A. have everything against them.
>
> For instance, the U.S.A. owners flying the American flag have the following disadvantages:
>
> (1) They purchase their vessels in the U.S.A. at about double the cost of those purchased in Great Britain;
>
> (2) They have got to employ U.S.A. citizens;
>
> (3) On all vessels of 3,000 tons and over they have, according to the U.S.A. laws, to employ three crews, while the Canadians have only two crews;
>
> (4) The U.S.A. owners feed their crews much better than the Canadian owners;
>
> I am not prepared to say whether that is so or not,
>
> —and yet in spite of that, the U.S.A. owners pay their engineers and other officers about double what the Canadian owners are paying.

I have shown the figures. My correspondent proceeds to indicate that this is one of the reasons why there has been a substantial exodus of Canadian citizens to the United States; that this is but an indication of the advantages that are to be found for Canadian citizens who have access to that country for employment opportunities.

When we are considering the St. Lawrence waterway deepening, and the saving in cost of transportation of freight, I think we must, at the same time, give some heed to the question of equalizing compensation for men engaged in marine activity, because unless that is done this same disability will continue to militate against keeping Canadian citizens in Canada. It is a matter that deserves some attention and consideration when dealing with the larger question.

Hon. J. D. REID: Honourable gentlemen, this question has been before the House several times. There was an attempt made at one time that did assist the Marine Asso-

ciation to some extent, but I believe they, and the ship-building interests in Canada, have still a grievance.

I remember that some years ago a complaint was raised in Parliament as to foreign vessels coming in and doing practically our coasting trade, because they carried grain from Port Arthur to Montreal, and freight from Buffalo to Montreal or Port Arthur. For some years, however, it was difficult to remove that grievance, because a great many of our Canadian vessels were absent from the inland waters for a number of years on account of the war, and we were glad to get any vessels that would help to carry our grain from the West. One grievance at that time was that British vessels were allowed to do coasting trade in Canada. But that was not the only grievance, for foreign vessels could run into a British port and register as of London, England, or of St. Johns, Newfoundland, and they had the same right to do coasting trade as a vessel built in England. That was remedied by an Order in Council or an Act defining a British vessel as one built in a British country. That restriction has since applied, and has relieved a certain amount of competition, and helped the marine organization a great deal.

The complaint that has been brought before us to-day is a very serious one. I live on the St. Lawrence and I see those foreign vessels going up regularly, particularly at the time of year when they can hardly get cargoes from Montreal to other ports, and they seriously interfere with the traffic which our own Canadian vessels and United States vessels have a right to carry. We have such a short season for inland navigation that when those foreign vessels come in and take a great deal of the traffic, the Canadian and American vessels have to raise their rates and this at the time when the great traffic is coming through from Port Arthur and Fort William, in the spring and fall.

I think that something should be done to help our marine men in relation to that foreign competition. I believe the Government would be well advised to consider putting on a rate of toll on inland traffic between Port Arthur and Montreal, applicable to any vessel other than Canadian, United States, or British. I think that would help out a great deal. Of course, those engaged in the shipbuilding industry are complaining all the time, and in a way their complaint is just. They say that industries throughout Canada have protection, but they have none. In the United States no vessel can do any traffic in inland waters unless built and owned by United States citizens; but our vessel owners say that the only vessels constructed and owned in Canada doing any coasting trade, are those built by the Canadian Government Merchant Marine, which were built during the war. I cannot very well see how we can avoid giving the shipbuilders the protection they ask, because I understand that a vessel built in any British country has the right to coast or do marine work in Canada or any other British country. Our shipbuilders have to face the fact that British vessels are much cheaper than those constructed here.

Hon. Mr. CASGRAIN: 25 per cent.

Hon. Mr. REID: 25 per cent or whatever it is, but if a British vessel comes over here it has just the same rights, as far as traffic is concerned, as a vessel built in Canada. However, there is this advantage over foreign vessels, that in the case of a vessel built in a British country, owned by Canadians, manned by Canadian crews, that her supplies are all bought in Canada, and under our laws the sailors have a right to a fair wage.

I have been told by some marine men, who are very sore at the position of matters, that those foreign vessels do not spend a dollar in this country other than for fuel and a very small quantity of supplies. The wages and practically all receipts are sent away, so that there is practically no advantage gained by this country from their operation. I am informed that the method is for a foreign vessel to bring supplies enough from her own country, store them in Montreal in bond, and take them out from time to time, but leave very little money in Canada; yet such vessels have the right, under our laws, to trade here, and pay lower wages than our Canadian shippers pay, though they can be built cheaper in some foreign countries than in England. Under those circumstances what chance has one of our merchant vessels to live in this country?

We have talked about having our Canadian vessels put under the Railway Commission or some other body that would fix the rates. But how can you fix the rates? You may figure on so many million bushels of grain coming from the Northwest, but how much of it is going to be carried by these foreign vessels you do not know. Therefore it would be much better if we could have this traffic carried by our own Canadian vessels, and they should be built in Canada if possible, but if they cannot be built in this country they would be built in England and would

at least be owned by Canadians. Every man on board the vessel would be a Canadian citizen, the money paid for his services would be left in Canada, and all the supplies would be bought in this country.

I think this is a very important question. I must admit that it would have been hard to impose restrictions a few years ago, when on account of the war vessels were so short in this country, but I think that the time has arrived when we should see to it—and it would be only fair—that so far as the inland traffic between Montreal and Port Arthur or Fort William is concerned, it should be carried only by Canadian and American vessels, having equal rights in the use of our canals and waterways between Montreal and the head of the Lakes. That would be at least some protection. I do not know the quantity, but there must be some millions of bushels carried in tramp steamers. I do not think it is unreasonable to make some regulation to prevent tramp steamers from taking traffic away from vessels which, though built in England, are owned in Canada, so that these Canadian vessels may not have to carry freight at a loss. It has been stated in this House, and I have read in the newspapers, that grain was carried last year between Port Arthur and Montreal for five cents a bushel. The average during the year was about 10½ cents. I think that if you could eliminate these foreign vessels the grain could be carried at least as cheaply, and in my opinion the cost would be less. I cannot see why any country should object, nor why we should be a party to letting other vessels come in and do our inland work. Foreign vessels are not permitted to do the coastwise trade of the United States.

Our Canadian merchant marine is not as large to-day as it was a number of years ago. We received our first blow when the laws were interpreted as permitting American vessels to carry grain from Port Arthur or some other Canadian port to an American port, and there unload, and the same grain to be taken in another American vessel to Montreal. That did, of course, hurt our merchant marine. I would like to see, if it were possible, a law providing that what I may call our coastwise traffic should be carried in vessels built in Canada, but I do not see how we can expect to have such a law at present, or so long as it is understood between Great Britain and her colonies that vessels built in Great Britain have the same right as ourselves to carry on this traffic.

There is another little complaint too—and all these small complaints tend to create a grievance on the part of our marine men—

and that is that if one of our vessels goes aground and is taken into one of the American ports for repairs the rate of duty on the repairs is 40 to 50 per cent, whereas if an American vessel, having been wrecked, comes into a Canadian port, the rate of duty is 25 per cent. A number of accidents occur during the year, and while the canals and rivers are used freely by both countries, and supplies, etc., are brought in free, it is only fair that the same rate of duty should be charged and the same treatment given in one country as in the other. We should take up with the United States the question of our rate of 25 per cent, to see if they could not agree to the same rate on repairs in United States ports; or, if they prefer the other alternative, we should have the same rate of duty on repairs as they have.

Remember, there are seasons when some of the vessels do not make much money. If a vessel has a wreck or meets with a mishap, while it may be insured, the owners are not insured against the loss of time, and although the vessel is restored to its proper condition, the loss of time means the loss of all profits during the year.

I rose merely to state a few of the grievances of the marine men, and I would suggest to the honourable leader here that during the recess, when they have time, the Government should take up this question and perhaps by Order in Council provide that canal tolls shall be charged on vessels, other than American and Canadian, engaged in inland traffic. That should be done as soon as possible, in order that it may help during the present season. I do not think for one minute that advantage would be taken of it to increase the rates; in fact I think the effect would be to reduce the rates. However, the Government could protect the people concerned. The people of the Northwest know the rates that are paid now, and they should not pay more during this season than they did last season. If any assistance is given in the way I have suggested, the Government could easily control the situation so as to prevent unfair advantage being taken. I would suggest that when this matter is taken up consideration should be given also to the question whether wrecked Canadian vessels in United States ports should not be treated in the same way as United States vessels are treated in our ports.

Hon. J. G. TURRIFF: I do not intend to speak for more than a few minutes, because this subject is somewhat complicated and I have not given it sufficient attention to be able to answer all the arguments that have been put forward to-day. But I would like

to say that every argument made has been an argument for higher protection. My honourable friend who has just spoken says that if something is done nobody will take advantage of it to increase the rates. Honourable gentlemen, I have heard that argument as far back as I can remember anything, and in not a single case where higher protection was given did those who received it fail to take advantage. They would be great fools if they did not take advantage of it, and you may bank on it that they will do so every time.

I remember when, a few years ago, the Government—I think, very advisedly—gave American ships the right to load grain at the head of the Lakes, in the fall of the year, and bring it to a Canadian port. If that had not been done, what would have been the result? Immediately the rates would have increased on all vessels that could go to Canadian ports, and the public, who owned the freight, would have had to pay the extra charges. So, while it seemed hard, in a way, that foreign ships should be allowed to come in and compete, it was in the interest of the general public that they were allowed to do so, and the public were the gainers by it. Some of the big ship owners perhaps lost a little money that they might otherwise have gained.

How did England build up her shipping trade all over the world? Was it by taxing everybody who wanted to come into the country? It was by giving free trade and fair play to everybody that she built up the greatest marine that has ever existed in the world.

Hon. Mr. GRIESBACH: Surely my honourable friend is not ignorant of the navigation laws which were repealed only about sixty years ago, and which absolutely protected British shipping. They established British shipping, and without them there would not be the development that there is to-day.

Hon. Mr. CASGRAIN: Certainly it was built on protection.

Hon. Mr. TURRIFF: Possibly that is correct, but my honourable friend (Hon. Mr. Griesbach) says, if I understand him aright, that Great Britain built up all her great traffic before there was any protection.

Hon. Mr. GRIESBACH: No, no; the navigation laws were begun in the reign of Edward III and were continued until quite recently, with additions to provide for the changes that took place in all forms of navigation, and for the incidence of trade expansion.

Hon. Mr. TURRIFF: I know we have high protection here in Canada and we cannot build ships.

Hon. Mr. CASGRAIN: But you can build elevators in Buffalo.

Hon. Mr. TURRIFF: We cannot build ships in Canada. Only the other day I saw an announcement in the press of Montreal that the present Government had asked for tenders for the construction of, I think, two warships to cost about $1,500,000 apiece, and they received from a branch of a British company in the city of Montreal a tender which was more than 100 per cent higher than the tenders received from Great Britain. For the same class of shipping the figure was considerably over 100 per cent higher. In the face of that, and under high protection, how can Canada build ships to carry our traffic at a reasonable rate?

I hope my honourable friend the leader of the Government will take notice that what is done to preserve as much freedom as possible in shipping is in the general interest of Canada. It is good for all the people of Canada. It is good for the consumers in this country, and I believe that in the end it will be good for the shipping interests of Canada as well.

My honourable friend beside me tells me that there have been eight ships built in Canada at a cost of five millions and some odd thousands. The tender of that particular company, who are in a position to build warships, shows what advantage they wanted to take of the people of Canada: they quoted about 105 per cent higher than the tender from their own company or a neighbouring company in Great Britain.

Under the circumstances I may say that it is well not to lend too friendly an ear to all these honourable gentlemen who advocate higher protection. I do not blame them for advocating what they think is right, but it means especially that the people will have to pay much higher freight rates. The only factor I see that prevents the shipping interests from going very far in that line is that we now have our wheat route to Vancouver, which has taken a tremendous lot of the wheat traffic away from the St. Lawrence, and, judging by the experience of the past winter, we are going to have another route for four or five months of the year via the Hudson's Bay. Our wheat can go direct from Canada to the Old Country without being mixed or diluted at all, and it can be shipped by those routes as well as down the St. Lawrence, and with as much profit to the shipping men.

I will not take up further time, because, as I said before, I am not well enough posted on this subject to be able to argue it out point by point with honourable gentlemen. I am taking a general view of the situation. Remember that the people of Canada are not so much interested in the big shipping companies and railway companies earning high dividends as they are in getting good freight rates and having a chance to make a living at their own business.

Hon. Mr. CASGRAIN: What about building the elevator in Buffalo at a cost of $2,000,000?

Hon. Mr. DANDURAND: Honourable gentlemen, I have not answers to the inquiry of my honourable friend from De Lanaudiere (Hon. Mr. Casgrain). I will draw the attention of the Minister to the remarks which we have heard this afternoon on this matter of the navigation of the Great Lakes and the St. Lawrence by foreign vessels.

INCOME WAR TAX BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 321, an Act to amend the Income War Tax Act.

He said: Honourable gentlemen, the object of this Bill is to restore an enactment which was dropped from the Statutes in the revision of 1927. Under the Act as it stood, an information or complaint could be laid against anyone infringing the Income War Tax Act within two years of the time when the matter of the information or complaint arose. That provision having been dropped, the Department has had to fall back upon the Criminal law, which permits of a delay of only six months within which proceedings can be instituted. The Minister takes the opportunity afforded by this error in the printing of the Revised Statutes to extend the time to three years, instead of two years, as heretofore, within which a complaint may be laid against an income taxpayer who has made a fraudulent or false return. The reason which the Department of National Revenue gives for this is the fact that the checking of these statements takes some considerable time. As honourable gentlemen know, we file our returns on the 30th of April and we sometimes receive a final receipt only after twelve months. The returns are sent to the Department at Ottawa, and considerable work involved in verifying them. If the law were to remain as it is, owing to the error in Revising the Statutes, no penalty could be imposed for its violation. I may say that Great Britain first provided that a taxpayer could be punished anytime within three years for making a false return; but since 1923, I think, the period has been extended to six years. This Bill commended itself to the House of Commons.

Besides curing the error made through the revision of the Statutes the Bill affects to be retroactive in the sense that it shall be deemed to have come into force on the 1st day of January, 1926, so that nothwithstanding any other provision relating to the prosecution of offences, any offence against the provision of Section 80 of the Income War Tax Act committee after the 1st day of January, 1926, shall be punishable within three years from the time when the matter of the information or complaint arose.

With this explanation I move the second reading of the Bill.

Hon. N. K. LAFLAMME: Honourable gentlemen, I have just cast an eye over this Bill, and it seems to me somewhat exceptional in character. I have noted particularly four grounds upon which it could be fairly criticized. First, it is an exception to the rule of Article 1142 of the Criminal Code. Exceptions in penal legislation exist provided there be some reason, not arbitrary in character, to justify them. The second ground of criticism seems to be that the legislation is retrospective instead of prospective. The third ground is, that being retrospective it is fraught with injustice, and liable to create a miscarriage of justice. A fourth ground that I might mention is, that being so, it would be a bad precedent.

Now, let me take up these four points. As I have said, this is an exception to the rule contained in Article 1142 of the Code, which provides that where offences are to be prosecuted under the Summary Convictions Act, there is a limitation of six months. Therefore, the proposed Bill is a glaring exception. However, exceptions can be justified, provided the reasons for them are sound. What are the reasons? The reasons are given in the explanatory note, and were explained by the Leader of the Government a few moments ago. This note says.

> The volume of files and information to be examined precludes in a large measure the discovery of fraud until after six months from the time when the offence was committed.

That is the reason. Whether that is a fact or not I do not know. What is apparent, however, is that the reason is arbitrary. How is it that it takes three years for a well organized Department possessed of the expert knowledge to scan over a return and check

it? That Department is manned by a staff of excellent investigators armed with full powers. I see them in the city of Montreal almost every day. Why not say two years? Why not say six? This exception is absolutely arbitrary, and the fact that a Department requires three years for the examination of Government returns would not speak very highly for it. But there is more than that.

Hon. Mr. DANDURAND: It is much lower than in Great Britain.

Hon. Mr. LAFLAMME: A comparison, Mr. Leader, is never an argument; it is the juxtaposition of two elements which may be absolutely wrong. I am dealing with this Bill in a concrete way, and in the atmosphere in which we are living to-day in this country.

Now, the effect of this Bill is retroactive. One would think that we were dealing with legislation passed in France 145 years ago, where not only suspects, but those who are suspected of being suspects would, retroactively, be liable to imprisonment. Let us read this:

> This Act shall be deemed to have come into force on the first day of January, one thousand nine hundred and twenty-six, so that, notwithstanding any other provision relating to the prosecution of offences, any offence against the provisions of section eighty of the Income War Tax Act committed after the first day of January, one thousand nine hundred and twenty-six, shall be punishable within three years from the time when the matter of the information or complaint arose.

Now, if there is any legislation which ought always to receive a cold reception, even in civil matters, it is retroactive legislation; and if that is so, how much more is it the case in criminal matters? And how much more should it be the case where the offence dealt with is created by the Statutes and by nothing else?

That brings me to the third ground of criticism. If this provision is retroactive it is bound to be unjust. Unjust for whom? Unjust not only for the taxpayers, but also for the Crown. Let me explain. Take a taxpayer who makes his return to-day: in two or three years from now where will his books be? They might have been destroyed by fire, or because he wants to brush up his office; he might be out of business; his bookkeepers might be spread all over the world. Therefore by the mere lapse of time of three years the taxpayer would be deprived of the elements of proof necessary to support his defence.

Now as to the Crown. It is incorrect to say that the Crown is interested in securing convictions. The Crown is interested in seeing that justice is done, and Crown prosecutors are just as well satisfied with an acquittal as with a conviction.

Hon. Mr. BELCOURT: They ought to be.

Hon. Mr. LAFLAMME: Therefore the Crown is interested in not depriving the defence of the elements of proof, written or otherwise, which would be available; and I think that in six months the Crown ought to be able to decide whether or not it has a case.

If you introduce an amendment of this retroactive character, it is oppressive. Where are you going to stop? Next thing, in the case of any offence by nature per se, one might say "Let us make it retroactive, because in the year 1928 you made a statutory offence that could be prosecuted within a period of three years, whereas more grievous offences must be prosecuted within six months." I do not see the logic of that, nor, with all due respect, the common sense, which is so rare, though we still persist in calling it common.

Hon. Mr. DANDURAND: Honourable gentlemen, I confess that I am not very much moved by the appeal of my honourable friend. He thinks that six months is a sufficient length of time for the state to make up its mind as to a probable offence committed by a ratepayer of this country. He knows that during the past five or six years, in the case of his own return, as in the case of my return, the Department has gone beyond the six months; consequently he has the very experience which should dictate his judgment in weighing the cause for this Bill. If the Department, receiving tens of thousands of returns during the month of May, can only investigate somewhat rapidly the figures contained in those returns, in order to come to a conclusion as to whether or not the returns are bona fide, how much longer should it be given to determine doubtful cases? Most of the returns are examined within a certain number of months, based on returns that have been made in previous years, and tested; but a certain number of returns are left aside for closer scrutiny and greater consideration, which requires more than six months. If an offence has been committed, it is not committed upon the day it is found out, but on the day when the return was made; so it can only be discovered after six months or a year. Will my honourable friend say that these offences should go unpunished, and that there should be such laxity in the application of the principles governing the respect of the law that most of the offenders would go free simply

because the Department had been unable, within six months, to find sufficient evidence to proceed against the offenders? My honourable friend asks, "Why three years?'" Well, what delay does he suggest? If he says six months, he has arbitrarily fixed that period, and how much greater is the common sense in six months than in nine or twelve months? The Department says three years. Perhaps the Department is somewhat liberal in the time that it gives, yet it has as a precedent the practice of the Mother Country, which has fixed six years. I am not wedded to the three years. If the consensus of opinion in this Chamber is that two years would be ample, in Committee we will say two years. But I believe the principle contained in the first section of the Bill is a good one. It was two years before, and that was fixed by the legal experts of the Department of National Revenue.

Hon. Mr. BUREAU: Will the honourable gentleman quote the section of the Income War Tax Act making it two years?

Hon. Mr. DANDURAND: I will do that in a moment. If it were two years up to the revision of the statutes, why not return to the two years? Of course it will still be an arbitrary figure, but all delays fixed represent a certain arbitrary element.

In answer to the question of my honourable friend, here is the statement which has been put into my hands, and which I summarized when I arose for the first time. This is more precise, and perhaps a little more technical, than my remarks. Section 80 of the Income War Tax Act provides:

> Any person making a false statement in any return or in any information required by the Minister, shall be liable on summary conviction to a penalty not exceeding ten thousand dollars or to six months' imprisonment, or to both fine and imprisonment.

This is the present Act. Under the summary convictions part of the Criminal Code, Section 1142, it is provided:

> In the case of any offence punishable on summary conviction, if no time is specially limited for making any complaint or laying any information in the Act or law relating to the particular case, a complaint shall be made, or the information shall be laid, within six months from the time when the matter of complaint or information arose.

That is the law my honourable friend referred to a moment ago. This requires that an offence against Section 80 of the Act must be laid within six months of the time of the filing of the return. On the filing of a false return the criminal offence is complete, and the delay—very often enforced delay, as the Crown must discover the offence—is no part of the offence, and therefore the six months runs from the date when the offence was completed, that is, the time of the filing of the return.

Realizing that a person has the privilege of paying his tax by four instalments at bi-monthly periods, it is six months from the date of filing the return before an assessment notice is issued. This is not to say that assessment notices cannot be made up, but the six months' period is used more particularly to clean up the past year's work and special matters. In any event, it is obvious that the large volume of returns that must be surveyed, valued and investigated precludes discovery of fraud before the six months have elapsed.

Prior to the adoption of the Revised Statutes of Canada, 1927, it was provided in the Inland Revenue Act, Revised Statutes of Canada, Chapter 51, 1906, section 135:

> Any information or complaint with respect to any offence against the provisions of this Act or any other law relating to inland revenue may, whenever the prosecution, suit or proceeding is instituted under Part XV (summary conviction) of the Criminal Code, be laid or made within two years of the time when the matter of the information or complaint arose.

"Any other law relating to inland revenue" —which I emphasized a moment ago—was broad enough to include income tax, and an action might have been brought within two years of the filing of a false return were it not for the fact that in the 1927 Statutes of Canada the Inland Revenue Act was changed and called the Excise Act and section 130, instead of using the phrase "any other law relating to inland revenue" uses the phrase "any other law relating to excise". Income Tax is not an excise tax, therefore the two year period is now excluded, and the Department is thrown back on the six months' provision in the summary conviction part of the Criminal Code.

In England they have, among other provisions, the following

> Where any person who ought to be charged with tax as directed by this Act, is not duly assessed and charged by reason that he has—
>
> (a) fraudulently changed his place of residence or fraudulently conveyed any of his property, or
>
> (b) made or delivered any statement which is false or fraudulent, or
>
> (c) fraudulently converts any of his property by altering any security or rendering it temporarily unproductive in order not to be charged, or
>
> (d) being guilty of any falsehood, wilful neglect, fraud, or any connivance whatsoever, shall on proof thereof to the General Commissioners, be assessed and charged triple the amount of the charge which ought to have been made upon him.

The limitation for bringing an action under this section was at one time three years, but it was enacted by the Finance Act of 1923 that the time shall be six years.

Under the Criminal Code it seems that an action might be brought under Section 404, relating to false pretences; but it is considered that that would be of doubtful effect.

Hon. Mr. BUREAU: It would not be the obtaining of something; it would be the avoiding of paying.

Hon. Mr. DANDURAND: The reason which is given I will state to my honourable friend, who can easily make distinctions and see the force of the argument. "False pretences" is a representation, either by words or otherwise, of a matter or fact, either past or present, which representation is known to the person making it to be false, and which is made with fraudulent intent to induce the person to whom it is made to act upon such representations.

This section comes under Part VII of the Code relating to offences against rights of property, and rights arising out of contracts, and offences connected with trade, and subsections 2 and 3 of the same section provide:

(2) Extraordinary commendation or depreciation of the quality of anything is not false pretence unless it is carried to such an extent as to amount to a fraudulent mis-representation of fact.

(3) It is a question of fact whether such commendation or depreciation does or does not amount to a fraudulent mis-representation of fact.

From this it will be observed that while an action might be sustained, the Code does not lend itself in that direct manner which is desirable for prosecution in revenue matters.

Section 407 (a) of the Code, relating to false statements in writing, is not applicable to a false statement in an income tax return, inasmuch as it is not "for the purpose of procuring, in any form whatsoever, either the delivery of personal property, the payment of cash, the making of a loan or granting the extension of a credit, the discounting of accounts receivable or the making, acceptance, discounting or endorsement of a bill of exchange, cheque, draft or promissory note.

Nor does that part of the Criminal Code relating to the falsification of books of account aid, inasmuch as the books may be correct but the return itself is false.

In the result, therefore, it seems advisable to amend Section 80 of The Income War Tax Act by adding thereto the following:

(2) Any information or complaint with respect to any offence against the provisions of this section, whenever the prosecution, suit or proceeding is instituted under the provisions of the Criminal Code relating to summary convictions, may be laid or made within three years from the time when the matter of the information or complaint arose.

2. This Act shall be deemed to have come into force on the first day of January, one thousand nine hundred and twenty-six, so that, notwithstanding any other provision relating to the prosecution of offences, any offence against the provisions of section eighty of the Income War Tax Act committed after the first day of January, one thousand nine hundred and twenty-six, shall be punishable within three years from the time when the matter of the information or complaint arose.

Now, I hope I have made a case in favour of extending the delay from six months, as it is to-day, to two or three years. Two years was the date, according to this opinion of the Department, which was fixed prior to the Revised Statutes, and I have no objection to returning to two years if it is the will of the majority of the Senate.

Hon. Mr. LAFLAMME: How about making a case to justify the retroactive character of this legislation?

Hon. Mr. DANDURAND: I am just coming to that. The public—and when I speak of the public I mean the ratepayer—has known, or is supposed to have known, because we are all supposed to know the law, that since the law has been in existence ordering him to make a return, he can be prosecuted for making a false return within twenty-four months following the return which he makes.

Since then we have had the Revised Statutes of Canada, which seem to have somewhat blurred the judgment of the general public, represented by the ratepayer. But he has been making his returns for six or seven years. If we do not cover the time that was fixed before the Revised Statutes altered the law, there will be a section of the ratepayers freed from any responsibility for filing a false return. It will be for the Senate to decide whether we should not maintain the law, with its full effect uniformly upon all the ratepayers who have from year to year made their returns; because the Revised Statutes having last year altered the law, and reduced to six months the date during which the Department can sue for a false return, a certain number of men who have made false returns and committed the offence may go free, while those who will make their return henceforth will fall under this law and may be prosecuted during the following 24 months.

I am not specially in accord with retroactive legislation in penal offences, but it seems to me that this Act has provided a penalty, which commends itself, if the opinion which I have is the correct one, as I believe it is.

One who has committed the offence under that same Act should be treated equally with one who made his return a year ago, or makes it during the next six months. If it was the law that a ratepayer could be prosecuted for a false return within twenty-four months, it follows that we are re-establishing the law as it was in order to cure the error which was committed after the adoption of the Revised Statutes of Canada.

But, be that as it may, if there is virtue in the first section of this Bill, and if the Senate is of opinion that six months is not enough, I suggest that the second reading of the Bill be taken, and we may discuss these clauses seriatum in Committee. Therefore I move the second reading of the Bill.

Hon. Mr. BUREAU: Honourable gentlemen, there is something not clear to me in the remarks read by the honourable leader. He said that heretofore there were 24 months in which to bring an action under the Inland Revenue Act. In 1917 the Income War Tax law was enacted. It was an Act complete in itself, and in that Act it was provided, section 9 subsection 2:

> Any person making a false statement in any return or in any information required by the Minister, shall be liable on summary conviction to a penalty not exceeding ten thousand dollars or to six months' imprisonment, or to both fine and imprisonment.

The Revised Statutes to-day reproduce word for word the words of the Income War Tax Act 1917. The reason given by the department is that through some oversight in the revision of the statutes a clause has been repealed in the Inland Revenue Act, the effect of which reduced to six months the time of prosecution under the Income War Tax Act.

Honourable gentlemen, we must not forget that the Customs Act, Inland Revenue Act and the Income War Tax Act were and are three different complete Acts in themselves. The Customs and Inland Revenue Departments were joined. All that was done by the statute was to enact that these departments hereafter should be known and designated as the Customs and Inland Revenue Department. The name was further changed; it became the Department of Customs and Excise. A statute was passed enacting that whereever or whenever the words "Customs and Inland Revenue" were found in the statute there should be substituted, for those words, the words "Customs and Excise". Later on the Income War Tax Act was put in charge of this department of Customs and Excise, having before that been administered by the Department of Finance. All that was done was to pass a statute in which it was enacted that whenever the words "Minister of Finance" appeared in the Income War Tax Act, the words, "Minister of Customs and Excise should be substituted therefor.

This year, or last year, another Act was passed enacting that this same Department, with its various branches—two of which had, some years past, been administered by separate ministers, and the other by the Minister of Finance—should be known as the Department of National Revenue. Each of these Acts remained intact and distinct in their provisions.

In the Inland Revenue Act there was a limitation of two years for the prosecution of certain offences. In the Income War Tax Act, by reference to the Criminal Code, the limitation is only six months, and I ask myself how one can conclude that, because a section of the Inland Revenue Act was amended or repealed, the administration of the Income Tax Act is thereby affected. I see no connection between the two. The Income War Tax Act is perfectly independent from the Inland Revenue Act, and when the statutes were revised they exactly reproduced verbatim the section of the Income War Tax Act which we are now asked to amend.

I desire to put myself on record that my objection is not so much to the three years' limitation, for that is the business of those who administer the law, as it is to the one thing to which I have always objected, even as a member of the House of Commons, and the one thing to which I still object, namely, the retroactive character of the amendment. The first section of this Bill does not concern me so much, but I do object strenuously to any provision that has a retroactive effect.

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

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

THE SENATE

Wednesday, May 23, 1928.

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

Prayers and routine proceedings.

PRIVATE BILLS

REPORT OF COMMITTEE

Hon. Mr. BEIQUE presented the Report of the Standing Committee on Miscellaneous Private Bills, to whom was referred Bill 66, an Act respecting a certain patent of Douglas J. Martin.

He said: Honourable gentlemen, the object of this Bill is to give authority to the Commissioner of Patents to revive a patent which has expired because the patentee has neglected to manufacture in Canada. The second clause of the Bill as passed by the House of Commons protected, to the date of the first publication of the notice of application to be made to Parliament, the rights of anybody who might have commenced to manufacture the article.

The Committee has deemed it advisable to extend the protection to the last day of publication of the notice. There are also a couple of other amendments.

THIRD READINGS

Bill 66, an Act respecting a certain patent of Douglas J. Martin.—Hon. Mr. Haydon.

Bill 17, an Act respecting the Saint John River Storage Company.—Hon. Mr. Smeaton White.

Bill 18, an Act to incorporate the People's Thrift Corporation.—Hon. Mr. Casgrain.

Bill 59, an Act to incorporate Central Finance Corporation.—Hon. Mr. Spence.

DEPARTMENT OF NATIONAL REVENUE BILL

THIRD READING

Hon. Mr. DANDURAND moved the third reading of Bill 291, an Act to amend the Department of National Revenue Act.

Hon. W. B. ROSS: Honourable gentlemen, you will remember that when this Bill passed its second reading it was not considered in Committee of the Whole House, but was sent to the Committee on Banking and Commerce. In that Committee we heard the officials of the Department. For myself I was satisfied that they made out a good case for what is proposed in this Bill. There is no doubt that they require men of such a class that they will probably have to indicate, themselves, exactly what they want in the way of appraisers and other officers, who would seem to require special qualifications if they are to do their work promptly and well. Of course, this is an inroad on the Civil Service Act, and, as I think I said the other day, there is a strong feeling in the country against any invasion, or at all events any unnecessary invasion, of that Act. A great many people are jealous of the Civil Service Act. I am not sure that every person in the country attaches to it exactly the same value, but there is no doubt that some people have that Act very much at heart. While I recognize that the officials have made out a very good case in asking for this legislation, and I offer no objection to it, yet I think it is our duty to give to the people of this country all the assurance that we can that the Civil Service Act will not be unnecessarily invaded, and that all due precautions will be taken against the introduction of the patronage system in so far as the present measure is an invasion of the Civil Service Act. Therefore I suggest to the House an amendment, or rather an addition to the Bill, which I think will probably give satisfaction to some, at least, of the honourable members of this House and to a great many people in the country.

Honourable gentlemen understand that under this Bill, when the Board of Appraisers have examined candidates and have decided for themselves who are competent and desirable, they send their names to the Civil Service Commission, and if at the end of fifteen days the Civil Service Commission have not acquiesced in the selections, then the appointments are made by Order in Council. Now, it is with regard to appointments made by Order in Council, apparently overruling the Civil Service Commission, that I suggest that this clause be added to the Bill, which would otherwise be left exactly as it stands:

> The Minister shall annually lay before both Houses of Parliament within two weeks of the opening of the Session, a return giving the names of the persons appointed under this Act by Order in Council, also the time for which they are appointed and their salaries, and the class of work for which they are appointed, and their previous occupation.

That will isolate these appointments by Order in Council and will give those people whose hearts are set upon the Civil Service Act very clear information as to what is being done, and give them an opportunity for criticism if they choose to make it. It will also keep this matter as a live issue before the two Houses, and if there is any abuse it will be almost certain to come up in connection with that return every year.

That is all I wish to say in the matter. I hope my honourable friend will accept this addition to his Bill, because, if he does, he has the Bill passed exactly as he wishes it.

Hon. Mr. DANDURAND: I have no objection to that amendment.

Hon. Mr. BELCOURT: Does that amendment include preventive officers?

Hon. Mr. ROSS: Yes. There are three classes of officers under the Bill, and this amendment covers all three.

Hon. Mr. BELCOURT: I wonder if it is desirable, in the case of preventive officers, to announce who they are.

Hon. Mr. CASGRAIN: Hear, hear. Why does the honourable gentleman (Hon. W. B. Ross) not restrict it to the appraisers? If you announce who your detectives are, they will be detectives no longer.

Hon. Mr. STANFIELD: It may be announced in the papers who they are.

Hon. W. B. ROSS: Those names appear, though probably in an isolated way, in the Auditor General's Report.

Hon. Mr. BELCOURT: I am referring only to preventive officers—detectives and other officers performing secret service.

Hon. Mr. ROSS: This amendment covers those three classes in regard to whose appointment there is an inroad on the Civil Service Act. We want to give the friends of the Civil Service Act some assurance that a good, sharp watch will be kept upon these appointments, and that there shall not be any unnecessary invasion of the Act.

Hon. Mr. BELCOURT: I wonder if I have made myself clear to my honourable friend. I doubt it. What I am suggesting is that the names of the detectives or preventive officers should not be officially published.

Hon. Mr. ROSS: Why not?

Hon. Mr. BELCOURT: What my honourable friend says with regard to the other classes is quite true, and I approve of that. I am only making this distinction with regard to the preventive officers. I do not think it is in the interest of the Service that the names of those detectives should be known everywhere.

Hon. Mr. ROSS: I can understand why a preventive officer should not be named in a particular case, but I cannot see that giving the name and the salary of a preventive officer would be more objectionable than giving the name and the salary of anyone else.

Right Hon. Sir GEORGE E. FOSTER: Honourable gentlemen, there does not appear to me to be any reason why the preventive officers should not come under this amendment. Every preventive officer must be appointed by Order in Council. You cannot keep the appointment to an office of that kind secret. In fact I think all officers appointed by Order in Council have to be gazetted. Anyway, in the district for which the officer is appointed and in which he is to act, every mother's son who is interested in that branch of the Preventive Service will know that John Jones, or whoever he may be, has been appointed a preventive officer. So there does not seem to be any practical gain by leaving that class of officer out.

I am very glad that the amendment has been accepted by my honourable friend (Hon. Mr. Dandurand). I am one of those who believe in the Civil Service Act, and I should be very loathe to see it gradually pared away in the interest of patronage seekers and patronage vendors. I think the Government would take a great responsibility on itself if it showed any disposition along that line. This amendment brings the matter up so that each year the House of Commons and the Senate may review the circumstances of the appointment, and, as the powers of Parliament are not taken away, if the Government has abused its powers it will be an easy matter to revert to legislation which will bring the matter right. I am very loathe to believe that the present Government is not favourable to appointment and promotion by merit in the Civil Service of Canada, and I sincerely hope that it will not commit the unpardonable sin of taking away the virtue of that Act even to a small degree.

Hon. Mr. TANNER: Honourable gentlemen, I would like to support this proposition, as much for the benefit of the Minister of the Department as for any other reason. I happen to have observed the name of one of the preventive officers appointed in the province of Nova Scotia. Inquiry was made in another place, and the particulars were brought down, but I read the facts in a Nova Scotia newspaper. I happen to have known the man in question for twenty-five or thirty years. I know that he has none of the qualifications for the work of a preventive officer. I am firmly convinced that if the Minister in charge of the department knew the man, knew his history, his incapacity, and his absolute unscrupulousness, he would never have appointed him. I feel sure that, in the language of the street, some one has "put it over" the Minister in regard to that particular appointee. This man must now be well up in years, say between sixty and seventy years of age.

Right Hon. Mr. GRAHAM: He is a mere youth.

Hon. Mr. TANNER: He may be in his youth, but I would like to see the Minister and the Department, in the appointment of those men, select such as could be depended upon to enforce the law; men of character,

men of standing, men who will be respected and who will do good service for the Department.

This illustration that I have given the House is the very opposite of the ideal. I am saying it not because the gentleman is of the same political persuasion as the Government, but because of my personal acquaintance with and knowledge of him and his manner of living, and all the details that go towards making a man effective or ineffective in this work. I therefore think that it would be well for the Department itself to submit the names at the beginning of every session to both Houses of Parliament, so that persons might be known not only here, but in their own locality.

I feel sure that once the facts are brought home to the Minister in respect to the man I have mentioned, he will do what the Liberal Government in Nova Scotia did with him—for he was foisted on them for a while. They dropped him: they found out he was no good there. If the Minister of National Revenue will personally inquire about this man—I do not want him to come to me, he can go to other people who know—I am sure he will reach the conclusion that his own Department is not at all strengthened by appointing such persons.

Hon. Mr. CASGRAIN: Honourable gentlemen, there is an old saying, as old as the hills, that when you want to appoint detectives you do not pick them out of a religious congregation; and there is another old saying that it takes a thief to catch a thief.

Hon. Mr. DANDURAND: Of course, I take that old saying with a grain of salt. I hope that the honourable gentleman does not find it in his Bible, at all events.

Hon. Mr. TANNER: The trouble with this man is that he is too lazy to catch anybody.

Hon. Mr. DANDURAND: I do not know whether my honourable friend has given a sufficiently minute description of the individual to enable the Minister to put his finger on the name of this person, but I will gladly transmit the remarks of my honourable friend to the Minister of National Revenue. I think that he is as intent upon having a good body of officers and employees as any Minister who has ever been in that department.

I have said that I accepted the amendment. If there is anything in the criticism made by my honourable friend, the senior member for Ottawa (Hon. Mr. Belcourt), the Minister will have an opportunity to say so when the Bill reaches the House of Commons.

The proposed amendment of the Hon. Mr. Ross was agreed to.

The motion for the third reading of the Bill was agreed to, and the Bill, as amended, was read the third time and passed.

PRIVATE BILL

THIRD READING

Hon. W. B. ROSS moved the third reading of Bill B-10, an Act to incorporate the Eastern Bank of Canada.

Hon. Mr. BLACK: I beg to move that this Bill be not now read the third time, but that it be further amended as follows:

Page 1, line 14. After "at-law" insert "George R. McKean, of the same place, lumber merchant; Fred E. Sayre, of the same place, lumber manufacturer; James D. McKenna, of the same place, publisher; J. A. MacMurray, of the same place, financier,"

The purpose of this amendment is to disclose more information than is given in the Bill. These are the names of persons who will be directors of the bank, and they are prominent financial people of the province of New Brunswick.

The proposed amendment of Hon. Mr. Black was agreed to.

The motion for the third reading of the Bill was agreed to, and the Bill, as amended, was read the third time and passed.

The Senate adjourned until Monday, May 28, at 8 p.m.

THE SENATE

Monday, May 28, 1928.

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

Prayers and routine proceedings.

DIVORCE BILLS

SECOND AND THIRD READINGS

On motion of Hon. Mr. Willoughby, Chairman of the Committee on Divorce, the following Bills were severally read the second and third times, and passed.

Bill C10, an Act for the relief of Frank Deering.

Bill D10, an Act for the relief of Mary Mabel Jennie Potter Impey.

Bill E10, an Act for the relief of Cyril Wilfred King.

Bill F10, an Act for the relief of Myrtle Adelia Baker Knauff.

Bill G10, an Act for the relief of James Harvey Lefurgey.

Bill H10, an Act for the relief of Hilda Evelyn McDowell.

Bill I10, an Act for the relief of Catherine Ellen Mobbs.

Bill J10, an Act for the relief of Edith Elizabeth Poole.

Bill K10, an Act for the relief of Henry Frederick White.

Bill L10, an Act for the relief of Frederick Clayton Wilton.

Bill M10, an Act for the relief of Lillian May Yuill.

ACCOMMODATION IN THE SENATE CHAMBER

REPORT OF SPECIAL COMMITTEE DISAPPROVED

The Senate resumed from May 14 the debate on the motion of Hon. Mr. Belcourt for concurrence in the first report of the Special Committee appointed to consider the possibility of enlarging the galleries of the Senate.

Hon. Mr. BELCOURT: Honourable gentlemen, I move the adoption of this report. I do not think I can very well say anything more: I have already spoken on two occasions in support of the recommendation. But I would invite honourable gentlemen who feel inclined to express their views with regard to it to do so now. We have nothing else on the Order Paper for this evening except a few Divorce Bills, which will take only a few minutes, and I hope that this report will receive all the consideration which it deserves.

Hon. Mr. MACDONELL: May I ask the honourable gentleman if the plans for the proposed alterations have been placed on the Table yet?

Hon. Mr. BLONDIN: Here they are.

Hon. Mr. ROBERTSON: Honourable gentlemen, I think it is a matter of sincere regret to all members of this House that provision was not made for greater gallery space when this building was erected. The need for greater space is apparent; but it is a question of grave importance what the effect will be if the galleries of the House are altered as indicated in the Committee's report. The acoustic properties of the Chamber are none too good at present, and they might be very seriously impaired. Are we justified in running that risk, and in expending $100,000 or upwards in order to accommodate a few more people at the opening and the closing of Parliament?

May I inquire of my honourable friend who leads the Government to-night (Hon. Mr. Belcourt) whether or not the adoption of this report at this time will make any material difference in the situation? I understand that the Supplementary Estimates have been brought down in the House of Commons, and that they contain no item for this purpose. Might it not be as well to withhold definite decision on this matter until another Session, in order to ascertain with some certainty what effect the changes would have on the acoustic properties of the Chamber? I should be very sorry to find that after the expenditure of $100,000 or more on the renovation of the Chamber, conditions were still unsatisfactory. As it is, owing to the difficulty of hearing, we have had to close one of the galleries. If we were to open up the two sides we might find ourselves in a very unfortunate position, and as the adoption or non-adoption of the report at this time would not seem to alter the situation, I fail to see what advantage is to be gained by dealing with the report now.

Hon. Mr. BELCOURT: Perhaps my honourable friend was not in the House when I brought in the report and commented upon it. I think the opinions expressed by Mr. Pearson and the architect of the Department of Public Works, both of whom supported the proposed change should relieve my honourable friend's apprehension. I may say that when Mr. Pearson appeared before the Committee he asked to be given a couple of weeks to consider the matter and to prepare a plan, if he approved of the change. Two weeks later he appeared again and stated definitely that the alterations would very considerably improve the appearance of this Chamber as well as its acoustic prosperties and ventilation. This opinion was concurred in by the Chief Architect of the Department of Public Works, who, with the Deputy Minister, appeared before us on three occasions. The Committee, so far as possible, ascertained that the change would be beneficial in the three respects that I have mentioned and was unanimous in recommending it.

With regard to the other point raised by my honourable friend, I am not without hope that if the House recommends the change an item will be placed in the Estimates which will enable the work to be done this year. I am very strongly of the opinion that the Committee, after deliberating so long, and after having gone into the matter so thoroughly, is in possession of all the information we could hope to get this year or next year or at any time as to the advisability of the change.

I think we are all capable of visualizing what is intended, from the architectural point

of view, and I think we will agree that it will improve the appearance of the Chamber. Honourable gentlemen will remember that a Committee almost identical with the present one sat last year and gave this matter consideration, but that nothing was done because the report was discussed, as it is being discussed to-day, almost in sight of prorogation. I have spoken three times on this matter, and I confess that I feel as though I were abusing my privileges. I should like to hear some of the members of the Committee express their views.

Hon. G. G. FOSTER: Honourable gentlemen, I was not a member of the Committee, but last year when the matter first came up, because at that time I was inclined to believe that it was not advisable to make the expenditure that would be involved, I followed the work of the Committee very closely. The Committee held several sittings; the architect was present twice, and he was subjected to examination and cross-examination. At first he did not appear to be friendly to the scheme, and asked for two weeks' delay to consider it, at the end of which time he brought in a report stating without qualification that the alterations would be of advantage from every standpoint. I do not think anything is to be gained by delay. The Chairman of the Committee will remember that at the conclusion of the Committee meetings I said to Mr. Hunter: "Are you quite sure that we can get the money this year?" and that he said: "Yes, that is a matter of routine that can be put through even in these last days of the Session." I think that the opinion of Mr. Hunter and of the architect, Mr. Pearson, should guide us, and I am going to vote for the adoption of the report.

Hon. Mr. MACDONELL: Honourable gentlemen, as a member of the Committee, I am quite in accord with what the honourable gentleman from Alma (Hon. G. G. Foster) has just said. Last year the architect was opposed to any change, because he thought that it would affect the acoustics of the Chamber, and that in a general way it would be a mistake to alter anything. However, he went away to Toronto and worked out a scheme, and he came back very strongly in favour of the proposal. He said the alterations would be in keeping with the Chamber as it is at present, and that if they affected the acoustics at all, it would be to improve them. His idea is that the curtains of the gallery which is at present in use will be lowered in ordinary times, in the same way as those above the Speaker's Chair, and that the new galleries will be open to the public.

I wish to make it quite clear that at your suggestion and at your desire the Committee went into this matter very carefully. We do not wish to put through the alterations; we leave the matter entirely in your hands. We are in favour of what has been proposed, but are not pressing in the slightest degree for the adoption of the report; and whatever may be your decision we will abide by it heartily. Personally I am of the opinion that the Chamber is too small, and that these alterations will greatly improve it. For these reasons I am in favour of the report.

Hon. Mr. CURRY: Honourable gentlemen, while I am not a member of the Committee, I have had a great deal to do with building construction, and I may say that I have never been satisfied with this Chamber. I have always been of the opinion that it was an ugly, homely thing. I think side galleries would add wonderfully to its appearance and would make it very much more convenient not only for ourselves but for those who come here, especially the ladies. I am quite sure the change would not injure the acoustic properties; that, if anything, it would improve them. Therefore, I think the work should be done.

Hon. SMEATON WHITE: Honourable gentlemen, I would like to support the motion of the honourable gentleman from Ottawa (Hon. Mr. Belcourt). I confirm what the members of the Committee have said about the interviews with the architect. When these galleries are built they will correspond very much better than the present plan with the upper section of the wall, where the windows are. The original idea of the architect was that there should be mural paintings; but apparently that scheme fell through. Even now, with the paintings that we have on the walls, the Chamber looks unfinished, and in my opinion the proposed alterations will make this a very much handsomer Chamber.

With regard to the acoustic properties, both the architect and the Department of Public Works assured us that they would certainly be no worse than at present, and that they would probably be better.

Hon. Mr. SCHAFFNER: I am not a member of the Committee, but I have been very much disappointed with this Chamber ever since it was built. The only regret that I have is that anything was referred to the architect of the building. When the scaffolds were in this Chamber I told him I thought a mistake was being made, that the Chamber was too small, and that to me it had the appearance of a box. He assured me that

once the scaffolds were removed the Chamber would be satisfactory. That has not been the case.

While I had not the honour of sitting in the old Senate Chamber, my uncle, R. W. Stephens, who is well known to many of the older Senators, frequently invited me here; and I must say that it had upon me a very pleasing effect. He was a man who expressed his pride in such things, and he was very proud of the old Chamber.

I am very strongly in favour of the report of the Committee, and shall be very much disappointed if it is not adopted. Some say, and perhaps there is a degree of sense in it, that the expense involved for one day's ceremony at the opening of Parliament is very considerable. Personally I do not consider that at all; I look upon this Chamber as something which we should take a pride in showing to our friends who come here during the Session. I am in accord with the opinions expressed by the honourable gentleman from Alma (Hon. G. G. Foster) and the honourable gentleman from Amherst (Hon. Mr. Curry), the latter of whom, as we all know, has had perhaps as much experience in the erection of buildings as any man in Canada. I was glad to hear him express himself as he did.

There is another point. Those who sit on this side of the House are subjected to inconvenience and ill health because of drafts. It is only a matter of time when my honourable friends opposite will be sitting here, and I have too much good will and too much affection for them to submit them to such conditions. I have spoken of this matter not only to the present Gentleman Usher of the Black Rod, but also to the late lamented Mr. Chambers, who tried his very best in every way to improve the drafts.

Hon. Mr. MACDONELL: Can you improve a draft?

Hon. Mr. SCHAFFNER: I mean a draft in the strict sense of the term, blowing on one's head. Some of us have not as much hair as we used to have, and a draft is detrimental to the health.

Furthermore, the ventilation of this Chamber is not what it should be. If you go outside for a while and return, you will realize that. I do not know why the architect made so many mistakes, not only in the matter of ventilation, but with regard to the acoustics. I think the members of this House will agree with me that there is scarcely a Committee room in the building, however small, where the acoustics are what they should be. As I say, I shall be very much disappointed if this report is not adopted, and I hope honourable gentlemen will agree to its adoption now. The Government is not so very careful in its expenditures to beautify Ottawa that it should hesitate in this; and surely it should have first consideration with us, as the two Chambers of this Parliament should have had with the architect. He should have considered first the space required for the two Chambers, and should have filled in the rest of the building afterwards. It does seem to me that he started over on the west side and filled in, and then he came over here with what he had left and he said, "Oh, I will make the Senate Chamber out of that." I hope the members will adopt this report.

Hon. Mr. GORDON: Honourable gentlemen, I am not on this committee, and I have not had the pleasure of reading over the report, but I must say that I do not like to see what I consider a beautiful chamber being interfered with. I particularly object on the score of expense, for the people of this country are groaning under taxation, and here we are advocating the spending of a substantial sum of money to beautify this room.

So far as the ventilation is concerned, although I must say that, sitting where I am, I have never experienced any draught, I would be glad to see an improvement, and would favour anything being done in that direction if it did not cost the country a large sum. As to the matter of providing for a few people more or less, for the opening of Parliament, I do not consider that signifies at all, because no matter how much is expended on galleries, there will be some who cannot be accommodated, much as they would like to attend those ceremonies.

I am sorry that I must expose my ignorance as to architecture. Coming from the country as I do, I may not know the difference between good and bad architecture, but I must say that this Chamber appeals to me as being a beautiful room.

Hon. Mr. CURRY: Almost as good as a lumber camp.

Hon. Mr. GORDON: Yes, and I remember many times in a lumber camp there were offices of our own where the atmosphere and heating were not as good.

Right Hon. Mr. GRAHAM: And the language was bad.

Hon. Mr. GORDON: And yet we were satisfied, because it would have been necessary to spend our own money to improve matters. It appears to me that too many people are embarking on an orgy of expenditure, but the time will come when we shall be sorry for it. I do not believe that the people of this coun-

try will look with favour upon our House urging the Government to make an expenditure of this nature upon a room which is so little used by the public. I must say I feel quite strongly on this point, and I would be very sorry indeed to see any sum of money spent upon this Chamber other than what is necessary in order to prevent the draft on the heads of some of my honourable friends.

Hon. Mr. TURRIFF: Honourable gentlemen, I was not on this Special Committee, and have not had the opportunity of following very closely what has been done, but so far I have not learned that there is any certainty at all about improving this Chamber by building these little cubby-holes on each side of it. I understand that the increased accommodation will be 200 or 300 at the most, if this idea is carried out, and it seems to me that it is a large amount of money to spend on that item. If we had to pay this money out of our own pockets, would we do it? I for one would not, and I am not in favour of spending the country's money in this way.

We have no certainty that we shall improve the Chamber at all; in fact it may be made worse. The architects constructed this gallery at the end, and they had to close it up, and I believe that if we spend a lot of money for galleries on each side of this Chamber we shall have to close them up after people have tried to sit in them. I have heard nothing in connection with this debate during the past few weeks to lead me to believe that an improvement in this Chamber will result from the proposed changes, and it is not certain at all that they would improve the appearance of the place.

I see nothing to change my opinion that it would be a mistake for us to recommend to the Government the expenditure of this money. I know that the Government are pretty much inclined to listen to any suggestion as to spending money, but that is no reason why we should help them, if we think it is a mistake. Personally I do think it is a mistake, and I am going to vote against spending any money in changing this Chamber.

Hon. Mr. BLACK: Honourable gentlemen, like all members of this Chamber, I appreciate very greatly the time and attention given to this investigation by the Committee appointed by this House. However, I have very great doubt as to the advisability of doing this work. It is true that the architect and the official of the Department of Public Works have examined the building, and have said that the proposed changes will make an improvement in this Chamber. I have great respect for both those gentlemen, but it is well known that as to a building or chamber that is already completed, no architect can say with any degree of certainty that by an alteration such as this it will be made better.

This Chamber is good for every day of the year except one. I have never seen these galleries crowded, or even filled, except at the opening of Parliament, yet we propose to spend $100,000 according to the estimate, for the accommodation of those who will attend on that one day. Any person who has had anything to do with building knows that the architect's estimate of cost is always under the figure when the work is completed; and I should say we would be more likely to have spent $200,000 by the time the work is done. If we spent $100,000 as proposed, to accommodate 200 persons to come and see a one-day show, it would mean that we spent $500 per seat for one day in the year—a rather expensive proposition.

I am aware that the expenditure of $100,000 or $200,000 is a mere bagatelle in the eyes of this administration. As against the millions that are being spent almost every day in this city for beautification, or proposed beautification, it might be considered foolish to say that hundreds of thousands are too much. However, I do not know that we should say that murder is justified because murder is committed, and on that principle I do not believe we are justified in taking $100,000 or $200,000 additional of the taxpayers' money for more seats on either side of this gallery in order to seat 200 persons for one day in each year. I think that is the main basis on which we should pronounce our approval or disapproval of this suggested improvement, whatever other advantages the proposed plan may have. At all events, that is the ground on which I base my decision, and it is for that reason I intend to vote against this plan. I do not think it is justified from any standpoint.

Then, again, if we took out these spaces on either side and put in galleries, we should still have these broad pillars on the sides, and the general architectural aspect of this room would be precisely the same; the vista from the door would not be changed. The galleries would not make any difference as to the apparent length or breadth of this room. Then if the proposed changes will not enlarge the general appearance of the Chamber, as I think they will not, and if we do not improve its appearance, as I am sure we shall not, why should we ask for another $100,000 to be spent on it? The only justification is that we are spending money like drunken sailors now. Why should we do it? We

should rather look after the conservation of the rights of the people, and where the expenditure would do no good, it is just as important to save $100,000 as it is to save $1,000,000.

Hon. Mr. TANNER: Honourable gentlemen, I do not want to give a silent vote on this matter, but I do not wish to take up the time of the House. It appears to me that this matter has had an evolution. My recollection is that when the changes in this Chamber were being discussed the chief ground of complaint was the width of the Chamber itself; that the floor was not sufficiently commodious for the ceremonies of the opening and closing of Parliament. I think that was the whole ground-work of the criticism of the Chamber, and very properly so. Now, however, that has been abandoned, and we are going up higher, to the construction of galleries, which is an entirely different affair, as I understand it.

Most of the arguments which have been addressed to honourable gentlemen to-night appear to be against this movement. One honourable gentleman has very correctly stated that there is hardly a committee room in this building which has proper acoustics. That is one fact. We know that the acoustics and the ventilation in this Chamber are far from satisfactory. We have there an illustrious example of how a gallery should not be planned or built, and we have here a still more illustrious example.

Now, who is responsible for all these things? Who are the men who planned this abortive gallery? Who provided us with this deficient and unsatisfactory ventilation? And who made the committee rooms, in which one can hardly hear his own voice? As I understand it, they are the very people whose advice is now being taken, and upon whose advice we are asked to proceed; the very gentlemen whose work speaks for itself, and certainly does not speak in recommendation.

Now, honourable gentlemen, are we going to proceed on this expenditure? I would like to see the Chamber improved, but are we going to plunge blindfold into an expenditure for the construction of galleries on the faith of the statement of gentlemen who have utterly failed in the past? If we are going to make the expenditure, let us go to somebody who knows something about ventilation, and something about acoustics. Surely there is somebody in America; if not, there is someone in Great Britain, or on the Continent. We brought a man all the way from England to look over the Hudson Bay port. Why can we not bring a man from England to look over the acoustics of this building, before we undertake to spend $100,000 more in making galleries in which a few people will be cooped, and only ten per cent of them will be able to see, while the rest of them will not be able to hear or see anything?

Hon. Mr. MURPHY: Honourable gentlemen, I have spoken so often in another place and elsewhere about the construction of this whole building, and the monumental botch that was made of it, that I do not intend to go into the general subject this evening beyond making a few observations in connection with this report now before the House.

Like other honourable gentlemen who have spoken, I was not a member of the Committee which has brought in this report, and like those honourable gentlemen, and others who have not spoken, I feel it would be ungenerous on our part, when we did not have an opportunity of hearing what was adduced before the Committee, to oppose the report brought in after long and earnest consideration. However, as the lawyers in this Chamber and elsewhere know, many a sound judgment of a court is destroyed by the reasons given in support of it. Very often a judgment would stand more securely if no reasons were stated. Now, the situation with regard to this report is somewhat in the same class. I am not impressed, as was the honourable gentleman from Amherst (Hon. Mr. Curry), by the arguments advanced in favour of adopting the report. The report may be all right in itself; I am not at the moment expressing any opinion as to that; but I would like to put a question to the honourable gentleman from Amherst, who very correctly told us that he had been engaged in the erection of large manufacturing establishments and was thoroughly familiar with their construction. If the architect of one of those establishments presented him with an estimate of cost, stated to be $5,500,000 and certified to that estimate, yet, when the work was not fully completed, he found that he had paid out about $13,000,000 would my honourable friend place very great reliance on another opinion expressed by that same architect? I think I can answer without asking my honourable friend to do so. He would not.

Now, that is precisely what we are asked to do to-night. I would not have any objection to the report, nor do I say that I will

not support it; but I do venture to say that the estimate that has been given of the cost of these changes will be doubled and trebled if the work is carried out.

Hon. Mr. CURRY: Not necessarily.

Hon. Mr. MURPHY: It is well-known that when you begin to pull a building to pieces you never know where you are going to stop, or where the expenditure will stop. I believe that the objections that have been raised as to the length and height and narrowness of this room, its lack of architectural attractiveness, or of appropriateness for the opening and closing ceremonies of Parliament, will have just as much force if four portions of these walls are removed on each side of the chamber, and galleries erected in their places. There will be a few additional seats, and my honourable friend expressed the opinion—so did my honourable friend from New Brunswick (Hon. Mr. Black)—that the cost per seat would be greater than the House should approve or the country would endorse. Well, that is a matter of opinion, in regard to which I do not express mine at the moment. But I was very much impressed by a suggestion made, when this matter came up at an earlier stage of this Session, by my honourable friend from Alma (Hon. G. G. Foster), who then suggested that in order that expense might be avoided, the other chamber, the House of Commons, should be used instead of this Chamber for the function at the Opening of Parliament, inasmuch as the lack of gallery accommodation here was felt chiefly, if not solely, upon that day.

These are considerations I would like to place before the Chamber. As I say, not having been a member of the Committee and not having followed its deliberations, I feel that it would be rather an ungenerous thing to oppose its report, but at the same time what I have advanced, I respectfully submit should be taken into account particularly if honourable gentlemen have regard for the expenditure that will undoubtedly be involved, just as the excess over the estimate on the construction of the building was involved when the architects were given carte blache and allowed to go ahead on the cost-plus basis. This will be another cost-plus job.

Hon. J. S. McLENNAN: Honourable gentlemen, may I take one moment to say that I think some of the criticisms of the architect of the building have been a little severe. Most of us have built more or less humble houses and have found when we got them completed that we could have improved them. I think that this building, in its main aspects, is extremely successful. People who have seen buildings of all kinds, all over the world, and who have visited this building, have been impressed by it, and some of those who know best and have seen most feel that there has been a touch of genius in the way in which the architect has worked out the problems that were before him. There is no question, however, that this Chamber is not as good as the old one was, or as we hoped that this would be; and I am bound to say that, notwithstanding the assurance of the architect or anyone else, I am skeptical that galleries built in the way proposed would be successful. I am heartily in support of what my honourable friend from Alma (Hon. G. G. Foster) and my honourable friend on the other side of the House (Hon. Mr. Murphy) have suggested as an alternative to the spending of this money, namely, that the Commons should be asked to lend us their Chamber for one day in the year and we should utilize that Chamber insead of ours. We all know that, whatever degree of accuracy there may be about estimates made before a building is started, no contractor is willing to give anything but the roughest kind of estimate when it comes to breaking into work which already exists, and such alterations are bound to cost a great deal. I do not know whether I will vote for or against concurrence in the report, but I think that these matters might all to taken into serious consideration.

The motion of Hon. Mr. Belcourt was negatived: contents, 13; non-contents, 35.

Hon. A. H. MACDONELL: Honourable gentlemen, I wish to state that I am paired with the honourable gentleman from Kennebec (Hon. Mr. Lavergne). Had I not been paired, I would have voted with the contents.

Hon. Mr. TANNER: There is no record of this vote.

Hon. Mr. MACDONELL: Well, may I not say something if I like?

Right Hon. Mr. GRAHAM: There will be a record of that speech.

PRIVATE BILL

FIRST READING

Bill 23, an Act to incorporate the St. Clair Transit Company.—Right Hon. Mr. Graham.

SECOND READING

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

He said: Honourable gentlemen, with the consent of the Senate, and in order that this

Bill may be referred to the Committee on Railways, Telegraphs and Harbours for due consideration, I would move the second reading of the Bill.

Hon. W. B. ROSS: What Bill is it?

Right Hon. Mr. GRAHAM: It is a bill for the construction of a bridge at Sarnia.

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

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

THE SENATE

Tuesday, May 29, 1928.

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. WILLOUGHBY, the Chairman of the Committee on Divorce, presented the following Bills, which were severally read the first, the second, and the third time, and passed:

M10, an Act for the relief of Ruth Ellen Braund.

N10, an Act for the relief of Harry Alven Heels.

O10, an Act for the relief of Francis Augustus Pearce.

P10, an Act for the relief of Florence Anne Salmon.

Q10, an Act for the relief of Rocco Scocco.

R10, an Act for the relief of Mary Audry Walton Smith.

STATISTICS OF PENITENTIARIES

INQUIRY

Hon. Mr. CASGRAIN inquired of the Government:

1. How many criminals are there in the penitentiaries of Canada?
2. How many men and how many women?
3. How many Canadian born?
4. What are the nationalities of these criminals?
5. What is the number for each language?

Hon. Mr. DANDURAND:

1. 2,580.
2. 2,539 men and 41 women.
3. 1,614.

4.

Nation	Total
Canada	1,614
England and Wales	193
United States	220
Italy	75
Russia	84
Poland	29
Scotland	66
Ireland	36
Austria	63
Roumania	17
China	54
Japan	2
Germany	12
France	11
Newfoundland	13
Finland	13
Denmark	6
Bulgaria	4
Greece	4
Australia	3
Hungary	3
Armenia	1
Holland	2
Ukrania	1
Smyrna	2
Switzerland	4
Assyria	1
Sweden	4
Lithuania	1
Macedonia	2
Montenegro	1
Argentina	1
Norway	6
India	4
Portugal	1
Ruthenia	1
Serbia	1
Belgium	4
Hebrew	8
Spain	1
British Honduras	1
British West Indies	2
Bohemia	1
Indian	5
Bessarabia	1
Brazil	1
Czecho-Slovakia	1
Iceland	1
	2,580

5.

English	1,591
French	546
Italian	74
Russian	80
Roumanian	16
Polish	30
Austrian	49
German	21
Hungarian	1
Chinese	54
Japanese	2

5.

Bulgarian	4
Serbian	1
Belgian	4
Finnish	13
Icelandic	1
Danish	6
Dutch	3
Greek	2
Swiss	4
Norwegian	7
Swedish	4
Ruthenian	10
Ukranian	15
Hebrew	10
Armenian	1
Slovakian	1
Indian (Blackfoot)	1
Indian (Cree)	8
Spanish	3
Bohemian	1
Greek	2
Hindustani	4
Punjabi	1
Assyrian	1
Bessarabia	1
Lithuanian	1
Turkish	3
Portugese	1
	2,580

EXPORTATION OF NATURAL GAS

INQUIRY WITHDRAWN

On the Notice of Inquiry:

By Hon. Mr. Michener:

That he will call the attention of the Senate to the question of the exportation of natural gas from the province of Alberta to the United States, and will inquire of the Government what is their policy with regard thereto.

Hon. Mr. MICHENER: Honourable gentlemen, having received the information that I was wanting, I would ask leave to withdraw the inquiry.

The inquiry was withdrawn.

NAVIGATION OF WELLAND CANAL

INQUIRY AND DISCUSSION

Hon. J. B. P. CASGRAIN rose in accordance with the following notice:

That he will call the attention of the Senate at its next sitting to the navigation of the new Welland Canal, and enquire from the Government:—

1. Has there been a consultation between the engineers and the marine officers of the Government or the captains whose vessels may navigate the new Welland Canal as to the method of operation?

2. Are the vessels to approach the locks and negotiate them on their own steam?

3. Is it the intention to employ tugs as in the Manchester Ship Canal?

4. Is it the intention to use locomotives as on the Panama Canal?

5. If such consultation has not taken place, will the Government, in the near future, act in the premises in order that no delay occurs once the said canal is completed?

He said: Honourable gentlemen, I have given notice that I would call the attention of this House to the question of the operation of the Welland Canal. I visited the canal myself last fall and I do not know that any special provisions have been made: that is why I make the inquiry.

Up to the year 1911 all the discussion was about the Georgian Bay Canal. My neighbour here (Hon. Mr. Belcourt) remembers it very well, and he made some very good speeches in favour of the Georgian Bay project. But in 1911 there was a great upheaval in this country on the question of reciprocity, and only a corporal's guard of Liberals were returned to Parliament from Ontario. The consequence was that the voice of Ontario was heard. It had never been very enthusiastic for the Georgian Bay Canal, except the northern part of the Province, which was only sparsely inhabited anyway. The people in the sourthern part of Ontario were, on the contrary, very much in favour of an enlarged Welland Canal, giving free access to large ships from Lake Erie to Lake Ontario. In order to give a decent, first-class funeral to the Georgian Bay project, the Government of Right Hon. R. L. Borden appointed a Commission. That is the finest burial that any project can have. To that Commission, if my memory serves me aright, the Government appointed Mr. Evans, who had been at one time Mayor of Winnipeg; also Colonel Meighen, of Montreal, and Mr. Gohier, of St. Laurent. They were all first-class navigators, but I do not suppose there were the ones who decided this question of navigation. In those days, as to-day, all the interesting questions of navigation seem to be decided by people who have themselves never gone to sea and could not scull a boat across a creek. However, this Commission for years made no report, or, if they made a report, it was absolutely of no use, because in the meantime the voice of Ontario had been heard and the enlargement of the Welland Canal had been decided upon. We have been discussing often this Session the question of estimated cost. The cost estimated by the engineers was $30,000,000, but up to date, though the Canal is far from finished, the cost has reached $115,000,000.

With regard to the use of canals it must be remembered that conditions were different

twenty or twenty-five years ago from what they are to-day. There was not the same efficiency in railroads as there is at present: the grades were more difficult, the curves sharper, the cars smaller, and so on. Canals were still looked upon as necessary, but they have become obsolete. Honourable gentlemen must always remember that times change. Nowadays enterprises are operated on a larger scale. For instance, in order to move the goods even in the yards, there must be 25 or 30 miles of railway line in the town of Arvida, where aluminum is manufactured. It is cheaper for the company to put the goods into cars. It is the same on the Saguenay. Although Arvida is at tide water, still a railway 30 miles in length has been purchased from Arvida to Port Alfred, where there are better shipping facilities. So it is with regard to cement. Immense quantities of cement were used in building the shops at the town of Arvida. Although the carriage of freight by water would be much cheaper, all the cement came from Montreal by rail. So far as I know, none of it was shipped by water.

There is also another reason. Suppose there is a big enterprise located and operating on the bank of a canal. For a certain number of months in the year—for five months, we will say—the canal is frozen over. As the concern must do busines during that time, it must have railway communication; and if it gives nothing to that railroad branch for six or seven months of the year, while it is using the canal, that railway must charge a rate sufficient to keep it going. Therefore the concern must pay more during the winter months because it has given its money during the summer for water transportation.

However, the Welland Canal is being built and will be completed, it is said, in a couple of years. There is a question in the minds of many ship-owners whether, when that canal is opened, big ships will use it. We shall judge by the results, and we shall not have very long to wait. Perhaps some of us will still be alive when it is found out that that is not a very advantageous development.

The particular purpose in my inquiry, and in my desire to draw the attention of the House to this matter, is to ascertain the manner in which the canal is to be operated. I am informed by mariners, sea captains, and so on, that they would not dare, in moving one of those large steamers from one lock into another, to put on steam. That is the information I have. At Sault Ste. Marie, of course, it is all very well to do so, because there is only one lock there. The ship approaches it slowly, comes to a standstill and then enters. It does not have to proceed to another lock, and the vessel is perfectly safe in putting on steam when moving out of the lock. But in the Welland Canal some means must be devised for handling those huge ships that are expected to use this canal. They would have to be warped from one lock to the other—if honourable gentlemen know what that expression means. In the Panama Canal, in the case of a ship more than 500 feet in length, eight big locomotives are employed, four on each side, to keep the ship steady and prevent her from gaining any more momentum than is necessary. When a ship is less than 500 feet long four locomotives only are used.

By the way, we discussed the other day the question of the tolls that were paid. I have here a pamphlet of the Panama Canal, giving a great deal of information on this subject. Suffice it to say that the toll is based on the registered net tonnage, which is calculated at the rate of 100 cubic feet per ton, as we all know now, having examined this question since it was introduced in this House by the honourable gentleman from Grenville (Hon. Mr. Reid). The charge is $1.20 per registered net ton. Take a 10,000-ton ship: to pass from one end of the canal to the other it has to pay $12,000. As an instance of another kind of tonnage, take a man-of-war. With the man-of-war, as you know, it is a question of displacement. This means that if there were a scale big enough to weigh the ship, the tonnage would be exactly its weight. There they charge only 50 cents a ton, because displacement is not useful tonnage, but is the weight of the ship itself, with the armament, etc. Then there are hospital ships, coal carriers, etc. There again the charge is based on the registered net tonnage, measured by the canal authorities; and I may say that they do not accept without question any registered net tonnage, because, as everyone knows who has had anything to do with navigation, as the ship-owners have, to pay dues on that, they always try to make out the registered net tonnage to be as small as possible. A fee is charged for the measuring of the ship to ascertain what its tonnage is, and it is on the finding of the canal authorities that the charge of $1.20 per registered ton is based.

To complete what I have been saying on the subject of rates I may mention that I have here also the rate in the Suez Canal. It is 7½ francs per ton, besides so much for each passenger.

Hon. Mr. DANDURAND: Gold francs?

Hon. Mr. CASGRAIN: Yes. There has been no change. In the old days that rate charged a ship to pass through the Suez canal was equal to $1.50. As we know, there is no lock there, just a ditch.

Hon. Mr. DANDURAND: Is that per ton?

Hon. Mr. CASGRAIN: Yes, per registered ton. And the authorities even charge on a ship that is in ballast. On a ship in ballast they charge 5 francs per ton, which would be $1. The passengers are taxed 10 francs for each person above twelve years of age, and 5 francs each for those between the ages of three and twelve. Children under three pay no dues.

Now as to the Manchester Ship Canal, the fees are one shilling and ten pence halfpenny per registered ton, less ten per cent. I find that there are three different kinds of tolls paid; one toll for local shipping, that is, English shipping itself; another toll for outsiders, that is, those that come from the British Dominions, who pay higher tolls; and lastly, the tolls payable by foreigners, which very properly are higher than all others, because foreigners contribute nothing for the construction or maintenance of the canal. That is a rule that should apply in this country also.

Going back to the Welland Canal, there are seven locks, each with a lift of 46 feet 6½ inches, and this figure, multiplied by seven, gives 325 feet 6 inches, which is exactly the difference between the normal levels of the lakes Ontario and Erie.

Hon. Mr. GORDON: How many locks have they in the Suez canal?

Hon. Mr. CASGRAIN: I do not think there are any. It is a sea level canal; it is simply a ditch; it is all in the sand. I leave it to honourable gentlemen to make up their minds as to how long it would take to moor one of those huge ships outside a lock in the Welland canal, then make it fast inside the lock, then lift it to the other lock, and so on. I think honourable gentleman will find that it is not economical to navigate big ships in those restricted waters.

In the Panama canal there are only about forty miles of canal proper, with a great ocean at each end.

When Sir William Van Horne was consulted twenty-five years ago in regard to the proposed Georgian Bay Canal, about which every one was talking at that time, he said that the only practicable plan would be to build a barge canal. That is the cheapest possible navigation, because the barge itself costs very little, and does not require much power, because they go very slowly in canals. According to the regulations, the barges cannot travel faster than five miles an hour, otherwise they would wash down the banks, and cause other damages. If the project as described by Van Horne had been pursued, we would have had a barge canal built for about $20,000,000 from Georgian bay right down to Montreal, and incidentally all that territory would have been developed. Nearly 2,000,000 horse-power could have been developed along the route of the canal, and the valley traversed might have been a veritable hive of industry to-day. But that is a thing of the past; the Welland canal killed that.

Taking the cost of the Welland canal at $115,000,000, supposing that 200,000,000 bushels of wheat would go through it—which is more than ever came down in one season—the interest on the investment, at four per cent, would be $4,600,000, which would mean that every bushel of wheat, whether American or Canadian, would cost Canada 2.3 cents a bushel, just to go through the Welland canal. Yet we know that very often wheat has been carried from Fort William or Port Arthur to Port Colborne, which is the entrance to the Welland canal, for much less than that figure. So that the Welland canal has involved a very great annual expenditure, but I am afraid it will not bring very good returns. However, if the big ships could navigate that canal, they would have a good clear run as far as Kingston or Prescott, and from Prescott to Montreal let us stick to the old barge and river navigation, and we will get wheat down to Montreal most cheaply.

One last remark, and I will finish. Let us remember that when we want to decide such questions as these it is not engineers, no matter how competent and renowned they may be in their own profession, that we need to call in; it is the ordinary ship captain, the mariner, or the navigator. Those are the people you can trust for navigation.

ENLARGED USE OF RADIO

Hon. JOHN LEWIS rose in accordance with the following notice:

That he will call the attention of the Senate to the possibility of enlarging the usefulness of the radio for educational purposes, especially in regard to the history and the natural resources and the political institutions and mode of government of Canada.

He said: Honourable gentlemen, I do not intend to discuss the question of government regulation of the radio such as exists in Great Britain important as that is; but I regard our

Government as interested, first, because it does exercise a measure of control; and, second, because in various departments of the Civil Service it has matter which it would be in the public interest to put on the air.

The radio has now become an old story, but familiarity does not make us cease to marvel at the invention by which the human voice can be carried hundreds and thousands of miles, through all kinds of atmospheric conditions. It still seems like miracle or magic. But the message so conveyed is far less wonderful than the medium, and it cannot be said that through it the range of human thought has been widened. There is a certain drop from the mystic to the commonplace.

I do not undervalue what has been done. Every Sunday I hear two good sermons, which I no doubt need. I was thrilled once by hearing a minister of the United Church and a Jewish rabbi speaking in a synagogue, the one utterance as distinctively Christian in spirit as the other. We hear some good music, and we also suffer from emotional tenors and from jazz. It seems to me that if jazz had been known to Dante, he would have added it to the horrors of the Inferno. But this is a free country, and those who like jazz have a right to be considered as well as those who prefer music. Yet making all due allowances, I am haunted by a feeling that much more might be done; that there is a vast field here which we have only begun to explore. I do not place the whole responsibility for further developmeent on this or any Government, but I believe the Government might make a substantial contribution toward the further utilization of this marvellous device.

I am not fault-finding, but pointing out that we have only made beginning, and I do not hope to do any more than explore the field a little farther. What strikes me is that the Government itself, through the Civil Service is in a position to make valuable additions to the broadcasting programmes. In the Civil Service we have a body of scientists who have made a study of the geography and natural resources of Canada, who are acquainted with its lakes and rivers and mountains, its minerals, its forests, flowers and food plants, and all its forms of animal life. Very little of this information reaches the public. Occasionally there does come out some story like the discovery of new kinds of wheat, the preservation of the buffalo herds, the exploration of new regions, the wonderful work done by the airship in surveying and mapping, and in detection of forest fires. The departments are doing what they can in the way of publicity, but the means of publicity are defective. The radio provides us with a new means of disseminating information, valuable not only in economic sense, but also as a means of inspiration, and stirring the imagination. In Canada itself we have a marvel fit to be compared with the radio, enabling us to frame messages worthy of the medium. It happens at this time that the Government has determined greatly to extend the range of scientific research. Some at least of the fruits of this research could be put in popular form and carried into the homes of the people over the air.

There is some difficulty in broadcasting from Ottawa to Toronto and the adjoining country, but this could be obviated by simply sending the lectures to Toronto and other points all over Canada, and having them broadcast from there. These would reach Canadians living in the United States, and might be a means of attracting them back, as well as of pointing out to Americans the advantages of Canada.

From stations in the United States are broadcast what are known as "great moments in history", and a series of lectures describing the system of government in the United States. Of course these are intended mainly for Americans, and I do not find them objectionable to Canadians; but what occurs to me is that we might do the same for Canada. The celebration of the sixtieth anniversary of Confederation revealed the richness of our history in romance and instruction. I do not suggest that we can repeat the elaborate broadcasting programme of last Dominion Day, but we might do something to maintain the interest aroused on that occasion. We might help to show that the national consciousness then aroused is not a firework, but a plant deeply rooted in the soil. We might do useful work by explaining to the young and to newcomers our constitution, mode of government, and administration of justice, and in that way help to fit them for the duties of citizenship. We have heard in this Chamber complaints that newcomers are misled and prejudiced against our laws and institutions. It has been argued that this evil should be met by prosecution or deportation of the agitators. Might not the object be better attained by education, as the member for Lanark (Hon. Mr. Haydon) says. Let the newcomer know that this is a free country, where everyone may take his part in government, and where he may peacefully advocate any change he pleases in our laws and constitution, but may not advocate violence. Show him that the laws are meant not only to restrain and punish him, but also to protect him.

I do not expect this Government to do all. Provincial governments might undertake similar work, and private agencies might co-operate. By working together they might do much to enrich the content of the radio programmes; to give them a distinctively Canadian character, to offer instruction and inspiration to our people, and to make the message more worthy of the medium.

When we compare the wonder of the medium, of the scientific invention, with the unsatisfying nature of the matter conveyed, we touch upon a characteristic of our age which has been the subject of much comment. Immense progress has been made in physical science, less in political or economic science and other fields of thought. The telephone and automobile have profoundly changed our mode of living. But we have not evolved a new philosophy of life adapted to the new conditions. "Knowledge comes, but wisdom lingers." I have sometimes allowed my imagination to range over the idea of what might happen if we applied the patient methods of physical science to economic questions and to domestic and international politics. Consider the case of the United States. Physical science has enormously increased the powers of production on the farm and in the factory. What would happen under scientific management with all its powers, and with the immense natural resources, and a very inventive and enterprising people? There would be an abundance of food and clothing and all the necessities of life, and at the same time abundant leisure for the develpoment of body, mind and spirit. What actually happens under our present haphazard and unscientific methods? What is called over-production, resulting in the enforced idleness of from two to four million people, together with a fever of high-pressure salesmanship pestering people to buy things that they do not need. Certain people in a desperate hurry, others with nothing to do. Surely here is a field for scientific research. Then, consider international relations. What could be more stupidly unscientific than war, leaving aside all considerations of humane sentiment?

What is the trouble? Is it not that, while in the physical and mechanical field there has been scientific thinking, patient, fearless investigation, experimentation, open-mindedness, willingness to scrap old machinery and try out new things; while these are the methods of physical science, yet in regard to politics and industrial relations and international relations, and in other fields of thought, we are hampered by traditions and prejudices centuries old.

Some of us are tempted to reflect that if we could apply the methods of science to politics and economics and to industrial and international relations, we might abolish war, both international and industrial, and bring about a world surpassing all that has been written of golden ages in the past or of utopias in the future.

But if you regard this as too visionary, you may at least agree upon the advisability of making better use of the particular achievement to which I have referred. It is said that the Government is about to appoint a commission to enquire into the radio. Possibly the matter to which I refer might be regarded as coming within the scope of that enquiry.

Hon. Mr. DANDURAND: Honourable gentlemen, although my honourable friend has not closed his notice by a question to the Government, I will make it my duty to draw the attention of the Minster in charge of that service to the very interesting remarks of the honourable gentleman for which I am quite sure the Senate is thankful. I would simply add a word along the line of the thoughts which have been expressed by my honourable friend.

Some ten years ago I wrote to the Minister of Agriculture of the Province of Quebec on the difficulty of retaining young men on the farm. I could readily see that young men were fascinated and drawn away from the farm by the pleasures of the city; at the same time, it appeared to me that one of the cures of the evil was to bring to the rural community some of the pleasures which are enjoyed in the town; and inasmuch as my Province is mainly French-speaking, I suggested to the Minister of Agriculture that he should go across to Paris and investigate the kind of films that were being turned out in the educative field, and try to arrange for their use throughout the villages of the Province. The answer that I received was not very encouraging, because the mind of my friend was more particularly directed to the economic feature of the higher salaries and the shorter hours in towns. You can imagine my surprise when a few years later I found that the people were congregating in public halls in various centres throughout the Province listening to broadcasts from the city of Montreal. I was struck with the idea that through this marvellous invention Governments could arrange an educative and recreative campaign which would tend to lighten farm work and to extend the horizon of our people. It appeared to me that during the winter months our rural population could be

given in their homes a system of instruction in domestic arts which would be interesting and at the same time remunerative; and that much could be done throughout all parts of the Dominion to improve the situation of the farmers and to give the members of their families an interest in farm work, thus retaining them on the farms.

INCOME WAR TAX BILL

CONSIDERED IN COMMITTEE AND REPORTED

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 321, an Act to amend the Income War Tax Act.

Hon. Mr. Gordon in the Chair.

Section 1 and 2, the preamble and the title, were agreed to.

The Bill was reported.

THIRD READING

On motion of Hon. Mr. Dandurand, the Bill was read the third time, and passed.

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

THE SENATE

Wednesday, May 30, 1928.

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

Prayers and routine proceedings.

PRIVATE BILL

THIRD READING

Bill 23, an Act to incorporate the St. Clair Transit Company.—Right Hon. Mr. Graham.

IMMIGRATION RESTRICTIONS

On the Orders of the Day:

Hon. G. G. FOSTER: Honourable gentlemen, with the leave of the Senate and in a matter that I consider urgent, I desire to submit to the honourable Leader of this House and to the Government circumstances that I think are of great public interest. I take it that the members of this Chamber are united in a desire to promote in every way immigration to Canada. I take it that we are united in all that it is necessary to do in order to induce a tide of immigration to come to this country, similar in character and volume, to the immigration that came in days gone by. Because I believe this to be the case, and because I believe that every portion of Canada is interested in this question of immigration, I think it my duty to bring before the Government through my honourable friend the leader of this Chamber a matter which has come to my attention during the past few hours, and in which I think we, as advocates of and believers in immigration to Canada, are greatly interested. Seventeen or eighteen years ago there came to Canada from England a man and his wife, with their six boys and two girls, one son remaining in England. They lived, worked, and grew here until the time of the war, when, as became proper sons of an old English soldier, five of those young men went overseas to fight for you and for me. They were joined by the brother who had remained in England, thus forming a splendid contribution to the fighting forces of the Empire. After the war the five brothers came back to Montreal, and, took up in most cases their old occupations; those who were not able to get back their old positions taking up new ones. The oldest of those five sons, 40 years of age, and married, is superintendent in a factory; the second, 38 years old, has another good position; the third, 36 years old, runs his own store; the fourth is earning a living for himself, and the fifth occupies an important position in an insurance office in the city of Montreal. One of the daughters is married, and the other occupies a position in the Department of Soldiers' Civil Re-establishment.

Now, after those boys had come back and settled down near the home which the father owns in a suburb of Montreal, and which he earned since he came to Canada, the family decided that they wanted the oldest brother to come from England. Healthy, well married, and possessing every qualification of a desirable settler, there was every reason why we should want him here, not only because of the encouragement which it would give the rest of his family, but because we need such men. He applied for admission to Canada, and you can imagine his surprise and distress and that of his family when they learned that the only way in which he could get into Canada was by putting up a bond for $5,000, guaranteeing that for five years he would not become a charge upon the people of this country. Was there one single line in that man's record or in the record of his family to indicate any necessity for him to furnish a bond in order to come to Canada? On the contrary, was there not everything to show that the Minister of Immigration, or whoever it is that handles these matters, should have gone to the wharf and met him with the right hand of friendship, and said to him: "Your record, and that of your family, entitles you

to a welcome to Canada." When the matter of the bond was taken up with an insurance company, what do you suppose it was found that it would cost that family? They were informed that it would cost them $50 a year for five years to secure a bond to guarantee that their son and brother would not become a charge upon the people of this country, even though he had such a family and such brothers to provide for him in case of dire necessity, or if unforseen disaster should overtake him. In these days when permits are being given, and when immigrants are being brought into this country from every land, some of them bringing troubles and trials along with them for us to share, surely it is not necessary that such a man, with such a father, working every day of his life at McGill University, and with a mother who had raised that family of nine children, and who wanted her boy to become a citizen of this country, should furnish a bond for that or for any other purpose. I say that no right-thinking man can fail to see anything but a public menace in the refusal to allow that forty-year old man to come here without first furnishing a bond.

I bring this up, not only because of that one man or that one family, but because I fear that there are other officers in the Department of Immigration throughout this country who have not a proper appreciation of their jobs, and who are either asleep at the switch, or are letting people in if they want to, or keeping them out if they do not want them here. I say that a wrong has been done, and that what we want in immigration matters is not that kind of action, but some intelligent interpretation of regulations.

I apologize for having made this lengthy statement. I do not desire to make this a matter of party politics, but simply to call the attention of the Leader of the Government in this House to the circumstances. If necessary, though I would rather not do so, I am prepared to give the name of every member of that family, in the hope that I may never again have my attention called to a case so ridiculous, and so contrary to the best interests of Canada.

Hon. Mr. DANDURAND: Honourable gentlemen, I am not quite certain that my honourable friend has followed exactly the proper method in bringing this matter before the Chamber in the form of the complaint which we have heard. Under the rules of the House an inquiry could have been put on the Order Paper, and the answer of the Department would have been available when the complaint came before us. I stand now absolutely unarmed and confronted with this very serious indictment against the Department of Immigration. I feel that if the facts are as stated by my honourable friend someone surely could have advised that family that they could go to my honourable friend, or to myself, or to someone else, in order to see that the matter was set right. Perhaps there is an answer. I know not. Perhaps we will learn that the young man who sought admission to this country was ill. There are certain regulations that it is hard to apply squarely to all the cases that present themselves. Of course, I recognize that an official should have enough intelligence to make distinctions. I do not know anything about this case, but I will make investigation. I simply ask the Senate to withhold its judgment until to-morrow so that I may be able to give the answer of the Department.

Right Hon. Sir GEORGE E. FOSTER: May I ask my honourable friend, if he also will bring with him information as to the regulations requiring bonds or securities of persons who are proposing to become immigrants to Canada. There must be some general rule which is carried out. I think it would help us all very much if we had that information together with the other.

Hon. Mr. DANDURAND: I will secure that.

CROP CONDITIONS IN THE WEST

Hon. H. W. LAIRD: Before the Orders of the Day are called, I wish to read a portion of a letter received by me to-day from the Province of Saskatchewan. It is dated at Regina, May 26, and is as follows:

> We have had a wonderful seeding time, and everything is now in the ground in good shape. I wish you would draw the attention of the Prime Minister to the desirability of arranging for a copious supply of rain once each week for the next three weeks, and we will guarantee to deliver the greatest crop Western Canada has ever produced.

Knowing the superhuman powers claimed by the present Government, I trust the honourable Leader of the House will intercede with the Prime Minister to wave his magic wand so that this supply of rain may be delivered strictly on time and in ample quantity.

Hon. Mr. DANDURAND: It may be somewhat difficult for the Prime Minister and his colleagues to bring about that state of things, because they are smiling rather than weeping.

IMMIGRATION BILL

REPORT OF SPECIAL COMMITTEE

Hon. Mr. DANDURAND moved concurrence in the amendments made by a Special Committee to Bill 187, an Act to amend the Immigration Act.

He said: I do this without any mandate from the Minister who had charge of the Bill in the other House, and I trust that it will be found satisfactory.

Hon. Mr. BELCOURT: I would move that the last words in section 41, "or Superintendent of Immigration" be stricken out. There is no such officer now.

The proposed amendment of Hon. Mr. Belcourt was agreed to, and the report, as amended, was concurred in.

THIRD READING

On motion of Hon. Mr. Dandurand, the Bill was read the third time, and passed.

NATURALIZATION BILL

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 19, an Act to amend the Naturalization Act.

Hon. Mr. Beland in the Chair.

Hon. Mr. DANDURAND: When this Bill came before us for second reading, I made a statement, and asked that it be given the second reading without any member of the Senate being bound as to the principle of the Bill, in order that it could be sent to the Banking and Commerce Committee, where the officials of the Department in charge of the Naturalization Act would be represented. The Bill was given its second reading, and went to that Committee, and the Under-Secretary of State was heard. I believe that the members of the Committee secured considerable information as to the working of the Act; but as there was no debate on the principle of the Bill I intend to add a statement based upon the greater information with regard to it that we now have. When I speak of "the principle of the Bill," perhaps that expression is hardly correct, because there is no principle in the Bill; it only affects clauses which appertain to the procedure by which the Minister will be enlightened as to the claims of applicants for naturalization.

We may have different opinions as to the best procedure in order to secure a certain result, and armed with the greater information that I now have, I shall proceed to explain to the Senate the situation as we meet it. Honourable gentlemen all know that up to 1914 we had what I would call a Canadian Naturalization Act, which allowed naturalization to newcomers within the borders of Canada, but not beyond. During the year prior to 1914 there was considerable discussion among the various parts of the Empire as to the desirability of a uniform British Naturalization Act. It was agreed that this was desirable, and Canada passed an Act called The Naturalization Act, which gave the rights of citizenship throughout the whole Empire to a Canadian who obtained his naturalization under this Act. This latter Act did not absolutely replace the Canadian Naturalization Act, which is on the Statute Book, and under which naturalization can still be obtained.

Naturalization is granted by the State through the instrumentality of the Secretary of State; it is the gift of the State or of the Crown; and the granting of a certificate of naturalization to an alien is within the discretion of the Minister, who may, with or without assigning any reason, either give or withhold the certificate, whichever he thinks conducive to the public good, and there is no appeal from his decision. This absolute discretion rests also with all the various states of the Empire.

Hon. Mr. BEIQUE: From what is the honourable gentleman reading?

Hon. Mr. DANDURAND: An Act respecting British Nationality, Naturalization and Aliens, Chapter 138 of the Revised Statutes of Canada. That is the Act which is now submitted for modification or amendment by the Bill which is before us. I am citing section 4, which begins with these words:

> The Minister may grant a certificate of naturalization to an alien who makes an application for the purpose, and satisfies the Minister
>
> (a) that he has either resided in His Majesty's Dominions for a period of not less than five years in the manner required by this section, or been in the service of the Crown for not less than five years, within the last eight years before the application; and
>
> (b) that he is of good character and has an adequate knowledge of either the English or French languages; and
>
> (c) that he intends if his application is granted either to reside in His Majesty's Dominions or to enter or continue in the service of the Crown.

As honourable gentlemen will see, the Minister may grant a certificate of naturalization to an alien who makes application for the purpose and satisfies the Minister that those conditions are met, but it is added that the granting of such a certificate rests in the absolute discretion of the Minister.

Honourable gentlemen will notice the conditions which the Minister should find before

he grants this certificate; but the Act goes further, and sections 22 to 27 provide the procedure to be followed in order to enlighten the Minister. That procedure in regard to evidence is sought to be replaced by the present Bill, so that honourable gentlemen who have the Naturalization Act of 1914, which is now in chapter 138, R.S.C., will see these clauses that are to be repealed if Parliament so decides.

Hon. Mr. GRIESBACH: Which sections were introduced in 1919; is that not so?

Hon. Mr. DANDURAND: No; I think my honourable friend is in error. My impression is that those sections, which he will find in the explanatory notes, formed part of the Act when it was introduced and passed by Parliament in 1914. The procedure which was to be followed was the old procedure to be found in the Canadian Naturalization Act which was on our Statute Book up to 1914.

The procedure to be followed had two objects in view: first, to enlighten the Minister upon the conditions required from an applicant for naturalization; second, to insure publicity. But why is the Minister charged with the administration of the Act, the Secretary of State desirous of withdrawing that procedure and suggesting another one? It is because experience has shown that both objects sought under these provisions have not been attained, the machinery having absolutely failed to secure those ends. It has been established, during the operation of the Act for the last fourteen years, that the procedure is inefficient and useless.

Now, let us test the value of the method of ensuring publicity, as enacted in 1914. The procedure followed under the Act as it is to-day, as set out in the clauses found in the explanatory notes, is this. There is an application by the alien to the Clerk of the Court. That application is posted by the Clerk in a conspicuous place in his office for three months—those are the words of the Act—but I would point out that such posting reaches but a limited number of visitors to the Court House and the Clerk's office. The applications, if there be more than one, are generally placed over one another in the clerks' office.

Hon. Mr. GORDON: Would it not be in order, under the regulations of the Department, to have a list made of those applicants, with a separate paper for each name?

Hon. Mr. DANDURAND: Well, I will indicate what defects there are, if any, in the procedure under the present Act as seen by the Department, and my honourable friend may then suggest means of curing those defects. There is another chance for publicity given to the applicant by his appearance either in court or in chambers when such request is made to the judge. Honourable gentlemen will see that there, again, the amount of publicity is quite limited by the fact that if the party appears with the clerk in chambers, the public will not see him, except such persons as may be congregated at the Court House, in case the matter is dealt with in open court. But the Act contains a provision that the presence of the applicant may be dispensed with if he gives a satisfactory reason, such as sickness, or distance of his home from the Court House, and in that case he may be represented by some one producing an affidavit to that effect.

Now, what is the result of the provisions of the Act of 1914 which were designed to secure publicity? There is the posting of the application in the Clerk's office, and the possible appearance of the applicant in open court or chambers; and under section 24 of the present Act any person objecting to the naturalization of an alien may file in court an opposition, in which the grounds of the objection are stated, any time after the application is filed. This is the object of the publicity, because until the day of the investigation, the public can only hear of the application through the posting. But what has been the result of that method of publicity? Honourable gentlemen will be surprised to learn that, during the fourteen years that this Act has been in force, not one objection has appeared throughout the land; not one objector has attended at the court house to object to the applicant. This will fairly indicate the degree of efficacy of the machinery, since tens of thousands of aliens have applied, yet not one case has been challenged, as the effect of that publicity, in the neighborhood of the applicant.

Hon. Mr. GRIESBACH: What is my honourable friend's authority for that statement? Do I understand him to say that no complaint has been offered to the Secretary of State, or that no objection has been put forward before the judge who heard the case, or the clerk of the court?

Hon. Mr. DANDURAND: The answer of the Deputy Minister, based upon his knowledge of the records that come from the clerks of the courts, which contain all the papers constituting the record, is that no objection was ever taken to any one of those applicants. He was asked

if some objections did not reach him, and his reply was that there were very few; not half-a-dozen, and perhaps only a couple.

I would ask the Under-Secretary to come to the floor.

My impression is that one or two letters were sent to the Department objecting to the name of an applicant and the writers were answered that their duty was to come to the Court and make their objection according to the terms of the Act. In one or two instances the reply was that they did not care to go to the Court; so that the Department was left simply with the protest, and, as the Under-Secretary tells me, in those cases they put on a double pair of spectacles to investigate them.

Now, why have we that state of things, that throughout the land, especially in the West, where I suppose twenty applications are made against one in the East, no one has appeared at the Court to challenge any such application? I would suggest that the reason is obvious; it is a natural one—everyone feels that he should mind his own business, and not become involved in difficulties with a neighbor, or a man residing in the same locality; and I realize that it is a matter for a public official to investigate and decide upon, rather than for an individual to come openly forward and lay down his objections in the full light of the court house.

I have indicated that the procedure enacted under sections 22 to 27 was inefficient and useless. Now, what is the value of the inquiry by the judge, who receives the application? He has, or can have, the applicant before him. Honourable gentlemen must remember that the case is uncontested. Affirmations are made in the application, and under the regulations a specially prepared formula is provided so that the judge may ask for more information, and also for the production of witnesses; but in only very rare instances indeed during the last fourteen years have witnesses been called. Generally the affidavit suffices, as no one objects to the application. I draw the attention of the Senate to the fact that the Court has no investigator who goes out to find and test the affirmations of the applicant.

Hon. Mr. GRIESBACH: May I ask if, as a matter of fact, the inquiry made by the Mounted Police is in the hands of the judge at that moment?

Hon. Mr. DANDURAND: I will come to that point; but I say that the judge or the court employs no investigator nor any police agency, but receives whatever evidence is brought forward. The rules that govern the courts are within their own discretion; the extent of the inquiry is within the judgment of the Court, and all kinds of methods are adopted, but they do not go very far.

The records of all applicants are sent to the Secretary of State, and he and his staff have an opportunity of examining them, and reviewing the work of the various judges who signed the reports. The Department has now decided that that method of investigation was crude, inefficient, and absolutely useless for the end in view, namely, the enlightenment of the Minister of the Department, and therefore it has organized its own investigation from the outset. It proceeds on these lines. It receives a copy of the application from the clerks within a few days after it has been brought to them. Then it makes use of two agencies for testing the declarations of the applicant. The application mentions the date of the arrival, the name of the port of entry, the railways that carried the applicant, the place where he lives, etc. Armed with this information, the Department of State applies to the Immigration authorities for that man's record and obtains all the information on file in the Immigration Department with respect to him. An investigation has taken place on the date of his entry, and reports have been made about him; therefore it is possible to identify him immediately and trace him from the date of his entry. When all that information has been obtained, or while it is being obtained, the application is referred also to the Royal Canadian Mounted Police, who are asked to make enquiries in the locality where the applicant lives and to report on his statements, that he is of good character, that he speaks either English or French, and that he has been five years in Canada or within the bounds of the British Empire. It is by means of this work, the investigation through the Immigration Department and the investigation made on the spot by the Royal Canadian Mounted Police, that the man's statements are weighed. The Secretary of State or his Department should be informed by the judge who has made the inquiry; but it is a rather amusing fact that in many instances it is the Department of State which, having gathered the desired information from those two reliable souorces before the expiration of the period of three months allowed, transmits it to the Court, although there is nothing in the Act which obliges the Department to do so. Consequently the Department have realized for many years past the absolute uselessness of this so-called inquiry by the various Courts of Canada and has relied exclusively upon its own investigations.

I would draw the attention of honourable members of the Senate to the fact that this

work, which is carried on, I may say, so effectively by the Department of State, is similar to the method followed in other parts of the British Empire. Nowhere in the Empire, whether in Great Britain, Australia, South Africa or New Zealand, is there machinery such as is contained in the present Act, which, according to the declaration of the Department of State, has notoriously broken down. It is by direct control and direct examination and investigation on the part of the various Secretaries of State that the required information is gathered in other parts of the Empire. Our Department of State is making an effort to harmonize the Canadian with the British practice. The Department has been in contact with British officials on this very Bill. It is most desirous that the man whom we call to the high honour of becoming a British subject should not be a cause of injury or dishonour to the Canadian name.

Now, what is the aim of this Bill? I claim for it that it increases the publicity which was sought to be given under the present Act. Notice must be given to the public, but it is to be given not in a place where few people congregate, the court-house—and the fewer who congregate there, the better for the country—but in the post office, where everyone goes. So in submitting this Bill I invite a comparison between the post office and the court-house as agencies of publicity. Before the applicant sends in his application to the Secretary of State in Ottawa he is obliged to advertise in a local newspaper, according to a form that is prescribed, his intention of applying for naturalization. I say that that method of publicity is immensely superior to the only one I can find in the present Act, the posting of the notice in the court-house.

Hon. Mr. GRIESBACH: Before my honourable friend passes from that question of advertisement may I ask him to interpret section 23?

Hon. Mr. DANDURAND: That is, of the present Act?

Hon. Mr. GRIESBACH: Of the Bill you are asking us to pass. Section 23 provides for the notice in newspapers:

> An application for a certificate of naturalization under subsection three of section four of this Act shall advertise in a newspaper published at or nearest to his place of residence, in either the English or French language . . . . his intention to apply . . . .

I am asking the honourable gentleman to interpret that clause and tell us whether under it a man may advertise in the English or the French language in a newspaper published in the Ruthenian language, or may advertise in the Ruthenian language in a newspaper published in English or French?

Hon. Mr. DANDURAND: That is a puzzle or riddle easily answered.

Hon. Mr. GORDON: A cross-word.

Hon. Mr. DANDURAND: The Department will see that the French language is used in districts where the great majority of the people are French, and the English language in districts where there is a great majority of English-speaking people.

Hon. Mr. GRIESBACH: But that is not the point. It is more serious than that. Let us assume that the case arises in a French district and the French newspaper is to be used. The question I am asking the honourable gentleman is, can the foreigner publish that advertisement in the language which he himself speaks or in any language he likes? The section does not make it clear whether the advertisement itself may be printed in any language in a French or English newspaper, or whether if it is printed in French or English, it may be appear in a newspaper published in some other language. I am just asking this question to find out how much the Minister knows about it.

Hon. Mr. DANDURAND: If my honourable friend has any suggestion to make on this score, either to the Committee or to the Department which, if this Bill passes, will have to administer the Act, I am sure that due weight will be given to his suggestion, as it would to any suggestion that might be made with a view to improving the Bill.

Hon. Mr. GORDON: May I ask a question at this point? Under the existing Act had the Department not the right to require the applicant's notice of application to be posted in the post office?

Hon. Mr. DANDURAND: No. I would draw my honourable friend's attention to section 23 of the Act as it stands. Here is the clause:

> The application shall be delivered at the office of the clerk or other proper office of the court during office hours, and such application shall be posted by such clerk or other proper officer in a conspicuous place in his office, continuously for a period of at least three months, before the application is heard by the court.

So the law wills it that the posting shall take place at only one place, the court-house.

Hon. Mr. GORDON: That is, the Department is confined to that place, so that by regulation they could not require posting in the post office?

Hon. Mr. DANDURAND: No, they could not. No Department can go beyond the confines of an Act. It would be very arbitrary to do so.

Hon. Mr. GORDON: That is the very reason why I asked that question. In Committee I asked the question already brought up by my honourable friend from Edmonton (Hon. Mr. Griesbach). The clause in the Bill reads that these notices are to be published in either the French or the English language. According to my interpretation of it, as long as this notice is in English or in French, it may appear in a paper using a foreign language. I asked a question on that point, and the Under-Secretary of State said that by regulation they might change that; that they would not have it go out in that way. My inference was that the Department would see that this should not be the case, and that the notice should be published only in papers using the English or the French language.

Hon. Mr. DANDURAND: That inference I may qualify. My honourable friend did not quite understand the answer of the Under-Secretary of State. The Under-Secretary could not have said that anything in the Act would be changed, but the regulations based on the Act will have to be issued.

Hon. Mr. GORDON: That is just the point, whether that provision of the Act can be changed by regulation to any extent.

Hon. Mr. GRAHAM: Just interpreted; not changed.

Hon. Mr. GORDON: Very well. Why would it not be possible under the Act for the Department, by way of regulation, to have these notices posted in the post office as well?

Hon. Mr. DANDURAND: Not if Parliament does not say so.

Hon. Mr. GORDON: To go further, am I right in assuming that instead of having the notices posted up in the court house, one on top of the other, in such a way as to make it difficult to examine one of them, the Department might by regulation require the clerk to post a list of the names in alphabetical order, so that any person looking for a particular name could see it at a glance and could then look at the paper?

Hon. Mr. DANDURAND: Sometimes there are material impediments, and I surmise that under the new Act, if this Bill becomes law, in the event of 50 or 100 applications reaching a post office at the same time, you will generally see them one over the other. However, there will be in any case this superiority over the posting by the clerk of the court, that when people congregate in the post office for their letters they will see the bundle of applications and may have the curiosity to examine them. The Secretary of State does not attach considerable importance to the posting of the notice at the post office, or the courthouse. It is not his suggestion. This is not his Bill; it comes from the Commons. He accepts it as the will of Parliament, if it becomes law, and will act under it. I think it will appeal to my honourable friend (Hon. Mr. Gordon), with his experience, that the notice appearing in a local newspaper will have far more effect on the people of the neighbourhood, who are likely to know the applicant, than the posting of the notice at the courthouse. However, the House of Commons has decided that it is a good precaution to have the post office used, and it has inserted in the Bill a requirement to this effect. This provision is now before us. As we are at present in Committee, we may strengthen the feature of publicity in any manner we can devise. Comparing the Act with the amending Bill, I do not hesitate to say that the Bill is an improvement with regard to publicity and efficiency. There will be more publicity at the post office than there could be at the courthouse; but I assume that the people interested in the applicant are the people of his community and that the notice appearing in the newspaper in the form as drafted and prescribed by the Department will catch the eye of hundreds and thousands of readers. That is a point I would bring to the attention of the Senate in submitting the clauses of this Bill as substitutes for those of the present Act.

Hon. Mr. GORDON: I am thankful for the explanation, and I know perfectly well that my honourable friend is not trying to evade my question—

Hon. Mr. DANDURAND: Oh, no. I may tell my honourable friend that many amendments might have been made to the old Act.

Hon. Mr. GORDON: But I attach great importance to a list in alphabetical form being posted in the post office or elsewhere. I attach no importance whatever to a batch of 100 applications or so being placed upon the wall, one under the other. A man may go in with the intention of looking over one of these, but when he finds there are about 100 to be gone through before he can find

the name of John Jones, he may go away in disgust without reading anything. The point I am trying to make is this—and I believe I am right—that the Department has power by regulation to require the posting up of a notice of the kind which I have suggested, and I do not see why the Department has not been requiring it.

Hon. Mr. DANDURAND: In the post office?

Hon. Mr. GORDON: Either in the post office or in the court-house.

Hon. Mr. DANDURAND: The Department would not have the necessary authority to give orders to the postmasters throughout the land.

Hon. Mr. GORDON: I am sure the Department has only to make the request.

Hon. Mr. WILLOUGHBY: Why have they not authority over the postmasters who are paid by the Government?

Hon. Mr. DANDURAND: They will have authority when Parliament gives them authority, but Parliament has not given that authority. Parliament has said that the application shall go to the clerk, of the court who will post it in his office. That is the law.

Hon. Mr. GORDON: Do you not think it would be more reasonable to have the names put up in the manner that I suggest, and that then the names would be looked over more often.

Hon. Mr. DANDURAND: I am informed that in a village it is quite practicable, but that in cities like Toronto or Montreal it would be impossible, unless you were to type lists of the applicants and put them up separately.

Hon. Mr. GORDON: That is what I would like to see done.

Hon. Mr. DANDURAND: Of course new names would have to be added to the list every day. There is perhaps some little difficulty in applying the suggestion.

Hon. Mr. ROBERTSON: Will the honourable gentlemen undertake to see that the Government supplies each country postmaster with a typewriter in order to type that list?

Hon. Mr. DANDURAND: No. The names are sent to the various post offices by the Department, so the list would be typewritten here. Of course additions are made constantly.

As to the question of delay, which, in the minds of many, represents a safeguard under the Act as it stands, the notice must be posted for three months before the application is made to the Judge. I draw attention to the fact that under the new clause the delay will be longer, because the applicant must obtain his application, he must then fill it out, and, according to the terms of section 23, he must publish the notice in the newspaper before he sends in his application. Section 23 says:

> An applicant for a certificate of naturalization under subsection 3 of section 4 of this Act shall advertise in a newspaper published at or nearest to his place of residence, in either the English or French language, in the prescribed form, his intention to apply, and shall produce to the Minister a copy of the newspaper containing the said advertisement.

So, under this Act, the applicant must publish in a newspaper, in the form required, his intention to apply.

Hon. Mr. GORDON: If the newspaper is in a foreign language do they have to publish the notice in either English or French?

Hon. Mr. DANDURAND: It will be for the Department to give the various communities the greatest publicity possible, and I suppose they will use their own judgment and intellignce in obtaining the effect they want.

Hon. Mr. GORDON: That is, they will stick to the Act as long as it suits them, but if it does not, they will step outside of it.

Hon. Mr. DANDURAND: Oh, no. They will not step outside of it. They will issue regulations which will be sufficiently flexible to permit of the end in view being attained.

I draw attention to the fact that for the last six years I have been in contact with the various Departments of this Government, and I repeat with pleasure what I have already said, that I have found a degree of efficiency among the heads of the various Departments that has surprised me; and I think anyone would be inferior to his position if, having a problem to solve such as the one my honourable friend suggests, he should fail in finding a solution.

Hon. Mr. GORDON: I have much pleasure in endorsing what my honourable friend says in regard to this and the other Departments; nevertheless, I wonder why it is that they can do one thing in a certain case and cannot do it in another. I have it in my mind that the most important thing is the posting of the notices and that they should be in such a form that any person can see who the applicants are.

Hon. Mr. DANDURAND: We can do either one of two things. If we have not

sufficient faith in the men at the head of the various Departments we can sit down here and take our pens and devise regulations and put them in the Bill, or we can follow the usual practice which allows of regulations being quietly and seriously considered and embodied in an Order in Council. When I speak of the heads of the Departments, I do not mean the Ministers. The Ministers are but shadows that pass; the official staffs remain. If we have not sufficient faith in their intelligence and ability to follow out the suggestions that have been made, then let us substitute ourselves for them, and embody the regulations in the Bill. If my honourable friend thinks that is the better proposition, I suggest to him that he take his pen and prepare regulations.

I contend that clause 24 is far superior to the old clause 25, which is to be found on the right hand page of the Bill. Clause 25 says:

> The applicant shall produce to the court such evidence, that he is qualified and fit to be naturalized under the provisions of this Act, as the court may require, and shall also personally appear before the court for examination unless it is established to the satisfaction of the court that he is prevented from so appearing by some good and sufficient cause.

That is replaced by section 24, which says:

> An applicant for a certificate of naturalization shall produce to the Minister certificates of character and of adequate knowledge of the English or French language from two natural born British subjects who are householders, and from one justice of the peace.

Honourable gentlemen will notice that that enactment brings to the Department the names of three men who live in the neighbourhood, which gives them a beginning for their investigation. They will have the names of two British-born subjects, and a justice of the peace. To-day the Department has not that information. Then it will be for the investigators of the Department, the Royal Canadian Mounted Police, to find out the standing of those men, and if they are good and true men. To-day an applicant goes to the courthouse to make his application, and produces whatever evidence the court may ask for as to his fitness for naturalization; but in the vast majority of cases the court does not ask for other witnesses, and the Department is left to its own initiative in the investigation.

This new policy will assure uniformity throughout the land. It will furnish more simple and more effective machinery, and will provide a more satisfactory method in the West where the settlers are widely dispersed over the country. The procedure under the new Bill can practically be carried out at home. Persons desiring to be naturalized will not have to go a hundred or two hundred miles to a courthouse; they will simply obtain the application form and the form of notice, give that notice to the newspaper for publication, and send a copy of the newspaper to the Secretary of State.

The staff which has in hand the naturalization of aliens has been well trained, and since 1914 has been doing its work satisfactorily, and I think it can be trusted to continue to do so. It was my pleasure to test the Under-Secretary of State as to the possibility of political interference. He informed that during the fourteen years that he has had this matter under his care he has not been troubled in any way, even by the Ministers. The staff organized for the carrying out of the law have performed their duties smoothly. They are given general directions, and when a special case arises they turn to their chief. It is very seldom that the Secretary of State in person is troubled by any special case; if a legal interpretation is necessary, the case is referred to the Department of Justice. I may say that from what we have heard in the Committee there does not appear to have been the least vestige of political interference with the administration of this Act. A question was put to the Under-Secretary of State as to the policy of the Department in naturalizing Orientals, and he told us that the instructions received, and applied, were to not grant naturalization, particularly in those Provinces that refuse to enfranchise them.

Now I think I have fairly covered the ground. I apologize for having spoken at such great length. One must not forget, however, that under the old procedure the courthouse was the means of enlightening the Secretary of State, who, after receiving a report, was the absolute master, and had the power to say yea or nay. So after all, the power has always been in the Secretary of State, and all that we are doing now is to substitute a better method.

Hon. Mr. ROBERTSON: Honourable gentlemen, most men, I think, prize most highly those things which cost them some effort and sacrifice to obtain. Citizenship in Canada or in any other country ought to be highly prized by the citizens of that country. Men seeking admission into societies of any sort, men entering upon the marriage state, or becoming members of Parliament or Ministers of the Crown, expect to undertake serious duties and to assume serious obligations. If I have any criticism of the Naturalization Act, it is that it is too easy for a person coming from another country to become a citizen of Canada. A man can become a

citizen without being duly impressed with the importance of the responsibilities he is undertaking, and the obligations to which he is assenting. That, however, is not under consideration here.

My honourable friend the Leader of the Government has intimated that the Act is apparently satisfactory, with the exception of the method by which an alien can become naturalized; and I wonder just why it becomes so important to amend this particular phase of the Act at this time. My honourable friend has placed a very beautiful dressing in the front window of the shop, so that there are probably 40,000 aliens coming to Canada annually. If that number of people are assimilated into our citizenship year by year, without having impressed upon them the fact that they are assuming responsibilities in becoming citizens of this country, I think our standard of citizenship will in time seriously deteriorate. Therefore, instead of making it easier to become naturalized, we ought, in my humble opinion, to make this a more ceremonial undertaking than it is at the present time. That is one of the complaints I have with reference to the proposed amendments to the Act.

The leader of the Government intimated that this Bill came from the House of Commons, and therefore the Department could not answer a certain question that my honourable friend from Nipissing (Hon. Mr. Gordon) put to him.

Hon. Mr. DANDURAND: One clause.

Hon. Mr. ROBERTSON: If I remember correctly, it was stated to the Committee by the Under-Secretary of State that this Bill emanated from the Department itself, and not from any outside source. Therefore it would appear from that evidence, which I have no doubt is correct, that there has been no complaint on the part of the public at large who are affected by this Act, or of aliens seeking naturalization, and that no general complaint has been received seeking for an amendment of the law; which rather inspires the wonder why this particular clause of the Act should come to the front at this time, and why these changes should be suggested.

Now let us examine the clauses under consideration, particularly sections 22 to 27 of the present Act, all of which it is proposed to delete, substituting therefor three new sections. Let us see what the present practice is, and what the present law requires, and then let us proceed briefly to note the effect of the new sections as proposed.

Under the present law a man coming to Canada from any country outside of the Empire, must show that he has resided in Canada for five years, unless he has previously resided in some other portion of the Empire for a period, in which case he must have total residence in the Empire for five years before he can be naturalized. He may then file an application with the Clerk of the County Court, stating that he is going to be or is an applicant for naturalization as a Canadian citizen. The clerk of the court posts that application on the wall of his office in the courthouse. Now, I assume there is a courthouse in probably every constituency in Canada, which would roughly be about 245, and there is a clerk in charge at each of those courthouses whose duty it is to see that this law is carried out, because it is the law that it shall be done in that manner, as my honourable friend has clearly intimated.

Then the present law provides—but it is proposed to delete this provision—that three months shall expire after the notice is posted, and immediately subsequent to the expiration of that date, or shortly thereafter, the judge having jurisdiction in that locality will pass upon the application, and consider any objections may be filed by any of the residents in the community, and forward his recommendation to the Secretary of State at Ottawa, which official has absolute jurisdiction either to grant or refuse to grant the naturalization certificate. But if the application is granted, the Department then issues a certificate, which is sent to the clerk of the court in the constituency where the man resides, and the clerk or the judge of the court, as the case may be—I think the law says the clerk—brings that man before him and presents him with his certificate, and administers the oath of allegiance to His Majesty the King. That is the present procedure.

Now, mark the change. It is proposed now that the applicant need not to go to the court to make the application; I assume that he can obtain the application forms from the department. The applicant sends his application to the Secretary of State, who then causes the notice to be filed or posted in the post office. Honourable gentlemen can imagine just what that means, and what importance might attach to that, especially those who have had the privilege or otherwise of visiting a great many country post offices. But how many post offices do honourable gentlemen suppose there are in Canada? I did not know until a few minutes ago, when I sent for the Postal Guide, and I found that one way of arriving

at the number was to turn to the list of post offices in the Guide. That list runs continuously from page 213 to page 498, and contains nothing but a list of post offices and postmasters. That is, 285 pages of the Postal Guide are taken up with the names, and I found by counting that the number of names per page averaged 45; so that roughly we have 11,800 post offices in Canada in which to post these notices. Now, if the Secretary of State is going to undertake to look after all those postmasters, and see that they carry out the law, he has a task that is impossible to accomplish.

Hon. Mr. DANDURAND: But my honourable friend does not intimate that the notice must go to all post offices?

Hon. Mr. ROBERTSON: My honourable friend says so.

Hon. Mr. DANDURAND: No: it goes to the post office of the party applying.

Hon. Mr. ROBERTSON: But my honourable friend will surely admit that there will be people in every section of the country who will be seeking naturalization, and therefore every post office in Canada is liable to have a notice posted. I will give further details on that point a little later.

Hon. Mr. DANDURAND: But the only community interested, or chiefly interested, is that in which the applicant lives, and people who go to the post office where the notice will be posted.

Hon. Mr. ROBERTSON: That is true to a degree. However, before this notice is posted in the post office, something occurs which I omitted to mention; that is, that the applicant must advertise, in the newspaper nearest to his place of residence, the fact that he is applying for naturalization. The section specifically referred to is section 23, which says:

> An applicant for a certificate of naturalization under subsection 3 of section 4 of this Act shall advertise in a newspaper published at or nearest his place of residence, in either the English or French language, in a prescribed form, his intention to apply, and shall produce to the Minister a copy of the newspaper containing the said advertisement.

Honourable gentlemen, last year some 75,000 people came into Canada from various countries, and it might be illuminating to point out that 10,128 Ruthenians alone came in last year. My honourable friend from Montarville (Hon. Mr. Beaubien) mentioned, in a very able speech on another subject a few weeks ago, the number of Ruthenian newspapers that were printed in Canada. Those people live very largely in colonies, and they will come to some of those settlements where their own people reside, which is natural, and under this law, if it comes into effect, you will see in a Ruthenian newspaper a little half-inch notice, in either French or English, that somebody is applying for naturalization.

Now, what does that mean? As my honourable friend the leader of the Government said, it does not mean anything; and he is right, because the people in the Ruthenian neighbourhood who read newspapers, but are not able to read the original language, will not take the Ruthenian paper, and therefore will not know that this immigrant is applying for naturalization; and nobody will know anything about the advertisement except the Secretary of State, who receives a copy of that newspaper under the Act. I presume that they will probabfly be able to increase the bids of people who buy waste paper in Ottawa, as a result of all those newspapers coming in. At any rate, the Secretary of State has to receive a newspaper from every one of those 40,000 people who annually will be applying for naturalization, and on receipt of that newspaper and application, a notice will be posted up in one of the 11,800 post offices of Canada.

Then what happens? The present law provides that for a period of three months that notice will remain in the court house, and any person residing in the community, or who knows anything about this man, has a right to file objections to his becoming a naturalized citizen, just as is the practice in any society everywhere, whether fraternal, religious or parliamentary. The practice is that the public shall have a right to file an objection against a man being married, against his taking office of various sorts, against his becoming a member of a fraternal society; but when it comes to making him a citizen of Canada, the public is to know nothing about it, or have no opportunity of filing an objection any longer, because section 24 of the present Act is practically eliminated, and is not replaced by any words in the new sections proposed to be adopted.

Hon. Mr. DANDURAND: Well, I will leave my honourable friend to move an amendment.

Hon. Mr. ROBERTSON: Now, following that, let us see what happens. After the application has been received, and one of those 11,800 postal offices has had a notice posted in it, at the end of three months the Secretary of State may or may not, at his discretion, issue a certificate of naturalization, making the applicant a citizen. He has not any recommendations of the judge or an officer

of a court; he knows nothing of the situation himself; all that he has is that two neighbors and a justice of the peace in the locality send in a letter indicating the man's character; and, strange to say, section 24 does not even require a certificate of good character, it simply says:

An applicant for a certificate of naturalization shall produce to the Minister certificates of character and of adequate knowledge of the English or French language from two natural born British subjects who are householders, and one justice of the peace.

Right Hon. Mr. GRAHAM: That means good character.

Hon. Mr. ROBERTSON: My honourable friend the leader of the Government answered that obpection himself a little whole ago, when he said that the neighbors of the applicant, having to live beside him, and wanting to be at peace and harmony with him, would not be inclined to do anything but agree and say, "Yes, he is a good fellow, and ought to be naturalized." Therein lies the very objection that I take to the Act, and my honourable friend answered it most effectively himself.

Then, after that is done, after the three months have elapsed, and without any reference to any report from anybody except two neighbors, the Secretary of State may issue a certificate of naturalization, initiating the candidate into the solemn rights of citizenship of Canada. But again we find a strange discrepancy. At the present time, when a certificate is issued, the Department sends it to the county court, and the ceremony of administering the oath of allegiance to His Majesty the King is gone through in each case. But honourable gentlemen will notice that there is no provision for that in this Bill. Section 27 of the present Act provides:

Upon the applicant taking and subscribing the oath of allegiance, which may be so taken and subscribed by any person duly authorized to administer judicial oaths by the laws of the province in which the applicant resides, the clerk shall deliver the certificate to the applicant.

At the present time, in the absence of anything to the contrary—and my honourable friend has clearly stated that when the law does not specify, nothing can be done—all that happens is that the certificate is mailed from the office of the Secretary of State to the applicant, whoever he may be, and probably he cannot read a word that is in that certificate, and he will go back as a citizen of Canada, with all the duties and obligations of citizenship.

Hon. Mr. DANDURAND: I said that when the law does specify something, nothing against that specification can be done. When it does not specify, then it is left to interpretation and to regulations.

Hon. Mr. ROBERTSON: All right; let us follow that trail a minute—when the law does not specify, the Departments and Government are free to pursue their own course and interpret it as they will. I am beginning to think that my honourable friend, in his usual frank manner, is coming to a realization of the seriousness of the very situation that he now indicates would occur.

Hon. Mr. DANDURAND: Would my honourable friend allow me to put a question to him?

Hon. Mr. ROBERTSON: Surely.

Hon. Mr. DANDURAND: He was in power, and probably a minister of the Crown, from 1914 to 1921 or largely during that time. He sat in a special investigation, in the Department of the Secretary of State, through the Immigration office, and through the Royal Mounted Police—a special investigation independent of the courts. He did that. It was not in the Act, and yet we all believe now that what he and his Government did was much superior to the procedure as carried on in a court. Does my honourable friend believe that, having eliminated the court procedure, we will dispense with the method of investigation, which is deemed to be the only real safeguard in the application of this Act?

Hon. Mr. ROBERTSON: The answer to my honourable friend is that in the Naturalization Act these things have been specifically provided for by law, and that the Government of which I had the honour of being a member for a short period, did not give much consideration to the Naturalization Act, because of more serious things; but we never undertook for one moment to take advantage of it by omitting perhaps the most serious clause in connection with naturalization—that a man should personally take the oath of allegiance to His Majesty, and not leave that to the whim of any department or officer of a department, to issue some regulation upon it.

Hon. Mr. DANDURAND: My honourable friend is in error. I draw my honourable friend's attention to Section 4 of the Act, subsection 4, which has not been withdrawn or amended:

A certificate of naturalization shall not take effect until the applicant has taken the oath of allegiance.

Hon. Mr. ROBERTSON: All right. Will my honourable friend now inform the House who is going to administer the oath of allegiance—the postmaster?

Hon. Mr. DANDURAND: Oh, no.

Hon. Mr. ROBERTSON: Who will administer the oath of allegiance?

Hon. Mr. DANDURAND: Surely my honourable friend can trust the Department with enough sense to have that done properly.

Hon. Mr. ROBERTSON: It is done properly under the present law by the county court officials, but they are being withdrawn from the picture.

Hon. Mr. DANDURAND: It is the clerk.

Hon. Mr. ROBERTSON: But my honourable friend has represented to the House that the main object in amending this Bill was to save the poor applicant from going a few miles to the court house and let him go to the post office. Surely if he was going to the court house in one case he should do it in this case.

Hon. Mr. DANDURAND: I draw my honourable friend's attention to Section 22 of the regulations which were laid down by the Government in 1915:

> Oaths of allegiance may be taken by any person authorized to take judicial oaths by the law of the province in which the applicant resides.

That is the law that will continue in force.

Hon. Mr. ROBERTSON: That naturally means that the oath will be administered before the certificate is delivered.

Hon. Mr. DANDURAND: No.

Hon. Mr. ROBERTSON: Now, let us see. In section 4 of the Act, subsection 4, that my honourable friend has just quoted, we read:

> A certificate of naturalization shall not take effect until the applicant has taken the oath of allegiance.

Therefore, under the law a certificate cannot be forwarded to the applicant; that is clear. Now, who is it going to be forwarded to? It cannot mean the postmaster; it must be some official authorized and qualified to administer oaths. So that we get back, in the actual operation, to the amended Act. In its real operation the applicant will finally have to go to the county court house or some central point where an officer qualified to administer oaths is to be found.

So much for that side of it. Now we come to another phase of the question upon which one perhaps hesitates to be too definite; but in years past I have had the pleasant privilege, which I think was a most useful one, to have reasonably accurate and intimate knowledge of all parts of Canada, and it has been conspicuously true that advantage has been taken of the new settlers in Canada, from the political standpoint, many and many a time. I am not accusing any particular party or Government, but it is in my opinion the duty of Parliament to throw all possible safeguards around the newcomer that he may become an independent citizen and not a subservient one. Therefore I draw the House's attention to this fact, that under the law as it would be if this Bill were adopted things could happen that cannot happen now.

If I remember correctly, one of the things done as a result of the investigation that my honourable friend referred to a few moments ago, made by the Government of which I happened to be a member, was to increase the length of time between the application and the granting of the certificate, so that just prior to a general election, for example, it would be impossible, or at least much more difficult, to naturalize a whole lot of people. There was a further check in the law requiring the name of the applicant and the fact that he was applying for naturalization to be posted in the office of the County Clerk three months before the certificate could be granted. If a general election or a by-election in the riding were in the offing, what would happen? Any person interested from a political standpoint could go to the County Clerk's office and there he would see the list of the names of all persons who were seeking to be naturalized as citizens of Canada, and it was the easiest thing in the world to check that list against the voters' list and see whether any person included in the voters' list was a naturalized citizen.

But what may happen now? I do not say it will happen, but what could happen is this. No man can go around to all the post offices in a constituency and check up all the lists in all those post offices and then, with the information thus gathered, examine the voters' lists in all the ridings. That would be impossible. Therefore it is entirely within the bounds of possibility that men may come forward and swear that they are naturalized citizens, without knowing the nature of the oath that they take. Men may be given the franchise who have not taken the oath of allegiance to His Majesty and who have no knowledge of the fact that they are violating the law or taking a false oath. Surely it becomes the duty of Parliament to place as many safeguards as possible around the people

whom we solicit to come to this country, whom we bring here in the hope of making them citizens, to replace, if you please, the Canadian-born citizens who in larger numbers, during the same period, have emigrated elsewhere. It is a serious question from the standpoint of the standard of Canadian citizenship in years to come, and I say to you in all earnestness that if this House passes this Bill you are in my opinion dealing a blow at the improvement of the standard of Canadian citizenship and enabling a log-rolling process to be introduced and put into operation at election time if any Government in power should so determine or desire.

I want to say this in passing, that I know whereof I speak. During an election in a certain constituency in Western Canada representatives of a provincial government went up and down that constituency telling those poor foreigners, who could not speak either English or French, "Unless you vote for such a party you are going to lose your title to your land." In my humble opinion that sort of thing is absolutely contemptible and ought to be punishable by law.

Are we going to encourage abuses? Are we going to open up further avenues whereby abuses of this sort may be perpetrated upon an innocent, unknowing alien population, whom we ought to endeavour to educate to higher standards of citizenship instead? I am opposed to the adoption of the Bill.

Hon. W. B. WILLOUGHBY: Honourable gentlemen, I propose to make but very few observations on this Bill. I would not say anything but for the fact that was indicated by the honourable leader of the Government when he pointed out to the House that undoubtedly a very large number of applications coming before the Department will come from the newer parts of the West. That is particularly true of the rural parts; and I dare say that in the growing towns in the province of Quebec, and particularly in the city of Montreal, where there is a considerable foreign immigration, and also in the city of Toronto, the same observation might be made as I would apply to Western Canada.

The honourable gentleman from Welland (Hon. Mr. Robertson), who has just taken his seat, has dealt with this question rather extensively and very ably, as is usual for him. This will cut very short the observations that I shall make.

There is no question at all that the present Act is a wonderful improvement on the Act which preceded it, and which was surrounded with very few safeguards and certainly was worked in the Western country, and, to be perfectly frank, by both parties, to their political advantage at election time. The Act lent itself to that. We know where canvassers and perhaps certain candidates, not very scrupulous, went about the country with certificates of naturalization in their pockets, to be delivered to the voters only in case they voted right. The present Act is a great advance on that. It was a gesture of Imperialism, to which I respond. It was found desirable that the conditions for naturalization should be similar throughout the great British Empire, and the present Act has undoubtedly been drafted with that end in view. As has been pointed out very properly by the honourable leader of the Government, this does not take away the Act that already exists. If you want to have your naturalization as a British subject good anywhere you must come in under the new Act. Many of us who live in the West have had occasion to re-naturalize, if I may say so, persons who had already been naturalized under the preceding Act. I myself have had personal experience of that in many cases.

Hon. Mr. DANDURAND: And then, for the renaturalization, the honourable gentleman applied directly to the Secretary of State.

Hon. Mr. WILLOUGHBY: Yes, under the new Act. All the safeguards that the Secretary of State has now adopted, as described very fully, not only in the speech of the honourable Leader, but also in the Committee by the Deputy Minister, namely, the procedure of referring to the Mounted Police and also to the Immigration officers for fuller information on the history and conduct of the person seeking naturalization, can of course be used under the present law, whether we amend it or not.

Hon. Mr. DANDURAND: They are being used.

Hon. Mr. WILLOUGHBY: Yes, they are being used now. It is sought to amend the law because the primary step of proceeding before a judge is considered to be no longer necessary. To that opinion I do not adhere. I think that in the eye of the foreigner coming to this country, particularly the foreigner unfamiliar with our language and our customs, the most impressive part of the whole ceremony is the appearance before the local judge, who represents in the district the majesty of the law. The immigrant has come from a country where judges have perhaps more drastic powers than in Canada, but in any event, to the newcomer and to the people of the whole circumscription in which he lives the judge

typifies the law and the power of the law, and I think it would be a very retrograde step to change the Act by eliminating that portion which makes necessary the reference to the judge. It may be perfectly true that some district court judges rather cavil at this work being thrust on them, thinking it to be purely administrative work. It is said that some of them assert that they are not the people to judge of policy. It is very easy however, for a judge to say—all that he is required to say—whether the applicant for naturalization understands English or French, and whether he is of good character or not. The judge himself should have if he wants it, and there could be if it were necessary, a departmental regulation that he should be supplied with it, all the information accumulated by the Secretary of State, both from the Mounted Police and from the Immigration Department, and he could pass finally on it. The Department of State might provide a certificate in such a form that it would have perhaps more dignity in the other Dominions. I say that the judge himself, just as he was the authority dealing originally with the application, could be the final authority giving the certificate, without ever referring to the Secretary of State at all, and the certificate would be valid throughout the world. Or it might be desirable—it is not provided in this Bill—that the judge's certificate coming to the Secretary of State should be replaced, for the purposes of a person travelling abroad, and for recognition throughout the British Empire, by a certificate from the Secretary of State, who would act on the judge's certificate.

I do not think the ordinary judge in Canada treats the immigrant's application as a joke. Very far from it, in my opinion. There may be some captious judges. We lawyers in practice before the courts, from the lowest to the highest, find that some judges are of more pleasant temperament than others, but I would certainly stand up for the dignity of the Bench and say that all judges in Canada recognize their judicial functions and in granting naturalization are acting bona fide and with reasonable care.

In consequence of the speech of the honourable gentleman from Welland (Hon. Mr. Robertson) I will not reiterate objections which he has already expressed. I do think that the Act at the present time could be used politically. I am not saying that it is being so used. The Deputy Minister is a gentleman with whom I have long been acquainted and in whom I have great confidence, but he himself has said frankly, in the Committee, as you would expect him to say, that owing to the manifold duties of his office and the numerous applications for naturalization, it is only isolated and new cases that are referred to him. I cannot say whether any one of his subordinates in that Department is not ready to play politics. I am not going to say that any of them do.

Hon. Mr. DANDURAND: They are all nominees of my honourable friend's party.

Hon. Mr. WILLOUGHBY: I presume that the ordinary Conservative when he gets into office sheds his politics.

Right Hon. Mr. GRAHAM: Are there ordinary ones?

Hon. Mr. WILLOUGHBY: But I am glad to find that they are such a good, surviving lot that all of them appointed by the preceding administration are still on duty. I wish they may live long, if that be the case.

Hon. Mr. DANDURAND: I learned when we met in Committee that the Chief of the Branch is the brother of a former Secretary of State; if I am not mistaken, of Hon. Mr. Coderre.

Hon. Mr. WILLOUGHBY: In any event the granting of applications is capable of political control. I will tell you how it might be exercised in a large way; and this would be quite obvious to those who know more about politics than I do.

Hon. Mr. ROBERTSON: Better not tell them. They may not know.

Hon. Mr. WILLOUGHBY: For the benefit of the innocent leader of the Government I will say that all that has to be done is to give an intimation to that office that it need not be too precipitate in the issuing of the certificates, or, on the other hand, that it should hasten them. Suppose there is a by-election pending and there are in the constituency many foreigners who could become voters if they were naturalized by the Secretary of State. Suppose the pressure of business in that office were so great that it was not possible in the ordinary course of affairs to issue certificates of naturalization with any too great promptitude.

Hon. Mr. DANDURAND: But they could be delayed under the present Act.

Hon. Mr. WILLOUGHBY: Quite true. It can be done under the present Act, but we have a sefeguard to some extent. But, just to complete my thought, let us suppose, on the other hand, that a certain party hoped

to benefit by the very prompt despatch of certificates from the office of the Secretary of State, it being thought that the foreign vote was favourable to the Government. In a constituency of the sort I have in mind appeal is always made to the foreign vote; and, unfortunately, this Government, as we well know, has to-day the vast majority of the foreign vote of Canada. It has 95 per cent of the foreign vote in the whole of the Prairie Provinces.

Hon. Mr. DANDURAND: I am happy that such a certificate is given of the good treatment we accord them.

Right Hon. Mr. GRAHAM: I am surprised at the five per cent.

Hon. Mr. WILLOUGHBY: What I am surprised at is that we have any. Government officials regulate these matters, but I do not think we should expose them to temptation by giving them a power which some Secretary of State or some other Minister over in the House of Commons may urge the Department to use politically. As my honourable friend (Hon. Mr. Dandurand) has said, this can be done under the Act as it stands at present, but you have a great safeguard in the fact that the public of the whole district where the man resides know that he has gone before the judge of his district and made an application, and the judge has sent in a certificate recommending him. That is something very important, which would be known locally, and then the candidates and all the people interested in that electoral district, if there is a delay, would want to know why the Secretary of State is not performing his duty by issuing the certificate. If you have not that preliminary inquiry on the part of the local judge, the Department at Ottawa may stall the applicant off indefinitely, saying that they are making inquiries about this, that and the other thing, and the certificate comes or does not come just as it suits the Department, or—shall I say?—as it could suit the Department.

Hon. Mr. ROBERTSON: Or they might go to the opposite extreme.

Hon. Mr. WILLOUGHBY: Yes, either one extreme or the other, just as it suits the exigencies in a particular county.

I am not going to impute bad faith to the honourable gentleman in bringing in this Bill. I have never done so to any set of gentlemen who sat opposite me anywhere. I must give credit to my honourable friends for desiring to legislate in the best interests of the country and the best interests of the foreigners coming here and desiring naturalization, but I do think that the Government are taking the wrong route, and that what they are proposing to do by this Bill is an extremely retrograde step.

Hon. L. McMEANS: Honourable gentlemen, as one of the members of the Banking and Commerce Committee I listened to the explanations given by the Under-Secretary of State, which were very plausible. I would acquit him of any ulterior motives in framing this Bill: I think he did it for the purposes of administration. But there is a difference between departmental administration and the public spirit or the public welfare. If we had an autocratic form of government the Bill devised by the Under-Secretary of State would probably be the very best method that could be adopted, but the conditions in Canada are entirely different. In addition to the objections against this Bill urged by the honourable member from Welland (Hon. Mr. Robertson), there is about it a feature that strikes me as still more objectionable. I refer to the fact that the taking of power from the judges and the centering of it in the Secretary of State is a retrograde move. As a matter of fact we know that the Liberal policy was always different from that: it was the policy of Liberalism that you should not give to a government autocratic power. I would like to draw the attention of the honourable Leader of the Government to an article which appeared in the Manitoba Free Press, discussing this Naturalization Bill. As the Manitoba Free Press is the leading Liberal paper in Canada, I should think its opinion would have some effect. I need not read all the editorial, for it is too long, but it winds up in this way:

> It is perhaps desirable that the Secretary of State should have the final word as to who is eligible to become a Canadian citizen, or in a broader sense, a British citizen. Leaving the matter of naturalization with the courts need not deprive him of that right. The situation might best be met by having the Secretary of State lay down the rules, regulations and tests governing naturalization, and that these should be applied by the courts of the country or by such other officials who might at all times be above suspicion of political partisanship or motives. The final papers could be passed upon by the Secretary of State. This would leave the final power in the hands of the Secretary of State, but the machinery provided for carrying out the details would act as an automatic check on any misuse or abuse of the Governmental authority.
>
> We imagine that the bulk of the Canadian people would prefer to leave the matter of naturalization in the hands of the courts, with reasonable and sensible tests to bring out the applicant's fitness, or lack of it, for Canadian citizenship.

That is from the leading Liberal newspaper of Canada. There is a similar editorial in the Winnipeg Tribune, urging that this matter be left to the courts. As Winnipeg is the gateway of the West, I think these papers express the sentiments of the people of that country, and that their opinions are worthy of consideration.

One serious objection that I have to this Bill, entirely apart from what I have said, is the secrecy of the proceedings. The papers are all sent to Ottawa, and if anyone desires information, how is he to get it? It is purely autocratic, and I cannot see how the honourable Leader of the Government can congratulate himself upon introducing a measure of this kind. What did Sir Wilfrid Laurier say when the Act of 1914 was introduced? He moved that the Bill be referred back to Committee, and this is the statement he made at that time:

> We have given the courts of law the power to determine that question, and we have provided that the applicant must come before the court and give evidence of his character; that the judge may, if not satisfied with the proof placed before him, ask for further evidence, and that there may be a trial before the judge as to whether or not the applicant is a fit and proper person to be a British subject.

Further on he says:

> The judge determines the question, and then the matter is not finally disposed of, but is referred to the Secretary of State, who, purely arbitrarily, without giving any reasons, but simply of his own will, may or may not grant a certificate. Such a disposition is absolutely repugnant to the spirit of our institutions.

Sir Wilfrid Laurier objected to the Secretary of State having the final word. He thought that was repugnant to the spirit of British institutions. I do not desire to take up too much time on this subject, but I do want to object to the Bill on the ground that it gives this arbitrary power to the Department to grant naturalization or to refuse it, as it sees fit.

Something has been said about the political effect that this legislation will have. I do not suppose the honourable gentleman has any desire for that sort of thing, but nevertheless the Bill lends itself to political manipulation. Anyone can go out into the country and say to these foreigners: "The Government of Canada is all-powerful; they are the only ones who can naturalize you, and if you do not do as they say, you cannot get your naturalization." We know what has taken place in the West, and how homestead inspectors have gone out with patents in their hands and have said to people: "Unless you do so and so, you will not get your land." That was done in Manitoba, in Alberta, and in Saskatchewan. While the gentleman who drew the Act may never have thought of it being used in that way, it can be so used, and will be so used.

I do not think the Bill is an improvement on the old law. I think the taking of the oath of allegiance should be surrounded with more form and ceremony, and that the oath should be administered by some high official. There is not a boy of twenty-one years of age who cannot to-day get a commissioan to issue affidavits. Every lawyer and law student can be appointed a commissioner to take affidavits, and when someone walks into their offices to take an affidavit they say: "All right, sign it there," and that is the end of it.

Hon. H. W. LAIRD: Honourable gentlemen, I want at the outset to pay a tribute to the honourable the Leader of this House for the able presentation that he has made on behalf of this Bill. I am sure that if there was anything more to be said, he would have said it. In my opinion he has overestimated the advantages which will accrue under the new Bill, while at the same time he has magnified the disadvantages under the old Bill.

Now, it is not my purpose to go into details which have been covered by honourable gentlemen who have preceded me, but I wish to devote a few moments to some of the high lights which are apparent to me from the proceedings in the Committee which considered the Bill, and from the discussion which has taken place to-day. When the whole substance is boiled down, it seems to me that it presents two particular high lights, one of which is the proposal to transfer the authority of the judges to a Minister of the Crown. The argument used in support of this change was that, in the first place, the judges are dilatory in their duty, or at least not very efficient in the service they perform. Coming as I do from Western Canada, and having lived there a great many years, and having had an opportunity to observe personally the actions of the judges in the courts, I cannot agree with that suggestion. On the contrary, I think I can safely say from my own observation that the judges of Western Canada, or at least those in the Province of Saskatchewan, are giving very close personal attention to this very question. On innumerable occasions I have seen applicants come before the judges there, and have heard them interrogated as to their knowledge of the language and their right to citizenship, as required under the present law, and almost invariably the judge has given intelligent consideration to the duties that he is called upon to perform. It may be that some judges do not do this; that in other parts of the country, in the larger industrial centres

in Eastern Canada, for instance, where large numbers of applications are placed before a busy judge, he does not give the consideration which he should; but as far as the West is concerned—and that is where the large bulk of the foreign population are seeking a home, and where, naturally, the number of applications for naturalization is large—the judges have a true appreciation of their duties, and are fulfilling them efficiently and well.

It has been said, if not in this Chamber, in another place, that the distances in Western Canada are too great to ask people to travel in order to appear before a judge to become naturalized. Anybody who knows anything about Western Canada knows that we have more judges, particularly in the District Courts, than can be kept busy with their ordinary work. They have no end of time to spare. I was told by one of those judges that he could perform in three weeks all the duties that devolved upon him in a year, and he was seeking to be sent to other parts of the country in order that he might have something to occupy his time. Nobody can tell me that in Western Canada we have not enough judges to attend to the naturalization of those who desire to become citizens.

It is now proposed to transfer these duties from the judges to the Secretary of State, with headquarters at Ottawa. In reply to the objection that the Bill imposes the responsibility upon the Secretary of State alone, it is said that under the present law he is the final authority. It is true that he is the final authority, but we must bear in mind that, although he is now the final authority, when the applications come before him for final decision he has staring him in the face the recommendation of the judge who has examined these men personally, and who has subscribed in writing over his own signature as to their fitness for naturalization. To my mind that is a very different thing.

Now it has been argued, and it may be so, that we ought to have confidence in the Minister, and in his Deputy, to administer the law fairly and without any partisan bias. I agree with that, and if we only had to consider that these applications were to come before the present Minister and Deputy Minister, we would perhaps voice no serious objection. But we must remember that Ministers change and that Deputy Ministers change. It may be that next year Mr. Mulvey will not be occupying the position which he occupies to-day, although we hope he will; it may be that the Minister in charge of the Department at present will not be officiating in his present capacity. It is possible that the Postmaster General might be transferred to the Department of the Secretary of State, and then we might not have so much to hope for. Even Governments change. It is within the range of possibility that within a few years, possibly a very few years, we may have a Conservative administration in this country, and a Conservative Secretary of State carrying out the administration of the new Act. What would happen in that case? Would we want the enormous power granted in this Bill to lie in the hands of a Conservative Minister? I appeal to the Leader of the House to say how he would like to have the powers given in this Bill rested the hands of a Conservative occupying the position of Secretary of State?

Hon. Mr. DANDURAND: They are no greater than the present powers.

Hon. Mr. LAIRD: I do not think that is a complete answer to my question.

Then there is another feature. We have before us this Bill, but we must bear in mind that in addition to it, and supplementing it, there are certain regulations—and they are voluminous and important—covering the details of its administration; and it is in the regulations which have been and which will be made that we possibly have a great deal to fear. We have not seen those regulations, and we may not see them until we have to face them in practical effect.

There is a second high light to which I wish to refer for a moment, and that is the elimination of any method of protest under the new Bill. As the law stands to-day, opportunity is given to anyone to object to the naturalization of any applicant. It may be that such a person possesses informaion which, if it came before the judge, would result in him refusing naturalization. But under the new law the whole question is dealt with in Ottawa, and no opportunity for protest is given; and if a letter of protest were sent to the Secretary of State he would have no opportunity of seeing either the applicant or the person making the protest, in order to get information to guide him. These are two of the main high lights that appear from a boiling down of the discussion that has taken place in Committee and in this House.

We have been told that our fears are groundless with regard to any manipulation of the lists of applications for naturalization in the office of the Secretary of State. Well, that is all very well for those who have had no occasion for fears in the past; but those of us who have been brought face to face with hard, cold facts in connection with political manipulation, feel that we have very good reason for apprehension at the present time. For twenty-five or thirty years, since new

people have been coming into Western Canada, they have been told that certain political parties have brought them to this country; that certain political parties have given them their lands; that if they did not exercise their franchise in a certain way their lands would be taken away from them. There is no secret or question about that, it has been done; and now when it is proposed to put in the hands of Government officials, no matter of what Government it may be, the power to say "We gave you your naturalization, we made you a citizen, and you have to do as we say," it is asking too much of those of us who in the past have seen the electorate manipulated by discreditable and false means.

Under these circumstances, I am opposed to the Bill, and I move, seconded by the honourable gentleman from Manitou (Hon. Mr. Sharpe):

That the Chairman do now leave the Chair.

The proposed amendment of Hon. Mr. Laird was agreed to: Yeas, 38; nays, 20.

DIVORCE BILL (ONTARIO)

INQUIRY

Hon. Mr. McMEANS: Perhaps the honourable leader of the Government will inform the House what attention is to be given to our Divorce Bill that has been sent up from this House on two occasions, and the progress of which through the House of Commons has been stopped by the Government not allowing it a place on the Order Paper so that a vote could be taken. I think it is a serious thing for this House and the country, after the Bill has been passed twice. Last year the excuse was that it was too late. This year we got it down at the very beginning of the Session. The Bill is of vital consequence to the country and this House and I think we are not being treated with fairness.

Hon. W. B. ROSS: Honourable gentlemen, I have been silent on this question all this winter, but I feel very much moved to speak about it. Of course, I had more than a passing interest in it, because at one time I introduced the Bill, and I remember very well that it passed in this House by a very large majority; but for some reason or another it was smothered in the other House. That has gone on from year to year.

Hon. Mr. DANDURAND: It was not smothered under a vote.

Hon. W. B. ROSS: But there are more ways of killing a cat than by hanging it, and I think that old saying perhaps applies to this Bill. But it is not fair to the great province of Ontario. When we passed this Divorce Bill here the first time, we carefully considered Quebec, and left that province out entirely. The larger number of divorces that are heard by our Committee come from the province of Ontario, and there are half-a-dozen reasons why this Bill should receive attention. The people who come here complain of the expense, when their cases could be heard in their own county towns. Then, looking at it from the public point of view, it is a disastrous thing that we have not a Divorce Act.

There is an impression in some quarters that by having a divorce court the number of divorces would be increased. I do not see very well how the number of divorces in this province is going to increase beyond the limits they have now reached. I should hope that they have got to the maximum.

There are difficulties about Parliament dealing with divorces. I say that from the fact that I sat on the divorce committee of this House for about eleven years. Honourable gentlemen who are conversant with the Divorce Courts in the old country—taking them just as an example—know that no divorce is granted there in the first instance. The case is heard and there is what is called a decree nisi, and the case stands for six months; then if it is confirmed the decree of divorce becomes absolute. If it is not confirmed, of course the case goes by the boards. Now, that is a tremendously important thing, because there is this peculiarity about divorce cases, as well as other cases, that people who are conversant with the facts, when the case comes up in court, for some reason—I think largely for personal reasons—are quite silent, and give no information at all, but as soon the case is tried they begin to talk; and it is a fact that in England very many divorces where the decree nisi issues are annulled at the end of six months. We have no provision of that kind at all here.

In my experience in this Chamber I remember one case that got through, but if the Divorce Committee had known, before we granted the divorce, what we learned within a fortnight afterwards, we never would have allowed the divorce. There was collusion, but it was so well disguised that the whole Committee was deceived. Now, that is not only quite possible but probable, and I believe it does happen. That is one of the things that the Bill would do a great deal to head off.

The second thing about those divorce petitions in the old country is, that the cases

are watched by one of the law offices of the Crown, called the King's Proctor, on behalf of the Government. If we had a divorce court, I think that would follow as one of the features of the court. At present there are two parties to each case, the petitioner and the respondent, but this would bring in a third party who would be quite indifferent to either the petitioner or the respondent, and who would look at the case entirely from the point of view of public interest. I believe that a divorce court, if modelled on the English Divorce Court Act, would not only ensure a tendency, but a certainty, of substantial reduction in the number of divorces that are granted.

There is another weak spot in dealing with divorces in this Chamber, and it is this. I never could devise any method by which, when a petition was being heard before the Divorce Committee, we could get extra-territorial evidence; yet every now and again there was need for such evidence. I remember one case in particular where a party living in Hong Kong would have been a very material witness if we had any machinery for getting at him, or examining him there; but we cannot issue a commission for taking evidence elsewhere. The court could do that, and could issue a commission into any part of the country.

Then, again, the present method becomes very onerous. Take that very case mentioned; besides failing to get the evidence, there would be the cost of getting it by bringing a witness here. We have no law to compel a witness to come, but even if he came voluntarily the charge would be very heavy.

I regret, as much as any member of this House, that there should be divorces in the country. Of course, a divorce is only a symptom: there is always something back of it which is very regrettable. But we have divorces, and if we can minimize them, and impose greater precautions against collusion, and supplement the powers of the Senate by passing the whole matter over to the Courts, which of course have very much wider machinery than we have, we would be doing a good thing, even assuming that divorce is bad.

An Hon. SENATOR: What about alimony?

Hon. W. B. ROSS: That is aside of the question, but I am looking into the heart of the problem as closely as I can. If I thought a Divorce Court would increase divorces, and bring the marriage laws into disgrace, or turn them into a farce, I would be the last man in this House to ask for a Divorce Court. But everything points to a Divorce Court, which has very substantial powers, and has not the evils that are attendant upon divorces as granted by the Senate. That is not the fault of the Senate. If you have no arms you cannot reach out.

Now, I do not think that we are quite rightly treated in this House. Of course, the gentlemen have their rights: if they bring up the Bill, and vote it down, that is their sovereign right. I think no one in this House would complain for one minute about that; but to keep the Bill back, and avoid a vote, is not fair play, and the time is coming when some issue will have to be raised with the other House, in which they will have to do one of two things, either pass the Bill or reject it. That is their right, but it is simply intolerable that this present position should continue, and I do not think that this House should very long put up with it.

Hon. Mr. WILLOUGHBY: I am not going to speak on the subject of divorce but rather of the Bill. I introduced the Bill into this House, and it passed last year, as it passed this year, without anybody opposing it. It was rather well on in the Session last year, and it was my intention at that time to have some gentlemen in the other House become sponsor for the Bill there. I had in view a very desirable gentleman to propose it, but it was learned that the Minister of Justice was about to go, as he subsequently went, to the opening of the Australian Parliament at Canberra, as a delegate from Canada. It was suggested to me, and I quite acceded to the view, that perhaps it looked to be not the proper thing to do, to introduce a Bill of that kind in his absence. That view was advanced by friends of that Minister, and I acceded to it. That is the reason why we did not actively proceed with the Bill last year. Had the Minister of Justice been in the House during all that Session the Bill would have been proceeded with.

Hon. Mr. DANDURAND: Honourable gentlemen, I will make it my special duty to draw the attention of the Prime Minister, and also the Minister of Justice, whose name has just been mentioned, to the situation as brought to the attention of this Chamber by the members whom we have just heard.

Perhaps it is not in the proper form, or in conformity with the rules of either Chamber, that one should criticize the other, but I simply desire to state this, that the new rules for the management of the debates in the other Chamber seem to have left too little time for private legislation, also for public legislation promoted by private members. I

understand that the state of things just now in the other Chamber allows private legislation only two hours a week, one hour on Tuesday or Wednesday, and one hour on Friday, for disposal by that Chamber, and that the public bill which is now referred to stands behind that private legislation, and can only be reached when the private legislation is disposed of.

Now, it so happens that with the new regulations it clearly appears that the majority in the House of Commons is no more the master of the situation. Half a dozen members can dictate their will to that Chamber.

Right Hon. Mr. GRAHAM: One can.

Hon. W. B. ROSS: One has.

Hon. Mr. DANDURAND: I say six members, because there is only an hour for the discussion of private legislation and for public legislation initiated by private members. The question is, will this free country, blessed with democratic institutions, permit a condition of things where the will of the majority cannot be made to prevail? These rules, having been tested, will probably need revision. It is for the Commons to decide.

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

THE SENATE

Thursday, May 31, 1928.

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

Prayers and routine proceedings.

KENT NORTHERN RAILWAY

On the Notice:

By the Honourable Mr. Bourque:—

That he will enquire of the Government:

1. Have negotiations been reopened for the acquisition of the Kent Northern Railway, and if so, with whom?
2. When were negotiations reopened?
3. Is there any correspondence on the subject, and if so, first, with whom; second, what are the respective dates of letters and telegrams on the subject?
4. Is the Government aware that the people of the districts that said railway serves are compelled to pay excessive rates as compared to Canadian National Railways rates?
5. What action has the Government taken to carry into effect regarding this railway the following recommendation of the Royal Commission on Maritime claims (Duncan Commission, page 41, section 31):—

"Kent Northern Railway.

Representations were made to us on behalf of the population of the area covered by the Kent Northern Branch Line Railway, as to the prejudice being suffered by reason of the unsatisfactory service rendered by that line. It appears that at various times proposals have been made that the Government acquire this property and at one time negotiations had reached the point where provision was made by Appropriation Act, No. 2, chapter No. 52, Statutes of Canada, 1918, for its acquisition at a price of $60,000, but as this was not acceptable to the owners the sale was not consummated. It was represented to us that the present was an appropriate time to reopen negotiations on that basis and we recommend that this be done."?

Hon. Mr. DANDURAND: Stand.

Hon. Mr. BOURQUE: I would like to ask the honourable gentleman if there is any possibility of getting an answer to this inquiry.

Hon. Mr. DANDURAND: The last time I inquired, the Secretary of the Department was to send me an answer shortly. I had it in mind to draw the attention of the Minister of Railways to the inquiry this morning. I shall do so to-morrow, and I have strong hopes of obtaining an answer for my honourable friend by Tuesday.

IMMIGRATION RESTRICTIONS

Hon. Mr. DANDURAND: I see that there are no Orders of the Day; but before moving for the suspension of the sitting till 8 o'clock this evening, in order that the Committee on Pensions may have an opportunity of making its report, I shall read the answer which I received from the Immigration Department in reply to the inquiry of my honourable friend from Alma (Hon. G. G. Foster). It is as follows:

Referring to the discussion in the Senate yesterday with regard to an application for the admission to Canada of one W.— and wife to join relatives in Montreal, in which the statement was made that the Department required a $5,000 bond before entry could be allowed, I am submitting below the facts as appearing on Departmental file:

One W.— applied to our Agent at Liverpool, England, to be allowed to proceed to Canada to join his father, a resident of Montreal. His previous occupation was cotton weaver and he expects to do "light work" in Canada. On being medically examined he was certified as follows:

"W.— aged 40 years, is certifiable under Sec. 3, s.s. (c) of the Immigration Act, on account of poor physique and doubtful constitution. The applicant is under-weight, pale and anaemic looking. There is a mitral systolic murmur and tachycardia, evidencing a deranged action of the heart. The applicant gives a history of being subject to frequent colds. He must be considered a poor physical risk."

The case was submitted to the Department by the Director of European Emigration, London, for investigation of the settlement arrangements. It was established that the relatives in Canada were in a position to receive the applicant and his wife.

Section 3 of the Immigration Act reads as follows:

"No immigrant, passenger or other person unless he is a Canadian citizen, or has Canadian domicile, shall be permitted to enter or land in Canada, or in case of having landed in or entered Canada shall be permitted to remain therein, who belongs to any of the following classes, hereinafter called "prohibited classes":—

"(a) .....

"(b) .....

"(c) Immigrants who are dumb, blind, or otherwise physically defective, unless in the opinion of a Board of Inquiry or officer acting as such they have sufficient money, or have such profession, occupation, trade, employment or other legitimate mode of earning a living that they are not liable to become a public charge or unless they belong to a family accompanying them or already in Canada and which gives security satisfactory to the Minister against such immigrants becoming a public charge."

The medical evidence brings W.— within the provisions of the above quoted section. He is not coming to assured employment and his physical condition is such that some security is required against public charge liability. The father expressed a willingness to execute a bond of indemnity, as referred to in the section quoted. Admission was approved subject to the filing of the said bond. A blank copy of the bond form is attached hereto. The amount of the bond in this present and in other similar cases is $600, the sureties requiring to be property owners in Canada. The statement that the relatives in Canada have been requested to place with the Department a $5,000 bond is incorrect.

W. J. Egan

I also have the bond form which the right honourable the junior member for Ottawa (Right Hon. Sir George E. Foster) asked me to bring to the House.

Bond of Indemnity in the matter of.....
..... Immigrant.

Know All men by These Presents, that we,
(Name of Principal).....
of .....
(Name of 1st Surety)....., and
(Name of 2nd Surety).....
of .....
....., and each of us are held and firmly bound to His Majesty King George the Fifth, His Heirs and Successors, in the sum of.....dollars of lawful money of Canada, for which payment well and truly to be made we bind ourselves and our and each of our heirs, executors and administrators firmly by these presents, sealed with our seals and dated this..... day of.....A.D. 19....

Whereas.....is one of the immigrant passengers of the..... a vessel belonging to the..... Steamship Company.

And Whereas the said.....is proposed to be admitted into Canada and this bond is given under and in pursuance of the provisions of the Immigration Act.

Now the condition of the above written bond or obligation is such that if the above named boundens .....
(Fill in name in full of principal and each surety)
....

or any of them, their or any of their heirs, executors or administrators do and shall from time to time and at all times hereafter save harmless and keep indemnified His Majesty King George the Fifth, His Heirs and Successors, and the Government of Canada or of any Province in Canada and every municipality, municipal corporation, village, city, town, county and charitable institution within the same, from any expense or charge, for the maintenance and support of the said immigrant, and shall also save harmless and keep indemnified His Majesty King George the Fifth, His Heirs and Successors, the Goverment of Canada, and of any Province in Canada, and of every municipality, municipal corporation, village, city, town, county and charitable institution within the same of, from and against all and all manner of action and actions, claims, losses, costs, damages and expenses, which His Majesty King George the Fifth, His Heirs and Successors, and the Government of Canada, or of any Province in Canada, and of every municipality, municipal corporation, village, city, town, county and charitable institution within the same may sustain or incur by reason of the maintenance and support of the said immigrant, then this bond or obligation shall be void and of no effect, but otherwise shall be and remain in full force and effect.

Signed and sealed in the presence of ....[L.S.]
....[L.S.]
....]....[L.S.]

Province of .....County of.....

I,.....one of the sureties in the foregoing bond named, do solemnly declare:

To Wit:

1. That I am a resident of Canada, and that I am seized and possessed to my own use of real and personal estate in the Province of .....in Canada, of the actual value of.....dollars over and above all charges upon or encumbrances affecting same.

2. My post office address is as follows:
....

And I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of The Canada Evidence Act.

Declared before me at.....
in the County of.....
this .....day of .....A.D. 19..
....
....
....

Province of .....County of.....

I,.....one of the sureties in the foregoing bond named, do solemnly declare:

To Wit:

1. That I am a resident of Canada, and that I am seized and possessed to my own use of real and personal estate in the Province of .....in Canada, of the actual value of.....dollars over and above all charges upon or encumbrances affecting the same.

2. My post office address is as follows:
....

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of The Canada Evidence Act.

Declared before me at.....
in the County of.....
this.....day of .....A.D. 19..
.....
.....
.....
Province of.....County of .....
To Wit:
I,..... of the.....
in the County of.....Province of
.....do solemnly declare that I was personally present and did see.....
.....
.....
.....
(Names of principal and of two sureties)
the obligors in the foregoing bond or writing obligatory named, duly execute said instrument by signing, sealing, and as their respective acts and deeds delivering the same, and that I am a subscribing witness to such execution.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of The Canada Evidence Act.

Declared before me at.....
in the County of.....
this.....day of.....A.D. 19..
.....
.....
.....

CROP CONDITIONS IN THE WEST

Hon. Mr. McMEANS: I suppose the honourable gentleman has heard that there has been a very beneficent rain in the West since yesterday?

Hon. Mr. DANDURAND: I do not see the honourable gentleman from Regina (Hon. Mr. Laird) in his seat, but I presume he has learned that the prayers of the Government have been answered, and that since yesterday rain has fallen in Saskatchewan.

At six o'clock the Senate took recess.

The Senate resumed at 8 o'clock.

PENSION BILL AND RETURNED SOLDIERS' INSURANCE BILL

Hon. Mr. DANDURAND: Honourable gentlemen, the work of the Committee on Pensions, which is practically a substitute for the Committee of the Whole, since it has to deal with two public Bills, is not completed, and the Committee is not in a position to return the Pension Bill this evening. It has to consider also another Bill, respecting Returned Soldiers' Insurance. It has been suggested that we adjourn the House until to-morrow noon, because we may need to hold two sittings to-morrow, one in the afternoon and one in the evening; and, if necessary, we shall have Saturday as well. If there is no special objection to my suggestion, I will move that when the Senate adjourns this evening it do stand adjourned until to-morrow at noon.

Hon. Mr. DONNELLY: At what hour?

Hon. Mr. DANDURAND: At 12 o'clock.

The motion was agreed to.

The Senate adjourned until to-morrow at 12 o'clock noon.

THE SENATE

Friday, June 1, 1928.

The Senate met at 12 o'clock noon, the Speaker in the Chair.

Prayers and routine proceedings.

PENSION BILL

REPORT OF SPECIAL COMMITTEE

Hon. H. S. BELAND moved concurrence in the report of the Special Committee to whom was referred Bill 289, an Act to amend the Pension Act.

He said: Honourable gentlemen, I would like to submit for your consideration a few observations in connection with numerous amendments which have been made by the Special Committee. The Bill as brought to us from the House of Commons contains thirty-four clauses. Of these thirty-four clauses twenty-two have been adopted by the Committee without any amendment whatsoever. To the other twelve clauses amendments have been added, but many of these amendments have relation only to administration and are intended to clarify the present law. The clauses which appear to have attracted more attention, especially from the representatives of soldiers' organizations, are only four or five; as a matter of fact, the Committee have thought that the number might be reduced to four. These four clauses are 2, 7, 8 and 25, though I might add that section 31 is also of real importance.

With the permission of honourable members I will refrain from any attempt to deal with those clauses relating to administration and aiming to make the present law clearer, and will confine myself to clauses 2, 7, 8 and 25.

Section 2 has reference to the interpretation clause of the present law; the Pension Act,

I mean, of 1919. In the present Act the word "appearance" is interpreted as follows:

"Appearance of the disability" includes the reappearance of a disability which has been reduced sufficiently to permit the member of the forces to serve in a theatre of actual war.

This interpretation, it was contended, was not clear. There was considerable ambiguity about it. It was argued that in the case of a member of the forces who suffered injury or disease, who subsequently served in a theatre of actual war, and who was discharged to pension, if he thereafter married and if he ultimately died of the said injury or disease, his widow should be entitled to pension on the ground that, he having been returned to a theatre of actual war, there was no reappearance of the injury or disease until after the marriage, although as a matter of fact the man was actually pensioned for such injury or disease.

Furthermore the word "disability" was improperly used in the interpretation. Instead of the word "disability" the interpretation section should have used the words "injury or disease."

In 1920 the Statute was amended to read:

"Appearance of the injury or disease" includes the recurrence of an injury or disease which has been so improved as to have removed the resultant disability.

This interpretation has stood since the first of September, 1920, a period of almost eight years, and this is the first time after a lapse of eight years that it has been suggested that the interpretation should be enlarged to include not only the present interpretation, but also what we consider the ambiguous interpretation of 1919.

The attention of honourable gentlemen is directed to the fact that thousands who were boarded unfit and marked unfit served in the Forestry Corps and other non-combatant units far removed from the scene of hostilities, yet because they served in France, which is considered a theatre of war, all these cases would be included in the original interpretation. Those cases would also be included who had served in a theatre of war and were subsequently boarded unfit and were again returned to a theatre of war in a non-combatant unit.

Now let us pass to paragraph 7. This is a very important section: it has to do with the aggravation of an injury or disease which existed before enlistment. Your Committee particularly calls attention to the fact that any man suffering from a pre-enlistment injury or disease, if he served in a theatre of war, then is pensioned upon discharge to the total extent of his disability although a considerable portion of such disability may have been pre-enlistment. The present law provides that when a man suffering from a pre-enlistment injury or disease dies of this condition his dependents are pensionable if death is the result of the aggravation. The Pension Commissioners, in order to arrive at a definite policy in these cases, have for the past eight years adopted the rule that if the pension is fifty per cent of the total disability, then death shall be considered as the result of the aggravation. It was proposed in the present Bill to amend the present law to pension dependents when the aggravation of the injury or disease "substanially contributed" to the death.

It has been contended that pension should be granted in these cases even if the aggravation was not fifty per cent. It was suggested that possibly twenty-five or thirty-three per cent might be considered a substantial aggravation, but the observations on this point were rather indefinite, and it appears to your Committee that the wording of the amendment is likewise indefinite and ambiguous.

Furthermore, your Committee sees no good reason for adopting the present amendment, in view of the fact that all members of the forces who served in a theatre of actual war are actually pensioned to the total extent of their disability. The proposed amendment has reference to those who only served in Canada, or Canada and England.

Section 8 is also a very important clause. It deals with the date after which no application for pension may be made. Honourable gentlemen will remember that there is a limitation to nine years after discharge. The Bill as we received it from the House of Commons provided for the complete removal of any time limitation. On this clause the Committee after much consideration came to the conclusion that that should be granted, and the clause stands as contained in the Bill brought from the Commons.

Now, I am coming to section 25, which is considered perhaps the most important clause of the Bill. This section provides for the payment of a pension to a widow who married a member of the forces after the appearance of the injury or disease resulting in death. This is a fundamental and radical change in the pension law and one of momentous consequences. This section of the Bill was considered by the members of the Committee as extremely difficult of interpretation and also of application. The principle of the present law has been in force since June, 1916, a period of twelve years. Your Committee considers it inadvisable that any change of such a fundamental and radical nature should be introduced in the Pension Act. I feel,

however, honourable gentlemen, that though I have a certain knowledge of the soldiers' problems, I am not in a position to comment upon the action of the Committee in as clear a manner as you perhaps desire, and I have thought that one of our honourable members, who was also a member of the Special Committee and who has had an extensive experience with the soldiers' problems and was himself a distinguished soldier in the army, might supplement whatever I have said in connection with clause 25. I am reasonably sure that I may expect the honourable Senator from Edmonton (Hon. Mr. Griesbach) to deal a little further with this important clause 25, which has to do, as I have said, with the award or refusal of pension to the widow of a soldier who married after the appearance of his disability.

Honourable gentlemen, these are the only observations I think I should make in connection with the report of the Committee.

Hon. W. A. GRIESBACH: Honourable gentlemen, contrary to the popular notion, the history of pension legislation for soldiers is a comparatively short history. Prior to the Great War there were pensions, it is true, but they were limited in their scope and application, and the wars which preceded the Great War were also limited in the casualties that resulted. Pension legislation such as we have it to-day is of comparatively recent growth and may be said to date from about the year '15 or '16. All the nations who took part in the war have produced pension legislation, and there has been a great deal of liason amongst the various nations and much consultation on the part of each with regard to the law in other countries. In a general way the principles of pension law are fairly common throughout the whole world. We in this country have reference to British legislation, American legislation, and to the legislation of Australia, New Zealand, South Africa, and Newfoundland; and we also have occasion to look at French and German legislation. The pension law of all countries, and of our own in particular, is highly technical. Only a man with legal training can fairly grasp the principles involved. So technical is this particular subject, that it has almost attained to the dignity of a branch of the law. In addition to legal training, one ought to have some knowledge of the ex-service men and their problems to be in a position to thoroughly understand the law and its administration.

In dealing with this Bill the Senate Committee followed its usual practice, which is, first of all, to ask: What does the clause mean? How will it operate? and, What will it cost? These are the three avenues by which the Committee approached the various clauses of the Bill.

Now, I am going to discuss only one particular clause, and I shall endeavour to discuss it in such a way as to make clear to the House and to the country the reason for the action of the Senate Committee with respect to it. Since 1916, as my honourable friend the Chairman of the Committee (Hon. Mr. Béland) has pointed out, the principle underlying this particular section has been that a woman who married a man subsequent to the appearance of his disability was not entitled to a pension. In other words, in the case of a woman who marries a man knowing that he has a disability due to an injury received in the service, the country is under no obligation, since, in theory, she married that man knowing that he had a disability from which he subsequently died.

Hon. Mr. GIRROIR: May I ask the honourable gentleman a question? How would the woman know this? Only a doctor could know it.

Hon. Mr. GRIESBACH: That is one of the difficulties that I will touch upon as I go along.

The converse of that proposition is that the State owes something to the widow of a soldier whose marriage took place prior to the appearance of the disability. The policy of the law as laid down in 1916, was, I submit, to guard the State against the designing woman who married a soldier who had a disability from which he might die. The glaring example before Parliament at that time was the condition of affairs prevailing in the United States following the American Civil War, where, apparently, according to the law, the widow of a pensioned soldier was entitled upon his death to at least part of his pension, and where young women of eighteen, nineteen and twenty were marrying old men of eighty or so who were receiving pensions, and upon the death of whom they continued to draw pensions for many years. Now let me repeat. The policy of the law in Canada in 1916 was that a woman who married a man subsequent to the appearance of his disability was not entitled to a pension in the event of his death. The Bill as brought down proposed to change that principle, and to admit that a woman who married after the appearance of the disability was entitled to a pension. The argument in support of that can be briefly stated. There might have been an engagement to marry

previous to the enlistment of the soldier, an engagement which he was bound to carry out. Secondly, it might be, and it has been argued, that the country ought not to penalize a man who has earned its gratitude by suffering a disability during service, by refusing a pension to his widow in the event of his death. So we have before us these clauses which are intended to widen the scope of our legislation with regard to widows, and to alter the principle to which I referred a moment ago, by providing that in certain cases the widow of a pensioner who married subsequent to the appearance of the disability should be pensioned.

Now, the operation of our law in this particular regard, and the operation of this particular clause in the Act, calls for sympathetic consideration. I shall explain. A man to get a pension under our law must show that the disability from which he suffers is due to an injury which he received while in the service. I am not now speaking so much of the case of the man who lost a leg while in the service, and who was pensioned from the date of his demobilization, as of the case of the man who was discharged from the service apparently fit, and who, three or four years afterwards, developed a disability traceable to an injury received while in the service. If you like, we will take the case of such a man who, discharged physically fit in 1919, develops in 1923 a disability which he proves is due to an injury received while in the service, and who thereupon is awarded a pension by the Board of Pension Commissioners. In 1919 he is fit—nothing wrong as far as anyone can see; in 1920 or 1921 he marries; in 1923 he gets his pension, and in 1925 he dies and his pension ceases. Now the question is whether his widow is entitled to a pension. Under our law the question arises, first of all: Did he die of his pensionable disability; and, secondly, if he did, did the widow marry him previous or subsequent to the appearance of his disability? You will remember that I said that when he himself applied for a pension he had to show that the disability for which he was pensioned in 1923 was attributable to his service; consequently it had to be shown that his illness of to-day went back through his documents, through the evidence that can be produced, to the time when he was in the service, and that he suffered the injury or disease upon which his disability is based. Now comes the widow to claim a pension. She says: "I married him subsequent to the appearance of the disability, and he died of a pensionable disability." But the Board of Pension Commissioners already has on file the evidence upon which the pension was made to him, which shows that the disability from which he was suffering was incurred while in the service; and in the case of some diseases of the system it is stated by the law as interpreted by the Commission that the injury or disease appeared while in the service. Consequently the widow is not entitled to a pension, because she married him subsequent to the appearance of the disability.

Having regard to what I said, that the purpose of the law was to protect the State against a designing woman who married a man whom she knew was going to die, in order to get his pension, 99 people out of 100 must have it in their minds that it was knowledge on the part of the woman, or appearance to the woman, that was meant in the law. But that is not so. What is meant by the law is the pathological appearance of the disease. The pathological appearance can scarcely be known to the woman; she marries the man thinking he is all right. But a pension has been granted to this man because his disability was due to service; and when she applies for a pension she is told that she married him subsequent to the appearance of the disability, because it was upon evidence of that disability that the pension was granted to him. What it comes to is this: the evidence upon which the pension is granted to the soldier himself is the very evidence that precludes the woman from getting a pension.

I venture to say, while not disclosing what was said or done in the Committee, that the members of the Committee were very sympathetic towards that situation. I think the members of the Committee realized that there was in the law a form of injustice to widows in this category, and that they would have liked to find a formula of words which would to some extent deal with the situation. But the difficulty was to find the formula. Now, if we take the Bill as brought down, we find in section 25 an attempt upon the part of the members of a Select Committee of the other House to deal with the situation, and in subparagraphs 1, 2, 3, and 4, they go into particulars as to the means whereby a woman who has married a man after the appearance of his disability may come in for a pension. But upon applying our three tests to these clauses what do we find? First, we find difficulty in understanding what they mean. Again; when we seek to ascertain how they would operate, we find ourselves confronted with difficulty, because, for instance, one of those clauses provides—I am just quoting it in a rough way—that a woman may have a pension if she has gone to the Commission and received a certificate from the Commission

that the man was not likely to die of his pensionable disability. Well, it is obvious to anybody that no medical man is going to give a certificate that a person will not die of a particular disease. I cannot see the use of passing a set of clauses which purport to give relief, when, with the knowledge that we have of how reasonable professional men will interpret the law, we know that they are no good at all. It would be a mockery, in my judgment, to pass these clauses which we have difficulty in understanding and applying, and when we know, at least, that under them it is impossible to give any benefit at all.

On the other hand, if an interpretation is given to the clauses which might be given, and if the clauses are administered as they might be administered, from the information that we had before us, it is alleged that the cost to the country would be $1,400,000 annually. I do not think the Committee shied so much at these clauses because of the amount as because they could not understand them, and could not believe that they were workable if they did understand them.

We then sought some alternatives. We had a clause sent to us by an honourable gentleman in the other House to take the place of these clauses. To that the Committee gave most careful consideration. While it was clearer than the clauses in the Bill, it nevertheless laid upon the Board of Pension Commisisoners the task and the duty and the responsibility of interpreting a clause which left the whole matter somewhat in this situation: that Parliament would be passing a clause which pretended to ameliorate the condition of those widows, but under which the Commission would be unable to grant relief. We would then stand before the country as persons not realizing the importance of what we were doing, or as placing the Commission in the position of not granting the amelioration which Parliament intended. In either case the situation is bad.

Then we had before us another clause. That clause was vague and indefinite, and what the Commission might do under it no one could say. Again we found ourselves in much the same position.

Perhaps it would be well to put these clauses in the record. I have here the clause submitted by an honourable gentleman in the other House who frankly admited to us to put it midly, that the clauses in the Bill were of questionable value, and in place of which he offered the following alternative:

No pension shall be paid to the widow of a member of the forces who was married to him after the appearance of the injury or disease which resulted in his death unless in the opinion of the Commission the condition of such member of the forces was at the time of the marriage such that it would be reasonable to anticipate that the injury or disease would not result in death.

As to that clause the Committee applied the simple test of asking the officers of the Commission: "How many men have you a record of who married subsequent to the appearance of their disability and who are now dead?" The answer was: "We have 700 such men." Then the Committee said: "In applying this clause to their cases would the widows receive a pension, or would they not?" The answer of the Commission was: "They would not, for how could we now admit that, when the woman married the man, claiming to believe that he was not likely to die of this particular disease, and when in point of fact he is now dead, and died of his pensionable disability?" So that under this proposed clause, according to the advice of the Commissioners, the very class of widows in whose interest the clause was introduced would be ruled out.

Then we considered a clause submitted by service men themselves:

Section 25. No pension shall be paid to the widow of a member of the forces if after due investigation the Commission is of the opinion that she married him knowing that he was suffering at the time from an injury or disease which she might, after prudent enquiry, expect would result in his early death.

Applying this clause to the 700 men now dead, whose widows married them after the appearance of the disability, and whom it is now hoped to benefit by this clause, here, again, these women would be ruled out, because the Commission is asked to say that the widow married him knowing he was suffering at the time from an injury or disease which would result in his early death, as she might have known after prudent inquiry. Because the men are now dead of their pensionable disabilities, the Commission is bound to find that when those widows married them, they must be presumed to have known that early death would result.

Well, going back to the beginning, I think I may say that the Committee was sympathetic in respect to the law as it now is. The Committee was confronted with this simple question: Shall we depart from the principle of the law that the woman who marries a man after the appearance of the disability shall not have a pension? And, if we depart from that principle, what formula of words shall we use to benefit these particular people,

without opening the door so wide that the cost to the country will be more than the country can bear?

Throughout this discussion, not only this year but in previous years, it has been a question of a formula of words; and, although I belong to the class of persons I described as being the most likely to know this law—a member of the legal profession, a student of this particular law, and an ex-service man—I am bound to confess that with all the thought I have been able to give it I was unable to submit to the Committee or to this House a formula of words which would permit this country to depart from the principle established twelve years ago, with the possibility of conferring a benefit upon the class that we have in mind, and at the same time safeguarding this country against the expenditure which it ought not be asked to bear.

Hon. J. A. CALDER: Honourable gentlemen, it has been suggested that I should make a brief reference to one other section in the Bill, section 12, what is commonly called the meritorious section of the Pension law. It will be remembered that under the old law, if a soldier was debarred from applying for pension on account of some of the provisions of the law, and if he had a specially meritorious case, he could apply for a pension notwithstanding the fact that the provisions of the Act debarred him from doing so. I put extra emphasis upon the words, a specially meritorious case.

Under the old law an application could be made either to the Board of Pension Commissioners or to the Board of Appeal, and the majority of each of those boards had to concur before a pension of this class could be granted.

In the operation of that law difficulties have arisen. It can be readily conceived that, where an application was made to one board, it would agree, but when referred to the other board there might be disagreement, without any right of appeal to any other party. In other words, in some cases the applicant fell between two stools, and it was felt by those interested that if possible there should be some change made in the law. As a consequence, we have the provisions as they stand in this Bill in section 12.

As the Bill stands, it provides that an application in the first instance may be made to the Board of Pension Commissioners—the Commission—and, if they agree, then a meritorious pension is granted. If they disagree, or refuse to grant the pension, then an appeal lies to the Appeal Board, and if that Board grants the pension the matter is settled. In other words, instead of the application being made to the two boards, as under the old law, with the proviso that both boards must agree, we now have the proposal that the application be made in the first instance to the Pension Commissioners, and if they agree the pension is granted. If they do not agree, then an appeal lies to the Appeal Board, which settles the matter one way or another.

We considered the matter at very great length, and after much discussion finally came to the conclusion that we should amend that clause, and I will state briefly the general purport of our amendment. It is this: that in every case of this kind, an application should be made in the first instance to the Board of Pension Commissioners, in the same way that any person applies for a pension. That is to enable the Pension Commissioners to determine the fact that the person applying is not entitled, strictly speaking, to a pension under the provisions of the law. Once that is determined, we thought it advisable that, instead of the application for meritorious pension being submitted to the two boards separately, we should provide an entirely new board, to consist of two members of the Board of Pension Commissioners and two members of the Appeal Board; that those four should constitute a separate court to consider the merits of the case.

After a great deal of discussion we came to the conclusion that in the vast majority of instances those four would be able to reach a conclusion; in other words, there would not be divisions, two against two. In case there should be a division, we made the further provision that when the members of this new board stand two for and two against the application, then a judge of the Exchequer Court of Canada should be called in to decide, and his decision should be final. That is a radical change from the present provisions of the Act so far as the administration of the law is concerned, but after fully discussing the matter with both the Commissioners and the Board of Appeal, as well as with the returned soldiers themselves—in other words, all parties interested—it was generally conceded that this provision would be better than those that stand in the present law.

Hon. A. H. MACDONELL: Honourable gentlemen, I have here two tables of figures which were prepared by the Soldiers' Civil Re-establishment, and which were before the Committee during their deliberations. I think the honourable gentlemen in this Chamber, as well as those in another House and the people of Canada generally, should know them, in order that they may realize how generous they are and have been to the returned soldiers.

These two tables give a comparison between what this country pays to the rank and file who were totally disabled by war service and also to their widows and children. The figures show the comparative scales of Canada, the United States, the United Kingdom, New Zealand, Australia, South Africa, France, Italy, and Germany:

June 30, 1923

BOARD OF PENSION COMMISSIONERS FOR CANADA

COMPARATIVE SCALE OF PENSIONS

Annual Rate awarded to Rank and File Totally Disabled by War Service

Country	Pensioner only	Pensioner and wife	Pensioner, wife and 1 child	Pensioner, wife and 2 children	Pensioner, wife and 3 children	Add. for subs. child	Allowance for helplessness
	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	
Canada	900 00	1,200 00	1,380 00	1,524 00	1,644 00	120 00	Up to $750.00 when pensioner is helpless
United States—							
Temporary disability	960 00	1,080 00	1,140 00	1,200 00	1,200 00	Nil	Up to $240 00
*Permanent disability	1,200 00	1,200 00	1,200 00	1,200 00	1,200 00	"	" 240 00
United Kingdom	506 13	632 66	727 56	803 48	879 42	75 92	" 253 06
New Zealand	506 13	759 20	885 73	1,012 26	1,138 80	126 53	" 253 06
Australia	531 44	759 20	885 73	980 63	1,043 90	63 26	" 126 53
South Africa	379 60	506 13	601 12	685 36	759 20	63 26	" 442 86
France	480 00	480 00	540 00	660 00	60 00	.....	
Italy	243 33	291 99	318 75	345 51	372 27	26 76	
Germany	From $175.20 to $316.33 according to nature of disablement.						

*For certain specified total and permanent disabilities the compensation is double this amount.

June 30, 1923

Annual Rate awarded Widows of Privates

Country	Widow only	Widow and 1 child	Widow and 2 children	Widow and 3 children	Add. for each subsequent child
	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
Canada	720 00	900 00	1,044 00	1,164 00	120 00
United States	300 00	420 00	510 00	570 00	* 60 00 (1 only)
United Kingdom	253 06	464 01	558 91	634 74	75 92
New Zealand	379 60	632 66	759 19	885 72	126 53
Australia	297 34	423 87	518 77	582 04	63 26
South Africa	253 06	347 96	432 31	506 12	63 26
France	160 00	260 00	360 00	460 00	100 00
Italy	121 66	121 66	121 66	131 39	9 73
Germany	96 35	136 74	177 13	217 52	40 39

*No pension payable for children subsequent to fourth.

Hon. J. J. DONNELLY: Honourable gentlemen, although I was not a member of the Committee, it was my privilege to attend the sittings, and I wish to commend the members for the diligence and ability they gave to the discussions. I do not rise for the purpose of offering any objection to the findings of the Committee, but merely to place myself on record as objecting to a remark which was made by the honourable member for Edmonton (Hon. Mr. Griesbach) when explaining one of the clauses of the Bill. If I understood him correctly, he took the position that only members of the bar, or legal gentlemen, were capable of fully understanding the question that was under discussion.

Now, that brought to my attention an article which I read in the Library this morning. It went on to say that the legal profession was overcrowded, adding that it was the easiest profession in Canada to which to gain admittance at the present time; that it was the only profession that did not require its members to be university graduates. The article went on further to say that the reason that profession was overcrowded was that the gentlemen who presided over the examinations did not bar anyone unless his lack of knowledge was very apparent. That is my

only reason for rising. I decidedly object that we should place ourselves on record as assenting to the remarks of the honourable gentleman.

Hon. Mr. GRIESBACH: I am very sorry, honourable gentlemen, if I misled the House. My knowledge of the law prior to the war was confined to the statutes of the Province of Alberta, and during my absence, when my back was turned, the Legislative Assembly of the Province of Alberta amended all the law I ever knew.

The Hon. the SPEAKER: The question is on the motion for concurrence in this report.

Hon. J. D. TAYLOR: Honourable gentlemen, I did not rise more promptly because I supposed we were about to adjourn at 1 o'clock. Do we go on?

Some Hon. SENATORS: Go on.

Hon. Mr. DANDURAND: If the discussion is over at half-past one and we dispose of these two Bills, we need not return in the afternoon, but may adjourn to Tuesday. But, if the discussion is to expand beyond half an hour, I would say that we should adjourn until 3 o'clock.

Hon. J. D. TAYLOR: I hope not to expand the discussion beyond half an hour.

I would like to second the observation of the honourable gentleman on my left (Hon. Mr. Donnelly), that some of us who are not members of the legal profession are capable of understanding and interpreting the English language. I am not too modest to claim some proficiency in that respect myself.

When, just now, I heard the honourable gentleman from Toronto (Hon. Mr. Macdonell) read the scale of payments by several countries towards the victims of the war, it seemed to me a matter of very great regret that in a country so generous as Canada appears to be, even by comparison with our more wealthy neighbours, we should be compelled to sentence all pensioners to a life of celibacy or to throw overboard their widows —seven hundred of whom are said to be on the list to-day—for no better reason than that a Committee of the Senate of Canada cannot find words to express the idea in the minds of members of the House of Commons in sending to us this Bill for dealing with the widows of pensioners. I think that is no reason at all. I cannot admit for a moment, and there must be many members of this House who also will be loath to admit, that there is any idea of our obligation towards the widows of Canadian soldiers, as called for by our duty as citizens, that we cannot find words to express. I would like to see some much better reason than that put forward, and I think it would be worth while for the Senate to send the report back to the same committee, or some other committee, that they might stay with it until they could find words to express the benevolent intentions of the House of Commons.

Hon. Mr. LAIRD: A committee of laymen.

Hon. Mr. TAYLOR: For myself as a member of the Senate, I would be ashamed to go back to the pensioners in the locality where I live, with whom I have had a good deal of association, and tell them that we had to forsake the widows because we could not find words to express what we would like to do. That, honourable gentlemen, is the proposition placed before us at this moment, that we should deliberately throw out some provision, admitted by the House of Commons, because we think it is not exactly right and we cannot improve upon it.

I will not labour that question further, but will leave to the common-sense of this House the question whether or not we should condemn all pensioners to a life of celibacy or should desert the widows of pensioners who unexpectedly die. That is the situation with which we are confronted.

As to the other matter, to which the honourable gentleman from Saltcoats (Hon. Mr. Calder) called attention, I would like to make this suggestion, that the experience of soldiers with the Appeal Board has not led them to expect very much from any combination made from the present Pension Board and the present Appeal Board as a new court to whom they should present their appeals. I have had to do with several appeals handled under the present system. My experience is that the Appeal Board is absolutely futile, and that when the Appeal Board does give a decision over-riding the Pension Board, and the Pension Board has to give effect to that decision by assessing the amount of pension coming to the claimant, they have taken it out on the pensioner by giving to him only the very smallest nominal pension that the law provides.

I have in mind a particularly shocking case which has been presented in every quarter where a case can be presented, but without relief, and there seems to be no possibility of relief. It is the case of a man accepted as a fit soldier. He passed three boards in Canada and two or three boards in England, and served sixteen months in France. As

the victim of an explosion while in the fighting line, he finds himself with a paralyzed arm, an arm now withered and bent so that he cannot straighten it out. When he came before the Pension Board for a pension, they found from his statement on the application, that he hurt this arm when he was a child, and they said: "Ah! A pre-war disability: nothing doing for you."

He was successful before the Appeal Board. He got a committee of two doctors and one layman there. They realized that it was absolutely impossible that that man could have been accepted by any recruiting officer, or commanding officer, or board of inspection anywhere, or could do duty at all, with an arm like that. They sent him back to the Pension Board with a decision that he was pensionable. The Pension Board then declined to make any examination of him. According to the authority of their own letter to a Minister in the other House, who took up the case with them, they said that what they did then with that man was simply to make an arbitrary award without any examination—an arbitrary award that his disability was 25 per cent, but that only 5 per cent of that was due to war and that man, with his arm withered and disabled as a result of his service in France, is paid the magnificent sum of $3.75 a month as compensation for his disability, and he has no appeal.

Now, there is a combination of the present Appeal Board and the present Pension Board. I for one have no confidence in any new Board constituted under those circumstances. If you ask for a suggestion I would say that pensioners should have the right that is common to citizens of the country. If we are guaranteed anything by any of the laws of Canada and we do not secure it—anything except a pension—we are at liberty to take the matter before a judge of a court. It seems to me that in the matter of pensions, when a soldier feels that he is entitled to a pension and is unjustly refused it, he should be able to take his claim before a court, just as he would take any other claim. Until we get away from Government Bureaus and refer such matters to a court we shall never allay the unrest on the part of the soldier population of Canada arising from the fact that they are subjected to so many disabilities when they attempt to deal with the Bureaus as at present constituted.

Hon. Mr. DANDURAND: Honourable gentlemen, I alone in the Senate stand as a 100 per cent disability man. My disability became evident when, some years ago, I took this seat as representative of the Government. I bring the ministerial measures before this Chamber, and my mandate is to explain and defend them. I have not the freedom of action which all my colleagues enjoy. To this extent I am handicapped.

This Bill has come from the Commons with the endorsation of the Government. It was the result of the work of a Committee of the House of Commons. Likewise the Senate Committee returns the Bill to this Chamber after having duly studied it. I will bow to its decision, hoping that it may meet with the approval of the other House.

The motion was agreed to.

THIRD READING

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

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

RETURNED SOLDIERS' INSURANCE BILL

REPORT OF SPECIAL COMMITTEE

Hon. H. S. BELAND moved concurrence in the report of the Special Committee to whom was referred Bill 290, an Act to amend the Returned Soldiers' Insurance Act.

Hon. Mr. BELAND: Honourable gentlemen, there is only one important clause in this Bill: it is the clause which provides for the revival of the returned soldiers' privilege of applying for insurance. This privilege expired under the statute five years ago, in 1923. Now it is proposed in the Bill that came from the House of Commons to revive that privilege and extend it for five years longer, that is, to the year 1933. The Committee, of which I was Chairman, amended this section by reducing the five years to one year, or rather extending to all returned soldiers the privilege of applying for insurance until the 1st day of September, 1929.

Hon. A. H. MACDONELL: Honourable gentlemen, I have a memorandum addressed to the honourable Leader of this Chamber by Mr. Finlayson, Superintendent of Insurance, regarding this Bill.

Hon. Mr. DANDURAND: Which was laid before the Committee.

Hon. Mr. MACDONELL: Laid before the Committee.

Re Bill 290, an Act to amend the Returned Soldiers' Insurance Act:

Section 2 of this Bill provides that applications for insurance may be received under the Act from July 1, 1928, up to July 1, 1933, a period of five years.

This Insurance Act was first of all for a period of one year; then it was renewed for two years, and since 1923 it has been closed. The returned soldiers asked to have it opened indefinitely, but the Commons considered that was too much, and in the Bill which they passed the period was extended to five years. There are in Canada 400,000 returned men. Of that number 27,000 have taken out policies under this Act. If the privilege were to be left open indefinitely, as men grew older and became subject to bodily ailments, etc., they would begin to apply for policies under this Insurance Act, and the amount involved would of course be too great for the State to bear.

The Bill then came before us. This memorandum from Mr. Finlayson gives the information you would like to receive regarding the proposed amendment:

The Returned Soldiers' Insurance Act was passed at the Session of 1920 and came into force on the 1st day of September of that year.

The Bill had been originally drafted for introduction at the Session of 1919, but its introduction into the House was postponed until the Session of 1920.

As originally drafted, the Bill provided for applications being received thereunder for a period of one year from the date of its coming into force.

During the discussion of the Bill before the Banking and Commerce Committee, a suggestion was made that this period should be extended to two years, and the undersigned—

That is, Mr. Finlayson—

—under examination by the Committee, made the following statement:

"We must remember this, that the longer we keep this open the greater selection there is going to be against the Government, because there will be disabilities arising due to causes other than service. These men will have the unqualified right to come in. The time should not be too long, because the Government has to be protected."

The Committee fixed the period at two years so that no applications would be received after September 1, 1922.

At the Session of 1921 the Committee considered a suggestion for an extension of the period to five years, but this was rejected by the Committee.

At the Session of 1922 an amendment was adopted extending the period for one year, but restricting the classes of persons who might insure under the Act. This classification is contained in the schedule to the amendment of that year, Chap. 42.

No further extension was thereafter made and the door was closed to further applications on and after September 1, 1923.

The restriction to one year was placed in the Bill in view of the fact that while all the disabilities then existing might be safely assumed to be due to service, that assumption would soon cease to be justifiable.

That assumption is certainly not justifiable at the present time, nearly ten years after the end of the war. Persons who had been discharged from service fit have developed impairments due to normal physical deterioration, and other persons now fit will develop such impairments during the next five years.

All these persons, who are not at the time of application seriously ill, may have their applications accepted, and even if they are seriously ill, if they have dependents and if their disability is pensionable, they will have the right to be insured.

In the latter case the value of the pension is deducted from the claim, but it must be remembered that with the lapse of time the commuted value of the pension becomes steadily less so that the relief from this provision is a decreasing quantity.

The chief danger in the proposal to revive the Act for the purpose of new applications is that persons not seriously ill at the time of application may yet have illness of a character that later on will cause excessive mortality, and when it is considered that there are probably 400,000 returned men eligible for this insurance the danger of loss to the Government is very great.

There is the further danger that at the end of five years every argument that has been advanced for the revival of the Act now can be, and probably will be, used to have the Act extended for another five years, and so on indefinitely.

Since 1920 the rates for selected lives charged by insurance companies have decreased, both on the participating and on the non-participating plans, this being due to the general improvement in mortality on selected lives. The result is that there is no inducement at the present time for insurable lives among returned men to take advantage of this Act. They can get insurance protection at lower rates elsewhere. There is, however, the danger that men now insurable in other companies may be deterred from effecting insurance at the present time by reason of their knowledge of the fact that even if they become ill, or even seriously ill, they still have a chance for insurance under this Act. They may rely on this assumed guarantee of insurability to put off taking the protection and, in the event of sudden death or the occurrence of serious illness excluding them from this insurance, their dependents are left without protection.

There is always a tendency on the part of insurance prospects to put off securing their insurance as long as possible, and the revival of this Act is an invitation to such persons to delay another five years.

There would be practically the same objection to a renewal of the Act for even one year, as it may be safely assumed that further extension of the period would be demanded and probably granted a year hence.

If there are now returned men whose dependents are entitled to protection by reason of their service, in the event of their death, the necessary provision should be made by amendment to the Pension Act.

As to the amount of loss to be apprehended, this will depend on the amount of insurance written. If insurance to the amount of $50,000,000 is written and if it is assumed that the mortality to be experienced will be twice as great as that shown by the table on which the rates are based, the loss to the Government on the first year's operation would be approximately $500,000. If the excess mortality is 50 per cent of the tabular mortality, the loss would be one-half of that amount, or $250,000.

This loss would accumulate with interest subject to the reduction on account of the accumulation of reserve, but subject to increase with an increasing adverse mortality.

In considering this scheme there must be taken into account the expense of administration, none of which has been taken into account in the accounting of the Fund. This would include not only the expense directly connected with the administration of the Act, but the overhead expense and expense such as postage, rentals and other services provided by the Government.

Taking everything into consideration, it would appear to be more in the public interest to have the Act remain closed as respects new applications and to make the necessary provision for dependents and returned men by way of amendment to the Pension Act.

Respectfully submitted,

G. D. Finlayson,
Superintendent of Insurance.

In order to make it possible for the wives of returned soldiers, who married after the appearance of disability, to be provided for, we have agreed to the reopening of the insurance privilege for one year. This insurance privilege is open to all returned men under the regulations previously applied, and the limit of insurance is $5,000. The Committee desires to point out that while this privilege is open to all returned men, yet the Committee had particularly in mind returned pensioners who married after the appearance of the disability.

Hon. E. L. GIRROIR: Honourable gentlemen, from what I have heard of the discussion—and I have not heard it all—it appears to me very clear that the Committee were most desirous of providing something for the widows of returned men who married after the appearance of the disability. The service men have been led to expect that some legislation would be brought down which would assist them in their desire to obtain something for the widows of returned men in this class. The Committee admit that they find it difficult to draft a clause properly covering such a situation. The case is not altogether as has been stated. The widows of returned men are not all designing women; many of them married soldiers expecting them not to die, but to live; nevertheless some of them did die and leave a number of dependents. Those are cases which certainly should appeal to us.

Hon. Mr. BELAND: Would my honourable friend allow me? Does the honourable gentleman refer to children amongst the dependents? The children are pensionable.

Hon. Mr. LAIRD: Has not this Bill been carried?

Hon. Mr. MACDONELL.

Right Hon. Mr. GRAHAM: There is a second Bill. This is the Insurance Bill.

The motion for concurrence in the report of the Committee was agreed to.

THIRD READING

On motion of Hon. Mr. Dandurand, the Bill was read the third time, and passed.

KENT NORTHERN RAILWAY

INQUIRY

Hon. Mr. BOURQUE inquired of the Government:

1. Have negotiations been reopened for the acquisition of the Kent Northern Railway, and if so, with whom?
2. When were negotiations reopened?
3. Is there any correspondence on the subject, and if so, first, with whom; second, what are the respective dates of letters and telegrams on the subject?
4. Is the Government aware that the people of the districts that said railway serves are compelled to pay excessive rates as compared to Canadian National Railways rates?
5. What action has the Government taken to carry into effect regarding this railway the following recommendation of the Royal Commission on Maritime claims (Duncan Commission, page 41, section 31):—

"Kent Northern Railway.

Representations were made to us on behalf of the population of the area covered by the Kent Northern Branch Line Railway, as to the prejudice being suffered by reason of the unsatisfactory service rendered by that line. It appears that at various times proposals have been made that the Government acquire this property and at one time negotiations had reached the point where provision was made by Appropriation Act, No. 2, chapter No. 52, Statutes of Canada, 1918, for its acquisition at a price of $60,000, but as this was not acceptable to the owners the sale was not consumated. It was represented to us that the present was an appropriate time to reopen negotiations on that basis and we recommend that this be done."?

Hon. Mr. DANDURAND: I have an answer for the honourable gentleman, but as I do not see him in his seat, I will place it upon Hansard.

The recommendation of the Duncan Commission was that negotiations for the acquisition of the Kent Northern be reopened on the basis of the offer of $60,000, which the owners had previously declined to consider. As yet no intimation has come from the owners that they are prepared to negotiate on that basis. Their last proposal of which there is record, was that the Government should pay back to the stockholders what they had put into the property, which at that time (1923) was said to have been $125,000.

In 1925 the present management looked over the property, but decided that the proposal that the line should be taken over could not be considered at that time.

The question of the possible acquisition of the line will have further attention in connection with railway matters generally as affecting the Maritime Provinces.

The Senate adjourned until Tuesday next at 8 p.m.

THE SENATE

Tuesday, June 5, 1928.

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

Prayers and routine proceedings.

SOLDIER SETTLEMENT BILL

FIRST READING

Bill 288, an Act to amend the Soldier Settlement Act.—Hon. Mr. Dandurand.

ST. LAWRENCE WATERWAY INQUIRY

QUESTION OF PRIVILEGE

Hon. C. E. TANNER: Honourable gentlemen, on a question of privilege, not relating to myself personally, but to the Senate in general, I wish to direct attention for one or two moments to an article which appeared on June 2nd in the Manitoba Free Press. The article is headed "Senate Secrecy," and is apparently from the staff correspondent. It is dated from Ottawa, and reads as follows:

Ottawa.—The Senate of Canada has the distinction of being the only legislative body in Canada whose committees are required by rule to sit in camera. The committees of the House of Commons and of the various provincial Legislatures are always open to the public unless the members decide otherwise, and then such a decision governs only the committee meeting in progress.

The Senate, apparently, decided to reverse the usual order of procedure and to that end included in the rules the following provisions:

"Senators, though not of the committee, are not excluded from coming in and speaking (at meetings of committees), but they must not vote. They sit behind those who are of the committee. No other persons, unless commanded to attend, are to enter at any meeting of a committee of the Senate or at any conference."

This rule, extraordinary as it may seem, has not been a dead letter in the rule book of the Upper House. Only a few days ago it was enforced in a very remarkable manner. A committee was appointed by the Senate to inquire into the Greater St. Lawrence Waterways and when the inquiry got under way several citizens and newspaper correspondents who desired to attend the hearings, and, in some cases, to offer information, found that they were excluded. This exclusion has not been maintained throughout but the present position is that no one can tell until the committee meets if the session is to be secret or open.

I am at a loss to understand how anyone could become impressed with the idea that the hearings of the Committee were not wide open. I never gave any such direction except on one day in the early stages. On that one occasion the public were not admitted for the reason that the only business was to decide about some witnesses proposed to be called. That meeting only lasted a few minutes. No witnesses were heard.

Lest I should be criticized, I reminded the Committee of the Senate rule mentioned. The Committee at once unanimously approved of the open door. Moreover, the Committee had decided to print the evidence of witnesses, and the Senate approved. As usual, the press has been supplied with copies. Having decided to publish the evidence of witnesses and distribute such evidence, why should the Committee attempt "secrecy" by hearing witnesses behind closed doors?

If there were doubt in any person's mind in this regard, I was always accessible to anyone who desired to be informed. The Clerk of Committees was also always accessible. It would have been an easy matter to make enquiry—quite as easy as to send the inaccurate report I have read.

The Committee have been seeking information and have nothing to hide. It is regrettable that in respect to such an important national matter an inaccurate and misleading report in regard to the Committee has been published.

I should add that as far as I know only one newspaper published the inaccurate report.

FOREIGN VESSELS IN CANADIAN CANALS

ANSWER TO INQUIRY

Hon. Mr. DANDURAND: Although the question of my honourable friend from De Lanaudière (Hon. Mr. Casgrain) has disappeared from the Order Paper, I bring to him an answer to his inquiry of May 22nd, concerning ships that have gone up the St. Lawrence in the spring and returned to the ocean in the autumn.

Dominion Bureau of Statistics—Transportation Branch

Foreign Vessels Engaged in Lake Trade during 1927

Name of Vessel	First trip up St. Lawrence Canals passing Montreal	Tonnage	Country of Registry	Last trip down St. Lawrence Canals passing Cardinal
Hauk	May 2	753	Norway	Nov. 13, Buffalo-Montreal.
Winchita	" 5	730	"	" 11, Fairport- "
Rein	" 5	725	"	" 26, Buffalo- "
Biskra	" 14	743	"	" 14, Fairport- "
Terge	" 18	693	"	" 28, Buffalo- "
Imacos	" 21	673	"	" 11, Buffalo- "
Roar	" 23	704	"	" 14, Duluth- "
Bill	" 25	736	"	" 28, Ogdensburg "
Reinunga	" 28	665	"	" 13, Chicago-Quebec.
Lom	July 4	719	"	" 9, Fairport-Montreal.
Hansa	Aug. 5	660	"	" 16, Chicago- "
Andere	Oct. 9	771	"	" 21, " "
Tiro	" 11	569	"	" 10, Duluth- "
Mimer	" 22	681	"	" 15, Chicago-Quebec.

No data is available as to questions 3, 5, and 8.

PENITENTIARY SERVICE

INQUIRY AND DISCUSSION

Hon. J. D. TAYLOR rose in accordance with the following notice:

That he will call attention to communications between high officers of the Penitentiaries Branch, and between these officials and the Minister of Justice, indicating grave maladministration of the Penitentiary Service; and will inquire whether or not the Government will make the situation thus disclosed the subject of judicial or other independent investigation.

He said: Honourable gentlemen, I have to present to-night a plain, unvarnished tale of official turpitude protected by a Ministry of Justice. Whether or not the Ministry of Justice is to be found an accessory after the fact I leave for the moment to be decided upon the answer to the question of which I have given notice.

The occasion for this inquiry is the dismissal of a warden in the Penitentiary Service of Canada, but the idea behind the inquiry involves something much more serious, namely, the rights of Civil Servants generally, the employees of the Government throughout Canada, to protection against acts of tyranny on the part of departmental officials their superiors, and the right of Civil Servants generally to access to the Ministers of the Crown in appeal from the subordinate officers directly over them. In the case referred to the warden of the penitentiary on duty at New Westminster had the honour of occupying a very high place in the Civil Service of Canada. By the action of this House a few years ago the plane of the wardens was raised. They are not now appointed to any special penitentiary, but are appointed wardens in the penitentiary service of Canada, and are liable to be assigned to any institution at the direction of the Minister.

The charge of the penitentiaries of Canada is by another Act, passed at about the same time, confided specifically to the Minister of Justice at Ottawa. It is true that the Minister acts, as a Minister must act, through a subordinate, in this case the Superintendent of Penitentiaries, but it is distinctly laid down in the Act that the Superintendent is only the creature of the Minister and that the Minister is not absolved in any way from any responsibility by the fact that he acts through the Superintendent of Penitentiaries. The Minister is the man, and as I see it, the Minister's decision is entitled to be had on every matter affecting the superior officers of those institutions.

The officer affected by the instance I am about to relate is not an adventurer, is not a humble or insignificant individual with no place in the community. Colonel Cooper served gallantly in the war. He served in the battalion taken overseas by the very gentleman who is now Superintendent of Penitentiaries. He was well known to this officer, General Hughes, the Superintendent of Penitentiaries, and because he was well known and in four years of gallant service overseas had established a reputation and satisfied his superior officers of his ability and his fidelity to duty, Captain Cooper was invited in 1920 to enter the Penitentiaries Service. A letter inviting him said, "You are the sort of man we want

in our service," showing that his character had been specially thought of before the invitation was issued to him. He was not a man looking for a job; he was a good citizen of Canada endeavouring to re-establish himself on his return from the war; was at liberty because he was not yet re-established; was known to be so by the officer in charge of the penitentiaries, and invited to enter the Penitentiaries Service.

So satisfactorily did the invitation result that although Captain Cooper joined the staff at St. Vincent de Paul as a guard and office assistant to the Warden, there arising necessity for strong and improved administration at the Manitoba Penitentiary, this officer was promoted, after only one year's service, to be a warden in the Penitentiaries Service of Canada and was transferred to Manitoba.

In Manitoba his record appears to have been perfectly satisfactory, because after two years' service there he was again transferred, on the recommendation of the same General Hughes, the Superintendent of Penitentiaries, with a complimentary letter praising him for the way he had rejuvenated the Manitoba institution. He was transferred then to British Columbia, where in the opinion of the Superintendent an improvement in the administration seemed to be imperative. He became Warden in British Columbia in 1923 and has been Warden there from that day to this, without a single adverse report so far as he knows. While he has knowledge of reports of the most complimentary nature made on him by the Superintendent and by the Inspectors, so far as the late Warden Cooper knows there was no black mark against him during the five years of his service as Warden at New Westminster.

The rift in the lute came in September, 1927. There was the usual semi-annual visitation on the part of the Superintedent, the Inspector, and another officer from Ottawa. I use the word "visitation" advisedly, because the movement of these officers upon the several penitentiaries of Canada is a very very solemn affair to those under them. There are pomp and circumstance connected with it that would do credit to a victorious general visiting his main camp. However, that is another story. As I have said, the rift in the lute occurred at the close of the visit of September, 1927, when, after spending several days there, the Superintendent, the Inspector and the other officer, who, I think, was an accountant—however, he does not come into the story—met Colonel Cooper in his own house. They had told him how satisfactory their inspection had been, and they mentioned, just before leaving, that there was at New Westminster one little point of difference that they would like to clear up, because it made friction in the establishment. That point of friction was between two ladies of the households of the penitentiary officials, and, as the Superintendent gallantly and quite correctly said: "This is none of my affair; I do not want to go into it. Things are running smoothly in this institution—I have so reported elsewhere—and I would like you to clear up this only item of friction that there is." So he left New Westminster.

In consequence of this request, Warden Cooper addressed to him a few days later the letter which I am about to read. Let me say in passing that I dislike taking up the time of the Senate in reading these letters, but that, so far as I know, every attempt hitherto made to bring these letters to the attention of the Minister of Justice has proven abortive. I have been unable, and others who have interested themselves in the case have been unable, although we have been addressing the Minister since December last, to secure any evidence or any indication to lead us to believe that the Minister has found time to look into this correspondence, or that he is at all acquainted with affairs as they are at New Westminster. So far as we know, he has relied solely upon the officer against whom I now make this arraignment for whatever it may be worth, and I know no other way of insuring that this matter does come to the attention of the responsible Minister and his colleagues in the Government than by reading the letters as I propose to read them.

I may say that these letters are marked "secret and confidential," nearly every one of them, but that after his dismissal from office Colonel Cooper wrote to the Minister, asking him to take cognizance of these letters, although they were marked secret and confidential; that the Minister replied to him that he could not ask the Superintendent for the letters, because of these markings, but that it was perfectly competent for Colonel Cooper, the late Warden, if he so desired, to send them directly to the Minister. Colonel Cooper has assured me that he has sent these letters directly to the Minister. As I say, I have not been able to see any evidence that the Minister has read them, but they are released jointly by Colonel Cooper, who has delivered them to me, and by the Minister of Justice, who wrote to Cooper that he might forward to him the confidential letters so that the Minister might take official cognizance of them.

I may say that I have omitted passages from these letters. I am perfectly content

that any honourable gentleman in the House should read the passages I have omitted, but they are purely personal paragraphs, affecting people not in the story. With that reservation I will read the letters.

Hon. Mr. DANDURAND: Do I understand that the honourable gentleman is reading letters written by Colonel Cooper, the ex-Warden?

Hon. Mr. TAYLOR: Yes, sir.

Hon. Mr. DANDURAND: And not letters from the Superintendent, marked confidential?

Hon. Mr. TAYLOR: I intend to read a letter from the Superintendent marked confidential, subject to the permission of the Senate, on the ground, as I have said just now, that these letters have been specifically released by the person to whom they were addressed, and whose right, as I see it, is to treat them as confidential or not to treat them as confidential, because they were really intimidations received from his superior officer, as to which he had a right to complain to the Minister upon receipt of them.

Hon. Mr. DANDURAND: But there are two parties to the correspondence.

Hon. Mr. TAYLOR: Surely, and the Minister, who is the superior of the Superintendent, has written to Colonel Cooper a letter, which I have here, saying that there is no objection to Colonel Cooper sending them directly to the Minister so that they may become official. And I may say that a motion has been made in another place—I think it has been ordered, although as to that I am not sure, but I know the motion has been made —that this very correspondence be produced. Here is the first of the letters:

Secret and Confidential.

September 17, 1927.

The Superintendent of Penitentiaries,
Ottawa.

Sir,

Referring to the discussions between us during your recent visit, I yesterday called at the residence of the Deputy Warden Trollope and found him to be sufficiently recovered to discuss business.

I told the Deputy Warden that you had informed me that requests had been made to Ottawa for my removal on the grounds of lack of harmony existing between us.

There is a passage that I omit.

The Deputy Warden asserted that when questioned by you during the luncheon of yourself and party at his house on the 12th, he had replied emphatically that there was no trouble whatsoever between us and he could make no complaint of my treatment of him. He also said that at no time had he ever made any statements which could warrant such misrepresentations being made.

I omit the rest of that letter. Any honourable gentleman who desires to see it is quite welcome to it.

That is on September 17th. On October 1 Warden Cooper again addressed the Superintendent:

Secret and Confidential.

October 1, 1927.

Sir,

Referring to my letter of September 17, as the Deputy Warden continued to be absent on sick leave, I quietly looked into the situation in the community. So far from there being any feeling of resentment at the alleged lack of harmony between the Deputy Warden and myself, there is absolutely no suspicion of it except in a small circle, and there, only from the statements of the Deputy Warden's wife herself. In this circle, her complaints have hitherto been considered a matter for mild amusement, but have now become boring.

The words of one husband were "I am sick and tired of these continual complaints; I hate to see her come into the house. My wife has advised her to forget this rankling bitterness as she is only hurting herself".

I am sure that you yourself are becoming tired of these repeated complaints to you, apparently repeated and reiterated on each of your annual visits, and equally denied each time by her husband.

Under these circumstances, I have come to the conclusion that for me to take any action, legal or otherwise, would be to give the complaints the notoriety the lady is evidently seeking. I do, however, resent her attempt to introduce "petticoat rule" into the administration of the Penitentiary.

I do not know if the untruthful statement regarding the Assistant Auditor General emanates from the same source, but would again assure you it has no foundation in fact.

This campaign of calumny will continue until the lady is definitely told that her attempted interference in Penitentiary affairs will not be tolerated. This action would support the Warden's authority and certainly make his position more tolerable.

I would respectfully ask that should my removal or transfer be under consideration by the Honourable the Minister, that he would afford me an opportunity of being heard before arriving at a decision.

Yours faithfully,
(Signed) H. W. Cooper.
Warden.

The Superintendent of Penitentiaries,
Ottawa.

The last paragraph of this letter seems to have accomplished the undoing of the unfortunate warden. The Superintendent of Penitentiaries makes the regulations governing the institution. I think I am correct in paraphrasing as the first and most important of the Penitentiary regulations this one: "I am the Lord thy God. Thou shalt have none other Gods before me." Here was an appeal from a warden that he should be permitted to talk to a Deputy Minister or to a Minister. But about the time this appeal was made, I have been informed in Ottawa, some foolish

person had suggested in the presence of the Superintendent that this Warden Cooper, of British Columbia, was a rather superior man, who might in time be found very well fitted to be Superintendent of Penitentiaries. Those of us who remember the creation of the office will recall that in finding a Superintendent of Penitentiaries there was very great difficulty, quite unparalleled, I think, in the history of the Canadian Civil Service. Parliament had created an office with a large salary and very great responsibility, an office very attractive in every respect, and there was no person at hand to fill it. So notorious was the gap that the Government of the day—I am speaking from memory now—appointed a committee of citizens outside the Civil Service to examine into the qualifications of the fifty-two applicants for the office of Superintendent of Penitentiaries, and the committee found that none of the fifty-two applicants had the qualifications required by the letter of reference to them. So this is a very important office indeed. A man might be excused, in a sense, for feeling very important when holding it, though he filled it simply by promotion in the Department, there being no one having the special qualifications. However, the Superintendent seems to have taken great umbrage at the suggestion, particularly from a man qualified to be Superintendent himself, that he should be allowed to talk to the Deputy or the Minister, and this is what he wrote back:

Office of Superintendent of Penitentiaries,
Ottawa, Oct. 8, 1927.

Private, Secret and Confidential and
not to be placed on file.

Dear Sir:

I note you have written officially—

Let me interrupt here to call attention to the fact that, while this letter is marked "private and confidential and not to be placed on file", it purports to be the answer to an official communication, and therefore in a sense becomes official itself, notwithstanding the injunction as to secrecy.

I note you have written officially, as well as secret and confidentially, regarding a subject that should not have been put on your file, nor should any officer of the Penitentiary have been permitted to write for you such a letter. I hope you wrote it yourself.

To digress again, this scolding letter was not written by the Superintendent himself, but bore the initials of the stenographer to whom he dictated it:

I note you have been discussing this matter with a man outside the penitentiary—

That, I may say, is against the penitentiary rules; you must not mention anything about the penitentiary to any one unless you are superintendent, and then there are no rules.

I note you have been discussing this matter with a man outside of the penitentiary and quote what he is supposed to have said to you and the advice he gave to his wife. Now, may I advise you, once and for all, the great bulk of evidence and the consensus of the opinion of every person who has mentioned the matter to me, has been that Mrs. Cooper is to blame; in fact, she has not confined her activities to New Westminster or Vancouver, but has come far east of there in her remarks regarding Mrs. Trollope and not only Mrs. Trollope, but has told people much nearer here than your place that the Trollope's were supporting a motor car which they could not afford and a number of other statements concerning them. Now, it is none of Mrs. Cooper's business what they do and it is very peculiar that all three of the officers from the Branch who were at Mrs. Emery's little tea given for us, remarked after leaving, of how Mrs. Trollope endeavoured to show to those present that there was no trouble existing, but in each case was repelled by Mrs. Cooper. We all saw Mrs. Trollope pass a plate of cake to her, and she refused it by shaking her head.

This is the official correspondence from the man with the power of life and death over the recipient of it:

But almost immediately after took a piece of the same cake from the same plate when offered by another person.

That is, the lady changed her mind.

Right Hon. Mr. GRAHAM: It could not have been in the cake.

Hon. Mr. TAYLOR: The letter proceeds:

I have told you before, and I repeat it, that Mrs. Trollope has never spoken one disrespectful word of Mrs. Cooper to me, and I am assured by the other officers from this Branch that what I have said in this respect applies also to them.

Now we cannot allow the esprit de corps of the institution to be broken up by any person. The individual does not count in the matter, and I have repeatedly warned you that this kind of thing must stop. I am given information since leaving your institution, of a positive case of where Mrs. Cooper made disparaging remarks of Mrs. Trollope and not only of Mrs. Trollope but about their inability to afford what they were doing. I have never known a case of this kind before in the Penitentiary service. I warned you a year ago of this very matter, but you disclaimed any knowledge of such goings on or any act on behalf of Mrs. Cooper against Mrs. Trollope.

It seems to me I have heard the phrase "goings-on." I think that old ladies use the term a good deal. He goes on:

I am responsible for both your appointment and that of Trollope. I am interested in you both and I put it up to you to see that this undignified, unladylike squabble stops.

Now I do not wish to hear any more on this subject. This letter is written to you not so much as a penitentiary officer, but as that of a friend. I put you where you are, I want to stay behind you, I want to see things succeed, but I want to see that my efforts are not going to be frustrated. I will not hesitate to act if a concrete case comes before me in connection

with either your wife or the wife of the Deputy Warden, but I will not permit either of them to besmirch the management of penitentiaries by gossip, and it will not matter which one transgresses, I will act and act quickly if another concrete case comes to my attention.

This letter, as I have before stated, is secret, confidential, private and must not be placed on file.

Now, this is a gem:

I would be glad if you would not tell your wife of what I have written, but see that this quarrel, which is past my comprehension, is stopped.

Yours sincerely,

(Signed) W. S. Hughes.

So that the unfortunate man, on pain of dismissal—the very dismissal that has occurred, as promised in this letter, and with no other basis than the Superintendent's knowledge when he wrote this letter—this letter upon which his livelihood hinged—was to make that dismissal the occasion of a quarrel with his wife: he was to discipline his wife and make her do something which she was not inclined to do, and at the same time was forbidden to tell her what was the cause of his remonstrance.

It seems to me that a more shameful letter —I would like to characterize it otherwise, but I desire to be parliamentary—that a worse letter could hardly be written. I think that is parliamentary.

Now, I would call attention to this. This superintendent and his other two officers had made a thorough examination of the penitentiary last September, after Colonel Cooper had been Warden for five years. They spent several days there. I have read you three letters exchanged between the Warden and the Superintendent, without the slightest reference or suggestion in any sentence that there was any ground of complaint there except the lack of cordiality between the wives of two officials. The Superintendent might have said, if it were true: "Cooper, I have had to remonstrate with you about many incidents connected with your institution; I have not been satisfied; and now there comes this further cause of friction, disorganizing the staff, and I have to say to you that it is time for a change."

There is no suggestion of that. As I said to you, honourable gentlemen, a few minutes ago, I am informed that in his conversation there, he said: "Things are going smoothly here, and I have so reported, but I want this little friction on the side stopped; it is none of my business." There was nothing else wrong except the difference between those two ladies.

Well, of course Warden Cooper did not make matters any better by the letter he wrote in response to this. He wrote what any red-blooded man might be expected to write under the circumstances. On the 29th of October, after three weeks' deliberation, he wrote this, and he started it just as the Superintendent had:

Private, Secret and Confidential and not to be placed on File.

October 29, 1927.

Sir:

I have your letter of the 8th, which I note is unofficial, and cannot permit the matter to pass without one last attempt to settle the matter fairly, also in an unofficial letter.

I regret that your letter of the 8th conveys nothing to me but a repetition of the bias and prejudice accorded to me and mine throughout the whole matter, In fact, it is an epitome in demonstrating that gossip and secret accusation against Mrs. Cooper and myself is permitted; that we are denied the right accorded to a convict of knowing the charge and his accusers, and are condemned, not only unheard, but also not to be informed of the verdict. When a statement made over the signature of a Warden is referred to as "supposed," while gossip and tattling is accepted as "evidence," a serious situation has developed.

Permit me to review the situation:—

Soon after my transfer to this Penitentiary, it was only too evident that where-ever we met friends of Mrs. Trollope, we encountered antagonism. Not only were friends of your family brought into the matter against me, but, on the voluntary statement of an independent person, the name of Mrs. Hughes was not spared.

Towards the close of your inspection in 1924, you visited the quarters of the Deputy Warden at the request of his wife, presumably. Returning from there, you verbally castigated me as to my treatment of the Deputy Warden and also regarding the condition of his house. After you left the prison that day I was informed that Mrs. Trollope was transacting certain business claiming your authority to do so.

From that time onwards, antagonism on the part of this lady has been increasingly evident. You have brought the question up with me on every visit, and even upon your last inspection informed me that the influence of the Hon. Dr. King had been brought into the matter with a view to my removal, and that Inspector Jackson had twice been sent for by the Department in connection with it. Mrs. Cooper has even been accused of smoking a cigarette at the Club and other such trivial matters, which should have no place in the transaction of public business. This campaign culminated by a local lawyer waiting upon you at your hotel, making representations to you unknown to me and demanding my removal from the position of Warden of the Penitentiary. My written request for particulars as to my accusers has been denied and my attempts to amicably close the matter only made the occasion for further charges and warnings.

At last, however, I have something tangible to face in the statement of the occurences at Mrs. Emery's tea on September 13th, after you addressed the meeting at the prison.

Three gentlemen in responsible positions, take the course, somewhat unusual in polite circles, of watching Mrs. Cooper so closely that they notice her refusal of a piece of cake from Mrs. Trollope. Into this action, they read repulsion by Mrs. Cooper of Mrs. Trollope's friendly advances, and gravely comment upon this after leaving the house.

I omit a paragraph.

I regret to have to state unpleasant facts, but it is the only way to clear up a situation the unpleasantness of which did not orginate with me or mine. Gossip is by no means confined to this Penitentiary, it apparently touches every official of other Departments who visits here, as shown by records, and the repetition of a jesting remark by another Warden was once the cause of a public call down at a Convention. Even the head of the Branch is not left in peace as a person at an eastern institution claims to be able to repeat at first hand derogatory remarks made by him concerning the wife of an Inspector. If the Superintendent is made the subject of gossip, I suppose a Warden cannot expect to be exempted.

Referring to your remark that this is the first case of the kind known, may I, in no unkind spirit, but simply as a statement of fact, point out that this is the first case where subordinates and their wives have personal relationships and friendships with the Superintendent.

No Warden can give efficient service when his support by his superior is called into question. To permit criticism of him in drawing rooms or there discuss Penitentiary matters, strikes at the very root of the Warden's authority, and removes from him the calm confidence necessary to handle his staff and establish an esprit de corps.

I sincerely trust that out of this regrettable discussion some good will accrue. Shall we accept your public declaration: "I hate a tittle-tattle; I have no use for a tale bearer; if there is anything wrong, go to your Warden like a man." Let this spirit be enforced uniformly, letters making charges against officials—Wardens or anyone else—be referred to the person accused, and while it is known that every complaint will be investigated, the person complaining will be held responsible for its accuracy and freedom from malice. If this is done and inspecting parties will refrain from visiting subordinates and their wives or establishing personal relationships with them the path of a Warden will be smooth indeed and the main obstacle to the efficient conduct of public affairs removed.

Yours sincerely,

(Signed) H. W. Cooper.

General W. St. Pierre Hughes, D.S.O.,
Ottawa.

My information is that this was the last correspondence on the subject, the last open chapter in the difference of opinion between the Superintendent and the Warden. The Superintendent got busy at Ottawa. This last letter was written at the end of October, and late in December he secured an order from the Minister for a special inquiry into affairs at New Westminster, notwithstanding that it was only in September that a regular thorough inquiry had been made and the institution found to be correct in every particular. There had been no escapes; there had been no riots; there had been nothing public—nothing except this correspondence about a five o'clock tea, between the parties in the meantime. Yet the Superintendent secured a special inquiry into the institution—as I see it, a vendetta, directed to an officer of the Department of Justice, to go out to British Columbia and "get" this warden. I use "get" in the sense in which it is used by inmates of the penitentiary.

My information is that when the inquisitor arrived there he made no general attempt to inquire into affairs of the institution, but instead of that he sought out every employee there whom Cooper had disciplined during his whole five years, and even in those cases had to use threats and intimidation to induce them to say what they did, and even this evidence was permitted to be taken down only to a limited extent by the shorthand writer whom he brought with him.

I am informed that any matters that those unwilling witnesses mentioned that did not reflect upon the warden were excluded from the evidence. That is part of the inquiry which I wish to have—whether anyone has presumed to present to the Minister evidence procured under such conditions. I am informed that in some cases the information that was given was obtained by threats and intimidation, and particularly by reading to those officers the section from the Penitentiary Act giving to any officer appointed by the Minister to hold special inquiry, the right to commit to the common jail for fourteen days any person not properly answering his questions. I am told that this was on the lips of this inquisitor with every witness he examined, and not only with ordinary witnesses, but that with the warden—his superior in rank in the service—that he was just as truculent as he could have been with the newest guard, and that over and over again he threatened the warden with commitment to the common jail for fourteen days because the warden wished to amplify his answers to this junior Inspector from the Justice Department.

To me these things are unspeakable, that any officer should be allowed to go through the country in that truculent manner, browbeating and tyrannizing over men entitled to the respect of their associates as well as of the general public. However, that was what happened in December. When this inquisitor

came into Colonel Cooper's, I am informed he declined to give Cooper any information as to what evidence he had taken. He had before that refused in writing to allow Cooper to be present at the taking of any evidence, and when he saw Cooper himself he declined to tell him what evidence he had secured or from whom he had secured it, but confined himself to asking certain questions. I will mention only one question to show how misleading the questions and answers were. He had learned from the Trade Instructor's Department that Colonel Cooper had procured a galleon—that is a toy ship fixed up with sails, and everything—from the Trade Instructor's Department. The way it came to Cooper was this: "Is this your signature?" The document was the requisition for a galleon. Cooper said: "Yes, that is my signature." "Is that date correct?" "Yes, I presume it is. It is there." Another document was produced—"Is this your signature?" "Yes" "Is that date correct?" "Yes." One document was a requisition for a galleon, the other was a receipt for a galleon. The difference between the two dates was five days. Those dates were correct. The question was: "Can a galleon be made in five days?" "Certainly not." "It takes many months to make it, doesn't it?" "It certainly does."

The matter ended there, and that is all that goes to the Minister—that Cooper apparently was caught snitching a galleon from the Trade Instructor's Department, without being charged for it, and through some accident putting in a requisition only five days before when it should have been in a year before. When this man had gone away Cooper followed the matter up with the Trade Instructor, and this is what he found: that there being present a high official from Ottawa, with some ladies in his party, and one of the ladies having expressed the wish that she might have one of those toy ships, Cooper had gallantly sought to get it for her. He had gone with a requisition to the Trade Instructor, and the Trade Instructor had said: "Why, I have one of those in my own house; I will give you that to present to this lady, and will make another for myself." So he gave it to him five days after the date of the requisition, and presumably made another for himself. Anyhow, that transaction was entirely innocent, but the way it was put by this inquisitor, who was the personal enemy of Cooper, as known to the whole institution out there, would lead the Minister to think that amongst other delinquencies this warden was snitching material from the institution without paying for it as he was supposed to do. We have no knowledge of what was told the Minister, because he has not communicated it to any person. I will read the letter announcing the investigation, as delivered by Inspector Jackson:

New Westminster, B.C.,
December 23, 1927.

Warden Cooper,
British Columbia Penitentiary,
New Westminster, B.C.

Re Investigation, etc.

Sir,

I beg to acknowledge yours of December 21st requesting notice of the time and place that I will hold the hearing in regard to the investigation of certain charges made by you—

Note that: "certain charges made by you."

—and investigation into the administration of the B.C. Penitentiary.

Also your request that you be represented by counsel during the investigation and that you be permitted to adduce evidence and examine and cross-examine any witnesses at the hearing.

I informed you on my arrival at the institution of the reason of my visit and read to you the authority granted me by the Department of Justice. I also read to you Section 21, Chapter 35 of the Penitentiary Act dealing with my duties as Inspector of Penitentiaries.

I now inform you in writing confirming what I have already told you verbally, that I will open the enquiry at your institution on the 23rd of December at or near 10.00 a.m.

I further notify you that you are not entitled to counsel at an enquiry, neither are you permitted or entitled to be present during any evidence being taken (except your own) and you cannot examine or cross-examine any witnesses.

This for your information, please.

Yours sincerely
(Signed) E. R. Jackson,
Inspector.

So we have an official document from an Inspector, saying: I am here by authority of the Minister of Justice to investigate charges made by you, but you are not to be permitted to tell me what the charges are, or to be present to prosecute them or to call evidence in support of them; nor are you to be permitted to hear statements made against you, or to examine or cross-examine witnesses. And it was under these circumstances that this investigation was held in December.

In December the attention of the Minister of Justice was called to these extraordinary proceedings, and he was asked to have the matter looked into at Ottawa, and, if possible, to give it his personal attention. So far as I am aware, no answer to that request ever came from the Minister of Justice, and so far as Colonel Cooper is concerned, or so far as I have heard, there is no evidence that the message ever reached the Minister of Justice.

The matter rested from December until February; and towards the end of February a telegram came one day to Warden Cooper. I think I remember the exact words: "You

have been retired to promote efficiency and harmony. You will be given the gratuity to which you are entitled. You will, on receipt of this, hand over your keys to your deputy warden." When Cooper got that he opened the door and found the deputy warden there ready to take over his keys: he had been already advised. Thrown out like a malefactor, without any notice whatever! No urgency; a quarrel in September, investigation in December; in February a wire "Get out when you get this wire." This from the gentleman who writes in so many letters about maintaining the esprit de corps of the staffs of the penitentiaries in Canada!

Meantime Captain Cooper had become Lt.-Colonel commanding the local regiment, and served his term faithfully and well, as he had served in every other capacity. But he was thrown out with a contemptuous message as if he was a malefactor found stealing the change of the institution! And to this day he cannot get any explanation or any statement from any person as to what he was supposed to have done to merit such treatment.

You will say he got a gratuity. The gratuity is provided for by section 32 of the Penitentiaries Act. I quote from the Revised Statutes:

To any officer whose conduct has been good, and who has been faithful in the discharge of his duties ,there may be paid—

—so and so. It is a certificate of good conduct. The superintendent, in order to warrant the Minister in taking $1,400 out of our Treasury and paying it to that warden, had to certify that to the Minister—that his conduct had been good, and his record correct—and he did certify that; and yet he threw him out in that contemptuous way. That is one of the matters I want inquired into.

I omitted to say that the warden, when he takes office, is sworn to carefully observe and carry out all the regulations of the penitentiary. By the Act to which I have referred, it is provided that the warden of the penitentiary shall be the chief executive officer of the same, and as such shall have the entire executive control of all its concerns, subject to the rules and regulations duly established, and the written instructions of the Superintendent or of the Minister. That gives the warden authority over all prisoners who come there. But warden Cooper has had the unique experience, possibly not paralleled before in any institution in Canada, of receiving from the Superintendent two letters in violation of the regulations which he had sworn to observe in toto. These letters, like the others that I read, while they compelled him to violate the regulations that he had sworn to observe, are marked "personal and confidential," so that if any trouble arose the warden would not be in a position to say "I did this by direction of the Superintendent." The first is as follows:

Office of Superintendent of Penitentiaries,

Ottawa, 7th October, 1925.

Personal and Confidential.

Dear Colonel Cooper:—

Should Doctor come to the penitentiary, please place him in Accountant's office, as an assistant to the officers now there.

is highly educated and will readily adapt himself to much work in that office that may be assigned him.

Yours sincerely,

W. S. Hughes.

Colonel H. W. Cooper,
Warden of the Penitentiary,
New Westminster, B.C.

The second is as follows:

Office of Superintendent of Penitentiaries,

Ottawa, 19th December, 1925.

Personal.

Re Doctor

Sir:—

Relative to the above, I think I advised you formerly that Doctor was one of my Highland Cadets in Kingston, and his mother was a personal friend of Mrs. Hughes. I am in receipt of a letter from his father, who is anxious to have a private interview with his son, accompanied by the latter's wife, regarding the straightening up of his business and a lawsuit which is pending in the Courts and may go to the Privy Council.

I would be glad if you would take this interview in your office, yourself, and permit such interview to be as private as possible; in fact, I feel you would not run any risk in doing so.

May I ask please where is employed and how he is getting along.

Yours sincerely,

W. S. Hughes,
Superintendent.

The Warden,
The Penitentiary,
New Westminster, B.C.

Hon. Mr. SMEATON WHITE: Is Dr. Blank a prisoner?

Hon. Mr. TAYLOR: He was a prisoner then. He has since been released. Blank, of course, is not the name.

The reason I read these two letters is that quite recently one of my colleagues had a conversation with the Minister of Justice on this subject, and the Minister of Justice mentioned, as one of the most serious matters connected with Colonel Cooper, that he had violated the regulations in connection with this Dr. Blank—as to whom he had been expressly directed by the Superintendent to violate the regulations because this unfortunate man was a personal acquaintance of the

Superintendent and his family. It was no doubt an innocent violation, though a usurpation of the warden's authority as to what quarters this man was to occupy and how he was to be employed. But in the face of the assurance contained in the letter that "I feel you would not run any risk" in violating these regulations and the oath of office, now and at the instance of this same Superintendent the Minister holds as a most grave offence, that Warden Cooper violated the regulations in the case of this prisoner. The circumstance was that, coming from a journey one night and finding one of his children very ill, under suspicion of having diphtheria or some other infectious disease, and there being only a part-time doctor on the regular staff of the institution, who being ill had left his practice in the hands of his partner, the warden made no attempt to get this very busy man from town, but remembering Dr. Blank, and the permission from the Superintendent to exercise discretion in forgetting regulations with respect to him, had brought this doctor into his house, which is in the penitentiary grounds, to examine the child. The doctor gave him a reassuring report and went back to his cell, and nothing happened. I am told that in the Minister's mind that is one of the serious crimes the warden has committed, and for which he has been punished by losing eight years of his life and by being thrown out of the service as if he was a malefactor of some kind.

You will say he got his gratuity. He got $1,400; but he had paid into the retiring fund over $2,000, which, in two years would have given him a permanent superannuation of $800 a year. By his sudden removal he was deprived of that, and was compelled to sell at auction for $300, which was all he could get, his household furniture which was worth close to $2,000. He was led to serve eight years in the penitentiary service, which fits him for no other employment, and he was thrown out without a trial, or a statement of what he had done to deserve such treatment, and was refused access to the Minister or the Deputy Minister.

I said at the beginning that I would leave it to the judgment of those who heard my story whether or not the connection of the Ministry of Justice with this affair warranted the suggestion that they were accessories after the fact. I have a little to add in that connection.

I am permitted to refer here to answers given in another place to questions put on this subject. I am aware of the strict rule against referring to debates in another House, but I took the trouble to look up the rules, and I say on my responsibility that the regulations of the House of Commons directly lay down that one may refer to the printed proceedings of another House, although he must not controvert statements made in debate. This is my warrant for referring to these answers, although I do not need to refer to the other House, because the answers have been printed in the public press and I think I am privileged to read them. I read these answers to show that—a member of Parliament having sought to inquire into this matter, and having framed a number of questions which he thought would bring out the material facts—nearly every one of the 17 answers given in the other House after a long delay, and therefore after mature consideration, involves direct misrepresentation either by assertion or by omission. The Minister not being in this House, I call to the attention of his colleagues in the Government, that an official of a Department has been permitted to put into the hands of his Minister, for delivery to Parliament, a series of statements which in my opinion are wholly untrue. This is a very grave statement that I am making; I thoroughly realize the gravity of it.

I have referred to some of those points. First of all, he says: "Colonel Cooper was not dismissed." That is repeated six times. Colonel Cooper was "retired" in a sense, but in the whole history of the penitentiaries there is no other instance of a high officer contemptuously thrown out, as this man has been thrown out. If this does not constitute dismissal, I do not know how else you could justify the term dismissal. Technically, to bring him under the gratuity Act, he is retired; really, he is dismissed. He has not even had a letter following the telegram telling him to get out, and the Deputy Warden watched him get out. He was dismissed. However, that is a play upon words.

Another question was this:

Was an investigation conducted by Inspector Jackson?

Answer:

Yes. Into matters of administration generally.

My information is that there was no investigation into matters of administration generally; that no questions were asked of any witness except questions designed to provoke answers derogatory to Warden Cooper; that there was no attempt to go into administration generally.

The sixth question is:

Had there previously been difference between said Jackson and said Cooper, and were they on unfriendly terms?

The answer is:

There were no personal differences. They were not on unfriendly terms.

My information, to the contrary, is that it was common knowledge both in Ottawa and in New Westminster that these two gentlemen were on unfriendly terms, and I have this statement, delivered to me as a statement of fact:

Jackson's personal hostility to Cooper was well-known to members of the staff. This hostility flared out openly in the discussion as to Cooper's report on the motor car in May, 1926. The following inspection, Hughes and Jackson spent an entire morning endeavouring to browbeat Cooper into withdrawing this report, threatening that the Minister would dismiss Cooper were the report forwarded to him, as the cars were purchased on the Minister's express orders. So bitter was Jackson that during this discusion he challenged Cooper to personal combat.

Yet, with the knowledge of this relationship, to the question asked in Parliament, "Was there hostility between the investigator and the warden," the answer put into the hands of the Minister is that there was no hostility between them.

Then the question is asked:

Did said Inspector Jackson refuse to permit said Cooper to be present during the taking of any evidence (except his own) and also refuse to permit said Cooper to examine or cross-examine any of the witnesses or to be informed of the nature of their evidence?

The answer is:

Yes. The investigation was held in connection with general administration and not on charges against said Cooper.

Yet the letter of the investigator directed to Cooper at New Westminster said: "This investigation is on charges made by you and into general administration."

Colonel Cooper was refused permission to examine or cross-examine witnesses. He was informed of and questioned regarding any evidence taken that affected himself or his administration.

Cooper says he was not informed; that he was simply asked questions indicating the subjects upon which his inquisitor had received certain information. That surely is not the honest answer that should be given to Parliament on questions of this kind.

It is stated in the answers:

Inspector Jackson did not recommend the dismissal of Colonel Cooper. He recommended his retirement immediately, to promote efficiency and harmony in the Penitentiary Service, because of maladministration.

I say that absolutely no maladministration was ever shown or ever charged, and that Cooper is entitled to have communicated to him this report of Jackson which appears to have established to the satisfaction of the Minister the particulars of the maladministration alleged.

I think it is true that Cooper was the most efficient warden in the whole Penitentiaries Service. When, a little while ago, I mentioned his record of promotion from one institution to another, I forgot to put in this incident, that in 1925, two years after he came to British Columbia, he was invited by letter from Superintendent Hughes to consent to a transfer to St. Vincent de Paul Penitentiary, because of Hughes' representation to him that the St. Vincent de Paul institution was in a bad way and that a strong and efficient man like Cooper was required to put it in order. It will be familiar to honourable gentlemen from Quebec that St. Vincent de Paul was without a warden, or deputy warden either, for nearly two years. My information is that in 1925 Cooper was asked to accept that most responsible position, because of his high character and reputation as an efficient warden.

Now, I think I have said sufficient to indicate the untrue nature of these answers to the questions asked. I will not further labour the matter, but will simply make the request indicated in the notice, that, the Minister of Justice having, as I see it, been misinformed grossly as to all the circumstances of this case, he should now have an inquiry, either by a judge or by some other independent authority, into all the circumstances connected with the removal of Warden Cooper. I am conscious of the fact that every year for several years past there have been scores if not hundreds of inquiries into supposed delinquencies on the part of employees of the Government—humble individuals like postmasters. If it is worth while for the Government to appoint a Commission to find out whether or not a postmaster has supported the local member, surely it is worth while to have an inquiry when the character and the livelihood of a good official, as Cooper proved himself to be, is at stake; when he is slandered under the authority of the Minister of Justice, as he has been slandered by the presentation of those answers to Parliament; when he comes forward and says: "All those statements are a slander on me, they are not founded on fact, and I challenge investigation of them."

Before the sham inquiry was held, seeing what was coming, Warden Cooper asked permission to come to Ottawa and interview the Minister and tell his story. He got no response whatever to that request, and by the regulations he is forbidden to communi-

cate direct with the Minister; if he had done so, that would have been ground for dismissing him. Now I ask the Government to protect their own reputation—and I do think the reputation of the Department of Justice of any country is worth protecting—to show that the endeavour of the Department is to safeguard justice. I ask that favourable consideration be given to my request for either a judicial or other independent inquiry into the circumstances I have laid before this House.

Hon. Mr. DANDURAND: There are Departments of the Government that have a perfect organization, which comprises the right of discipline. The Militia has rules under which members of the Force, from the Colonel downwards, can be court-martialled for divers offenses. I understand that no civilian need inquire as to the equity of the decisions. I have not before me the law governing penitentiaries, but I would surmise from what I have heard this evening that questions of discipline fall under statutory enactments, or regulations flowing therefrom. I know nothing of the case that my honourable friend has made. I will submit his question to the Minister of Justice, with the explanation which he has furnished this Chamber.

VANCOUVER AND PRINCE RUPERT HARBOURS

CONDITION OF BUSINESS

Right Hon. GEO. P. GRAHAM: Honourable gentlemen, before the House adjourns I have a British Columbia matter which I would like to present. I might suggest, if it is any comfort, that ever since the time of Adam and Eve, woman has been blamed for a lot of our troubles. In the original case on record, it was forbidden fruit; in the case referred to to-night it was a questionable cake, but we blame them, anyway.

Mr. Russell, the Chairman of the Board of Harbour Commissioners, of Vancouver, apparently reads the Senate Hansard, even if a lot of other people do not.

Hon. W. B. ROSS: And they lose a lot.

Right Hon. Mr. GRAHAM: Mr. Russell is of opinion that some of us, including myself, scarcely did justice to the harbour of Vancouver and to the province of British Columbia in remarks that were made on the discussion of a certain harbour bill. I think that some of us, in alluding to the management of the Montreal Harbour Board, made the error of intimating that possibly that was the only harbour in Canada that paid its way. To that statement Mr. Russell takes strong exception. He also points out that some of the senators did not quite appreciate what Prince Rupert Harbour is doing this year. I wish to put his statements on record.

Mr. Russell says that last year Prince Rupert elevator handled 6,000,000 bushels, and up to date this year it has handled 7,500,000, and Mr. Russell says it will likely run to 8,000,000 bushels before the season is over. Then he states very emphatically that the Vancouver Board paid its interest in full, and is paying regularly, has set up a full sinking fund, and is showing a profit on operations, after providing for interest and sinking fund.

I think we will all be glad to have this information on record, coming from an official source. It is very gratifying to me, for the reason that some years ago I visited Vancouver, and on my return home when I made a very glowing report of Vancouver harbour in the matter of the export of grain, I was treated by my friends as if I had gone wrong some way in my calculations. It is therefore very satisfactory, particularly to me, to know that Vancouver Harbour Board is quite successful in the export of grain from that port, and is growing yearly. Mr. Russell adds:

> As you know, we are having a banner year in the matter of wheat shipments. Up to yesterday the elevators here handled approximately 78,000,000 bushels. This includes some local transfers from one elevator to another. These transfers are more than off-set by additional wheat that has been shipped in sacks that went direct from the cars to the boats, and is not shown in the elevator receipts. We have actually exported approximately 72,000,000 bushels. There are 3,500,000 bushels in the elevators, and at least 2,000,000 on cars en route here. I am advised by the C.P.R. officials that their loadings for here are keeping up, and are practically as good as they were in December and January. I have not the figures of the C.N.R., but I do not think they are doing as well just now, for the reason that there is more delay in threshing on C.P.R. territory than on C.N.R. We have shipped approximately over 4,500,000 bushes this month, and should run to 6,000,000 or 7,000,000 for the month. We are informed that considerable sales have been made for June, and some for July, and I think it is safe to say that we will ship at least 80,000,000 bushels, and may run to 85,000,000.
>
> Flour shipments to date run to 826,000 barrels, as against 542,000 barrels at this date last year. This is, as you will note, a substantial increase. This applies all along the line, both with respect to inward and outward cargo.

I think it must be very gratifying to us all to know that Vancouver Harbour Board is not only managing the harbour with great success, but that the shipments of grain through Vancouver port are growing yearly. I might add that Prince Rupert is doing no mean business for a young elevator.

Hon. Mr. LAIRD: I would like to ask if the elevator at Prince Rupert is the one that was constructed by the Federal Government at a cost of several millions, and handed over to a private corporation at the nominal rental of one dollar a year?

Right Hon. Mr. GRAHAM: Really, I am not in a position to be cross-examined about that. I am merely communicating some information about the success of Vancouver, and perhaps Prince Rupert; but it is probably true that the elevator was given over to the people interested in the grain business, because it was not constructed for the benefit of Government and Parliament, but for the purpose of shipping grain.

Hon. Mr. BARNARD: As the right honourable gentleman seems to be a little bit inclined to pat the Government on the back for the success of the Harbour Commissioners of Vancouver—

Right Hon. Mr. GRAHAM: I did not mention the Government.

Hon. Mr. BARNARD: I would like to ask him whether he considers that the fact of the present Government having cleaned out the old Board of Harbour Commissioners, and put in a new Board, is responsible for the very large increase in the shipments.

Right Hon. Mr. GRAHAM: I would not like to answer on behalf of the Government, as I am not a member of the Government, but evidently it has not adversely affected the trade at Vancouver.

The Senate adjourned until to-morrow at 11 a.m.

THE SENATE

Wednesday, June 6, 1928.

The Senate met at 11 a.m., the Speaker in the Chair.

Prayers and routine proceedings.

PENSION BILL

CONSIDERATION OF MESSAGE FROM HOUSE OF COMMONS—REAPPOINTMENT OF SPECIAL COMMITTEE

The Senate proceeded to consider a message from the House of Commons disagreeing to certain amendments made in the Senate to Bill 289, an Act to amend the Pension Act.

Hon. Mr. DANDURAND: Honourable gentlemen, I have just read the reasons given by the House of Commons for disagreeing with a certain number of amendments which were made in the Senate to this Bill. As they are mostly technical and in order to follow them, one would need to compare them with the clauses of the Bill, I suggest, after having consulted with my honourable friend opposite (Hon. W. B. Ross) and other honourable members of the Senate, that the Senate reappoint the Committee that has dealt with this Bill, and refer this message to that Committee.

The Hon. the SPEAKER: It is moved by honourable Mr. Dandurand, seconded by Right Hon. Mr. Graham, that this message be referred to the former Committee.

Hon. Mr. DANIEL: It will have to be reappointed.

The Hon. the SPEAKER: That this message be referred to a Committee composed of Messrs. Beique, Béland, Belcourt, Black, Calder, Dandurand, Griesbach, Hatfield, Laird, Macdonell, Robertson, Robinson, Ross (Moose Jaw), Ross (Middleton), Sharpe, Taylor and Turgeon.

Hon. J. D. TAYLOR: Honourable gentlemen, before that motion is put, as a matter of information I would like to ask a question of the honourable leader of the House. This is a Government Bill referred to a Committee of the Government's nomination, on which the Government has equal representation.

Hon. Mr. DANDURAND: Or thereabouts.

Hon. Mr. TAYLOR: Has equal representation, I think I am correct in saying.

Hon. Mr. DANDURAND: Perhaps so.

Hon. Mr. TAYLOR: What I want to know is whether the Government urges this Bill upon the Committee, whether the Government makes any attempt to pass it through the Committee, and whether the Government is behind the Bill in this House. I ask this question because it seemed to me very unfortunate that the other day we disposed of a matter so important to so many people in Canada without any leadership from the Government whose Bill it is, and without any knowledge on the part of this House of the contents of the report from Committee which we passed. I would suggest to the Government that if it really supports this Bill from the House of Commons it should give to the Committee of the Senate, and to the Senate itself, some leadership in this matter, but that if, on the other hand, it abandons the Bill here and

allows it to fail because of indifference on the part of the Government, the matter should be made very plain, so that the responsibility may lie where it belongs.

Hon. Mr. DANDURAND: I have no objection to answering my honourable friend, and I think I can do so in the spirit in which my remarks were couched when the report of the Committee came before this Chamber. The various clauses of the Bill had been framed and agreed upon by a Committee of the House of Commons which had held 47 sittings. Its conclusions on certain clauses, I suppose, though I have no special knowledge, were the result of compromise for the purpose of bringing about unanimity. The Government transformed the Committee's unanimous report into a Bill, which, perhaps by agreement, was passed by the Commons without much discussion, and the Bill came here. I intended, as representing the Government, to give as much leeway to the Senate as the Government gave the Commons, in view of the whole matter having been referred to a Committee of the Commons.

I do not know what is in the mind of my honourable friend, or whether he desires that on such a technical matter I should ask the loyal support of all the members sitting on this side, and stand by the clauses without dotting an i or crossing a t. My honourable friend in his remarks of last week expressed surprise at the Senate Committee having been unable to find a formula which would conform with the desires of many honourable members of the Senate. As a matter of fact no vote was taken on the question of altering the underlying principle of the Pension Bill. There were expressions of opinion in the Committee. My honourable friend was somewhat severe on the Senate Committee and on the Senate for hesitating to try to find a formula of words. I should have pointed out to him that the House of Commons Committee, which was quite a large one, composed of serious men, and which had worked upon this same Bill and the clause in question, produced after 47 sittings a formula which, they practically admitted, was not an ideal one and was perhaps unworkable. My honourable friend, who as a layman has his own judgment to direct him, and who has a wide knowledge of the English language, thought that it was a question of words only. It was rather a question of trying to crystallize in words a very difficult situation for which the House of Commons, after 47 sittings of its Committee, had not succeeded in finding a formula. That is perhaps what I should have told my honourable friend in defence of the action of the Senate Committee on that clause.

I intend to treat the Senate with as much consideration as the Commons was treated by my colleagues in the other Chamber. In this respect I repeat what I have just said. This is a highly technical matter, and it is for this reason that, at the suggestion of honourable members of the Senate, I have agreed that we should do again what we did in other circumstances with a similar Bill, and refer the Bill to a Committee. If my suggestion does not meet with the views of the majority of this Chamber, then we will consider the Bill in Committee of the Whole, or consider it here and now.

Hon. Mr. TAYLOR: Honourable gentlemen, may I be permitted? I have no desire to detain the Senate, but I do not think the honourable gentleman has put the matter quite fairly. The Bill is not so very technical in the matters of importance to those whom it was intended to favour, that is, the ex-soldiers of Canada. It is a matter of dollars and cents with them or their widowed dependents. There is very little that is technical about those clauses that were struck out by this Chamber.

Now, if the Government would give a bold lead to the Committee and say that it had no desire that the money grant favoured by the Commons should be reduced in the Senate, and if the honourable leader of the Government so instructed the Committee and this House, I feel that the Senate would not hesitate. I have no authority to speak for the Senate. I speak my own opinion, from my own general knowledge, that the Senate would have no disposition to trim from those soldiers and their dependents any dollars that the Commons is willing to give to them. That is the kind of leadership that I would like to see the Government give the Committee, and the Senate as a body, in connection with this Bill.

Hon. Mr. BEIQUE: Honourable gentlemen, although my name does not appear as that of a member of the Committee—

Hon. Mr. DANDURAND: Yes, it does.

Hon. Mr. BEIQUE: No.

Hon. Mr. DANDURAND: There were two Committees appointed. I would ask that the name of Hon. Mr. Béique be added.

Hon. Mr. BEIQUE: I know that I was a member of the Committee, because I was present when the Committee was appointed and my name was mentioned. I followed the sittings of the Committee with as much attention as I was capable of giving, and I must say that as far as I am concerned, it is not a question of wording. I am satisfied with the wording upon which the report of the Committee was based. If it were a question of wording, I would try to find a way of expressing what was intended.

Hon. Mr. CALDER: Honourable gentlemen, I desire to say just a word or two in reference to the attitude of the Committee on this legislation. I think I have been a member of every Committee, either of the Commons or the Senate, dealing with pension legislation and other legislation relating to returned soldiers, and I think I may say without contradiction that the attitude of the great majority of the members of those committees has been absolutely sympathetic. There has been an endeavour at all times to do the right thing for returned soldiers. I think I may say also that there has been an utter lack of what might be called partisanship in dealing with this problem.

The honourable member for New Westminster (Hon. Mr. Taylor) to-day invites the Leader of the Government to show a bold front, to indicate leadership. Well, if that means anything, it means that he should take a purely partisan view of this situation, and should endeavour to force through this House a measure that may not meet with the approval of the majority. I take it that the Senate sits as a reviewing body, to review legislation seriously and without partisanship, and that we should approach this legislation, as we should all legislation, and deal with it in a non-partisan way. So far as I can remember, that has always been our attitude in the past, and, because this class of legislation will come before us many times in the future, I trust that will continue to be the attitude of the Senate.

One other point. The main clause of this Bill deals with a principle that has stood on our Statute Book since 1916. I am sure there is no doubt in the minds of any member of this House that it is our desire, and the desire of Parliament, that the widow should receive a pension if conditions can be set around the law that will prevent abuses. That is the whole question. We all know what has taken place in the United States, where not only hundreds of people, but thousands, have been pensioned who never should have been pensioned.

We are asked to-day to write in our law a new principle that will open the door to all sorts of abuses. In that sense we have had difficulty, as has been said, in finding a formula. My honourable friend (Hon. Mr. Taylor) thinks it should be very easy. Well, it is not. I would like him to try it. In the House of Commons they tried not only for many days, but for many weeks, and they finally had to admit that they had made a failure. Weeks afterwards they came to us with another suggestion, which we found equally to fail; then we had a suggestion from a third party, and that also was found to be lacking. Our difficulty is to find language upon which we can base a principle without permitting an abuse that would cost this country many hundreds of thousands if not millions of dollars. There is no objection to sending the Bill back to Committee. Let us try it again. I doubt very much whether we will get over the difficulty, but in any event there are other clauses that require our attention, and upon which we can perhaps agree.

Hon. Mr. DANDURAND: I should like to add the name of Senator Beique to that Committee, because he was on the other Committee which dealt with the Insurance Bill. It was due to oversight that his name was left off.

Hon. W. B. ROSS: I would suggest that the name of Senator Taylor also be added.

Hon. Mr. DANDURAND: I join with my honourable friend in suggesting that the name of the honourable gentleman from New Westminister (Hon. Mr. Taylor) be added to the Committee.

The motion of Hon. Mr. Dandurand, amended as suggested, was agreed to.

PRIVATE BILLS

FIRST AND SECOND READINGS

Bill 57, an Act respecting the Edmonton, Dunvegan and British Columbia Railway Company.—Hon. Mr. Griesbach.

Bill 71, an Act to incorporate the St. Lawrence River Bridge Company.—Hon. Mr. Hardy.

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

56109—42

THE SENATE

Thursday, June 7, 1928.

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

Prayers and routine proceedings.

PRIVATE BILLS

THIRD READINGS

Bill 57, an Act respecting the Edmonton, Dunvegan and British Columbia Railway Company.—Hon. Mr. Griesbach.

Bill 71, an Act to incorporate the St. Lawrence River Bridge Company.—Hon. Mr. Hardy.

MARRIAGE PROTECTION (VENEREAL DISEASE) BILL

REPORT OF COMMITTEE

Hon. Mr. BELAND moved concurrence in the third report of the Standing Committee on Public Health and Inspection of Foods, to whom was referred Bill D, an Act to make Venereal Disease an Impediment to Marriage.

The motion was agreed to.

The Hon. the SPEAKER: Does the honourable gentleman in charge of the Bill wish to withdraw it?

Hon. Mr. GIRROIR: The Committee recommend that the Bill be held over.

Hon. Mr. BELAND: The recommendation of the Committee is that the Bill be not proceeded with until fuller information is secured.

The Hon. the SPEAKER: That means that the Bill will stand for this Session.

PENSION BILL

REPORT OF SPECIAL COMMITTEE ON MESSAGE FROM HOUSE OF COMMONS

Hon. J. A. CALDER moved concurrence in the report of the Special Committee to whom was referred a message from the House of Commons agreeing to certain amendments made in the Senate to bill 289, an Act to amend the Pension Act, and disagreeing with other amendments.

He said: Honourable gentlemen, before the House is called upon to vote on concurrence in this report I think it advisable that I should make a further statement in explanation. I am sure we all realize that the report presented to us is in many respects of a very technical character, and unless one has followed the legislation and knows exactly what these various clauses purport to do, it must be difficult to understand what we aim to accomplish. I have therefore prepared an additional very brief statement, which I would like to submit to the House, and with your permission I will read it. It is quite likely that we shall have a discussion on this matter, and what I have to say may afterwards be supplemented by other members of the Committee.

As Chairman of the Special Committee appointed to consider the message received from the House of Commons with regard to our amendments to Bill 289, I desire to add some explanation to the report just submitted to you for consideration.

In their message the House of Commons declared that they disagreed with our amendments to six clauses, namely, 2 (a), 7, 12, 25, 30 (10) and 31. I shall deal with these briefly, and attempt to indicate the decisions reached by your Committee in each case. Doubtless, if we have a debate, other members of the Committee will elaborate, if necessary, the reasons for the conclusions reached.

With respect to clause 2 (a), upon which there was a disagreement between the two Houses, this clause as it stands in the original Bill is intended to re-define and extend the definition of the expression "appearance of the injury or disease," a term that is used throughout the law, to a greater or less extent. All through our discussions it was admitted that that clause had a direct relation to clause 25 of the Bill, and that its retention or rejection depended upon the final decision of the Committee with respect to clause 25, which is the clause that debars a widow from receiving a pension if she marries a soldier after the appearance of his injury or disease.

As your Committee finally approved a new clause 25, it was generally admitted that clause 2 (a) was unnecessary. We therefore recommend that the Senate insists on its amendment, which will have the effect of striking clause 2 (a) from the Bill. I think there will be no dissention as far as that is concerned.

For the reasons set forth in our report we recommend that the Senate also insists on its amendment to clause 7.

Right Hon. Sir GEORGE E. FOSTER: What is the purport of the clause?

Hon. Mr. CALDER: That will come in the explanation. The clause of the report is as follows:

2. That the Senate doth insist on its sixth amendment, striking out clause 7, because un-

der section 11 of the Pension Act all who served in a theatre of war have been pensioned or are pensionable to the full extent of their disabilities without any deduction in respect of their pre-enlistment condition.

That is, it makes no difference under the law what the condition of the man was, whether he was sick or had some disability, or anything of that nature, prior to his enlistment, if he served in an actual theatre of war, he is pensioned to the full extent of his disability regardless of his condition prior to enlistment.

Hon. Mr. GORDON: Is that taken care of in the new Act? It was in the previous law.

Hon. Mr. CALDER: That is the existing law. All of those who served in an actual theatre of war are pensioned to the full extent of their disability under the existing law, regardless of what their condition may have been prior to enlistment.

Hon. Mr. TAYLOR: If the honourable gentleman will excuse me, I have personal knowledge that that is not the case. The Stevenson case is an example of it.

Hon. Mr. CALDER: Well, I will have to leave to others, who are probably more familiar than I am with the provisions of the law and its operation, the privilege of answering my honourable friend. Our report says:

> The existing law clearly provides that even those who were found by medical examination to be unfit for front line service shall also be pensioned to the full extent of their disabilities, notwithstanding the fact that their service in a theatre of war was of a non-combatant character, far removed from the scene of active hostilities. The existing law which has been in operation some ten years is definite and is well understood.

In other words, persons who served in a theatre of war, whether the service was at the front or on any occasion behind the trenches, in the various corps—labour battalion, forestry battalion, etc.—are, under the existing law, pensioned to the full extent of their disability, no matter what their conditon before enlistment may have been. The report proceeds:

> Clause 7 proposes an amendment thereto providing that pensions shall be awarded to dependents where the aggravation of a pre-enlistment injury or disease substantially contributed to death. Consequently this is obviously intended to cover only those who served in Canada and England,

—not in an actual theatre of war, because all those who served in an actual theatre of war are taken care of by our present law, and are pensionable to the full extent of their disability. Then we close that paragraph of the report with this remark:

> The difficulty of interpreting the words "substantially contributed", coupled with the fact that the present law seems to be sufficiently generous to cover all classes that would come under this clause, warrant the conclusion that it cannot be reasonably justified.

Now, I leave it to others who desire to make any other explanation in regard to our action in regard to this clause.

As regards clause 12, your Committee has reported that it agrees with the amendment suggested in the message from the House of Commons. This clause deals with the granting of pensions in specially meritorious cases. The amendment referred to is intented to make clear the grounds upon which an appeal may lie for this purpose. The provisions of the existing law in this respect are not extended.

Clause 25 of the Bill was previously rejected by your Committee. In its message, the House of Commons insisted on its adoption, or, in the alternative, the adoption of a new clause in its stead. As previously reported, your Committee deemed it inadvisable to recommend the adoption of this clause, chiefly on the ground that whilst it would take care of all cases of deserving widows who married after the appearance of the injury or disease which resulted in death, there was the great danger that the door would be thrown open, and that pension benefits would accrue to a large number of widows who were admittedly not entitled thereto. The attitude of your Committee generally with respect to this problem was that if at all possible the law should be so amended as to provide for what are commonly referred to as "deserving cases". Honourable gentlemen will remember a statement made the other day by the Senator from Edmonton (Hon. Mr. Griesbach) in this regard.

With this end in view your Committee considered at great length some five or six amendments suggested to us, all of which in due course were rejected. At our sitting yesterday, the Chairman of the Board of Pension Commissioners was assigned the task of endeavouring to draft a clause that would reasonably meet the situation, in view of all our discussions. At our meeting this morning Colonel Thompson submitted his proposed amendment, and it was approved by the great majority of the Committee.

The proposed amendment as adopted, and reported to this House, follows:

> 25. Subsection one of section thirty-two of the said Act is repealed and the following is substituted therefor:
>
> 32. (1) No pension shall be paid to the widow of a pensioner unless she was living with him or was maintained by him or was, in the

opinion of the Commission, entitled to be maintained by him at the time of his death and for a reasonable time previously thereto.

2. No pension shall be paid to the widow of a member of the forces unless she was married to him before the appearance of the injury or disease which resulted in his death—

(a) Unless the injury in respect of which he was pensioned or entitled to pension would not shorten his expectancy of life; or

(b) Unless he was not chronically ill of a pensionable disease and not in receipt of pension in respect thereof.

Then, it is proposed that this new provision shall not be made retroactive. We found that if that were done in many cases, widows would be entitled to sums running from $3,000 up to $7,000 in a lump sum. Consequently the Committee decided that as it is a new principle to be adopted, it should not be made retroactive, but should begin to run from the date that this law would come into effect.

With respect to clause 30 (10), which is purely administrative, your Committee has recommended that the suggestion contained in the message of the House of Commons should be adopted. This clause deals with the officers, clerks and employees of the Board of Appeal.

Right Hon. Mr. GRAHAM: Would the honourable gentleman kindly review that clause about the clerks and employees?

Hon. Mr. CALDER: It is this way. The Appeal Board shall be attached to the Department of Pensions and Health, and the expenses required to be incurred for the discharge of its duties, including the salaries of its officers, clerks, and other employees, shall, on the approval of the Board, be paid out of the moneys provided by Parliament. We felt that as the Board has a small staff, and knows what is required of it, where it should go, and what expenses it should incur; in order to avoid conflict between the head of the Board of Appeal and the deputy head of the Department, as to what expenses should be allowed the men, once the stamp of the Board is put on it is just a matter of costs.

As to clause 31, the sixth paragraph of our report is as follows:

6. That the Senate doth insist on its twelfth amendment, amending clause 31, because under the existing law the soldier himself, or in the event of his death his widow, his children or his parents, have the right of appeal on the ground that the injury or disease or aggravation thereof resulting in disability or death was attributable to or was incurred during military service.

That is, in appeals from the Board of Pension Commissioners to the Appeal Board, the existing law is quite clear, that a soldier himself, or, if he dies, his widow, his children, or his parents, have a right to appeal to the Appeal Board, in case of pension being refused by the Board of Pension Commissioners. There is no doubt about that: the law is quite clear in that respect.

In regard to paragraphs (a) and (b) of clause 31, which we recommend to be struck out, they are not clear. If you read them, you will find the greatest difficulty in understanding just exactly what they mean. It has been represented to us, so far as the very best information we could get is concerned, that those paragraphs (a) and (b) of clause 31 are intended to give a right of appeal to dependents other than a widow or children, who claim their financial resources are inadequate. So our report states:

Paragraphs (a) and (b) of this clause, while not clear, are intended to change the existing principle of the right of appeal, particularly for dependents, other than widows and children, who claim their financial resources are inadequate. The Senate is of the view this is not advisable.

I thought it advisable to make that additional statement in order that members of the House might at least try to grasp some of the features of this very technical trouble. It is quite likely that if we have a discussion of the report, other members of the Committee will supplement what I have had to say.

Hon. J. D. TAYLOR: Honourable gentlemen, I do not think a matter like this should be passed without any remarks at all. Being naturally modest, I am somewhat diffident about standing up, seeing that I was the subject of a mild lecture yesterday for being a partisan on this subject. The application of that remark puzzled me a little, if it meant that I acted as a political partisan, for my desire expressed at the moment was to support the Government, which had not been a fixed habit of mine. If, on the other hand, the suggestion was that I was a partisan of the soldiers who are petitioning Parliament, I am rather proud to plead guilty to the indictment.

It is true that during the war I was not able to give much active service myself, but I was very active in enlisting soldiers. I probably enlisted 2,000—1,000 besides the regiment which I was permitted to take as far as England—and I remember very well, during that campaign, the wealth of assurance that was poured out to all the relatives, the fathers and mothers and dependents of those soldiers, as to what we would do for them when they came back. The recollection is still vivid in

my mind, and when any person says that I am a partisan of the soldiers and an advocate of their requests to Parliament, I gladly plead guilty to the charge. I think it is very unfortunate that we have to deal with this matter in this hurried way. I admit the necessity at the moment, but I must again call attention to the misfortune of so important a matter being brought up in this way so that we have to decide without even an opportunity of ascertaining whether or not any statement made in this House is true as a matter of fact.

The honourable gentleman who spoke just now referred to the present practice of pensioning every soldier who served in France to the full extent of his disability, whether or not the disability had existed previous to enlistment. I took the liberty, by his permission, of interrupting him to say that I had personal knowledge that such is not the case. Now it becomes a matter of difference between the honourable gentleman and myself.

Hon. Mr. CALDER: On the evidence before us.

Hon. Mr. TAYLOR: He feels sure that it is the case; I feel equally sure on the evidence before me that it is not the case; and at this stage we are unable to decide, but must form a conclusion on a statement which may or may not be correct.

I referred the other day to the evidence which I had in my possession—at the moment it is in the possession of a member of the other House, who had it for use before the Committee there—in what is known in the departmental records as the "Stevenson case." Stevenson was serving in France; he was blown up, and dug out of a shell hole. When he was dug out his arm was twisted, and he has never yet straightened it. He applied for a pension, and the Pension Board refused on the ground that his disability existed prior to enlistment. It is true that he had injured the arm when he was a child, but he had been found fit to be a soldier, and had taken a prominent part in the athletics of his regiment. He appealed to the Appeal Board, which disagreed with the Pension Board, and came to the conclusion that his disability must have been aggravated in France, because he could not possibly have served for sixteen months as a soldier if he had the disability all the time. So they referred him back to the Pension Board. The Pension Board, without any examination to find out what the extent of his disability was—presumably they had had no examination before, because they had come to the conclusion that he was not entitled to any pension for the disability as it existed before this time—upon being told by the Appeal Board that he was entitled to a pension made a purely arbitrary assessment. I say that on the strength of a letter from a member of the Board to the Minister in charge of the Department, which letter forms part of the file that I handed my colleague in the other House. They made a purely arbitrary assessment. Without any examination of the unfortunate man they found that he was 25 per cent disabled, but that only 5 per cent of that disability was due to active service, and they pensioned him off at $3.75 a month. That man will read in the records that the Senate has made a decision on a matter—not of such great importance as some others to which I will refer—on the statement of an honourable gentleman here that no such case could arise. I say it is unfortunate that we cannot put these statements to the test and find out wherein we have gone astray. I presume the honourable gentleman is just as honest in his statement as I think I am in mine.

Hon. Mr. CALDER: If the honourable gentleman will allow me. It is not my statement; I am speaking only on behalf of the Committee; and the point that I wish to make is that the evidence before us indicated exactly what I have said, and that we have had nothing to the contrary. I am very sorry that my honourable friend did not bring this point up at the two sittings of the Committee which he attended. I repeat that I am not saying this on my own behalf.

Hon. Mr. BELAND: That is the existing law.

Hon. Mr. CALDER: That is the existing law. I repeat that all the evidence that came before us in all our discussions is contrary to the statement made by my honourable friend. We may not have had all the evidence; but I do not want the honourable gentleman to understand that I am making that statement on my own behalf, because I am not.

Hon. Mr. TAYLOR: I was appointed a member of the Committee yesterday, and attended all sessions since, and no evidence on this subject was offered to the Committee yesterday or to-day. If it had been, I would have challenged it, and would have gone to the Commons and got the evidence that is in the possession of my colleague there. So you can see how unfortunate it is that we are not in a position to put matters like this to the test. However, as I see it, there is no matter of really serious moment to the ex-

members of the forces and their dependents except section 25, which the Committee of the Senate struck out during the previous proceedings. The other amendments are very largely a matter of words, and I think are not the subject of very general agitation.

Now, as to section 25, dealing with the pensions to widows, I read in one of the newspapers to-day the statement—I do not know on what authority it is made—that a large appropriation submitted to the other House in the Supplementary Estimates was for the purpose of paying to dependents of soldiers the moneys that they expected to get under the Pension Act as passed by the House of Commons. I say without fear of contradiction that the action now recommended to the Senate with regard to section 25 will almost totally deprive those dependents of any of that large sum of money; that this section adopted to-day is an absolute blank so far as any effect is concerned.

The only two paragraphs added to the law as it stands at present are these:

No pension shall be paid

(a) Unless the injury in respect of which he was pensioned or entitled to pension would not shorten his expectancy of life.

That is wholly a matter of opinion, to be decided not by any independent authority, but wholly by the Board of Pension Commissioners. Those of us who have had to deal with the Board of Pension Commissioners, and who know the nature of their decisions when there is any possibility for dispute, will recognize that that paragraph (a) is absolutely valueless to every person.

Paragraph (b), the only other section of this handsome gift offered to the widows of ex-soldiers, says:

Unless he was not chronically ill of a pensionable disease and not in receipt of pension in respect thereof.

As to that, I say it also is absolutely valueless because of the nature of the proceedings before the Pension Board. When a soldier comes up now and reports a disability and asks for a pension in respect of it, he is invariably challenged to connect up the disability with his active service. The man will go back over the intervening years, and he will say: "It is true I didn't report that when I left, and there is nothing in my papers about it; but I have been suffering from those symptoms more or less ever since." And they will question him and say: "The first year you were out did you suffer?" Well, that is a long time ago, and as man's memory is frail, and the desire to establish the claim to a pension is keen, he will naturally say: "Yes, I think I did." "And you did the second year, and the third?" "Yes." "And you really think you connect it up with your service?" "Yes."—and he gets his pension. Then he dies, and when he dies they read this section, and they say: "Why, he thinks he had those symptoms immediately after his discharge,"—and there is no pension coming to the widow. I do not think that is fair treatment to soldiers.

Now, I do not know how far I am privileged to refer to proceedings in Committee. If I am out of order, I would quite willingly be checked, because I have no desire to do anything contrary to the rules of this House. I think it is worth while to say this, however: that our Committee were tendered the olive branch from the House of Commons in the nicest and most pleasant way; there was no acrimonious dispute between the two bodies, but the House of Commons, through their accredited representatives, came to us with alternative sections to 25 in writing. They withdrew their demand that we restore the section as it was before, and said, "We will be satisfied if you put these in." Now, the sections so submitted provided something very substantial for the soldiers: they had all the safeguards of this resolution against what they called "moribund marriages", but they contained in addition a recognition of the fulfilment of pre-war engagements. That is a subject with which we are very familiar, and it need hardly be explained that a great number of marriages occurred immediately following the release of soldiers from active service. In recognition of that a proviso was put in that no pension should be payable to the widow of a soldier unless she had married him before the coming into force of the Pension Act of 1919—that would be before the 1st of September, 1919—and that would have taken care of most of the pre-war engagements.

We are told about the extraordinary cost that might have been imposed upon the country if we had recognized these engagements. I would like to refer to the extraordinary cost that we are placing upon the individual by not recognizing them, and I state not a hypothetical case, but an actual case of a young soldier who enlisted in 1914, and who, after four years service being invalided in England with incipient tuberculosis, married there a girl to whom he had been engaged before he enlisted. The progress of the disease was checked sufficiently by the care he got in hospital and at home to enable him to survive ten years, during the greater part of which he was able to earn a more or less substantial living. He died last year. The

widow is told that there is no pension whatever for her because she married him after the first appearance of the tuberculosis. Is that the limit to which the Senate is willing to go in view of the ample provision made by the Bill sent to us from the House of Commons?

I referred to what happened yesterday in the Committee—the overtures made to us, the acceptance of which would have perfectly satisfied the House of Commons. They were made by the Chairman of the Pension Committee there, who was presumed to speak on behalf of the Government, and who was also understood to speak on behalf of the other Party there, the House of Commons being practically unanimous on the subject. As the honourable gentleman from Moose Jaw (Hon. Mr. Calder) has said, the Chairman of the Board, Col. Thompson, was asked to draft another section. The reason he was asked to draft it was because the Committee divided on the section as offered by the House of Commons—they divided evenly, 50 per cent of the Committee being for agreeing, and the other 50 per cent being contrary—and the unexpected entry of a gentleman who had not been in previously gave the one vote upon which the House of Commons provision was lost. Then it was that the Chairman of the Board was asked to present a draft, which resulted in this gold brick, if I may use the term without disrespect.

Another thing happened in the Committee this morning which I think should be mentioned. We hear very often that the difficulty in the way of proper provision for soldiers' dependents is the Conservative Senate. I do not think the imputation on the Senate is fair; but we do hear over and over again that the Senate did thus and so. Now, if we adopt this report, I would like to have it made plain that this action is not primarily the action of the Conservative Senate, because no less a person than the Minister of National Defence, the guardian-in-chief of the soldiers' interests in Canada, appeared before our Committee this morning and said that the provision now before us had his approval; and, of course, having his approval, it has the approval of the Government.

Hon. Mr. CALDER: If the honourable gentleman would allow me, I think it only fair to the Minister of National Defence that I should make a statement. When Colonel Ralston was asked to make a statement as to what he thought of this, he made it quite clear that he was not speaking as a Minister of the Crown, but only in his individual capacity, because everyone can understand that without full consideration of the measure with his colleagues, and unless the Government itself took action on the matter, he could not speak otherwise. Therefore it is scarcely proper to say that any expression he gave vent to in the Committee this morning was on behalf of the Government.

Hon. Mr. TAYLOR: I do not think I said that.

Hon. Mr. CALDER: You said he was speaking with full authority.

Hon. Mr. TAYLOR: I am obliged to the honourable gentleman for his other lecture. I was there and heard what was said, and the main fact is that a gentleman who is a Minister of the Crown, and the guardian in the Cabinet of the interests of the soldiers, a man who is in the Cabinet because he is supposed to have the absolute confidence of the soldiers—and I have no contradiction to offer to that—accepted in the Committee this morning the proposal that is now before us. My point is that, the case being so, it should not be put about in the country or here that anything that happens to this Bill to-day is the evil work of the Conservative Senate.

Hon. W. A. GRIESBACH: Honourable gentlemen, just a few observations in defence of the work of the Committee, and dealing with what has just been said by the honourable gentleman from New Westminster (Hon. Mr. Taylor) on the two clauses to which he has referred.

On the clause regarding aggravation the statement of the Committee is that under existing law there is no deduction on account of pre-enlistment condition with respect to those who served in a theatre of war.

Hon. Mr. TAYLOR: Where is that law?

Hon. Mr. GRIESBACH: I am about to read it. I shall read now from the Pension Act itself, section 11, subsection (b):

> No deduction shall be made from the degree of actual disability of any member of the forces who has served in a theatre of actual war on account of any disability or disabling condition which existed in him at the time at which he became a member of the forces; but no pension shall be paid for a disability or disabling condition which at such time was wilfully concealed, was obvious, was not of a nature to cause rejection from service, or was a congenital defect.

These words in the conclusion of the paragraph are words which do not really affect the situation at all.

Hon. Mr. TAYLOR: But—if the honourable gentleman will permit me—that is not the case I mentioned.

Hon. Mr. GRIESBACH: The case which my honourable friend mentioned is the case of a man who is said to have had at the time of his enlistment a defect—

Hon. Mr. TAYLOR: No.

Hon. Mr. GRIESBACH: Very well. He goes over to the front, serves there and is injured. Upon his making application to the Board of Pension Commissioners they allege that a portion of his disability is pre-enlistment, and they pension him, according to the statement of the honourable gentleman, for only that part of his disability which is aggravated by service. That is, I think, the statement that the honourable gentleman made. Now, if that is true, and if my honourable friend is in possession of all the facts of the case, and the Board of Pension Commissioners are in possession of all the facts, then the Board of Pension Commissioners have acted in defiance of the law.

Hon. Mr. TAYLOR: No—if the honourable gentleman will permit me. If he will read that, he will see that the Board can play upon words there to justify their action, because what they have done is contrary not to the bare words of that section, but to the spirit of it.

Hon. Mr. GRIESBACH: Then I will put it another way. Here is the law. The honourable gentleman has the facts. Let him fit the facts to the law, or the law to the facts, and put the statement of the case before the Board of Pension Commissioners. I have had lengthy experience with these cases and with the Pension Board and the Board of Appeal, and I have had occasion to investigate just such statements as these, and in some cases I have found that the faiiure to get anywhere before the Board of Pension Commissioners has been a failure to assemble the facts; and I think I may say this, in justice to both these Boards, that when we have come to close grips I have found that the Boards have acted in accordance with the law as they interpreted the law. At all events, here is the law, and the Committee have reported that in their judgment the law as it stands is just and fair. That is all there is to be said about that.

Let us pass now to the next case raised by my honourable friend. He speaks of a woman who married a soldier subsequently to the appearance of his disability, and whose husband lived ten years. This morning he told us that there were three children of that marriage. I immediately asked a question and got from the Chairman of the Board of Pension Commissioners this information, that in point of actual fact the woman does not get a pension, but the pension awarded to the three children by reason of the fact that the pensioner died of his pensionable disability is only $12 a month less than the total amount would be if a pension were paid to the widow and the children received the dependents' allowance. So in that case there is no great hardship. Where the hardship comes in is in the fact that when the boy is sixteen and the girl is seventeen they will go off pension and then there will be no income at all from that source, whereas if the wife were pensioned she would continue to receive her pension after the children had reached the ages that I have mentioned.

Now, in justice to Colonel Ralston, who appeared before us, I desire to state precisely my recollection of what he said when he had read to him and when he read over the amendment to section 25 which forms part of the report.

Hon. Mr. DANDURAND: A statement which he did not volunteer, but which the Committee asked of him.

Hon. Mr. GRIESBACH: I myself asked.

Hon. Mr. TAYLOR: Yes, he volunteered his attendance there for the purpose of being asked.

Hon. Mr. DANDURAND: Yes, with other members of the Commons Committee. I pity my honourable friend's state of mind.

Hon. Mr. TAYLOR: There will be something else to pity by and by.

Hon. Mr. GRIESBACH: Colonel Ralston entered the Committee room and was sitting there, and, so far as I know, saw then for the first time the section which we had had prepared to take the place of section 25. It was submitted to him and he read it over and discussed it with those who were sitting around him. Then—since we are discussing what happened in Committee—I myself asked him one or two questions in connection with the clause, and he said that, without having had the time to digest it at all, speaking for himself, he thought it looked as if it might be a reasonably good clause. That is, I think, as far as he went. He emphasized the fact that he had not had time to digest the clause and that he was speaking for himself.

I think it important that I should concur with the honourable the Chairman of that Committee (Hon. Mr. Calder) in protecting, in his absence, this Minister who came to the

Committee in accordance with a sort of entente cordiale that has developed between the two Houses in the discussion of this matter. I think it only fair to say that.

I would like to offer a few observations with regard to this section 25, the clause dealing with pension to the widow who married subsequently to the appearance of the disability. When, a few days ago, I spoke on this question I said that the law was very technical, very complex, very difficult to understand, very difficult to explain, and it is necessary only to repeat to the Senate at this time the story of this particular clause in order to bring out how difficult the question has been. When our Committee first assembled we had laid before us the Bill as it came from the House of Commons, and clause 25 proposed to deal with this case. Before the Bill came to us at all I had called upon certain members of the Committee of the other House and asked them what this clause meant, how it would operate, what it would cost, and so forth, and I found the members of that Committee very shaky on the clause—very shaky indeed. So when we reached this clause in our Committee we adopted the somewhat unusual expedient of asking certain prominent members of the Committee of the other House to attend upon us and discuss the clause with us. It must be borne in mind that the Committee of the Commons held 47 sessions and the evidence that it took comprises 250 printed pages. As a result of the 47 meetings and the 250 printed pages the Commons Committee produce section 25 of the Bill. Certain members of that Committee came before us the other day, and the discussion had lasted only five or ten minutes when they entirely receded from the position taken on this clause of the Bill, admitting that it was practically useless, it could not be explained, and they had grave doubts that it would work. They themselves offered us another clause, which I read the other day, and will read again:

No pension shall be paid to the widow of a member of the forces who was married to him after the appearance of the injury or disease which resulted in his death unless in the opinion of the Commission the condition of such member of the forces was at the time of the marriage such that it would be reasonable to anticipate that the injury or disease would not result in death.

Previously we had ascertained that, so far as the records of the Pension Commission show, there are about 700 widows whose husbands died of their pensionable disability and who married prior to the appearance of the disability. Having received this clause from these gentlemen in lieu of what is contained in the Bill, we proceeded to test it by asking one question. We asked, "What effect will this clause have with respect to these 700 widows for whom we are particularly anxious to do something?" These gentlemen at once turned to the members of the Board of Pension Commissioners, who were present, and asked them, as we all did, how they would interpret the clause with respect to those widows. Their immediate answer—and we all agreed, I think, with the soundness of it—was this: "In the case of these 700 widows, as we interpret this clause, we believe they would get nothing under it, because when they were married it must have been reasonable, in the opinion of the Commission, to anticipate that the injury or disease would not result in death, and in point of fact the husbands are all dead." How could the Commission interpret this clause favourably to those 700 widows when the men have actually died?

Hon. Mr. CALDER: From their disability.

Hon. Mr. GRIESBACH: From their disability. Consequently it was seen at once that the clause served no useful purpose.

Then there was submitted to us a clause from the representatives of ex-service men. Here again we found that so much was left to the discretion of the Commission, by the use of the words "an early death", that if this clause were applied to the case of the 700 widows they would get nothing.

Then we had further discussion, and we drafted our report. It was passed on to the Commons, and again we had members of the other House come before us. They submitted a clause, and later a prominent member of their Committee came before us and submitted another clause, making some slight changes. We tested this clause by another question. I may inform honourable gentlemen that in these cases in which the widow married subsequently to the appearance of the disability and the pensioner is dead, the widow gets no pension, but a pension is payable to a dependent father or mother who may be somewhere in the offing. Therefore, in the case of these 700 widows there are likely to be, and no doubt there are, a number of dependents now securing the pension which the widow would otherwise have. Consequently, the adoption of a clause drawn in accordance with the suggestion contained in the message from the House of Commons and the application of that clause to the situation which I have just outlined would result in this situation, that the Government must inform dependents who for nine years, up to last year, or for part of that period, have been in the enjoyment of dependents' pensions, that it is taking these pensions away from them for

the purpose of giving them to the widows who married subsequently to the disability, or who married prior to the coming into force of the Pension Act of 1919. For this reason the members of the House of Commons Committee saw at once that this particular clause was inapplicable. One of them suggested to me that we should add to the clause words to the effect that no pension already existing should be disturbed. He had not made the suggestion when he realized that it was impracticable. The situation would be that you would have to say to an elderly woman: "By reason of a change in the law, your late son's wife now gets the pension of $60 a month, and all you may expect to get is the dependent's pension of $15 a month." It may be that the elderly woman is in urgent need of the pension and that the young widow is capable of looking after herself. Consequently the Committee felt obliged to reject that proposed clause.

Then the members of our Committee undertook to draw a clause themselves. If I have made it clear that this is a difficult problem, that it has certainly received careful consideration in the Commons, and that members of the other House have admitted again and again the weakness in the results they have achieved, and if you will believe that our Committee approached the matter sympathetically and with a desire to do something worth while, you will realize that we undertook the preparation of this clause with some trepidation. We know that this House will continue next year and the year after, and in the future opportunities will be available to interested parties to correct anything that is wrong. Our Committee has produced this clause. Since we are discussing what happened in Committee, I may as well admit that yesterday I voted for a clause complying with the suggestion in the message from the House of Commons. That was because, while realizing that it would have the effect of disturbing all those existing pensions, I thought the result on the whole would perhaps be not too bad. That proposed clause failed to carry, and now I address myself to the present clause. I am not prepared to say whether or not it goes as far as it ought to go. I have great diffidence in saying what I think it will do, but at least it is a manifestation: it puts forward the thought that members of this House recognize that there is a problem to be grappled with, and they offer this as an attempt at a solution. I believe from what has come to me that this clause will be accepted in another place, and that for a year at least we shall be doing something to deal with a situation that calls for some legislative action. It does not wholly satisfy me, but it is a good deal better than the rejection of all the clauses, with no attempt on the part of this House to deal with the question. For that reason I support the report.

The motion for concurrence in the report was agreed to, and it was ordered that a message be sent to the House of Commons accordingly.

ST. LAWRENCE WATERWAY

REPORT OF COMMITTEE

Hon. C. E. TANNER: Honourable gentlemen, on behalf of the Committee appointed to inquire into the matter of the development and improvement of the St. Lawrence river, I have the honour of submitting the third report, and in the usual procedure I am asking the leave of the House that it be adopted this afternoon.

I may be allowed to say that there is no specific finding in the report in respect to the undertaking. The Committee have heard a good deal of evidence which they regard as valuable. They regret that further time was not at their disposal to hear other witnesses whose attendance was contemplated. They suggest and recommend that the Senate might again next Session appoint a special committee to continue the inquiry, and they recommend the printing in bluebook form of the proceedings and evidence of the Committee. That is, the substance of the report which I am submitting, and in which I move concurrence.

Hon. J. D. REID: Honourable gentlemen, before this report is concurred in I would like to say a few words on the work of the Committee, and also with reference to this great undertaking. Let me say at the outset that the work of the Committee was well done, and very valuable information was obtained from those who appeared and gave evidence before the Committee. I think that the members of the Committee as a whole took very great interest in the proceedings, and they were able at the close of our sittings last night to say that the information they had obtained was very valuable to them in helping them to come to a conclusion on this problem.

Although I understand this situation perhaps as well as any other member of the Senate, I received information that I had not had before, and that is very valuable to myself in enabling me to reach a conclusion. I agree very fully with the suggestion in the report that it would be in the interest of this project that next Session a new Committee should be formed, and proceedings carried on in the same manner· but I take it for

granted, from what I have seen in both of the Ottawa evening newspapers, that some action is to be taken in the near future, and I would like to ask the honourable leader of this House exactly what that action is to be.

But before I come to that, I would like to make a few remarks with regard to this great scheme, and refer to some points raised in the Committee. Let me say again to this honourable House that this question is not a new one: it has been before Parliament in different ways during the last twenty years. It came up first in 1908. I was a member of the House of Commons at that time. The St. Lawrence Power Company presented a Bill before Parliament asking for power to build a transmission line from Cornwall to Brockville; and the propaganda has gone forward that all along the line we would thus, for the first time, have electric lights. I thought I knew all that was going on at the time, but I did not know until that Bill came before Parliament that the Aluminum Company of Massena had purchased this company, and to my surprise their Bill contained a clause that gave that power company the right to build a dam—exactly what is being proposed now—and develop power on the St. Lawrence at the Long Sault Rapids.

Of course, we opposed that clause, and at that time the fact came out that the Aluminum Company was the owner of the St. Lawrence Power Company. Sir Wilfrid Laurier was then in power, and Right Honourable Mr. Graham was Minister of Railways and Canals, and they, with their supporters, and assistance from the Opposition side, succeeded in having that clause thrown out, and the Bill practically nullified in consequence. So that the transmission line was never proceeded with. That was the first time that I, or I believe any member of the Commons, knew that the Aluminum Company were the owners of the power company situated at Cornwall.

That is not the first time that that company has tried to get this concession. At present they have a concession, through the St. Lawrence Power Company, which to my mind is unfair; and although it is very small to a certain extent they will have the Government of Canada by the throat, if I may use that phrase, for the next fifty years, because of a contract given in 1896 to the St. Lawrence Power Company, which was then owned by a private gentleman, the contractor. He got the right to develop 2,500 horse-power and, the contract contained a clause that this company was to furnish sufficient power to open the gates and to furnish lights along the canal. That contract did not involve very much horse-power, but electricity was not known then as it is to-day. The Minister at that time gave a contract for what I have since understood would be from 50 to 100 horse-power, at the very most, because, according to the reports from the Department, there was a certain quantity of horse-power necessary for each lock. That contract was given at $63.00 per horse-power for 20 years, renewable at a rate so far as rental only was concerned. That was 11 years before the canal was finished, and nothing was done under that contract. At that time it transpired that the St. Lawrence Power Company had been sold to the Aluminum Company, and that contract was again renewed for 89 years, I think—11 years off 100; and we are paying $63.00 for horse-power, and will do so for another 50 or 60 years, on account of that contract so made.

But that was not the worst of it. When the company got the contract renewed, or changed, they made the minimum 400 horse-power, and the lights some 274. The result was that the contract was really so unreasonable that I understand the Government decided that it would be better to expropriate this company, and do the lighting themselves. But the Aluminum Company having purchased the power company for some $536,000, they immediately issued bonds to the amount of $1,700,000 against the enterprise so that it was much cheaper for us to continue paying the $63.00 horse-power than for the Government to buy the company and pay interest on $1,700,000 worth of bonds.

That action of this Company made me a little suspicious as to carrying on any agreement with them. But we have had a little more experience. I think all the members of the Committee remember that it was brought out that a dam had been placed across the South Sault Rapids; that a channel was obstructed, but the obstruction was to be removed by the end of the war, or in five years at the most. They have failed to remove it, and have refused to do so, although it is ten years now since the war. It appears that the United States Government cannot force them, on account of the powers given to this Company under a charter.

The present position of that Company leads me to insist that everything that is done in connection with the St. Lawrence Waterway should be done direct with the United States Government, so that when any question comes up, or any dispute, or rearrangement, we will only have to deal with that Government, and not be forced to take such a course as we have had to pursue in the Chicago drainage case.

Again I refer to the Chicago drainage canal. Honourable gentlemen will remember that so

far as the power of the United States Government is concerned, Chicago has the right to go before the courts, and that it is only upon their decision that the Government can take action.

What I am a little suspicious about, and what I am afraid might happen is this. The Aluminum Company have a charter that gives them a great deal of land in that locality, on the American side of the river. What they did not secure in that way they purchased. They have also purchased the St. Lawrence Power Company, and all the land in that vicinity. Therefore, when the dam is placed across the river at this particular point the Company will own everything except the bed of the river on the Canadian side. Now, if I understand the Constitution of the United States with reference to Treaties, this Company would have the right to appeal to the courts in case of any dispute; therefore I urge that in making an arrangement with the United States every precaution should be taken by our Government in order to be sure that we are protected.

I am giving you some of the reasons why I fear what may happen. If the canal is built on the American side, as was recommended or suggested by the Joint Engineering Board, three of the locks—one at Crysler Island and two at the Long Sault Rapids—will be on the American side of the river. According to the Treaty of 1909, whatever rate the marine of this country has to pay in tolls for the use of our canals has to be paid by the shipping of the United States; and for the use of their canals we have to pay the same rate that they charge their marine. There would be very great danger, therefore, if this canal were owned by the Aluminum Company—especially in case of any dispute between Canada and what, apparently, would be the United States, but what in reality would be the Aluminum Company—because they could impose such a rate of tolls as would practically destroy our St. Lawrence waterway. That is another reason why I say the Government should take every precaution.

Up to the present we have had control of our own waterway all the way from Port Arthur to Montreal. When I say that, I mean that whenever a vessel has come to an obstruction around which a canal has been built, the locks having been on our own side of the boundary, our vessels could go through them without interference on the part of the United States or of any private corporation. If we adopt the scheme that has been suggested, either the one-stage or the two-stage scheme, the only places where there would be any obstruction on the United States side would be at Crysler Island and at the Long Sault Rapids. In the Committee two of the engineers who were on the Joint Waterways Commission were asked if it would be possible to build this canal on the Canadian side of the river and secure the same results as if it were built on the American side, and I think I am right in saying that both of them answered that it would, but that the cost would be $3,500,000 more. The extra cost was the only reason, so far as I remember, for the decision to build the canal on the American side. In other words, it was a matter of economy. I would like to suggest that it should be remembered when this matter is being finally considered, either by the Government or by Parliament, that it would be better for us to pay the extra $3,500,000 and have the ownership and control within our own country, thus avoiding any possibility of trouble and the danger of not keeping on good terms with our neighbours across the line.

But there is another phase of this question. We in Ontario—and I suppose this applies also to Quebec—have been anxious to get power. For twenty years we have been trying to develop power. We look for a great future in Eastern Ontario, say from Toronto east, by reason of the development of this large amount of power at Beauharnois and on the International Section. Now, the evidence is that 2,200,000 horse power will be developed on the International Section. The engineers have decided that half of that amount will go to the United States, and half will come to Canada. But they have placed the power house and the works on the American side. That it seems to me would not be satisfactory to Ontario or to Canada. So far as Quebec is concerned, it is all right, because all the power to be developed and all the works to be built in that section are in the Province of Quebec. But if this power house on the International Section is built on the American side of the river, we will be at the mercy, not of the United States Government, but of the Aluminum Company, and we would not be in such an advantageous position as if the development took place on our own side of the river. Therefore, so far as that matter is concerned, I urge that each country should have its own power plant on its own side of the line, and I would impress upon the Government the importance of seeing that that is done.

At yesterday's meeting, I think it was we had as a witness another of the engineers of the Joint Commission, and in addition to the questions that I have already mentioned about

the development being in the United States, I asked if the weirs to control the passage of water down the St. Lawrence in order to protect the harbour of Montreal, and the lakes and the river between Montreal and Cornwall, were also to be placed on the American side of the river. He answered yes. He stated that of course these works would have to be placed under a Commission, which, I suppose, would be composed of an equal number of Americans and Canadians. But I am not satisfied that we will be fully protected in that way, because the whole construction is on the American side of the river, and under the control and operation of the Aluminum Company. My judgment, for what it is worth, is that power will be the paramount issue with the Aluminum Company, and that navigation will be secondary. Therefore, I say again that those weirs, or a sufficient number of them to control the flow of water in order to protect Montreal Harbour and the river below Cornwall, should be placed on the Canadian side, even if it involves a loss of power. These are very important matters to those who live along the St. Lawrence. Navigation, it seems to me, should be paramount, and power should take second place.

There will be developed at Beauharnois and on the International Section, sufficient power for Ontario and Quebec for many years to come. As you know, Ontario has not the population to absorb 1,100,000 horse-power as soon as these works are constructed, and if the power house is to be built on the American side of the line, we will be in the position of either having to take the power or of having to allow it to be exported. I admit that probably we will be offered our share of a million horse power; but if we say we cannot use it at once, I think our chances of getting it later would not be very good. Along the St. Lawrence between Cornwall and Brockville we are now using power purchased from the Aluminum Company, which develops it at Cedar Rapids, for which we are paying $15 a horse power at Cornwall—I am not complaining of the price—and 75,000 horse power for lighting and power purposes is being sold in the United States in the towns and villages within, say, 100 miles of Massena. Therefore I am pleading with the Government to be very careful and to go very slowly, as the right honourable gentleman from Brockville (Right Hon. Mr. Graham) has said, until they are sure that Canadian interests are protected beyond all question. So far as the present situation is concerned, I have no fault to find with the action of the Government or of any other person. I do not blame the engineers for trying to economize; but I think that it would be false economy for us not to spend a little more money in order to control the situation ourselves. The Government and its Advisory Committee have held this matter up pending further investigation, and it is for that reason that I am urging to-day—the last opportunity that I will have this Session—that they should proceed very cautiously.

There is another reason why I am speaking to-day. It was not my intention to say anything on this matter until next Session. I was under the impression that nothing would be done regarding this development until next Session, but I noticed in the Ottawa papers of last evening the statement that the Government had practically decided upon the location of the terminals for this deep waterway. What alarmed me was the statement in another place that these terminals will be placed as stated, provided an agreement can be carried out with the United States in connection with the deepening of the channel. I do not know what that really means; whether it may refer to the deepening of the channel between Prescott and Lake Ontario, or to work that may be done between Cornwall and Lake Ontario. For the life of me, I cannot see why there should be any agreement made at all; and, as a matter of fact, the Minister who made the statement said that it was not necessary to make the agreement in order to carry out this work.

Hon. Mr. DANDURAND: What page?

Hon. Mr. REID: He stated at page 3983:

I would say that at present the decision is somewhat contingent upon the arrangement which can be made with the Government of the United States as to the work to be done in their own channels. The Government have arrived at a decision, provided suitable arrangements can be made.

Then he was asked:

I suppose that no matter where the terminals were located some arrangement would have to be made with the United States in regard to dredging?

To which he answered:

Not necessarily.

I take that to mean that it is not necessary to enter into this agreement in order to carry on the construction of the terminal. The American Government are making Ogdensburg their terminal point, and if they do that they will have to widen their channel between Lake Ontario and Ogdensburg. There is now plenty of water, but in order to make it safer, they will have to spend a million dollars. Then on the Canadian side there are one or two small shoals to be dredged, and it has

been stated in one way or another that the cost may be $100,000—some have put it as high as $500,000—to make a safe channel from Lake Ontario down to Ogdensburg on the American side or Prescott on the Canadian side. But I cannot see, for the life of me, why it is necessary to make that agreement at the present time, or before the Government have decided what final action they are to take in connection with the whole international section.

Hon. Mr. McLENNAN: You could not use the new Welland Canal unless there were a place to discharge. You must have a place at Prescott in order to utilize the Welland.

Hon. Mr. REID: I am stating only that it is not necessary for us to enter into an agreement with the United States whereby they will do certain work if we will do certain other work in connection with these terminals.

Right Hon. Mr. GRAHAM: Is not this really what the Minister meant, that the location of the terminals at Prescott is contingent on the United States Government, either through agreement or otherwise, doing certain works on the channel west of Prescott?

Hon. Mr. DANDURAND: On their side.

Right Hon. Mr. GRAHAM: That is, the channel on their side of the river.

Hon. Mr. REID: Yes.

Right Hon. Mr. GRAHAM: If he says it would be unnecessary if the terminals were somewhere else, does he not mean that if the terminals were placed for instance at Kingston, at the foot of Lake Ontario, no work would be necessary on the American side, but if they are at Prescott the channel on the American side will have to be deepened, and that must be done either by the American Government or through agreement with them?

Hon. Mr. REID: He may mean that, but he does not say that. There is the point that I am raising, in order that I may get an answer.

Hon. Mr. DANDURAND: I think my honourable friend (Hon. Mr. Reid) is in error.

Right Hon. Mr. GRAHAM: I think that is what the Minister says.

Hon. Mr. DANDURAND: I think the Minister speaks of works on the American side.

Hon. Mr. REID: Where does he make that statement?

Hon. Mr. DANDURAND: Would my honourable friend give me again the page from which he has read?

Hon. Mr. REID: Page 3983:

I suppose that no matter where the terminals were located some arrangement would have to be made with the United States in regard to dredging?

Hon. Mr. DANDURAND: Above that there appears this statement:

Mr. Elliott: I would say that at present the decision is somewhat contingent upon the arrangement which can be made with the government of the United States as to the work to be done in their own channels.

Hon. Mr. REID: That may mean exactly what the right honourable gentleman from Brockville (Right Hon. Mr. Graham) has stated. I think his interpretation is probably right. If the section from Prescott to Ogdensburg west to Lake Ontario is meant, then of course there is no question at all about that point. If the statement does not mean that, and if the decision is contingent upon dredging or other work to be done between Cornwall and Lake Ontario, or in other parts of the St. Lawrence, then I am afraid we may have trouble. That is one reason why I am eager to have a thorough understanding in this respect. Another reason is this. If I remember rightly I have read somewhere evidence to the effect that the Aluminum Company are to do all this work between Lake Ontario and the Long Sault Rapids, and they would spend $1,000,000. Now, if an agreement is to be made with the United States Government I would suggest that the Canadian Government should be sure that that agreement does not tie them up; that is, that the agreement covers the section between Ogdensburg or Prescott and Lake Ontario and does not bind them in any way as to the work eastward to Cornwall until they come to make the final arrangement, perhaps on the advice of the Advisory Committee.

Right Hon. Mr. GRAHAM: Now, I think I can convince my honourable friend that my interpretation of the minister's meaning was right:

Mr. Geary: I suppose that no matter where the terminals were located some arrangement would have to be made with the United States in regard to dredging?

Mr. Elliott: Not necessarily.

That means, in my humble judgment, that if the terminals were located west of the point where the American channel has to be dredged, it would not be necessary to make any agreement.

Hon. Mr. REID: I agree that the interpretation given by the right honourable Senator from Brockville (Right Hon. Mr. Graham) is the interpretation that we should accept,

and I trust that if at next Session we are discussing any arrangement that has been made, the honourable leader of the Government will be able to say that this has been the interpretation upon which action has been based. That is the point I wanted to have cleared up. My desire to have it thoroughly understood is one of the reasons why I speak this afternoon. We who live on the St. Lawrence have had so much trouble in the past, or there have been so many possibilities of getting into trouble, with this company, through action which they have taken, that I think honourable gentlemen will agree that it is not too much for us to take every precaution we can for the future. It is for this reason that I am expressing some of my fears. Let me add that personally I took a strong position three or four years ago, and subsequently. I agree with the right honourable Senator from Brockville when he says that the development must go on. It may not be carried out immediately, but the time will come when it must be made, and I would like to see it during my lifetime. When the question came up about four years ago it was due to propaganda started by the United States, in which they did not hesitate to say that they were willing to pay a large share of the cost of this great work—whether it was one-half, or what proportion, I do not remember. I thought we were justified in coming to some arrangement with them, but after a little while it turned out that we were to be in the same position as in the case of the St. Lawrence Power Company: that the Aluminum Company was behind the whole scheme; that it was not going to cost the United States Government one dollar, as the company were going to do all the work and to have the power. Of course they could very well afford to undertake the development, because it would not be too expensive. So, as soon as I realized that we were to be entirely in the hands of the Aluminum Company again, I was opposed to any such proposition.

As I have stated, the evidence adduced before our Committee has been very valuable and of great assistance to us. I trust that the information obtained on the St. Lawrence waterway will be brought up and discussed in the House at some future Session. My fears are more than ever justified. The honourable leader of the government in this House will undoubtedly discuss this whole question from time to time at Council meetings with his colleagues. He has had, I believe, an advantage over other members of the Government in having heard the evidence given before the Committee. I believe he is in a much better position than he was to understand the situation. I shall be pleased if at another Session the honourable gentleman can inform us that, he having taken an active part, the Government have arranged to place the canal and the power-house entirely on our own side and we are not under obligation to any other country, but are in exactly the same position as at present, with respect to our navigation and power. If the honourable gentleman can give us that assurance. I shall feel just as proud of him as I did of the right honourable gentleman from Brockville (Right Hon. Mr. Graham) when he knocked in the head the proposal that was made in 1908; and I am sure Ontario will feel grateful that our power is saved for ourselves. We cannot develop and use 1,100,000 horse-power within the next two, three, four, five or six years: we have to develop the units as we require them.

Now, a certain proposition has been made. I do not know whether it is worth considering, or whether the Government would consider it. The Aluminum Company have offered to develop the navigation and power without cost to the United States Government if the company may have the power. Why cannot the Canadian Government offer to allow the Government of Ontario to take advantage of a similar proposition, if the decision of the court is in favour of the Dominion Government? Such a proposition might be made to the Hydro Electric Commission to take over the construction of the power plant and its development, and, if they refused, why should the Government not let Canadian citizens have an opportunity to build our portion on condition that they may have the power at rates to be agreed upon? If, on the other hand, it is decided that the Ontario Government own the power, let them proceed with the development on our side. As I remember the evidence given by members of the Joint Engineering Board, they stated—and honourable gentlemen who were present will know whether I am puttting the facts correctly or not—that if the two-stage proposition were undertaken we should have at Crysler Island about 300,000 or 400,000 horse-power on the Canadian side, and 300,000 or 400,000 on the American side. I asked whether we could develop 200,000 horse-power on our side at Barnhart Island, and the engineer who answered the question said, "Yes, 200,000 or 300,000." I am not quite sure that he did not say 500,000. At all events, between the two points we should have probably 600,000 or 800,000 horse-power on the Canadian side.

I am so anxious to see Ontario and Quebec protected in so far as the control and oper-

ation of navigation are concerned that I have taken perhaps more of the time of this House than I ought, but I would like to point out that the waterway between Port Arthur and Montreal is the only water route entirely under Canadian control. The United States have the Mississippi, they have the Erie Canal, and if they proceed with the Oswego-Albany Canal they will have a third route. It is possible that in years to come the Governments may not be on as friendly terms as they are to-day, and the United States Government, simply by placing a toll on that small section of the St. Lawrence waterway under their control, could deprive us of our navigation, or could at least prevent us from operating unless we carried out what they desired.

Right Hon. Mr. GRAHAM: Do you mean that they would drive the traffic to the American route?

Hon. Mr. REID: Yes, to American ports. For instance, if they put 5 or 10 cents a bushel on grain going through their seven miles of canal, of course the traffic would go to Albany. One-sixteenth of a cent will send it one way or the other. That would of course be a very serious matter for us, and if the United States imposed such a toll there would be no way of taking vessels to Montreal; the toll would absolutely stop navigation on the St. Lawrence east of Prescott. We could not take freight any farther east by water, but would have to take it by train.

According to the propaganda in the United States, if this deep waterway is constructed our own ports will get all or nearly all of the 119,000,000 bushels of Canadian grain that goes to Buffalo. I do not believe that for one moment, and I will tell you why. When we enlarged the Welland Canal we were to receive all the grain, but we have never got any larger percentage since that canal was enlarged. The United States continued to get their share, and I am satisfied that the United States will develop some waterway of their own and will make rates that will take a larger portion of our traffic through New York, as has been done in the past. The reduction of rates will of course be of benefit to our great Northwest, but I am referring now to the statement that Montreal would receive all our Canadian grain.

I did not intend taking any great length of time, nor was it my purpose to find fault with anyone. I believe that in what has been done up to the present we are protected in so far as our navigation system and our water-power are concerned, but we have now reached the point where whatever is done may be of serious consequence for the future, and I would urge again that when the St. Lawrence waterway project is being considered the points I have raised should be borne in mind. I hope also that the action taken by next Session will be fully in line with the interpretation placed by the right honourable gentleman from Brockville, the honourable leader of the Government and myself upon the statement of the Minister of Public Works.

Hon. Mr. McLENNAN: On behalf of the Senator from DeSalaberry (Hon. Mr. Béique) I would like to call the attention of the House to the following matter: The Chairman of the Committee should be requested to see to the editing of the bluebook, with a proper preface or introduction, and all required explanatory notes, with such additional information as he may obtain from the Railway Department or the Department of Statistics, and with authority to receive from Mr. Payne for publication, any additional statement he may deem proper.

The motion for concurrence in the report was agreed to.

SOLDIERS' SETTLEMENT BILL

SECOND AND THIRD READINGS

Bill 288, an Act to amend the Soldiers' Settlement Act—Hon. Mr. Dandurand.

The Senate adjourned until to-morrow at 12 o'clock.

THE SENATE

Friday, June 8, 1928.

The Senate met at 12 o'clock noon, the Speaker in the Chair.

Prayers and routine proceedings.

DIVORCE BILL (ONTARIO)

POSITION OF THE SENATE

Hon. W. B. ROSS: Honourable gentlemen, I wish to read a statement relating to the Bill which we have been discussing somewhat with closed doors. I shall read it without any comment at all: I am not going to add anything to it or subtract anything from it. It will be open to every member of the House to discuss it as much as he sees fit:

Before the Orders of the Day are called, I wish to make a short statement to this House in respect to the Divorce Bill which was passed by this House in the early days of the Session, namely, on the eighth day of February, and which now stands for consideration in the other House.

I have already given to this Chamber some of the reasons why, in my opinion, it is

desirable that this Bill should become law, and why, in my opinion, it would not lead to an increase in the number of divorces, but on the contrary would have a tendency to decrease the number. I need not repeat these reasons.

If the other House rejects this Bill after consideration, as they have a right to do, then the members on this side of the House will ask the Commons to bear one-half of the petitions for divorce which may reach Parliament. In the event of the other Chamber not dealing with this Divorce Bill, I am in a position to state that the members on this side of the House will refuse to serve on the Divorce Committee, with this exception, that they will, as formerly, hear any petitions that come to the Senate from the province of Quebec.

This is in furtherance of the declared intention of this Chamber not to interfere with the question of divorce so far as it relates to the province of Quebec, as stated and explained on the first introduction of the Bill in this Chamber. Excluding Quebec, the only provinces without a Divorce Court are Ontario and Prince Edward Island; so that this statement will be of most interest to the people of these two provinces.

That, I am satisfied, is the almost unanimous opinion of this side of the House. There was no formal meeting to discuss the matter, but I have discussed it with members of the Committee and with as many members of the House as I could see, and that is the position that the great majority of them take.

Hon. Mr. DANDURAND: Honourable gentlemen, since we have heard the statement of the honourable leader on the other side as to the stand which members of the Senate for whom he speaks may take next Session, I feel that the Senate and the public have not sufficiently appreciated the importance and the most disagreeable character of the work which has fallen upon the group of Senators who undertook to sit in the Divorce Committee. While we have all done our share in dealing with questions that have come before us, without attracting the notice of the outside public, the nine members whom we appointed to the Divorce Committee have been obliged to work day in and day out, without any adjournment, and without the advantage of enjoying the fresh air during certain hours of the day. Their conduct has been most commendable, and I desire to thank them for it.

Hon. W. B. ROSS: Honourable gentlemen, I would like to add just a word on this subject. The honourable gentleman has not quite touched on what is, after all, a most serious fact to the members who serve on the Divorce Committee. Divorce proceedings are really judicial proceedings. In my time attendance on that Committee was quite a burden, in this way, that the work of the Committee, the calling of witnesses who are brought here, must go on practically at all hazards, using that phrase reasonably; therefore that work interferes with the other duties of the Senate. The men who serve on the Divorce Committee are precluded from attending other Committees, and giving consideration to the general legislation of the House. I know that that fact is regarded by members of the Committee as probably the most onerous part of it. I do not think they complain of doing the work that is done; but they cannot be in two or three places at the same time, and hence a large number of useful men are prevented from dealing with the general legislative subjects that come before us, by having their time consumed in the Divorce Committee. That was one of the reasons why I asked the late Sir James Lougheed to leave me off the Divorce Committee, because I had no time to deal with other questions.

I wish also to say that, while in my time divorce work was burdensome, it is now five times as bad, because for every divorce case we had then we now have at least five, probably six. With some knowledge of the matter, more than that of the men who have not served on that Committee, I wish to express my gratitude to those who have dealt with the divorces. They have done their work well and faithfully, and I think they deserve the thanks of this House.

Hon. Mr. DANDURAND: In order to indicate the nature of that work, it occurred to me that if there were any possibility, under the rules or the constitution of the Senate of transferring the inquiry, the taking of evidence, and the report, to some of the courts of those three provinces that have no regular divorce courts, we would thus place the labour where it belongs—in the hands of properly constituted tribunals.

Hon. W. B. ROSS: That would give you a divorce court.

Right Hon. Mr. GRAHAM: Call it whatever you like.

PARLIAMENT GROUNDS

TRAFFIC REGULATION

Hon. Mr. TANNER: Honourable gentlemen, before the House adjourns, I think it would be a very proper thing for someone to express appreciation—and I am doing it so

far as I am concerned personally—of the very effective regulation of traffic by, I presume, the Department of Public Works and the Mounted Police. I think it must have been very gratifying to honourable members of this House, as well as to honourable members of the other Chamber and to the public, that, after some delay, this work was taken in hand with resolution, and most effective provision was made for the protection of people who are moving about Parliament Hill. For my part I want to congratulate those concerned, and particularly the officers of the Mounted Police, who have been doing this service in a most effective and gentlemanly way, as they always do.

One thing remains now, I think, namely, that the city of Ottawa should take up the question of traffic regulation on Wellington street. I hope that effective means will be put into operation by the authorities of the city of Ottawa to control the traffic on Wellington street, which is at times very perilous indeed for pedestrians.

PENSION BILL

QUESTION OF PRIVILEGE

Hon. J. D. TAYLOR: I rise to a question of privilege arising out of the debates in this House yesterday. During the debate on the Pension Bill two honourable gentlemen thought it proper to question a statement of fact that I made as to the insufficiency of the law at present to protect appeals which soldiers are naturally entitled to make. I said at the time that I had the documents supporting my position, but that they were in the hands of a member of the other House. I have the documents now. I have on one page a review of a case addressed to the Hon. J. H. King, Minister of Soldier's Civil Re-establishment, recourse being had to him only after this unfortunate man had run the gamut of all the appeal boards, medical units, and all other organizations he could find. He finally came to the head of the Department, and asked him for redress. Dr. King, I may say, is usually sympathetic with those cases, so that the man was not using any poor judgment in going to the Minister; and this is the reply he got:

Ottawa, November 25, 1926.

Honourable J. H. King, M.D. M.P.,
Minister of Soldiers' Civil Re-establishment,
Ottawa, Canada.

No. 216720 Pte. Wm. A. Stevenson.

Dear Dr. King:

With reference to the marginally named man, the following is a review of his case as set forth by the Chief Medical Adviser:

"This man's arm was fractured in 1897, twenty years before he enlisted, and since that time the joint has been weak and stiff.

"The Commissioners have very carefully considered the case and are of opinion that the arm condition was present prior to enlistment and was not aggravated during military service.

"The man appeared at Head Office and was examined by several of the Medical staff. He stated at that time that his condition was aggravated by his being blown up by a shell and rendered unconscious and that he was evacuated from the lines four hours after his explosion. A thorough search of the Casualty List and Part II Daily Orders of the First C.M.R. Bn., in which he states he was wounded, fails to show any mention of a casualty having occurred to this man. If he was sent out of the lines as a casualty it would be mentioned in Part II Daily Orders.

"Mr. Stevenson appealed to the Federal Appeal Board and its decision was that the arm condition pre-existed enlistment and was aggravated on service. The Pension Board then pensioned him for aggravation of the arm condition (as per the ruling of the Federal Appeal Board) at one-quarter of his entire assessment in respect of the arm.

"This is a purely arbitrary award and was made in accordance with the judgment of the Federal Appeal Board. The total disability from the arm is estimated at twenty per cent and he was awarded five per cent pension retroactive to discharge. At the present time he is not totally disabled from his arm condition. If he had lost his hand he would be entitled to only sixty per cent pension and if he had lost the arm at the shoulder he could receive an eighty per cent pension only according to the regulations. The Board of Pension Commissioners was of the opinion that this man's arm was in exactly the same condition as when he joined the army but on the judgment of the Federal Appeal Board one-quarter of the total disability was awarded for aggravation."

It would appear that this man injured his arm before enlistment, and that he is entitled to an aggravation only of the condition. This he has received back to the time of his discharge. Your enclosures are returned herewith.

Hon. Mr. COPP: Who signs that?

Hon. Mr. TAYLOR: J. F. Ellis, Commissioner. The enclosures include a photograph showing the man's condition. I regret that the photograph cannot be placed on Hansard, but I have it here. It shows one arm capable of full extension, but the other arm permanently bent. I know of my own knowledge that this is not in any sense a faked photograph, because it was taken under the direction of a medical officer of a Unit, who served through France ,and who knows all about soldiers their treatment and their weaknesses. He assured me that the arm could not be straightened any more than as shown in this photograph, and that he had personally taken the matter up with the local authorities and with Dr. King.

I mention this simply to show the wrong that we have done to men of this class by excluding the right of appeal which the Commons offered to them, owing to the statements so positively made to us yesterday, that they were already fully provided for, and also to support the statements which I made, as of my personal knowledge, that cases like this occur and are not provided for.

There is another point to which I wish to take exception. I have not understood that courtesy in debate has become merely a legend in this Chamber. I have thought it was one of the distinguishing marks of the Senate, and so far as I am concerned I have endeavoured to comport myself with that in mind. I think I said nothing yesterday provocative of any unkind rejoinder from any source; yet I see this from no less a person than the leader of the Senate.

Hon. Mr. Dandurand: A statement which he did not volunteer, but which the Committee asked of him.

Hon. Mr. Griesbach: I myself asked.

Hon. Mr. Taylor: Yes, he volunteered his attendance there for the purpose of being asked.

Hon. Mr. Dandurand: Yes, with other members of the Commons Committee. I pity my honourable friend's state of mind.

If that is in accordance with the courtesy of debate which is supposed to rule in this Chamber, or to have ruled, then I fail to understand what courtesy is. In my opinion it is a most improper statement, which should have been challenged and recalled when made. I myself resent it. I might have reflected—I do not intend to reflect now—on the mentality of my honourable friend, in the attitude he took in connection with the matter then under discussion. I did not do so. I said nothing provocative, and I think it should not pass unnoticed that an unseemly remark of this kind was made by the leader of the Senate respecting a man who had done nothing to cause it.

Hon. Mr. DANDURAND: Honourable gentlemen, I confess that I was somewhat adversely affected by the attitude of my honourable friend yesterday; and since he refers to what was passed in this Chamber I have no objection to explain to him how my sentiment was expressed in perhaps too abrupt a manner. I felt, and I still feel, that the Senate of Canada has a duty to perform. We are a revising body, and the more we do so with a clear detachment from party passions the better this country will be.

Hon. Mr. POPE: Order. Don't be annoyed.

Hon. Mr. DANDURAND: We have addressed ourselves to the solution of a most difficult problem, that of pensions to soldiers. I think we have done so in a way deserving commendation from the members of the House of Commons who came by invitation to the sittings of our Committee. Now, I believe that my honourable friend in the debate yesterday sinned against two rules which should govern members of the Senate. He enlarged upon what had taken place in Committee. The rule is that there should be no statement as to the incidents in Committee, and that rule is obviously just, because there are no shorthand writers to take down exactly all that is said.

Hon. Mr. TAYLOR: Honourable gentlemen will remember that I called attention to that, and asked that I might be checked if I were transgressing the rules. I may say that I have not found any rule except that forbidding reference to proceedings in a committee until they have reported. I had a suspicion that there was one, and I invited challenge yesterday, but there was no challenge.

Hon. Mr. DANDURAND: Well, documents which were brought to the Committee may be referred to. I abstained from stating what had been my action as representative of the Government in the Committee, as to motions that I had made and that had been rejected. I abstained from doing that because I wanted the work of that Committee, and the result of that work, to be the product of the whole Committee, and I bowed to the decisions of the Committee.

My honourable friend went one step further, by singling out one of the gentlemen, whom we had invited with other members of the Commons, to attend our sittings; and he stated that the reason he mentioned the presence of that Minister was that he might share the responsibility with us in the decision we had taken. He also mentioned the political or party effect which it would have. I confess that that displeased me, and I believe it displeased a number of other members of the Senate. Now, it was unfair to put that Minister in that position, because the whole situation had not been stated. What was the situation? The situation was that suggestions had come from the other Chamber—

Hon. Mr. TAYLOR: If I might interrupt the honourable gentleman, I would have liked to discuss that matter myself, but I realized that I could not do so on a question of privilege. Now, if the honourable gentleman is going to discuss the position of the Minister on a question of privilege, I would like the opportunity to discuss it also.

Hon. Mr. DANDURAND: No, I simply want to say this, that my honourable friend did not do justice to the party that he mentioned, and that is what was somewhat vexing. The Minister of Defence had come there at the demand of Mr. Barrow, the representative of the returned soldiers, in order to help him, and help their views to prevail in the Committee, or assist by some suggestions. The Minister accepted the invitation, and came. He was sitting there when the provision that we had delegated to the Chairman of the Pension Board was read to us. It was a new proposition, and everybody proceeded to examine it. The honourable gentleman from Edmonton (Hon. Mr. Griesbach) stated yesterday that it was he who turned to the Minister of Defence and asked him his view. The minister was then conferring with Mr. Barrow and examining it at first sight. They were agreeing that after many attempts had been made—

Hon. Mr. TAYLOR: Honourable gentlemen, I rise to a point of order. I think the honourable gentleman is out of order. I have raised with respect to him the point that he used towards me certain language which in my opinion should be withdrawn. It was not competent for me on a question of privilege to discuss the matter which he is discussing now. If it was not competent for me, it is equally not competent for him. The point I have raised is open to him to discuss. The other question he may discuss in another way, on the motion to adjourn, and then we may all participate, but it is not open to him to carry on this discussion on the question of privilege raised by me. I appeal to you for your ruling, Sir.

Right Hon. Mr. GRAHAM: He is telling you why he used the language.

Hon. Mr. TAYLOR: He is not permitted to use the language at all.

Hon. Mr. DANDURAND: I will close the two incidents by simply stating these facts. The Minister of Defence has written to me that in answer to a question he had said that from a quick examination of the clause which we adopted he was impressed with it and felt that it registered the desire of Parliament to accept the principle of providing for the class of cases we had in mind, and he thought it would be worth while to give the clause a trial for a year to see how it would work out. That was after conferring with the soldiers' representative who had invited him there. A number of attempts had been made to find a solution and all had failed. Here was a solution that had been presented by the Chairman of the Board.

Hon. Mr. TAYLOR.

Now, as to the remark I made, I regret exceedingly having been under the obligation of saying something that was disagreeable to my honourable friend. It bore only on his state of mind which brought into the debate a party interest, which we all wanted to see eliminated.

Hon. Mr. TAYLOR: I appealed to Mr. Speaker a while ago to know if this was in order. To my mind it is clearly out of order. I believe that if it is out of order I am entitled to say something in answer to the closing statements of the honourable gentleman, who has not withdrawn his offensive remarks and has not palliated them in any way. I claim that there was a direct breach of the rules of this House and of the courtesies that we expect in this House. As to the Minister, I made no comment whatever on his right to be in the Committee or his right to do what he did. I have read carefully what I said, and I stand by every word of it as proper and decorous. What I said was that whatever happened in that Committee had happened on the advice and with the consent of a gentleman who was Minister of Defence and the soldiers' spokesman in the other House, and that I hoped that what had happened and was happening would not be made the excuse for a repetition of the cry that soldiers' legislation was bedevilled by the Conservative Senate.

Hon. Mr. DANDURAND: The only statement I can make is that my remark was simply addressed to the inappropriateness of my honourable friend's bringing into the debate the party question, inasmuch as our joint effort was to keep this matter out of party wrangles.

Hon. Mr. TAYLOR: How about the Conservative Senate? You have that spread all over the country.

MESSAGE FROM HOUSE OF COMMONS

The Hon. the SPEAKER presented a message from the House of Commons as follows:

Resolved, that a message be sent to the Senate to acquaint their Honours that this House doth not insist on its disagreement to their first, second, sixth and twelfth amendments, and have agreed to their new amendments subsituted for their previous seventh, ninth and eleventh amendments to the Bill No. 289, an Act to amend the Pension Act.

Hon. Mr. DANDURAND: I am happy to find that both Houses of Parliament are agreed on our joint work.

The Senate adjourned until to-morrow at 10.30 a.m.

THE SENATE

Saturday, June 9, 1928.

The Senate met at 10.30 a.m., the Speaker in the Chair.

Prayers and routine proceedings.

THE LEAGUE OF NATIONS

CANADA'S REPRESENTATIVE

On the Orders of the Day:

Right Hon. Sir GEORGE E. FOSTER: Before the Orders of the Day are proceeded with, I should like to ask my honourable friend who is representing Canada at the present meeting of the Council of the League of Nations at Geneva.

Hon. Mr. DANDURAND: The Honourable Philippe Roy, our representative at Paris.

Right Hon. Sir GEORGE E. FOSTER: And under instructions, special, or general, from the Government?

Hon. Mr. DANDURAND: All I can say is that I was informed as to the matters on the agenda, and I found that there were but two questions, namely, the Hungarian Optants in Transylvania, and the importation of contraband materials of war into Hungary contrary to the terms of the Treaty of Trianon, which was discussed at the last meeting, while another Canadian representative sat in the Council. I felt it my duty to inform the Hon. Mr. Roy in a summary manner as to the discussions and conclusions with regard to these matters. I have reason to believe that they will not be finally disposed of at this sitting.

Hon. Mr. CASGRAIN: The Leader of the Senate will permit me to say that he personally was certain that the Council of the League of Nations would follow the usual practice and postpone to the greek calends any embarrassing questions.

Hon. Mr. DANDURAND: Of course, my honourable friend would much prefer that there should be no such unions, where Governments meet, and that matters should continue to drift, as they drifted before the war, and end even in chaos.

BUSINESS OF THE SENATE

Hon. Mr. DANDURAND: Honourable gentlemen, there are no Orders of the Day, and the Senate, having finished its labours, is awaiting legislation from the House of Commons. It is very difficult to prognosticate when the labours of the other House will end; but the Senate is in attendance. I suggest, with the concurrence of this honourable House, seconded by the right honourable gentleman from Eganville (Right Hon. Mr. Graham), that the Senate suspend its sitting till half-past two this afternoon, because then we will know whether there is a likelihood of prorogation to-day. If there is not, we may then adjourn to Monday of next week.

Hon. G. G. FOSTER: Honourable gentlemen, I certainly have no intention or desire to dictate the time to which we should or will adjourn, but it seems to me that it is not dignified for this House to sit here hour by hour and day by day, waiting to be told that at a certain time we are to be called upon to prorogue Parliament. If at 4 or 5 o'clock this afternoon the House of Commons is going to send to this Chamber the bundle of Estimates and appropriations that I have heard of, I hardly think it is fair to ask us to consider them on such short notice. If my honourable friend would move the adjournment of the Senate until Monday or Tuesday, regardless of what is done in another place, and in anticipation of the rumours on the street and elsewhere that Parliament is not going to prorogue to-day, we would have an opportunity of studying measures that are altogether too important to be dealt with in the short time that will be at our disposal before the Governor General arrives. I understand that some private legislation of very great importance to the part of the country which I come from has run out. I think the honourable gentleman might very well ask that the House adjourn until Monday.

Hon. Mr. DANDURAND: My honourable friend will recognize that it has been our practice, when we are through with our work, to await the good pleasure of the Commons, at the same time not forgetting what we ourselves owe to the country. My suggestion is that we should meet again at half-past two. If we are told then that the Commons will finish their labours and send to us the Supply Bill, say at 5 o'clock—it is the only Bill I expect to see coming from the Commons—then it will be for the Senate to decide whether it has enough time, as it generally has had in the past, to discuss the Bill. If the Senate feels, when it sees the Supply Bill, that it needs a day or two to discuss it, it is supreme and will decide accordingly. I would urge my honourable friend not to insist, before we know what work is coming, that we should adjourn until next week. If

the Leaders in the other House, whom I will consult, feel that it is useless for us to remain here during this afternoon to await the result of their labours, I will move the adjournment to a day next week, probably Monday.

Hon. Mr. REID: It is quite evident from the remarks of the honourable gentleman that he does not expect anything to come from the Commons with reference to the Divorce Bill. Has he made any inquiries of the Government as to whether or not there is to be a vote upon it? If he has not done so already, will he inquire and let us know the situation at half-past two.

Hon. Mr. DANDURAND: I understand that the Bill in question can only be taken up ahead of the Bills that stand before it on the Order Paper by the unanimous consent of the House. I think a request will be made for that unanimous consent, but I have not much hope that it will be granted.

The sitting was suspended until 2.30 p.m.

At 2.30 p.m. the sitting was resumed.

Hon. Mr. DANDURAND: Honourable gentlemen, in conformity with my statement of this morning I sought the best information I could obtain, the result of which is that I will move now that the sitting of the Senate be suspended until 6 o'clock this afternoon. I am told that I shall have by that time sufficient knowledge as to the possibility of prorogation this evening, and I shall inform the House accordingly. If there is no possibility of prorogation, I shall naturally move that the Senate adjourn until Monday afternoon or Monday evening.

NAVIGATION OF WELLAND CANAL

INQUIRY

Hon. J. P. B. CASGRAIN: Honourable gentlemen, before the motion to adjourn or suspend is put, I desire to draw attention to an inquiry which I made weeks ago and which I consider very important. This is the notice that I gave:

That he will call the attention of the Senate at its next sitting to the navigation of the new Welland Canal, and enquire from the Government:—

1. Has there been a consultation between the engineers and the marine officers of the Government or the captains whose vessels may navigate the new Welland Canal as to the method of operation?
2. Are the vessels to approach the locks and negotiate them on their own steam?
3. Is it the intention to employ tugs as in the Manchester Ship Canal?
4. Is it the intention to use locomotives as on the Panama Canal?
5. If such consultation has not taken place, will the Government, in the near future, act in the premises in order that no delay occurs once the said canal is completed?

I made a few remarks at the time. I know the honourable Leader has forgotten this matter, and I forgive him.

Hon. Mr. DANDURAND: I am not so sure that I have forgotten.

Hon. Mr. CASGRAIN: I have made careful inquiry and there has been no answer given to these questions. Of course, what concerns only my humble self does not matter so much, but the dignity of the Senate is at stake, and when we ask a question of the government we are entitled, I think, to have some answer during the Session. The answer in this instance would have been very easy. Now that the honourable gentleman desires to have the sitting suspended until 6 o'clock, I think that between now and then he can easily obtain the answer if he will.

I have just now repeated my questions. I will not discuss them once more, for I explained them fully on a former occasion; but I would point out that if no action is taken in the matter to which I have drawn attention, it may require years to do what should be done in the first place. Unless some method is adopted by which the canal may be navigated, an expenditure of $115,000,000 will be absolutely of no use to the shipping of this country. I dare say the inquiry had slipped the honourable gentleman's memory, but I think we are entitled to an answer. It is very important in the public interest that something should be done; otherwise, under present conditions, vessels cannot navigate the Welland Canal under their own steam.

Hon. Mr. DANDURAND: My honourable friend is in error if he thinks that the matter has slipped my memory: it has only slipped out of the Routine Proceedings. If the honourable gentleman had seen to it that his inquiry was retained on the Order Paper until he got an answer, it would have been before me each day and I should have had my secretary telephone the Railway Department. I did draw the attention of that Department to the matter. I do not know by what accident it has disappeared from the Order Paper before the answer has been given, for an inquiry should remain on the Order Paper until it is answered. I would point out to my honourable friend that this is Saturday and that on Saturday afternoon I may not find the Department open.

Hon. Mr. CASGRAIN: Some time next week will do.

Hon. Mr. DANDURAND: If we are sitting next week.

The sitting was suspended until 6 p.m.

The sitting was resumed at 6 p.m.

Hon. Mr. DANDURAND: There seems to be an effort in the Commons to send us the Supply Bill before ten o'clock. Under these circumstances I will ask that the Senate do now adjourn until ten o'clock this evening.

Hon. Mr. REID: You cannot hold out any hope for the Divorce Bill?

Hon. Mr. DANDURAND: That Bill, with others, could only be advanced and proposed in the other House if there was unanimity upon it, but there was not. So here we are awaiting only the Supply Bill, which is being discussed just now.

Hon. Mr. REID: There is no objection to bringing up the Divorce Bill next Session?

Hon. Mr. DANDURAND: I do not suppose there is.

The sitting was again suspended until 10 p.m.

At 10 p.m. the sitting was resumed.

SUSPENSION OF RULES

MOTION

Hon. Mr. DANDURAND: Honourable gentlemen, with the leave of the House I would move:

That all the rules relating to the introduction and adoption of Bills be suspended from now to the end of the Session.

Hon. Mr. McLENNAN: Could the honourable gentleman give us an idea when the end of the Session will be?

Hon. Mr. DANDURAND: There are strong hopes entertained that His Excellency will be here at half-past eleven. I would suggest, therefore, that the Senate adjourn during pleasure, and I would ask my honourable colleagues to answer the call when the bell rings. I understand that there will be very little discussion on the Supply Bill, and that I do not need to ask for a few hours in which to examine into it. Perhaps fifteen minutes will do.

Hon. W. B. ROSS: Less will do for me.

Hon. G. G. FOSTER: We have examined it.

The motion was agreed to.

PROROGATION OF PARLIAMENT—POSTPONED

The Hon. the SPEAKER informed the Senate that he had received a communication from the Assistant Secretary to the Governor General, acquainting him that His Excellency the Governor General would proceed to the Senate Chamber at 11 o'clock p.m. for the purpose of proroguing the present Session of Parliament.

The Senate adjourned during pleasure.

The sitting was resumed.

Hon. Mr. DANDURAND: Honourable gentlemen, I regret exceedingly to inform the Chamber that, in spite of all our aspirations to close this evening, we shall have to adjourn until Monday noon. The work of the Commons has expanded beyond what the leaders on both sides, I think, believed would be the case, and I cannot see that within an hour it will be completed. His Excellency will notify us Monday noon at what hour he will be pleased to come and prorogue Parliament.

Right Hon. Mr. GRAHAM: I suppose we cannot criticize the Lower House.

The Senate adjourned until Monday, June 11, at 12 o'clock noon.

THE SENATE

Monday, June 11, 1928.

The Senate met at 12 o'clock noon, the Speaker in the Chair.

Prayers.

CONGRATULATIONS TO HON. MR. DANDURAND

On the motion to adjourn during pleasure:

Hon. W. B. ROSS: Honourable gentlemen, before the House adjourns this morning I wish on my own behalf and on behalf of the other members on this side to extend our congratulations to the honourable Leader of the Government in this House (Hon. Mr. Dandurand) on his appointment to the important international position of American non-national member of the Permanent International Commission provided for in the Treaty for the Advancement of Peace of July 24, 1914, between the United States and Brazil. The honourable gentleman has represented Canada repeatedly at the League of Nations, and it is very satisfactory to the members of this House to find that the services of the

honourable member are highly appreciated, not only at home but abroad. We have no doubt at all that he will discharge the duties of this new appointment with the same ability as in the other appointments of the last few years. We wish him every success and a happy and safe return to his country.

Hon. Mr. DANDURAND: Honourable gentlemen, I highly appreciate this commendation and mark of sympathy which is given me. It is indeed a great satisfaction to feel that one's actions in discharging representative duties abroad meet with approval from one's fellow members on both sides of the House. All I can say is that, limited as my talents and qualifications may be, I strive to give to the service of my country the best that is in me.

The Senate adjourned during pleasure.

The sitting was resumed.

Hon. Mr. DANDURAND: Honourable gentlemen, we will have to adjourn until half-past three this afternoon in order to see whether the Commons have finished their labours. I think I can report progress on the Supply Bill, but there is still concurrence to be passed. The Commons will be meeting at 2 o'clock, so I think that by half-past three we should know whether prorogation will take place before 6 o'clock or after dinner.

At one o'clock the Hon. the Speaker left the Chair.

At 3.30 p.m. the sitting was resumed.

Hon. Mr. DANDURAND: Honourable gentlemen, I have strong hopes that His Excellency will call us together before five o'clock. I would suggest that we adjourn during pleasure, so that if we are called for half-past four we may be able to answer the call.

The Senate adjourned during pleasure.

The sitting was resumed.

APPROPRIATION BILL No. 3

FIRST READING

Bill 359, an Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1929.—Hon. Mr. Dandurand.

SECOND READING

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

He said: Honourable gentlemen, we have now the final legislation of this Session with the coming of the Supply Bill. It covers the Main Estimates for 1928-29. With these we are familiar, because we have already voted part of them, for the months of April and May. They are contained in Schedule A. We have also before us Schedule B, totalling $47,156,644.50, which represents the moneys to be expended by the State railway system and the Merchant Marine, under the administration of the same Department. We have in Schedule C the Supplementary Estimates, copies of which were distributed to honourable members of this Chamber, and which represent a further expenditure of $10,468,-611.91. I need not enter into the details of these supplementary estimates: I think they have not been criticised, and we are warranted in taking for granted that they are justified. In fact the supplementary estimates for 1928-29 were very carefully examined before being presented to Parliament, and I am free to say that they do not include all the items which the various heads of departments would have liked to find therein. Members of the Government hear advice in favour of economy and retrenchment, and they are as disposed to follow this policy as are those who so freely give that advice, but of course the Government's situation is somewhat different, in that it has to deal with concrete cases, and when it hears voices raised in different parts of the country it realizes that while economy is always urged, it is to be practised rather by one's neighbour.

Schedule D represents a proposed expenditure which is hard to fix clearly. It is an authorization to advance for the payment of pension the amount of $1,000,000, plus a small amount, $200, covering a special case. The total mentioned is probably an outside figure. At all events it represents the desire expressed by Parliament to provide whatever may be required under this head.

Hon. W. B. ROSS: Honourable gentlemen, I shall have very few remarks to make in respect of this Bill. It will in effect end our Session, a Session as to which, on the whole, the Senate may congratulate itself and say that it has done its work quite efficiently, with a minimum of friction, and to the satisfaction of the country.

I will not enter into a discussion on the details of the Supply Bill, but I must express my satisfaction at the deletion from the Bill of item 519 which at one time threatened to be a disturbing factor in this House. I would not like it to go out to the country that the items of supply have not been the subject of thought on the part of honourable members of this House. Although we have had no formal debate on the Supply Bill and

no formal resolutions, I am able to say that the Bill has been the subject of a great deal of thought by honourable members of this House; and it is proper that such should be the case. With these remarks I am content that the Bill should pass at once as laid before us.

There is, however, one further remark that may not be out of place. I look forward in another Session or two, to the time when we may treat the Supply Bill in a fashion somewhat different from the way we have treated it in the past. It comes before us in a solid block. That difficulty is of course palliated by the fact that, as I have already stated, the Bill has been the subject of a good deal of individual consideration. In another part of the world there is a practice which we have not yet adopted, namely, that of sending the Supply Bill back to the House of Commons for reconsideration. In the Australian constitution, which precludes the Senate from amending the Supply Bill, there is a clause providing that, although the Senate may not alter the Bill, it may send it back to the Lower House with the request to reconsider the items. That method has only the effect of provoking friendly discussion, for, after all, the Senate cannot interfere with the Supply Bill if the Government insists on it. It might be practicable to have our Supply Bill come up to us in sections. Take for example the Department of Railways, or the Post Office: that would not be too big a subject for this House to deal with at one time. If the estimates came before us section by section, instead of all coming together, we might concentrate our efforts upon each section. I remember the man who complained that his master was in the habit of throwing the yearly statutes at him: he said he did not mind that at all, but when he took to throwing at him the consolidated statutes, he objected.

Right Hon. Mr. GRAHAM: It was too big a load.

Hon. Mr. ROSS: I feel the same way about the Supply Bill. If it were sent up to us piece by piece we could deal with it more satisfactorily, but when we receive the consolidated Supply Bill it almost frightens one to look at it or attempt to say anything about it. The future will take care of itself, but I think that, without our Constitution being changed at all, there is room for a little friendly interchange of views between this House and the other, and if that method were adopted the complaint made here that the work is deferred until late in the Session and is then dumped on us in one mass would be obviated. Furthermore, that interchange of views would be, I believe, an advantage to the country.

That is all I have to say at present with regard to the Supply Bill. I hope that when we meet next year we shall be able to congratulate ourselves upon Canada having had in 1928, in the field, the forest, the mine and the factory, a prosperous and splendid year.

Right Hon. GEORGE P. GRAHAM: Honourable gentlemen, there is a good deal to think about in what the honourable Leader on the other side of the House has said. I want to add a suggestion that I think comes within the four corners of the Supply Bill. In the city of Montreal the C.N.R. has expended considerable money and contemplates expending many millions more for the creation of new terminals, particularly, I think, for the passenger traffic of that railway. This is essential, because the traffic requires it. It is necessary for the safety of the public, and it must be done in order to carry out an order of the Board of Railway Commissioners, particularly along the line of the elimination of many level crossings. The C.P.R., with its very rapidly increasing traffic, will soon have to make an improvement or enlargement of its facilities. The suggestion I have to make to the Government, the Canadian National and the C.P.R. is this, that it is not too late for representatives of the two latter to sit around a table together and discuss the possibility—yes, the advisability—of creating in the great city of Montreal a central union station for all outgoing and all incoming passenger traffic. This is according to modern railway activity. It is almost necessary for the city of Montreal, it would be a great boon to the travelling public, from Europe as well as from other parts of Canada, and to my mind it would be an economy for the two railways.

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 gentlemen, may I take occasion to say that the surprise expressed by some honourable member of the Senate at the length of our first adjournment and the curtailment of the work of this House has not been justified. I said at the time that I thought we should have plenty of time to cope with all the work and that before prorogation we should be awaiting the

good pleasure of the House of Commons. As a matter of fact we have been awaiting it for the last two weeks, when only the Pension Bill amendments and a short Bill respecting Soldiers' Land Settlement occupied our attention.

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

PROROGATION OF PARLIAMENT

The Hon. the SPEAKER informed the Senate that he had received a communication from the Assistant Secretary to the Governor General, acquainting him that His Excellency the Governor General would proceed to the Senate Chamber at 5.30 p.m. for the purpose of proroguing the present Session of Parliament.

The Senate adjourned during pleasure.

His Excellency the Governor General, having come and being seated on the Throne, and the House of Commons being come with their Speaker:

BILLS ASSENTED TO

The following Bills were assented to, in His Majesty's name, by His Excellency the Governor General:

An Act for the relief of Dorothy Estelle McCutcheon.

An Act for the relief of Adelaide Marie Moore.

An Act for the relief of Delia Elizabeth Davies.

An Act for the relief of Edith Duff McCoo.

An Act for the relief of Kathleen Marion Baldwin.

An Act for the relief of Frederick James Lee.

An Act for the relief of Laveania Maud Kelly.

An Act for the relief of Arthur John Evans.

An Act for the relief of Margaret Constance McIntyre Fairbanks.

An Act for the relief of Lina Elizabeth Foster.

An Act for the relief of Ruby Jean Standing.

An Act for the relief of Albertine de Varennes.

An Act for the relief of William Bye Fasken.

An Act for the relief of John Alexander Parsons.

An Act for the relief of Martha Golding.

An Act for the relief of Reginald Key.

An Act for the relief of Madeline Massey Knox.

An Act for the relief of James Parker.

An Act for the relief of Dorothy LaBelle.

An Act for the relief of Richard Henry Orr.

An Act for the relief of Marjory Sterne Boyd.

An Act for the relief of Florence Louise Parsons.

An Act for the relief of George Daniel MacDonald.

An Act for the relief of Evelyn Conner.

An Act for the relief of Annie May Caldwell.

An Act for the relief of Florence Marjorie Cressman.

An Act for the relief of Esther Buck Scott.

An Act for the relief of Norah Jones.

An Act for the relief of Albert Wood.

An Act for the relief of Louisa Baldock.

An Act for the relief of Albert John Morison.

An Act for the relief of Amelia Judd Wasserman Berliner.

An Act for the relief of Ernest Edmund Parrington.

An Act for the relief of Margaret Beaton Hale.

An Act for the relief of Annie Constance Vipond Coleby Lazier.

An Act for the relief of Gladys Caroline Isbell.

An Act for the relief of Victoria May Hardwick.

An Act for the relief of Annie Alice Tushingham.

An Act for the relief of Rita Peden.

An Act for the relief of Lorne William Paterson.

An Act for the relief of Albert William Hornby.

An Act for the relief of Marguerite Adele Berwick.

An Act for the relief of Harriett Ellen Isabel Kirkpatrick.

An Act for the relief of Martha Evelyn Taylor.

An Act for the relief of Winnifred Clark.

An Act for the relief of Maria Eremea, otherwise known as Marcia Eramko.

An Act for the relief of Albert Glenn Steinberg.

An Act for the relief of Charles Frederick Spittle.

An Act for the relief of Helen Lazelle Margaret Zeller.

An Act for the relief of Rachel Pearson.

An Act for the relief of Ida Myerson.

An Act for the relief of Arthur Wellington Henry.

An Act for the relief of Dorothy Warren Gorrie.

An Act for the relief of Stanley Edmunds.

An Act for the relief of Irene Frances Phebe Fricker.

An Act for the relief of Jean Maxwell Douglas.

An Act for the relief of Constance Brown Kinsman.

An Act for the relief of William Wilbur Blackburn.

An Act for the relief of Viva Venetta Lahmer.

An Act for the relief of George Ranney Price.

An Act for the relief of Percival Bovill.

An Act for the relief of Paul Charboneau.

An Act for the relief of William Franklin Darby.

An Act for the relief of Lorne Wilbert Helmer.

An Act for the relief of Mary Marjorie Jacques.

An Act for the relief of John Edward Gladstone King, otherwise known as John E. King.

An Act for the relief of Winnifred Lilias Maunsell.

An Act for the relief of Hazel Kathleen Mulligan.
An Act for the relief of Jessie McLean.
An Act for the relief of Winifred Margaret Pope.
An Act for the relief of Elizabeth May Thornley.
An Act for the relief of Norton Webster Kingsland.
An Act for the relief of Alice Edith Knowles.
An Act for the relief of John McArthur.
An Act for the relief of Charles Alfred Turner.
An Act for the relief of Lillian May Chandler.
An Act for the relief of Esther Brand.
An Act for the relief of Irene Adela Crann.
An Act for the relief of Jessie Ferguson..
An Act for the relief of William Herbert Gamble.
An Act for the relief of Mabel Maude Giles.
An Act for the relief of Alice Mockford.
An Act for the relief of Alvah Arthur Norris.
An Act for the relief of Eleanor Porter.
An Act to amend the Copper Bounties Act, 1923.
An Act to amend An Act respecting the National Battlefields at Quebec.
An Act to amend the Experimental Farms Stations Act.
An Act to authorize the raising, by way of loan, of certain sums of money for the Public Service.
An Act to facilitate the provision of storage in Lac Seul in the Province of Ontario, and to repeal the Lake of the Woods Regulation Act, 1921.
An Act respecting a certain Treaty of Commerce and Navigation between the United Kingdom and Spain and a certain Agreement between the United Kingdom and Spain regulating the treatment of companies.
An Act respecting a certain trade convention between His Majesty and the President of the Czechoslovak Republic.
An Act to amend the Dairy Industry Act.
An Act respecting trade between Canada and Esthonia, Hungary, Latvia, Lithuania, Portugal, Roumania, and the Serb, Croat and Slovene Kingdom.
An Act to amend the Excise Act.
An Act to amend the Special War Revenue Act.
An Act relating to the submission to Parliament of certain Regulations and Orders in Council.
An Act to amend the Customs Tariff.
An Act to incorporate the British Empire Assurance Company.
An Act respecting The Imperial Guarantee and Accident Insurance Company of Canada.
An Act respecting the Canadian Pacific Railway Company.
An Act respecting the Manitoba and North Western Railway Company of Canada.
An Act to amend the Customs Act.
An Act to amend and revise The Electricity Inspection Act.
An Act to amend the Prisons and Reformatories Act.
An Act to amend the Exchequer Court Act.
An Act to amend the Yukon Quartz Mining Act.
An Act to amend the Canadian National Railway Act.
An Act to amend the Militia Pension Act.
An Act to amend the Seeds Act.
An Act to amend the Dominion Forest Reserves and Parks Act.
An Act respecting The Toronto Terminals Railway Company.
An Act to provide for a loan to the Quebec Harbour Commissioners.
An Act to provide for a loan to the Saint John Harbour Commissioners.
An Act to amend the Railway Act.
An Act to amend the Gold and Silver Marking Act.
An Act to provide for a loan to the Halifax Harbour Commissioners.
An Act for the relief of Edward Bennett.
An Act for the relief of Annie Amelia Eliza Ferguson.
An Act for the relief of Laura Langstaff Dent Kemp.
An Act for the relief of Helen McLean.
An Act for the relief of Robert Pius Nageleisen.
An Act for the relief of Elsie Irene O'Meara.
An Act for the relief of Doris Read.
An Act for the relief of Thomas Zeamond Toll.
An Act for the relief of Katie Louise Turner.
An Act for the relief of Samuel Radcliffe Weaver.
An Act for the relief of Florence Elizabeth Mousley Monarque Westover.
An Act for the relief of Richard Thomas Bell.
An Act for the relief of Albert Cheney.
An Act for the relief of Katharine Adriance Burruss Christie.
An Act for the relief of Nellie Cohen.
An Act for the relief of Louis Cowell.
An Act for the relief of Wesley Thornton Davidson.
An Act for the relief of Orfie Earl Dingman.
An Act for the relief of Edith Alice Douglas.
An Act for the relief of Radford Alonzo Dunfield.
An Act for the relief of Reuben James Fenton.
An Act for the relief of Jane Annie Field.
An Act for the relief of Charles Edward Frank.
An Act for the relief of Bernice Gatehouse.
An Act for the relief of Harriet Elizabeth Roussie Gray.
An Act for the relief of Thomas Haggith.
An Act for the relief of Ellen May Collison Keene.
An Act for the relief of Henry Peet.
An Act for the relief of Léon Proulx.
An Act for the relief of Dorothea Wilhelmina Reynolds.
An Act for the relief of Violet Robinson.
An Act for the relief of Susan Amelia Saunders.
An Act for the relief of Agnes Georgiana Smith.
An Act for the relief of Walter Edgar Soule.
An Act for the relief of Phoebe Ellen Stevens.
An Act for the relief of Thomas William Storey.
An Act for the relief of Samuel Wellington Thompson.
An Act for the relief of John Edwin Timson.
An Act for the relief of Jennie Campbell.
An Act for the relief of Annie Pearl Appel.

An Act for the relief of Dorothy Catalina Day Armstrong.
An Act for the relief of Louise Morris Hays Grier.
An Act for the relief of Thelma Katherine Halliday.
An Act for the relief of Marion Jarvis Lewis.
An Act for the relief of Annie Moore.
An Act for the relief of Olive Druker.
An Act respecting certain Patent Application of William H. Millspaugh.
An Act to amend the Fertilizers Act.
An Act respecting The Sisters of Charity of the North-West Territeries.
An Act respecting a certain patent owned by Canadian Cinch Anchoring Systems, Limited.
An Act to incorporate the Northwest Canada Conference Evangelical Church.
An Act to incorporate The United Theological College, Montreal.
An Act to amend The Federal District Commission Act, 1927.
An Act to incorporate The Canadian Credit Institute.
An Act respecting the Canadian Surety Company.
An Act respecting The Interprovincial and James Bay Railway Company.
An Act to incorporate the Highwood Western Railway Company.
An Act respecting The Calgary and Fernie Railway Company.
An Act respecting The Nipissing Central Railway Company.
An Act for the relief of William James Wall.
An Act for the relief of George Rubin Sanderowich, otherwise known as Rubin Sanders.
An Act for the relief of Kathleen Elizabeth Hedges.
An Act for the relief of Lotus Henderson Conover.
An Act for the relief of Marguerite Trelawney Buller Allan.
An Act for the relief of Alexander Graham.
An Act for the relief of William Henry Phillips.
An Act for the relief of Marjory Elgin Burch.
An Act for the relief of Frances Helen Renison.
An Act for the relief of Katie Abramovitch.
An Act for the relief of Daisy Myrtle McPherson.
An Act for the relief of Claire Ellen Burke.
An Act for the relief of George Edgar Gooderham.
An Act for the relief of Pearl Hazel Clement.
An Act for the relief of John Arthur Towers Irvine.
An Act for the relief of William Henry King.
An Act for the relief of John Pepper.
An Act for the relief of Caroline Mildred Potter.
An Act for the relief of Fanny Alrheta Schaefer.
An Act for the relief of Ivy Ethel James Sergent.
An Act for the relief of Angelo Spadafore.
An Act for the relief of Lena Zimmerman Staples.
An Act for the relief of Audie Bertha Stewart.
An Act for the relief of Gertrude Aileen VanderVoort.
An Act for the relief Roy James Vollans.
An Act for the relief of John Young.
An Act for the relief of Victoria May Cameron.
An Act for the relief of Laura Esther Phillips Fortune.
An Act for the relief of Claude Frederick Gibbs.
An Act for the relief of Lillian May Gill.
An Act for the relief of Ruth Gray.
An Act for the relief of Isabella Muriel Holland.
An Act for the relief of Lily Leona Letheren.
An Act for the relief of Sarah Jane Pinkney.
An Act for the relief of Gwendoline Proctor.
An Act for the relief of Frances Evelene Ross.
An Act for the relief of Hazell Scelena Shaw.
An Act for the relief of Amy Simmons.
An Act for the relief of William Charles Worley.
An Act for the relief of Gladys Ham.
An Act for the relief of Arthur Joel Cox.
An Act for the relief of Mary Ellen Gussie Edwards.
An Act for the relief of William Henery Leonard Gale.
An Act for the relief of Harriet Louisa Gates.
An Act for the relief of Duke Mulloy Gordon.
An Act for the relief of Victor Edward McPherson.
An Act for the relief of Annie Schreiber.
An Act for the relief of James Retson Watt.
An Act respecting the disposal of certain Canteen Funds.
An Act to amend the Dominion Lands Act.
An Act to amend the Live Stock and Live Stock Products Act.
An Act respecting the Department of Pensions and National Health.
An Act respecting Interprovincial and International Traffic in Intoxicating Liquors.
An Act respecting the Saint John River Storage Company.
An Act to amend the Income War Tax Act.
An Act to incorporate the St. Clair Transit Company.
An Act for the relief of Winifred Osborne Gimblett.
An Act for the relief of Sydney Franklin Lankin.
An Act for the relief of Edward Aranha.
An Act for the relief of Mildred Jarvis Aspinall.
An Act for the relief of William Bell.
An Act for the relief of Lillias Agnes Cressman.
An Act for the relief of Jane Glass.
An Act for the relief of Laura May Hinscliffe.
An Act for the relief of William Hogg.
An Act for the relief of Helen Horn.
An Act for the relief of Jessie McPherson
An Act for the relief of Sylvia Ortenberg.
An Act for the relief of Thomas Joseph Warmington.
An Act for the relief of Florence Reno Moxon Attewell.
An Act for the relief of Mary Irene Boyd.
An Act for the relief of Augustus Vernon Ellis.
An Act for the relief of Agatha Jean Hobbs.
An Act for the relief of Hazel K. Clunie Howard.
An Act for the relief of Helen Stewart Graham Lovell.

An Act for the relief of Marie-Anne Palardy Murphy.
An Act for the relief of Joseph Patrick Nolan.
An Act for the relief of John James Ward.
An Act for the relief of Irene Matilda Ballinger.
An Act for the relief of John Hare.
An Act for the relief of Helena Martyniuk.
An Act for the relief of Francis Marmaduke Steele.
An Act for the relief of Rose Tlustie.
An Act for the relief of Robert Anderson Traill.
An Act for the relief of Violet Claire McCredie.
An Act for the relief of Garnet Britten Walton.
An Act for the relief of Robeina Pearl Bolingbroke.
An Act for the relief of Manassa Fretz.
An Act for the relief of Charles Henry Gifford.
An Act for the relief of Joseph James Harold Graham.
An Act for the relief of Bernice Alberta Haight.
An Act for the relief of Rose Eadie Harris.
An Act for the relief of Mildred Florence McCowan.
An Act for the relief of Gabrielle Norton.
An Act for the relief of Grace Elizabeth Parker.
An Act for the relief of Charles St. Clair Parsons.
An Act for the relief of Ivy Reader.
An Act for the relief of James Ramsey Sloan.
An Act for the relief of Harold Wilfrid Vivian Vincent Turner.
An Act for the relief of Gordon Thomas Wilson.
An Act to amend the Immigration Act.
An Act to amend the Department of National Revenue Act.
An Act to incorporate The Canadian Commerce Insurance Company.
An Act respecting a certain patent of Anchor Cap and Closure Corporation of Canada, Limited.
An Act respecting The Dominion Fire Insurance Company.
An Act respecting The Cumberland Railway and Coal Company.
An Act respecting a certain patent of Jean Baptiste Hurteau.
An Act to incorporate The Detroit River Canadian Bridge Company.
An Act to incorporate Eastern Bank of Canada.
An Act to incorporate Central Finance Corporation.
An Act respecting a certain patent of Douglas J. Martin.
An Act to amend the Soldier Settlement Act.
An Act to incorporate The St. Lawrence River Bridge Company.
An Act respecting The Edmonton, Dunvegan and British Columbia Railway Company.
An Act for the relief of Frank Deering.
An Act for the relief of Mary Mabel Jennie Potten Impey.
An Act for the relief of Cyril Wilfred King.
An Act for the relief of Myrtle Adelia Baker Knauff.
An Act for the relief of James Harvey Lefurgey.
An Act for the relief of Hilda Evelyn McDowell.
An Act for the relief of Catherine Ellen Mobbs.
An Act for the relief of Edith Elizabeth Poole.
An Act for the relief of Henry Frederick White.
An Act for the relief of Frederick Clayton Wilton.
An Act for the relief of Lillian May Yuill.
An Act for the relief of Ruth Ellen Braund.
An Act for the relief of Harry Alven Heels.
An Act for the relief of Francis Augustus Pearce.
An Act for the relief of Florence Anne Salmon.
An Act for the relief of Rocco Scocco.
An Act for the relief of Mary Audry Walton Smith.
An Act to incorporate The People's Thrift Corporation.
An Act to amend the Returned Soldiers' Insurance Act.
An Act to amend the Pension Act.
An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1929.

SPEECH FROM THE THRONE

After which His Excellency the Governor General was pleased to close the Second 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:

I desire to express my appreciation of the careful attention you have given to the various measures submitted for your consideration during the present session of Parliament.

It is a source of special satisfaction to note that the public accounts of the fiscal year recently ended disclose a substantial surplus and that you have been able to effect a further reduction in the public debt as well as a further material reduction in taxation.

The trade of our country continues to expand. Exports of manufactured goods are being well maintained and our total exports to foreign countries show a considerable increase. It is anticipated that the volume of foreign trade will reveal a further increase as a result of the trade agreements just concluded.

I am gratified to observe that the interest and benefit of ex-service men and of their dependents has had particularly close and sympathetic attention during the session. As a result of the consideration you have given to this most important subject, an Act has been passed which considerably extends and improves the provisions made for pensions in

respect of disabilities and death connected with the War, also an Act reviving the beneficial provisions of the Returned Soldier's Insurance Act, and an Act affording further material relief to Soldier Settlers.

The amalgamation of the Department of Soldiers' Civil Re-establishment and the Department of Health into one department to be known as the Department of Pensions and National Health accords with a natural evolution and is a step which should serve to promote efficiency and economy in administration.

The General subject of immigration, including the work of the Department of Immigration and Colonization, has received careful study throughout the session by the Committee on Agriculture and Colonization. After months of inquiry into the many phases, both national and international of this important and intricate problem, the Committee has reported its conclusions and recommendations, and the report has been adopted.

The extensive and important recommendations of the Commission recently appointed to investigate all phases of the fishing industry of the Maritime Provinces, the Magdalen Islands, and the coastal portion of the Province of Quebec, have been met in part, and will continue to receive the attention of my advisers.

The report of the National Advisory Committee on the St. Lawrence Waterway project together with the views expressed thereon by the Government of the United States in an exchange of correspondence, which was submitted to Parliament at the present session, will continue to receive careful consideration. In this connection, provision has been made for referring to the courts certain questions as to federal and provincial jurisdiction with respect to navigation and water powers.

The offer of assistance in the formation of Civil Flying Clubs has met with a widespread response. Flying training has already been started by Clubs both in eastern and western Canada. The construction of the airship mooring tower at St. Hubert Aerodrome, near Montreal, is being pressed with energy.

The special provision made for the establishment of National Research Laboratories should greatly facilitate industrial research and prove an aid to the more thorough utilization of our natural resources.

The provision made by the amendments to the Federal District Commission Act, with a view to commemorating the Diamond Jubilee of Confederation, will serve materially to enhance the position of Ottawa as the capital of the Dominion.

The appointment by His Majesty's Government in Great Britain of a High Commissioner to represent its interests in Canada has been received with much satisfaction.

The appropriations of this session will enable steps to be taken shortly to establish Canadian Legations in France and Japan. It is gratifying to know that the arrangements recently made for the further restriction of immigration from Japan, combined with the exchange of Ministers between Japan and Canada, give promise of affording a satisfactory solution of this long standing question.

The Canadian Government has learned with deep interest of the proposals which the Government of the United States, following extended discussions with the Government of France, has advanced for the renunciation of war, and, in accord with His Majesty's other Governments, has accepted the invitation of the United States to participate in the signature of a multilateral pact directed to this end and which it is earnestly hoped will materially strengthen the cause of peace throughout the world.

Members of the House of Commons:

I thank you for the provision you have made for the public service.

Honourable Members of the Senate:

Members of the House of Commons:

Abundant evidence surrounds us of the increasing prosperity of our country. For this and other blessings I join with you in humble gratitude to Divine Providence.

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