DEBATES

OF

THE SENATE

OF THE

DOMINION OF CANADA

1903

REPORTED AND EDITED BY

HOLLAND BROS.

Official reporters of the Senate of Canada.

THIRD SESSION—NINTH PARLIAMENT.

OTTAWA
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1903

SENATORS OF CANADA

ALPHABETICAL LIST

3RD SESSION, 9TH PARLIAMENT, 3 EDWARD VII

1903

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
AIKINS, JAMES COX.	Home	Toronto.
BAIRD, GEORGE T.	Victoria.	Perth Centre, N.B.
BAKER, GEORGE B.	Bedford	Sweetsburg, Que.
BÉIQUE, F. L	DeSalaberry	Montreal.
BERNIER, THOMAS ALFRED.	St. Boniface	St. Boniface, Manitoba.
BOLDUC, JOSEPH	Lauzon	St. Victor de Tring, Que.
BOUCHERVILLE, BOUCHER DE C. E., C.M.G.	Montarville	Boucherville, Que.
BOWELL, SIR MACKENZIE K.C.M.G.	Hastings.	Belleville, Ont.
CARLING, SIR JOHN, K.C.M.G.	London.	London, Ont.
CASGRAIN, JOSEPH P. B	DeLanaudière	Montreal.
CASGRAIN, CHARLES EUSÈBE.	Windsor.	Windsor, Ont.
CHURCH, C. E.	Lunenburg	Halifax, N.S.
CLORAN, H. J	Victoria.	Montreal.
COFFEY, T	London	London, Ont.
COX, GEORGE A.	Toronto	Toronto, Ont.
DANDURAND, RAOUL	De Lorimier	Montreal.
DAVID, L. O	Mille Isle	Montreal.
DEVER, JAMES	St. John	St. John, N.B.
DOBSON, JOHN	Lindsay	Lindsay, Ont.
DOMVILLE, J.	Rothesay	Rothesay, N.B.
DRUMMOND, GEORGE A	Kennebec.	Montreal.
EDWARDS, W. C.	Russell	Ottawa.
ELLIS, J. V.	St. John	St. John, N.B.
FERGUSON, DONALD.	Queen's.	Charlottetown, P.E.I.
FISET, JEAN BAPTISTE ROMUALD.	Gulf	Rimouski, Que.
FORGET, LOUIS J.	Sorel.	Montreal.
FROST, F. T.	Leeds and Grenville.	Smith's Falls.
FULFORD, GEORGE TAYLOR	Brockville	Brockville, Ont.
GIBSON, W.	Lincoln.	Beamsville, Ont.
GODBOUT, J.	La Salle	St. François, Beauce, Que.
GOWAN, JAMES ROBERT, C.M.G.	Barrie	Barrie, Ont.
HINGSTON, SIR WILLIAM H., Kt.	Rougemont	Montreal.
JONES, L. MELVIN	Toronto.	Toronto, Ont.
KERR, WILLIAM.	Northumberland, O.	Cobourg, Ont.
KERR, J. K.	Toronto	Toronto, Ont.
KING, GEORGE GERALD.	Queen's.	Chipman, N.B.
KIRCHHOFFER, JOHN NESBITT.	Selkirk	Brandon, Manitoba.
LANDRY, A. C. P.	Stadacona	Notre Dame de Quebec, Que.
LEGRIS, J. H	Repentigny	Louiseville, Que.
LOUGHEED, JAMES ALEXANDER.	Calgary	Calgary, N.W.T.
LOVITT, JOHN.	Yarmouth	Yarmouth, N.S.
MACDONALD, ANDREW A.	Charlottetown	Charlottetown, P.E.I.
MACDONALD, WILLIAM JOHN.	Victoria.	Victoria, B.C.
MCKEEN, DAVID.	Cape Breton	Halifax, N.S.

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
McDONALD, WILLIAM	Cape Breton	Little Glace Bay, N.S.
McGREGOR, J. D.	New Glasgow	New Glasgow, N.S.
McHUGH, G	Victoria, O	Lindsay, Ont.
McKAY, THOMAS	Truro	Truro, N.S.
MACKAY, R	Alma	Montreal.
McLAREN, PETER	Perth	Perth, Ont.
McMILLAN, DONALD	Alexandria	Alexandria, Ont.
McMULLEN, J	N. Wellington	Mount Forest, Ont.
McSWEENEY, PETER	Northumberland	Moncton, N.B.
MERNER, SAMUEL	New Hamburg	Berlin, Ont.
MILLER, WILLIAM	Richmond	Arichat, N.S.
MONTPLAISIR, HIPPOLYTE	Shawinegan	Three Rivers, Que.
OWENS WILLIAM	Inkerman	Montreal.
PELLETIER, SIR ALPHONSE, K.C.M.G	Grandville	Quebec.
PERLEY, WILLIAM DELL	Wolseley	Wolseley, N.W.T.
POIRIER, PASCAL	Acadie	Shediac, N.B.
POWER, LAURENCE GEOFFREY *(Speaker)*	Halifax	Halifax, N.S.
ROBERTSON, J. E	P. E. Island	Montague, P.E.I.
REID, JAMES	Cariboo	Quesnelle, B.C.
SCOTT, RICHARD WILLIAM	Ottawa	Ottawa.
SHEHYN, JOSEPH	Laurentides	Quebec.
SULLIVAN, MICHAEL	Kingston	Kingston, Ont.
TEMPLEMAN, WILLIAM	New Westminster	Victoria, B.C.
TESSIER, JULES	De la Durantaye	Quebec.
THIBAUDEAU, ALFRED A	De la Vallière	Montreal.
THIBAUDEAU JOSEPH ROSAIRE	Rigaud	Montreal.
THOMPSON, F. P	Fredericton	Fredericton, N.B.
VIDAL, ALEXANDER	Sarnia	Sarnia, Ont.
WARK, DAVID	Fredericton	Fredericton, N.B.
WATSON, ROBERT	Portage la Prairie	Portage la Prairie, Man.
WOOD, JOSIAH	Westmoreland	Sackville, N.B.
YEO, JOHN	East Prince	Port Hill, P.E.I.
YOUNG, FINDLAY M	Killarney	Killarney, Man.

THE DEBATES

OF THE

SENATE OF CANADA

IN THE

THIRD SESSION OF THE NINTH PARLIAMENT OF CANADA, APPOINTED TO MEET FOR THE DESPATCH OF BUSINESS ON THURSDAY, THE TWELFTH DAY OF MARCH, IN THE THIRD YEAR OF THE REIGN OF

HIS MAJESTY KING EDWARD VII.

THE SENATE.

Ottawa, Thursday, March 12, 1903.

The Senate met at 2.30 p.m.

NEW SENATORS.

The following newly-appointed Senators were introduced :

Hon. J. M. LEGRIS, of Louiseville, Que.

Hon. F. T. FROST, of Smith's Falls, Ont.

THE SPEECH FROM THE THRONE.

This day, at Three o'clock p.m., His Excellency the Governor General proceeded in state to the Senate Chamber, in the Parliament Buildings, and took his seat upon the Throne. The members of the Senate being assembled, His Excellency was pleased to command the attendance of the House of Commons, and that House being present, His Excellency was pleased to open the third session of the Ninth Parliament of the Dominion of Canada, with the following Speech :—

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

I am glad to be able to congratulate you on the continued prosperity that prevails throughout the Dominion. Canada has received many blessings during the past year which call for the expression of our heartfelt gratitude to a kind Providence.

I had the pleasure of visiting London last summer in anticipation of the Coronation of His Majesty, and to meet on that occasion representatives from all parts of the Empire bringing with them assurances of the loyalty and contentment that prevails throughout His Majesty's widely extended possessions ; and though, at one time, fears were entertained that the King's illness would have involved a further postponement of the ceremony, it was a source of much joy and happiness to His Majesty's subjects that his health was so speedily and perfectly restored.

Representatives of this government participated in the important Colonial Conference which was called by His Majesty's Government in connection with the Coronation. The report of the proceedings of the conference, including the documents submitted by the Canadian representatives, has already been given to the public, by His Majesty's Government in London. I feel assured that much good will result from the bringing the leading public men of the great self-governing colonies into direct contact with each other and with the statesmen of the motherland.

The great influx of population into our North-western territories and the very large additional areas of fertile land which are being brought under cultivation combine to further press upon us the need for increased transportation facilities for the forwarding of our grain and other products to the markets of the world, through Canadian channels. The whole question of transportation and terminal facilities continues to occupy much attention,

and my government will immediately appoint a commission of experienced men to report on the subject.

A treaty has been entered into between His Majesty and the government of the United States, under which the proper delimitation of the boundaries between Canada and Alaska is to be judicially determined by a tribunal of six impartial jurists of repute.

As a result of the recent decennial census, the representation of the different provinces must be re-adjusted, as required by the British North America Act, and a Bill will be introduced for that purpose.

Bills with respect to the creation of a Railway Commission, the amendment of the Patent Laws, the Militia Act, Chinese immigration, the reorganization of the Department of Marine and Fisheries, the settlement of Railway labour disputes, and various other subjects will be submitted to you.

Gentlemen of the House of Commons :

The public accounts will be laid before you and also the estimates for the coming year, which have been prepared with due regard to economy and the rapid growth of the Dominion.

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

I pray that in the consideration of these matters and in the performance of all the labours which will devolve on you, your deliberations, under Divine guidance, will tend still to increase the prosperity and happiness of our people.

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

BILL INTRODUCED.

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

The Senate adjourned.

THE SENATE.

Ottawa, Monday, March 16, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

NEW SENATORS.

The following newly-appointed Senators were introduced :—

Hon. J. K. KERR, of the city of Toronto.

Hon. T. COFFEY, of the city of London.

Hon. J. TESSIER, of the city of Quebec.

THE ADDRESS.

MOTION.

The Order of the Day being called :

Consideration of His Excellency the Governor General's speech of the opening of the 3rd session of the 9th parliament.

Hon. Mr. FROST said :—The duty assigned me to-day is one that ought not to cause any dismay in the heart of one who speaks to you for the first time. Still I confess to a certain degree of nervousness inseparable from my first effort before so important and distinguished a body as the Senate of Canada.

His Excellency has been graciously pleased to congratulate parliament on the continued prosperity that prevails throughout the Dominion. Where is there anywhere in the whole world any country that can show so favourable a record to-day as the Dominion of Canada ? We read of unfavourable conditions in the various countries of the world. If we look to Germany, England and France we find depression existing. In many of the countries of the continent of Europe and throughout Asia we find excessive taxation, we find famine, and we find the prospect of war. If we go across the line to the neighbouring republic, we also see there many things which tend to disturb the peace and happiness of the people. Gigantic trusts and monopolies have raised their heads. Immense fortunes have been made by men who in the short time that they have acquired them have been aided by perhaps laws which have been wrongfully placed upon the statute-book. We find also this great wealth and gaunt poverty side by side. We find that many men are abandoning their farms, moving into the city, and are leaving the independent life which they had for the more dependent life of the cities. We also find there a great contempt for the local administration of justice. We find lynch law prevails ; we find a colour question and we also find many evils, among them divorce laws that are very loose and in many ways we can apply the lines of Goldsmith.

Ill fares the land to hast'ning ills a prey
Where wealth accumulates and men decay.

It is therefore a real pleasure for us to look inwards at our own country to-day, and we may join with His Excellency and feel profoundly grateful to Providence for the many blessings which we enjoy. Prosperity continues to remain within our borders and all classes of our people are the beneficiaries thereof. The question naturally arises, has the government anything to do with the continuance of these good things, or can any part or portion of this general prosperity be placed to their administration? Does it not look almost like ingratitude for us to complacently shut our eyes and say to ourselves, 'Providence is kind to us,' and to refuse to grant a reasonable amount of praise to the government to-day for the able administration of the affairs of this country. As I look at it, while Providence has been kind to us, yet the remarkable rearrangement of the tariff in 1897, combined with an intelligent and thoroughly progressive administration of the various departments of the government, and especially those of Agriculture and the Interior, have changed the whole face of this country from stagnation to activity and life—an activity such as has never been witnessed before in this country. And right here let me voice a word of praise to the peerless statesman who stands at the head of this administration. When the history of the present administration comes to be written impartially, it will be found that the present leader will loom up very prominently indeed, and that history will be not only pleasing, but profitable and instructive reading to every patriotic citizen. Since his premiership began Canada has advanced by leaps and bounds until to-day the eyes of the whole world are centred upon us. We are the observed of all observers, and while not professing to be a prophet or the son of a prophet, I believe the coming years will witness a repetition of what has taken place in the United States during the past fifty years in the way of immigration and progress in rapid growth. Under Sir Wilfrid Laurier this country has practically been rediscovered, because the country that can produce such a man as the premier, who was capable of taking a second place at the Jubilee in 1897, with ease and grace, and who during the last summer at the colonial conference practically directed the affairs and the deliberations of that conference, is a standing proof to the whole empire, and for that matter to all the countries outside of the empire, that this country is not, as a French king once designated it, a few 'arpents de neige,' or simply inhabited by an aboriginal race, but that it is a magnificent heritage with every element within itself capable of making it a great and powerful nation. It only awaits the coming of the people who shall here find happy and prosperous homes, and it is gratifying to see that under the administration of the Prime Minister a procession has already commenced, and that it is broadening and widening from almost every country, and growing larger from year to year. Those who will occupy our places a few years hence will see every empty space between here and the Pacific Ocean, and as far north as life can exist, all filled with happy and prosperous homes, cities and towns growing up and a great country to the north under that flag which has braved the battle and the breeze for a thousand years. Under these circumstances, so different from the olden days, not so very long ago, how desirable it is that our rulers and our parliament should have much wisdom and great courage; how careful should we be to hold the scales of justice even, and to maintain an equilibrium between all the classes that comprise our people. How easy it is to give undue advantage by law to some one class over another class, but if this country is still to continue to grow and prosper, it can only be done on a basis that recognizes the rights of every citizen within its borders. I believe there is a spirit of justice and forbearance among our people, and they will never support any administration apart from these cardinal principles to which I have referred, but they will support any administration that honestly endeavours to promote the prosperity of all without doing injustice to any one particular class. We can therefore heartily endorse His Excellency in calling for heartfelt gratitude to a kind Providence for the many blessings that we enjoy and particularly during the past year, and if I may be permitted I can go a little further than the speech from the Throne and say during the past six years. We all recollect the intense anxiety that spread over this

country when the news came that the King was sick and not able to attend the coronation ceremonies. What fear and distress was expressed on every countenance, how eagerly were the bulletin boards scrutinized from day to day, and how eagerly were they read, and how every symptom of returning health was hailed with pleasure and satisfaction. What greater evidence of the loyalty of the people could have been given than this? And with what pride we feel our position as an integral portion of the British Empire. It is indeed gratifying that His Excellency, when in London last summer, found a unanimity of feeling in regard to the empire, and that there was a unanimity of loyalty and sentiment in all portions of the great empire of which we form a part. The colonial conference to which the speech referred may be taken as an instance of the growing importance and power of the self-governing colonies. The time was—and that not very long ago—when even self-governing colonies were not consulted. We lost thirteen good colonies on one occasion through a failure to carry out this principle. Our statesmen, however, are growing wiser and more imperial in the true sense as time goes on. It is now well recognized that loyalty and liberty are synonymous terms. Upon all domestic internal affairs the population most interested are the ones to work these things out, and that without any interference. There are still some discordant voices heard within the empire, but there is every indication that those discordant voices will soon cease. The King knows well that if his throne is to be solid and entrenched, it must be in these modern days only in the affections of a free and a liberty-loving people, and we are now told that he is making efforts by which not only a portion of the empire, but that all portions of the empire shall be loyal and contented. We know that kindness goes a long way. Tennyson tell us that 'kind hearts are more than coronets and simple faith than Norman blood.' We have good reason to believe that the time is coming when all portions of the empire will be thoroughly loyal. And I feel sure that this colonial conference will be productive of much good. Many misconceptions of the Greater Britain will be removed and a better acquaintance will spring up from this meeting which will conduce to the peace and happiness of the whole empire.

Another question touched upon by His Excellency was the question of transportation and terminal facilities. This is a very large question, one which can only in this address be very lightly touched upon. The time is coming very rapidly when not only one transcontinental railway will be required, but a half dozen transcontinental railways will be necessary from one ocean to the other. The question of subsidies is one that I do not care to go into here at the present moment, but it may be possible that we have been too generous in the past. There are two sides, however, to the question, and I am not going to dogmatically say that we have been too generous now, but it is just possible that we may go to the other extreme and be so parsimonious when we come to take these matters into consideration that we may administer a blow to the Dominion of Canada that will take many years to recover from.

I am very glad to see that the government are disposed to appoint a commission who will go into this whole matter most thoroughly, a commission of experienced men who will report upon this great subject, and with a report of that kind before us I am satisfied that parliament will be able to carry out such a policy as will promote in every way the best interests of the country.

It is also a matter of gratification to us all that a recent treaty has been made between the United States and Great Britain for the purpose of settling the vexed question of the Alaskan boundary. This question, of course, has arisen more particularly since the discovery of gold in the Yukon. The treaty made between Russia and Great Britain is vague, and it is now considered desirable that a correct interpretation should be given to it. For this purpose a treaty has been entered into between Great Britain and the United States, and we are told that six impartial jurists of repute are to be appointed. This certainly is good news to us all, because if the six jurists are impartial, the decision will be fair, and Canada will get her rights. Some, however, feel that the appointments made by the United States government will not bear out

that construction, and that the United States commissioners will not be willing to do us justice. Now I have no very great sympathy with that view of the case. I believe that the United States commissioners, no matter what they have said in the past, will feel the responsibility resting upon them as commissioners in the eyes of the world, and that the case, presented as it will be by a distinguished son of this country, will be made so clear that they will have to do conscientiously their duty, and in that way I believe Canada will receive justice at the hands of the commission. Even if the commissioners do not agree, we will be no worse off than we are to-day, but I believe that justice will be done and there is every prospect of this cause of disturbance between two friendly nations being removed.

As the census of 1901 has been taken, there comes the necessity of a redistribution of the representation in the House of Commons. We are told in the speech that a bill will be presented for that purpose. I have every confidence that the present government will do their duty in regard to the bill for the redistribution of the constituencies. I believe it will be a fair one. I believe that county boundaries, as far as it is possible to be done, will be observed. It is rather unreasonable to expect that in every case the county boundaries can be recognized. There are some counties where the population will be under; others where it will be over the unit, but this I do believe, that there will be no wrenching of certain sections of one county to attach to other sections of another county purely for partisan purposes. The government are strong enough, and I believe they are honest enough to do their duty to the whole people of the country irrespective of party in that respect, and that they will be willing so to minimize the dislocation of the county boundaries as to give the least possible disturbance to the people inhabiting these various sections.

I now come to the last clause of the speech. I find there are a number of bills and a number of subjects referred to, all of which will give room for more or less discussion. I am very glad to see there is to be an amendment to the patent law. The present law is not a good one. We have outgrown the old patent law. I believe it was constructed originally for revenue purposes, but whether that be true or not, I know this, that it has given rise to an immense amount of litigation and loss to inventors and manufacturers and all who have had anything to do with it. Every application for a patent should be scrutinized by some expert, or board of experts, so as to know that a patent is a practical, genuine invention, not hitherto anticipated by any other inventor or applicant, and if the government bring in a law which embodies some ideas along that particular line, I believe that it will be a protection, and will save manufacturers and business men many times from serious loss and litigation.

And now gentlemen of the Senate, it has been a genuine pleasure to me to go over seriatim the many excellent clauses of His Excellency's speech. It would appear that the usual character of meagerness which has so often been chargeable to the government has been departed from very considerably on the present occasion. There would seem to be promise of enough legislation in this speech to keep a parliament occupied for very many months—at least as long as any members of parliament will desire to remain in Ottawa. I am sure, therefore, in concluding that I voice the sentiments of this House when I say that we, as honest and dutiful subjects, will give all these matters our earnest consideration and deliberation. I believe that this House will unite with the House of Commons in an earnest effort to help this great country on in her path and career of progress and prosperity. No interest, however, unimportant it may be, will fail to receive due consideration and attention at our hands. I have, therefore, very much pleasure in moving :—

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

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

MAY IT PLEASE YOUR EXCELLENCY :—

We, His Majesty's most dutiful and loyal subjects, the Commons 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 House of Parliament.

Hon. Mr. LEGRIS—Translation—If I rise to second the motion made by the hon. gentleman from Rideau (Mr. Frost) which has for its object the presentation of an address in reply to the speech from the Throne, it is not because I feel very sure of myself or well acquainted with the subject; but I wish to profit by the favourable occasion which presents itself to offer my most sincere thanks to the government which has done me the honour to call me to sit here as one of your colleagues. I also owe thanks to you, hon. gentlemen, who, in large numbers, have already welcomed me to this Chamber.

I have cheerfully accepted the task offered me by the hon. Secretary of State (Hon. Mr. Scott) to second this resolution, though recognizing my unfitness to perform it well, because I feel the honour reflected upon the county which honoured me with its confidence in sending me as its representative, during several parliaments, to the legislature of Quebec and also to the House of Commons; because I feel that this honour reflects also on the senatorial division of Repentigny which I now represent, and lastly, on the agricultural class from which I have come, to which I am proud still to belong, and in the midst of whom I hope to remain the balance of my days.

Being invited in this parliamentary circle with a view to work together for the greatest advantage of the people, for the progress and advancement of our country, by legislation as wise as it may be possible for us to pass; and coming from most distant points of our immense territory, from the shores of the Pacific and the Atlantic coast, there may exist, and as a matter of fact I know there exist divergent opinions on the different political questions which arise from day to day, but I believe there will be but one sentiment amongst us as to all which relates to the very great prosperity which prevails to-day in the Dominion.

The past year has been a happy one for Canada. Providence has blessed us with an abundant harvest. Our commerce and our industries have developed prodigiously and are full of promise for the future. Speaking of our manufacturing industries, of which some have made gloomy predictions since the advent of the present government to power, predictions made in good faith by many, no doubt, but for political purposes by a greater number; our manufacturing industries, I say, have also seen better days and have shown a development which nobody could have foreseen. We have reached a period at which our local industries should be increased, for we have before us to-day a greatly extended market, a market which commands the activity and demands the co-operation of all citizens of the country. We are called upon to develop the natural resources of Canada; to follow up this prodigious development, we see rising every day new industries; we see capitalists aiding in developing the immense water powers which we possess. All these combined efforts have produced a wealth which nobody, a few years ago, could have foreseen.

I have reason for saying that our local manufactures have progressed rapidly, and in proof of it, hon. gentlemen, I cannot do better than to quote some figures as evidence. In 1896 we exported manufactured products to the value of $9,000,000 in round figures, and in 1902 our exports had increased to $18,000,000. Not only have our manufacturers supplied the needs of the country, but the exportation of manufactured goods has doubled in six years.

Casting a rapid glance now on the exportation of our agricultural products, agriculture being as we know the foundation of our great national production, we see the same surprising results. The following I find, in the report prepared by the Minister of Agriculture, for the following products—wheat, flour, pease, hay, cattle, cheese, pork, poultry, eggs and fruit. We exported in 1896 to the value of $39,000,000 whilst in 1902 the figure reached $80,000,000. Nothing more is needed, it seems to me, to support my contention when I say that our domestic industries and manufactures have taken an unheard of flight. And to extend a little further my demonstration I need only compare the exportations of the products of Canada during the last six years under the late administration, that is to say, from 1891 to 1896, with the years that have elapsed between 1897 and 1902. For the first period these exports amounted to $612,000,000 and

for the second period to $952,000,000, being an increase in the six years of $341,000,000 in our exports only. Our total foreign trade in 1896 was $239,000,000 ; in 1902 it attained $423,000,000, being an increase during that period of $184,000,000. In 1878 the total commerce of the country was $172,000,000. In 1886 it amounted to $239,000,000, showing an increase in the course of 18 years of $66,000,000. Now, during the years which elapsed form 1896 to 1902 we have an increase of $184,000,000. These last figures show an increase three times as great during these six last years as during the eighteen preceding years.

We have enjoyed an era of prosperity without precedent in our history and possibly in that of any country in the world. This period of prosperity has not been confined to Canada, but what is extremely gratifying to us is the fact that Canada is at the head of all the nations in the world in the increase of its commerce. Statistics show us that in the six years the increase in commerce has been as follows in the countries named : the commerce of Canada has been increased by 96 per cent ; of Japan 89 per cent ; of Australia 62 per cent ; of the United States 48 per cent ; of Holland 43 per cent ; of Italy 39 per cent ; of America 32 per cent ; of Belgium 32 per cent ; of Argentina 30 per cent ; of Great Britain 24 per cent ; of France 18 per cent.

As I have said, Canada is at the head of all the countries of the civilized world in this progressive movement. We cannot too greatly rejoice at this state of things ; but I do not press the contention to the point of attributing to the government the exclusive merit of this extraordinary expansion of our affairs generally, though it will be admitted that the government which conducts the affairs of a country with wisdom and ability counts for something in the confidence which the public repose in them when they put forth freely their capital and their work in the development of industries and commerce.

Under the present government confidence has revived in the country. Business men have not been afraid to risk their capital and to aid in the immense progress which we have seen accomplished. We have also seen the manufacturers increasing their establishments, perfecting their machinery and in consequence we have seen towns doubling their population in a very short time with a view to having at the place the necessary workmen to supply the demand for labour. I say further, we have seen towns rise as if by enchantment such as Grand'Mère, Shawenegan, Sault Ste. Marie and others, near these magnificent water powers, near these natural forces which until late years have remained undeveloped and unproductive. This state of things could not be otherwise than gratifying to public men who are interested in the country.

A striking incident, hon. gentlemen, was presented last year when the colonial conference was convoked by the government of His Majesty on the occasion of the crowning of our Sovereign, Edward VII., which attracted the attention of all the great colonies of the empire. Canada on that occasion was represented by its Prime Minister, the Right Hon. Sir Wilfrid Laurier, and some of his colleagues. We cannot do otherwise than rejoice at the circumstances which arise from time to time in which the men charged with directing the destinies of the country know how to attract attention to the extent of our country and our natural resources of all sorts yet undeveloped, and in making them known more and more in the different countries of Europe and of the whole world.

And, hon. gentlemen, could we in truth have sent a better delegation to make ourselves known than that which went to represent us at London on that occasion ? The opinion expressed by Sir Wilfrid Laurier on that occasion was certainly of incalculable merit. The first minister, with his well known tact and the ability which he has displayed on more than one occasion, was truly the man we needed to go to Europe to make known the advantages which our country possesses, and to invite the population to come and settle amongst us and to attract the best possible people.

I believe that we ought also to congratulate the hon. Prime Minister on the success which he achieved at the intercolonial conference in preventing the adoption of a new policy, without dangerous or regrettable friction—in preventing, I say, the colonies being forced to take part in the future in the wars of the empire. The time certainly

has not arrived when the people of Canada would be disposed to enter upon that new path. We are yet a young country. We have enough to do in developing our own natural wealth which is yet in a latent state, and it would not be prudent to throw ourselves into this new policy. Let our country grow a little. Let Canadians develop that which they possess and when circumstances present themselves later, as they have presented themselves in the past, I have no doubt that the mother country will find on the shores of the St. Lawrence, as in all other parts of Canada, men ready to defend her in case of need. I know that amongst our people there exists a sentiment of liberty and of independence. Canada will again be ready, should the occasion present itself in the future, to make sacrifices for the mother country and in reserving her liberty of action she will be not less courageous or less disposed to fight and to win victories for the empire.

There remains but one observation for me to make and it relates to the question of transportation. It is evident that the time is not distant—if it has not already arrived—when it will be necessary for Canada to burden herself anew, to suffer sacrifices to meet the needs of the commerce of the country, and above all the needs of our immense North-west. It is clear that if the west continues to develop in a prodigious fashion, Canada must devise means to open up new ways of communication. That question being of a nature to impose very considerable expense on the country, I consider the action of the government absolutely wise, before arriving at any conclusion, to appoint a commission the object of which will be to ascertain the best means to take to open outlets for the immense territories of the North-west. A minister, though he be endowed with great qualities and possess good judgment, is not a universal genius ; he may not be born a civil engineer, he is a politician. A minister cannot judge of himself the advantages there may be between one way of communication and another, nor the difficulties which he may have to overcome to establish it. The press of the country and the politicians have not ceased to speak for several years of the opening of a great route for the export of the products of the west from Georgian Bay to the St. Lawrence by canaling the French river and the Ottawa. That system may be the best, but for my part I would not venture an opinion on the question, because I am not competent to judge where the advantages or the disadvantages may be. Prudence, therefore, requires that the ministers shall take extraordinary precautions before we face an expenditure of several million dollars to open up necessary ways of communication for the transportation of our products. Now the creation of a committee of inquiry on this question is nothing less than a wise decision which merits the approbation of the country. When the necessary investigations have been made it is to be presumed that parliament will not hesitate to provide the amount requisite to open up the ways of communication of which we have the greatest need, if we wish to keep that which belongs to us, if we do not wish our powerful neighbours to seize our immense commerce of the west.

The speech from the Throne also makes mention of the arbitration tribunal which has been appointed to determine the boundary between Canada and Alaska. I have but one word to say on the subject. This question has been pending for a long enough time. Like all irritating questions it may be the means of bringing about a conflict between Canada and the United States. I am of the opinion that the greatest good for a country is to be at peace with its neighbours, and I believe that the determination taken by our government to appoint a commission of judges is wise. These gentlemen will act under oath ; they are enlightened men and it is not reasonable to cast a doubt on them in advance or to prejudge their decision. It is therefore absolutely wise to approve the determination of the government to appoint a commission to settle that boundary question. Whatever the result may be, I believe that the country can only gain by seeing this question settled once for all with a view to removing all cause for conflict between the two countries.

We see further in the speech from the Throne that the government will be occupied during the present session with a Redistribution Bill. We see further that there will be measures concerning the creation of a railway commission, for the amendment of the militia laws and to regulate Chinese immigration. There is also a question of re-

organizing the Department of Marine and Fisheries, and several other measures which will demand our attention during the present session. We have a large and important programme which will involve considerable work. If our hon. friends of the opposition criticise the speech from the Throne and say that it contains nothing, as is ordinarily done, I do not know what can be given them. For my part I find this document excessively heavy. I find it full of measures of the highest importance which will require the constant work of the ministers, the members of the House of Commons and of us also, hon. gentlemen.

In closing it only remains for me to offer my most sincere thanks for the kind attention which you have given me.

Hon. Sir MACKENZIE BOWELL—I must confess that in rising to address the House for a short time I feel a degree of depression that I cannot shake off. When we look around at the benches of the Senate and reflect on the number of our colleagues who have passed over to the great majority since we last met, it must carry to the minds of those who knew those gentlemen not only a feeling of depression, but one of regret and sorrow. Looking across the House, I find that among those who have departed is one of the original appointees to the Senate, the Hon. Mr. Armand. Those who knew that gentleman knew that he was the very soul of honour. Rather than have his name tainted with anything that was dishonourable, he rejected overtures that were made and died with a stainless name. Those who knew him respected him. I was not, of course, as intimate with him—although I had known him for many years—as those of his countrymen with whom he could converse more freely, but no one who had the pleasure of his acquaintance will disagree with my estimate of his character. The next I find on the list was my old and intimate friend Mr. Clemow. Those of us who remember the vigour and energy with which he last addressed this House could scarcely have anticipated for him so early a death. Like many of us he was plain and outspoken, and perhaps sometimes gave utterance to his views and to his thoughts in a manner that some would not approve of; but I can appeal to the Secretary of State, who knew him intimately, that whatever his faults may have been, a kinder hearted and more generous man never occupied a seat on the floor of this House.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—While his death is a matter of regret to me, it was a pleasure to me to see the Secretary of State one of the chief mourners at the obsequies of our late friend. It shows that in human nature, no matter how much we may disagree in our political views, there is a kindly feeling existing between gentlemen who know each other intimately, which should not only be cultivated but which we should all hope will grow as we advance in years. The third in the number —I am taking them in the order of seniority —was a representative of the Irish race, Mr. O'Donohoe. Although not politically in accord with his views I had the pleasure, at least, to know I could class him among my intimate personal friends and one of those with whom I was always on the very best of terms, though on many occasions we found it incumbent on ourselves to differ and to differ very strongly upon important questions which came before the House.

The next following Mr. O'Donohoe was a gentleman who sat very close to him on that side of the House. It was my good pleasure to know Senator McCallum from the time that he first entered parliament in 1867. We sat together for many years in the House of Commons, and during the time I had the honour of a seat in this Senate, he was, as he had been in the lower House, a staunch, ardent political as well as personal friend. But I wish it distinctly understood that in any remarks that I now make I do not refer to the political complexion of our brother senators who have departed. I am speaking more from my personal acquaintance with them, and if I reiterate what I have already said in reference to Mr. O'Donohoe in speaking of others of the political party with which I have not been allied as personal friends, it is one of the gratifications that I have when I reflect upon the fact that though I may have differed and differed materially from those with whom I have come in contact during the the thirty-six years that I have been in parliament, there is not one among the

number whom I cannot class as a personal friend. Those who were acquainted with Mr. McCallum knew he was a man of more than ordinary ability. He had that stern Scottish nature which characterizes his race. He never hesitated, when speaking in the Senate or outside, to say precisely what he meant, and those who remember the last speech that he made in this House last session will have a fair indication of the man's character. Hon. gentlemen will remember that on that occasion he called attention to the removal from the House of the late Minister of Justice, of whom he spoke in the most friendly and kindly terms. He said we had found him to be a man of strict honour, and while he differed from him he wished it distinctly understood that in parting with his brother senators upon that occasion he did so without the slightest feeling of animosity against any of them, and, as if it were premonition of what was to come, his last words were that he never expected to meet us again. Then we have another gentleman, young as a senator, the Hon. A. T. Wood, a prince among the merchants of Ontario. Perhaps I ought to say what I have said to Mr. Wood so very often, that upon the great principles which agitated the country and upon which discussions had taken place during elections and in the House, there was very little differences between Mr. Wood and myself, but when it came to a question of voting we were on opposite sides. He was one of those whom every one having an acquaintance with him admired as a business man, personalty, and in every vocation of life in which he might be found. Though he was called a liberal, I think I may safely say that he was one of the strongest personal friends I had in Ontario. Then we have lost an ornament to the House, a gentleman of culture and education, who, whenever he spoke, gave indications of a knowledge of the subjects which he discussed and of the business of the country. I would not have supposed, when we parted a few months ago, that Mr. Primrose would have been numbered among those who was to join the the great majority. I missed his friendly face and that kindly hand shake and smile with which he used to greet gentlemen of both political parties. These facts have created not only a feeling of regret, but a depression on my part while addressing the House. Next, and lastly, the seventh gentleman to pass away within a few months, was the lately appointed Mr. Déchene. I had not the privilege of a personal acquaintance with that gentleman, but from what I did know of him he was a gentleman in every sense of the word, and I have no doubt would have been an ornament to the House had he lived to perform the duties which every Senator ought to perform. Then we have to consider for a moment that in these few months seven gentlemen have passed away. Look at the number remaining in this House who were appointed at confederation, we find there are but four. My hon friend who sits in front of me, (Hon. Mr. Miller) is one of them, Senator Dickey, whom every one respects as a man of talent and ability and everything which pertains to that which is good is another. He is now upon a sick bed and the probabilities are we shall never see him again. Then we have the venerable Senator Wark, whom I hope to see here again, and if I may be permitted in this respect to make a suggestion to the Secretary of State, I do so in all sincerity. Mr. Wark is now in his 100th year. I expect from what I have heard that he will be here in a short time. The suggestion that I desire to make is that my hon. friend should ask the Minister of Railways to place one of the government cars at his disposal in order that he may come up in comfort and at ease. I am sure that no one in this country will object to that. All they have to do is to call the attention of the Canadian Pacific Railway to the fact, and I am confident that they will grant transportation readily and with pleasure. The next one, the only other one left out of the original Senators, is my intimate and personal friend Mr. Aikens. He has been for a long time confined to his room, and at one time I scarcely thought that we should ever see him here again. I am glad to know, however, that he is slowly recovering and I hope before this session ends that we may have the pleasure of seeing him in the House for a short time at least. There is another vacancy, and one that I deeply regret for personal as well as for political reasons, and that is the vacancy which has been created,

and of which the House has been informed by report from the Clerk to the Speaker of the Hon. Mr. Masson. I had the pleasure of being in the cabinet with Mr. Masson for a number of years. I sat in parliament with him in the Commons and also in this House. I do not desire to say much about him, but I must say this, that a more honest and conscientious man never sat in parliament, nor did ever a public man do his duty to his country more faithfully than did the Hon. Mr. Masson. That is the reputation he holds amongst those with whom he has been associated, though not politically allied. When I look at the rapid changes which are taking place we may expect soon to make way for others. I felt it my duty, in commencing the few remarks I have to make to the Senate, to refer to those friends I have mentioned with whom I have been so long associated personally and politically, and I cannot help repeating the old adage, 'what shadows we are and what shadows we pursue.'

The address which we are called upon to consider for a very short time is not, to my mind, of that character which has been so ably and eloquently claimed for it by my hon. friend from Rideau (Mr. Frost) if I may so term him at present. Before proceeding he will permit me to congratulate him on his first effort in this House. After hearing his speech I thought there was little reason for his apology. No matter what his experience may have been in the past, he certainly exhibited none of that diffidence which he claimed for himself in the speech which he made. If there was one thing that made an impression upon my mind stronger than any other, it was the assertion made by him, that the present premier, Sir Wilfrid Laurier, had rediscovered Canada. I was under the impression that Canada had been discovered long ago. I remember the late Mr. Mercier claiming, and his party claimed for him the discovery of Lake St. John. That is when they were building a road there which we so liberally subsidized. Then we have the premier of Canada who also claims to have discovered New Ontario. Well, that is not all. Now we have the assertion and statement made by my hon. friend that the Right Hon. Sir Wilfrid Laurier has rediscovered Canada. I do not know whether the hon. gentleman has read Parkman's history. I know I read it with a very great deal of pleasure, and was under the impression that Cabot and Cartier had something to do with the discovery of Canada, and if he will read the accounts of the suffering of the Jesuits when they were travelling through the whole country even as far westward as the Mississippi he will find that not only were Ontario, the Lake St. John district and the northern portion of this continent discovered, but also the western regions as far west as the Mississippi and down that river to New Orleans and to the very gulf, but I am quite willing to give these gentlemen credit for all they have done, and if anything has been done by them which has added to the prosperity of the country, I should be the last to detract from the credit which is due to them. I must apologize to the hon. gentleman who seconded the motion for not being able to criticise or pass an opinion upon the manner in which he seconded the motion, for the simple reason that I do not understand his language sufficiently well to appreciate the points which evidently he made, from the applause which came from three or four gentlemen sitting opposite me. I take it for granted at least, though I could not properly understand it, that they not only understood but appreciated all that he said and rendered him that applause which a man who speaks in accordance with their own sentiment deserves. I am fully in accord with everything the hon. gentleman who moved the address said in reference to the prosperity of the country, less that praise which he accorded the present government. I am not aware that the present government had anything to do with the sunshine, with the genial showers with which the country was blessed, particularly in the North-west. However, I suppose as the gentlemen have rediscovered the country, probably they have the power of bringing down rain from the clouds and invoking the Divine aid in producing the crops that we have reaped. If we have prosperity in this country it is owing to the climate, and it is owing to the rains and other causes to which I have very briefly referred. I remember very well when on our side of the house we used to claim some of the credit for the prosperity of the country that existed after we came into power in 1878. At that time the whole policy of

the country was changed. The country had been in a state of depression never equalled before or since, but by a change of policy which give life and vigour to interests such as that the hon. gentleman is engaged in and others, prosperity was the result. I have always held this, and I had, as somebody said, the coolness to state, at a banquet in London on one occasion on which Mr. Chamberlain was the chairman, that governments could, under certain circumstances add to the prosperity of the country by judicious legislation. This was a theory, however, and a statement not concurred in by many others. The tariff, which I will not occupy your time in discussing at any great length, I have no doubt satisfied, or ought to have satisfied my hon. friend. At the time the late government was defeated, the tariff on the statute-book was denounced by hon. gentlemen opposite as bleeding the farmers white by the duties imposed on agricultural implements, yet on the main portion of those articles—and no one knows it better than my two hon. friends opposite from Manitoba—the duty remains precisely as before, and though they were pledged to be taken off, they were left as they were, and why? Because hon. gentlemen knew that there was a certain portion of the manufacturing element that would not stand to have the duty reduced, and they gave the government distinctly to understand that if they expected their support in the future they would have to retain those duties as they were. I know the late Mr. Bertram, member for Centre Toronto, stated distinctly in his letters what they should do. Whether or not the hon. gentleman from Smith's Falls was one of those who took the same view, I cannot say, but judging from the business he is engaged in, and the fact that the tariff was not reduced on some of the principle articles he manufactures, though it was on some of them and on the raw material used in his manufactures, I can easily understand why he is delighted with the tariff and that he thinks it is just what it ought to be in the interests of the country.

The hon. gentleman referred to the intercolonial conference and said he was delighted to know that the premier of this country was the leading spirit at that conference and proposed the different subjects which were brought before the meeting. I do not know where, but it was behind me, some hon. gentleman said 'hear, hear.' Let him examine the record and point out one single suggestion that was made by the leader of this government at that conference. Out of the whole of the propositions there is but one, and that is the proposition thanking Mr. Chamberlain and others for the courteous manner in which they had conducted the conference. It is all very well to make assertions, but there is the document under his hand and let him point out what suggestions were made by the premier. I differ in toto from the hon. seconder of the motion, if I understood his remarks, which were so loudly applauded by gentlemen opposite as to what this country should do in the defence of the empire. If we are to understand, from the position the premier took at the conference, that if we are to contribute to the navy it must be a separate Canadian navy, then I say we do not want it. We are an integral part of the empire and I want no greater honour, nor would I support any policy which would be of a character which would separate us as an independent power from the empire. Are we to understand that the gentlemen who applauded that sentiment agree with the premier in laying the basis of what his day and night dream is, or what he says it is, that is a peaceful separation from the empire and becoming a nation ourselves? I notice he declares that we are a nation. We are a part of a nation, not a nation, and I never want any greater honour, as far as I am concerned, no matter where I should go, than to see Canada remain an integral part of the empire. A Canadian is just as much an Englishman and an Englishman as much a Canadian as though they all live on the soil of England, Scotland or Ireland. When one leaves the old country to come to this Dominion, he only removes from one part of the empire to settle in another, and whatever we may do in the way of aiding in the defence of the empire it should be as a part and parcel of that empire, and not as a separate and independent part of it. We have shown to the world what Canadian feeling is when the empire's interests are at stake in foreign countries, and I doubt not, should unfortunately the occasion arise, thousands of young Canadians, no matter of what

creed or nationality, would be just as ready to fly to the defence of the country as they have proved themselves to be in the past.

Reference is made to preferential trade. The only thing I have seen that emanated from the conference on that question was a threat, a covert threat on the part of our rulers that they had the power and probably would repeal that portion of the tariff which gave preference to Great Britain unless they got a consideration therefor; and the reason they give for that is that times have changed—that there was no duty upon wheat and agricultural products in England when they took the ground and the position that they did not want the preference; but now that there is a duty they demand that Canada should be exempt from it. We can very easily understand how that was answered by Sir Michael Hicks-Beach, 'But your premier has already told us you do not want a preference; that Canada granted that preference purely for love and in recognition of what we have done for Canada.' We know very well the preferential treatment of British products in our markets has been the means of depriving this country of a large trade with Germany. I have the figures under my hand but every one knows what has taken place. The premier says when the correspondence is laid before the House of Commons we will see what has been done in that respect. The correspondence has not effected any change in the German tariff, and the German tariff is especially framed to injure the trade of Canada while it grants concessions to the United States. There is a much heavier duty imposed by Germany upon our products than we impose upon the products of Germany. But they have an advantage under the preferential trade that, in my opinion, and I think the opinion of the country, is unjustifiable. The regulations are so framed that all the German manufacturers have to do is to bring their manufactures into England, alter them a little, and then import them into this country under the preferential tariff as British manufactures. That is a broad question on which figures may be produced hereafter.

The next paragraph is in reference to immigration. I am not one of those who believe that the great influx of people from the United States into our North-west Territories is going to be of such a damaging character, politically, as many have indicated. I believe that most of those people--at least a very large proportion of those who are coming from Dakota and Minnesota, are either Canadians who left this country some years ago during the drought in Manitoba and the failure of the crops, or the descendants of those men who never became United States subjects except by birth. They are coming back to their own country, and so long as that prosperity exists arising from the magnificent harvests which we have enjoyed in the North-west, they will be better subjects than they ever were, because they have had the advantage of knowing what United States institutions really are. I go further than that. I say in this country some of our best citizens are of United States birth, and I predict that many of those intelligent men who are coming from the United States to day and settling in our North-west Territories and Manitoba, will, after they have lived there a few years, appreciate the superiority of British institutions over those of the Republic and will be glad to remain here and become as loyal subjects as we are. While it is a fact that large numbers of people are coming into the country, it is lamentable, and I speak from an Ontario point of view, that the population of this province has not increased in the ratio that we think it ought to have increased. Whether this showing is the result of a defective census I do not know, but this we do know, that under the constitution we are to lose about five representatives. That arises from the supposed increase of population in the province of Quebec. I have yet to learn that there has been any great immigration for years past into the province of Quebec except into the St. John district, arising from the fact of the railway having been constructed there; but that that increase has grown so rapidly as to deprive us of five representatives in parliament is incomprehensible, unless it is explained by the fact that while they have increased in Quebec the Ontario people have left the country. Now, if you look at the last Trade and Commerce returns you will find that the exodus has been growing for years past—that is, judging by the trade returns and the entries for exportation of settlers' effects. That is the way hon. gentlemen opposite used to judge

us, and I suppose they will not object to the application of the same rule to themselves. If hon. gentlemen will turn to the last report of Sir Richard Cartwright they will find that in 1898 the exodus as represented by the entries of exports of settlers effects amounted to $886,000; in 1899 they amounted to $963,000; in 1900 they amounted to $1,069,000; in 1901 they amounted to $1,133,000, and last year to $1,502,000. In giving these figures, I have omitted the odd hundreds. It shows that in this country, as in others, the Anglo-Saxon is a migratory race, and that we are losing population if the figures are correct. I merely call attention to these facts to show that while immigration is coming into the North-west Territories—and I am pleased to know it is—it is not the result of any fiscal policy of this country—and no one knows it better than the mover of this address—but arises from the fact of the superiority of the crops which have been given to the yeomanry and labourers of that portion of our country, and if it only continues for a year or two more it will do a great deal towards filling up the North-west.

The reference to transportation I will not discuss at present. What the government mean by that is hard to understand. It is a problem difficult to solve and one which the country has been considering for the last twenty or thirty years. The great output of the farms in the North-west Territories and Manitoba has so completely exceeded the most sanguine expectations of the people that no railway could keep up the required rolling stock necessary to transport it to the seaboard. There is a second railway now—what is called the Mackenzie & Mann railway—that is assisting, but still the transportation facilities are not sufficient. I am of the opinion that we cannot have too many railways in the North-west Territories and Manitoba, and any reasonable aid that may be proposed towards the construction of more railways to bring out the products of that country should receive the sanction of every lover of this country, and every statesman and every member of both Houses of parliament. I feel somewhat proud of the fact that I was one of those who stood all the ignomy that could be heaped upon us for granting liberal terms for the construction of the Canadian Pacific Railway. I care not who made fortunes out of it—I am glad that some of those who ventured their all in it did. The construction of that road has been the making of what Canada is to-day and if the Grand Trunk Railway is going to give us another route to the Pacific and an outlet to the east, let us have it by all means, and the Mackenzie & Mann system also, but let us remember this, that we should not give our aid to the construction of railways which are going to carry the products of the great West across the United States frontier. I will not discuss that question further, because probably it might come up at a more opportune time. I have my own ideas of what probably might be accomplished, although I see the many and great difficulties which present themselves in a country like ours with a climate like ours, and with the river St. Lawrence closed for so many months in the year, in accomplishing that which we so much desire, that is the transportation rapidly, of all the products of our great North-west, the magnitude of which is only to be realized, through our own country down the St. Lawrence to be carried by our own shipping to European markets. The question arises why that cannot be done. I will not discuss it now, but I could give satisfactory reasons why United States shippers and those engaged in that particular trade both in British Columbia with their trading to the Yukon, have had the advantage over Canada and will continue to have the advantage until British capitalists invest in shipping and railways which will do that for us which Yankee shipping and Yankee railways have done in the past for the United States.

The Alaska boundary, every one must admit, is a question which ought to be settled. Whether it will be settled under the present commission I do not know. I have greater faith, however, in those who will be appointed by Canada and by England than to suppose for a moment that they would be actuated wholly and solely from either a British or Canadian standpoint. I have sufficient faith in our jurists and in our public men that in a question of this kind they will endeavour to arrive at the truth and so report. Whether those who have been appointed by the United States are of the character indicated by the treaty itself is a very vexed question,

because, seriously, any one who has read the speeches of the gentlemen who have been named to represent the United States cannot by any possibility come to the conclusion that they are impartial jurists of repute. Whether they are jurists or not I do not know, but I think the United States would object if three gentlemen sitting here were appointed and designated as impartial jurists of eminent repute. We are citizens and civilians and capable, probably, of coming to as correct a conclusion as any lawyer but that is not the character of the men indicated by the treaty, and it is deeply to be regretted that the United States so far forgot their duty under the wording of that treaty as to make the appointments they did. They first laid down the principle in the treaty that there is a desire to maintain peace and harmony between those two great countries, Britain and the United States, and they immediately appoint three men who have expressed decided and positive views upon this question and call them impartial jurists. One of these gentlemen made a violent speech against the treaty itself. After an interview, if the public press is correct, with the President, he went back to the Senate Chamber and allowed the treaty to pass without any opposition. Whether it was part of the condition of his withdrawal of opposition that he should be one of the commissioners, of course I do not know, but we can draw our own inferences from the circumstances as they are presented to us.

The census has been referred to and we are told that we are to have a Redistribution Bill. The hon. mover of the Address is very sanguine as to the character of that Bill which is to be introduced. I must confess I have not the same confidence the hon. gentleman has, but I hope he may be correct. I notice that the Hon. Mr. Paterson. Minister of Customs, in his speech at the late North Ontario election, referred to this fact, and if he will only carry out the promises he made then I scarcely think any member of the present parliament will object to it. He said :—

> It would be the duty of the present government to redistribute the constituencies during the present parliament, but it would also be their duty to see that is done in a fair, honest and equitable manner. To attempt by legislation to keep one party out of power was not in accordance with the principles of British fair play.

I am fully in accord with those sentiments and I hope the government will carry it out.

Hon. Mr. WATSON—Another convert.

Hon. Sir MACKENZIE BOWELL—I notice that the premier made a statement of a similar character. He said :—

> The objects of the government in introducing legislation shall be, first, to wipe out the injustices and abuses from which the Liberals in Ontario have suffered for twenty-one years, and next to devise a measure in such terms as to give no favour either to the party in power or to the party in the minority, but to devise a measure, which, whatever may be the question brought before the Canadian parliament at any time, shall make it certain that the views of the people shall upon every occasion prevail and the majority shall rule.

I repeat, in reference to that estimate I am fully in accord with the premier, but judging from the past and the pledges which were made upon the trade question and various other subjects before they came into power, and the subsequent gross violation of all of them, I have little faith in what they have promised now. I hope in the interests of the country I may be mistaken in that matter ; if I am, you will find no one in this House more ready to acknowledge the fact than I shall be. I have a distinct recollection, however, of the speech made by a late member of the cabinet, the ex-Minister of Public Works, in Brantford when he was discussing this subject of redistribution, and he told his hearers there that he would 'fix them when the time came.' He may not be able to fix them now because he is out of the cabinet, but if he spoke for the cabinet at that time, we have a right to assume the government will carry out the threat he made. Then another gentleman said he would so redistribute Ontario that there would not be a Tory elected. I am very much inclined to think that no matter how the province is gerrymandered the hon. gentleman will not be able to accomplish that.

Hon. Mr. SCOTT.—He was probably thinking we would have to hive the Tories as our predecessors did the Grits.

Hon. Sir MACKENZIE BOWELL.—My impression is that it is impossible for even the Secretary of State, whatever his inclinations and desires may be, to so hive them as to accomplish that object. They are too sensible ; they know what the con-

stitution provides, and how in the last six years the country has been governed, and hon. gentlemen will find, when the proper time arrives, what the result will be no matter how much they try to 'hive.'

The other measures I shall not discuss at present, further than to say this, that it seems a most extraordinary thing that before the government could get a French Canadian gentleman to fill the vacancy created by the resignation or dismissal of Mr. Tarte, he must have important patronage placed at his disposal. The government of the country upon broad patriotic principles does not seem to have actuated them in any way. Mr. Préfontaine said: Unless you add to my department the patronage which I think it should have, and which I insist upon having, or give me the Public Works as it was under Tarte, I will not join you. We have the announcement in the address that this principle is to be recognized. In what way? Only to give him patronage and power to spend money in connection with harbours, docks and other matters connected with marine. Why not allow the Minister of Customs to have the control and building of the customs houses? Why not allow the Inland Revenue Department to have the same rights, and if the change is to be made it certainly ought to be made in connection with the Militia Department, where they have the largest armouries to construct, and know more about it from the fact that they are immediately engaged in providing for the training of the forces, and then my hon. friend beside me suggests, why should not the Postmaster General have control of all the post offices, and by that means you will have the Minister of Public Works with very little to do, and holding an honorary position.

I have spoken much longer than I intended, and I ask the pardon of the House if I refer to one little matter in which my own name was mentioned and brought into the discussion in the Lower House. I believe that it is not permissible to discuss what takes place in the other chamber. I base my remarks, therefore, upon what I see in the newspapers, and I suppose that that is a fair subject of the discussion. I notice that the question was asked the premier, or complaint made, why he did not enter into negotiations with Newfoundland in reference to the admission of that colony into the confederation, and his answer to that was that the fine opportunity was lost by the refusal of Sir Mackenzie Bowell's government to accept the terms offered. I may be excused if in referring to the official report I place it fairly before the House in order that there may be no misunderstanding, so far as the government of which I was at the head at the time is concerned. Sir Wilfrid Laurier said:

> My hon. friend has desired to have the correspondence with the governments of Newfoundland or Great Britain with regard to the new treaty negotiated by Newfoundland with the United States. I shall be glad to bring down any correspondence in the possession of this government, but with regard to the attitude we have taken on the subject, I may say that the question is one that has long engaged our attention and that we have obtained, as the result of our efforts, the assurance that if Newfoundland be allowed by Great Britain to negotiate a treaty with the government of the United States, there shall be no discrimination in it against Canada and that the same treatment given to the American republic shall be given to the Canadian confederation.

That is a correct position for the Canadian government to take. The Sir John Macdonald government was condemned very strongly for interfering with Newfoundland at the time that Mr. Bond negotiated a treaty with Mr. Blaine, upon the ground that, being an independent, self-governed colony, we had no right to interfere with any arrangements which it might make with a foreign power, by which its trade was to be increased and the island profited thereby. Our position was that the fishery question was identically one for the British provinces, that it was impossible to separate them and that it was the duty of the government to stop anything that they might do which would interfere with our trade; and I am glad to know that at that time the Bond-Blaine treaty was prevented from being ratified by the British government. The hon. premier goes on to say:

> My hon. friend also urged that the time is opportune to re-open negotiations with Newfoundland with a view to its entrance into confederation. Let me say that the government of the Hon. Sir Mackenzie Bowell lost a fine opportunity of settling that question. At all events there were then negotiations far advanced, and I believe that had a little more generous disposition been shown by Canada to Newfoundland, the question would have been settled there and then.

Mark this contradictory statement immediately following what I have read. Then he proceeds:

But if Sir Mackenzie Bowell could have settled the question and did not do so, I cannot blame him very much, because so long as the French shore difficulty is not settled, it will always be a serious bar to the entrance of Newfoundland into confederation. I think that Newfoundland ought to be a part of confederation. I am prepared at any time to meet the representatives of Newfoundland in order to facilitate that end. But I would hesitate very much, even if it were in my power to complete the transaction, to do so unless this most irritating question of the French shore were removed from the probability of creating mischief in Canada.

It is a remarkable fact, and it will strike those who have read that speech as a remarkable position for the premier to take, to tell the House that the golden opportunity was lost owing to a little penuriousness on the part of the government of the day, and then, before the sound of his voice had ceased ringing in the ears of his hearers, he turns round and says: 'I could not blame Sir Mackenzie Bowell for not doing that, because this French shore difficulty was unsettled.' It is another evidence of the inconsistency of the hon. gentleman. There is scarcely a question within the last ten or fifteen years on which he has given utterance to an opinion that he has not subsequently, not so rapidly, I admit, as in this case, expressed views of a contrary character. The hon. Secretary of State will remember that when I made the explanation in this House as to the causes of the failure to bring about the entrance of that colony into Canada he approved highly of the position then taken by the government. We had offered them better terms than had been given to British Columbia. We offered them better terms than had been given to Prince Edward Island. We offered them better terms than had been given to Manitoba and the North-west, or any of the other provinces, but after they got that far they demanded we should assume the responsibility of a debt of theirs of some $5,000,000 in addition. I am speaking now for myself, I was willing to grant all that we offered them, notwithstanding the difficulty that presented itself on the French shore question, providing we could bring them into confederation, and for the reason that I believe that the power and influence of the government of the Dominion would be so much greater, we could bring so much greater pressure to bear upon the British government, that we could bring about a settlement of the French shore question, which Newfoundland as a small colony could not do. But that was our position at the time. I will go further. I notice that Mr. Bond, now Sir Robert Bond, stated in an interview in Ottawa a short time ago that he believed if Sir John Thompson had been at the head of the government the union would have taken place. It would not be at all flattering to the hon. premier of Newfoundland if he knew the opinion of Sir John Thompson, of the unpatriotic course which he pursued when we met him in Halifax upon a previous occasion. Sir John Thompson, Mr. Chapleau, the then Secretary of State and myself had an interview with the gentleman and some others from Newfoundland upon the trade between the two colonies and the probabilities and feasibility of a union of Newfoundland with Canada, and we found that he had no sympathy with the latter feeling. When he came to Ottawa with the gentlemen who accompanied him I was forewarned. I have never stated this before, but as the prime minister has called attention to it I hesitate not now to make public what probably should have been made public before, I was forewarned from Newfoundland, that he had no sympathy with confederation and that his feelings were against it, and that he only came up for a certain purpose, in order to make political capital in his own colony, and it was with the greatest difficulty possible we could get him to propound any scheme or theory or make any proposition, and after discussing for days and days we found it was utterly impossible to come to any arrangement with him, and I prophesy that just as long as Sir Robert Bond is at the head of affairs in Newfoundland, whether the French shore question is settled or not, you will never have confederation if he can prevent it. It was only last June that the leader of the opposite party, Mr. Morine, was in Montreal, and in an interview gave utterance to the conclusion which we had come to years and years ago. What did he say? He said 'Sir Robert is not credited with being a federationist, either with the Dominion or the empire. In Montreal quite recently the premier of Newfoundland made some remarks which show he still hopes that a fishery agreement by

the colonies with the United States will be permitted. This, however, would postpone union with Canada for the next fifty years. Sir Robert Bond seems wholly out of line with Mr. Chamberlain's policy, and unless he can be converted and made a federationist, confederation cannot soon become a vital question in the colony.' That is the opinion I formed of that gentleman years ago, and it is confirmed by everything I have learned and everything I have read, both when I was in Newfoundland a year or two ago and what has taken place since. Sir Robert Bond would much rather be a big frog in a very small pond than be a tadpole in a large lake like the Dominion. And as long as he can remain at the head of affairs in that country we need not expect to have confederation very soon from his hands.

There are many things I would like to discuss but I have spoken longer than I intended to. There is so much in connection with questions affecting the interests of this Dominion that I offer that for my apology for occupying so much time. When the various bills come before us as indicated by the mover of the address, we will be able to discuss them seriatim and consider them on their merits and dispose of them as an independent non-political body like this, should do.

Hon. Mr. SCOTT—I am sure that I echo the sentiments of every hon. gentleman in this chamber when I say we all share in the deep expressions of regret at the many changes that have taken place since our last meeting. One gentleman particularly to whom the hon. gentleman referred, was a very intimate friend of mine, a life long friend of upwards of half a century, a gentleman of very great public spirit. His death was a heavy loss to the city of Ottawa and to many friends on both sides of politics. And I might say that outside of this chamber and outside of the public duties which he had to discharge as a member of the Conservative party, the late Mr. Clemow had quite as many warm and sincere friends among his political opponents as among those he was associated with here.

I have great pleasure also in sharing with my hon. friend in the encomiums he passed upon the speeches made by the mover and seconder of the address. Both discharged that delicate duty with a great deal of tact and very much eloquence and I think the remarks were duly appreciated by this Chamber. The hon. gentlemen were not novices in addressing public assemblies. They graduated in another place where both of them gained some distinction. They had for a long time been members of the House of Commons and now that they have been transferred to this Chamber, though during their stay in the other House no doubt they were very active politicians, the atmosphere, non-political as it sometimes is in this Chamber, will probably mollify the strong feelings they used to exhibit on former occasions.

My hon. friend took the hon. senator who moved the address very much to task because he thought he had enlarged too much on the praise he gave the premier and necessarily the praise he gave the policy of the government. That is practically it, and my honourable friend disputed the right of the government to any praise for the changes that have taken place in the last six years. I cannot allow that challenge to go without pointing to some facts which most conclusively prove that some extraordinary change did take place in 1896, when the change of government occurred and that it was scarcely possible that the remarkable prosperity that dawned on Canada from that year up to the present time could be entirely due to sunshine and shower. I think it can be very clearly shown that during the whole period of the national policy, from the time it was fairly launched in 1882 down to 1896, the trade of this country was absolutely paralysed. No other word will fill the bill. You have only to look at the figures to see at once that it seemed as if some extraordinary calamity had befallen this country between these particular years. It is not that the people of Canada did not exhibit the same industry in that period as the year before or the year after, that they had not good crops or that trade should not have prospered. But the whole policy of the party during those years was to trade among ourselves, and to avoid trade with outside countries, which I think was a very great mistake. The only wealth that comes to the country is by the external trade, whether it is buying or selling. It is

that which made the wealth of England. Up to the time of the free trade policy introduced by Sir Robert Peel, we know the distress that prevailed among all classes. Of all the great wealth England possesses to-day 90 per cent of it is due to trade with other nations which evolved from the introduction of free trade principles. Take the trade with the United States; in 1892 we exported to the United States $47,000,000 worth which was the highest in any one year up to 1897. I admit there was a tariff against the United States but my contention is that unless you buy from a country to some extent you cannot sell. There must be mutual exchange in order to establish any trade whatever. In the year 1894 the exports fell to $35,000,000. The imports from the United States ranged from $48,000,000 up to $58,000,000. The highest record was in 1896. It will, therefore, be seen that during that period no progress whatever was made in our trade with the United States, only ten million dollars having been added to the exports of that country. With Great Britain the value of the exports in 1878 was $45,000,000, and in the eighteen years under the national policy they had risen to $66,000,000. The importations in 1878 were $51,000,000 and in 1896 they had fallen to $32,000,000. There was our outside trade. Was it possible for Canada to prosper under those conditions? There was no encouragement given. The policy of the party was that it should be Canada for the Canadians. It was like the two men swapping jack-knives and each supposing he was getting some advantage of the other. In 1902 the exports to the United States had risen to $71,000,000 and the imports from the United States to $120,000,000. Something must have occurred in that time to make that extraordinary change. The exports to Great Britain had risen to $117,000,000 and the imports from Great Britain to $49,000,000 and this year it will be considerably over $50,000,000. I maintain that the very best test of the wealth of a country is in the savings of the people. I venture to say that no gentleman will contest the statement I make now, that in the last six years Canadians have invested more money in industrial enterprises than in the preceding ten and fifteen years. Companies have been formed for a variety of purposes, and large sums of money have gone into steel and iron and also into agriculture, and a variety of commercial interests have been established. Hon. gentlemen can note this from the very activity of the companies that have been organized all over the country, that large sums of money have been invested in the last six years, very much in excess of former years. In 1878 there were in all the savings banks in this country $76,000,000. In eighteen years that $76,000,000 had grown to $104,000,000. That is practically the savings of the people in that time. In 1902 the savings had increased six years by the sum of $185,000,000. That certainly speaks volumes. No one can contest the reliability of a statement of that kind. There was the money awaiting investment, a large amount of it drawing no interest, and some of it drawing the interest the banks pay. The government pay three per cent and that is the ordinary rate I suppose. I maintain that no greater evidence can be given of the wonderful prosperity which the country has enjoyed during the last six years than the evidence I have given, both in the wonderful development of trade between Canada and outside countries and the enormous increase in the deposits of the people, unable to find investments in which to place their savings. My hon. friend catechised the government in reference to Germany. I presume, although he did not directly say so, that the effect of his observations would be to censure the government because we had forced the hand of the imperial government to denounce the treaties between Great Britain and Germany and Belgium, and that we had injured our trade with Germany. That would be the effect of it. My hon. friend must recollect, if he has not forgotten, that the government of which he was a member repeatedly endeavoured to have those treaties denounced, that at the great convention held in Ottawa at which he so ably presided, in 1894, the question was brought up and he himself made reference to former efforts of the government of which he was a member to have those two treaties denounced, and the united support of that convention, containing representative men from all the colonies, was given to the suggestion of a resolution asking the imperial government to denounce it. They were told by the representative of the imperial gov-

ernment who attended the conference, the Earl of Jersey, that it was hopeless; the British government would not do it.

Now, the conclusions I desire to draw are that we have not suffered very largely by the loss of that trade. I find in 1896 that the exports to Germany before the change of government were $737,000. In only one year had there been any considerable amount above that. In 1902 our exports had risen to $2,692,000. Certainly Canada was not suffering by that. The Germans wanted our goods and I think the question who paid the duty was pretty well illustrated there.

The Germans bought because they wanted Canada's goods. The goods we sent to Germany and found a ready market, and they were nearly $2,000,000 better than the last year of my hon. friend's administration. The aggregate trade, that is both imports and exports, amounted in 1896 to $6,698,000; and last year they were double—$13,315,000. I do not think we have very much to complain of in that and I do not think it is quite proper to condemn Germany. We insisted upon Great Britain taking a very decided and positive stand, much against their inclination. It was open afterwards for us to unite with Great Britain in a new treaty. We declined to do it; we thought Canada ought to be absolutely free in regard to treaties with outside countries. Unfortunately, although we released the two treaties that bore most heavily against us, that is the treaties with Belgium and Germany, we are tangled up still with some eighteen or twenty treaties with other countries, and if we were to-day to give Germany any benefit in our market it would enure to those other countries under what is called the favoured-nations clause. That is, any advantage to any other foreign country would have to be granted to those eighteen or twenty that enjoy the favoured-nations clause. So I think we occupy a very much better position than if we had now a second time united with Great Britain in having a treaty and allowing the British preference to stand. I have no doubt the Germans would have consented to that if we had allowed them any advantage in our market.

Hon. Mr. MILLER—Why not retaliate in our tariff against them?

Hon. Mr. SCOTT.

Hon. Mr. SCOTT—The Germans have two tariffs—the ordinary tariff and the conventional tariff, the latter applying to countries that have special tariffs with them. Germany would be ready to make a conventional tariff with us to-morrow, I have no doubt, if we wanted it.

Hon. Sir MACKENZIE BOWELL—Do I understand the hon. gentleman to say that the denunciation of those portions in the treaty which bound us to give Germany the same privileges that we give England only applied to Germany? I understood him to say there are eighteen or twenty other countries.

Hon. Mr. SCOTT—There are eighteen or twenty that have that favoured-nations clause.

Hon. Sir MACKENZIE BOWELL—Did the denunciation of those treaties for which the hon. gentleman's government claim credit, apply only to Germany and Belgium?

Hon. Mr. SCOTT—Only to these two. What I said was if we gave Germany now some limited privilege, either in the coasting laws or a lower tariff, or any advantage whatever in our ports, that we would have to extend that privilege to eighteen or twenty other countries that now have in their treaties with Great Britain this favoured-nations clause to which Canada was a party. Because my hon. friend will know from his long experience that it is only in recent years Canada has been consulted when Britain made a treaty. In the early years the British government made treaties without consulting us. I have no doubt Canada was not consulted when the treaties with Germany and Belgium were made.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is quite right.

Hon. Mr. SCOTT—It is only after both sides have protested against being dragged into treaties simply because we were a part of the empire, that a change of policy has occurred and Canada is now consulted before she becomes a party to any treaty. Recently a treaty was made with Japan and we were asked whether we would unite in that treaty. We did not consider it advisable to do so in consequence of our being favoured-nations clause in their treaties in

making treaties with any countries, as I explained before, those eighteen or twenty other countries that already enjoy the favoured-nations clause in their treaty in which Canada takes part with England, would gain the advantage we give Japan. When my hon. friend's government made a treaty with France they specially recognized that provision because they put in a paragraph stipulating that the advantages given to France gave those other nations equal privileges. They could not avoid it. The only escape would be to denounce those other treaties. The mother country objected very strongly, and it was only after a strong pressure that we succeeded in getting the Germany and Belgium treaties denounced. If we think it is in our interests to make any proposition to Germany it would probably be accepted, or of course we can take the high handed way of proposing discriminatory duties against Germany higher than against the rest of the world. We are quite free to do that.

Hon. Mr. MILLER—Why not treat them as they treat us?

Hon. Mr. SCOTT.—We could do that no doubt. I could enlarge very much on that point but I do not propose to do it. I think it is perfectly evident to any candid gentleman who looks at it that a very extraordinary change did take place after we introduced our tariff in 1897. I know at the time it was stated that the industries of Canada were to be seriously affected by that change. That statement was made in another place at the time the tariff was introduced, and we have been told since that certain industries in this country were suffering—that they were losing money. Arguments of that kind have been adduced from time to time in the public press, but there is the fact that the large number, certainly 95 per cent of all the industrial factories in this country have been working overtime. There has been no suspension or lull in the industries in any seuse, and while we have been importing largely, yet we have been buying largely from our own manufacturers. Many of them could not keep up with the orders. It is well known that orders had to be sent abroad because they could not be filled in Canada. That is the result of opening up trade with other countries. It sustains fully the point I made, that to be successful our country must trade with outside countries—we must both buy and sell. It is quite evident unless you buy from a country, the exports sent abroad must pay a very much higher freight, because a vessel would only get a profit going one way. Now, we have endeavoured so to arrange the business of this country that there would be a trade both ways, and the figures in the Trade and Navigation returns fully sustain that point and show that we have been buying largely and selling largely. As a matter of fact, the only time that trade has changed largely in favour of Canada has been within the last year or two, where we have sold considerably in excess of what we have bought. If the Trade and Navigation returns are consulted it will be found since confederation the value of our imports has been enormously in excess of our exports. A change has occurred during the regime of the present government, and we are now selling very largely abroad. The markets of the world have been found and our exports have risen beyond $400,000,000. I am glad to say they are still rising. The probability is that during the present year the total trade of Canada will have risen above $450,000,000. It is up now, by the last returns, considerably over $400,000,000.

Hon. Sir MACKENZIE BOWELL.—That is the imports and exports ?

Hon. Mr. SCOTT.—Yes, the general trade. Some reference was made to the transportation commission. It is within the knowledge of any hon. gentleman who has taken note of passing events, that considerable complaint exists at the delays in sending forward to tidewater the products of this country. I presume it arises from a variety of causes. Suddenly those products have arisen to a very large volume, and there is considerable difference of opinion how best we can have transportation readily through Canadian channels. There are the views of some gentlemen who maintain they can be carried more cheaply by railway through from the great North-west to Quebec and the Atlantic seaboard. There are others who take a different view, that the quickest way would be by rail and lake, delivering the goods at Port Arthur and Fort William, and thence by the great lakes and canals to the Atlantic. With that view,

we have been endeavouring to hasten the construction to the entrance of the Welland canal at Port Colborne. That I think, is perhaps the most important point that needs attention. There is a constant complaint that very large quantities of the products of Manitoba and the North-west go to Buffalo and are shipped via New York, owing to the fact that no large vessels can enter our canals—no large vessels can approach the canals, and it is with a view to enabling steamers drawing 20 and 21 feet to reach the head of the Welland canal that the large expenditure is now being carried on at the entrance to Port Colborne. When that is completed a marked change will take place in the volume of products of the North-west that will find this route through the St. Lawrence and through British ports.

In reference to the Redistribution Bill, my hon. friend's comments, of course, were good natured. It recalls to mind the necessity for a readjustment of the electoral districts—necessarily I say, because I think the measure proposed by our political friends on the other side was a most unfair and unjust one. It was notorious that in many points a successful effort was made to gather in from several constituencies the Grits—hiving the Grits. It was so apparent it could not be denied, and if I were to lay on the table a map of the electoral districts to-day, distorted as it is, it would shock hon. gentlemen who have not taken, perhaps in the past, any special interest in this subject. In the readjustment that we propose to submit to the House I think it will be found we have gone back to the views expressed so earnestly and deeply by Sir John Macdonald before he was influenced by his colleagues in 1882 to bring in the distorted measure that was carried through parliament by the Conservative majority of that date. Sir John Macdonald had frequently expressed the opinion that the only fair way was to limit the electoral districts to the municipal divisions. His argument was that the people of the municipal districts met in the village or town or township or county councils. They knew, and were more in sympathy with each other, and it seemed unfair to divide up a county and tie it to an adjoining county with which the people had no particular sympathy, and that were known to them only as Canadians. Our measure will be found, when submitted to the House, to adhere strictly to county boundaries. The question of population no doubt, will be commented upon, but even if you take the measure of 1882 and 1886, you will find that the population was not the standard that was followed, because the constituences range all the way from 12 or 15,000 up to 25 and 30,000.

Hon. Sir MACKENZIE BOWELL.—That only applied to cities. I might give the hon. gentleman another instance which would make his argument stronger. In Muskoka there were only 8,000 but before the next election it had grown larger than the unit.

Hon. Mr. SCOTT—Our Redistribution Bill will be governed entirely by the county boundaries.

It being six o'clock, the Speaker left the Chair.

After Recess.

Hon. Mr. SCOTT—When the House rose I had not quite finished the observations I intended to have made. I felt it my duty to make some observations in connection with the imperial conference. My hon. friend rather twitted the mover of the address because he described Sir Wilfrid Laurier as occupying an important position in the recent conference. The conference was called by Mr. Chamberlain, and Sir Wilfrid Laurier and his colleagues were invited to take part in it. The principal subjects that occupied the attention of the conference were imperial defence, inter-imperial trade and one or two minor points. So far as preferential trade was concerned Canada had done her part and Mr. Chamberlain quite recognized that in view of the growing feeling for high tariffs in other important colonies, it seemed hopeless to draw together the various parts of the empire unless indeed they were prepared to entirely revolutionize the financial institutions on which they stood. His view was that if the empire were to be brought more closely together it could only be done by imperial free trade and that was too far in advance. Mr. Chamberlain did not seem to appreciate altogether the value of the preference tariff that Canada had adopted. I think myself that Mr. Chamberlain did not give Canada the full credit it deserved.

We all know it takes years to change the channel of trade, and, as Mr. Chamberlain himself observed, the trade between Great Britain and Canada had for a long time been falling. I will quote from his remarks. In discussing the trade which was falling off year by year between Canada and the mother country, he says :—

> Well now what is the cause of this ? Up to 1885 British exports steadily increased to the Dominion of Canada. Then the government of the day adopted a severe protective tariff which, by the nature of things perhaps, specially affected British goods. We are not the exporters as a rule of raw material or of food. We therefore do not export the articles which Canada imports. We export manufactured goods, and it was against manufactured goods that the tariff was evidently, I suppose directed. The result of that was that there immediately set in a continuous and a rapid decline in the importation of British goods into Canada.

Then he goes on to say that the preference which was given in 1897 has checked the decline. He, however, considers that the increase is not such as the sentiment of the people of this country foreshadowed would be the result. As I said before, when currents of trade are once established it is very difficult to divert them. There were many reasons why the trade of the United States would continue to grow. First the proximity of the two countries, the very large number of articles in the United States that we found it convenient to get at short notice; but as Mr. Chamberlain says, we checked the decline of importation of British goods. We did more than that. From 1897, if any one chooses to follow the figures in the trade and navigation returns, it will be found that there is a very marked and preceptible increase each year. Up to 1892 it had reached from some thirty odd million up to $49,000,000. This year I think it will go considerably over $50,000,000. I observe from the official return published by order of the British parliament the increase of British articles that have been purchased by Canada in the last year. It shows a remarkable increase in the exportation from Great Britain to Canada. So that I think after a year or two longer it will be found that our trade with Great Britain has been manifestly and perceptibly increased by the benefits flowing from the imperial preference. He goes on to enlarge upon the advantage from his point of view of drawing the various parts of the empire closer together, and the only solution he sees is in free trade within the empire. That in my judgment, particularly after the Australian Commonwealth have adopted practically a high tariff, is not really within sight. So that that may be brushed aside as not likely to be obtained in the near future. The other more important point that was discussed in the conference was imperial defence. Hon. gentlemen are quite aware that the Australian colonies and some other outlying parts of the empire do contribute a sum of money towards the imperial defence. Australia has a considerable navy. Being an island it is quite within their policy to have a navy of their own. They are lying in the southern ocean liable to an attack from outside countries, and it was quite within the natural policy to be adopted in Australia that the navy should be sustained and maintained. The sum that Canada would contribute towards the maintenance of the army and navy would be in the aggregate a comparatively small sum, while it would create a considerable amount of friction in this country.

We enjoy a special position, unexcelled, I may say, by that of any other country on the face of the globe. On the north of us we have no neighbours, between us and the north pole and on the east and west we have no neighbours. No army outside of the United States can ever think of assailing Canada. There is but one country that we would have to fear : that is the country lying to the south, a country of eighty million people, and considering the close alliance that is being drawn between Great Britain and the United States, one might brush that aside as being too distant for contemplation. We therefore enjoy an exceptionally advantageous position. Mr. Chamberlain thought that Canada ought to give a substantial contribution to the maintenance of the British army and navy, Sir Wilfrid Laurier did not concur in that view, nor do I think a vast majority of the people would share in that opinion. As I said before, if we were paying a few millions a year to the British treasury, it would be a mere mite compared with the large sum that it is necessary to raise, and it would give rise to a good deal of friction. I question whether it would be a wise or prudent measure for us to adopt. He

thought, and a very large number of people in this country think, and I myself think, that Canada can render very much more substantial aid to the mother country in a different way. We are now a growing and prosperous country. Long before the termination of the present century Canada will probably have a population of over 50,000,000, from 50,000,000 to 75,000,000, an intelligent, self-reliant population, such as will not be excelled on the face of the globe. It will at that time be the strength of the empire. The United Kingdom cannot grow very much more in population. The area is limited, and the population now is somewhat crowded. It is not within the range of probability, therefore, that a very large increase will be made to the population of the islands. It is most important that there should be some outlying colony that can stand by the mother country and sustain the integrity of the empire in the years to come, and that country will be Canada. I believe that feeling of warmth and sympathy with England in her trials will be much more earnest, much more lively if England relies upon Canada to come to her aid when she actually needs it. She has had an illustration of what Canada can do in the recent struggle in South Africa. In the Crimean war, if my recollection serves me well, we gave a contribution. It was a bagatelle. I think it was not more than £10,000 sterling. It did not count for very much. But the men that we sent to South Africa did count for a great deal. We know that it was the Canadian volunteers at Paardeberg who wiped out the stain of Majuba Hill, and on one or two other occasions the Canadian contingents stood manfully together when the enemy were kept at bay. It need not be supposed that we are merely praising our own, because it is universally conceded that no finer body of men sailed for South Africa than the contingents that we sent from Canada. They have left a name for themselves that will long be remembered and Canada will in the future, should the interests of the empire require it, be prepared to do all that can be expected or all that can be asked from her, and in that way we can serve the empire infinitely better than by a money payment. I therefore think that the praise given by my hon. friend to the premier for standing to his own views in that conference is merited. My hon. friend opposite did not agree in that view, but I think a very large majority of our people will entirely sustain the attitude taken by Sir Wilfrid on that occasion, and I believe it was the part of a statesman to do as he did. Had he consented to a money contribution, we would have a yearly subject of discussion as to the policy pursued at the War Office, as to whether the money had been properly spent and various other questions which would only create irritation, and would eventually lead to probably a much wider divergence of views than would be pleasing to any of us. The aid that can be given will be given when the United Kingdom requires it. At all times you will find that Canada will send forward a body of men that will be not second to any part of the army which is gathered in from any other part of the empire.

The only other question to which I desire to call attention—and possibly a few remarks may be expected from me—was a reference to the only other important point likely to create dispute between the country to the south of us and ourselves, and that is the question of the delimitation of the Alaskan boundary. The other questions are of comparatively minor importance. If that question can be fairly and satisfactorily settled, a great deal of irritation will be removed in the feeling which prevails between ourselves and our neighbours to the south of us. The other questions can be readily settled by royal commission.

Hon. Mr. MILLER—What about the Atlantic fisheries ?

Hon. Mr. SCOTT—The Atlantic fisheries is one of those questions which can be settled by conciliation and by arbitration between ourselves. There is no doubt about that. Under the peculiar influences which govern the Senate of the United States, it does appear that a few men, a half dozen senators or less, can hold up the whole body. The unfortunate condition of things which exists, referred to by my honourable friend, that is trusts and combinations among the senatorial body, is like a chain, it is unbroken and they all stand together. I rather think that even our treaty in reference to this country would have been thrown out had they not by universal consent ratified it

on condition that Senators Lodge and Turner were to be members of the commission. However, that is aside from the question I was about to discuss. It will probably be conceded that that is the most important question and it is of the highest consequence we should get rid of it. As years go on unless the question is now settled it will resolve itself into this, that the United States will get all they claim. I do not desire to say anything harsh, but we know the unfortunate policy which has prevailed in the past. We, in Canada who are at all familiar with the history of this country since 1782, since the recognition of the 13 colonies, know very well that we would be a much stronger power and would have a very much more territory on this continent to-day, had Great Britain considered that this part of the world was really worth holding. The United States at that time had no claim whatever on the Pacific. It was a remote region that they never thought about. We might just as well have had that coast, certainly as far as the State of Washington, had any proper appreciation of its value been entertained by British statesmen. There is a story, I do not know its truth, but it is quite in line with the policy adopted at the time. John Jacob Astor was hastening up to a point on the coast where he planted the United States flag at Astoria, the mouth of the Columbia river, which was then considered the extreme boundary, leaving all north of the Columbia river to Britain. An official was sent out by the War Office to survey the land. He went west and saw nothing in Oregon and Washington teritory but sage brush. He was a follower of Isaac Walton and cast his line in Columbia river and finding the fish not biting that day he reported that the country was 'not worth a damn—even the fish would not rise to the fly.' I do not vouch for the truth of the story but it is an illustration of the indifference exhibited by British statesmen many years ago in regard to the importance of maintaining a country favourable to the British crown on this side of the Atlantic. It is within the memory of most of us that prime ministers and leading statesmen of the empire expressed the opinion that it would be very much better to let the colonies go—that they considered them rather a burden and tax on the empire, so little value was attached to the great colony that now is looming up and occupying the position of a young nation on this side of the Atlantic, and which the British people themselves are beginning to recognize as likely to be one day a valuable adjunct to maintaining and sustaining the British flag on this side of the Atlantic. Now, in reference to Alaska, as I said before it is of the first importance that the line be defined no matter where that line may be. As honourable gentlemen know, when the subject came before the commission at Washington, one condition was that at least Dyea and Skagway, even if found within British territory, should be retained as United States cities. It was a good deal to yield, but even that we would have been prepared to concede had there been a possibility of a finality being reached. Hon. gentlemen know that within the last few years, with very few exceptions in the United States the press and public men have been educating the people in the view that Canada has no claims—that there is no justification for our demand. The prevailing notion has been that from the heads of all the inlets for a distance of ten marine leagues they were entitled to the territory. We did not concur in that view, because the treaty speaks of the territory on the Pacific as a fringe of country. Now a fringe of country does not contemplate any interior sovereignty. Russia recognized that Great Britain held the interior of the country by the Hudson Bay Company and the North-west Company. They were rivals with the Russian Company on the Pacific coast, and by the treaty of 1825, the understanding was that the Russian traders and fishermen should have the liberty of landing on the coast, in every way similar to what the French have on what is called the French shore on the coast of Newfoundland.

After the treaty of 1825, very little attention was paid to that country. It was too remote, and Canada was in too primitive a condition to think of making any settlement in that direction. When in 1867 Russia for reasons sold the whole territory of Alaska to the United States for $7,000,000, the United States did not regard it as a very valuable acquisition. In 1872, I think it was, negotiations were first commenced by the government of the day, Sir John Macdonald's government, to define the boundary between the new acquisition of

the United States and Canada. Those propositions were brushed aside as not worthy of consideration. Afterwards, when a change of government took place in 1873, the government, of which I had the honour of being a member, felt that it was quite important that there should be a delimitation of that boundary. A prisoner was being taken through that territory, a man named Martin, and bringing him down one of the rivers, he refused to go with the officers in charge. Some resistance took place and finally he made an application, after being brought to our territory, to the United States authorities. They insisted that he was in the United States territory when he desired to escape, and so he had to be given up. Propositions were then made, and it was pointed out how important it was, to define the boundary. Either in that year, or a year or two before, President Grant was so impressed with the importance of delimiting that boundary that, at the instance of the then Secretary of State at Washington, a paragraph was put in the address to Congress pointing out the importance of appointing a commission to define the boundary between Alaska and the British territory. Congress declined on the ground they would not pay their share of the expense. They recognized that it ought to be done, but would not go to the expense, so little value was attached to the new domain acquired by the United States. I make this observation to show how entirely wrong the press of the United States has been in educating their people into the belief that Canada had never set up any claim to any other part of the country than that which they thought Canada was entitled to—that is, ten marine leagues from the heads of the inlets. They entirely ignored the range of mountains that was to form the natural boundary. It was only in the absence of the mountains that the ten marine leagues was to be considered. It was under these conditions and the absolute necessity of settling this question that a commission was decided upon, because if gold were found now in what is known as the provisional district, that is the district which both parties are claiming, we all know what the result would be. The United States miners would flood the country and take possession, and it would be theirs. We know the mother country would never disturb them. It would never be a *casus belli* with them, and it is our interest, wherever the boundary may be found, to settle it now. We of course could not cordially approve of the method agreed upon. Our desire all along was to adopt the policy observed by all nations of referring a question of that kind to arbitration, with an umpire who would decide in the event of the two parties not agreeing. That seems impossible. The United States would not consent to it, and therefore, whether anything will come of this commission, of course it is impossible to say. It is, however, possible that such evidence may be evolved in the examination as will induce a better feeling either on the part of the United States or of Canada, to recognize where the weight of the evidence lies, and in that way a finality may be reached ; but that is only one of the possibilities. I need not comment on the unfairness of the United States declining to follow the ordinary method adopted by friendly nations. We know with what pertinacity the United States urged arbitration of the Venezuela question. No matter what the dispute was, they maintained there was one way between friendly nations to settle questions of that kind ; still, when Canada was a claimant, they declined to apply the principle which has prevailed elsewhere and which would be applied in this case in the event of a stronger nation than Canada being the contestant. I do not desire now to make any comments on the commissioners named by the United States, Senators Lodge and Turner. To Mr. Root, I conceive there would be no objection. He is a member of the government, it is true ; still I understand he is about to retire. As I said before, we had to take that or nothing, and I do not hesitate to say that unless Senator Lodge and Senator Turner had been named, the Senate would not have approved the treaty. It may be a bold statement to make, but any one who has followed events could come to no other conclusion. When the British minister at Washington announced that he had succeeded in enlisting the friendly attention of the United States to obtain a treaty, we were of course very much pleased. It then became known there would be, not an arbitration, but a judicial

inquiry by men whose judgment would be accepted by both parties. The natural inference would be that they would be judges. Our assumption was that they would be judges of the Supreme Court. The time came when the public were advised that the treaty was likely to fall through. The Senate were not disposed to adopt it. What then occurred ? A week or ten days elapsed and it was announced that the Senate would probably approve of the bill. In that interim on doubt negotiations passed, and it was quite understood that two gentlemen of unexceptional qualifications from the standpoint of the United States would be named, and therefore under those considerations the Senate approved of the treaty. It is possible—and I hope for the best—that some good will evolve from it. Even if they do not agree, we shall at least observe the spirit that prompted the treaty, by appointing such members on the commission as will at least savor of the qualifications that were originally intended to apply to them—that is, high judicial authorities. The Lord Chief Justice of England will be one. We shall appoint two gentlemen, I presume, within a day or two, at all events—two gentlemen to whose appointment no exception can be taken, and we can only trust that from the evidence which may be evolved in the inquiry, the better minds in the United States and in Canada will be able to say where the weight of testimony lies, and where the boundary line ought to be. Having succeeded that far, we should trust to the good sense of one or both countries to yield to the arbitrament which seems fair and just.

With these observations, I will take my seat, expressing the belief that the measures the government have to present to parliament will come down within a reasonable period and that there will be no justification in assuming that parliament is going to sit for any longer term than usual. The financial statement will be made within a reasonable time, and the important measures will all be before parliament, and I think within the usual limit for the sitting of parliament that they will be satisfactorily disposed of.

Hon. Sir MACKENZIE BOWELL—Do I understand the hon. gentleman to say that Canada will have the right to appoint two of the commissioners and England one ?

Hon. Mr. SCOTT—Yes. The Lord Chief Justice of England has been appointed.

Hon. Mr. MILLER—Before offering any comments on the important subjects referred to in the Speech with which His Excellency has opened the present session of parliament, I desire to enter my protest against the lateness of the period at which we have been called together to discharge our legislative duties. Not perhaps during any session since the present government has come into power have the measures we will likely be asked to consider been of a more weighty character, or more difficult, to dispose of than they promise to be during this session. If the legislation foreshadowed in the Speech from the Throne is all to be dealt with, in addition to the largely increased private legislation, the session must inevitably last six months, and bring us into the sweltering heat of Ottawa in midsummer, which unfits most men for the work of legislation, and greatly interferes with the attendance of members of both houses. Besides, late sessions are injurious to the business interests of the great majority of members who are kept in attendance on their parliamentary duties after spring time with great difficulty, and the country thus loses the benefit of the knowledge and experience of many of its ablest representatives.

During the years of Conservative rule, myself and others frequently had occasion to make a similar protest to that I am now presenting, and often with good effect, being generally met with a promise from the then leaders of the Senate that cause of complaint on this subject would cease to be given.

I hold that there is no justification for the lateness of the present session of parliament. It is true that the Prime Minister is said to be in feeble health, which I am sure all regret. With, however, a majority of about fifty in the House of Commons, could not his colleagues afford to give the premier a long rest, which might prove of permanent benefit to his health ? The truth is, that ministers have been spending too much time in festivities and idleness since the rising of parliament last year, and have consequently neglected the preparation of the important measures of legislation that

must claim our attention for some months to come.

Some years ago, an agitation was started in both branches of the legislature with the view of fixing a date for the annual meeting of parliament, but it was dropped on the promise of the government of the day that earlier meetings would be the rule in the future. It was said it would be contrary to British precedent to fix by law the date of the opening of parliament. I am a strong admirer of British precedents generally, but in this instance I think we can get a better precedent in the constitutional rule that prevails in the United States. The time for the meeting of congress is fixed for the first week in December. But even in England, where no date is fixed by law, parliament meets as a rule early in February—this year a little later owing probably to the prolonged autumnal session of 1902. In Great Britain we never hear of such flimsy excuses as are offered in this country for not calling parliament for the dispatch of business at the proper time. If it were attempted in that country—if the public were told that owing to the unpreparedness of ministerial measures parliament could not be convened at the most suitable season of the year, the excuse would not be considered satisfactory. Such an excuse would be looked upon as indicative of incapacity or want of industry on the part of ministers, or wilful neglect of their departmental duties. We are told boastingly that the departmenal reports are all ready for submission to the parliament, as if this were something very creditable to the government, nearly nine months after the closing of the fiscal year. With the fiscal closing on the 30th of June, why should not the departmental reports be ready by the 1st of January ? We have less than six millions of people to legislate for. England has over forty millions in the British Isles alone, and the great republic nearly eighty millions, but yet parliament and congress meet with almost equal regularity every year. More work and less play is a motto that might be adopted with great advantage to the public by the present government. Before leaving this subject, I would ask the friends of the administration in this House to use their influence to secure earlier meetings of parliament, and thus avoid the necessity of bringing this subject to the notice of the Senate.

The most gratifying item in His Excellency's speech is that which refers to the general prosperity of Canada at which we can all rejoice without distinction of party. The toil of the husbandman has been rewarded everywhere with abundant crops ; trade and commerce have been prosperous all over the Dominion ; the development of our mines and minerals has added largely to the national wealth, and our fisheries have been fairly remunerative during the past year. But in these respects we have only been sharers in the good times that have prevailed on this continent. Were our fixed policy what it ought to be—a thorough going policy of protection, our prosperity and progress would be even far in advance of what they are to-day. Had the opposition pledges of the Liberal party been consistently adhered to when they attained power—had the national policy which that party had for so many years denounced as legalized robberry been abolished—had protection to our manufacturing industries been extirpated root and branch, as we were told would be done, the old provinces of Canada, which owe so much of their prosperity to those industries, would now be in a most deplorable condition—notwithstanding the good times everywhere else prevailing on this continent. But the government did not venture to put their free trade principles in force—they did not venture to destroy the protective policy of the Conservative party, but contented themselves with making some ill-judged alterations which only impaired the effectiveness of the National Policy of their predecessors. One of these unwise alterations was the British preference, because while it has been of very little value to Britain, it has no doubt proved more or less injurious to some Canadian interests. 'Business is business,' and why should we give a preference to the manufacturers of Great Britain in our markets, when England will give no preference to us in her markets, many Canadians find it difficult to understand. I do not know, however, that we should be too severe on the government on account of the inconsistency of their tariff

legislation—in other words, for adopting so much of the National Policy as they did, because they have thereby averted the destruction of our manufacturing industries, and certain ruin and disaster to Canada.

The motto, 'Canada for Canadians,' is a good one, and our fiscal policy should be so framed as to make that motto a reality, and by the protection of labour give our people employment and keep them at home. Our natural resources are unlimited, and only by an adequate system of protection, such as they have in the United States, can many of these resources be fully developed. The cry of unjust taxation under such a protective system has been pretty well exploded among all the great nations of the world, England alone excepted, because when competition regulates prices, a high tariff only keeps foreigners out, and retains the home market for the home producer. At the same time that the United States is the most highly protected country in the world, that nation is yearly becoming free trade England's most formidable competitor in foreign markets.

But if adequate protection to our home industries were not in itself a wise and farseeing policy for a young country like Canada, it is necessary to our progress and very existence at the present time, in view of the high tariff walls of the neighbouring republic. Our tariff walls should be as high as those of our neighbours, if we desire to deal with them on terms of equality, and we should not deal with them on any other terms. There are not many things in which we should desire to imitate that people, but in this respect it would be real wisdom on our part to flatter them, and never till we do so will we occupy in regard to that country our true level in the race of progress and national development. It is said there are to be tariff changes this session, and it is to be hoped they will be in the right direction, but it is hard to expect any result beyond further mistakes and confusion from a ministry in which one wing is for free trade,—another for protection,—and a third for reciprocity—a travesty on cabinet government.

There is another direction in which the tariff ought assuredly to be amended without further delay. I allude to our commencial relations with Germany. Retaliation is not a nice policy for any country to be compelled to adopt, but there is no other policy open to Canada in our intercourse with that nation, whose tariff policy towards us is avowedly prohibitory since the denunciation of the German and Belgian treaties. This is one of the results of the British preference, bungled through parliament, amid many misconceptions and much shortsightedness on the part of ministers. It is indeed the only result so far, of the abrogation of these treaties. Germany has much more to lose than Canada by a tariff war; we have always purchased much more of her products than she has of ours, and do so now, even under the greatest provocation to close our markets against her. Besides, it is well known that large quantities of goods manufactured in Germany are sent to England to be finished, and are then exported to Canada as British goods under the preferential tariff. A paragraph I came across in one of our city papers a short time ago shows the animus of Germany towards this country. It is as follows :—

> London, Feb. 7.—Reuter's Berlin correspondent wires that it is denied by the Reichstag that contracts have been concluded with a Canadian firm for the supply of meat to the German army and navy and they regard as a legend the report that large quantities of Canadian wheat were being imported into Germany. Count Posadowsky said that Canadian wheat was only imported at the autonomous tariff rate of five marks. Regarding flour from Canadian wheat he said it was impossible to determine the country of its origin. Everything, however, was being done to prevent illegal or unauthorized importation from Canada.

Every thing is being done to prevent importation from Canada. This is the assurance a great dignatory was in a position to give the German parliament as late as last month, and it ought surely to be enough to move our government to action—in other words, to retaliation—avowed retaliation. There should be no mincing of words with that selfish and arrogant power, and we shall then have the satisfaction of knowing that we can inflict greater loss on its people than its law-makers can inflict on us. Reciprocity of tariff with all foreign nations whose tariffs are higher than our own should be our watchword, in justice to our people, and in the interest of all our producers—whether the wheat-growers of our great west, or the manufacturers of the older provinces.

I do not feel disposed to censure the government on the treaty concluded between

Great Britain and the United States in relation to the Alaskan boundary disputes, although it would have been much more satisfactory to Canada had these disputes been referred to a court of arbitration, whose decision would be final, and binding on all concerned. This is what Great Britain and Canada wanted, but could not get, in consequence of the unwillingness of the United States to consent to arbitration. But to say, as has been said in some quarters, that the treaty involves any surrender of Canadian rights or claims is simply not warranted by facts. If there has been any surrender at all, so far as the treaty is concerned, it has been on the part of the Republic, in receding from the untenable position assumed by that country before the Joint High Commission, in reference to such places as Skagway and Dyea at the head waters of Lynn canal. The obtaining of a full investigation of our contentions before a commission of able jurists, no matter how biased they may be, is a decided gain to Canada. I am without hope, however, that the commission will come to any conclusion, even a compromise, that will take the question from the region of international controversy, where it threatens to create trouble between us and our neighbours, and more serious still, between our neighbours and the mother country. I don't believe that the members of the commission to be named by Canada and Great Britain will yield any rights to which Canada is justly entitled—at any rate, not without an equivalent. One thing we can all look forward to with confidence, that the rights and claims of both sides will be thoroughly investigated, and that the evidence touching the respective contentions will be placed before the civilized world, which will pronounce a judgment that neither party ought to disregard or despise. It is true, that Great Britain is very anxious for a friendly settlement of this question for imperial reasons, and Canada should be equally so for the same reasons, as the prestige and power of the empire are involved. No cause of friction that can be removed should be allowed to disturb the present friendly relations of the two great English speaking nations of the world. But it is also very important to the Republic, now assuming all the responsibilities of a great world-power, to be on good terms with the flag that rules the sea. While the imperial government is naturally and properly most deeply concerned about imperial interests, there is room to hope that none of the rights of Canada will be sacrificed by the colonial office, while Mr. Chamberlain, the greatest colonial minister the empire has ever possessed, holds the seals of that office.

While, however, I think no surrender has been made by the imperial government in negotiating the terms of treaty, I must not be understood as saying that I consider no surrender has been made by the Canadian government in agreeing to the provisional Alaskan boundary, which now regulates the intercourse of both nations. That provisional boundary never should have been assented to by Canada, for it gives the United States all they want until a permanent boundary is fixed, and therefore if the commissioners do not give them all they claim, their 'impartial jurists' will agree to no finding, and the provisional boundary will remain as it now is, and in time will become the permanent boundary between the two countries. This may turn out to be the game our neighbours are playing, and if so, the government of Canada have played very unwisely into their hands.

The Minister of Customs is reported as declaring on the stump in North Ontario a few days ago that Canada would not have found herself in her present plight concerning Alaska had the Senate allowed the Yukon Railway Bill to go through. The minister must have calculated largely on the ignorance or credulity of his hearers when, even on the stump, he made that bold and unwarranted statement. Will any one tell us how those few hundred miles of tramway—had they been built—would have lessened the claims on our territory now made by the United States? Even had they been built, those most competent to speak, assure us that they would be of no value, even in summer time when the river and lakes of the Yukon are not ice-locked, as a means of aiding traffic or travel to that country. But it is well known that the Senate did not reject that Bill on the merits or demerits of the railway project, but on very different grounds. We rejected it partly because it created a monopoly and gave away franchises worth ten times as much as the tramway would cost. But we rejected it chiefly for the reason that the

Bill was loaded with the most gigantic scheme of public spoliation that ever startled a Canadian parliament. No less than 3,750,000 acres of the picked gold fields of the Yukon were to be handed over to the trusted friends of the government, Messrs. Mackenzie & Mann, not for their sole benefit we may be sure, as one of the considerations for that worthless undertaking. When we know that more than thirty millions of dollars of the precious metal have been exported from the Yukon in some years since, we can form some idea of the bonanza the enterprising Minister of the Interior would have had for distribution among his friends, had his Bill not been defeated in the Senate. When the action of this House became known to the public, many men who were never known to utter a good word concerning this Chamber, exclaimed, 'Thank God, we have a Senate.'

But, no matter how the Alaskan treaty ends, I am decidedly of opinion that there should be no further meeting of the Joint High Commission. Our invaluable Atlantic fisheries are of far greater national importance than the gold of the Yukon, and I fear they would not be safe in the hands of the Joint High Commission. The fishery treaty negotiated in 1888 by Mr. Chamberlain and Sir Charles Tupper was a very liberal arrangement on the part of Canada, and was strongly recommended as such by President Cleveland in his message to the Senate at the time, but it was rejected by that body with little ceremony. Hence the recurrence to the *modus vivendi* by which the United States for a paltry tonnage fee gets all the privileges her fishermen want in connection with our Atlantic fisheries. This arrangement, which was only intended to be temporary, has now existed many years, and should be abrogated at any early day, and our fisheries adequately protected by the enforcement of the provisions of the treaty of 1818. Indeed, reviewing our past experiences with the United States, it would seem our grasping and not-over-scrupulous neighbours consider they have a right to come out away on top every time, in their disputes with England or Canada.

The readjustment of the representation in the House of Commons of all the provinces of the Dominion, as well as the territories, rendered necessary by the terms of the British North American Act of 1867, must necessarily be accompanied by a measure for the redistribution of the constituencies, and will no doubt prove the occasion of heated discussions in another place, unless the government relegate the latter subject to a really impartial commission of the highest and ablest judges in the land, and thus set an example that must be followed by their opponents in the future when they come into power. It is regrettable that the loss of representation which all the old provinces, except Quebec, are to sustain in the coming readjustment, cannot take place without a bitter feeling in some quarters, that the census has been manipulated to the injury of the English-speaking provinces for the benefit of Quebec. I am not in a position to say how far this feeling is justified, but it certainly does exist, nor is the province of Nova Scotia exempt from it, where we stand to lose two members.

It is amusing, however, to read the expedients suggested by some provincial legislators to mollify local feeling where losses are inevitable under the census of 1901. But are not these gentlemen interfering with a subject that comes constitutionally within the scope of the duties that fall on their representatives in the federal parliament? There is no reason to suppose that our federal representatives are not alive to the exigencies of the situation, and will fail in their obligations to their constituents when the proper time arrives. It appears to me there is only one course open to the government, and that is to be guided by the constitution, and only the constitution, in readjusting the representation of the House of Commons. In number of members lost, Ontario will be the largest sufferer, but not the largest sufferer in proportion to population. No matter, however, where the loss falls, at the present time, this question must be settled by the plain construction of the British North America Act, which cannot be every day ignored or amended to suit the local whims of any section of the Dominion; but then we must have an honest Redistribution Act.

Although the speech is silent on the subject, it is generally believed that parliament will be called upon to increase the subsidies now paid to the provinces toward the support of the local governments. These increases it is said will amount to over

$2,000,000 which must be raised either by increasing the public debt or by increased taxation. Although the taxation of the people is far in excess, and the revenue consequently much greater, than when the present government took office, yet the public debt is augmenting yearly by millions, and there seems no desire to keep it down. The present revenues of the provinces ought to be quite sufficient to carry on all the necessary work for which the provincial governments have an existence, and they would be amply sufficient, were it not for the wild and reckless extravagance of the local legislatures. In this respect, Quebec and Nova Scotia have set the worst examples, although the latter especially has been treated with great liberality by both Conservative and Liberal governments in the past. Besides, that province has now a great source of revenue in the royalty received from its coal mines, and which is certain of great expansion in the near future. But the cry all round is for more money—more subsidy, and hence the organized raid of the provincial premiers on the federal treasury. A statesman of firmness at the helm in Ottawa—a Macdonald or a Tupper—a Brown or Blake—would meet this raid with an unqualified refusal. Better far if we have this money to spare, that it should be used in the reduction of the public debt, or in the promotion of some great enterprise of national importance such as a fast Atlantic freight and passenger steam service. We know the opinions of the great Liberal leaders of other days, especially such men as the late Hon. George Brown and the Hon. Edward Blake in regard to this question of provincial subsidies. Both before and after confederation Mr. Brown repudiated the idea that the provinces would be allowed to make periodical raids on the Dominion treasury for larger subsidies. Mr. Blake gave unmistakable expression to his views on the same subject when the measure for 'better terms' to Nova Scotia was under discussion in the House of Commons, and he recorded those views in an amendment to the bill, declaring that it should be regarded by all concerned as a finality. A tendency to extravagance and running into debt has been the most obvious feature of administration in all the provinces since the union, and this last conspiracy of the local premiers if successful, will not encourage their extravagance, or check their proclivity to involve themselves in debt beyond their means or resources.

An able and moderate Conservative journal, published in Montreal, has this to say about the contemplated raid:

> It is a distortion of facts to say that the embarrassment of the provinces is due to increases of the public expenditures which the federal subsidies were designed to provide for. The provinces are hard up because those who had control of their administration and guided their legislation were in every case extravagant, and in some cases corrupt. The case of Quebec does not differ from that of the other provinces, except in degree. Its troubles began when its legislators found out how easy it was to borrow money on the credit of the province, and how much easier it was to spend what was thus borrowed. Then was started the system of reckless railway subsidizing.

In the light of events, one is forced to the conclusion that it is to be regretted the Act of Union, while giving the local legislatures freedom of action in regard to direct taxation, did not deprive them of the power to pledge the credit of the provinces for borrowed money, or to incur public debt of any description, without the consent and approval of the federal authorities. We should have a declaration of the policy of the government on this important question at an early day.

The leading Conservative journal in the maritime provinces, the Halifax 'Herald,' has this to say about the raid:

> But even supposing the provincial premiers' excuses had been much better, their case would still be weak. What are the cardinal facts determining this matter? Manifestly these: the Dominion can have no public money which the people must not pay, or pay for. The Dominion expenditures are now, year by year, greater than the revenue, notwithstanding the flush times, and the Dominion public debt is increasing by several millions every year. If two millions extra is to be paid to the provinces, the expenditures must be cut down, or an extra two million dollars of taxation must be imposed. Such provincialist demands on the federal treasury to provide for provincial extravagance cannot be tolerated. Such things cannot be worthy of public approval.

It appears as if the government, after six years of vacillation, had at last decided to do something, or appear at least desirous of doing something, to provide a fast Atlantic steam service, which all admit Canada so much requires. Every one now sees the unfortunate blunder the administration made when they refused to adopt the contract entered into by Sir Charles Tupper with the Allan Company before going out of office

in 1896. A weekly service of twenty-one knot boats at a cost of three-quarters of a million of dollars to the Dominion annually would be jumped at to-day, if it were in sight. The service aimed at now is a dual fortnightly service of sixteen and twenty-one knots respectively, which would be little, if anything, better than the existing service, but at largely increased cost. This is invariably the result of any piece of constructive statesmanship that the present government attempts, and strongly reminds one of the antics of the Liberal party thirty years ago in connection with the construction of the Canadian Pacific Railway—their water stretches in the one case, and their bottle-necked ships in the other. If the men who governed this country from 1873 to 1878 had not been driven from office at the right time, it is highly improbable that we would have a Pacific railway to-day, and I think it just as probable that until the gentlemen who now govern the Dominion meet a similar fate, and men with the traditions, the policy, the foresight and constructive genius of the old Conservative leaders take their places, a fast Atlantic steam service is only one of the many things necessary to its progress that Canada will have to do without.

To my mind there is no more important subject referred to in the Speech from the Throne than that of home and imperial defence, brought prominently to our notice last year by the conference of colonial premiers, of which the colonial secretary was chairman. I do not think that the attitude assumed by the prime minister of the Dominion—however, admirably he may have borne himself otherwise as our representative—in refusing from the outset to even discuss the question of defence—was creditable to Canada, or truly represented the patriotic feelings of our people. He threw his great influence against the accomplishment of a grand scheme of imperial defence, of which the people of Canada would have heartily approved, and which must be brought about in the near future. Our position towards the empire on this all-important question must be clearly understood at no distant day. It is so manifestly unfair and unpatriotic that Canada—now strong, wealthy and prosperous—should receive the protection of the empire, and share in its prestige and glory, at the sole expense of the taxpayer of Great Britain and Ireland, who struggles under burthens far greater than we are called on to bear, that this state of affairs cannot and ought not to exist any longer. We ought to be ashamed of trying to perpetuate the immunity we now enjoy from participation in the burthens of the empire as well as of the meagre returns we make for the priceless blessing of absolute self-government conceded to us by the motherland.

Our duties in connection with the question of defence may be divided into two classes—one military, including fortifications; the other naval, including our just obligation to contribute to the support of the imperial navy. With reference to the first, not many now think the scheme of defence outlined for old Canada in the able letter of Col. Jarvis, addressed to the Secretary for War in 1865—especially in regard to fortifications—would meet the approval of the people of this country to-day. Since 1865, we have expanded wonderfully and extended our southern boundary to the Pacific coast. To fortify even strategic points of this enormous boundary would be a hopeless undertaking, altogether beyond the means of the Dominion, and would be comparatively useless if accomplished. An invading force could give our fortifications a wide berth and still find plenty of points of ingress to our country.

What Canada requires is a well trained militia, an effective and formidable force, not on paper only, but existing in reality, and at all times ready for home defence, or volunteering for foreign service in the defence of the empire. This is the direction in which Canada should be prepared to expend more money than she does at present, in raising, drilling and equipping an efficient militia force, if we want to give proof of the sincerity of our professions on the question of defence.

We are told that our militia is to be reorganized, and placed on a more efficient basis, and if this work be done under the supervision of the distinguished British officer now in this country, it will no doubt be ably and efficiently done. In this connection, I may remark, that the assistance Canada should give the empire in wars outside the Dominion should be mutually understood, without being defined by any

cast-iron rule or enactment. Such assistance must be voluntary—not compulsory—but with the approval of the parliament of Canada. I would not give to any government the power to involve us in such wars without parliamentary authority, unless as in the case of South Africa, the empire was wrongfully attacked, and placed on the defensive, when it should be incombent on any Canadian government to do its duty. I think the empire would gain by leaving this subject to the voluntary action of the people of Canada, whose loyalty and patriotism are above suspicion, and who, I am satisfied, would give their last man and their last dollar in defence of the integrity of the empire, when unjustly assailed or endangered.

With regard to the question of naval defence, and the duty of Canada to contribute to the support of the imperial navy, there should not be any difference of opinion among the inhabitants of this great dependency of the empire. The navy of England is, and always will be, the bulwark of England's imperial strength and greatness, and her supremacy on the sea is indispensable to her prestige and influence among the nations of the world. It is equally indispensable to the protection of the immense commerce of the empire in every quarter of the globe, alike in times of peace as in times of war, wherever the rights of British subjects require to be upheld, and insult or injustice met with condign punishment. Canada is to-day one of the great maritime powers of the world, her tonnage ranking sixth or seventh in the list of nations. Our ships traverse every sea, and are found in very port, under the ægis of the flag of England, which we proudly float at our peaks and mastheads, with the emblem of Canada modestly emblazoned on it, although we do not contribute a dollar towards its support. Our colonial vanity must appear ludicrous to the rest of the empire, but it presents a very serious aspect to the eyes of the British tax-payers who have to foot the bills. Is it any wonder that eminent men in Great Britain taunt us with niggardliness and want of patriotism under such circumstances ?

In addition to an annual cash payment towards the support of the imperial navy, the Dominion should call into existence a powerful naval reserve, on the lines so successfully adopted in connection with our oldest colony, Newfoundland. We have the finest sea-faring population in the world on our Atlantic and Pacific coasts, as well as on the waters of our great lakes. Here is an object to which the navy league might usefully devote its time and attention, instead of aiming at the creation of a liliputian Canadian navy, which would count for nothing in the affairs of the world. There is only one way, in addition to a strong naval reserve, in which Canada can discharge her duty as an integral portion of the empire, in relation to naval defence, and that is by a yearly payment from the public chest of a fixed sum of money in proportion to our ability and resources, towards the support of the imperial navy.

It must be admitted that the colonies of Australasia, although not so populous or prosperous as the provinces of the Dominion, have to some extent at least recognized their duty to the empire in regard to naval defence, but still their action has been more of a local character than on broad imperial lines. The creation of small colonial navies will not meet the requirements of this epoch in our history—nothing will do so short of a fair and reasonable yearly appropriation by all the great self-governing colonies to the support of the imperial navy. However, Australia has made a very good beginning, which Canada has not yet done. As far back as 1865 an Act was passed by the imperial parliament, entitled the Colonial Naval Defence Act, empowering the legislative authority of any colony, with the approval of Her Majesty in Council, to make laws for providing and maintaining vessels of war, and for raising and maintaining seamen for the naval defence of the colony, and for enforcing order and discipline among men and officers within the limits of the colony.

After several conferences between the imperial authorities and the governments of the Australasian colonies, a provisional agreement was arrived at as to the contributions to be made by the latter, which was embodied in an Act of the imperial parliament in 1887, and afterwards ratified by Acts of the colonial legislatures. I quote from a work entitled the Annotated Constitution of the Australian Commonwealth, page 562.

The Australian Naval Defence Act, 51 and 52 Vic., c. 32, assented to 20th December 1887, was passed to give legal effect to the terms of a provisional agreement between the imperial government and the governments of the Australian colonies, subject to parliamentary ratification. (See page 116, supra.) Under the terms of this compact, the Admiralty undertook to construct and equip a fleet of five fast cruisers, each of 2,575 tons displacement and 7,500 horse power, and two torpedo gunboats, on the most approved modern build, each 750 tons and 4,500 horse power, for the protection of the floating trade in Australian waters, and in order to secure the defence of certain ports and coaling stations. Of these vessels, three cruisers and one gunboat were to be kept continually in commission, the remainder to be held in reserve irrespective of the usual strength of Her Majesty's naval force employed at the Australian station. The Act stipulated that these sea-going ships should be furnished by the imperial government, the colonies paying 5 per cent interest annually on the prime cost, such payment not to exceed £35,000 a year; the colonies in addition bearing the actual charges of their maintenance, including retired pay to officers and pensions to men, provided that the annual cost under this head should not exceed £91,000. The ships were to be under the sole control and orders of the naval commander in chief on the Australian station, but to be retained within the limits of that station, and only otherwise employed by consent of the colonial government. The agreement was to become binding between the governments as soon as the colonial legislatures passed special appropriations for the fulfilment of its conditions. For the boundaries of the Australian station, as defined in the Act (see page 116, supra.)

The agreement was ratified in 1887 by similar Acts passed by the various Australian legislatures. It was made for a period of ten years at least and it could only be terminated then or thereafter upon two years' notice. The ninth annual contribution of £126,000 for cost and maintainance of coastal defence was alloted among the various Australisian colonies, on the basis of population, as follows:

Colony.	Estimated Population on December 31, 1898.	Amount of Allotment.
		£
Victoria	1,175,490	33,083
New South Wales	1,346,240	37,886
Queensland	498,533	14,030
South Australia	367,934	10,355
Western Australia	168,150	4,732
Tasmania	177,341	4,990
New Zealand	743,463	20,924
Total	4,477,151	£126,000

Although it cannot be said that this contribution is at all what it ought to be, or such as should be expected from Canada, it showed a patriotic spirit, and set a good example to the other dependencies of the empire. I hope it will not be long before that spirit is emulated by the Dominion, which should not any longer expect to receive the protection of the imperial navy without paying a dollar towards its maintenance, and that the recent weighty utterances of the Colonial Secretary in South Africa on this subject will be heeded by the government, the parliament and the people of Canada.

Before I resume my seat, I cannot help referring to the inroads death is yearly making in this body, and especially to the large number of good and useful men who have disappeared from this stage of life since we last met in this Chamber, and to whom the hon. leader of the opposition, has so touchingly referred. I am sorry to say I am the only senator present here to-day of the seventy-two original senators, whose names were contained in the Queen's proclamation of union, and who witnessed the inauguration of the first parliament of the united provinces of British North America in 1867. The retrospection would have a saddening effect on my mind if it were not for the bright side of the picture presented in the prosperity and inevitable future destiny of Canada, as the result of confederation. It is no small satisfaction to-day to those who were in any degree responsible for the great experiment of Canadian confederation, of whom I am one of the few remaining, that our most sanguine anticipations have been more than realized; that the Domonion to-day presents the happy picture of a loyal, contented and prosperous people, from ocean to ocean, and that the ties which bind Canada to the empire were never stronger or more highly valued than they are at the present hour.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, March 17, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

NEW SENATOR.

Hon. W. C. EDWARDS, of Rockland, Ontario, was introduced and took his seat.

THE STRIKING COMMITTEE.

MOTION.

Hon. Mr. SCOTT—Yesterday I gave notice of a motion to move to-morrow the appointment of the Striking Committee. Strictly speaking, the notice could not be entertained until to-morrow. I presume there will be no objection to my presenting it to the House now on the understanding that the committee will not meet before to-morrow morning. I therefore move :—

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

I am informed that one of the members, Mr. Jones, will be away and by arrangement I should like to substitute the name of Mr. Gibson.

Hon. Mr. DANDURAND—Could not the Hon. Sir Alphonse Pelletier be placed on the committee in place of myself ? He has had more experience in the Senate and knows more about the work.

Hon. Mr. SCOTT—Then I will substitute the name of the Hon. Sir Alphonse Pelletier for that Mr. Dandurand.

Hon. Mr. LANDRY—Before the motion is carried, I should like to enter my protest against the suggested formation of this committee. Last year, when a similar motion was presented to this House, I called the attention of the hon. minister to the fact that the province of Quebec was not duly represented on that Striking Committee, and I think it is still now the most striking feature of the Striking Committee. If hon. gentlemen remember well, the previous year the Hon. Mr. Bolduc was on the committee, and his name was stricken out last year, and I asked the hon. minister about it. I said :—

Hon. Mr. Bolduc's name is stricken. out Why ? Could the hon. Secretary of State tell us why ?

Hon. Mr. SCOTT—I really could not.

Hon. Mr. LANDRY—I said :—

He cannot say. Has he any reason to strike out Hon. Mr. Bolduc's name ?

Hon. Mr. SCOTT—None whatever.

Hon. Mr. LANDRY—That is just the answer given last year by Hon. Mr. Scott, 'none whatever,' and I asked 'why' ? Then Hon. Mr. Scott replied, 'because I claim one for ourselves.' Then I asked :—

Why strike out one from the province of Quebec ?

Then Mr. Scott—well, the reporter omitted the word 'candidly'—said :

Hon. Mr. SCOTT—I never thought of it.

The province of Quebec is here represented by twenty-four members, so is the province of Ontario, and the three maritime provinces together are represented by twenty-four members, and the provinces from the west have the nine remaining members. I think the province of Quebec is entitled to have on that committee the same number as the province of Ontario or the three maritime provinces put together. Why give three members to Ontario and only one to Quebec ? I suppose the Hon. Secretary of State will say again 'I never thought of it.'

Hon. Mr. SCOTT—Hear, hear, exactly.

Hon. Mr. LANDRY—He should think of those things. He is the leader of the government in this House and he ought to give fair play to every province represented in this chamber. I ask him to-day if he will seriously take up the matter and do justice to the province of Quebec. I do not see why our province is represented by only one member on that select committee, while Ontario has three members.

Hon. Mr. MILLER—What three has Ontario ?

Hon. Mr. LANDRY—The Hon. Secretary of State, the Hon. Mr. Gibson and the Hon. Sir Mackenzie Bowell.

Hon. Mr. LANDERKIN—You do not want to strike him out ?

Hon. Mr. LANDRY—No, and I do not want to strike anybody out, but I want the province of Quebec to be fairly represented. as a matter of right, on that committee. That is what I ask the hon. leader of the government in this House to do in fairness to our province. If the resolution passes as it is now, I shall object to it and ask that it be declared carried on a division, as a protest against the manner in which the province of Quebec is treated.

Hon. Mr. SCOTT—There is a great deal of force in what the hon. gentleman says, and it arises from inadvertence. I suppose I am responsible for it. I had not given the matter much thought. However, it is very easily remedied. Mr. Dandurand is on the committee, and my hon. friend Sir Alphonse Pelletier can take my place.

Hon. Mr. LANDRY—I do not ask the hon. minister to withdraw, I only ask that justice be done to our province.

Hon. Mr. SCOTT—That is a simple way of solving the objection. There is already a member of the government on, and I therefore suggest that Senator Pelletier take my place.

The changes were made and the motion was agreed to.

The Senate adjourned.

THE SENATE.

Wednesday, March 18, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

RESIGNATION OF HARRY HARRISON.

INQUIRY.

Hon. Mr. PERLEY rose to—

Ask the government, if Harry Harrison, fish warden of Sunbury and border counties, in New Brunswick, had to resign his position as such officer of the federal government, prior to his being a candidate for a seat in the local legislature for the county of Sunbury in the recent election held in that county ?

Hon. Mr. SCOTT—It is not necessary to consider whether he had to resign or not. He did resign, as a matter of fact, on the 16th February last, his position, inspector of fisheries in New Brunswick. He sent in his resignation to the department.

Hon. Sir MACKENZIE BOWELL—I do not think that is an answer to the inquiry. The question is if he had to resign. The hon. minister says he did resign.

Hon. Mr. SCOTT—That is a legal question which I could not answer. The hon. gentleman wanted to know whether he was still an officer or whether he had resigned, He has resigned. It would be rather a constitutional question, whether he had to resign. He was elected to the local legislature, and the question whether he had to resign is a matter for the courts.

Hon. Sir MACKENZIE BOWELL—I do not understand the hon. gentleman's question to bear the intrepretation the Secretary of State has placed upon it. I do not know what my hon. friend wants to know, but the interpretation that I put upon the question is that it asks whether he was requested by the government, or the head of the department, to resign before he contested the elections. The question is, had he to resign ? That I understand to mean, did the government or any minister request him to resign ? I think that is what the hon. gentleman wants to know.

Hon. Mr. PERLEY—Yes.

Hon. Mr. SCOTT—I am unable to say. I assumed the question was as to whether he had resigned.

Hon. Mr. PERLEY—Will the hon. gentleman make inquiries ?

Hon. Mr. SCOTT—I will.

The inquiry was allowed to stand.

MINISTERIAL CHANGES.

Hon. Sir MACKENZIE BOWELL—Before the House adjourns I should like to ask the Secretary of State whether it is his intention to give us any explanation of the ministerial changes which have taken place since we last met. We know there have been changes and it is usual when parliament meets that they should be explained in both houses. I would ask my hon. friend if he is prepared to give us an explanation now.

Hon. Mr. SCOTT—I will do so to-morrow at the opening of the House.

AN ADJOURNMENT.

Hon. Mr. YOUNG gave notice of motion that when the House adjourns on Friday the 20th inst., it do stand adjourned until Wednesday, the 15th of April.

Hon. Sir MACKENZIE BOWELL—That seems a long adjournment. If there is any probability of the government presenting any of their measures in the Senate will it not

be necessary to meet sooner. So important an adjournment as this, it seems to me, should not be proposed by a private member. The government ought to assume the responsibility of it. I do not object to my hon. friend acting for the government. I think he is a very good substitute. In fact, I should not object to see him, while the present government remains in power, one of its members. Let us not do in the future, if we can avoid it, that which we have done in the past, namely have most of the important measures thrown upon us to be rushed through the Senate in the last ten or twelve days of the session when it is impossible to give them proper consideration. I do not say that the old government were guiltless in that respect, but as this is a reform government you ought to reform the bad practice of the past, and in any such attempt I shall be glad to assist.

Hon. Mr. SCOTT—My hon. friend's experience in the past will convince him that there has always been a holiday for the first ten days or fortnight after the debate on the address. Any longer adjournment than that must be by the wish of the majority of this chamber. The government would very much prefer that the adjournment should not be so long, but it is not to be a month. There are a number of holidays in April that are always observed even if the House happens to be in session at the time, and these holidays come in the last week of the proposed adjournment. So far as the business of the country is concerned, there will be no serious loss. The address has passed the House of Commons but they have not really got down to business, and cannot for a few days. There will be no special injury to the business of the country by the Senate adjourning over, perhaps, to the time named. I am not prepared to say but what it would have been better could we have met earlier. In that matter I should like simply to be guided by the feelings of hon. members, which we can ascertain.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, March 19, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

DISALLOWANCE OF PROVINCIAL ACTS.

MOTION.

Hon. Sir MACKENZIE BOWELL moved :

That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid upon the Table of the Senate, copies of all Orders in Council disallowing Acts passed by the different legislatures from the year 1895 to 1903 inclusive, together with copies of the reports to Council of Ministers of Justice giving the reasons for such disallowance.

He said : Formerly a return of this character was moved for and published and I think it is well, in the interest not only of the two Houses of parliament but of the different governments and the people of the Dominion, that we should have this information in order that we may be fully acquainted with the reasons, constitutional or otherwise, which induced the government to disallow Acts passed by the provincial legislatures.

Hon. Mr. SCOTT—I understand the information asked for by my hon. friend has already been printed down to 1901. I am not aware of this personally, but my hon. friend on the left says that is a fact.

Hon. Mr. TEMPLEMAN—I have had in my possession copies of correspondence printed down to the session of 1900-1.

Hon. Sir MACKENZIE BOWELL—Does it include the Orders in Council and the reports of the Minister of Justice upon which the orders were based ?

Hon. Mr. TEMPLEMAN—Yes. It includes everything, as far as I understand it. I was especially interested in the disallowance of British Columbia legislation in regard to Chinese and Japanese, and I got the blue-book and the bound book from the department of the Minister of Justice last session, and I noticed that the legislation of all the provinces which has been disallowed is referred to, and the Orders in Council, the reports of the Minister of Justice and the correspondence which took place between the Dominion and the provinces

are given. If the hon. gentleman would amend his motion and make it 'from the last day of publication down to the present time,' it would cover it.

Hon. Sir MACKENZIE BOWELL—If such be the fact, I have overlooked it, and I have no objection to change the motion, because there is no necessity to duplicate the return.

Hon. Mr. POIRIER—It might be all right to have it in one return.

Hon. Sir MACKENZIE BOWELL—I will look it up and if I find that the information to which the hon. gentleman has called the attention of the Senate is not contained in that report, I will put another motion.

The motion was agreed to.

RESIGNATION OF HARRY HARRISON.

INQUIRY.

Hon. Mr. PERLEY inquired:

If Harry Harrison, fish warden of Sunbury and border counties, in New Brunswick, had to resign his position as such officer of the federal government, prior to his being a candidate for a seat in the local legislature for the county of Sunbury in the recent election held in that county?

Hon. Mr. SCOTT—I understand, from inquiry of the Department of Marine and Fisheries, that without any reference to that department, and without the department knowing the reasons, Mr. Harrison resigned and they simply received the resignation. They had no knowledge of the motive which prompted it. They did not invite his resignation, nor did they know why he sent it. All that they know is they received a resignation from him which was filed in the ordinary way.

Hon. Mr. PERLEY—Did he have to legally resign before becoming a candidate?

Hon. Mr. SCOTT—I do not know.

Hon. Mr. FERGUSON—His resignation was accepted?

Hon. Mr. SCOTT—Yes. He did not give any reason for it nor did they ask for a reason. They were not aware of the motive which prompted him in his action.

Hon. Mr. PERLEY—Does the hon. Secretary of State know whether he has been appointed again or not?

Hon. Mr. SCOTT—I do not know. I have not asked. Was he defeated?

Hon. Mr. PERLEY—Yes.

AN ADJOURNMENT.

Hon. Mr. YOUNG moved:

That when the Senate adjourns on Friday, the 20th instant, it do stand adjourned until Wednesday, the 15th of April next.

Hon. Sir MACKENZIE BOWELL—Why not make it eight o'clock on the evening of the 15th of April? It is very well known that if we meet at three there is nothing done the first day, and it will necessitate a large number of the members coming here the day before. The members from Montreal can get here, but those from the west must leave the day before. The train does not arrive in the city until about six o'clock. There is no business other than routine business to be done when we meet after an adjournment, and it would be convenient to a great many to meet at eight o'clock.

Hon. Mr. SCOTT—The only reason I suggested three o'clock was that I recognized that the adjournment was longer than desirable, but the House evidently desires the adjournment should be to that date. The week before that is holy week and there are so many holidays in that week that it would not be worth while coming here. If it is the sense of the House that we should meet at eight o'clock, I raise no objection.

Hon. MEMBERS—Eight o'clock.

The motion was changed, and agreed to.

WINTER COMMUNICATION WITH PRINCE EDWARD ISLAND.

MOTION.

Hon. Mr. MACDONALD (P.E.I.) moved:

That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before the Senate, copies of all orders, telegrams and communications which have passed between this government or any official or agent thereof, and the provincial government of Prince Edward Island, or the boards of trade or any representatives of the province in parliament, or other persons, or the captains of the steamers 'Stanley' and 'Minto,' during the present winter season respecting the movements of those two steamers, or their detention or the delay of mails, passengers and freight, passing or intended to pass by them between Prince Edward Island and the mainland.

The motion was agreed to.

MINISTERIAL CHANGES.

Hon. Sir MACKENZIE BOWELL—I understood we were to have explanations of the ministerial changes to-day.

Hon. Mr. SCOTT—When I was requested yesterday by the hon. leader of the opposition to explain the changes in the ministry since last session, I asked him to allow the matter to stand until to-day. The rule laid down in 'Todd's Parliamentary Government in Canada' is that :—

When a single member of the cabinet retires, until he has made his own statement in the House to which he belongs, the government cannot explain the ground of his withdrawal to the other House.

There is a note to the effect that greater latitude is allowed in the House of Lords; it does not say how far. Todd lays down the principle that the Lords are allowed greater freedom in expressing their opinions than the House of Commons. In consequence of the very full discussion which took place in the other chamber, and I may add the full explanation given in October last by the publication of Mr. Tarte's letter and the reply of the premier, the duty of making an explanation seems perfunctory and informal. However, I shall briefly refer to the cause which led up to the resignation of Mr. Tarte and to the changes which took place. When a year ago, on the 17th of March, the Finance Minister delivered his budget speech, he used this language :—

We do not propose to make any changes in the tariff this session. I do not for a moment claim that the tariff is perfect. I think, that, on the whole, it has proved a very good tariff. Indeed, when we recall the circumstances under which our tariff revision took place, when we remember the very complicated and difficult problem with which we had to deal, we may well congratulate ourselves upon our success in devising a tariff so well adapted to the requirements of the country, a tariff under which Canada has prospered in a greater degree than in any previous period in her history. I have occasionally pointed out the desirability of a reasonable measure of tariff stability. Nothing would be more likely to unsettle business than a practice of introducing frequent tariff changes. Hence, we have resisted applications for many small changes and we think it well to do so to-day. But I would not have it understood that this view can always be held. As time passes, conditions change in our own country and it will be well for us to take note of this, so that we may adjust the tariff accordingly. Nor is that the only reason that might require some change. Conditions arise in other countries of which we are obliged to take account. We do not propose that we shall stand still and that this tariff shall remain unchanged, but we think the time is not opportune for making changes at present.

Hon. Mr. MACDONALD (P.E.I.)

He gave many reasons why it was not contemplated to make any changes then. He speaks particularly about the German tariff, and about the proposed visits of ministers to England. He says :—

For these reasons we postpone for the present the question of tariff revision. When the moment for revision arrives, the public of Canada may rest assured that the government will undertake the work in the spirit of moderation and caution that has prevailed in their past actions in tariff affairs, avoiding the extremes which almost always find advocates, and having regard to what is best, not for particular industries or particular sections of the country, but for the interests of the people of the whole Dominion.

That was in March. Parliament was prorogued on the 15th of May. The premier, the Finance Minister, the Minister of Customs, and I think one other member of the government, left shortly after for London. As my hon. friends all know, they were away during the summer, the premier not returning until the month of October. Those who followed the discussions in the press on this question will remember that Mr. Tarte was invited on several occasions during last summer to address public meetings. We know that he is very frank, candid and outspoken in making speeches to the public, and on several occasions he expressed the opinion that the tariff of Canada ought to be more satisfactory to the people of Canada.

Hon. Mr. PERLEY—Hear, hear.

Hon. Mr. SCOTT—He indicated that from his view it would benefit the industries of this country and the manufacturers, if a higher tariff were imposed. That was Mr. Tarte's frank expression of opinion. After the premier returned, he and Mr. Tarte met together by appointment for the purpose of mutual explanation. The premier had become aware during his absence in England that Mr. Tarte had spoken in the manner I have mentioned, coming out pretty strongly in favour of a protective tariff, or at least of protecting certain industries. After their mutual explanations, as my hon. friends know, Mr. Tarte sent in his resignation. I will read the letter at length. Mr. Tarte very frankly retained the views that he had previously expressed. He says :—

My dear Sir Wilfrid,—I feel it is my duty to place my resignation in your hands, and to ask you to be good enough to have it accepted by His Excellency the Governor General.

In the interview which I had with you, you expressed the opinion that I should not have spoken on the tariff as I have done, that the government had not as yet come to any definite understanding on their fiscal policy for the future, &c.

I shall not discuss with you at the present time, the question as to whether I was right or wrong in the course I have followed.

You are the leader of the government, and your opinion, as far as my attitude is involved, must prevail.

You told me that my utterances are causing you trouble. I have no right and no desire to be a source of embarrassment to you or to the party with which I have been connected since 1892.

My views on the tariff are well known to you. I have, on several occasions, stated them publicly in your presence and discussed them often privately with you.

Entertaining the opinion that the interests of the Canadian people make it our duty to revise, without delay, the tariff of 1897, with the view of giving a more adequate protection to our industries, to our farming community, to our workingmen, I cannot possibly remain silent.

I prefer my freedom of action and of speech, under the circumstances, even to the great honour of being your colleague.

Before severing my official relations with you, allow me to express my sincerest hope that you will soon be restored to your health of former days.

You would greatly oblige me by conveying to my colleagues my best wishes for their welfare and their happiness. My personal relations with most of them have been of a pleasant and cordial nature. I hope they will continue to be the same in the future.

Believe me, my dear Sir Wilfrid,
Yours very truly,
(Sgd.) J. ISRAEL TARTE.

The letter was written from Toronto and addressed to the premier on the 20th of October, and received by the premier the following morning. The premier's answer was as follows :

Ottawa, October 21, 1902.

My dear Tarte,—After having seen you on Sunday last and having expressed to you my well settled opinion upon the consequences of your recent attitude, my first duty was to wait upon His Excellency the Governor General to inform him that I was obliged to demand the resignation of your portfolio.

After having seen His Excellency, I had to acquaint my colleagues of the interview which I had had with you.

In accepting your resignation, it is well to emphasize the points of difference between us.

During my absence in Europe, without any communication with me, and without any previous understanding with your colleagues, you began an active campaign in favour of an immediate revision of the tariff in the direction of high protection.

I regret having been obliged to observe to you that this attitude on your part constitutes a self-evident violation of your duty towards the government of which you were a member.

I repeat to you here what I told you on Sunday : I do not wish to discuss, at this moment, the economic theory of which you have made yourself the champion. This question, however important it might be, is subordinate to one still more important.

If you had reached the conclusion that the interest of the country demanded without delay, an increase of the custom duties, the first thing for you to do as a member of the government, before addressing your views to the public, would have been to place them before your colleagues, with the object of obtaining that unanimous action of the cabinet which is the very foundation of responsible government.

If you had not been able to obtain from your colleagues their assent to the course which you recommended you would have been obliged then either to accept their own views or to sever your connection with them, and then for the first time would you have been free to place your views before the public.

Such was the very simple course which was binding upon you ; but to remain a member of the government, and, at the same time, to advocate a policy which had not yet been adopted by the government, was an impediment to the proper working of our constitutional system, and implies a disregard for that loyalty which all those who are members of the same administration owe to each other and have a right to expect from each other.

I thank you for the good wishes which you express for the improvement of my health, and I will make it my duty to convey to your old colleagues those that you formulate for their welfare and their happiness.

Believe me,
Yours very sincerely,
WILFRID LAURIER.

The Hon. J. I. Tarte,
Ottawa.

That is a very simple explanation of the principle under which members of the cabinet hold their seats. Whatever individual views they may have in council, it would be destructive of the whole principle of government if members outside of council were to give utterance to their divergent views on any important question. It is not to be supposed when twelve or fifteen gentlemen meet together in council that there can be unanimity; they must have individual views, no matter what the subject may be. It is very rarely, on first discussing any important question, that you will get harmony, but individual members of a cabinet must finally give their acquiescence to whatever view the cabinet may express through the premier. My hon. friend and others in this chamber have been members of cabinets, and whatever independence they may have shown in the council chamber, they certainly were not in a position to differ from their colleagues before the public outside, or to announce the views they may have expressed in council as being divergent from those held by other members of the cabinet. I do not think that requires any illustration. Mr. Tarte's explan-

ations, which he has made in the other chamber, will go before the public, and it will be for the public to judge whether that gentleman was justified or not in the course that he pursued. I make no comments on it. Mr. Tarte separated from his colleagues in the best of good feeling. We were aware of the circumstance leading to his withdrawal from the cabinet, and it seems the inevitable consequence of the new stand he has taken as the advocate of a higher tariff, and more particularly at a time when a number of members of the government were on the other side of the Atlantic. On Mr. Tarte's resignation being accepted, the Minister of Marine and Fisheries was appointed to the office of Public Works, and the Hon. Raymond Préfontaine was named Minister of Marine and Fisheries. He went to his election and was returned by a large majority.

Hon. Sir MACKENZIE BOWELL—When the hon. Secretary of State rose to address the House he rather surprised me when he called attention to the practice as defined in Todd. However, I think he partially explained it afterwards. Todd does not lay down the principle that the Senate or the House of Lords are not in the habit of discussing, nor had they the right, to discuss questions of that kind.

Hon. Mr. SCOTT—The House of Commons, I said.

Hon. Sir MACKENZIE BOWELL—On further explanation I understood him to say that ministerial explanations in the House of Commons are not usually debatable. However, I find that, on reference to one of the notes, that Gladstone, on one occasion asked for further explanations from the then Mr. Disraeli, who was premier at the time, and that he entered fully into the question; but immediately afterwards, on the other side of the page, Todd says:

> In the House of Lords the practice on such occasions is not so restricted.

Now, as we are governed in a great measure in this country by the rules and practice which govern the House of Lords, I take it for granted we have not only the right to discuss these questions, but we are not stepping beyond the parliamentary rules which prevail in England.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has given a very short and concise explanation of the resignation of Mr. Tarte, and the reasons which led to that resignation, but if the principle which the hon. gentleman has laid down should govern in all cases, why was it not applied to Mr. Fielding, to Mr. Sifton and to Mr. Blair? Mr. Fielding stated distinctly, in a number of speeches which he made at different election contests and at other times, that the tariff policy of the government, as near as I could understand him, was towards the further extension of free trade. I find also that Mr. Sifton stated the policy of the government very clearly in Winnipeg, in an interview in which he discussed the tariff as it stands on the statute-book to-day. He said the intention of the government in the future was to lower the tariff and not to raise it, and in referring to one particular industry, the woollen industry, he said that if it could not live under the present tariff then let it go down. That was a clear indication of what the policy of the government was, and we know that Mr. Blair's speech, as reported, not only in the older provinces of the Dominion, but also in Victoria and Vancouver, on two or three occasions, intimated that the policy of the government was to build a transcontinental railway, Now, if Mr. Tarte violated the principle of responsible government in advocating, under the circumstances, a higher protective tariff, surely these three ministers were equally guilty, and why should he be punished unless for reasons other than those which have been explained by both the Secretary of State and by the leader of the government? And more particularly when we reflect that the ex-Minister of Public Works had uttered these statements and made the same arguments in the presence of the leader of the government at a banquet in Montreal, and on other occasions, and was neither checked nor reproved for it so far as we know; at least he says no objections were taken to his utterances. He states in his explanation also that he had many conferences with the premier upon this subject and that the premier never intimated to him, either directly or indirectly, that he was advocating a policy which was either inimical to the country or at variance with the policy of the government. Now,

it strikes me, and must strike every one else that there must have been some other reason for getting rid of the Minister of Public Works. I do not wish to be understood as standing here and defending the action of the Minister of Public Works or seeking to justify the various speeches which he has made, but I am fully in accord with him and so is the party with which I am connected, on the trade question. It is for the country to decide, as the hon. gentleman states, as to whether there were not other reasons which led to his expulsion, for such it really was, and such you will find it to be if you read attentively and critically the letter of his leader, rather than the trade policy he advocated. I am glad he has taken a position in favour of a protective policy. I only hope that he will be successful, and that his position will be such as to induce the government to follow the course he has laid down. But if it be heretical, and if it be treason to the government of which he was a member, for him to give utterance to opinions of that kind, what are we to say to the present Minister of Marine and Fisheries? He went to his constituency, a large manufacturing centre of the city of Montreal, and uttered sentiments as strongly favourable to protection as any expressed by Mr. Tarte in the speeches for which he was expelled. At the same time he was advocating protection in Montreal—at the time he was claiming the votes of artisans and labourers who obtain their living through the protective policy, Mr. Fielding, in a constituency in Nova Scotia, and the Minister of Inland Revenue, Mr. Bernier, advocated the principle of a still further reduction in the tariff leading towards free trade. This was in Two Mountains and Terrebonne. Here we have three ministers delivering speeches, on the most important question that can divide parties in any country, diametrically opposed to each other, yet these harmonious gentlemen sit in the one cabinet, while another gentleman who had more courage and honesty than the others and had delivered opinions and sentiments in accord with the gentleman who succeeded him, and in opposition to the others, is expelled from the government. I do not think there ever has been such a picture presented to the country before. If you read the resignation of Mr. Tarte, and the letter of the Prime Minister, you will find that there is a very great divergence in their views. It is true that when the attention of Mr. Tarte was called to the statements made by the prime minister he courteously excused him on certain grounds. He intimated that, not being well, he scarcely knew what he was doing. You will find that Sir Wilfrid on the 19th of October, after his arrival in this country, visiting the dwelling of the ex-Minister of Public Works, and having a conversation with him upon the attitude which Mr. Tarte had assumed, during his absence, on the trade policy. You will also notice, in Mr. Tarte's explanation, that he states distinctly that he then told the premier he was disposed to tender his resignation—that he had no desire whatever to worry or annoy him while continuing to recognize him as his leader—but would retire, and that the premier had asked him to leave things in abeyance. On the 21st, the premier says in his letter to Mr. Tarte, that after the conversation which he had had with him at his own house, a few days previously, he had waited on the Governor General and told him that he had to insist on the resignation of Mr. Tarte. Which of these gentlemen tells the truth? Mr. Tarte says distinctly that he tendered his resignation. The premier said, 'don't be in a hurry, I never act precipitately in matters of this kind.' The premier says that he went to the Governor General and said that he had to insist on the resignation of the Minister of Public Works on account of the position he had taken during his (the premier's) absence in Europe. Now, I am inclined to think Mr. Tarte is right in the explanation that he gave for this divergence of statement. It is generally intimated—I do not suppose the Secretary of State will verify it or give us any information on the subject—but it is distinctly stated that no less than five of the cabinet had demanded the head of the Minister of Public Works or they would leave the cabinet themselves. The hon. gentleman shakes his head. Then are we to understand that there was no intimation of the resignation of any other member of the cabinet if Mr. Tarte remained in it? Is that the inference I am to draw?

Hon. Mr. SCOTT—I certainly am not aware of it. If it is so it was without my knowledge.

Hon. Sir MACKENZIE BOWELL—Possibly the premier does not acquaint his colleagues with everything that takes place.

Hon. Mr. TEMPLEMAN—The hon. leader of the opposition knows that by experience.

Hon. Sir MACKENZIE BOWELL—Those who have had experience know how to draw inferences from circumstances which occur in other camps, and if I am to accept the statement made by the hon. gentleman, I should come to the conclusion that he was not made acquainted with all that took place, or if he was it is well to have a convenient memory upon some occasions, and to conveniently forget. It is an exceedingly important point for these two gentlemen to decide between themselves. It is clear that the Liberal party, or what is generally known as the Rouge party of Lower Canada, were determined from the time the ex-Minister of Public Works went into the cabinet to have his head sooner or later. We know the quarrels which took place in Montreal. I have a little record of them here, and I know that one or two members, particularly the hon. member from Manitoba, would be delighted if he could have them all. I have no less than thirty or forty pages of clippings of the reports of the different meetings in the city of Montreal at the different clubs and upon other occasions in which the hon. Minister of Public Works was the subject of animadversion, and so far was that carried that the premier had to visit the city to mollify the excitement that was arising, and on one occasion it is well known that the premier told the malcontents that nothing was too good for Tarte. I think he was right under the circumstances, from his standpoint, for there is every reason to believe, from what we know, that Tarte did more to bring him into power than all those who had been connected with his party for the last twenty years, and the premier was justified in saying nothing was too good for Tarte. He also said: 'If Tarte has to go, I go,' and rather than let him go, of course, the party acquiesced in his demand, as it was their duty to do under the circumstances, he being their leader and they his followers. But when we hear the taunt, as my hon. friend the minister without portfolio, intimated a moment ago, that those who had experience could speak by the book upon this question, we find further than that, Mr. Tarte states distinctly, in a letter which he wrote, that one of the cabinet ministers was actually paying for a room in the city of Montreal in which he was abused, and where they demanded his dismissal from the cabinet. That is not all. He made the statement that much of the information that was received by 'La Presse,' and the article which appeared in 'La Presse,' which he declared to be a Tory paper at the time, and the information on which the articles were based, if not the articles themselves, was furnished by members of the government of which he was a member. This is a nice state of affairs. I can easily understand, that the hon. gentleman was very glad to get from among those who were conspiring against him. I notice the premier made a very interesting statement upon this question in the House of Commons, if I may be permitted with the consent of the House to refer to it, because some of the gentlemen opposite may say 'You are just as bad. You had just the same kind of supporters in your government.' Well, if we had, or if there were conspirators, there is one thing I can assure them, that during the period while I was in the government no such scenes ever occurred as that which is depicted by the premier. He says:

> We have not the same standard of excellence. That is not the way we do in the ranks of the Liberal party.

That is the restriction of opinion of any member of the party. The Secretary of State laid down the correct constitutional principle—there is no question about it—that among the members of a cabinet there will always be diversity of opinion upon detail, but not upon great questions of the day. I think it was Lord Melbourne who made the statement once on leaving the cabinet. 'Well, no matter how much we might differ in cabinet, we must tell the same story when we get out, even if it is a lie.' There should be no divergence of opinion when they get out of the cabinet. Then referring to the extract I was reading, the premier says:

> Associated as we are—
> Mr. COCHRANE—You can fight like blazes and it will be all right.
> The PRIME MINISTER. Oh yes, we can fight like blazes and then we can peaceably settle our little differences, but we do not fight as the hon. gentlemen used to fight when they were

in the council chamber. They used to fight with their feet and the walls of the council chamber could testify to some very vigorous fighting which took place therein when the hon. gentlemen could not settle their differences of opinion in any other way.

I should like to know if my hon. friend on my right ever used his feet or fists in the cabinet. He is a very quiet man from the garden of the Dominion, Prince Edward Island, and was not of that character, as far as I found him. I was in that cabinet seventeen years and unless that took place after I left and under Sir Charles Tupper's regime, I pronounce that statement a fiction, a draft upon the premier's vivid imagination. No such scenes ever occurred. I do not pretend to say that differences of opinion did not exist upon important or minor matters, but I do say that they never led to the use of the feet or the fist, or led to saying anything unbecoming to each other in the cabinet. It is something which never occurred in my experience. What caballing took place outside I do not know, but I say that that statement has not a scintilla of foundation for it. I have some reading which might be interesting to the Secretary of State. I suppose not being a newspaper man he would not have taken as much time to collect all these little tid-bits for the future as I have done. But it has been a hobby with me all my life, and with a dozen or two scrap-books of clippings of this kind, I am generally prepared to give a reason for what I may say, and not only give a reason for it but to justify it. If the present cabinet are as harmonious in council as they are out of doors, I can easily understand why the Prime Minister has given such a description of the fighting of his predecessors. We find them all of different opinions. Now, we are to have a Chinese Exclusion Bill. Every gentleman who has been a member of this House for a number of years knows that the Secretary of State is as strongly opposed to the principle of restriction, contained in that new Bill which is coming up, as any man in the whole Dominion upon the broad principle of equal right, more particularly where it extends to the Chinese of Hong Kong who are really British subjects. Yet he has had to submit—he has had to surrender his opinion—and now he has to propose a Bill imposing a per capita tax of $500 on every Chinaman. We know the prejudice that exists in the Pacific province against the Mongolian race, more particularly against their habits and their practices. How that will effect the trade of the country is a matter for consideration. We shall be enabled to judge of that after the law has been in force for some time. There is one thing, however, quite certain that the carrying trade between China and Canada will be very materially affected. I know one gentleman who is interested in the freight and passenger traffic who says it will affect them to the extent of half a million dollars a year, or in other words will turn a profitable business into an unprofitable one. That I frankly admit should not be a consideration if it is considered in the interests of the Dominion that Chinese labour should be kept out of the country. While I admit the truth of all the reports that have been made with reference to their habits and the results of their residence in this country, I cannot banish from my mind this fact, that it would have been extremely difficult to construct the large public works which have been carried on in the Pacific province, and also in some of the states of the neighbouring country, if that labour had not been obtainable. It is all very well to say, 'Get white labour.' Get it by all means. If it could be got there would be no necessity for the other. But the wants of our people are such and the habits of the Mongolian race are such that we can scarcely approve of having the country populated with them. I frankly admit that, and those who have given the subject consideration will recognize it. As I have said, there are free traders in the cabinet. The premier says he is a free trader, and there are protectionists and free traders in his cabinet, and he says his duty is to harmonize these conflicting opinions, and to-day, Mr. Fielding, his Finance Minister, informed the deputation that waited upon him that they should publish their demands upon the government, giving their reasons for these demands, so that the public could judge, and they would act accordingly—in other words, admitting that they as a government have no opinion whatever on this great question of further protection to our industries. Mr. Fielding says—'give us the opinions of the public, and whatever those opinions are we will act in accordannce with them.' I do not take

that to be the duty of statesmen. The duty of statesmen is not only to have opinions, but to impress those opinions on the public, if they believe them to be correct, and if the public mind is not in accord with them, the duty of a statesman would be to retire from the office he holds and allow another to take his place who would carry out the principles which were held by the people he represented. We had a frank admission of that principle by the late Hon. Alexander Mackenzie. He told the people, through his speeches in the House of Commons, distinctly and positively what his views were on trade matters, and he went to the country on those views, and the country decided against him, and following the constitutional principles upon which we are governed, he retired. But the present government are prepared to take any opinions from the public and act upon them without reference to any of their own. If they are honestly in favour of a reduction of the tariff let them say so, and let the people judge for themselves. If they desire a further increase in the tariff in order to protect the different industries which are affected by the present tariff on the statute-book to-day, let them say so, and let those, like my hon. friend who sits to my left, and the new senator who has just taken his seat in the Senate (Mr. Edwards), say frankly they are in favour of free trade, and go to the country and stand or fall by their principles. I know I would hear, if I were within reach my hon. friend's voice raised against the heresy, as he calls it, of protection. I do not object to that. I admire the frankness of the man who has the courage to express his view, and I am glad to know he has a colleague in this House. I am not aware of any other two gentlemen occupying positions either in the Senate or the House of Commons who outwardly or openly avow their free trade principles. They will modify them to a certain extent, and say 'this may be true but we cannot have it.' If the principle is right—if the theory is right it can be carried out if hon. gentlemen have the courage to do so. They had a high protective tariff in New South Wales when I was there. The government appealed to the country, and the protectionist government was defeated and the free trade government that came into power carried out free trade principles to the very letter. They imposed a tariff as they have it in England, and it was carried on in that way until the federation of the colonies. But our ministers adopted a policy entirely opposite to that. They pledged themselves to free trade as it is in England, over and over again. They denounced the tariff as the Conservatives put it on the statute-book, as a tariff bleeding the taxpayers and enriching the manufacturers. But as soon as they came into power they raised the duty upon a large number of articles, and then in order to give an appearance of a reduction of the tariff, reduced it by 12½ per cent, then they granted 25 per cent, and afterwards 33⅓ per cent of a preference to Great Britain; but my hon. friend knows that before they attempted that they increased the duties in many cases from 25 to 35 per cent, so that in fact, for the first year, the duties were higher than they had been under the protective tariff, and as high, if not a little higher, in many cases under the 25 per cent, and now they are only about 1¼ and 1½ per cent all round lower than they were under the protective tariff. The hon. gentleman says, as he did the other day: 'See how trade has increased.' True it has increased, and the lower you make the tariff the more it will increase importations, but it will close up our own industries and take from the labourer and the artisan that which enables them to earn sufficient to live in this country. However, I am entering upon a subject which I will not pursue, but I am led to these statements from the fact of divergence of opinion between the gentlemen who now advise His Excellency the Governor General. I should like, however, to see an explanation of the contradictions between Mr. Tarte and the prime minister as to the causes for his resignation. If we could only get at the root of the whole business we would find that it is a culmination of the fighting which has been going on ever since Mr. Tarte went into the cabinet, by the advanced Liberals in the province of Quebec, who thought that he was usurping a position to which they were entitled. He himself says that the present Minister of Inland Revenue has not spoken to him for several years. I do not know that we have anything particular to

do with their private quarrels. It only shows the feeling that existed among the class to which I have referred, and the late minister. Ere long we shall know what the policy of the government is, if they have any. That is, when the budget speech is made, and we shall then be able to judge whether the sentiments preached by the Minister of Marine and Fisheries in Montreal and also in Terrebonne are to prevail, or those of his colleagues. My own opinion is that so long as they can keep in power they will adopt any policy, free trade or anything else. Power alone is what they desire and what they will keep at all hazards, and if there are any in doubt of that, the documents I hold in my hand will prove the truth of what I say.

THE STANDING COMMITTEES.

MOTION.

The Order of the Day was called :

Consideration of the First Report of the Committee of Selection appointed to nominate the Senators to serve on the several Standing Committees.

THE LIBRARY COMMITTEE.

Hon. Mr. TEMPLEMAN moved the following as the Joint Committee on the Library of Parliament :—

The Honourable the Speaker, and the Hon. Messrs. Baker, Béique, Boucherville, de, C.M.G., Drummond, Ferguson, Forget, Godbout, Gowan, C.M.G., Hingston, Sir Wm., Kt., McHugh, Pelletier, Sir Alphonse, K.C.M.G., Poirier, Scott, Thibaudeau (Rigaud), Thibaudeau (de la Vallière), Wood, Young.—18.

He said : The changes in all the committees are practically those necessitated by the removal of some Senators by death, and the appointment of others.

The motion was agreed to.

THE PRINTING OF PARLIAMENT.

Hon. Mr. TEMPLEMAN moved the following as the Committee on Standing Orders : of Parliament :

The Hon. Messrs. Bernier, Bowell, Sir Mackenzie, K.C.M.G., Carling, Sir John, K.C.M.G., Casgrain (de Lanaudière), Church, Coffey, Cochrane, Dever, Dobson, Edwards, Ellis, Fiset, Frost, Gibson, Gillmor, Legris, Macdonald (P.E.I.), Mackay (Alma), MacKeen, Merner, Reid, Shehyn, Templeman, Watson.—24.

The motion was agreed to.

STANDING ORDERS.

Hon. Mr. TEMPLEMAN moved the following as the Committee on Standing Orders :

The Hon. Messrs. Béique, Carling, Sir John, K.C.M.G., Church, Macdonald (P.E.I.), Macdonald (Victoria), McKay (Truro), Tessier, Yeo, Young.—9.

The motion was agreed to.

BANKING AND COMMERCE.

Hon. Mr. TEMPLEMAN moved the following as the Committee on Banking and Commerce :

The Hon. Messrs. Aikens, Bowell, Sir Mackenzie, K.C.M.G., Casgrain (Windsor), Cox, Drummond, Edwards, Ferguson, Forget, Fulford, Hingston, Sir Wm., Kt., Jones, Kerr (Cobourg), King, Lougheed, Mackay (Alma), MacKeen, McDonald (C.B.), McMillan, McSweeney, Miller, Perley, Shehyn, Sullivan, Tessier, Thibaudeau (Rigaud), Thibaudeau (de la Vallière), Thompson, Wark, Wood, Yeo.—30.

The motion was agreed to.

RAILWAYS, TELEGRAPHS AND HARBOURS.

Hon. Mr. TEMPLEMAN moved the following as the Committee on Railways, Telegraphs and Harbours :

The Hon. Messrs. Baker, Béique, Bolduc, Bowell, Sir Mackenzie, K.C.M.G., Casgrain (de Lanaudière), Cox, Dandurand, Dever, Drummond, Ellis, Ferguson, Fiset, Forget, Frost, Gibson, Godbout, Jones, Kerr (Cobourg), King, Kirchhoffer, Landerkin, Lougheed, Lovitt, Macdonald (Victoria), Mackay (Alma), McDonald (C.B.), McHugh, McKay (Truro), McLaren, McMillan, McMullen, Miller, Owens, Pelletier, Sir Alphonse, K.C.M.G., Poirier, Scott, Templeman, Vidal, Watson, Young.—40.

Hon. Mr. SULLIVAN—I am glad to see that there is such general satisfaction at the constitution of this committee. The Committee on Railways is well known to be the blue ribbon committee of the Senate —the one that all hon. gentlemen aspire to. Some gentlemen can come to this House and take a seat on that committee at one bound, but others have to wait for years before they are permitted to enter its circle. There may be over it the motto 'Ici on parle Gaelic,' there are so many Scotchmen on it. I simply mention this to show that these gentlemen get a large share of the good things going. This committee takes up more of the business of the Senate than any other, and to prevent an oligarchy, a clique being established here, there should be some well defined principle on which

the committee should be constructed. It is customary to say we follow the precedents of the House of Lords. I never was there when they were passing such work as this, but I know the House of Lords would not be concerned with the very small, petty canvassing which I see in this Senate. I fancy I see the honoured names of Stanley and Howard and other old families which have sustained the British honour for generations, coming down to the doings of these gentlemen in Ottawa. I know that this committee is sought after with great zest. I was only on it once and I have been a good many years in the Senate. There ought to be some well-established principle by which a man may aspire to this position. It is not given according to territory, attendance or conduct. Men who seldom attend are put on this committee. Is that right? Is it well that a person who is persona grata with the leader of the government or possibly with the leader of the opposition should be appointed, while one who shirks from stooping to canvassing in mean ways, is excluded from the committee? When I first came to the Senate the first man I had to consult in connection with a committee was a Liberal, though the Conservatives at the time were largely in the majority. Why should not that state of affairs continue? I have not been guided by any political bias in this Senate, but I hate to say I am debarred from being on this committee, I do not know for what reason. I have as much right to be on it as anybody else. I do not care for myself, but the city and district which I represent has no right to suffer. People may come here from any other section and obtain favours from the Senate, but it appears that the representative from Kingston must be excluded. I have no feeling against any gentleman in this matter. I wish it to be understood that I am not attacking anybody or any party. I simply say the principles of truth, honour and justice should prevail—that there should be some system by which a man could obtain a position on this committee on his own merits. That is all that I care for. From what I have seen of the framing of the committees here I find that is not the rule and principle. I have seen some work that I did not like going on in that committee. I have seen conditions there that should not exist among a body of honourable gentlemen, and that being the case, I say the committee, instead of being an ironclad one running year after year with the same names and the same description of men, should be freshened up occasionally, and men should be taught that if there is any straying from the path of rectitude they should be punished.

Hon. Mr. TEMPLEMAN—I should like to state what I am sure the hon. gentleman must know very well, that the Striking Committee was confronted with very great difficulty indeed in regard to the selection of names for this committee. There were many difficulties. The various provinces of the Dominion required representation. Our friends in Quebec, and our friends in Ontario, required a certain amount of representation on this committee. There were four removals—Senators McCallum, O'Donohoe, Wood and Clemow—and these were all by death. In place of these, we have hon. Senators Frost, Cox, Dandurand and Forget. We then discovered that a number of other Senators desired to be on the committee, who had claims to be on the committee, and one particularly, who had made a complaint somewhat similar to that made by the hon. gentleman from Kingston now, and who felt aggrieved that he had been dropped from the committee last year. And the Striking Committee taking these things into consideration, has recommended that five names be added to the committee. I may say for myself—and I am sure I am speaking the views of the hon. members of the committee—that we would be only too pleased to have the hon. gentleman from Kingston on the committee. There was no desire on the part of any member of the Striking Committee to keep him off the Railway Committee. The hon. Dr. Sullivan's name will be found on the Banking and Commerce Committee, but probably he would prefer to be on the Railway Committee. Nevertheless, the Committee on Banking and Commerce is one of the most important committees of this House. I shall be delighted to know that his abilities will be at the service of that committee, and, so far as I am concerned, I would be pleased indeed if he had been placed on the Railway Committee. That was the view of all the members of this

committee. There was no personal feeling whatever in this matter; but if we cannot accommodate our good friend this session, I trust we will be able to do so next session.

Hon. Mr. LANDRY—Tell us the name of the hon. gentleman who made complaint, and was placed on the committee this session.

Hon. Mr. TEMPLEMAN—Mr. Cochrane.

Hon. Mr. LANDRY—Is that the only one who made complaint ?

Hon. Mr. WATSON—Mr. Forget made a complaint.

Mr. TEMPLEMAN—The hon. gentleman whose name I have just mentioned made a very strong plea to be placed on the committee, and spoke feelingly on the matter, and, being a very old member of this House, these facts were taken into consideration, and his name has been added. I understand the hon. gentleman from Montreal, who is not now in the House, also complains that his name was left off, and his name has been added. I am sorry we have not carried out this idea in all cases, but if the difficulties of the Striking Committee are taken into consideration—and I am sure hon. gentlemen will recognize them—they will see that it is impossible to avoid certain disappointments.

Hon. Mr. LANDRY—My name was stricken last year.

Hon. Mr. TEMPLEMAN—The hon. gentleman did not complain. He never kicks.

Hon. Mr. LANDRY—I will complain this year so that I will have a chance next year.

The motion was agreed to.

MISCELLANEOUS PRIVATE BILLS.

Hon. Mr. TEMPLEMAN moved that the following be the Committee on Miscellaneous Private Bills :

Hon. Messrs, Baird, Boucherville, de, C.M.G., Carmichael, Church, Dandurand, Dever, Dobson, Fulford, Gillmor, Godbout, Gowan, C.M.G., Hingston, Sir Wm., Kt., Kerr (Toronto), Landry, Legris, McHugh, McSweeney, Merner, Montplaisir, O'Brien, Reid, Robertson, Shehyn, Sullivan, Thibaudeau (Rigaud).—25.

INTERNAL ECONOMY AND CONTINGENT ACCOUNTS.

Hon. Mr. TEMPLEMAN moved that the following Senators be the Committee on Internal Economy and Contingent Accounts.

Hon. Messrs Bernier, Bolduc, Casgrain (de Lanaudière), Fiset, Frost, Gibson, King, Landerkin, Landry, Lovitt, McDonald (C.B.), McLaren, McMullen, Miller, Montplaisir, Owens, Pelletier, Sir Alphonse, K.C.M.G., Perley, Robertson, Templeman, Thompson, Vidal, Watson, Wood, Yeo.—25.

Hon. Mr. LANDRY—I observe that there are four changes in that committee. Could the hon. minister tell us why ? The Speaker's name has been stricken from the committee. Hon. Mr. Ellis is also dropped from the committee. I supposed that those two gentlemen asked that their names should be erased.

Hon. Mr. TEMPLEMAN—Very probably.

Hon. Mr. LANDRY—I want a certainty.

Hon. Sir MACKENZIE BOWELL—If not, why not.

Hon. Mr. WATSON—I should like, as a member of that committee, to say that we endeavoured, as far as possible, to distribute the members equally amongst the committees, and I think last year Mr. Ellis was on four committees, and we endeavoured, as far as we could, not to have any member on less than two committees, and none on more than three.

Hon. Mr. LANDRY—We will see if the committee has accomplished that—if there is not one member on more than three committees.

Hon. Mr. WATSON—I have the figures here, and I will tell the hon. gentleman. The Hon. Mr. Miller is on four committees, so also is Hon. Mr. Templeman, and Hon. Mr. Béique. Mr. Gillmor is named as a member of the Railway Committee, and he will be on four. With those exceptions, three is the limit.

Hon. Mr. LANDRY—Why strike out Hon. Mr. Ellis's name ?

Hon. Mr. WATSON—He is only on three.

Hon. Mr. LANDRY—He was on four before.

Hon. Mr. WATSON—Yes.

Hon. Mr. LANDRY—Then there is no rule about it ?

Hon. Mr. WATSON—No, the four heavy committees of the Senate are Private Bills, Internal Economy, Railways, Banking and Commerce. The Library, Printing, Standing Orders, Debates, Divorce, and Restaurant Committees are rather light committees, which we do not look on as very important. The other committees are the active committees of the House, and we endeavoured, as near as possible, to distribute the members.

Hon. Mr. LANDRY—I am glad that the hon. gentleman places the Divorce and the Restaurant Committees on the same footing—that the Divorce Committee is a refreshing committee.

Hon. Mr. WATSON—There was an attempt made to place the Hon. Mr. Landry on the Divorce Committee, but it was said that he would not act.

Hon. Mr. LANDRY—There was no attempt in that connection, but I am glad the acting president of that committtee has made such a full report.

The motion was agreed to.

DEBATES AND REPORTING.

Hon. Mr. TEMPLEMAN moved that the following Senators be the Committee on Debates and Reporting:

Hon. Messrs. Béique, Bernier, Coffey, Ellis, Macdonald (P.E.I.), Poirier, Robertson, Tessier, Vidal.—9.

The motion was agreed to.

DIVORCE.

Hon. Mr. TEMPLEMAN moved that the following be the Committee on Divorce:

Hon. Messrs. Baker, Gowan, C.M.G., Kerr (Cobourg), Kirchhoffer, Landerkin, Lougheed, McMullen, Templeman, Wood.—9.

The motion was agreed to.

RESTAURANT.

Hon. Mr. TEMPLEMAN moved that the following be the Committee on the Restaurant:

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

The motion was agreed to.

THE RAILWAYS COMMITTEE.

SECOND REPORT ADOPTED.

The Order of the Day being called:

Consideration of the Second Report of the Committee of Selection appointed to nominate the Senators to serve on the several Standing Committees.

Hon. Mr. TEMPLEMAN said: I move the adoption of the second report of the Committee of Selection. This report recommends that the number of the Railways Committee be increased to 45.

Hon. Mr. YOUNG—I would suggest that this motion be divided into two motions.

Hon. Mr. TEMPLEMAN—Then I move the adoption of clause 1 of that report.

Hon. Mr. VIDAL—I think we are proceeding unwisely in taking immediate action on that proposal. I have a right to speak on a question of this kind, after a long experience of thirty years in this House. The rule adopted by the House is a valuable and important rule, and when any standing rule of the House is to be affected, notice is required to be given of such a motion, and such notice should not be waived, as is done in the ordinary transaction of business of the House. I believe that the proper way—and no time will be lost—is to take up the consideration of this second report to-morrow instead of to-day. That would allow the proper time to pass, as required by the rules of the House; and another thing in connection with it; it appears to me that the committee, instead of asking the adoption of the report as a whole, or even in clauses, should put it in the form of two distinct and separate proposals. The matters proposed are essentially distinct. The one is to change a standing rule of the House, which has been in existence ever since the House was formed, and which has been necessary and useful, and which should not be changed without a great deal of consideration. The other is a simple motion to add names to a committee, which could be done at any time. If it is desirable to add five names after the addition has been sanctioned by the House, that motion would just come as a simple motion to add these five names to the committee, but to proceed with a complex motion such as this, involving two distinct and separate things, which ought to be kept separate, is in my opinion

unwise. I think, therefore, that the consideration of the report recommending the increase should be deferred until to-morrow, to comply with the Rules, because I do not think the suspension proposed is at all suitable to a question of that kind.

Hon. Mr. GIBSON—I should like to say a word in connection with what the hon. gentleman from Sarnia has said, with regard to the difficulty which the committee which was called upon to select standing committees met with. Complaints have been numerous for years as to the number of hon. gentlemen who wished to be placed on committees, the Railway Committee especially. It is a moral, as well as a physical, impossibility to put eighty members on a committee of only forty, and here we have simply 50 per cent of the members who are eligible for the most important committees of this House, a committee which is popular, because every hon. gentleman inside and outside of it likes to be on that committee, and I am only surprised at the moderation of the hon. gentleman who asked that the number be increased to 45. In the House of Commons, 176 members out of 213, or three-fourths of the members of the House of Commons are members of the Railway Committee. In this House we have not even that proportion. With this additional number only about five-ninths of the members would be eligible, and I quite agree with the remark which fell from the hon. gentleman from Kingston that there are gentlemen in this House who have served for a number of years faithfully, and it is quite impossible to put every one on that committee. If the House is going to increase the number of that committee, a little time should be given to the consideration of it, and the matter should be well looked into, and I, for one, will be prepared to vote for a greater increase of members than we have now. The railway legislation of this country is going to be the most important legislation that comes before this House. I think it is wise on the part of the House to carefully consider the number of gentlemen that ought to be on that committee, and I am prepared from my place in this House to advocate a much larger increase than the number suggested. I therefore think, in deference to the hon. gentleman who has just spoken, that the committee should consider the question as to the proper number to be added, and the matter could be brought up to-morrow.

Hon. Mr. VIDAL—I was not objecting to the increase, but to the mode of doing it—not proceeding correctly.

Hon. Mr. GIBSON—The hon. gentleman is not objecting to the number, but to the mode of making the change. Time should be given to that committee to bring in a well prepared report on the matter.

Hon. Sir MACKENZIE BOWELL—I do not think there is any question as to the notice. The 13th rule says an intermediate day must intervene between the day of the notice and the consideration. The motion now made by my hon. friend from Victoria can only be made with the unanimous consent of the House. The rule says :—

> One intermediate day's notice, in writing, must be given of all motions deemed special; and any motion is deemed special which initiates a subject od discussion.

This clearly intimates a subject of discussion, and perhaps it should stand till to-morrow.

Hon. Mr. TEMPLEMAN—No objection.

Hon. Sir MACKENZIE BOWELL—I would suggest that two additional senators be added to that committee. I think Senator Wood (Westmoreland) should be appointed.

Hon. Mr. WATSON—He is on four now.

Hon. Sir MACKENZIE BOWELL—Strike him off some other committee. My hon. friend from Kingston, I think, should also be on that committee. There is also Mr. Landry.

Hon. Mr. LANDRY—No.

Hon. Sir MACKENZIE BOWELL—He was rather a valuable member when he was on the committee. I will not follow the example of the hon. gentleman from Marquette by referring to what took place on that committee. But to carry out the suggestion of the hon. gentleman from Lincoln, increase the number and take the men who understand the questions, and who have had long experience in the House and in railway matters. There are three or four put on this year who took very great interest in these big enterprises and who understand the

question. Let us carry it a little further. If there are three-fourths of the House of Commons on the Railway Committee, fifty would not be any too large a number for our own House. I would increase it and move that it be fixed at forty-seven; or if it is the wish of the House, make it fifty, and suggest other names.

Hon. Mr. SCOTT—There is no reason why it should not stand. My attention was called to the fact that in 1899 when we enlarged that committee and the Banking and Commerce Committee, we did it in the mode suggested now. The committee can organize to-morrow and make a report, and the additional senators be added any time.

Hon. Sir MACKENZIE BOWELL—The necessary notice has been given.

Hon. Mr. YOUNG—With reference to the question raised by my hon. friend from Sarnia, yesterday this matter was discussed informally as to the effect of the recommendation of the Striking Committee and it was decided that the effect of that recommendation was to change the standing order of this House and our Clerk followed the course which the rules laid down and issued a special summons to every senator, I take it, because I received one; and he did that, not in accordance with Rule number 13, but with Rule 16, which reads:—

> No motion for making any Order a Standing Order can be adopted unless the Senators in attendance on the session shall have been previously summoned to consider the same.

Therefore, so far as the procedure is concerned, I fancy we are perfectly in order in considering the question to-day. Rule 16 does not say that two days' notice shall be given, or any other number of days. It just says notice shall be given. That being the case, the gentleman from Victoria very properly divided his motion so that the House would decide upon the number of senators who should serve on the Standing Committee of Railways, Telegraphs and Harbours—whether it should be forty or forty-five. That is really the question that is now before the House, and very properly so. The hon. senator from Lincoln suggests that instead of forty-five we should have fifty—at least somebody suggested that.

Hon. Mr. SULLIVAN—That is right—fifty.

Hon. Mr. YOUNG—We have always that difficulty of members desiring to serve on the Railway Committee and other committees if you have a limited number and that number is not less than 60 or 70, so far as this House is concerned. I do not know whether you will be any further on if you change the number to 50, in meeting the wishes of all who wish to serve on that committee, for you will find others off who will be glad to serve. I notice in the rules as printed and not corrected that at one time 35 senators composed that committee. The next change apparently was to 40. Now it may be reasonable to raise five at a time and come to 45. What I rose to say is that this House is properly warned to-day and may regularly proceed and take into consideration the changing of the Standing Orders and revise the number to anything they like, for they have been properly summoned by the clerk and we are in order.

Hon. Mr. GIBSON—If that is in order, inasmuch as the notice has been given to raise the number to 45 members, I might be permitted to offer an amendment, and while I do not wish to go to the length of representation as they have it in the House of Commons—three-fourths of the members of the House, which would give us 60 members—the suggestion made by the leader of the opposition would be right—say 50. We would be entitled to 61 members if we had the same proportion as the House of Commons. If I am in order I would move that instead of the number being 45 it be increased to 50.

Hon. Mr. SCOTT—I think the rule prevails that the recommendation must come from the committee itself. In 1899 I made a report recommending that paragraph 4 be amended to increase the Banking and Commerce Committee, and also with regard to the Committee on Railways, Telegraphs and Harbours, that the number be increased. My object in asking that it be postponed until to-morrow is in order to make that recommendation. It is simply following precedent. The changes are made by the House on the recommendation of the committee. The House has been properly called no doubt and we can carry it as it is; but if it is the desire to increase the number further let it go until to-morrow.

Hon. Sir MACKENZIE BOWELL—The committee has been adopted by the House and can meet to-morrow, and if it be necessary to make that recommendation it can be done. A point was raised by the hon. senator from Manitoba and we should have the ruling of the Speaker for our future guidance. I must confess on reading the rules I cannot take the view he does. The 13th rule provides distinctly and positively that a day shall intervene before we can consider a motion which initiates a subject for discussion. That is clear and positive; but the 16th rule deals with the question of changing the standing order of the House, lays down the course which should be pursued before we can do it, and it is this: If we desire to change the standing orders of the House, we must notify all the members of the Senate that such is to be considered. Now, that has been done; but even though that may have been done, does that abrogate or nullify the 13th rule which says an intermediate day shall intervene. It is just as well that the Speaker should rule on this point in order that in future we shall know what his opinion on it is. My own opinion is that the 16th rule does not nullify the other—that no matter what change we may wish to make we must allow the intermediate day to intervene.

Hon. Mr. ELLIS—I think it would be better to proceed with the report of the committee to-day and dispose of it. If a report should come from the committee to-morrow another day must elapse before we can deal with it, and that will bring us to Saturday. I am not in sympathy with the desire to be on the Railway Committee or to enlarge the committee. The hon. gentleman from Lincoln has referred to the Railway Committee of the House of Commons. One does not like to reflect on another branch of the legislature, but if the example of that committee is one that we are asked to follow, I should like to spend the remainder of Lent over it before deciding that it is the best thing to do. The number of members in the Senate has not been greatly increased since the Senate was instituted, but when the Senate was first formed Banking and Commerce and Railways, Telegraphs and Harbours were under one committee, consisting of 18 members. The number was increased to 24 in 1873, to 28 members in 1875, to 34 members in 1877 and to 39 members in 1878. Then the Committee on Railways was separated from the Banking and made a separate committee of 25 members in 1879. It grew to 33 members in 1884, to 39 members in 1890 to 41 members in 1892 and to 45 members in 1893. In those days I think the practice was that the leader of the House brought in a motion—I presume after consultation with the leader of the opposition—and the members named in the motion formed the committee. No doubt pressure was brought upon the government to such an extent that it was found better to have a Striking Committee and through it in the year 1894 a railway committee of 35 members was appointed. In 1899 the number was the same, and in 1900 it was increased to 40. The increase at the time was five, and if we adopt this report now by another increase of five members the number will be brought up to 45. This is surely large enough. We might as well dispose of it now and have done with the matter.

Hon. Mr. GIBSON—It is evident the hon. member has not been a member of the Striking Committee.

Hon. Mr. ELLIS—I was last year.

Hon. Mr. GIBSON—If the hon. gentleman was, he must know how difficult it is to please the hon. gentlemen who desire to be on that committee, and they ought to be on that committee. We are not casting any reflections on the House of Commons in speaking of the number on their Railway Committee. The work of the Railway Committee of this House is as important as it is in the House of Commons committees. Our railway legislation is becoming very important and the number of applications is constantly increasing. Therefore every section of the Dominion should be represented on that committee. For that purpose the Striking Committee have endeavoured, as far as is in their power to do with the number of gentlemen on the committee, to try in every way possible to make the Railway Committee as representative as we can, but we must recollect the fact, and legislate accordingly, that our country is growing and the needs of railway legislation are increasing year by year so that we

should be in a condition to have such a number on that committee as will give general satisfaction to the House and make it a representative committee from every part of the Dominion.

Hon. Mr .SULLIVAN—No hon. gentleman has referred to the principal object which strikes me, and, I suppose, other members of that committee. It is to keep in touch with legislation going on. If one is not on that committee he loses track of it. A Bill is introduced and is read the second time. No hon. gentleman explains it. I have seen Bill after Bill pass through this House without any explanation. I cannot force an hon. gentleman to read his Bill or allow me to study it. My sole object in wishing to be on that committee is to keep in touch with the legislation.

Hon. Mr. WATSON—There is no objection to any members of the Senate attending the meetings of the committee. If you make the committee larger than it now is, we must of course have a larger quorum than we now have, and must have a larger room and accommodation. If you enlarge this committee by five that should be sufficient for this year. Any member can be present in the committee and address the Chair.

Hon. Mr. SULLIVAN—And he can be put out.

Hon. Mr. WATSON—No.

Hon. Mr. SULLIVAN—I know how it is. I have been there and I have been put out.

Hon. Mr. OWENS—I have no doubt the suggestion to increase the Railway Committee to 50 or 60 would be very popular with several Senators, but we must bear in mind that although the Railway Committee is an important one it is not the only one. If we increase the Railway Committee to the extent suggested, I fear other committee work will suffer. The hon. gentleman says the quorum must be increased; that is not the whole of it; you must decrease the quorums of the other committees. The Railway Committee sits very frequently and we have already experienced the difficulty of obtaining a quorum of the other committees while the Railway Committee was in session. I merely mention this so that the House will not fall into the error of making the Railway Committee too large, to the detriment of the other committees which may sit at the same time.

Hon. Mr. FERGUSON—We should bear this in mind, that the railway legislation is really threshed out in committee, and I do not think we should restrict the number of this committee so as to exclude any hon. gentleman who wishes to serve on it, because we know that all those railway Bills are dealt with there and are rarely discussed on the floor of the House at all. The work is very effectually done in the committee. I cannot see any objection to increasing this committee to 50. As for the quorum having to be increased, that would not necessarily follow, and the attendance at these committees, I am sorry to say, notwithstanding the desire of members to be on the committee, is not always large. I have seen occasions when it was difficult to get a quorum. No doubt a good deal of feeling exists in the Senate on this question. It did not originate from any action of the Striking Committee this year. It was last year. Some of the old members of the Senate who had served for years on that committee found themselves struck off. They naturally felt that they had been unfairly dealt with and the friction exists still. The best way to get over it is to increase the number to 50. The names of gentlemen have been suggested who ought to be on the committee. The hon. gentleman from Westmoreland (Mr. Wood), and others who have been most useful members of the committee, who have local knowledge of value to the committee, should be on it, and by increasing the number that could be done. The leader of the opposition has asked for a ruling on that point. It is desirable that we should have it. I agree with my hon. friend. I do not think Rule 16 abrogates Rule 13.

The SPEAKER—I have not looked into the matter, but I am disposed to think that, taking a strict view of the question, the hon. leader of the opposition is correct in thinking that Rule 13 should apply in a case of this kind. At the same time, this House has had a practice, and I do not think the practice has been as indicated in Rule 13. I think the practice is as indicated by the hon. gentleman from Killarney (Hon.

Mr. Young). There is this further observation which I wish to make: under the circumstances, having regard to the general practice and to the apparent unanimity of feeling in the House, we might proceed to-day and deal with the recommendation in the report submitted yesterday; but I do not think it would be carrying out the spirit of our rules to allow an amendment such as that proposing a further increase, to be put to the House to-day without any notice. Several hon. gentlemen have left for home—many of them probably under the impression that there was not to be any further amendment proposed to this rule; and I do not think it would be carrying out the spirit of our rules to allow without any notice whatever the proposed change from forty-five to fifty. If I might be allowed to add further, I think it is a good thing to have the experience of gentlemen of the House of Commons here, but our own experience is worth something, and I do not think that the experience of this House would dictate to us that we should try to assimilate our committees and our mode of procedure with the committees and the method of procedure of any other chamber. I think that in dealing with this report, the second paragraph is the one which should be dealt with first. You cannot increase the committee until you have altered the rule which fixes the number.

Hon. Mr. TEMPLEMAN moved the adoption of paragraph two of the report:—

2. In order that this recommendation, if approved by the Senate, may operate immediately, your committee recommend that rules 16 and 17 of 'Rules, Orders and Forms of Proceedings of the Senate of Canada' be suspended, and that paragraph 5 of rule 80, as amended by order of the Senate, made on March 23, 1889, be further amended so as to read as follows:—

5 The Committee on Railways, Telegraphs and Harbours, composed of forty-five members.

The motion was agreed to.

Hon. Mr. TEMPLEMAN moved the adoption of the first clause:—

1. Your Committee recommend that the Committee on Railways, Telegraphs and Harbours be increased in number from forty (40) to forty-five (45) members.

The motion was agreed to.

Hon. Mr. TEMPLEMAN moved the adoption of the third clause:—

3. In pursuance of the said amendment, your committee recommend that the Honourable Messieurs Baird, Sir John Carling, Cochrane, Gillmor and Kerr (Toronto) be added to the Committee on Railways, Telegraphs and Harbours.

The motion was agreed to.

Hon. Mr. POIRIER—I did not understand the decision of the Speaker. Is that decision to be taken as a final one on the point, or just an opinion to be revised?

The SPEAKER—It is just my opinion, given without any deliberation; but inasmuch as it is intended to expedite the business, and the Senate has acted on the opinion, I do not suppose I should be expected to give any other opinion at a later period.

Hon. Mr. POIRIER—If I understand the decision of His Honour the Speaker, the practice of this House prevails over the former rules. It is a very important precedent. I understand that there are two rules, one of which is positive, and our hon. Speaker says in this instance practice should prevail over it. I do not say that it should not, but it is a precedent which has a certain gravity, and that is why I have asked the Speaker whether he has given a final decision.

The SPEAKER—It is perfectly understood that the Speaker of this House has not the same authority in dealing with questions of order which the Speaker of the other House has.

Hon. Mr. YOUNG—He should have.

The SPEAKER—That is another matter. The hon. gentleman from Acadia (Hon. Mr. Poirier) misapprehended what I said. I stated that, looking at the question as a fresh question—something coming before me for the first time, I should hold that the thirteenth rule did apply; and I think that strictly speaking the thirteenth rule does apply to this case; but I proceeded to say that the practice of the House had not been in that direction, and as there seems to be a sort of harmony of opinion in the Senate as to the desirability of the changes proposed, I did not think it would be just the thing to insist for the first time upon a rather rigid interpretation of the rule. The House will remember that it was suggested yesterday that we should do this thing by unanimous consent, without any notice whatever. The notice has been given, and I thought it was a case where it was not

well to be too rigid in the interpretation of the rules.

Hon. Mr. POIRIER—If that rule applies, it requires the unanimous consent of the House. I understand my hon. friend from Sarnia (Mr. Vidal) has objected. Therefore, we have not the unanimity of the House. But we override that to follow a certain practice of which I am not informed. This is my 20th session in the House and my experience has been that whenever a formal rule was departed from it was only with the unanimous consent of the House, which we have not to-day.

Hon. Sir MACKENZIE BOWELL—The rule does not say anything about unanimity. The Speaker is correct as to practice and usage, if he had gone a little further and said—and I think you will find in the Journal it is said—with the unanimous consent. It is often desirable, when we wish to save time, to act with the unanimous consent of the House, and when no objection is taken the practice is as stated by the Speaker. But when an objection has been taken to the procedure and the senator persists in his objection, we are obliged to follow the rule. I think I suggested myself yesterday, that it should be with the unanimous consent of the House and under those circumstances we have often proceeded as has been indicated by the Speaker, but not without that.

Hon. Mr. YOUNG—Following that unanimity the notice was given.

The SPEAKER—I wish to call the attention of the hon. gentleman from Acadia to Rule 17. A great number of hon. gentlemen think that this case we have been dealing with comes under Rule 17 and not under Rule 16. My own opinion is that it comes under Rule 16 and Rule 13 follows. I may be wrong and the other hon. gentlemen right. Rule 17 reads :

> No motion to suspend, modify or amend any rule or part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule proposed to be suspended, modified or amended, and the purpose of such suspension

Now, the motion before the House was to modify a rule. Notice was given, and if Rule 17 were to apply the proceedings would be regular. My own impression is that Rule 13 does apply, and that this case would come under Rule 16, but as I said before I do not think this was an occasion for insisting on that rigid interpretation of the rule.

Hon Mr. POIRIER—It was Rule 17 which I read. I did not raise any objection to the decision of the Speaker. It is simply to call the attention of the House to the gravity of our departing from the statutes and fixed rules.

Hon. Mr. YOUNG—To-day we were changing a standing order and the rule he quotes is the ordinary suspension of the rules of the House just for an occasion, and afterwards the rule is in full force in any other matter. In this we are changing the standing order of the House.

Hon. Mr. POIRIER—And it is still worse. We have no unanimity.

THE ALASKAN BOUNDARY COMMISSION.

Hon. Mr. LANDRY—Before the House adjourns I wish to call the attention of the leader of the House to the following paragraph in to-day's 'Citizen' :

> Lieutenant Governor Sir Louis Jette arrived here yesterday from Quebec and is consulting with the Prime Minister in reference to the Alaskan boundary commission, to which he has been appointed. Sir Louis will not be supplanted in the lieutenant governorship of the province for the present, but will be given leave by the Governor General.

I should like to inquire if there is any truth in that information given in the newspaper.

Hon. Mr. SCOTT—The only truth is the fact that Lieutenant Governor Jette has been named on the Alaskan boundary commission.

Hon. Mr. LANDRY—Is there nothing about Mr. Langelier as acting Lieutenant Governor during Sir Louis Jetté's absence ?

Hon. Mr. SCOTT—I do not know anything about that.

Hon. Mr. LANDRY—I suppose there are some things that take place in the cabinet that are not given to all the members.

Hon. Mr. SCOTT—The press usually gets ahead of the members of the cabinet.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, March 20, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (A) An Act for the relief of William Allen.—(Hon. Mr. Perley.)

Bill (B) An Act for the relief of William Francis Schooley.—(Hon. Mr. Perley.)

Bill (C) An Act for the relief of John Reid Steele.—(Hon. Mr. Landerkin.)

DISALLOWANCE OF PROVINCIAL ACTS.

MOTION.

Hon. Sir MACKENZIE BOWELL moved:

That an humble Address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid upon the Table of the Senate, copies of all correspondence between the government of the Dominion and the governments of the different provinces, and of the territorial government of the North-west Territory relating to the disallowance of any Act passed by such governments from the date of the last return made to parliament.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, April 15, 1903.

The SPEAKER took the Chair at Eight o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (8) An Act to amend the Expropriation Act—(Hon. Mr. Scott).

Bill (49) An Act to amend the Civil Service Superannuation Act—(Hon. Mr. Scott).

Bill (9) An Act to amend the Yukon Territory Act—(Hon. Mr. Templeman).

Bill (10) An Act to amend the Act relating to the Custody of Juvenile Offenders in the province of New Brunswick—(Hon. Mr. Scott).

Bill (11) An Act to amend the Act respecting the publication of the Statutes—(Hon. Mr. Templeman).

Bill (12) An Act to amend the Criminal Code, 1892—(Hon. Mr. Scott).

Bill (27) An Act respecting the Canada National Railway and Transport Company—(Hon. Mr. Landerkin).

RAILWAYS SUBSIDIES ACT AMENDMENT BILL.

FIRST READING.

A Message was received from the House of Commons with Bill (12) An Act to amend chapter 8 of the statutes of 1900 authorizing the granting of railway subsidies

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time on Friday next.

Hon. Sir MACKENZIE BOWELL—Might I ask the hon. gentleman if the government accept the principle of this Bill ? It was introduced by a private member in the other House.

Hon. Mr. SCOTT—I thought it was a government Bill. I thought it referred to the proportion paid on the subsidies—the 60 per cent.

The SPEAKER—I suppose the hon. minister moves in his private capacity as a member of this House that the Bill be read the second time on Friday.

Hon. Sir MACKENZIE BOWELL—It is well to have a Speaker who can draw the distinction.

The motion was agreed to.

DELAYED RETURNS.

Hon. Mr. FERGUSON—Before the Orders of the Day are called, and in the absence of the hon. member from Queen's, I should like to inquire of the Secretary of State whether he is ready to bring down the returns asked for in a motion passed by this House on the 19th March last with respect to the movements of the winter steamers between Prince Edward Island and the mainland ?

Hon. Mr. SCOTT—I shall take a note of it and make an inquiry, and try to have it brought down promptly.

INCREASED SUBSIDIES TO THE NORTH-WEST TERRITORIES.

INQUIRY.

Hon. Mr. PERLEY—Before the Orders of the Day are proceeded with, I desire to ask

the leader of the government if he has had any communication from the premier of the North-west Territories with respect to an increase of the subsidy this year ?

Hon. Mr. SCOTT—Not that I am aware of recently. There has been correspondence passing, I know, between the premier of the North-west Territories and the government on that subject, but I am not able to inform my hon. friend as to the decision arrived at.

Hon. Mr. PERLEY—I should like to say that on Saturday last I met one of the members of the North-west government, who happened to be a resident of the town in which I live, and I remarked to him the North-west Assembly were to meet to-morrow. He said they were, but that they were going to adjourn immediately. I said 'Why do you meet, then ?' He said 'We have to meet within the year, and the year will be up on Saturday. The reason we have to adjourn is we have not enough money to carry on the affairs of the country.' I noticed last year the government increased the grants to the North-west Territories by $18,000—$1,000 on Government House, $2,000 on registrars and $15,000 for the insane. The other amount, which was for roads and bridges and expenses of government, has not been increased any. It is well known that there was a very large increase of population in the North-west Territories last year, and this year the influx promises to be still larger, and roads and bridges and schools have to be provided for these people. The territorial government cannot legislate now, because they cannot do so intelligently. They expect half a million dollars, but even that would be too small a sum to enable them to construct the roads and bridges which are necessary for the people who went in there last year and are going in there this year. My reason for rising now is that the assembly meets to-morrow and it is a pity to have them adjourn, because they meet at a great expense, and they will certainly have to adjourn, because the Commissioner of Agriculture told me it was utterly impossible for them to go on and legislate with the funds they have. What I desire in calling attention to this matter now is this : If the government intend to give them any increase of subsidy over and above what they had last year, it would be better to notify them. They could be notified to-morrow, for instance, by telegraph, and then they need not adjourn, and they might go on and transact business without loss of time. This is the time of the year the money is needed, because the government know that very large numbers of people are going into that country. They have to cross the small swollen streams at this time of the year, and it is almost impossible for them to get across them without bridges. The government of the territories cannot build bridges because they are without the means. It is evident the government have had the matter under consideration, because I see they have made the increases I have mentioned, but nothing is said about the increase for roads and bridges and schools, evidently showing that they do not intend giving any more. If that is so, they should say so plainly. If they do intend to give the territories any more, they should say 'in a few days we will provide the grant ;' otherwise the legislative assembly will have to adjourn, and will not meet until late in July or August, because the supplementary estimates come down the last of the session nearly, and the assembly cannot adjourn with any definite knowledge as to when they should meet again. I merely call the attention of the government to this condition of things so that they may remedy it, and prevent an adjournment of the assembly or give them some intimation as to how long they should adjourn. Suppose they adjourn for six weeks and the supplementary estimates are not yet voted, they would have to adjourn again until August or September, and that would be too late to do anything this year towards building roads and bridges.

Hon. Mr. SCOTT—The government are fully alive to the situation and fully appreciate the condition of affairs in the North-west, and that the government there can not be maintained on the narrow basis financially that has existed during the past few years. When I am in a position to give the facts to the House it will be seen, notwithstanding the adjournments, that the government of the North-west have been pretty liberally spending money last year, far beyond the amount voted by parliament. I cannot speak definitely as to the amount over and above, but it is a very large sum—over a hundred thousand dollars—so the

question of money has been somewhat anticipated before parliament met; therefore, my hon. friend's remarks do not apply practically to that feature of the question, as the territorial government have not been without money, although it has not been voted by parliament. Probably within a week, or less than a week, we will know what is the amount of their wants, or what will satisfy them, and I think it will be shown that the government of Canada are treating the North-west on as liberal a basis as the circumstances will justify.

Hon. Mr. LOUGHEED—It is unfortunate that every session of parliament finds practically a repetition of this complaint made as to the inadequacy of the grant allowed to the North-west government. That grant has certainly not been increased in proportion to the very rapid increase in the population of that country. When one takes into consideration that territorially there is a continent practically to be opened up to meet the requirements of the incoming population —streams to be bridged, roads to be built, schools to be erected, and maintained through that vast territory, almost seven or eight hundred miles in length by four or five hundred miles in breadth—and when one takes into consideration that every year there is settlement going northwards, and this session we have practically three applications for three transcontinental systems of railway north of the Canadian Pacific Railway system, one can appreciate the reasons which present themselves to this government why the territorial government should be generously dealt with in the matter of public grants. I refer to three transcontinental systems of railway. The Grand Trunk Pacific is applying for power to build a road some one hundred and fifty miles north of the Saskatchewan river. We find the Trans-Canada making application for powers to build through the Peace river country, and the Canada Northern looking to the government for aid to build along the Saskatchewan valley. Very few who have not been over that vast country can appreciate the wants of the territorial government. The territorial government have been, for some time, suppliants before the federal government, that provincial powers might be given them, that a fixed revenue might be granted so that from year to year they might be in a position to intelligently determine what public works they could carry out for the benefit of that part of the Dominion. If hon. gentlemen will look at the estimates voted by the federal government since 1896 for the construction of public works in the territories, they will find the estimates to be almost nothing. In fact, since the advent of this government to power, no attention has been given to carrying on public works of the character I have mentioned in that country. The late government did expend considerable money in building bridges and in making roads, trails and so on, but when you take into consideration that over 250,000 people are now in the territories, and you ask the territorial government to administer the affairs of that vast country, to construct bridges, to make roads, to carry on a system of education commensurate with the requirements of the varied population in that territory, you can very readily imagine the impossibility of meeting the public wants. I cannot conceive why the federal government does not grant to the territorial government autonomy such as has been prayed for from year to year. It seems to me that would be a solution of the whole question. It is in the interests of Canada that that country should make progress. It is in the interest of the entire Dominion that everything should be done to meet the public requirements in that vast territory, and if the Secretary of State, instead of criticising the expenditure which has already been made—

Hon. Mr. SCOTT—I did not criticise it.

Hon. Mr. LOUGHEED—And saying they have overspent the estimate made at the last session of parliament, if he would with the other members of the government give some consideration to the prayer which they have offered up for years past, that provincial autonomy be given them the same as to other parts of Canada, it would be a happy solution of the whole question. The premier of the territories has yearly to come down and play the part of a suppliant at the feet of the Dominion government, spending invariably from two to three months in Ottawa seeking the paltry pittance which is yearly voted. That applies to this government and applies to the late

government. Why should a government like our territorial government be placed in the humiliating position in which they have been placed, say for the last decade at least in thus supplicating the government at Ottawa year after year that an adequate amount should be voted to carry out what is in the interests of the public and what is in the interests of the entire Dominion ? I hope my hon. friend, instead of looking into the expenditure of the few paltry dollars which have been given, will look into the question of why this government should not grant the wish of the people of the territories, which has been publicly proclaimed—because public sentiment is unanimous upon it—namely, that provincial autonomy should be given to the territories and that a fixed amount should be paid and, as I said before, the problem would be solved.

Hon. Mr. SCOTT—The hon. gentleman quite misunderstood my remarks when he says that I spoke in a criticising manner at all. I simply said the wants had increased, as everybody knows, within a year, and the money had been found and it had been spent, although not voted by parliament. I said they had obtained money and that the money of course would be recouped and voted by parliament. I have not criticised the action of the North-west government in anticipating their wants, because I realized they were wants of an imperative character. As to the provincial autonomy, I think it would be very much better, in the interests of the North-west, that they should remain as they are. It would be quite impossible, in the transition which is passing now, to fix the amount which would have to stand under our constitution for a number of years. You cannot tell what the conditions of that country will be. If one hundred thousand go in this year and a hundred thousand next year, it would be idle to predicate the allowance on the past. You could not do it, because you could not tell what would be necessary. I suppose any government that happens to have the control in this country fully appreciates the value and importance of supplying the North-west with all its legitimate demands, and when the facts come to be known, I think it will be recognized that there has not been that necessity for the appeals to which my hon. friend has referred and that they have been treated on a very liberal basis.

THE BARR SETTLEMENT IN THE NORTH-WEST TERRITORIES.

Hon. Mr. LOUGHEED—Before the Orders of the Day are called, may I direct the attention of my hon. friend opposite (Hon. Mr. Scott) to an article which appeared in the Toronto press referring to the Rev. Mr. Barr, the founder of the Barr settlement in the North-west Territories, and I might say in connection with it, that I direct the attention of the government to the fact for the purpose of eliciting some information as to what is being done in the way of making preparation to receive the vast crowds of emigrants going into the country at the present time. The article to which I refer appeared in to-day's 'Mail and Empire' and reads as follows :

> Mr. Barr said he will get the usual bonus of $5 a head, which the Canadian government pays for immigrants to agents anywhere in Europe who can send out acceptable men. He gets a commission of about $7 a head from the steamship company, and he reaps some profit from the sale of supplies. These 2,000 people should turn him a profit of considerably over $10,000 after deducting the expenses of organization.
>
> 'I have no doubt of the success,' added Mr. Barr, 'this is only the beginning. I had many more who wanted to come. They will arrive later. The movement is not confined to England or the British Isles. I am getting inquiries and am accepting English colonists from the United States, from Egypt, from South Africa, from Australia, from New Zealand, from India, from Ceylon, from China, and from every part of the world where there are Englishmen to be found.'

The further reason I direct the attention of my hon. friend to this item lies in the fact that there seems to be a system by which an unauthorized person may bring large numbers of emigrants into the Dominion of Canada apparently without the knowledge or authority of the Dominion government. This I think is a system that should not be encouraged, if it obtains, as would appear from the article I have just alluded to. I might say, I arrived in Ottawa yesterday from the North-west, and there is a very serious apprehension in the minds of the people of that country that, owing to the unprepared state in which the lands of this particular company lie, there will possibly be very great destitution this next ensuing winter. It is a well known fact that the railway companies are not assuming responsibility for those

thousands of English emigrants who are landing at present on our shores. It would seem that the government is not assuming any responsibility, but they are being brought here at the instance of private individuals. When you take into consideration that there are in the neighbourhood of three or four thousand English emigrants being transported, or to be transported, a hundred and seventy-five miles beyond the present railway terminus to a colony in the Saskatchewan, in the vicinity of Battleford, where no buildings have been erected and no lands have been broken, and no preparation made for their reception, you can readily appreciate the apprehension which exists in the public mind as to what will be the outcome of practically dumping them at this time of the year or at any other time.

Hon. Mr. FERGUSON—Is the timber cut ?

Hon. Mr. LOUGHEED—There is no timber cut. I understand supplies are being floated down the river from Edmonton. If this be the case, considerable time will be occupied in getting those supplies. In the meantime, the condition of mind in which those men will find themselves, not speaking of the condition of body, will be anything but favourable to the promotion of immigration interests in Great Britain. This company has spent considerable money in promoting our immigration interests in England. The present government is to be commended upon the extraordinary efforts which they have made in that direction, and I might say it is being appreciated to a very large extent by the people of the territories. But I might point out that it is not sufficient to merely advertise the advantages of Canada in Great Britain and elsewhere, if the system is going to end at that particular point. It is vastly more important that a thorough system should be devised, so that when emigrants come to our shores they may be properly looked after, so that the reports which they send to their homes, whether it be on this continent or in Europe, may be of such a favourable character as will induce other emigrants to come to Canada. I understand those three or four thousand Barr emigrants will have to be transported by horses from Saskatoon to the colony which they have selected. I think this is extremely unfortunate.

Hon. Sir MACKENZIE BOWELL—Whereabouts are they to be located ?

Hon. Mr. LOUGHEED—Near Battleford. It will be almost impossible for them to reach their destination without special provision being made. I understand the Canadian Pacific Railway have divested themselves of all responsibility in the matter. They carry them to the end of their destination on the railway and dump them. The greatest difficulty prevails at the present time in getting the necessary supplies to live, not for comfort but simply to have their necessities satisfied. It is unfortunate that at the present time the Minister of the Interior is absent in Europe. If destitution should prevail in that colony it will set back the interests of the North-west Territories for a number of years. Considerable distinction may be drawn between those particular emigrants to which I have alluded and the United States emigrants, who are familiar with the conditions of the country and come prepared to meet all the adverse circumstances which may arise in a new country. Consequently our sympathies do not naturally go out to people who are thus prepared to accept and meet all adverse conditions; but there are few emigrants so helpless as the English or European emigrants landing on our shores. He is not familiar with the conditions which obtain in this country. He has been living under fairly comfortable conditions and expects to have all the comforts of civilization, and we very well know that if these are not accorded him he is the very prince of grumblers—and we know what the consequence will be. I have mentioned already that very serious complaints are being sent to the English press on account of the lack of preparation being made for their reception. This settlement, unfortunately, is one of those movements which periodically seize the people of England in the matter of emigration. Emigration in England usually, instead of being conducted on business basis, emanates from benevolent or philanthropic movements and largely devoid of sound business methods ; consequently we find the present condition of things obtaining in the colony to which I have alluded. I understand that the government has sent forward considerable canvas to accommodate those people, I under-

stand that all the tents available in that western country have been procured. I cannot impress on the government too strongly the necessity of taking up this matter seriously. If it is not taken up seriously and placed in the hands of competent men, and particular attention given to make preparation for the reception of these people, incalculable injury will be done to our interests. I am satisfied the government do not wish to have undone the work they have so well begun, and therefore it would be in the interests of the whole Dominion that this matter should be taken up seriously by the cabinet.

Hon. Mr. WATSON—I am sorry such statements should be made as those we have heard from the hon. gentleman from Calgary on the basis of an interview with Mr. Barr. I never met Mr. Barr until last night, but I am satisfied he never authorized the interview read by the hon. gentleman. He is a shrewd business man, and I do not think he would give any newspaper reporter such an interview as has been read. This matter has been brought up in another place, and unnecessary alarm created as to the accommodation furnished to settlers. The hon. gentleman opposite used to find fault with the government for bringing Galicians and Doukhobors into the country: now he objects to bringing Englishmen into the country.

Hon. Mr. LOUGHEED—No.

Hon. Mr. WATSON—Yes, the hon. gentleman says the most helpless people coming into this country are the English. I have seen in the press that hon. gentlemen in the other chamber have visited the trains passing through, and they report that they never saw a finer class of people coming into the country than those going to Mr. Barr's settlement. More than that, I understand they are not paupers—

Hon. Mr. LOUGHEED—I will not permit the hon. gentleman to absolutely falsify and misrepresent what I said. I never said anything of the kind.

Hon. Mr. WATSON—The hon. gentleman said these men are helpless.

Hon. Mr. LOUGHEED—No, I said the English emigrant is helpless in comparison with the American.

Hon. Mr. LOUGHEED.

Hon. Mr. LANDERKIN—Never.

Hon. Mr. LOUGHEED—If the hon. gentleman had lived on the plains as long as I have, he would not say so. I said nothing to disparage the class of emigrants brought in. Quite the contrary.

Hon. Mr. WATSON—The hon. gentleman has made a speech which could be used by the enemies of this country to stop settlement. Those colonists have transferred two and a half million dollars to this country. With money at their back they can supply themselves in the west. I can tell the hon. gentleman, from information received from the Immigration Department, that there is no lack of accommodation for these settlers. I was told by the deputy minister that they have accommodation in Manitoba and the North-west Territories to-day for some 27,000 people, and they do not expect to be overcrowded. So far as the Barr settlement is concerned, if the hon. gentleman had made inquiry before he spoke he would learn that the government had taken care to provide for these people. They have erected tents every 20 miles from the train to the Barr colony with floors placed in them, and stoves to heat them, and there can be no suffering or lack of accommodation. I am told at Winnipeg there is accommodation for 2,500 that has never been occupied. Of course, a certain class of people go to the hotels and the hotels have been crowded, but for the immigrant who is willing to accept fair accommodation, they have in the drill hall and other places sufficient accommodation for all the people arriving in the North-west. At Saskatoon there are tents with stoves in them not occupied, ample accommodation for all the people coming in, and I am rather surprised at the hon. gentleman, who wishes to see the North-west settled and colonized, making such statements as he has made to-night, blaming the government for bringing people here, and blaming them for not furnishing accommodation. There never has been better accommodation furnished to immigrants in the history of the government of Canada than there is to-day. The officials employed by the government are active men, as my hon. friend knows well, and I undertake to say there will be no suffering on the part

of settlers going to the North-west. So far as immigrants are concerned, large numbers are coming in, but we all know they will look after themselves. The Scandinavians and other foreigners coming to this country are well able to look after themselves. If any people require to be looked after, I agree with the hon. gentleman that these English emigrants do. They do not understand our western life, but the government are furnishing them with ample accommodation. Having seen these people, My hon. friend agrees that they are a fine strapping lot of Englishmen, and I venture to say they will take care of themselves—I regret very much, after the efforts made to induce people to come to the North-west, that any gentleman, particularly a representative from the North-west, should rise and make a speech of which much could be made by people wishing to attract our immigrants elsewhere, and used to a very great advantage. It certainly is not a patriotic speech coming from a representative of the North-west.

Hon. Mr. FERGUSON—I shall feel very much surprised indeed if the hon. Secretary of State will endorse the observations which have just been made by the hon. gentleman from Portage la Prairie. Indeed I fully expect that my hon. friend, the Secretary of State, will express the thanks of the government for the very friendly, the timely and reasonable observations which were addressed to the House and especially to the government by the hon. gentleman from Calgary. His observations were couched in the most friendly terms towards the government giving them credit for what they have done with regard to bringing people into the country, and very timely on the point as to what should be done for them and what is due from the government and people of Canada generally towards this very large and important lot of emigrants coming into the country. I was surprised to hear the remarks of the hon. gentleman from Portage la Prairie (Mr. Watson). I am sure he could not have heard any hon. friend from Calgary aright. That hon. gentleman (Hon. Mr. Lougheed) was very far from speaking disparagingly of these emigrants, but he voiced what I am sure every hon. gentleman who understands the matter knows, that emigrants from the British Islands are not so experienced in pioneer life as people from Eastern Canada or from the United States, and on all those considerations the hon. gentleman urged for these people the most earnest attention of the government. These immigrants may have millions of money, but they cannot live on that money in the sense of procuring daily bread if they are to be 170 miles from a road and in the heart of a country where it is difficult to secure supplies. My hon. friend from Calgary called the attention of the government to the great importance of this question and pressed them to make every possible provision for the comfort of these people, and to make them satisfied. Before my hon. friend had risen at all, although I live in another part of the country, I had been thinking of this matter very seriously in the very way the hon. gentleman has spoken. This batch of 3,000 immigrants from the old country may be, and probably will be, the forerunners of hundreds of thousands of people—that is, if the first impressions they receive of this country are favourable. If, on the other hand, they find they are neglected—or imagine they are neglected, and find they are placed in a position of difficulty with regard to obtaining supplies and necessaries of life—if they find that attention is not given them which is their due, they will send unfavourable accounts of this country to the people at home, and prevent a great many from coming to our shores. I have felt extremely anxious about this British immigration, because we have heard so much about United States citizens coming into this country. I never regarded the United States immigration into our North-west in any other light than a satisfactory one. I am glad to see them coming. I know they will make good settlers, and when settled in the country, good Canadians; but I should be sorry if those people should come into the country and settle it solidly. I should like to see a good share of the old British stock coming in to be mixed with them, in order that they may be welded into one community. I should be sorry to see the United States immigration so solid that there should not be a fair balance maintained of British subjects coming in with them at the same time, in order that there may not

be danger of the country becoming Americanized. Therefore, on this account I have regarded with greater interest the flow of British people into our North-west at this time, than under other circumstances, and I am quite sure the hon. Secretary of State will not disregard words which were not offered in a spirit of criticism or fault-finding, but with an earnest desire that the best thing may be done at this moment, not only to settle the country, but to encourage others to come in and fill up our great North-west Territories. In connection with this very question, we have another matter in connection with the inquiry made by my hon. friend from Wolseley (Hon. Mr. Perley) with respect to the provision for the government of the North-west, and I must again endorse what has been said by the hon. gentleman from Calgary with regard to granting provisional autonomy to the North-west Territories. They are seeking for it. It cannot be in the interest of the North-west, or of Canada as a whole, that the government and the people of the territories should be put in the position of having to come here year after year as suppliants to the government to have amounts doled out to them to meet their growing wants. The question should be taken up in a statesmanlike way, and steps taken to grant them the full powers of a province, and means of maintaining law and order there, similar to what has been given to other provinces, in order that the present unsatisfactory state of things may not continue. In view of this immense immigration from the United States and Great Britain, as well as from the older provinces of Canada, it is very important the government should deal immediately with the question of granting provincial autonomy of the territories.

Hon. Mr. SCOTT—When the hon. gentleman from Calgary was addressing the House, I felt he had not in view any of the English immigrants who passed through here the last few days, or he would not have paid them the questionable compliment of supposing they required any looking after. They would disclaim any intention of leaning upon anybody. When, about six months ago, application was made to the Department of the Interior to set aside forty or fifty townships in the Saskatchewan valley, west of Battleford, the department discouraged it, because the policy of this government and of the past government, has been to discourage large bodies of congenial people settling in any one locality as strangers, because it is thought an intermingling is very much better where there is a sprinkling of farmers from Ontario and other parts of the Dominion or from the United States. They understand the situation and conditions of the country and are able to give pointers to strangers. A large body coming in and being left to themselves, have not the same opportunity of gaining a knowledge of the country and the best methods of carrying on agriculture. However, the answer was that they desired to have a colony that would be strictly an English colony, and they were not prepared to take up the land unless it was reserved for them exclusively. Under the circumstances, they were allowed to take up a very large percentage, seventy-five to ninety per cent of all the land in those townships. From the interviews I had read that have taken place between members of the party and representatives of the press that waited on them at St. John, N.B., Montreal and other points, they fully realize the conditions to be met with in the North-west. They were quite familiar with the fact that they will be dumped at Saskatoon by the railway, that they have one hundred and fifty miles to trek, and they had sent in advance to obtain horses and wagons, all that could be obtained, many months ago. They have made arrangements for temporary fitting up of buildings. They knew there were no houses in that country. They knew they had to live under canvas for six or seven months, and were quite prepared to accept the conditions. They liked the novelty of it, and did not ask for sympathy from anybody. There were among them men with considerable amounts of money, who were prepared to lend money on the land taken up by poorer settlers to enable them to put up buildings. There were all classes among them, lawyers, doctors, clergymen, farmers, labourers, men with two and three hundred pounds to start as independent farmers and their plan is to make a perfect settlement. They had planned it out before they left England. They had maps of the country and were familiar with every condition they were

likely to encounter. Some of them had made arrangements to hire out with Canadian farmers for a year. Others had abundance of money to live on for a year, without doing anything, before deciding whether to take up farming or engage in some other business or occupation. No more independent men ever came to this country than the 1,900 odd men brought by Mr. Barr. It has been found that not only from England, but from other parts of the world, colonies of that kind are being started. The government cannot interfere with them. We cannot stipulate with them in advance. It is very well known that in the United States syndicates have been formed who have bought up land at various points, and they have been our very best immigration agents. They have arranged with forty, fifty or one hundred farmers to buy land for them and settle them. They purchase at three or four dollars an acre and sell on time at seven or eight dollars an acre. We cannot interfere with that. We cannot stop them from coming into the country. The government does all that is possible to meet the emergency and to make provision for it. It is an exceedingly difficult thing to do. Thirty or forty thousand people coming into a new country, where there are no houses existing for miles and miles of prairie—a country without any habitation—people, recognizing that, coming early in the year make their arrangements to rough it for a time, and they do not require the sympathy or the pity of anybody. Even those who have come in under very much more adverse conditions—the Galicians and others, seem to have got on without any marked suffering. They hired out on railways and other works in that country, and in that way managed to live a very much pleasanter and more successful life than they had in their own country. I do not think my hon. friend need be at all alarmed that anything will be neglected by the government. All the tents available here by the Militia Department were sent to the North-west, and the department has to purchase a complete new set of tents for the camps, which will be coming in a few months from now. With every train of immigrants leaving St. John there is an agent in charge, deputed by the government to see that the people are properly looked after at the various points. A man is appointed at Ottawa to go through the trains and ask people whether they have any complaints, whether the arrangements are satisfactory or whether they have all the information or assistance they require, so that at every point provision is made to anticipate their wants if possible.

Hon. Mr. LOUGHEED—I owe an explanation to my hon. friend from Marquette. In saying this, I did not intend in any way to disparage my hon. friend's interests in the land company of which he is a director, adjoining the Barr settlement in the valley of the Saskatchewan. I find my hon. friend is advertised as one of the directors of the Ontario and Saskatchewan Land Corporation, Limited, in which he states:

> Our land immediately adjoins the Barr settlement of British settlers and also Dr. Adams colony of Nestorians, and the placing of over 20,000 settlers by these organizations in this district within the next year practically assures a rapid increase in the value of our lands.

I would suggest to my hon. friend he should look after a proper reception being given the 20,000 settlers referred to.

Hon. Mr. WATSON—I am evidently better informed as to conditions in the Saskatchewan country than my hon. friend. The Ontario and Saskatchewan Company, like the Englishmen, are able to look after themselves.

Hon. Mr. YOUNG—Had it not been for the last remarks of the hon. gentleman from Calgary I would not have detained this House in this very irregular debate, but my hon. friend thought he would have an opportunity of a fling at the hon. gentleman from Portage la Prairie (Hon. Mr. Watson), for he has been digging among the papers for the last half hour to find an advertisement of the Ontario and Saskatchewan Land Company. My hon. friend from Calgary feels sore because he made one of those breaks which possibly he will have in after life to face over and over again, because we never can tell in the western country when we may happen to rub up against those very men he criticises as helpless men, but who have settled other parts of this world and have made their mark with no reason to condemn them. We have no reason to condemn them untried, and say that they are useless. I do not think that is British fair play to any settler, or class of settlers,

and it does not let my hon. friend down very much, when he tries to insinuate that the patriotic statement and correct statement made by the hon. gentleman from Portage la Prairie, is influenced by the fact that he has that much faith and confidence in the west that he has invested his money in it. That is no answer. I went up to that country years ago, and did not have any government agent dancing attendance upon me, and I had to do as this Barr colony has to do. I did not expect that they would be waiting for me with a feather bed. I had to take care of myself, and I have not the least doubt these people will be able to do the same, but I am informed by the immigration officers in the west that they have anticipated the arrival of these people and they have made all reasonable arrangements to make them comfortable. What more can we expect. I am told they have tents pitched at every twenty miles of the route, and stoves provided. When they march twenty miles with their teams they will have a comfortable place to go into at night and the weather up there is summer weather, practically mild. I do not anticipate that they should have any sufferings worth speaking of any more than you would naturally expect in a new country, as between here and there every attention is being shown them by officials. At every stage of the road they have some one to advise them, and I am informed that after they get on their land men are provided again to advise them what is best to do under the circumstances, and give them that knowledge that my hon. friend from Calgary deplores that they lack, and I have no doubt they would take advantage of the advice and instruction which would be given them by trained men who would have that experience which they are supposed to have. I understand that there are some two thousand five hundred who are going in untried in one settlement. I only hope—and my hon. friend from Calgary should hope the same—that they will make a success of it, and if they do not make a success and grumble—I understand that it is the privilege of an Englishman to grumble—it is not the fault of the country.

Hon. Sir MACKENZIE BOWELL—It is part of their nature.

Hon. Mr. YOUNG—One would think that our western portion of Canada would seem to be every year on trial, but we have got past that stage, and we want no better evidence of it than the fact that our shrewd United States cousins are going in there by the hundreds and occupying the land, and those who have been in there for a couple of years are better pleased than when they first went in, and are writing to their friends to this effect. So that if a portion of the Barr colony are not successful, we cannot condemn the country, because we are beyond the experimental stage. Confidence is established in the fertility of the soil and its ability to produce large crops and repay the husbandman very well for his labours, and I think this irregular discussion which has occurred here to-night would have been far better if brought up on a regular motion when all the information from the department would have been furnished by the hon. Secretary of State and the hon. gentleman from British Columbia (Hon. Mr. Templeman). But it is another example of our drifting manner of doing business when our Speaker has not the same power as the Speaker of the House of Commons.

Hon. Sir MACKENZIE BOWELL—It seems to me this discussion is altogether irrelevant, so far as the object that the member for Calgary had in view. I am quite convinced the country will thank him for having brought before the government this matter and obtained the information that has been given by the hon. Secretary of State. I understood that he simply wished to obtain information for that portion of the inhabitants of the country who take an interest in immigration, and for those people who dabble in newspaper writing, and to get an explanation from the Secretary of State on behalf of the government as to what they were really doing as a government to make these people comfortable as far as practicable when they arrived here. I never anticipated that these emigrants were to suffer for want of food, but I feared that the accommodation which might be provided for people coming from the old country, particularly England, Ireland and Scotland, in the way of being housed would be inadequate, and the ob-

ject which the hon. gentleman from Calgary had in view was to secure the information which has been given by the Secretary of State, which must be satisfactory to every one who listened to him, as to what the government had done and were doing to make the people comfortable and accommodate them when they arrived in the country. A play has been made upon the word 'helpless,' used by the hon. gentleman from Calgary (Hon. Mr. Lougheed), which was not altogether irrelevant, but was altogether improper and, worse than that, a misrepresentation of what the hon. gentleman said. I venture the assertion that no man in this House who knows anything about emigrants coming to this country will dare to controvert the statement he made, if they have any regard for the truth. He said emigrants coming from the old country, and particularly from England, were, when placed alongside of Canadians or United States people who come into this country, knowing the habits and wants and peculiarities of the country, and what is necessary in all new settlements, would be comparatively helpless. I repeat that statement. I have seen scores of immigrants coming from the old country into our own section of Ontario, and I know exactly what they are. They are intelligent. I quite agree with the hon. gentleman opposite when he said Englishmen could take care of themselves. I am of the opinion that they can and have done so. That does not do away with the fact that an Englishman coming to this country, without knowing its climate and peculiarities, is not as well fitted for the first year or two to accommodate himself to the peculiar circumstances as one of ourselves.

Hon. Mr. LANDERKIN—The hon. gentleman made a comparison of a man coming from England and a citizen of the United States.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman pretend to say, that a man who is born in the United States and has been living in the North-west from his childhood up, does not know as much about the peculiarities of the North-west as if he had been born in Canada ?

Hon. Mr. LANDERKIN—Does the hon. gentleman wish me to answer his question ?

Hon. Sir MACKENZIE BOWELL—He may answer when I am through.

Hon. Mr. LANDERKIN—I will answer the hon. gentleman now.

Hon. Sir MACKENZIE BOWELL—Very well.

Hon. Mr. LANDERKIN—The hon. gentleman from Calgary, when he made his statement, spoke of the helplessness of Englishmen in comparison with people from the United States.

Hon. Mr. MACDONALD (B.C.)—Quite true.

Hon. Mr. LANDERKIN—Take the Englishman and place him where you will, he is equal to the immigrant from the United States and superior to the immigrant from any other nation in the world.

Hon. Mr. LOUGHEED—I agree with the general statement, but not in at once succeeding in the capacity of a settler on the plains of the North-west.

Hon. Mr. LANDERKIN—On every plain they have shown their valour and they are able to do it still.

Hon. Sir MACKENZIE BOWELL—The superlative loyalty of the hon. gentleman is somewhat unbounded and somewhat out of keeping with his character, if I have any recollection of the hon. gentleman's past history in another part of this building where I had the honour of sitting with him a long time.

Hon. Mr. LANDERKIN—I have some recollection of sitting with the hon. gentleman there.

Hon. Sir MACKENZIE BOWELL—I quite agree as to the character of the two races and I go further; notwithstanding the fact of his high opinion of the Englishman I pretend to say, though an Englishman myself—

Hon. Mr. LANDERKIN—I except you.

Hon. Sir MACKENZIE BOWELL—An Englishman in this country who has to buffet for his livelihood, is not superior to an American, nor is he equal to him, when you first set him down in the North-west to get his living. I think the hon. gentleman from Marquette (Hon. Mr. Watson) totally misunderstood the remark of the hon. gen-

tleman from Calgary and the object he had in view.

Hon. Mr. WATSON—I accept his apology.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman was long enough in the government in the North-west to understand the question, but he has tact enough to draw a herring across the trail to lead you off in another direction, and consequently he made that speech in favour of immigration. Every one agrees with him on that point, but in his anxious desire to defend the government he steps into the breach before the hon. minister had an opportunity of making the explanation which the hon. gentleman from Calgary desired to obtain, he went beyond the point and beyond the subject which was brought under the notice of the House. I repeat, not only will the hon. gentleman from Calgary be gratified, but I think the Secretary of State will thank him for bringing up the matter, and when his remarks are read by the public it will do away with a great deal of that fear that I know exists, created by the newspaper stories that have been sent about, and they will come to the conclusion that the government has done all that it could under the circumstances. My hon. friend congratulated the government on what they had done towards increasing the immigration into this country, and I, speaking for myself and I think every member of this House, am more than gratified to know that the tendency of immigration at the present time is from the mother country rather than from Russia or any other portion of the world. I am delighted to see the Englishman, Irishman and Scotchman pursuing the course they are, and I hope it will be continued and that all the aid that can possibly be given to these people will be given and that the government will continue their present policy. If they do, no one will object to the expenditure of a few thousand dollars in order to accomplish the great object we have in view, to populate that section of the country and make it one of the brightest parts of the Dominion. I care not whether the hon. gentleman from Marquette makes money out of it or not, that is not the object we have in view. Let the system go on, and as long as it is continued it will benefit the country, but there is no burking the question that Englishmen are proverbial grumblers. They kick and grumble and pay, and if they do not do that they would not be Englishmen. But nothing did so much to prevent immigration from England, Ireland and Scotland as the letters sent some years ago during the drouth and when the country was not so prosperous as it is now, when Englishmen writing home depicted the state in which they found themselves. It did more to stop immigration than anything else possibly could. We do not want that repeated. We want the government to do what the Secretary of State says they have done, and that is, to do everything possible in order to provide these people with houses in which to live or with tents for the present, and if they do that, the country will be satisfied.

Mr. SPEAKER—I think it is my duty to call attention to the fact that there is nothing before the House.

THE LATE SENATOR GILLMOR

Hon. Mr. SCOTT—Before the Orders of the Day are called it is my sad duty to call the attention of the Senate to the absence of one of our members who was here when the House rose. No one at that time in saying good-bye to Senator Gillmor could have imagined that he alone was not to return. He seemed to be in the very best of health, cheerful, bright and happy, and we never thought that good-bye to him was to be a final adieu. The suddenness of the death was rather a shock to every one. He died when he was on his way to attend to his duties here, on the railway car, having a few moments before been discussing the labour question in the smoking room. He retired to his bed, and called for assistance, but died before any aid could be rendered. He occupied a very important place in his own province. So long ago as 1854 he was a member of the legislative body, and occupied a position in the legislature for may years. In 1874 he represented his county in the parliament of Canada in the House of Commons and continued to represent it until 1898, a period of 22 years. During that time he made many friends, not alone among those with whom he was politicaly associated, but by his kindly manner and his sense of humour and his other characteristics he attracted

men from both sides of the House. His particular hobby, as hon. gentlemen who know him will probably know, was free trade, and his speeches were always worth listening to. They were short and crisp, He always had something good to say. I had hoped that we would have his presence for some years to come. Although he had passed the allotted limit of three score and ten by several years, he did not show it, and I had no idea his age was as great as it was. I think I may say to the widow, who was his companion for 57 long years, that we extend her our deep sympathy in the sad affliction so suddenly fallen upon her. She was awaiting him in Montreal at the residence of her son, and could not have been prepared for the terrible calamity which befel her. I may say that the country will recognize the loss they have sustained. He was a public man who always took a great and honest interest in public affairs.

Hon. Sir MACKENZIE BOWELL—I do not know when I received a greater shock than when I read the notice of the sudden death of our late colleague on his journey to the city. I can reciprocate, from my knowledge and acquaintance for some years of one with whom I had the honour of associating with in the Commons as well as in this House, every word that has been uttered by the Secretary of State. A more genial, lovable man in very many respects than Mr. Gillmor I do not think we had among us. He was a man of very strong and decided opinions. He was not what has been termed by some an opportunist. He had strong convictions upon the trade question to which my hon. friend has referred, and he never hesitated to express them in an open, earnest and vivid manner, no matter whether he was attacking the government or his own party, or attacking those who held different opinions. Personally my relations with Mr. Gillmor were of the most friendly character. We often had our little bouts upon the trade question and politics generally, but no matter how much we might differ—and I might say that our opinions were as diametrically opposed to each other as they possibly could be upon some questions that agitate parliament, the fiscal and financial policy of the country,—there was always a kindly feeling exhibited by him to all with whom he was acquainted. He was full of humour. His speeches were terse though not fervent and were what one must admire, expressions of a strong conviction of what he conceived to be right. His position in his own province, as has been mentioned by the hon. gentleman, was of some importance. He represented his county in the legislature of New Brunswick for a number of years. He was provincial secretary. He represented the same county from 1854 to 1896 and it was a surprise to most people, knowing the strong affection of the people for him in the riding, when he was defeated. But that is the fate of many of us, though we may have been in public life for many years. Public opinion may be fickle, and perhaps we may have done something of which public opinion does not approve, when one receives that reward which the people usually extend to politicians. I deeply sympathize with the widow, and that sympathy should be extended by the Senate to one in her position, who had been for over half a century his companion, I personally regret exceedingly his absence from this Chamber. I question whether in any apointment the government may make to fill the vacant position, you will find a more honest, straightforward and conscientious man than our late colleague, Mr. Gillmor.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, April 16, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

SCHOOLEY DIVORCE BILL.

SECOND READING.

Hon. Mr. KIRCHHOFFER—Last night the three divorce Bills which have been reported upon were on the Order Paper for second reading. At my request the second reading was deferred in order to introduce reports upon them, and the second reading was fixed for Monday next. Since then we

have ascertained that some of the witnesses and parties to these suits are coming here and will be here this afternoon, and in order to facilitate the trial of these cases I would ask the hon. gentleman who has charge of these Bills to move that the order made last night be rescinded, and that the Bills be now read the second time.

The SPEAKER—Two motions will have to be made, one for the recision of the order and the other for the second reading, and the first motion must be passed by unanimous consent.

Hon. Mr. PERLEY—I move that the proceedings taken yesterday with reference to Bill (B) 'An Act for the relief of William Francis Schooley' be rescinded.

The motion was agreed to.

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

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

LIBRARY OF THE LATE SIR JOHN BOURINOT.

The SPEAKER—I have received a letter with respect to the library of the late Clerk of the House of Commons, which I would ask to have read and referred to the Joint Committee on the Library, which is to meet to-morrow.

The letter was then read by the Clerk of the House, as follows :—

Ottawa, April 15, 1903.

Sir,—The late Sir John Bourinot had, in the course of many years, collected a very valuable library of historical works, which his executors are desirous of disposing of for the benefit of his family.

The books in question number several thousands and are of a specially valuable character for the purposes of historical research.

Appended hereto are copies of letters from persons familiar with the collection and accustomed to appreciate the value of books.

The object of this letter is to ask your favourable attention as a member of the Library Committee to the proposal of the executors that Sir John Bourinot's collection should be purchased for the public service.

The executors are aware that the Library Committee have no means at their own disposal for the purchase of the collection. But they are convinced that the recommendation of the committee made after due consideration would have great weight with the administration in procuring its consent to the purchase.

The executors would be pleased to exhibit the books in question to any sub-committee that might be appointed to examine them.

Trusting that this application on behalf of the family of so old and admittedly useful a public servant as Sir John Bourinot may meet with your favourable consideration.

We have the honour to be, Sir,
Your obedient servants.
ISABELLE BOURINOT.
E. W. BOURINOT,
Executors.

Hon. Sir MACKENZIE BOWELL—I have much pleasure in moving that the letter just read be referred to the Joint Committee, and in doing so I should be very much pleased—and I think every member who takes an interest in matters of this kind would be pleased—if upon a recommendation the government would bring down in their estimates a sum sufficient to buy the collection. I must confess that to my mind it would be of exceeding value to the country.

Hon. Mr. TEMPLEMAN—I second the motion.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, April 17, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

DELAYED RETURNS.

INQUIRY.

Hon. Mr. LANDRY—Will the hon. leader of the Senate allow me to ask him when it would be convenient for him to lay on the Table the answer to an Address that was voted during the last session relating to the appointment of honorary colonels ? In the month of May last I moved for a return showing the names of all the persons who had been recommended for the position of honorary colonel, or honorary lieutenant-colonel in the militia force. That motion was adopted on the 13th of May, 1902.

Hon. Mr. SCOTT—I will have inquiries made at once.

EXPROPRIATION ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (8) 'An Act to amend the

Expropriation Act.' He said: As the law at present stands, if the Crown desires to expropriate an interest in property, for instance in order to obtain a right of way across property and to use it temporarily for public works, or to use any particular description of property, or a part of what was originally intended, the expropriation involves the whole property and it is desirable to authorize the Crown to take land for a limited time, or to take an easement in land. That is the object of the Bill. When it goes into committee we will have further explanation if necessary.

Hon. Mr. MACDONALD (B.C.)—I should like to ask if the dispute with reference to the Stewart quarry has been settled yet?

Hon. Mr. SCOTT—I think so. He got judgment.

Hon. Mr. MACDONALD (B.C.)—He got judgment, but he could not get his money.

Hon. Mr. SCOTT—I have not heard anything of it lately. He got judgment against the Crown and I think it has been paid.

Hon. Sir MACKENZIE BOWELL—This Bill does not contain the clauses which were inserted in the Bill presented to this House a year or two ago, which the Senate thought so objectionable as to reject it. The present Bill, although I must confess that I am not enamoured of the principle laid down in it, still is of that character not to do the damage to proprietors or to inflict that injury on property owners that the other Bill would have done had it become law. It must have been somewhat gratifying to every member of the Senate who took very strong objections to the other Bill, to find that the present Minister of Justice, in discussing this question and asking the House of Commons to pass the Bill, admitted, by inserting the last clause, that there was force in the objection taken by the Senate when they rejected the Bill having for its object, but to a more extended degree, the principle which is involved in the measure before us. It is well known that the other Bill, not only invaded the rights of property holders, but actually took power to take one's property and remove from the courts rights which were then being contested in the different provinces, thereby making it in effect retroactive legislation. After the leader of the opposition in the House of Commons had called attention to the ill effect which might follow the measure if it were passed as introduced, that pending actions would be removed from the courts, the Bill was amended and provision is made by this last clause that—

> Nothing herein contained shall affect any pending suit or claim.

This renders the Bill less objectionable than the other one. The case to which my hon. friend from British Columbia (Hon. Mr. Macdonald) has just called the attention of the Senate, and the question which he has put to the Secretary of State, was what we had in view when the Senate considered the former measure, and the fact that Mr. Stewart has obtained through the courts of the country a very large award is a justification for the course which the Senate took on the previous occasion. As I have already stated, I think that some trouble—a good deal of trouble—will arise in the working out of this Act, and I have no doubt that not only difficulties, but injuries may follow and be inflicted on property owners, not so much on the part of the government as by government officials. When they ask for the expropriation of properties, they are not very particular, as a rule, as to how long they keep the owners out of the amounts which should be paid to them, and I am very much afraid that there will be delays in settling cases of the kind provided for under this Bill which permits the government to take a man's property, hold it a certain length of time and then go to arbitration, or take some other means of arriving at the damage which has been done to the owner. There are many arguments which I might advance against the principle of the Bill, but it contains a feature also which most people who have taken any trouble to watch the proceedings in cases of expropriation would approve. The great difficulty which presents itself to my mind is the want of thought and consideration on the part of many officials who ask the government to expropriate property. They care very little—in fact I am speaking from experience—they have very little regard for the rights of property owners. Some of them think the country belongs to them, and they take what action they please and settle at their leisure, much to the

damage of the holders of property. The fact that difficulties have arisen in the case to which the hon. Senator from Victoria has called attention is evidence of what I have pointed out. Why should Mr. Stewart, who was to have been deprived of the property he owned by the former Bill, be deprived of the money which was awarded to him by the courts of the country for the length of time it has been, until he has been almost ruined ? These are some of the difficulties which arise. It certainly is a duty which should devolve on the Public Works and upon the Railway Department to settle these questions and pay the money the moment the award is made. Parties from whom contracts have been taken and who have contracts and large bank accounts to meet are not in a position to lie out of the money the length of time they are kept out of it. The interest upon the money they owe the bank is accumulating and running up all the time, and to keep it the way Stewart's money has been kept is tantamount to confiscation, because the banks and creditors are eating up his substance in interest. These are general complaints. I do not say this applies to the present government exclusively. It is a complaint that existed for many years, and where you give the still further power to take, keep and then hand back the property, I am afraid it is only intensifying the wrongs to which I have called the attention of the Senate.

Hon. Mr. MACDONALD (B. C.)—Before the motion is agreed to, I want to direct the attention of the Secretary of State to some objectionable features in this measure which the Bill introduced a couple of years ago contained. Under the second clause, the government expropriate a man's estate and find they do not require the whole of it, and without any payment being made to him, the worthless part is thrown back on his hands. I ask this House, is that a fair or a proper thing to do ? In the case of the Stewart quarry, the government expropriated and said : 'We will keep the best part of it and throw the other part on your hands. We do not want it.' That figures in this Bill, and we think it should not pass. The government did not know at the time what they wanted, but they should only expropriate what they want. The idea of doing so and perhaps keeping a man from making a sale, and then throwing back on his hands what they do not require, is wrong.

Hon. Mr. SCOTT—The Crown pay all the damages. We can discuss it further when we go in committee.

Hon. Mr. FERGUSON—I must say I fully agree with what has been said by the hon. gentleman from Victoria. As has been said by my hon. friend, the leader of the opposition, this Bill is certainly not so objectionable as the similar Bill which was rejected by this House some two years ago, inasmuch as it is expressly stated in clause six that it cannot affect any pending suit, and the first clause of the Bill, I think, is open to very little objection, that is when expropriation is made for a limited time or for a limited estate in the property, and when that is clearly set forth and the owner knows exactly how his property is taken, but under clause two of the Bill it is provided that even where the government have gone in and have taken the property absolutely, made an absolute expropriation, it is still open to them at any period up to the time the actual compensation is paid, to throw that property back on the owner's hands. It is easy to understand how very great abuse and hardship may arise under the operation of that clause of the Bill. A man has his property absolutely expropriated as he thinks. It may be a property that is essential to him in the conduct of his business. He has to acquire other property. He goes and acquires other property, and expends a large amount of money. After all that is done, although the government had it in view from the first, or even if not, they may change their minds and throw it back on his hands, and I question very much whether the owner could possibly come in for compensation for the injury and for the loss he has sustained in acquiring other property to go on with his business. I may not understand the second clause, but if it is as I understand it, that the government may absolutely expropriate the property and at any time before the compensation is paid, perhaps years afterwards, after the man believes he has lost his property and when he has been compelled to acquire other property to carry on his business, and after he has acquired the other property, the government can throw

this property back on his hands—if that is the effect of this Bill, it must be still a bad measure for the House to pass.

Hon. Mr. SCOTT—If a part of the land is returned, that has to be taken into consideration by the arbitrator who settles the damage. Of course all incidental damages must be paid, no matter of what character. If the Crown only takes a portion of the land it becomes responsible for incidental damages. In case, for instance, a man is obliged to buy other property, if the Crown throws the property on his hands that is a matter for consideration, and as far as my experience goes, the Crown pays, in ninety-nine cases out of a hundred, from a half more to double the real value of the land. That has been my experience, both with expropriations by the Crown, and by railways, and I have had some experience in those cases. I do not think there is any fear that anybody is going to suffer by this Bill. I quite admit in that unfortunate case of Stewart's a degree of feeling happened to arise between some of the officials and Mr. Stewart, and they had a very warm contest over it. They drew in other people, and created a great deal of irritation, because in the end it was shown that Stewart had not been fairly treated. The courts provided a remedy. That is only an isolated case. It is not likely to arise again. It is the only individual case I have heard of where there was any complaint that the Crown did not pay full compensation for the loss.

Hon. Mr. LOUGHEED—Might I point out to my hon. friend the desirability of his considering the propriety of amending this Bill in some way to meet this particular difficulty which has arisen on other occasions, namely an immediate payment by the government of the award which may be made by the arbitrators. Frequently cases have happened in which lands have been expropriated by the Crown where payment of the money has been delayed, not only for a year but for several years. Now, it seems to me that provision is being embodied in this Bill by which the Crown, in anticipation say of an early abandonment of the part of the property, or the whole of the property, may possibly postpone payment until they determine whether they will exercise their right to abandon, and thus revest the property in the owner. There is no reason why this license should be given to the government of thus permitting postponement of payment until it is determined whether that right will be exercised. One can readily conceive the difficulty which arises in recovering from the Crown money which may be awarded by any system of arbitration, and as the hon. gentleman from Belleville (Sir Mackenzie Bowell) has pointed out, as no interest is allowed by the Crown where property has been expropriated, and where an award for the payment of money is made, it seems to me there should be some provision by which the public would be guaranteed against postponement of payment, which applies, not exceptionally, but frequently, as against the Crown. I have known cases where the Crown has retained moneys of persons and corporations for years; in fact, there is a case before my mind at the present where the Crown has retained a large sum of money, the property of a corporation, which they received in hard cash, and up to the present have not paid back. Twenty years have gone by, yet that corporation cannot recover one cent of interest from the Crown, although that sum of money was to have been placed in the estimates on three occasions, and is admitted to be due by the Crown. As the Exchequer Court Act is being amended, it seems to me that the public should have the same right against the Crown with reference to the payment of interest and immediate payment of any indebtedness acknowledged by the Crown as between individuals, and which can be enforced in a court of law. There is no reason why this should not be done. There is no reason why the Crown should be entitled to more sympathy or broader rights than the public, and yet this extraordinary fact obtains, that the Crown may hold money of individuals for years, and yet not be answerable for a cent of interest. My hon. friend would do a very wise act, one which would meet with public approval, if he would have this Bill amended in such a way that interest could be awarded against the Crown, as against individuals.

Hon. Mr. SCOTT—I think where a judgment is obtained against the Crown interest is paid. There very often arises a delay in consequence of the Crown not being satisfied with the title, and acting under legal advice

would not pay over the money until the title is made perfect. It is only under such circumstances the delay could occur. If the hon. gentleman will give me the instance to which he refers I will inquire about it.

Hon. Mr. LOUGHEED—As a matter of right, you cannot recover against the Crown. It would be only in case of special contract, or statutory enactment, interest could be recovered; but in the absence of any special provision, you cannot recover interest.

Hon. Mr. McLAREN—Does this Bill apply to property of corporations ?

Hon. Mr. SCOTT—It applies to all cases where the Crown expropriates the land for public purposes.

Hon. Mr. McLAREN—Railway charters ?

Hon. Mr. SCOTT—No.

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

CIVIL SERVICE SUPERANNUATION ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (49) 'An Act to amend the Civil Service Superannuation Act.' He said: In adjusting the superannuation allowance usually paid to those in the Civil Service, the Treasury Board have interpreted the law so as to allow the civil servant, who is being superannuated, the full year if more than six months of the current year has expired. If less than six months is up at the time, then that year does not count. It has never been enacted by statute, and it is thought well to confirm that practice and provide that hereafter in all cases where an official leaving the government service has served in the current year for over six months, to give him the benefit of the whole year, and if less than six months, the current year does not count.

Hon. Sir MACKENZIE BOWELL—I look upon this Bill as merely making law what has been the practice since confederation. The practice of the department has been that when an officer was superannuated, if he had been fifteen years and five months in the service, the five months would not be counted. This Bill provides that it shall not be counted. If, however, he had been seven months beyond the fifteen years, then he would be superannuated for sixteen years and not for fifteen. I notice that the latter clause confirms the practice which has been in operation since confederation. That seems to be about the whole provision of the Bill.

Hon. Mr. SCOTT—That is the whole of the Bill.

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

RAILWAY SUBSIDIES ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (2) 'An Act to amend Chapter 8 of the Statutes of 1900, authorizing the granting of railway subsidies.' He said : I was under the impression that this was a government Bill when it came down, but it appears it was in Mr. Charlton's charge. The existing Act authorizes the payment of subsidies to be made when the road is completed, or when ten miles are completed, or when a certain amount has been expended on the road, when, in the opinion of the chief engineer, the work has been so far carried on that it may be safe to advance $60,000, having in view the amount of work done and the probability of its being completed. It is proposed by this Bill to authorize payment of a less sum, $30,000.

Hon. Sir MACKENZIE BOWELL—To meet the case of short railways, where the subsidy is not very large.

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

YUKON TERRITORY ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. TEMPLEMAN moved the second reading of Bill (9) 'An Act to amend the Yukon Territory Act.' He said : I understand that in the Yukon Territory some difficulty has arisen as to the attendance of jurors. In some districts of the Yukon, where there are large numbers of United States citizens—probably where they predominate—the number of times British sub-

jects have to serve is very onerous—sometimes five or six times consecutively, and some of them probably get out of serving on juries. As only British subjects can serve, it has become a somewhat onerous duty on those who are compelled to serve. The object of this Bill is to give the Yukon government power to pass ordinances dealing with juries, in order that all British subjects shall be required to take their turn in serving their country on juries.

Hon. Mr. MACDONALD (B.C.)—Is it confined to British subjects entirely ?

Hon. Mr. TEMPLEMAN—Entirely. Only British subjects can serve in the Yukon district.

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

BILL INTRODUCED.

Bill (D) 'An Act intituled an Act respecting Union Labels.'—(Mr. Watson.)

The Senate adjourned.

THE SENATE.

Ottawa, April 20, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

NEW SENATOR.

Hon. JAMES DOMVILLE, of the city of St. John, N.B., was introduced and took his seat.

CLASSIFICATION OF POSTAL MATTERS.

MOTION.

Hon. Mr. LANDRY moved :

That a humble Address be presented to His Excellency the Governor General ; praying that His Excellency will be pleased to cause to be laid before this House a statement showing all the changes brought about in the classification of postal matters, as well as in the tariff for the carriage of these matters, to Canada and from Canada abroad, since 1896, specifying in so many distinct columns :—

1. Each postal matter which has undergone a change in classification or in tariff.
2. The class which it occupied in 1896.
3. That which it occupies at present.
4. The rate of carriage which it paid in 1896.
5. That which it pays at present.
6. The date of each change.
7. The authority in virtue of which each change has taken place.

Hon. Mr. SCOTT—There is no objection to the motion going.

The motion was agreed to.

THE LATE SIR OLIVER MOWAT.

Hon. Mr. SCOTT—Before the Orders of the Day are proceeded with, I desire to call attention to an event which has occurred very recently in the city of Toronto. Though it has not been the usual practise, in this Chamber, to make any reference to deaths of distinguished Canadians who were not at the time of their death members of this body, still on the present occasion I think a departure from that rule may be amply justified by the fact that Sir Oliver Mowat was so intimately connected I may say with the history of this country for nearly half a century. It is only proper, therefore, that parliament should, on the occasion of his death, call attention to his past life as a deserved tribute to his memory. Mr. Mowat was elected to parliament in 1857. He was a member of that parliament which was pregnant with great events in which many distinguished men figured. I may observe that for a period of ten years before confederation the country seemed to have produced an unusual number of distinguished men. No doubt the occasion brought them forth; very many important questions arose, more particularly representation by population and kindred subjects, which led afterwards to the consolidation of the Canadian confederation. Among the distinguished men who figured in the parliament of that day, Mr. Mowat was early recognized as an able lawyer, a man thoroughly versed in the constitution of the country, and was noted for the able manner in which he shared in the debates. I may refer briefly to the men who were in that parliament as showing the peers that met him. There were Sir John Macdonald, Sir George Cartier, Sir Alexander Galt, Mr. Dunkin, Sir Hector Langevin, Mr. Sicotte and a number of others whose names are well known to hon. gentlemen. On the

other side—that is the Liberal side—there were Geo. Brown, Mr. Dorion, Sandfield Macdonald, Thos. D'Arcy Magee, Wm. Lyon Mackenzie, the Hon. Wm. MacDougall and many other distinguished names. It was certainly a keen competition for any man to encounter and to come forward where there were such distinguished men already in parliament. The government of the day were defeated in the month of July, in the long parliament which sat from February until August, on the question of the seat of government, and a new administration was formed of which Mr. Mowat was a member. I need not make any reference to the fate of that administration, which lasted but a short time, as a vote of want of confidence was passed, which led to the 'double shuffle' which afterwards occurred. Mr. Mowat was elected to parliament in 1861 and also the parliament later in 1863. During that year the government of Sir John Macdonald was defeated and a new administration was formed known as the Sandfield Macdonald administration, of which Sir Oliver Mowat was Postmaster General. He remained in that important position until the meeting of those who drew up the preliminaries of confederation. Sir Oliver Mowat took part in the conferences of that time late in the year 1864. Before things were finally completed the late Sir John Macdonald offered Sir Oliver Mowat, who was then Mr. Mowat, the position of Vice Chancellor of Ontario, which he accepted, and for eight years he discharged the duties of the able judge of that court winning the approval of suitors and the applause of the bar who appeared before him. He was a man, as we all know from his presence for a time in this Chamber, of very studious habits and a very conscientious turn of mind who gave the best thoughts of his mind to every matter which came before him. In 1872 he retired from the bench and accepted the position of premier of Ontario, and it is an uncommon thing in the history of constitutional government that for twenty-four years Sir Oliver Mowat, with elections happening every four years, maintained the confidence originally placed in him. He retired from that position of his own free will, not as a defeated man, and during that long time, a quarter of a century, he received the confidence of a majority of the people of Ontario. No greater tribute could be paid to any man than the evidence I have given of his popularity during that long term. It is to his credit that during that period very many constitutional questions arose as to the prerogative between the Dominion and provincial power, and I need not add—it is a matter of history—that in nine-tenths of all the cases that went to the Privy Council, Sir Oliver Mowat's view of the constitution was sustained. I have no doubt that endeared him to the province of Ontario. The people were proud of their premier and more especially in his successfully sustaining his view in reference to the western and northern boundary of the province, by which a very large slice of land was added to what was thought to be the region of the province of Ontario. I need not refer to his retirement from there and his acceptance of the office of Minister of Justice in the administration of Sir Wilfrid Laurier. During that period he had a seat in this body, and hon. gentlemen who were in the Chamber at that time will recognize the respect which was always paid to his opinion, and we all felt that he spoke not so much as a politician as from the standpoint of a statesman who desired to express an honest and fair view wholly irrespective of the political consequences of the opinion he might hold. Having myself been associated with him on many occasions, having been in parliament with him in 1857 and for some years after, and a member of his government in 1872, and nearly a quarter of a century afterwards his colleague in the government of Sir Wilfrid Laurier, I had an opportunity of judging of his characteristics and I do say this, I know of no man who was actuated by higher principles than the late Sir Oliver Mowat whose anxious desire was in all matters relating to state affairs to do justice to all irrespective of the consequences. He was exceedingly conscientious. As hon. gentlemen know, the epithet of 'the Christian statesman' was applied to him, not in seriousness, but ironically, on the theory that in the turbid waters of political warfare no man could carry out his own conscientious views in connection with the political party with which he happened to be associated. His life has been of value to this country. All classes unite in recognizing it as a valuable one to Canada,

and he has left behind him a noble example. His funeral will be on Wednesday, and in view of the desire of some hon. gentlemen to attend, I shall propose that when the House adjourns to-morrow it stands adjourned until Thursday at 3 o'clock out of respect to the late statesman and that as many hon. gentlemen as can may attend the funeral on Wednesday at 3 o'clock. The motion I presume will be seconded by my hon. friend, Mr. Ferguson, in the absence of Sir Mackenzie Bowell, I regret to say who, is absent; I am sure he would have been present to-day had he known of this event in time. It has come unexpectedly and therefore the matter cannot be postponed.

Hon. Mr. FERGUSON—I regret very much that the leader of the opposition is not in his place. I am very sure had he known this important duty was to be performed to-day he would have endeavoured to be present. He could speak, no doubt, with very much greater information than I can with regard to the life and character of Sir Oliver Mowat, as he was very much more his contemporary and lived in that part of the Dominion through which Sir Oliver moved during his long political career. Nevertheless, I have very great pleasure indeed in endorsing and reiterating the sentiments which have been so feelingly expressed by the hon. Secretary of State with reference to the departed statesman. He has played a very important part in the history of this country, and his memory is to-day part of our public heritage. As to his pre-confederation services, I am not very conversant with them, nor even with the part which he performed with reference to the framing of the constitution of Canada, further than to know that he was a member and, I believe, acted as secretary of the conference at Quebec; but from that time forward I have observed his political career with a great deal of interest and, although from a different standpoint, in many respects with a great deal of admiration. The part which Sir Oliver Mowat performed with regard to great public questions in Canada is probably of more importance to the country in the end than the part which he performed in matters of administration. I can remember very well a period about a dozen years ago when the public mind was a great deal exercised over the question of our trade relations with the United States, and when it was feared by a good many people that a trend and tendency was being given to political advocacy in this country that would lead ultimately to a feeling in favour of annexation to the United States, Sir Oliver Mowat took the same stand as Alexander Mackenzie did, and that his voice and influence were adverse to the discussion of any question in relation to our trade relations that would endanger our connection with the empire to which we belong. And I remember also very well—my hon. friend the Secretary of State will, I dare say, even remember it better than I can—that Sir Oliver Mowat exercised a great deal of influence with his own party at that time with regard to questions such as unrestricted reciprocity with the United States, and that his address at the convention of his own party, which was held at Ottawa in the year 1893, which I have looked over carefully not very long since, was a very able, and wise effort on his part, and I believe it is not too much to say that he kept his party steadier on that question than they would have been had he not been amongst them. Later on, as we know, he came into this body, and notwithstanding the rapid strides that death has made amongst us, there are many in this Chamber who sat here and participated in the deliberations of this honourable House while Sir Oliver Mowat led it from the other side. When he entered this House hon. gentlemen may remember that his position was one of very great delicacy. A large majority of the members of this House had been appointed by the previous administration, and had sympathized with the policy and views of the party that had then gone out of power, and it was a matter of very great pleasure to gentlemen sitting on this side of the House at that time that a gentleman was called on to lead the Senate in the interests of the government who showed so much wisdom, so much moderation, so much kindness and consideration to those who were politically opposed to him. My hon. friends here I am sure have not forgotten it. On the occasion of a good deal of excitement, arising over the action of this House in the rejection of the Drummond County Railway Bill,

Sir Oliver showed a great deal of caution, care and discretion in the manner in which he conducted the affairs of the House. In other hands, a very grave crisis might have arisen at that time. I do not know that there ever was a gentleman in public life that I was opposed to, for whom I had so kindly a feeling as I had for Sir Oliver Mowat. His treatment of me in the Senate was very considerate. When we met to discuss public matters, sometimes not across the floor of the House, and in our social relations, his treatment of me was of the very kindest nature, I have great pleasure in endorsing the sentiments expressed by the Secretary of State, and in seconding the motion that when this House adjourns to-morrow it stand adjourned until the day after Sir Oliver Mowat's funeral.

IMMIGRANTS FROM EUROPE.

Hon. Mr. MILLER—Before proceeding to the Orders of the Day, I should like to call the attention of the government to a somewhat startling paragraph in a Toronto paper, the 'World.' It is as follows :—

This is Pleasant.

From a Canadian resident in Sweden, the Manufacturers' Association has received the following clipping from a Stockholm paper, with the query as to whether Canada is to become the dumping ground of the scum of European prisons. 'Released prisoners for Canada —On Tuesday evening last, eight prisoners from Horsen's penitentiary left for Esbjerg, from whence they are to be despatched, together with some more prisoners from Vridslose, for Canada, where they have obtained work at railway building and on farms. It is intended to despatch other prisoners from the Copenhagen prison.'

We certainly desire all the immigrants we can get in this country, and Canada is very well advertised just now in Europe as a desirable home for emigrants, but certainly we do not wish to have our country, or any part of it, but more particularly the Northwest, settled by the scum of European prisons, and if anything can be done to stop such an undesirable element from obtaining settlement in Canada, it is as well that the government should use every means in their power to do so. I am not aware that the government really has any special means of stopping such immigration as is here indicated, but if they have not they should devise some means to check it. I may remark, while I am on my feet, that I heard some months ago that a very extraordinary decision had been given in one of the Ontario courts, by a county court judge, I think it was a county court judge of Brockville. I do not want to say anything prejudicial to that gentleman, without knowing whether the newspaper report was correct or not. I took no means of ascertaining if it was, but that judge having two culprits before him, let them away on suspended sentence on condition that they go to the United States. I think that was a most unwise and improper thing for any judge to do.

Hon. Mr. SCOTT. Hear, hear.

Hon. Mr. MILLER. It was likely to have a bad effect on the United States, where they only want to have some pretext of that kind to enable them to enforce even more harshly than they have been doing heretofore, the alien labour laws of that country. I do not know whether the government thought it their duty to bring that judge to account for his conduct or not, but it was a bad precedent to set and it may be quoted against us now. I should like to know whether the government have had their attention drawn to this last startling announcement, and if they have any means of meeting it, and if not, if they intend to introduce legislation with that object in view ?

Hon. Mr. SCOTT. I have not seen the paragraph quoted from the Toronto 'World,' nor do I think my colleagues have, as our attention has not been called to it. The time has come, I think, when the merits of Canada as a country for settlers from Europe has become known, and we can afford to discriminate as to the class of people we will receive. They are coming in now in vast numbers—much larger than in previous years—and, therefore, we are in a position to admit only those who will make desirable settlers. Speaking entirely from memory, I think there is already on the statute-book, authority to stop at the port of entry any undesirable immigrants. If there is not, certainly the sooner a law of the kind is adopted, much on the lines of that in force at the port of New York, the better. My own impression is, an examination is made now at the ports of entry, Quebec, Halifax and St. John, where the immigrants arrive. It is made, I think, jointly with the immigration agent of the United States, because

it is alleged many undesirable immigrants get into the United States through Canada, or rather that was the fact two or three years ago, and so the United States have placed agents at different ports in Canada with a view of examining immigrants as they arrive. That assists the Canadian agent in order that he may fairly inquire if the immigrant is of an undesirable class. If so, he can be returned to the country from which he came.

In regard to the Brockville instance, the attention of the government has been called to it, and I think the matter is under the consideration of the Department of Justice, and an inquiry is being made. It was a highly improper thing for a judge to do. It must have been done inadvertently, without giving the matter thought, but it is a very serious decision, because it justifies the action of the United States in making reprisals by throwing into Canada very undesirable immigrants.

THE BARR COLONY SETTLEMENT.

Hon. Mr. WATSON—Before the Orders of the Day are called, I wish to direct the attention of the Senate to a very important matter. A debate arose in this House on a question of privilege, last Wednesday evening, the 15th instant, re the Barr colony settlement. Hon. gentlemen will remember I took exception to the remark of the hon. gentleman from Calgary, because I thought he was making an alarmist speech which could be used to prevent settlers going to the North-west. I have no fault to find with the original report of these proceedings, but I find in the revised 'Debates' a change made which certainly alters the whole discussion—in fact, the debate would not have arisen if the speech as revised had been made by the hon. gentleman from Calgary as it appeared in the revised proofs. I find in the unrevised edition the hon. gentleman went on to say:

> The greatest difficulty prevails at the present time in getting the necessary supplies to live, not for comfort but simply to have their necessities satisfied. It is unfortunate that at the present time the Minister of the Interior is absent in Europe. I would point out to the government that this is really a very much more important question, not only to the North-west Territories, but to the whole Dominion, than the Alaskan boundary question. If destitution should prevail in that colony it will set back the interests of the North-west Territories for a number of years. Considerable distinction may be drawn between those particular emigrants to which I have alluded and the United States emigrants, who are familiar with the conditions of the country and come prepared to meet all the adverse circumstances which may arise in a new country. Consequently our sympathies do not naturally go out to people who are thus prepared to accept and meet all adverse conditions; but there are few emigrants so helpless as the English emigrant landing on our shores. He is not familiar with the conditions which obtain in this country. He has been living under fairly comfortable conditions and expects to have all the comforts of civilization, and we very well know that if those are not accorded him he is the very prince of complainants—in fact of grumblers—and we know what the consequence will be. I have mentioned already that very serious complaints are being sent to the English press on account of the lack of preparation being made for their reception. This settlement, unfortunately, is one of those movements which periodically seize the people of England in the matter of emigration. Emigration in England usually, instead of being conducted on a business basis, emanates from benevolent or philanthropic movements; consequently we find the present condition of things obtaining in the colony to which I have alluded.

Referring entirely to the colony which Mr. Barr was settling on the Saskatchewan. I find in the revised edition that a great deal of the importance of this matter has been dropped. The hon. gentleman, in his speech, saw fit to give an illustration of the importance of this matter, I suppose to call attention to the fact that the Minister of the Interior was absent from Canada. I made it my business to inquire at the department, as the hon. gentleman could have done, and I was satisfied the officials were attending to all requirements, and in no case was the attention which should be given to immigrants neglected. I find in the revised edition the following important paragraph is left out of the speech altogether:

> I would point out to the government that this is really a very much more important question, not only to the North-west Territories, but to the whole Dominion, than the Alaskan boundary question.

That was dropped out. Hon. gentlemen will remember when I made reference to the hon. member's use of the word 'helpless,' referring to these English immigrants, the hon. gentleman rose in his place and said:

> I must not permit the hon. gentlemen to absolutely falsify and misrepresent what I said. I never said anything of the kind.

The unrevised Debates, which I see is correct, is as follows :

There are few emigrants so helpless as the English emigrant landing on our shore.

That was the hon. gentleman's statement, but I find in the revised edition this change:

But there are few emigrants so helpless as the English or European emigrant.

The European emigrant was not discussed at all. The Barr colony was the only one that was referred to. I consider it an unpatriotic statement, an alarmist speech, one that might tend to counteract to some extent the efforts of the government to introduce emigrants into the North-west. If we are to have a 'Hansard' it is important that it should be a reliable record of the statements made here. It costs about $10,000 a year, and if it is not a correct record it would be better to abolish it.

Hon. Mr. LOUGHEED—I beg to congratulate the hon. gentleman from Marquette upon having made a declaration, so to speak, of an office which he has assumed for some time—in fact since his advent into this House—namely, the censor of the House, and general party whipperin. I have had occasion to know that my hon. friend was looking for political material by reason of a speech or a few remarks I made the other night, not in a censorious spirit, but for the purpose of directing the attention of the government to what has appeared throughout a large part of the Canadian press, namely, of the fact that too much attention could not be given to make the advent of the Barr colony into the North-west Territories as free from hardship as could possibly be done, with a view to alleviating much of the difficulties they would necessarily have to face as newcomers into this country. I had no sooner made those remarks, as I said entirely devoid of censoriousness, than I congratulated the government at the time on the excellent work they had done in immigration, particularly within the last year or so. I voiced the opinions of the people of the North-west with reference to that particular action, but I had no sooner taken my seat—and I appeal to hon. gentlemen in this House as to the accuracy of my statement, than the hon. gentleman from Marquette did entirely distort almost every statement I made, for the purpose of making political capital out of remarks which I certainly made in a patriotic spirit.

Hon. Mr. WATSON—Why did the hon. gentleman correct his speech and leave part of it out ?

Hon. Mr. LOUGHEED—I contradicted the remarks which the hon. gentleman attempted to ram down my throat with reference to this Barr colony, yet he persisted in repeating his assertion notwithstanding my denials. Now we find him taking the position that I altered the few remarks that I made in the Debates. I did make the remark that it was unfortunate that the Minister of the Interior was in Europe, entrusted with the Alaskan question, and not on hand to look after this important duty, and I said at the time that I regarded the question which was then before the House, and to which a very great deal of attention was given in the public press, as very much more important that the Alaskan question, and I say it yet. I say that no question is more important to the people of Canada to-day than the very question to which we made allusion the other night, that every step possible should be taken to make the reception of those Barr colonists—not only those, but the tens of thousands of immigrants who are coming into the North-west Territories, of such a character as to leave a favourable impression on their minds, so that they might communicate with their friends in Europe and the United States on the desirability of this country as a place for settlement. Is it not much more important that that question should receive attention than that Mr. Sifton, at such an important time in our western interests, should be dealing in Europe with the question of the delimitation of the Alaskan boundary ? I did strike out, when I received a copy of the unrevised report, that remark as to the Alaskan question. Why did I do it ? I had a right to do it if I chose to do it, because the greatest latitude is given to the revising of debates in Hansard, and I will say, although the hon. gentleman may not know it, this is the first time the House has had attention directed to such a subject Was it out of solicitude of the Minister of the Interior the hon. gentleman drew attention to

my remarks about the Alaskan question? I consider the Minister of the Interior was in Europe at the instance of this government, and properly there. It possibly may have been unwise or impolitic for me, at the time, to direct any blame to the minister for being in London instead of here, but that is a matter entirely for the government and not the Minister of the Interior; but certainly the Minister of the Interior could be performing much more satisfactory and substantial duties to the people of Canada in exercising that knowledge which he himself possesses, and which I know the Postmaster General, now the acting minister, does not possess, with reference to the requirements of immigrants from Europe and the United States into our North-west. But, as I said, I considered it advisable in view of the very contentious features of the Alaskan question that that phase of it should be dropped. Does that in any way warrant the position taken by the hon. gentleman from Marquette? What had that to do with the debate? In what way was that a salient feature of it? In what way did that enter into or become incorporated with the question we were discussing, and so far as the other statement is concerned, I say now that I was perfectly justified in putting in European immigrants, because that is what I mentioned.

Hon. Mr. WATSON—No.

Hon. Mr. LOUGHEED—I say yes.

Hon. Mr. WATSON—I say no.

Hon. Mr. LOUGHEED—My word is probably quite as good as that of the hon. gentleman from Marquette. What I was dealing with, and hon. gentlemen who heard me will bear me out, was this: I was dealing with the European immigrants coming into the North-west Territories having to be confronted with conditions of which they knew nothing and which were entirely foreign to those under which they had lived in England or Europe, and I was pointing out to the House that that class of settlers demanded much closer attention at the hands of the government than settlers from the United States coming from conditions similar to those which prevailed in the North-west Territories. If my hon. friend fancies that he may be able to make a little political capital out of my remarks when he proceeds to traverse the North-west by endeavouring to arouse an inimical feeling in the minds of English immigrants by quoting my remarks, he can do so. I tell the hon. gentleman I am perfectly content to limit the statement, if he thinks in his political journeyings it will be serviceable to him, to the English immigrant by saying he is very much more helpless than the immigrant from the United States when he first arrives in the North-west. If that will give the hon. gentleman the political capital he desires and appease his disappointment and make for him political capital, he can take what comfort he chooses from it. Permit me to say that I think a perusal of the unrevised debates since I have been in the House, will show that I have made very much less changes in the reports of my speeches than many other hon. members, including the hon. member for Marquette, have made in theirs.

Hon. Mr. MACDONALD (B.C.)—There is nothing before the House, and I cannot see what is to be gained by proceeding further with the discussion.

Hon. Mr. YOUNG—I rise to speak to the question of order. My hon. friend the member for Marquette (Hon. Mr. Watson) rose to a question of privilege, and called the attention of the House to a matter which is of sufficient importance to warrant it being classified as a question of privilege, that is, whether or not it is important for this honourable body to have a correct record of the words spoken by hon. members in this House or not. My hon. friend from British Columbia apparently wishes to shut off discussion, but I think it only fair that further explanations should be given, so that the House may be properly seized of the whole circumstances. However, as a point of order has been raised, I await the decision of the Speaker, and if it should be considered, as I think it will be, a matter of privilege, we will have a right to discuss the subject at greater length, than it has been so far.

Hon. Mr. FERGUSON—The hon. gentleman is very kind to invite a ruling of the Chair after he has made his speech. Why did he not await the ruling of the Chair before making his speech?

Hon. Mr. YOUNG—When a point of order is raised we have not only a right to discuss it, but we have a right to cite authorities.

Hon. Mr. FERGUSON—The hon. gentleman must know that under a strict ruling he can discuss the point of order, but not the matter which was before the House, which he has done. I may say, however, for the benefit of the hon. gentleman that he is not by any means so great an authority on the rules and practice of this House as he imagines he is. The fact is, the freest possible discussion has been allowed in the Senate, and it is the pride of this House that such latitude is given. The Senate is modelled on the practice of the House of Lords, where great latitude is allowed, and not on the practice of the House of Commons. An hon. gentleman coming from a provincial legislature, where he is acquainted with the rules of that body, should not try to enforce them on every occasion in this House. My hon. friend rises very often to interpose views which apply to the rules of a legislature of a province, but which are out of place in this House. I think it is lowering the dignity of the Senate to introduce here a practice which is not at all uncommon in the House of Commons, where members rise and make captious statements about the manner in which the Hansard reports are revised. I have been in the Senate ten years, and have never known until now, an instance in which it was done in this Chamber. Great latitude has been allowed to members of the Senate in revising their speeches. I remember one occasion when a very important question was before this House and I had corrected the report of my speech and wanted to get a corrected copy to send to one of our newspapers in Prince Edward Island, but I could not get it for nearly a week. I made inquiry of the Queen's Printer as to the cause of the delay and learned that a gentleman on the other side of the House had made a speech preceding mine, and had received an unrevised copy and taken it home with him for the purpose of revising it. He sent back, I was told, almost an entirely different speech from the one which he had delivered in the House, and the Queen's Printer told me that on that occasion he had shown the whole thing to the Secretary of State. I had no desire to prevent this honourable gentleman from setting his views before the House, as he desired they should be. I was only anxious to get my own speech for the purpose which I have mentioned. I did not raise any question about it in the Senate, and, in fact, no such question has ever been raised in this House to my knowledge, before this present occasion. I cannot understand why the hon. member for Marquette has proceeded in this matter as he has done, or why he presses it so persistently. I think I will be sustained by reasonable members of this body, such as the Secretary of State, when I say that my hon. friend from Calgary (Hon. Mr. Lougheed) was not unreasonable in his statements, that he was friendly to the government in his remarks and gave them credit for what they had done, and only wanted to point out that great care should be taken to guard against these important settlers being discouraged by unnecessary hardships and difficulties. That was the substance of his speech, but my hon. friend from Marquette (Hon. Mr. Watson) wanted to make political capital. It is just possible that there may have been some other cause for the hon. gentleman's adverse and unfair criticism of the remarks of my hon. friend from Calgary. I remember when I was in Manitoba some eight or ten years ago, I heard a very good story of a statement that had been made by a former member of parliament who lived out there. It was up at Lake Manitoba, where people make a living largely by fishing. A stranger who had come into the country asked: What do people up here live on? The reply was: Fish and strangers, principally on strangers. My hon. friend on my right (Hon. Mr. Lougheed) spoke words of warning to settlers, that they were not to be imposed on by sharks, who are to be found in the North-west, and it may possibly be that it was in the interest of some such people that the hon. gentleman from Marquette (Hon. Mr. Watson) made the speech he delivered here severely criticising my hon. friend from Calgary, lest settlers might be warned against those people who subsist on strangers in that part of the Dominion.

Hon. Mr. YOUNG—If I had any diffidence in rising to make some remarks before the speech of the hon. gentleman from Prince Edward Island, I think I can proceed now with safety. The hon. gentleman criticised me for speaking on a point of order, and then immediately rose and made an oration and also favoured the House with a story which no doubt was very well received. I therefore take the liberty of making a very few remarks with reference to the question raised by the hon. gentleman from Marquette. I can do so now, following the example of an old parliamentarian. My hon. friend from Calgary misinterpreted the intention of my hon. friend from Marquette and placed him in a wrong position before the House. My hon. friend from Marquette called attention to the fact that the Debates had been altered to such an extent as to leave out certain portions of a speech made by the hon. gentleman from Calgary, and to add something else which he did not say in the House, with the result that it made the rest of the discussion appear ridiculous. That was the point my hon. friend wished to emphasize, and he desired to call the attention of the House to this matter, because the Hansard is looked upon as being an accurate record of what is said in the Senate. My hon. friend from Calgary admitted that he had altered Hansard, he could not do otherwise because the hon. member from Marquette had in his hand a copy of the unrevised edition which he read to the House, showing such a vast difference between the unrevised and the revised editions as absolutely to change the whole nature of the speech.

Hon. Mr. LOUGHEED—Will my hon. friend point out in what way the omission of the remark about the Minister of the Interior being in London attending to the Alaskan question will change the character of the debate? Is it pertinent or germane to the government looking after immigrants on their arrival in the North-west? If my hon. friend will point out wherein any substantial difference arises I certainly, and I think the House, will have light on the question which they do not enjoy at the present time.

Hon. Mr. YOUNG—My hon. friend has emphasized a point which we cannot allow to pass without notice, which is that the Alaskan boundary question is of minor importance compared with the presence of the Minister of the Interior here to oversee the settlement of the Barr colony. Canada in the past has had reason on more than one occasion to complain of decisions which have been made with regard to boundary questions that have arisen from time to time. We have had reason to complain that we have not altogether had that justice done that we thought we were entitled to, and I am sure my hon. friend does not reflect the feelings of the people of Canada when he says that this Alaskan boundary question is not looked upon as an important one, I am sure every Canadian hopes we will have justice done in the settlement of the Alaskan boundary, and wishes that the best possible case may be made out, so that when the matter comes up for decision, Canada will at least have her case carefully and properly prepared by men who understand the circumstances, and I think he will admit that there is no one better qualified to present our case than the hon. Minister of the Interior who has taken such a keen interest in the question and has such a knowledge of the dispute from the Canadian standpoint. And further, he must admit, as a resident of the North-west, that the hon. the Minister of the Interior has administered his department in such a way as to bring about this large influx of settlers that is now pouring in from all quarters into the North-west. But while that is a fact, it does not alter the point raised by the hon. gentleman from Marquette, that the report of the hon. gentleman's speech in the Debates has been changed to such an extent that he was justified in calling the atention of the House to it so that in future the record may be a fair and reasonable record of the debates of the Senate. I do not wish to detain the House any longer, but I desire to point out that the hon. gentleman from Calgary has not been fair to my hon. friend from Marquette, and therefore I am justified in saying what I have said.

Hon. Mr. ELLIS—There is a discussion proceeding in the House with regard to a revision of an unrevised edition of the Debates. I regret that the Chairman of the Debates Committee is not here. I am a member of the Debates Committee, but I

am not aware that there is an unrevised edition of the Senate Debates. I should like to know just where the matter stands. As I understand, members are furnished with proofs of the reports of their own observations, which they may correct, but there is not laid before the House in any way an unrevised Hansard.

Hon. Mr. PERLEY—Last February I was written to by the gentleman who has charge of some of the settlers going into the district referred to by the hon. gentleman who has just addressed us, inquiring as to the best way of going there. He had two routes described, one to go to Edmonton, and from that point proceed down the river, the other to go by train to Saskatoon, and from that point to go into the settlement. I wrote him back by all means to go by way of Saskatoon, and I added 'Before you attempt to do so, see that you have proper preparations made for these people coming into the country. In the first place you will find persons there with horses to sell, and they will ask two prices for them. Extortionate prices will be charged for everything you require, and you will find travelling a hundred and fifty miles over the prairie in the spring of the year will be a difficult thing to accomplish, and you should therefore make every preparation for the convenience and comfort of the settlers going in there.' That is what I wrote to the gentleman. I was very much pleased to hear my hon. friend bring to the attention of the government the fact that greater hardships will be endured by those people under present conditions than if proper precautions had been taken. Last Sunday week I happened to be in the house of a neighbour in Wolseley who told me that he had received a letter from a friend at Saskatoon, stating that there was two feet of snow there yet, and that immigrants were suffering severely because they had not proper accommodation, and the people were hoping that the snow would disappear. That was a surprise to me, because where I was the snow had gone. On my way to Ottawa, a German got on the train at Regina and I learned from him that he had been up to Saskatoon and located twenty miles west of that place, and he said that on Friday coming down until within twenty miles of Regina there was an immense quantity of snow on the ground. He said there was very great hardship and privation suffered by settlers, and it was the prayer of everybody that the snow would disappear and end their difficulties.

Hon. Mr. WATSON—What class of settlers were there? There were no Barr colony settlers.

Hon. Mr. PERLEY—Yes, some of them were Barr colony settlers, but it makes no difference what class of settlers they were. All who come into the country to settle are entitled to the same treatment. Whatever the hon. gentleman from Calgary did, or thought of doing, it was my intention to bring the matter to the notice of the government myself. When we hear anything that they should know about, if we do not point it out to the government, who in the world will do so? I think the government should be grateful, and I believe they are grateful, for the information my hon. friend furnished them, so that they may know the difficulties they have to contend with. So far as I am concerned, I want to call attention in the most friendly way to the necessity of looking after these settlers. Speaking of the Debates, I understand that every Senator has a right to amend his speeches before they are published. When I was in the House of Commons I made a speech on one occasion, and when the proof of it was sent to me next day for correction I felt mortified when I read it. I went to a gentleman who had more experience of the House than I had and mentioned the fact to him. He said 'Oh, that is nothing; I often receive reports of speeches attributed to me which I am sure I never made.' Any one may make a slip in delivering a speech, or the reporter may not hear him correctly, and it is but fair that we should have the opportunity to give our remarks to the world as we intended them, even though we did not speak exactly as we had wished to do.

Hon. Mr. YOUNG—That would be a reasonable correction.

Hon. Mr. WATSON—After the remarks to which we have listened, I think I was perfectly justified in bringing up this matter. The hon. gentleman from Calgary pleads guilty to making the changes to which I have called attention, but he has not said he is sorry for it. I was rather amused at the hon. gentleman from Prince Edward

Island (Hon. Mr. Ferguson) saying that on one occasion,when he wanted to send a copy of his speech to a newspaper in Prince Edward Island, he found that it was delayed because an hon. gentleman on this side of the House had taken away the proof of a speech preceding it, for correction. If he had altered it as the speech under discussion now was changed, he would not have been able to send his own remarks if they were based upon the altered speech delivered before his own. Very often when a debatable point is eliminated from a speech, there is very little sense in the remarks which follow in the debate. I called attention to one paragraph which had been eliminated from the speech of the hon. gentleman from Calgary, the paragraph referring to the Alaskan boundary. The hon. gentleman to-day repeats that he considers this question of the treatment of immigrants in the North-west as being more important than the Alaskan boundary question, still he eliminated that paragraph from his speech. He was putting great stress and importance on the possibility of some things happening which I do not think will happen at all, and he wanted to give an illustration and mentioned this question of the Alaskan boundary. That paragraph he eliminated. Then he takes the sentence where the word 'English' occurs, and adds 'or European.'

Hon. Mr. MACDONALD (B.C.)—That is a dreadful addition !

Hon. Mr. WATSON—I criticised the hon. gentleman for saying that there were few immigrants so helpless as the English ; the hon. gentleman adds 'or European.' European immigrants were not in the question at all ; the only reference was to the English immigrants. I think it is unfortuante that the hon. gentleman made that statement, and I am sure he thinks so himself to-day, because he made an alarmist speech, one which would enable irresponsible newspaper correspondents to send out alarming reports to the world.

Hon. Mr. LANDRY—I rise to a point of order. The hon. gentleman has no right to speak on the question he has brought before the House, I call the attention of the Speaker to the fact that there is nothing before the Chair, and that the matter under discussion is not a question of privilege.

Hon. Mr. WATSON—On the point of order, the hon. gentleman from Prince Edward Island (Hon. Mr. Ferguson) says at all times we can speak in this House on all questions. I am aware of the fact that I am out of order, and if it is the wish of hon. gentlemen, I will take my seat.

CUSTODY OF JUVENILE OFFENDERS IN NEW BRUNSWICK ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (10) An Act to amend the Act relating to the custody of Juvenile Offenders in the Province of New Brunswick. He said : As the law now stands, boys under the age of sixteen are sent to the Boys' Industrial Home. The Attorney General has communicated with the Department of Justice and calls attention to the fact that there are some boys there who seem to be incorrigible, and are only a bad example to the others, and he asks that the Act be amended so as to allow the government of the province, if they think fit to do so, to send a boy to the Dorchester penitentiary from the Boys' Industrial Home. It is properly a matter for the Attorney General to say if a boy is only doing harm in the home, and setting a bad example, that he may be sent to the Dorchester penitentiary.

Hon. Mr. FERGUSON—The hon. gentleman's explanation, I presume, is all right, but it seems rather a strange way of doing things that we are actually changing that sentence by Act of parliament. Punishment in a penitentiary is very different from punishment in a house of correction. I do not know precisely what the difference is, but I apprehend there is a good deal of difference. I understand this case arose out of the Doherty murder case.

Hon. Mr. SCOTT—I do not know.

Hon. Mr. FERGUSON—I think it is to meet that case this legislation has been introduced. At all events, the intention is to remove that boy from the house of correction in New Brunswick, where it is feared his influence may have a contaminating effect on other youthful offenders. This Bill will enable some authority to come in and change the sentence.

Hon. Mr. McMILLAN—It appears a little strange that there ought to be special attention drawn to the province of New Brunswick, with regard to so important a matter as this. It shows the government have not really any fixed policy on the question of reformatories. If they had, they would have reformatories as they originally intended in the different provinces, or one general reformatory, as the government of Sir John Thompson had in view. This really brings the matter before the country, and shows they have failed in that respect. It looks to me very queer and very much out of place that the government would take the power that the practice and the law of the land has already given to the court and jury. The Secretary of State should have told us what power the government want in that respect. Are they going to alter a sentence, shorten or lengthen it, or what do they intend to do, beyond the sentence fixed by the judge? As the hon. gentleman from Prince Edward Island has said, I think it is assuming a great deal to interfere with the practice of the court in that respect. There may be instances where an inmate of such an institution as that in New Brunswick may prove incorrigible, but there ought to be special means to keep such a boy under subordination where he is, and not send him to the penitentiary. I think it is supplanting the liberty of the people to give such a power as that to the government. It is doing away with the rights we have under the jury system to give to the government power to send an incorrigible inmate to the penitentiary from a reformatory institution. It is going it a little too strong, and for that reason I wish to endorse the statements made by the hon. gentleman from Prince Edward Island.

Hon. Mr. DEVER—I think I know a little about the history of this matter. The institution referred to in this case was never a reformatory; it was simply a home for juvenile offenders not providing any punishment. It seems it occurred by accident—it was not the fault of the jury—the jury brought in the party referred to as a criminal.

Hon. Mr. MACDONALD (B.C.)—They are locked up, are they not?

Hon. Mr. DEVER—No, they are not taken that care of that a criminal should receive; consequently we came to the conclusion in New Brunswick that this class of criminals should be put in restriction and in confinement from which they could not escape, whereas the present house in which the offender referred to is stopping is not of that class. He cannot be kept there until his term of imprisonment is completed. If any fault is to be found at all, it must be with the punishment inflicted by the presiding judge. I think the judge was under the impression, when he decided to send this boy to that institution, that he could be confined and treated as a minor offender; but he found there was no such provision made. After all, this institution is only a home. It is not looked on as a prison, or a house of correction, and we think it is but right that criminals of this class should be put in confinement until their term of imprisonment expires. I do not see there is anything wrong in that. In this case the people of St. John have come to the conclusion that the criminal under consideration should not be where he could escape, and that he should be put into a reformatory or penitentiary.

Hon. Mr. SCOTT—The Act that this seeks to amend was passed under the auspices of the government of which the late Sir John Thompson was a member. It was in 1893. It provides that a judge, if he thinks proper, may send a boy to the industrial home if he thinks he can be reformed there.

Hon. Mr. LANDRY—Is that optional?

Hon. Mr. SCOTT—Yes. The Attorney General of New Brunswick has asked the Department of Justice to make such a change in the law as will enable them to take any incorrigible boy, whose morals cannot be improved, and send him to the penitentiary where he should have gone originally. This Bill enables them to do so on the advice of the Attorney General.

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

PUBLICATION OF THE STATUTES ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. TEMPLEMAN moved the second reading of Bill (11) An Act to amend the Act respecting the Publication of the Statutes. He said: This is a very short Bill,

and only refers to the charging of fees which go into the public treasury.

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

ALLEN DIVORCE BILL.

SECOND READING.

Bill (A) An Act for the relief of William Allen.—(Hon. Mr. Perley.)

RAILWAY SUBSIDIES ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (2) An Act to amend Chapter 8 of the Statutes of 1900, authorizing the granting of Railway Subsidies.—(Hon. Mr. Scott.)

(In the Committee.)

Hon. Mr. SCOTT—At present under the law no subsidy can be paid over to a railway company entitled to receive a subsidy unless, on the report of the engineer, the portion they are entitled to receive would be $60,000. It is thought, in the interest of some of the smaller railways, that when $30,000 is due that money might be paid and not have them wait until it is $60,000.

Hon. Mr. MACDONALD (B.C.)—That is to reduce the amount to be paid from time to time.

Hon. Mr. SCOTT—Yes, under the present law it can be paid when ten miles are completed, or on the certificate of the engineer that a portion of the work has been done and that $60,000 can be properly advanced on the work. This is to enable the parties to receive $30,000 if they are not entitled to receive $60,000.

Hon. Mr. LANDRY—That is in a general way ?

Hon. Mr. ELLIS, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

BILL INTRODUCED.

Bill (E) An Act for the relief of Florence Gough.—(Mr. Watson.)

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, April 21, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (F) an Act to incorporate the Home Savings Bank of Canada.—(Sir Mackenzie Bowell.)

Bill (G) an Act for the relief of Florence Lee Gray.—(Mr. Gibson.)

SALARIES OF THE LIEUTENANT GOVERNORS AND JUDGES.

INQUIRY.

Hon. Mr. MACDONALD (B.C.) rose to—

Call the attention of the government to the inadequacy of the salary of the Lieutenant Governor of British Columbia and of the salaries of the Supreme Court judges of that province, and ask if the government will take into consideration the question of an increase in these salaries this year.

He said : I may first state that the Lieutenant Governor of British Columbia never mentioned the matter to me or gave the smallest hint that he would like to have it brought up here. My own knowledge of conditions prompts me to direct the attention of the government to the insufficiency of the salary of the Lieutenant Governor of British Columbia. The naval and military station being near the seat of government, entails much entertaining, the wages of servants are higher than in eastern Canada, and food a trifle higher priced. Then for every charity, concert, and other gatherings for philanthrophic and useful purposes, the governor heads the subscription list and has his hand in his pocket frequently. In addition to former expenses, a very large government house has been erected at the capital and is just being finished. This will entail extra cost in servants, and in many other ways. Twelve thousand dollars is the smallest salary our governor should have, and I beg to ask the government to take this matter into consideration. If you give us a gentleman for governor, he should be enabled to live in a manner befitting his station.

The question of increasing the salaries of the Supreme Court judges is an older one and has been considered on more than one

occasion by the government and was at one time on the verge of accomplishment. In 1900, seventeen of the present judges of Quebec had their salaries increased to $5,000. At that time we had good reason to think that the British Columbia judges would not be forgotten, but they were forgotten then, and still are. I am sure the Secretary of State will call the attention of his colleagues to this matter. There is no politics in this question. Three of the Supreme Court judges out of five are Liberals.

Hon. Mr. CASGRAIN (De Lanaudière)—I am very glad indeed that this matter is being brought up in the House by the hon. gentleman from British Columbia. Just before he brought it up, my neighbour and myself were discussing the advisability of increasing the salaries of all the governors, and I think hon. gentlemen at the head of affairs now can testify that it is almost impossible to find men who are willing to undertake to do the honours in the way they should be done in the provinces of Ontario and Quebec. I know that in the province of Quebec, for instance, several persons have been spoken to in regard to being appointed lieutenant governor of the province, but it required a man with very large means indeed to do honour to the position. That has been an old story. For many years the same thing has been complained of by several governors, and we know men who filled that position years ago incurred large debts with which they are still burdened. They accept the position thinking $10,000 enough, but with the increased cost of living, and the necessary expenses which a lieutenant governor is always compelled to incur to maintain the dignity of the office, I think it would be advisable for the government to consider the question of increasing the salaries of the governors of all the provinces. We all know that in consequence of the prosperity of the country even working men are getting double pay. Why should not the officials? I heartily agree with the hon. gentleman from British Columbia, and sincerely hope the government will take this matter into serious consideration and actually give it effect.

Hon. Mr. SCOTT—I shall be glad to call the attention of my colleagues to the matter brought before me. There is no doubt whatever that since the salaries were fixed the value of money has changed materially, and that in all other ranks and positions in life salaries have had to be increased. The wealth of the country has grown, and it is only proper that persons occupying high positions should be able to live according to the rank in which we have placed them. I shall call the attention of my colleagues to the subject, and the observations of the two hon. senators who have spoken, with a view to getting their opinions on the subject.

Hon. Mr. YOUNG—I would ask the hon. leader of the government to remember that the same argument applies to Manitoba. While some of the other provinces are larger, there are circumstances in the west which make the expense of holding these positions onerous at times, and we want those gentlemen occupying high positions placed financially in such a position that they can do honour to the appointments they hold.

Hon. Mr. CHURCH—I should like to say a word on behalf of Nova Scotia. The hon. gentleman has opened up a pretty wide door. The expense of the governors in the province of Nova Scotia is relatively greater in proportion to population than perhaps in other provinces of Canada, for this reason, it is the chief naval and military station of the empire in North America. Men coming from the old country, officers and gentlemen in high standing, arrive at Halifax and the governor is obliged to entertain very largely, probably as largely as the governors of the provinces of Ontario and Quebec. I do not know that our governor in Nova Scotia is complaining, but I say relatively his expenditure is higher than the expenditure of governors of provinces which have larger populations, from the fact that I have mentioned. And then in regard to the judges, as I understand it, the judges of the provinces of Quebec and Ontario get larger salaries than the judges of the other provinces. I do not think this is fair. The judges of the province of Nova Scotia have as much work to do as the judges of the other provinces, and if the salary of a judge in the province of Ontario or the province of Quebec is fixed at a certain amount, I

cannot see any reason why the salary of his brother judge in Nova Scotia should not be fixed at the same rate. As to the relative cost of living in Nova Scotia and the other provinces, I am not prepared to say, but I should think that in that western land, a country flowing, not with 'milk and honey,' but with wheat and cereals, the cost of living should be no greater than in the maritime provinces, where we have to buy our breadstuffs almost entirely. If the government take this question seriously into account, I cannot see any reason why the salaries of the governors and judges in all the provinces should not be increased, and not confine the increase to the particular province named by the hon. senator from British Columbia.

Hon. Mr. POIRIER—I do not see why New Brunswick should not also come in. We have a lieutenant governor there, as you have in the other provinces, and he is no better paid than the governor of Nova Scotia. While the governors of Nova Scotia and other provinces are able to hold their own, ours has broken down of late under the cost. There is no more a government house in New Brunswick. Whether it was too costly, or for what reason I do not know, but our lieutenant governors have broken up house and are like the Wandering Jew, changing their place of abode and retiring to Fredericton during the time of the session. There is something wrong in this state of things. When we see—it is no secret I believe—the difficulty in the way of finding men willing to accept the position of lieutenant governor in the provinces, at least of Ontario and Quebec, the question of salary must be the impediment, because the honour is high and it is a position that would naturally be looked after by men of a certain age and especially men of high standing. There are very serious difficulties in finding occupants for those high positions. The reason is that the salary is too low. The keeping up of those houses and the honours of that high position entail too much expense for the means of men who have led a political life and have come to the end of it, not paupers perhaps exactly, but without much money and who have to live entirely upon the salary of the position. Therefore, I concur in all that has been said and hope the government will take into serious consideration the question of increasing the salaries of the lieutenant governors of the different provinces. I firmly believe also that the question of salaries of judges should be taken up and considered seriously. Our judiciary is not in my estimation sufficiently paid. Our county judges with $2,400 a year; our Supreme Court judges with $4,000 a year, are not adequately paid. A second-class lawyer earns as much money, and he has many advantages that judges of our superior and county courts do not have. These gentlemen are the foremost personages in the land. They are called upon to live in a higher and more costly style, without any extravagance, than persons occupying no official position. Therefore, I think the question presses itself urgently upon the country and the government, and especially, as has been said, and properly said, when we are swimming in prosperity with millions of surplus. I heard a minister in the other House say that in twelve or fifteen years our revenue would be trebled. Considering all that, and with the cost of living increasing proportionately and with all other classes of the community, workingmen, labourers and employees asking for higher wages, I think it would not be in keeping with the dignity of our country to wait until our judges and lieutenant governors combine and strike for higher wages.

CRIMINAL CODE AMENDMENT BILLS.

FIRST AND SECOND READINGS.

Hon. Mr. LOUGHEED introduced Bill (H) 'An Act to amend the Criminal Code.' He said: The object of this Bill is to prevent alien agitators from coming into Canada and organizing strikes. On the second reading of the Bill I shall enter more largely into the subject. The government have introduced a Bill to amend the Criminal Code, and perhaps this measure might be incorporated in it.

The Bill was read the first time.

Hon. Mr. SCOTT moved the second reading of Bill (12) 'An Act to amend the Criminal Code of 1892.' He said: We have in the statute-book a part of the Criminal Code punishing offenders with two years' imprisonment for knowingly and without lawful justification, publicly selling or exposing

for sale any obscene book, &c., but by a strange inconsistency, if a book or play is dramatized and put on the stage, we have no provision for declaring that to be an improper show. We know very well, from our proximity to the United States, where very wide latitude is allowed in reference to plays, that many of them are scarcely of a character for our wives or daughters to patronize. It is considered that the present Bill before the House is in the right direction. It reads that :

179A. Every person who, being the owner, lessor, lessee, or manager of a theatre, presents or gives or allows to be presented or given therein any indecent or immoral play, opera, concert, acrobatic, variety, or, vaudeville performance, or other entertainment or representation, is guilty of an indictable offence and liable, if convicted upon indictment, to one year's imprisonment with or without hard labour, or to a fine of five hundred dollars, or to both, and, on summary conviction, to six months' imprisonment, or to a fine of fifty dollars, or to both.

This makes it impossible for lessees of theatres to allow such plays to be put upon the boards.

Hon. Mr. SULLIVAN—Will that necessitate the appointment of a censor ?

Hon. Mr. SCOTT—No, I presume the municipal authorities will take notice of it, or the high constable. It has been suggested that the language should be altered in one or two particulars which I shall do when the Bill goes to committee.

Hon. Sir MACKENZIE BOWELL—I should like to suggest to the Secretary of State, so that he may consider the question when we go into committee, whether there should not be some provision to exempt the owner of the theatre, who may have nothing whatever to do with the presentation of an indecent or immoral picture. I have under my hand a letter, which I received yesterday, calling attention to the fact that the widow of the late John Ferguson of this city owns the Grand Opera House. Under this Bill, if she leases it to any one and the lessee should cause to be posted on the walls of the city the character of pictures that this Bill is designed to prevent, though she might have nothing to do with it, and might be a resident of another city or county, she would be held responsible for all the penalties provided in this Bill. The lessee, and perhaps the manager, should be held responsible, but in the case to which I have called the attention of the Senate should the owner be held responsible for the acts of the lessee or those who are using the theatre ? It seems to me the Bill goes a little too far. If the owner of the property controls the opera house, or theatre, or place of amusement himself, then of course he should be held responsible ; but in the case to which I have called attention it seems to me it might be a great hardship to the owner. This perhaps is an unusual case : a widow owns the property, and of course she leases it to parties for the production of plays and other amusements. Some provision should be inserted in the clause by which an innocent owner of property would not be held responsible for the criminal act of the lessee.

Hon. Mr. SCOTT—There is a great deal of force in what my hon. friend says. I had myself given the matter some attention, and spoke to the Minister of Justice who drafted the Bill. The owner of the property might not be cognizant of the fact. I did draw the attention of the Minister of Justice to that feature of the Bill and will have a further conference with him on the subject and hope he will accept the suggestion which has been made.

Hon. Mr. SULLIVAN—Does that refer to pictures ?

Hon. Mr. SCOTT—Only to plays put on the stage.

Hon. Mr. SULLIVAN—You cannot determine its character unless the play is read before hand. Who is going to read it ?

Hon. Mr. SCOTT—The parties will scarcely offend, knowing the stringent provisions of the law. If the play is not a proper one the manager will be warned in advance. So long as the lessee or manager is liable, he will exercise some degree of caution in allowing improper plays to be put on the boards.

Hon. Sir MACKENZIE BOWELL—Did I understand the hon. gentleman to say that he had drawn the attention of the Minister of Justice to this matter ?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—And that he acted on the suggestion ?

Hon. Mr. SCOTT—No. We had not much talk on the subject. I suggested that the

property might be owned by a corporation and it would be preposterous to proceed against them. The proper ones to proceed against are the lessees and managers.

Hon. Mr. LOUGHEED—Most of those theatres are held on long leases. In most cases the lessor would be the owner. He might have entered into a lease and would not have the right of entry, probably, under that lease—would have no right or authority whatever to suppress the exhibition of any play. I think the lessee and manager should be made liable, but not the owner or lessor.

Hon. Mr. SULLIVAN—There ought to be some one whose duty it will be to examine those plays beforehand. There are some who attend those indecent plays who are not juvenile offenders, and they should be liable to punishment as well as the lessee and manager. If you want to know the character of a play, you must examine it before hand and see if it is fit to be presented. As it is you declare parties amenable to the law after the play is over, when you cannot catch the man who is guilty, and it would be an outrage to make the owner of the house responsible.

Hon. Mr. McSWEENEY—In the city of Montreal, Mr. Sparrow has four or five theatres—the Academy, Her Majesty's, and two others. He leases as well the opera house here, and I think he has one some place else. In the city of Montreal he has 300 employees. Say he is in Montreal, and one of his employees puts on a play here that the authorities consider indecent or obscene, it would be hard on Mr. Sparrow that he should be fined for a case of that kind when he is 100 miles away. I think we should examine this Bill minutely. Who is to judge if a play is indecent or immoral? There should be a censor. That is the only way you can get at it.

Hon. Mr. ELLIS—I do not think the point taken by the leader of the opposition is as strong as he thinks it is. The law says:

> Every person who, being the owner, lessor, lessee or manager of a theatre, presents or gives or allows to be presented.

If a person is not the actual owner at the time—that is to say if it is in the hands of another person, the law would not apply to him, he would not have control, so I do not think it would apply to the lessor of the theatre at all.

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

THIRD READING.

Bill (49) An Act to amend the Civil Service Superannuation Act.—(Mr. Scott.)

SECOND READING.

Bill (C) An Act for the relief of James Reid Steel.—(Mr. Landerkin.)

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, April 23, 1903.

The SPEAKER took the Chair at Eight o'clock p.m.

Prayers and routine proceedings.

DISSOLUTION OF PARLIAMENT.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Whether the government has ever made known to any person whomsoever its intention to dissolve or not to dissolve parliament after the present session and before a new session, in order to appeal to the electorate?
2. Has it authorized any person whomsoever to make any declaration on this subject? And what is the declaration so authorized?

Hon. Mr. SCOTT—In answer to the first paragraph, No. In answer to the second paragraph, No.

Hon. Mr. LANDRY—I am pleased at the answer; because the premier of Quebec in the local House, announced that there certainly would not——

Hon. GENTLEMEN—Order, order.

Hon. Mr. LANDRY—That a general election would not take place.

Hon. GENTLEMEN—Order, order, order.

Hon. Mr. LANDRY—And I want to know on what authority such a statement has been made.

GOVERNMENT CONTRACT WITH THE ROSS RIFLE COMPANY, LIMITED.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

Is there a contract between the government and the Ross Rifle Company, Limited, on the subject of the acquisition by the latter of the lands which it at present occupies at Quebec, and upon which it has built its manufactory ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—What is the date of such contract ?

Hon. Mr. SCOTT—The 27th of May, 1902.

Hon. Mr. LANDRY—Who are the signers thereof ?

Hon. Mr. SCOTT—The Minister of Militia and Defence and Chas. D. Ross, Bart.

Hon. Mr. LANDRY—At what price, and upon what conditions has the company acquired the land which it has at Quebec ?

Hon. Mr. SCOTT—One dollar per year, on a long lease.

Hon. Mr. LANDRY—Is it to the knowledge of the government whether the company has other lands, at or in the vicinity of Quebec ?

Hon. Mr. SCOTT—No.

Hon. Mr. LANDRY—Have there been any protests against the grant to the company to the lands which it occupies at present at Quebec ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—By whom and in whose name have these protests been made ?

Hon. Mr. SCOTT—A. Allerton, Jos. Archer, jr., and 117 others, on behalf of the citizens of Quebec.

Hon. Mr. LANDRY—Have they been made before or after the date of the contract ?

Hon. Mr. SCOTT—After.

QUARANTINE SERVICE AT GROSSE ISLE.

INQUIRY.

Hon. Mr. LANDRY inquired of the government :

1. How many steam vessels has the government for the quarantine service at Grosse Isle? Their names ?
2. Who are the captains of these vessels ?
3. At what date did each of them receive his certificate of qualification ?
4. At what date was each of them put in command of his ship ?
5. What are their respective salaries ?
6. What especially constitutes the service which these vessels perform ?
7. Is that service strictly and exclusively limited to the objects mentioned in reply to the preceding question ?
8. If not, in what other service and for what other objects are the vessels employed ?

Hon. Mr. SCOTT—In reply to the first question, one steamer, the 'Challenger.' The second steamer is hired for the season.

Hon. Mr. LANDRY—Could I get the name of that steamer which is hired for the season ?

Hon. Mr. SCOTT—I will endeavour to ascertain the name.

In reply to the second question, there is only one captain, the captain of the government steamer.

Hon. Mr. LANDRY—Could the hon. gentleman say the name of the captain of the second steamer ?

Hon. Mr. SCOTT—I will inquire. Captain Johnny Lavallée is the captain of the government steamer. In reply to the third question, Captain Lavallée received his certificate of qualification 1st of May, 1901. No. 3291.

In reply to the fourth question, April 15, 1902, was the date Captain Lavallée was put in command.

In reply to the fifth question the salary is $525, being $70 a month for the seven and a half months from the 15th of April, to the 13th of November.

In reply to the sixth question, the 'Challenger' is especially the inspecting steamer. The other vessel carries the disinfecting appliances for fumigating and disinfecting infected vessels in the offing, acts as a mail and supply boat between the station and town, takes up convalescents discharged from hospital, disembarks and re-embarks passengers from vessels in quarantine, and replaces the 'Challenger' in inspecting service when necessary. Both vessels fulfil any other minor duties of the quarantine service.

In answer to the seventh question, yes.

The eighth question is answered by the replies to questions six and seven.

THE LIEUTENANT GOVERNORSHIP OF THE PROVINCE OF QUEBEC.

INQUIRY.

Hon. Mr. LANDRY inquired of the government :

1. Has the term of office of the present lieutenant governor of the province of Quebec expired, and since when ?

2. Has the government granted the present holder of the office an extension of time, and until when, or has it given him a second term of office ?

3. In the latter case, when was this second term granted, and at what date will it expire ?

Hon. Mr. SCOTT—No. After the term until a successor is appointed, he usually remains in office, just as the late Sir Oliver Mowat remained in office.

Hon. Mr. LANDRY—Then no second term has been granted ?

Hon. Mr. SCOTT—No second term has been granted.

THIRD READING.

Bill (B) An Act for the relief of Wm. Francis Schooley.—(Hon. Mr. Perley.)

PUBLICATION OF THE STATUTES ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (No. 11) An Act to amend the Act respecting the publication of the statutes.

(In the Committee.)

On clause 1,

Hon. Mr. TEMPLEMAN—I understand the alteration is in the direction of reducing the amount of fees paid when certified copies are received from the clerk of parliament. Under the present law ten cents per folio of 100 words is paid and in the case of a long Bill the fee is a considerable item. Under this amendment the amount paid would be $2 for the certified copy. All the fees collected under this Bill are transferred by the Clerk of the House to the Receiver General and go into the Consolidated Revenue Fund.

Hon. Sir MACKENZIE BOWELL—What is the rate paid under the present Act ?

Hon. Mr. TEMPLEMAN—Ten cents a folio.

Hon. Sir MACKENZIE BOWELL—There is no change in the present charge is there ? What would it be necessary for a man to pay to obtain the information provided here? You provide now that he shall pay $2 and 10 cents per folio.

Hon. Mr. TEMPLEMAN—Under the present law the rate of ten cents per 100 words brings the cost of a certified copy much higher than it will be under this reduced charge of $2 per copy as provided by this Bill.

Hon. Mr. LOUGHEED—Providing it is over twenty folios.

Hon. Mr. TEMPLEMAN—Yes. In all statutes of any length where certified copies are required the cost would be considerably less under this Bill. Of course in the case of a short Act it would not be any less.

Hon. Mr. YOUNG, from the committee, reported the Bill without amendmeut.

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

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

HOME SAVINGS BANK OF CANADA INCORPORATION BILL.

SECOND READING.

Hon. Sir MACKENZIE BOWELL moved the second reading of Bill (F) An Act to incorporate the Home Savings Bank of Canada.

He said: In moving the second reading of this Bill I may state that objection has been taken to the use of the word 'savings,' and it is proposed to strike out the word 'savings' when in Committee on Banking.

The motion was agreed to, and the Bill was read the second time and referred to the Committee on Banking and Commerce.

SECOND READING.

Bill (No. 27) An Act respecting the Canada National Railway and Transport Company.—(Hon. Mr. McMullen.)

The Senate adjourned.

THE SENATE.

Ottawa, Friday, April 24, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

MR. YOUNG'S SALARY.

MOTION.

Hon. Mr. WATSON moved the adoption of the second report of the Standing Committee on Internal Economy and Contingent Accounts of the Senate.

The SPEAKER—I would suggest to the hon. member that it would be better to take up the report clause by clause.

The first three clauses of the report were adopted.

Hon. Mr. WATSON moved the adoption of the fourth clause of the report, which read as follows :—

> Your committee recommend that, in consideration of his length of service (forty-three years) and faithful performance of duty, the salary of Mr. J. C. Young, clerk of routine and proceedings and clerk of stationery, be increased to $2,400 a year.

Hon. Mr. MILLER—I beg to move, seconded by the Hon. Mr. Young,

> That the said clause be referred back to the committee with instruction to fix the salary of the said Charles Young, $200 a year for three years until the sum of $2,400 shall be reached, which shall be the maximum salary of said clerk.

Hon. Mr. McMULLEN—I should like to know upon what principle these increases of salary are made. I really think that in place of increasing salaries by picking out one and another of the clerks belonging to this Chamber and adding to their salaries year after year, they should be fixed upon the amount of service rendered and the efficiency of that service, rather than by personal choice. I have heard no explanation of why it has been suggested that this increase of $600 should be given to this man in one year, nor have I had from the hon. mover of the amendment any explanation of why he proposes to increase the salary by $200 a year for three years. If the clerk is entitled to $2,400, and actually renders service to this House for that money, he is entitled to it now. If he is not entitled to that money, why should we pledge this House, and by statute pledge the country, to an increase of salary of $200 a year for each year of three years. I cannot understand legislation of this kind. I admit that I am a new member of this House. I have not had extended experience, but I should really like to have some explanation of why it is considered necessary to proceed in this manner. We have had no explanation from the sub-committee of the Internal Economy Committee, under whose supervision this measure, I understand, is framed. The hon. gentleman who had charge of it rises in his place and moves that the clause be adopted without any explanation whatever. I am not on that committee, and I should like to have a full and extended explanation, first, why they came to the conclusion that that increase was necessary, and also an explanation from the hon. gentleman who moved the amendment why he considers it necessary this House should pledge itself to an increase of $200 a year each year for three years.

Hon. Mr. MILLER—I have no doubt Hon. Mr. Vidal, who is chairman of the sub-committee who made the report to the Internal Economy Committee, will give the hon. gentleman the explanation he desires.

Hon. Mr. VIDAL—I shall be very happy indeed to give as full an explanation as it is possible to obtain, but I am not very much in advance, perhaps, of other hon. members of this chamber with respect to knowledge of the details. In the committee when this matter was brought up, the request was not for any specified amount which was named, but that the officer should be promoted to the first rank of that class of officers, and it seems that in connection with that the larger amount of money is usually implied. Now, the reasons why the sub-committee adopted this motion are these: in the first place this gentleman has been for forty-three years a servant of the upper House, having been employed in the Legislative Council prior to confederation, and continuously since, and during all this period he has discharged his duties with the utmost regularity and in the most kind and courteous manner possible in every respect in his dealings with senators themselves. Now, personally from my acquaintance with him, even in the old parliament of Canada before confederation, and from that time to the present day, with the short interval I was not myself present in the Chamber, I know how he has discharged his duties; he has performed them with the utmost regularity, kindness and efficiency, and I know that in addition to the duties devolving upon him,

particularly in connection with that branch of the service in which he is engaged, that he is here in his office during the whole year, even when parliament is not in session, and during that period is able to render, and does render, and has continually rendered very efficient service to any person connected with this Chamber who has desired his aid. I know that in his personal character and in his personal feelings he is a gentleman of the highest respectability, and deserving of the kind consideration of the House. We have also been informed that others, for instance, three officers in a similar position in the other Chamber, had some time ago received the same promotion which he was asking, from a lower up to a higher class. We thought if it could be done there, the same principle which governed the other branch of the legislature should also guide us—that as he was a most efficient officer, deserving in every way, if it was proper to act upon that principle there we should with propriety do so here. It has been done with another officer holding a somewhat similar position in this Chamber, and why it should be granted to one and refused to another, I do not see. The reasons which prevailed with the Senate in granting an increase to another gentleman would have equal force, if not greater force, in the application which was before us. The matter was pretty fully discussed in the sub-committee, and there was no difference of opinion there with reference to making the recommendation which the committee has made. I do not know that the amount exactly came into our consideration at the time, but quite apart from that, I think Mr. Young is entitled to the highest consideration of this House, from his long, faithful service, his efficiency at the present day and diligent attention to his work—that he deserves everything that this House can properly do with respect to his promotion, and that promotion carries with it the increased amount I have mentioned. I do not know that I have any other particular reason to advance. There are other members of the committee who can speak more fully than myself on the subject.

Hon. Mr. SCOTT—I am very glad indeed to hear the tribute paid to Mr. Young by the hon. gentleman opposite, and can cordially endorse all he says with respect to Mr. Young's worth and the careful manner in which he has discharged his duties. I have also known him very many years, and am aware that he is a most excellent official. Since 1896 we have increased Mr. Young's salary from $1,400 to $1,800, and I think it rather startled the House when an increase at one jump of $600 was to be added to his salary, making it equal to that of a judge in the county court in the province of Ontario, an office highly sought after by the first men at the bar. It did seem contrary to the rule that we had adopted in the past that any of our officials should be advanced so rapidly, creating a jealousy and a disturbance in the feelings and minds of other officials who think they also are entitled to some consideration. It cannot be denied that the officials of the Senate are all very highly paid, very much higher than in any other branch of the civil service. As hon. gentlemen know, we cannot increase the salary of the most deserving officer in any department of the government beyond fifty dollars a year, except when he gets the maximum of his class and you advance him to another, and then he commences at the lowest salary in that class. You have to mention the name of the person in the estimates and submit it to parliament if you depart from that rule. In this Senate we claim to be superior to the law which governs other officials of the service. We are a law unto ourselves. We do to our officials, apparently, what we think right, wholly irrespective of the opinions of the House of Commons. They, I presume, exercise the same authority over their officials. The proposal to refer the report back to the committee meets with my approval. I think it should be for that committee to say what increase should be given to Mr. Young. It certainly did seem to me unwise to make any proposal as to the future. The future should be left to take care of itself. I have no doubt at all times we shall be ready to do justice and fairness not only to Mr. Young, but to all of our officials, because I think to leave matters as proposed would only create a good deal of dissatisfaction amongst others who also believe they are entitled to some consideration.

Hon. Mr. POIRIER—I do not rise to oppose this motion in the original report. I have made it a point not to oppose a propo-

sition to increase the salary or to advance any employee, from this weakness, which I will admit. I have been myself for many years an employee and would not care to take any stand against the advancement or increase of salaries to civil servants; but I believe that there should be some system in the Senate for regulating the advancement of employees, and especially increasing their salaries. As has been said by the leader of the government, those sudden advances disturb the equanimity of the service. It looks as if some employees are getting a preference to which, no doubt, they are entitled, but which other employees do not view in that light. I concur absolutely in what the hon. gentleman from Sarnia (Hon. Mr. Vidal) has said concerning the qualifications and services of Mr. Young. He is all that has been claimed for him. Although only fifty-one years of age, he has been forty-three years in the service and has worked throughout effectually; but by singling out Mr. Young as a man who should get this increase, it is a reflection on the other employees, and it is on behalf of the other employees that I rise now. Possibly all the employees of the Senate have qualifications equal to those of Mr. Young. If a gentleman is to be advanced on account of his qualifications, I believe we ought here as a body to look with equal justice to all the employees who have equal qualifications, and grant each of them an increase, or at least, as I have already said, have some fixed rule on which their increases should be based. I would favour the appointment of a commission headed by the hon. Mr. Speaker and several members to look into the condition of the employees, many of whom have made themselves very meritorious in many respects. Some push their own interests, while others are more meek and modest and shy in that respect, and are forgotten. My opinion is that no deserving employee here should be forgotten and left behind, and in order to reach them I think a commission, such as is proposed, would be proper. I know of employees who are very meritorious, working hard and having technical knowledge, employees who, to occupy the position they fill now, must have a college education, know both languages, be able to write well and who have all the personal qualities of Mr. Young, yet, whose services are not so well recognized. I will simply leave these considerations to the hon. leader of the government and to Mr. Speaker to see if the matter could not be worked out. As I said before, I do not oppose this motion. I am glad Mr. Young is receiving the increase, but I should like to see more uniformity, and I should like to see equal consideration extended to all of our employees who are generally—I may say universally— deserving of like treatment, and I do not like to see one singled out in preference to another. Of course, in our position here we do not feel it. but I was once in the position of a civil service employee, and I may say that when an employee thinks he deserves promotion, and actually deserves it, and sees others being promoted and no promotion in his case he feels very sore. None of us have any intention of allowing any of our employees to be dissatisfied from actions that may appear discriminating.

Hon. Mr. MACDONALD (P.E.I.)—I supposed when we had a new Internal Economy Committee appointed, that it would practise economy and that we would have a little more economy than in the past. We know that the expenses of the Senate have always been a source of a good deal of discussion in the country. It is considered that the expenses connected with the Senate are much larger than necessary, and there is no doubt we are paying very large and handsome salaries to the different individuals who are employed in performing duties as officers of the Senate. We know very well that when a gentleman fulfils these duties, as has been said by the hon. senator from Sarnia (Mr. Vidal) in the manner in which Mr. Young fulfils the duties of his office, that he is only doing that which he is required to do, and if he did not fulfil the duties in that manner he would not fulfil them to the satisfaction of the people or of the Senate whose servant he is. The increase that we are proposing to give this gentleman is one which I would not feel justified in supporting. I believe it is advancing the salary more than we should do when we increased it at once by one-third. We know very well that people who are employed by the government under the Civil Service Act could not get advances in this way, and we are taking upon

ourselves to do that which the government itself has not the power of doing under the Civil Service Act, and I have not heard sufficient to justify me in voting for this increase of salary.

Hon. Mr. CHURCH—There appears to be a disposition on the part of some members to have this question settled off hand. I agree with the hon. gentleman from Prince Edward Island (Mr. Macdonald) that this is a very important question. I am glad that my hon. friend opposite (Mr. McMullen) started the discussion. To my mind the increase appears to be a very large one. I do not know how to approach this question on its merits. Like my hon. friend opposite, I have not been here long enough to know what the duties of this gentleman are, but certainly an increase of one-third to his salary appears to be a large one. The remarks of the hon. leader of the government are opportune now, but do not convince me of the sincerity of such a large increase in the salary of this official. If it be the opinion of the House that this gentleman is entitled to an increase, in order to have sufficient emoluments according to the duties of his position as an officer of this Senate, I should favour the motion of the hon. gentleman from Richmond (Mr. Miller) and give the increase gradually. It is not the practice in the other branch of the legislature to give increases at this rate. I know this, because friends of mine in the civil service in the province from which I come have told me so, and I do not see why we should increase it a third at one bound. On the merits I do not know that I should vote for the increase at all, but as it is presented to the House I am in favour of the amendment of the hon. gentleman from Richmond, as being the best solution of the matter under the circumstances as reported up by the committee.

Hon. Mr. WOOD—When this matter was before the committee of which I am a member I was not present, and my attention was not called to the subject until I found it on the proceedings to-day. I have listened to the remarks which have been made, and I agree with the remarks of the last two speakers. So, as I am informed upon this subject, I feel that I cannot support this motion. The reasons which were given by the hon. gentleman who is chairman of the sub-committee, as well as the remarks of the leader of the government, appear to me in no way to justify this increase. The reasons which were given I think could be applied to every employee of the Senate at the present time. So far as I have met the different employees of the Senate, they are all gentlemanly and courteous to the senators, and all discharging their duties in a very proper and efficient manner. I know of no exception to this general rule, and if that is a justification for making an increase to the employees of the Senate it is a justification for increasing them all, and I quite agree with the remarks which have been made by several members here, that if this matter is to be taken up it should not be taken up by singling out an individual and giving him a very large increase without noticing in any way other employees equally deserving. I have heard no reason whatever given that is satisfactory to my mind why this increase should be given. If my information is correct, the amount paid at present is the same as paid for similar services rendered by an officer in a similar position in the House of Commons. I have not had time to look into the matter myself, but that is my information at the present time, and if that information is correct, it will have the effect of creating a certain amount of feeling among the members of the service if one member is advanced very much beyond another one doing similar work. Besides that, my own impression is that the amount paid, $1,800, is a fair salary for a position such as Mr. Young fills. I am not aware that it requires any special technical knowledge to fit a person for that position. It merely requires a man who is honest and, as my hon. friend says, courteous, careful and attentive in the discharge of his duties. I therefore feel that, as one member of the Senate, I shall have to vote against the motion and the amendment.

Hon. Mr. BEIQUE—I entirely agree with the remarks which have been made by the hon. leader of the government and I cannot see in anything that has been stated why the salary of this official, however efficient he may be, should be raised at a jump by a sum of $600. It seems to me that it would be unfair to other employees who might be quite as deserving as he is; I am not suffi-

ciently informed at present to say whether he is entitled to an increase of salary or not, but it seems to me it would be a very bad principle to raise a salary at that rate and also to bind this honourable House for three years to come. If Mr. Young is entitled to his salary being raised, let us raise it for this year without committing this honourable House, or the government, to any future action. I will therefore move an amendment to the amendment that the report be simply referred back to the committee, seconded by the Hon. Mr. Ellis.

Hon. Mr. COFFEY—As a new member, I feel somewhat delicate in speaking on this subject, but from what I know of this case I feel that I should heartily support the recommendation of the committee in regard to the increase of salary to Mr. Young. We must remember that in the commercial world increases of salary are in the air. Everybody is increased in salary. We have strikes all over the country where they are not increased voluntarily. Salaries have been increased from 25 to 50 per cent in almost every corner of the Dominion, and I believe in applying the same principle to employees of this House as is applied in the commercial world.

Hon. Mr. MACDONALD (B.C.)—Hear, hear.

Hon. Mr. COFFEY—We have very large wholesale houses in the country who will take on a new man this year and give him $1,000 a year, and at the end of five or ten years his salary may be two or three thousand dollars, according to the work that he is doing. Certainly if a worthy employee of a commercial concern is deserving of consideration and of salary, how much more is Mr. Young worthy of a generous increase after forty-three years of his life, his whole lifetime you might say, has been spent in the faithful discharge of his duties to the Senate. I heartily concur with the report of the committee on general principles. I am sorry that I have to disagree with my hon. friend to my right on this question. Not only am I in favour of an increase to Mr. Young, but I am in favour of giving a fair salary to all our employees as the case may require. In this case I should like to see the increase, because I think it is richly deserved.

Hon. Mr. BEIQUE.

Hon. Sir MACKENZIE BOWELL—I desire respectfully to call the attention of the hon. gentleman who has moved the amendment to the amendment that it is somewhat of an inconsequential character. It refers the report back to the committee. For what purpose? Is it to strike out a paragraph, or is it to fix the salary at a maximum rate, or what are they to do? It seems to me the motion should be for reconsideration in some particular line, in order that the Senate might express an opinion as to the propriety of increasing the salary or allowing it to remain as it is at present. If the servants or employees of the House were under the Civil Service Act, then we would be in a different position, and the probabilities are that Mr. Young might have attained to the maximum of a chief clerkship. Hon. gentlemen who have studied the Civil Service Act will remember that there are three classes, and if any official is worthy of an increase, every year his salary is increased to the extent of $50 a year until it reaches the maximum of the class, and when a civil servant reaches the maximum of his class, then, if he is worthy of it, he is promoted to the next class. Mr. Young has been receiving the maximum salary of a first class clerk since the period at which it was raised to $1,800 per annum. The next step would be that of a chief clerk, and he would have to serve a sufficient length of time under the Civil Service Act to reach the sum of $2,400 at $50 a year, and after he had reached that period of service which would entitle him to $2,400, that would be the maximum and you could not increase that under the Civil Service Act, except as pointed out by the Secretary of State, by special vote of parliament, and then you would have to add these convenient words that you will find added to some thirty or forty items in the estimates, 'notwithstanding anything in the Civil Service Act, &c.' That has to be added if you desire to increase the salaries. That is done, and if you look at the present estimates before parliament, you will find a large number of increases provided for in the manner that I have indicated, by adding the words 'notwithstanding anything to the contrary in the Civil Service Act.' Then these words are used also in the appointment of new officials. If you desire to appoint a clerk, for special requirements or for doing

special work, instead of giving him $400 a year you can make his salary six or eight hundred dollars or a thousand dollars if parliament will sanction it. Then there is another clause in the Civil Service Act which makes a provision that you can appoint a man, no matter what his age, and you can give him the maximum salary of a deputy head if he has technical and certain other knowledge that is necessary for the position in which he is to be placed. I do not know that it is necessary for me to point out distinctly what the provisions of the Civil Service Act are, but it would suggest itself to me that if our employees were under the Civil Service Act, Mr. Young, in all probability, would some years ago, or might now be promoted to the position of chief clerk, and then he would be entitled to a raise every year, but I believe our employees do not come under the provisions of that law, and therefore the committee has in the past adopted the principle that is contained in this motion. I think it is an unprecedented raise for any of the officials. There are other officials who have been in the service ever since I have been in parliament, and whose positions in the Senate are of a somewhat responsible character, not only a responsible character, but they would be considered as occupying a higher position, who do not receive the amount that is suggested in this report, nor is there any recommendation to raise their salaries.

There is a good deal of force in the objection that has been taken in selecting one member of the staff. The suggestion has been thrown out, that this question could be considered more thoroughly by the Contingent House Committee. If it were adopted, I do not think the principle should guide them as to the length of time an official has been in the service. The work they have performed and the responsibilities attached to the position they hold should be considered in raising the salary. A man may be a long time in the employ of parliament; his services may not be of a responsible character, and he is not entitled under the circumstances to receive more than he would be paid in a similar position if he were not in the government. There are other positions that are very responsible, and employees should be paid just as they are in the commercial world. The Secretary of State called the attention of the House to the salaries of the county court judges in the province of Ontario. I think any one who knows anything about the responsibilities attaching to a judge in some of our counties which are very large, will scarcely put them on a par with those of a stationery clerk. However, I do not object to our officials being well paid. On the contrary, I think they ought to be well paid; at the same time let us know what the responsibility of their position are, and then let us come to a conclusion whether we should make the raise suggested by the committee. My own opinion is, $2,000 a year for the position held by Mr. Young would be sufficient, but if it is to be increased, let it be done in the way provided in the Civil Service Act. I should be glad to support a motion to that effect. Whether the government think it proper to adopt the suggestion to put our employees under the Civil Service Act is a question for the government to consider. It would avoid a good deal of this trouble that is constantly arising. I hope my hon. friend will change his motion so as to let us know what his idea is in referring the report back, and then probably it might receive the support of the Senate.

Hon. Mr. ELLIS—I think what was in the mind of my hon. friend who moved the amendment to the amendment, and my own mind, was that the utmost increase should be $200 ; that the Senate should not be bound to do anything next year, nor should it, by the acceptance of the amendment of the hon. gentleman from Richmond (Hon. Mr. Miller), bind itself to declare that the office was actually worth the maximum sum which he stated. Like my hon. friend, the mover, I am not impressed by the fact that a man has been forty-three years in the service, and therefore, and for that reason simply, his salary should be raised. The whole question of the nature of the service, the desirability of the increase, and the surrounding circumstances should be known. My hon. friend who moved this report did not give us any reason at all for its adoption. The committee comes forward and asks us to increase the salary by one-third the amount of that salary. It cannot but have a disturbing influence on all the gentlemen connected with the service in every way. I am quite satisfied there is no officer in the other House

doing the same work who gets the very large amount proposed in the recommendation of the committee, and that therefore there is a mistake in that regard. I would be perfectly ready to agree to an increase of $200, but not to bind the House for any future time, nor to make the declaration which the resolution calls for.

Hon. Mr. MILLER—With regard to the amendment of the hon. gentleman on the other side, I do not think it is properly worded. It is inconsequential, but I have no desire to prevent the House expressing its opinion any way it wishes in regard to the report, and I am perfectly satisfied if the hon. gentleman will amend his amendment to my amendment, by saying after such and such a word to strike out 'with instructions to do' so and so, or say 'for further consideration.' Then it would read properly and could go to the House and the sense of the House could be taken on the motion. It would clearly show that those who vote for it are opposed to my motion. If his amendment fails, I will ask the House to pass on my amendment. With regard to this matter, I may say that it is not an unusual thing to refer recommendations back to the committee for reconsideration. It is done sometimes and under different circumstances. When a committee, for instance, has made a recommendation to the House. in the absence of full information, and desires to revise its judgment, a report is then sent back very frequently for that purpose; or when a snap vote has been given in the committee, not representing the full sense of the committee—numerically speaking a small committee—it is not an unusual thing to refer a report back for further consideration, or when information has been received, which the committee, when making its report had not before it, it is a very usual thing to send a report back for reconsideration ; but otherwise it is more or less a reflection on a committee, if without any of these grounds, a report is sent back. How does this question come before the Senate ? It was first discussed, not in the Internal Economy Committee, but in a sub-committee of that committee, known as the Stationery Committee, of which Mr. Young is the clerk. It was discussed, I am told, very fully in that committee, which is a very intelligent committee, and a unanimous recommendation was made to the Contingent Committee for an increase of Mr. Young's salary. It was moved in the Contingent Committee, by the chairman, Hon. Mr. Vidal, and seconded and passed unanimously.

Hon. Mr. SCOTT—I understood Mr. Vidal to say the amount was not expressed.

Hon. Mr. MILLER—The amount was clearly understood. I said a word or two when the motion was before the committee, and I understood fully and distinctly that the amount was $2,400. There was no division on it. It passed unanimously. Under such circumstances, I think it would be more or less a reflection on both committees if this report should be sent back now without specific instructions. However, I waive everything as a member of the committee, and I am willing to let it go back on the amendment I have offered. I need not say to hon. gentlemen that Mr. Young is a very old servant of the House—in fact, he was here before I came here, and I am here a good while. He was in the service of the old legislative council of Canada. He has been in our service as page, messenger, Speaker's messenger, and as a clerk since confederation. Every one who has come in contact with him bears testimony to efficiency, courtesy, and willingness on all occasions, not only to do his duty, but more than his duty if it is required of him. Mr. Young is one of the few employees of the House who stay here almost continuously during the whole year. In many instances, when a member at a distance wants anything attended to in connection with the Senate, in all probability Mr. Young is the man he writes to, and Mr. Young is the person who attends to any business for him in connection with the Senate. He is always ready to do work of any kind, which is really not within the scope of his official duties, and I think that should not pass without consideration, and it should not be forgotten that he stays here continuously the whole year, when other employees are taking holidays or giving very little attention to the Senate—are not required here in fact. In addition to that, Mr. Young is entrusted with the very onerous and very important duties of clerk of

stationery. He is entrusted with the purchase of a very large amount of property. He is entrusted with the care and custody of that property, and also in connection with the newsroom, he has all the duties of ordering papers for the newsroom, paying for those papers and keeping accounts in connection with them, which is really outside the duties of clerk of routine and proceedings, which is technically the office he fills. Under all these circumstances, when the vote came before us, and I saw no one objecting to it, I thought it would not be an unreasonable thing to allow Mr. Young to get an increase. I had nothing to do with fixing the increase. It was done by the Committee on Stationery, as I understood, and was so generally accepted by the committee, that it did not even cause a division. It went through with a good many complimentary remarks in favour of Mr. Young, and without anybody expressing an opinion against it. Under the circumstances, I hope the amendment to my amendment will be defeated, and that my amendment to the motion of the Chairman of the Committee will be allowed to pass, that is, instructing the committee to spread the increase over three years, and fixing the maximum of Mr. Young's salary as one of the clerks of the Senate at $2,400.

Hon. Mr. BEIQUE—With the permission of the House, I will make my amendment read as follows:

That all the words in the amendment after the first of it be stricken out and the following words substituted therefor;
'That the fourth clause of the report be amended by substituting $2,000 for $2,400.'

Hon. Mr. MILLER—Very well, we will take the sense of the House on that.

Hon. Mr. BEIQUE—The effect of the amendment will be to commit this hon. House merely to an increase of $200 for this year, and not committing ourselves at all for the two following years.

Hon. Mr. BERNIER—I do not want to discuss the merits or demerits of the question itself, but I wish to remove, as far as I can, an idea which seems to be in the minds of some hon. gentlemen. It has been stated that this report was a discrimination against other employees. I think the committee had no intention of that kind. There was no intention to discriminate against any other employee. Since I have been in this Senate, it has been the practice to take each case on its own merits. There has been no system. I for one would be glad to have some system adopted which would remove from us all this unpleasant business; but as there is no system, it has been the practice to take each case on its merits, and we know the employees generally take good care of their own interests. The committee is willing to take any case which may be presented to it, but I disclaim the idea that because we think an employee is worthy of a certain recognition that it is a reflection on other employees. At any rate, there has been no such idea in the minds of the members of the committee. As to the matter itself, I am quite willing to be guided by the feeling of the House.

Hon. Mr. SULLIVAN—I rise just for the purpose of strongly endorsing the remarks made by the hon. gentleman from Manitoba. It is absolutely necessary that some system should be adopted for dealing with the salaries of all these employees. If such were in force in this House now, there would not be any of this difficulty. How can an ordinary member, such as I am, vote intelligently on this question? Is it only because $2,000 is less than $2,400 that we are to adopt the amendment to the amendment? Mr. Young did not request $2,400. He asked for an increase; the committee named the $400. How did they name it? He said they named it on the principle of the Civil Service Act. They investigated what he said, and it was on that basis. Now, if it is proposed to reduce $400 to $200 and merely vote for the reduction because it is lower, it seems to be unworthy of a House like this. It is a huxtering way to treat this question. There should be some rule by which the salaries of the employees of this House should be governed. Mr. Young has an appointment which carries with it a good deal of responsibility, and he performs his duties well. He also has work to do by which he could by carelessness destroy a great deal more than three times or five times his salary if he were not stimulated by his honest conviction and an equitable reward for the work done. The committee have investigated it, and have gone on a fixed

principle and really it is the duty of this House to support their recommendation. If not, they should lay down a rule, and be governed by that rule.

Hon. Mr. McMULLEN—I desire to add a word to what I have already said on this question. My reason for taking exception in the first place was not at all with any idea that Mr. Young was inefficient. I believe he is one of the most efficient servants employed by this House. I have every reason to believe that, but my reason for taking exception was that when the report was presented to the House, the only answer we got to demands for explanations why the raise was made of $600 in one year was 'Carried! carried!' Now when the committee undertakes to bring a matter of this kind before the House, increasing the salary of any officer so largely at one time, it would be but courtesy to the Chamber that whoever is chairman of that committee, whoever has been a party to that act, should give a full, extended and, if possible, a satisfactory statement of why this is being done. That is a courtesy to members of the House who are not members of that committee. When changes of this kind are made that full, lucid and clear explanations should be given. If Mr. Young is one of those whose salary has not been increased in past years when others who came into the service the same time he did got an increase of salary, I should like to know that, and the fact might be a just ground why he should get special consideration now. If that is the fact, why is it not presented to this Chamber? Why are not members of this House told of it? There certainly is some good reason why the members of that committee decided to raise Mr. Young's salary $600 at one jump, which is certainly unusual in this Chamber, and I know it is unusual in the other Chamber. I believe that it would be better that the civil service in this Chamber should be placed under some fixed rule whereby salaries would be regulated and increased if increases are deserved. I do not challenge the efficiency of any servant of this House. I believe they are all efficient, and we should endeavour to deal with them on a basis that would do justice to all, but taking up one only and granting an increase of $600 in one year, is only an encouragement to the others to make demands for increases. We cannot tell where it will stop if we keep on in that way. I hope before the question is put that whoever has charge of this increase, will give an explanation to the House why they considered it necessary to recommend an increase of $600. I want it distinctly understood that I am not challenging the efficiency of the man, but an explanation should be given why this large increase is made.

Hon. Mr. SULLIVAN—I went on the basis that it was only $400 of an increase. I find that it is $600.

Hon. Mr. DEVER—I have no objection to have a system adopted for the future in this House, but that is not the question before us to-day. The committee has brought in a report and an amendment is proposed to it that we send back the report to the committee. I have been a member of this House a long time, and have always found that due courtesy was paid to a committee who investigated any matter thoroughly. It is a most unusual thing to reject the report of a committee. I cannot agree with the remarks of the hon. gentleman who said that this report would be a reflection on other employees of the House. On the contrary, it would be a stimulus to the other employees that they should act as Mr. Young has acted, giving general satisfaction to the House. As an hon. gentlemen very properly said, Mr. Young occupies a position in which a great waste of property might take place if he were not a very careful and reliable officer. For my part I have watched Mr. Young with a great deal of care, and I may say I knew other hon. gentlemen who held that office before him. The office has been conducted under Mr. Young better than it ever was before and I have been here thirty-four or thirty-five years. Under the circumstances I think it is but right and proper that when a recommendation is made to this House with a due knowledge of the character and conduct of Mr. Young, the report should be sustained, and I shall vote for the original motion.

Hon. Mr. WATSON—As chairman of the committee who presented the report, of course, there was nothing for me to do but present the report. The hon. gentleman from Sarnia, who is chairman of the Stationery Committee, made his report to the

committee recommending the increase. That report which was, I understand, carried unanimously by the sub-committee, was presented by the chairman of that sub-committee in the same flattering manner in which he spoke of Mr. Young here to-day, and the committee in turn adopted the report without a dissenting voice, and I think it would be well that all members of that committee should attend its sittings and save the time of the House. The hon. gentleman from Wellington is a member of that committee.

Hon. Mr. McMULLEN—I did not know it.

Hon. Mr. SULLIVAN—Why don't you put the right man on that committee.

Hon. Mr. WATSON—The hon. gentleman is a member of the committee and he should have known that that committee was sitting, because notice was sent out in sufficient time for calling the members together. It has been said there was no division in the committee on the question ; there was not even a dissentient voice ; in fact, every member of the committee who spoke to the motion of the hon. gentleman from Sarnia supported it, and said it was but justice and right to Mr. Young who had been some forty-three years in the service of the Senate, that he should receive the maximum salary of the place he occupied. I agree with the remarks made here as to the importance of Mr. Young's position. He has charge of the stationery of the House, and by carelessness could lose very much more than his whole salary. Not only that, but he performs other services which occupy his time not only for the session but for the whole year. I understand that Mr. Young is in his office every office day in the year. There is no question about his being a particularly efficient and obliging officer, and it is thought by the Internal Economy Committee that they were justified in adopting the recommendations made by the sub-committee who knew of the services of Mr. Young. The hon. gentleman from Sarnia has explained that to his personal knowledge he has known this gentleman for some forty-three years in the public service, and that he has always been efficient and obliging, and it appears to me that if at any time in a man's life he is going to reach the maximum he should reach it after forty-three years of service, and the committee do not report to the House the reasons for this. The reasons have been given here. The committee are not supposed to take up time reporting reasons. They do not report reasons as a rule ; they report findings. The findings in this instance are unanimous. And notwithstanding what has been said here, as far as I am concerned, I am prepared to deal with any increase that might be asked by any member of the civil service and deal with these matters on their merits. It may be a sudden increase, to ask a rise of $600, but while I made this motion, after the expression of opinion in this House I rather favour the amendment of the hon. gentleman from Richmond, and am prepared to accept it.

Hon. Mr. McMULLEN—I desire the privilege of one word of personal explanation. I was not in the city of Ottawa at the time the committee meeting was called, nor yet the meeting of the sub-committee. I am sorry I happened to be absent upon the occasion, because if I had been here I certainly should have attended the meeting. I was away and consequently could not attend.

Hon. Sir MACKENZIE BOWELL—I think the House is entitled to some explanation with regard to the remark of the hon. Secretary of State, that the sub-committee made no recommendation as to the amount.

Hon. Mr. WATSON—Oh, yes, they did.

Hon. Sir MACKENZIE BOWELL—I consulted the chairman of that committee a few moments ago and if I understood him correctly, he said the recommendation was that Mr. Young be promoted to the next class. That would be presuming that he was acting upon the principle of promotion in the civil service, and that would be raising Mr. Young from a first class clerkship to the position of a chief clerk, without mentioning any sum, and if they did that it would entitle him to $2,000 per annum and if you act upon the principle of the Civil Service Act, as I have pointed out, he would go up to the $2,400, but it would take him eight years to do that. That is the position if I understand the question. What I should like to know is, if the sub-committee did not recommend the increase of $600 per annum who did ? Was it the action of the

committee itself or did somebody else take the responsibility ?

Hon. Mr. GIBSON—As one of the members and as one who seconded the report of the sub-committee brought in by Mr. Vidal, the explanation that he gave to the committee seemed so satisfactory that, with the exception of the hon. member from Wellington, who was absent, five and twenty members of that committee unanimously accepted and adopted the recommendations in the report of the sub-committee without a criticism ; in fact, almost every gentleman on the committee stood up one after the other and said a kind word on behalf of Mr. Young, who had risen from a page boy to the position he occupies in this House.

Hon. Sir MACKENZIE BOWELL—We all agree to that.

Hon. Mr. GIBSON—The idea that the hon. gentleman from Sarnia had in view was that inasmuch as Mr. Young had reached almost the extreme length of service, although he is quite an active man still, he thought it was only fair he should be placed in the same position and in the same condition as was done by the House of Commons with respect to the office held by Mr. Botterell to that of a chief clerkship. That was the whole idea of the committee, and if Mr. Young has been unfairly treated in the past, and if his salary has been raised within the last two or three years, I think it is all the more to the credit of the hon. gentlemen who occupy positions in this House to do justice even at the eleventh hour. To put Mr. Young in the position of a chief clerkship upon his retirement will allow him a decent amount of money to retire upon, and that was the unanimous opinion of every member of the sub-committee. So far as I am personally concerned, I agree with every word that was said in that committee. I agreed with the hon. gentleman from Sarnia, because he could speak from forty-three years' knowledge of Mr. Young, and I heartily concur in every word that has been said this afternoon with respect to Mr. Young. There is one particular matter of which we should take special notice, and that is the responsible position that Mr. Young occupies with regard to buying and purchasing articles required by hon. gentlemen and by the staff of this House. Mr. Young could waste his salary every year, and instead of that he husbands, as I have reason to know as a member of the sub-committee, the supplies of the Senate, and he carried over his stock from one year to another, which a less efficient officer who was derelict in the discharge of his duty would not do, because he would distribute perhaps the whole of the purchases each year and procure new supplies. But apart from that consideration altogether, the office that he occupies is worth the money, and if he had begun, as the hon. gentleman from Hastings said, under the Civil Service Act, his statutory increase would have brought him to the maximum of his class many years ago, and almost beginning at nothing—beginning at $500, the maximum of increase would give him some $2,200 alone. But laying that to one side altogether, what is the sub-committee for ? A sub-committee was appointed by this House with regard to the internal economy of the House. The committee met and they decided upon this report. I am sorry that the House does not see fit to increase Mr. Young's salary $600 a year, but if the words $2,400 had not been used, and the report had been brought, as I understood, and as I believe every hon. gentleman of the committee understood, that Mr. Young was to be raised to a chief clerkship, the question of salary would be settled by the rank that he had been raised to. How can this amendment to the amendment be sent back to the committee without any recommendation whatever ? It is an insult to the committee. It is within the power of this House to say now whether Mr. Young's salary shall remain at $1,800 or be raised to $2,000 or $2,400 without referring it back to the committee at all. The committee simply brought in the report under the hand of their chairman, and we are bound to submit to the majority of this House, and if it is the judgment of this House that he should only be paid $2,000 a year, as a member of that committee I am willing to accept the decision of this House. But why send it back to the committee ?

Hon. Mr. TEMPLEMAN—That is not the motion.

Hon. Mr. GIBSON—It was the motion. It is quite within the province of the House to amend the clause and say whether Mr.

Young shall receive an increase of salary or a chief clerkship. My understanding of it was that it was intended to raise Mr. Young to a position similar to Mr. Botterell's position, so that on retiring he would have a decent allowance.

Hon. Mr. GOWAN—I agree with every word that I heard in praise of Mr. Young. Speaking from an experience of twenty years, and with very full opportunities of knowing the duties he performed, and observing the manner in which he performed them, I cannot too highly praise him in this particular. I believe that the work he performs is worth all the money that the committee recommended to be paid him, and it is a very serious thing for the House to interfere with the deliberate and unanimous action of its own appointed body on a matter of this kind unless there is very serious objection to it. My hon. friend from Ottawa made some reference to the salaries paid to the county court judges in Ontario, stating that this was a higher salary than paid to them. That was an argument for increasing the salaries of these officials rather than withholding justice from the applicant now before the House, strongly backed up by the recommendation of the committee, but in comparing the salary with the income of a county court judge, it must be remembered that in addition to the salary of the county court judge there is a very liberal retiring allowance paid by statute to that officer. I hope the House will adopt the unanimous report of this important committee, and as far as in me lies, with all the responsibility that I think should attach to every member of this House, I can bear testimony to Mr. Young's diligence and efficiency. I do not believe there is a more capable officer in the House, or in parliament, than Mr. Young, and I again say that I earnestly hope that the unanimous report of the committee will be adopted.

Hon. Mr. KIRCHHOFFER—I think I am entitled to say a few words on this subject. I have been a member of the Contingent Accounts Committee ever since I came into this House, eleven years ago, and for six years I was chairman of that committee Last year my hon. friend from Manitoba (Hon. Mr. Watson), when the government got sufficiently strong to do it, not only put me out of the chairmanship of that committee, but took good care I should be off it altogether. I do not care for that. He seemed to have some reason for getting rid of me, but I find no fault. While we all agree that this House should have every opportunity of criticising and discussing the reports of committees, I have always had a very decided idea that the reports made by the committees themselves should be supported unless there was a very strong reason to the contrary. We appoint committees to look into these matters. In this case they appointed a sub-committee, who no doubt, took the necessary steps to satisfy themselves as to what should be done in the matter, and as I understand, made a unanimous report recommending this increase to Mr. Young. When that report is made, I do not see what else the committee can do than recommend it, and then when they come here and put it before the House, I do not see why so much objection should be offered to it. However, it seems to me a simple matter now. The hon. gentleman from Montreal (Hon. Mr. Beique) moves to refer this paragraph of the report back, that the amount should be made $2,000. That is the amount proposed by the hon. gentleman from Richmond (Hon. Mr. Miller), and if the hon. gentleman from Montreal were to withdraw his motion, the same thing would be reached by allowing the motion of the hon. gentleman from Richmond to go before the House. The hon. chairman of that committee has expressed his consent to accept such a motion as that, and I suppose in doing so he speaks for the committee, and we might end the matter by allowing that motion to be put.

Hon. Mr. OWENS—The motion of the hon. gentleman from Richmond is to increase the salary $200 a year till it reaches the sum of $2,400.

Hon. Mr. KIRCHHOFFER—I understood the hon. member from Richmond to move that it should be raised to $2,000.

Hon. Mr. WATSON—Two hundred a year till it reached $2,400.

Hon. Mr. KIRCHHOFFER—Well, whichever motion is put, let it go for the $200 increase, I think the House would be satis-

fied with that and in future years they could raise it if they desired.

Hon. Mr. POIRIER—I rise to speak on a point of procedure. The motion before us is to refer this report back to the committee to be amended.

Hon. MEMBERS—No, no.

Hon. Mr. POIRIER—I understood so from the mover. I submit that under the strict rules of procedure it is not necessary in this case. It would not be necessary with a report of the Committee of Supply, and this is a similar matter. If the motion was to increase the amount, then it would have to be referred back to the committee, or if it was anything equivalent to that, it would be necessary to refer it back to the committee. But when the question is with reference to diminishing the amount recommended in the Committee of Supply, it is not necessary to refer it back to the committee, and I submit in this case it is not necessary to refer it back. The amendment is that the salary be a less amount. In this instance it is not necessary to send it back to the committee, which would meet the objections raised by my hon. friend from the west and my hon. friend from Lincoln (Hon. Mr. Gibson): it would save all that trouble. I read from page 562 of Bourinot's Parliamentary Practice, 2nd edition, to substantiate what I am saying, as follows :

> Any resolution from Committee of Supply may be reduced——

Hon. Mr. MILLER—That is House of Commons practice.

Hon. Mr. POIRIER—I have explained that, but our committee is equivalent or analogous to that of Supply, and I submit this would apply. It would simplify the whole matter by passing the motion at once, because, as I said before, I am not opposed to the resolution. Sir John Bourinot states :

> Any resolution from Committee of Supply may be reduced after report without going back to the Committee, though it is sometimes convenient to do so for the purpose.

Without insisting upon it, I submit this is an analogous case and that we could safely pass that resolution without referring it back to the committee.

Hon. Mr. KIRCHHOFFER.

The committee divided on the amendment to the amendment, which was declared lost on the following vote :

Contents :

The Hon. Messieurs

Baird,	McSweeney,
Béique,	Merner,
Boucherville, de (C.M.G.),	Owens,
Bowell (Sir Mackenzie),	Power (Speaker),
Church,	Scott,
Ellis,	Shehyn,
Legris,	Templeman,
Macdonald (P.E.I.),	Wark,
McKay (Truro),	Wood.—19.
McMullen,	

Non-Contents :

The Hon. Messieurs

Bernier,	McDonald (Cape Breton)
Casgrain (Windsor),	McHugh,
Coffey,	Miller,
Dever,	Pelletier (Sir Alphonse),
Dobson,	Perley,
Ferguson,	Poirier,
Frost,	Reid,
Gibson,	Robertson,
Gowan,	Sullivan,
Kerr (Cobourg),	Tessier,
Kirchhoffer,	Vidal,
Landerkin,	Watson,
Lougheed,	Yeo,
Macdonald (Victoria),	Young.—29.
MacKeen,	

Hon. Mr. YOUNG—The hon. gentleman from Rimouski has not voted.

Hon. Mr. FISET—I am paired with the Hon. Mr. Bolduc. If entitled to vote I would vote for the main motion.

The amendment was agreed to on the same division, and the paragraph as amended was adopted.

On the fifth paragraph,

> 5. Your Committee recommend that, if a dissolution of parliament occur before another session, the stationery clerk be empowered to make arrangements during recess for supplying large leather trunks to senators, at the beginning of the ensuing session.

Hon. Mr. YOUNG moved that the 5th paragraph be struck out.

Hon. Sir MACKENZIE BOWELL—Is not this an unusual recommendation ?

Hon. Mr. WATSON—Yes.

Hon. Sir MACKENZIE BOWELL—For what reason was it inserted in this report? Was it from any intimation received that there was to be an election ?

Hon. Mr. WATSON—No.

Hon. Sir MACKENZIE BOWELL—Or some presumption there was to be an election ?

Hon. Sir ALPHONSE PELLETIER—Neither.

Hon. Mr. WATSON—It was not considered by the committee at all.

Hon. Sir MACKENZIE BOWELL—How did it come in here ?

Hon. Mr. YOUNG—It came in in error.

Hon. Sir MACKENZIE BOWELL—It is very extraordinary. The chairman tells us—

Hon. Mr. SCOTT—The chairman of the committee says it was inserted in error, and it should be struck out.

Hon. Sir MACKENZIE BOWELL—The hon. member for Killarney (Hon. Mr. Young) moves that it be struck out. I was asking how it came into this report. We have the extraordinary statement made by the chairman of the committee that it never was adopted by the committee, and that it got there without his knowledge. What I should like to know, and what this House should know, is how a report of this character, containing such an extraordinary recommendation as this, was inserted in the report without the knowledge of the committee and without the knowledge of the chairman. We have already ascertained this fact, in the motion just passed, that the sub-committee made a certain report, without mentioning any sum, and that the sum crept into the report by some means or other, no one knows how.

Hon. Mr. WATSON—I understand now how it got into this report. It was in the sub-committee's report, and was not adopted by the general committee, and I suppose by error it got into this report.

Hon. Sir MACKENZIE BOWELL—If the sub-committee's report was adopted—

Hon. Mr. WATSON—That paragraph was not adopted. The sub-committee's report was not adopted in full.

Hon. Sir MACKENZIE BOWELL—Then it was the clerk's fault. I would suggest to the chairman, and I do it respectfully, that when he signs a report in future, making any recommendations to this Senate, he should know what he is doing, and not permit a paragraph to be placed in a report that never passed the committee. The whole thing, to use a very mild expression, seems to have been a bungle from end to end.

Hon. Mr. WATSON—I quite appreciate the hon. gentleman's good advice, but that report was presented to me just when the House was meeting. I had no idea that paragraph was in it, and I suggested to Hon. Mr. Young to move that it be struck out.

Hon. Mr. BERNIER—I am a member of the committee and I am sorry to disagree with the hon. gentleman from Portage la Prairie. It must have escaped his mind or attention, but as a member of the committee, I quite remember this part of the report came before the committee.

Hon. Mr. WATSON—Yes.

Hon. Mr. BERNIER—The report of the sub-committee was regularly before our committee and adopted, so I think my hon. friend was mistaken.

Hon. Mr. VIDAL—I have to differ from the hon. chairman of the committee with respect to this. As chairman of the sub-committee, I certainly read this clause as part of our report, and read it distinctly, and considered it was thus brought before the notice of the large committee. I supposed it was carried.

Hon. Mr. GIBSON—The chairman of the sub-committee is perfectly right. He did bring in this recommendation, and did not go any further than to lay it before the general committee, and it was never adopted or recommended by the committee.

Hon. Mr. VIDAL—That may be right. I only mention my own part of it.

The motion was agreed to.

THE UNION LABEL BILL.

Hon. Mr. SCOTT—A letter has been handed me by an hon. senator, who has had to leave on the four o'clock train, requesting as many senators as possible would meet the Canadian Manufacturers' Association on Monday at 2.30 p.m., in the room usually occupied by the Banking and Commerce Committee, in connection with an important Bill which is coming up for consideration next week. The senators are invited to be present and hear the views of those gentlemen with reference to the provisions of that Bill.

Hon. Sir MACKENZIE BOWELL—That only gives them half an hour to discuss a very important question.

Hon. Mr. SCOTT—Half past two was the hour that the hon. senator named to me at which they were to meet.

Hon. Mr. WATSON—I might ask the hon. leader of the opposition if it would be in order for me to invite the gentlemen who are promoting the Bill ?

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has a good deal of assumption. No one would suppose for a moment his delicacy would permit him to do a thing of that kind. There is very little on the Order paper—scarcely anything—for Monday. If they meet at two thirty they could have a preliminary discussion, and then meet again as soon as the House adjourns, and they could have the whole afternoon.

Hon. Mr. WATSON—That will give my men time too.

The Senate adjourned.

THE SENATE.

Ottawa, Monday, April 27, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE TRANS-CANADA RAILWAY.

INQUIRY.

Hon. Mr. LANDRY inquired of the government :

1. Whether the Trans-Canada Railway Company has made overtures to the government to obtain a subsidy to aid in the construction of a railway from Quebec to Port Simpson ?
2. What is the nature of the subsidy asked ?
3. What is the amount per mile and for how many miles ?
4. Has this request for subsidies been recommended by any one, and by whom ?
5. Does the government intend to grant the aid asked for ?

Hon. Mr. SCOTT—No formal application has come before the government from the Trans-Canada Railway Company. Individual members have been spoken to as to what they probably would expect. Beyond that nothing has happened. My hon. friend may move for papers, and I will then look up any correspondence there may be and bring it before the House.

Hon. Mr. LANDRY—If there is nothing, I do not know what I could move for.

Hon. Mr. SCOTT—I do not think there is anything. Anything that has occurred was informal—simple conversation.

THE PACIFIC CABLE.

MOTION.

Hon. Sir MACKENZIE BOWELL moved :

That an humble Address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid upon the Table of the Senate copies of all correspondence between the government of Canada, Great Britain, Australia and New Zealand, during the past twelve months, having reference to an agreement, or proposed agreement between Australia and the Eastern Extension Cable Company, and all documents in connection therewith.

He said : I should like to make an addition to this motion with the consent of the House, although I fear it would delay the returns asked for for some time. If the House unanimously consent to the addition which I propose, I will ask the hon. Secretary of State to bring down the information asked for in the first portion of the motion, and the additional information which I propose to ask for in a subsequent return, unless they have the information now before them. With the consent of the House, I will add the following to the motion :

Also a return showing the business done by the cable each month since it was laid, namely, the number of words transmitted of, first, the ordinary messages ; secondly, government messages ; and third, press messages.

As I have already stated, perhaps the hon. Secretary of State could inform me, before I proceed further, whether they have that information ?

Hon. Mr. SCOTT—No. I may say, in anticipation of some motion of the kind, I cabled to Lord Strathcona to send that forward.

Hon. Sir MACKENZIE BOWELL—Then I will add what I have just read to the motion. The information asked for in the first paragraph might be brought down, and the other might be embodied in the subsequent return. I have been induced to make this motion from what has appeared in the

Australian newspapers and from other information which has come under my notice. From the articles which have appeared in the Australian press of late it would appear that the Australian Commonwealth have proposed to enter into an agreement with the Eastern Extension, by which certain rights and privileges are to be given to that company, which, as I learn from the documents which have been placed before me, the government of Canada object to, and when the House and the country are made acquainted with the facts, I am inclined to the opinion that this Senate and the country will approve of the course which has been adopted in this connection by the government of Canada. I will read a short extract from the Melbourne 'Argus' of the 13th March last, in which it is stated :

> Sir Wilfrid Laurier is taking up an altogether unreasonable position, on the cable agreement question. Virtually his contention is that the state owned Pacific cable shall be favoured by its owners as against the privately owned Eastern Extension line, to an extent that would in time secure for it a monopoly of the business. He desires Australia as one of the parties to the Pacific cable contract to do everything possible to direct business over that line. So long as this 'everything possible' did not involve unjust treatment of the private line no objection could be taken.

The object and intention of those who advocated the policy of an all-British cable between the British colonies on this continent and the Australian colonies, and connection with other portions of the empire, by which communication could be had by the direct Pacific cable line with all portions of the empire, had three objects in view. One was the patriotic object of having an all-British Pacific cable. The second was that Canada should have communication with the Australasian colonies, so as to enable it to carry on its trade with those colonies to greater advantage to those who engaged in commercial pursuits. The third was to place the Eastern Extension Company in such a position as to prevent it from monopolizing the whole of the cable trade of the world, and prevent its enormous charges. Now, the agreement into which they have entered appears to be of this character : previous to the construction of the British Pacific cable an agreement had been entered into by New South Wales, Western Australia, Tasmania and South Australia, granting the company certain rights and privileges relating to the establishment of offices and various other advantages which could not be obtained by any other company. Queensland and Victoria refused to grant these concessions. The rights which were granted to the Eastern Extension are in perpetuity. Sir Edmund Barton, premier of the Commonwealth, takes this position, if he could secure a concession from the Eastern Extension releasing these four different colonies from this binding contract which they had made, and restricting it to ten years in consideration of granting them the same rights and privileges in Victoria and in Queensland, that he would be doing a good thing for the Australian Commonwealth. Looking at it from that standpoint, most people would agree with Sir Edmund Barton, but what I think we, as Canadians, who have an interest in this enterprise, have to find fault with, is the want of business character that is operating the Pacific cable at the present time. The Eastern Extension Company—I want to place the matter as fairly before the House as possible—claim, in consideration of surrendering their rights in these four colonies, they should have for twenty-five years the absolute privilege that they enjoy in the four colonies, in Victoria and Queensland. This the premier of the Commonwealth refused to grant, but the Commonwealth has entered into an agreement for a ten years concession. This is, I think, the contention of the premier of the Commonwealth of Australia. The Melbourne 'Argus' in particular, which I may state is a very influential paper, adds :

> The Canadian premier protests that Australia should not grant the company the privilege of making such a display of enterprise ; in effect he demands that the Commonwealth government should reserve to itself as a partner in the Pacific cable all rights and privileges in the shape of adopting methods of increasing business, 'do everything possible to direct business' over his own line, and thus per contra do everything possible to prevent its opponent obtaining any.

I do not know that the Canadian government goes that length. However, we will be better able to judge when we get the papers ; but that the premier of this country should endeavour to secure to the fullest possible extent the cable business of Australia with Canada and with the rest of the world, is a policy in which every one will concur. From the informa-

tion which we have received we find there has been a very large deficit, and a proportion of that deficit will have to be paid by the Canadian government. The London 'Chronicle' of the 28th of March, says:

> The Pacific Cable Board estimates that there will be a loss on the working of the cable of £92,000 for the year ending 30th March, 1904.

Hon. Mr. FERGUSON—Four hundred and fifty thousand dollars.

Hon. Sir MACKENZIE BOWELL—This loss will have to be made up by Great Britain and the different colonies that are partners in the concern, our proportion of that will amount to about $125,000 or $130,000. When we consider that fact, we will not be surprised that the government of this country should take a strong position against the making of a concession to the Eastern Extension Company, which has thrown every obstacle possible in the way of the construction of this cable ever since it was proposed, some ten or fifteen years ago. I think, from what we can glean, that this loss is due to the fact that there has not been that business capacity thrown into the management of it that there should be in any enterprise of such magnitude. The Eastern Extension Company has to-day, in every section of Australia, agents drumming up business, if I may use that expressive term. The management of the Canadian Pacific cable has no person in Australia or anywhere else, so far as we can learn, attending to that particular business. They simply sit down and if business is brought to them they send it over the wires without looking after it. It has suggested itself to me—I do not know whether the government have thought of it—that if our commissioner, who is a very active and energetic man, having an office in Sydney, Mr. Larke, were instructed to appoint agents in different cities in Australia for the purpose of obtaining business over our line, in the same manner that the Eastern Extension does, the deficits would not be as large as they are.

Hon. Mr. ELLIS—Who owns the land lines now?

Hon. Mr. SCOTT—The government of Australia.

Hon. Sir MACKENZIE BOWELL—I was coming to that in a moment. The Australian governments, as I understand, own the lines. It is true the Eastern Extension Company, when they secure business, have to send it over a portion of the land lines, and have to pay their proportion, but they are seeking the concession of laying down or erecting a copper wire cable of their own, and if they get that permission, it will be an interference with the receipts of the land line, for the reason that they will have an independent line of their own and that all cable communications between the outside world will go over their own private line instead of over the land line. From information that I have received, I find this state of things. The Eastern Extension register addresses and code for the sender and receiver without charging the customer. This may or may not apply to the Reuter Company, which sends the news of the country. I have not information positively about that. If one uses the Pacific cable, the name of the correspondent has to be registered in the London post office and a fee paid, and the sender has also to register and pay a fee in Australia. That is the regulation affecting the Canadian Pacific line, but it does not apply to the Eastern Extension. In addition to that, under the regulations governing our line, you have not only to pay a registration fee, but to pay for two words where the Eastern Extension requires but one. That may not appear much to us, who have perhaps to pay but a cent or two cents for each additional word, but in Australia three and sixpence per word is the fee charged; so that for this additional word, if you want to communicate over the Pacific line, the British line, you have to pay this three and sixpence additional. In addition to that, you have to pay the registration fee in Australia as well as in London, England. What does that mean? When I was in Australia a number of years ago, Sir Sandford Fleming, then Mr. Sandford Fleming, desired to telegraph to Ottawa a couple of words. It was then nine and sixpence per word, but he had to pay ten shillings for registering his name and the place where he was to receive his answer. What the charge is for the British cable registration I am not in a position to say, but if that ten shillings was added, and the three and sixpence besides, you would have thirteen and sixpence extra to pay to send

the message over our line above the charge for transmission over the Eastern Extension. That is not only a grievance, but a grievous wrong to those who communicate by our line and to the country itself. I do not know that it is necessary for me to enter at any greater length into this question. I have pointed out these disadvantages under which the management of our cable labour. I do not know whose fault it is. I do not lay the charge to the Canadian government any more than any other person, but what I do think is—and the Secretary of State on reflection will agree with me—that the parties who have the management and control of this cable should have practical men at the head and particularly in the management of the concern. Now, no one doubts the desire of Lord Strathcona, who is one of our commissioners, to do all he possibly can in the interests of Canada, but when we reflect for a moment upon the magnitude of the business which that gentleman has to transact in his office in London, we must come to the conclusion that it is utterly impossible for him to give that attention to this particular branch of the business connected with this cable that it deserves. Who the other gentleman is in London I am not positive, but I am under the impression that the other commissioner representing Canada is some gentleman connected with the Bank of Montreal.

Hon. Mr. SCOTT—The manager of the Bank of Montreal.

Hon. Sir MACKENZIE BOWELL—When we reflect on the business which the manager of the Bank of Montreal has to transact, and the time which is occupied by him in the performance of his duty in the bank, to the bank itself, and the looking after the business of customers, we must come to the conclusion at once, that he has very little time to give to the management of a purely commercial business like the Pacific cable. I do not desire to be personal, but I think it is a very great mistake on the part of Britain and the colonies that a gentleman who took from its inception such a great interest in the Pacific cable and who has spent so much money of his own in the forwarding of this great enterprise which has united nearly all the British possessions in the Pacific, and certain in America and also Africa and India, should not have been placed on that commission. I refer to Sir Sandford Fleming. I refer to him for this reason: knowing the great interest he has taken in this question—knowing as all who have studied the question know, that he was the first to moot an all-British cable in 1887; that he has steadily advocated and pursued the subject from that time to this—that he went to Australia at his own expense and laid the matter before the Australian people in four or five of the colonies at meetings at which I was present—in view of these facts, I think he deserved greater consideration than was extended to him. Apart altogether from that, his intimate knowledge of the working of cables and the manner in which the business could be made profitable, would have justified the government in insisting on his being placed on the commission.

There is another point to which I should like to call my hon. friend's attention. I have learned that there has not been a single press message sent over the Pacific cable. If a regulation were made by which news could be sent from the Dominion to Australia and from Australia to Canada over that cable free for a year or two, it would be of great advantage to the commercial world and to this country in particular. The different offices are open at both ends of the line. The staff is at both ends of the line and it would cost not one cent more to transmit a certain number of words for the press in this country and Europe than it costs to-day, and there is no reason, to my mind, why, if it were only as an experiment, they should insist on free press messages over that line for the reasons I have indicated. Once we get communication established between the two countries depend upon it the business would continue for all time to come, and a good revenue ultimately could be obtained from that source alone. If it were going to add anything to the expenditure in connection with the management, I would not have made this suggestion; but having the staff, having the offices upon the line and a complete working staff, free messages for the press over it for some time to come would create a trade between the two countries. Such a convenient means of conveying information of the wants of each country to the

other would be of great advantage to us commercially and would add nothing to the present cost of maintenance. To illustrate: a year or so ago the potato crop was a total failure in Australia. Hundreds of thousand of tons of potatoes were shipped from British Columbia and Washington Territory to the Australian colonies. Now, if we had this press communication and the requirements of the Australian markets were cabled across just before, or a short time before, a vessel would leave British Columbia for Australia, it might be the means of building up a market that does not now exist. I have to apologize for having taken up so much time, but having taken a deep interest in this cable enterprise for some time, I thought it my duty to bring the subject before the House.

Hon. Mr. MACDONALD (B.C.)—Will the hon. gentleman give us the volume of trade?

Hon. Sir MACKENZIE BOWELL—I have not the figures. That is why I ask for the information in this motion. The number of words sent, the ordinary business, government business and press messages. When we get that we will learn what the volume of business has been. There is one other matter of a personal character to which I should like to refer briefly. I noticed in a paper some time ago— and this is to relieve the government of an imputation which has been cast on them—I always desire to do that—

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—That is only their right. In referring to this cable question the journal says:

> The first act of the Laurier government in this connection was to remove Sir Mackenzie Bowell from a position the work of which he understood and replace him by one of its own political friends, Mr. A. G. Jones. The chief part of the task had, however, been accomplished.

The journal which published that is not strictly correct. The government did not remove me from that position. After I returned from England, I sent in my resignation to Lord Selborne, having been appointed by Mr. Chamberlain, the Colonial Secretary, on the recommendation of the late government. That resignation I sent to Lord Selborne, the chairman of the commission, and also sent a copy of the resignation and the letter which accompanied it to Sir Wilfrid Laurier, Premier. I thought it was the best course to pursue under the circumstances, not knowing what their policy was on this cable question, and believing they would rather have one of their own political friends acting for them, I thought it my duty as a public man to place my resignation in the hands of Lord Selborne and informed Sir Wilfrid Laurier of that fact.

Hon. Mr. SCOTT—Any one who has followed the history of the Pacific cable and studied the divers efforts that have been made from time to time to strangle or paralyze it, will feel his patriotism for imperial connection somewhat chilled. Unfortunately for Canada, at the time my hon. friends opposite and those who were associated with them took up this question of the Pacific cable and in this Chamber carried a resolution in a very earnest and sincere way to have a cable laid across the Pacific ocean, there was a gentleman at the head of the Eastern Extension Company, the late Sir John Pender, who had a great knowledge of men, and who, seeing what was likely to come, fortified himself so that he became absolutely impregnable. The first stock of the company was pretty judiciously distributed, and brought to the support and friendship of the Eastern Extension Company a very powerful clientele. I need not go into the history of that. It is known to those who have had to do with this question, but I think if Canada six years ago had known the difficulties she had to encounter, the obstacles that would have been thrown in our way by those who ought to have cordially come to our support and assistance in view of the patriotic policy we were advocating—had we anticipated the position we would have to face, I doubt whether Canada would have entered on the project. I do not think she would. My hon. friend knows very well that in 1894, at the time the project was first submitted to the delegates from the Australian colonies, they were very earnest, sincere and anxious to carry out the project. When in 1897, I think it was, we came to a formal agreement with New South Wales and Victoria, the two most important parts of Australia, we naturally considered that they, together with the government of Great Britain, would be loyal and true to the contract that had been en-

tered into. I am sorry to say that faith was broken. After the commonwealth had been formed—some two months after—New South Wales deliberately broke her share of the contract. In Australia the government control all the telegraph offices within the continent, and they gave to the Eastern Extension Company the privilege of using the government offices—practically giving them the control of all the internal messages of the colony. We remonstrated, of course, but remonstrances were of no avail. It was after the commonwealth had been formed, and therefore the opinion was expressed by some lawyers that it ought not to have been ratified by the commonwealth. However, under the terms by which each part of Australia came into confederation, there was this singular provision, that until the post office and telegraph and telephone systems were handed over to the commonwealth, the control and sovereignty of them remained with the individual state and that was the only ground on which New South Wales—I will not say could justify, but could explain it was to their advantage to make the arrangement with the Eastern Extension. That naturally reduced the profits very largely that one would expect to receive from the Pacific cable. Within the last three or four months —my hon. friend has alluded to it incidentally—the premier of the commonwealth cabled to us that the commonwealth proposed to make, for Victoria and all the colonies, a binding arrangement with the Eastern Extension for ten years to give them the benefit of all the internal government offices belonging to their system within the continent. The effect of that would be necessarily to give the control practically of all messages emanating from Australia to outside countries to the Eastern Extension Company, because they occupied with the government the offices that did the interior business. We naturally protested. A very strong protest was sent to the government of Australia, stating it was a direct violation of the agreement, that we were shocked at it and we could not understand how they could have perpetrated an act of that kind. However, there it rests in that state at the present time. Attention was called some two months ago to the fact that the Pacific cable was not being used to anything like its capacity, and it was suggested that if press messages were sent free for a limited time, allowing a limited number of words each day both east and west, it would bring the attention of the people of Canada to the existence of the Pacific cable and would be the best possible advertisement. I am sorry to say even that proposition, reasonable though it was, was rejected by the government of Australia, and the absurd reasons given was that they did not see that any object would be gained by it, as the Eastern Extension would do the same. That was no reason to justify the refusal. We also instructed our representative on the cable board in London to agitate in that direction, to endeavour to bring influence to bear on other members of the board to open the cable for a period of three months for free press messages as an advertisement. As I say, that has been rejected up to the present time at all events by Sir Edmund Barton, who practically refused to acquiesce in it. The paper from which my hon. friend read, I think, is hostile to the Pacific cable, the Eastern Extension Company being a very powerful company financially and fighting for a monopoly, having subsidized papers, not alone in Australia, but in Great Britain. I do not propose to make any comments at the present time as to my views of the action of the imperial government. I do not think it has been as cordial as it ought to have been. I do not think they have supported Canada to the extent they should. Canada entered into this arrangement with no desire on Canada's part to merely lay a cable across the Pacific, but with a view to connecting all parts of the empire by cable for patriotic reasons. There are a few men in Great Britain who appreciate that. Sir Edward Sassoon appreciates it. I had some correspondence with him, and he since that time has been a very warm friend of the Pacific cable, and I notice, from speeches he has made recently, he regards the existence of the cable as due entirely to the earnest efforts made by Canada—that had it not been for Canada there would have been no cable. I am sorry to say we have not been seconded as we should have been by our friends in Great Britain or the Australasian colonies. The papers will be brought down that are now existing. The information my hon. friend

desires as to the business done over the cable cannot be obtained immediately. I am endeavouring to get it from the office in London, and as soon as we receive it that information shall be brought down also.

Hon. Sir MACKENZIE BOWELL—I am gratified with the remarks made by the hon. gentleman. With reference to the Eastern Extension, I am fully in accord with him, as most hon. members know who were here when I spoke on this question before. Perhaps it is not good policy, but I then gave my opinion very freely of the action of that company, and also of the action of the home authorities on the question. And all I can say is that I hope that some good may result from this little discussion. It will bring the matter before the people of England and Australia. I did intend to read a short extract, and I will take the liberty of doing so now, upon the question of the Eastern Extension, in order that it may be upon record. I have just had an advance copy of the 'Annals and aims of the Pacific Cable,' by Mr. Johnson, placed in my hands, and I find he deals with this particular point in one paragraph which shows conclusively the position occupied by the Eastern Extension Company. It is a very wealthy company. It controls the cable lines to Egypt, to India, and to Africa. My hon. friend behind me asks if the Eastern Extension Company could not perform the service which we expected to be performed by the Pacific cable itself. They have no connection whatever between Australia and Canada, except telegraphing from Australia by way of England, and then out this way. We desired this cable line, as Canadians, as the hon. Secretary of State has very properly explained it, for patriotic, rather than for any commercial advantages we expect to derive from it. The extract from Johnson reads as follows :

As already stated the difficulty is directly traceable to the Eastern Extension and associated telegraph companies. These companies have combined to thwart the efforts of the governments concerned in establishing a Pacific cable. It cannot be said that those in the combination are inspired by lofty ideals or patriotic sentiments. They are governed entirely by considerations of private interest, and in order to accomplish their ends they are bent on controlling all the over sea lines of telegraph to Australia and New Zealand. There are good grounds for the belief that they aim to control even the Pacific cable itself. As will hereafter be pointed out, they have entered on a crusade which may so seriously affect the financial success of that undertaking as to develop a feeling against the policy of working it by the state, in order that its control may fall into their own hands. As the danger apprehended is imminent, the public interests will best be served by recalling and considering the facts. Possibly a knowledge of them may open up an honourable way out of the difficulty acceptable to the Commonwealth of Australia, and to which each of the other partners in the Pacific cable contract may yield a ready assent.

There is embodied the whole of the policy of the Eastern Extension Company, and those who have large private interests in that enterprise, and it will suggest itself to any reflecting mind that the course they are pursuing now in Australia is for the purpose of rendering the Pacific cable a non-paying enterprise, so that it may ultimately fall into their own hands, and thereby give them a total monoply of the cable round the whole world.

Hon. Mr. ELLIS—The hon. gentleman spoke of £92,000 as the deficit for 1904. That loss will have to be borne by the proprietors. Will we have to pay that sum in addition to the subsidy we are giving ?

Hon. Sir MACKENZIE BOWELL—Yes, we will have to pay $125,000 or $130,000 to make up the loss sustained in the working of the cable, from the fact that they are doing no business, and doing no business on account of the laxity of enterprise that characterizes those who are in the management of it.

The motion was agreed to.

THE BARR COLONISTS.

INQUIRY.

Hon. Mr. WATSON inquired :

1. What lands have been reserved for the British colony organized by the Rev. I. M. Barr ?
2. What were the conditions under which such lands were reserved ?
3. To what extent up to the present have the conditions been complied with ?
4. Was Rev. Mr. Barr appointed an agent for the Department of the Interior, or were his statements or promises to prospective settlers authorized or controlled by the Department of the Interior ?
5. What remuneration (if any), either by way of salary, allowances or commissions, has the department agreed to pay the said Rev. I. M. Barr in connection with the organization of the colony ?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are as follow :—

1. The land reserved for the British colonists under the Rev. I. M. Barr, is as follows :—

A. First reservation made 25th November, 1902, townships 48 and 49, ranges 25, 26, 27 and fractional 28, west of the 3rd meridian ; township 50, ranges 27 and fractional 28, west of the 3rd meridian; townships 49, 50 and 51, in ranges 1 and 2, west of the 4th meridian.

B. The second reservation was made on 21st February, 1903, as follows :—

Three-quarters of the available homesteads in township 50, ranges 25 and 26, west of the 3rd meridian; township 51 in range 25, west of the 3rd and south of the river, and ranges 26, 27 and fractional 28, west of the 3rd meridian; township 52, in range 25, south of the river, and ranges 26, 27 and fractional 28, west of the 3rd, and 1, 2, 3, 4, 5, 6, 7, 8 and 9, west of the 4th meridian; township 53, in ranges 25, 26, 27 and fractional 28, west of the 3rd, and range 1, west of the 4th, south of the river, and ranges 2, 3, 4, 5, 6, 7, 8 and 9 west of the 4th meridian; township 54, in ranges 1, 2 and 3, south of the river, and ranges 4, 5, 6, 7, 8 and 9, west of the 4th meridian; township 55, in ranges 3, 4, 5, 6, 7, 8 and 9, west of the 4th meridian and south of the river; township 56, in ranges 4, 5, 6 and 7, south of the river, west of the 4th meridian.

2. Under the terms of the first reservation it was agreed to reserve all the even-numbered sections in these townships excepting 8 and 26, and any other quarter sections which might have been entered for up to the time of the reservation, or before notice was received by the agent, or which may have been settled upon by persons previously and entry not granted. The conditions of this reservation were that it should be in force until the 15th February, at which date lists of the names of persons who had definitely decided to join the party were to be forwarded to the department, and they would be entitled to receive homestead entry for one quarter section each. And further, that Mr. Barr was not under any consideration to levy any charge on persons joining his party. If the number of names forwarded was less than would be required to take up all the available homestead lands within the tract only a sufficient area should be retained to enable those who had decided to join the colony to obtain homesteads.

The conditions as to the second reservation were that the British settlers should be entitled to obtain homestead entry for three-fourths of the homesteads in each of the townships within the tract—the balance to be available for American and Canadian settlers. The portion of the land to be assigned for British settlers to be held until the 1st January, 1904.

3. Mr. Barr has complied with the conditions as to reporting the entries for lands, and the department has been advised of the names of 1,541 settlers who are to take up homesteads, and Mr. Barr has further deposited with the department the sum. of $21,119.65 which represents in all the fees for 2,132 entries, practically covering all the homesteads to which his party would be entitled under the terms of the reservation.

4. Mr. Barr has never been appointed an agent to represent the Department of the Interior in connection with this colony, nor have any statements or promises made by him to prospective settlers been authorized or controlled in any way by the department.

5. No remuneration has been paid or agreed to be paid to the Rev. I. M. Barr either by way of salary, allowance, or commission in connection with the organization of his colony, or for any other purpose.

STOVEL DIVORCE PETITION.

NOTICE OF MOTION.

Hon. Mr. PERLEY—Before the House adjourns, I wish to make a motion with reference to the petition of James Stovel, who applied two years ago for a divorce. He paid the fee of $200, but was unable to go on with the divorce proceedings, and has not been able since to do anything in the matter. He has now made up his mind to abandon the petition, and I move that the $200 fee be refunded to his solicitors, Messrs. Murphy & Fisher, who put up the money for him. The usual charges would be deducted, of course.

Hon. Mr. LANDRY—It will require notice of motion.

The SPEAKER—I think it would be wiser to give notice of the motion, because the money has gone into the treasury.

Hon. Mr. PERLEY—Then I give notice of the motion now.

DELAYED RETURNS.

Hon. Mr. LANDRY—I wish to inquire from the hon. minister if any progress has been made in the march of that return I moved for some time ago ?

Hon. Mr. SCOTT—What return ?

Hon. Mr. LANDRY—With reference to the appointment of honorary colonels, from the Department of Militia.

Hon. Mr. SCOTT—They told me they were at work at it.

Hon. Mr. LANDRY—They are going very slowly.

Hon. Mr. SCOTT—I have no way of forcing them.

Hon. Mr. DANDURAND—In the meantime the country is not in danger.

Hon. Mr. LANDRY—I do not know.

Hon. Mr. MACDONALD (P.E.I.)—I desire to ask if any progress has been made with the return which I asked for on the 19th March last, respecting communication with Prince Edward Island by steamer ?

Hon. Mr. SCOTT—I made inquiry, and the last I heard was that it was a very long return and would take some time to copy.

The Senate adjourned..

THE SENATE.

Ottawa, Tuesday, April 28, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (I) An Act respecting the Rocky Mountain Railway and Coal Company.—(Hon. Mr. Lougheed.)

ALASKAN BOUNDARY COMMISSION.

INQUIRY.

Hon. Mr. PERLEY inquired :

1. What are the special duties to be performed by the Hon. Mr. Sifton, Minister of the Interior, in connection with the Alaskan Boundary Commission ?
2. When does the commission meet for the special purpose of its appointment ?
3. What are the Hon. Mr. Sifton's duties in this connection, of more importance to Canada than they would be in Ottawa during the session of parliament and at a time when immigrants are coming to settle largely on lands under his administration ?
4. How many assistants and others has he with him, who are they, what particular duties have they to perform, and what remuneration do they receive for such services ?

The SPEAKER.

Hon. Mr. SCOTT—The particular minister under whose jurisdiction the Yukon Territory is, Mr. Sifton, is charged with seeing the Canadian case is properly prepared. Under the first arrangement the commissioners were to have met in London and there exchanged their documents. The papers have to be filed on Saturday next—that is the last day—sixty days from the time the notice was first given, and Mr. Sifton's object in going to London was to ascertain whether any additional evidence could be obtained. I am very glad to say he has succeeded in that—confirming our views in reference to the Alaskan boundary. The papers—what is called the case—on each side are to be exchanged on Saturday next. The Canadian case will be deposited with the United States Embassy at London on Saturday, and the other will be deposited with the British Embassy at Washington. I understand it consists of about three hundred pages. Mr. Sifton's object in going to London was to confer with Edward Blake and Sir John Anderson, who was engaged on the case when it was before the commissioners in Washington, and it was important Mr. Sifton should see him and the other parties who were conversant with the facts. The commission will meet in September next. Mr. Sifton's duties in London were very much more important than his duties remaining here. His duties in his department have been very well attended to by the officers of the department, as my hon. friend knows, probably, from the reports he has heard of the way in which emigrants coming into Canada have been treated. The officials with Mr. Sifton in London are W. F. King, the Dominion astronomer, and an officer in the department. He is a chief clerk, salary $2,300 ; F. C. Wade, one of the counsel. I am unable to say what his fees will be. It will depend on the time he is employed. A. P. Collier, his private secretary. He is a first class clerk, and his salary as first class clerk and private secretary is $2,000 a year. J. J. McArthur is a topographer in the department of the Interior, and his salary is $2,000.

Joseph Pope, Under Secretary, salary $3,200. Samuel Maber is a stenographer, salary $100 a month. E. E. Turton is a clerk at $660 a year. Then James White is a geographer who has since joined the party. His salary is $1,900. I think that answers my hon. friend's question.

Hon. Mr. MACDONALD (B.C.)—I should like to ask if the government of Canada insisted on having an umpire on this commission? As it stands now, there are three commissioners against three commissioners, and many people, like myself, think it will be entirely abortive, that nothing will come out of it. Each side will stand out strongly for their own contention and their own opinion, and it will simply be a waste of money, and I cannot understand how any government can go into a thing of that kind and leave it in that way. Of course, they will get the legal opinion on each side. But it is not a question of legal opinion at all. It is a question of geography entirely, and each nation has its own opinion on the wording of the treaty, and who is to decide which government is right? I did hope, when the question was mooted first of all, that this government would insist and would not go into the matter at all unless there was some evidence that the question would come to a satisfactory conclusion. We in British Columbia are very anxious, and the whole Dominion is very anxious, to have this question settled, so that we can know how to get into our own country. But as the thing looks now, I believe that nothing can be done. It is just where it was fifty years ago.

Hon. Mr. SCOTT—The hon. gentleman knows very well that the cause of the breaking up of the commission which met at Washington two years ago, was the refusal of the United States to submit what is called the Alaska boundary question to arbitration. What was sought then was an arbitration, and since then every effort has been made to induce the United States government to settle the question on the basis usually adopted by friendly nations, that is by an arbitration with an umpire, or by a reference to the Hague tribunal, or in any other way that would make a finality of the case. They have steadily refused. The hon. gentleman knows something of the history of this country and of the territory adjoining British Columbia, and knows that where there is any doubt the United States have taken possession of our territory. They have, even since the Alaskan question has been mooted, taken possession of Wales Island and another island that is clearly within our territory. That acquisition of territory has been going on. I make no comment on how the mother nation on the other side has stood by and has seen the United States government in the past appropriate Canadian territory. The probability is that had some reference not been made, a great deal of the Yukon, or a considerable part of it, would have been absorbed in Alaska. Under those circumstances, the better opinion was, when the United States government refused to arbitrate, that the next best thing to do to arrive at some judicial decision on the subject was to accept the proposal made by the United States government, that is, to leave the whole question to six judicial experts, three on each side. I need not here make any comments on what I consider to be a departure from the agreement, after it had been entered into, by the appointment of gentlemen representing the United States who did not, in my judgment at all events, come within the category provided in the terms of the agreement as drawn up, inasmuch as two of the gentlemen had previously expressed themselves very strongly upon the point that necessarily will arise. However, it was the best course to adopt. The imperial government thought so, as well as the Canadian government, under the circumstances. I do not at all agree with my hon. friend, although it is a question on which we may all differ, that the commission will be abortive. I think, on the contrary, if the evidence is at all conclusive either one way or the other, that both countries must fall into line and accept the opinions that may be expressed by this judicial committee. They may not agree. We have chosen the highest judicial lights within our reach. The Lord Chief Justice of England is one of the members of that commission. He certainly will act as all other British jurists have acted under similar conditions, giving his view wholly irrespective of the national sentiment. I think I can speak positively on this subject; therefore I believe and I think that public opinion in the United States, although at one

time one might have doubted, will acquiese in the ruling if it is at all in our favour. The points are not very many and it is probable new elements of evidence adduced on the present occasion will influence the public mind. Although the press of the United States has spoken very positively on its views of it, still they have done so without that accurate knowledge of the facts that would justify the statements which have been made. If, however, a formal judgment or precis is drawn up by those jurists, it must have its influence on the people of both countries, even if there happened to be in the end, as I think there may not be, three on each side. Under these circumstances, I think my hon. friend was scarcely justified in saying it was an unwise thing for the Canadian government to acquiesce. It was Hobson's choice—it was that or nothing—that or leave this subject of contention open for years, with the probability of the United States people—because we know a large number of United States people are in that country already—gradually claiming more and more of the disputed territory.

Hon. Mr. LANDRY—Would the hon. minister inform us why the Minister of Justice, whose function seems to point to his nomination for the preparation of all these papers, has been left aside or replaced, and the Minister of the Interior appointed instead ?

Hon. Mr. SCOTT—I am not aware that he has been cast aside or replaced. The Minister of the Interior was first selected to represent Canada for the reason that the territory is within his jurisdiction, and his officers are more familiar with the points at issue.

THE MINUTES OF THE SENATE.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I should like to direct the attention of the Senate to the minutes of proceedings, now in our hands, of yesterday's sitting. We are all aware that yesterday, before the doors were opened, a matter was brought up in this House respecting an alteration to be made in the minutes of the preceding sitting. This was done immediately after prayers. An objection was taken, I believe, by my hon. friend from Montarville (Hon. Mr. DeBoucherville) pointing to the fact that the matter brought to the notice of the House was not brought up in due time; that it should have been brought up after the routine proceedings, after the call for the Orders of the Day, and the Speaker decided that as it was a matter of privilege it might be brought up immediately. If it was brought up immediately before the presentation of petitions and reading of petitions and presentation of reports, I do not see why in the minutes it has not the place which it should have. It ought to be in the minutes immediately after prayers and should read after prayers, the last paragraph, 'with the leave of the Senate the Hon. Sir Mackenzie Bowell moved,' should come just at the opening of the proceedings immediately after the word 'prayers.'. I call attention to these facts because we want to be accurate in our minutes and get everything in its own place.

Hon. Mr. MILLER—The matter was not brought up as a matter of privilege. It was brought up with the consent of the House before taking the Orders of the Day. I think it is where it ought to be.

Hon. Mr. LANDRY—As a matter of fact I think it was brought up immediately after prayers.

Hon. Mr. MILLER—The hon. gentleman was mistaken. It was not a matter of privilege.

Hon. Mr. LANDRY—I am not saying that it was or that it was not a question of privilege. I say, as a matter of fact it was brought up before the opening of the House.

Hon. Mr. MILLER—I brought it up before the Orders were proceeded with, not as a matter of privilege, but with the unanimous consent of the House. I stated at the time it could only be done with the unanimous consent of the House.

Hon. Mr. LANDRY—If my hon. friend will pardon me, I think he is wrong. It was brought up immediately before the doors were opened.

Hon. Mr. MILLER—Of course.

Hon. Mr. LANDRY—And immediately after prayers and before the petitions.

Hon. Mr. MILLER—Yes, it was brought up before the doors were opened, but it was not brought up as a matter of privilege.

Hon. Mr. LANDRY—I did not say it was brought up as a matter of privilege, but I say this, an objection was taken to the time at which that question was brought up. The answer given was this, that it was a matter of privilege.

Hon. Mr. MILLER—By whom was that answer given ?

Hon. Mr. LANDRY—It was given by the hon. Speaker.

Hon. Mr. MILLER—I did not hear it.

Hon. Mr. LANDRY—I do not complain of it at all. What I say is when it was brought up, whether as a matter of privilege or not, it must be put in our minutes in the order in which it was brought up, that is, immediately after prayers, and I should like the record of our proceedings to be right.

Hon. Mr. SCOTT—Yesterday this Senate wasted from one to two hours in discussing a technical matter. They arrived at a conclusion unanimously. There is no doubt as to the desire of the Senate and as to the result of the vote, and I think the dignity of this House ought to be observed by one of its members, who interrupts very frequently respecting the officials of the Senate, and not make this House a laughing stock to people outside.

Hon. Mr. LANDRY—I do not see where the hon. minister finds that argument. I do not understand what he means to say. I am stating facts. Is he able to contradict one of them ? If so let him say so. I do not want to be catechised when we speak to him. I am stating facts and I have a right here, as a member of the Senate, to ask that what is done in the Senate be put in our records in the proper place, and the hon. minister should not say I have not that right.

Hon. Mr. SCOTT—Next order.

Hon. Mr. LANDRY—I want to know if that is to be put in the proper place ? Am I right or am I wrong ?

Hon. Mr. SCOTT—The hon. gentleman is intervening in a most unnecessary and undignified way. The whole House is against the hon. gentleman's action. As I say, we discussed this for two hours yesterday and he wants to have it up to-day, when, as a matter of fact, it has been closed, and the conclusion of this House arrived at is correctly stated in the minutes.

Hon. Mr. LANDRY—That is evading the question. I admit a decision has been arrived at, but I want that decision to be put in the proper place. Am I right or wrong ? If I am right, why not comply with my demand ? If I am wrong, let the hon. gentleman prove I am wrong.

Hon. Mr. DeBOUCHERVILLE—The question is not whether this should pass or not pass. The question is, has it been put where it should be on our record. That is the only question raised by the hon. member, and certainly everybody will admit this question was decided immediately after prayers, while in the minutes it is put after the petitions and reports of committees. It is not in is proper place, and the hon. gentleman is asking the Speaker to decide if it is in its proper place.

Hon. Mr. DANDURAND—If I understand the question raised, it is that a matter decided by this House does not appear in its proper place. I wonder if it is of sufficient importance whether it is or not.

Hon. Mr. MILLER—Before the doors were opened I made a motion in reference to this matter and my hon. friend submitted another motion, which, although I do not think it met the case as well as mine, I assented to. I withdrew my own and accepted the motion of my hon. friend the leader of the opposition. It was not, however, brought up as a matter of privilege. It was not of that nature. The motion of my hon. friend passed the House with unanimous consent and was afterwards put in the minutes, in my opinion, in the right place—that is, in the order of proceedings of the Senate. I think it is now in the right place.

The SPEAKER—Does the hon. gentleman ask for my opinion in the matter ?

Hon. Mr. LANDRY—Certainly.

The SPEAKER—I think the hon. Secretary of State has misapprehended the point taken by the hon. gentleman from Stadacona. As I understand it, the point taken

by that hon. gentleman is that our minutes should be a fair record of the proceedings of the sitting of the House in the order in which they take place. In my humble opinion, the hon. gentleman is perfectly right, and this resolution was adopted after prayers and before the routine proceedings were gone into, and I think that the minutes ought to show that.

Hon. Mr. VIDAL—I fail to see that any importance attaches to it. Is it not a daily occurrence that things here are done at a different time from that in which they are mentioned in the records? Are not petitions presented often out of order, and yet they appear in the record in their proper place? I think the position in which this is placed is correct. There is nothing misleading in it, and it is not of the slightest consequence in what part of the minutes the entry appears. It is there on record.

OTTAWA, NORTHERN AND WESTERN RAILWAY COMPANY'S BILL.

FIRST READING.

A message was received from the House of Commons with Bill (37) An Act respecting the Ottawa, Northern and Western Railway Company.

The Bill was read the first time.

Hon. Mr. DANDURAND—I beg to move, with the consent of the House, that the Bill be read a second time to-morrow, in order that it may go to committee on Friday.

Hon. Mr. CASGRAIN (de Lanaudière)—I must object to that. There is some objection made to the Bill.

Hon. Mr. DANDURAND—Then I move that the Bill be read a second time on Thursday.

The motion was agreed to.

KOOTENAY CENTRAL RAILWAY COMPANY BILL.

FIRST READING.

A message was received from the House of Commons with Bill (41) An Act respecting the Kootenay Central Railway Company.

Hon. Mr. TEMPLEMAN—I beg to move, with the consent of the House, that this Bill be read a second time to-morrow.

The SPEAKER.

Hon. Sir MACKENZIE BOWELL—If it is to be read a second time to-morrow the hon. gentleman had better explain it, and it will do away with the necessity of any discussion to-morrow.

Hon. Mr. TEMPLEMAN—I am at a disadvantage, not having the Bill before me and not having read it. I am in the position of a great many other members of the House who have suddenly thrust into their hands measures which they are requested to take charge of without being apprised of the nature of them. I presume hon. gentlemen have found themselves in this position before. This charter is already in existence, as I understand it. It is a railway from a point on the Crow's Nest railway in Eastern Kootenay, down the valley of the Columbia, running northerly to the town of Golden on the main line of the Canadian Pacific Railway. This Bill, if I apprehend it right, is for an extension of the time for construction, as the charter already exists. If I am misstating the facts I will have to correct myself to-morrow.

The motion was agreed to.

BILL INTRODUCED.

Bill (57) An Act respecting the Niagara Grand Island Bridge Company.—(Hon. Mr. Gibson.)

HURON AND ONTARIO RAILWAY COMPANY BILL.

FIRST READING.

A message was received from the House of Commons with Bill (75) An Act respecting the Huron and Ontario Railway Company.

The Bill was read the first time.

Hon. Mr. LANDERKIN—This measure is for an extension of time for the completion of this road. It goes through Newmarket and up through the county of Grey, passing through Walkerton, Southampton, Kincardine and those places.

Hon. Mr. WATSON—How many miles.

Hon. Mr. LANDERKIN—Perhaps sixty. I could explain the railway system of that country but it would take some time, and I do not think it will be necessary. This line crosses the railway system which runs up to Georgian Bay and Lake Huron. It

is a cross line and is a great convenience to that country. I think I carried this measure through the other House three years ago. Some progress has been made and the company want an extension of time and other things which I think the House will readily grant. I therefore move that the Bill be read the second time to-morrow.

The motion was agreed to.

CANADIAN PACIFIC RAILWAY COMPANY BILL.

FIRST READING.

A message was received from the House of Commons with Bill (5) An Act respecting the Canadian Pacific Railway Company.

The Bill was read the first time.

Hon. Mr. DANDURAND—This Bill affects the issue of stock. It is simply an internal arrangement and does not change the powers the company already has. It is simply a question of changing the form of the stock, and I would move, with the consent of the House, that the Bill be read a second time to-morrow.

Hon. Mr. MACDONALD (P.E.I.)—Thursday.

The motion was agreed to.

QUEBEC AND NEW BRUNSWICK RAILWAY COMPANY BILL.

FIRST READING.

A message was received from the House of Commons with Bill (84) An Act respecting the Quebec and New Brunswick Railway Company.

The Bill was read the first time.

Hon. Mr. POIRIER—I beg to move that rule 30 of the House be suspended and that the Bill be read a second time to-morrow. It is an important Bill asking for an extension.

The motion was agreed to.

BRITISH COLUMBIA SOUTHERN RAILWAY COMPANY BILL.

FIRST READING.

A message was received from the House of Commons with Bill (50) An Act respecting the British Columbia Southern Railway Company.

The Bill was read the first time.

Hon. Mr. LOUGHEED moved that the Bill be read the second time to-morrow. He said : It is part of the Canadian Pacific Railway system and is simply for an extension of time for the building of the line from Fort Steele to the town of Golden. I hope the House will consent to its being read a second time to-morrow.

The motion was agreed to.

OTTAWA, NORTHERN AND WESTERN RAILWAY BILL.

Hon. Mr. CASGRAIN (de Lanaudière)—I should like to withdraw the objection I made to this Bill and allow it to be read the second time to-morrow.

Hon. Mr. DANDURAND—It simply provides for an extension of time and can be explained at the second reading to-morrow. It affects the Canadian Pacific Railway. They have already two Bills which will go before the committee on Friday, and I would ask that it be read a second time to-morrow.

Hon. Mr. MACDONALD (P.E.I.)—I beg to object, Mr. Speaker. We will be here a long time and there is no use crowding into one day more than we can do. We have fixed several Bills for to-morrow, and it is quite time enough to allow the others to go over till Thursday.

Hon. Mr. CASGRAIN—I regret very much that this has happened. The hon. gentleman from de Lorimier (Hon. Mr. Dandurand) is to introduce a Bill in this House to which some one has asked me to object, and that is the only reason why I objected. Otherwise his motion for the second reading of the Bill to-morrow would have been carried unanimously. I mistook this Bill for another one. I was the only one to object, and if the House will allow me to withdraw my objection I shall be glad.

Hon. Mr. MACDONALD (P.E.I.)—I objected to that Bill and several others, but unfortunately the Chair did not catch the objection.

THE PRINTING OF PARLIAMENT.

Hon. Mr. GIBSON moved that the report of the Joint Committee on the Printing of Parliament be concurred in.

Hon. Sir MACKENZIE BOWELL—It is not usual to adopt these reports until they have been concurred in by the Commons. Could the hon. gentleman inform us if it has been concurred in by the Commons?

Hon. Mr. GIBSON—The same report is presented in the Commons to-day. It is only referring to a few matters to be printed.

The SPEAKER—The point made by the hon. leader of the opposition is quite correct. It has been the uniform practice of this House not to concur in the reports of the Committee on Printing until they have passed the Commons, for the reason that the reports provide for the expenditure of money, which is a matter for the Commons.

Hon. Mr. GIBSON—I move that it be considered on Thursday.

The motion was agreed to.

EXPROPRIATION ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (8) An Act to amend the Expropriation Act.

(In the Committee.)

On clause 2,

Hon. Mr. FERGUSON—I entertain very strong doubts as to the propriety or the justice of our passing that clause or making it the law of the country. The first clause, I think, is perfectly reasonable. If the government require a limited estate in any property for public purposes, they can make their expropriation that way and define it—set it forth in their expropriation of the property. If they want the property for a limited time, they can also do that. I do not see any objection to either of these courses—that is, the government taking the property for a limited time, or a limited interest in the property, but I do think when the government steps in and absolutely expropriates property, they should not have the right afterwards to throw it back on the owners' hands.

Hon. Mr. MACDONALD (P.E.I.)

Hon. Mr. MACDONALD (B.C.)—Hear, hear.

Hon. Mr. FERGUSON—And I do not think it is in the public interest that any such power as that should be given to the government. I daresay I will be told that clause 3 provides that such abandonment or revesting will be taken into account in assessing compensation to the person for the land taken, and there is a further clause which elucidates the same point, but I believe that it will be impossible for the owner of property fully to show to a court, or for the court to act upon all the circumstances of a case, and give him such consequential damages as he might be entitled to under such an act as this on the part of the government. The owner of the property has received notice. He knows that all the legal steps have been taken which it is necessary for the government to take to expropriate his property, and it passes virtually out of his hands. It may be the most essential property to him for the conduct of his business. It may be a wharf on which he conducts a coal or lumber business, by which he makes his living. Having this property taken from him by the government, he may proceed to build a wharf somewhere else. He may proceed to buy a property on which he can carry on this business.

I think it is doubtful whether any court awarding damages in such cases could go into the intricacies of the damages and the injury to the man for having to take steps to move his business from that property, which he was legally deprived of, and which property may subsequently be thrown back on his hands. I think we are going quite far enough when we allow, as we do now, the government of the country to absolutely take a man's private property for public purposes, and when we go further, as we are proposing to do in the Bill before us, and allow the government of the country to take his property for a limited time, or take a limited interest in the property. It is going too far when we allow the government of the country to come in and take a man's property absolutely and, at any time before compensation is paid, throw that property back on his hands after he may have been put to a great deal of trouble and loss. To say the courts shall award the damages

which shall accrue to him is rather a doubtful protection. I am not a lawyer, but I have very grave doubts whether it would be possible for any court to adjust the damages, or hear evidence bearing on it, which would be necessary to pay the claimant the real damages that might be done to him. I am putting these reasons before the House. Of course if the government are determined to proceed with the measure I shall have to accept it, with others, but I have very strong opinions on the question that this is a power which should not be given to the government.

Hon. Mr. SCOTT—The clause to which my hon. friend refers is not straining the law to any greater extent than it exists today. We know in all countries the right of expropriation exists. It is a very arbitrary power no doubt. It is done in the interest of the whole community and it is to be presumed, and I think in all cases—at all events all that have come within my observation and they have been pretty numerous—that the party whose property is expropriated is amply paid. I cannot conceive a case where full compensation for every injury is not made up. Certainly, in all cases in which I have had experience, the courts and arbitrators have leaned to the side of the party who has been deprived of his rights, and properly so. I cannot conceive why a government expropriating property should not be willing to pay the owner all that is absolutely due. I have always regarded it in that light, and as a rule that has been the standard by which courts and arbitrators have judged; therefore, I cannot conceive any case where a party will be wronged by the government in expropriating, if they find that instead of ten acres they only want seven, and they leave the three acres in the hands of the owner—I see no reason why they should not be allowed to do it, providing they pay for the inconvenience and loss arising from keeping seven instead of ten acres. It is an arbitrary act at best, and I can conceive no difference between the act of taking the whole or taking part. One or two of my friends called attention to the withholding of compensation. I know of no case where compensation has been withheld, excepting where the title is affected. The law is on our statute-book, and has been for years, that until the title is made out the Crown cannot pay the money. It may be paid into a trust company or court to be held until a decision is arrived at, but no government would be justified in withholding the compensation, and I do not know of any case where it has been done.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has failed to grasp the point clearly raised by the hon. gentleman from Marshfield. The difficulty that he has pointed out is the taking of property, the holding of it by the government for a certain length of time and then returning portions of it back to the owner, thus causing incidental injury to the owner of the property in the meantime. That is the point most forcibly put by the hon. gentleman. By reading the clause, it will be seen that no action can be taken to return to the owner a portion of the property, or reinvest, I should say, in the owner of the property any portion of it until after the amount to be paid can be determined. Now, the question is not as to the amount which has been paid when property has been expropriated in the past. There it was a clear case. The moment the expropriation took place, then the value of the property was ascertained and the owner paid. In this case, the property may be taken from the owner and held by the government for a year or two until the work—such as the construction of a canal—is completed, and just so long as they do not pay the proprietor the value of the property, it remains in the position of possibly being returned to him. It is only when the compensation money has been paid that the property becomes vested in the Crown de facto. There is where I see the difficulty arises. We know for years owners of property have been kept out of their money even under the old law, and this is going to make it a great deal worse. What I fear is this, that the officials who generally make the report for the expropriation, knowing that a portion of it can be handed back to the owner, will not be very particular as to the amount they take. They may expropriate two-thirds or half more than they want, and they will do it without thought or care as to how it affects the interest of the owner.

The hon. gentleman says he has a good deal of experience in that. I have been long enough in a government to see how this power can be abused by officials, not by the ministers. I do not blame them, because they act, as a rule, on the reports of officials who, I know, are not as particular in dealing with matters of this kind affecting private property as they ought to be. As to the incidental or consequential damage that might arise under this clause, it is dealt with very fully in England. A measure has recently been introduced for the compensation of publicans who have sustained damage in their business under recent legislation. They propose to compensate them for the consequential damages that may arise. We know also in railway expropriations in England that if a railway passes by a public-house, which affects the entrance to the property, and thereby injures the landlord, they must compensate him. They are obliged to give him consequential compensation. How far this Bill will militate against the owners of property is a question that will be decided in the future. I am strongly of the opinion of the hon. gentleman who has spoken, that it will be found to work arbitrarily and with a great deal of injustice to property owners. The state can afford to take a man's property and pay for it at once, and the government should not be given this power, nor should the property owners, in my opinion, be placed at the mercy of any government officials whenever they want his property. However, as my hon. friend says, if the government are determined to take this power we cannot prevent them. It is not a political question, it is a question affecting the rights of property owners, and it is for the Senate to say how far they should interfere in a matter of the kind. I frankly admit the Bill before us is not as objectionable in many respects as the one presented some years ago, and which we rejected on the ground that it was ex post facto legislation, and that it interfered directly with cases then before the court. This is not so objectionable in that respect, because it provides it shall not affect any pending cases or any action in the taking of property by the government in the past, and only applies to the future. The third clause provides for consequential damages, and in my opinion all the difficulties which have been pointed out by the hon. gentleman from Marshfield that will necessarily arise. I am very much afraid that much injustice will be done under the working out of this measure.

Hon. Mr. DANDURAND—I do not see how the privilege asked by the government will be exercised often, nor in what direction it can arise. I suppose in the building up of large works occasions will arise where, if the piece of land taken is in excess of what is needed, and during the negotiations for the expropriation it will be seen that too large an amount of land has been taken, the portion not needed should be restored to the owner. I should somewhat hesitate in granting the government that further exceptional power of returning land which it has already taken possession of if clause three were not as wide as it is. It covers all possible damages which may be incurred by owners who are deprived of their property and whose property may be returned to them. Whether the damage is small or great, all the circumstances of the case will be investigated. It is a question of estimated damages, and, as I have stated, I do not exactly see how often this privilege which the government asks will be exercised ; but so long as the damages are paid, I suppose it belongs to the sovereign power to decide as to the proper exercise of this power given by clause two. As a matter of fact, the owner will be deprived for some time of his property. We now allow the government to expropriate completely ; the expropriation which will take place under this Bill will be a partial expropriation. If it is taking rock from a property, the government will have to compensate the owner. If we allow the superior domain to be expropriated, can we not allow the government to expropriate temporarily the contingent one, which is the usage of the land for some time, by paying all due compensation to the owner ?

Hon. Mr. MACDONALD (B.C.)—My hon. friend will see where the hardship comes in. The land is expropriated and only a part of it is required. It may be kept for years and years, and the owner cannot get its value or a settlement. That is where the hardship comes in. There are expropriation cases in this country which have been unsettled for

thirty or forty years. I know of one case which has been three or four years unsettled, and the man could not get his money.

Hon. Sir MACKENZIE BOWELL—He has not got it yet.

Hon. Mr. MACDONALD (B.C.)—I do not know. When the government want land they send their engineer who reports on it. Why should they take ten acres if they only want five? Surely an engineer of experience knows what he wants. Instead of expropriating ten acres and throwing five acres back on the hands of the owner, would it not be better to take only the five at once and close the transaction?

Hon. Mr. CHURCH—This seems to be a question for legal gentlemen. In the other Chamber I think it was very fully discussed when the measure was introduced by the Minister of Railways, and a great deal of argument and discussion was had thereon. I was in the gallery at the time, and had the benefit of hearing that discussion. No doubt, as the Secretary of State has said, it is an arbitrary power, and one which every government possessing the functions of government like ours, must have in order to protect the public interests. It is the legitimate outcome of the old precept that 'public interests must come before private interests,' and no government will unduly exercise the powers of expropriation, in my opinion. It may be that in the past more land has been taken for public purposes than was afterwards found necessary, and the government want to take power to return such portions of the land to its original owners. Having had something to do with these matters as Minister of Public Works in the province of Nova Scotia—having had to deal with railway contracts for some years, I have had some little experience in such matters. My experience has been wherever the department could not make a fair bargain with the owner and it was left to arbitration—and the arbitration laws of the Dominion must be of the same character as those of Nova Scotia—the owner got full value—more than the full value of the land, if it had been sold by public auction. I am of opinion that no party in power would strive to exercise tyranny over the subject—that the individual would get sufficient for the land necessary to be expropriated under the advice of the engineers of the department. What does the clause say? It says that the abandonment shall be taken into account. It appears to me that clause three goes a long way to reimburse the owner for the fact that a part of his property has been taken and has been found not necessary to be used and returned to him, and he has got to be allowed value for it that should be satisfactory. There can be very few cases where the government can do wrong, even if they wish to, in the exercise of this power. I take it for granted that no government would willingly do wrong in such a matter. If they required land of any kind, the owners thereof would in the end get full value and compensation. In my judgment the government should have this power, and I have no doubt any government would use it to the best interests of the country and of private individuals as well.

Hon. Mr. LOUGHEED—It seems to me that the consideration dealt with by my hon. friend from Nova Scotia is not the one which should be considered by this House, namely, whether a government will deal equitably or otherwise with the general public, but what really should be considered is the extraordinary powers which are being given to the government and which may be exercised either arbitrarily or otherwise. Governments are only made up of aggregations of individuals, and different aggregations at that. A board of arbitration may take an extreme view of the law and exercise their powers very arbitrarily, whereas on the other hand we may have a board of arbitration which will exercise these powers very reasonably. But in considering a statute, we should consider whether it is advisable to give any person, even the government, extraordinary powers which could under any circumstances be arbitrarily exercised. It seems to me the weakness or unreasonableness of this clause lies in its inconclusiveness. When a contract is entered into between two individuals, it is not only desirable, but it is necessary, that each individual should know where he stands with reference to that contract; but in this particular case the government is exercising an

extraordinary power in the right of expropriation, and we are introducing into the Bill an extraordinary principle which, so far as I can learn, has never been recognized in any other state. I do not think you will find under any of the expropriation laws in Great Britain or in any of the United States of America anything comparable or parallel to this. Those laws were fully considered some two or three sessions ago in discussing amendments to the Expropriation Act, and it was then shown that the expropriation powers given to the government of Canada were certainly very much broader than those obtaining in Great Britain or in the United States of America. We propose importing into the Expropriation Act an extraordinary principle, namely that the government, after expropriating land, may, before compensation is made, throw back upon the owner of the land either a part of it or the whole of it without the owner having expected anything of the kind. It seems to me that it is on this point that injustice is done. Let us assume for a moment that the expropriation power is exercised and the opinion obtains between both parties, the Crown and the individual, that they are to take that land absolutely. That may be the intention at the time and it certainly will be the intention at the time, otherwise they would exercise the power mentioned in clause two, paragraph one, namely they would only take a limited estate. But this is not dealing with a limited estate. This is dealing with a case where the Crown expropriates the property absolutely, and then through some subsequent condition of facts arising, they throw back on the owner the land which they originally had intended to take absolutely, and which the owner himself did believe was taken absolutely. Let us take the case of an owner deprived of his lands under that existing condition of facts, namely that it is to be an absolute expropriation of the land. Compensation is delayed. The owner in the meantime assumes other responsibility under the assumption that the land is to be taken absolutely. He contracts liabilities. He says 'the government have taken my land; the arbitration has fixed a certain compensation, and now I will buy another piece of land and I will enter into another business. Let us assume he is a quarryman. He purchases another quarry, all on the strength of what has been done in good faith—all on the strength of representations made by the government that they are going to take his land absolutely. Now, hon. gentleman, keep that in mind. Say twelve months afterwards payment has not been made. The government comes in afterwards and says 'we have considered our position in this matter and we are going to throw this land back on you. We do not intend to pay you for the land which we have taken.' In the meantime he has been depending on the payment of that money. He has been incurring new liabilities on the strength of the contract which has been entered into. It might prove the financial ruin of that particular individual. He is not in a position to receive the money from the Crown. In the meantime, he considers his business has been taken over by the Crown, when in fact it has only been for a limited period, and then it is thrown back on his hands. What will be the position of that man? Disaster must stare him in the face unless he is in a financial position to meet the new condition of things which has arisen. It seems to me the Crown is not in a position to ask to grant them a power by which they may divest themselves of the responsibility which they assume. It is the individual who should have the sympathy of the public or of the statute. I think no individual should be placed in that position. Hence I think the provision which is proposed to be inserted in paragraph two is a most extraordinary one and should not be granted to the Crown.

Hon. Mr. SCOTT—The principle is not a new one. I find it in the Exchequer Court Act passed in 1889. Here is this provision made in section three :—

If the injury to any land or property alleged to be injuriously affected by the construction of any public work may be removed wholly or in part, &c., the damages shall be assessed, &c.

Now, that is where the land is interfered with. It provides the damages shall be fixed immediately.

Hon. Mr. FERGUSON—That is the same as section four of this Bill.

Hon. Mr. SCOTT—It is wider. It repeals that and re-enacts it.

Hon. Mr. LOUGHEED—That is a matter of damages.

Hon. Mr. SCOTT—I am quite aware of that. It is allowing the government to reconsider a matter that has been decided. The extreme case my hon. friend refers to may not arise once in a hundred years. I do not know of any case except that quarry we have had so much discussion about. We know very well that before expropriating, plans are first made and those are plans approved by the minister, and it is unlikely that such a contingency should arise as my hon. friend opposite anticipates. However, I think clause 3 is so absolutely general one cannot conceive language wider to cover every case of the abandonment or revesting of property after expropriation. Every circumstance and incident of the case can be considered in estimating the amount to be paid to any person for compensation.

Hon. Mr. DeBOUCHERVILLE—The hon. gentleman admits there is no precedent for this legislation.

Hon. Mr. SCOTT—No, this is going further than we have ever gone before. I admit that, but I say the principle has been recognized by the clause of the Exchequer Court Act which I have quoted—it gives the power to do something else instead of paying damages. For instance if a canal cuts away a frontage from a man's house he is getting damages for that. The Crown says 'your claim for that is extreme; we will make a road for you on the side here.' Very well, then. The court has to consider whether the Crown will not be permitted to make that offer and to put a road there and have the damages reduced, inasmuch as that is placed there in lieu of the road that has been taken. That is a case in point.

Hon. Mr. DeBOUCHERVILLE—That is not the point. The point is that this provision is something for which there is no precedent—the power to give back the property after having taken it.

Hon. Sir MACKENZIE BOWELL—That is the point.

Hon. Mr. SCOTT—Before the money is paid.

Hon. Mr. DeBOUCHERVILLE—The hon. gentleman says he has no precedent, therefore, this is a new power he is asking which exists in no government that we know of.

Hon. Mr. FERGUSON—My hon. friend is not quite correct when he says that the section which he quotes from the Expropriation Act is similar to the one to which I have objected. If my hon. friend will look into it he will find that clause 4 of this Bill embodies the principle of the section of the Expropriation Act.

Hon. Mr. SCOTT—I so stated, except that it is enlarged to meet the conditions of this Bill.

Hon. Mr. FERGUSON—Clause 4 embodies the principle of the section which he has read from the Expropriation Act, but that has nothing whatever to do with the point to which we object, in clause 2 of this Bill. I understood my hon. friend from Montreal (Hon. Mr. Dandurand) to refer to myself as objecting to the taking temporarily of an interest in the property. I did not make any objection to that. That is contained in section one; nor have I any objection to the government doing what they have always had power to do—that is, to make an absolute expropriation and be bound by it; I have no objection to their making an expropriation of a limited interest in a property, which this Bill allows them to do, or an expropriation for a limited time, but I want that the expropriation should have that definiteness to which the hon. gentleman from Calgary (Hon. Mr. Lougheed) has referred, whatever it is, whether it is the whole or a limited interest, or whether it is the property for a limited time, that there should be definiteness about it. What I object to is that the property may be absolutely expropriated, the government may delay the payment of the money for a considerable time, and any time before they pay the money they may change their minds and throw it back on the owner's hands. My hon. friend from Montreal considers there would be something serious in the objection if clause three was not so general, which he appears to think would afford a remedy and would give ample damages to any person under the circumstances. With due deference, I have a serious doubt whether clause three, notwithstanding that it may be somewhat general in its nature, would reach all the cases that might arise under the operation of clause

two. Take the case of a man conducting a business depending upon public patronage. He has a notice served upon him of an absolute expropriation of the property on which his place of business stands. Feeling that that property is gone from him, he acquires another property, and proceeds to remove his business to that property. After all this has been done, the other property is thrown back on his hands and he has two properties, all of which I suppose could be brought before court, but there might arise the question of the loss of business. We know that trade is somewhat whimsical in its nature, and will not follow a man from one locality to another. I know of an instance, when in consequence of a fire, a grocer was obliged to move from one part of a block to another, and he found his trade would not follow. We know that when a case is brought before the courts they are disposed to look with leniency on the case of the subject as against the Crown, but the court must be governed by evidence, and would he be allowed to show that where he was doing business, trade did not come to him? That would be held to be too remote; the court would not listen to him, and however much a court may be disposed to do justice, I believe there would be instances where they would not be allowed to entertain such evidence. They would be restricted, and I doubt very much whether justice could be done in very many cases that may arise under the provisions of this clause. I think if we were to adhere to the sound and safe ground on which we have hitherto stood, that when a definite expropriation is made, absolute in its terms, and all the requirements of the law are complied with, that that expropriation should be final. When we go further and allow the Crown to make a limited expropriation of private property, only a part of the property, or when we allow them only to take a limited interest, I think probably we are allowing something to which the public interest requires they should be entitled, all of which would be considered in the damages, but when we go further than that and allow the Crown to come in and make an absolute expropriation which, so far as the terms of the expropriation and the intention of the government, and so far as the knowledge of the man whose property may have been taken, are concerned, is absolute and we allow the government, when other transactions have taken place in good faith, and when complications have arisen in the man's business, when his financial position may be ruined—when we allow the government to come in and throw the property on his hands, I think we are really giving the Crown an extraordinary power, and my hon. friend the Secretary of State when challenged to do so, has failed to show where either in the government of this country or in the legislation of this country, any such power has ever been given to the Crown.

Hon. Mr. DANDURAND—There is no question that the illustration given by the hon. gentleman who has just sat down as to a case where damages would arise, is not applicable, because clause 3 covers those difficulties. I know there would be some difficulty in the judge drawing the line exactly as to where he would stop in granting damages, in consequence of the destruction of a business, but I see that the clause No. 3 was not so wide when it was presented to the House of Comomons and was widened in consequence of the discussion which took place, in order to cover such a case as the one just mentioned by my hon. friend.

Hon. Mr. LOUGHEED—My hon. friend will scarcely say, as a lawyer, that the court could consider damages that would arise in all the ramifications which would be presented through a condition of facts such as those.

Hon. Mr. DANDURAND—I have limited my answer to the illustration given by the hon. gentleman from Marshfield.

Hon. Mr. LOUGHEED—But damages of that character would be considered so remote as not to be admissable in evidence before the court.

Hon. Mr. DANDURAND—It is hard to make a general enactment which will cover all possible cases which may arise, although I think clause 3 has been made very, very wide, and we were just asking ourselves if there was a possibility of making it wider, which I doubt very much.

Hon. Mr. MACKEEN—In listening to this discussion, I am impressed by the fact that this is a Bill that opens the door, if the gov-

ernment is so disposed, to the exercise of a great deal of arbitrary power, and also a great deal of power that might lead to distress to the holders of property. I have had some little experience in the expropriation of property down in Cape Breton and elsewhere, and I have seen cases in which if the power which is given to the government in this Bill were fully exercised, it would lead to a great deal of injustice. For instance, we have had property expropriated in connection with private interests, and expropriated in connection with railways, where people's houses were taken away and where their places of business have been expropriated. Supposing a government sees fit to expropriate my place of business, contiguous to a public work which they are putting up, canals or harbours, or something of that kind, where they may need my property for three or four or five or six months, or perhaps a year, for office purposes or as a machine shop, or something of that sort; I am obliged, in order to carry on my business, to go elsewhere, provide another store if you like, another place of business, and to my surprise I find that after these works are completed and the government finds that it is not necessary for them to retain the property any longer, I am told I may take it back, it is no longer needed. I say that that opens the door to grievous imposition. Take it to ourselves. Say I want to buy property from any hon. gentleman here. I go to him and say, 'I want an option on your property for a year or two years, till I know whether I need it. If I do not need it I will give it back and give you a little something.' What would you do? You would laugh in my face; it would be absurd to dispose of property in that way. Every man wants to know the terms and conditions on which he is deprived of his estate, and otherwise he would listen to no proposition to dispose of property that he has built up with hard labour and industry for perhaps fifty years. It is contended, perhaps, very naturally and very wisely, that it is not likely any government will exercise that power. If it is not their wish to exercise it, why do they want to clothe themselves with the power? This is not a political question. There are no politics in it, and I say this is a court where legislation of that sort ought to be independently and justly considered. I know there have been hundreds of Bills thrown out of this Chamber, sent here by the popular branch supporting the government, and I think the Senate obtained the confidence of the people by so doing. I am quite satisfied that if we deal with it in that way, simply in the interests of the citizens of Canada, we will have their approval too. It is not necessary for us in a matter of this kind to support every measure that comes here simply because it comes from the Government. I do not think there is an hon. gentleman in this Chamber who cares two straws about what its political aspect may be, because there is no political interest in it, but anything that encroaches on the rights and liberties of the people in this country should be dealt with very carefully by the Senate.

Hon. Mr. OWENS—The hon. gentleman who has just spoken has shown very clearly the very grave injustice that may be done to private individuals under this Bill. The next thing to be considered is whether it is necessary—is it in the public interests that such power should be given to the government? I fail to see that it is; I fail to see that the public interest demands it in any case. Certainly the engineer, or those in charge of the works that necessitate any expropriation, should know the property that is required, and they should not expropriate more property than is required for that particular work, and if they do, the government should certainly stand the loss. If they pay more for that property than they can realize upon it later, it is a mere bagatelle as far as the country is concerned. But as has just been stated by the hon. gentleman, you may ruin a private individual. You may destroy his business. You may ruin him entirely, and it is not necessary in any case in the public interest that the property should be expropriated if it is not required permanently.

Hon. Mr. McMULLEN—I have no doubt that the government or the Minister of Railways and the Minister of Public Works have given this whole question a very great deal of consideration before they decided to introduce this Bill, and I have no doubt they have come to the conclusion honestly that some such measure is necessary, or else the Senate would not be asked

to give their consideration to this measure and pass it. For instance, I know of a case myself where a wharf was erected where there was very great difficulty in getting accommodation for the purpose of laying down the material necessary to construct it. If the government had been compelled to expropriate the necessary ground to enable them to go on with the construction of the wharf, in the portion of the city in which it was located it would have cost them as much as the wharf itself.

Hon. Mr. OWENS—They would rent it or pay damages for it.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman mean to pass over a person's land to deposit the material ?

Hon. Mr. McMULLEN—No. That was to lay down the material that was required in the construction of the wharf, the ground to work upon, a place where down material and utilize the ground for the purpose of building the wharf. I say in such a case as that a government should certainly have power to expropriate for the time being the property in order to use it for that purpose. It might take six months or a year to complete a public work of that kind. If the government are forced to pay for very expensive grounds under all the circumstances, it largely increases the cost of any public undertaking, because the ground they have taken has either to remain the property of the Crown,or else they have to sell it at a very great sacrifice, perhaps, if they have to turn it over to the party from whom they get it. I admit abuses may possibly arise under this Bill, but those abuses may arise under any power vested in a government. A government can abuse its power in any way, but in the application of this Bill in the cases in which the government may find it their duty to use it, if there is any grievance or injustice done I have not the slightest doubt that a very strong agitation would be got up in that constituency against a government for doing a grossly unjust act to some of His Majesty's subjects ; and the result would be that possibly the gentleman who represented the constituency, if he was a government supporter, might lose his seat. Public sympathy is on the side of the individual against the Crown, and it is quite right that it should be so. But with reference to a power vested in a responsible government which is seeking the suffrages of the constituency and trying to please the public, it is not likely to be absurd in the way pointed out by my hon. friend from Cape Breton. The government will in all probability utilize this Bill by its application to cases where they find it will be an advantage to the country to use it, and at the same time do no injustice to those that are seeking for the time being to allow their property to be expropriated for the purpose of carrying on public works and to be returned possibly in the same condition that it was, and if it is injured they no doubt will get damages for the injuries done to it. I do not think there is much risk in putting into the hands of the government of this country a power of that kind. I have no doubt it will be used with very great caution in the interests of the country and at the same time ample justice will be meted out to any person on whom the Bill is brought to bear.

Hon. Mr. WOOD—The remarks of the hon. gentleman who has just resumed his seat appear to me to be entirely in support of the first clause of this Bill, to which there is no one, as I understand it, in the Chamber on either side that takes any exception. There can be no objection to the government taking temporary charge of the whole or any portion of a piece of property belonging to any private individual. If we are to have any expropriation at all, I do not see why that right should not be exercised in that way. Therefore, so far as the first clause goes we make no objection to it. I have, however, listened to this debate, and the reasons or the arguments that have been adduced appear to me unanswerable against the passage of the second clause of this Bill. The difficulty, as has been pointed out very clearly by the hon. gentleman from Marshfield, is the lack of definiteness in the clause itself. Under that clause, when the government expropriate a piece of property belonging to a private individual they leave him in this position until the money is actually paid: he does not know whether that property is to be finally taken away from him, whether it is all to be returned to him, or whether some portion of

it is to be returned. He is left in that condition of suspense, for how long no one can say. It is said it may not be a long time. If it is one month or two or three months, or six months, it may affect that gentleman's interests and business to a very serious extent. It is impossible to say how or to what extent it may affect them in different cases, and, as has been pointed out by the hon. gentleman from Calgary, there would be a class of damages arising in a case of that kind which cannot be assessed by a board of arbitrators. It appears to me that for this reason clause 3 in this Bill, which has been referred to, does not meet the difficulty because while it provides for compensation for all damages sustained, a case may arise, and I believe if this power is ever exercised cases will arise, where it will be impossible to get at the consequential damages.

Hon. Mr. SCOTT—No. The court may consider all the circumstances.

Hon. Mr. WOOD—I must differ from my hon. friend. I think it would be impossible for them to get at the real extent of the damages which an individual might suffer who was placed in a position of uncertainty with regard to his future such as I have described. It seems to me that when the government exercises the power of expropriation of private property it is going a very long way. It is only a power which they should exercise under extraordinary circumstances. It is only to be exercised when there is no other way of carrying on or completing some public work which may be of great public benefit and great public utility, to place in their hands such extraordinary power to be used in those cases; but this clause to my mind goes this extraordinary length further, that it first expropriates a man's property and then compels the man to take it back and appoints a board of arbitration to say at what price he is to take it back. My view is that if the government expropriate private property they should be responsible for it. They should take it and the man should know from that moment just in what position he stands. If the government decide afterwards that they do not need this property or do not need any portion of it, there is a very simple way for them to get rid of it. They would be entitled to sell it at the market price, and I do not see why they should be entitled to any more than the market price for it. They can place it on the market. The man who originally owned it is at liberty to buy it—and if he does not, any other person can. I do not see why this man should be compelled to take his property back after it has once been expropriated. Let me call attention to the fact that this clause draws the line at the time when the compensation money is paid. There is no definiteness about that. That may be a long or a short time, and I should like if the Secretary of State, or any other hon. gentleman, would say why that particular time should be mentioned. If you can make a person take back private property after the government are done with it, or while they have no further use for it, why should they draw the line at the time the compensation is paid? You might make them take it back two or three years afterwards, as far as any principle in the legislation is involved. In my opinion, this is going a step further than the legislature should go in interfering with private rights, and I heartily agree with the argument which has been presented to this House, that after private property has been expropriated and taken possession of by the government they should be responsible for it, and if they wish to dispose of the whole or any part of it, they should put it upon the open market and dispose of it as any other person would have to do.

The Committee divided on the motion to adopt the clause, which was agreed to on the following vote:—Contents, 23; Non-Contents, 21.

On the fourth clause,

Hon. Mr. SCOTT—Clause four is new, changing the law to bring it into harmony with the change in clause three.

Hon. Sir MACKENZIE BOWELL—Do I understand by the words 'or before judgment' if judgment has been given in favour of the claimant, then does the power of the Crown cease?

Hon. Mr. SCOTT—Oh, yes.

Hon. Sir MACKENZIE BOWELL—This clause is only amended to comply with

the clause which has just been adopted. Of course, I have the same objection to this that I had to the other. This clause is necessary if the other is to become law. I should like to point out to the hon. gentleman from Wellington (Mr. McMullen) that under the power which he advocated should be placed in the hands of the government already exists, and consequently his whole argument did not apply to the objection we have to this Bill. You can cross a man's property now under the law and make your deposit of lumber or stone in order to carry on your work, but you pay the man for the right to pass over his property. That law exists now, and that power is possessed by railways and the government. It has been asserted over and over again in this discussion that no government would exercise this power tyrannically. We have experience where they have attempted to do it. We have had the experience where a quarry was expropriated, the stone condemned by the officials of the government and afterwards taken and used in the construction of the work after the government had expropriated, and then, being desirous of getting rid of the property afterwards, they introduced a special Bill having the same provisions as this Bill, to enable them, after the expropriation had taken place, to give the property back to the man after the government had, to a very great extent, depleted it of its value. The argument advanced by the hon. Senator from Calgary is unanswerable. It is not what a government may fail to do, but what they have done, and we had to prevent injustice being done to private individuals by our votes in this Senate; what has been done in the past may be done again. It may be done by this government or by an incoming government. Powers of that kind, as has been forcibly pointed out by gentlemen who have spoken on this side of the House, should not be entrusted to any government. I think the arguments advanced by the hon. gentleman from Westmoreland (Hon. Mr. Wood) are so conclusive that any one who would consider the matter for a moment, apart from any other considerations, would acquiesce in them and vote accordingly.

The clause was adopted.

Hon. Mr. ELLIS, from the Committee, reported the Bill without amendment.

Hon. Sir MACKENZIE BOWELL.

LABOUR UNIONS LABELS BILL.

SECOND READING POSTPONED.

The Order of the Day being called :

Second Reading Bill (D) An Act respecting Labour Union Labels.

Hon. Mr. WATSON moved that the Order of the Day be discharged, and that the second reading of the Bill be fixed for Thursday, the 7th of May.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman give the reason for that?

Hon. Mr. WATSON—Some hon. gentlemen who are in favour of the Bill want to have it delayed for a week, and some who are opposed to it want to have it postponed for a week.

The motion was agreed to.

CUSTODY OF JUVENILE OFFENDERS IN N.B. BILL.

REPORT FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (10) An Act to amend the Act relating to the Custody of Juvenile Offenders in the province of New Brunswick.

(In the Committee.)

On clause one,

Hon. Mr. FERGUSON—Although there may be strong reasons arising, from a case that has recently occurred in New Brunswick, for some amendment in the law to provide for a difficulty which occurred there, it seems to me that a general measure of this kind, that gives the Governor General by warrant the power at his discretion, on the application of the Attorney General of the province, to remove a boy that may be sentenced to detention in an industrial home, to a penitentiary, amending as it were and changing the sentence of a court—a provision which gives that power is something extraordinary. An error may have been committed by the judge, but I think at least the Governor General being given this power on the recommendation of the Attorney General the sanction of the judge who tried the case ought to be obtained. Otherwise we would have the administration of justice practically set aside by some such summary action as is

pr posed to be taken under this Bill. I am not denying, knowing as I do a little about the case that has arisen in New Brunswick, that there is a difficulty there and some remedy is necessary. A boy who was tried for complicity in a murder, was sentenced by the judge to this industrial home. He was found guilty, I think, of manslaughter. The feeling of the community was that he was as guilty as his companion who was sent to the Dorchester penitentiary, and that it was wrong that a boy of that character should be brought in contact with the boys in this industrial home which is regarded as a reformatory. However, he was sentenced to the industrial home. I am not aware of the nature of the imprisonment there. It is to some extent a place of detention. That is about all you can say about it; but under this Bill the Governor General, by warrant, on the recommendation of the Attorney General of New Brunswick, is able to send this boy to the penitentiary. I think public opinion amongst those who knew the circumstances of the case would say some such remedy as that is necessary, but when we go further and make a general law, that the Governor General by warrant can at any time override the judgment of a judge of the province, and on the recommendation of the Attorney General practically change the sentence and remove boys that have been sent by the judge, who heard the evidence, to the reformatory or industrial home to the penitentiary, it is a very serious power to give, and if we do pass such a general enactment as this giving such power, there ought to be some provision inserted that the recommendation of the judge who tried the case and imposed the sentence should be elicited in connection with it. That, I think, is the case when the Crown is asked to extend clemency to a prisoner. They invariably get a report from the judge who tried the case, and is more conversant with the facts and the nature of the charge than any other person. It is on his recommendation, and only on his recommendation, that clemency is extended, and that provision ought to be inserted in the Bill now before us.

Hon. Mr. ELLIS—I am not prepared to dispute the proposition made by the hon. gentleman from Marshfield, but I should like to direct the attention of the House for a moment to the case which has called for this legislation. On a summer afternoon three boys, fifteen or sixteen years old, went out for a walk in the woods near St. John. Two came back. The third never came back alive. Of course there was a hue and cry and inquiry, and the boy's body was discovered, and it was finally ascertained that he was murdered by these two boys. The Crown, of course, was in some difficulty in finding out all the circumstances of the case, and the legal authorities in some way or other allowed one of the boys to give evidence against the other. The boys, in the opinion of a great many of the community, were equally guilty, but the lad who told the story first and put the case on the other boy was put on trial afterwards. The first boy was tried and sentenced to penitentiary for life. It was a great surprise to the community that such a crime was committed by those lads. The other boy who told the story was put upon trial as an accessory after the fact, and he managed, by his ingenious and fair-minded style in the court—though a great many considered him the worse of the two—to impress the judge and so won upon the community and a great many people that the judge, on the advice of the Crown in New Brunswick, sentenced him to the reformatory. The reformatory is a benevolent institution established by persons who desired to reform boys, and the class of boys sent there were what you might call fairly good boys who occasionally make a mistake, but there was no crime marked against them. The sending of this boy there created a great deal of excitement in the community, and the managers of the home resisted. There is an Act authorizing the judge to send boys to this place. The mayor of St. John and the committee in charge of the institution refused to take the boy, but they were compelled by process of law to admit him. The general fear was that he would not submit to the regulations of the place, and that he would corrupt the boys that were there. That very thing has happened. The anticipation of the community has been realized. The papers of St. John published the statement that when he went there first he was kept by himself for a time. His advent in the home excited the feelings of

the boys. They considered that a hero was brought to them. He not only tried the other night to make an escape, but was found loaded up with implements to break jail. That is the exact position of the case. He has now had to be put in solitary confinement, until this Bill is passed, and the assent of the Crown given to it. The institution and the boys in it are in the worst possible state you can imagine such an institution to be. The Attorney General of New Brunswick has asked for this legislation, or some legislation which will enable the Crown to remove a boy of this character from the institution and send him to the penitentiary where he should have gone in the first place. I fear it is a hopeless case for him, and while the objection may be very well taken that such a power should not be given to the Crown, I imagine it is an authority which would not be generally exercised. The tendency of the Crown is to show mercy, and in this case the passage of this Bill would not produce the result which my hon. friend imagines it would, for such a case may not arise again.

Hon. Sir MACKENZIE BOWELL—What is the age of the boy ?

Hon. Mr. ELLIS—Thirteen or fourteen years of age.

Hon. Mr. DEVER—Sixteen.

Hon. Sir MACKENZIE BOWELL—Does the New Brunswick Act define at what age a boy ceases to be a boy ?

Hon. Mr. ELLIS—I cannot say.

Hon. Sir MACKENZIE BOWELL—I understand that the provision of the New Brunswick Act is that nobody over sixteen can be sent to this industrial home.

Hon. Mr. SCOTT—No, 'to all appearances must be under sixteen years of age.'

Hon. Sir MACKENZIE BOWELL—If this is a good law, why should it not be made general ? Why not introduce a general Bill ?

Hon. Mr. SCOTT—Because there was a special Act for New Brunswick.

Hon. Mr. DEVER—What would you do in the meantime with the boy ?

Hon. Sir MACKENZIE BOWELL—If you make the Act general, you will accomplish the object in view. I recognize the necessity of removing a vicious boy from an industrial home, but the Bill gives this power to the government, on the advice of the Attorney General, and applies to New Brunswick alone. In Ontario they do not call them industrial homes, but reformatories. If you had a boy of this character sent to the reformatory where they are supposed to send that class of children who are sent to this home, why should not the Attorney General of Ontario have the same right that is given to the Attorney General of New Brunswick ?

Hon. Mr. BERNIER—The facts related by the hon. gentleman from St. John are very sad indeed, but there is something superior to that. It is the independence of the judges and of justice in the land. By this Bill you propose simply to interfere with the administration of justice and with the sentences passed by the judges. I quite understand the prerogative of the Crown to pardon a criminal, but I do not think that there is any legislation giving a government the power to increase a sentence imposed upon a criminal by a court of law. If you follow up the principle which is laid down in this Bill, it could very well go to that extreme extent, that if a man under trial is found 'not guilty,' the Attorney General of the province might ask the government that that man be hanged—that is the principle which is introduced in this Bill. Of course I put a very strong case by way of illustration, but if you follow up the principle to its last consequences, you reach that result. You should respect the judges who are charged with the administration of justice in each province. It is a mistake also to legislate under the influence of an excited feeling which may have been raised in the province of New Brunswick in consequence of a certain local fact. It is a very serious mistake. We must look higher than that and legislate generally and for the maintenance of the independence of our judges.

Hon. Mr. DANDURAND—I do not attach much importance to the special case referred to. The hon. gentleman from Manitoba is right when he says that we must not legislate for special cases—that there must be a general principle attached to and underlying our legislation ; but in the present case the Bill which is offered us is a good one. The present powers of the Governor General author-

ize him to take a party condemned in the Dorchester penitentiary and send him to an industrial home. But he has no right to take a child from the industrial home and send him to the Dorchester penitentiary. There will be no change, if we pass this Bill, in the sentence passed on the party. It will be the government which furnishes the prisons for the reception of criminals who will declare that the condemned party shall go into one jail instead of another. It is simply a question of where he shall serve his sentence. The hon. gentleman from Marshfield said he thought this law was perhaps in the right direction, but he thought the judge who condemned the prisoner should have a word to say as to the power of transferring him. I beg to differ with the hon. gentleman, because the judge decided on the record before him with or without the jury, after the case was put before he court and sentence was pronounced, the judge does not know very much about the inclinations and past career of the offender. The young man being confided to the care of the governor of the jail, or a home, will be under the special supervision of that superintendent, and the superintendent of the industrial home of New Brunswick, for instance, can within a few months, discern the qualities or defects or the vices of the young man. The judge, finding the boy to be below sixteen, considers it best to separate him from criminals and sends him to the industrial home. The superintendent may find that the judge was ignorant of the character of the young man and of his moral status and vicious habits, and he may make a report to the Minister of Justice and the Governor General will act upon it. I think it is a power which should be extended. The government already have the power to transfer a criminal from Dorchester penitentiary to that home. Why not have the power to protect the boys in that home from such a contamination if the superintendent of the home thinks it is in the interests of the boys there that a vicious inmate should be sent to the penitentiary ? On the whole, I think it is a good law. The sentence is not increased. It is the same sentence.

Hon. Mr. BERNIER—The hon. gentleman says there is no importance in the guilty party being transferred from an industrial home to a jail. There is a great difference. The penitentiary and the reformatory are not the same institutions at all. They are not regulated on the same principle. There is a vast difference between the two.

Hon. Mr. ELLIS—This law provides that a boy may be sent to the penitentiary. It only applies to such a case.

Hon. Mr. BERNIER—If the government is given the power to transfer the boy from the home to the penitentiary, then it might as well be given the power to inflict upon him an imprisonment for ten years. There is no difference in principle.

Hon. Mr. WOOD—There is no doubt this legislation should be passed to meet the particular case which the hon. gentleman from St. John has referred to in New Brunswick, and I do not rise to object to it, though I think there is a good deal of force in one point raised by my hon. friend from Marshfield—that the transfer of the prisoner from the industrial home to the penitentiary should be upon the recommendation of the judge who tried the case. I think that is customary. I am not a lawyer, but I understand that that is the practice in asking for a reprieve.

Hon. Mr. DANDURAND—How will the judge know as to the history of that boy in the industrial home after he has been there two or three months ?

Hon. Mr. ELLIS—The institution itself is under the management of a board in which the provincial government have a certain control and influence, just as the mayor of the city has, but the judge can only know the character of the boy from the report made by the officers of the government. It might be just as well made to the government here as to the judge in New Brunswick.

Hon. Mr. WOOD—I do not object to the transfer being made by issuing the warrant of the Governor General, but it should be on the recommendation of the judge.

Hon. Mr. DANDURAND—How will the judge know as to the behaviour of the boy in the institution ?

Hon. Mr. WOOD—How does the Governor General know ?

Hon. Mr. DANDURAND—By the report of the superintendent of the home.

Hon. Mr. WOOD—Would not the judge have access to the same report? I am not backing the judge as against the Governor General. I am only arguing for the principle that the action of the Governor General should be on the recommendation of the judge. Now, if I understand the principle or the practice which is adopted with regard to remitting or mitigating the sentence of prisoners in the penitentiary or elsewhere, that has generally been adopted, it is done on the Governor General's warrant, upon the recommendation of the judge.

Hon. Mr. SCOTT—On the recommendation of the Minister of Justice altogether. He may or may not consult the judge.

Hon. Mr. WOOD—Are not the judges always consulted?

Hon. Mr. SCOTT—Oh, no, particularly where it is a reformatory. It is the head of the reformatory with whom the Minister of Justice communicates. He may ask the judge, but there is no absolute rule.

Hon. Mr. WOOD—It does appear to me it would be desirable that in these cases, particularly, it should be on the recommendation of the judge. The objection that the hon. gentleman seems to take to this position is that the judge would not have the means of getting information. It appears to me the judge who tried the case would certainly know more of the whole history of it than any other person.

Hon. Mr. DANDURAND—Of the case, yes.

Hon. Mr. WOOD—And he would certainly have access to the report of the governor of the institution after the lad was in the industrial home. I can really see no person who would be in a better position to form an opinion as to whether it was desirable that that particular person should be removed from the home to the penitentiary than the judge who tried the case. I should like to see that provision incorporated.

Hon. Mr. SCOTT—The principle of transferring prisoners from one place to another has been long recognized, and the changes are constantly being made. Prisoners are sent from St. Vincent de Paul to Kingston, and from Kingston to St. Vincent de Paul. The judge sentences a prisoner to a particular penitentiary. That is overruled in very many cases for reasons that are obvious.

Hon. Sir MACKENZIE BOWELL—Overruled?

Hon. Mr. SCOTT—Overruled in this respect, that prisoners are frequently changed from one penitentiary to another. The Crown does that. For instance, it is considered the discipline may be stricter in one penitentiary than in others.

Hon. Sir MACKENZIE BOWELL—That often occurs when a penitentiary is crowded. That is only sending from one prison to another of the same character.

Hon. Mr. SCOTT—The judge is never consulted in cases of that kind.

Hon. Mr. BERNIER—The cases to which the hon. gentleman refers are simply changes of prison, while in the case provided for in this Bill it is a change of sentence.

Hon. Mr. SCOTT—Before the proclamation bringing the Act into force, this boy would have been sent in New Brunswick to the common jail. In 1893 there was an Act passed relating to the custody of juvenile offenders in the province of New Brunswick, which provides that when an industrial home has been established in the province, in case any boy, who at the trial appears to the court to be under the age of sixteen, is convicted of any offence for which sentence may be inflicted, the judge may, if he thinks proper, send him to this industrial home, so that if the home did not exist the boy would necessarily have gone to jail or to penitentiary. It does seem to me that the opposition which has been manifested to this Bill for the reason the judge ought to be consulted, is not really any substantial ground for opposition, because it rests entirely with the authorities of this home to say whether the boy is a dangerous character and should be kept within the precincts of the institution. It is perfectly clear, from the statements made by an hon. gentleman who spoke a few moments ago, not only is it not safe to keep him there, but it is a bad example to the other boys, and therefore this change ought to take place. It does not seem to me there should be any opposition to the proposition as to giving the authority, although it is only to meet this particular

case and no similar case may arise for a number of years. We do not legislate for a single case and that is why it is made general. With regard to the reformatories in the other provinces, I am not in a position to speak, but I think there is some rule, because I know they are changed sometimes from the different prisons in Ontario to the reformatories there, but I cannot speak positively. I do not know whether it is by consulting with the judge or with the warden. I know that the power of pardon is exercised frequently by the governor on the report of the warden—not on the report of the judge. The judge may be asked, but there is no law or practice compelling the Department of Justice, which is the avenue through which these things are done, to ask the judge. There is reformatory at Penetanguishene where the question often comes up, where boys have been reformed and allowed to go. The sentence is shortened by the governor on the report of the Minister of Justice, and it is generally on information given by the warden of the reformatory.

Hon. Mr. LANDRY—Could the hon. gentleman let us know when that sentence was passed upon the young lad ?

Hon. Mr. ELLIS—I think it was since Christmas.

Hon. Mr. LANDRY—That law which the hon. gentleman quoted was passed in 1893.

Hon. Mr. SCOTT—It was to be brought into operation whenever the industrial home was established.

Hon. Mr. LANDRY—But it was passed in 1893. When the judge passed the sentence on the young lad he knew that the punishment he was inflicting was one that he could choose. He could choose between the jail and the reformatory. He chose the latter and sent him to the reformatory. If this House interferes in the punishment, it is interfering in the way of increasing the punishment and not of diminishing it.

Hon. Mr. SCOTT—Yes, properly so.

Hon. Mr. LANDRY—All the examples that have been quoted, and all the references made by the hon. gentleman to the reformatories and to the penitentiaries are all in the way of lessening the punishment passed upon criminals. If one leaves the penitentiary to go to a reformatory, he is leaving a worse place to go to a better one, but in this case we are asked to force him to leave a comparatively good place to go to a worse place, and in that way we are going against the principle we have been acting upon till to-day. In this case I say we should have the report of the judge, as the hon. gentleman from Marshfield suggests, and it is very easy to get the report of the judge. If that young lad in the reformatory does not behave well, he is amenable to punishment before the judge. If he is infringing the rules of the institution, he may be prosecuted, and if he comes again before the judge on that report, the judge may make his report to the government and have the boy transferred from the reformatory to the penitentiary, and that would be done because he would not be behaving well, because he would be committing other offences, and that is the only way left open if we want to respect the principles laid down as to interference with the judges.

Hon. Mr. FERGUSON—My hon. friend who has just spoken is no doubt right, that the judge at the time had the option to send the boy to the industrial home or to the penitentiary. He sent him to the industrial home. The hon. gentleman from St. John explained that a mistake was made. I have no doubt whatever that the judge would be the first man to-day to admit that a mistake was made. We do not call that in question at all, and from what I know of the case recently and of the whole circumstances of this atrocious murder in which the two boys were implicated, if the Bill was a direct one to remedy a mistake and to simply give power for the removal of this person from the industrial home to the penitentiary, I would not have the slightest objection, but I think we are making a mistake when we enact a general law and give this power to the Governor General, simply on the recommendation of the Attorney General of New Brunswick, to revise all sentences of this character that are passed by the judges in the province of New Brunswick. Of course, we know that it is still within some limits. The terms of the imprisonment in the industrial home must be sufficiently long to bring the prisoner under the power of the judge to send him to the penitentiary. It is only an imprisonment

of two years or over where the penitentiary punishment can be inflicted, but when the period of detention in the industrial home is sufficiently long then this Bill would operate and permit them to act in all cases within the provisions of this Bill. I think if it is right to do that we should make it applicable to all the provinces. Why restrict it to New Brunswick ? I think the proper course would be to deal with this special case and pass a Bill which would have got over the difficulty which is not likely to occur again, and not to place this measure on the statute-book.

Hon. Mr. ELLIS—It seems to me the objections which are raised are not exactly fanciful but arise somewhat out of the imagination. In this case the judge could have sent the boy to the penitentiary for three and a half years, but the boy so impressed the judge with his ingenuousness that the judge mercifully and by mistake—although perhaps I should not criticise his actions—sent him to the reformatory instead. That being the case, what are the facts ? The circumstances are that within a few months that boy has demoralized the institution. It is really not a prison. It is unlike the reformatories in the west. There is nothing to prevent a boy going outside and getting away except that he would be caught and brought back. It is a simple house with a field around it and a picket fence. There were no guards formerly, but since this boy has been there guards have been put on. There is nothing, however, to prevent the government asking the judge for a report if they want it, and that could be done. I think that the very moment the application went from the Attorney General to the Governor General, he would not act without inquiry. I presume the Governor General would be satisfied with the reasons given, and whether they come from the Attorney General or the judge, as long as they are good reasons they should be sufficient.

Hon. Mr. LANDRY—We can attain that object by a special law.

Hon. Mr. POWER—Passing special laws to deal with individual cases is objectionable: and I am more disposed to agree with the hon. leader of the opposition, who thinks this measure ought to be made applicable to all parts of Canada. In France and other countries they are more logical and make their laws upon some broad general principle. We generally give relief where the shoe pinches, and do not bother about other places. As I understand, the only objection made by the hon. gentleman from Sackville, or any other hon. gentleman, to this measure is that such a step should not be taken without a report from the judge. Some reference has been made to judges' reports being taken in other cases; but the cases where the government acts upon the reports of the judges are cases which arise just after the trial. The question is whether a sentence shall be commuted ; for instance if a criminal has been sentenced to capital punishment, whether his sentence shall be commuted to imprisonment or not. In cases of that kind, of course the report of the judge who tried the case is important. But this is not a case of that kind at all. This lad has been sent to a reformatory where the judge knows nothing whatever about his conduct. The judge does not visit the reformatory. The president or governor of the reformatory finds after a little while that this boy is a most objectionable inmate and is contaminating the other lads who are under his care. The governor reports to the attorney general of the province. I think you might stop there, that the Attorney General might issue a *fiat* for the transfer of that boy to the penitentiary, but that is not done. The governor and the Attorney General cannot do the thing themselves. The Attorney General has to report to the Governor in Council, and will report all the circumstances that it is important the Governor in Council should be made aware of, and then the Governor in Council decide what ? They do not decide that any serious mischief or injury shall happen to this lad, but they decide that he shall be sent from a place where he is not a fitting inmate to a place where he is a fitting inmate, and only for the remainder of his term. I cannot see that anybody is hurt. I think it a well considered and desirable measure.

Hon. Mr. DeBOUCHERVILLE—I desire to draw the attention of the Senate to the law of Quebec on the subject, which reads as follows :—

Reformatory Schools for Boys.

The Lieutenant Governor may at any time, on the report of one of the inspectors of the provinc of Quebec, order any of the offenders undergoing sentence in any certified reformatory school on a conviction for felony, to be removed as incorrigible, and in any such case the offender shall be imprisoned in the penitentiary for the remainder of the term of his sentence.

The clause was adopted.

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

The Bill was then read the third time and passed.

YUKON TERRITORY ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (9), 'An Act to amend the Yukon Territory Act.'

(In the Committee.)

Hon. Mr. SCOTT—I have an amendment to move to this measure. The judges in the Supreme Court of Canada have expressed the opinion that an Act which was passed last session, which referred to the Yukon Court, should be amended by adding the words 'The Yukon Court *en banc*, that means that a single judge should not be authorized to send cases to the Supreme Court here.

Hon. Mr. LOUGHEED—What is the application of it ?

Hon. Mr. SCOTT—The Supreme Court judges have thrown a doubt on the point as to whether the expression 'court' was definite enough. The word court might mean a single judge, and it is simply adding the words *en banc*.

Hon. Mr. YOUNG, from the committee, reported the Bill with an amendment which was concurred in.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, April 29, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

FAST TRANSATLANTIC STEAMSHIP SERVICE.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Are there at present, or have there been since last session, any negotiations going on on the subject of the establishment of a fast line of transatlantic steamers ?
2. With whom have these negotiations taken place ?
3. On what basis ?
4. What Canadian port has been designated as the terminus of ocean and river navigation in summer, in connection with the establishment of the fast line ?
5. Which is the winter port ?
6. What speed are the ships of the fast line to have ? What draught of water ?
7. At what date approximately, or at least in what year, will the first vessel of this line make its first voyage ?

Hon. Mr. SCOTT—No formal negotiations have been entered into by the government or entertained by them in reference to a steamship service between Great Britain and Canada, but what has been done has been the issue of a notice to various steamship companies calling for proposals from them for a period of ten years from the 1st May, 1905, for a fortnightly service of steamships of not less than twenty-one knots, and a fortnightly service by steamers of not less than sixteen knots. The points of call are Liverpool via an Irish port to Quebec, calling at Sydney, and in winter to Halifax. These are the suggested routes, the government leaving it open to the parties who make the propositions to suggest any other route they may think proper. What has been suggested is from Liverpool, via an Irish port to Quebec, calling at Sydney, C.B., returning by the same route ; and in winter from Liverpool, via an Irish port to Halifax, returning by the same route, the essential condition being that it is to be an all-Canadian British service. That is the element of it. The tenders are to state the annual subsidy required for that service, and are to be received up till Monday, the 1st day of June next.

Hon. Mr. LANDRY—Is there anything concerning the draught of the vessels ?

Hon. Mr. SCOTT—No ; they are to be first class ships.

CARTRIDGE FACTORY AT QUEBEC.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Has the government appointed a doctor for the cartridge factory at Quebec ?

2. Whom ?
3. Upon whose recommendation ?
4. What is his salary ?
5. What are his duties ?
6. Whom has this doctor replaced ?
7. What was the salary attached to this employment before the appointment of the actual occupant ?
8. If no salary was attached to this employment in the past, how much did the government pay, on the average, for the last ten years, for medical services rendered to the employees of the cartridge factory ?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are as follows :

1. Yes.

2. Major J. L. Brousseau, Army Medical Service.

3. Copies of the correspondence should be moved for.

4. Five hundred and fifty dollars per annum.

5. The performance of medical attendance in connection with all accidents sustained, from time to time, by employees of the Dominion arsenal, and to inspect the arsenal once a week to ensure its being kept in a sanitary state.

6. There was no previous permanent appointment. Doctors were employed as occasion required.

7. There was no salary. The doctors employed rendered accounts for service performed.

8. An order of the Senate for copies of the correspondence should be moved for.

Hon. Mr. SULLIVAN—How many operatives are there ?

Hon. Mr. SCOTT—I cannot tell. The doctor employed at the Military College gets $600 a year, and the doctors employed at the military depot at Quebec, Montreal, Toronto and London and the various military depots get $1,200 a year.

Hon. Mr. LANDRY—I think the hon. minister did not quite seize the last question. I am asking if no salary was attached, and the hon. Secretary of State says there was no salary attached, because there was no employee of the kind before. If no salary was attached to this employment, how much did the government pay for the last ten years for this office ?

Hon. Mr. SCOTT—It varied very much indeed. The average I stated was between three and four hundred dollars in doctors' bills rendered, but since that time the number of operatives has increased.

Hon. Mr. LANDRY—I heard last year it was only forty.

Hon. Mr. SULLIVAN—There was only one doctor at Kingston some years ago, and now there are five doing the work, and there has been no increase in the patients.

Hon. Mr. SCOTT—Kingston is a very unhealthy place.

ROSS RIFLE COMPANY CONTRACT.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Is there a contract between the government and the Ross Rifle Company (Limited) on the subject of the manufacture of rifles, carbines, ammunition, artillery, swords, &c., military equipment, machines, utensils, &c.
2. What is the date of such contract ?
3. Does such contract embrace also the conversion of the arms at present in use into other arms of a more perfect pattern ?
4. What is the number of arms the company has to furnish yearly ?
5. Of what type ?
6. Up to what number of arms is the company bound to supply ?
7. What are the conditions of payment ?
8. Has the company begun operations, and if so, has it made any delivery or arms to the government ?
9. In the opposite case, when should it begin to execute its contract, and when should it make its first delivery ?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are as follows :

1. There is a contract for the manufacture of rifles.

2. Twenty-seventh March, 1902.

3. No.

4. Twelve thousand to be delivered between 1st January, 1903, and 1st January, 1904.

The government is bound and entitled to purchase all rifles required for its use during the continuance of the contract.

5. The Ross rifle.

6. Answered by No. 4.

7. Price payable on delivery, but contractors are entitled in advance of delivery to moneys actually expended upon the rifles or parts thereof or fixtures therefor, not exceeding 75 per cent of the price of the said rifles.

8. The company has begun operations. No delivery of arms has as yet been made.

9. It is expected that the first instalment of rifles will soon be delivered.

MANITOBA SCHOOL QUESTION.

INQUIRY.

Hon. Mr. PERLEY inquired :

If there has been any settlement of the Manitoba school question since this government

came into power in 1896. And if there has been, what were the terms and conditions embodied in the settlement, and was the settlement satisfactory to the paries concerned ?

Hon. Mr. SCOTT—I am sorry my hon. friend's memory is so defective, but I have had this question propounded very many times in the last five or six years. There was a settlement made in 1897. That settlement was ratified by the Act of the Manitoba legislature. In the main, the terms were that religious instruction might be imparted between certain hours of the day, from half-past three till four o'clock, and that in schools where the average attendance of Roman Catholics was twenty-five and upwards, the trustees, if required, should employ a Catholic teacher, and in cities where the average attendance of Roman Catholic children was forty or upwards, and in villages or in rural districts where the average attendance was twenty-five or upwards, the trustees shall, if required by the petition of the parents, employ at least one duly certified Catholic teacher, and where ten pupils in any of the schools speak the French language, or any language other than the English, the teaching of such pupils shall be conducted in French or such other language upon the bi-lingual system. I may say the general terms set forth have been generally accepted outside of Winnipeg. In Winnipeg, the majority there, not following the tolerant spirit that manifests itself in other parts of the Dominion, have refused, at all events up to a recent period, to give the ordinary facilities to the minority for keeping up their schools. The minority have therefore now, for thirteen years I think, been supporting their own schools and paying the taxes towards the majority. Various proposals have from time to time been made, and I am not advised whether any satisfactory proposal has been acquiesced in up to the last few months. It may be that some arrangement has been made. I know from time to time there have been negotiations, but unfortunately they have fallen through.

Hon. Sir MACKENZIE BOWELL—Do I understand the hon. minister to say that the school trustees of the city of Winnipeg have refused to comply with the terms of the law ?

Hon. Mr. SCOTT—I really could not say that. It is a long time since I had occasion to look into the subject. Negotiations have been entered upon by the Catholic school trustees to endeavour to get the public school trustees, as I understand it, to recognize their buildings. They have their buildings there, of course, for their own separate schools, and I am not sufficiently familiar with the details of the difficulties between the parties to state them to the House.

Hon. Mr. PERLEY—All I can say is that if that answer was ever given before, my memory is at fault.

Hon. Mr. BERNIER—I do not want to say anything but this : that the hon. gentleman who has given this answer has been misinformed as to the acceptance of what he calls a settlement. It has never been accepted by any—

Hon. Mr. SCOTT—The hon. gentleman must not misstate my language. I said it had been acquiesced in pretty generally in Manitoba outside of the city of Winnipeg. That, I believe, is what I said. I fully recognize that they are not the terms that the minority were entitled to under the British North America Act, which brought Manitoba into the Dominion.

Hon. Mr. BERNIER—They were not acquiesced in or accepted.

Hon. Mr. SCOTT—They made the best of the situation, which they were very right to do—the best of an unfortunate position.

THE JAMES STOVEL DIVORCE BILL.

MOTION.

Hon. Mr. PERLEY moved :

That the fee of two hundred dollars, paid the Clerk of the Senate by the solicitors, Messrs. Murphy & Fisher, in connection with the petition of James Stovell for a Bill of divorce, be refunded, less the cost for printing and translation.

The motion was agreed to.

THE LIEUTENANT GOVERNORSHIP OF THE PROVINCE OF QUEBEC.

INQUIRY.

Hon. Mr. LANDRY rose to draw the attention of the Senate to the following facts :

1. On July 12, 1895, in the House of Commons,

The Order of the Day being read, for the House again in Committee of Supply ;

Mr. Foster moved, seconded by Sir Charles Hibbert Tupper, and the question being proposed, that Mr. Speaker do now leave the Chair;

Mr. Mills (Bothwell) moved, in amendment, seconded by Mr. Laurier, that all the words after 'that' to the end of the question be left out, and the words 'in the opinion of this House, section 59 of the British North America Act, 1867, which prevents the removal of the lieutenant governor of a province for five years from the date of his appointment, except for cause assigned and communicated to the Senate and House of Commons by message, was intended to prevent the undue influence of federal ministers in provincial affairs, and the practice which has become prevalent of permitting lieutenant governors to continue in office, for long periods of time after the expiry of their commissions, by which they become removable at any time without assignment of cause, is an abuse of authority calculated to impair responsible government in the provinces of this Dominion,' be inserted instead thereof.

This amendment, having been put to the vote, rallied in favour of its adoption sixty-six members of the House of Commons.

Amongst these members, the journals of the House of Commons mention the names of Messrs. Bernier, Borden, Carroll, Cartwright (Sir Richard), Laurier, Mulock and Sutherland, who to-day are all members of the present administration.

2. The Honourable Sir Louis Amable Jetté, the present lieutenant governor of the province of Quebec, was appointed to that office in the first days of the year 1898, as appears by the following extract from 'The Canada Gazette' of Saturday, January 22, 1898, containing, under the heading 'Appointments,' the following paragraph :—

'Department of the Secretary of State of Canada.

'His Excellency the Governor General has been pleased to make the folowing appointments, viz.:—

20th January, 1898.

Louis Amable Jetté, of the city of Montreal, in the province of Quebec. Esquire : to be the lieutenant governor of the province of Quebec.

3. On the 23rd day of the present month the Honourable the Secretary of State, answering a question put to the government, gave this House the assurance that the Honourable Sir Louis A. Jetté, although his term of office had expired, was continuing, and would continue to fill the position of lieutenant governor of the province of Quebec until the appointment of his successor.

And he will inquire of the government :

Do the members of the present administration, at least those of them who took part in and, on July 12th, 1895, voted in favour of the Mills-Laurier proposition, intend to appoint without delay a new lieutenant governor for the province of Quebec, or are they going to expose themselves to the accusation of having recourse to that 'undue influence of federal ministers in provincial affairs' which they themselves denounced and forcibly characterized as 'an abuse of authority calculated to impair responsible government in the provinces of this Dominion'?

When does the government propose to put an end to a state of things which its members have solemnly denounced and publicly branded?

Hon. Mr. SCOTT—When the public interest requires it, we will make a change in the position of the Lieutenant Governor of Quebec. At present we are under the unfortunate influences of the example that has been set us by our predecessors, and we are following in their footsteps.

Hon. Sir MACKENZIE BOWELL—That is not the only conversion.

Hon. Mr. LANDRY—The same thing as the tariff.

TRANSCONTINENTAL RAILWAY EXTENSION.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Did the Postmaster General, the Honourable Sir William Mulock, or any other member of the present cabinet, declare, at Toronto or elsewhere, that in face of the rivalry which existed between the Pacific, the Grand Trunk Pacific, the Canadian Northern, represented by Messrs. Mackenzie & Mann, and the Trans-Canada, to build a transcontinental railway, the Laurier government had immediately set to work to study the project of itself building a railway connecting Quebec with Winnipeg by way of Lake St. John and James Bay ?

2. If this declaration was made, where, when, and to whom was it made ?

3. Was it in the name of the government ?

4. Has the government authorized it ?

5. Is it really the intention of the government to build, itself and ,at its own cost another railway, crossing the continent and conecting Quebec with Winnipeg by way of Lake St. John and James Bay ?

6. When will these important works be begun ?

Hon. Mr. SCOTT—I am not aware that the Postmaster General made any such declaration, and if he did it was not in the name of the government, nor was it authorized, and I am unable to foreshadow what the policy of the government may be in reference to a railway from Quebec to Winnipeg.

Hon. Mr. LANDRY—Does the hon. minister mean when he says he is not aware——

Hon. Mr. SCOTT—I tell the truth generally when I answer questions.

Hon. Mr. LANDRY—I know the hon. gentleman always tells the truth.

Hon. Mr. SCOTT—I try to.

Hon. Mr. LANDRY—I want to know when the hon. gentleman says he is not aware, if he means he does not know the fact took place or not ?

Hon. Mr. SCOTT—I am unable to inform my hon. friend. I asked Sir William Mulock, and he said 'If you look up the Toronto files you will see whether I am reported as saying so or not.' At all events, if he did,

I have stated he was not authorized by the government to make any such statement.

Hon. Mr. LANDRY—That part I accept.

Some hon. GENTLEMEN—Order, order.

Hon. Mr. LANDRY—I am quite in order. I just wanted to know if the Secretary of State inquired of the Postmaster General.

Hon. Mr. SCOTT—I did inquire. The hon. gentleman referred me to the Toronto files. He said, 'if you look up the Toronto files you will see what I said.'

Hon. Sir MACKENZIE BOWELL—It would be very interesting, if he made that statement without the authority of the government, to know if his colleagues will treat him in the same way as they did Mr. Tarte.

Hon. Mr. SCOTT—I do not believe Sir William Mulock made any such statement as that which has been mentioned. He may have foreshadowed the policy of building a railway there, but no more than that. Sir William Mulock speaks very carefully and cautiously, and I do not think he was likely to make a mistake of that kind.

BILL INTRODUCED.

Bill (28) An Act respecting the Atlantic, Quebec and Western Railways Company.—(Hon. Mr. Dandurand.)

SECOND READINGS.

Bill (41) An Act respecting the Kootenay Central Railway Company.—(Hon. Mr. Templeman.)

Bill (75) An Act respecting the Canadian Pacific Railway Company.—(Hon. Mr. Dandurand.)

Bill (84) An Act respecting the Quebec and New Brunswick Railway Company.—(Hon. Mr. Poirier.)

Bill (50) An Act respecting the British Columbia Southern Railway Company.—(Hon. Mr. Lougheed.)

CRIMINAL CODE AMENDMENT BILL.

SECOND READING.

Hon. Mr. LOUGHEED moved the second reading of Bill (H) An Act to amend the Criminal Code respecting offences connected with Trade and Breaches of Contract.—

He said: In moving the second reading of this Bill, I might say that what has given rise to this proposed amendment of the Criminal Code is the existence of certain abuses which have obtruded themselves upon the industrial life of Canada, more particularly in the western portion of the Dominion, within recent years, namely the continued presence of alien and irresponsible labour agitators in inciting strikes, and thus very largely paralyzing the industrial life of the Dominion. I might say that this Bill is not in any sense directed against organized labour. There are certain well recognized labour organizations enjoying an international status which for many years have contributed to the promotion of the interests of labour and have largely contributed to the maintaining of the equilibrium between labour and capital. But within more recent years there has risen up the presence of the labour agitator, coming from across the international boundary line particularly in the western parts of Canada adjacent to the United States and incalculable injury has been done to the industries and enterprises of that western country by reason of this fact. Now, there is a well recognized maxim which we very often quote in our jurisprudence, that where there is a wrong there exists a remedy. The parliament of Canada some years ago passed an Alien Labour Act to prohibit the importation of foreign labour into the Dominion of Canada and it seems but logical to suppose that this would be carried out to its legitimate conclusion. I do not think I am making an exaggerated statement when I say that the advent into Canada of the class of alien agitator to whom I have referred is certainly a greater menace to labour and to capital in the Dominion than the importation of foreign labour, and it would be only consistent that the parliament of Canada should carry out the principle embodied in the Act to which I have alluded. Now, the conditions between labour in the Dominion of Canada and the United States are vastly different. We know very well that certain classes of labour in the United States are becoming very largely tainted through the importation of those anarchistic classes from southern Europe that have so largely entered into the labour world in the United States and the introduction of which

has contributed very largely to the very many upheavals of industrial life in that country. We find this class of labour very largely tainting the irresponsible agitator upon his coming into Canada seeking to establish unions and strikes in Canada which would not be recognized by the American Federation of Labour and the more responsible classes of labour organizations of an international character. I am not prepared to say that this Bill which I propose is as complete as it should be. In drawing up the Bill it was directed against that particular class of individual to which I have referred and I think as far as it stands the Bill before us it would probably meet that particular class. It may possibly do an injustice to a more responsible class of labour, that class to which I have referred as possessing a well recognized and worthy status, but in drafting a statute of this kind endeavouring to remedy an abuse, in all probability it is bound to do an injustice to some particular classes that may not come within its purview but whom it may possibly affect. It is therefore my desire instead of referring this to the Committee of the Whole House that it should be referred to a select committee, the Committee of Banking and Commerce, and it would permit all parties interested in this class of legislation to appear before the committee and make any suggestions which they might think fit to remedy any infirmity on the face of the Bill.

Hon. Mr. GIBSON—This Bill is in the right direction, but in my judgment it does not go far enough, because it only treats with individuals, whereas sometimes strikes are directed by corporate unions. I have a case in my own mind at the present moment where a company operating in the county of Hastings, in the village of Crookston, has practically been stopped working by order of a union which has its headquarters in the city of Washington. Nearly every union in the Dominion is directed from the city of Washington, and many of the troubles that Canada is now suffering under are not directed by our own people, nor started by our own people, but by men who are sent from Washington to organize unions in order that the different trades of the country might be held in check by their orders and instructions. Under the measure which is before the House now, a case of this kind should be dealt with, and it could not be dealt with by indicting one person only, because I have under my hand a notification of my own; but leaving my own case for a moment, I wish to bring another case to the attention of the country and of this House, whose duty it is to grapple with this question, because in this Chamber we should not be afraid to deal with a subject with which the success and prosperity of this country is connected. There is no man in this House or out of it who is opposed to labour unions but if we have such organizations they should be at all events of a national character, purely Canadian so that whatever funds may be taken from the men would be husbanded at least in this country and in case of strikes the money would be available to recompense the men for the time they were out. The case I have before my mind is one I should say of extreme hardship: A number of men employed by a firm called Phippan & Co., at Crookston, in the county of Hastings, had a contract given to them about a year ago in connection with a water power development at Niagara Falls, Ontario. Prior to that the most of the work in connection with these companies had been done at Queenston quarries. The Queenston quarry operators and the men made such a demand upon the contractors, who were awarded their last contract, that they were not able to buy the stone prepared for this work from the quarries surrounding the neighbourhood of Niagara Falls, neither at Queenston quarry nor at Thorold, and as a result these gentlemen went down to Crookston and entered into a contract with Phippan & Co. there and they were able to supply and did supply them and have supplied up to the present most of the stone required for the completion of these works in connection with the power development at Niagara Falls on the Canadian side, and there was no way of stopping this except by the outrageous conduct of these men living at Niagara Falls, whose charter remains in the United States, who come over here under an international charter and deliberately tell these men at Crookston that they must not ship another stone into the district of Niagara Falls or into the vicinity where their organization is in existence, and these men are to-day standing idle and unable to work simply because

of the dictum of those people at Niagara Falls who hold a foreign charter and who are able, by the terms of their union, to prevent Canadian contractors from shipping stone from one point in Canada to another. I think that is a subject that might be well taken up and, instead of indicting the individual, we should go as far as the British government has gone in the matter of regulations of that kind and indict the trade union, and I think we should go still further and prevent any international union whatever from being recognized in the Dominion of Canada. I am not opposed to trade unions. I have been dealing with union men all my life, but I prefer in a matter of this kind, when I have a settlement to make with my own men, to make it with my own men who receive my money and whose services they give me for the money I pay them. Any employer of labour will find it far easier to settle with his own men than when they are obliged to send to Washington for a gentleman to come over here and settle a matter which he knows nothing about, because I hold there is no one more competent to deal with a subject of this kind than the employer and employees, who are directly interested in the matter. So far as the Bill is concerned, it has my hearty support, and I quite agree with the hon. gentleman who has introduced it, but I think it should go further and we should abolish countenancing international labour unions of any kind. The Dominion of Canada is big enough, and the people of Canada are strong enough, to regulate the trade question within themselves without being obliged to go over to the United States, or any other country, to settle questions of this kind. We ought to be in a position to settle disputes between labour and capital amongst ourselves, and I honestly believe, after an experience of thirty years on public works, that if we had purely Canadian trade unions, I care not what branch of labour they may be organized under, we would have far fewer strikes. Our men, I am bound to say, are far more reasonable and more amenable to law in the Dominion than they are in any other part of the world. Under the circumstances, I trust that the committee to which the Bill is to be referred will see that the suggestions I have made will be acted upon and will cover not only the individual, but the unions also. I believe to-day a body of that kind can be charged with obstructing work, interfering with the continuation of work or interfering with matters of trade. I have a case of my own and I might as well discuss it here so that the hon. gentlemen who may have the pleasure of having this Bill before them, will understand how trade matters are being conducted at the present time. As matters stand to-day, an employer is ignored entirely. I have a letter which I shall take the liberty to read to the House so that every one may be seized of the facts as they are at present, of the danger we are in from the position these men have taken by the encouragement that has been given to them by people on the other side of the line. It will show clearly that so far as the labour interest is concerned, the employer is entirely a cypher so far as these men recognize their rights, under their form of government, by international trades unions. On April 17 I received a note from the Stonecutters' Association, Beamsville branch, which reads as follows :

> Dear Sir,—At a regular meeting of the Beamsville branch of Journeymen Stonecutters Association of North America, we, the undersigned committee have been instructed to convey their request regarding wages and hours. The scale that this branch proposes is $3.50 per day and nine hours to constitute a day's work. We have been notified by the Niagara Falls branch not to ship cut stone into their jurisdiction and we are compelled to quit cutting stone for that jurisdiction pending a settlement, and we are trying to adjust matters with them and have the stone cut at your quarries. The only branch we anticipate trouble with is Niagara Falls. There are several points to adjust which we have no doubt could be settled outside this communication. An early reply would oblige this branch.
>
> Respectfully yours,
>
> (Signed by the Committee.)

Here is a notification sent to me that I am not only to pay these men so much a day, but they are to declare to me that so many hours shall constitute a day's work, and that my foreman must not allow them to cut any stone that is going into another jurisdiction, and on the strength of that the men on receiving the notification from the Niagara Falls branch, stopped work, and even the very stones that these men were cutting, that they had been working on up to the night before, had to be put to one side, for fear these men would be called scabs or non-union men and run the risk of being fined from $80 to $120. As a result of that, I had no other stone to cut except

that which was going into the construction of my works between Niagara Falls and Beamsville. Consequently, as they would not cut that stone, they would cut any other, but as I had no other place for my stone at the time, I was obliged to ask my men to go into the office and get their money. If they were not free men, I had no use for their services any longer as far as I was concerned. I felt, as every gentleman would feel in my position, that the management of the works at least should be left in my own hands. That is the state of matters to-day, and it is a subject that this House can well grapple with, because I hold that whatever may be done in the other Chamber, at least in this House there ought to be enough gentlemen to do what is right and proper in as far as this Bill is concerned. I do not want any man to stand by me. I can take care of myself with my men, and I could settle with them were it not for the outside influence that my hon. friend's Bill wishes to take cognizance of, and I hope when this Bill comes before the committee, that not only will it cover the individual but the whole body itself, and make it amenable to the law. If a branch of a trades union decides upon a certain course, then if you indict one of the members of that branch, all that he has to do is to quit work and go into another locality and you cannot pursue him any further, but if the Bill goes so far as to make the branch amenable to the law as well as the individual, then I think we will get at the root of the whole matter.

Hon. Mr. MACDONALD (B.C.)—I fully agree with what the hon. gentleman has said, that something ought to be done, if parliament can do it, to prevent the affiliation of Canadian labour unions with organizations outside of the Dominion. That is where the whole mischief comes in. It seems a perfect outrage that a strike can be called in this country from Washington or Chicago or any United States city, and that foreign emissaries can come in and stir up our people and thus do harm. When this Bill goes before the special committee, I hope they will look into that point, and if they can possibly pass an Act in this parliament that will prevent such affiliations it will be a very great benefit to this country. Another thing the Bill provides for is the prevention of agitators coming into this country and stirring up our people. We have under our very noses at this moment a strike of railway labourers, and we have a United States agitator working up those people and coming to the employers and trying to make terms for them. That is an outrage and I cannot characterize it in strong enough language. The Criminal Code is quite stringent enough on the score of intimidation and anything done in restraint of commerce, but what are the authorities, who should carry out the law, doing ? Here we have three classes of authority, and they all seem to be asleep; they are the provincial, the municipal and the federal government, and they allow those things to go on before their eyes and do not take the steps they ought to take for the protection of the public interests. I am very glad to see that in Montreal at the last moment the military have been called out to preserve peace and order, and if that were done more quickly than it has been done hitherto, it would be a very good thing and a very salutary lesson to those agitators. I hope every hon. gentleman in this House, and in the other House, who is in favour of peace, order and good government, irrespective of votes or any other influence, will do everything possible to pass an Act of this kind. If that is not done, there are very serious things in store for the country. If these foreign agitators are not nipped in the bud and put down they will cause serious trouble. Here we have assaults and nothing is done. In Vancouver a man called Eastcott stirred up all the men on board the steamers carrying His Majesty's mail, the stokers and deck hands and all of them. A prosecution was instituted in Victoria against that man, but he worked cunningly, and the witnesses for the prosecution could remember nothing. They told lies right through. A thing that happened three days before they could not remember, so that the man got off without being punished. At the Nanaimo coal mines there was a man stirring up the people to form an affiliation with the United States miners organization, and Mr. Dunsmuir said: 'If you join an association outside the Dominion, I will close my mines, but if you want to form a home federation, I will give you $25,000 to start it. Form your own association and do not

have outsiders stirring up the men to join an outside federation.' I do hope the government and parliament will take this matter in a serious way and do something to stop this evil. Our own men may organize and do what they like. We have men of good common sense. Why should they ask any one to come in and help them and make themselves appear like fools who cannot manage their own affairs. Surely they can organize for themselves without calling in outsiders to help them, and I hope the strongest possible measure that parliament can pass will be enacted.

Hon. Mr. McMULLEN—I merely rise to say that I endorse every word that has been said with regard to the Bill, and I heartily concur in the remarks of the hon. gentleman who introduced the measure. It is quite time that some legislation should be placed upon the statute-books of this country to put a stop to the never ending agitation and worry which employers are subjected to by organizations that have their headquarters on the other side of the line, sending their agitators across for the purpose of lecturing, coercing and coaxing organizations on this side to go into strikes and make unreasonable demands. The condition of the United States at this moment is becoming a matter of very serious concern to every manufacturer on that side of the line. I know of cases where men have been terrorized into submitting to conditions that would not be thought of years ago. Labour organizations there not only claim the right to dictate the wages but they claim the right to dictate the terms on which a man's services may be engaged or dispensed with. They claim the right to dictate how many hours a man shall work in a day. If a man is disposed to work ten hours they will declare that he shall not work more than eight, and force him to join the union and live up to its rules. These organizations are, of course, affiliated with the organizations in this country in order to lend strength, and the result is that those men come over here and lecture to the different unions. I believe the chief of that organization whose headquarters is at Washington is in Ottawa at present, and is to address a large gathering to-night on the question of labour. I entirely agree with the sentiment that the labour element of Canada is competent to manage its own business. They are an intelligent people and should be able to make rules for their own guidance. They ought to be able to deal with the employers of labour on terms that would be favourable to themselves as well as just to their employers. They ought to be able to enter into negotiations and peaceably settle all questions that may arise between employer and employees without reference to, or assistance from, organizations across the line. When I was along the line of the Canadian Pacific Railway some months ago, I met a man at Fort William and got into conversation with him one morning. I learned where he was from, and, casually, what he was doing. He told me that he was from St. Paul, that he had travelled the Canadian Pacific Railway line from North Bay all the way to Port Arthur, and that he had interviewed every trackman on the line from that point to the point where he was and that he was going to keep on to the Pacific coast for the purpose of ascertaining their views with regard to their wages, the hours of labour, the manner in which they were treated, and to find out if they had any grievance that they wished to lay before the organization on the other side. That was his business. He was paid by the month for doing that kind of work. I contend that it is wrong. These agitators should not be tolerated or permitted to come here for any such purpose. It is doing harm. Labour conditions will get to a pitch in Canada that men will be forced to refuse contracts in many lines because they will not know when the sun rises to-day, or perhaps before it sets, whether a strike will be on their hands or not. Some agitator from the other side may come and urge that the men should be better paid, or work shorter hours, or should insist upon certain individual rights that they are not enjoying. They do that. Then, again, there is another phase of this question that I think has not been touched upon. Supposing some very large, powerful institution on the other side is desirous of crippling some Canadian institution which is a competitor, say in Africa or some portion of South America. Our Canadian manufacturers send their products all over the world and we hope their trade will continue to increase. If that United States institution is desirous of crippling a Canadian

institution, all that it has to do is to approach the labour organization, give a wink to the chief of that organization and tell him he can render them very admirable service if he will send over to Canada some agitator that will bring about a strike in the competing industry. By such means they can tie up that industry in Canada, and the institution on the other side can afford to send over money for the strikers to live on during the strike. The United States institution, of course, reaps all the advantage of that. I say these conditions and such acts of hostility should not be tolerated, and I do hope that when this Bill goes before the committee it will be crystallized into law, and that we will at least show, as has been suggested by the hon. gentleman from Lincoln—and I endorse all that he said—that at least we, in this House, can afford to deal with a question of this kind in the country's interest. I might remark that I have been quite surprised at the attitude of the press upon this whole question. It appears to me that there is not a paper to-day in this country, either on the Conservative or the Reform side, which has independence enough to pronounce openly and plainly upon this question. They are all trying to truckle to the labour classes because they are the most numerous. I presume they expect that they will get subscriptions and circulation for their papers. I was amazed, when the strike of the Street Railway employees took place in the city of Toronto, because there was not a paper that did not vie with the other papers in sympathy, apparently, with the striking conductors. And when the mayor of that city, in the discharge of his duties, called out the militia for the purpose of putting down the strike, there was not a single paper in the city of Toronto that stood nobly by him. I have some reason to believe that he lost his seat in the city council by that act, simply because the whole labour unions of the city turned in to support his opponent. I believe that was the cause of Mr. Howland's defeat. It is greatly to be regretted that the press of Canada is so disposed to truckle to the influences that are exerted by these labour unions, simply because they want to secure increased circulation. I am glad that this Bill has been introduced. I am prepared to give it my serious and best consideration. I am prepared to stand by the hon. gentleman who has introduced it, and do everything I can to secure its passage here and in the other Chamber. It is in the right direction. It is a Bill in the interests of Canada and in aid of the labouring classes themselves. It is a Bill that will protect them against being misled and deceived and tend to give some stability to the employers of labour and protect them against the outrages that may be perpetrated by allowing our ports to be open to any man that comes from the other side to create an agitation and cause a strike, with the destruction of property which always accompanies such disturbances. I have been amazed at the arguments that are very often used by these people who strike. They do not appear to regard the law. They back up their position, in many cases—for instance the street car strike in Toronto—with the use of brickbats, stone, bludgeons, and even firearms. Many who claimed the right to sell their labour and perform duty for wages, were badly treated, and some were nearly killed. I say the law of our country should not tolerate that kind of thing. I believe if our law were properly enforced there is legislation on our statute-book to prevent that, and I cannot understand, when these strikes take place, why the law is not rigidly enforced and such disgraceful exhibitions put a stop to. I am glad the militia has been called out in Quebec, as has been stated by my hon. friend on the other side of the House, and I hope that the strike that has been attempted will be put a stop to, and that the shipping interests of the country will not be crippled by a lot of men who have determined not only not to work themselves except on certain conditions, but will not permit others to work.

Hon. Mr. SULLIVAN—This discussion has been highly interesting and very beneficial, and I am sure that every Senator will endorse the sentiments that have been so emphatically expressed here. I only wish to say that Kingston has had a bitter experience in that respect, during the strike at the locomotive works there. But the point I want to direct attention to is the fact that what is desired here cannot be effected. If the legal talent of this House—and it is great indeed, and I have the most profound

respect for it—can enact such an ordinance as will cover these difficulties, it will be entitled to a higher position than that of any other country. These things show that 'the generality of mankind in general is disposed to take advantage of the generality of mankind in general,' and so long as we can make laws which will keep down these evils, it will be all right, but I see that no hon. member has alluded to the fact that the Postmaster General, in an interview I think, yesterday, scouted the idea of such a thing as this Bill claims to effect. He said it would be downright coercion, and on no account could we entertain it. That was the answer he gave to an influential deputation of manufacturers. I only wish to say that if the legal talent will direct attention to it and will evolve some measure which will be able to accomplish the result desired, there is no one who will be more gratified than myself, but I am afraid they will not be able to do it.

Hon. Mr. McHUGH—Whilst the discussion has proceeded along the lines that the employers of labour should be protected against strikes, perhaps those labourers who desire to form labour unions should have an opportunity of being heard. There might be something to be said on the other side. It would be only fair that some notice of the meeting of that committee should be given, and if there was any one to represent the union at that committee, he should be given a hearing, so that the trades union side of the case might be put before us. I know that it would be a very nice thing to have our labour unions confined to the Canadian people alone, but you must understand that very often there is trouble going on between capital and labour, and capitalists do not hesitate to go outside of Canada to get capital to run their enterprises, and so long as they go outside, perhaps the labourer would have some justification for going out and amalgamating with unions outside of Canada. All I would ask is that there should be some representative of the labour unions before the committee to put the case of the unions before them, so that the committee might be better informed.

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

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, April 30, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE STANDING COMMITTEES.

MOTION.

Hon. Mr. SCOTT moved :

That the name of the Honourable Mr. Domville be added to the following Standing Committees:—The Joint Committee on Printing, the Standing Committee on Railways, Telegraphs and Harbours, and Miscellaneous Private Bills.

He said : The late Senator Gillmor was on three committees in this House, and I suppose that his successor will take his place on those particular committees. It will create less disturbance. I presume the selection was originally made having due regard to the representation of the provinces, and therefore it will be in accordance with the opinion expressed by the Striking Committee.

The motion was agreed to.

STRIKES AND THREATENED STRIKES.

MOTION.

Hon. Mr. GIBSON moved :

That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will be pleased to cause to be laid before the Senate, copies of all correspondence and communications between the various labour organizations, or from any one on their behalf, and the Department of Labour, relating to the strikes that have occurred during the past year, or relating to any threatened strikes during the past year in Canada.

He said : I ask that the government expedite matters in laying this correspondence before the House so that we may be in a position to discuss intelligently the Bill (H) which received its second reading yesterday.

The motion was agreed to.

EUROPEAN EMIGRATION.

INQUIRY POSTPONED.

The Order of the Day being called :

By the Hon. Mr. Lougheed :

1. That he will ask the government, what amount, if any, is paid by the government to steamship companies for carrying emigrants from European ports to Canada ?

2. Also, what system, if any, of inspection obtains as to the numbers of emigrants carried and the accommodation afforded by steamship companies aboard their boats when so engaged ?

Hon. Mr. SCOTT—This return is not quite ready, and I would ask that this motion be allowed to stand.

Hon. Mr. LOUGHEED—There is no objection.

The motion was allowed to stand.

AN ADJOURNMENT.

MOTION.

Hon. Mr. DANDURAND moved :

That when the Senate adjourns on Friday, the 1st May next, it do stand adjourned until Tuesday, the 26th May next.

He said : In presenting this motion, I should like to say a few words concerning the duties of this House and the way in which the work has been done, and to state my views as to the way in which we should expedite business. I know that the propriety of adjourning the Senate from time to time during each session has been questioned by some hon. members of this House, and I should like to discuss the reasons advanced against taking such a course. It is admitted that we have now an average session of about four months each year. If we look into the work that we have been doing and the days that we have been occupied in this Chamber, it will appear conclusively to every hon. member here that we have in the past completed our work in about two months' time, which means that if this House does not adjourn we are idle for half of the session. The question which arises is, why are we thus idle two months in a four months' session ? The answer is very simple. It is that work is being done in the other Chamber which cannot be done in this House. For instance, the Supply Bill, which is the main part of the work devolving upon parliament, takes on an average six or eight weeks in the House of Commons, and is passed here generally in between three and five minutes. This work must be done by the House of Commons, and it is understood that we cannot amend the Supply Bill—we must accept it in toto or reject it, and we all know—at all events it has been my experience in this House, that it has been passed just a few hours before the prorogation of Parliament and with hardly any discussion extending beyond half an hour or an hour. As I have said, there are two months of the session taken by the House of Commons to pass the Supply Bill and to discuss the budget speech. We could, of course, discuss the budget here, but those who feel like putting themselves on record as to the general policy of the government have occasion to do so in this Chamber on the Address, so that the passing of the Supply Bill and the discussion on the budget speech in the other House consume an average of two months of the four months, which is the average length of a session of this parliament. I find that during this present session the Supply Bill, which has been laid before the House of Commons, contains 242 resolutions, composed of various items. Ten days have been given to the Supply Bill and thirty-three resolutions only have been voted. There will be, besides those 242 resolutions, two supplementary estimates, one for the current year and one for the following year, containing an average of 100 resolutions ; so that in this session, as in the preceding sessions, the House of Commons will devote about two months to passing the Supply Bill and discussing the general fiscal policy of the government on the budget speech. As I have said, this work is special to the House of Commons. Besides, we must not lose sight of the fact that there are 214 members in the House of Commons and but 81 in this Chamber. Those 214 members have to discuss questions appertaining to their electoral divisions and feel like putting themselves on record in order to reach their electors during one session or other of each parliament, which all consumes time, while here we know that we address ourselves directly to the question which is before us, and very seldom do more than ten or twelve members of this Chamber discuss any measure, on an average, when it comes before us. This explains why perforce the work of the House of Commons must at least occupy double the time we will take in discussing the same public business which will come before us. I have heard two objections from some of my hon. colleagues to adjourning this Chamber from time to time. One is that we should initiate more public and private legislation. I have no objection to that and I invite the government to initiate some of

its public Bills in this House, and I am desirous of helping to divide more judiciously the private Bill legislation which comes before parliament; but my contention is that even if we have more legislation initiated in this House, it will not contribute to filling up the gap which I have mentioned, representing the work which devolves exclusively on the House of Commons, and that we will have on an average two months out of a session of four months to attend to all the work coming from the House of Commons or initiated here. Public Bills initiated here or in the House of Commons must pass through the divers stages of this House and will take as much of our time when initiated in the other Chamber as if initiated here and no more, and it is the same with private Bills. But, if we had half of the legislation which passes in the House of Commons initiated here, it would not tend to shorten the session a single day, for I am informed that private legislation does not delay the session the least. Hardly a couple of hours a week are given to private legislation in the other House, as the whole work of examining, sifting and passing that legislation is done by the Standing Committees and they are simply railroaded through the House of Commons after the committees have passed upon them. So, even if we did initiate more Bills here, public or private, I do not see that it would increase the time that we should give to our work in this Chamber, for I am convinced that even during two months of the session in this Chamber, out of the four months that the session will last, we will not sit more than two or three hours a day, and not sit one single evening during these two months.

Hon. Mr. MACDONALD (B.C.).—How does the hon. gentleman know?

Hon. Mr. DANDURAND.—The second objection which I have heard, and which seems to be the most potent with some of my hon. colleagues is that it would look very bad with the people if we adjourned too often and for too long a time when we do adjourn. The hon. gentlemen who imagine that the people will think it queer that we do adjourn at times, feel that it would be better we should stretch our work, or mark time here, instead of adjourning periodically. I think that this fear is a slight upon the intelligence of the people of this country, for it implies an accusation of ignorance as to the working of our constitution. The maxim that every one is supposed to know the law should be good in a matter of a knowledge of our own constitution, and the people I am sure know, or should know, and it devolves on the organs of public opinion to inform them if they do not, that we are a revising body, created expressly, (according to what I find in the report of the Confederation Debates), to check hasty or ill-considered legislation, and that we have nothing to do with discussing in detail the Supply Bill, which takes nearly two months in the other Chamber. I know that the source of our existence is not to be found in a similar condition which saw the creation of the House of Lords, and that greater duties have devolved on the House of Lords, but in the work that we are doing now, the sphere in which we are moving, I have no hesitation in saying that we are practically, as a legislative body, doing the same work as the House of Lords and I find in Todd his judgment upon the work of the House of Lords stated as follows:—

> In the fulfilment of their legislative functions, the Lords, from the commencement of the present century, have been becoming less and less a House for the initiation of great public measures. . . . . The province of the House of Lords appears more properly to be that of controlling, revising, and amending the products of legislation which emanate from the House of Commons. To balance and regulate the political movement of the nation; . . . . to test, by temporary resistance, the sincerity and strength of the will which demands a change; to make legislation take its stand on the good sense and ultimate judgment instead of the momentary desire of the country; and to give continuity and stability to the general policy of the nation.

The work that we have been doing has been the work which the House of Lords, according to Todd, has been doing in the nineteenth century. We have been acting as a revising body, or a moderating body, examining with something of a quasi judicial position, the work of the House of Commons, although we have the right to initiate legislation here. I contend that it is sheer hypocrisy to remain here for appearance sake only. When we have nothing to do it is opportune that we should return to our own work, and that when we are called here we should come here to do actual, effective work and not mark time, as we have very often been obliged to do. Our presence here

when there is no work for us from the House of Commons or from the government, seems to me useless, and I am quite sure is unjust to many members of this House who are ready to give their attention to the legislation presented to them, but who feel that it is a hardship to come here and sit for ten minutes, as we have been obliged to do, and adjourn. When I came into this House I found a majority of gentlemen of leisure who were as well here as at home, having stopped working, having dropped their daily avocations during the whole session. I think now that a majority of us are men in business. There were a certain number of men under the harness five or six years ago. There is, I am sure, to-day a big majority of men who are in active life and who are not disposed to come here and mark time when they have nothing to do. I have noticed that the attendance of this Chamber is quite high.. I find that there is an average attendance of fifty or sixty members of this House, often more, to attend to their duties when the House is in session. It will be said and argued that those who feel like absenting themselves because of the scarcity of work, can do so, but I know that the majority of the members of this House like to be present when there is work to be done, and do not like to feel that the House is sitting and that a Bill may come from the other side and be passed in their absence. They want to be here, and yet they feel it is a hardship to spread along the work through a four months' session when it can be done in a couple of months without undue crowding. The attendance in this Chamber, I am informed on good authority, is much larger than the attendance of the House of Lords, which is a much more numerous body. I am told it is quite difficult sometimes to gather ten or fifteen members of the House of Lords to pass legislation from time to time. The average attendance here is much higher, and I am quite sure will be maintained higher if we distribute our work during the session and be here when there is a good day's work to be done and to be done effectively. I have put this motion before the House to adjourn to the 26th May, because I am informed on very good authority that we will be here until the 1st of July, if not the 15th, and I know from experience that the month of June will be more than ample to attend to the legislation which will come before us.

Hon. Mr. SCOTT—I should hope that there were not a majority of members of this Chamber in favour of the proposal of my hon. friend. I think we all fully appreciate—and so does the public outside—that the House of Commons has in the consideration of the estimates, done very much more work, at times, than this Chamber has, but every one who has noted the proceedings of the House of Commons to-day will have observed that there is a very large amount of private Bill legislation. There is a great deal of activity outside, industrial corporations have been formed, railway charters are being asked for and the most important work in the session is performed in the committees, not alone the committees of this Chamber, but the committees of the House of Commons. They were sitting for two hours in the committee in the House of Commons this morning, discussing important railway Bills In the natural order of things, those Bills will be before us in the course of another month. There will be before the committees to-morrow morning, six important Bills, and probably next week at least eight or ten important Bills, and I think this Senate would be negligent of its duties to the country, if at the present moment it adjourned, after we have had such a very long adjournment. Parliament was called on the 12th March. This House sat for nine days and simply organized the committees, and then adjourned. It did not meet till April 15th, so that we have only sat one-half of the time since parliament opened, and I think that would scarcely be consistent with the duties we owe to the people of this country in again proposing an adjournment practically during the whole of the month of May. I do not take the view that some hon. gentlemen do, that this is going to be a long session. I see nothing that is coming to create a controversy necessarily to prolong the session. The important measure is the Redistribution Bill, and I do not think, this measure having been referred to a committee, that it will occupy anything like the time hon. gentlemen assume, and that therefore this session is not going to be so long a session as anticipated. It may be fair, reasonable and proper at a later stage, say in ten days or a fortnight, to adjourn

over the birthday of the sovereign, which will be observed on the 25th of May, it may be convenient to take a recess of a fortnight or perhaps longer, if we find the business will warrant it, if we are well up with the work which we have to do. I think it would be inconsistent with their duties to the country for the Senate to adjourn now. There are, as hon. gentlemen know, occasions when during the session His Excellency comes down to give his assent to important Bills that have passed both Houses. There may be occasion to assent to some Bills during the month of May, and it would look rather unseemly if the Senate has to be called together in order that His Excellency may give assent to these Bills. I simply submit these few suggestions to my hon. friend in the hope that he will, for the present at all events, defer considering any proposal to adjourn the House. In the course of ten days or a fortnight, if the condition of business is such as to warrant it, there would be no objection to take a recess which would extend over the birthday of the sovereign.

Hon. Mr. GIBSON—I am very glad the leader of the government has taken the position he does, because if hon. gentlemen refer to the minutes they will see that we have work for every day next week. My friend (Hon. Mr. Dandurand) has given this matter a great deal of attention and has delivered an essay on what they do in the House of Lords, and what we should do here. What we have to do here is our duty to our country, and we have to wait here for business from the House of Commons, and we should be in our places ready to receive that work when it comes to us. As the hon. leader has stated, there are several Bills on their way, and if we adjourn now, all this legislation will have to remain in abeyance until we reassemble. I consider that it is our duty to be here. The country pays us to be here.

Hon. Mr. MACDONALD (B.C.)—That is it.

Hon. Mr. GIBSON—We all have to make sacrifices, or we would have no right to occupy positions in this House. I heartily endorse the position taken by the leader of the House. I trust hon. gentlemen will see that we should fulfil our whole duty to our country and remain here and do the work.

Hon. Sir MACKENZIE BOWELL—The remarks made by the hon. Secretary of State have relieved me of the necessity of putting some questions to him across the floor of the House as to whether he had abdicted his leadership and control of the Senate and delegated it to the hon. gentleman who has made this motion.

Hon. Mr. MILLER—Hear, hear.

Hon. Sir MACKENZIE BOWELL—In the past, more particularly with reference to long adjournments, the responsibility has rested upon the government and not upon individuals. The motion before us is certainly a very extraordinary one. The speech made by the hon. gentleman is interesting and gives us information which those who have not taken the trouble to study the relative duties of the House of Lords and of this House have to thank him for, but I think we all have learned long ere this what our duties are, and the very fact that he has made the statement that private Bills, which are very often of an important character, are railroaded through the other House is a most potent reason why we in this Chamber should have plenty of time to consider them. In the past we have complained frequently that at the end of the session we have twenty or thirty Bills of a most important character, sometimes more, thrown on this Chamber, and they are rushed through without that consideration which is due to all measures that are proposed to be placed on the statute-book. It has been threatened—I think I use that expression correctly—at the end of the session by all parties that unless those Bills were sent to us at an earlier period, giving us more time to consider their merits and their importance and the effect which they would have on private interests, we would remain here a week or a fortnight and keep parliament sitting. For my part I am prepared to do that if it is necessary. There is no reason why members who have private business to transact, should not go home and look after it. If their business is of more importance than that of the public which they have taken a solemn obligation to perform when they become members of this Senate, then they had better absent themselves from the House so long as they leave a quorum, or give place to others

who can attend to the public business. I speak as I feel, as I usually do, and that, too, plainly. If there is any force in the argument that we only sit half the time the House of Commons does, I would suggest to the hon. gentleman (Hon. Mr. Dandurand) the propriety of introducing a measure reducing the indemnity just one-half. If we give half our time to our private business away from this House, we should not charge the country for it. If we sit, as we do generally, only a few hours a day, it is because most of us who are advanced in years like myself, do not care to come out at night, but the duty of the members of this House is plain, and that is, if we have a duty to perform let us perform it in accordance with the practice of the House of Lords, giving full time, as we have plenty of time, to the consideration of all matters that come before us. I was very glad to hear the remarks made by the hon. Secretary of State, and I hope in future he will take matters of this kind, as leader of the House, and deal with them as they should be dealt with by a gentleman occupying the important position he holds in this House. We should not do that which, to my mind, is leading the people to believe that this House is not necessary. We know in certain provincial legislatures, where there is only one House, that Bills have been passed—railroaded through, to use my hon. friend's expression—and judges on the bench have expressed the opinion that they were of such a character they could not really interpret them accurately, and give the decision that they should have rendered under the circumstances. I am speaking of my own province. I know the judges have made such remarks, and the benefit of the second House, if there is any benefit in a second House at all, is to properly revise the legislation of the lower House which is, to a greater extent, political in its character; and we should deal with these questions when they come up here on their merits after a full, due and deliberate consideration. A few days adjournment would do no particular harm. It was only yesterday, or the day before, the hon. gentleman himself was railroading business through this House. In pressing the second reading of every Bill he had charge of, he asked to have the rule of the House set aside in order to have his measures brought before the committee, not giving the members of the House proper time to consider their merits, or even to look at and read them before they went to the committee. I made up my mind that in future, unless in a case of absolute necessity, I will oppose the setting aside of the rule in order to rush Bills in the manner in which the hon. gentleman did rush them the other day. I hope the Senate will not place itself in a position to be the laughing-stock to the country as coming here and sitting, as the Secretary of State says, nine days, and then adjourning for a month. Why, it is only fourteen days now since the last adjournment, and we are asked to adjourn again for a whole month, and then come back and have the whole legislation of the lower House thrown on our hands to be rushed through without proper consideration, unless hon. gentlemen are prepared to come back every evening and sit until midnight during the latter part of the session. That is not necessary. The Bills should be considered in this House in a calm, deliberate manner.

Hon. Mr. MILLER—I only wish to emphasize one point made by the leader of the opposition, and it is this: A new practice has prevailed in this House with regard to adjournments since the change of government. The practice, when the Conservative party was in power, was invariably to get the consent of the leader of the House before any private member would make such a motion in the Senate. The leader of the House is supposed to know best what claim may be made on the time of members—what duties they may be called upon to perfrom at any moment, and the volume of business that is likely from time to time to come before us, and therefore should be held responsible for all adjournments. Under the Conservative regime no adjournment was ever asked for, to my knowledge—and I think I have had an opportunity of knowing the practice which prevailed—without first consulting the leader of the House and ascertaining from him whether the state of public business would permit an adjournment. Whether it was an adjournment for a week or a fortnight or for a less time, that was the invariable rule, and I think that that rule was a very good one and ought to prevail now. I hope my hon.

friend will see that that good old Conservative practice is followed in the future. It would prevent motions like this, where perhaps a few members, desirous of getting home to attend to their business, log roll and find a certain number desirous also of getting home for some similar reason and who wish to adjourn the Senate, simply to meet their personal convenience and for no other cause. The practice that has got into vogue since the change of government has not been a good one, and the old practice ought to be resorted to, and no adjournment of the Senate ought to be allowed unless with the consent of the leader of the House, who is responsible for the management and conduct of the business of this Chamber.

Hon. Mr. McMULLEN—I am very glad indeed to hear the sentiments which have been expressed on both sides of the House with regard to the motion that is now before this Chamber. I entirely endorse the views expressed by the Secretary of State and also the views expressed by the leader of the opposition. We are here for the purpose of doing the country's business and we should remain here and do it.

Hon. Mr. MACDONALD (B.C.)—That is so.

Hon. Mr. McMULLEN—There is a general feeling, throughout Ontario at least—I do not know how it is in the other provinces—that the Senate does not render to the people of this country services in return for the amount it costs. That sentiment is growing, and by taking the course suggested to-day, we are likely to strengthen that feeling very much. My hon. friend who has made this motion has referred to the long adjournments which took place in the House of Lords in England. But the House of Lords does not cost the taxpayers of England anything. They receive no pay. The members of this House receive a certain indemnity for their services to cover the expenses they are supposed to be put to in attending here and doing the country's work. If we were costing the country nothing, it would be a different thing. If my hon. friend were sincere and strictly honest in the motion he has made, he should have coupled with it that when we adjourn here ten dollars a day should be taken from the indemnity of each member during the adjournment. I think that would be but honest and right to the country. If we are honest and are not doing the business of the country, we should deduct the amount we are drawing for the services we are supposed to render. Now, in the first place, in my opinion the first adjournment was altogether too long. We should not have adjourned for a month at the beginning of the session. We completely frustrated the possibility or probability of private legislation being initiated in this Chamber that could have well come before this House and been discussed and that might possibly have proved to be of great service to the people of this country. For a month we were away when that private legislation should have been introduced—such Bills, for instance, as that introduced by the hon. member for Calgary. That is an exceedingly important Bill. That has been introduced at a stage of the session when it is very questionable if it can become law unless the government will place it in a position where it can pass the other Chamber. even supposing it passes this Chamber, by the time it reaches there, the government will have taken all the days of the week. There will be only an hour left each day for private business and the result will be any one who chooses to block it can do so. The reason of that is the session has got so far on before it is introduced. Then we have two divorce Bills coming before the Divorce Committee this next week. During the former adjournment some cases were in shape to come before the committee. Some of the witnesses were on their way, I understand, coming here for the purpose of giving evidence before that committee, and had to go back at considerable expense and then come again when the Senate was in session. I am not at all inclined to encourage the work of that committee ; still, when we undertake to listen to those disputes and grant relief, when the Chamber thinks it is proper, it should be granted. We should not put people to extraordinary inconvenience in having them come here before the time and then have to turn back and wait until the House reassembles. I am told by the clerk of the committee that there are two cases coming up next week. Then, as the Secretary of State says, there are thirteen or fifteen Bills to go before the committees of this House, and a number of Bills that

will no doubt come down, perhaps more than that, during the next week. The question is whether we are going to deliberate on those Bills and give them our careful and serious consideration, discuss them intelligently clause by clause and render our country some service for the privileges and for the duties we assume, or, as has already been said, are we going to railroad these Bills through the committees and through this House in the manner in which Bills have been passed in previous sessions? I think we ought not to do that. Any gentleman who is not prepared to give his time and services to his country and faithfully fill the position that he is called upon to fill in this House, there is a road open for him, and that is to resign. I have no doubt some one else could be got to come here and discharge his duty. For my part, as long as I am a member of this Chamber I shall endeavour to serve my country to the best of my ability in my humble way, and I shall oppose an adjournment when, in my humble opinion, it should not be granted. I quite agree with the remark dropped by the last speaker that any adjournment of this kind should unquestionably have the sanction of the government when a motion of this kind is introduced. The government is in the best position to know what business is likely to come before the House, and it would be nothing but courtesy, to say the least, for one who is a follower of the government to secure their sanction to a resolution of this kind before bringing it before the House and pressing its consideration.

Hon. Mr. CHURCH—I do not wish to give a silent vote on this question, for several reasons. One is, I am a young member and I want to know what our duties are. When I came here, I understood it was a deliberative body, to prevent hasty and ill-considered legislation by the popular branch of parliament. I can understand a state of affairs by which the government, very strongly sustained in the popular Chamber, have almost perforce to submit legislation there which may not be as well considered as it should be. This body comes in to revise that and to make it more acceptable to the people of this country. I am very glad that the debate has turned the way it has. Otherwise I was prepared to make quite a lengthy speech. I propose, however, to inflict only a short speech now. I was very much pleased with the stand taken by the hon. leader of the government. I hold if this resolution was to come at all it should come from him as the leader of this House and the leader of the government in this House. Since I have been here I have been undeceived about many matters in the Senate—the powers of the Speaker and others. There are two representatives of the government here, and I think it is their duty, and probably they will see it is their duty in the future, if necessary, to initiate legislation in the Senate if not government Bills, at all events, Bills of a public character. I listened with a great deal of interest to the remarks of the hon. member from de Lorimier. If there was any logical sequence to be drawn from his remarks, it was an argument in favour of the abolition of this body. I do not believe the people of this country are prepared for that, and I do not believe that the sound, sober intelligence of the people at large is in favour of such a movement. He said the House of Commons were very slow in their work. All the worse for the House of Commons, and that perforce we should wait here until they sent up the Supply Bill. We are here for the purpose of passing other measures besides the Supply Bill, such measures as that introduced by the hon. gentleman from Calgary. Such public measures are within the purview of this House, and while we cannot touch the Supply Bill to amend it, still we have a large power which I hope will not be exercised, a power that has been attempted in the House of Lords and a power which made Wiliam Ewart Gladstone threaten to create a sufficient number of additional peers if necessary to carry his measure. We have not had an example of that kind here, and I hope we shall not. Under other circumstances I should be in the position of 'grandfather's old clock.' That story might be told to enliven proceedings. It was a very old and a very large clock and was placed in one of the best rooms of the house. It had great, heavy ponderous weights, and it took a boy with some strength to wind it up, but when it was wound up it did not run down for eight days. I am getting in the position of the grandfather's clock, I am wound up and I do not intend to run down for a while. I shall

not follow the analogy, however, and inflict a long speech on you; I shall speak briefly. I have heard some great constitutional doctrines round the corridors and committee rooms of this House within the last few days. I began to think a new position had been created. I do not know who signed the warrant. I might call it a position of Promoter of Adjournments. I hear it said that this House was merely a revising body, and it would be infra dignitatem for it to be more than that, that if we did anything more than that we would degenerate into a debating club. These views are new to me. I hold in my hand a document entitled Debates of the Senate, and another document the Debates of the House of Commons of Canada. Undoubtedly we are a debating club of the first order, the highest in the Dominion. Certainly I do not think there is anything disparaging in saying of this body that we are a debating society, for we are that in a very marked degree. But I have been told that the fathers of confederation said, when they framed the Act which united the provinces into the Dominion of Canada, that it was their mind and intention that we should merely do revising work here. I do not know about that. I have the British North America Act under my hand, and in it I find it is provided that the Senate has coordinate powers, to a large degree, with the House of Commons; that no Bill which originates there can become law unless it gets the assent of this House and of His Majesty's representative ; and a Bill originating here must receive the assent of the House of Commons and His Majesty's representative. The province of Quebec had twenty-four members assigned to it, Ontario twenty-four, and the maritime provinces as a group twenty-four. That was fair at the time. When the great west gets filled up they may have more than twenty-four from there in the lifetime of the younger members of this Chamber; but the people of Quebec had a very special privilege given them which we have not. I see under Cap. 1, Consolidated Acts of Canada, their twenty-four members were to be assigned to twenty-four separate districts, corresponding with districts in old Canada, and I believe a gentleman appointed to the Senate to represent a particular district must have a property qualification in that district. That was a special privilege given to the province of Quebec. I have no fault to find with it. Let me cite the case of Nova Scotia, for example. Nova Scotia is entitled to ten members, New Brunswick to ten, and Prince Edward Island originally had four. What happened ? Every single member of this Senate, a few years ago, that represented Nova Scotia, was from Halifax and the north-east counties of the province, not a single man from the south-west of the province. Until my hon. friend from Yarmouth was appointed there was not a single representative west of Halifax, not one. I stand here for the county of Lunenburg, although I now live in Halifax. Now, I am going to say this, I believe the fathers of confederation, in so far as the province of Quebec is concerned, acted wisely in all they did in this respect. It would have been very difficult indeed to have grouped Nova Scotia. as the hon. gentleman from Colchester would admit, when they were dividing it into ten districts. We would have to put counties together which had no affinity, and we were satisfied with matters as they were. We believe that any government will give fair representation to every part of the province as far as possible. There are other things that might come in as relevant as the remarks of the hon. gentleman who made the motion. The first time I had the privilege of going to Quebec I naturally went out to the Plains of Abrahan, and I saw where Wolfe fell and where an iron tablet was erected to his memory. I went down Mountain street, and saw the monument erected to Wolfe and Montcalm. What happened? We all know that at the battle of Quebec, as it is called, fortune went in favour of the English, but they were generous victors and they gave the people of the province of Quebec, a people of another race, foreign language and religion, all their due and just rights in that province, and a privilege which no other province has, making both languages official, and the same thing is done in the Dominion parliament. I do not object to that, because I believe in dealing liberally with these people. Nobody can dispute the bravery of Montcalm or Wolfe. Nobody can deny that the bravery of Montcalm's army was equal to the bravery of those behind Wolfe, but fortune went with the British, and the province has been well treated. I trust that an absence of racial feeling

obtains largely in this Senate, and I think it is one of the functions of the Senate not to be animated by such feelings as that, as the hon. gentleman said a minute ago. When legislation comes up, we should act in the best interests of the country. I agree with the remarks of the hon. leader of the government in regard to this adjournment. if you are going to have adjournments every two or three weeks, and adjournments of three or four weeks at a time, the people who live at a remote distance from the Capital will believe that this is a do-nothing body, a body which is not required, and the expense of which could be well devoted to other purposes in promoting the interests of the country. But I do not hold that view. I think this is a body that can do a great deal of good. We are party men, and I would not give a fig for a man that was not a party man and would not stand up for the interests of his party and country, but measures come up which are not party measures, and we should consider those on their merits and not on party lines. I have voted with the leader of the opposition on questions of that kind, and I am going to vote with him to-day. We are going to vote together. I think from the trend of this discussion that this motion will not carry, or that, if carried, it will be largely modified. The gentlemen in the other branch of parliament introduce measures which go through all the committees of that body, and subsequently through the committees here, and finally receive the royal assent and become the law of the land. The general statutes passed, are revised every ten years. Will you tell me that the work of revision is an easy work? I tell you, you have to obtain the services of the most astute and accomplished lawyers of the whole Dominion to do your revision. We had two or three revisions in Nova Scotia, and we found it was no light matter to revise the laws, and I say the work of this body is no slight matter, to revise those measures which come up from the other House, well and fairly, and we cannot revise them well and fairly if we have an adjournment of three weeks in the early part of the session, and then an adjournment of four weeks later. I should like to uphold the honour and integrity of this Senate. If I had occasion to go away for a time and take the responsibility of it myself, it might be all right. Those members who want long adjournments might do that fairly and honourably, and no harm would be done. It would be for the best interests of the country, in my opinion, to have no long adjournment of this Chamber.

Hon. Mr. FERGUSON—I may say for myself that for the ten or twelve sessions that I have been in this House, I have never agitated for an adjournment, and I think I may say further that I have not missed many sittings of this House during the whole of that time. I also claim for myself that I read attentively everything that comes before the House and try to do my duty here as well as I can, but I must say, at the same time, that many things occur in these discussions that it would be, perhaps, better for the House had we been adjourned instead of these discussions going on. A great deal has been advanced in this discussion which will do more to discredit the Senate than any reasonable adjournment. I have noticed during the time I have been in this House, some hon. gentlemen favour the idea of having a break during the week. We do not hear much of it now. Two or three years ago there was an effort made to have the House rise on Thursday and meet again on Tuesday, the idea being that three sittings each week would be quite ample to do the work of this parliament. There is no question about that, and it would have suited gentleman who live within a day's journey of Ottawa, but it did not at all suit gentlemen living at a considerable distance. It would seem that it would be more just to tell hon. members that when an adjournment is taken it should be for a reasonable time, instead of breaking up our time in short adjournments, which, as I have said, suit gentlemen who reside near Ottawa, but which do not at all suit gentlemen living at a considerable distance from the capital. Notwithstanding all that has been said, I am fully convinced, from the experience I have had in this House, that although we have had under the late government as well as under this government during every session, one or two, generally two, pretty long adjournments in each session, the work of this House has been faithfully performed. that there has been no slovenly work with regard to the measures that have come be-

fore this House during all that period of time, whether under the one government or under the other, and the only case in which the public interest may have suffered in consequence of proper attention not having been given to legislation in this House is when we have been treated badly by the other branch of parliament, or by whoever is responsible for it, in having very important measures, and many of them, dumped before us a very few hours before the close of the session, when it is absolutely impossible for us to give fair and reasonable attention to them. The question of adjournments generally has been discussed, and upon that subject I may say that I have no desire to shirk my duty here ; when the House is in session I make it my business to be here, but I am still convinced that the work of this House is just as well advanced with these reasonably long adjournments during the progress of the session as it is by remaining here all the time, and day after day merely marking time. We had an occasion this present week when we spent many hours in discussing a very small question relating to the salary of one of our officers, a matter that should have been settled in committee, and need not have been threshed out so very fully as it was on the floor of this House. If we had quietly sent that report back to committee and stood adjourned it would have been just as well for the credit of this honourable House. I am not wedded absolutely to the proposition of the hon. gentleman from de Lorimier (Hon. Mr. Dandurand) with regard to the time when this adjournment should begin or end, or how long it should continue. I agree with what has been said by hon. gentlemen that the government are responsible for the business of the House, and should be consulted and their views should be respected with regard to such a matter as that, and as my hon. friend the Secretary of State does not seem to agree with the view of the hon. gentleman who has proposed the resolution that to-morrow would be an opportune time to adjourn, the hon. minister might look over the public business and come to the conclusion that at a later date, perhaps next week, the adjournment should take place. As a member of this House, I do not like to set up my view against the view of the government, who are responsible for the business. The leader of the government always pays attention to the views of hon. gentlemen with regard to this and other matters, and I am quite sure if the hon. gentleman does not see his way clear to permit the passing of the motion of the hon. gentleman from de Lorimier (Hon. Mr. Dandurand) on this occasion, he will look carefully into the matter, and say at what time he thinks a reasonable adjournment might be taken. I never did care much, and I care just as little now as I ever did, for a great deal of the criticism that has been levelled at this House on the hustings and throughout the country. I am satisfied that the Senate stands to-day as high in the estimation of the people of this country as any legislative body does in the estimation of the people of any country, and I have no fears that what we do carefully and reasonably in this matter will bring upon us any severe censure or any lack of confidence, for I am quite certain, whether we adjourn to-morrow or whether we adjourn next week, or whether that adjournment is taken for two or three weeks, or whatever is done, the hon. gentlemen on both sides of this House, who are responsible to their friends and to the country, will see that hon. members of this House will have every opportunity of discussing all the questions and carefully examining every measure which may come before them, and that the work of this House will be done this year, as it always has been done, in an efficient manner.

Hon. Mr. WATSON—It appears to be a fairly unanimous decision that if there is to be an adjournment it should be a long one. As one coming from a distance, I am opposed to short adjournments, because I think, after the House has been in session six weeks, members from a distance might wish to visit their homes, and I feel satisfied the hon. gentleman who moved for this long adjournment had in his mind consideration for members who come from a long distance, but on account of the short time we have been in session since the last adjournment, and the explanation of the leader of the House, it appears to me it would be well to drop it, and if the work is well advanced at the end of next week, we might consider adjourning over the 24th of May. That would suit me very well, and suit all the members from the West. We would be

glad to go home and come back after the 24th of May, and I am inclined to think there is sufficient work on the order paper to keep the House fairly busy next week, and with the other measures which have passed the House of Commons to-day, some of which they wish to have put through the Senate, we might well try to clean up the work next week, and at the end of the week adjourn until after the 24th.

Hon. Mr. SULLIVAN—I rise for the purpose of expressing my sympathy with the hon. gentleman who moved this motion. Hon. members have threatened the hon. gentleman, and no doubt they will defeat his resolution. They have peppered him on all sides and kept on peppering him till I could not stand it any longer. Even the seconder of the resolution has deserted him—that hon. gentleman of such humane disposition has allowed the mover to be left in this deplorable position without anybody to stand by him, and it has roused the chivalry in my nature, and as an Irishman I could not see him run down that way, although I am loaded up the other way. I sympathize with him. As to the practice of the House of Lords, it is wonderful how people air themselves with the House of Lords. 'How we apples swim,' and when you want to express something when you don't know generally what you talk about and your house does not know very well, just say it is the practice of the House of Lords and people will understand. There is another point about this debate, and it is that I hope these gentlemen of the Liberal persuasion, the orthodox gentlemen of that faith, will take this lesson to their hearts, that the Conservatives in this House have voluntarily and of their own free will, without any persuasion or inducement, come to their rescue, and sustained the government's position. If the Conservatives wanted to put the Liberals in an awkward position, they would vote for this motion and carry it. I hope the government will bear that in mind in future. I know they came in to reform this House. A very able paper of the Liberal faith down our way says that you have not been in office long enough to effect your promised reforms. The only thing you have reformed, so far, is myself. You have reformed me to such an extent that I want to forget it to the end of my life, but as to the others, there are many things in the House which might possibly be reformed. I will not say much more, except upon one point. The hon. gentleman has spoken on Bills that may come from the other House. I have heard that the Senate can initiate legislation. There are measures of great importance to this country coming up. Why do we not take them up ? The hon. assistant leader of the House is in good health, no appearance of fatigue about him, and under his guidance we would be very happy to discuss measures of vast importance to this country. The immigration arrangements are in a deplorable condition. The hon. leader of the House will remember the last debate we had on that question, and that it was shown that the arrangements for immigrants were in a state altogether unfitted for this Dominion and that a great many improvements should be made. Why do they not put their vast intellect into the labour question ? Then the difficulties would vanish and a scheme would be put forth from this House which would astonish the world. There are other matters—transportation. Why not take up that question ? I will not go any further. I simply say that I hope this House will not be so discredited. If there is anything in the world which would show the uselessness of this House it is the proposed adjournment. If it is intended that this House should record only the will of the government of this country, it should sit here for that purpose ; if the only other purpose is to go home and do nothing, what under heaven is the use of the Senate ? It is here to protect not minorities but majorities, and I say no one could give any possible raison d'être for the existence of the Senate if these adjournments went on and then there was nothing else done but that we should examine and pass measures of the other House provided they were supported by the government. I trust that hon. gentlemen will rise superior to that—that they will throw aside those robes of bondage and vassalage to parties, and whether they thought it or not, would try to feel they are not here for the purpose of backing up a party—that they have partially divested themselves of that strong partisan feeling, (because no one can divest himself of it entirely) and that questions will be judged and men appointed on committees on their merits and not according to their political faith.

Hon. Mr. BERNIER—I have no doubt many hon. gentlemen feel that there has been too much discussion already upon this question, but since we are at it, it is just as well to deliver ourselves of the remarks we may have to make. I will turn my attention first to some of the remarks of the hon. gentleman from Nova Scotia (Mr. Church). I do not see the relevancy of much of his speech to the question before the House, but I want to refer to one of his remarks. He called Canadians of French origin 'foreign people.' Really it sounds very strange to me that we, the discoverers and pioneers of this country, are to be called a foreign people in our own land. We have stood out for over a century, and probably will stand out again for all time to come, loyal subjects of the British Crown, and I hope that those who are inclined to speak that way will finally see the ridiculous position they assume. Now, as to the question itself, the suggestion has been made that this House should initiate more measures than it does. I find two important reasons why it does not. First, as to public measures, we must take into consideration the fact that all the ministers except two (sometimes one) are in the other House, and it is but natural that the ministers at the heads of the departments from which these measures emanate should take charge of them in the House where they sit. As to the private legislation, we must also take into consideration that parties promoting private Bills are more in touch with their members in the lower House than they are with senators.

Then they go to the members of the House of Commons instead of coming to senators, who are not really their representatives. The senators are more the representatives of the country at large than are the members of the lower House. These are two important reasons why there is not more legislation initiated in the Senate. It has been so since I have been a member of this House, and I think it will always be so. As to the question of adjournment, it seems that the public business of this country not to suffer if at the beginning of the session we were to adjourn for four or five weeks, and so,the members who wish to avail themselves of that adjournment should be able to do so. I, living in a distant part of the country, do not care much for a long or short adjournment, but absolutely remain here all the time, but I have felt, up to the present, as a matter of courtesy, I should not oppose any adjournments which would suit those who desire them. If we were to take four of five weeks' adjournment at the beginning of the session, I am sure everybody will admit that the public business would not suffer from it, and I do not see why we should not make that arrangement and then come here and stay until the end of the session and talk no more about adjournments. It would be a great improvement. It has been said that certain measures have been railroaded through this House. If it is true, it is well we should be warned that there are certain members here who are disposed to insist upon the rule of the House being observed and will object, towards the end of the session, to advancing measures by suspending the rule. As to this adjournment, I feel inclined, for the same reason I have already mentioned, to support it, simply through courtesy towards members who can avail themselves of the adjournment, but really I think we could solve the question in the way I have suggested, namely, to have four or five weeks adjournment at the beginning of the session, and when we return here after the adjournment, remain until the close of the session.

Hon. Mr. CHURCH—Allow me to make a brief explanation——

Hon. GENTLEMEN—Order, order.

Hon. Mr. CHURCH—It is a personal explanation.

Hon. GENTLEMEN—Order, order.

Hon. Mr. CHURCH—I think I am in order in rising now. I did not use the word 'foreign' as relating to matters as they now stand, but as they stood at the time of the capture of Quebec, and I said I approved of the generous treatment extended at that time to the French people of Canada. I have no unkind feeling to the French Canadians. They are amongst the best people we have, and I hope my remarks will not be misinterpreted. If any one considers them offensive I wish to withdraw them.

Hon. Mr. LOUGHEED—If it had not been for the remark which fell from the hon. gen-

tleman from Kingston I should not feel disposed to make any remarks on the motion of the hon. gentleman from Montreal. Suffice it to say I am heartily in favour of the motion, and as seconder of it have no hesitation in endorsing what has been said by my hon. friend. Permit me to observe that those of us who have been in the Senate some years recognize this debate as very old and familiar. My recollection goes back twelve or thirteen years and I can recall each year the presentation of the same arguments which have fallen from the lips of hon. gentlemen year after year, and yet the Senate exists. I have heard hon. gentlemen in opposing long adjournments point out the very threatening attitude of the public with regard to the Senate, the expectations of the public with reference to the Senate, and the probable dissolution of this honourable body in the event of our not sitting every day consecutively, and a certain number of hours at that, and yet during that period of time I cannot recall having seen in the public press or otherwise any adverse criticism of the Senate with reference to these adjournments which regularly take place session after session. Let me make an observation with regard to the work which is before this Chamber. My hon. friend the Secretary of State referred to as many as I think half a dozen Bills being before us for our consideration, and the promise of possibly another half a dozen more within the course of a few days. My hon. friend has been long enough a member of this body to know that a dozen Bills have never proved formidable to any committee in a morning's session, and have never proved formidable to this Chamber in the afternoon of a sitting. I will undertake to say my hon. friend does not see enough work ahead of him during the next four weeks that this Senate cannot successfully and intelligently and with the greatest amount of consideration dispose of in at least one or two sittings. There is certainly not enough legislation before us to-day to occupy the time of any of the select committees during the whole forenoon in committee. There is not before us to-day foreshadowed for the next three or four weeks enough Bills to absorb the whole of the time of this Chamber during a couple of afternoon and evening sessions. Now my hon. friend has referred to the probability of the government bringing down Bills. We know perfectly well what important measures have been foreshadowed in the address and what others have been brought down to the present time, and yet none of those measures can probably reach this Chamber within the next five or six weeks. Take this Bill on transportation which has been distributed. It has not yet received any consideration in the House of Commons. This probably with the Redistribution Bill will prove the most important and contentious Bill of this session. With reference to the Redistribution Bill, the committee did not organize until this morning, and nothing even then was done excepting simply to meet and again adjourn. We know very well that none of those measures can possibly reach us within the next four weeks. So far as private legislation is concerned, the only legislation which can reach us in the next four weeks are the ordinary private Bills, and if we can judge by what has taken place in the House of Commons since the session began, not enough Bills have so far reached us to have kept us more than a week if we had been sitting regularly. I feel safe in saying private Bill legislation will not suffer in the least degree by the proposed adjournment. I should certainly be one of the last to advocate an adjournment if I thought legislation would suffer. I do not think it is egotistical for those who support the adjournment to state that they are not the least active in attending to the business of this body. While I appreciate the services rendered by hon. gentlemen who opposed the motion, yet they have no monopoly of attending to the business of the House. Those who support the adjournment can take the satisfaction to themselves that they have been equally attentive to the public business and are equally desirous to see that the public business does not suffer. I have much pleasure in seconding the motion.

Hon. Mr. SCOTT—Withdraw.

The SPEAKER—I think the motion is lost.

Hon. Mr. DANDURAND—Before the Speaker decides that the motion is lost I wish to speak——

Hon. GENTLEMEN—Yeas and nays.

The Senate divided on the motion which was carried on the following division.

Contents :

Hon. Messieurs.

Baird,	MacKay (Alma),
Béique,	McDonald (Cape Breton)
Bolduc,	McHugh,
Casgrain,	McSweeney,
(de Lanaudière),	Montplaisir,
Dandurand,	Owens,
Dever,	Pelletier (Sir Alphonse),
Dobson,	Perley,
Ferguson,	Reid,
Fiset,	Shehyn,
Godbout,	Thibaudeau (Rigaud),
Kerr (Cobourg),	Thibaudeau
Landerkin,	(de la Vallière),
Landry,	Yeo.—27.
Lougheed,	

Non-Contents.

Hon. Messieurs.

Baker,	McMullen,
Boucherville,de (C.M.G.),	Miller,
Bowell (Sir Mackenzie),	Power (Speaker),
Casgrain (Windsor),	Robertson,
Church,	Scott,
Coffey,	Sullivan,
Gibson,	Templeman,
Gowan (C.M.G.),	Vidal,
Macdonald (P.E.I.),	Wark,
Macdonald (Victoria),	Watson,
McKay (Truro),	Wood.—23.
McMillan,	

BILLS INTRODUCED.

Bill (25) An Act respecting the Eastern Townships Bank.—(Mr. Baker.)

Bill (31) An Act respecting the Canadian Order of the Woodmen of the World.—(Mr. Watson.)

Bill (68) An Act to incorporate the Lumbermen's Fire Insurance Company.—(Mr. McHugh, in the absence of Mr. Frost.)

Bill (72) An Act respecting the Bank of Montreal.—(Mr. McKay, Alma.)

Bill (79) An Act to incorporate the Bank of Winnipeg.—(Mr. Watson.)

KING EDWARD'S VISIT TO THE POPE.

Hon. Mr. LANDRY—Before the Orders of the Day, I should like to call the attention of the leader of this House to something which was published this morning in the Ottawa 'Citizen,' relating to the visit of His Majesty the King to the Pope. It relates an interview between them, and concludes in this way :—

Some particulars of the interview between the King and the Pope have become known. The Pope greeted the King, saying in French : 'I am happy to see Your Majesty'.

King Edward replied : 'I am happy to be here and to add my congratulations to those of others upon your having outlived the days of St. Peter.

The rest of the conversation was on the part of the British Sovereign concerning the attitude taken by the Pope on the principal social questions of the day and on the part of Pope Leo about the situation of the church in the British empire.

CATHOLIC SCHOOLS IN CANADA.

It has leaked out that the Pontiff informed King Edward that in view of the meeting he had personally examined into all questions regarding Catholic interests now pending in various parts of the British empire and had prepared a memorandum to which he hoped the King would pay his benevolent attention. It is understood that one part of this memorandum concerns the school question in Canada and contains the same points as does the memorandum given by the Pope to Sir Wilfrid Laurier, the Canadian premier, when the latter was last in Rome.

Hon. Mr. SULLIVAN—When did the interview take place ?

Hon. Mr. LANDRY—Yesterday, I think. I just call the attention of the hon. Secretary of State to this announcement, and I would ask him if he is aware of anything of the kind taking place? Because there is one thing certain : if the memorandum was given to Sir Wilfrid Laurier, it was not as an individual, but as the prime minister of Canada, and I think the House should get a copy of it, or the hon. minister should be prepared to state its contents.

Hon. Mr. SCOTT—The account is, I think, purely one of imagination, conceived by the reporter, who is quite equal to the occasion. I never heard of the letter having been delivered to Sir Wilfrid Laurier. I should have heard if it had been, I think. In the official report, when the interview took place, it was announced positively that no one was to be present at the interview. Hon. gentlemen will probably have noticed that when the King was ushered into the room where the Pope was, every one left him, all the retinue that accompanied him up to that time left him, and what occurred between the Pope and the King is known solely to themselves, and I am quite sure neither of them ever gave an interview to the reporter.

Hon. Mr. LANDRY—But it says that a memorandum was handed over to the King. If a memorandum was handed over to the King, it must have been copied, so that although the King and Pope might have been alone, perhaps it might have leaked out through some of the officials after it was prepared for the King. It may be true.

Hon. Mr. BEIQUE—The hon. gentleman might find out himself what took place at that interview.

Hon. Mr. LANDRY—That is quite possible. I have already found out that the statements as to letters of Mr. Russell and others to the Vatican were true, and I might perhaps find this out also.

Hon. Mr. DANDURAND—There is one thing the hon. gentleman has neglected to inform the House upon. He made a special trip to Rome upon this question, and never took us into his confidence.

Hon. Mr. LANDRY—I was not a prime minister.

THIRD READINGS.

Bill (8) An Act to amend the Expropriation Act.—(Hon. Mr. Scott.)

Bill (9) An Act to amend the Yukon Territory Act.—(Hon. Mr. Templeman.)

SECOND READINGS.

Bill (I) An Act respecting the Rocky Mountain Railway Company.—(Hon. Mr. Lougheed.)

Bill (37) An Act respecting the Ottawa, Northern and Western Railway Company.—(Hon. Mr. Dandurand.)

Bill (57) An Act respecting the Niagara Grand Island Bridge Company.—(Hon. Mr. Gibson.)

Bill (60) An Act respecting the Huron and Ontario Railway Company.—(Hon. Mr. Landerkin.)

THE ADJOURNMENT.

Hon. Sir MACKENZIE BOWELL—Before the House adjourns, I should like to call the attention of the hon. Secretary of State to the important fact that within this week he has been defeated twice, on one occasion with reference to the expenditure of money, and on the other occasion with reference to the adjournment of the House, and ask him whether he deems these two defeats of sufficient importance to ask for time to consider what course the government will take in the future as to retaining the position which he now holds. I believe that is the usual practice. We have had a lecture on the subject of what is done in the House of Lords, I would add that it is the practice in England, when a government is defeated on any important measure, to ask for time for consideration.

Hon. Mr. SCOTT—I think the last vote is a very regrettable one indeed, and I do not propose hereafter to place myself in a position to be humiliated in that way in the future. I shall leave every vote of that kind hereafter to the House.

Hon. Sir MACKENZIE BOWELL—I regret to hear such an expression from the hon. leader although I am not surprised that he should feel humiliated at the position in which he is placed. As one of the opposition—although I do not like the expression opposition exactly, because we are supposed to come here apart from politics altogether—I would suggest to him if he would permit me, to forget it to-morrow, and not allow it to prey either upon his feelings or conscience, and when questions of this kind come up if he will take a more firm and decided stand and tell his followers what their duties are, it may not occur again.

Hon. Mr. DANDURAND—I am very much amused at the remarks made by the hon. leader of the opposition over the apparent defeat of the government on the question of adjournment. I know a time, not far distant, when the only discretion which was left to the government in this Chamber, was practically on a question of adjournment. There was a time not very long ago when the hon. leader of the opposition, with a very firm hand, led a large majority against all, or nearly all, government measures, and inflicted daily defeats on the government here. Of course, he thought he represented sufficient of the public sentiment to do so. In fact, for four years, during the first parliament this government had the conduct of affairs, we Liberals were treated as if we were in power perchance and on sufferance, and that when we would go again to the people we would be swept from power. The hon. gentlemen on the other side fully believed that we could not govern this country, but I think it will be some time before they see the government defeated even in this Chamber on matters which will be brought down by the government, and which I think will be stamped with wisdom and careful study. As to the incident of this last vote in this

Chamber, I may say now what I intended saying when the hon. Speaker declared that I was out of order. I know that there are two currents of opinion in this Chamber, as to the propriety of adjourning the Chamber from time to time. There are those who think we should remain here four months, even if there were nothing to do. There are others who think that if we have but two months' honest work to do in attending to the discharge of our duties faithfully and conscientiously, we should not rob the members of this Chamber who are still in active life, of two months of their time simply for the pleasure of putting a hypocritical face before the public and leading them to think we are working four months. We are not working four months and, as the hon. gentleman from Prince Edward Island said, we have been sitting at times for three days in the week when we were stretching on our work from week to week in order to appease the hon. gentlemen who think the country is very much concerned if we do our work in two months instead of four months. I am somewhat amused at the remarks of the neophytes of mature age who have just come from the other Chamber, who have been losing their time for four or five months in the year listening to extraordinary rehashes on questions where a few speeches on each side would have absolutely exhausted the question—listened for weeks and weeks to gentlemen speaking to the Hansard reporters in order to reach their electors. We have no such discussions here. We can do our work and do it faithfully and conscientiously in two months. I know there is a majority of members who feel, like me, that it is an injustice to men who are still in the prime of life and actively engaged in business to be kept here marking time and doing nothing. I know that the hon. Secretary of State thought that we should, perhaps, wait for five or six days, until the end of next week, before taking an adjournment. I was somewhat disposed to agree with the hon. gentleman, but in the face of the fierce assaults of the neophytes I have mentioned, who think their standard of things should prevail in this Chamber, I do not regret so very much having gone to a vote on this question.

Hon. Sir MACKENZIE BOWELL—I hope the Secretary of State will accept with due humility the castigation he has received from a new minister outside of the Cabinet. We might designate him Minister of Adjournment. So far as we on this side of the House are concerned, it does not make much difference. The hon. gentleman should be a little more accurate when he refers to the opposition. He made the statement that during the first parliament here, every measure of the government was opposed by those who were in opposition: in this he was not strictly accurate. There were few measures which were opposed at the time.

Hon. Mr. DANDURAND—Nearly all.

Hon. Sir MACKENZIE BOWELL—No, there were only two or three. I do not desire to have a statement of that kind go forth to the world as being accurate.

The SPEAKER—Let me call the attention of the House to the fact that there is nothing before it.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, May 1, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (J) An Act to incorporate the Missionary Society of the Church of England in Canada.—(Hon. Mr. Ellis.)

SUBSIDIES TO PROVINCIAL GOVERNMENTS.

INQUIRY POSTPONED.

The Order of the Day being called:

By the Hon. Mr. Macdonald (B.C.):—

That he will call attention to the financial arrangements entered into in the union of the North American colonies in 1867 into a central federal authority under the name of the Dominion of Canada, including the colonies joining the Dominion after that date, that the provinces have outgrown, and no longer consider satisfactory the financial arrangements made and considered satisfactory thirty-six years ago, and will ask is it the intention of the government to give effect this year to the request of the provincial governments for an increase in their present annual subsidies?

Hon. Mr. MACDONALD (B.C.)—This is a far reaching question going back thirty-six years, and not being at all a party question, embracing all the provinces of Canada as it does, I do not propose to go on with it to-day, as the House is more or less disorganized on account of the adjournment. I, therefore, move that the Order of the Day may be discharged and that it be taken into consideration on the 27th day of May next.

The motion was agreed to.

MAIL CONTRACTS IN THE COUNTY OF BEAUCE.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. Was the contract for the carriage of the mail from St. Samuel de Beauce station to St. Ludger de Risborough given after tenders were asked for?
2. Who were the tenderers?
3. What was the amount asked by each of them?
4. Did the lowest tenderer obtain the contract?
5. If the answer to the last question is in the negative, who obtained the contract, and why was the lowest tenderer passed over?

Hon. Mr. SCOTT—The answer to the first question is yes. The names of the parties who tendered are, Cleophas Dellaire, $800; Ephrem Beaudoin, $398; Gedeon Beaudoin, $375; Isidore Duquette, $475. After tenders were received, the prices being considered high, an effort was made to get better offers. Each tenderer was invited to reduce his tender. Thereupon the former contractor, Ephrem Beaudoin, offered to perform the service for $375, and as he had rendered satisfactory service to the department it was considered in the public interest to award the contract to him, and this was accordingly done.

THE TRANS-CANADA RAILWAY COMPANY.

MOTION.

Hon. Mr. LANDRY moved:

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will be pleased to cause to be laid before this House a copy of all correspondence exchanged between the secretary of the Trans-Canada Railway Company, or any one of its members, or any one of the ministers of the province of Quebec, and the government of Canada, or any of the members thereof, or of any communication whatsoever received or sent on the subject of the enterprise.

Hon. Mr. MACDONALD (B.C.)

Hon. Mr. SCOTT—I am not aware that there is really any of the correspondence of the kind that is usually brought down. Letters have been addressed to members of the government, and I suppose to members of parliament also, sending the statements made by engineers and surveyors, and a great deal of information in connection with the proposed line. I know I had them myself repeatedly during the last six months, and probably other members of the government and other members of parliament have also received them. If my hon. friend refers to those, I suppose he is in possession of letters of a similar character. There are none that I am aware of that involve a direct application by the company to the government.

Hon. Mr. LANDRY—I want those that are official.

Hon. Mr. SCOTT—I will see if there are any, and will bring them down.

Hon. Mr. DeBOUCHERVILLE—The hon. gentleman ought to know if there are any, and should say so and be prepared to bring them down if there are.

Hon. Mr. SCOTT—I am aware of anything that usually comes to the government as a government. I am not aware of individual letters written to members of the government—printed letters that are a kind of circular letters. I dare say my hon. friend is aware that a number of letters of that kind appear in the public press and a copy of the newspaper is sent. The railway company has been circulating a great deal of useful information in that way. What I said was I was not aware that any formal application had been made to the government for assistance, beyond this particular information. However, I will inquire of individual members, whether there is anything of the kind. What is addressed to the government usually goes to the Privy Council for consideration by the government itself. What I said was: No official letter involving that has been received, but I will make further inquiry.

The motion was agreed to.

THE CORONATION OATH.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. During his last journey to England, undertaken with the view of being present at the coronation of His Majesty King Edward VII., did the prime minister seize the occasion to protest, in his turn, in the name of all Canada, and more particularly in the name of all those who signed the numerous petitions sent with that object, against the affront offered to the Catholics of the Dominion by the statutory declaration imposed on the Monarch, tending to denounce their rites and their religion as superstitious and idolatrous ?

2. What answer to his protest did the first minister receive ?

3. Is it his intention to communicate it to the country ?

Hon. Mr. SCOTT—Any interview the premier had with the government was entirely of a private character. I know nothing of what occurred, nor has he indicated to anyone outside.

COMMUTATION OF DEATH SENTENCE AGAINST JOSEPH A. MATHURIN.

MOTION.

Hon. Mr. LANDRY moved :

That an humble Address be presented to His Excellency the Governor General ; praying that His Excellency will be pleased to cause to be laid before this House a copy of all documents whatsoever relating to the commutation of the sentence of death pronounced against Joseph A. Mathurin, including therein the report of the judge who presided at the trial, the permission of the judge for the production of such report having been previously obtained.

The motion was agreed to.

SECOND READING.

Bill (28) An Act respecting the Atlantic, Quebec and Western Railway Company.—(Hon. Mr. Dandurand.)

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, May 26, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

NEW SENATOR.

Hon. JAMES D. MCGREGOR, of New Glasgow, N.S., was introduced.

PREFERENTIAL TARIFF IN BRITISH SOUTH AFRICAN COLONIES.

INQUIRY.

Hon. Mr. MACDONALD (B.C.) inquired :

Is the government aware of proposals being made for preferential treatment in the customs tariff in the British South African colonies in favour of Great Britain ? If so, will the government endeavour to have the Dominion of Canada included in such preferential treatment ?

He said : The question of which I have given notice is one that attaches to the commerce and trade of Canada. I observed some time ago that there were negotiations proceeding between the South African government and the government of Great Britain on the question of preferential trade. The House will agree with me that wherever any opening presents itself for our taking advantage of preferential trade within the empire, the country and the government ought to do it. We have the articles in this country that are required in South Africa. We have the timber, which they have not. We have the grain, flour, and many other articles, and it would be highly advantageous to this country if they could introduce those products into the South African colonies free, or with a small duty, and that would not be quite selfish on our part, because if the people in that country should procure those products they require at less than under the ordinary duty, they would benefit by it as well as this country. I need not ask the first part of my question, because I am perfectly sure that the government is aware that something of this kind is going on between the South African colonies and Great Britain. I simply ask for an answer to the latter part of my question.

Hon. Mr. SCOTT—The government is not aware that proposals are now being made by South Africa to grant preferential trade with Great Britain, other than what may have appeared in the newspapers. We have had no official information. At all events, Canada is at any time in a position to reciprocate in preferential trade with South Africa. We have the standing clause in the Act, of which the hon. gentleman is aware, which sets forth that if any British colony has a tariff as low as that of Canada, we are quite prepared to make terms with them on a preferential basis.

BILLS INTRODUCED.

Bill (K) An Act to amend the Companies Act, 1902.—(Hon. Mr. Scott.)

Bill (L) An Act to amend the Act relating to Naturalization and Aliens.—(Hon. Mr. Scott.)

THE PACIFIC CABLE.

Hon. Sir MACKENZIE BOWELL—Before the Orders of the Day are proceeded with, I desire to set myself right in the answer I gave to the hon. gentleman from St. John (Mr. Ellis). When we were discussing the question of the Pacific cable, the hon. senator from St. John asked if the amount to which I had referred, of $125,000 to $130,000, would have to be paid by Canada in addition to any subsidy which it agreed to pay, and my reply was, yes. I find I was in error in making that statement. There is no subsidy paid directly by Canada towards the construction of the Pacific cable. The agreement into which the colonies with Great Britain entered was that England should furnish all the money upon its own credit, and that the colonies should pay a certain proportion, ours being five-eighteenths, of whatever loss there was in the working of the cable, and the meeting of the interest upon the amount expended in the construction of the cable; so that while there is really no direct subsidy, our proportion would be the $125,000 or $130,000, being five-eighteenths of the deficit in the working of the cable and the interest on the money expended in the construction thereof. I think it well, after making inquiry and looking into the question, for fear a reference might possibly be made in the future to my statement, that I should take the very first opportunity to set myself right and place the House in possession of the facts as they exist.

THIRD READINGS.

Bill (41) An Act respecting the Kootenay Central Railway Company.—(Hon. Mr. Templeman.)

Bill (75) An Act respecting the Canadian Pacific Railway Company.—(Hon. Mr. Dandurand.)

Bill (84) An Act respecting the Quebec and New Brunswick Railway Company.—(Hon. Mr. Poirier.)

Bill (50) An Act respecting the British Columbia Southern Railway Company.—(Hon. Mr. Baker, in the absence of Hon. Mr. Lougheed.)

Bill (27) An Act respecting the Canada National Railway and Transport Company.—(Hon. Mr. Landerkin.)

CRIMINAL CODE AMENDMENT BILL.

ORDER OF THE DAY POSTPONED.

The Order of the Day being called:

Committee of the Whole House on Bill (12) 'An Act to amend the Criminal Code, 1892.'

Hon. Mr. SCOTT—I move that the Order of the Day be discharged, and placed on the An Act to amend the Criminal Code, 1892.

Hon. Sir MACKENZIE BOWELL—Might I ask whether the hon. Secretary of State has considered the objections which were taken to this Bill in respect of its character as to the penalties, and so on? The hon. gentleman will remember that there was a good deal of discussion, when the Bill was up for second reading, upon the clause which imposes a penalty upon the owners of the theatre, who might have leased the property; and, if I remember correctly, he promised to consider the objections which had been taken to it as being rather onerous, imposing heavy penalties upon owners who might possibly be innocent parties, while there was no objection taken to the principle of the Bill in regard to punishing those who wilfully put upon the stage immoral pictures, or presented a play of an immoral character.

Hon. Mr. SCOTT—I communicated with the Solicitor General, and expressed to him my views in reference to the objections which were urged by the hon. gentleman opposite, and I think some other hon. members, as to holding owners or lessors responsible, as they really did not exercise any control after parting with the temporary control of the theatre, it might be for a period of one or five years. I have not heard from the Solicitor General, and that is the reason why I wish the measure postponed. In regard to the penalty, I did not know that objection had been taken.

Hon. Sir MACKENZIE BOWELL—There was no objection to the principle, but the objection was to imposing the penalty on the owner, who might not have had anything to do with the presentation of plays of an immoral character.

Hon. Mr. SCOTT—I have brought that matter to his attention, and until I get an answer from him I will not proceed with the Bill.

The motion was agreed to.

SECOND READING.

Bill (J) An Act to incorporate the Missionary Society of the Church of England in Canada.—(Hon. Mr. Ellis.)

BILLS INTRODUCED.

Bill (13) An Act further to amend the Dominion Controverted Elections Act.—(Hon. Mr. Scott.)

Bill (24) An Act to extend the power of Loan Companies.—(Hon. Mr. Scott.)

Bill (29) An Act respecting the Grand Trunk Railway Company of Canada.—(Hon. Sir Mackenzie Bowell.)

Bill (33) An Act to incorporate the Kootenay, Caribou and Pacific Railway Company.—(Hon. Mr. Templeman.)

Bill (35) An Act to incorporate the Coast Yukon Railway Company.—(Hon. Mr. Young.)

Bill (30) An Act to incorporate the Federal Oil Company.—(Hon. Mr. Dandurand.)

Bill (38) An Act respecting the Great North-west Central Railway Company.—(Hon. Mr. Kirchhoffer.)

Bill (40) An Act to confer on the Commissioner of Patents certain powers for the relief of the International Railway Appliance Company.—(Hon. Mr. Kirchhoffer.)

Bill (51) An Act to incorporate the Northern Bank.—(Hon. Mr. Young.)

Bill (52) An Act to incorporate the Joliette and Lake Manuan Colonization Railway Company.—(Hon. Mr. Casgrain, de Lanaudière.)

Bill (54) An Act respecting the Canada Permanent and Western Canada Mortgage Corporation, and to change its name to the Canada Permanent Mortgage Corporation.—(Hon. Sir Mackenzie Bowell, in the absence of Hon. Mr. Kerr, of Toronto.)

Bill (56) An Act to incorporate the Quebec, Sagueney and Gulf of St. Lawrence Railway Company.—(Hon. Sir Alphonse Pelletier, in the absence of Hon. Mr. Béique.)

Bill (61) An Act respecting the Winnipeg Western Land Corporation, Limited.—(Hon. Mr. Young, in the absence of Hon. Mr. Kerr, of Toronto.)

Bill (62) An Act respecting the Ontario and Qu'Appelle Land Company, Limited.—(Hon. Mr. Young, in the absence of Hon. Mr. Kerr, of Toronto.)

Bill (65) An Act respecting the Mutual Life Assurance Company of Canada.—(Hon. Mr. Gibson.)

Bill (69) An Act to incorporate the Northwest Coal and Coke Railway Company.—(Hon. Mr. Owens, in the absence of Hon. Mr. Perley.)

Bill (78) An Act to amend the Militia Pension Act, 1901.—(Hon. Mr. Scott.)

Bill (80) An Act respecting the Canada North-west Land Company, Limited.—(Hon. Mr. Young, in the absence of Hon. Mr. Kerr, of Toronto.)

Bill (93) An Act to incorporate the Shipping Federation of Canada.—(Hon. Mr. Dandurand.)

Bill (100) An Act to incorporate the Colonial Bank of Canada.—(Hon. Mr. Landerkin.)

Bill (103) An Act respecting the Royal Trust Company.—(Hon. Mr. Dandurand.)

Bill (105) An Act to confer on the Commissioner of Patents certain powers for the relief of the Standard Car Truck Company.—(Hon. Mr. Owens.)

Bill (109) An Act to correct a clerical error in the Act to incorporate the Edmonton and Slave Lake Railway Company.—(Hon. Mr. Poirier.)

Bill (129) An Act respecting the Crown Bank of Canada.—(Hon. Mr. McMillan, in the absence of Hon. Mr. McMullen.)

CHINESE IMMIGRATION BILL.

FIRST READING.

A message was received from the House of Commons with Bill (82) An Act respecting and Restricting Chinese Immigration.

The Bill was read the first time.

Hon. Mr. TEMPLEMAN moved that the Bill be read a second time on Thursday next.

Hon. Sir MACKENZIE BOWELL—Better explain the Bill.

Hon. Mr. TEMPLEMAN—It is practically increasing the poll-tax on Chinese coming into the country, increasing the sum to five hundred dollars. There are no material changes in the present Act other than that.

Hon. Sir MACKENZIE BOWELL—There are three or four pages. There must be some changes. Is it a consolidation of the law as it stands at present on the statute-book ?

Hon. Mr. TEMPLEMAN—I think so.

The motion was agreed to.

DELAYED RETURNS.

Hon. Mr. LANDRY—Before the House adjourns, I should like to inquire of the hon. leader of this House whether any progress has been made in the preparation of that return to an address asked for last year, to which I called the attention of my hon. friend some two months ago, and again before the last recess, in reference to the nominations of honorary colonels in the Canadian militia. If he has it in his desk, will he be kind enough to put it on his table so that we may see it. We have no key to that desk.

Hon. Mr. TEMPLEMAN—The hon. gentleman suggests what he would do if he had.

Hon. Mr. SCOTT—I am afraid I have not it here. I will make inquiries. I thought it had been brought down. However, my memory may be at fault.

Hon. Mr. DANDURAND—I learned with pleasure, during the recess, that the hon. gentleman from Belleville had been made an honorary colonel. I thought the country was safe at that moment.

Hon. Sir MACKENZIE BOWELL—Just one degree lower.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, May 27, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

CHINESE IMMIGRATION BILL.

PETITION.

Hon. Sir MACKENZIE BOWELL—I beg to present thirteen petitions from Victoria, in the province of British Columbia, praying that the Bill now before parliament, providing for an increase of the head tax on Chinese from one hundred to five hundred dollars, be not passed. As the Bill will be considered in a very short time, with the permission of the Senate I will read one of the petitions. They are signed by about three hundred persons of the city of Victoria, and read as follows :—

To the Honourable the Senate of the Dominion of Canada.

The humble petition of the undersigned residents of the province of British Columbia showeth as follows :

Whereas by the Chinese Immigration Act, 1900, a tax of $100 is imposed upon persons of Chinese origin, upon their entering Canada and other conditions are thereby provided sufficient guarding the country from any influx of Chinese ;

And whereas the proportion of Chinese to the white population of this province is inconsiderable, and there is no menace of such proportion being upset by any unusual influx ;

And whereas there is a demand in this province for labour of a legitimate and beneficial nature to the state which cannot be supplied except from Chinese ;

And whereas the Chinese by their steady, orderly and capable behaviour have proved themselves to make reliable servants and employees;

And whereas the presence of the Chinese in this country enables the great majority of the population, irrespective of class, to live in greater ease and comfort, and by reducing the cost of living within reasonable bounds tends to induce white people to settle in this country;

And whereas at the present time the canneries which are one of our greatest industries are almost entirely dependent on this class of labour for carrying on their business, and also without such labour it would be impossible to clear many farms, and there are many other works, such as ditching and dyking unimproved lands, for which cheap labour is absolutely essential ;

And whereas the proposed increase of the Chinese head tax to $500 would exclude all Chinese from entering the province, and the cost of living would immediately increase and the development of land and property be greatly retarded to the detriment of the white population generally, and the prejudice of the country.

Therefore your petitioners pray that your honourable body will be pleased to reject any legislation which will place further restrictions than those already existing upon the immigration of Chinese into this country.

ATLANTIC, QUEBEC AND WESTERN RAILWAY COMPANY BILL.

REPORT FROM COMMITTEE.

Hon. Sir ALPHONSE PELLETIER, from the Committee on Railways, Telegraphs and Harbours, reported Bill (28) An Act respecting the Atlantic, Quebec and Western Railway Company, with amendments.

Hon. Mr. DANDURAND moved that the amendments be concurred in.

Hon. Mr. LANDRY—I would like the hon. gentleman to postpone that motion till to-morrow, so that we can look into the amendments.

Hon. Mr. DANDURAND—Perhaps my hon. friend would accept my explanation of the amendments. The eleventh clause was a repetition of a clause inserted in the body of the Bill fixing a limitation for the building of the road. The body of the Bill says if ten miles are not built next year and another ten miles the following year, that then the franchise will lapse. The Clerk of the House, not noticing this amendment, added the ordinary clause, giving them two years to begin, which contradicted the more stringent provision in the body of the Bill. Then of course, we struck out that clause. The other amendment is to allow the shareholders to meet in London, England, for the purposes of the company, if they so desire, their head office being in the province of Quebec.

Hon. Mr. LANDRY—I reiterate my request to have it stand till to-morrow.

Hon. Mr. DANDURAND—I have no objection. I move that the amendments be taken into consideration to-morrow.

The motion was agreed to.

GOVERNMENT PROPERTY AT QUEBEC.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Is the government, in virtue of any title whatsoever, and if so, what, or even without title, proprietor, possessor, or occupant of a certain lot of land situate at Quebec and comprised in the square formed by the four streets, des Carrières, Mont Carmel, Haldimand and Saint Louis ?
2. What is the extent of such lot ?
3. Is the land upon it leased ? To whom ? For how many years ? At what price, and on what conditions ?

Hon. Mr. SCOTT—In answer to the first part of the inquiry, the government have acquired a title to the land in question. The area is 2 acres, 2 roods and 2 perches. The greater portion is used for militia purposes. The balance is leased for 99 years to Roger Larue at an annual rental of $150. The lease can be terminated at any time, if required for militia purposes.

THE VALLEYFIELD STRIKE.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Have judicial proceedings been taken for the recovery from the town of Valleyfield of the amounts paid by the Militia Department for the employment of the volunteer militia force, called out in aid of the civil authorities at the time of the strike last year, in the above mentioned locality ?
2. What was the amount that the Militia Department disbursed ?
3. What was the amount claimed ?
4. What amount has been reimbursed ?

Hon. Mr. SCOTT—The answer to the first question is, yes. The amount disbursed was $4,481.01. The government is now claiming $4,481.01. The case is still pending.

THE MANITOBA SCHOOL QUESTION.

MOTION.

Hon. Mr. LANDRY moved :

That an humble Address be presented to His Excellency the Governor General ; praying that His Excellency will be pleased to cause to be laid before this House a copy of the memorandum sent by His Holiness Leo XIII to the Prime Minister of Canada, at the time of the latter's visit to the Eternal City.

Hon. Mr. SCOTT—I am not aware that there is any memorandum ; certainly the government have never received one. The hon. gentleman does not define the memorandum to which he refers. He gives no information on the subject, and, therefore, I am quite unable to say whether he would be entitled to a copy of the communication, if there is one. It is not in the possession of the government, if there is such a one. I doubt very much if there is such a one in existence, but if there is, it is of such a confidential character it would not be brought down.

Hon. Mr. LANDRY—If it is of such a confidential character that it cannot be produced, I suppose we must take the answer given by the hon. minister.

Hon. Mr. SCOTT—My statement is that in my opinion there is no such memorandum, but if there is, it would be a confidential one.

Hon. Mr. DANDURAND—The hon. gentleman opposite must have received a duplicate of that memorandum as an important representative of the lay church in this country. He should describe the memorandum better than he does. He speaks of 'the memo-

randum sent by His Holiness Leo XIII to the Prime Minister of Canada.' As he apparently knows something about the memorandum sent, he should enlighten us a little more on the subject and describe the document before asking the production of it.

Hon. Mr. LANDRY—I am sorry the hon. gentleman is always in the dark like that, but he might be enlightened I thought, as in the past in other memorandums in which his name was concerned when the last elections took place. But I would say for the information of the hon. gentleman, it is a memorandum on the school question.

Hon. Mr. DANDURAND—Why does not the hon. gentleman say so in his notice ?

Hon. Mr. LANDRY—That is what I am saying now. I give that for the hon. gentleman's own sake, and not for the honourable minister who knows all about it. He knows it is on the school question, but as the hon. member thought he was not well informed, I am giving him this supplementary information exclusively for his own use.

Hon. Mr. DANDURAND—I should like the hon. gentleman to be a little more precise as to the other memorandum to which he referred in which he says my name appears. I never remember a memorandum brought before this House in which my name appears.

Hon. Mr. LANDRY—Not in the House—in the courts.

Hon. Mr. DANDURAND—What memorandum does the hon. gentleman refer to ?

Hon. Mr. LANDRY—It has been already mentioned in this Chamber.

Hon. Mr. DANDURAND—I should like the hon. gentleman to repeat the mention of it. I defy him to mention any memorandum or any report that ever came up, or appeared in a court of justice with my name mentioned in it. My hon. friend has made a broad allusion to a memorandum that my name was mentioned in, that was brought to the notice of this House, but now he says it was brought before the courts of justice. I defy him to name such a memorandum except documents in which my name appears as attorney.

Hon. Mr. LANDRY—If the hon. gentleman will wait until to-morrow I will give him the name. It is not at present on the tip of my tongue.

Hon. Mr. DANDURAND—I will give the hon. gentleman till the end of the session.

Hon. Mr. LANDRY—Has the hon. Speaker declared it lost ?

Hon. GENTLEMEN—Lost, lost.

Hon. Mr. LANDRY—What ? The motion or the memorandum ?

The Hon. SPEAKER—I declare the motion lost.

THE DRILL HALL AT QUEBEC.

MOTION.

Hon. Mr. LANDRY moved :

That an humble Address be presented to His Excellency the Governor General ; praying that His Excellency will be pleased to cause to be laid before this House a copy of all the correspondence exchanged between the Militia Department, or the government of Canada, and the government of the province of Quebec, and the council of the city of Quebec, on the subject of the improvements to be made in the drill hall at Quebec, and its projected enlargement.

The motion was agreed to.

DELAYED RETURNS.

Hon. Mr. MACDONALD (P.E.I.)—Before the Orders of the Day are called, I should like to inquire of the leader of the government if the papers are prepared yet in answer to a question which I proposed respecting communication with Prince Edward Island, on the 9th March last.

Hon. Mr. SCOTT.—I have made several inquiries in the Department of Marine and Fisheries, and they informed me that they were busy at the work and expected to have it ready to-morrow.

SECOND READING.

Bill (25) an Act respecting the Eastern Townships Bank.—(Hon. Mr. Baker.)

STEELE RELIEF BILL.

CONSIDERATION OF REPORT POSTPONED.

Hon. Mr. LANDERKIN, in the absence of Hon. Mr. Gowan, moved that the eleventh report of the Standing Committee on Divorce re the Steele relief Bill, be concurred in.

Hon. Mr. FERGUSON—I think the House is scarcely ready to vote on this Bill. The evidence only came into my hands as I entered the House, and members have not had an opportunity of looking into it. I would ask that it be laid over till to-morrow in order that we may look into the evidence.

Hon. Mr. LANDERKIN—It came before the House yesterday, and was postponed until to-day in order to allow members to peruse the evidence. The printed report was distributed yesterday, and there is no doubt about the case.

Hon. Mr. FERGUSON—When was the evidence distributed ?

Hon. Mr. LANDERKIN—The evidence in this case was distributed before the recess.

Hon. Mr. FERGUSON—As far as I am concerned, anything that was sent to me in the post office, was forwarded to my home, but I only received this report when I came to the House to-day. I am not prepared to vote without an opportunity of looking into the evidence, and I think many other gentlemen are in the same position. I do not see why matters like this should be pressed unduly. We should know what we are doing in voting on these cases.

Hon. Mr. LANDERKIN—I have no objection, but in this case the report was made about a week before the recess, and the evidence came down at that time.

Hon. Sir MACKENZIE BOWELL—I think the evidence was distributed on Monday. I know I had the evidence and read the two cases together, but my hon. friend only arrived here to-day, and consequently is not in a position to judge of this case. I think it had better stand.

Hon. Mr. LANDERKIN—I move that the Order of the Day be discharged and placed on the Order Paper for to-morrow.

The motion was agreed to.

GOUGH DIVORCE BILL.

SECOND READING.

Hon. Mr. WATSON moved the second reading of Bill (E) An Act for the relief of Florence Gough.

Hon. Mr. POIRIER—Before the Bill is read I should like to inquire of the hon. gentleman if this Bill is opposed by anyone ?

Hon. Mr. WATSON—I am not informed of that at all.

Hon. Mr. POIRIER—The hon. gentleman is not informed of any opposition ?

Hon. Mr. WATSON—I am not informed of any opposition. I know nothing of it.

Hon. Mr. LOUGHEED—Until it would reach the committee stage the promoter would not know whether it were being opposed or not.

Hon. Mr. POIRIER—I wanted to know beforehand, because I shall take the liberty of calling the attention of the committee to that point, not to prejudice them in any way, but simply to express the view that public opinion, from what I have heard, is not favourable to the granting of that Bill. However, I will not prejudge the case. It is a matter of evidence, and I simply politely warn them to move slowly in the matter. As far as I am concerned, I will see whether it is opposed or not, and then I may take some position in reference to the matter.

Hon. Mr. WATSON—I might as well tell my hon. friend that I am not informed and have no personal knowledge of these matters.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, May 28, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE MANITOBA SCHOOL QUESTION.

INQUIRY.

Hon. Mr. LANDRY inquired of the government

1. On the 15th of December, 1896, did the Honourable Charles Fitzpatrick, then Solicitor General, to-day Minister of Justice, utter the following words, as reported by the newspapers of that time :—

'The programme of the Liberal Party (on the Manitoba school question) has this advantage, that if the first trial of the modus vivendi (that is to say, of the Laurier-Greenway compro-

mise) does not give satisfaction, it may be corrected and improved by new amicable arrangements between the two governments. At the same time, the way of federal legislation remains always open to the Manitoban minority in the case where conciliation might not succeed in creating an acceptable situation. Finally, if all that fails, there will still and always be time to have recourse to a federal law suited to the circumstances. If that does not give satisfaction, we will do more.'

2. If this account does not faithfully report the sense of the words attributed to the honourable minister, in what respect does it depart from the truth, and what are the declarations which the Solicitor General can repudiate ?

Hon. Mr. SCOTT—This question should be put to the Minister of Justice himself, who alone can give the information asked for.

Hon. Mr. LANDRY—There is no go-between ?

OVERCROWDING OF STEAMSHIPS.

INQUIRY.

Hon. Mr. LOUGHEED inquired :

1. What amount, if any, is paid by the government to steamship companies for carrying emigrants from European ports to Canada ?

2. Also, what system, if any, of inspection obtains as to the numbers of emigrants carried and the accommodation afforded by steamship companies aboard their boats when so engaged?

Hon. Mr. SCOTT—The answer is as follows :

1. Nothing is paid by the government to steamship companies for carrying emigrants from European ports to Canada.

2. The Merchants' Shipping Act, 1894 (British) regulates the clearance of passenger steamers and emigrant ships when carrying passengers from the United Kingdom, vide part III, sections 267 to 300 inclusive. Also schedule tenth : 'An Act respecting Immigration and Immigrants,' chapter 65, Revised Statutes of Canada, contains provisions regarding the number of immigrants carried and accommodation afforded on passenger steamers and immigrant ships arriving in Canada from any port or place on the continent of Europe or from any other port or place out of His Majesty's dominions.

Section 10, of the latter Act also contains the following provisions in regard to vessels arriving in Canada with immigrants, viz.:

No master of any vessel arriving at any port in Canada shall permit any passenger to leave the vessel until he has delivered to the collector of customs at such a port, a certified and correct report in the form of the schedule to this Act, and a certified copy or duplicate of such report to the Dominion immigration agent at the port of landing, nor until such report has been certified to be correct and a certificate of such correctness and a permission to allow his passengers to leave the vessel, and a receipt for the duties payable by him under the provisions of this Act, have been given to him by the Collector of Customs ; and every master of a vessel who violates the provisions of this section, shall incur a penalty not exceeding one hundred dollars and not less than twenty dollars for every passenger leaving the same, contrary to the provisions of this Act.

The form of report to be made to the Collector of Customs in Canada by the master of the ship is set forth in the schedule to the Act, and shows the names and description of passengers, the total number of superficial feet in the several compartments set apart for the passengers other than cabin passengers, also the total number of adult passengers exclusive of master, crew and cabin passengers, which the vessel can legally carry.

Hon. Mr. LOUGHEED—I might ask my hon. friend for further information along the line of my question. What I desire to know is what steps were taken by the Dominion government to inspect the conveniences on ships arriving at a Canadian port with immigrants.

Hon. Mr. SCOTT—I presume there is the immigration agent, and of course there is the inspecting officer. If any complaints are made to them they are reported, no doubt.

Hon. Mr. LOUGHEED—My object in asking this information was owing to an article which appeared in the Winnipeg 'Voice,' in the issue of April 24, 1903—a paper published by the member for Winnipeg who is a supporter of the present government, or a quasi supporter at least—containing a very trenchant criticism with reference to the overcrowding of immigrant ships arriving at Canadian ports. In fact, the article is headed as follows : 'Disgraceful overcrowding on board ship—common decency impossible—will the British Board of Trade take action.' Now, this is a matter very largely in the hands of the Canadian government, if the powers are exercised by the government given in the Act referred to by my hon. friend, I would direct attention to the facts given in that article, which has not been written in a

spirit hostile to the government, but more with the intention of attracting their attention to an abuse which prevails on ships of this character. My hon. friend will take note of the article. It may possibly be of advantage to the Immigration Department in promoting the interests of immigration, and certainly it would be in the interests of Canada if these abuses were remedied.

Hon. Mr. SCOTT—I saw myself a reference to a similar article, and a good deal of controversy in the newspapers on the subject in connection with the Barr colonists. They complained they had not sufficient space on shipboard. Under the Act, if my memory is correct, each passenger is entitled to fourteen feet cubic space. I will draw the attention of the department to the subject.

Hon. Mr. LOUGHEED—It seems to me a system of rigid inspection should be enforced against steamship companies to prevent such things arising. It is evident that inspection does not obtain at present, although power has been given to the government for that purpose.

Hon. Mr. GIBSON—Last year I took the trouble of going down with the Dominion immigration agent from Glasgow to Greenock. Before the passengers were allowed to embark they were examined by a medical officer. The berths, accommodation and everything in connection with the emigration were fully inspected by employees of the British government, who represented the board of trade, whose duty is to see that accommodation is provided for every passenger. The list is handed them, and every passenger is examined and the ship examined from stem to stern, and she cannot sail until all the conditions are complied with; and as a precautionary measure, in addition to the supervision given by the British government, the Canadian agent at Glasgow, to my knowledge, examined, with the British officers, every nook and corner of the ship and handed to every one of them letters of introduction to the Canadian agent on their arrival at Quebec or Montreal, and so far as the Canadian government is concerned, I can vouch for the care exercised by the Department of Immigration as to the comfort and accommodation given to immigrants who are coming to Canada, so that if there is anything wrong it must be done contrary to the instructions and without the knowledge of the officers of the British Board of Trade, who are very thorough in the examination of the ship and the immigrants, as one could well understand, for fear of contagious disease being allowed to be carried on board. When the immigrants go on board ship, they pass through a cordon of government officers who examine every man, woman and child. That portion of it is also looked after by the gentleman who represents the Dominion of Canada at Glasgow. So far as the government is concerned, every precaution is taken by the representatives of the Department of the Interior at Glasgow. Of that I can speak from personal observation.

Hon. Mr. LOUGHEED—I would direct attention to the article to which I have referred—a paper conducted by the member from Winnipeg, in which he says :

> During the past week representatives of the 'Voice' have been interviewing members of the party, and shocking stories of overcrowding on the voyage, and the greedy, grasping of this up-to-date 'disciple' of the humble Nazarene some of the party tell. Whether the 'sky-pilot' or the Elder-Dempster Company are to blame for the overcrowding on the boat, we cannot say, but the least any one could expect was that with a parson in charge of the party, conditions would have permitted of ordinary decency. The 'Lake Manitoba' is registered to carry about 970 persons. Over twice that number were on board, and their condition can well be imagined. One of the men interviewed said that he had gone through the South African war, and he had never seen a troopship overcrowded near so much. The cargo holds were rigged up in similar fashion to a troopship.
>
> The story of the voyage here as told by one or two, and verified by several others, is briefly as follows : 'We were notified to be on the landing stage at Liverpool at 8 a.m., on March 31, ready to embark, and were kept waiting there until 1 o'clock in the afternoon before the boat came alongside. Expecting to have dinner on board, we had made no provision, and when we got on board no food was served until about four in the afternoon. The majority of the party had no food for eight or ten hours. When food was at last served, arrangements had been so well made that some of the party got a piece of bread, others any amount of jam, some cheese, and we managed a tin of soup. Some were lucky to get a supply of cheese and jam, and spread the jam on the cheese. Tea and coffee were made with salt water. Barr had given every one to understand that for this party the third-class passengers would receive as good food, &c., as second-class passengers generally received. On the first day, a deputation went to Barr and demanded better food, and on the third or fourth day there was an improvement. The butter placed on the tables, however, was so 'fierce' that even the most daring of the party feared to molest it.

The sleeping accommodation was frightful. Although a notice is posted in the ship that passengers may only sleep on two decks, we were on the third deck down, and, added to the discomfort of the voyage, we had to listen to the foul language of the stewards, language worse than would ever be heard in a barrack room. Other members of the party said that dogs were in the sleeping berths, and after tolerating the stench of the filth from the animals for one night they had slept on deck for two or three nights. Married couples had been promised privacy, but they got none. There was no privacy for the sexes even. One gentleman, whose family accompanied him, had made an indignant protest because the beds allotted to his two daughters, about eighteen and twenty years old, had been placed between married couples. To undress for sleeping was out of the question. The majority of the party never had their clothing off from the time they left their homes until they arrived in Winnipeg, and the ones who went forward with Barr will be lucky if they have been able to take them off since leaving this city. As to general conditions, one lady who had a baby in arms was unable for some days to get a drop of warm water to wash the baby, and when she did manage, it was only by 'tipping' the stewardess well.

I simply direct attention to this fact, so that if it is possible for the Dominion of Canada, apart from the action taken under the Imperial Act by the board of trade, to so improve the system of inspection as will conduce to the best interest of immigrants from Great Britain, they may do so.

Hon. Mr. GIBSON—This state of affairs complained of does not exist in Glasgow. If there is any fault at all it certainly must be with the British authorities in the city of Liverpool.

BILLS INTRODUCED.

Bill (71) An Act to incorporate the Imperial Company.—(Hon. Mr. Owens.)

Bill (107) An Act to incorporate the Empire Accident and Surety Company.—(Hon. Mr. Coffey.)

Bill (115) An Act to incorporate the Richmond and Drummond Fire Insurance Company.—(Hon. Mr. McHugh.)

Bill (M) An Act for the relief of Harford Ashley.—(Hon. Mr. Dobson.)

THIRD READINGS.

Bill (60) An Act respecting the Huron and Ontario Railway Company.—(Hon. Mr. Landerkin.)

Bill (57) An Act respecting the Niagara Grand Island Bridge Company.—(Hon. Mr. Gibson.)

Bill (37) An Act respecting the Ottawa, Northern and Western Railway Company.—(Hon. Mr. Dandurand.)

SECOND READINGS.

Bill (31) An Act respecting the Canadian Order of the Woodmen of the World.—(Hon. Mr. Watson.)

Bill (72) An Act respecting the Bank of Montreal.—(Hon. Mr. Mackay, Alma.)

CRIMINAL CODE AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (12) An Act to amend the Criminal Code 1892.

(In Committee.)

On the first clause,

Hon. Mr. SCOTT—When this Bill was before the House for the second reading, exception was taken by my hon. friend opposite, and I think by some other hon. gentlemen, that it did not seem quite reasonable or proper that the owner, or lessor of a theatre should be charged with placing immoral or indecent plays on the boards, inasmuch as they had not individual control over the engaging of the company; that it rested either with the lessee, or manager, or agent to engage the different troupes. I have, therefore, adopted the suggestion thrown out, and propose in the first line to strike out the words 'owner or lessor.' The clause would then read:

Every person, who being the lessee, agent or person in charge or manager of a theatre, etc.

Then I have added, at the suggestion of a member of the other House, the words 'immoral, indecent,' before the word 'obscene.' It is quite evident some legislation of this kind is necessary. Those of us who attend theatres, must have noticed of late years a tendency to nudity of costume, and other objectionable features in the entertainments presented.

Hon. Sir MACKENZIE BOWELL—The words 'any one in charge' would include, I suppose, the proprietor of the building in case he was running the theatre himself?

Hon. Mr. SCOTT—Certainly.

Hon. Sir MACKENZIE BOWELL—That is the intention?

Hon. Mr. SCOTT—Yes. This is to cover the owner in a case of that kind.

The amendment was adopted.

On the third clause,

Hon. Mr. McSWEENEY—What is an indecent costume ?

Hon. Mr. SCOTT—The absence of any.

The clause was agreed to.

Hon. Mr. YOUNG, from the committee, reported the Bill with amendments, which were concurred in.

SECOND READINGS.

Bill (G) An Act for the relief of Florence Lee Grey.—(Hon. Mr. Gibson.)

Bill (29) An Act respecting the Grand Trunk Railway Company of Canada.—(Hon. Sir Mackenzie Bowell.)

THE COMPANIES ACT, 1902, AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (K) An Act to amend the Companies Act, 1902. He said : The Bill passed by this House last year has been subject to a good deal of criticism. One of the criticisms by some lawyers has been that it is not very clear that bills of exchange and promissory notes drawn by the officers of the company under the direction of the directors of the company were not exempt from clause 57, which made provision that where the company borrowed it had to be done by a by-law, and that the shareholders had to approve of the by-law. I do not think that there is very much in it, and it has only been urged by a few, still it is well to make it perfectly clear that in drawing, endorsing, and making bills of exchange and promissory notes, they are not subject to clause 57 of the Act. Then under the Act where a company is incorporated with shares below one hundred dollars, and they wish to make their shares one hundred dollars, there was no provision under the Act by which they could do so. That clause reads in this way :

> Or, whenever the par value of the existing shares is less than one hundred dollars each, make a by-law consolidating them into shares of a larger amount ; but no such consolidated share shall exceed the par value of one hundred dollars.

It comes in under section 40, which provides that the directors of a company may at any time make a by-law to make the shares a smaller amount.

Hon. Sir MACKENZIE BOWELL—This does not apply to banks ?

Hon. Mr. SCOTT—Oh, no.

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

Hon. Mr. SCOTT moved that the Bill be referred to a Committee of the Whole House on Wednesday next.

Hon. Sir MACKENZIE BOWELL—Suppose a company, under the provision, decide to increase the value of the shares, will there be any provision for those who probably hold only a share of say fifty dollars ? What would be the position of the shareholder in that case? Would he be compelled to forfeit his share or purchase an additional fifty dollars. I know companies in amalgamation where the shares of one company were fifty dollars each and the shares of the other company were one hundred dollars each, and in the terms for amalgamating the two companies, special provision had to be made in that case. How would it be under this Bill ?

Hon. Mr. SCOTT—No provision is made for the condition of things suggested by my hon. friend, and I can quite see where a person holding only one share of, say, fifty dollars, some provision should be made that that person's share should not be wiped out, and it might be necessary to make an amendment to provide that he should be allowed to retain such share as a half or a third of a share or whatever its proportion might be.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman propose to provide for that in this Bill?

Hon. Mr. SCOTT—I will add a proviso to that effect—providing that the holder of one share of twenty-five or fifty dollars should not be thereby deprived of his right to the proportion which he holds of the share of a hundred dollars.

Hon. Mr. CASGRAIN (De Lanaudière)—I am afraid that would be unworkable.

Hon. Mr. SCOTT—It is not likely such a case will arise, but the application is made on behalf of a company particularly that desires to increase its shares to one hundred dollars. It is a domestic matter, but we will endeavour to meet the difficulty

which my hon. friend has suggested by a proviso at the next stage of the Bill.

Hon. Sir MACKENZIE BOWELL—The reason I call attention to that is, I have in my mind at the present moment the amalgamation of two loan companies.

Hon. Mr. SCOTT—This does not apply to loan companies at all. They are absolutely excluded.

Hon. Sir MACKENZIE BOWELL—The same principle would apply—the same difficulty would arise. I have in my memory just now a case where two companies amalgamated, the shares of one company being fifty dollars and the shares of the other one hundred dollars, and the difficulty was in the agreement which was entered into. When the companies went before the registrar of Ontario—it was under the Ontario law—the suggestion was made that as one company issued ten dollar shares under another provision, the fifty dollar shares might be made five shares. I think the suggestion made by the Secretary of State would meet the case.

Hon. Mr. BEIQUE—I should like to call the attention of the hon. Secretary of State to the advisability of providing for cases such as are referred to in the note to schedule A of the Act of last year. That note is:

If any cash has been paid in on stock or if any property is intended to be accepted on account of stock, it should be here stated.

Some machinery should be provided to deal with such cases. The want of it has given rise, to my knowledge, to a great deal of trouble in organizing companies, and it was specially on account of the old section 27, which was left out of this new Act. In England they have practically section 27 in the Act of 1900, and it seems to me, to make it harmonious with the note I have read, that the old section 27 should be introduced. I know of very important companies that have been organized under the assumption that the principle governing under section 27 of the old Act still prevailed and that stock could be issued payable otherwise than in cash. It seems to me that this note to which I refer contemplates that.

Hon. Mr. DANDURAND—The difficulty mentioned by the hon. gentleman (Hon. Mr. Béique) was the one which prompted me to ask the Secretary of State to postpone going into committee on the Bill until Wednesday, because it seems to me we should have a clause embodying the principle contained in section 27 of the old Act. I know companies organized since this new Act has come into force have been granted powers which my hon. friend and myself, and very many other lawyers, think are beyond the scope of the Act, because of section 27 not being any more in the Act. I would suggest that the Secretary of State should, before Wednesday next, consider the advisability of re-enacting the 27th section.

Hon. Mr. SCOTT—Section 27 has been the subject of a great deal of controversy in England and Canada. It has practically never been observed. On inquiry in the department, they scarcely remember a case where application was made for any agreement filed. My own practice has been, where applications come before me and it is apparent they are taking over going concerns, which has practically formed two-thirds of all the cases, I advised them to set forth in the letters patent the terms and conditions, so that persons who come in afterwards shall know exactly the conditions on which the going concern has been taken into the company.

Hon. Mr. DANDURAND—The question is, can it be done under the Act as it is to-day.

Hon. Mr. SCOTT—It is done all the time.

Hon. Mr. DANDURAND—Is it done legally?

Hon. Mr. SCOTT—Yes, the Secretary of State has the power of parliament in so far as it comes under his control. Section 27 was objected to, not only in this country, but in England. It has been superseded by another clause in the same direction. When the Bill comes up again I shall be able to point out that there is no necessity for importing section 27 again into the Act. If you look at clause 34, you will find that every prospectus of a company and every notice in writing shall specify the date and names of the parties entering into the contract before the issuing of such prospectus or notice, &c. Now, I might say that the very fact of my ruling that under the terms of this Act they must expose the conditions under which the company has been floated, has prevented parties coming to Ottawa for

a charter. I might mention a very important company—the Marconi Company—which raised that objection. They said, 'you force us to disclose the conditions under which the company is being formed, and we object to that.' I find the Act to work very well indeed, and I should strongly deprecate the importing of section 27 into the Act again. I think it would injure it very seriously.

Hon. Mr. BEIQUE—I would see more objection to the principle being embodied in some other form. The question came up in England on several occasions as to whether stock, in the absence of special provisions in the Companies Act, should be paid otherwise than in cash, and I know it was held by the House of Lords, and in fact by all the courts in England, that it had to be paid in cash, and therefore a very serious question arises when we have merely section 31, which says :

> Every shareholder, until the whole amount of his shares has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon.

This provision and that principle which obtained in England and would obtain before our courts, seems to be in conflict with that note to schedule A, to which I have referred. Now, if the hon. Secretary of State thinks, and I dare say he is right in that respect, that section 27 of the old Act does not afford sufficient knowledge and protection to the public, other means might be furnished. It might be inserted in the letters patent, if it be deemed advisable, but anyway that is merely a question of means. For my part, on several occasions I have ascertained from the Department of the Secretary of State as to whether there was any agreement as contemplated under section 27 of the old Act, and I have obtained copies of agreements that were lost ; but I am quite sure the Secretary of State is correct in saying that, as a general rule, the public were not sufficiently informed.

Hon. Mr. SCOTT—The conditions in Canada and in England are entirely different. Ours is a broad country, 3,000 miles across, and people 3,000 miles away do not make application to the office of the Secretary of State to ascertain what documents are filed. The invariable practice, in issuing letters patent, if it is intended to take over a going concern, for which stock is paid, is to set forth the particulars of that transaction in the letters patent. They are all set forth in full for the information of those who may come in afterwards.

Hon. Mr. DANDURAND—This is the kernel of the question. Would the embodying of this in the letters patent make the agreement valid or legal ? Even if it were included in the letters patent, it would be beyond the Act as its stands, and I have seen letters patent issued by the department granting those powers to some companies, and I wondered at those extended powers being granted in the absence of section 27, and that is why I think if those powers are to be assumed by the Secretary of State they should be embodied in the present Act.

Hon. Mr. SCOTT—They are embodied in the letters patent for the purpose of giving the parties who propose to take stock in the company proper notice. It is supposed that no one would take stock in the concern until he looked at the constitution. It does not make it legal placing it there ; it is inserted for the purpose of giving information. I have been discussing this question with many eminent lawyers, more particularly in Ontario, and they thought it was better that the whole subject of the value of shares should be left entirely to the common law practice. As to the value of shares, in the event of the company going into liquidation, the court would have to pass on whether real value had been given. That value might be in personal property or in real property, and it would then be for the court to say whether persons who had obtained shares below their value, whether that value was represented by cash or personal property—that they might be called upon as contributors towards paying creditors. It rests on the conditions afterwards which happen to arise. It does not make it legal its being there, but it simply gives notice to the public.

Hon. Sir MACKENZIE BOWELL—We are discussing this question as if we were in committee. I find in a Bill we have just read the second time and referred to the Banking Committee, the Bill relating to the Bank of Montreal, there is a similar provision for changing the value of the shares, the sixth clause of which provides for the

manner in which fractional portions of shares are to be disposed of. It seems to be a very arbitrary one, because it would be legislating away rights of property. I merely call the attention of the Secretary of State to it as it may possibly assist him in framing a clause to meet the objection that has been taken.

The motion was agreed to.

NATURALIZATION AND ALIENS ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (L) An Act to amend the Act relating to Naturalization and Aliens. He said: Since the Naturalization Act was passed some years ago, important territories have been added to Canada. It did not provide for aliens in the North-west Territories or, of course, for aliens in the Yukon Territory, who become naturalized, and this Bill has specified the court in the North-west Territories, the Supreme Court, that is to be the court to which the alien has to apply; and in the Yukon Territory it is the Territorial Court. In addition to the Act, as it has existed for many years, it has been suggested by an eminent authority in either Manitoba or the North-west, that in order to prevent frauds, parties desiring to become naturalized should, three weeks in advance of the proceeding of the court, hand in their names to the clerk of the court in order that he may post them up in his office, so that the public may have an opportunity of knowing and possibly ascertaining that the person making application was not entitled to naturalization, because his term in Canada had not been sufficiently long. Machinery has been prepared to carry out that idea.

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

SECOND READINGS.

Bill (35) An Act to incorporate the Coast Yukon Railway Company.—(Hon. Mr. Young.)

Bill (52) An Act to incorporate the Joliette and Lake Manuan Colonization Railway Company.—(Hon. Mr. Casgrain, de Lanaudière).

Bill (54) An Act respecting the Canada Permanent and Western Canada Mortgage Corporation, and to change its name to the Canada Permanent Mortgage Corporation. —(Hon. Sir Mackenzie Bowell.)

MUTUAL LIFE ASSURANCE COMPANY OF CANADA BILL.

SECOND READING.

Hon. Mr. GIBSON moved the second reading of Bill (65) An Act respecting the Mutual Life Assurance Company of Canada.

Hon. Mr. FERGUSON—The Bill has not been distributed.

Hon. Mr. GIBSON—It is marked printed in English and French, and has without doubt been distributed.

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

ATLANTIC, QUEBEC AND WESTERN RAILWAY COMPANY BILL.

AMENDMENTS ADOPTED.

Hon. Mr. DANDURAND moved concurrence in the amendments made by the Standing Committee on Railways, Telegraphs and Harbours to Bill (28) An Act respecting the Atlantic, Quebec and Western Railway Company.

Hon. Mr. LANDRY—I would ask the mover to do me another favour in postponing his motion for another day. I received to-day a number of documents and papers respecting this Bill. They came to me too late to take cognizance of them before the Bill was considered in committee, and I, therefore, ask the hon. gentleman to postpone his motion for another day.

Hon. Mr. DANDURAND—I cannot consent to postpone this motion, but I am willing that the third reading shall be deferred until Monday next.

The motion was agreed to.

Hon. Mr. LANDRY—I give notice that on the third reading of the Bill, I shall move that the Bill be recommitted for the purpose of making certain amendments.

EDMONTON AND SLAVE LAKE RAILWAY COMPANY BILL.

Hon. Mr. SCOTT—A Bill came from the House of Commons a few days ago, the object of which was to correct a clerical error in a Bill which we passed incorporating the Edmonton and Slave Lake Railway Company. It appears that the word 'Company' was left out in the statute. It was correct in the French translation, but not in the English version. My attention not having been called to it at the time, I did not take charge of the Bill, but I find that the error occurred either in the printing at the Bureau, or by the officer of the House who prepared the Bill. I now move that the Bill be read the first time.

Hon. Sir MACKENZIE BOWELL—Is it a government Bill?

Hon. Mr. SCOTT—Mr. Fitzpatrick had charge of it in the other House. The Act was passed last session of parliament, and properly passed, but in the printing of the Bill the error occurred.

The SPEAKER—The Bill was read the first time, but no one took charge of it. The motion now should be to place it on the Order paper.

Hon. Mr. SCOTT moved that the Bill be placed on the Order paper for second reading to-morrow.

Hon. Sir MACKENZIE BOWELL—The gentlemen who send us Bills from the House of Commons, often send them without asking any one to take charge of them here. The best way to teach them a lesson is to let Bills in such cases drop. If the members of the House of Commons have not the courtesy to ask Senators to take charge of their Bills here, let them drop.

Hon. GENTLEMEN—Hear, hear.

The motion was agreed to.

MUTUAL LIFE ASSURANCE COMPANY OF CANADA BILL.

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

Hon. Sir MACKENZIE BOWELL—I should like to refer, before adjourning, to the point raised by my hon. friend from Charlottetown in connection with Bill No. (65), respecting the Mutual Life Assurance Company of Canada. I find Bill (65), which was moved by the hon. gentleman from Lincoln (Mr. Gibson), has not been distributed. I do not object to the Bill, but I think it is unfortunate to move the second reading of a Bill without having it before us. I have inquired of the pages and they have not seen it. While it appears on the Notice paper as printed in English and French, there is no notice that I can find that it has been distributed to members. I think it is about time that we got into a more regular way of doing business. I wish it to be distinctly understood that I am not finding any fault with the hon. gentleman who moved the motion, because it was the duty of some official of the House or of the distributing office to see that the Bill was distributed. It is an important matter, and I think in future we should insist on this rule being carried out.

Hon. Mr. GIBSON—I do not think there should be any reflection on the motion I made.

Hon. Sir MACKENZIE BOWELL—I stated that I did not find fault with the hon. gentleman.

Hon. Mr. GIBSON—I quite agree with the leader of the opposition; I think none of those Bills should be placed on the Orders of the Day unless all the rules of the Senate are complied with, but I cannot be held responsible for the Orders of the Day. Perhaps I have not the time to go and search for the Bill which stands in my name, but I take it for granted the Orders of the Day are correct and when the order in my name is reached, that I should make the motion in the ordinary way. It is very misleading to hon. members who allow their names to be placed to Bills, to find that the want of the Bill is the fault of those who are employed by the Senate and who ought to see that all those Bills are distributed before they are placed on the Order Paper.

Hon. Mr. FERGUSON—We should insist that whoever is charged with the duty should see not only that the Bills are printed in English and French and distributed, but we should go further, and no Bill should be proceeded with that has not been distributed. There could be no greater reflection on this House than the fact that we pass Bills which are not before the House.

Hon. Mr. LANDERKIN—I go further and say that when all the rules are complied with no hon. gentleman should ask for a postponement of an Order. I have Bill (65) in my hand now.

Hon. Mr. GIBSON—It ought to be in the possession of every member of this House before it is discussed. Suppose a question had been asked me about this Bill, as any hon. gentleman has a right to ask it, how could I answer? We ought to be in possession of Bills which stand in our name and they should be before us on our desks and before the Clerk of the House.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, May 29, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READING.

Bill (F) An Act to incorporate the Home Bank of Canada.—(Hon. Mr. McMillan, in absence of Sir Mackenzie Bowell.)

UNION LABELS BILL.

SECOND READING POSTPONED.

The Order of the Day being called.

Second Reading Bill (D) An Act respecting Labour Union Labels.

Hon. Mr. WATSON moved that the Order of the Day be discharged and placed on the Order Paper for Tuesday next.

Hon. Sir MACKENZIE BOWELL—Would it not be better to put it off till after the deputation is heard from? I understood that a number of gentlemen who favour the Bill were to be present.

Hon. Mr. WATSON—I would like if the Bill could go before the Committee on Banking and Commerce at the same time as the other Bill. The same parties are interested in the matter, and it will be a saving to the people who wish to appear before that committee. I thought if it was agreeable I could move the second reading on Tuesday and have it heard before the committee on Thursday next.

Hon. Mr. SCOTT—It could only go to a special committee by arrangement. In the ordinary course it would come before a committee of the whole House.

Hon. Mr. MILLER—This being a public Bill, if it is read the second time it will be taken as an endorsation of the principle of the measure. It should go before the committee of the whole House in the regular way, but whatever committee it goes to, it should be with the understanding that no one is committed to the principle of the measure.

Hon. Mr. WATSON—Yes, that is the position I take in regard to it. There will be a lot of information elicited before the committee that will not be brought out before the House, and I understand that it is in exactly the same position as the Bill introduced by the hon. gentleman from Calgary (Hon. Mr. Lougheed) and I should like to have it go before the committee on Thursday, where the parties interested can be heard.

Hon. Mr. SCOTT—Hon. members are free to discuss the Bill on the second reading, even if it goes to committee with that understanding. It would not be well to let it go by default in that way.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman's motion is to discharge the order and set it down for second reading Tuesday next. That will enable many of those who desire to take part in the discussion to be present.

Hon. Mr. YOUNG—And it is at the request of many of those who cannot be present to-day.

The motion was agreed to.

SECOND READINGS.

Bill (38) An Act respecting the Great North-west Central Railway Company.—(Hon. Mr. Lougheed, in the absence of Hon. Mr. Kirchhoffer.)

Bill (56) An Act to incorporate the Quebec, Saguenay and Gulf of St. Lawrence Railway Company.—(Hon. Sir Alphonse Pelletier.)

Bill (61) An Act respecting the Winnipeg Western Land Corporation, Limited.—Hon. Mr. Kerr, Toronto.)

Bill (62) An Act respecting the Ontario and Qu'Appelle Land Company, Limited.—(Hon. Mr. Kerr, Toronto.)

Bill (80) An Act respecting the Canada North-west Land Company, Limited.—(Hon Mr. Kerr, Toronto.)

STANDARD CAR TRUCK COMPANY BILL.

SECOND READING.

The Order of the Day being called.

Second reading Bill (105) An Act to confer on the commissioner of patents certain powers for the relief of the Standard Car Truck Company. —(Hon. Mr. Owens.)

Hon. Mr. MACDONALD (B.C.) moved that the Bill be read the second time.

Hon. Mr. McMULLEN—I think this Bill is out of the ordinary routine of legislation, and I should like to have some explanation of why we are asked to pass it. If it were an ordinary Bill connected with railways or other projects, I would not consider it necessary to ask any questions, but here is a Bill for the purpose of conferring certain powers on the commissioner of patents. If it is for the purpose of reviving a patent which has expired, or a matter of that kind, I think on the second reading we should have some explanation of why it is asked to confer this power, rather than delay the explanation till it goes before the committee, I should like to know what the explanation is.

Hon. Mr. MACDONALD (B.C.)—I know nothing at all about this Bill. We could let it pass this stage and go to committee.

Hon. Mr. FERGUSON—We have got into a bad practice in this House of permitting important Bills to pass the second reading without explanation. We had yesterday a very important measure with regard to the Bank of Montreal, and many others that I think should be explained at the second reading. It makes a record and it opens the way for hon. members to make further inquiries before a Bill reaches the committee stage.

Hon. Mr. KERR (Toronto)—I have nothing to do with this Bill, but I observe the whole reason for the measure is set forth in the preamble, so that anybody who reads the preamble will see the circumstances under which the patent lapsed. I am not acquainted with the circumstances beyond what appears here, but this is a case in which the Bill might reasonably be allowed to go without further explanation.

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

EDMONTON AND SLAVE LAKE RAILWAY COMPANY BILL

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (109) An Act to correct a clerical error in the Act to incorporate the Edmonton and Slave Lake Railway Company. He said: In the year 1899 an Act was passed incorporating the Edmonton and Slave Lake Railway Company. In the clause declaring that the persons named were to form a company under the name of the Edmonton and Slave Lake Company, the Act no doubt passed correctly both Houses, but in the printing of it, from some cause or other the word 'railway' was dropped out, and it is simply to replace that word and declare that it forms part of the Act of 1899 that this Bill is introduced. The Act itself is headed 'An Act to incorporate the Edmonton and Slave Lake Railway Company,' and all through it is talked of as a railway company, except in that one clause, where the word 'railway' is omitted. In the French edition the word 'railway' appears.

Hon. Sir MACKENZIE BOWELL—Is not this a private Bill? The original measure was a private Bill, was it not?

Hon. Mr. SCOTT—Yes, but it had passed through its regular stages in both Houses and was enacted properly. It is not promoted in the interest of the parties, but simply to correct an error which has occurred.

Hon. Sir MACKENZIE BOWELL—As I understand, it is a Bill introduced by the government?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—For the purpose of correcting an error in a private Bill?

Hon. Mr. SCOTT—Yes, the Minister of Justice introduced it.

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

Hon. Mr. SCOTT—I presume the proper way now would be to read the Bill—it has only one clause—at the Table, and pass it. It is not a Bill to be sent to a committee. There is nothing to be presented to a committee. I, therefore, move that the Bill be read at length at the Table.

The motion was agreed to, and the Bill was read at length at the Table.

THE STANDING COMMITTEES

Hon. Mr. SULLIVAN—I wish to emphasize a fact which I pointed out here at the beginning of the session, that gentlemen are excluded from the committees here who attend strictly to the business of the Senate. Here is a whole page of legislation gone through in what may be called true railroad style, and not a single gentleman who is not on those committees will know anything about the details of the Bills. I have been excluded from committees in a most unreasonable manner. There may be others in the same position who are more modest than I am, and do not care to be appointed, but I wish to say here that those Senators who attend faithfully to their duties should not be excluded from an opportunity of being acquainted with the legislation of this House, and that opportunity given to others who rarely, if ever, attend to the work of the committees. There are gentlemen appointed to the most important committees and chairman of them for no reason that I can think of, and it is degrading to this Senate if such a spirit gets into it, a spirit of an oligarchy ruling by force here. I, therefore, hope that the Senate will take that into consideration, and that those gentlemen who are supposed to represent the feelings of the House, and who are appointed to strike the committees, will see that simple justice is done to those who are deserving.

The Senate adjourned.

THE SENATE.

Ottawa, Monday, June 1, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

FISHING IN TIDAL WATERS.

INQUIRY.

Hon. Mr. MACDONALD (B.C.) inquired:

Has any arrangement been arrived at by the Dominion and provincial governments with respect to conflicting authority over—

1. Fishing in rivers in tidal waters and above tidal waters.
2. Foreshore rights between high and low water.
3. Inland sea, between low water and the three-mile limit?

He said: My object in asking these questions is in regard to the fisheries in British Columbia. The season is just coming on now, and a number of leases have been applied for to the provincial government for fishing rights on the shores within the three-mile limit, and I do not know what has been done about it. In the rivers, of course, the question in dispute is between the Dominion and provincial governments, in which a half decision was given by the Privy Council in 1898, and I believe that decision gives the provinces certain rights to issue licenses while it leaves the regulation in the hands of the Dominion government, and I think it would be convenient if some arrangement could be arrived at. It resolves itself into a provincial financial question. The province of British Columbia think they should be entitled to a portion of the money received for licenses, and I suppose under the decision of the Privy Council, they are entitled to something of that kind, and it would be most convenient if the matter were settled as soon as possible. With regard to the waters above tidal influence, it was decided in 1882 in the case of Crown vs. Robertson that the rights in those rivers belonged to the proprietor on each side, and a proprietor owning both sides of the river, owned the bed of the river, and the fishing rights as well. The hon. Secretary of State will inform us if anything has been done with regard to the settlement of the matter between the provinces and the Dominion in regard to tidal waters, especially in British Columbia, where fishing is carried on.

Hon. Mr. SCOTT—No arrangement has yet been arrived at between the Dominion government and the provinces as to the ultimate authority of the respective governments over property rights in the fisheries, as involved in those three inquiries, which must depend upon the adjustment of pending questions. The Privy Council judgment, like many other of their judgments, is by no means clear and satisfactory, and has led to confusion, and the matter has been difficult to arrange. Not much progress has been made in the settlement.

Hon. Mr. MACDONALD (B.C.)—I think it is a very easy matter for the two governments to arrange the whole question. If a certain amount of the revenue were given to the provinces, then the government could carry it on as they are now doing, and it could be easily settled in that way.

CATTLE QUARANTINE AT QUEBEC.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Was the contract for the works of repair made at the cattle quarantine at Lévis in 1901 and 1902 let after tenders had been previously called for ?
2. Who were the tenderers for these works ?
3. What was the amount of each of the tenders?
4. Who obtained the contract and for what sum ?
5. In the case of the repairs in question having been made by the day, who was proposed to take charge of the works ?
6. What amount did these repairs cost, distinguishing the cost of the labour from that of the materials used ?
7. How much a day did the government pay the superintendent of these works and the workmen and labourers ?
8. How many cubic feet of cedar wood has been charged to the government, and at what price ?
9. From whom did the government buy this wood?

Hon. Mr. SCOTT—The answers to questions 1, 2, 3 and 4, are No.

5. (a) work done by day labour ; (b) D. Carrier.

6. Labour cost, $1,971.80; material cost, $3,534.61 ; painting of Mr. Walsh's residence done by job at a total cost of $220.

7. Superintendent or foreman, 25 cents per hour; carter, 25 cents per hour; masons, 20 cents per hour ; carpenters, 17½ cents per hour ; labourers, 12½ cents per hour.

8. Two thousand one hundred and twenty-eight feet at 14 cents per foot.

9. From J. N. Blouin.

MAIL SERVICE BETWEEN QUEBEC AND LEVIS.

INQUIRY.

Hon. Mr. LANDRY inquired :

Is there a distinct service for the carriage of mail bags, from the ferry boats between Quebec and Lévis and—

(a.) The Intercolonial Railway station.

(b.) The Lévis post office.

If so, who carries the mail bags from the boats to the station, and at what price per year ?

Who carries the mail bags from the boats to the post office and at what price per year ?

Were these two contracts given after tenders had been asked for ?

Hon. Mr. SCOTT—The answers to the questions are :—

(a.) There is no distinct service for the carriage of mails simply between the ferry boats at Lévis landing and the Intercolonial Railway station. The mails are delivered from the ferry boats by means of trucks in charge of the mail clerks.

(b.) There is no distinct service for the carriage of the mails simply between Lévis ferry and Lévis post office. There is a contract for carriage of the mails between Quebec and Lévis with one Xavier Guay at $296 per year, obtained after tender.

FIREWOOD FOR MILITIA FORTS AT LEVIS.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Was the contract for furnishing firewood for the military forts Nos. 1, 2 and 3 at Lévis, for the years 1900, 1901 and 1902, let after tenders had been previously asked for ?
2. Who were the tenderers for each of the three years above mentioned ?
3. What was the amount of the tenders in each of these years ?
4. Who obtained the contract for each of these years ?
5. Is it at the price asked by him ; if not, at what price ?

Hon. Mr. SCOTT—The answers are as follows :—

1. Yes for 1900-1 and 1901-2. It was continued for 1902-3 at same price as for 1901-2.

2. Tenders were as follows : 1900-1—J. A. Blouin, $6.75 per cord ; A. Filion, $6.75 per cord ; M. Dorval, $8.24 per cord. 1901-2—J. A. Blouin, $6.99 ; A. Filion, $7 ; M. Dorval, $7.25. 1902-3—Previous contract was continued with J. A. Blouin at $6.99.

EXPORTS OF WOOD.

MOTION.

Hon. Mr. LANDRY moved:

That an humble address be presented to His Excellency, praying that His Excellency will

be graciously pleased to cause to be laid before this House a statement showing, year by year, the quantities of each kind of wood entered at the port of Ottawa for exportation, since 1892 up to date.

2. A similar statement for the port of Montreal.

3. A similar statement for the port of Three Rivers.

4. A similar statement for the port of Quebec.

Hon. Mr. SCOTT—I notice the hon. gentleman wants this information for each kind of wood. I do not know whether it is kept in that form or in what form the government returns are kept. Whatever shape they are in, I shall be glad to bring them down.

Hon. Mr. LANDRY—Whatever can be obtained from the department?

Hon. Mr. SCOTT—Yes.

The motion was agreed to.

THE ST. MAURICE TIMBER SLIDES.

MOTION.

Hon. Mr. LANDRY moved:

That an humble address be presented to His Excellency, praying that His Excellency will be graciously pleased to cause to be laid before this House a statement showing, year by year, from 1896 up to date, the number of saw-logs and of other pieces of wood which have passed through the St. Maurice slides, distinguishing the number of pieces stopped respectively at Grandes Piles, Grand'Mère, and at the Shawenegan Falls (to be used at each of these localities or forwarded from each of these localities), from the number of pieces taken down as far as Three Rivers.

Hon. Mr. SCOTT—Almost the same observations might apply to this; I do not know how the accounts are kept in reference to these various woods. Whatever they have in the department I shall be glad to bring down.

Hon. Mr. LANDRY—I think the accounts are very well kept, and it will be very easy to get the statements asked for.

The motion was agreed to.

EXPORT OF PULP WOOD FROM THREE RIVERS.

MOTION.

Hon. Mr. LANDRY moved:

That an humble address be presented to His Excellency, praying that His Excellency will be graciously pleased to cause to be laid before this House a statement showing, year by year, the quantity and value of pulpwood exported from the port of Three Rivers, from 1896 up to date; such statement to show the name of each exporter, as well as the quantity and value of the wood exported by each one, also year by year; and in the case of exporters not having declared the quantities to the customs officer, the statement to show the value by the cord upon which the total value has been based, as declared by the exporters.

Hon. Mr. SCOTT— I am informed by the Department of Customs, that it is not usual to disclose the names of the importers and exporters. The article is given, and the quantity is given, but they do not as a rule bring down the names of the individuals because it is regarded as an interference with the affairs of private persons, and, therefore, if the hon. gentleman will strike out in the sixth line the words 'the name of each importer as well as,' and in the second line thereafter, 'and by each one,' the motion might pass. Will the hon. gentleman accept that?

Hon. Mr. LANDRY—Certainly. Would there be any objection, in place of the names to putting in the letter of the alphabet?

Hon. Mr. SCOTT—Oh yes, there would be.

Hon. Mr. LANDRY—Not the initials of the exporter but any letter whatsoever?

Hon. Mr. SCOTT—Any definite information I would be glad to give.

BILLS INTRODUCED.

Bill (15) An Act to amend the Dominion Elections Act of 1900.—(Hon. Mr. Ferguson.)

Bill (17) An Act to aid in the settlement of Railway Labour Disputes.—(Hon. Mr. Scott.)

Bill (43) An Act to incorporate the Regina and Hudson Bay Railway Company.—(Hon. Mr. Young.)

Bill (88) An Act respecting the Mutual Fire Insurance Company of the city of Montreal, and to change its name to the Montreal-Quebec Fire Insurance Company.—(Hon. Mr. Beique.)

Bill (90) An Act respecting the Niagara Welland Power Company, Limited, and to change its name to the Niagara Welland Power Company.—(Hon. Mr. McMullen.)

Bill (92) An Act respecting the Dominion Burglary Guarantee Company, Limited, and to change its name to the Dominion Guarantee Company, Limited.—(Hon. Mr. Casgrain, de Lanaudière.)

Bill (108) An Act respecting the Ottawa Electric Railway Company.—(Hon. Mr. Edwards.)

Bill (113) An Act to incorporate the Sault St. Louis Light and Power Company.—(Hon. Mr. Dandurand.)

Bill (118) An Act respecting the Canada Atlantic Railway Company.—(Hon. Mr. Edwards.)

Bill (146) An Act respecting the Lindsay, Bobcaygeon and Pontypool Railway Company.—(Hon. Mr. Dobson.)

Bill (42) An Act respecting the Alberta Central Railway Company.—(Hon. Mr. Young.)

Bill (83) An Act to incorporate the New Canadian Company, Limited.—(Hon. Mr. Dandurand.)

Bill (126) An Act respecting the Mexican Light and Power Company, Limited.—(Hon. Mr. Casgrain, de Lanaudière.)

THE LATE SENATOR O'BRIEN.

Hon. Mr. SCOTT—Before the Orders of the Day are called, it is my sad duty to make a few observations on the death of a gentleman who recently occupied a seat in this chamber. Death has been very busy with our colleagues in the last two or three years, and on Friday last, after this House rose, we learned with very great regret that Senator O'Brien had been called away. His death, however, was not altogether unexpected. If my memory serves me right, he was not with us last year. I think he went abroad, travelling in Egypt and parts of Europe. On his return to Montreal he was taken ill and did not leave his room for the last six or eight months, so that death probably was a relief to him under the circumstances. The late Senator O'Brien was a warm hearted, genial and generous Irishman, a man highly esteemed by gentlemen on both sides of politics. There was nothing aggressive about him, and he was equally popular with those who opposed and those who were with him in politics. He had been fortunate in life, accumulated a good deal of money, and with the generous impulse of his own heart was spending it in a way that those of us who happen to have money would do well to imitate. He was a generous giver to all the charitable associations of Montreal, and a liberal patron of the various societies and schools of learning. His death, I am sure, by those who know him, will be very deeply regretted. I am sorry the leader of the opposition is not here, as I know the late Senator O'Brien was a particular friend of his and I am quite sure, if Sir Mackenzie Bowell had been here, he would have added to the observations I make expressing the regret with which he and his friends have heard of the death of Mr. O'Brien.

Hon. Mr. FERGUSON—I am sure on this side of the House we all regret exceedingly that Sir Mackenzie Bowell is not in the Senate to-night to have an opportunity of paying a tribute of respect to the memory of a gentleman who, as we know, was not only closely politically associated with him, but was one of his closest and best personal friends. I am sure, however, that all the gentlemen sitting in this House fully endorse the expresions which have just fallen from the leader of the government. Our departed colleague was, as he very justly remarked, an important man in the commercial world of Montreal. He had accumulated a fortune, and was known to be a man of the very highest integrity in his private business. In this House he was unassuming and was loyal to his friends and principles, and we all deeply regret the death of so good a man as Senator O'Brien.

Hon. Mr. CASGRAIN (de Lanaudière)—I was personally very well acquainted for a good many years with the late Senator O'Brien and I wish to add my quota and to say I feel his death. Although expected for many months, it strikes home to a great many people in Montreal. Mr. O'Brien was a life-long merchant in the city of Montreal. He came to our city from Ireland a very poor man indeed, and it shows what openings this country can afford to men of good sterling qualities, who are willing to work. Mr. O'Brien came, and was very proud to say it himself, a very poor boy to the city of Montreal, and by his industry and his attention to business achieved a position in our mercantile community second to none in the great commercial metropolis of Canada. I may say that under the circumstances I do not believe there is one single person in this House or in the city of Montreal where he was so well known,

who will not deeply regret his death and sympathize with the bereaved family at this moment. The immense concourse of mourners, composed of the leading citizens from all over Canada, which followed this morning, his mortal remains, from his princely residence on Sherbrooke street to St. Patrick's church, where he has worshipped for more than forty years; bears a public testimony to the high esteem which surrounded him in this, his adopted country. I heartily concur in the kind words that have been said about the late Senator O'Brien.

THE GOVERNMENT PRINTING BUREAU.

Hon. Mr. FERGUSON—I desire to ask my hon. friend, the leader of the House, whether he intends to take the Senate into his confidence with regard to the difficulties existing at the Printing Bureau, a department under his own control. It appears that sometime in March last a demand was formulated upon the government, as well as upon the private establishments in this city, by the Ottawa Typographical Union for an increase of pay to the printers, and that a correspondence has taken place and some interviews have also been held; and that on Saturday last what is called in the press an ultimatum was sent to the employees of the Printing Bureau, refusing to grant the demands they had made for an increase of pay to take effect to-day, and also, which is even more important, intimating to them that in the future the Printing Bureau would be conducted as an open institution—open in this sense, that it would be free to the department of my hon. friend the Secretary of State to employ non-union men as well as union men in that department. The difficulty is rather an important one, as it has occurred under a government that has a Department of Labour as a part of its machinery, and it seems that, notwithstanding all the cost of that Department of Labour to the country, and the power that has been given by this department to the Minister of Labour with regard to difficulties of this kind, this very serious difficulty has come home to the government in a branch of business that is conducted by them where they have employees directly dealing with themselves as a government. This question is also very important indeed in view of something which came out the other day when a deputation from the Typographical Union of Ottawa waited upon the Secretary of State and the Premier with regard to a Bill which, I think, stands in the name of the Minister of Justice in the other branch of this parliament. In the interview which occurred with regard to that Bill—if the newspapers have reported it correctly—the Premier gave the deputation to understand that it was possible that the government might at an early day, or might at any rate resolve upon closing the Printing Bureau. In view of that intimation, as given by the Premier to that deputation the other day, and this unpleasantness that has occurred in the Printing Department and further—in view of the fact that very important things may occur in connection with this difficulty before many days, I think it would not be unreasonable that parliament should be taken into the confidence of the government in the matter, and that all the correspondence that has taken place between the Ottawa Typographical Union and the government should be laid before the House, especially this document which is called the ultimatum which has not been fully published in the newspapers and which was read to the employees of the Printing Bureau on Saturday last. I can scarcely think it possible that this government is serious with regard to doing away with the Printing Bureau and returning to the practice of having all their printing done in the private printing offices of the country. I can hardly think that such a thing as that could be done while the Minister of Trade and Commerce is a member of the government. We remember very well that the Minister of Trade and Commerce used to regard the bestowment of the patronage of printing on the newspaper printing offices throughout the country as a pollution of the wells on which the public were dependent for their information. Nevertheless, it seems, if the Premier has been reported correctly, the government is seriously considering the question of doing away entirely with the Printing Bureau and bestowing all the public patronage in connection with the printing of the country on the private printing offices. I hope my hon. friend will see his way clear to make a statement to the House and tell us exactly how this question stands

between the employees of the Printing Bureau and the department, and that he will also submit to the House at his earliest convenience copies of all the correspondence that has taken place with regard to this difficulty.

Hon. Mr. SCOTT—I am afraid I cannot enlighten the House very much on the difficulties which have recently arisen and to which the attention of members has been called. My hon. friend has given very briefly the facts himself, and we all have read them in the newspapers. I do not see that I can add to them at all. On the 7th March last the Typographical Union of Ottawa, composed of 82 per cent of the employees of the Printing Bureau, met together and passed a resolution setting forth that on and after the 1st of June the rate of wages would be according to a table that they then prepared. Previous to that there had been no intimation that the men were dissatisfied with the condition of things at the Bureau. The attention of the head of the department had not been called to any dissatisfaction that might have prevailed, nor had any representation been made as to wages. They simply met in conclave and decided their wages should be so and so, without consulting with those who pay the wages. Three copies of it were served on the management of the bureau a few days after with a request that one copy would be handed to me. As the 1st of June was approaching, the men called upon me with the representative of the International Typographical Union—on this occasion it was the deputy. The head of the International Typographical Union resides in the United States. His deputy was a gentleman from Toronto who professed to come to Ottawa and dictate to the government the conditions on which he thought labour at the Bureau should be carried on. I was very short with that gentleman. While I was quite open to listen to any representations that might be made by the men themselves, I certainly did not care about hearing of their complaint through a man who should not represent them as between the men themselves and the government.

An hon. GENTLEMAN—Hear, hear.

Hon. Mr. SCOTT—I think I plainly proved to the men that the scale, as laid down by the late government, was a very reasonable one. In 1893, in order to prevent an increase in the wages unduly at the Bureau from political pressure, an Order in Council laid down the standard that thereafter the wages should be based on the wages paid in other parts of Canada, persumably at Montreal and Toronto—Toronto being the highest. It seemed to be a very fair standard. Under pressure some two or three years ago an agitation was got up for an increase. The head of the International Printers' Association came on from, I think it was Indianapolis, to Ottawa and was here for a week or ten days. With a view to preventing any trouble, and to deal liberally with the men, we gave them an increase. That increase placed them above the wages paid in Toronto and considerably above the rate paid in Montreal. At Ottawa the men work 48 hours a week. In all other parts of Canada they work 54 hours a week, so there was an advantage of six hours in favour of the Ottawa Bureau. In addition to that, the men in Ottawa are allowed, I think, about eight holidays in the year, for which the government pays, and which is not the rule, as I am advised, in other establishments. There may be some few exceptions in favour of some few extra good men where, by courtesy, a man is not docked for a holiday such as the King's Birthday or Labour Day. Under those circumstances, I did not conceive that the men had a fair grievance, and therefore I declined to entertain the representations which were made to me. After seeing me, I believe they saw the Premier. I was not present and do not know what took place at that interview, but I am quite sure the Premier never intimated it was the intention of the government to break up the Bureau. He may have stated, and it is quite likely he said to them that he was not altogether favourable to the maintenance of it, as we were troubled so much by the constant pressure to give extended privileges to the men, and this constant demand for increase, disturbing very much the printing industries, not only in Ottawa, but in other places, because the Bureau, being a government institution, is necessarily looked upon as a sort of standard for wages, to be taken as the standard and guide for the payment of printers. It could not be carried out commercially on that basis—it would be impossible. When the time approached and it appeared that

the men were really serious and were going to apply the scale, I prepared a memorandum which I instructed the King's Printer to read to the men. I went over the situation, and in addition to that reiterated to the men that parliament was in session and the printing had to be carried on in the public interest, that if the printing of parliament was not done at the Bureau, it must be done somewhere else, and I wished to know the men who were willing to remain loyal to the Bureau and were prepared to go on with the work on Monday as usual. That was practically the ultimatum. A declaration was not made that hereafter the office would be open. What I said was the government were under no obligation to recognize the office as a union office. It was of course tantamount to saying, I presume, that the office was no longer a closed office, because I am one of those who always felt it was not proper to boycott free labour in Canada. Unions have done themselves irreparable harm by boycotting free labour. I have always been in favour of giving the widest opportunity for combinations of labouring men. They are under many disadvantages in their conflict with capital and it is desirable they should be protected in any union they wish to form, but I am sorry to say that in recent years the tendency has been for the unions to go far beyond the rights they are entitled to as free men in a free country. They are becoming aggressive. I have learned many incidents connected with the rules of unions and have been perfectly astonished. I do not propose to ventilate them here, because I think it would create such a strong feeling against the unions that it might have a serious effect. I think the exhibition we had in Montreal the other day will have the effect of calling public attention to the necessity of protecting free labour. It is not a question of protecting unions; it is a question of protecting free men, because with the aggressive spirit shown by many union men it seems necessary to protect now the man who declines to be forced into a union. As a matter of fact, when a man joins a union he is no longer a free agent. The majority rules, and rules with a tyranny that has very little parallel outside of unions. As I found the Bureau seven years ago it was practically a union office. The former government had not recognized it as a union office, but it had drifted in that direction without any one interfering to prevent it, and so when I appointed some men who were not union men, I found they were rejected at the Bureau. They declined to accept my nominees because they were not members of the union. Instead of having a quarrel I said 'go under your apprenticeship and do whatever is necessary, acquire a standing in the union and work with the rest.' At that time I was not aware how far the tyranny of the union could extend, and it is only since my attention has been called to it that I became aware of the aggressive character the unions assume, and how absolutely dependent a man is under the majority once he becomes a member of the union. I am not now desiring to say one word against the union. I think it has been a necessity. I think the men were justified in banding together to protect themselves. That is quite proper. But the tendency has been to go far beyond that and to become aggressive, and to put down free labour, on all occasions.

Hon. Mr. MACDONALD (B.C.)—Hear, hear.

Hon. Mr. SCOTT—To denounce men who would not join the union, to prevent men working with them unless they bend their judgment to the majority of the union, I think is an interference with personal liberty that should not be allowed in a country like Canada. I think it has done a great deal of harm in Australia and other countries I could name. I am glad to say there are some very excellent men in the Bureau, men who worked on the government work under the contractors, and who came over some eight or nine years ago when the Bureau was established. They are excellent men and experts at the work. But unfortunately the quiet good men are those who do not assert themselves and they allow the demagogues to rule the union. It is the loud voiced man, the man who is assuming, impudent and bold who gets control of those unions and who drags in other well meaning men behind him and they are all held responsible for the consequences of the ill-advised and ill-judged conduct of a few individuals. I am very glad to say that the men returned to their work this morning, and are working harmoniously, and I have no doubt they

will continue to do so. I do not think it is desirable to publish the correspondence, as no good will be served by making it public.

ATLANTIC, QUEBEC AND WESTERN RAILWAY COMPANY BILL.

THIRD READING.

Hon. Mr. DANDURAND moved the third reading of Bill (28) An Act respecting the Atlantic, Quebec and Western Railway Company, as amended.

Hon. Mr. FERGUSON—The hon. leader of the opposition has received some communications with regard to that Bill, and as he is not in his place, I would ask that it be allowed to stand till to-morrow.

Hon. Mr. DANDURAND—I should like to know if the hon. gentleman has been asked by the hon. leader of the opposition to make this request, because the hon. gentleman from Belleville was present in the committee room and seemed to be quite satisfied with all the representations that were made with regard to the Bill. That was not later than Thursday or Friday last, and the Bill passed unanimously in the committee. That is the reason I ask if the hon. gentleman has been specially requested to ask for a postponement of this order.

Hon. Mr. FERGUSON—No, my hon. friend did not ask me to make this request, but I know he received some papers since the committee met with reference to the subject, and I have been indirectly asked to make this request, not by himself, but on his behalf.

Hon. Mr. DANDURAND—I think I am a little better posted upon the intentions of the hon. gentleman from Belleville than the hon. gentleman from Prince Edward Island, because I was told as we came out from committee, that he had spoken to the member from Gaspé in the House of Commons, who repeated it to me at the very moment, 'I have received documents and demands that I should oppose this Bill, but I am not opposing it this year.' This was, I think, later than whatever communication may have passed between the hon. gentleman from Belleville and the hon. gentleman from Prince Edward Island. As a matter of fact, the hon. leader of the opposition declared that he had received those documents to the member from Gaspé, who repeated the statement to me within the following five minutes. He said: 'I am not against you this session.'

Hon. Mr. LANDRY—If the hon. promoter of the Bill in this Chamber would consent to once more postpone this Order of the Day, I think he would render a service to the Bill itself, and to the members of this House, because at this late hour hon. gentlemen present would prefer having the discussion postponed. I know that the hon. leader of the opposition has something to say on this Bill also, because he received certain papers which he handed over to me. I have made a study of them together, and I think that there are some new facts which, having come to our notice, will compel him to take a position in regard to this Bill which he did not take in committee, not knowing the facts that have been brought forward since.

Hon. Mr. LANDERKIN—Will the hon. gentleman use the papers now?

Hon. Mr. LANDRY—Certainly I will. I was addressing myself to the hon. promoter of the Bill. If the hon. gentleman wishes to answer me I will take his answer, but when I am addressing my questions to one hon. member I do not see why another hon. senator should answer me, if the first hon. senator is able to answer himself. I desire to ask the hon. gentleman if he has any objection to the amendment I proposed? If he decides to accept it, that will end the discussion, and I think will settle the matter altogether.

Hon. Mr. DANDURAND—Do I understand the hon. gentleman's objections to the Bill are comprised in the amendments he now offers to the House?

Hon. Mr. LANDRY—I said nothing of the kind. I asked the hon. gentleman one thing. I asked him if he was willing to accept the amendment of which I gave notice? If so that will settle the question.

Hon. Mr. DANDURAND—Settle the question as to the amendment or as to any further objection the hon. gentleman would have to make to the Bill?

Hon. Mr. LANDRY—I would have no further objection to the Bill if he accepts the amendment, and the matter will end there. If not, I will go on

Hon. Mr. DANDURAND—The objections cannot be very grave if the hon. member is satisfied to pass the measure with the small unimportant amendment which he is proposing to this House.

Hon. Mr. LANDRY—That is a compromise I am making with the hon. gentleman, and if he does not accept that I will have more to say.

Hon. Mr. DANDURAND—I would not like to enter into such an immoral compromise. I would sooner let the matter proceed.

Hon. Mr. LANDRY—Then we will see what the objections are as well as the moral aspect of the Bill.

Hon. Mr. DANDURAND—I understand all the objections would fall if I accepted that amendment ?

Hon. Mr. LANDRY—Does the hon. gentleman accept the amendments ?

Hon. Mr. DANDURAND—They are so trifling that I would have no special objection to accept them if the promoters of this Bill, some of whom are in England and some in Canada, were present to be consulted, but as they have had to accept the demands of gentlemen from the counties of Bonaventure and Gaspé, which are in subsection 2, of clause 4, and as they have already accepted them I think it would be breaking faith with them to force them to accept a harsher amendment than they have already accepted. I think I will satisfy this House that the amendments should not be asked by the hon. gentleman.

Hon. Mr. LANDRY—That amounts to a refusal. The Bill that is now before us is an Act respecting the Atlantic, Quebec and Western Railway Company, and the preamble reads as folows :—

Whereas the Atlantic, Quebec and Western Railway Company has, by its petition, represented that it was incorporated by an Act of the legislature of the province of Quebec, being chapter 63 of the statutes of 1901, and has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition : Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows :—

Who are the promoters of this Bill ? This is a Bill asking for the incorporation of an association to build a road, to build two roads, to build one road from the interior of the peninsula of Gaspé, to tap the Intercolonial Railway near Causapscal and the other road to continue from Gaspé to the Atlantic and Lake Superior Railway at Paspebiac. We all know what occurred when this House made an investigation into what was known as the Baie des Chaleurs scandal. Everybody knows how the subsidies of the Baie des Chaleurs had been used. That company is now in the courts, or is now represented by a syndicate, at the head of which is one of the hon. members of this Senate, or was at the time, and worked by a contractor by the name of Gallindez. The Bill which is before the House purports to construct two lines. These two lines are parallel, one running on the sea-shore, and the other in the interior. I suppose that the new company will ask a double subsidy, one for the sea-shore railway, and one for the interior line. Let me tell hon. gentlemen that there is not a single soul on the line which is proposed to be constructed in the interior. It is a real wilderness all through. But who are the promoters of this Bill ? We see their names if we consult the Act of the local legislature which is refererd to by the promoters of this Bill. In the local House in the province of Quebec in 1901 a Bill was passed intituled : 'An Act to incorporate the Atlantic, Quebec and Western Railway Company,' which reads as follows :—

Whereas Henry Higgins, gentleman ; Alfred Wm. Carpenter, banker ; Chas. Ernest Richard Preston Hillary, solicitor-at-law, all three of the city of London, in England, and Joseph Xenaphon Lavoie, of Percé, in the county of Gaspé, advocate, have presented a petition praying that a company be incorporated for the purpose of locating, building and operating a railway as herein below described, and representing that such railway will cross the interior of Gaspé throughout its length and open up to colonization, for a distance of one hundred miles, a region hitherto uninhabited ;

Whereas, without the construction of such railways, that vast region will continue to be inaccessible, and its immense resources will remain improductive ;

That the construction of such railway will be a great advantage to the section of the province through which it will run;

That the powers asked by the said company are necessary for working, utilizing and deriving benefit from the forest, mining and other resources of the region through which it will run ;

And whereas it is expedient to grant such prayer ;

Therefore, His Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :—

Then the company is incorporated. The names that I have given formed the pro-

visional directors and we have this fact, that in the peninsula of Gaspé the railway company formed by strangers have only one man, Mr. Lavoie, of Gaspé, to represent all the Canadian interests in that enterprise. Is that single man of the province of Quebec, we should ask ourselves, a very important man? Is he a rich capitalist? He is not even a proprietor of lands. He lives in Percé and has no property in his name except that vast enterprise. What was the object in view when that company addressed itself to the Quebec legislature to have that Act of incorporation? The only object in view was to have the means of going on with the working of the petroleum deposits in the county of Gaspé. If we look further we will have clear proof of what I am saying. It is forty-three years now since parties commenced to work the oil wells which were found in the county of Gaspé, and which were sunk by a company, called the Petroleum Oil Trust. At a certain period the Petroleum Oil Trust sold part of its interests to different other companies whose directors we find here to-day in the company incorporated by the legislature of the province of Quebec. It is this same last company that addresses itself to-day to the Dominion parliament. What is the Petroleum Oil Trust? It is very easy to find out. If you consult the stock exchange official intelligence of the year 1899 you will find the whole history of that company. Here is what was stated:

PETROLEUM OIL TRUST, LIMITED.

Registered 20th August, 1891.

Office, 22 Henrietta St., Covent Garden, W.C.
Telegraphic Address: Anticlinal, London.

V.—1 vote for every share. The preference shares have no voting rights. T.—Common form 2-6 per deed. Both classes of shares may be transferred on same deed without extra fee. Separate deed required for each account. Wife's witness of husband's signature not accepted. Married women allowed on register. Of the 367,730 ordinary shares, 182,910 were registered and 184,820 were to bearer at 15th February, 1898. S.—7 days before general meeting.

Capital authorized, £430,000.

Shares or bonds, 429,510 ordy. at £1.

Capital called up, £367,730.

Formed to acquire the petroleum oil deposits in the Peninsula of Gaspé, Quebec. The property consists of 40,137 acres freehold, and perpetual mining rights over 10,220 acres, together with wharf property and warehouses. Purchase money £314,998 paid in ordinary shares (Nos. 1 to 111,098 and 111,101 to 315,000).

3,000 preference shares (Nos. 1 P. to 3,000 P.) were also allotted to the vendors, credited as fully paid up in February, 1892. The 7,000 remaining preference shares were offered to the public at par, in June, 1892. The preference shares are entitled to a non-cumulative dividend of 7 per cent payable on January 1 and July 1. They do not carry priority for capital. The 3,000 preference shares allotted to the vendors were converted into ordinary shares in July, 1892, and all the preference shares (except 49) allotted to the public, were also converted early in 1894. Accounts made up annually to November 30, but those for 1897-98 had not been submitted at February 9, 1899.

Dividends on ordinary shares—1892-3 to 1894-5 nil; 1895-6, 40 per cent in fully paid shares of the Société Belge des Pétroles du Canada. Credit balance of profit and loss account at November 30, 1896, £13,907.

The borrowing powers are limited to £100,000.

The 22nd September, 1897, was appointed a special settling day in 13,212 registered ordinary shares (Nos. 111,099 to 111,100, 315,001 to 315,498, 325,499 to 330,000, and 360,001 to 368,210), and in 169,688 vendors' registered ordinary shares (Nos. 24,130 to 26,813, 28,819 to 29,318, 30,319 to 30,818, 32,319 to 33,318, 33,310 to 34,318, 34,819 to 35,318, 35,819 to 37,818, 37,899 to 47,226, 47,252 to 101,034, 103,035 to 104,034, 110,593 to 110,892, 111,055 to 111,098, 111,101 to 191,102, 262,101 to 262,150, 262,201 to 262,299, 262,601 to 263,100, 269,101 to 271,600, 290,601 to 300,000, 310,001 to 314,998).

Directors—A. W. Carpenter, James Foley, Emile Duter, C. Preston Hillary.

Directors' qualification—£500 in ordinary shares.

Solicitors, Messrs. Preston; Auditor, Tansley Witt; Bankers, Commercial Bank of Scotland, Limited; Secretary, Edward S. Peach.

(The Stock Exchange Official Intelligence for 1899—18th year. By authority of the Committee of the Stock Exchange, page 1413).

The Société Belge des Pétroles du Canada bought a certain number of shares, and those shares, paid with capital money, found their way as dividends at 40 per cent on the capital of the Petroleum Oil Trust. That is the only dividend they ever had.

Hon. Mr. DEVER—It was a good one.

Hon. Mr. LANDRY—This first company was to work the oil wells of Gaspé with the capital of £430,000 sterling, but it sold a part of that capital to another society called the Société Belge, and that Belgian society paid 7,750,000 francs for a certain number of acres in the peninsula of Gaspé.

Hon. Mr. McSWEENEY—Did they ever find any oil?

Hon. Mr. LANDRY—No. They found grease.

Hon. Mr. DANDURAND—Was the hon. gentleman ever there?

Hon. Mr. LANDRY—Certainly I was there. I know the place. My ancestors came from that country.

Hon. Mr. MACDONALD (B.C.)—But they did not strike oil.

Hon. Mr. LANDRY—Only in their false reports. But that was not the only company to be deceived by the Petroleum Oil Trust. Another company was established, registered on the 17th January, 1898, called the Oil Fields of Gaspé, Canada, Limited.

Offices, 120 Bishopsgate St., E.C.

Transfer arrangements—Common form.—2s. 6d. per deed. Separate deed required for each amount. Wife's witness of husband's signature, or vice versa, accepted. Married women allowed on register. Fee for registration of probate, proof of death in joint holdings, proof of marriage, or power of attorney, 2s. 6d. Voting—1 vote for each share.

Directors—John A. Walker, chairman ; C. B. K. Carpenter.

Director's qualification—100 shares.

Solicitors—William Deveril, A. W. Osmond.

Auditors, Curtis Thomson, Lucey, Hicks & Co.

Bankers—National Bank, Ltd. ; Secretary, Edward S. Elver.

Formed to acquire, carry on, and develop oil fields, comprising 1,500 acres, in the province of Quebec. Purchase money, $66,000, paid 61,-500 in shares at $4,500 in cash.

Accounts and dividends—Accounts made up annually to July 30, and submitted in December. Call in arrear, £214. No dividends have yet been paid.

Capital authorized—£100,000 in shares of £1 each. Issued, £71,629 in fully paid up shares. In January, 1898, 66,667 shares were offered for subscription at par.

Borrowing powers—The directors' borrowing powers are limited to one-half of the amount of the capital.

(Stock Exchange for 1902—21st year. Vol. XX., page 933).

In 1900—Vol. XVII., page 1,435—we find as additional directors. R. J. Lee, M.D., F.R.C.P., vice-chairman ; George Carr Glynn, James Foley.

The Oil Fields Company succeeded in getting part of the amount of lands that the Oil Trust Company had secured itself, but that was not the only sale that was made. Another company stepped in in 1899 called the Canada Petroleum Company, Limited. It was registered the 20th April, 1899 :

Offices :Prudential Buldings, 78 King St., Manchester.

V.—1 vote for every share. T.—Common form. Fee, 2-6. Separate deed for each account. Wife's witness of husband's signature not accepted. Married women allowed on register.

Capital authorized—£300,000 in £1. Called, £200,712.

Formed to acquire certain rights and privileges from owners of petroleum fields in the district of Gaspé, province of Quebec, Canada, such owners possessing about 38,000 acres of freehold land and perpetual mining rights over a further 5,000 acres.

Purchase money, £150,000 ; paid, £125,000 in fully paid shares (Nos. 75,693 to 100,692, and 200,001 to 300,000), and £25,000 in cash ; 200,000 shares were offered to the public at par in May, 1899. If the company shall be wound up within two years from the date of its incorporation, 100,000 of the vendors' shares, shall not participate in the distribution of assets until the other shares shall have been paid in full, unless in the meantime the company shall have paid a dividend at the rate of 5 per cent per annum. After the expiration of the two years or the payment of the said dividend, the above distinction shall cease. The 20th December, 1899, was appointed a special settling day in shares Nos. 1 to 75,692 and 100,693 to 100,712.

Directors—Sir W. H. Bailey, chairman ; Malcolm Guthrie, J. S. Dewhurst, Abraham Lord, G. C. Glyn, James Foley, W. G. Bagnall, manager. (Qualification, £200).

Solicitors—Vaudrey & Willet ; Auditors, Edwin Guthrie & Co..

Bankers—Union Bank of London, Limited ; Manchester and Liverpool District Banking Co., Limited ; Mercantile Bank of Lancashire, Limited ; Parr's Bank, Limited.

Secretary—E. Booth Edwards, A. C. A.

(Stock Exchange for 1900—19th year ; Vol. XVIII., page 1,144).

James Foley the agent of the Petroleum Oil Trust, appears in all those companies. What became of that company is very easy to ascertain. In 1901 we find that the number of directors had fallen to three of those I have just mentioned. The others had disappeared and in 1902 the Canadian Petroleum Company, Limited, was wound up. That is not all. We find to-day that after all the work that has been done to try and get oil in that region nothing has been accomplished. In 1895 the present Prime Minister of this Dominion—at that time the leader of the opposition in the House of Commons—made a trip to Gaspé and down to those petroleum oil wells. He wanted to see some of the oil that flowed so generously there. I am told that he never saw a drop of it. If there is oil anywhere from it, there is none on the market, and in all the reports that have been received year by year in the stock exchange we find this remark : In 1900 a report received but not verified in the stock exchange saying : 'Oil obtained in paying quantities.' In 1901, 'Oil tanked for shipping.' In 1902, 'Oil tanked for shipping.' In 1903, 'Oil tanked for shipping.' That oil is tanked for shipping, but none has been sold yet.

Hon. Mr. MACDONALD (B.C.)—These reports are all lies ?

Hon. Mr. LANDRY—Certainly. What has the company done that it is seeking now for this new charter ? The first step it has taken with the Quebec charter has been to sell that charter. They sold the Quebec charter in England.

Hon. Mr. DANDURAND—Before the hon. gentleman goes to the next point, I should like to hear, since he seems to be well posted on the operations of those companies, if he knows how much money those companies have spent in the Gaspé peninsula ?

Hon. Mr. LANDRY—I know the Société Belge paid 7,750,000 francs. That is about $1,500,000. That money was paid over to the oil trust. The oil trust that year declared a dividend of 40 per cent. That is the only dividend that was paid. Has the hon. gentlemen other dividends to show ?

Hon. Mr. DANDURAND—What is the amount that has been spent by those various companies in the Gaspé peninsula ?

Hon. Mr. LANDRY—I cannot give the figures for their expenses. I know they expended money. I know they built a refinery. I know they bought some valuable plant. That I do not deny, but I say this charter to-day is being obtained, not to build a road, but to try to float those other companies that are sinking faster than the oil of their wells.

Hon. Mr. DANDURAND—Does the hon. gentleman know if those oil companies owe anything to the people in Gaspé ?

Hon. Mr. LANDRY—I do not know if they owe anything. What I know is they have been borrowing English money by hundreds of thousands of pounds sterling. Capitalists buy the charters ; the money goes to the vendors, and what becomes of that money I do not know. I know that the last Quebec charter passed in 1901, has been sold to a new company called the New Canadian Company, Limited, incorporated under the Companies' Act, 1862 to 1900, capital, £100,000 sterling, divided into 100,000 shares of £1 each, 50,207 of which have been applied for and allotted at par at 5 shillings per share paid up thereon. Who are the directors of that company ? Mr. Wm. Griffiths (of Wm. Griffiths & Co., Limited), Hamilton House, London, chairman ; Joseph Mellowes (Mellowes & Co., Sheffield), 28 Victoria St., London., S.W. ; Sydney Lee, 120 Bishopsgate St. Within, London, E. C., C. B. K. Carpenter, the Manor House, Gaspé, Canada. The consulting engineers are Sir Douglas Fox and Partners, 28 Victoria St., Westminster, S.W. Bankers, the Bank of Montreal, Abchurch Lane, London, E.C. Solicitors, Le Brasseur & Oakley, 12 New Court, Lincoln's Inn, London, W.C., and Gouin, Lemieux & Brassard, 1592 rue Notre Dame, Montreal. Mr. Gouin is the Minister of Public Works in Quebec. Mr. Lemieux is the member for the county of Gaspé in the House of Commons, and we will see what this partnership has done in helping the incorporation of the company in Quebec and what it is doing now to try and have this company incorporated here in Ottawa. The principal objects of this new company, as set forth in the prospectus, are these :

To acquire the benefit of an Act of Parliament of the Government of the province of Quebec, dated the 28th March, 1901, for the incorporation of a company entitled the Atlantic, Quebec and Western Railway Company, for the construction and working of a line of railway and to cause to be performed all the obligations set forth in the said Act.

To undertake the issue of the capital and debenture stock of the said railway company under the terms of the said Act.

To procure the necessary surveys for the railway to be made under the supervision of eminent engineers.

To enter into contract for the construction of the line of railway and to arrange for the payment for such construction to be made, wholly or partially in cash or bonds of the railway company and from government subsidies, &c.

To enter into contracts for the acquisition of steamers and other vessels and ships for bringing mails and traffic to the railway in accordance with the power of the said Act, &c.

To promote and encourage colonization for the development of the vast region through which the railway will run, and to acquire, operate, deal in, develop and dispose of sections of territory granted as subsidies by the government, valuable for colonization, mining, lumbering and pulp works.

The purchase price payable for the benefit of the royal charter—that is the charter of the province of Quebec—is the sum of £50,000 payable wholly or in part, at the option of the directors, in cash or in fully paid up shares of the company.

Here are particulars of the new fast route. The New Canadian Company, Limited, gives those particulars in their prospectus of the new fast route by Royal charter which is simply the charter of the Atlantic, Quebec and Western. Here is the first page of the Royal prospectus :

Right Hon. Sir Wilfrid Laurier, G.C.M.G., Premier of Canada, on the occasion of his public address to the members of the legislature and political associations in Gaspé, Quebec, last year, expressed his cordial approval of the immediate construction of this new railway to the great harbour at the mouth of the St. Lawrence, and promised the support of his government to the scheme.

Hon. Mr. DANDURAND—Hear, hear.

Hon. Mr. LANDRY—Yes, it is really a 'scheme,' one of the worst kind.

The new Canadian route. By Royal charter, dated 28th March, 1901. Quicker Passenger and Goods service to Montreal, Toronto, New York and Chicago. A great Canadian Railway Enterprise. It is absolutely necessary in case of war to have a fast service of this kind to a great, easily accessible and defensible harbour, and its establishment must be looked upon as a safeguard for Canada and the Empire.

Hon. Mr. FERGUSON—Who made that speech ?

Hon. Mr. LANDRY—That is the prospectus of the new Canadian Company. It reads like a speech :

"Commerce and colonization, the New Canadian Company, Limited.'

I do not see the limit figures given, but what is more serious is the way they try to obtain at the expense of the country's reputation and of our fluvial navigation that extraordinary fame they want for their magnificent harbour. Here is the way :

A royal charter was granted last year to construct and work a railway of about 140 miles in length, commencing at the harbour of Gaspé (which is situated in the Gulf of St Lawrence south of the river's mouth) and thence through the interior of the peninsula of Gaspé to a point north of Causapscal, where junction would be effected with the government Intercolonial Railway, and the shortest route thus obtained to the western systems of Canada and the United States via the Canadian Pacific and Grand Trunk railways.

The legislature in granting the charter recognized that the continuance of the vast shipping trade via the St. Lawrence, carrying nearly 50 per cent of the whole imports and exports of the Dominion, was seriously threatened by the extreme dangers of the river navigation, but the existence of one of the largest and safest natural land-locked harbours in the world at the river's mouth, solved the problem of the future shipping trade of the Dominion.

Then follows a description of the harbour. Every person who is familiar with the harbour of Gaspé knows that it is divided in two. There is the harbour and the basin of Gaspé. The bay and the basin are given under the name of 'harbour.' The real harbour is about three miles.

Hon. Mr. THIBAUDEAU (Rigaud)—Inland.

Hon. Mr. LANDRY—Inland.

Hon. Mr. THIBAUDEAU (Rigaud)—Four or five feet of ice in winter.

Hon. Mr. LANDRY—Yes, they supply ice to Europe in that way. I think the harbour is frozen about five months in the year. This prospectus further states :—

The immense natural harbour of Gaspé, situated at the southern entrance to the mouth of the River St. Lawrence, is some 18 miles in length and four miles in breadth, with a huge natural basin at its further extremity formed by the confluence of two large rivers. The depth of water in both harbour and basin is sufficient to accommodate vessels of the largest tonnage in great numbers, the harbour and basin being used by the largest war vessels of H.M. fleet on the North American Station. There are miles of available frontage abutting on deep water, suitable for the erection of docks, wharfs and piers. The harbour is most perfectly protected against the storms of the Gulf, and is without question, of all the eastern Canadian ports, by far the easiest of access to large ships, and this fact is clearly demonstrated by the charts.

The harbour of Gaspé can be navigated ten months in the year (that is entirely untrue), and at no great expense, an open harbour could be obtained all the year round. Whereas the ports of Montreal and Quebec are closed to navigation for nearly five months in the year. The authorities despatched, in the winter of 1889, the small power government vessel 'Stanley' to the port, which demonstrated the practicability of keeping the port open, by steaming in and out of the basin, thus opening it to navigation. The estimated speed of the vessel by an eye witness, being from eight to nine knots after striking the ice, and the time taken in and out about two hours. In the spring of 1900 an ordinary iron steamer, the 'Aberdeen,' steamed through the ice to the basin and out again at the rate of about eight knots.

As a matter of fact, on the 27th of April last the steamer *Admiral*, or the steamer that replaced the *Admiral*, went to the Gaspé basin, and was obliged to unload all they had to discharge on the ice. They could not go in the basin, and these returns are given in one of the papers in Quebec, 'Le Soleil,' the organ of the Liberal party in the province of Quebec. Then the prospectus continues as follows :—

DIFFICULTIES OF NAVIGATING THE ST. LAWRENCE.

It is common knowledge that the two chief ports of Canada, Montreal and Quebec, have of recent years laboured under severe difficulties from the standpoint of the transit trade, firstly, because the ports are closed for nearly five months in the year, and secondly, owing to the dangerous navigation for large ships. Notwithstanding the river improvements and the channel having been deepened at a huge original cost, and the enormous annual expenditure on maintenance, the trouble and difficulties of safely navigating the St. Lawrence have not decreased in proportion. The result is that a large portion of the immense western trade is compelled to seek the route of the United States to reach ocean navigation, and what remains for the St. Lawrence route is seriously discriminated against by the underwriters with high rates of premium.

The official announcement by the president of the Marine Insurance Underwriters' Association at Montreal on July 26, 1901, of the withdrawal of important English shipping companies

from the St. Lawrence route, on the ground that notwithstanding the high rates prevailing, the risks of the route are unprofitable, has created a great sensation, and the Gaspé route is receiving the serious consideration of the government, as providing at once the solution to a question of vital importance affecting the whole trade of the Dominion.

All this is contrary to well established facts, but it is written to deceive and obtain shareholders in England. This company will go into colonization work, pulp and timber industries, fisheries and so on, railways, telegraphs, telephone and other matters. All that will be theirs and the wells also—the petroleum wells of Gaspé. Do hon. gentlemen know how this charter has been obtained in Quebec? It is quite a bit of history. It was presented in the legislature of Quebec in 1901. All the people of Gaspé and the members in the local House placed themselves on record against the Atlantic, Quebec and Western Railway Company. Mr. Kennedy voted, and Mr. Flint spoke against the incorporation. Petitions containing 2,639 names were sent to the Lieutenant Governor in Council against that incorporation, and only 800 for the incorporation. The Bill nevertheless was passed but with a proviso. It is enacted in clause 27, I think, as follows :—

This Act shall come into force by proclamation of His Honour the Lieutenant-Governor, after the company shall have given positive and clear proof to the Executive Council that it possesses the necessary resources to construct the said railway.

The Act incorporating the company could come into force only on that proof. How was the proof given? This Bill was assented to on the 28th March, 1901, and on the 24th November, 1902, Mr. Lemieux wrote a letter to the Hon. Mr. Parent asking him to issue the proclamation and giving him what he called the real proof of the company's capacity to build the road, and what was the proof? It was furnished by this New Canadian Company, of which I have just presented the prospectus. The proof is as follows :—

The New Canadian Company, Limited.

(Incorporated under the Companies Acts, 1862 to 1900.)

Capital, £100,000 in shares of £1 each.

120 Bishopsgate Street Within,
London, Nov. 3, 1902.

This is to certify, that 50,000 (fifty thousand) shares of £1 each in the capital of this company have been applied for and duly allotted, at par, and that the sum of £7,500 (seven thousand five hundred pounds) has been paid on account of calls made in respect of such applications, and that the said sum has been duly lodged to the credit of the banking account of the company at the Bank of Montreal, London, to be used for the purposes of the Atlantic, Quebec and Western Railway Company.

(Signed)
SYDNEY LEE,
JAMES LINDSAY,
Directors.
E. S. ELVEY, Secretary.
[Seal.]

At the same time the certificate of the manager of the bank was given. It reads as follows :—

L.R., 1954, '02.

Bank of Montreal,
22 Abchurch Lane,
London, E.C., Nov. 8, 1902.

The Secretary,
The New Canadian Company, Limited,
120 Bishopsgate St. Within, E.C.

Dear Sir,—We hereby certify that the amount standing to the credit of your company in our books at the close of business of the 7th instant was £7,500 (say seven thousand five hundred pounds).

Yours faithfully,
(Signed) HAYLOCK,
Asst.-Manager.

I do not think that many persons will be pleased with that kind of proof. Here is a company incorporated by the Act of the legislature, and a section of the Act states that when the company are able to construct the railway and have given sufficient proof of their capacity to construct, the proclamation will issue, and what do they do? They go before the Lieutenant Governor in Council, and produce a certificate of another company, stating that that other company has in the bank £7,500 sterling, and that is the whole proof that the company in Quebec is able to construct the road! At that time, had they sold their charters? Had they pocketed the money? One thing was certain, and that is, that in Quebec that proclamation has been issued by the Lieutenant Governor in Council at the demand of Mr. Lomer Gouin, and Mr. Lemieux, who is a son-in-law of the Lieutenant Governor of the province of Quebec.

Hon. Mr. DANDURAND—That is no crime.

Hon. Mr. LANDRY—When some of those measures are announced in the official Gazette, we see that the notices given are signed by Mr. Gouin and Brassard. That is for the federal government. But when we

go to Quebec, the name of Mr. Gouin disappears, the names of Mr. Lemieux and Mr. Brassard appear. Always one of them gets away, so that the people will not be scandalized by seeing his name on those official documents where simple convenience forbids such an interference but the influence is the same. The influence of Mr. Gouin in Quebec is well known. He is one of the ministers. It is presumably easier to obtain the consent of the Lieutenant Governor to sign a charter when it is asked for by a man called Mr. Lemieux, who is his son-in-law, than if I were to go myself and ask him to sign. That is well known.

Hon. Mr. DANDURAND—The hon. gentleman believes that ?

Hon. Mr. LANDRY—I do believe that.

Hon. Mr. DANDURAND—It all depends on the attorney who furthers the interests of the party ?

Hon. Mr. LANDRY—So much so that in the province of Quebec if you want to have a Bill passed in the local legislature you must have those influences, and you must go to the firm of Fitzpatrick, Parent & Taschereau or Mr. Lemieux and others. Then you have a chance to get your Bill through. But if you do not go to them you cannot succeed. I am not the only one who believes that. The hon. gentleman believes it himself.

Hon. Mr. DANDURAND—Who are the attorneys retained for the legislative council ? The hon. gentleman speaks of attorneys being retained to promote Bills before the House. I could understand that attorneys in sympathy with the majority there would, at times, be selected, and quite naturally so, but I am surprised that my hon. friend only sees through one kind of spectacles. He does not notice that many of these Bills that are thus promoted by attorneys in the Lower House have been promoted by other attorneys in the Upper House which, until lately, had a Conservative majority. I could mention Mr. Taillon and Mr. Angers, the ex-Lieutenant Governor, appearing at times in the Upper House and not in the lower branch.

Hon. Mr. LANDRY—Is that all he has to say for the defence of his friends ?

Hon. Mr. DANDURAND—It is no crime to retain an attorney.

Hon. Mr. LANRDY.

Hon. Mr. LANDRY—Why does the hon. gentleman object ?

Hon. Mr. DANDURAND—The hon. gentleman mentioned it as a crime in respect to the persons mentioned.

Hon. Mr. LANDRY—If it is not a crime, why should the hon. gentleman be so much scandalized. I think the hon. gentleman should keep cool.

Hon. Mr. DANDURAND—What is the imputation the hon. gentleman is making ?

Hon. Mr. LANDRY—It is more than an imputation. It is an accusation I am making. I say that that charter has been obtained in Quebec without sufficient proof and contrary to law. That is what I say. It is not an imputation. It is an accusation, and I stand by it.

Hon. Mr. DANDURAND—We will discuss that later.

Hon. Mr. LANDRY—I say no material proof has been furnished to the Lieutenant Governor in Council to show that the Atlantic, Quebec and Western Company itself had the means to construct the railway. That charter was given in Quebec to those parties, but they went on the English market, sold the charter for £50,000 sterling, and now they are coming here to Ottawa to procure another charter for the same road, and that charter they will sell again in London. They are unable to do the work themselves, but they are able to pocket 40 per cent of dividends at a given moment, taking as dividend the capital stock of the company. Mr. Gouin, who is a minister and the partner of Mr. Lemieux, made a report to the Lieutenant Governor in Council in Quebec, and gave the Lieutenant Governor his opinion. He said : 'That company is all right. I think you should sign ;' and Mr. Lemieux asked the same thing from his father-in-law and the Lieutenant Governor signed it. The proclamation was issued on the 10th December, 1902, just a few weeks before the forfeiture of the Act itself, because in the 26th clause of that Act we find the following conditions:

> The present Act of incorporation is granted under the following express conditions :
>
> That the works authorized by this Act shall be commenced in good faith within the delay of two years from the sanctioning of this Act, such commencement to be evidenced by the construction at least of ten miles.

There is not a single inch of the road constructed. Subsection 2 of the clause reads as follows :

That the whole of the road shall be constructed within the delay of five years from the sanctioning of this Act :

That in default of the accomplishment of either of these two conditions, such default shall pleno-jure occasion the forfeiture of all the rights, powers and privileges granted by this Act.

Well, they obtained their charter and it is the company incorporated in virtue of this charter that comes here to-day and asks us to grant a charter to build the same road, and to that project they add what ? they add a second line from Paspebiac to Dalhousie. That is the part of the road which will complete the Baie des Chaleurs Railway, and that part of the road will enable them to get the subsidies. There is one thing we must not forget. Before the legislature of the province of Quebec Mr. Lemieux and the other parties interested in that charter told the members that the road would be constructed with their own private means, and that they did not want any subsidy, and it is for that reason they pressed so much on the legislature to grant them the charter. They said : 'We are able to construct the road ; we require it for the purpose of working the oil wells of the peninsula.' That was the interior road. That was the road for which they obtained a charter from the legislature of the province of Quebec, and in fact most of the people that are now in this Atlantic, Quebec and Western Railway are the same people that were or that still are in the Petroleum Oil Trusts or in the other companies born of the Petroleum Oil Trust.

Hon. Mr. BEIQUE—Would the hon. gentleman give me the information as to whether Lyonnais was in this Petroleum Oil Company ?

Hon. Mr. LANDRY—He might have been, but I do not see his name in any list of directors published in the Stock Exchange. He might have been a shareholder ; he was never a director. I have looked over the old list of directors year by year and the names I have do not include the name given by the hon. gentleman. This question was so important in all points of view that the interested parties in the locality, not the shareholders but the people for whose benefit the road was supposed to be built, communicated with the government, and I have here a memorandum that was sent to the right hon. the premier of this Dominion stating the facts that I have just made known to this honourable House and urging the right hon. gentleman to have his eyes opened and, if he was not too busy, to prevent a repetition of the Baie des Chaleurs scandal. I must tell the House, to explain the first part of this letter, that another letter was sent to the premier from an engineer named J. D. Clercy.

Hon. Mr. THIBAUDEAU (Rigaud)—What is the date of it?

Hon. Mr. LANDRY—January 31, 1903. I am translating the letter. Mr. Clercy writes to Mr. Bodard who is living at Port Daniel in Bonaventure. The letter reads as follows :—

Sir,—Mr. Dupont has led me to believe that you were living now in the peninsula of Gaspé. If that is so you might be able perhaps to give me some information that is asked from me in France and which I was unable to give. They want to know what has become of two societies formerly established for the working of the petroleum oil in Gaspé. One is an English one, the Petroleum Oil Trust and the other the Belgium Society of the Petroleum Oils of Canada.

The unfortunate shareholders have never heard of those companies since they have paid their shares. I would be very much obliged if you could give me any information on the subject.

Believe me, yours truly,
J. D. CLERCY,
Engineer.

That letter was sent by Revd. M. Duret to Sir Wilfrid Laurier, and Sir Wilfrid Laurier answered him in this way :

I have the honour to acknowledge receipt of your letter transmitting to me a copy of a letter addressed to Mr. Clercy by Mr. Bodard asking information with reference to the companies who have worked the petrolium oil in the peninsula of Gaspé, one English one and the other one French. I know absolutely nothing of those companies and I do not see the relations that might exist between those companies and the companies to which you make allusions—that is the Atlantic, Quebec and Western Company.

I remain yours most devotedly,
(Signed) WILFRID LAURIER.

Here is the memorandum sent to the Right Hon. Sir Wilfrid Laurier at that occasion :

To the Right Honourable
Sir Wilfrid Laurier,
Prime Minister of Canada.

Right Honourable Sir Wilfrid :

Answering to your letter of the 31st ult., let me tell you that it is not M. Bodard who is inquiring about the Gaspesian oil companies. M.

Bodard knows all about them. Those demands for informations come from France, and as the Petroleum Oil Trust has organized four other subsidiary companies, other demands will in all probability be heard from. That is why I say that such a situation can not last very long.

'I know absolutely nothing of those companies' is your declaration.

A moment. The works visited by you, at Gaspé, two years ago, have been, for the greatest part, done by an English company, formed in London, in 1890, under the name of the Petroleum Oil Trust, Limited.

That company, together with the four subsidiary ones organized by its agent, M. Foley, have digged about fifty wells, which they finally sold to the Canada Petroleum Company, Limited, of Manchester, on August 14, 1900.

At the first meeting of the shareholders of this last mentioned company, in the fall of the same year, it was stated that it was simply empty wells that the Petroleum Oil Trust had sold to the Canada Petroleum Company, and in consequence the Petroleum Oil Trust was asked to take back its wells and to refund the money. After the recall of their manager from Gaspé Basin, the Canada Petroleum Company finally decided to wind up, as proves an act to that effect, dated February 25, 1901. The Manchester City 'News' of August 31, 1901, gives the whole story of that liquidation, and makes evident that the interests of the Canada Petroleum Company compelled the directors to take such a course in order that their reputation may be saved and their credit maintained.

The article of the Manchester City 'News' is followed by an article of the 'Financial News,' of which here are the last lines :

'The moral is plain. Oil does not always spout up to prospectus estimates, and it is highly desirable to make sure of the worth of the property (oil wells) and of the qualification and bona fides of the people who are identified with its introduction, before putting money into the industry.'

Such is the opinion entertained of those people by the financial paper.

Would you now like to know what opinion we have of that petroleum trust the firms of Robin et Le Bouthillier, who are in constant relations with the English merchants ?

Five or six years ago an agent of the Robin has been threatened with a law suit in consequence of informations sent over to England, but the law suit is yet to come.

Hon. M. Turner, legislative councillor, the head of the LeBouthillier firm at Paspebiac, has told the Hon. M. Gouin, in my presence, that those people were swindlers.

Since his last trip to England, Hon. M. Duffy could give you upon those people an opinion which does not differ from the one expressed by M. Turner.

M. Marcil told me they were adventurers.

You add in your letter : 'I don't see the relations which exist between those companies (oil trusts) and the railway company to which you allude (Atlantic, Quebec and Western.')

Ask M. Lemieux, and he will answer.

I have always believed that the charter of the Gaspesian short line through the interior has been primitively asked by the people of the Petroleum Oil Trust. An electoral pamphlet intituled: 'Gaspé Railway, Sir Wilfrid Laurier and Rodolphe Lemieux compared with Armstrong and his clique,' and which was distributed all through the county of Gaspé at the last general election, contain the following :

'The power to construct a line of railway through the peninsula from Causapscal to Gaspé Basin was asked in the interest of the company of oil wells of Gaspé (first lines of page 5).'

The 'Star' of February 27, 1900, in its notes of the session, says, 'M. Lemieux read a petition from MM. Lavoie, Joncas, Carpenter, Higgins and Hanbury, asking for the incorporation of the Gaspé short line company.'

Take notice that the two last names were not on the petition, but they were so influential that it was thought proper to mention them. They were nevertheless embodied in the bill.

Take equally notice that M. Henry Higgins was the president and M. Carpenter the manager of the Petroleum Oil Trust.

M. J. X. Lavoie, prothonotary at Percé, if interrogated, would answer in his turn : 'I once denied in a letter addressed to the Rev. M. Duret, any interest of the Petroleum Oil Trust in the Gaspé short line, although the president and the manager of the Petroleum Oil Trust were directors of the short line company, because I could prevail myself of the fact that the names of MM. Ross, McKrae, Barwick and others had been added, in Ottawa, by the Railway Committee to those of the other directors.

The following year I could not avail myself of such names, and I obtained at Quebec, under the name of Atlantic, Quebec and Western, a charter for MM. Carpenter, Higgins and Preston Hillary, authorizing the construction of the short line. I declared before the Railway Committee of Quebec, that I needed that charter to continue the working of the oil wells, and that moreover I had the means to construct the road without government subsidies.

On January 8, last, at a meeting held at Gaspé, M. Carpenter, senior, was elected president of the Atlantic, Quebec and Western Railway Company, and M. Preston Hillary, vice-president (See 'Soleil,' January 16, 1903.)

Are those gentlemen really interested in the Petroleum Oil Trust ?

You will know it from the same M. Lavoie, prothonotary, the secretary of the Atlantic, Quebec and Western, who will tell you that at the record office of the prothonotary, on August 14, 1900, was duly registered the deed of sale of oil wells, &c., of the Petroleum Oil Trust, to the Canada Petroleum Company. This deed was signed in the name of the Petroleum Oil Trust by MM. Charles W. Carpenter and C. Preston Hillary, directors, and by M. E. S. Peach, secretary of the company.

As you may see, Sir Wilfrid, the promoters of the Atlantic, Quebec and Western Railway Company, all the bills relative to the Gaspé short line, as well as the deeds aforesaid, leave no doubt as to the relations between the oil companies and the Atlantic, Quebec and Western Company.

Now, this last company, not having the means to construct its road, M. Carpenter, junior, the manager of the Petroleum Oil Trust, has organized a new company, the New Canadian Company, Limited, which is asking its incorporation at Ottawa, as well as the Atlantic, Quebec and Western.

This New Canadian Company has amongst its directors M. Carpenter, junior, the manager of the Petroleum Oil Trust.

The prospectus of this New Canadian Company, that you may find in the 'Star' of December 3, 1902, or in the 'Daily Mail' of No-

vember 20, 1902, does not mention the title of M. Carpenter, who is really the manager of the Petroleum Oil Trust.

Why ?

Is it because the Petroleum Oil Trust is dead and buried since two years, with M. Foley, its late agent ? Are those promoters of the short line sincere in their extreme laudations of that Petroleum Oil Trust Company ?

We must conclude that the New Canadian Company is no more entitled to the government confidence than the Atlantic, Quebec and Western Company.

Five companies have been organized for the working of the Gaspesian oil and you know what has been their fate. We are now arrived at the third company for the construction of the short line, and if the government backs those companies, we shall have to deplore still more regrettable results.

Please, Sir Wilfrid, read over the petitions addressed to the Governor General in Council. I have read and commented upon them before the Railway Committee in Quebec, in presence of MM. Gouin and Lemieux, the solicitors of the New Canadian Company, and of MM. Carpenter and Carter, of Gaspé.

Nobody found a word of reply.

The Hon. M. Parent, whom I saw the day after the meeting of the committee, told me that M. Carpenter had departed for England. If the fact is true, he would then prefer leaving M. Lavoie doing the work alone, though the current rumour was that M. Carpenter would spend the winter at Percé.

At all events, these are the final words which ended a communication for which I have been sued by M. Lavoie, and which could be found in 'The Journal' of April 12, 1901. As you may notice, this gentleman does not seem very anxious to furnish me the occasion to prove the truth of my sayings ; he prefers being turned out of court by default, as the thing happened in a suit of his against the cure of Percé.

Here are my final words :

'If the honourable prime minister of Quebec, said I, 'is not so busy as was the Honourable M. Mercier, at the time of the preparation of the Baie des Chaleurs scandal, we respectfully ask him to have his eye opened on all these doings.'

That is also the demand I am making you.

I remain,
Right Hon. Sir Wilfrid,
Your most honourable servant,
T. C. DURET, Priest.

April, 1903.

This communication was sent to the Right Hon. Prime Minister of Canada. I suppose he is too busy now in trying to settle all these little differences in his cabinet to pay attention to what is going on in the country. Perhaps his state of health does not permit him, either, to go into all those details, but the public is warned—the Senate is warned —and we know what we have to do. The amendment I propose is to secure to the population of that part of the country the benefit of the road. If the Senate think this Bill should become law and that this charter should be given to those parties— a charter that might be sold the day after to-morrow in England—at least let the people on the sea-shore benefit by the road that is to be constructed. The charter mentions two roads, one from the interior of Gaspé, striking the Intercolonial Railway near Causapscal, the other from Gaspé, tapping the Atlantic and Lake Superior, the old Baie des Chaleurs Railway at Paspebiac.

Hon. Mr. MACDONALD (B.C.)—Where will it strike the petroleum ?

Hon. Mr. LANDRY—It will not strike petroleum. They will have to buy the material to oil their wheels. The Bill says :

The company may lay out, construct and operate lines of railway of the standard gauge of four feet eight and one-half inches, as follows :—

(a) From a point at or near Gaspé Basin, in the county of Gaspé, in the province of Quebec, following the valley of the York or St. John rivers for a distance of thirty miles or more, thence westerly through the interior of the peninsula of Gaspé, to some point on the Intercolonial Railway north of Causapscal, in the county of Rimouski, in the province of Quebec——

As a matter of fact, we might say it is in the county of Matane. That is what is declared in the local charter.

--thence in a south-westerly direction to a point at or near Edmundston, on the St. John river, in the province of New Brunswick.

The construction of the first line will create a rival line to the Baie des Chaleurs Railway and to a road that crosses the Tobique river. The second railway is to be—

From a point on the Atlantic and Lake Superior Railway, at or near its terminus at Paspebiac, in the county of Bonaventure, in the province of Quebec, thence through the townships of Cox, Hope and Port Daniel, in the said county, and the seigniories of Pabos and Grand River and the townships of Newport, Percé, Malbaie and Douglas, in the county of Gaspé, to a point on the company's railway in the preceding paragraph mentioned, at or near Gaspé Basin. This line shall be located, as far as practicable, within the limits of the parishes on the shores of the Baie des Chaleurs and the Gulf of St. Lawrence.

The amendment I propose is to strike out these words :

This line shall be located as far as practicable, within the limits of the parishes on the shores of the Baie des Chaleurs and the Gulf of St. Lawrence.

As a matter of fact, in that part of the country the parishes are located on the seashore. As the Bill stands, the company may locate their line as far as practicable

within the limits of the parishes, but there are parishes which extend twelve miles from the sea-shore, and if you construct a road twelve miles from the coast, it will be valueless to the people residing on the sea-shore. I propose to strike out the words I have quoted and substitute a paragraph requiring the company to locate its line within the limits of the parishes on the sea-shore, and as near as practicable to the shores of the Baie des Chaleurs on the Gulf of St. Lawrence. I propose further to strike out of clause 4, subsection 2, after the words :

The line described in paragraph (b) of subsection 1 of this section shall be constructed to Port Daniel within two years ten miles of the line.

The following words 'described in paragraph (b)' and to substitute 'from Paspediac towards Port Daniel.' I therefore move :

That the said Bill be not now read a third time but that it be referred back to the Committee on Railways, Telegraphs and Harbours, for reconsideration, and to be amended as follows :—

1. By striking out in section 4, subsection 1, paragraph (b), all the words in the said paragraph (b) from 'Basin' to the end of the paragraph and substituting therefor the following :—

This line shall be located within the limits of the parishes on the shores, and as near as practicable to the sea-shores of the Baie des Chaleurs and the Gulg of St. Lawrence.

2. By striking out of section 4, subsection 2, the words 'described in paragraph (b)' and substituting therefor 'from Paspebiac towards Port Daniel.'

Hon. Mr. BOLDUC—Either amend it or reject it completely.

Hon. Mr. LANDRY—There are two ways open. In asking that the Bill be referred back to the committee for reconsideration, it is open for the committee to take what stand it deems proper. But I say if the House, notwithstanding the exposure I have just made, wants to pass the Bill, at least do not let the people of that part of the province be injured. In leaving it as it is now, one thing will probably occur : the line may be constructed twelve miles from the sea-shore, and if that should be done, then a short route will be constructed from Port Daniel in a year or two, leaving completely aside all the parishes on the sea-shore ; for that purpose the company will come from an amendment to its charter to authorize them to construct that road to Gaspé basin and the parishes on the sea-shore, and the coast from Port Daniel to Gaspé will be deprived of the benefit of that line. In the public interest, if this House deem it opportune to pass this Bill—which I think should be thrown out—at least this amendment should be made to safeguard the rights of the people in the locality interested.

Hon. Mr. DANDURAND—I thought that the hon. gentleman's whole speech would lead to a vote on the third reading to throw out the Bill completely. I find on the contrary that my hon. friend, after abusing every one connected with the Gaspé peninsula and with this charter, concludes by moving an amendment to the Bill to change one phrase and replace it by another. Of course he was ready—he stated it plainly—to accept the Bill without questioning the principle of it if I would accept the amendments he suggested. If I did not, he was the channel through which the bile of others was to be poured out upon the promoters of this Bill. I have seen that bile in the newspapers, and especially in the letters of the Rev. Mr. Duret, which he has read. I have seen his literature in a good many newspapers. The reverend gentleman is a discredited local professional politician and a general nuisance at large. I understand that he has bought at a large discount some claims of the old Atlantic and Lake Superior Railway Company, and is bound that the old company shall have the right to construct the railway.

Hon. Mr. LANDRY—I deny that. It was not the Rev. Mr. Duret who bought those claims. It was the Chanoine Thivierge, the Quebec Prime Minister's Colonization Commissioner.

Hon. Mr. DANDURAND—I may be allowed to give my own opinion as to who bought these claims. I have been informed that the Rev. Mr. Duret has very many claims of the old Atlantic and Lake Superior Railway which runs up to Paspebiac, and he thinks that that company should have the right to construct a line to Gaspé basin, when another subsidy would be available and the company would be able to pay 100 cents on the dollar for the claims he bought for a few cents on the dollar. My hon. friend has moved an amendment to this Bill. I do not know if all the members of this House understand the bearing of the

proposed amendment. The charter from the local House simply provided for the construction of a line in the interior. When the company decided to come to Ottawa, they interviewed the members for the counties of Bonaventure and Gaspé, who are interested in a railway being built. Those gentlemen declared they would not support the Bill, nor would they ask the government to vote subsidies for a line which would run exclusively through the interior. They wanted to serve the pioneers and the descendants of the pioneers of those two counties who reside along the shore of the Baie des Chaleurs, and they said if the company would consent to build, concurrently with the line in the interior, a road from Gaspé basin up to Paspebiac to join the old Atlantic and Lake Superior Railway, which has 100 miles in operation from the Intercolonial Railway to Paspebiac, they would help the Bill through and ask the federal government for a subsidy in aid of the project. The company consented to that and here is the obligation this company has assumed. After declaring that they will build the line they go on and say :

> This line shall be located, as far as practicable, within the limits of the parishes on the shores of the Baie des Chaleurs and the Gulf of St. Lawrence.

My hon. friend is not satisfied with that : he wants to hug the shore still more. He does not care if there are insuperable obstacles in the way of constructing a road by that route. My opinion is he does not want to hug the shore half so much as he wants to hug the electors. The company binds itself to build :

> As far as practicable within the limits of the parishes on the shore of the Baie des Chaleurs and the Gulf of St. Lawrence.

The hon. gentleman wants to amend this by stating that the line shall be located within the limits of the parishes on the shores as near as possible to the seashore on the Gulf of St. Lawrence. When the survey is made and the best route is found, from that moment they are bound to build their line as near as possible within the limits of the parishes on the bay and the gulf, and it will be their interest to touch the settlements there and not build behind them. When they come to the government for a subsidy they will have to show their plans and the route they propose to take, and the government will see that in following the mandate of parliament their line shall pass in such a place as will best serve the popuiation along the shore. My hon. friend has gone through the history of the Petroleum Companies that have tried to strike oil in the Gaspé peninsula. I know nothing of those companies. All I know is that considerable money has been spent in the last thirteen years by them, money that came from abroad most likely, and I am told by the member for the county, who should know, that to-day not a cent is due by those companies. Who are the promoters of this railway ? A set of gentlemen whose reputation has not been assailed. My hon. friend has not mentioned who are the promoters of this company, whose names appear in the local Act, who are members of those petroleum companies, so I do not really know whose character he wants to attack except, perhaps, that of Mr. Carpenter, whose name has been mentioned frequently. All I know is that the local House took the greatest pains to protect that part of the country against impecunious railway promoters, and that they added—a thing which is not very often done even in this parliament—a proviso that this Act shall only come into force by proclamation of His Honour the Lieutenant Governor, after clear proof has been furnished that they have the resources to construct the railway. I understand that they have deposited with the Bank of Montreal $50,000 for surveys and preliminary expenses, and that some $30,000 has been spent already.

Hon. Mr. LANDRY—Was that previous to the proclamation of the Lieutenant Governor ?

Hon. Mr. DANDURAND—Certainly. The money was deposited in the bank prior to the proclamation of the Lieutennat Governor.

Hon. Mr. LANDRY—The amount deposited was $35,000.

Hon. Mr. DANDURAND—I am told the amount was $50,000. If the hon. gentleman has no better authority for his statement than the Rev. Mr. Duret, I prefer to take the information I received myself.

Hon. Mr. LANDRY—I have it from the manager of the bank himself. I have his

certificate stating that the amount was £7,500.

Hon. Mr. DANDURAND. My hon. friend has read the prospectus which speaks of the splendid harbour of Gaspé and dilates on the difficulties and danger which attend the navigation of the St. Lawrence. We all know the St. Lawrence route. Not a word appears in that prospectus about Gaspé basin that is not absolutely true. It is a splendid harbour, and I am surprised that my hon. friend should try to disparage it in this House. The company has deposited a sum of money : my hon. friend says it is the New Canadian Company. The New Canadian Company has been formed on letters patent in London. I have seen its articles of agreement. They have, apparently, satisfied the home authorities as to the fulfilment of the conditions under the Companies Act. They declare that they intend to acquire the benefit of the Act of parliament for the incorporation of the company ; the purchase price payable is £50,000 in cash or fully paid up shares of the company. I would take this New Canadian Company to be a construction company which, as is customary, would take a block of shares, if not all the shares, of the present company under discussion, and take their debentures with the right to bond the railway for a certain number of thousands of dollars per mile, and in return for taking practically everything from the promoters of this company, bind themselves to give up paid up shares in the New Canadian Company to the extent of £50,000. What is there in such a gift ? My hon. friend speaks of selling the charter for £50,000 to be paid wholly or in part in cash or in fully paid up shares in the company. Those paid up shares would come after the preferential stock or debentures, and would not be worth very much, and if these gentlemen make arrangements among themselves satisfactory to them, we have nothing to do with it. If any subsidies are voted—and I understand parliament has expressed its desire to see such a road built by voting in 1899 a subsidy of $3,200 per mile for any company which would undertake the work—the government will have to see that the subsidies are earned. Although parliament has already expressed its desire to have the line built by voting that subsidy, nobody has come forward to earn it until now, when people come to be incorporated for the purpose of undertaking the construction. We all know that no money will be paid until the engineer's report is presented, showing that they are entitled to the subsidy, which means that the road would be built. All that that part of the country wants is to have a railway. But in answer to the libel which has been read by my hon. friend— a libel introduced here, I would say, by an abuse of the privileges of the House—I will lay on the table the petition of the county council of Gaspé county. The council is composed of the mayors of all the parishes in the county, as the reeve and deputy reeve of each township forms the county council in Ontario. The county council and the board of trade of Gaspé ask that this charter should be granted.

Hon. Mr. LANDRY—To whom is it addressed ?

Hon. Mr. DANDURAND—It is addressed to the Governor General in Council, and is as follows :—

To His Excellency
The Governor General of Canada
in Council.

The Petition of the Council of the County of Gaspé, in the province of Quebec.

Respectfully showeth :

That the population of the county of Gaspé is about 30,000 ; that this country was one of the first settled after the discovery of Canada; that its soil is very fertile ; that the rivers flowing through its immense territory are full of salmon and trout ; that the sea fisheries along its shores are of the best ; and that its other resources are great ; and that notwithstanding all these advantages the progress of this region has been delayed and hampered because the whole of this county is yet without any railway, and that it is connected only by water with the commercial centres, and because it remains isolated and without any communication during six months each year ;

That the ' Atlantic, Quebec and Western Railway Company ' has obtained from the legislature of the province of Quebec a charter to construct a railway which, starting from the Intercolonial Railway near Causapscal, will run through the interior of Gaspesia to Gaspé basin: and that the said company is applying to the parliament of Canada for the right to prolong its road to Edmundston, N.B., which extension will give the said railway connections with all the main roads of Canada and of the United States ;

That the said company is also applying to the parliament of Canada for the permission to prolong and extend its railway from Gaspé Basin to Paspébiac Bay where it will connect with the ' Baie the Chaleurs Railway ', this said extension to be built as much as possible along the shore of the Gulf of St. Lawrence, thus giving to the population of the county of Gaspé and to that of a notable portion of the county

of Bonaventure the means of communication of which they are so much in need ;

That Gaspé Basin and Gaspé Bay form a very large harbour about twenty miles deep, on the route of vessels going up or returning from the River St. Lawrence and that this harbour is, via the Straits of Belle Isle, 200 miles nearer to Liverpool, England, than Sydney, C.B., or Halifax, N.S.;

That this railway will be the shortest route between the ports of Great Britain and the commercial centres of Canada and of the United States ;

That the said 'Atlantic, Quebec and Western Railway Company' has proved to the government of the province of Quebec, that it has the means to go on with its undertaking, and that this fact has been proved by proclamation of the Lieutenant Governor in Council, published in the Quebec Official Gazette of the 13th December last (1902) :

That the said company is now proceeding with the survey of its railway, and that the important sums devoted to this work are a new proof of the good faith of the said company, and of its honest endeavour to go on with its undertakings ;

That this railway will be of the greatest utility to the public and to the trade of Canada; that it will render accessible and will open to colonization a large region of good lands, and that it deserves the encouragement and aid of your government necessary to assure its success ;

Wherefore, your petitioner humbly prays Your Excellency to grant to the said 'Atlantic, Quebec and Western Railway Company', the subsidies which it gives to every serious railway, in order to assure the construction of the said railway from Edmundston, N. B., to Gaspé Basin, and of its extension along the shore of the Gulf of St. Lawrence, from Gaspé to Paspébiac, the completion of the said railway and of its said extension being very important for the progress and future of Gaspesia.

And your petitioner, as in duty bound, will ever pray.

Percé, 11th March, 1903.

On behalf of the Gaspé County Council,

JOHN I. Le GROS,
County Warden.

WILLIAM FLYNN,
Secretary Treasurer.

It seems to me that with the authorized voice of such an important body, representing the whole county of Gaspé, I might well sit down and ask that the proposed amendment be rejected.

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

The motion was lost.

Hon. Mr. DeBOUCHERVILLE—Before voting on this question, there is another matter which ought to be decided. We certainly have not the right to abrogate a Bill passed by the local legislature of Quebec. It is only by disallowance by the Governor General during a specified time that a Bill sanctioned by the Lieutenant Governor can be set aside. I do not suppose the hon. promoter of this Bill intends to abrogate a measure passed by the local government, and I do not think it can be legally done. He is too well versed in the constitution of our country to have such an idea, but he must admit that if he does not mean to disallow he means to amend. If we have the right to amend, although we have not the right to destroy a local law, we may by amendment destroy the measure. This would, therefore, be contrary to the constitution. I hope then hon. members will give their opinion, but I think I have a right to ask the hon. Speaker to give his own opinion on this point. Have we the right to amend a law passed by the local government ? This Bill is merely an amendment to the law. It does not create a new corporation. It recites in the preamble :

Whereas the Atlantic, Quebec and Western Railway Company has, by its petition, represented that it was incorporated by an Act of the legislature of the province of Quebec, being chapter 63 of the statutes of 1901, and has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition : Therefore, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows :—

1. In this Act the expression 'the Company' means the body corporate and politic heretofore created by the Act mentioned in the preamble under the name of the Atlantic, Quebec and Western Railway Company, and the railway works which the company by its said Act of incorporation has been empowered to undertake and operate are declared to be for the general advantage of Canada.

It does not follow, because in the British North America Act it is said that the local government shall have such rights on different points except when a work has been declared for the general advantage of Canada that this parliament has the right to amend the local law.

Hon. Mr. SCOTT—That is in this Bill.

Hon. Mr. DeBOUCHERVILLE—Where do you find the incorporation of a new company ?

Hon. Mr. SCOTT—In the second paragraph.

Hon. Mr. DeBOUCHERVILLE—It is known I daresay by every hon. gentleman of this House that if we decide such a thing is for the benefit of Canada, then it will fall under the jurisdiction of the federal

parliament. When it falls under the jurisdiction of the federal parliament, the power of the local government is abrogated and destroyed. This company does not exist any more. It existed by the law of the province of Quebec. You destroy the law of the province of Quebec, therefore you must bring in a Bill incorporating a new company. You recite the words to show you are amending a Bill of the local government, and I think we have not that right. I should like to have the opinion of the Speaker on that question.

Hon. Mr. BOLDUC—Before a vote is taken, I desire to express my views on the merits of the Bill now before us. I should have preferred that my hon. friend, who moved the second reading, after the very able speech of the hon. gentleman from Stadacona, would have decided to reject the Bill. However, if the Bill is sent back to the Railway Committee, the committee will then be able to dispose of it in the manner they wish. The hon. gentleman stated boldly that he did not care to make any compromise with the hon. gentleman from Stadacona, that he was sure he could answer all the arguments advanced by the hon. gentleman, and I thought he would in fact destroy the strong speech made by my hon. friend. To my great surprise, however, there was not a word said to refute what was stated plainly and boldly by the hon. gentleman from Stadacona, that the men who had been the authors of all those swindles in Gaspé were practically the same men who were asking for the passing of this measure to-day. It seems to me that Gaspé is the cemetery of the Dominion, where many of the funds of the Belgians and English have been buried. Hon. gentlemen will remember the Baie des Chaleurs scandal, where a large amount was sunk and it seems to me the hon. promoter of this Bill is trying to enlarge the cemetery and make it a place to sink more funds from the other side of the Atlantic. It is true the gentlemen asking for the passing of this measure have stated that they did not seek for any subsidies. But we know very well what is the meaning of this; and for the good name of Canada, when Canada is boomed to-day on the other side of the Atlantic, when large numbers are coming to Canada to establish themselves, and place their money in good speculations, I say the members of this House should be very careful to see that no wild cat schemes are promoted by this House and that Canada's fair name be not smirched by these men. Before passing this measure it would be prudent to study the question more carefully and to have some one endeavour to refute the remarks of the hon. gentleman from Stadacona. If he has said anything which was not perfectly true, somebody should rise in this House and tell him that he has advanced statements which cannot be substantiated, and the vote should be in favour of sending the Bill back to the Railway Committee and then both sides would have every facility to explain their views on the question.

The SPEAKER—I do not know whether I am expected to answer the question of the hon. gentleman from Montarville.

Some hon. MEMBERS—Why?

The SPEAKER—Some hon. gentlemen seem to think it is not my duty, but if I am to answer it, I shall try to do so to the best of my ability. The company incorporated by chapter 63 of the statutes of Canada for the year 1901, was thereby constituted a person, and that person presented a petition to this parliament and asked that certain things should be done by this parliament. It seems to me that it was competent for the person created by the legislature of Quebec to do that. It is not the usual course, I admit. The usual course is that a company existing in a province asks to be incorporated by the Dominion parliament. In this case the company, instead of asking to be incorporated by the Dominion has asked that certain powers shall be conferred by the Dominion parliament on the provincial company. I think that the provincial company has a right to ask that, just as an individual would have the right, and I think that this parliament has the right to confer the powers asked for by the corporation created by the local legislature. That is, as I understand the question asked by the hon. gentleman from Montarville.

Hon. Mr. ELLIS—Have we the power to apply the Railway Act of this Dominion to the Act of incorporation of the province of Quebec, because that is involved?

The SPEAKER—I think so. It is stated here that the company incorporated by the province of Quebec has prayed that it be enacted as hereinafter set forth, and the question is then whether this parliament can do what that legislative person asked to have done ; and in my humble judgment it can.

Hon. Mr. BEIQUE—Our statutes are full of Bills of this kind. I could cite a Bill which was passed in 1894 of the very same nature. It was the Montreal Park and Island Railway Company, organized under a Quebec charter. They petitioned to have a Bill exactly like this, to have the works declared for the general advantage of Canada. In fact, it is invariably done whenever railway works of a local nature cross other railway works extending beyond the province, and ever since confederation, and especially of late years, the practice has been established of declaring such works for the general advantage of Canada, and therefore we assume jurisdiction over the local company, and as a matter of fact, all our railways in the province of Quebec have become railways under the jurisdiction of the federal parliament.

Hon. Mr. DeBOUCHERVILLE—I suppose I may be allowed to ask a question of the hon. member. Has the hon. gentleman a perfect memory of what passed when the question of giving that power to the railways was discussed ? And does he remember whether any question was raised on the constitutional part of it ? These are two questions. Has the question of the constitutionality been raised, and does the hon. member perfectly, and can he assure us, that the Bill that was passed for the Park and Island Railway was equivalent to this one, or resembled it in any way? For my part, I do not remember ever having seen a Bill like this. I may be mistaken and my memory may be at fault.

Hon. Mr. BEIQUE—I will answer the two questions ; first I will undertake to show a dozen Bills of the same nature.

Hon. Mr. TEMPLEMAN—Hundreds of them.

Hon. Mr. BEIQUE—Passed under the present government as well as under the late government. Now, as to the other question : I have been too short a time in this House to be able to say whether the question was raised or not, but I am able to say that in a very important case in which I am engaged the question was argued and the Hon. Sir Christopher Robinson was my adversary in the case, and the Hon. Minister of Justice and I took communication of an able argument presented on the question by the Hon. Mr. Blake where it was shown beyond doubt that this procedure was according to the constitution : in other words, that it was in the power of the federal parliament, by declaring a work to be for the general advantage of Canada, to assume jurisdiction over that work.

Hon. Mr. LANDRY—I think the hon. gentleman did not catch the nature of the objection made by my hon. friend from Montarville. The objection is not that a measure previously of a local nature becomes a federal one by the statutory declaration that the work to be done is in the interests of Canada. That is not the objection that the hon. member has raised. The objection is that in the Bill before us now the preamble reads as follows :

An hon. MEMBER—Order.

The SPEAKER—I should like to ask the hon. gentleman if he is appealing from the decision of the chair ?

Hon. Mr. LANDRY—No, not at all.

The SPEAKER—Then the question of order has been settled.

Hon. Mr. DeBOUCHERVILLE—I did not appeal to the chair. I merely asked for an opinion, and I think we can find it in May, that it is regular even to ask another hon. member if he will have the kindness to answer a question, and that if that practice prevails in reference to hon. members it must prevail for the Speaker also, and knowing that the Speaker has studied the constitution a great deal, I should like to have his opinion. But it is not an appeal from his decision. I did not ask his decision.

The SPEAKER—I wish to put my view before the House. I understood the hon. gentleman from Montarville, when I was about putting the question on the amendment, to have raised what was substantially a question of order. He held that this was a matter which we could not deal with, and therefore this question could not

be put. My decision was adverse to the line taken by the hon. gentleman from Montarville. Now the hon. gentleman from Stadacona proposes to discuss that same question. I do not think that is regular.

Hon. Mr. LANDRY—If we want to keep regular no one should have risen. If the Speaker allows one to speak, I do not see why he should forbid another.

Hon. MEMBERS.—Order, order.

Hon. Mr. LANDRY—I want equal justice.

The House divided on the amendment which was lost on the following division :

Contents :

Hon. Messieurs

Bernier,	Macdonald (Victoria),
Bolduc,	McDonald (Cape Breton
Casgrain (Windsor),	Merner,
Dobson,	Miller,
Ferguson,	Montplaisir,
Landry,	Sullivan,
Macdonald (P.E.I.),	Thibaudeau (Rigaud).—14.

Non-Contents :

Hon. Messieurs

Béique,	Kerr (Cobourg),
Boucherville, de	Landerkin,
Casgrain, (de Lanaudière),	Lovitt,
Church,	McMullen,
Coffey,	Power (Speaker),
Dandurand,	Robertson,
Domville,	Scott,
Edwards,	Shehyn,
Ellis,	Templeman,
Fiset,	Tessier,
Frost,	Yeo,
	Young.—23.

The motion for the third reading of the Bill was carried on the following division :

Contents :

Hon. Messieurs

Béique,	Landerkin,
Casgrain (de Lanaudière),	Lovitt,
Church,	McMullen,
Coffey,	Power (Speaker),
Dandurand,	Robertson,
Domville,	Scott,
Edwards,	Shehyn,
Ellis,	Templeman,
Fiset,	Tessier,
Frost,	Yeo,
Kerr (Cobourg),	Young.—22.

Non-Contents :

Hon. Messieurs

Bolduc,	McDonald (Cape Breton),
Boucherville, de	Merner,
Casgrain (Windsor),	Miller,
Dobson,	Montplaisir,
Ferguson,	Sullivan,
Landry,	Thibaudeau
Macdonald (P.E.I.),	(Rigaud).—13.

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

The SPEAKER.

THIRD READING.

Bill (109) An Act to correct a clerical error in the Act to incorporate the Edmonton and Slave Lake Railway Company.—(Hon. Mr. Scott.)

DOMINION CONTROVERTED ELECTIONS ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (13) An Act further to amend the Dominion Controverted Elections Act. He said : This Bill gives to the judge who tries the case wider powers than at present. At present he has a right to adjourn the trial from time to time from one place to another in the same electoral district. There is a clause added to that as follows :

> Or upon cause shown and supported by affidavit where special circumstances exist shall in his opinion render it desirable to do so from one place to another outside the electoral district.

He can take evidence outside the electoral district, while at the present time he is limited to taking evidence only within the district. Then in the second clause the judge at present has simply the right to order that a man be in contempt of court, if he fails to answer a subpœna to appear at the trial. Under this Bill a judge may, through his warrant, arrest a man and bring him before him and deal with him.

Hon. Mr. FERGUSON—I see no objection whatever to these proposed amendments. I think that the second section is required. I have understood that judges have felt some doubt about their power to compel the attendance of witnesses for election trials, and the provision in the first section of the Act which gives the judge a power to adjourn from one place to another, although it may or may not be within the electoral district, is quite proper. The law as it stands gives the right to the judge to change the venue from the electoral district to a place that shall be held to be more convenient outside if it shall be made to appear to them that circumstances warrant it, but they do not appear to have the power to adjourn from time to time or from a place in the district to a place outside the district. I think there is no objection whatever to these amendments.

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

LOAN COMPANIES BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (24) An Act to extend the power of Loan Companies. He said: Loan companies, as they exist to-day, owe their existence to two different Acts on our statute-book. One is known as chapter 119 of the Revised Statutes of Canada, and two years ago we passed what was called a Loan Companies Act, applying only and solely to loan companies. The object of this Bill is to incorporate in the incorporating Acts of Loan Companies that claim their charters under chapter 119 of the Revised Statutes, the provisions that are in this Bill and which are now only to be found in what is called the Loan Companies Act of 1901. That is, that they may invest their money on the security of, or purchase, for investment in mortgages or hypothecs or leasehold, real estates, &c. I compared it and it is word for word with the Loan Companies Act of 1901. It is not a government Bill. I thought at first it was. It was introduced by Mr. Thompson of Haldimand, I think; however, loan companies that owe their existence to chapter 119 of the statutes, those particular provisions that are at present only to be found in the Loan Companies Act proper of 1901.

Hon. Mr. FERGUSON—It is not inserting anything new in the law?

Hon. Mr. SCOTT—No, it is giving to loan companies incorporated under chapter 119, the same powers with regard to those two sections that are given to loan companies incorporated under the Act passed in 1899.

Hon. Mr. FERGUSON—Does that apply to all the provisions of the Bill?

Hon. Mr. SCOTT—Those particular clauses are incorporated in the charters that owe their existence to the Act as it exists in the Revised Statutes. There are two classes of loan companies, those originally incorporated under the Loan Companies Act, chapter 119 of the Revised Statutes, and then two or three years ago we passed an Act specially applying to loan companies, called 'The Loan Companies Act,' and these clauses are to be found in the Loan Companies Act. They are not, however, in the charters of companies that owe their existence to chapter 119 of the Revised Statutes, and it is to apply them to those companies.

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

MILITIA PENSION ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (78) An Act to amend the Militia Pension Act. He said: In 1901 we passed an Act authorizing pensions to officers for 20, 25 and 30 years' service. The object of this is that if they have had spent any time in the Civil Service of Canada, the time served there shall apply in the number of years which they may claim in their pensions.

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

SHIPPING FEDERATION OF CANADA BILL.

SECOND READING.

Hon. Mr. DANDURAND moved the second reading of Bill (93) An Act to incorporate the Shipping Federation of Canada. He said: This is a Bill asked for by all the principal shippers of Montreal whose names appear in the Bill, who are forming an association in the general shipping interests.

Hon. Mr. FERGUSON—A combination?

Hon. Mr. DANDURAND—The object and powers of the federation are stated in the sixth clause, which reads as follows:—

To amalgamate and federate as members thereof, ship owners and shipping agents, and such other persons, firms and corporations as are from time to time interested in the shipping trade of Canada.

Hon. Mr. FERGUSON—It will be considered in committee.

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

ROYAL TRUST COMPANY BILL.

SECOND READING.

Hon. Mr. DANDURAND moved the second reading of Bill (103) An Act respecting the Royal Trust Company. He said: This company is incorporated in divers provinces and now asks for a federal charter to cover the whole Dominion.

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

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, June 2, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE PETITION OF L. EARNEST AND OTHERS.

Hon. Mr. YOUNG—I have been instructed by the Standing Orders Committee to draw attention to the petition of L. Earnest and others from Nelson. It transpired before the committee that this petition had no signatures on the sheet containing the prayer, and your committee were somewhat at a loss to decide on a course of action, but inasmuch as the promoters assured us that the Bill was going past the Standing Orders Committee in the House of Commons, and it would only be a matter of a short time before they would be able to present the Bill to the House, and the Standing Orders Committee would have to pass on the Bill, I was directed by the Committee on Standing Orders to call attention to the fact that this document was not a petition at all, because rule 36 of the Senate says :

> **Every petition is to be fairly written or printed and signed on the sheet containing the prayer of the petition, and if there be more than three petitioners, the additional signatures may be affixed to the sheets attached to the petition.**

It emphasizes the necessity of some revision of our rules, giving our Speaker additional power and additional responsibility in examining such matters, so that a petition of this character, if I may call it a petition, would not reach the committee until the attention of the House had been called to it. But the committee felt that it was only fair to the House for me, as chairman of the committee, to give the House the particulars of the matter, and as a choice of either delaying the legislation by waiting until the Bill came before the House or accepting that as a petition—upon which there was grave doubt in the minds of many of the committee as to whether we were justified in going that far in examining the petition—the committee decided to recommend, inasmuch as the rules in other respects had been complied with, that the report be presented to the House to-day, and I mention this for the information of hon. members.

Hon. Mr. MACDONALD (B.C.)—The question was raised in the committee that the committee should not take cognizance of rule 36, that if the petition was irregularly signed, it was a question for the House, that it once having come to the House it was in the possession of the House, and we had not to report on that part at all—that we had to report on the notices, whether they were complete. My own opinion is that a petition coming to us is not scrutinized by the House at all, that any defects in this petition belong to the committee to report on. If there is any irregularity in the signature, or any other part of it, it is for the House to say. Here is a petition signed on a loose sheet, and the main petition is not signed. It does not change the bona fides of the matter at all, and I should be in favour of suspending the rule and passing the petition. However, that is the position of the matter, and the question is whether we should take cognizance of it under rule 36.

Hon. Mr. YOUNG—I may add that the committee, of course, desires to some extent instructions from the House as to what we shall do in a matter of that kind—whether we will recognize rule 36 or not.

Hon. Mr. SCOTT—That is the only irregularity ?

Hon. Mr. YOUNG—It is.

Hon. Mr. SCOTT—It is evidently done in ignorance of the rules, and it just so happens that the last line terminates at the bottom, and the names are mentioned in the petition. It says 'the undersigned Ernest J. Stanford'—his signature is the first, and then follow the other names. I fancy it is one of those clerical errors that we could overcome.

Hon. Sir MACKENZIE BOWELL—It seems to me a very good reason for suspending the rule, but it cannot be a reason for acting indirectly in opposition to the rule, which is very clear and distinct. It says that a petition must be signed in such and such a manner. If it be not properly signed, then it strikes me to be the duty of the committee to call attention to that omission, and for the House then to deal with

it, but not before. It has been referred to the committee, because, as the hon. Senator from Victoria very properly said, the petition has been read. No one investigated that petition in the House. No hon. member looked at it. We simply hear the purport of the petition, and then it is referred to the committee. For what purpose? To ascertain whether it contains anything objectionable. If you ask for money, that is an objection. If it is disrespectful to any person, or particularly to the legislature, or to the Crown, or anyone else, then it is ruled out. If it be not properly signed, it is the duty of the committee either to reject it or report the fact to the House. At least, that is the view I take of it. As has been pointed out by my hon. friend who called the attention of the House to it, there has been an omission to comply with the requirements of the rule. Of course, I do not know who took the other objection, but the rule says:

> Every petition is to be fairly written or printed, and signed on the sheet containing the prayer of the petition.

If the petition extends over two or three pages, then it should follow immediately after the last paragraph. It is clear and distinct in itself, and I do not see how any one could take any other meaning from it.

Hon. Mr. YOUNG—That is no petition at all.

Hon. Sir MACKENZIE BOWELL—No petition at all.

Hon. Mr. BEIQUE—There is no doubt that the petition is not in accordance with the requirements of rule 36. The question arose before the committee as to whether it was within the province of the Committee on Standing Orders to inquire as to that, and it seems to me that under rule 53 the Committee on Standing Orders has nothing to do as to the enforcement of rule 36. It is at the time the petition is received before the Senate that the inquiry should be made, and it should be made either under the responsibility of the hon. Speaker of the House or under the responsibility of the Clerk of the House. The same question arose last year in connection with the petition of the Bishop of the Greek Church, and the attention of this honourable House was called to the matter, and although the petition had been received and the Bill introduced, this House took cognizance of the irregularity—of the fact that the petitioners were aliens, and rejected the Bill. The committee deemed it advisable to call the attention of this honourable House to the matter, so that in the future closer attention should be paid when these petitions are received by this honourable House.

Hon. Sir MACKENZIE BOWELL—Is it a petition unless it is properly signed when presented?

Hon. Mr. BEIQUE—It has been received by the Senate. It is for the Senate to say whether it is a proper petition or not. It seems to me it is not for the Committee on Standing Orders, when they receive a petition for a special purpose, to inquire as to whether proper notices have been given or not, to say this petition which was sent to us by the Senate is a petition which has been irregularly sent.

Hon. Mr. BERNIER—It seems to me the question raised by the hon. gentleman who has just taken his seat was settled last year in the case to which he has referred. The petition of the Greek Church was presented, was received afterwards, and the opportunity to object came only when the Bill was before the House. Then the attention of the Speaker was called to that petition by myself, and the hon. Speaker gave his decision against the petition, although it had been received. Then the House took action to a certain extent in confirming the decision of the Speaker. It seems to me the question raised by the hon. gentleman is quite settled. The committee has full power to look into the defects of a petition, and more particularly when it can be contended that the petition is no petition at all. There is another question which is raised here, it seems to me, which is more important than the technical question before the House. It is this: it seems to me that year by year we are more and more disregarding the rules of this House. The question should be looked into whether we should go on always disregarding the rules, or go back to the practice of enforcing our rules.

Hon. Mr. SCOTT—From my recollection, the incident which occurred last year and which led to the throwing out of the Bill to which my hon. friend referred, was not at all parallel to the question before us

to-day. The real question then was a petition from a foreigner living in San Francisco, signed to a petition to establish a community up in the North-west. That was the real ground on which the petition was ruled out. The ground of where the signature was written was not at all an important element in it. In this case this petition was presented. As a rule petitions cannot be received until they are examined, two days after or one day after, whatever the time happens to be. The question is, shall this petition be received. Of recent years it has not been usual to ask in each particular case, shall this petition be received. If the House says yes, that ought to be the end of any clerical objection to a petition. The House has received it. I quite agree with the hon. gentleman it would be better if a closer examination were made of all those petitions. In this case there is no question of fraud; it is a question of ignorance. The parties are mentioned in the body of the petition and it happens the last line was at the bottom of the page and they put the names at the top of the next page. Are we for that reason to throw out the petition? I think it would not be fair. through a clerical mistake, to imperil interests which may be of considerable importance.

Hon. Sir MACKENZIE BOWELL—I do not think the hon. Secretary of State has put the question fairly, if he will permit me to say so. The question is not now whether we should suspend the rule and receive the petition. The question is, whether it is a petition under the circumstances.

Hon. Mr. SCOTT—I think that the House decided that. The question was, shall this petition be received. Silence gives consent, and the House received that as a petition. Any defect of that kind ought not now to be brought up.

Hon. Mr. GIBSON—This petition was endorsed in the usual way by the officer of the House and handed to the member who presented it. A petition should not be received before the officers of this House see that it is in order. Now, with all due respect to the leader of the government, in this particular instance the names of the parties are in the petition fortunately, but supposing those names were not in the petition, and the signatures were simply on a separate sheet of paper, any names might be substituted for those making the petition.

Hon. Mr. SCOTT—That would be a fraud.

Hon. Mr. GIBSON—This House should not throw the responsibility on any of its committees of deciding on the validity of a petition. This House and its officers are perfectly competent to see that a petition is in regular order before it is handed in by the member presenting the petition, and I hold that every petition should come before the clerk of this House to see that it is of a respectful character and can be presented by the hon. gentleman who has the petition in charge, and if the House would insist upon that, there would be no need of it going before the committee until it is ascertained to be in order.

Hon. Mr. MACDONALD (B.C.)—It is quite clear this was an unintentional irregularity, and I therefore move that rule 36 be suspended in so far as it relates to this petition.

Hon. Sir MACKENZIE BOWELL—That, I would take it, is the recommendation of the committee.

Hon. Mr. YOUNG—No; the committee, under the circumstances, as I mentioned a while ago, accepted the petition as being a proper petition, inasmuch as the House had received it, and they also decided that rule 36 did not apply to the Standing Orders Committee—that the House itself dealt with rule 36 altogether, and that was the point that in calling your attention we wished to have cleared up, as to whether the House would direct that the Speaker or the committee would take cognizance of rule 36 and scale all petitions by that as well as by rule 53, which relates to notice. The petition is reported on without objection from the Standing Orders Committee, and we accepted it with the understanding I was to call the attention of the House to the fact.

Hon. Sir MACKENZIE BOWELL—It must be obvious to every hon. gentleman that the suggestion made by the chairman of the committee is impracticable. If the suggestion is to be carried out as applied to every petition that is presented—if it must either be explained by the gentleman who presents it that the signatures are in the

right place and that it contains no objectionable matter, or when he presents the petition it must be handed to the Speaker to be examined and reported on immediately——

Hon. Mr. YOUNG—No, reported next day.

Hon. Sir MACKENZIE BOWELL—It seems to me when a petition is presented you cannot say it has been received by the Senate, for the reason that the Senators do not know what the petition contains unless it is read to them, and it is merely presented and handed to the clerk. Then it is referred to the committee to see whether it is in accordance with the rule, or whether it contains any objectionable matter. To depart from that practice would be to entail on the clerk and the Speaker a duty which they could not well perform, and it would be better to adopt the other principle which I have suggested, requiring the member presenting the petition to state that there is nothing objectionable in it. Then he is not to be the judge. The Senate must be the judge. I think it would be a mistake to depart from the usual practice in these matters. You would either have to throw a great deal of work on the Speaker and the clerk, or raise a discussion on every petition presented.

Hon. Mr. YOUNG—A petition is not received the same day it is presented. During this discussion somebody suggested the clerk should have supervision of petitions.

Hon. Sir MACKENZIE BOWELL—Before presentation ?

Hon. Mr. YOUNG—No ; the clerk has no authority in the matter at all.

Hon. Mr. LANDERKIN—I think the difficulty might be obviated if the members who present the petitions would look into it to see if the rule is observed ; otherwise decline to present them. No trouble need arise. It is easy to understand the rule and any difficulty like this might be obviated. I think in this case it would be a hardship. The petition contained so many words it extended to the end of the page, and it was impossible for the signers to do otherwise than they did. As the House has received the petition it cannot go back on it now. After a member has examined the petition and has seen it is in conformity with the rule, it would be no harm if the Speaker was invested with power to look over the petition and verify the correctness of the view of the member who presented it.

Hon. Mr. VIDAL—The trouble I see is that neither the Speaker nor the clerk has power at present to make any such decision. The rule of the House is perfectly clear and distinct and I think the committee has acted wisely in not taking action on the petition. They simply refer the matter back to the House and explain the difficulty. It appears to me that it is actually necessary, before that petition can be received and examined by the committee, that the House shall say that they will accept it with this deficiency. It is a very simple question and might easily be decided, and if the House, guided by the Secretary of State, considers it is a mere accidental mistake, the rule might be suspended and it would go to the committee to be examined as to its contents.

Hon. Mr. LANDRY—Before suspending the rule will the hon. gentleman say if the petition was signed on the same sheet or on another page ?

Hon. Mr. YOUNG—No, no signature appears on the original sheet. It is on another sheet pinned to it.

The motion was agreed to.

BILL INTRODUCED.

Bill (N) An Act for the relief of Stephen Wilson.—(Hon. Mr. Young.)

THE CANADIAN EMIGRATION AGENT AT LIVERPOOL.

INQUIRY.

Hon. Sir MACKENZIE BOWELL inquired :

Whether Mr. Dyke, for many years Canadian emigration agent at Liverpool, England, received on his retirement a superannuation or retiring allowance ? If not, is it the intention of the government to recognize his services by placing him under the provisions of the Superannuation Act, or by granting him a retiring allowance ?

He said : My reason for asking this question is that I understand that no action has been taken in reference to this gentleman, who, as every one who has visited England during his occupancy of the office knows, was one of the most attentive and faithful servants that Canada ever had in England or in Europe. I understand also that Mr. Sifton, Minister of the Interior, under

whose direction Mr. Dyke would act, promised on May 7, 1897, certain consideration either by the way of superannuation allowance, or some retiring allowance, and that the premier, Sir Wilfrid Laurier, in October last, referred to a retiring allowance being granted. In fact, both these gentlemen, I understand, made indirect or direct promises that this should be done, and if I were to express an opinion, I would simply reiterate what I have said from my own knowledge of Mr. Dyke and the services he rendered this country from what I saw when in England, that he has been a very faithful and deserving servant, and in his old days, as we recognize the principle of superannuation which may be called pension, or some allowance, it ought to be given to him, and that too, particularly as he is, I understand, in pecuniary difficulties.

Hon. Mr. SCOTT—I entirely agree in the hon. gentleman's suggestion as to Mr. Dyke's services. The memorandum sent me from the Department of the Interior, is not very clear. It reads as follows :

Mr. Dyke received on his retirement, a retiring allowance of one full year's salary, $3,200, provision therefor having been made by parliament in the supplementary estimates for 1898-9. As Mr. Dyke did not contribute to the Superannuation Fund, there is no provision of the law under which he can be given a retiring allowance and it was in view of this that the vote was made for him.

This memorandum is not very clear as to when this $3,200 was paid to him, although it says it was voted in 1898-9. I therefore will be very glad to make further inquiries.

Hon. Sir MACKENZIE BOWELL—It is very likely that the granting of this allowance might have been what they considered a compliance with promises which had been made. As Mr. Sifton's promise was made in 1897 it would lead one to suppose that that was the fact. The hon. minister knows Mr. Dyke's services as well as I do, and if anything can be done for him I trust that it will be done.

SUBSIDIES TO PROVINCIAL GOVERNMENTS.

INQUIRY.

Hon. Mr. MACDONALD (B.C.) rose to

Call attention to the financial arrangements entered into in the union of the North American Colonies in 1867 into a central federal authority under the name of the Dominion of Canada, including the colonies joining the Dominion after that date, that the provinces have outgrown, and no longer consider satisfactory the financial arrangements made and considered satisfactory thirty-six years ago, and will ask is it the intention of the government to give effect this year to the request of the provincial governments for an increase in their present annual subsidies ?

He said : Having made that statement, I think it is incumbent on me to show that financial readjustment is absolutely necessary between the federal authorities and the provinces. I want to tell the House, first of all, that this is not a party question in any way, nor is there any intention to reflect on any body of men. Hon. gentlemen will understand that my remarks apply to the whole Dominion, and not to my own, or to any special province, and I hope they will help to elucidate, if not to solve, the problem of a reasonable readjustment of financial affairs between the federal and provincial governments. I fully recognize that the subject to which I am about to direct attention is a far-reaching one, as affecting what should be the relative financial positions of the federal and provincial governments. This discussion is but the very thin end of the wedge which must be driven home with greater force before long. The provincial governments have taken up the question of readjustment, and have made certain recommendations to which I shall allude hereafter. So soon as the electors get their understanding sharpened, and fully realize what they contribute, and how little they receive back, the question will be pressed on their representatives in parliament for an adequate provincial control of the public revenue. I know perfectly well that a readjustment cannot be arrived at in a day—that time, and financial skill are necessary to its accomplishment. Although this is the case, my remarks must necessarily refer largely to finance, and having to look into some of the provisions of the British North America Act, one cannot rise from its perusal without admiration at the construction of the constitutional portions of it, which have gained strength with usage, as well as from its being an Imperial Act. The constructors of this Act were the best and brightest intellects of Canada. Their patient skill, ingenuity, and astuteness will always command our admiration. Their difficulties in reconciling conflicting opinions, adjusting and moulding into a concrete workable authority the separate North

American colonies, was no easy task. We know to-day how difficult it is to agree on small affairs. It is pleasing to think that many of the noble men lived, and still live, to witness and enjoy the harmonious working of the system they inaugurated and completed. By them the separate North American colonies were bound into one Dominion, and remain bound by a band of British loyalty, making for stable government, peace and progress. Astute as those grand old men were, they could not have foreseen, and could not have provided for the great expansion of commerce, the advance in wealth and the increase in population, which has taken place in thirty-six years. Whilst on the subject of progress, I will allude briefly to another master stroke, and the finishing link by the father of confederation in binding the colonies, viz., the construction of the Canadian Pacific Railway, which has added enormously to the expansion of commerce, brought the vast unpeopled plains of the North-west into civilization to be producers of wealth and food, not only for this country, but for Great Britain, and other countries.

The managers of this great railway have not only done this, but with their magnificent steamships have brought Canada into close commercial contact with China, Japan, Australia and various islands of the South Seas; and with its recent acquisition of a steam fleet on the Atlantic, its avenues of commerce encircle the largest part of the globe. To keep abreast with this general progress, the provinces feel that their means are limited, which has caused a strong growing opinion that the time for a financial readjustment between the Dominion and the provinces has arrived. At the time the colonies federated, it was settled that the Dominion was to receive the whole revenue from customs, inland revenue, post office, canals and government railways, and other minor revenues, and in return had to pay all the officials necessary to perform its own service, from governor down to messenger, and to return to the provinces eighty cents per head of their population, and in addition for government purposes—Ontario, $80,000; Quebec, $70,000; Nova Scotia, $60,000; New Brunswick, $50,000; Manitoba, $30,000; British Columbia, $35,000, and Prince Edward Island, $30,000. In the first year of confederation, 1867-8, the revenue was $13,687,928, which no doubt would be a good reason for the small annual allowance to the provinces. In the sixth year of the Dominion the revenue came up to $24,205,092, when a readjustment was made, giving an augmentation of subsidies based on the balances of provincial public debt at the time of federation, amounting in all for the seven provinces to $358,612. The public accounts show that for various causes additions were made to the subsidies of some of the provinces. Nova Scotia received an extra per capita grant. I cannot state accurately how much. New Brunswick is allowed $150,000 per annum in lieu of an export duty it had previously imposed. Manitoba is allowed an increase of $20,000 for maintenance of government, and $100,000 in lieu of land. British Columbia is allowed $100,000 in lieu of about fifteen million acres of land given to the Dominion as a contribution for building the Canadian Pacific Railway. Prince Edward Island received more additions in proportion than any other province, such as in lieu of land, $45,000, additional subsidy $50,000.

The revenue contributed by the provinces for 1902 was $11.60 per head of the population, equal to $58,052,333, out of which 82¼ cents were returned to the provinces—or in all, for the seven provinces, $4,421,657. The expenditure from consolidated fund was $50,759,391, exclusive of the expenditure on capital account, showing a surplus of revenue over expenditure of $7,292,942, which could properly and justly be returned to the provinces with which they could carry out their own public works.

On the other hand, why was it necessary to borrow on capital account $10,078,638, when this surplus was in sight? This is a question for the Minister of Finance to answer. Whilst on the subject of surplus, and as there is a good deal of boasting from time to time on this head, it may interest the House to know that from 1867 up to 1902, there were periodical surpluses amounting to $67,772,976. Of this large amount the Conservative administration is to be credited with $38,048,681, and the Liberal administration with $29,379,275. Two years surplus, 1881 and 1882, under Conservative rule, was $13,380,843, and the two years, 1900 and 1902, the surplus under Liberal rule was $15,346,112. This shows that the race is not all on one side. Two years after the adop-

tion of the national policy, in 1880, the surplus was $4,132,743, and the year after it rose to $6,316,351, as against a deficit in the five years previous, 1876 to 1880, of $7,970,-184. If these figures prove anything, it is that the national policy was the greatest blessing commercially ever bestowed on this country, and these figures show also the wisdom of the Liberal administration in not disturbing that policy. To make the financial position quite clear it stands thus: The Dominion receives all the revenue from sources before mentioned and pays all officials in the different provinces necessary for its own purposes. The amount is included in the expenditure already mentioned of $50,759,391. Hon. gentlemen can form their own conclusions when they consider—and I hope they will consider carefully—that out of $11.60 per head contributed by the provinces, they received back 82¼ cents, or in other words, out of $58,032,333, the provinces received in all $4,421,657, for the year 1902. I may mention by way of comparison what has been done in the Commonwealth of Australia. It was agreed, when the six colonies became confederated, that the revenue collected in each should be returned less a per capita contribution for the maintenance of the federal central government. The figures for the year 1902 were, revenue, $56,000,000; required for purposes of central government, $20,000,-000; returned to the six states, $36,000,000. This is a splendid showing for the early days of the Commonwealth, and is a forceable example of the wisdom of the leading men in those states by placing themselves in an independent position, free from the necessity of begging and praying for money grants for public purposes, as the provinces in this Dominion have to do. This should be an object lesson to the central authority to return to the provinces annually, as a matter of right without the present grinding process, all over and above that necessary to carry on the central government. At this early stage in this discussion, I have avoided any statement of the proportion of revenue which should be retained by the federal government, and how much should be returned to the provinces. Nor have I alluded to the public works which could be placed under the control of the provinces in the case of increased subsidies by a readjustment. It will, however, be well, for a clearer understanding of this question, to state what the provincial premiers have asked for. Their request is exceedingly moderate; the chief demand being an increase in the amounts allowed at present for maintenance of government and legislation, graded according to the population of the provinces, ranging from $150,000 to $250,-000 per annum. The seven provinces received last year, under this head, $375,000, and the sum asked for would add to this $705,000. They also ask that all the provinces should receive the per capita allowance of 80 cents, according to the decennial census, until the population of a province reaches 2,500,000, when the 80 cents should drop to 60 cents. Ontario and Quebec are now paid on the census taken 42 years ago. This is the strangest condition of the British North America Act. How the provincial commissioners could have agreed to this, as if they had never looked for an increase of population, and expansion of commerce, I cannot imagine. The increase and expansion came, however, and then came necessary demands for the administration of law, prisons, education, hospitals, and kindred institutions. The more our population increases, the more the federal revenue increases, but the greater becomes the outlay and expense of the provinces for the administration of justice, public schools, and other purposes. This reasoning cannot be controverted, and in the face of it I think hon. gentlemen will agree that the demand of the provinces through their premiers is a fair and just one. It is very certain that this matter cannot stand as it now is. Will any one say, or think, that the conditions which prevailed at the time of confederation are applicable 36 years afterwards? I now ask the question on the Order paper.

Hon. Mr. SCOTT—The fallacy of the hon. gentleman's observations must be apparent when you come to recollect that he assumes that the expenditure made by the Dominion is not for the benefit of the provinces. It simply becomes a question who should spend the money—who can meet the requirements of the various sections of the Dominion, the federal or provincial authorities. It matters not what you give the provincial governments, as experience has shown. They

are always wanting more, and the more they get the more they spend. They undertake to subsidize railways and bonus various industries and give bounties for iron and steel, some of them, and in a variety of ways they are expending sums on items never contemplated at the time of confederation. They assume to take the place practically of the federal power. The general opinion has been that the federal government can expend the money much more judiciously and prudently. It is well known that at the time of confederation all this was considered, and it was stated that if additional amounts were required by way of preserving the proper economy that should prevail, the provinces were given the right of taxation, but many provinces had large sources of wealth which, if economized, enabled them to spend a very large sum, larger in some cases than were contemplated at confederation. They shared in the general prosperity that arose. Take the hon. gentleman's own province. Is not his own province to-day very much richer than it was at the time it came into confederation in 1871 ? It has mines of gold, silver and coal—enormous areas of land that are of immense value. They have been given away most generously. We had a crisis the other day owing to the evidence of its extreme generosity and the scramble there was for those lands which were thought to be particularly valuable. The hon. gentleman must recollect that within a few years after confederation there was a cry for better terms, and that has been kept up from time to time ever since. It matters not how much you give to the provinces, they seem to want more. In 1884, seventeen years after confederation, an arrangement was made under which a very large increase was given to the provincial legislatures. That was understood to be a finality. The provinces accepted it as such, but it was no finality. The government have had to come to the relief of the provinces since then, although the arrangement then was understood by all parties to be final. The province of Ontario is now building a railway towards the north, a very proper enterprise. They have the wealth and enormous areas of public land which are to-day yielding immense revenues in consequence of the increased value of the timber. The same remark applies to Quebec. The government went into debt rashly, for what reason ? For the purpose of building great railway lines. They built a trunk line from Quebec to Ottawa. To assist them, afterwards it was taken over by the federal power. I merely mention this to show the tendency of the provinces to spend all they get and a good deal more. The only province really that is entitled to much consideration in that respect is the province which has no areas of public lands, that is Prince Edward Island. The other provinces had more or less resources which developed in value and wealth as this country prospered, and are developing to-day by leaps and bounds. Take the spruce lands and water powers of the province of Quebec to-day. They are worth millions and millions more than was calculated at the time of confederation, and it only requires economy and proper management to make the most of those resources. The fact of the federal government increasing the subsidies would have no influence whatever on the expenditures of those provinces. It would simply enable them to spend more. There ought not to be two spending channels, provincial and federal, on the same line. Take that element of expenditure, a serious one, subsidies to railways. Why should not that be left to the federal authority ? It was never originally contemplated that the provinces were to have means to go into huge expenditures of that kind. If they go into such a policy you cannot check them, and if they run beyond their means they appeal to the federal government. It makes no difference if we double or treble the revenues of a province, it is easy come easy go. They get the money out of the public treasury and will say there is more to be got there if they want it. The hon. gentleman said the electors of this country had a voice in it. Do they not get the benefit of the expenditure through the federal channels ? Of course they do. I doubt very much if the electors would join in the conclusion the hon. gentleman reaches, that the expenditures should be through provincial channels. I do not think the management of some of the local governments of the Dominion would justify the conclusion that it was safe or proper to entrust to them the expenditure of large sums of money. We need not go further

than the hon. gentleman's own province. Since confederation British Columbia has had at various times an increase of subsidy. The province entered the union with a population of 60,000, and it got 80 cents per capita. That increased until the subsidy amounts to 80 cents on 142,000. Then there was the compensation, which was a very queer way of expressing it, for lands given to the Canadian Pacific Railway. The lands were not taken out of British Columbia. The Canadian Pacific Railway Company were supposed to get the benefit of the land grant through British Columbia in order to help to build the line. After the province had given the land, a stipulation was made that the federal government should allow them $100,000 extra, because the Canadian Pacific Railway passed through these lands, and then at that time everybody supposed the minerals went with the land. They knew it was not agricultural land, that its value was purely as mineral land, but the government of British Columbia thought they would make a good thing—thought they would get a judgment giving them back any value in the land, and so they went to the Privy Council and the Privy Council decided they were entitled to everything under the surface, so they got the value of that land and $100,000 in addition.

Hon. Mr. MACDONALD (B.C.)—But the government have the land.

Hon. Mr. SCOTT—They have the rock.

Hon. Mr. MACDONALD—Fifteen million acres of land.

Hon. Mr. SCOTT—Yes, the rocks on the surface. They are worth very little. Nobody would purchase them as agricultural lands.

Hon. Mr. LOUGHEED—All the Privy Council held was that the precious minerals were vested in the Crown, and the other minerals in the railway company.

Hon. Mr. SCOTT—Yes, the precious metals were reserved. That was not the original idea when the land was donated. The original idea was that the grant carried everything with it. That had prevailed in all the other provinces, and the question had never been raised. In the early patents of George III., they did reserve the gold and silver, but in the last forty or fifty years there has been no such reservation in a patent issued by a provincial government.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman referred to that portion of British Columbia lying to the north-west of the province east of the Rocky Mountains, in addition to the twenty miles to which the hon. gentleman referred—referring to the railway belt exclusively.

Hon. Mr. SCOTT—Yes, that is all. That is the railway belt, as it is called to-day. I do not think it would be a wise policy for the federal authority to re-arrange at this day the basis of the confederation unless in the case of Prince Edward Island, which really has so little to come and go on. Last year, on the pretext of the winter service that had not been as well carried out as it might have been, we did make an allowance. It was a fair claim, and I think on that basis an additional amount of $30,000 was donated, but that is really the only province that would be entitled to any consideration. Take the province of Manitoba. Under the arrangement made some fifteen or twenty years ago, that they should be handed over the swamp lands, from that time to this, millions and millions of acres are being handed over to them as swamp lands, and they are making huge sums of money out of them, because when they are drained they are worth from fifteen to twenty dollars an acre, and the arrangement was made when the lands were considered to be valueless. So that, I think, my hon. friend would scarcely be upheld in the opinion that the federal government ought to increase their subsidies. Take the wealthy province of Ontario. They receive from the Dominion a small part of their revenue. They are independent without that, without resorting to direct taxation. Taxation was the basis on which the provinces were to be supported outside of contributions from the federal government. None of them, I believe, have been obliged to tax themselves for provincial purposes. It is still open to them to do so, and when they are in a needy condition it is better to adopt that principle, and then economy will come in, but until the people really feel that they are paying something into the treasury they would be wholly indifferent as to the mode in which an expenditure was made. It would be a case of grab, each section of the country wanting an expenditure in its

own quarter. That certainly would be the effect of it. Some of the provinces are undertaking large enterprises. Take, for instance, the province of Manitoba, which is giving subsidies to railways. Hon. gentlemen saw the announcement the other day that in the event of the Grand Trunk going through the country the premier volunteered the statement that he was prepared to recommend to the legislature assistance to the amount of about $8,000 a mile.

Hon. Sir MACKENZIE BOWELL—That is to guarantee the interest.

Hon. Mr. SCOTT—To guarantee the interest—some statement of that kind. We know very well that they guaranteed interest and aided a United States road, the Northern Pacific, and aided a number of local lines, a very proper expenditure, so long as they have the money, but it is going too far to say the provinces should be authorized to spend their money in that way, and call on the federal treasury to make up any deficit from time to time. They have not the responsibility of it all. There is no responsibility attaches where the money is handed over in sums of $100,000 or $200,000 to a province, whereas the expenditure by the federal government is a subject of very keen criticism. It is derived from our fiscal policy and parliament discusses the mode of gathering in the income, and the mode of expenditure. It cannot be maintained that the representatives in the House of Commons are not as closely connected with the people of the several provinces as the representatives in the provincial legislatures. The latter are elected for different purposes altogether. Their mission is a limited one as compared with that of the representatives in the parliament of Canada. Under these circumstances, I think it will be conceded by those who give the matter much attention that it will be a wise decision on the part of the federal government to say that they do not propose to add to the provincial subsidy.

Hon. Mr. CHURCH—I should like to say a few words on the matter, particularly as the hon. member who made the inquiry referred to some of the provinces which received better terms than the original arrangement, especially the province to which I belong. I will speak from memory in regard to financial terms of the British North America Act in relation to Nova Scotia. I am not going to argue as to Nova Scotia in a party sense one way or the other. The hon. member has introduced the subject in a non-partisan spirit and I will deal with it in that way. In 1861, our population was 337,000, in round figures, on which we received 80 cents a head. A few years after that our great leader, the Hon. Joseph Howe, a man whose name we all respect on both sides of politics, made an arrangement with the government of that day, somewhere about the seventies, to get better terms for Nova Scotia, and the increase of 80 cents a head was then given on a population up to 400,000 people. Roughly speaking, the difference between the population on which we went in and what was given us was about say 50,000—which was received as a measure of better terms. This was a substantial increase of the amount granted under the terms of confederation. The hon. gentleman from British Columbia has alluded to the debts, and when the debt arrangement was made Nova Scotia had to its credit about a million and a quarter. On that she received five per cent interest. Those two sums gave her about $115,000, in addition to the original terms of confederation. That was quite a boon to our province at the time, considering our small revenue of about $375,000 per annum, and under that the province worked along tolerably well for a few years.

In 1874 I had the honour of being sent with my late colleague, then in the government, Hon. Thomas F. Morrison, to Ottawa, on another better terms application, and on that we succeeded in getting something allowed to us on the question of navigation securities, because it was contended the provinces had no right under the term of confederation to devote such large sums of money to the improvements of harbours and matters of that kind. And we received a substantial refund in regard to that, which the Dominion government of the day, led by Sir John Macdonald, with Sir Leonard Tilley as Finance Minister, granted to us, and that helped us along. But I want to say here, that there was a time in the history of the province of Nova Scotia since confederation when we were hard pressed for funds. We had not funds enough to carry on the necessary works and to satisfy the legitimate wants of the country which the people demanded of us, and which we had

to fight out at the polls. We said: "If they do not belong to the Dominion, we cannot help you, because we have not the funds in the provincial treasury." The great boon of taxation, we are told by the hon. Secretary of State, was given to us, and we could get funds by taxation, but I appeal to every hon. gentleman in this House whether any local government in this Dominion will want to resort to such means as that except for the sole purpose of education, which, under our Education Act of years before we entered into confederation, was made a direct tax on the people to supplement what the province could give. Beyond that no government in Nova Scotia and no government in any other province, as far as I know, would like to apply the principle of direct taxation. There is one thing in which we were fortunate in Nova Scotia, and only one thing. We had not the same condition of affairs in regard to minerals that obtained in the territories, because the gold and silver and all the metals under the surface belonged to the province, but then the mining interests of Nova Scotia were not conducted on the present great scale. The mining interests in the Dominion were not in a flourishing condition as they are now. There was not the demand for coal, and the revenue was not as great as at present. Fortunately for us in the province of Nova Scotia, we adjusted matters to the requirements of the trade, and we now get a far larger amount of revenue from that great branch of our industry, I am proud to say, than we did formerly, and we thus were enabled to keep our heads above water and our local governments of Nova Scotia, both Liberal and Conservative, for a number of years—the Liberal party has been in the ascendancy the greater part of the time since confederation—have been enabled to carry on our public works fairly well and successfully. We have been able to keep up our educational institutions with as fair success as in other provinces when our population and means are considered. The hon. Secretary of State says that we should denounce the local authorities for subsidizing railways, but if he had been a member of the government of Nova Scotia as long as I have, and a member of our hon. legislature as my hon. friend from Pictou, whom I am glad to see here to succeed that good man, the late Senator Carmichael, he would know that the local government of Nova Scotia and the members of parliament were besieged year after year for subsidies to railways, and when bona fide men make a bona fide offer, we felt in duty bound to help them as far as possible. True, we have no land grants to give now. We began with that operation. We found that it would not do, because 75 or 80 per cent of the entire Crown lands of the province of Nova Scotia have been granted, and our custom has been different from others, because we grant in fee simple there. But, fortunately for us, our mines and minerals have been developed and we have been able to keep up our credit. We do not want to draw our debt. One government, obliged by stress of circumstances, came here and withdrew a portion of the debt to our credit, but other governments took a different course. We thought as long as we could borrow money at 3½ per cent or 4 per cent at a premium, and we were getting 5 per cent from the Dominion government, it was far better for us to borrow money at a lesser rate of interest and leave the debt to our credit. In that way we have been able to keep our public works in a pretty good state. I am not prepared to go into the merits of this proposal made by the conference of local premiers but it looks well on the surface, and I think if it were crystallized into law, as it would have to be to make it effectual, there would have to be a redistribution of the powers as between the local governments and the federal authorities. There is no doubt about that. This is a broad, intricate question. As a Nova Scotian, I should like to see the Nova Scotia government get more funds from the government if they could do it properly and honestly, and only do it if the appeals of the other provinces were responded to as well. On the whole, I will say that there does appear to me to be good grounds why the terms of confederation, in that respect, should be changed so as to meet, in a reasonable degree, the demands made by the provincial premiers lately in conference, providing it can be so arranged and the powers relatively between the local and Dominion governments can be adjusted to the best interests of the country at large.

Hon. Mr. DANDURAND—I hope the hon. leader of the government does not reflect the ideas and sentiments of his colleagues

in the conclusion he arrived at in closing his remarks.

Hon. Mr. SCOTT—I did not really consult my colleagues in the matter, because I thought they had sound sense enough to concur in my judgment.

Hon. Mr. DANDURAND—I hope the hon. gentleman may find that there is quite a difference of opinion as to the propriety of complying with the demands of the various provinces. I am sorry I have not had more time to go fully into the question. I will state my views in a cursory way before this Chamber, as they came to me while the hon. gentleman from British Columbia was on his feet. Before confederation we had the customs and excise under the control of the provinces as the main revenues of the union.

Hon. Mr. DEVER—Not the excise.

Hon. Mr. DANDURAND—We had no direct taxation. Whatever moneys were gathered together—I am speaking of the older provinces—were obtained by the same means as the federal power now employs to gather moneys into its chest. The parties who did gather together at Confederation were the leaders of the various provinces who left the provinces as soon as they had made the agreement, and came over to Ottawa to direct federal affairs. The provinces were bound by them in the agreement they made, but were left to administer their affairs with another set of men altogether. Nearly all came to Ottawa to man the federal ship. We were bound by these gentlemen and we must find what their ideas were and what declarations they made, and the hopes they held out to these various provinces in leaving them a few bones to live upon in years to come. They declared—and I will simply speak of the province of Quebec, leaving other hon. gentlemen to speak of their own provinces—they declared, and it was so affirmed by some of the most prominent men who had something to do with directing the affairs of Old Canada, that one million three hundred thousand dollars was all that we would need in Quebec to administer provincial affairs. That was the outside figure. We are to-day spending in Quebec in a very economical way, outside of the interest on the debt, the sum of $3,090,000, quite an increase over the $1,300,000 that was mentioned as being the outside figure needed for the carrying on of the affairs of the province of Quebec. We are to-day attending to the various wants of the services under the control of Quebec and spending over three million dollars outside of the interest on the debt. It has been said that we can have direct taxation, that we can cope with our expenditure by knocking at every door and collecting direct taxation. I contend that direct taxation was not our habit and was not the idea prevailing before 1864, during the union, nor are they the ideas that have been held by the people throughout the land. The federal government has not resorted to that means. The people have not been educated to that idea and to-day in Quebec, as well as in other provinces, the people are strongly opposed to direct taxation. We are in favour, as we were before confederation, of collecting revenue by indirect means. The words 'direct taxation' were put there, I do not know why. They might as well be struck out, because, as has been said by the hon. gentleman from Nova Scotia, the people will not tolerate direct taxation, and I think it never entered the minds of the framers of the Act—at all events those coming from Quebec—that we would ever resort to direct taxation to even up the revenue and the expenditure. We have been accused by many people throughout the land, and by the hon. Secretary of State, of being extravagant. It is true the province of Quebec has spent considerable sums of money in railway development. I wonder if the framers of the Confederation Act ever expected that the divers provinces would put their hands in the provincial chest and help railway development? At all events, the provincial leaders thought that they owed it to the people of their own province to hurry up the development of their province and to make the necessary expenditure. I regret very much that Quebec did not do as Ontario did. and vote simple annuities to the divers railway enterprises, instead of borrowing large sums of money to help them by a direct subsidy which remains as a permanent debt on the shoulders of the province, but the government can show where the money—at all events 80 or 85 per cent of it—went to. There were years of deficits, where money had to be taken from the capital account to meet

those deficits, but over 80 per cent of the money was duly spent in the province of Quebec to help railway development. It is true most of those railways, through the working of confederation, have passed under federal control. I am only sorry that the federal power has the right to declare that an enterprise built with provincial money can be taken away from provincial control without recouping the province for the millions which it has spent for such enterprises.

Hon. Mr. SCOTT—Didn't they pay for it ?

Hon. Mr. DANDURAND—They did pay a certain sum which was not half the amount expended for the construction of the North Shore road.

Hon. Mr. SCOTT—They paid the value.

Hon. Mr. DANDURAND—They paid $6,000.000. Nearly $10,000,000 have been spent on that road—nearer ten millions than the six millions that was paid to the province of Quebec, but the difference between that sum and what was really spent on railway construction has never been reimbursed to the province, and the province does not ask for reimbursement. I contend that the settlement of 1867 is unfair and unjust. The provinces got a per capita payment of 80 cents, based on the census of 1861. The population increased year by year, and with the increase of population the charges increased, but the income remains the same.

Hon. Mr. SCOTT—You got a large addition in 1884.

Hon. Mr. DANDURAND—I am speaking of the amount we received from Ottawa. We remained with a per capita allowance since 1861 and we are simply now asking that that amount be made payable upon the population as it appears at every decennial census. I was speaking of the increased expenditure in the province of Quebec. We must spend for the carrying on of civil government a yearly sum. We spent in 1867, $213,000. We are spending to-day, even with severe pruning, a sum of $513,000. We spent in 1867 for education, $225,000. We are spending now $475,000, and we are not spending half enough. We were spending for asylums and hospitals in 1867, $175,000. We are now spending $397,000. We were receiving under the census of 1861 the sum of 80 cents per capita; we are receiving now 54 cents per capita. Our necessities for education, for colonization, for philanthropic institutions go on increasing year by year, yet we remain with the same sum that we were voted in 1867 by the Confederation Act, 80 cents per capita based on the census of 1861. The more our population increases, the more the charges increase and to meet them we have to rely on the stable sum that was fixed in 1867. The greater efforts we make to develop our province, the greater the population coming into that province and the heavier the responsibilities, the heavier the charges that fall on the province, but at the same time, for every head of population that we add to the province of Quebec we increase the income of the federal power. All our efforts tending to develop our province and increase the population go to the increasing of our charges and to the increasing of the income and revenue of the federal power through the customs and excise, while we remain with the fixed contract of 1867, giving us 80 cents per head based on the census of 1861. It seems as if we were prevented from making any effort—that we are at a disadvantage by the Act of 1867 in making any increase to the population in our province so as to prevent increased charges. Yet every province wants to develop its resources and increase its population, while of course it benefits the federal chest directly and we, on the contrary, thereby diminish our income by increasing our yearly charges.

Hon. Mr. SCOTT—The same applies to Ontario.

Hon. Mr. DANDURAND—The same applies to all the provinces.

Hon. Mr. SCOTT—No, it is limited to Ontario and Quebec.

Hon. Mr. DANDURAND—The demand that is made by the provinces, it seems to me, is a very reasonable one. It will be the survival of the fittest. As the population increases in one part of the country or the other, it should carry with it an increased subsidy per head according to the decennial census. It seemed to be fair in 1867 that we should get 80 cents per head of population, why should it not be permanently fair ? This was the basis that was agreed

upon, 80 cents per head of population. Why should we not receive that 80 cents per head of the population as it is to-day ?

Hon. Mr. SCOTT—The other provinces receive it until they reach a certain limit, 400,000.

Hon. Mr. DANDURAND—I am speaking especially of the agreement with Ontario and Quebec. In 1868 we received back 20 per cent of our contribution to the federal chest. That sum has gradually gone down. It went to fourteen, nine, seven and it is now five and a half per cent of our yearly contribution to the federal chest.

Hon. Mr. FERGUSON—How does the hon. gentleman make out this contribution to the federal chest ? On what basis is that ascertained for each of the provinces ?

Hon. Mr. DANDURAND—It is ascertained by the customs and excise.

Hon. Mr. FERGUSON—My hon. friend must know that the customs collections in Montreal are for goods consumed in all the provinces.

Hon. Mr. DANDURAND—That I know, but the figures I cite take into consideration the fair amount which should go to the other provinces. I know that on that basis a calculation made for Ontario shows a worse loss than the one I mentioned for the province of Quebec. As I have stated, I do not intend to cover the large question which is before the Senate, but I want to say that we are face to face with this difficulty : that we have a yearly increased expenditure which follows logically the increase in population, that we are confronted with the alternative, either to secure a more elastic arrangement with the federal power which will allow us an increased revenue to meet our increased expenditure, or resort to direct taxation. We are entitled to come back to the parties who have to-day all the sources of revenue on which we depended before 1867 and ask them for better terms in view of the fact that they obtained the consent of the people of Quebec to confederate and to accept the financial arrangements by telling them that $1,300,000 was all that was necessary for the carrying on of the provincial government in the province of Quebec. This was the sentiment of Sir George Etienne Cartier, Sir Alexander Galt and Sir Hector Langevin, leaders of the government for Quebec at the time. We are now spending over three millions of dollars for the different services, and we come back to the heirs of those who made the declaration that $1,300,000 was enough to carry on the government of the province of Quebec and ask them to modify that contract, make it more just and more fair, in order that we may have a sufficient amount to carry on the provincial government. We all want to maintain the provincial governments. We do not want a federal union. I am not, at all events, in favour of a federal union. I want to maintain the system as we have it to-day, but it seems to me those who made the federation contract, who thought $1,300,000 was quite sufficient to carry on the affairs of the province of Quebec, when it is shown to-day that we have three times that expenditure, will admit that the demand which is made now by the province is only fair and right. When we see how the sources of income which we passed over to the federal power have produced an increased income it seems to me the provinces should not be left under the old arrangement when important services, like education and colonization, daily suffer, more especially in the province of Quebec and Ontario. I simply speak for my own province. The leader of the government has stated it to be a grab game. We are not here for a grab game. We are here for fair play and justice, and we say that when confederation fixed the census of 1861 as a permanent basis for the payment of subsidies to the provinces of Ontario and Quebec, it was an unfair settlement and the causes which actuated the hon. gentlemen who made that bargain appear in black and white. It was based on a false conception of the cost of carrying on the government of the provinces. When we have to face those facts, it is but just that the provinces should be allowed a little more of what they gave so lavishly away to the federal exchequer.

Hon. Mr. ELLIS—The fallacy which underlies the hon. gentleman's argument is the assumption that this money is got from some other sources than the people themselves. That seems to run through the observations the hon. gentleman has addressed to us. The

least consideration will show that that is an error. When the federal authority was created and the revenues of the country passed to them, there were also passed to them the duties and obligations that the members of this parliament and of the government of Canada are discharging, and that is all part of the work which comes to us. which is incidental to confederation, and the doing of which the provinces gave up to the federal power thus requiring that power to discharge what had till then been done in another way. It is very difficult to get at what would be exact facts, and I would not attempt to make any observation concerning them here, but I observe that the hon. gentleman who presented this matter to the House, said that in 1867 the federal revenue was such a sum of money, $13,000,000, and now we have $58,000,000. That on the face of it appears to be a very nice statement, but if you examine the relative positions to-day as compared with 1867, you would find this, that the sources of federal revenue have enlarged, that is to say, there are other services which go to swell up the federal revenue, and that a proper comparison would be based on the revenue from excise and customs, what you would call the direct taxation of the people in 1867, and the direct taxation based on the revenue of the past year, or any year which you take, and that the revenues derived from public works and from the post office ought not to enter into the consideration of the matter at all, because the people of Canada get back service for that particular thing. Then another thing in getting at your basis, I should think you ought to take into account the difference between the public debt in 1867 and to-day. The interest on that debt should be subtracted from the principal sum in order to arrive at the basis of your calculation, because all that public debt has been created for the purpose and for the benefit of the people of Canada—at least I presume it has been—and we are paying interest upon that debt now. It has been money spent for the use of the people and it ought not, it seems to me, to enter into the calculations such as the hon. gentleman has submitted. As I remember, the idea was that the 80 cents a head based on the population of 1861, for the older provinces, Quebec and Ontario, and for the smaller provinces up to the maximum of 400,000, was supposed to be a sufficient sum of money to enable the provinces to carry on the government of the province and to discharge such reasonable duties as were left within the scope of the provincial governments. The larger duties passed over to the federal government, and therefore there was not needed such a sum of money as would be covered by the continued increase of the population. It must be remembered that if a tax were levied upon the continued increase of the population it would not be contributed by the gentlemen round these benches, but by the people themselves. They would have to be taxed for it. My hon. friend showed there were surpluses of $67,000,000 since confederation, but everybody knows that is rather a fallacy. The debt of the country has increased very largely, and while you may make a comparison between revenue and expenditure, yet when you come to take the whole revenue of the country and contract with the amount which we have spent, greater than the revenue, you will find there is no such surplus at all. Of course it is according to a system of book-keeping, which may be proper in itself, but for purposes of this argument it should not be taken into account, because the hon. gentleman seeks to convey the idea, or if he does not he does convey the idea, that this money has been kept by somebody, and that it might as well be distributed among the people. That is not the fact at all.

Hon. Mr. MACDONALD (B.C.)—I took the public accounts. The Finance Minister said there was that surplus.

Hon. Mr. ELLIS—I presume that surplus has been spent for the benefit of the country, for the uses and purposes which this parliament controls. The hon. gentleman who has just spoken, rather reflects on the fathers of confederation. I do not pretend to praise them, or say anything concerning that, because I was an anti-confederate. I am not quite sure, looking from the standpoint in my own province, whether the province to which I belong has benefited by confederation at all. I will not enter into that here. They assumed that 80 cents a head on the population of 1861 would be ample for the purposes of the provinces. My hon. friend from the district of de Lorimier (Hon Mr. Dandurand) says that the

province of Quebec now requires $3,300,000 —that was his figure, I think.

Hon. Mr. DANDURAND—$3,100,000 outside of the interest on the debt.

Hon. Mr. ELLIS—Where does that money come from ? The hon. gentleman says there is no direct taxation in his province, and he seems to think direct taxation would be a dreadful thing. Has that money come through the development of the province or from the federal government ? Has the creation of the federal government so developed the province of Quebec that this $3,100,000 is now raised through that development without any tax on the people, and largely through the administration of federal affairs ? That would seem to be a question which might fairly enter into the consideration of this problem. I think one of the great mistakes the fathers of confederation made was in allowing anything to the provinces at all. The evil effects of it remain and will remain, and there will be constant raids on the federal treasury. One must often regret that the gentlemen who administer the affairs of the provinces are not able to administer them with the revenue at hand. I believe if the system in the United States had been adopted in early days of the federation, and direct taxation had been adopted by the provinces, there would have been a more economical system of government—that the people would themselves have looked more sharply after the accounts, and the affairs left to the administration of the provinces would be carried on with more economy and more satisfaction than now ; but the temptation was left to the local governments to come here and look for more money. They entered upon railway building and schemes which were not presumed to be within their power at all. The late premier, Hon. Alex. Mackenzie, thought he saw a means of assisting the provinces in their development by giving them old rails, and it was a fatal gift in a sense. These rails were good and useful, but the gift carried the provinces into a system of extravagance which, in some respects at least, is entirely unnecessary and one effect of which is that the governments are constantly coming to Ottawa seeking to re-arrange the financial basis of confederation. I hope the Secretary of State will be able to induce his colleagues—he says he has not consulted them—to maintain the view he has expressed, and let it be known to the people of the country everywhere that there will be no re-arrangement of the existing system, that the people must look where they can raise the money for themselves—that if they spend more for provincial purposes they must raise it by the different modes of taxation allowed them by the Act of Confederation, and that it shall not be necessary for the federal government to increase the taxation of the country for the purpose of raising more money to hand over to the provinces, because that is what it comes to in the end. It is a peculiar thing that while the province of Ontario and the province of Quebec are allowed 80 cents per head, based on the population of 1861, that in the smaller provinces that allowance stops at 400,000 of a population, It would seem to be, perhaps, fair that until the population reaches an amount equal to the population of Ontario or Quebec, or the average of these provinces, that that allowance should be made. However, there is an argument the other way. I will not enter upon that, because I have spoken longer than I intended. I looked up some figures. The first amount paid to the provinces in 1872, after the census of 1871, as I make it out, was $2,930,112. After the last census that amount had increased to $4,400,000, so that there has been quite an increase by reason of these various arrangements, and it is rather remarkable that when you come to examine by provinces the percentage to each province you will find very great discrepancy. For instance, the province of Ontario gets only about 61 cents a head from the federal source, taking into account the money which it has at interest with the federal government. The interest on that I think is 5 per cent, and it is a larger interest than it would be if otherwise invested. Quebec gets 65 cents ; Nova Scotia, 94 cents ; New Brunswick, $1.48. There was an allowance to the province of New Brunswick of $100,000, because that province had an excise duty in operation and had surrendered it to the federal government. It was collecting excise duty. Prince Edward Island gets about $2 ; Manitoba, $2, and British Columbia, $1.72, as I make out the figures. But my main idea was that we ought really, as public men, having a patriotic interest in the progress of the

country, as far as possible to exercise the influence of our judgment and position against these continued raids on the federal treasury. At all events, we ought to tell the people of the country that in the giving of money they must themselves be taxed to raise it.

Hon. Mr. DEVER—I think it is a dangerous thing for any one to rise here and speak on this question in a slipshod manner. It is too serious a question for the people of this Dominion to be discussed without a knowledge of the facts. Conjecture after all does not amount to much. I shall endeavour to place the matter from my standpoint, as a representative from that province, and especially from the principal city of that province, before this House. When we entered confederation we were paying all our public expenses on a tariff of 15 per cent. We built a railway from St. John to Shediac with money we borrowed, on which we had to pay interest, and thereby added to our tariff 2½ per cent to provide funds that constructed that railroad. We met all our public engagements out of our revenue on a 15 per cent tariff. We had no excise in those days. That we knew nothing about. We were permitted to import from all the markets of the world, where we could select most judiciously. We were prosperous in our commerce and the fact is we did not have to increase as they have now. Our obligations to enable us to carry on our local and municipal governments. For instance, liquor licenses then were only twenty dollars for retail, and thirty for wholesale. Whereas now, and for some years, retail licenses have been advanced to $300, and wholesale to $500, which shows the difficulty we have to meet our public expenses. We received back, it is true, according to that arrangement 80 cents a head. That would be fair if our tariff had not been advanced so enormously. More than that, a national policy has been introduced that excludes us from purchasing goods to advantage, and the consequence is we complain bitterly that our population is not increasing, that our wealth is not increasing, that in fact we are rather at a standstill, and the other provinces by some means or other are advancing more rapidly. If this be the case, as I believe it is, I think it behooves the gentlemen who have spoken on this question to ascertain if possible what is the cause. That is the position I take, and I do trust that, instead of talking in a very off-hand manner about it, it will be discussed very carefully, so that there will be no feeling in the public mind that there is something wrong with this federation of ours. I am a confederate, and was always a confederate. I am anxious that our country shall remain a confederation and be prosperous, and one we are all able to be proud of. In order to accomplish that we must see if we can give more satisfaction to the people.

Hon. Mr. BEIQUE—I have no desire to go at length into the question, but it is too important to let the occasion pass without expressing one's opinion. The question seems to be this, as to whether when this bargain was made in 1867, the Confederation Act, any error was made, or whether the intention of the parties to the agreement was given effect to. It has been shown by the remarks that have been made by my hon. friend, the member for de Lorimier (Hon. Mr. Dandurand) on what assumption this confederation agreement was carried through. It was on the assumption that the amount of expenses in the province of Quebec—and the argument applies equally to the other provinces—necessary for the maintenance of the provincial government would not exceed $1,300,000. It has been ascertained since in Quebec, as well as in Ontario, and in every other province, that it was a complete error, that the amount thus assumed, or thus fixed, was altogether insufficient, and that the affairs of the provinces cannot be carried on at all with such sums. There is another consideration which should guide us in considering the question. It is as to whether it is proper that the revenues necessary for the carrying on of the affairs in the provinces, as well as the Dominion, should be raised by direct or indirect taxation. It seems to be recognized that our people are in reality antipathetic to direct taxation, that they are anxious that the revenue shall be raised by indirect taxation, and if this applies to the revenue necessary for the carrying on of the affairs of the Dominion, it seems to me that it applies equally to the carrying on of the affairs of the provinces.

Exception has been taken by the hon. member for St. John (Hon. Mr. Ellis) to the basis on which the hon. gentleman from de Lorimier founded his argument. He bases his argument on the total revenue which amounted to some $58,000,000, and exception is taken to that. Let us take the revenue and deduct from it the customs and excise, and see what they were in 1867 and 1868, and what they are now. In 1867 and 1868, they were $11,570,000, and the subsidies to the provinces amounted to a total of $2,753,-000, or twenty-four per cent was paid to the provinces. In 1900 and 1901, the same revenues from customs and excise amounted to $55,743,000, and the subsidies paid to the provinces were $4,400,00. At any rate, it was reduced to eleven per cent of the amount.

Hon. Mr. FERGUSON—Will the hon. gentleman allow me to point out that the building of the Intercolonial Railway and the facilities for trade opened up by confederation, and the removal of all tariffs between the provinces accounted for this advance in Quebec and the other provinces where the increased trade occurred.

Hon. Mr. BEIQUE—The customs and duties that were collected in the province of Quebec, were for goods that were distributed and consumed in all the provinces, and the objection would be a good objection if our figures were based on the amount collected in one province alone, but I am taking the customs and excise collected in the whole Dominion. Now to answer the last objection made, as to the building of the Intercolonial Railway, there is no doubt that the railway has been built. It was part of the confederation scheme, and it was built mainly for the purpose of joining the old provinces with the maritime provinces, and it has no doubt helped the trade of the country, as all railways that were built both in the province of Quebec and the province of Ontario, and in the other provinces by means of taxes or contribution of the provinces, also have gone to help the general trade of the country. But the question seems to be this: as to whether it is fair to expect that the several provinces—and the argument applies to one province as well as to another —shall levy the amount necessary for the government of the province by way of direct taxation. It has been stated what were the amounts expended for education in some of the provinces. It is known that the amount expended in 1867 and 1868 has been more than doubled, and it is acknowledged that, doubled as it is, the amount actually expended should again be doubled. Now there is not only the educational question, but the question of colonization. Is it a fair system which does not assist each of the provinces in trying to increase the population? It is known that every inhabitant, or every new parish or settlement which is added to any province, is a source of expense to the province. The subsidy is surely altogether insufficient to provide for schools, roads and general expenses, and it seems, therefore, that we should devise a scheme whereby all the provinces would have at heart the increasing of the population, which is in itself a source of revenue for the Dominion of Canada. In 1867 the revenue per capita for the Dominion was $4.05. It has now increased to $9.75.

Hon. Mr. MACDONALD (B.C.)—Eleven dollars and sixty cents was the last.

Hon. Mr. BEIQUE—Yes, but I have the figures only for 1900 and 1901. I have referred to the matter of education, and there are other very important questions which are exclusively within the control of the provinces, such as agriculture, colonization and philanthropic work. It is known that all over the world a new departure is being made: it is to create pensions for old age. The system has been applied on a very extensive scale in Germany and has succeeded. They have obtained very considerable results. The system is being applied in France, and the system is apparently now to be applied in England. It is found necessary that a labourer who has attained sixty or sixty-five years of age, when he becomes incapacitated, should not be thrown on the street. How are the provinces to provide for such requirements if they are to do it by direct taxation? It seems to me the conditions change from day to day. The changing of conditions should be taken into consideration, and without being prepared, for my part, to say on what basis or to what extent the change should be made, I am satisfied that there should be a change, and that the principle upon which the subsidy was adopted at the time of confederation,

being found to be insufficient, and not to have answered proper expectation at the time, should be modified in order to satisfy the requirements of the provinces. It has been stated by the Secretary of State that the provinces should be made to feel that it is necessary to be economical, and that there is a danger in the fact that a subsidy is paid in a lump sum, instead of being levied by votes of the representatives by way of taxation. Well, in the provinces as well as in the Dominion, the affairs are administered by the representatives of the people. Those representatives are elected in the same way in the provinces as they are for the Dominion parliament, and they are supposed to see that all sources of revenue are properly applied, and it seems to me that there is no occasion whether we take the province of Quebec or any other of the provinces, to fear that, because the subsidy would be increased in a fair measure, on a proper basis, that there would be any danger of the kind that has been mentioned. For these reasons I hope that the government will consider the question seriously, and devise a scheme whereby the errors which were evidently committed at the time of confederation will be rectified in a proper manner.

Hon. Mr. McMULLEN—In looking over the published statement of the amounts granted to each of the provinces for all purposes each year, I notice that in the case of Ontario, the subsidy is based on the population of 1861, just the same as Quebec, that the entire sum drawn altogether, amounts to $1,339,287.28. That is as near as can be a dollar a head of the population, on the census of 1861. Then in the province of Quebec, based on the same census of 1861, the amount drawn is $1,086,718, altogether for all purposes, while the population is one million odd, which is very nearly a dollar per capita of the population of 1861. So that the province of Ontario and the province of Quebec, stand in relation to the subsidies granted then in the very same position. Then we take Nova Scotia and we find that the population was 400,000 in 1891, and they draw 80 cents a head of their population. They draw altogether $422,806, or about a dollar and eight cents a head on the census of 1901, and they draw altogether $491,377, which makes $1.50 a head of the whole amount drawn according to their population of 1901. Then Manitoba has a population of 254,947, and they draw $532,904. That is about two dollars a head of the population, while Ontario and Quebec only draw one dollar a head of the population of 1861. Then Prince Edward Island drew $211,931 altogether on a population of 109,978, or two dollars per head of the population. That is from all sources. The amount drawn by British Columbia is $307,076.64 on a population in 1901 of 168,-957, or about $1.80 per head. Prince Edward Island draws two dollars per head ; British Columbia, $1.80 ; Manitoba, $2 ; New Brunswick, $1.50 ; Nova Scotia about $1.08, and Quebec and Ontario about a dollar, each based on the census of 1861. It does appear somewhat singular that the allowance per capita, so far as Ontario and Quebec are concerned, is based on the census of 1861, and has not been changed. The other provinces receive their subsidy based on the per capita of the census of 1891. It does appear somewhat singular that Quebec and Ontario should be placed upon the list according to the census of 1861, and that they were not to receive subsidies in proportion to their increased population. I think myself it is a pity that the basis of confederation was ever disturbed. It would have been very much better if all the governments that existed since 1867, down to the present time, had adhered strictly to the terms of confederation. When it is once broken through, you cannot tell where it is to stop. The provinces will everlastingly be making increased demands on the federal treasury for further allowances. It commenced with Nova Scotia, New Brunswick, Manitoba and it has gone on. I do not know where it is going to end. If our confederacy had been the same as in the United States, every state would have to provide for itself. There is no allowance made to the states from the federal treasury, and it would have been a very much better thing if we had made an arrangement of that kind. I know that people do not like direct taxation. They appear to have a serious apprehension as to its results. That feeling exists in the province of Quebec, and in Ontario there may be the same feeling, but I do not see how direct taxation is to be avoided, unless you increase the subsidy to each province and collect the taxes in other ways. In my

opinion, it would be better and people would sooner realize the results of taxation by having to provide the money in each province for their own internal expenses. They would come to understand what taxation means far better, and until they come to that, there will be increased demands on the Dominion treasury and it will become burdensome. I realize that the government stands in a peculiar position. The provinces have all joined hands in making demands for increased allowances. My humble opinion is that the government should strictly adhere to the principle it has laid down, although I frankly admit that if any provinces have ground to complain they are Ontario and Quebec. These two provinces are tied to a subsidy based on the population of 1861, and, as has been truly said by my hon. friend from Montreal, no matter how the population may increase, and, as a result of that increase, the expenditure necessary for schools and other services may be increased, they still are confined to a per capita allowance based upon the census of 1861.

Hon. Mr. ELLIS—That is the same rule as applies to Nova Scotia. I think according to the last census Nova Scotia had a population of 431,000, but the subsidy is only allowed on 400,000.

Hon. Mr. McMULLEN—But it received that right along ever since confederation.

Hon. Mr. ELLIS—No.

Hon. Mr. SCOTT—Oh, yes.

Hon. Mr. McMULLEN—Nova Scotia's allowance in 1901 was based on 400,000.

Hon. Mr. ELLIS—The hon. gentleman is overlooking the fact that the smaller provinces were allowed an increase up to 400,000 of a population. When that is exceeded, as it has been exceeded in Nova Scotia, they will get no more. The same principle precisely governs all.

Hon. Mr. SCOTT—British Columbia and Manitoba are receiving it on the last census.

Hon. Mr. McMULLEN—That may be true. That is a phase of the question I was not made aware of before, and I have no doubt my hon. friend is correct. However, notwithstanding the appeals that have been made to the government, in view of our national debt, and in view of the enormous developments that have to take place, and the necessity of expending public money in all directions for improvements of every kind necessary to contribute to the development of this Dominion, I think the provinces should be asked to provide for their local demands from their own treasuries. I am very much afraid that if the government give way to this agitation, every government that comes into power will have the same difficulty to deal with, and from year to year, and from decade to decade there will be increased demands from time to time upon the federal treasury, and the government that is in power at Ottawa will have a difficulty on hand which will amount to a very serious one before the matter is ended.

BILLS INTRODUCED.

Bill (111) An Act respecting the Edmonton, Yukon and Pacific Railway Company.—(Hon. Mr. Young.)

Bill (114) An Act respecting the Nipissing and James' Bay Railway Company.—(Hon. Mr. McMullen.)

Bill (117) An Act to incorporate the Hudson's Bay and Western Railway Company.—(Hon. Mr. Dandurand.)

Bill (120) An Act respecting the Lake Erie and Detroit River Railway Company.—(Hon. Mr. Casgrain, Windsor.)

Bill (124) An Act respecting the Hudson Bay and Pacific Railway Company.—(Hon. Mr. Young.)

Bill (132) An Act to incorporate the Père Marquette International Bridge Company.—(Hon. Mr. Landerkin.)

Bill (162) An Act respecting the Hamilton and Lake Erie Power Company, and to change its name to the Jordan Light, Heat and Power Company.—(Hon. Mr. Landerkin.)

Bill (164) An Act to incorporate the Pacific Bank of Canada.—(Hon. Mr. Templeman.)

THIRD READINGS.

Bill (C) An Act for the relief of James Reid Steele.—(Hon. Mr. Landerkin.)

Bill (A) An Act for the relief of William Allen.—(Hon. Mr. Landerkin.)

SECOND READING.

Bill (71) An Act to incorporate the Imperial Agency.—(Hon. Mr. Beique, in the absence of Hon. Mr. Owens.)

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, June 3, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (45) An Act respecting the Calgary and Edmonton Railway Company.—(Hon. Mr. Lougheed.)

Bill (47) An Act to incorporate the Nipissing and Pontiac Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (70) An Act to incorporate the Macleod and Montana Railway Company.—(Hon. Mr. Young.)

Bill (110) An Act respecting the Canadian Northern Railway Company.—(Hon. Mr. McMullen.)

Bill (119) An Act respecting the Alberta Railway and Coal Company.—(Hon. Mr. Lougheed.)

Bill (148) An Act respecting certain trust funds of the Diocese of Moosonee.—(Hon. Mr. Lougheed.)

INTERCOLONIAL RAILWAY TENDERS.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Has the government asked for tenders for making the new benches for use at the Intercolonial Railway station at Lévis ?
2. What are the names of the tenderers ?
3. What is the amount of each tender ?
4. Who obtained the contract, and what is the price given for each bench ?

Hon. Mr. SCOTT—The answers are as follows :

1. Yes.

2. Only one tender received, viz : L. P. Ferland.

3. The amount of Mr. Ferland's tender is as follows : For 185 feet standard station seating, oak $5 and elm $4 a foot. Seven circular standard station seats, oak $18 and elm $15 each.

4. L. P. Ferland obtained the contract. His tender for oak at $5 per foot for the seating, and $18 each for the oak seats, was accepted.

THE RULES OF THE SENATE.

MOTION.

Hon. Mr. BEIQUE moved :

For the appointment of a special committee of this honourable House, to confer with a like committee of the House of Commons with the view of respectively revising rules 49a of this honourable House and rule 51 of the House of Commons, and make them harmonize ; with instructions to report.

Hon. Mr. DeBOUCHERVILLE—I want some information as to this motion.

Hon. Mr. BEIQUE—The matter was gone through last year. The hon. gentlemen suggested in the motion, with the exception of the hon. Senator Young, were appointed a committee to confer with a like committee of the House of Commons for the same purpose.

Hon. Mr. DeBOUCHERVILLE—What is the purpose ?

Hon. Mr. BEIQUE—To make Rule 49a of this House, and Rule 51 of the House of Commons harmonize in connection with the publication of notices for Bills. In both Houses a notice of two months is required, and in this House the notice must be published in the local papers in every province, if the company intends to operate in every province, whereas, in the House of Commons, Rule 51 does not require any such notice. It has been found desirable that the rules should be made to harmonize and that is the whole object of the motion.

Hon. Mr. DeBOUCHERVILLE—If I understand aright, the rule of the Senate requires a notice to be given in all the provinces. If we pass a Bill in this Chamber applying to all the provinces, there should be a notice in each of those provinces, and the House of Commons does not advertise except in the official 'Gazette.'

Hon. Mr. BEIQUE—Last year when a conference took place the House of Commons Committee agreed to make their rule harmonize with the rule of this House in that respect, but the committee also came to the

conclusion that instead of requiring notice to be published for two months, one month would be sufficient. However, the committee will have to report, and it will be a matter for discussion when the report of the committee is before this House.

Hon. Mr. LANDRY—Notice of motion was given for the nomination of a special committee but we had no notice of the names of those who are to form that committee. That is quite a new procedure altogether, and I should like to know if a notice of motion should not be given before the sense of the House is taken on the new motion my hon. friend has just read. I know when the Striking Committee is formed to name the members of the different committees, their report is brought before the House, and the House takes cognizance of the names in that report, and at a subsequent date those names are accepted or changed by the House when the regular motion is put; but in this case we are offered a new motion containing names which we did not hear of before, and I ask if that is a regular way of proceeding.

Hon. Mr. BEIQUE—It seems to me that all that is required is to give a notice of motion stating the subject of the motion. The notice which was given was that a motion would be made for the appointment of a special committee for the purpose mentioned in the notice. As far as the names of that committee are concerned, it is a matter for the House, if the House decides to act upon the motion, and it seems to me there is no rule which requires that the names of the persons to be appointed shall be mentioned in the notice itself.

Hon. Mr. LANDRY—We have a special and well determined mode of procedure with the striking of a special committee. If the hon. gentleman chooses to set aside that mode and mention the names himself, he should give notice of the names beforehand.

Hon. Mr. SCOTT—The practice adopted by the hon. gentleman is the usual one in this Chamber. It is quite within the privilege of the House to name the committee. If they do not accept the names suggested, they can mention other names.

Hon. Mr. LANDRY—But there was no notice of those names.

Hon. Mr. YOUNG—I would suggest that the name of Sir Alphonse Pelletier be substituted for mine. He was a former speaker of this House and has a knowledge of the rules and practice, and would be a more useful member of that committee.

Hon. Sir MACKENZIE BOWELL—I should like to ask whether the intention of the mover, and those who are acting in this matter, is to make our rules conform to that of the House of Commons or vice versa.

Hon. Mr. YOUNG—Or strike an average.

Hon. Sir MACKENZIE BOWELL—If it be necessary to have the rules alike, all that would be necessary for the Senate to do would be to change their rules and make them conform to the rules of the House of Commons, unless it is advisable to ask the House of Commons to change their rules. If that be the object, all that would be necessary would be to give notice of a motion to change our rule in accordance with that of the House of Commons. There is no need of the conference.

Hon. Mr. BEIQUE—Last year special committees were appointed by both Houses. They met and agreed to modify the two rules in such a way as to limit the time of giving notice to one month instead of two months. The committee of the House of Commons agreed practically to adopt our rules in every respect. The matter could not be put through last year in the House of Commons, because it was at the end of the session, and I thought it was my duty to bring it up now, as I had brought the matter up last year, early enough so that it could be put through this year and we could avail ourselves of the new rule for next session.

Hon. Sir MACKENZIE BOWELL—Just as soon as that committee reports that it changes our rule in any particular, you would have to summon the whole House to approve of it ?

Hon. Mr. BEIQUE—Yes.

Hon. Mr. YOUNG—We find in the Standing Orders Committee that applicants for private bill legislation who have complied with the rules of the House of Commons, find, when they come to deal with the Senate, that an additional requirement is exacted from them, and therefore they plead ignorance on this point and ask for a sus-

pension of the rule, and it has been thought over and over again that there should be some arrangement to harmonize the rules of the two Houses. After this committee has reported, of course it will be competent for this honourable body to accept or reject the report so that we can have time to decide whether the action taken is wise or reasonable.

Hon. Mr. LANDERKIN—What objection is there to the rules we have, and what amendment is proposed by the committee?

Hon. Mr. VIDAL—It would be desirable for the hon. gentleman from de Salaberry to read to us the rule of the House of Commons so that we may know what we are dealing with. Our own rule requires that notices shall be published in every province. Wherein is that found inconvenient? Why is there a demand for the change? We would like to know what the House of Commons rule requires to enable us to decide whether there is any necessity for a change in our rule.

Hon. Mr. MACDONALD (B.C.)—The cause is we are asked continually in this House to suspend our rules and we are opposed to it. We want to make our rules conform to those of the House of Commons. Strangers mistake the one order for the other. They see the order of the House of Commons and go by that. They come before our House and find there has not been sufficient notice. I for one would like to see the rules of the two Houses made to conform. The number of days' notice given by the House of Commons is quite long enough.

Hon. Sir MACKENZIE BOWELL—There is another reason. If you desire to incorporate a bank, under the rules of the Senate you have to advertise the application in every province and territory where you propose to do business. That is not necessary by the rules of the House of Commons. That is one case in which there is a difference in the rules. Notice of Bill may be legally published under the House of Commons' rule, but when it comes to us it may be that it has not been advertised in the North-west Territories or British Columbia, and the rule has to be suspended to allow the Bill to pass the Senate.

Hon. Mr. YOUNG.

Hon. Mr. DANDURAND—I think the rule of the Senate is too stringent, and I hope we will give way to a certain extent to the House of Commons and try to strike a happy medium.

Hon. Sir MACKENZIE BOWELL—I think that is the general opinion.

Hon. Mr. LANDRY—I proceed further with the point I raised a moment ago, calling the attention of the Speaker to Bourinot, second edition, on page 497, in which he says:

> By the 31st rule it is ordered that two days notice shall be given of a motion for the appointment of a committee; but none is necessary in the case of matters affecting the privileges of the House. It is the regular course to give the names of the committee in the notice of motion unless it is intended to have it appointed directly by the House.

Hon. Mr. BEIQUE—That is the case.

Hon. Mr. LANDRY—No, that is not the case. Bourinot says:

> Once appointed by the House, he calls in the regular alphabetical order the names from a printed list—

Hon. Mr. MILLER—The hon. gentleman is reading the practice of the House of Commons. That is not applicable to the Senate.

Hon. Mr. LANDRY—I see nothing for the Senate except what I have read. Further on, Bourinot says:

> Members are frequently added or substituted in place of others without a notice being given; but objection may be properly taken to this course, and the regular procedure in both Houses is to give previous notice in the votes and minutes of proceedings.

'In both houses,' says Bourinot.

Hon. Mr. FERGUSON—I think it is scarcely regular, after giving notice for the appointment of the committee, to embrace in that motion, not only the principle of appointing the committee, but to include the names of the members. The latter course is to submit a resolution in the terms of the notice, and then the House afterwards could deal with it.

Hon. Mr. LANDRY—Let it stand as a notice of motion.

The SPEAKER—If the rules are to be insisted upon strictly, I think the hon. gentleman from Stadacona is right.

Hon. Mr. BEIQUE—Then I drop the names.

Hon. Mr. LANDRY—The hon. gentleman may give the names as a notice of motion.

Hon. Mr. BEIQUE—Yes.

Hon. Mr. LOUGHEED—Wherein is the difference between paragraph A of rule 49 and the Commons' rule ? This is not the rule which deals with the advertising in all the provinces.

Hon. Mr. BEIQUE—We have section C in our rule, which says :

Where the Bill is intended to operate in more than one province, territory or district, such notice shall be published in the 'Canada Gazette' and in a leading newspaper in each province, territory or district in which the Bill is to operate.

Hon. Mr. LOUGHEED—The hon. gentleman only proposes to deal with 49a. That is not what we want to reach. It is 49c.

The SPEAKER—Better say rule 49 without specifying the subclause.

Hon. Mr. BEIQUE—I drafted the notice on the proceeding of last session, and the mistake happened then. It should have been 49, instead of 49a.

The motion was agreed to.

Hon. Mr. BEIQUE—I move that a committee be appointed, composed of the Hon. Sir John Carling, Senator Macdonald (Prince Edward Island), Sir Alphonse Pelletier and myself.

Hon. Mr. LANDRY—I object to this kind of procedure. There was no notice given.

The SPEAKER—It is unusual to take an objection to a purely formal motion like this. There is a rule of the Senate which the hon. gentleman from Stadacona overlooked. At page 496 of Bourinot, I find :

Notice should properly be given of all motions for select committees ; but it is not the invariable practice in the Senate to include in the motion the names of the members, which may be given by consent of the House when a motion is duly proposed. But no doubt it is the more convenient and regular course to include the names in a notice of motion.

I may say that I think the general interpretation of the expression 'consent of the House,' is that it means the unanimous consent, and if the hon. gentleman from Stadacona objects, then the motion cannot be put.

Hon. Mr. LANDRY—Certainly I do object.

The SPEAKER—Then I suppose the hon. gentleman will give notice before the House rises.

Hon. Mr. SCOTT—It will stand as a notice for to-morrow.

EXPORT DUTY ON UNMANUFACTURED WOOD.

INQUIRY.

Hon. Mr. LANDRY inquired :

Has the government received from the prime minister of the province of Quebec, from the government of the said province, or from the colonization commission which replaces it, any request whatsoever tending towards the imposing of an export duty upon the exportation of unmanufactured wood from this country ?

Hon. Mr. SCOTT—No.

APPOINTMENT OF E. C. FRY.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Is it the case that Mr. Harold Kennedy, of the city of Quebec, has refused to be appointed a member of the commission on means of transportation ?
2. Is it true that Mr. E. C. Fry, of the city of Quebec, was appointed, upon the refusal of Mr. Kennedy, or has the position been offered to him ?
3. Has he accepted it ?
4. Has the Chamber of Commerce or the Harbour Commission of Quebec been consulted on the subject of the appointment of a member of the commission on means of transportation ?
5. Was Mr. Kennedy recommended by either of these corporations ?
6. Who recommended the appointment of Mr. E. C. Fry ?

Hon. Mr. SCOTT—The answer to the first question is, yes. To the second, yes. To the third, yes. To the fourth question, No. To the fifth question, No. To the sixth question the answer is, the government.

APPOINTMENT OF P. VILDEBON SAVARD.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Is there at present in the government service, more especially in the Department of Marine and Fisheries, a person answering to the name of P. Vildebon Savard, of Chicoutimi, advocate ?
2. What position does he occupy, and what are his duties and the nature of his employment ?
3. Since when has he occupied this position?
4. At what salary ?
5. Is his salary by the day, the month, the year, or by the job ?
6. Who was the employee that he has replaced ?

7. How much pay had his predecessor ?
8. If he had no predecessor, is it the intention of the government that he should be the first of his kind, and that the place created for him shall continue after him ?
9. Has he passed the examinations required by law ?

Hon. Mr. SCOTT—The person to whom the hon. gentleman refers is a gentleman belonging to the legal profession in Canada, and is usually designated in more courteous terms than the hon. gentleman's query. The answers to the hon. gentleman's questions are as follows :

1. Mr. P. V. Savard, as a member of the bar of the province of Quebec, has been retained by the Department of Marine and Fisheries to inquire into certain legal points and facts connected with conflicted claims of the federal and provincial governments and the Labrador Company to the right of fishery within the limits of that portion of the north shore of the Gulf of St. Lawrence, known as the Mingan Seigniory.
2. Answered above.
3. Fourteenth of May, 1903.
4. No regular salary.
5. Five dollars per day.
6. No predecessor.
7. Answered above.
8. Employment merely temporary and of short duration ; full information being required without delay.
9. No examination demanded for professional services.

GEORGIAN BAY CANAL.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Has any company, in the past, asked for governmental aid in the construction of the Georgian Bay Canal, at a depth of fourteen feet ? What was the aid asked for ?
2. Since that, has the same company, or any other company, offered to construct the same canal at a depth of twenty-one feet, and what was the aid asked for ?

Hon. Mr. SCOTT—The answers are as follows :

1. Yes, the New Dominion Syndicate of London, England, asked for government aid at a depth of fourteen feet. The aid asked for was that the government guarantee the interest at the rate of 2½ per cent on $25,000,000 of the company's bonds for a term of twenty-five years.

To the second question the answer is, No.

Hon. Mr. LANDRY.

IMPERIAL AGENCY BILL.

MOTION.

Hon. Mr. BERNIER—Before the Orders of the Day are called, I would direct attention to the motion adopted at our last sitting. When the House was about to adjourn, this Bill (No. 71) was referred to the Committee on Miscellaneous Private Bills. The Bill in question deals with financial matters entirely, and it seems to me it should be referred to the Committee on Banking and Commerce, and with the consent of the House I move that the motion referring the Bill to Committee on Miscellaneous Bills be rescinded and that the Bill be referred to the Committee on Banking and Commerce.

Hon. Mr. YOUNG—The gentleman who had charge of the Bill desired it to be referred to the Committee on Miscellaneous Bills.

Hon. Sir MACKENZIE BOWELL—What is, the title of the company ?

Hon. Mr. BERNIER—An Act to incorporate the Imperial Agency. It deals with mortgages, debentures, loan securities and so on.

Mr. SPEAKER—That is a motion which can only be made by unanimous consent.

Hon. Mr. BERNIER—The Hon. Mr. Owens is in charge of the Bill. In his absence it was taken charge of by another member. I understand he has no objection to this course being taken.

Hon. Mr. BEIQUE—I have no objection. I think the Bill should have been sent to the Banking and Commerce Committee.

The motion was agreed to.

CHINESE IMMIGRATION RESTRICTION BILL.

SECOND READING.

Hon. Mr. TEMPLEMAN moved the second reading of Bill (No. 82) An Act respecting and restricting Chinese Immigration. He said : This Bill is practically the law as it is at present on the statute-book. The only difference is the increase of the head tax on Chinese from $100, as it exists at the present time, to $500. There may be, and I think there is, a small change in respect to the fines imposed for violation of the law, but in other respects, except these two,

the Bill is the same as the law on the statute-book. It consolidates the present Acts. In submitting a Bill of this character to the House, it will be expected I should give some reasons why this parliament should be asked to increase the head tax on the Chinese to $500. This is not a party question. I am very glad to know that both political parties in the province of British Columbia are committed to this principle, while both political parties in Canada have committed themselves to the principle of restricting Chinese immigration. The first law placed on the statute-book of Canada was in 1884, when the present leader of the opposition in this House was a member of the Conservative government. In answer to a long continued agitation on the Pacific Coast province they passed a law imposing a head tax of $50 on Chinese coming to Canada. That law, passed as I say, in compliance with public opinion in the west, remained on the statute-book until two years ago, when this government increased the head tax to $100. The restriction of $50 it was found had not any material effect in decreasing the arrivals of these immigrants in Canada. I believe the increase from $50 to $100 has not had a very material effect either in decreasing the immigration of orientals into this country, and so this government, again in response to the public opinion of the west, has determined to raise the head tax on Chinese from $100 to $500. This is no new legislation. As the House will know, almost every English speaking country in the world, other than the United Kingdom itself, has a law similar to this. In Australia the several states had restrictive legislation as against orientals. When the commonwealth was formed, it passed a law, if not prohibitive, at least imposing a very large head tax on the Chinese. New Zealand had a law imposing £100 tax on Chinese. I think that law was repealed and a law on the lines of the Natal Act, which imposes an education test, was passed by the parliament of New Zealand.

Hon. Mr. McMILLAN—With what effect ?

Hon. Mr. TEMPLEMAN—With the effect of excluding almost entirely Chinese from that colony. The South African colony of Natal has had for many years a law, known generally as the Natal law, which, as I said before, has an educational test—that is, immigrants coming into Natal are required to answer certain questions in some language of Europe, which, of course, is impossible for Chinese or Japanese to comply with. In the United States, as we all know, after long years of agitation and numerous laws and treaties, there is to-day in existence in that country an absolute prohibition of the Chinese labouring class. That law is to-day in full force and effect. I think that law also applies to the United States colony of the Hawaiian Islands. So much for the laws in force against the orientals throughout the English speaking world.

Hon. Sir MACKENZIE BOWELL—Has that law been applied to the Hawaiian Islands since the acquisition of those islands by the United States ?

Hon. Mr. TEMPLEMAN—Yes, and I believe an effort is being made to apply the same law to the Philippine Islands, now a possession of the United States, and will, I think, before long, be enforced in those islands. As I have said, public opinion in the west is unmistakably in favour of further restriction of the influx of orientals. The hon. the leader of the opposition the other day presented to this House a petition signed by about three hundred people of the cities of Vancouver and Victoria, and I think the petition of the president and secretary of the Presbyterian Synod in the city of Montreal was submitted to this House the other day, which, to my knowledge, are the only petitions which have been presented to the Senate against the proposed legislation. I hold in my hand the petition read by the leader of the opposition. I have scanned it carefully, and I must say it is the most inconsequential petition that has ever been presented to parliament in the face of the almost unanimous public opinion in the cities in which the parties who signed this petition live. The petition as presented does not contain the name of one working man, to start with. It does not contain more than two or three names of the business men of the cities of that province. Of the three hundred names, fully one hundred and fifty are those of young girls.

Hon. Sir MACKENZIE BOWELL—What does the hon. gentleman mean by young girls ?

Hon. Mr. TEMPLEMAN—Ladies and young women.

Hon. Mr. FERGUSON—Surely the hon. gentleman does not say it is an inconsequential petition for that reason.

Hon. Mr. TEMPLEMAN—I say it is an inconsequential petition, because it does not contain the names of that class of people who are affected materially by the presence of the orientals in British Columbia. On one page alone, more than half the names are those of young women. At the same time, there are a number of names of very prominent citizens, such as architects and civil engineers and retired gentlemen living on their means, and among the whole list I see the name of only one clergyman, the Rev. Arthur Beanlands, of Victoria. So much for the public opinion of the province of British Columbia as against the proposed legislation. Now, as my hon. friend from the city of Victoria will know, because he is an older resident of that city than I am, for many years there has been a long continued agitation against Chinese coming into the province. I am sure he will agree with me that there is but one opinion in the west on this question. It is true that for every hundred people there may be eight, or ten, or fifteen who hold very strong views in the opposite direction in regard to the matter, but I am quite sure, from my experience of the country for twenty years, that ninety per cent of the people of British Columbia are in favour of the absolute prohibition of the immigration of Chinese into the country. As against the few petitions that have been presented on this question, I call the attention of the House to this fact, that in the year 1891 there were over seventy petitions presented to the Dominion parliament, representing every trade and calling, praying for restrictive legislation. In 1892 there was a still larger number of petitions presented for the same purpose. In 1897 a petition signed by 1,934 electors of the island of Vancouver, another by 600 citizens of Nanaimo, another by 2,700 residents of British Columbia, and others from many of the rural districts, declaring that the $50 head tax was inadequate and praying for additional restriction. Since that time there have been very many petitions presented, not only to this House, but to the provincial legislature. Now, the provincial legislature has one long consistent record against Chinese immigration into the province. There is not one member of the thirty-eight in the local legislature to-day that is in sympathy with Chinese immigration into that province.

Hon. Mr. LANDRY—Will the hon. gentleman be good enough to let us know if all those petitions come solely from the west ?

Hon. Mr. TEMPLEMAN—No. As a matter of fact there have been very many petitions presented from every province of the Dominion, coming almost exclusively from the labour unions of the eastern provinces. I did not mention that, because it goes without saying that the labouring men of the country, whether in British Columbia or in the east, are opposed to the immigration of the Chinese, and naturally would petition parliament for restrictive legislation ; but the particular petitions I have been referring to, which I have quoted as an offset to the petitions presented against this Bill, have been presented by people residing in the Pacific coast province. It is needless for me to call the attention of the House as further indicating public opinion in the west to the course of the British Columbia legislature, during the last ten or twenty years, in enacting anti-Chinese legislation. Scarcely a session of the legislature has been held that has not witnessed the passing of some law prohibitory of Chinamen and Japanese. I mention this simply, as I said before, to indicate that public opinion in the west is emphatically in favour of the adoption of the law which the government now proposes, in answer to that public demand. I have thought, notwithstanding that both political parties have committed themselves to the principle, that possibly this House might not be quite unanimous in accepting this Bill, and that it is incumbent on me to present some additional reason why this law should pass. In doing that I shall have to quote somewhat largely from evidence taken recently by the commission appointed by the government which proceeded to British Columbia and made a very valuable and, I think, a very authentic report on the whole question. I would be pleased to know that that report has been read by members of this House.

Hon. Mr. DeBOUCHERVILLE—Has it been distributed ?

Hon. Mr. TEMPLEMAN—Yes, printed and distributed. I am quite sure any hon. gentleman in this House who has carefully perused the evidence adduced before this commission, would have only one opinion in regard to this Bill. The commission as I have said, visited every portion of the west, visited Washington, visited San Francisco, visited the Sound cities, took the evidence of all classes of people, and a great many of every class, and after a year's work, compiled this very valuable report. Their finding at the end of the report is as follows :—

Your commissioners are of opinion that the further immigration of Chinese labourers into Canada ought to be prohibited ;

That the most desirable and effective means of attaining this end is by treaty supported by suitable legislation ;

That in the meantime and until this can be obtained the capitation tax should be raised to $500.

The only point upon which your commissioners could not agree is the date when the capitation tax of $500 ought to come into effect. The chairman and Commissioner Foley are of opinion that the capitation tax should be raised to $500 at once, while Commissioner Munn is of opinion that $300 should be imposed for two years, and if a prohibitive treaty be not obtained within that period, that it be then raised to $500.

So that the commissioners were unanimous in their finding, and in pursuance of that report the government have brought in this Bill raising the head tax from $100 to $500. The House will pardon me if I have to refer considerably to this report and read somewhat copiously from it.

Hon. Mr. MACDONALD (B.C.)—Plenty of time, read it all.

Hon. Mr. TEMPLEMAN—If the hon. gentlemen would assure me that they have read the report, I would gladly not do so, but it is a valuable document, as it covers every business interest and every industry in the province.

Hon. Mr. McMILLAN—Would the hon. gentleman tell us the names of the commissioners ?

Hon. Mr. TEMPLEMAN—Mr. R. C. Clute, of Toronto, chairman ; Mr. D. J. Munn, of New Westminster, representing the employers' interests, and Mr. Christopher Foley, representing the labour class.

Hon. Mr. DeBOUCHERVILLE—I have not seen that report, and I understand that some of the other members of the House have not seen it either. As time is not very pressing, I should like to have the report to read.

Hon. Mr. SCOTT—It was distributed last year.

Hon. Mr. DeBOUCHERVILLE—I do not remember having seen it.

Hon. Mr. TEMPLEMAN—I got this copy out of the library.

Hon. Mr. DeBOUCHERVILLE—I think we have plenty of time. Give us a day or two to read the report. I should like to read it.

Hon. Mr. TEMPLEMAN—We have no desire particularly to press this to a second reading to-day if any one wishes to refer to the report.

Hon. Sir MACKENZIE BOWELL—We can go on with the discussion.

Hon. Mr. TEMPLEMAN—I should like to give the hon. gentleman some information from this report which will whet his appetite so that he will procure the volume for himself, and read it.

Hon. Mr. FERGUSON—The evidence is not printed.

Hon. Mr. SCOTT—Oh, yes.

Hon. Mr. TEMPLEMAN—Much of the evidence is given here, although this is a condensation. A great deal of the opposition to Chinese restriction comes from the churches, from clergymen in the east who think that this is un-British and contrary to Christian sentiment.

Hon. Mr. McMILLAN—They are right.

Hon. Mr. TEMPLEMAN—I shall quote the views of the members of the cloth in British Columbia who were called and gave their evidence. They are all opposed to the admission of Chinese, with the exception of Rev. Arthur Beanlands, whose name appears on the opposing petition. Throughout his entire evidence—much of which at all events is here—he argued that it was in the interests of the country that a servile class should exist here.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman know whether any of those gentlemen expressed stronger opinions against the principle of the Bill than his colleague, the hon. Secretary of State ?

Hon. Mr. TEMPLEMAN—I do not know what my colleague said, nor do I know exactly the views of the hon. leader of the opposition on this question. He was at one time a member of the government which passed a law imposing a head tax on the Chinese, and I am quite sure that whatever my hon. friend the leader of the House may have done years ago, my hon. friend the leader of the opposition will be true to his principles of twenty years ago and will support this Bill very heartily.

Hon. Sir MACKENZIE BOWELL—This is the age of reformation.

Hon. Mr. TEMPLEMAN—I will read from the evidence of the Rev. W. Leslie Clay, minister of the Presbyterian church at Victoria, one of our most prominent divines and an excellent Christian in every respect. I trust the House will listen carefully to this evidence, because I am founding my entire argument on the opinions of these many witnesses. The Rev. Leslie Clay said :

I have resided here seven years. We have been carrying on mission work for ten years. There are three white and two Chinese missionaries in the province.

The Rev. Mr. Winchester, the superintendent of Chinese missions reported in 1899 thirty-six Chinese as members of the church. They are rather averse to Christianity. This arises from their satisfaction with their own social life and a contempt of everything of western social life. The converts are principally of the labouring classes, domestics and laundrymen. . . . I don't know of any of the educated classes of Chinese accepting Christianity. The presence of any large number is not desirable. I object to more Chinese.

My hon. friend from Victoria, I hope will pay due regard to the views of the representatives of the church in his city. The evidence continues :

I think that Canada should have a strong robust nation. The vast resources ought to afford scope for our own people. They show no signs of assimilation with us. They can never be assimilated, and if they could it would not be desirable. . . . . I would not exclude the Chinese or any other nationality on any other ground than of self-preservation. . . .

Their presence here has a tendency to retard the incoming of our own people. I have had people tell me their places were taken by Chinese or Japanese. I am inclined to put them in the same category. Their competition is more intense and more general. There would be the tendency of forming a servile class. Morally they have a different standard. They are addicted to certain vices which they do not regard as vices. Of their virtues, they are plodding, patient, sober, thrifty people. Gambling and opium seem their great vices as we see it here. I don't know in regard to the social evil that they are any more immoral than whites. I am told they are not.

This is the evidence of the Rev. Leslie Clay, the minister, with whom my hon. friend is probably well acquainted. He continues :

We should keep Canada for ourselves and such as will assimilate with ourselves in making Canada a great country. So far as I know the Christian converts are sincere. There are thirteen converts in Victoria. Last year forty-seven attended the week school. There are several missions in Victoria. I would not consider even Chinese Christians in large numbers desirable. The ground I take is that they seem impossible of assimilation with us.

Hon. Mr. McMILLAN—I think it is a good thing they do not.

Hon. Mr. TEMPLEMAN—The evidence of the reverend gentleman is continued as follows :

Q. Would not the whole race be much better off if the Chinese were left alone and kept within their own walls in China ?—A. I do not see how we could keep them within their walls and seek to enter within those walls ourselves. I say their presence here in any large numbers is detrimental to the existence of our own people, and as a matter of self-preservation some steps ought to be taken immediately to limit their coming or to prohibit them altogether, but it is a question involving some other matters, but I see no reason why we should not be able to prevent any more coming here.

Q. Taking all these things into account, what do you think the Founder of the Christian religion would advise under the circumstances ?—A. I do not know just what Christ would advise in the matter, but in what I have said here I have endeavoured to give an interpretation of Christ's mind in the matter. I do not say I am correct in this at all, but I have given you my conviction after careful study of the whole question. I have no doubt Christ would approve of self-protection.

Then the Rev. Elliot S. Rowe, Methodist minister of the city of Victoria, formerly a prominent clergyman of the city of Toronto, and very well known, no doubt to the people of Toronto, one of our ablest clergymen, testified as follows :—

I think their presence here has a detrimental effect. Perhaps the better way would be to say that the Chinese have an injurious effect upon white labour here and, of course, the Chinese have an injurious effect upon the markets here, because they are not purchasers to a large extent of manufactures, and they affect different lines of business in which they become actual competitors with the white people. Their presence here is a decided injury to economic conditions; and a large number of them coming here would be a decided disadvantage to the community ; it will be far better for the community and for the province that employment in the different trades and callings should be given to white men who will come here and settle and raise families here than to give it to the Oriental, who by his competition, by his being able to work for low wages because of his mode of living, is gradually driving white men out of the country.

Q. In regard to the question of citizenship ?—A. Of course any importation into a province or into a country should have reference to citizenship; we want people here who will take an interest in our laws and institutions and ultimately become citizens, an integral part of our community; such people as those who are in, not taking any interest in our laws and institutions become a menace to the community.

Q. Do you think the Chinese as a class take any interest in our institutions one way or another ?—A. I do not think so.

He said further :

Q. The strength of a people I suppose must largely lie in the class of people who occupy the various callings of life ?—A. Yes, to have a progressive nation there must be an intelligent moral lower class, those who do what might be called manual or menial work; a class who, frugal in their habits and pure in their lives will build up a community rapidly and who will reside with us permanently, improving themselves as opportunity offers. . . . . I think it is very injurious to the country to have any class of the people in the community who will not assimilate, who have no aspirations, who are not fit to live in social and political relations with our people; it is certainly a disadvantage to the country at large to have such a class of people filling up every avenue of labour as they are doing to-day. Their presence here has been very detrimental in the past, and I have no doubt will continue to be detrimental as long as we have Chinese here.

Then there is a page or two more from the same witness to the same effect. Then I will read from the evidence of Bishop Perrin, of the Anglican church of the city of Victoria. My hon. friend from the city of Victoria was sometimes accused of being pro-Chinese—I am not quite sure about that, but he will, I am sure, attach great weight and importance to an expression of opinion from Bishop Perrin, the head of the Anglican church as to the effect of the church on the Chinese :

We have had a missionary from China. We try to show them that Christianity is a higher truth. We have not admitted one single member to baptism. . . . My opinion is that when the Chinese awaken they will be found all over the world. I don't think things ought to be allowed to go on as in the past. . . .

I think the present immigration is not a desirable one for the country, because they are not the best representatives of the race. The presence of a transient population is inimical to the best interests of the country. The encroachment of these people on the ordinary occupations of the people of the country is also a dangerous and objectionable condition.

That is the evidence of Bishop Perrin :

Hon. Mr. MACDONALD (B.C.)—Can the hon. gentleman tell us what the Methodist church that he belongs to, has done in Victoria with Chinese converts ? They have built a big church themselves, and schools, and they have Methodist preachers to instruct them.

Hon. Mr. TEMPLEMAN—They have tried to do a great deal. The Methodist church has had a mission in the Chinese quarter in Victoria for many years, and had Chinese ministers at work. Notwithstanding their efforts, here are the views expressed by the leading Methodist clergymen.

Hon. Mr. MACDONALD—There are two sides to that as to every question.

Hon. Mr. TEMPLEMAN—There are two sides, and they are expressed in this report. You will find this fact, however, that fully 80 per cent of the evidence that is given in this book is in favour of the absolute prohibition, or at all events of the restriction of Chinese immigration.

The Reverend Edwin Scott, Methodist Minister at Vancouver, says : I have resided here two years. We have about eighty Chinese in connection with our night school. It is their object to acquire English, and with many their whole object. If they come they should be distributed over the whole province. I don't think it desirable to have them come. They do not assimilate. It would not be desirable if they did. I have no ill-will to those who are here, but I would see that no more came.

Rev. Roderick George Macbeth, Presbyterian minister of Vancouver, Rev. John Reid, jr., minister of the Independent church, gave similar testimony. I would extend my quotations to too great length if I gave them all. The Rev. Dr. Roland D. Grant, Baptist minister said :

In 1880 Portland had a population of 20,000, of which 6,000 were Chinese. Now there is a population of 100,000, and 5,000 Chinese. The Exclusion Act did not interfere with the friendship of China. I think a people have that moral right (i.e. to exclude). If they could intermarry that would be the settlement and the only settlement. I never could find but two Chinese women in Boston. The spirit of exclusiveness remains the same after conversion as before. I do not think an Exclusion Act here would produce any shock. It would be quiet and unobserved. It would be beneficial to the Chinese here. . . . . .

If you go down to the root of the matter it must centre itself in the question of the family. The Chinese coming here as they are coming, without families, must have a deteriorating tendency, and the conditions under which the Chinese live here do not favour the introduction of their families.

John Parry Bowell, Methodist minister at New Westminster, gave long evidence to the same effect. Rev. Alex. Brown, Winchester, a prominent Presbyterian clergyman and missionary for many years to the Chinese in

Victoria, who has resided some years in China, and is now in Toronto, and who by the way is pro-Chinese—distinctly so—gave evidence before the commission. In it he says :

The presence of Chinese in British Columbia in some cases affects the white wage-earners favourably, in others, prejudicially. If Chinese were coming into the country in large numbers I would favour restriction. I would not favour restriction of Chinese alone, but would restrict a large influx of foreigners from any quarter. I would base terms of restriction upon character and education. A foreign emigrant should be able to read some European language; should come into the country for some stated purpose, and should show some reasonable prospect of becoming a permanent citizen.

That is the view of probably the strongest pro-Chinese clergyman who has been in the province of British Columbia, and he is a friend of the Chinese to-day. These are the only witnesses who appeared to give evidence from the standpoint of the church, so far as I know, in the province of British Columbia except Canon Beanlands. As an interesting piece of evidence, I would recommend hon. gentlemen to read what he says. He favoured the introduction of Chinese in very large numbers for the purpose of creating an absolutely servile class who would never rise any higher than the servile status, and he argued it would be in the interest of the country that that should be done. It will be argued probably that the exclusion of Chinamen to any large extent would interfere with very many of the industries of British Columbia. No doubt that will be one of the arguments—it is one of the arguments on the coast by a small number. I have heard myself 'we want Chinamen here to clear and work the farms.' The commission went very fully into that question. I will give you only a few quotations, but they will be representative ones. The Richmond Farmers' Institute, at a meeting on May 14, 1901, passed a resolution containing this clause :

We believe that there should be a tax of not less than $500 on each person of either race on entry to the country, and also a rigid educational test.

Henry Thomas Shrift, a farmer residing at Hazelmore, said :

At many of our meetings resolutions have been addressed to the Dominion and provincial governments asking to restrict this and promote the class which we most desire. Many of our members are old country people and from eastern Canada—not of a low class. We feel persuaded it would be immensely in the interest of the country to offer this desirable class inducements to come, either from Eastern Canada or from the old country. There is an immense amount of money sent out for agricultural products. A person going on some of our lands cannot make a living, and they find the outside callings filled with Oriental labour, and they cannot get work to help them out till they get started. Market gardening would be the first thing to be taken up, and the Chinese practically control that business.

The Chinese prevent people coming in. We want these 'settlers' for social live—for churches and schools, and not have to tramp several miles for one of our own kind.

He was strictly in favour of prohibition. Wm. H. Brandrith, representing the views of the Fruit Growers' Association, said :

The association are in favour of total prohibition—no further immigration to be allowed. . . . The membership of our association is about eighty. There are 250 on the roll. Eighty have paid their annual fees and are in good standing. There were twenty-three or four at the annual meeting. I think every one has expressed his views to me.

Alex. Cruikshanks, a prominent farmer, gave similar testimony. N. C. Schow, assistant city editor of the Vancouver 'News-Advertiser,' gave long evidence to a similar effect. James Thomas Smith, a farmer residing six miles from Vancouver ; Michael Finnerty, a farmer well known by my hon. friend opposite, one of the best farmers near the city of Victoria, also gave material evidence to the same effect. No one excepting possibly Mr. Edward Musgrave, a gentleman retired and working a farm near Cowichan, living probably on his income, gave evidence in the opposite direction, as also did Capt. Edward Barclay, a retired military man in the Cowichan district. These are the only two witnesses who testified in favour of Chinese immigration. Samuel N. Robins, of Nanaimo, superintendent of the New Vancouver Coal Company, one of the leading citizens of the province of British Columbia, a man who is as well informed on the Chinese question, and trade and immigration, and the effect of oriental immigration on white labour, as any man in British Columbia, says :

I think the immigration of Chinese into this province should be entirely stopped, either by prohibition or a prohibitive head tax. . . .

Owing to the apparent superabundance of Chinese labourers, my opinion is that none of the existing industries in the province would suffer by prohibiting Chinese immigration. I don't think it would be wise to put off the time for excluding them. In fact, I think if it be an evil the sooner it is checked before it grows to unmanageable dimensions the better.

Hon. Sir MACKENZIE BOWELL—Where does he live ?

Hon. Mr. TEMPLEMAN—Mr. Robins has been for twenty years in British Columbia. He is superintendent of the New Vancouver Coal Company, a large company at Naniamo. He is retiring now and returning to England. His evidence is here quoted in connection with the agricultural interest. He goes on to speak about farming, and his evidence in another place is given in connection with coal mines. Mr. John Armstrong, a farmer, residing in Surrey, several years a councillor and five years reeve, says :

The general view is that heretofore they have not been a great detriment to the farmer, but in the future almost absolute restriction is advisable.

Harry Nelson Rich gave a similar opinion. Almost all the witnesses who were examined in respect to the effect of Chinese immigration in regard to the agricultural industry, testified that it was in the interest of the province that no further immigration should be allowed. In respect to the employment of Chinamen in the coal mines of the province—probably that is our largest industry—it will be interesting to know what the men representing the coal mines have to say. I quote Mr. Samuel M. Robins——

Hon. Mr. MACDONALD (B.C.)—I can quote the contrary from Mr. Robins, to show how useful the Chinese have been.

Hon. Mr. TEMPLEMAN—That must be over twenty years ago.

Hon. Mr. MACDONALD—It does not matter how long ago.

Hon. Mr. TEMPLEMAN—I challenge the hon. gentleman to show one word from Mr. Robins in the last ten or fifteen years in favour of the admission of Chinese.

Hon. Mr. MACDONALD—I will quote presently.

Hon. Mr. TEMPLEMAN—In respect to the employment of Chinamen in the coal mines, Mr. Robins, who has been for twenty years general superintendent of the Vancouver Coal Company, favours exclusion at once. Mr. Francis Little, the general manager of the Wellington colliery, thinks there should be no restriction whatever. This is one of the Dunsmuir mines. Mr. Andrew Bryden, manager under Mr. Little, says :

There is no difficulty in getting the number of Chinese we require. If no more Chinese came in it would not affect us. There are sufficient here now for any purpose we require. I do not care to express an opinion upon restriction further than I have gone.

Mr. John Matthews, local manager of one of the Dunsmuir mines, the Union mine, manager under Mr. Little, says :

Speaking as a citizen, if there were more whites to take their place it might be better. It would not affect us much if the Chinese were shut out. It might indirectly affect us through the miners. It would be sure to raise the price of wages. I think there are enough here at present for my purpose. I do not think restriction would have any disastrous effect.

These are the views of the managers of all the coal mines on the Pacific coast of British Columbia. In the Fernie mine, and Crow's Nest Pass coal mine, no Chinese whatever are employed.

Hon. Sir MACKENZIE BOWELL—Have you the evidence of Mr. Dunsmuir ?

Hon. Mr. TEMPLEMAN—In their report the commissioners say :

The commission were not favoured with the views of Mr. Dunsmuir, although requested. In an official utterance, dated October 9, 1900, as premier of the province, he favours 'an increase of the per capita tax in such measure as to surely limit the number of immigrants, and by enactment of legislation similar to the "Natal Act," to regulate their employment while in the country.'

That is what Mr. Dunsmuir, as premier, assented to, but in his private capacity he did not express his opinion. We all know Mr. Dunsmuir has all these years been employing Chinamen, and is to-day.

Hon. Sir MACKENZIE BOWELL—And having plenty of trouble with them.

Hon. Mr. TEMPLEMAN—There are no doubt a good many employed around his mines, although, generally speaking, not underground. I think he employs white labour principally. Another very large industry in British Columbia is that of lumber. The summary of the evidence given by people who are concerned in the lumber indsutry is as follows :—

The export of lumber last year from British Columbia to foreign countries was over 84,000,000 feet ; of this, three mills—the Chemainus, Hastings and Port Moody—exported about 97 per cent.

The Chemainus, which exported 38,000,000 feet, employ 186 whites, 74 Chinamen and 86

Japanese. The Chinese have only been employed, except as cooks, within the last eighteen months. The manager says: We have doubled the capacity of our mill. I would prefer to pay double the price for white men. We use no Chinese or Japanese in the woods, except for grading and carrying wood and water. If I had my way I would have Norwegians and Swedes with big families. I am in favour of an exclusion Act. We have enough of them here.

That is from the manager of the largest exporting lumber mill in the province of British Columbia.

The Hastings mill exported 24,000,000 feet. They employ 512 men, of whom 93 are Japanese and 10 Chinese. The Chinese are employed exclusively as cooks. The general manager of this large concern thought harassing enactments a mistake, and as to the Japanese the arrangement should be by treaty, and added: I don't approve of them as citizens. There is no chance of their becoming citizens. This applies to both Japanese and Chinese. If they were excluded, wages would not increase immediately. It might have that effect.

The Moodyville mill export about 20,000,000 feet and employ 110 men, of whom only 10 are Chinese and 40 Japanese. Of the Chinese, five are employed as cooks and five on contract work at so much a thousand, running a machine for pickets and staves. So that none at this mill are employed in the expert trade.

The North Pacific Lumber Company employ 91 men, of whom 45 are whites and 46 Japanese. No Chinese are employed.

The shingle business is a very large industry. The report says:

The conclusion reached is that neither Chinese nor Japanese are essential to the success of this business, but being available and conveniently employed by contract, they have become a part of the machinery of production which would for a time be thrown out of gear if they were discharged. They are at present more convenient, but not essential. There is a supply for many years to come, and if no more came in no permanent injury would result. The stability of the business does not depend upon them.

In respect to the canning industry, the canning of salmon on the Fraser river is unquestionably a very large industry and a large number of Chinamen are employed in those canneries. The result of the evidence given by the cannery men, boiled down is as follows:

IV. There is a sufficient number of Chinese in the province now to meet present requirements and supply the demand for years to come, although in an emergency occasioned by an unusually heavy run difficulty is sometimes found in getting an immediate supply.

V. Opinion is divided among the cannerymen as to the expediency of prohibiting further immigration. Two were in favour of no restriction whatever and thought that something in the nature of coolie labour, or at all events cheap labour, necessary. One declined to express an opinion, and one thought the present restriction sufficient. Two favoured further restriction and one exclusion, and all agreed that the Chinese labourer did not make a desirable citizen and ought not to have the franchise.

The commissioners, in summing up the effect on the canning industry, conclude as follows:—

The exclusion of further Chinese is not likely to seriously affect this industry, for:

(a.) There are sufficient Chinese already in the province to meet the demand for years to come, having regard to the views generally expressed by witnesses as to a maximum development having been reached, and the possible depletion of supply and the number of Chinese now in the province.

(b.) The change will be so gradual as to be all but imperceptible, and may be met by the employment of whites and Indians.

(c) On the Sound where the Exclusion Act has been in force for many years and the number of Chinese decreased in the last decade, it has not retarded the development of this industry, but on the contrary it has received its chief expansion during this period, many millions having been invested therein within the last three or four years, and this although Chinese are employed both on the Sound and in Alaska, as they are in British Columbia.

There is nothing disclosed in the evidence as it affects this industry which renders it inexpedient, if otherwise desirable, to exclude the further immigration of Chinese into the Dominion.

In respect to domestic service, there is very extensive evidence, the finding in that regard being as follows:

While opinions differ, it may at once be conceded that under present conditions it is exceedingly difficult to obtain white servants, and a large proportion of those who employ domestic servants are dependent upon the Chinese for a supply.

The cause of this abnormal scarcity of white domestic servants is not far to seek. The callings requiring unskilled labour are largely filled by Chinese and Japanese, who have thus taken the places of fathers of families from which, under normal conditions, domestic servants would be drawn.

In Victoria for instance there are 3,000 Chinese engaged in various callings, or unemployed: 198 market gardeners, 48 saw-mill hands, 886 cannerymen, 197 laundrymen, and over 800 labourers employed and unemployed. Can it be doubted that if these positions were filled with white men, a large proportion of whom might be expected to have families, the difficulty of obtaining white servants would be greatly minimized? If callings usually filled by white men, with families from whom domestic servants are usually supplied, are occupied by Chinese, is it surprising that there is a great scarcity of domestic servants, and how can it be expected to be otherwise until these conditions are changed? This applies with greater or less force throughout the province.

At present there seems to be a surplus of both Chinese and Japanese, some of whom doubtless will take to domestic service, and should no more Chinese come into the country, with the present supply already there, this question, like others will adjust itself to the new conditions.

Similar evidence was given in regard to the laundry business which there, as here, is pretty well monopolized by Chinamen. The question of Chinamen working on railways was also dealt with. An important witness from the Esquimalt and Nanaimo Railway, Mr. Marpole, of the Canadian Pacific Railway, and others gave evidence, and the summary is as follows —

There are 4,693 men employed on the Pacific division of the Canadian Pacific Railway, of whom only 99 are Chinese, 70 Japanese, and 4,524 whites, including 341 inland steamer employees. The superintendent of this division stated that the Chinese have been gradually eliminated. It will thus be seen that on the Canadian Pacific Railway the Chinese represent only about two per cent of the total number of men employed.

From 150 to 200 white men are employed on the Nanaimo and Esquimalt Railway, and from 40 to 60 Chinese. The general manager of this road stated that there was no scarcity of Chinese.

Your commissioners think it clear that having regard to the small number of Chinese employed on the railways, it cannot be said that they are to any considerable extent dependent upon this class of labour for their successful operation, but in any case the supply is ample.

In respect to unskilled labour it is unnecessary to give the evidence. I presume there is not a single labourer in British Columbia who does not favour restriction. The conclusion is as follows :

The result of the evidence bearing upon this subject is beyond question. The conditions which result from the employment of Chinese and Japanese in every avenue of unskilled labour prevent many white immigrants from coming to the province, and induce many who have come to leave. The occupations which usually afford work for boys, girls and women are all occupied to a great extent by Chinese and Japanese, with the result that steady employment is largely closed to the youth of the country and to women who have to seek employment of some kind to earn their living, and apprehension is expressed, which we think well founded, by many prominent witnesses and heads of families of all classes as to the outlook for the youth of the country, and fear is expressed that as they grow up, they will have to seek a livelihood beyond the limits of the province.

That I know is a very serious question, what is to become of the boys of the country ? I am quite sure most of them will have to be sent abroad to learn trades and get into business, because there is no field for them in British Columbia. It might be material, and I am quite sure it would be material to this question to know what has been the effect of the total exclusion in the United States. It seems to me it would have a very strong bearing on this case. The commissioners very wisely took considerable evidence from prominent people in Seattle, San Francisco, Portland and other places in the United States, on this point. Mr. Stetson of the firm of Stetson and Post, one of the large milling companies of Seattle, says :

The question is settled. No industry has ceased because of it that I know of. The law has been enforced and its action has passed out of recollection.

Stetson and Post employ 125 men, none of whom are either Chinese or Japanese.

W. H. Perry, assistant general manager of Moran Bros. Lumber Company, Seattle, who employ 100 men, but no Chinese or Japanese, states there are no Chinese or Japanese employed in the lumber mills in the city of Seattle or its neighbourhood. J. W. Clise, President of the Chamber of Commerce, Seattle, says :

The Exclusion Act is in force and the question is one which is regarded by most of the people as settled and done with. There are some of the large institutions I think would have liked to have had the law a little modified at the time of its passing, but I think it has given general satisfaction.

A. H. Grout, Labour Commissioner of Seattle, testified :

I think a large majority of our citizens would be in favour of continuing the law as it is in force at present. I think the majority of employers are in favour of continuing the law as at present. I do not think there is any industry in our state or in this city that suffered by reason of the Exclusion Act.

Theodore Ludgate, formerly of Peterborough, Ontario, a lumber merchant who employs 150 men, when asked as to the prevailing opinion as to the Chinese and Japanese, answered : 'They are not desired here at all.' W. T. Harris, of the Whatcom Falls Mill Company, employing 75 men, says:

We experienced no difficulty in getting common or skilled labour. The principal industry at Whatcom is lumbering. The coal mines are several miles from town. They employ all white labour.

W. Sherman, manager of the Bellingham Bay Lumber Company, says : 'There is no difficulty in getting labour.'

Mr. S. E. Masten, of Portland, Secretary of the Board of Trade and Commerce of that city, states 'the number of Chinese had diminished very much in the last ten years,' and when asked whether the introduction of the Exclusion Act had any effect on business, said :

I do not think so. I do not think that any action that has ever been taken against the

Chinese here has ever affected our trade in any way. I am only speaking from my own personal observation. I know it has never interfered with our business.

Mr. J. M. Lawrence, city editor of the 'Oregonian,' and Mr. H. S. Rowe, mayor of the city of Portland, gave evidence to the same effect. F. V. Myers, Commissioner of Labour Statistics, San Francisco, said :

The Chinese question has been considered a dead issue. It is a closed issue now under the Exclusion Act.

James D. Phelan, mayor of San Francisco, says :

I do not believe there was any appreciable jar or that there was any loss appreciable by the introduction of the Exclusion Act. I believe the companies are in favour of the re-enactment of the law, or the enactment of a more exclusive law. They look upon it in this way—I am pretty familiar with the sentiment of the people on the subject ; I have made a study of the subject, and have come to the conclusion that we will be far better without the Chinese or Japanese ; and that without them we will still have a great development in our state, and the industrial conditions will be improved all along the line.

Mr. J. H. Barber, connected with the immigration office, San Francisco, said :

It has acted so satisfactorily that I do not think there can be said to be any greater number in the city or the state who would favour the abrogation of the Act.

It is unnecessary, I think, for me to quote any further. I would be only repeating the views already quoted.

Hon. Mr. MACDONALD (B.C.)—Is there evidence there from any of the canners on the United States side ?

Hon. Mr. TEMPLEMAN—Yes, I should have explained, and I think I did explain in reference to all those industries, I was quoted the finding of the commission, not expressions of opinion of the witnesses. If I quoted all the evidence it would be interminable, but there is the evidence of the cannery men here and the employers all round the Sound. Chinamen are only employed in a few mills there. White men are employed in a great many of the canneries of the Sound. I have quoted this evidence with a view of setting hon. members thinking, and I ask them to investigate this matter for themselves. Public opinion in British Columbia is overwhelming in support of this Bill. I think it will be a good thing for the province, a good thing for the white people of the province when it becomes law. I am sure that British Columbia can afford, and does afford a field for the young men of the east, there are great opportunities there, but so long as the Chinamen are permitted to occupy all the avenues of labour, even invading some of the trades and some of the occupations of the city, necessarily it does not afford that inviting field to the young men from the east that it otherwise would.

Hon. Sir MACKENZIE BOWELL—It has been suggested to me that, after the speech made by the hon. gentleman, the debate should be adjourned in order to go on with any of the other business, and to enable those who have not yet looked at the report to devote a little time to it. For my part, I am quite prepared to go on with the debate and give my views for whatever they are worth. I may say, however, that the hon. gentleman has pointed to myself a number of times as being a member of the government that introduced the first Bill. I would say that I am in favour of restriction yet. If the suggestion I have made is acceptable to the hon. gentleman, I will move the adjournment of the debate.

Hon. Mr. TEMPLEMAN—There is no objection.

Hon. Sir MACKENZIE BOWELL—It might be as well to make it the first order.

The SPEAKER—After third readings.

Hon. Sir MACKENZIE BOWELL—Yes.

The SPEAKER—Then it is understood that the second reading of this Bill is to be placed on the Orders of the Day after the third readings.

The motion was agreed to.

SECOND READINGS.

Bill (40) An Act to confer on the Commissioner of Patents certain powers for the relief of the International Railway Appliance Company.—(Hon. Mr. Lougheed, in absence of Hon. Mr. Kirchhoffer.)

Bill (107) An Act to incorporate the Empire Accident and Surety Company.—(Hon. Mr. Coffey.)

Bill (129) An Act respecting the Crown Bank of Canada.—(Hon. Mr. McMullen.)

Bill (43) An Act to incorporate the Regina and Hudson's Bay Railway Company. —(Hon. Mr. Young.)

Bill (88) An Act respecting the Mutual Fire Insurance Company of the City of Montreal, and to change its name to 'The Montreal-Quebec Fire Insurance Company.'—(Hon. Mr. Béique.)

Bill (113) An Act to incorporate the Sault St. Louis Light and Power Company.—(Hon. Mr. Dandurand.)

Bill (118) An Act respecting the Canada Atlantic Railway Company.—(Hon. Mr. Kerr, Toronto, in absence of Hon. Mr. Edwards.)

Bill (146) An Act respecting the Lindsay, Bobcaygeon and Pontypool Railway Company.—(Hon. Mr. Dobson.)

Bill (90) An Act respecting the Niagara-Welland Power Company, Limited, and to change its name to 'The Niagara-Welland Power Company.'—(Hon. Mr. McMullen.)

Bill (92) An Act respecting the Dominion Burglary Guarantee Company, Limited, and to change its name to 'The Dominion Guarantee Company.'—(Hon. Mr. Ellis, in absence of Hon. Mr. Casgrain, de Lanaudière.)

Bill (108) An Act respecting the Ottawa Electric Railway Company.—(Hon. Mr. Kerr, in absence of Hon. Mr. Edwards.)

DISTRIBUTION OF BILLS.

Hon. Mr. LANDRY—I wish to call attention to a grave irregularity in several of these Bills. We have not the French edition of three of them. The French edition has not been distributed and when we complain, a messenger is sent out and brings us a copy. That is not the way to treat us. We should have them on our files.

Hon. Mr. FERGUSON—It is on my file.

Hon. Mr. LANDRY—I do not object to the Bills, but I call the attention of the promoter to the fact that some of the Bills which have been passed have not been distributed.

Hon. Sir MACKENZIE BOWELL—It must be the fault of the distribution office.

DOMINION CONTROVERTED ELECTIONS ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (No. 13) An Act further to amend the Dominion Controverted Elections Act.'

(In the Committee.)

On clause 2,

Hon. Mr. SCOTT—At present a subpoena can issue, and if a party does not obey the subpoena, he is liable for contempt of court. This clause gives the judge the power to issue a warrant, and compel his attendance. In these controverted election cases, there is a good deal of effort to shirk the giving of testimony.

Hon. Sir MACKENZIE BOWELL—It is a pity the Bill does not go a little further and punish parties who leave the country and return only after the trial. We know what the practice has been in the past. A contested election trial comes on, and there are important witnesses who, if they could be secured, would give evidence which would probably disqualify the candidate. They go to the United States and remain there until the trial is concluded, and then return. It is a great pity that no provision is made to meet such cases.

Hon. Mr. SCOTT—We are moving onward and upward.

Hon. Sir MACKENZIE BOWELL—I quite agree that the government are advancing in this respect, but the progress is of the snail character.

The clause was adopted.

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

LOAN COMPANIES EXTENSION OF POWER BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (No. 24) An Act to extend the power of Loan Companies.

(In the Committee.)

Hon. Mr. SCOTT—The clauses in this Bill are taken from the Loan Companies Act that was passed in 1899. That Act applied solely and entirely to loan companies. In the Revised Statutes of 1886, Chap. 119, provision was made for incorporating loan companies. A portion of that Act applied to loan companies. Those clauses do not appear in that Act. They were introduced in recent years. The object of this Bill is to incorporate those clauses in charters granted under chapter 119, to put loan companies

which are incorporated under chapter 119, or incorporated under the more recent legislation of 1899, on the same basis.

Hon. Mr. FERGUSON—The hon. gentleman's explanation is quite correct. I have looked into the Act of 1899, and I find, as my hon. friend has explained to the House, the intention is to give companies that were incorporated under the old law the same powers as are possessed by companies incorporated under the Act of 1899, but I think that the title is entirely incorrect, if that is the object of the Bill.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. FERGUSON—It is entitled: 'An Act to extend the power of loan companies.' The Bill does not extend the power of loan companies generally, but extends the power of certain loan companies. A further objection is that the Bill is not all in the direction of increasing the power of loan companies, because clause 3 limits their power, and therefore I think my hon. friend will see in the first place it should not be entitled 'An Act to increase the power of loan companies,' but of certain loan companies, and I think the better title would be: 'An Act regarding loan companies,' because section 3 says:

> No loan company incorporated under chapter 119 of the revised statutes shall invest in, or lend money upon the security of the stocks of any other loan company.

I hope my hon. friend will look into it, and see that the title is changed.

Hon. Mr. POWER—The title should be: 'An Act respecting Loan Companies.'

Hon. Mr. SCOTT—Yes.

Hon. Mr. POWER—I wish to direct attention to one feature of the Bill. I am not questioning the policy of the Bill at all, but call the attention of the minister in charge of it to this fact, and ask him whether he thinks it desirable this change should be made. Looking at lines 11 and 12, we find that a loan company will be allowed to lend money on the security of the stocks or bonds of any incorporated company, if incorporated by the parliament of Canada, or by the legislature of any former or present or future province of Canada. Looking at the number of industrial undertakings which have been incorporated by the parliament of Canada, and by the legislatures, I think that it is very doubtful policy to allow loan companies to lend money on the stocks of those companies. I dare say there are a great many hon. gentlemen here who are unfortunate enough, for instance, to own stock in the Dominion Iron and Steel Company. As I understand it, a loan company would be authorized to lend on the stock of that company, and they are allowed to lend at the market rate. The market rate a few months ago was 77 and the market rate to-day is, I think, 13. I simply use that as an illustration, but I doubt very much the wisdom of allowing loan companies to loan money on industrial stocks.

The clause was adopted.

Hon. Mr. SCOTT moved that the title of the Bill be 'An Act respecting certain loan companies.'

The amendment was adopted.

Hon. Mr. YOUNG, from the committee, reported the Bill with an amendment which was concurred in.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, June 4, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE RULES OF THE SENATE.

MOTION.

Hon. Mr. BEIQUE moved:

> That a special committee be appointed to confer with a like committee of the House of Commons with a view of revising Rule 49 of the Senate and Rule 51 of the House of Commons, to be composed of the Honourable Sir John Carling, the Honourable Sir Alphonse Pelletier, the Honourable Mr. Macdonald (P.E.I.) and the mover.

Hon. Mr. LANDRY—I rise to a point of order. That motion is not in order.

The SPEAKER—Why?

Hon. Mr. LANDRY—Because there is not a clear day's notice given.

The SPEAKER—This is not a motion called special, and does not require an intervening day.

Hon. Mr. LANDRY—I do not question the ruling of the Speaker, but if it does not require an intervening day, I do not see why a notice of the kind, which I gave at the same time, has not been put on the Order paper for to-day.

Hon. GENTLEMEN—Order, order.

Hon. Mr. LANDRY—I am calling the attention of the House to another fact.

Hon. Mr. BEIQUE—I rise to a point of order. The hon. gentleman is reflecting on a previous decision of the Speaker, and I submit he is not in order.

Hon. Mr. SCOTT—Appeal to the House.

Hon. Mr. LANDRY—I have a right to answer on the point of order that has been brought up by the hon. member. I am not reflecting on the decision of the Speaker, I send my notices to the Clerk of the House here, and a day always intervenes before they appear on the Order paper. That has been the general rule, and I am very glad to hear that the decision of the Speaker is now given that such notices do not require two days.

The SPEAKER—For the information of the hon. gentleman from Stadacona, I wish to say that our rules declare that a motion is deemed special which originates a subject for discussion. This is not a special motion, because the subject has already been discussed; this is merely a matter of routine and does not require an intermediate day's notice.

The motion was agreed to.

CROWDED COMMITTEE ROOMS.

Hon. Sir MACKENZIE BOWELL—Before the Orders of the Day are proceeded with, I should like to call the attention of the members of the government to the absolute necessity that exists for more room being provided for the committees—particularly the Railway and Banking Committees of this House.

Hon. GENTLEMEN—Hear, hear.

Hon. Sir MACKENZIE BOWELL—We may receive the answer from the Board of Works Department that we have received in the past, that the large room erected and fitted up for the House of Commons Railway Committee is now at our disposal. We have, during this session learned this fact, that at the time we might require it, even if it were suitable for our purpose, a Commons committee is using it. It is used for the purpose of their Railway Committee, which is a very large one, and also for their Committee on Agriculture, which is also a very large one, and they occupy it nearly every day in the week. I call the attention of those who were not present to-day—it is not necessary to remind those who were present—at the meeting of the Committee on Banking and Commerce in room No. S, which is the largest we have at our disposal, it was crammed to suffocation by men interested on both sides of the question we were discussing, and the atmosphere was stifling. It was dangerous, with the heat in the room at the time, to open the windows, on account of the draught. Now, I am quite sure that by a little management and arrangement, by the fitting up of the upper stories of this part of the building in the way they have been fitted up in the House of Commons, it would furnish ample room for all the members of the Senate in which to do their ordinary work, either of a public or a private character, and arrangements could be made on this floor by which we could have a room sufficiently commodious for the purposes of the committee and the accommodation of those who attend. Now, I need scarcely call the attention of those who were there, to the fact that the room was so full that one could not tell who were the committee, and who were present to advocate and oppose the Bill.

Hon. Mr. YOUNG—And part of the corridor was crowded also.

Hon. Sir MACKENZIE BOWELL—And the corridors also were full. I have no doubt this suggestion will meet the approval of the Secretary of State, who can bring the matter under the notice of his colleagues, and perhaps it can be done by him and by the chairmen of the different committees presenting the case to the Minister of Public Works, with a plan which might be carried out and which would cost very little,

and would meet the requirements of the Senate and the members of the different committees. I know no one who objects to a fœtid atmosphere such as we had this morning more than the Secretary of State. I can stand a good deal of that sort of thing, but he always objects to it. This morning I felt it was the duty of some member of the Senate to bring this question under the notice of the ministers in this House to ask their aid in accomplishing the improvement which I have suggested.

Hon. Mr. McMULLEN—I rise to endorse every word that has been said by the leader of the opposition with regard to the accommodation for committee work in this House. It was long felt in the House of Commons that the Railway Committee room there was altogether inadequate for the convenience and business of the House. A year or two ago they adopted the suggestion which has been made by the leader of the opposition, and utilized the upper portion of that part of the House for the purpose of enlarging their accommodation and providing respectable and commodious Railway Committee rooms. To-day it was exceedingly uncomfortable, to say the least of it, in room No. 8 in which we were huddled and were packed like herrings in a barrel. It was exceedingly unpleasant and uncomfortable, and, as the leader of the opposition says, one could not really distinguish the members of the committee from those who were there as spectators either for or against the important Bill before the committee. I earnestly hope the remarks which have been dropped by the leader of the opposition will result in something being done to provide the necessary accommodation. Some men came to this House from distant parts for the purpose of appearing before the committee and saying something on the subject under discussion, but they could not get into the room. They had to stand outside in the hall, and some members of the Senate had to stand outside also. It is not pleasant to us or creditable to Canada to think we have not got a room in which we can comfortably receive those who come before the committees of this House for the purpose of presenting their views on important questions. I earnestly hope that the remarks of the leader of the opposition on this question will result in better accommodation being provided, and I believe I voice the sentiment of this side of the House, to some extent at least, by saying we all feel the necessity of something of this kind being done, and done immediately.

Hon. Mr. SCOTT—I entirely concur in the observations that have been made by the leader of the opposition and my hon. friend from Wellington in recognizing the absolute necessity there is for having better accommodation for the large committees. The question was brought up last year, and I saw the Speaker of the House of Commons and some members there. They suggested that an arrangement could be made by which we could use the large room recently fitted up by the ex-Minister of Public Works for the large committees of the House of Commons; but the experience of the past year and of the present session has shown that it is absolutely impossible for members of this House to utilize that room, as it is always occupied by the Railway Committee or some other large committee of the House of Commons. I fully acquiesce in the remarks which have been made as to the total inadequacy of room No. 8, or any other room we have here, to meet an emergency such as occurred this morning. As my hon. friend has stated, I am one of those who object to foul air. I think a great deal of evil legislation originates from men being cooped up, as we were this morning, in an unventilated over-crowded room. Remarks are made which would not be made if men's brains were in a normal condition. I agree with the hon. gentleman on the broader ground, of giving men an opportunity for fair open judgment, and an opportunity to hear what is passing. I shall press on the Minister of Public Works to fit up, with as little delay as possible, the room to which reference has been made. The architect, I am told, has already been here and has been preparing a report on the subject. I was not aware of that until this moment. I shall certainly do all I can to expedite the improvement and remove what I think is a very unfortunate inconvenience which ought to have been remedied long ago.

Hon. Mr. DRUMMOND—I do not suppose it is necessary to add anything to what has been said already on this subject, but cer-

tainly this has been an exceptional day in the Committee on Banking and Commerce and the room was filled to suffocation, as has been described. At one time it looked as if the union representative were to be shut out from some malevolent motive on the part of the managers of the Senate, and at one time the awful proposition was made which, of course, we recognize as being nothing short of sacrilege, that we should adjourn to the Senate Chamber itself. Fortunately for our dignity, that proposition was negatived, but there is no saying what lengths an exasperated crowd may go to at some future day. They may tear down some of the archives of this honourable body and do mischief of an incalculable character if we do not provide better accommodation.

Hon. Mr. DeBOUCHERVILLE—Would it not be better to name a committee of two or three to inquire what change could be made in the room? It will not take a long time. Two or three might visit the minister on Saturday. It would be better for us to decide the best change that could be made than to leave it to the architect without his knowing exactly what we require.

Hon. Sir MACKENZIE BOWELL—The suggestion I made was that the chairman of each committee should constitute a committee to wait upon the Minister of Public Works, to carry out hon. gentlemen's ideas. That is the proposition.

Hon. Mr. YOUNG—While I agree with everything that has been said as to the necessity for a larger room for people who wish to attend while these important meetings are held, if changes are to be made, the architect would have to be consulted, in order that the changes best suited for the building would be adopted. I think, as has been pointed out by some members of this body, that the unfinished room upstairs would be very suitable for the purposes we require, and that as we have an elevator now, it would be a very convenient room. The chairmen of the various committees should form a delegation to press the matter through. Steps should be taken at the earliest possible moment, so that when we meet here next session we will find the accommodation already provided.

THIRD READINGS.

Bill (56) An Act to incorporate the Quebec, Saguenay and Gulf of St. Lawrence Railway Company.—(Hon. Mr. Lougheed.)

Bill (35) An Act to incorporate the Coast Yukon Railway Company.—(Hon. Mr. Young.)

Bill (33) An Act to incorporate the Kootenay, Cariboo and Pacific Railway Company.—(Hon. Mr. Templeman.)

Bill (52) An Act to incorporate the Joliette and Lake Manuan Colonization Railway Company.—(Hon. Mr. Casgrain, Windsor.)

Bill (38) An Act respecting the Great North-west Central Railway Company.—(Hon. Mr. Lougheed.)

Bill (29) An Act respecting the Grand Trunk Railway Company of Canada.—(Hon. Sir Mackenzie Bowell.)

Bill (I) An Act respecting the Rocky Mountain Railway and Coal Company.—(Hon. Mr. Lougheed.)

Bill (13) An Act further to amend the Dominion Controverted Elections Act.—(Hon. Mr. Scott.)

Bill (78) An Act to amend the Militia Pension Act, 1901.—(Hon. Mr. Scott.)

Bill (24) An Act to extend the power of Loan Companies.—(Hon. Mr. Scott.)

CHINESE IMMIGRATION BILL.

DEBATE ADJOURNED.

The Order of the Day being called:

Resuming the adjourned debate on the motion for second reading (Bill 82) An Act respecting and restricting Chinese Immigration.—(Hon. Sir Mackenzie Bowell.)

Hon. Mr. SCOTT—There are some amendments which I will propose and which my hon. friend, no doubt, would like to be in possession of. They are not very important, but perhaps the debate might be adjourned until Tuesday next.

Hon. Sir MACKENZIE BOWELL—Then I move that the Order of the Day be discharged and placed on the Orders of the Day for Tuesday next.

Hon. Mr. MACDONALD (B.C.)—I hope the amendments will be in the direction of lessening the tax.

The motion was agreed to.

SECOND READINGS.

Bill (111) An Act respecting the Edmonton, Yukon and Pacific Railway Company.—(Hon. Mr. Young.)

Bill (114) An Act respecting the Nipissing and James Bay Railway Company.—(Hon. Mr. McMullen.)

Bill (124) An Act respecting the Hudson's Bay and Pacific Railway Company.—(Hon. Mr. Dandurand.)

Bill (132) An Act to incorporate the Père Marquette International Bridge Company.—(Hon. Mr. Young in absence of Hon. Mr. Landerkin.)

Bill (162) An Act respecting the Hamilton and Lake Erie Power Company, and to change its name to the 'Jordan Light, Heat and Power Company.'—(Hon. Mr. Dandurand in absence of Hon. Mr. Landerkin.)

Bill (100) An Act to incorporate the Colonial Bank of Canada.—(Hon. Mr. Coffey.)

Bill (110) An Act respecting the Canadian Northern Railway Company.—(Hon. Mr. McMullen.)

HUDSON BAY AND WESTERN RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. YOUNG moved the second reading of Bill (117) An Act to incorporate the Hudson Bay and Western Railway Company.

Hon. Mr. LANDRY—Is that Bill printed in French and distributed ?

Hon. Mr. YOUNG—I am not familiar with it, but the Order paper would indicate that it is.

Hon. Mr. LANDRY—We have no confidence in the Order paper ; I want to have the French version of it. I have consulted two files and it is not here.

Hon. Sir MACKENZIE BOWELL—I do not think it is the fault of the Order paper I have no doubt in the world it has been printed in French. It is not the fault of our officials here, but the fault of the Distribution Office.

Hon. Mr. LANDRY—I will not object to it, but in future I shall object to all Bills which are marked printed in French, but not distributed.

Hon. Mr. YOUNG—I hope whoever has charge of the distribution will pay due regard to that matter, so that hon. members will have an opportunity of reading the Bills.

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

LAKE ERIE AND DETROIT RIVER RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. CASGRAIN (Windsor) moved the second reading of Bill (120) An Act respecting the Lake Erie and Detroit River Railway Company.

Hon. Mr. LANDRY—I call the attention of the House to this Bill. It is not marked printed in English and French, but we have it before us, which shows that something is incorrect.

The SPEAKER—The strike at the Bureau may be responsible for that.

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

DOMINION ELECTIONS ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. FERGUSON moved the second reading of Bill (15) An Act to amend the Dominion Elections Act, 1900. He said : I may explain that when the message arrived in this House from the House of Commons with regard to this Bill, I did not know anything about it. I thought it was a government Bill. It was afterwards observed that no action had been taken upon it. I then called the attention of the House to the Bill, and my name became connected with it. In looking at the Bill, I find it an excellent provision. It simply provides that a declaration by any person during an election that the ballot is not secret shall be a punishable offence. It was introduced in the other House, I believe, by a private member. The Minister of Justice took an interest in it, and the department drafted this Bill in the form in which it now appears and facilitated its progress through the House of Commons. It comes to this House, though not a government measure,

with the approval of both sides and the support of the government.

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

NIPISSING AND PONTIAC RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. KERR (Toronto) moved the second reading of Bill (47) An Act to incorporate the Nipissing and Pontiac Railway Company.

Hon. Mr. SCOTT—This may be a convenient time, perhaps, for me to make some remarks on the subject of the distribution of Bills. It appears that time after time Bills are marked 'E' and 'F' on the Order paper, and a member complains he has not received the Bill. I have, on several occasions, called up the Printing Bureau and they reply the Bill has been printed, in some instances a week or ten days before. I send to the Distribution Office to make an inquiry. The officer tells me—take Bill No. 117 for instance—that that Bill is in the distribution office. I ask him why it has not been delivered to members. He says: 'We sent it to the post office.' Now, the post office is not the right place. The proper way would be to give the Bills to the doorkeeper, whose duty it would be to hand them to the pages to be put on members' files. The present unsatisfactory condition of affairs is very discreditable to the management, whoever is to blame for it. I brought the officer of this House before Mr. Botterell to have the subject thrashed out. Mr. Botterell says he sends the Bills to the post office. The post office is not the place to send them. A Senator may not feel disposed to take papers out of his box. As far as Bills are concerned, it might probably suit the convenience of Senators if they were delivered to the doorkeeper here, who would see that they are placed on the files.

Hon. Mr. LOUGHEED—Surely there is some officer of the Senate entrusted with the distribution of Bills to members. If not there should be.

Hon. Mr. LANDRY—How does the hon. gentleman account for the fact that certain Bills are on our files and others are not, if they are all sent to the post office?

Hon. Mr. SCOTT—The missing Bills were delivered too late, I suppose, but they had been sent to the post office.

The SPEAKER—I think the practice has always been that the doorkeeper is the officer responsible for placing the Bills on the files of hon. gentlemen; but the practice has also been to have the Bills sent from the distribution office to the post office and the doorkeeper gets them at the post office. The doorkeeper is not here during the whole of the day and the postmaster is. The trouble arises between the postmaster and the doorkeeper.

Hon. Mr. SCOTT—We must not be inconvenienced by that. There must be some officer whose duty it is to look after the distribution at once.

The SPEAKER—I quite agree, but that is the fact. The doorkeeper gets the Bills at the post office.

Hon. Mr. DEVER—English members get their copies but the French members do not. If they come to the post office, both English and French, I cannot conceive why French members should not get their copies as well as the English members. There must be some other explanation than that.

Hon. Mr. McMULLEN—This is an exceedingly important matter, and I earnestly hope that the officer of this House who has charge of it will see that this irregularity is not continued. I have searched for several of the Bills on the Order paper, some of which we have passed to-day, and they are not on the file. The very Bill we have under consideration at this moment is not on the files. The very next Bill, which is set down in my own name, is not on the file though it is marked printed in English and French. I sent to the distribution office to find out if it is printed or not, and the boy brings back word that it is printed in French but not in English. Some change should be made by which, when Bills are coming up for second reading, they should be on our files, so that we may know what we are doing. It is not creditable to ourselves that we should proceed this way without the Bills before us.

Hon. Mr. SCOTT—I went to the post Office and got Bill 117, a pile of copies of the French editions myself. There is something wrong.

Hon. Sir MACKENZIE BOWELL—Would it not be well to give positive instructions to the doorkeeper to go every morning and ascertain what Bills have been sent from the distribution office and see that the pages put them on our files. That would get over the difficulty.

Hon. Mr. SCOTT—Bills are coming at all hours of the day.

Hon. Sir MACKENZIE BOWELL—We should have some system. A messenger could go every hour to the distribution office. The Speaker says the doorkeeper is not here all the time. I think, in view of the amount of work and the attention he has to give to his business at the Senate, he ought at least to be here during the session of parliament. All the balance of the time he has nothing to do.

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

THE MEXICAN LIGHT AND POWER COMPANY'S BILL.

SECOND READING.

Hon. Mr. KERR (Toronto) moved the second reading of Bill (126) An Act respecting the Mexican Light and Power Company, Limited.

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

Hon. Mr. KERR (Toronto) moved that the Bill be referred to the Committee on Miscellaneous Bills.

The SPEAKER—Would it not be better to send this Bill to the Railway Committee ?

Hon. Mr. KERR (Toronto)—As the Bill is out of the usual order I thought it better to send it to the Committee on Miscellaneous Bills, where it could be carefully considered.

Hon. Mr. SCOTT—The Bill is simply to give this company a charter, practically to build railways in Mexico. It appears in Mexico they have great respect for Canadian charters, so I advised the parties to take the powers granted under the Act, and if they wanted further powers to come to parliament for them.

Hon. Mr. LOUGHEED—It is a railway and telegraph Bill. It seems to me a very uncommon proposition that this parliament should authorize a company to build railways and telegraphs in Mexico. It is certainly an unusual Bill and should at least be sent to the committee that has usually dealt with this class of legislation.

Hon. Sir MACKENZIE BOWELL—Is this a Bill giving the company power to spend their money in Mexico ?

Hon. MEMBERS—That is all.

Hon. Sir MACKENZIE BOWELL—I am at a loss to know why they should ask this parliament to give them power to spend their money in a foreign country. They can do it without our permission.

Hon. Mr. SCOTT—It arises in connection with an important company with a capital of eighteen or twenty million dollars, and they are investing their money in Mexico. Canada gets the benefit of the investment, because the profits come to Canada. The promoters are from different parts of Canada, both Ontario and the maritime provinces, and they are now operating under this charter. They press very strongly for power to build tramways. I told them I thought they could build tramways without the authority of this parliament on their own land, if they acquired the land, but they thought, under the circumstances, it would be necessary to have the power set forth in the charter. Clause one, of the Bill reads :

> Subject to the laws in force in the Republic of Mexico, and with such legislative, governmental, municipal or other authority, concession, license or consent as may be necessary, The Mexican Light, Heat and Power Company, Limited, may, within the Republic of Mexico, survey, lay out, construct, complete, maintain and operate, and from time to time extend, remove and change as required.

Hon. Mr. FERGUSON—For the information of the hon. gentleman who has charge of this Bill, I might mention that the Railway Committee hereafter require maps to show the position of the railway, and I hope the promoters of the Bill will have elaborate maps of the republic of Mexico, so that the committee may understand the geography of that country and know exactly what they are doing, in regard to the location of the railway in Mexico.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, June 5, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

FAST ATLANTIC STEAMSHIP SERVICE.

RETURN.

Hon. Mr. SCOTT—I beg to lay on the Table copies of tenders received by the government for a fast steamship service between Great Britain and Canada. The first return is signed by the British and North American Steam Navagation Company, per J. G. Wilding, Chairman. The next is by the Allan Line Steamship Company, and is signed by James and Alexander Allan and H. and A. Allan.

Hon. Mr. DANDURAND—These are all the tenders that have been received ?

Hon. Mr. SCOTT—That is all.

Hon. Sir MACKENZIE BOWELL—Could the hon. gentleman tell us what the British American Steamship Company is ? Is it a new line ?

Hon. Mr. SCOTT—I thought it was the Dominion Line ; I thought they were acting for the Dominion Line ; It only came to me as I was coming to council.

Hon. Sir MACKENZIE BOWELL—It is called the British and North Atlantic Steam Navigation Company, Limited. That must be a new company.

Hon. Mr. SCOTT—That is a new charter, probably, taken out in England. I think that letter is dated in England.

Hon. Sir MACKENZIE BOWELL—No date to it except '16th May, to W. G. Parmelee.' It does no say where they are. The other one is dated in Montreal.

The SPEAKER—I assume the document, not being long will be printed in the minutes.

Hon. Mr. SCOTT—Yes, that is the intention. It need not be printed in the Debates.

THE SENATE DEBATES.

Hon. Sir MACKENZIE BOWELL—I should like to call attention to the fact that the last number of the Debates we have on the Senate file is dated the 1st of June. I was desirous of looking over the remarks made by my hon. friend (Hon. Mr. Templeman) upon the Chinese question ; I have a recollection of what he said, but I should like to quote the exact words, and here we are four or five days behind without being able to refer to the proceedings that have taken place, while in the Commons, though they sit till twelve and one o'clock, we re-receive the 'Hansard' report next day—the unrevised edition. Here in the Senate we are seven or eight days behind.

Hon. Mr. SCOTT—I will make inquiry and find out where the fault is.

Hon. Mr. ELLIS—There is a little difference in the practice in this House and the House of Commons. In the House of Commons, the type is set up from the original report of the speech, without being revised, and what is called an unrevised edition is put upon the Table of hon. gentlemen next morning. In the Senate, members are furnished with proofs of their speeches for revision before the report is issued. I quite concur with the hon. gentleman that the delay is entirely too long, even with the revision. The fault may be with members themselves who do not return their proofs. It is quite too long for important debates to be held back.

Hon. Sir MACKENZIE BOWELL—I would make the suggestion that an order be given to the reporters, that unless the proofs sent to members are returned within a certain time, the speeches be published as reported.

The SPEAKER—There is such a rule.

Hon. Mr. TEMPLEMAN—In this case, I thought the reporters and the Printing Bureau did their work surprisingly fast. I think my remarks were made Wednesday, and on Thursday I received the proofs.

Hon. Sir MACKENZIE BOWELL—Has the hon. gentleman returned them yet ?

Hon. Mr. TEMPLEMAN—I read them within an hour after receiving them and handed them back on Thursday. As my remarks were somewhat lengthy, I was surprised that I received them so soon.

Hon. Sir MACKENZIE BOWELL—That is quite satisfactory, but there is no excuse why, having the proofs on Thursday, we should not have the copy of the Debates to-day.

Hon. Mr. SCOTT—I am told the rule is, after proofs are sent to a Senator he is allowed twenty-four hours to make corrections. That is where the trouble comes in. There is that long delay if any one Senator should fail to return his proofs promptly.

Hon. Mr. TEMPLEMAN—That is not the trouble in my case.

Hon. Sir MACKENZIE BOWELL—The members of the committee will look after that.

THIRD READINGS.

Bill (12) An Act to amend the Criminal Code, 1892.—(Hon. Mr. Scott.)

Bill (61) An Act respecting the Winnipeg Western Land Corporation, Limited.—(Hon. Mr. Gibson, in the absence of Hon. Mr. Béique.)

Bill (62) An Act respecting the Ontario and Qu'Appelle Land Company, Limited.—(Hon. Mr. Kerr, Toronto.)

Bill (65) An Act respecting the Mutual Life Assurance Company of Canada.—(Hon. Mr. McMullen.)

Bill (93) An Act to incorporate the Shipping Federation of Canada.—(Hon. Mr. Dandurand.)

Bill (103) An Act respecting the Royal Trust Company.—(Hon. Mr. Gibson.)

BANK OF MONTREAL BILL.

THIRD READING.

Hon. Mr. MACDONALD (B.C.) moved the third reading of Bill (72) An Act respecting the Bank of Montreal.

Hon. Sir MACKENZIE BOWELL—I should like to ask the mover what is meant by fractional parts of a share or shares in this Bill. A discussion arose upon another Bill as to how far we should be justified, when dealing with the fractional shares, in authorizing the bank to pay the holders of what is termed 'fractional shares.' In that case, the shares were to be raised from $100 to $200. If a man had only a fractional part of a new share of $200, power was asked, on behalf of the bank, to buy it from him. Of course, many will take the objection that that is taking away a portion of a man's investment without his authority. I notice the provisions of the Bank of Montreal Bill are somewhat different, because a fractional portion of a share would not exist to the same extent as where you are raising the value of a share. The shares of the Bank of Montreal are, according to this Bill, £50 Halifax currency—that would be $200. They propose to reduce the shares to $100, and yet the Bill refers to fractional shares. I should like to know what that means, because we should not give power to one bank to do what we refuse to another, and if this question of fractional shares is not in the same position in this bank as in the Eastern Townships Bank, we should treat both alike. Perhaps the hon. gentleman will explain.

Hon. Mr. MACDONALD (B.C.)—I do not know anything at all about the Bill, but was asked to take charge of it. Perhaps some member of the Banking and Commerce Committee will explain it.

Hon. Mr. DEVER—I think the meaning of it is simply this: the present shares of the Bank of Montreal are $250.

Hon. Sir MACKENZIE BOWELL—$200.

Hon. Mr. DEVER—£50 and $50 premium.

Hon. Sir MACKENZIE BOWELL—We only deal with the par value.

Hon. Mr. GIBSON—The Bill sets forth that the stock of the bank is not all paid up. Some shares were never fully paid, and the bank is taking power by this Bill to pay these gentlemen off who have never fully paid up their shares, so that the change can be made without any fractional share. It says: 'Whereas some 10,000 shares are not yet fully paid up, &c.' The bank is taking power to repay these gentlemen for the proportion they would be entitled to under the division. While they will not be entitled to a whole share, the portion they would be entitled to will be given in cash in lieu of a portion of a share.

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

SECOND READINGS.

Bill 45) An Act respecting the Calgary and Edmonton Railway Company.—(Hon. Mr. Lougheed.)

Bill (70) An Act to incorporate the Macleod, Cardston and Montana Railway Company.—(Hon. Mr. Gibson, in the absence of Hon. Mr. Young.)

Bill (119) An Act respecting the Alberta Railway and Coal Company.—(Hon. Mr. Lougheed.)

Bill (148) An Act respecting certain Trust Funds of the Diocese of Moosonee.—(Hon. Mr. Lougheed.)

SETTLEMENT OF RAILWAY LABOUR DISPUTES BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (17) An Act to aid in the settlement of railway labour disputes. He said: The object of this Bill is to endeavour to adjust and settle, by a court of conciliation and mediation, any disputes that may arise in connection with the railway service of the country. It is limited to railways, because in railways the whole public are interested. Railways carry our mails, freight and passengers. The Bill, of course, is an experiment, the object being, at the earliest possible moment, to bring the parties together, and to endeavour to effect a conciliation through the medium of such friends or persons as may be selected, one by the employees and one by the railway company, and a third by either the minister, whoever is at the head of the Railway Department, or the Lieutenant Governor of the particular province in which the threatened strike or dispute happens to arise. If the Conciliation Committee fail to bring about a settlement, the next move is to induce the parties to submit the matter to arbitration, selecting either the mediators first named, or any other person they agree upon. No legal channels are involved in this Bill. It is purely a voluntary matter.

Hon. Mr. MACDONALD (B.C.)—The arbitration is not compulsory?

Hon. Mr. GIBSON—Have the railways been consulted with regard to it?

Hon. Mr. SCOTT—I do not know that they have been particularly. It is quite likely correspondence has been had with the railway people, but I am not familiar with the purport of it, or their views. It has gone through the House of Commons, and has not been challenged. If it can accomplish no good, it can do no harm, because it is a purely voluntary movement on the part of both sides. There is this advantage about it, that it is an effort in the direction of conciliation, and some very bad strikes have been averted by conciliation, by having men to talk to both sides and bring about a mutual agreement. The largest strike in modern times was the strike of the London lockmen, and that, if I recollect, was settled by the late Cardinal Manning, who went among the people, secured their confidence and procured a settlement. The same good might result from this. There is no charge on the parties who resort to it. It is not compulsory in any sense, although witnesses may be called and forced to attend and give evidence, but if an award is made, it cannot be enforced in any court in the land. Compulsory arbitration, as far as the experience of New Zealand and Australia goes, has not been a success, and I do not think it would be acceptable in this country to force either party into an arbitration. Of course it would be contrary to the freedom that exists under our laws and government.

Hon. Mr. FERGUSON—I understood my hon. friend to say a moment ago that there was no compulsory arbitration provided in the Bill?

Hon. Mr. SCOTT—So I understand it.

Hon. Mr. FERGUSON—I have only had a hasty glance at it, but I observe that clauses three and four provide for the work of the conciliation committee, and then clause five provides that should the conciliation committee be unable to effect an amicable settlement, by conciliation or mediation, the minister may refer the matter to arbitration under the provisions of this Act.

Hon. Mr. MACDONALD (B.C.)—It is only 'may.'

Hon. Mr. SCOTT—No award made by the committee is binding on either party, and if they do not choose to resort to arbitration he cannot force them.

Hon. Mr. FERGUSON—I wish to understand whether we are creating an arbitration that is not to be binding. I think that is not likely to do much good. I know that an arbitration is provided. Subsection A provides that if it is acceptable to both parties the conciliation committee may

act as a board of arbitrators. Subsection B reads as follows :—

(b) In case of objection by either party to its representative on the conciliation committee acting as a member of the board of arbitrators, or to the chairman of said conciliation committee being a member of the board of arbitrators, new representatives on the board of arbitrators shall be appointed, in place of the member or members of the conciliation committee objected to, in like manner as the original members of the conciliation committee were appointed.

The board of arbitrators so chosen shall be established by the minister under his hand and seal of office.

The conciliation committee cannot act as arbitrators unless they are selected by both parties, and then there is the means of providing arbitrations in subsection B of section five, but it certainly originates a system of arbitration. And my hon. friend says, the award is not to be compulsory. I cannot see the utility of an arbitration if it is one that either party can refuse to accept.

Hon. Mr. LOUGHEED—I think my hon. friend omitted to state that the object of the Bill really is to empower the government to set in motion a board of conciliation or arbitration for the adjustment of those differences. It is evident from the Bill that that board may be called into existence, entirely irrespective of the wish of the railway company. Of course, the finding of the conciliation committee, or of the board of arbitration, is not obligatory. I would point out to my hon. friend the Secretary of State that clause 3 is very much broader, in the shape of being compulsory, than he has indicated. My hon. friend will observe in clause 3 that the minister, in the event of either party to the dispute not appointing a member of the board, has the power to appoint that member, and to proceed to make the inquiry. Then it is manifest that the government has full authority to set in motion this particular board, by way of inquiry or otherwise, entirely irrespective of the railway company. It seems to me that there is a question of policy involved in the Bill, as to whether the government should be vested with that power.

Hon. Sir MACKENZIE BOWELL—Personally I am like the hon. Secretary of State. I have not given that attention to the Bill that a measure of this character and importance merits, and, therefore, in allowing the second reading to go, it will be distinctly understood that we do not affirm the principle involved in the Bill. My own view is that tinkering of this kind—excuse the expression, because I look upon it as nothing else—is of very little use. As the hon. Secretary of State mentioned a while ago, there is not a more democratic legislature in the world than that of New Zealand. They have had an Act upon the statute-book for compulsory arbitration in all disputes arising between capital and labour. It has in the past, if we believe newspaper reports, proved to be a failure. Compulsory arbitration is effective when both parties agree to the finding, but in almost every case if the arbitration decides in favour of capital, the labour men object to it, and it has very little effect. I say frankly that I think there is too much tampering with this great quesion that is agitating the world at the present moment, and that the only way to stop it will be for all countries to adopt the same principle and pursue the same course that they did in the Australian colony of Victoria, and if the decisions of our judges and magistrates in future should be, as they have been lately in Montreal, in the case of violent attacks upon those who refuse to join the strikers, that is the best kind of legislation we can have to put a stop to it. What I have said may not be popular, but after a great deal of thought on this question, I have arrived at the conclusion that what I have indicated is the only way to put a stop to these troubles. It is becoming an idea, and it is growing, I am sorry to say, that to possess capital is a crime, unless you are prepared to divide up what you have got, and give your earnings to those who do nothing but come and go when they please, and dictate the terms on which they shall do your work. I wish it distinctly understood that I do not object to organization for self protection upon the part of any. That is good, but when they go beyond the legitimate object for which the organization is formed, then it becomes a menace to the peace of the country. How far this Bill is going to effect that, either by conciliation or compulsory arbitration, I am not prepared just now to say, but, I fear it is utterly useless, and I am sorry to say that I have come to the conclusion that the minister who is dabbling with this question is pandering to an ele-

ment in the country in a way that is not commendable, nor will it prove beneficial to the public.

Hon. Mr. SCOTT—No one will be committed to the principle of the Bill.

Hon. Mr. MACDONALD (B.C.)—Clause 16 reads :

All books, papers, and other documents, produced before the board, whether voluntarily or in pursuance to summons, may be inspected by the board and also by such of the parties as the board allows ; but the information obtained therefrom shall not be made public, and such parts of the books, papers, and documents as, in the opinion of the board, do not relate to the matter at issue, may be sealed up.

So that it is a close arrangement. The public are to be debarred from obtaining information as to what is going on. Then clause 20 reads :

No court of the Dominion of Canada or of any province or territory shall have or possess any power or jurisdiction to recognize or enforce or to receive in evidence any report of the said board of arbitrators or any report of the said committee of conciliation, or any testimony or proceedings before either the said board or committee as against any party or person or for any purpose whatsoever, except in case of prosecution for perjury.

There is a clause in the Bill which gives the board power to arrest any person who refuses to give evidence or in any way offends any member of the board. That is about the best clause in the Bill. The public press called attention some time ago to an amendment made by the labour candidate in the other House, Mr. Puttee, to this Bill. I do not know the amendment, but they condemned it as being useless and virtually spoiling the measure. Whether it forms part of the Bill before us or not, I do not know.

Hon. Mr. SCOTT—No, no.

Hon. Mr. GIBSON—If we are to accept the statement, which we have no reason to doubt, of the representative of the government in this House, that this arbitration committee can inflict no punishment or make no award with regard to those having labour disputes, what is the use of this legislation at all ? The first thing that strikes me is that this is entirely a one-sided affair, because the legislation points out that the minister may, on application of any party to the difference, and so on. Now there may be only one party to the difference. The employees may feel that they have some grievance against the railway, and unknown to the railway company, may ask the minister to appoint a board of conciliation to do what ? To adjust some differences between the men and the railway company, that the railway company know nothing about. That is practically what it means. This is a very important matter, and if it does not go any further than the Secretary of State says it is intended to do, then it is of no use whatever, but there is a strong feeling in the country, and we might as well be frank about it in this House, that there is too much tinkering of this kind going on, and there is a feeling among the labouring classes that the government of this country is standing behind them. It should not go abroad that this government is to become a paternal government to settle strikes when they occur. If the government would set their faces against strikes and not countenance them, it would be far better than to assume the responsibility of helping to arbitrate differences of opinion between railway companies and their employees. I hope some time will elapse before this Bill is taken up, because I know, from communications I have with several parties, that there is a strong feeling about this Bill, and a number of gentlemen would like to be heard on the matter. They say frankly to me that they feel sorry the Bill was allowed to pass the House of Commons without taking the opportunity of pointing out to the House some of its objectionable features. I must candidly admit, so far as I am personally concerned, this is the first time that I have seen the Bill, but I do know that these gentlemen who are opposed to it say that they do not like the idea of coming to the Senate to object to the Bill when they feel that they should have taken objection to it in the other House when the Bill was introduced. At the same time, they feel that it is a duty which devolves on them and they come in a more apologetic way than if it had originated in the Senate, but as it is a Bill of importance, I trust a day will be set apart for discussion and all parties interested in the matter will have an opportunity of discussing all the clauses of the Bill on the merits.

Hon. Mr. SCOTT—Any day which will afford sufficient time will be fixed. Any one opposed to the Bill has absolute free-

dom and right to make such representation as he pleases to the members of this body, quite as much as to the members of the House of Commons. It is of as much importance that it pass this House as to pass the House of Commons, and it is open to any one to raise objection to it. I was a little in error in my first explanation of the Bill. It is somewhat of an anomaly, from my standpoint, that if the parties refuse, the commissioner can himself name a board, but if they do not desire to take part in it I think it is rather futile.

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

DOMINION ELECTIONS ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (15) An Act to amend the Dominion Elections Act, 1900.

(In the Committee.)

On the second clause :

2. It shall be deemed a false pretence within the meaning of this section to represent to a voter, directly or indirectly, that the ballot to be used, or the mode of voting at the election, is not secret.

Hon. Mr. DeBOUCHERVILLE—I ask that this clause be striken out. A man may be in perfect good faith and say that the ballot is not secret, and yet he would be liable to this penalty. I believe the ballot is not secret. I hope the promoter of the Bill will strike out that clause.

Hon. Sir MACKENZIE BOWELL—I do not know how it works in other provinces, but I know that it is really a menace to the electors of the province of Ontario. The Dominion ballot is as secret as, I think, it can be made, but the Ontario law is of such a character that scarcely any official in the employment of the government dare vote against the government, knowing that it may be ascertained how he has voted. I know cases in my own neighbourhood where in Dominion elections men vote Conservative, and the only reason they do not vote with the Conservatives—they say so themselves—in local elections, is from the knowledge that the ballot is not secret. It can be ascertained how a man votes, and that menace is held out so frequently in local elections that when it comes to a Dominion election the same statement is made to those who know no better, and it influences their votes one way or another. If we have the ballot at all, it should be absolutely secret. Perhaps I am an old fogey. I voted against the introduction of the ballot when in the House of Commons, and I would vote against it to-morrow if it came up, but it is on the statute-book, and if voting is to be secret, let it be as secret as possible, and let us provide a punishment for the man who induces another to vote contrary to his convictions by representing that the ballot is not secret. That is the reason this Bill was introduced by an Ontario representative in the House of Commons, and accepted by the government after a good deal of consideration. The Bill is much wider than the one introduced by Mr. Clancy. It was referred to a committee, of which the Minister of Justice approved, and this was the result of the consultation and agreement of all parties in that House. It would be a great pity to strike out that clause, arbitrary though it may appear to be in its character.

Hon. Mr. FERGUSON—My hon. friend will observe that in the case of a large number of voters employed by a manufacturing concern, if an adroit canvasser were to come to them and tell them the ballot was not secret and their employers could find out how they voted, it would be a menace.

Hon. Mr. LANDERKIN—Would it be possible to represent the ballot as secret when the hon. gentleman says it is not secret ? Would it not be a charge at variance with the truth ? Would the hon. gentleman have a clause in his Bill that sets truth at defiance as this Bill would ? If the ballot is not secret, where is the crime of speaking the truth ?

Hon. Mr. FERGUSON—The Dominion ballot is secret.

Hon. Mr. LANDERKIN—If the Dominion ballot is secret, where is the crime of saying it is secret ?

Hon. Mr. FERGUSON—The crime is in saying it is not secret.

Hon. Mr. LANDERKIN—In my opinion, the local is preferable to the Dominion Act, from the fact that the local Act requires the ballot to be numbered, and when it comes

to a scrutiny you can find out how the elector voted. That is a proper thing. Why, in my own election seven ballot boxes were opened and ballots stolen, and others were forged and put in, but as there were no numbers on the ballots, we were unable to trace them. So that I have been very much in favour of numbering the ballots ever since. In 1891 four ballots marked for myself were taken out of the envelope and four ballots were substituted, marked for my opponent. This was done in six divisions, and from that time on I have been very much in favour of the numbered ballots. If the ballots are numbered, and if they are governed by the Ontario Act—I have forgotten whether it is the Ontario Act that is used at the Dominion elctions.

Hon. Mr. FERGUSON—No, no.

Hon. Mr. LANDERKIN—I prefer the numbered ballots. I would not like to think so little of the electors as my hon. friend the leader of the opposition does. He says in his district men are afraid to vote for fear somebody would know how they vote.

Hon. Sir MACKENZIE BOWELL—All I can say is, they say so themselves, and so it is in the hon. gentleman's district and everybody else's.

Hon. Mr. LANDERKIN—I do not think that of the people of this country. I believe the people of Canada are as British and solid and courageous as the people anywhere else, and I do not like to hear a contrary theory promulgated in the Senate. If we have here a function at all, it is to create a national sentiment in this country, and give the people of the Dominion to understand that we believe in our country and have faith in our people. I do not like the idea that Britons are afraid to say how they vote. I like to see a Briton stand up and vote. I prefer open voting, and never was afraid to say how I voted, and I can say for the people in my riding also that they are not afraid to say how they vote. Many of them told me : 'I never voted for you, doctor.' I admire those men. I never knew a man to shirk from voting against me because he thought I would be vindictive towards him. They know I would not be. I like members of this House to say they believe the people of this country are not slaves—that they can vote and are not afraid to vote in accordance with what they consider best for the country. I know the people of this country. The purport of this clause is, that the Dominion ballot is secret and you must not tell an elector that it is not secret.

Hon. Mr. SCOTT—You must not deceive a man.

Hon. Sir MACKENZIE BOWELL—It makes it punishable for a man to tell a lie.

Hon. Mr. LANDERKIN—There is a higher commandment that teaches—'Thou shalt not lie.' That is engraved on the heart of every Liberal in this country. They would not do that.

Hon. Sir MACKENZIE BOWELL—Don't you commit the offence this clause is designed to meet.

Hon. Mr. LANDERKIN—If the hon. gentleman thinks it necessary to prevent his friends from doing that, we will allow him on this occasion to have his way. But there is no necessity for the clause, because it is a reflection on the people of this country. I believe they are more courageous than the hon. ex-minister thinks they are, and are prepared to do what is right and take the consequences of their acts. I do not like to think so badly of the people of Canada. I would not think much of representing them in this august chamber if I thought they were of that class that the hon. gentleman would lead us to believe they are.

The clause was adopted.

Hon. Mr. ELLIS, from the committee, reported the Bill without amendment.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, June 9, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

FRENCH VERSION OF MILITIA REGULATIONS.

INQUIRY.

Hon. Mr. LANDRY rose to call the attention of the House on the following facts :—

On the 9th of April, 1902, Honourable Mr. Landry made the following inquiry :—

Honourable Mr. Landry inquired of the government—

1. In what year were published the last regulations and orders for the militia of Canada ?
2. Has the French version of these regulations ever been published, and in what year ?
3. If such version has never been published, why ?
4. Does the government intend to put at the disposal of the French officers of the Canadian militia the French version of the aforesaid regulations, and when will it be distributed ?

Honourable Mr. Scott—The answer sent me by the department is as follows :—

1. 1898.
2. No.
3. Because the issue was a provisional one.
4. Yes, shortly.

And ask the government:—

When will the French officers of the Canadian militia be expected to be put on a foot of equality with the other officers of the Canadian militia, in getting the French edition of the regulations and orders for the militia of Canada ?

He said : These answers were given last year and since that time, as it may be ascertained, no French version of the militia orders has been distributed to the French officers of the Canadian militia. At the time it was said that they were provisional orders. But, as may be seen from the answer of the hon. Secretary of State, in the name of the department, those provisional regulations and orders were printed in 1898. Five years have elapsed and those regulations are still the regulations of the militia, and a French element of the Canadian militia is still deprived of those regulations. The hon. minister must know that in our rural districts there are many officers that are not very well acquainted with the English language, and it is a necessity for them to have those regulations in French. At all events, it is their right, and it is the right I am claiming here to-day.

Hon. Mr. SCOTT—On the 9th April, 1902, orders had been given for the immediate revision of the regulations and orders and it was the intention to have copies in the French issued as soon as possible thereafter. The revision was practically complete in the early autumn, when the work was suspended in view of the intention to revise the Militia Act, during the now current session. As the new Militia Bill will not be proceeded with during this session, instructions have been given to complete the revision of the Regulations and Orders commenced last year and to bring it up to date, and new Regulations and Orders, both in English and French, will be published and issued to all concerned with the least possible delay.

Hon. Mr. LANDRY—That will come in before the new Bill is passed ?

Hon. Mr. SCOTT—I fancy not. It is because the Bill has not gone through that they have issued new orders to revise the present ones.

Hon. Mr. LANDRY—Then the government has withdrawn its Bill from the House of Commons ?

Hon. Mr. SCOTT—I think that is so. I think it is not the intention to go on with the Bill.

Hon. Sir MACKENZIE BOWELL—The answer states that.

Hon. Mr. SCOTT—And they say in the answers that they will now give attention to the revising of the regulations in French and in English.

CENSUS OF FORESTS OF QUEBEC.

MOTION.

Hon. Mr. LANDRY moved :

That a humble address be presented to His Excellency, praying that His Excellency will be pleased to cause to be laid before this House a copy of the totals, county by county, of the census as to the forests of the province of Quebec, showing the kinds of wood and the quantities of each kind.

Hon. Mr. SCOTT—I am advised that the tabulating of the information will not be completed before two or three months at least, and therefore it is quite impossible to bring it down. The hon. gentleman had better drop the motion and bring it up next year.

Hon. Mr. LANDRY—If I could go to the department I could get it in two or three hours. I shall not drop the motion. I want the return.

Hon. Mr. SCOTT—The hon. gentleman will not get the information this session.

Hon. Mr. LANDRY—I will if I can.

Hon. Mr. SCOTT—I thought it better to state frankly that the information will not be tabulated and cannot be had before two or three months.

The motion was agreed to.

LANDS, MINES AND FISHERIES OF THE PROVINCE OF QUEBEC.

MOTION.

Hon. Mr. LANDRY moved :

That a humble address be presented to His Excellency, praying that His Excellency will be pleased to cause to be laid before this House a copy of all the correspondence exchanged between Mr. Thomas Côté, one of the superior officers of the census, and the employees of the Department of Lands, Mines and Fisheries of the province of Quebec, on the subject of the census as to the forests of that province.

Hon. Mr. SCOTT—I am advised by the department, in reference to this motion, that the department is prohibited from producing individual returns by the 23rd section of the official book of instructions, which reads as follows :

23. Every officer or other person employed in any capacity on census work is required to keep inviolate the secrecy of the information gathered by the enumerators and entered on the schedules or forms. An enumerator is not permitted to show his schedules to any person, nor to make or keep a copy of them, nor to answer any question respecting their contents, directly or indirectly ; and the same obligation of secrecy is imposed upon commissioners and other officers or employees of the outside service, as well as upon every officer, clerk or other employee of the census office at Ottawa. The facts and statistics of the census may not be used for statistical compilations, and positive assurance should be given on this point if a fear is entertained by any person that they may be used for taxation or any other object.

Hon. Mr. LANDRY—I think there is no fear of taxation, but for the other pursuits there might be. At all events, if I understand the hon. minister, he cannot give me the names.

Hon. Mr. SCOTT—No.

Hon. Mr. LANDRY—But he could give me the results without the names. That is the answer the hon. gentleman gave me a few days ago on a motion of a similar character: he said he would give the information without giving the names. I think I could have the result without the names. I do not see anything in the clause the hon. gentleman has read to prevent the department from giving the correspondence itself, and if there are any names mentioned in the correspondence he might leave blanks, keeping those names secret.

Hon. Mr. SCOTT—I am advised that it would take at least a couple of months to prepare the correspondence to which the hon. gentleman refers. If he would state what information he wants I should be very glad to try and get it, but I am informed by the department that to copy all that correspondence would take at least a couple of months and there is no object in going to that expense unless some purpose could be served by it.

Hon. Mr. LANDRY—Does the hon. gentleman say it would take two months to copy that correspondence ?

Hon. Mr. SCOTT—Yes. If there is any particular industry the hon. gentleman wants information of, I should be glad to get it for him.

Hon. Mr. LANDRY—I will accept the suggestion of the hon. gentleman, and bring my motion in a form that will not require a couple of months to get the information.

The motion was withdrawn.

THE NEW CANADIAN COMPANY.

Hon. Mr. YOUNG, from the Committee on Standing Orders, presented their sixteenth report, recommending the suspension of the rules so far as they relate to the petition of the New Canadian Company.

Hon. Mr. DANDURAND moved that rule 49c be suspended in accordance with the recommendation of the Committee on Standing Orders and Private Bills, in their sixteenth report.

Hon. Mr. LANDRY—I think I should object to the motion, because we have no particulars of the Bill as now introduced. I see by the report which has just been read at the Table, it was necessary to have notice given in other places than in the province of Quebec. And now I say that the promoters of the Bill, if the report echoes their sentiments, intend to apply their charter only to the province of Quebec. I should like to see a little more into the question. It might become a local charter if it is only applied to the province of Quebec, and I do not see why we should here in the federal House, deal with the incorporation of companies which are interested only in local business. I should like to have more details, if the hon. promoter of the Bill would be kind enough to give them, I should be very glad to see whether I should maintain or withdraw my objection.

Hon. Mr. YOUNG—In reply to the remarks of my hon. friend opposite, I may say that the Committee on Standing Orders, having the consideration of the petition, were assured that the Bill would only operate in the province of Quebec, and the notices have been given for that province, and therefore the committee felt it their duty to make the report they are making to-day, because, practically, if the Bill would only operate in the province of Quebec the notices have all been given, and the rule has been complied with, but to warn the House and the Railway Committee, they make this report, so that the Committee on Railways will take cognizance of the fact and see to it that, when the Bill comes before them, the provisions which we are here assured are in the Bill, will be maintained before the Committee on Railways, so that I fancy the Committee on Standing Orders took the only reasonable course they could have taken in passing the petition and presenting the facts to the House, so that the House could be seized of the matter.

Hon. Mr. LANDRY—The hon. gentleman is only repeating what is in the report, but that does not give me any cognizance of the facts. I did not ask him to repeat them. I heard them. He repeats these statements in gracious tone, and that is all right, but it does not enlighten me.

Hon. Mr. YOUNG—The House is seized of the facts, and if the Bill did not observe the conditions upon which the petition was received, the House would immediately take action, no doubt.

Hon. Mr. LANDRY—This is either a federal charter or a local charter. If it is a federal Bill, the conditions have not been complied with, and if it is a local measure, why bring it here ?

Hon. Mr. DANDURAND—There may be very many companies which may only operate in one province which are under the jurisdiction of the federal power.

Hon. Mr. LANDRY—Then give a general notice.

Hon. Mr. DANDURAND—That notice need not be given outside the province where the charter will operate. For instance, this charter asks for a right to navigate steamers on the Atlantic. If the only port of call is Quebec, there is no special need that notices should go outside the province, and as a matter of fact, objection was taken to this Bill, the notices having gone throughout the Dominion, just because it contains a clause which states that they may call at all ports. Well, as they do not intend to call at other ports than those of the province of Quebec, they will strike out that clause, which would force them, if they had adhered to it, to advertise in all the other provinces, and that is why it is limited to Quebec.

Hon. Mr. LANDRY—What is the object of the company ?

Hon. Mr. DANDURAND—I am trying to find the Bill in order to read it to the hon. gentleman, but from what occurred in another instance in the matter of the Atlantic, Quebec and Western Railway Company Bill, I would think the hon. gentleman knows much more about the Bill than I do myself.

Hon. Mr. LANDRY—It looks like that.

Hon. Mr. DANDURAND—I have read it. My hon. friend is recognizing an old enemy. He may have all the chance he wants to give vent to his ardour when the Bill comes up.

Hon. Mr. LANDRY—I think my hon. friend is denying his own children.

Hon. Mr. DANDURAND—The hon. gentleman must know that Bills come from the House of Commons, and senators are asked to see to their passing through this House. Once I have a Bill confined to my care, I do my faithful duty by the promoters of the Bill, and by the Bill itself, and shall always do so, because we are here holding this disinterested position, always ready to accept good advice concerning any modification of a Bill. If my hon. friend has any light to throw upon the subject, or any modification to suggest, he may do so in committee.

Hon. Mr. LANDRY—The only modification is that I maintain my objection. The reasons given are none at all.

The SPEAKER—The motion has been agreed to.

Hon. Mr. LANDRY—Is not the unanimous consent of the House required for the suspension of the rules ?

The SPEAKER—I have never known any rules to hinder the adoption of the report of any of our Standing Committees.

Hon. Mr. McKAY (Truro)—This is a suspension of the rules.

Hon. Mr. LANDRY—I think the motion the hon. gentleman made was not for the adoption of the report, but for the suspension of the rule, and if unanimous consent is given that may be done, but I object to the suspension of the rule asked by the hon. gentleman from de Lorimier (Hon. Mr. Dandurand).

The SPEAKER—The hon. gentleman, hon. Mr. Dandurand moved that the rule be suspended as recommended in the report of the committee. The universal practice has been to let these motions go as a matter of course. Strictly speaking, if the hon. gentleman insists on his objection, I assume the hon. gentleman (Hon. Mr. Dandurand) will have to give notice for to-morrow.

Hon. Mr. LANDRY—That is just the point I take.

The SPEAKER—I understood the hon. gentleman to go into the merits of the Bill somewhat.

Hon. Mr. DANDURAND—I have not looked at the value of the objection of my hon. friend.

The SPEAKER—I have ruled the hon. gentleman must give notice of his motion.

Hon. Mr. DANDURAND—Then to-morrow.

The SPEAKER—It will stand as a notice.

FEDERAL OIL COMPANY.

NOTICE OF MOTION.

Hon. Mr. YOUNG presented the seventeenth report of the Committee on Standing Orders, relating to the petition of the Federal Oil Company, and recommending a suspension of the rules.

Hon. Mr. DANDURAND moved the suspension of the rules in so far as they related to the petition of the Federal Oil Company.

Hon. Mr. LANDRY—The hon. gentleman gives that as a notice ?

Hon. Mr. DANDURAND—Not unless the hon. gentleman insists upon it.

Hon. Mr. LANDRY—To prevent any objection I would ask the hon. gentleman to do so.

Hon. Mr. DANDURAND—I will not do it unless my hon. friend makes himself the custodian of the rules of the Senate. If he objects, I will give it as a notice.

Hon. Mr. LANDRY—Certainly I will object. There is too much oil in that.

BILLS INTRODUCED.

Bill (O) An Act respecting the Citizens' Bank of Canada.—(Hon. Mr. Landerkin.)

Bill (P) An Act respecting the Western Alberta Railway Company.—(Hon. Mr. Lougheed.)

Bill (91) An Act to incorporate the Dominion Gas Improvement Company.—(Hon. Mr. Kerr, Toronto.)

Bill (121) An Act to incorporate the Consolidated Trust Corporation.—(Hon. Mr. Kerr, Toronto.)

Bill (134) An Act to incorporate the Erie-Ontario Power Company.—(Hon. Mr. Gibson.)

Bill (143) An Act respecting the Canada North-west Irrigation Company.—(Hon. Mr. Lougheed.)

Bill (163) An Act respecting the United Empire Life Insurance Company.—(Hon. Mr. Coffey.)

Bill (172) An Act to incorporate the City and County Bank of Canada.—(Hon. Sir Mackenzie Bowell.)

Bill (187) An Act to amend the Electric Light Inspection Act.—(Hon. Mr. Scott.)

Bill (Q) An Act respecting the Nipissing and Ottawa Railway Company.—(Hon. Mr. Kerr, Toronto.)

FRENCH EDITION OF THE DEBATES.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I should like to inquire from the hon. gentleman who has charge of the question, why it is the French members of this House have not received the French version of our debates for some days. I inquired of the translators, and ascertained from them that the translation is made up to date, and that all the manu-

script is in the hands of the printers. I do not know whether there is a jam of work at the Bureau, or not, but we have received none of the French translation of the debates in this House for some days.

Hon. Mr. SCOTT—There is no object in suggesting a general inquiry. The proper course would be to indicate some specific instance so that one could follow it up and ascertain why there was a delay on that date.

Hon. Mr. LANDRY—They are delayed every day of the session.

Hon. Mr. SCOTT—Would the hon. gentleman name some speech or give some particulars? We cannot get a satisfactory answer to a general question. The responsibility would be thrown from one party to another.

Hon. Mr. LANDRY—Then I will ask the hon. gentleman why is it the debate of Monday of last week is not yet printed and distributed to the House in French?

Hon. Mr. SCOTT—I shall make inquiry.

Hon. Mr. DANDURAND—I will join my voice to that of the hon. gentleman opposite, because I have been looking out for the translation in French in his own paper and it has not appeared.

Hon. Mr. LANDRY—'L'Evenement' will be quicker in reproducing my speech than 'Le Canada' will be in producing the speech of the hon. gentleman.

Hon. Mr. DANDURAND—My complaint was an echo of the hon. gentleman's.

NATURALIZATION OF ALIENS BILL.

IN COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (L) An Act to amend the Act relating to the Naturalization of Aliens.

(In the Committee.)

Hon. Mr. SCOTT—The primary object of introducing this Bill was to make provision for the practice to be observed in the North-west Territories and in the Yukon. It is some time since an amendment was made in that direction, and it became necessary, considering the large number of aliens going into the Territories and the Yukon, to make provision for the channel through which they could take the oath of allegiance and the oath as to the time of residence. While that was in progress the Chief Justice of Manitoba suggested an amendment to the Act. He pointed out that when the names were returned to the clerk of the peace, and brought before a court, they were often put through without the public being cognizant of the persons who were being naturalized, and he, therefore, suggested the names should be posted in the office of the clerk of the peace, six weeks before the court sat. I took the liberty of shortening the period suggested, and made it three weeks. That, I thought, was sufficient notice to parties who might object to the naturalization of the alien who made application. I presume the judge made those suggestions after the experience he had himself in similar cases. An hon. member of this Senate, who has taken a great deal of interest in this subject, and who was somewhat familiar with the naturalization of aliens, was desirous of making a very great change in the Bill, that is, doing away altogether with the posting of the name before the application to the quarter session and the court, doing away with the necessity of going to the court, allowing the party to be naturalized simply by registering his name and taking the oath before the clerk of the peace. My hon. friend from Grey (Hon. Mr. Landerkin) thought that would be an improvement. At this stage I do not see my way to accept that suggestion, because in the North-west especially a very large number of foreigners are going in, and I should fear, on important occasions, such as election times, the names might be rushed through improperly. There would be no security as to the ascertaining whether the parties had lived there the requisite three years, or were bona fide making application with a view of becoming permanent residents, or with a view only of voting at an election, and, therefore, I did not see my way to accept the suggestion. Perhaps the hon. gentleman would give his views on the subject. He has had a large experience and he thought his view would be an improvement, but I do not feel like incorporating it in this Bill. The question will come up on clause two. In the first clause

the only change is the addition of the six last lines :

In the North-west Territories, to the Supreme Court of the North-west Territories, during its sittings in the judicial district within which the alien resides ;

In the Yukon Territory, to the Territorial Court during its sittings in the circuit within the jurisdiction of which the alien resides.

Hon. Mr. LANDERKIN—The operation of the Naturalization Act has been one that has been forced upon me ever since I entered public life. As it is I have found it cumbersome and somewhat expensive, and difficult to carry out. In the riding I have had the honour to represent, we have had a good many foreigners, and it became necessary that they should be naturalized. In order to naturalize them, an affidavit of residence had to be taken, and an affidavit of allegiance. These affidavits might be taken before a magistrate and had to be referred to the quarter session, and the court had to determine whether the party should be naturalized or not. I have followed the matter a good deal, and I thought the law could be simplified and rendered safer, and that those that were qualified, and those alone, should become naturalized. If a foreigner settles in a township, he is apt to be known to the clerk of that township, or if it is in a village, by the village clerk, or if in a town, by the town clerk, and so on, and the fact of his residence would be known by any of those officers better than it would be by the judge at the quarter sessions, who perhaps held the court some fifty miles, or sometimes further, from the residence of this man seeking to become naturalized. Thinking over this for years, I have come to the conclusion that if the affidavit could be taken as it is now before a magistrate, and filed in the township clerk's office, or town clerk's office, or village or city clerk's office, as the case may be, and a duplicate of that affidavit sent to the clerk of the peace, it would simplify the matter very much and prevent fraudulent naturalization. I understand that in Manitoba and in the Yukon it is necessary to file an affidavit. Well, this affidavit could be sent to the land office, or a copy of it could be obtained from the clerk of the peace. I thought further, that another copy might be sent to the Secretary of State and that all the safeguards that were necessary would be thrown around the carrying out of this Act, and would render it less cumbersome, less expensive and more simple in its operation. These are the changes that I suggest. Of course, if a man came to make an affidavit, and had not resided long enough, the magistrate would not grant him a certificate. The fact that he takes an affidavit and the magistrate knows that he has lived in the country for the time required by the Act—the very fact of his being a resident and taking the oath should naturalize him, instead of his having to wait until he gets naturalized, as at present, by the operations of the court. The effect will be the same. It will be simpler. The change would, I think, commend itself for its simplicity and for its safety. These are the things I had in my mind. If a copy should be required for the registration in the Lands Department, why it could be had from the clerk of the peace, or from the Secretary of State, or from the township clerk or the village clerk. Then, if the magistrates are not satisfied with the affidavit, it is not necessary that they should give the certificate. Let them be in the same position as the court in reference to that. If the court is not satisfied, it will not issue the certificate, but if satisfied with the bona fides of the application made by the man to become a citizen, then it can grant him a certificate, and this certificate entitles him to the rights of citizenship. This is a simple and, I think, a safe method. It would not be as expensive as it has been, because every one who has been in public life knows that there has been a good deal of expense and difficulty in connection with the working of this Act. The administration of this Act has been one of the difficulties that I have often felt in connection with public life, and I have thought it might be simplified and made more safe and quite as effectual, and it would be less cumbersome and expensive, and better for public men. I think it would be better than the present system. I made these suggestions to the hon. minister, and we had a conference on the subject. I am sorry he has not been able to adopt them in his Bill, because I believe I have suggested a system of naturalization which will come into effect in this country before many years.

Hon. Sir MACKENZIE BOWELL—There is a good deal of force in the remarks made

by the hon. gentleman. I know it from experience like his own, particularly at election times. Take the courts in which it is necessary to file this application, it is sometimes more than fifty miles to the nearest court. In my own county it extends over a hundred, and difficulties of that kind have arisen, but I am not so sure as to whether the adoption of the suggestion made by the hon. gentleman (Hon. Mr. Landerkin) would make the Bill as safe as the present law. Difficulties have arisen, I think from neglect on the part of the alien who desired to be naturalized to make the application. His attention is only called to it when he wants to exercise the rights of a British subject. Did I understand the hon. Secretary of State to say that the time for residence in the different provinces of the Dominion was reduced from six weeks to three weeks ?

Hon. Mr. FERGUSON—That is not in this section.

Hon. Mr. SCOTT—My reference was to the posting of the notice in the clerk's office, and not to the other matter. The only difference between the system suggested by my hon. friend and this, is that he would dispense with the court altogether, because the magistrate has just the same duties to perform that he would have if the plan of my hon. friend were adopted. That certificate is given to the clerk of the peace, and he has to post it in his office three weeks before the court meets, in order that the public may have an opportunity of ascertaining whether there is any objection to it, and when the matter comes up in court the judge calls attention to it, and he does not grant the final certificate till the end of the court.

Hon. Mr. LOUGHEED—The only thing I regret is that the Bill is not more elaborate in the requirements which should be enforced in reference to aliens becoming naturalized. Take the case of the North-west Territories to-day, where I suppose, nearly fifty per cent of the population are, or will in the near future, be aliens, and a very large percentage of these made up of aliens who do not understand the English language. Many of these can be induced to make a declaration when called upon by designing parties, not being aware of the contents thereof. I say without hesitation, that great numbers of aliens are naturalized in the Territories without having any knowledge as to the step which they are taking and without any proper inquiry being made as to their possessing the qualifications for naturalization. I should have been better pleased had authority been given to the judges of the Supreme Court, particularly of the North-west Territories, to examine these people on oath, or otherwise. As it is now, all that is required of the alien is the making of an affidavit or declaration as to residence. I am very sorry that there is not an educational qualification required of aliens of that particular character. There are thousands of aliens in the North-west Territories, who have not the slightest idea of the institutions under which they live, of our political conditions or of how they are called upon to vote, or in fact, of the requisites of citizenship.

Hon. Mr. BERNIER. Hear, hear.

Hon. Mr. LOUGHEED—It seems to me an unfortunate thing that while the government is amending this Bill and adding restrictions to it, that more salutary restrictions are not thrown about such cases as that to which I have referred. As the Act stands at the present time, while the judge may grant a certificate, yet, he knows nothing about the applicant. The applicant goes before the justice of the peace, or some one authorized to take an oath. The justice of the peace will not make an adequate inquiry. The applicant simply signs the declaration.

Hon. Mr. SCOTT—He is bound to under the law.

Hon. Mr. LOUGHEED—It is simply a perfunctory proceeding. The declaration is signed at the instance of the agent of the particular political party that brings the alien into the fold. These declarations are placed before a justice of the peace. So far as the statement in the declaration is concerned, the justice of the peace is naturally satisfied that a declaration has been properly made, but the duty is not cast upon the justice of the peace of making a personal inquiry as to whether those facts are true, and so on.

Hon. Mr. POWER—Does the hon. gentleman not think that the difficulty is met to a

certain extent by the new clause which is proposed to be added ?

Hon. Mr. LOUGHEED—Well, to this extent: The alien should appear in court before a judge, but I do not find any authority given to the judge of the Supreme Court once the requirements are complied with, as provided by the old Act and in accordance with the amended Act, to refuse a certificate. Supposing the judge has doubts upon it, I do not find any authority given to the judge, to say that he does not consider the applicant a fit person.

Hon. Mr. SCOTT—If any party attended and opposed the application it would be for the judge to consider the merits of it.

Hon. Mr. LOUGHEED—There are specific grounds mentioned in the Act at present. If the applicant satisfies those grounds there is no discretion in the judge, and it seems to me to be idle to say that any person opposing the application may state his ground, unless authority or jurisdiction is given to the judge to entertain those grounds as being good grounds for refusing the application. Thus the language of the statute is idle.

Hon. Mr. SCOTT—Subsection 3 of section 11, is all new. It is an addition to the law as it stands. It is some advance in the direction my hon. friend proposes.

Hon. Mr. LOUGHEED—I accept it as an improvement. Hitherto there was no way of identifying him and no way of the court satisfying itself that such an individual existed. All the judge had to do was to look at the declarations placed before him. But what I wish to direct my hon. friend's attention to is, that if sections 8, 9 and 10 are complied with, namely, the term of residence—in fact it is no more than residence—then the judge, even though grounds might be advanced which on general principles might be regarded as of such a character as would not induce the judge to naturalize such an individual, would have no authority to refuse his application.

Hon. Mr. SCOTT—I think he would exercise his discretion surely.

Hon. Mr. LOUGHEED—I would ask my hon. friend, by way of discussion along these lines, 'can he conceive of a ground which would authorize the judge to say, 'I will not grant naturalization to this applicant' ? Supposing he were a criminal, what then ?

Hon. Mr. SCOTT—Oh, I think so. Somebody must have brought it to the notice of the judge, and if anybody brought it to his notice, he is bound to inquire into it clearly.

Hon. Mr. LOUGHEED—Supposing he satisfies himself this man is a criminal ?

Hon. Mr. SCOTT—Then I think he is quite justified in refusing the application.

Hon. Mr. LOUGHEED—Under clauses 8, 9 and 10 the qualifications are enumerated, and if he complies with these, I understand he is entitled to his naturalization paper.

Hon. Mr. SCOTT—All you can do is to let the public have notice of it.

Hon. Mr. LANDERKIN—The aliens that I have had to deal with were principally from Germany, and there were scarcely any of them that I could find that were unable to read and write.

Hon. Mr. LOUGHEED—I can speak in the highest terms of the Scandinavian settlers of the North-west Territories, but take for instance the Doukhobors and the Galicians and that class of aliens. I think it is not desirable at all that simply three years residence should give such men a right to vote, except they identify themselves in some way with the institutions of the country by being able to read and write English or such other desirable qualification.

Hon. Mr. LANDERKIN—I would very gladly welcome others of the same class we have settled in our district who came from Germany. They have turned out to be good citizens, industrious, progressive, active, energetic, law-abiding people, and I do not think that any barrier should be raised to prevent such citizens settling in this country.

Hon. Mr. BERNIER—You cannot say as much of some of the settlers in the west.

Hon. Sir MACKENZIE BOWELL—That is very good, but we have plenty of laws on the statute-book to provide, not against those who are good and honest, but to meet cases where they would not be desirable citizens. Hence those who are desirable settlers have to suffer perhaps a little inconvenience in order to protect the country

against the other class, and that is the point to which the hon. gentleman from Calgary has called attention. I do not pretend to interpret the law, but how far does this give to the judge the power in the third clause where it says :

If such opposition has been filed or objection offered the court shall hear and determine the same in a summary way and shall make such direction or order in the premises as the justice of the case requires.

That is where an objection has been made, but the case to which our attention has been called is where the judge might know the undesirability of naturalizing a person who applies, against whom no objection has been made. If I understand the argument of the hon. gentleman from Calgary, there is no provision giving the judge power to reject the application or refuse to give the certificate, though he may personally know the applicant is not a desirable citizen.

Hon. Mr. LOUGHEED—I go further and say that where an objection has been made, excepting you define the jurisdiction of the court, then the court may very properly say the applicant has met all the requirements of the Act, the posting of the name, &c., and although there may be moral ground for refusing the application, yet there being no power by which the judge is permitted to exercise his discretion he is compelled to grant a certificate. That is the point.

Hon. Mr. DANDURAND—It is very hard to clothe tribunals with discretionary powers in all matters. They must be tied down to the written law, and if you want to give them a certain discretion, you must limit that discretion in some way. If the hon. gentleman would indicate what would be the objection which could be taken to the naturalization of an applicant, well and good, but I would take it to be a very dangerous matter granting to judges at their own discretions the right to refuse naturalization papers to any one.

Hon. Sir MACKENZIE BOWELL—Suppose the judge knew that a man was a criminal and no objection had been taken against him.

Hon. Mr. SCOTT—Surely the judge would exercise his discretion in that case.

Hon. Mr. LOUGHEED—He has no power under this Bill.

Hon. Mr. POWER—There is a great deal of force in the objection of the hon. gentleman from Calgary, and I would suggest when we come to the next clause of the Bill that we should take time to consider that point. It would be a great help to the judge to have some guide in the matter. The judge may feel as the hon. gentleman from Calgary does, that he has no right to exclude a man who has complied with the terms of the Act. I would suggest one objection which might be urged. Suppose a man is an anarchist, for instance, that would be ground for not making him a naturalized citizen of this country. There would be very little difficulty in framing a sub-clause to the next clause which would indicate in what way the judge's discretion was to be exercised, even where the requirements of the statute have been complied with. The Secretary of State seems to think it is rather amusing, but I think it a serious matter. The people who are going to be naturalized within the next few years will have a great deal to do with the future governing of this country, and we ought to see that they are people in whose hands the right to vote could safely be entrusted.

Hon. Mr. LOUGHEED—The Act does not say the judge shall refuse. All that the judge can do is to take the matter into his consideration.

Hon. Mr. SCOTT—He would not grant it.

Hon. Mr. LOUGHEED—But he must grant it.

Hon. Mr. SCOTT—Oh, no. He would not be fit for his position if he did.

Hon. Mr. LOUGHEED—Then let us add to the Bill that the judge may refuse the alien's application in his discretion.

Hon. Mr. POWER—That would be objectionable. There is generally, I understand, a rush for naturalization on the eve of an election. Now, suppose a judge to whom this matter is referred is more or less a partisan—sometimes it happens that judges have feelings of that kind. If you gave a judge absolute discretion, he might shut out men who were likely to vote against his feelings. I think the better way is that the Act itself shall indicate on what ground the alien can be excluded.

Hon. Mr. LANDERKIN—If the settlers of the North-west are to be compelled to go six or seven hundred miles before a court, to secure naturalization papers, would not this be a difficult thing in itself ?

Hon. Mr. LOUGHEED—I do not think that could arise. The Territories are divided into judicial districts. Courts are held at almost all points of settlement of any importance, and surely if the alien can have the right to exercise his franchise and become a British citizen, it would not entail upon him too much travel to go to the nearest sitting court, which is usually held at a convenient place.

Hon. Mr. LANDERKIN—How far would he have to go in some cases ?

Hon. Mr. LOUGHEED—I do not think in any case he would have to go more than thirty or forty miles.

Hon. Mr. LANDERKIN—Would there be more security than if he obtained a certificate from a magistrate ?

Hon. Mr. LOUGHEED—Certainly. The question of identity is a very important matter. Almost fifty per cent of the people in that country are foreigners.

Hon. Mr. YOUNG—Fifty per cent ?

Hon. Mr. LOUGHEED—I think nearly fifty per cent of them will be aliens.

Hon. Mr. YOUNG—In the west ?

Hon. Mr. LOUGHEED—Yes, or will be before long. It is possible for this condition of things to happen. That is to say a people not understanding the English language, and I suppose it is not an exaggeration to say that there are 60,000 to 75,000 people there who do not understand the English language—Doukhobors, Galicians, Scandinavians and others, they might be easily approached with a view to signing a declaration as to qualification. They know nothing about it, and they sign. I have seen immediately before an election a great number of declarations being forwarded to the clerk of the court from distant points signed by all kinds of persons. I am reasonably satisfied that in many cases those people were not aware in the slightest degree of what they signed.

Hon. Mr. LANDERKIN—They never sent any.

Hon. Mr. LOUGHEED—In all probability they never did. They may never have seen them. There is no way of identifying them.

Hon. Mr. SCOTT moved that clause one of the Bill be adopted.

Hon. Mr. POWER—I suppose our object is to try and make this Bill as perfect as we can. I should like to ask the hon. Secretary of State with respect to the first paragraph. Such certificate shall be presented—

> In Ontario, to the court of general sessions of the peace of the county within the jurisdiction of which the alien resides, or to the court of assize and 'nisi prius' during its sitting in such county.

Now, in Ontario are these courts of assize and nisi prius held by the county judges ?

Hon. Mr. LANDERKIN—No.

Hon. Mr. POWER—If not, as a matter of convenience in the province of Ontario these applications might be made to the county judge.

Hon. Mr. LANDERKIN—They both meet in the same court-house.

Hon. Mr. POWER—Then the court of general sessions is presided over by the county judge.

Hon. Mr. SCOTT—Yes.

Hon. Mr. POWER—With respect to Nova Scotia, I wish to suggest one or two slight amendments. Our county courts in Nova Scotia are not strictly county courts. The one county court judge has jurisdiction over two or three counties, and we want to make it clear that it is the county court judge having jurisdiction in the court. I move to make the change.

Hon. Mr. SCOTT—This has been the law for forty years, and I do not think it should be changed without some good cause for it.

Hon. Mr. POWER—The clause, amended as I propose, will then read :

> In Nova Scotia, to the Supreme Court during its sittings in the county within which the alien resides, or to the county court having jurisdiction in such county.

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

Hon. Mr. LANDERKIN—I have heard the same objection to foreigners in all my public career. I remember when the Mennonites

were brought from Russia to settle in Manitoba, they were described as a very much worse class of people than I heard the hon. member from Calgary describe those who are settled there now. Every attribute of a bad character was heaped up against them. I have heard that with regard to both the Mennonites and Icelanders. I have heard it time and again. The hon. gentleman is mild to-day compared to the diatribes I have heard used against others in my past career. I had an opportunity of going through the Mennonite district seven years ago. These settlers did not talk English when they came to the country, but they could talk English as well as anybody in the settlement when I saw them. They had assimilated with our people rapidly, had become good citizens, and I would not be surprised if those whom the hon. gentleman is now decrying would become just as good and useful as other citizens from Russia have become in Manitoba. The Mennonites have been an example to the people of that district, so far as farming is concerned. I understand they have been most successful. I saw their farms and I do not believe that any gentleman in Manitoba or the North-west would desire to see these people sent out of that country. There is not a doubt about that. The same cry that is raised now against Doukhobors and Galicians will probably fade away, as it did against the Mennonites. Why, I remember in the other Chamber it being suggested that they be shipped back—that they were unfit to live in Canada—that they were very undesirable citizens—almost everything that could be said against them was said, and notwithstanding that, they have convinced the people of Canada and of the North-west that they are good citizens. The Icelanders also met with the same reception I should like to know, if we desire settlers, what foreigners must think of the reception that is given them by public men who try to destroy them and to create a false impression without a knowledge of those people as to whether they are industrious or otherwise, and try to hurl charges against them because some of them may be bad. There are bad people in almost every community. In the Senate particularly we should be very careful, because the Senate should be a national body, and should endeavour to build up a national character and welcome every citizen that is law abiding and industrious, instead of trying to make him feel that he is not welcome, as we sometimes hear it stated.

Hon. Mr. LOUGHEED—My hon. friend from Grey has a vivid imagination, and it runs riot with him at times. No one has made any attack upon foreigners in the North-west. No hon. gentleman in this House is better pleased to see them there than I, and I think I probably would prove their friend quite as loyally as my hon. friend from Grey.

Hon. Mr. LANDERKIN—The hon. gentleman did not like the English immigrants the other day.

Hon. Mr. LOUGHEED—What I predicted in regard to the difficulty awaiting the hon. gentleman's English friends has come true. Let me point this out : we are amending the Naturalization Act. That Act provides that an alien, upon three years' residence in Canada, no matter what his qualifications may be, no matter if he has not the remotest idea of British institutions or the political institutions of the country in which he lives, may become naturalized as a British subject, exercise his franchise and enjoy all the privileges of a British subject.

Hon. Mr. YOUNG—Not in three years.

Hon. Mr. LOUGHEED—In three years.

Hon. Mr. YOUNG—Not in Manitoba.

Hon. Mr. LOUGHEED—I would point out to my hon. friend that the Naturalization Act is a Dominion Act, and that the alien has the same rights in the province of Manitoba as he has in any other part of the Dominion of Canada.

Hon. Mr. YOUNG—In provincial matters, under certain circumstances he cannot exercise his franchise in three years. It requires seven.

Hon. Mr. LOUGHEED—That may be as to your provincial franchise, but we are talking now of Dominion status of aliens and under this Act an alien, after three years residence in Canada, no matter what his character may be, whether moral or immoral, criminal or otherwise, may make application for a certificate as a naturalized British subject.

Hon. Mr. SCOTT—Not unless he is certified to be of good character.

Hon. Mr. LOUGHEED—That is a very easy thing to get. The particular party to which he attaches his allegiance, I fancy, will in some way or other furnish him with a certificate of good character. If you are going to give the court discretion as to the issuance of naturalization, let the court exercise discretion and define the principles on which the court has to act. I am satisfied the broadest discretion should be given judges as to whom they should naturalize, but if the Act is going to work at all satisfactorily, it seems to me the ground should be defined upon which the court should act in refusing an application. I was under a misapprehension, when I read the Bill first, that the applicant had to appear before the court. I find that is not the case. The language of the Bill will not warrant the applicant appearing before a court. The court may exercise its discretion without the applicant being present.

Hon. Mr. YOUNG—That is right.

Hon. Mr. LANDERKIN—The court will not know whether he signed the application.

Hon. Mr. LOUGHEED—No, the court will have to accept the application. At the same time the only improvement on the old Act is that three weeks' notice of the intention to apply must be posted up, and no other provision, so far as I can observe, in any way alters the old Act.

Hon. Mr. YOUNG—I know very little about this matter that is under consideration, but we are discussing it here to-day apparently only from a political standpoint, while naturalization papers are necessary for other things, and just as important as the franchise, that an alien may enjoy after becoming a citizen. I refer particularly to those who are taking homesteads in the North-west. They have to be naturalized before they get their patents, and if you make it cumbersome and expensive to that class of people, you are doing an injury to the settler which I do not think this House would contemplate for a moment. So I would ask you to consider that phase of the question as one worthy of consideration. I should like to obtain information on another point, and that is, what provisions are there for the settler who has obtained his naturalization papers and who has deposited them elsewhere—for instance when he is applying for his patent he must send his naturalization papers to the land office in the Department of the Interior—and who afterwards may desire to have his naturalization papers to use in court, or somewhere else, is there any cheap machinery provided by which we can get a duplicate certificate for such occasions ? We find now that when a man applies under our local franchise, the Act of Manitoba, to be placed on the list, the registration clerk may require from him the production of his naturalization papers, and they may be here in Ottawa, or anywhere. I think it would be well to look at the Act and see whether some reasonably safe and convenient method might be adopted by which a man, under such circumstances could obtain a duplicate certificate at a minimum cost. I do not know whether that is provided for. I am asking for information.

Hon. Mr. DANDURAND—In our province every court must supply copies of documents when required. I suppose it is the same in Manitoba.

Hon. Mr. YOUNG—Our court records are few and far between.

Hon. Mr. SCOTT—Last session we passed an Act requiring the clerks to send documents to Ottawa, where they are registered.

The clause was adopted.

On the clause relating to New Brunswick :

In New Brunswick, to the Supreme Court or the court of assize and 'nisi prius' during its sittings in the county within the jurisdiction of which the alien resides, or to the county court of such county.

Hon. Mr. SCOTT—This clause was submitted to the law clerk, and as it had been in operation without challenge for the last forty years' I did not care to change it. I am not sufficiently familiar with it myself to know whether this clause should be changed.

Hon. Mr. WOOD—The provisions are the same as those in the clause relating to Nova Scotia, and I think the amendment made at the suggestion of the hon. the Speaker, a very good one, making the

clause clearer. The conditions are just the same in our province—a county court judge has jurisdiction in more than one county.

Hon. Mr. SCOTT—It gives jurisdiction to the Supreme Court also.

Hon. Mr. ELLIS—There is a judge for every county in New Brunswick. The judge may have three counties, but he holds court in each county, and this clause meets the case.

Hon. Mr. SCOTT—I will have the law clerk look into it before the committee sits again.

Hon. Sir MACKENZIE BOWELL—If one county court judge holds court in two or three counties, I think the clause meets the case.

Hon. Mr. WOOD—The amendment suggested by the Speaker makes the matter perfectly clear. It seems to me there can be no mistake if that wording is adopted. It does not seem clear as it stands in the Bill.

Hon. Mr. SCOTT—I think myself it is cavilling at the English language. I think it clear to any one who wishes to understand it. However, I have no objection to make the change.

Hon. Mr. FERGUSON—In case the Secretary of State holds over this clause for further consideration, I notice that provision is made that when the matter is to be determined by the Supreme Court, it must be during the sitting of the court, but when it comes to the county court it does not provide that it shall be during the sitting.

Hon. Mr. SCOTT—The court is only there while the judge is sitting. However, I will let the Bill stand and refer it to the law clerk. I thought, as none of these clauses had ever been challenged before, and as they had been revised over and over again by different lawyers, there would be no necessity to change them.

Hon. Mr. FERGUSON—Because this has been the law before, it may not necessarily be right.

Hon. Mr. SCOTT—It has been put in the Revised Statutes.

Hon. Mr. FERGUSON—The world is growing wiser and new light may be thrown on it.

Hon. Mr. ELLIS—In the province of New Brunswick, I think it is perfectly right. An alien can make application to the clerk of the court at any time. He can only get before the court when it is sitting in the county. If I remember right, there is a county court in every county of New Brunswick. There are only four or five judges, but each county has its own court.

Hon. Mr. SCOTT—We will let it stand until to-morrow and make further inquiry about it.

The clause was allowed to stand.

On clause 2,

Hon. Mr. SCOTT—This clause has been prepared by the chief justice of the court of Manitoba who has had experience, and I presume is qualified to give advice on the subject. I have reduced the time, as I said before, from six weeks to three weeks, within which the certificates must be posted. I think my hon. friends are expecting difficulties that are not likely to arise. In the first place the official who records the oath must be satisfied that the applicant is a person of good character, and must be satisfied he is telling the truth. You cannot get any better method of doing it unless you block the whole thing. You cannot throw difficulties in the way. My hon friend from Grey wanted to shorten the method by which a man could be naturalized. In the North-west Territories we require to surround it by safeguards more carefully: that is contained in the proposal requiring the certificate to be filed and posted as discussed. And those safeguards were contained in the proposal to require the certificate to be filed in the office of the clerk of the peace and be exhibited in court in the way we have discussed. That is a move in the right direction. The law is much simpler than it was before, and, notwithstanding my hon. friend's opinion if an improper character were brought before the judge, and if he were aware of the fact that he was a person who ought not to be admitted, it would be perfectly proper for him, under this, to urge his own objection. He need not get that objection from anybody else. I do not think a judge would be so slavishly bound by the law, if he found that an anarchist was coming before him,

as to authorize him to be naturalized. If he did, he certainly would not be fit for the position of judge.

Hon. Mr. DANDURAND—The question that was put, to which the hon. gentleman made answer, was 'How would the judge, if he was aware, of his own knowledge, that the man was a criminal, be able to take cognizance of that?' He would require some evidence of record as to that. His own knowledge does not make evidence. It has to go into the record. The fact must be established by some petition against the man. If the clerk of the court has the records of the facts, then the judge might be made officially aware of it, but it is not his own knowledge of the facts, because he would then be acting upon such a wide range of discretionary power that I think it would be proper for parliament to limit the discretion. That is why I was answering the hon. gentleman's inquiry, that if discretion was given to the judge, it must be within limitations.

Hon. Mr. SCOTT—The judge sees an offence committed in open court; does he not take cognizance of it?

Hon. Mr. DANDURAND—Yes, because he has there the right to discipline as prescribed by law.

Hon. Mr. LOUGHEED—I might point out that the certificate is not made by the judge. It is simply presented to the judge.

Hon. Mr. SCOTT—He makes the order.

Hon. Mr. LOUGHEED—That is not clear to my mind.

Hon. Mr. SCOTT—The clause reads:

If such opposition has been filed or objection offered the court shall hear and determine the same in a summary way and shall make such direction or order in the premises as the justice of the case requires.

Hon. Mr. LOUGHEED—What order is he going to make? The certificates are prepared in the meantime.

Hon. Mr. SCOTT—The judge has the discretion there, clearly. If he is aware of any reason why the man should not get the certificate, he orders the clerk not to issue it.

Hon. Mr. POWER—If the same thing occurred in this proposed clause which occurs in section 10 of the Act, I would be disposed to think nothing more was necessary. If in the new clause you give the judge the same discretion which you give to the party who grants the certificate, that would cover the ground. I would suggest to the hon. gentleman from Calgary some provision of that kind.

Hon. Mr. SCOTT—I think we are surrounding it with sufficient checks and guards. I move the adoption of the clause as it stands.

Hon. Mr. LOUGHEED—I must say that in my judgment, with the exception of the three weeks' notice, it is no improvement whatever on the old Act, because the same provision exists under the old Act, practically, as under the new. That is the clause in section 11 of the old Act.

Hon. Mr. SCOTT—It gives opportunities to the public to discover if there is any objection offered. I do not think it is wise to put in too many checks.

Hon. Mr. LOUGHEED—It seems to me, while we are passing an Act of this character, which is for the purpose of protecting the exercise of the franchise, that we should make it as complete as possible.

Hon. Mr. LANDRY—I understood the hon. Secretary of State proposed to add a clause, giving a discretion to the judge.

Hon. Mr. SCOTT—I do not think we can improve it in that respect. I do not think we should have too many checks. We ought to encourage naturalization. The objection of the hon. gentleman from Grey (Hon. Mr. Landerkin) was that this Act was too cumbersome, that it defeated its object, and now hon. gentlemen want more difficulties. I think there are sufficient difficulties in the way. The application has to pass through two tribunals, first the magistrate or judge, and then the court. I think we had better let it go as it is.

The clause was adopted.

Hon. Mr. MacKEEN, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again to-morrow.

FEDERAL OIL COMPANY BILL.

SECOND READING POSTPONED.

The Order of the Day being called:

Second reading (Bill 30) an Act to incorporate the Federal Oil Company.—(Hon. Mr. Dandurand.)

Hon. Mr. DANDURAND—The hon. gentleman from Stadacona (Hon. Mr. Landry) having prompted me to adjourn the adoption of the report of the Standing Orders Committee, I will have to ask that this order be discharged, but before doing so, I should like to draw the attention of the Senate to the manner of proceedings of the Senate under rules 43 and 44. When the question was raised by the hon. gentleman (Hon. Mr. Landry), the Speaker declared that the procedure had been constant in the Senate as to moving, without one day's notice, the acceptance of the report and the suspension of the rules. The hon. Speaker in declaring that this was the constant practice, should have added at the same time that it was according to the rules of this Chamber. In fact clause 43 reads as follows :—

If a report recommends the suspension of certain rules with respect to a Bill, the senator in charge thereof moves that those rules be dispensed with in so far as they relate to such a Bill.

Then rule 44 says :—

Should the senator in charge thereof not move during the sitting that the rule or rules be dispensed with, he will have to give notice that on a future day he will move that the rule or rules be dispensed with in so far as they relate to the Bill intituled, and so on.

So I think that the point taken by the hon. gentleman was a bad one, according to these rules that I have read, and although I do not ask him to withdraw his objection against the New Canadian Company Bill, I wonder whether he would not allow the Senate to reconsider its decision on the Federal Oil Company Bill, to which he has no objection.

The SPEAKER—Allow me. The hon. gentleman has undertaken to reflect on my decision. If he will read a little beyond where he read just now he will see the distinction. Paragraph 46, page 90, reads :—

Although the suspension of the rules recommended to be dispensed with by a committee is generally moved at the same sitting that the report is presented, it is only by sufferance.

Hon. Mr. LANDRY—The hon. gentleman did not read enough.

Hon. Mr. DANDURAND—Rules 43 and 44 seem to be very clear as to the procedure upon the report of a committee. I observe that clause 46 seems to amend or modify clauses 43 and 44, which then have no more raison d'etre, inasmuch as the senator is given the right to move that the rules be suspended.

Hon. Mr. LANDRY—I think the hon. gentleman is entirely out of order. He is discussing a decision that has been given. He has only one thing to do, to move that the Order of the Day be discharged.

Hon. Mr. DANDURAND—I was coming to that motion, which I now make—that this Order of the Day be discharged, and placed on the Orders of the Day for Friday.

The motion was agreed to.

SECOND READINGS.

Bill (79) An Act to incorporate the Bank of Winnipeg.—(Hon. Mr. Young, in absence of Hon. Mr. Watson.)

Bill (69) An Act to incorporate the Northwest Coal and Coke Railway Company.—(Hon. Mr. Wood, in absence of Hon. Mr. Owens.)

Bill (42) An Act respecting the Alberta Central Railway Company.—(Hon. Mr. Young.)

CHINESE IMMIGRATION BILL.

DEBATE ON SECOND READING POSTPONED.

The Order of the Day being called :

Resuming the adjourned debate on the motion for second reading (Bill 82) an Act respecting and restricting Chinese Immigration.—(Hon. Sir Mackenzie Bowell.)

Hon. Sir MACKENZIE BOWELL—I understood the hon. Secretary of State to say, when he asked for the adjournment of this debate, that he had some amendments to suggest. Might I ask him if he is prepared to lay those amendments before the Senate before we resume the debate ?

Hon. Mr. TEMPLEMAN—Yes. They are not of a very important character. I have them here. There is an amendment to clause 8, defining what 'landing' means under the Act, and permitting the Chinese crew of a steamer, for instance, to land and disembark cargoes. It also provides for the transference of a Chinese crew from one vessel to another, and permits them to land for that purpose. Under the law as it stood, landing for such purposes would be illegal. The amendment proposes to admit the landing

of crews of Chinese vessels for the purpose of loading and unloading that vessel, and for the purpose of transferring the crew of one vessel to another vessel, which was impossible before. These are the only amendments.

Hon. Mr. MACDONALD (B.C.)—Very important amendments.

Hon. Mr. TEMPLEMAN—They are of a trifling character, and do not affect the Bill in any way.

The SPEAKER—The hon. leader of the opposition would like to postpone this discussion till to-morrow.

Hon. Sir MACKENZIE BOWELL—Unless hon. gentlemen wish to sit to-night.

Hon. Mr. SCOTT—Say Thursday, first Order.

Hon. Sir MACKENZIE BOWELL—Yes. I would suggest that the amendments which he proposes to make to the Bill should be placed on the Order paper, so that we will know how they affect the Bill. To my mind, it is a great concession to those who employ Chinese in the work or the employment to which he has referred, and I should like to see how it reads. I move that the debate be postponed till Thursday.

The motion was agreed to.

MEMORANDUM *RE* WILLIAM HENRY PARENT.

Hon. Mr. DANDURAND—I should like to ask the hon. gentleman from Stadacona if he has laid his hand on the memorandum which was to be placed before the House, to which my name appears ?

Hon. Mr. LANDRY—I promised to give the hon. gentleman the name of the party in a memorandum in which his name appeared. It is a man called William Henry Parent. I mean that man who was engaged by the hon. member——

Hon. Mr. DANDURAND—It is not a question of a man. It is a question of a memorandum.

Hon. Mr. LANDRY—The memorandum was the despatch sent by the hon. member to that party, to which I was alluding at the time.

Hon. Mr. DANDURAND—What despatch?

Hon. Mr. LANDRY—A despatch sent by the hon. member himself to a man called Parent.

Hon. Mr. DANDURAND—Where did the hon. gentleman see or hear of such a despatch ?

Hon. Mr. LANDRY—If I am not mistaken, I think the hon. gentleman himself told us that.

Hon. Mr. DANDURAND—So the hon. gentleman refers to a debate that took place in this House.

Hon. Mr. LANDRY—To a debate that took place in this House, yes.

Hon. Mr. DANDURAND—It is very vague, because my hon. friend could have turned up that debate, and told us what he wanted, or mentioned what he wanted about that debate. He has spoken about a memorandum in which my name appeared, and now it is a telegram I might have sent to some one. If my hon. friend would particularize a little more I might help him in procuring the telegram, but if it is something in the debates, I suppose I am as well informed as he is with reference to what the hon. gentleman means.

Hon. Mr. LANDRY—I do not understand what the hon. gentleman means.

Hon. Mr. DANDURAND—The hon. gentleman spoke of a memorandum that he could easily get, in which my name appeared. He did not say what kind of a memorandum, but it was an allusion to a memorandum which he could lay before the House concerning me, and which would reflect upon me to a certain extent, to what extent I did not know, because I did not know the memorandum. I am interested to be informed as to what that memorandum is, or if he has made inquiry. If he will particularize a little, I will try and help him to obtain that memorandum. I am surprised the hon. gentleman would speak in a mysterious way of a document concerning me, and come before the House and say: 'Well, I referred to something which took place in this Chamber in a speech, a document which the hon. gentleman himself referred to.' If that is all the hon. gentleman had in his

mind, well and good, but I am bound there should be no reflection upon my name, without giving the hon. gentleman a chance to substantiate that very flimsy and frail accusation.

Hon. Mr. LANDRY—Did the hon. gentleman really forget that telegram ?

Hon. Mr. DANDURAND—My hon. friend of course is of the age of discretion. He should have a sense of responsibility about him, and display it at times. He speaks of telegrams in connection with his reflection about a memorandum concerning me. I should like to have him bring the document to which he referred. Will the hon. gentleman take a week and bring before the Chamber this telegram of which he speaks ?

Hon. Mr. LANDRY—I will bring it if the hon. gentleman will hand it to me, because I suppose he has it in his possession. He framed the telegram. I want the hon. gentleman to understand the matter. Can we not call a telegram a memorandum ?

Hon. Mr. DANDURAND—Yes, I will allow the hon. gentleman to call the document he speaks of by whatever name he pleases, provided that he is manly enough to put it on the Table of this House.

Hon. Mr. LANDRY—I will produce what the hon. gentleman said himself ; he will find it in the Senate Debates in 1900. It was himself that came here before this House and stated that a man called Parent was a canvasser that he employed in the elections. The hon. gentleman telegraphed him and sent him precisely that document I have alluded to. He was in communication with Parent and sent for him to come to his office in Montreal and found that Parent was a drunkard.

Hon. Mr. DANDURAND—The hon. gentleman need not repeat a speech which I made in this House and which appears in the Debates. I want him to produce the document which he said was a mysterious one. I am sorry to take up the time of this House discussing such a flimsy accusation, but I was bound to have the hon. gentleman tied down to that mysterious document, and I give him the whole session to find it. He refers to a speech of mine in which I spoke of one Parent—that is not the mysterious document he spoke of. I will give the hon. gentleman until to-morrow to find it. He is a very industrious member of the Senate, and if he can find the document he spoke of or telegrams or memorandums, let him produce them, but I want him tied down to a document.

Hon. Mr. LANDRY—Will the hon. gentleman take it upon himself to say that he did not sign the telegram to which I have alluded ?

Hon. Mr. DANDURAND—Certainly not.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, June 10, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (112) An Act to incorporate the Canadian Industrial Corporation, Limited.—(Hon. Mr. Lougheed.)

DEPARTMENT OF PUBLIC PRINTING AND STATIONERY ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (182) An Act to amend Chapter 27 of the Revised Statutes respecting the Department of Public Printing and Stationery.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read a second time on Friday.

Hon. Sir MACKENZIE BOWELL—This is a somewhat important Bill and I would ask the hon. minister to explain its purport.

Hon. Mr. SCOTT—The primary object of the Bill is to legalize an order in council which was passed in 1893, in which the standard for fixing the wages at the bureau was decided on. That order in council set

forth that in order to prevent undue accretions of wages at the bureau, the wages payable at the other cities of the Dominion should be taken as the standard, but particularly fixing the wages paid in the various printing offices in Montreal and Toronto as those payable at the bureau. That is one clause. Then another clause is to authorize the payment of accounts that have been incurred for Intercolonial printing in the maritime provinces and Prince Edward Island on what may be a fair and reasonable basis. Up to recently the Auditor General had no hesitation in allowing the King's Printer to certify, but recently, on a decision he obtained from the Department of Justice, he took exception to the form of certificate. The form of certificate originally was that the work should be done at rates not higher than the rates prevailing at the bureau, in Ottawa. In many of the smaller offices in the maritime provinces it is quite impossible that they could do the work as cheaply as at the bureau, and consequently the certificate provided that it should be at the fair average rate paid for commercial work in the vicinity, and it is to authorize a change in the form of certificate. Those are the principal provisions.

Hon. Sir MACKENZIE BOWELL—And I suppose to give authority to have the work done elsewhere than at the bureau ?

Hon. Mr. SCOTT—Yes. Clause 5 reads :

Provided that nothing in this Act shall require that stationery and printing for the purposes of the Intercolonial Railway or the Prince Edward Island Railway shall be obtained or done in the said establishment in any case where such stationery and printing may be more conveniently procured elsewhere at a cost not exceeding customary and fair commercial rates for similar work or supplies in similar quantities.

The old law read in this way :—

At rates not in excess of the rates that might be charged in the Printing Bureau at Ottawa.

That was passed in 1893, and the statute authorized the printing connected with the Intercolonial Railway and Prince Edward Island Railway to be performed in the province where the service was being rendered, and it attached thereto a form of certificate for the King's Printer to sign. The Auditor General had made no objection to that for about ten years, but he became scrupulous on the subject recently, and it becomes necessary to change the form of certificate.

Hon. Sir MACKENZIE BOWELL—Could the hon. gentleman lay the order in council to which he refers on the Table ?

Hon. Mr. SCOTT—It is in the Bill, copied word for word.

Hon. Mr. POIRIER—Is there any truth in a report I have heard that the government intends to abolish the Printing Bureau altogether ?

Hon. Mr. SCOTT—I think not. I am not aware of the report. Occasionally persons have advocated that the printing ought to be done elsewhere. It would probably be some advantage to printing offices in other parts of the Dominion to have it distributed, but I do not think at the present there is any policy on the part of the government to abolish it.

The motion was agreed to.

DESJARDINS CANAL BILL.

FIRST READING.

A message was received from the House of Commons with Bill (183) An Act respecting the Desjardins Canal.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time on Friday next. He said : The object of the Bill is to confirm some deeds about which there has been some doubt at Hamilton.

Hon. Sir MACKENZIE BOWELL—I suppose it is some old matter connected with the Desjardins Canal ?

Hon. Mr. SCOTT—Yes, confirming some old titles at Hamilton.

Hon. Sir MACKENZIE BOWELL—If my recollection serves me, a suit arose out of a title to some property in Hamilton a short time ago, in which a very large amount was involved, arising out of the Desjardins canal. It probably deals with that.

Hon. Mr. SCOTT—Yes, I see it has to do with the titles of some properties in Hamilton.

The motion was agreed to.

PUBLIC WORKS ACT AMENDMENT BILL.

A message was received from the House of Commons with Bill (193) An Act to amend the Public Works Act.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time on Friday next. He said: This also is to overcome some scruples of the Auditor General. For many years in the public works they have been in the habit of letting contracts without tender where the amount was $5,000 and under. That has been the practice for a great many years. Recently the Auditor General has stuck at that too. He does not consider the Public Works Act authorizes it, so this is to enable the minister to give out small contracts by day labour and without tender.

Hon. Sir MACKENZIE BOWELL—The reason I asked the question was I thought it might be a Bill to carry out the promises which were made by the Minister of Marine and Fisheries at Montreal during the elections, that a certain portion of the duties devolving on the Minister of Public Works should be transferred to the Department of Marine and Fisheries.

Hon. Mr. SCOTT—Oh, no.

Hon. Sir MACKENZIE BOWELL—It has nothing to do with that?

Hon. Mr. SCOTT—Nothing.

The motion was agreed to.

FEDERAL OIL COMPANY'S BILL.

SUSPENSION OF RULES 49C AND 50.

Hon. Mr. DANDURAND moved:

That Rule 49c and 50 be suspended in so far as they relate to the petition of the Federal Oil Company, as recommended in the seventeenth report of the Standing Committee on Standing Orders.

Hon. Mr. LANDRY—Is this a motion that could initiate a debate?

The SPEAKER—No. It does not initiate a new subject for discussion, so it is not a special motion.

Hon. Mr. LANDRY—So we cannot have any debate on that question?

The SPEAKER—You can have a debate if you want to. The motion is carried.

Hon. Mr. LANDRY—On a division!

Hon. Mr. DeBOUCHERVILLE—Is this a motion to allow a petition to be received although it has not followed the rules of the House? It is a petition to incorporate a company to operate in Gaspé.

Hon. Mr. DANDURAND—No. The hon. gentleman refers to the New Canadian Company.

Hon. Mr. DeBOUCHERVILLE—The objection is that the notices were not published in all the provinces.

Hon. Mr. DANDURAND—That is the objection that was taken in the committee two or three weeks ago. Notice had been given in the province of Quebec only, and in the official 'Gazette.' As there was a clause of the Bill that allowed the company to do business in the other provinces, the consideration of the petition was suspended in order to give the promoter an opportunity of advertising throughout the whole Dominion. The advertising was started throughout the provinces, and upon the committee being satisfied that this notice had appeared in all the provinces, they recommend that the rule be suspended as to the delay during which these notices had to run.

Hon. Mr. DeBOUCHERVILLE—It has not been published in all the provinces.

Hon. Mr. DANDURAND—It has been since then, but the number of weeks during which the notice had to run has not yet been completed, and it is because of that fact they ask that the rule be suspended.

The motion was agreed to.

NEW CANADIAN COMPANY'S BILL.

RULE 49C SUSPENDED.

Hon. Mr. DANDURAND moved:

That Rule 49c be suspended in so far as it relates to the petition of the New Canadian Company, as recommended in the sixteenth report of the Standing Committee on Standing Orders.

Hon. Mr. DeBOUCHERVILLE—What is the objection to this?

Hon. Mr. DANDURAND—The objection is still less than to the other one. There is a clause of the Bill—clause 11—which provides that the company may carry and transfer passengers and mails, goods, merchandise and freight to and from Gaspé basin and Gaspé bay, and any other ports in Canada or in Great Britain, or any foreign countries. The promoters have bound themselves to strike out the words 'and any other ports in Canada,' which leaves the Bill

in perfect order, the notice being for the province of Quebec.

Hon. Mr. DeBOUCHERVILLE—I do not think it puts the Bill in perfect order.

Hon. Mr. DANDURAND—I am simply quoting the words of the report of the committee, to which I do not belong.

Hon. Mr. DeBOUCHERVILLE—This company is authorized to work in the county of Gaspé.

Hon. Mr. DANDURAND—And on the high seas.

Hon. Mr. DeBOUCHERVILLE—If it is to work on the high seas, the notice ought to have been given in all the provinces.

Hon. Mr. DANDURAND—Not necessarily.

Hon. Mr. DeBOUCHERVILLE—The company intend to strike out the clause by which they have the right to operate on the high seas ?

Hon. Mr. DANDURAND—No, they simply intend to strike out the words which authorized them to call at any port in Canada, limiting the power to call to one port in the province of Quebec.

Hon. Mr. DeBOUCHERVILLE—This company will have business only in the province of Quebec ?

Hon. Mr. DANDURAND—Yes.

Hon. Mr. DeBOUCHERVILLE—Then I submit the Bill ought not to be brought here, for the 92nd clause of the British North America Act provides that amongst the exclusive powers of provincial legislature are local works and undertakings other than such as are of the following classes, 'lines of steam or other ships, railways, canals, telegraphs and other works and undertakings connecting the province with any other or others of the provinces, or extending beyond the limits of the province.'

Works wholly situated in the province come under the purview of the local legislature. This incorporation ought to take place in the province of Quebec and not here. This is a very important point. We are trespassing upon provincial rights.

Hon. Mr. DANDURAND—There are very many clauses of this Bill which give jurisdiction to the federal power; but the second clause, in which it is declared that the company is to be a work for the general advantage of Canada, brings it within the scope of this parliament.

Hon. Mr. DeBOUCHERVILLE—It must be according to the 92nd section of the British North America Act :—

Such works as, although wholly situated within the province are before or after their execution declared by the parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the provinces.

But they are not yet declared.

Hon. Mr. SCOTT—Yes, they are in the Bill.

Hon. Mr. DeBOUCHERVILLE—We have not the Bill before us. We have only the petition.

Hon. Mr. DANDURAND—The Bill is before this Chamber, inasmuch as it has had its first reading. It has passed the House of Commons.

The motion was agreed to on a division.

THE VOLUNTEER MILITIA.

INQUIRY.

Hon. Mr. LANDRY inquired :

Do the military authorities intend, during the next training of the volunteer militia, to grant the French companies of the different regiments instructors knowing the two official languages of the country and able to give in French all the necessary explanations ?

Hon. Mr. SCOTT—Yes, where they are available.

DISTRIBUTION OF ACCOUTREMENTS TO REGIMENTS AT THREE RIVERS.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Among the troops called out for camp at Three Rivers on the 30th of the present month, are there any regiments which are not yet provided with the required accoutrements ?
2. And is it the intention of the government to cause these accoutrements to be distributed to them forthwith, before these men leave for camp ?
3. What regiments have been so called out which are not provided with the regulation accoutrements ?
4. Why have they not yet been so provided ?

Hon. Mr. SCOTT—All necessary equipment will be issued to corps to encamp at Three Rivers, upon the recommendation of

the district officer commanding As regards the Oliver equipment, it is issued only upon the certificate of the district officer commanding that the corps has proper accommodation in which to store it.

Hon. Mr. LANDRY—I will point out to the hon. gentleman that he has omitted the answer to one question, as to what regiments have been so called out which are not provided with the regulation accoutrements.

Hon. Mr. SCOTT—I think the answer covers it. 'All necessary equipment will be issued to corps to encamp at Three Rivers upon the recommendation of the district officer commanding.' No regiment will be left out if they secure the recommendation of the district officer commanding.

NEW CANADIAN COMPANY BILL.

SECOND READING.

Hon. Mr. DANDURAND moved the second reading of Bill (83) An Act to incorporate the New Canadian Company, Limited.

Hon. Mr. LANDRY—Will the hon. gentleman give us an explanation of the Bill ?

Hon. Mr. DANDURAND—The company asks among other things, the right of entering into contracts for the construction of tramways, basins, docks, wharfs, elevators, etc., and to purchase, acquire, lease, and dispose of lands, water-lots, etc., to construct steamers, lighters and other vessels, and to carry and transport passengers, mails, goods, etc.

Hon. Mr. LANDRY—It is more the facts which are not contained in the Bill that I want to inquire into than those which are there. I have read the Bill myself. Who are the promoters of the Bill, and who the directors ? That is not in the Bill.

Hon. Mr. DANDURAND—The New Canadian corporation has apparently a corporate life, and it seems to have been incorporated under the Companies' Act of Great Britain, for the purposes mentioned in the preamble, and I cannot go beyond the preamble. I have not before me the letters patent, which contain the powers of this company in Great Britain.

Hon. Mr. LANDRY—That corporate life seems to be very incorporeal.

Hon. Mr. DANDURAND—Of course, the creations of parliament are always of moral beings.

Hon. Mr. POIRIER—May I ask the hon. mover if this is to incorporate a company that is already in existence, or is it altogether a new Act ? The reason why I ask the question is, on account of the vagueness of the Bill—An Act to incorporate the New Canadian Company, Limited. It has no special significance in one sense, and in other senses it is sweeping. If it is a new Act altogether, I would call the attention of the hon. gentleman to the necessity of having something more specific added to it when it goes before the committee. As it is now, it means nothing or everything.

Hon. Mr. DANDURAND—From what I see of the Bill, I observe that they have no letters patent, either provincial or federal, in Canada giving them legal rights. It only affirms that it has a legal existence in Great Britain, a legal existence under the name of the New Canadian Company, Limited. If there are any good amendments suggested in committee, very likely they will be well considered.

Hon. Mr. LANDRY—Is the hon. gentleman aware that the promoter or manager of that company is one of the managers of the Oil Trust Company ?

Hon. Mr. DANDURAND—I only know what the hon. gentleman stated to the Senate in a previous debate.

Hon. Mr. LANDRY—If it is only up to that point it is quite sufficient.

Hon. Mr. DANDURAND—All that I heard at that time was a name which sounded similar to a name mentioned in this matter, but now I have come to the conclusion that it is not the same party that the hon. gentleman referred to.

Hon. Mr. LANDRY—If the hon. gentleman says the name sounds the same, he knows.

Hon. Mr. DANDURAND—I know because there was a name mentioned in the Provincial Act and a name mentioned in the prospectus of the New Canadian Company. I had those two documents before me, and the hon. gentleman read them. They were

two parties who seemed to have the same name, Carpenter. I have found since, in comparing them, that they are not the same party.

Hon. Mr. LANDRY—It is the father and the son.

Hon. Mr. DANDURAND—It confirms what I say.

Hon. Sir MACKENZIE BOWELL—I am glad the hon. gentleman raised this question, not particularly in reference to this Bill, which appears to have for its object the granting of powers to the New Canadian Company, Limited, of England. It is not an unusual thing to do. I am aware of that fact from the past action of this House and the other, but what I want to call the attention of the House to, is the fact that so many of these Bills receiving their second reading here and referred to the committees without explanation, and when we reach the committee stage. The hon. gentleman knows what took place this morning, when about fifteen or sixteen Bills were rushed through at railroad speed, and when questions were asked as to the object of the Bill and what the intentions of the promoters were, in many cases there was no one there to give the explanation, and attention was then called to the fact that so many of these Bills were introduced in this House just in that perfunctory manner in which we have been conducting business in times past, and I do hope that in future some member will insist upon an explanation of the character of each Bill, and what its objects are in order that those who are not members in the committee to which it is referred may know the subjects upon which they are legislating. For that reason I have taken the liberty of calling attention to the point, and more particularly from what occurred in the Railway Committee.

Hon. Mr. LANDRY—Could the hon. gentleman let us know if this New Canadian Company, which has been incorporated in England, is the same New Canadian Company of which I read the prospectus the other day?

Mr. SPEAKER—I do not care to interfere, but really, the proceedings of the Senate have degenerated into a mere conversation. Both hon. gentlemen have already spoken several times on this subject.

Hon. Mr. DANDURAND—I always like to be as courteous as possible by answering questions put to me.

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

FAST ATLANTIC SERVICE.

Hon. Sir MACKENZIE BOWELL—I wish to call the attention of the government to a telegram which appeared in last night's Montreal 'Star.' It reads as follows:

For Fast Atlantic Service and British Ministers Expect Their Fulfilment.

(Special by Cable from the Special Correspondent of the Montreal 'Star' in London.)

London, June 9.—Last night's debate in the House of Commons on the mail subsidy to the Canadian Pacific Empress steamers showed that the British government was continually pressing the Canadian government to complete the through fast service to the far east by an effective Atlantic link.

Mr. Austen Chamberlain, replying to Mr. James Caldwell, admitted that the expectations with which the British government had subsidized the Pacific steamers had not been fulfilled. 'The present service to China and Japan is of very little advantage as a mail service,' he said. 'The revenue obtained from letters and packages going that way bore no proportion to the British subsidy. The British government had gone to the utmost limits in assenting to the renewal of the Canadian Pacific contract for five years, in the hope that the Atlantic service would then be an accomplished fact and a further quickening of the Pacific side has made the route of real imperial value. If these results were not achieved, it was unlikely the British treasury or post office would concur in the extension of the contract on the present basis.

I understand that the Canadian government, when seeking a renewal of the Canadian Pacific subsidy, gave the fullest pledges to the British government as to their earnest intention to secure a fast Atlantic service immediately. The British government has not yet received any advices from Ottawa of the result of the latest invitation for tenders, but certainly expect the early fulfilment of the Canadian government's pledges.

This, the Secretary of State will see, has a serious side to it. It appears that the government has been pledged to do certain things in consideration of the subsidy which was granted for the Pacific service and which Mr. Chamberlain complained has not been fulfilled. Now, we all know that prior to the resignation of the late government, Sir Charles Tupper had effected an agreement with a Canadian company for the establishment of a fast Atlantic service, and on the accession to power of the pre-

sent government they set that agreement aside. Since that time nothing has been done to accomplish the object which the late government had in view, further than to ask for tenders and to take certain steps which, in the opinion of Mr. Austen Chamberlain, have not been fulfilled. Now, it is very important that the reputation of Canada should not be injured by statements of this kind. If these pledges have been made, they should be carried out to the very letter, no matter what the consequences. It would be an exceedingly serious matter if for any neglect on our part the imperial government should withdraw the subsidy which has been given for the mail service to the line of steamers running from Victoria and Vancouver to Japan and China. That is a trade that we are desirous of having continued. I have a distinct recollection that it was after some little pressure and a good deal of difficulty that Sir Charles Tupper, when High Commissioner in England, persuaded the imperial government of the necessity for rendering aid which would not only establish, but perpetuate a line of steamers creating a trade between the Orient and Canada. The Secretary of State will readily admit that statements of this character, made in the imperial parliament, must have a tendency to injure to a certain extent the reputation of any country that does not carry out implicitly the pledges it has made. It is the only apology I have to make for calling attention to the matter at the present time. I look upon it as a very serious statement made by a member of the imperial government, and one which should be explained or, if not correct, repudiated at the earliest possible moment.

Hon. Mr. SCOTT—It might be serious if there was any real foundation for it. I consider the article the product of some reporter with a very vivid imagination. I am not aware that any pressure has been brought to bear on the Canadian cabinet of recent years in connection with the fast line on the Atlantic. I do not now propose to discuss the objections there were to the Allan proposition in 1896. This government turned it down because they did not think it one that they could give their hearty support to. The government have, on two or three occasions, endeavoured to secure tenders that would be acceptable for the improved service across the Atlantic. Up to the present time they have not succeeded in obtaining any offers which, in their judgment, would be of sufficient advantage to this country to accept them. I speak now without any real knowledge of it, but it is possible the subject may have been discussed with the minister when in England last year. I do not know whether it was or not, but certainly no communication has been received of the character my hon. friend adverts to, and as they have already entered into a five years agreement with the Pacific line, we have some considerable time ahead to consider what course we ought to take.

Hon. Sir MACKENZIE BOWELL—The only objection I have to the statement made by the hon. gentleman is his remark that this is the statement of a reporter with a somewhat vivid imagination. The article says they are the utterances of Mr. Chamberlain, and he only repeats them. I hope there will be some body else in power to look after this matter before five years expire.

Hon. Mr. LANDRY—When the hon. gentleman says that up to date the government has received no tender which would justify them in establishing a fast line, does he include in that the two last tenders ?

Hon. Mr. SCOTT—Yes, certainly.

A QUESTION OF PRIVILEGE.

Hon. Mr. DANDURAND—I rise to a question of privilege. Last evening, on the motion to adjourn I asked the hon. gentleman from Stadacona if he had made inquiry concerning a memorandum which he had referred to in this House with which he connected my name. I consider he answered in an unsatisfactory way, from my point of view. I am not very sensitive. Anything the hon. gentleman would say within the hearing of gentlemen from the province of Quebec I would not mind, even if there were innuendoes or aspersions, inasmuch as I am as well known, I suppose, throughout the province of Quebec as he is himself ; but as his remark was made within the hearing of gentlemen outside of the province of Quebec and coming from a distance, who do not know of their colleagues

as well as of those who live in their neighbourhood, I thought I owed it to myself to ask the hon. gentleman if he intended to substantiate his disguised charge or withdraw it. Those who were present heard the answer he made. Now, I want to read what took place on the 27th of May, and ask again if the hon. gentleman has anything to say. We were on a question put by the hon. gentleman concerning a memorandum that had been possibly delivered to the Prime Minister. I asked what memorandum he referred to. The hon. gentleman answered :—

Hon. Mr. LANDRY—I am sorry the hon. gentleman is always in the dark like that, but he might be enlightened I thought, as in the past in other memorandums in which his name was concerned when the last elections took place. But I would say for the information of the hon. gentleman, it is a memorandum on the school question.

Hon. Mr. DANDURAND—Why does not the hon. gentleman say so in his notice ?

Hon. Mr. LANDRY—That is what I am saying now. I give that for the hon. gentleman's own sake, and not for the honourable minister who knows all about it. He knows it is on the school question, but as the hon. member thought he was not well informed, I am giving him this supplementary information exclusively for his own use.

Hon. Mr. DANDURAND—I should like the hon. gentleman to be a little more precise as to the other memorandum to which he referred in which he says my name appears. I never remember a memorandum brought before this House in which my name appears.

Hon. Mr. LANDRY—Not in the House—in the courts.

The other evening I asked the hon. gentleman about the memorandum. He said it had been mentioned in this House. I gave him time to refer to it. I thought if he had anything special in his mind relating to a document in court bearing on my name, detrimentally or otherwise—if he had it in mind I might help him to get the document before parliament. The hon. gentleman was not pleased to answer in a very clear way. He spoke of a document being before the courts of this country in which my name has appeared, without indicating the document. It seems to be more damaging than eulogistic. I should like to know if the hon. gentleman has found that document or memorandum which bears my name which he said was before the courts of this country. That was the question I put to the hon. gentleman last evening. It was a question which he did not answer satisfactorily and I should like to know if he has any answer now to make, after two weeks.

Hon. Mr. LANDRY—I suppose I shall have full liberty to answer. The hon. gentleman in his remarks on the 17th May (page 199 of the Debates) said :

I will give the hon. gentleman until the end of the session.

But I suppose he could not wait until the end of the session so yesterday he sprang the question on the House without telling me that he was going to ask me that question, and I was not prepared yesterday to answer him as fully as I intended to do. In view of the fact that he gave me to the end of the session, when he comes to ask for new details he should at least have had the courtesy to tell me he was going to bring the matter up at this stage. He might have done so to-day. At all events I am prepared. I told the hon. gentleman yesterday it was in reference to the alleged plebiscite frauds which were committed when the prohibition referendum took place. When I spoke in the House on the 27th May, I said what the hon. gentleman has just quoted from the debates of that day. The memorandum I was referring to came up in this House on the occasion of a reference to the plebiscite, but it referred to what had taken place in the last general election. The occasion that brought it before the House was the discussion on the plebiscite, and the alleged frauds connected with it. I am reported as saying for the information of the hon. gentleman, 'it is a memorandum on the school question.' That is a clerical error. What I said was, it was not a memorandum on the school question. On the 27th of May, when the hon. gentleman asked me about that memorandum and said he never remembered a memorandum of the kind being brought before this House, I replied :

Not in the House—in the courts.

There is the mistake I made. The reverse is true. It was in this House and not in courts that the incident took place.

Hon. Mr. DANDURAND—So there is no memorandum or document in the courts.

Hon. Mr. LANDRY—No, I will tell the hon. gentleman what it was. It was in the House and not in the courts, unless you consider this House as the highest court

of the land as the Senate is generally called; but I will not try to split hairs on this occasion and I will say that this affirmation of mine 'not in the House, in the courts' should be on the contrary, not in the courts, but in the House. What was stated on the 19th March, 1899, is reported as follows :—

ALLEGED PLEBISCITE FRAUDS.

Debate Resumed.

The Order of the Day being called :

Resuming the adjourned Debate on the motion by the Honourable Sir Mackenzie Bowell, K.C.M.G.:—

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

Speaking of that Parent who was employed in this last general election to which I alluded by the Liberal organization in Montreal, this is what Hon. Mr. Scott said :—

The paper to which he referred, that report of Parent, had never been presented to the government ; it had never left the parties to whom it was made. They had themselves discovered, a very few days after the report was made, that they had simply been betrayed and deceived by an adventurer who got from them a certain sum of money and sent in a fictitious report.

Further, he says again, speaking of Parent :—

I understand this man left the Ottawa post office on the 11th March ; that would be about the time his report came in. He was only absent from the office two days in February when he was supposed to be making a tour to Quebec, and was absent on the 17th and 18th, and absent on the 1st and 6th of March. The second report is dated either the 1st or 2nd and professes to be sent from Montreal. The second letter was on the 6th. I suppose he went to Montreal to draw his money. He left the post office on the 18th March.

The Hon. Mr. Dandurand was in the House on that account, and said :

I owe it to the House to give my experience of the man whose name has been brought before the Senate in this discussion.

And Mr. Dandurand in that speech tells all about the man. He said :

When the local elections came on I had the management of the provincial elections in the district of Montreal, and I received letters nearly every day from Parent asking to be employed as an electioneering agent or speaker during that election.

Hon. Mr. DEVER—He was another Pigott.

Hon. Mr. DANDURAND—He was so persistent that one day, finding that no one wanted to go to the back of Ottawa county from Montreal—no gentleman caring to leave his office to go on that journey, I wired Parent to come to Montreal. He said he could make a speech. I gave him some money to go to Labelle and speak for the local candidate in the back parts of Ottawa county.

Further on, he said :

That was my experience of the man who was employed by the Dominion Alliance to further the interests of prohibition in the province of Quebec.

That was what the hon. gentleman said, and in his speech he affirms that he was in communication with that adventurer and sent him telegrams. That was the document or memorandum to which I alluded because the hon. gentleman from de Lorimier gave me permission to call that telegram a memorandum. At all events, that was the document to which I was referring at the time. I had not, at the time I pronounced those words, the name of Mr. Wm. Henry Parent, present in my memory, but I had the facts, and I knew that the hon. member, when he interrupted me, had been one of the parties who acted with that man Parent in the elections that took place before the plebiscite, and it was for that I told him that if he wanted so much explanation of the memorandum I was inquiring for from the Prime Minister, he should not forget those relations he had with Mr. Parent. I was referring at the time to the telegram he had sent to Mr. Parent to secure his aid in carrying on the elections with that man whom he afterwards called a drunkard.

Hon. Mr. DANDURAND—I am very glad of an opportunity now to clear up this matter. The hon. gentleman made a very sweeping declaration as to a document before the courts concerning me. It might have been a very damaging document. There was nothing precise in the hon. gentleman's statement, and I was bound to find out what were the facts alluded to. Instead of being a very damaging document, it is a declaration I made to this Chamber which the hon. gentleman has not, according to his habits, read completely, but has referred to a few sentences to make it appear that there was something dis-

creditable, or damaging, in the statement I made before the Senate. The speech is there in extenso, and I am ready to stand by all that I then said, and there is not a word that I withdraw or would not repeat anywhere We were, at the time, discussing the character of a man who had imposed upon the Dominion Alliance. I stated that I had been in contact with that man some time before. He was the son of an ex-member of parliament. I thought he was a good son of a worthy father, and I stated before the House what had been my experience with him. It was in connection with elections. There was nothing illegal or damaging to any one in what I declared took place at that election with that man or any other man. As a matter of fact, I have had considerable to do with elections in the province of Quebec, and I may say, with satisfaction to myself, that I have never even been called as a witness during the long term of years I have been assisting my party. What I complained of was the sweeping, general, mysterious declaration as to something that would be very damaging to one's reputation. If I said: I will not dare repeat before this House all I know that has transpired before the courts of the province of Quebec against the hon. gentleman from Stadacona, I am sure he would have the right to probe to the bottom this aspersion upon his character, because of its general sweeping character. I quite understand he would object to being thus aspersed, while if I limited myself to saying that the hon. gentleman was disqualified for corruption and lost his seat for seven years, I would only be stating a fact, which would be limited in its scope, which he would perhaps not like, but which would, nevertheless, be a clear set fact, and not a mean insinuation.

Hon. Mr. LANDRY—I rise to a point of order.

Hon. Mr. DANDURAND—I am done.

Hon. Mr. LANDRY—I want to know if the hon. gentleman has a right, in bringing up a question of privilege, to attack others. If he has that right, I also have the right to defend myself. As for the attacks, I will give him all the time he wants. I will give him two or three sessions if he wants that long.

Hon. Mr. SULLIVAN—We have something to say in that.

Hon. Mr. LANDRY—What is the accusation brought before this House by the hon. member?

Hon. Mr. DANDURAND—No accusation—a fact. The hon. gentleman was disqualified, and because of his past record he had no right to speak of facts which have taken place before the courts concerning a colleague of his when he had not the slightest excuse for so doing.

Hon. Mr. LANDRY—I will explain that fact. In 1873 I ran for the first time in the interests of the Conservative party in the county of Montmagny. I was then defeated. It was when the Liberal government came into power here. Hon. Mr. Fournier, the late Judge Fournier, was then the representative of the county of Montmagny. The double mandate had been abolished. He resigned his seat. He had been elected by 389 of a majority, and I ran the election against Francois Langelier. It was my first attempt in public life. I was defeated by a majority of 189 votes, and eighteen months afterwards I presented myself in the same county and was elected against one of the lights and chiefs of the Liberal party. He contested my election, and do hon. gentlemen know the reason I was disqualified? It was because as a candidate I had promised to try and get some money for a public road. That is the extent of the crime which I committed. I was disqualified for that, and there is not in the Liberal party a single advocate of any standing whatever, who would dare, in a court of justice, to cite that case as a precedent, in contesting other elections. That is all past and gone. That stain did not fall upon me; it remained on the judges who gave the judgment at that time.

Hon. Mr. DANDURAND—Hear, hear.

Hon. Mr. LANDRY—I know the facts. There were three judges on the bench, Judge Dorion, Judge M. A. Plamondon and Judge Routhier. The three judges disagreed. Two judges were against me, and one for. But do you know what happened? The Hon. Mr. Dorion and the Hon. Mr. M. A. Plamondon, the two Liberal judges, approached the other judge, the Hon. Mr. Routhier, and said: 'If you agree with

us to annul the election, we will just annul the election, but if you don't agree, we will disqualify the candidate.' The Hon. Mr. Routhier could not agree, and the decision was that I was disqualified. The same year that the judgment was pronounced against me, having lost my right to present myself at the local election, I ran for the federal. I hear some one suggesting that I should have appealed. That is what I did. I tried an appeal in England. I did all that I could to reverse that iniquitous judgment, but the law of the province of Quebec is so framed, that I had no right of appeal. Such was the decision given by the Privy Council in England. In the autumn, 1878, I ran for the same county where I had been elected and disqualified because I had promised to do my duty—I was not going into parliament for nothing. I was going to work for those who elected me—I presented myself, and was elected against the successor of Mr. Taschereau, who is now a judge. That is the vindication that the people gave me, and there is not a lawyer of any standing in this country who will venture to quote that precedent to assist him in the courts. In fact, it has never been done, and it will never be done.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, June 11, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

HON. MR. MASSON'S SEAT IN THE SENATE.

Hon. Mr. YEO, from the Committee on the Privileges and Customs of the Senate, presented their report in the matter of the absence for two consecutive sessions of the Hon. Louis F. R. Masson.

The report was adopted.

Hon. Mr. SCOTT moved:

Whereas the Hon. Louis R. Masson has failed to give his attendance to the Senate during two consecutive sessions of the present parliament:

Resolved, that his place in the Senate has, by virtue of par. 1, of sec. 3, of the British North America Act, 1867, become vacant.

The SPEAKER—I would suggest to the hon. Secretary of State that inasmuch as the hon. senator represented a division in the province of Quebec, the title of the division which he represented should appear in the resolution.

Hon. Mr. LOUGHEED—Might I point out to my hon. friend that it is unusual to mention the fact that he did not attend during two consecutive sessions of the present parliament. If the absence was between two parliaments the seat would still be vacant.

Hon. Mr. SCOTT—It so happens that it was in the present parliament.

Hon. Mr. LOUGHEED—It seems to be establishing a precedent.

Hon. Mr. SCOTT—We have to follow the Act. In previous cases it was stated 'one session this parliament and one session the previous parliament.'

Hon. Mr. LOUGHEED—So long as the absence extended during two consecutive sessions the Act is satisfied.

Hon. Mr. SCOTT—They must be consecutive sessions, of course.

Hon. Mr. DeBOUCHERVILLE—The word 'resolved' is used in the motion. We do not resolve, we declare.

Hon. Mr. SCOTT—Very well, declare. This is a resolution or declaration.

The SPEAKER—We might say 'two consecutive sessions of parliament.'

Hon. Mr. LOUGHEED—Yes, that is all the Act requires.

The SPEAKER—The resolution will read:

Moved by Hon. Mr. Scott, seconded by Hon. Mr. Dandurand, that whereas the Hon. Louis F. R. Masson, senator for the Mille Isles division for the province of Quebec, has failed to give his attendance to the Senate during two consecutive sessions of parliament, it is declared that his place in the Senate has, by virtue of paragraph 1 of section 31 of the British North America Act, 1867, become vacant.

The motion was agreed to.

Hon. Mr. SCOTT—Mr. Masson belongs to a family in the province of Quebec that has held an honoured name for many years. In his earlier life he took a warm interest in military matters and was engaged in active service during the Fenian raids; and, on the occasion of the defeat of the Mackenzie administration, it seemed a proper thing to name him head of the Department

of Militia. He entered the government in 1878 in the Conservative administration as Minister of Militia. Mr. Masson had been a member of the House of Commons from confederation down to 1882. In 1882 he resigned his seat and became a member of the Senate. He remained here for a few years, and on being offered the Lieutenant Governorship of the province of Quebec, he accepted the position and resigned his seat in the Senate. After leaving Government House, at Quebec, Mr. Masson was again appointed to the Senate of Canada. It was quite apparent to those who had known him for many years, like myself, that he had failed very materially in health and that he was unable to render as effective service to this body as he had done on former occasions. He was a gentleman who was highly respected by the members of this body, and recognized as a frank and candid man, often differing from those with whom he was politically allied, where his judgment indicated that it was his duty to follow. Mr. Masson was a gentleman of remarkable integrity of character in the various positions which he held. He was always regarded as a man of the highest possible character, and it was recognized that, in all the positions he held, he discharged his duties faithfully and honourably, reflecting credit on himself and his name. I, therefore, move :

That the members of the Senate beg to convey to their late colleague, the Hon. Louis Francis Roderick Masson, the expression of their great regret at the severance of his connection with the Senate of Canada. The members of the Senate avail themselvs of the occasion to place on record their recognition of the great services, civil and military, he has rendered to his country in the varied and important positions he has honourably filled.

Hon. Sir MACKENZIE BOWELL—I second this resolution with a very great deal of pleasure, and, at the same time, with a very great deal of regret—with pleasure I am able to concur in the terms of the resolution, and all that has been said by the Secretary of State in reference to our late colleague, Hon. Mr. Masson ; with very great regret that the state of his health would not permit him to give that attention to his public duties which is demanded of all members of the Senate and of the House of Commons. Speaking from personal acquaintance with him for a number of years, having served in the same cabinet with him, and also when he was not a member of the cabinet, in this House, I can say that he commanded the respect of all who knew him. The moment he came to the conclusion that he could not perform those duties required of a senator, he ceased to be a member of this House. My associations with Mr. Masson were of such a character personally as to lead me to the conclusion that a more honourable man I never met or had any association with. It mattered very little what the question was that was brought before him, either as a representative or in his private capacity, if he conscientiously believed it was right, he would pursue it to the end, and if to the contrary, no matter how it might affect the party to which he belonged, he never hesitated to express his opinion directly adverse to it. I am speaking now from my personal intercourse with him, and I can only add that I fully concur in all that has been said by the Secretary of State as to his honourable character and the valuable services he has rendered to the country, both as a civilian and as an officer in the militia forces in Canada, as a cabinet minister, a senator and a private member of parliament. All I can hope is that all our records, when we cease to be members of this House, may be as spotless as that of the hon. gentleman with whom we are now dealing. I cannot say more. It were useless to say more. I hope, though his health will not permit him to continue to be a member of this House, that he may long be spared to his family and to give advice to those by whom he is surrounded both of a private and a public character. I am convinced I am speaking now the sentiments, certainly of his political associates, and I think I may safely add, of his political opponents.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—While he had his political opponents, I am not aware, from all I have heard and seen in the public press, that he has any personal enemies, either of a political or of a private character. I second the regret conveyed in this resolution and the appreciation of his character which is conveyed therein, with pleasure, deeply regretting that the circum-

stances are such as to necessitate the action taken by the Senate.

The motion was agreed to.

WOODMEN OF THE WORLD ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. DRUMMOND, from the Committee on Banking and Commerce, presented their report on Bill (31) 'An Act respecting the Canadian Order of the Woodmen of the World,' with several amendments. He said: The first amendment is to limit some very wide powers of investment which the company sought to have. The second is to extend for a period of three years the necessity of parting with the real estate required in its operation; and the third was the suggestion of the Insurance Department, providing for a deposit under certain conditions.

The amendments were concurred in.

INLAND REVENUE ACT AMENDMENT BILL.

A message was received from the House of Commons with Bill (186), 'An Act to amend the Inland Revenue Act.'

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time on Monday next. He said: This Bill is purely a technical matter, changing various regulations of the department. The first clause relates to the payment of the several duties which are now made on the 6th of the following month on which they accrue. It places it now on the first day of the month instead of the sixth. The other relates to the percentage of abatements for refuse:

1. An abatement not exceeding three per cent in distilleries using grain, and four per cent in distilleries using molasses or other saccharine matter only, for such quantity of fusel oil or other refuse as is separated therefrom by a second process of distillation.

Then in reference to tobacco it provides:

2. Every wooden, metal or other package containing cavendish, plug or twist tobacco weighing one pound or over, and all packages containing fine-cut chewing tobacco or snuff weighing five pounds or over, shall have printed or marked thereon the registered number of the manufactory, the number of the Inland Revenue division in which the manufactory is situated, and the gross weight, the tare and net weight of the tobacco in each package.

The motion was agreed to.

WEIGHTS AND MEASURES ACT AMENDMENT BILL.

A message was received from the House of Commons with Bill (188) 'An Act to amend the Weights and Measures Act.'

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time on Monday next. He said: This also is a technical matter; it is to amend section 29 of chapter 104 of the Revised Statutes of Canada relating to weights and measures.

Hon. Sir MACKENZIE BOWELL—Can the hon. minister give us any reason why there is an exception made in the case of postal scales?

Hon. Mr. SCOTT—No. There are certain scales up to four pounds which are used for postal purposes, and there is a penalty if a party uses them for other purposes. The other subsection relates to grain. They have no connection.

The motion was agreed to.

GOVERNMENT WORKS AT ST. JOSEPH DE LEVIS.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Has the government begun to carry out certain works at Fort No. 1, at St. Joseph de Lévis, or in the neighbourhood thereof?
2. Were tenders asked for for these works? When and in what manner?
3. Who is to furnish the wood?
4. Who furnishes the cement and lime?
5. Are these works being done by the day or by the piece?
6. Who has charge of the purchase of materials for or in the name of the government, and what commission is allowed the intermediary, or what is the fixed amount to be paid to him?

Hon. Mr. SCOTT—The answers are as follows:

1. Yes.
2. No, being only repairs.
3. The clerk of works is authorized to buy locally the lumber necessary.
4. The same answer as No. 3 applies.
5. By day labour.
6. The superintendent of works has charge of the purchase of the material with a fore-

man or contractor under him—20 per cent on the labour and material (except stone) is allowed the latter.

Hon. Mr. LANDRY—There is no name given.

Hon. Mr. SCOTT—No.

Hon. Mr. LANDRY—Who is the superintendent ?

Hon. Mr. SCOTT—They have not furnished that. The hon. gentleman did not ask the name.

Hon. Mr. LANDRY—Well, I will ask it.

LEVIS POST OFFICE.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Is Mr. Agapit Ouellet, of Lévis, an employee of the government in the post office mail service ?
2. What is specially his occupation ?
3. Is it he who carries the mail bags from the vessels of the ferry company to the Lévis post office ?
4. Is it to the knowledge of, and is it with the consent of the government, that this gentleman occupies simultaneously the position of organizer of the Liberal party in Lauzon ward, in the town of Lévis, and that quite recently he has devoted his time to the preparation of electoral lists ?
5. Does the government know that this gentleman also keeps a barber shop two steps from the Intercolonial station at Lévis ?
6. Has not the government already declared that its policy was opposed to the accumulation of occupations by those whom it has in its service, and does it intend, in this instance, to compel Mr. Ouellet to occupy himself exclusively with his work as a public employee ?

Hon. Mr. SCOTT—The answers are as follows :

1. No.
2. He has the contract for transferring the mails at the Intercolonial Railway station, Lévis.
3. No.
4. No.
5. No.
6. The government has adopted no such policy in regard to contractors.

THIRD READINGS.

Bill (124) An Act respecting the Hudson's Bay and Pacific Railway Company.—(Hon. Mr. Dandurand.)

Bill (132) An Act to incorporate the Père Marquette International Bridge Company.—(Hon. Mr. Young.)

Bill (43) An Act to incorporate the Regina and Hudson's Bay Railway Company.—(Hon. Mr. Young.)

Bill (117) An Act to incorporate the Hudson's Bay and Western Railway Company, as amended.—(Hon. Mr. Young.)

Bill (114) An Act respecting the Nipissing and James Bay Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (70) An Act to incorporate the Macleod, Cardston and Montana Railway Company.—(Hon. Mr. Young.)

Bill (146) An Act respecting the Lindsay, Bobcaygeon and Pontypool Railway Company.—(Hon. Mr. McHugh.)

Bill (111) An Act respecting the Edmonton-Yukon and Pacific Railway Company.—(Hon. Mr. Young.)

Bill (108) An Act respecting the Ottawa Electric Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (47) An Act to incorporate the Nipissing and Pontiac Railway Company.—(Hon. Mr. Landerkin.)

Bill (45) An Act respecting the Calgary and Edmonton Railway Company.—(Hon. Mr. Lougheed.)

Bill (110) An Act respecting the Canadian Northern Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (119) An Act respecting the Alberta Railway and Coal Company.—(Hon. Mr. Lougheed.)

Bill (162) An Act respecting the Hamilton and Lake Erie Power Company, and to change its name to The Jordan Light, Heat and Power Compnay.—(Hon. Mr. Landerkin.)

Bill (126) An Act respecting the Mexican Light and Power Company, Limited.—(Hon. Mr. Kerr, Toronto.)

Bill (120) An Act respecting the Lake Erie and Detroit River Railway Company.—(Hon. Mr. Casgrain, Windsor.)

SECOND READINGS.

Bill (134) An Act to incorporate the Erie-Ontario Power Company.—(Hon. Mr. Gibson.)

Bill (143) An Act respecting the Canadian North-west Irrigation Company.—(Hon. Mr. Lougheed.)

Bill (O) An Act to incorporate the Citizens' Bank of Canada.—(Hon. Mr. Landerkin.)

Bill (P) An Act respecting the Western Alberta Railway Company.—(Hon. Mr. Lougheed.)

Bill (172) An Act to incorporate the City and County Bank of Canada.—(Hon. Sir Mackenzie Bowell.)

Bill (Q) An Act respecting the Nipissing and Ottawa Railway Company.—(Hon. Mr. Kerr, Toronto.)

NATURALIZATION OF ALIENS ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (L) An Act to amend the Acts relating to the Naturalization of Aliens.

(In the Committee.)

Hon. Mr. SCOTT—We went through the Bill carefully the other day and the hon. gentleman from Westmoreland (Hon. Mr. Wood) said he thought that the courts in New Brunswick were not correctly described, and I referred the question to the law clerk of the Senate. He looked it up and made the correction, and the clause now reads as follows :

In New Brunswick, to the Supreme Court during its sitting, or to the Circuit Court, as the case may be, in the county in which the alien resides.

Hon. Mr. LOUGHEED, from the committee, reported the Bill with amendments, which were concurred in.

NORTHERN BANK OF CANADA INCORPORATION BILL.

SECOND READING.

Hon. Mr. YOUNG moved the second reading of Bill (51) An Act to incorporate the Northern Bank.' He said : Yesterday when this order was reached it was suggested that possibly the petition had not been passed by the Standing Orders Committee. I find it was passed under the title of the North-west Bank of Canada, and in the House of Commons the name has been changed to the Northern Bank of Canada.

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

LABOUR UNION LABELS BILL.

SECOND READING POSTPONED.

Hon. Mr. WATSON—I was going to propose to the House, in reference to Bill (D) An Act respecting Labour Union Labels, that I should like to see the measure pass the House without the House committing itself to the principle of the Bill, because a certain amount of information can be secured in committee which cannot possibly be secured in the House, and there is another Bill of a similar character before the committee affecting the same people, and I thought it might be well for us to pass the Bill without any debate and without committing the House to it and refer it to the committee where the same gentlemen who were heard to-day can discuss the measure, and the matter can be debated on the third reading.

Hon. Mr. DEVER—We cannot allow this Bill to pass without a debate.

Hon. Mr. WATSON—Debate it on the third reading.

Some hon. MEMBERS—No, no.

The order was postponed.

CHINESE IMMIGRATION BILL.

DEBATE RESUMED.

The Order of the Day being called.

Resuming the adjourned debate on the motion for second reading (Bill 82) Act respecting and restricting Chinese Immigration.—(Hon. Sir Mackenzie Bowell.)

Hon. Sir MACKENZIE BOWELL—It is not my intention to occupy the time of the House at any great length. I simply propose to call attention to the provisions of the Bill, and probably may quote somewhat copiously from the opinions expressed by members of the House when the question was before it on another occasion. The Bill before us has, I think, but one object, and that is to prohibit the immigration of a certain class of the Mongolian race, by increasing the head tax from $100 to $500, and imposing higher penalties upon infractions of the law by those who bring Chinese into the country. A suggestion has been made by the hon. mover of the Bill to amend it in this regard, that in giving the interpretation to the word 'landing,' permission be given steamship companies

or any ship arriving at a port in this country, to allow the crew to land for the purpose of loading or unloading the vessels, without infringing the law. This is a very wise concession, but at the same time, is it not in direct violation of the principle which has governed the government, and the introducer of this Bill—that is, to prevent Chinese labour in this country. Have they considered the rights, or what are claimed to be the rights, of longshoremen? What guarantee is there that you will not have in the future, at a different portion of the Dominion, the same difficulties in the way of strikes and objecting to the Chinese doing that which the longshoremen and those who load and unload vessels have done, and which they claim to have the right to do? The object of this Bill being to prevent Chinese labour in this country, which interferes with white labour, is not this an infraction of the principle of the Bill as laid down by the hon. gentleman who has introduced it? However, I am not opposing that portion of the Bill. The hon. gentleman in his speech, in reply to a question which I asked, if he knew the opinions held by his colleague, the Secretary of State, on this question—said something, if I remember correctly, not very complimentary to his colleague. The answer given me was:

> I do not know what my colleague said, nor do I know exactly the views of the hon. leader of the opposition on this occasion. He was at one time a member of the government which passed a law imposing a head tax on the Chinese, and I am quite sure that whatever my hon. friend the leader of the House may have done years ago, my hon. friend the leader of the opposition will be true to his principles of twenty years ago and he will support the Bill very heartily.

I thank the hon. gentleman for the confidence which he expresses in myself, although he had so little knowledge of what his colleague would do on this occasion, or whether he would be consistent with the opinion he expressed years ago. However, that is a little difference of opinion which I shall leave to the hon. gentleman to settle between them. My own view is that the Mongolian race is not a desirable class to have in this country in large numbers, hence the original Bill introduced imposed a head tax of $50 on Chinese. Since the hon. gentlemen came into power, they have increased that tax to $100. That was not opposed to the extent of a division, and while I continue of the opinion that there should be a certain restriction upon the immigration of Chinese, a restriction which would render impossible the introduction of what I might call the worst class of that people, the time has not arrived, considering the labouring and commercial requirements of the country, to pass a Bill which is prohibitory in its character as this necessarily will be. The laws which have been passed in other countries are, some of them, of a stringent character. That of Natal, to which the hon. gentleman referred, is preferable to this. We could have an educational test. The answer to that would be 'none of these Chinese could read English.' Some of them do. If you had an educational test, and they would qualify themselves, then they might be admitted. That, I think, if applied to other classes of immigrants as well, would be an advantage, particularly from the experience we have had recently. The question may be very properly asked whether industrious, well-behaved Chinese, as immigrants in this country—if they do not come in numerically too strong—is not as desirable a class as many of the people who have been settling themselves in the North-west of late—the Doukhobors, who are running about naked. Perhaps my hon. friend would prefer that class of immigrants, naked, to the Chinamen well dressed. We have had the evidence of eye-witnesses that some of the Doukhobors have been parading round the prairies looking for the Redeemer, in the state in which Adam and Eve were found in the Garden of Eden before the fall. These people were brought into the country by the aid of the Dominion, and have been held up by some members as model settlers in the country. I merely draw the attention of the House to this fact, that while we are about putting on the statute-book a law which is practically prohibitory, we permit another class of people to come in, whose actions shock the better sense and the modesty of civilized communities.

Hon. Mr. MACDONALD (B.C.)—They are models who do not wear clothing.

Hon. Sir MACKENZIE BOWELL—Then they had better confine their operations to the art studios, where models are required,

and not to exhibit themselves to the world generally. I asked the question when the hon. gentleman was speaking, as to the opinion of Mr. Dunsmuir, late premier of British Columbia, and the answer received from the hon. gentleman was this :

Hon. Mr. TEMPLEMAN—In their report the commissioners say :

The commission were not favoured with the views of Mr. Dunsmuir, although requested. In an official utterance, dated October 9, 1900, as premier of the province, he favours 'an increase of the per capita tax in such measure as to surely limit the number of immigrants, and by enactment of legislation similar to the 'Natal Act,' to regulate their employment while in the country.'

That is what Mr. Dunsmuir, as premier, assented to, but in his private capacity he did not express his opinion.

Whether the Hon. Mr. Dunsmuir, who was premier of the province, had been reading a report of the debate, I do not know, but this I do know, on the 4th instant I received the following telegram :

Victoria, B.C., June 4.

Senator Mackenzie Bowell,
Ottawa.

I observe from the newspapers the Senate is earnestly considering proposed Chinese head tax of $500. Passage of the Act imposing a tax will not be in the interests of industry in this province, and will pander to the aggressive labour unions which have already paralyzed all progressive undertakings here.

(Signed). JAMES DUNSMUIR.

It may be said that Mr. Dunsmuir, being a large employer of labour, would necessarily be against this Bill, but I have learned on very good authority that when people in British Columbia were asked to sign the petitions which have been presented by myself and others in this House, against the passage of this Bill, that they refused to do so for fear of the effect which it would have upon their business. They feared that if it were found that they were trying to prevent the passage of the Bill, the labour element would strike, or so hamper them in their operations as to injure them.

Hon. Mr. FERGUSON—Would boycott them ?

Hon. Sir MACKENZIE BOWELL—Yes. Those who have been in British Columbia, and have studied the question know very well the difficulties which exist in obtaining labourers to perform the necessary work to carry on the various industries in that country. I know from a visit to the state of California, where the vineyards and orchards are very extensive, that if it were not for Chinese labour, the fruit industry could not in the past be successfully carried on. And, mark you, when I inquired about the pay they received, I found they were not very low after all. They were getting from $1.50 to $2 a day for planting vineyards and orchards, and I came to this conclusion, that, however, objectionable the Mongolian race might be in a country like ours, if they became too numerous, that the industries of the country would be sadly hampered if there was a law on the statute-book preventing them from coming into the country altogether. On the coast it is almost impossible to get domestic servants. I suppose nobody knows better than the hon. gentleman who introduced this Bill the difficulty of obtaining domestic servants in that country. It is so great that private families are obliged to employ Chinese as cooks and chambermaids. Almost every gentleman's house that I visited in that country the domestic servants were Chinese, and when I asked why they were employed the answer was, we cannot get any one else. Now, if that be the case at the present day, it is a grave question whether we should prevent this class of labour from coming even into that part of the country. I know that in Queensland, Australia, the government passed a law preventing the black people, or Kanakas, being employed in the different industries in that colony. What was the result ? White labour could not be obtained, and when it could to a limited extent, the labourer could not stand the climate working in the sugar cane plantations. The result was the law had to be amended so as to enable those engaged in growing sugar cane to import from the tropical islands Kanaka labourers who were acclimatized to work during the hot weather in the northern part of that continent. This is the experience in different parts of the world. In the Hawaiian Islands the sugar industry has been hampered and limited to a very great extent for the same reason, and consequently they have been obliged to employ very largely Chinese and Japanese labourers to do that which white men could not well do, and even if they could, were not there in sufficient numbers to supply the demand for labour. Under these circumstances, it is questionable whether it is in the interests of the country that we should, at the pres-

ent, place so restrictive an Act upon the statute-book. Now, this is an explanation for my hon. friend's benefit of the course which I pursued in the past, and which I believe would be in the interests of the country at present. I do not know, if I were opposed in toto to the introduction of any more Chinese into this country, that I could give the Senate a better or more forcible, and shall I say, a more eloquent argument than that advanced by the Secretary of State himself, on a previous occasion.

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir MACKENZIE BOWELL—He placed this question before the Senate in a much more lucid, eloquent and forcible manner than I possibly could, I must, therefore, ask the indulgence of the Senate if I read somewhat copiously from the speeches which he delivered on former occasions on this subject, though such permission is scarcely necessary, particularly when I look round the Chamber and see so many new faces, gentlemen who have not had the pleasure of listening to the hon. gentleman at the period to which I refer. When the question of imposing a fifty dollar tax was introduced, my hon. friend waxed eloquent on the subject, and I am sure he will be delighted at this period in the history of the country to hear another member of the Senate read his opinions. The question came before the Senate on the 30th January, 1885, when my hon. friend made a speech—I see the hon. Secretary of State is laughing. I know that he will feel flattered because I have taken the trouble to hunt up his utterances and to give them to the House, particularly for the benefit of those who were not in the Senate at that time, and who probably have not been such close students of this question as a few of us who were here and in the other House when the restricting Chinese immigration was first mooted in Canada. On that occasion he said :

> We learn that we are to have a report laid before us that has been prepared by a commission that lately sat in British Columbia to inquire into the question of Chinese immigration into that province. This government is somewhat famous for its commissions.

How truly he foretold the policy of his own government as far ago as 1885. He continues :

> We have commissions issued very frequently ; in some instances they produce very small results. They are very convenient mediums for conferring favours on the adherents of the government by affording office for those who are needy and have very little to do.

If I were to express my own opinion, I would say the hon. gentleman was an apt pupil, as he has been carrying out the principle to a very great extent since he has had the honour of being Secretary of State.

Hon. Mr. SCOTT—History repeats itself.

Hon. Sir MACKENZIE BOWELL—I do not mean the hon. gentleman personally ; I mean the government of which he is a member. He continues :

> I am curious to learn what the report of this commission may be.

That report has been before the public for a long time. Then he goes on to say :

> What Lord Derby might have to say to it, I would be rather anxious to know, because this Chinese question has a curious history. It is a matter within the remembrance of us all that the Chinese desired to keep the barbarians out of China for a long period of time, and it was only through the arguments of grape and canister, and shot and shell, that they were induced to believe in the superior humanizing influence of the Anglo-Saxon race and the Caucasian race generally. We know that we insisted on their country being opened to us, that we ought to have the right to establish trade in a limited degree with the people of China. We in consequence established ourselves at Hong Kong and insisted in having five ports open to British shipping, and when the Chinese did not see the propriety of trading with us we sent an army down to Pekin and burnt their beautiful palace there and finally they were convinced by our superior arguments that a trade with the outer world was a policy that they ought to adopt. It seems to me rather inconsistent and rather illogical for the Chinese now to be told, 'It is true we wanted to trade with China and we wanted to settle in China. We desired to have it free for our merchants to make all the money they could in that country and invest it in British stock, but the rule does not seem to work the other way and we are opposed to the Chinese coming into our territory and settling themselves amongst it.' It will be an exceedingly awkward problem to unravel, and to satisfy the Chinese at least that we are consistent.

I must frankly confess that the question of consistency has not been a matter that has given the present government or the Secretary of State any great concern since they have had the honour of governing this country. He goes on in the same style for a column or two. I pass on and find in 1886 a little more, some stronger language than that which I have quoted. That is the year following the introduction of the Bill imposing fifty dollars per head on the Chinese. Another Bill was introduced at

that period in order to render the passage of the Chinese through the country, passing into the United States or to other countries, less objectionable and less onerous than it was at that period. Notwithstanding the introduction of a Bill of that character, my hon. friend was still a little stronger in the opinions which he had uttered on that occasion. He said :

When this Bill was introduced last year I felt a great deal of repugnance to it, and many hon. gentlemen who viewed it in the same light that I do, accepted it only because it was assumed to apply solely to British Columbia.

The hon. gentleman did allow it to pass then, because it applied only to British Columbia and not to other sections of the country. He proceeds :

Now the intention is to apply it to all other parts of the Dominion, and as pointed out by the hon. gentleman from Halifax, here is a clause which applies almost to our very door. There are Chinamen in Canada going backwards and forwards continually, and are we to say that no Chinaman can come in from the United States, or, if he goes to the United States he cannot return to Canada without payment of this duty ? I think the idea is perfectly monstrous and I for one will test the sense of the committee before allowing it to pass. I do not propose that we should allow the whole of Canada to be placed in the humiliating position that British Columbia occupies on this subject. It is so repugnant to all that is English or honourable or right that one can hardly discuss it in a proper frame of mind. To say that British Columbia will press us into this kind of legislation is absurd. I for one protest against it, and I ask that the sense of the committee be taken on this clause. We acquiesced in the proposition as far as British Columbia is concerned, but I for one will test the sense of the committee on this clause and I shall oppose it at every stage of the Bill.

There is much more, column after column of the same character as that to which I have called the attention of the House. He goes on to say further :

The Chinese in British Columbia are scattered throughout the mountains in remote places where they may never hear of this Act. They are living among a population that are prejudiced against them.

I suppose that includes his colleague who introduced the Bill.

And who are prepared to incarcerate them in prison the moment they can do so under the sanction of the law ; and I say it is entirely unchristianlike and not in harmony with anything that is fair or right, to expose those unfortunate people to be taken by the throat and put in jail for not doing a thing of which they are entirely ignorant. It would be extremely unfair for us here to put on record such legislation. I say that no Chinaman ought to be subject to that penalty, a penalty of $50.

The hon. gentleman is now proposing to increase it to $500.

Hon. Mr. LANDRY. That is compound interest.

Hon. Sir MACKENZIE BOWELL—It is worse than that. The remarks proceed :

Or to imprisonment for a term not less than three months for an offence of which he may not be wilfully guilty. I say that unless the Chinaman refuses to register after his attention has been called to it, there should be no penalty. The mere fact of his failing to do it ought not to subject him to so severe a penalty. We do not punish criminals unless they intentionally and wilfully commit crime. This is not a criminal offence of any kind whatever. These people are living in total ignorance of our present legislation, and the moment the 31st December next arrives these poor people in the wilds of British Columbia are liable to this penalty, or to be incarcerated in jail if they have not registered. I ask if it is reasonable or fair or just ? If they are aware of it and their attention is called to it and they refuse to register, then attach any penalty you please.

Coming down a little later, in 1887, the hon. gentleman pursued a still stronger course. To those who take an interest in this matter of the Chinese immigration Bill it will be interesting. In the year 1887, the hon. Secretary of State again expressed his views. I do not think the hon. gentleman has changed his opinion one iota. That is my honest conviction, but party exigencies are such that the hon. gentleman is forced into the position in which he is now placed. But, if he were free from the trammels of office and the influences by which he is surrounded, I have no doubt he would give expression to opinions quite as strong as those which I am about to read. On the 28th of June, 1888, the hon. gentleman said :

In common with others who have spoken on this subject, I feel that it is a very great reproach to the people of Canada that there should be on our statute-book an Act restricting Chinese immigration when we consider the history of China in the last century, at all events and the difficulties that were thrown in the way of the British people effecting an entrance into China and trading with the Chinese. When it became evident that China offered a rich harvest to British merchants, great attempts were made year after year to get the Chinese to open their country and trade with the western world. We all know the repugnance which they felt to dealing with other countries, but their objections were overcome by what may be called the christianizing influences of shot and shell. We burned down some of their cities ; we penetrated to Pekin and destroyed their palaces, and finally got them to understand our peculiar ways and to give us unrestricted trade with them We insist upon the right of English people to travel all through China. We insist upon pro-

tection for our missionaries. If a Chinese mob in any part of the empire inflicts any personal injury on a British subject, immediately a man-of-war is sent to the coast and the people of China are warned of the consequences of treating outsiders in that manner. No sooner had they been taught our ways than they naturally came to this country and they were met in a manner by an hon. gentleman who has already addressed the House on this subject—met by a declaration that they could not enter Canada without in the first instance paying a fee of $50, that they could not pass through this country unless they were taken through in bond. The effect of that clause which debars them from passing through the country, except under such regulations as may be made by the Minister of Customs, really means that it is impossible for a Chinaman to travel through Canada unless he chooses to pay $50 for the privilege, because that is practicaly what it means.

The law was changed so as to enable any person marrying a Chinese woman, provided he is not a Chinaman, to bring his wife into Canada free of duty. The original law provided a per capita tax of $50 upon any one of Mongolian race or origin entering the Dominion. There were cases in which British subjects, and particularly missionaries going into China, married Chinese women, and when they brought their families to Canada the per capita tax had to be imposed on the women and children. As soon as that came under the notice of the government, they changed the law. Here is what the hon. gentleman said when the question was under consideration :

It is not creditable to this parliament that the 5,000,000 of the people of Canada are content to have this disgraceful Act passed upon the statute-book of the Dominion at the instance of 15,000 people, because I am told that the people of British Columbia are not unanimous in support of it. They do not number as many people as there are in Wellington ward in this city, and are we at the instance of as many people as could be put into one ward of this city to impose such legislation on 5,000,000 people. If a poll could be taken of the people of this country I do not believe you would find outside of British Columbia one person in every thousand in favour of this legislation. It has been forced upon us by the province of British Columbia.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—Who said hear, hear ? The hon. Secretary of State ? I suppose we are to understand from that 'hear, hear' that the same argument applies to the present Bill—that while the rest of the Dominion, five or six millions outside of British Columbia, would not be favourable to this Bill, that British Columbia, with its limited population, according to the statement of the hon. gentleman is to force an obnoxious tax upon every Chinaman who comes into the Dominion. In other words, he acknowledges by his hear, hear, that British Columbia is to govern the rest of the Dominion on this particular question. I thank him for the expression of opinion as indicated through that hear, hear, which met the remarks of his own which I quoted. He said :

Therefore I think the only way to look at it is, if the British Columbians want this legislation let us make it a local Act to apply to British Columbia alone ; we of the other provinces do not want it ; we all protest against it. There is a universal feeling against it—a feeling that it is discreditable to Canada and the sooner it is wiped off the statute-book the better. I give notice that at the third reading of this Bill I will add a rider to it that the law affecting Chinese immigration in Canada shall be held to apply solely to the province of British Columbia, and I am quite sure that the sense of this House will sustain that amendment. I am quite sure that the sense of this country will sustain it. I am sure that it is in accord with the view of at least 5,000,000 of the people of this country.

Let me say to the hon. gentleman, if he will move that amendment at the third reading of this or any other such Bill, he shall have my support at all events, whatever the other members of the House may do. The official records are full of such utterances as those which I have read, emanating from the hon. Secretary of State. There is, however, a good deal of eloquence in the hon. gentleman's utterances at a later period in the debate, but I shall not weary the House with it. I have the passages marked, so that any one who wishes to study the position taken by the hon. Secretary of State at that time, can do so. At the close of the debate, however, he did say :

It was in hopes that so decided an expression of opinion in this House would have been met in a different spirit by the government, and that they would have conceded the point that was so fully debated last evening. They do not do the House of Commons justice in assuming that the Bill would be stopped in that Chamber in consequence of the amendment which has been made here. On the contrary I think the Bill would be much more favourably received in the House of Commons if the amendment introduced by the hon. member from Halifax had been allowed to remain in the Bill. It is proposed that the functions of this House shall be completely set aside. It is known that when the government appealed to their followers in this House they carry anything they choose. It is a complete abdication of our functions when we consent to the government carrying a Bill of this kind contrary to our better judgment.

I wonder if that is to be the case now. I am very much inclined to belive that there are many supporters of the government who are opposed to the principle of the Bill, but because it is a government measure they are prepared to vote for it.

Hon. Mr. TEMPLEMAN—Might I ask the hon. gentleman if he is opposed to the principle of the Bill ?

Hon. Sir MACKENZIE BOWELL—I have already explained my position. If the hon. gentleman wants it again, I have no objection to repeat it. At the commencement of my remarks I stated that I did not think the Mongolian race, if imported into the country in large numbers, would be any benefit to it. I said I considered the present Bill prohibitory, and it would be much more honest on the part of the government to introduce a Bill similar to the Natal Act. I am opposed to the imposition of the $500 head tax, if that suits the hon. gentleman.

Hon. Mr. TEMPLEMAN—The hon. gentleman is not opposed to the principle.

Hon. Mr. MACDONALD (B.C.)—It has no principle.

Hon. Sir MACKENZIE BOWELL—The Secretary of State continued :

I think so small a concession as we ask might be made, and the amendment might be allowed to go. I do not intend to repeat the points that, as my hon. friend from Amherst has observed, have been discussed ad nauseum, but I wish to remark that although the majority of this House may yield their judgment as to whether the amendment shall be pressed or not, they are not yielding either one point or the other.

The amendment was made, which was carried on a vote of 29 to 21. Such was the opinion of the hon. gentleman. I might read columns of the same character. I have simply taken a few extracts from the numerous speeches made by the hon. gentleman on the subject, and I give them to the House as the utterances of a member of the present government. Whether he is prepared to say that he has been converted to the correctness of the demand made by these 15,000 people—a good many more now, I admit, and a great many more Chinese—the House will know when the hon. gentleman addresses it. This is the age of reformation I know—particularly in the politicians of the present day. This is only another example of the policy, if such it may be termed, of the government of which my hon. friend is so distinguished a member. I hesitate not to say, and the records will prove it, that there is not a profession or principle that was enunciated and endeavoured to be enforced while the hon. gentlemen were in opposition that they have not violated during the last six years, and I know of none where the violation of the principles they then advocated are of such a flagrant character, as indicated and approved by the extracts which I have read, than on the question which is now before the Senate. My hon. friend opposite me says there are lots more like that, but I think I have occupied the time of the House as long on this question as I should be justified in doing. Let me recommend, if I may be so presumptuous as to say so, those who have not read the debates which I have quoted in 1885, 1886 and 1887, to read them now. They should do so before casting their votes—that is, upon the presumption that they have any confidence in the opinions and expressions of the hon. Secretary of State, whom they now follow. I am not sure that they will agree with his statements, but I repeat there are those who hold strong views upon this question and if it comes to a vote, I think the hon. gentleman will find them voting for the Bill, while if they were free to do as their conscience would suggest, they would vote against the Bill imposing this high tax. If the tax had been increased to $200, I am not so sure there would be as much objection taken to it as there is at the present moment. I suppose this may be considered a tax Bill, and it might be a question whether the Senate would have the power to strike out or amend that clause imposing the tax. While we can defeat the Bill if it were proper to do so, it is questionable whether, under the constitution, we would have the right to amend it. If we had the power, motions would be submitted to reduce that tax one-half or perhaps more. I can only regret that the government have seen fit to go so far as they have gone on this question. The hon. gentleman who introduced the Bill is very anxious to know what my opinion was on this question in the past. I have not changed the opinion I expressed twenty-five years ago on this question; but there is a distinction between a restrictive Act and

a prohibitive Act, which at the present moment and in the state of the labour market and the requirements of commerce, particularly in British Columbia, induces me to oppose the Bill before us imposing a head tax of $500 on every Chinaman entering the Dominion.

Hon. Mr. SCOTT—I can very well understand and fully appreciate the hesitation that many hon. gentlemen in this Chamber have in supporting the proposition which is now under consideration. As my hon. friend the leader of the opposition has given my views, as they existed many years ago, to the House, it may be necessary and proper to advert to the history of this question. I have had to do with it one way or other for over a quarter of a century, and have watched very closely the progress of the question from that day to this. I presume had the Chinese question become the embarrassing one it is to-day in British Columbia, before that province came into the confederation, they would have passed an exclusion Act, and we would not therefore have had this question to deal with. It did not become a burning question there until about the year 1876. From that time on it was brought up on motions by members representing that province in the House of Commons, and in 1883 Mr. Shakespeare, representing one of the constituencies in British Columbia, submitted a motion in the House of Commons embodying the principle of excluding the Chinese from that province. In order that the House may know the views of other gentlemen as well as mine, I give you, even at that early stage, the opinions of the distinguished gentleman who for so many years led the Conservative party, the late Sir John Macdonald. In the debates that occurred in 1881, even before the Chinese question had become such a menace to the peace and prosperity of the people of Canada, Sir John Macdonald expressed himself in this way :

> I am sufficient of a physiologist to believe that the two races cannot combine, and that no great middle race can arise from the mixture of the Mongolian and the Asian. I believe it would be a great mistake, and would tend to the degradation of the people of the Pacific ; and that no permanent immigration of the Chinese people into Canada is to be encouraged as a body of settlers, but under the present system there is no fear of that. The Chinese, when they come over to British Columbia, do not bring their families, their wives, with them. They work and I believe they earn their wages, which are given to them, or they would not be employed. When they make money enough, they return to their own country, China, and take their money with them, and therefore they are not permanent settlers. At any moment when the legislature of Canada chooses, it can shut down the gate and say, no more immigrants shall come here from China ; and then no more immigrants will come, and those in the country at the time will rapidly disappear. They have not their families with them, and leave nobody behind them, but according to their system, religion or superstition, as the hon. gentleman has just said, they will not even leave their bones behind them. They are sent back to China either alive or dead ; and therefore there is no fear of a permanent degradation of the country by a mongrel race.

Hon. Mr. DeBOUCHERVILLE—Would the hon. gentleman tell me the name of that man ?

Hon. Mr. SCOTT—The late Sir John A. Macdonald. It was on a motion by Mr. Shakespeare—that was in 1881—on the question of the influx of the Chinese—a proposition made in the House. That question came up again and again, and finally the government did what this government has done. In answer to the pressure that was brought to bear on them by members from British Columbia, they issued a commission. It was composed of the late Sir Adolphe Chapleau, then Secretary of State, and of the late Mr. Justice Grey, a distinguished member of the judiciary in British Columbia, who originally, I think, came from New Brunswick.

Hon. Sir MACKENZIE BOWELL—And Mr. N. F. Davin was secretary.

Hon. Mr. SCOTT—Those two gentlemen made an inquiry into the subject and the result of it was the introduction of the Bill of 1885. The title of that Bill was 'An Act to restrict and regulate Chinese immigration.' My impression is that the Bill was disallowed at first, or held by the Governor General for the consideration of the Imperial authorities, and subsequently, consent was given and it became part of our statutory law, and remained so until a change was made in 1890. It is quite true, hon. gentlemen, that I honestly held the views that my hon. friend has read to you in the House. I took an active view, because I did feel considerable revulsion at the measure, and it is only because the evil has grown and augmented to such a degree that, if I am correctly informed,

the people in British Columbia are, I may say, unanimous. Of course, when you talk about 175,000 of a population, they cannot be unanimous. I think I would be safe in saying, if I am correct in gathering the facts from all the information I have on hand, and my reading on the subject, that between 80 and 90 per cent of the people in British Columbia are opposed, for reasons which I need not now discuss, to Chinese immigration.

Hon. Sir MACKENZIE BOWELL—Statistics will, I am informed, prove that the Chinese are less numerous to-day, in proportion to the population, than they were in 1885.

Hon. Mr. TEMPLEMAN—No.

Hon. Mr. FERGUSON—There is not any very material difference.

Hon. Mr. SCOTT—I do not know how that is. I do not profess to know. I know the population now. I took a note of it at the last census, and I confess I was surprised to find it was so small. The Chinese population, as I had it on my memorandum, by the census of British Columbia, was fourteen thousand odd. That was the last census, but I am told it is incorrect. We find the census criticised constantly as being incorrect. It is an official report.

Hon. Mr. MACDONALD (B.C.)—Can the hon. gentleman tell us the number ten years previous to that?

Hon. Mr. SCOTT—No.

Hon. Mr. MACDONALD (B.C.)—My own impression is that there are fewer in the country to-day than ten or fifteen years ago.

Hon. Mr. SCOTT—We all have to moderate our views as we grow older and we cannot carry out our old arbitrary convictions in the administration of public affairs. We have to exchange views, and moderate and compromise, where one can honestly and conscientiously do it. What has influenced me considerably has been the extraordinary unanimity of the legislature in British Columbia year after year, for the last ten years certainly, and probably longer. They have passed Acts which practically deprive the Chinese of the right to make a living in the country. I will read an Act such as they are in the habit of passing, and hon. gentlemen will understand the character of the legislation they have been enacting, which I may say every year has been disallowed. Here is an Act passed in 1902, number 14. It reads as follows:

No. 14. Labour regulation Act, 1902.

Section 4 provides that any workman who when asked to do so by a duly authorized officer shall fail to himself read in a language of Europe this Act shall not be employed on works enumerated in the said Act, which includes bridges, railways, roads, harbour works, canals, dams, slides, &c., &c., under a penalty not exceeding $25 for each day employed.

No. 64. An Act to regulate immigration into British Columbia. The Act quotes the paragraph from the British North America Act on the subject of immigration.

Section 4 enacts that any person unable to write out or sign in the characters of some language of Europe an application to the Provincial Secretary in the form given cannot legally enter the province; if he does on investigation before a magistrate he is subject to a fine of $500 and if unable to pay may be imprisoned for 12 months.

Section 6 provides that any immigrant found in British Columbia in contravention of the Act shall not be entitled to hold land or to the rights or privileges of the free miner or exercise the franchise.

Section 7 imposes a penalty upon persons and corporations contravening the Act of $500.

I mention that as a sample of the Acts that they are constantly passing. They are disallowed at Ottawa. They are disallowed and from my own standpoint, mainly for the reason that they embrace the Japanese as well.

Hon. Mr. MACDONALD (B.C.)—The hon. gentleman knows the reason for the Acts passed in British Columbia. The reason is that it is a catch vote. That is all.

Hon. Mr. SCOTT—Judging from the debates in the House of Assembly in Victoria, there has been no political question in this. Both sides have united. Those Acts have been passed with absolute unanimity.

Hon. Sir MACKENZIE BOWELL—That is correct, because they are both playing to the gallery.

Hon. Mr. SCOTT—They have both united in this, and it has been going on year after year. My hon. friend said he had no objection to the Natal Act. That was an Act introduced first in Australia with a view to excluding Orientals.

Hon. Sir MACKENZIE BOWELL—I said I thought that would be preferable, on account of its having an educational qualification.

Hon. Mr. SCOTT—The effect of that would be to shut out the Japanese and certainly that is objectionable in view of the strong alliance now existing between Japan and Great Britain, and the value that Japan is as an ally in Asia, and as a close watch on the aggressions that are now being made from time to time on the part of Russia.

Hon. Mr. LANDRY—Are the Japs a Mongolian race ?

Hon. Mr. SCOTT—That is rather outside of the question we have before us. I am not going to trace the origin of the Japs. They have always been excluded and put on the same plane with Chinamen in the legislation of British Columbia ; but I have always felt that we had to make a sacrifice, and we could not yield in any sense to the appeals made by British Columbia to exclude the Japanese. What we did do was to bring the subject before the Japanese government through their consul-general, and they have, after very great consideration, passed a regulation that all Japanese leaving their country must take with them their passports,which must indicate the country to which they are going, and they have a regulation which is observed in the issuing of those passports in the various districts of Japan that only a limited number will be permitted to come to Canada.

Hon. Mr. FERGUSON—I am just asking for information : has anything been done toward asking China to adopt similar regulations to restrict Chinese emigration, or would it be impossible to approach the question in that way ?

Hon. Mr. SCOTT—No, it would be no use. The Japanese are a clannish people. They take an interest in their race. When Japs go abroad they watch their future. and are anxious that the Japanese should be an honour to their country, but China does not do so. Hon. gentlemen know that there are said to be 400,000,000 people in China, and China is indifferent to the fate of the Chinese outside. They gave their adhesion to an Act of Congress excluding the Chinese from that country. Japan would not do it. Japan would break off all connection with us rather than yield on a point of that kind. They have protested against the policy of British Columbia endeavouring to exclude the Japanese. These Acts have been passed every session as long as I can remember, not one or two, but many of them, and, as I was saying in my argument, one of the great reasons why we have not allowed these Acts to go into operation was because they would insist on uniting the Japanese with them. That was the reason, and it was quite impossible to concede that point, because Japan is too important an ally of the mother country to be put in a category with China. Now Australia, and I think the Cape and some other colonies, have passed the Natal Act. That would exclude the Japanese. It would practically exclude the Chinese. In the Bill now before the House hon. gentlemen will note that this applies practically only to that class who would be excluded under the Natal Act, because educated Chinamen coming to Canada, men belonging to the different professions in China, or scholars, persons coming to this country for the purpose of being further educated in the arts and ways of European countries, are not interfered with. They do not pay this amount. It is practically confined to that degraded class that herd together, as we hear of them in Chinatown in Victoria and Vancouver. The Natal Act, therefore, would be wholly inapplicable, although, as I said before, it has been adopted in Australia and in other countries. When the report to which I have alluded was adopted and the legislation of 1885 took place, it was headed : 'An Act to restrict and regulate, &c.' It was thought then that the $50 tax would be a barrier to a Chinaman coming to British Columbia. It did not so operate. It had not that effect.

Hon. Sir MACKENZIE BOWELL—It did to a great extent.

Hon. Mr. SCOTT—And from time to time application was made to the present government to increase the tax. In 1900, I think it was, we increased it to $100. That did not satisfy British Columbia. They said the Chinamen still came in, and they desired that they should be absolutely excluded. We then adopted the policy pursued by our predecessors, and appointed a commission composed of three gentlemen who were highly capable of performing the duties assigned to them. One of them was Mr. Clute, a distinguished barrister of Toronto, who had given a good deal of time, attention and study to the labour question and this par-

ticular question, and Mr. Munn, a very large employer of labour in British Columbia, who employed Chinamen, an owner of canneries and a representative of the labour class, and Mr. Foley, who had been a candidate in one of the elections two or three years ago in British Columbia. They went very exhaustively into this question, not alone in British Columbia, but extended their inquiries into the adjoining country. They went to San Francisco and studied the effect it had there and on the labour element, and went fully into the question as to whether it was really a necessity. The conclusion they came to was that the effect of allowing Chinese immigration was to exclude white labour. The Chinese were herded together, men coming without their wives or families, having no influences to keep them up to a higher plane of life, and they fell to a very low state of degradation, and the consequence was they became a nuisance to any locality where they lived. I will read the conclusion of the commission briefly. They say that the class that are practically excluded are known as the coolie class. I mentioned before that educated Chinamen are not excluded. They have a right to come and go and pass through the country without paying the fine. The class that go into British Columbia are not allowed to go to the United States now. The law which expired this year, if it has not been reenacted by Congress, was passed for ten years, excluding the Chinese from the United States, and when they are caught they are simply sent back again :

They come from southern China, drawn from the poorer classes, reared in poverty where a few cents a day represent the earnings which must suffice for a family ; accustomed to crowd together in small tenements or huts, close, unhealthy and filthy ; with customs, habits and modes of life fixed and unalterable, resulting from an ancient and effete civilization, with no desire to conform to western ideas. They form, on their arrival, a community within a community, separate and apart, a foreign substance within, but not of our body politic, with no love for our laws and institutions ; a people that will not assimilate or become an integral part of our race and nation. With their habits of overcrowding, and an utter disregard of all sanitary laws, they are a continual menace to health. From a moral and social point of view, living as they do without home life, schools or churches, and so nearly approaching a servile class, their effect upon the rest of the community is bad. They pay no fair proportion of the taxes of the country. They keep out immigrants who would become permanent citizens, and create conditions inimical to labour and dangerous to the industrial peace of the community where they come. They spend little of their earnings in the country and trade chiefly with their own people. They fill the places that ought to be occupied by permanent citizens, many of whom leave the country on their account. They are unfit for full citizenship, and are permitted to take no part in municipal or provincial government. Upon this point there was entire unanimity. They are not and will not become citizens in any sense of the term as we understand it. They are so nearly allied to a servile class that they are obnoxious to a free community and dangerous to the state.

Hon. Mr. DeBOUCHERVILLE—What is the document the hon. gentleman is reading from ?

Hon. Mr. SCOTT—That is the unanimous report of the commission appointed two or three years ago to inquire into this subject before any further action was taken, and reported to parliament, and it is owing to the report of that commission that this Bill is now before us. The report proceeds :

Your commissioners believe that it is impossible for the province of British Columbia to take its place and part in the Dominion as it ought to do, unless its population is free from any taint of servile labour and is imbued with a sense of the duties and responsibilities appertaining to citizenship.

Then they report further :

The interests of the empire can best be served by building up a strong and united Canada, able not only to defend herself, but afford help if need be to the mother country. Whatever permanently weakens British Columbia weakens the Dominion and the empire, and no material gain to individual interests ought to weigh for one moment against this injury to the nation.

Their conclusions are :

That it is in the interests of the empire that the Pacific province of the Dominion should be occupied by a large and thoroughly British population rather than by one in which the number of aliens would form a large proportion.

We find that these representations are substantially true and urgently call for a remedy.

We also find that the increase of the capitation tax from $50 to $100 ineffective and inadequate.

Your commissioners are of opinion that the further immigration of Chinese labourers into Canada ought to be prohibited ;

That the most desirable and effective means of attaining this end is by treaty supported by suitable legislation ;

That in the meantime and until this can be obtained the capitation tax should be raised to $500.

The only point upon which your commissioners could not agree is the date when the capitation tax of $500 ought to come into effect. The chairman and Commissioner Foley are of opinion that the capitation tax should be raised to $500 at once, while Commissioner Munn is of opinion that $300 should be imposed for two years, and if a prohibitive treaty be not obtained within that period, that it be then raised to $500.

Well, one year has gone over since that inquiry. I have given you the reasons which have prompted the government to bring forward this legislation. They did it in obedience to what they believe the all but unanimous feeling of the people of British Columbia. Because it is in the interests of that province that the consequences pointed out so forcibly and dramatically by the commission should not be realized. They consider that the present condition cannot go on. The British Columbia legislature unanimously, year after year, passed Acts such as I have read. We cannot go on in this way; we must be forced to some policy that they will at least acquiesce in, because it would be preferable to allow the Natal Act to come into effect rather than have a constant difficulty with British Columbia. They claim that under the British North America Act they have a right, to a limited degree, to limit the immigration into the province. We contest the extreme view they take on that subject, and the consequence is we have been from time to time obliged to disallow their legislation, and, as hon. gentlemen are aware, where the legislation is the product of a united people, of all the representatives in the assembly, that is not really a satisfactory condition of affairs.

Whatever my individual opinion may be, and whatever the individual views any hon. gentleman may have, we have to defer, in some degree at least, to the opinions of others who are more deeply concerned in the questions under consideration than we are ourselves. We in the eastern provinces of the Dominion, seeing the few Chinamen located amongst us, regard them as a quiet, inoffensive class. They attend to their duties, which are chiefly in the laundry line. They are often insulted and provoked by boys breaking their windows. They bear it all philosophically and quietly. Therefore, the feeling with those who have not studied the situation and do not know the condition of things in British Columbia, is that we ought not to strain the law and exclude the Chinese. It is, I admit, a concession to British Columbia. If I considered the people of British Columbia were at all divided on the subject I should hesitate very strongly myself in supporting this measure, but after twenty-five years of constant agitation and appeals made to the central power, it does seem improper that we should set up our judgment entirely against theirs. Whatever our views are, they must yield to the people who are more directly interested. The government as a necessary consequence to the investigation, which was a most elaborate one, have had to introduce this legislation. Evidence was taken, a good deal of which was read by my hon. friend here, but not one hundreth part of it. He had to select evidence from various representatives of industries on the coast. I suppose the pile of evidence, without exaggeration, would be two feet high. The commissioners were a long time occupied in making this inquiry and their conclusions were unanimous. Under the circumstances, the government had no other recourse; whatever their individual views might be, they must yield to the demands from British Columbia. Let me ask hon. gentlemen coming from other provinces, if it were possible that a menace of that kind existed in their own province, and the people unitedly asked for the removal of it, would it be right for the federal power to set them entirely at defiance and say 'No, gentlemen, you are wrong; we hold different conclusions from yours and we cannot gratify your wishes.' If that had gone on for a quarter of a century, as this has, you can see how unreasonable it would be for the federal power, in a free country like Canada, where we have liberties such as are enjoyed in few countries, to refuse to yield to the desire of the people of British Columbia to regulate this matter in the way they themselves think fit. To me it would be in contravention of the rights that we recognize as due to the people of the various provinces of the Dominion, and it is on that account, and for that reason that the government have brought down this Bill with the hope of meeting the wishes of the people of British Columbia and the approval of parliament.

Hon. Mr. SULLIVAN—Why not confine it to British Columbia?

Hon. Mr. SCOTT—It is a new question that I cannot answer offhand. It seems to have been a view of my own at one time.

Hon. Mr. MACDONALD (B.C.) moved the adjournment of the debate.

Hon. Mr. TEMPLEMAN—At the request of various members this order has been put forward from time to time for something over a week. Now, there is no reason why we should not meet to-night, unless a large number wish to speak. My desire, having charge of the Bill, is that we proceed with the debate to-night, and if possible, dispose of it.

The SPEAKER—I declare the motion lost. It being six o'clock, I now leave the Chair.

After Recess.

Hon. Mr. MACDONALD (B.C.) resumed the debate. He said: I do not oppose this Bill because it is a government Bill. It will be known to the hon. Secretary of State that on former occasions, when the party I belonged to brought in a Bill of this kind, I opposed it as strongly as he did, and on that occasion we threw it out and I should like to do the same to this Bill to-day. I am always in favour of giving white labour all the advantages possible, and in my own humble way I do so. But I think I would be cowardly and lacking in my principles of justice and fair-play if I would not speak of Chinamen as I know them and as I find them and as I have heard from other persons without any special interest how honourable they speak of them. I should be derelict in my duty in the interests of righteousness and truth if I held my peace. The remarks made by my hon. friend the Secretary of State in former years are just as applicable to-day as they were then. There is no change in the conditions. If anything at all, as far as my knowledge goes, we have fewer Chinamen in Victoria and British Columbia than we had then. The remarks he made in the past were true, they were righteous, they were proper, they were just, and if I were to try to emulate his example I should make use of the eloquent words he used then, and sit down: but there are a few things I have learned in the course of my living in the place where there are a number of Chinamen that I have to repeat. I consider this Bill an outrageous Bill, an oppresive Bill, a Bill against a branch of the human family that I cannot support in a free country like this. The government of this country is supposed to be a free trade government. There is no free trade about this. It is exclusion of the grossest and most abominable kind. Not that Chinamen would come here if the law remained unchanged. They do not come here because they cannot find employment. A few come, I believe, but more go back to China every year now than come to this country. I will first allude to what the hon. Secretary of State said about the legislature of British Columbia passing enactments year after year to prevent Chinamen working on public works or under charters given by the province. That is very true, and these gentlemen have done that simply to catch the votes of the working-people, nothing more or less; and those who pass those Bills to prevent Chinamen getting work, employ Chinamen in their own houses. The hon. gentleman who has charge of this Bill cannot deny that these men in British Columbia who voted for this kind of legislation actually employ Chinese gardeners and cooks and domestics in their own houses, and simply because they find them extremely useful and cannot find any people to take their place. Why do we not exclude the Japanese under this Bill? Simply because Japan is a formidable nation. Japan has ships and armies and she knows how to use them. If Chinamen to-morrow had the franchise, or if they had large fleets of ships of war that they could use, we would not pass this legislation. I say if they had the franchise that this Bill would not be heard of; it is a Bill entirely to catch votes, and not because Chinamen do any injury. On the contrary, the Chinese do a great deal of good and add to the wealth of the country, as I shall be able to show hereafter. Now, who are the class of people that demand this legislation at the hands of the government? They are, of course, the white labour, union labour chiefly. Does union labour at the present moment deserve anything of this kind? What is union labour doing? It is crippling our industries, it is retarding progress, it is doing everything to injure every country wherever the union stands. They go beyond reasonable bounds. They are not satisfied with fair wages and a fair number of hours to work, but they must try to control everything and have it in their own hands. It cannot be denied that union labour does a great deal of harm and injury to the country, not only

to this country but to the neighbouring states where millions and millions of money have been lost through union strikes during the past year. Do they deserve this legislation? Had they showed themselves deserving of this, then they should be entitled to some consideration, but under the conditions that exist, they are not entitled, and Chinese labour ought to be a kind of set off against strikes. But what do we find? We find the union so expert and so clever that they are getting Chinamen now to join them in the unions, so that they will have a monopoly of labour, and when the white man strikes the Chinaman strikes with him. That is one of the conditions at present.

Hon. Mr. TEMPLEMAN—Where, might I ask, just as a matter of information, has it occurred that unions have organized Chinamen?

Hon. Mr. MACDONALD (B.C.)—They are trying to do it at Nanaimo and Cumberland, according to the newspaper reports.

Hon. Mr. TEMPLEMAN—I think the hon. gentleman might say that Dunsmuir tried to organize them during the recent strike.

Hon. Mr. MACDONALD (B.C.)—Very likely; but recently white labour tried to organize Chinamen in that way. It would not be so bad if it were done by Britishers on British soil, but the United States people were the first to prompt that idea and they telegraphed from some parts of the United States to British Columbia to get the Chinamen and Japs with them. I saw that in the Victoria papers. If it had not been for the forethought of the late Sir John Thompson, in passing that part of the Criminal Code which inflicts a strong punishment on people who intimidate and obstruct His Majesty's mails, the country would not be fit to live in. I do not believe the parliament of this country would have the courage to do it, and if they have the courage, I hope they will have a chance in a few days on the Bill introduced by the hon. gentleman from Calgary (Hon. Mr. Lougheed), not to injure white labour, but to control it as it requires to be controlled. The hon. gentleman, the other day asked me if I would agree with him that there is a strong feeling in British Columbia against Chinese labour. I certainly do agree with him. I go beyond that, and say that the feeling is unreasonable, and the action of the white labour there is inconsistent. When a white man takes a contract for the building of a house, is it a white man who mixes the mortar Who carries the bricks? Who carries the lumber? The Chinaman—not the white man, although the white man has the contract.

Hon. Mr. TEMPLEMAN—I absolutely deny that.

Hon. Mr. MACDONALD (B.C.)—And the hon. gentleman knows that Chinamen in Victoria put up blocks of buildings, stores, so on. Who do they employ to put them up? Chinamen, not white bricklayers and carpenters, and then they go on and abuse Chinese labour after taking their money and putting it in their pockets. I know that for a fact, and from my experience in the country. The hon. gentleman cannot deny also that the Chinamen are a source of great advantage in domestic affairs, also in canning, in saw-mills and in different works in British Columbia. He knows also that those industries would not pay at $2.50 a day for white labour. When they get Chinese labour at $1 a day they make it pay. Canning is a very precarious work, and sometimes it hardly pays at that, and if this labour is shut out from the canning in British Columbia, I do not know what will become of it. It is an industry now that brings in between three and four million dollars. Well, destroy that and you destroy the best industry in the country. In many ways Chinamen have been extremely useful and the hon. gentleman cannot say that they have not been. There is hardly a calling in which the Chinaman interferes with white labour. Take domestic work. All the young girls and all the young men brought up in British Columbia have the advantage of a free school system, a primary school and a high school. They will not take to domestic work. They will not go farming. They keep in the towns and look for situations. Girls look for employment in shops and typewriting. They will not go into housekeeping. Some girls pre-

pare themselves for teachers in the public schools. I do not blame them. They try to elevate themselves quite properly. Some of these girls get as high as $70 a month at teaching; I cannot tell what wages they get in shops and so on. But you cannot get that class of service for domestic work, and I do not believe that Chinese immigration or Chinese labour has kept out one single white person in British Columbia. What class of people do we get there? We get very few men with their families coming to take up land or going into any industries. We get young men, unmarried in most cases, and what do they go there for? They do not go to farm. They do not go for domestic work. They go there for mining purposes, and are a useful people in their own sphere. But in that branch Chinese labour does not interfere in the slightest. They go to the mines, and they expect to make their fortunes in a year or two and not to settle down in the country. That is the class of people that come to our shores now. Some years ago, in common with other gentlemen in Victoria, we engaged a number of servants in England, and agreed to pay them three times the wages paid in England. They were engaged for three years, and we were to pay their passage out to British Columbia. Not one of those girls, after all the expense and trouble getting them out, remained a year in the place she had come to fill. That was before the era of my hon. friend from Victoria, and if he was there, I do not suppose he sent for a servant. I have stated now how useful Chinamen have been and are still. I defy any one to say to the contrary, because you cannot fill the places they are filling now, and they do not take the place of white men. The hon. gentleman stated across the floor of the House the other day that I was pro-Chinese. I am neither ashamed nor afraid to stand up for the Chinese or any other people that I think are oppressed, or that are going to be oppressed by legislation of this kind. White men continually oppress these Chinamen and treat them unjustly, and I hope I will never be afraid to take the stand I do to-night. These are my sentiments and I repeat them. This agitation in British Columbia was taken from the agitation in San Francisco which commenced some years ago and became so acute at one time that the legislature of California appointed a commission to inquire into the matter. I wish to read some extracts from the report of that commission. People talk of coolies as a degraded people, but will the hon. gentleman tell me the meaning of the word? Can my hon. friend tell me what it means?

Hon. Mr. TEMPLEMAN—I possibly might.

Hon. Mr. MACDONALD (B.C.)—It means nothing more nor less than an eastern carrier.

Hon. Mr. TEMPLEMAN—The word comes from India.

Hon. Mr. MACDONALD (B.C.)—The legislature appointed a commission to inquire into the matter. The charges against the Chinese were that they were coolies and had secret associations and different things of that kind. The commission reported as follows:—

> After the most thorough inquiry they were satisfied there was no system of coolieism or slavery among the Chinese of this State, that they were as free as any person in the State.

The people of California were not satisfied with that, because it is a true and fair report and gives full justice to Chinamen, but a commission was appointed by Congress and Senator Morton was one of the commission, and here is part of his report:

> Chinese labour in California is as free as any other. They all come as free men and are their own masters absolutely. The Chinese, seeing that white miners in the gold mines of California were organized into societies for mutual protection and for charitable purposes, giving aid to newcomers, and aid to the sick, did the same thing. Their organizations are simply benevolent and the only foundation for the charge that they maintain tribunals outside our law is the fact that the presidents of the companies act as arbitrators to settle difficulties between their countrymen, although neither party is ever bound by their findings.

While I am on this subject, I saw an account the other day from the United States consul in support of Chinese, and he spoke of the integrity and wonderful honesty of the Chinese commercial man. If you bargain with a Chinaman to supply you with a certain quantity of goods. If he could not find them at the price, he was bound to get them no matter if he lose

the whole profit. He would strain every nerve to get the goods for you and keep his promise, and that is not only the testimony of that consul but of many others. I myself had some dealings with Chinamen. I never found them break their word. They were honest and paid what they had to pay and were an example to many white men. Mr. Richard G. Sneath, president of a bank and merchant for twenty years, said :—

I have dealt a great deal with the merchants of this city and have always found them truthful, honest and perfectly reliable in all their business engagements. I have never had one of them fail to live up to his contract. I never lost a dollar by them in a business amounting to several millions of dollars. We commonly accepted a Chinaman's word as good for a cargo of merchandise while a written contract was demanded of a white man.

That is the evidence given by a United States banker; he would take a Chinaman's word as readily as a white man's bond. Mr. Justice Hydenfeldt, associated with the Supreme Court and a resident of California for twenty-seven years, testified that—

He considered the Chinese the best labouring class we have among us—more faithful, more reliable and more intelligent than any equal number of European immigrants. Nearly all can read and write.

Donald McLellan, manager of a woollen mill and employer of three hundred Chinese, testified :

I never found a case of theft among them. I have never seen a drunken Chinaman in my life.

Hon. Mr. TEMPLEMAN—What is the hon. gentleman reading from ?

Hon. Mr. MACDONALD (B.C.)—From the Senate Debates, 1886. It is a good thing my hon. friend did not find this. I suppose he would have burned it up because it is truth. Col. Hollister, one of the largest farmers in California and a long time employer of Chinamen, testified :

As a labourer he is most submissive and kindly, ready to do what you want done with entire good-will. I have found him honest and very intelligent. Whoever saw a drunken Chinaman ?

Hon. Mr. TEMPLEMAN—That is quite true.

Hon. Mr. MACDONALD (B.C.)—Mr. Wm. F. Babcock, employer of 120 Chinamen, said :

Every night of their lives Chinamen bathe themselves from head to foot. They are in this respect different from the lower white classes.

As to secret tribunals the Morton Committee report :

There are no lawyers, no police in China, because every family decides its own disputes and each individual is a policeman. M. Simon regards Chinese society as the ideal of perfection because peaceful, happy and prosperous. Perhaps China resembles France between the 6th and 12th centuries. She then vegetated and lapsed in repose.

Now, I suppose if the evidence I have read were ten times more convincing in favour of Chinese labour the gentlemen here who are pledged to the government are bound to pass the Bill. I am very sorry for the position of the Secretary of State, because I know he has no stomach for this Bill. He is as much opposed to it in his heart as I am. Mr. Balfour the other day in the British House, referring to a secret of the Cabinet, said, 'although we differ in the cabinet we present an unbroken front to the public.' The Secretary of State could never agree to this Bill, but it being arranged by the government and promised by the premier in a moment of weakness, it is altogether on account of that it is before us to-day. I would vote for it willingly if the Chinese injured the country, but the Chinese have been a source of wealth to my province and still are, and will continue to be, if they are allowed to come into the Dominion. If it injured any industry to have Chinese immigration, I would not only tax them, but would drive them out of the country. If my hon. friends opposite are anxious for good immigration, they should bring in a Bill to deport the Doukhobors. We do not want mad fanatics going about the country; we want sober, industrious men to cultivate the soil. Why do not my hon. friends bring in a Bill to deport the Doukhobors instead of interfering with a harmless, useful, frugal people ?

Hon. Mr. LANDERKIN—I understand there are about 16,000 Chinamen in British Columbia. Could the hon. gentleman tell us how many of them have taken the oath of allegiance to the Crown ?

Hon. Mr. MACDONALD (B.C.)—I could not say. Some have taken the oath, but if any have, this Bill should not touch them. Chinamen coming from Hong Kong should not be taxed. They are British Chinamen. This Bill, however, is going to

tax every Asiatic. It is a cowardly Bill. If those men had a vote to-morrow the government would not touch them. If the Japanese were a wretched disorganized people, like the Chinese are in their own country, they would be taxed also. The Chinese are governed by viceroys and have not a centralized power. If they were strong enough, why should they not put a countervailing tax on white people? Why not keep the British out of China unless they paid a tax of $500 per head? I hope they will do it. But there is no central parliament in China, and the viceroys are never heard by the central government.

Hon. Mr. DANDURAND—The Chinese at present in British Columbia are not affected by this Bill.

Hon. Mr. MACDONALD (B.C.)—I know that, but Chinamen do not live for ever. I believe as many Chinamen go back to China now as come from China. We go to China and compel them to open their ports to us. We say: 'You must trade with us; we want to go into your country and make all the money we can, build railways and sell merchandise, and you must not stop us. If you do we will blow you to Jericho.' What are all the nations of Europe doing? They are all trying to reach out for the trade of China—all striving for the open door, yet we treat the Chinese worse than we do dogs. You would not tax dogs coming into the country—even mad dogs.

Hon. Mr. LANDERKIN—Were they never taxed before this Bill?

Hon. Mr. DEVER—A small tax only.

Hon. Mr. MACDONALD (B.C.)—I am in favour of a certain amount of restriction on Chinese. We had that restriction and it was heavy enough. The first tax was quite high enough. When it was raised to $100 I thought it was too high, but we agreed to it and it is on the statute-book to-day. That ought to be enough considering our need of labour. We go to China and make all the money we can. We do not take our families there, and we do just what you accuse Chinamen of doing here—carry our earnings out of the country. If we are a Christian people, more enlightened and intelligent, why should we complain of Chinamen doing what we do? What do Chinamen do in China? They load our ships. There are now five or six lines of steamers of ten or twelve thousand tons coming to American ports. Who load those ships? Chinese labour loads them with various products. They come laden with products of the Orient every week, and yet we treat those people in this ungenerous way. I do not want to use strong language, but the Bill is in my opinion an outrageous Bill However, I suppose I am only wasting the time of the House. There was a commission appointed at the instance of the British Columbia government by the government of Canada in 1884-85.

Hon. Mr. TEMPLEMAN—I understood the hon. gentleman to be reading a report made to the United States Congress in 1886.

Hon. Mr. MACDONALD (B.C.)—No, I cannot say what year the commission sat, but it was quoted in this House in 1886.

Hon. Mr. TEMPLEMAN—I understood the hon. gentleman to quote Senator Morton's opinion?

Hon. Mr. MACDONALD (B.C.)—Yes.

Hon. Mr. TEMPLEMAN—Does the hon. gentleman wish the House to understand that the extract he was quoting was the finding of the commission?

Hon. Mr. MACDONALD (B.C.)—No, I said it was what Senator Morton said. I do not want to deceive the House for a moment. I say everything over and above-board and I defy the hon. gentleman to catch me.

Hon. Mr. TEMPLEMAN—I simply want to understand what the hon. gentleman was quoting.

Hon. Mr. MACDONALD (B.C.)—First of all there was the California commission itself, then there was a Congressional commission and Mr. Morton was the chief man on that commission. I found the report some years ago, and quoted it, and others quoted it also.

Hon. Mr. TEMPLEMAN—The hon. gentleman must know that Senator Morton made a minority report at that time.

Hon. Mr. MACDONALD (B.C.)—There was a commission in 1884 that took evidence in British Columbia. The commission were

not satisfied with that, but went to California and took evidence there. In the California evidence the resume finds :

Chinese labour is a most efficient aid in the development of a country and a great means of wealth. As a railway navvy the Chinaman has no superior and his presence in California has given the state a start many years ahead and added incalculably to its material prosperity.

While talking about that, the hon. gentleman knows the Chinamen were principally instrumental in building the Canadian Pacific Railway through British Columbia. It is likely if that had been left entirely to white labour the road would not have been built to this day. You cannot control white labour ; they are here to-day and away to-morrow, but the Chinese are here cool and ready for work. They do not drink Saturday and Sunday. I had the pleasure of telling Sir John Macdonald, when he put the $50 tax on Chinamen, that it was the most un-British thing he had ever done. You first invite those people to come to the country and then tax them. That is not British. The resume of the inquiry at San Francisco continues :

The Chinese being a non-assimilable race, clearly marked off from white people by colour and national race characteristics, their presence in a country is not unattended with disadvantages, foremost among these being the irritation, discontent and resentment they inspire in white labourers.

That is quite true. The resume continues :

The statements as to their bad moral effects on the community are grossly exaggerated. In fact their morality is not lower than that of the same classes of other nationalities.

I know that to be perfectly true from my own observations in London and New York. I am sorry to say it, but it is a fact. Mr. Robin, that my hon. friend quoted the other day in the evidence, given before this British Columbia commission—I am reading from the report of Mr. Chapleau and Judge Gray—stated :

When the Chinese first came to this province they no doubt supplied a want then felt, and their coming was encouraged and welcomed especially I may add by the Vancouver Coal Mining and Land Company, Limited, which I represent ; but the labouring population were always strongly adverse to their introduction. At the time of their coming here my company had been suffering from a strike of the white labourers and we accepted the Chinese as a weapon with which to settle the dispute.

I think the day is not far distant when you will have to get Chinese labour to meet the unions. White labour is going to ruin the country, it is becoming so unreasonable. Mr. Dunsmuir, the proprietor of the Wellington mines, said at that time :

The immigration of Chinese has, I consider, materially aided the general development of the country from the fact that they have assisted in pushing to completion the public works undertaken and could always be depended upon as a labour power. They have, moreover, pitched into that kind of work which from its arduous nature and humble character has deterred the proportion of incoming white men from accepting willingly in a new country where they immediately expected to better their position or step into a better place than the one they had just left.

That is true of white labour to-day. They rush off to the mines. I do not blame them, but you cannot get them for domestic or industrial work. Mr. Dunsmuir continues :

I do not think the gradual influx of Chinese has retarded the incoming of white labour as I find few of those new white arrivals willing to undertake the work performed by them in other countries but declined here and given to Chinese labourers.

This British Columbia commission says the results are :

If personal prejudice and feeling be eliminated from this evidence it is impossible not to admit that as a labouring class the preponderance is not against the Chinese. They are stated to be honest in their dealings, industrious, sober, peaceable and law-abiding, frugal and cleanly, and when doing well to live well, consuming the same articles and goods as do the white labourers, thereby equally contributing with them to the revenue. That as domestic servants they are quite as good if not preferable. That they do not compete or interfere with lumbering, farming or any skilled industry and that even in market gardening they would be beaten by the whites if the latter were willing to work as hard, as shown by the instance of the Italian gardeners in San Francisco.

That is true to-day. Sir Matthew Begbie was asked about their industry, economy, sobriety and law-abiding characteristics, and he said these are their four prominent qualities. He was asked also if they were drunken, and his reply was :

Lazy, drunken, extravagant and turbulent ; this is, by the voices of their friends and foes exactly what a Chinaman is not. This is, on the whole, I think, the real cause of their unpopularity. If Chinamen would only be less industrious and economical, if they would but occasionally get drunk they would no longer be the formidable competitors with the white man which they prove to be in the labour market ; there would be no longer a cry for their suppression. They would not be liked ; the two races are too dissimilar and each has too high an opinion of his own deserts. But they would not be hated ; in fact they would not be here to excite hatred. The reason why they are here

is because their peculiar qualities command a ready market. If they had not these qualities nobody would want them. If nobody wanted them they would not come.

He says the chief reasons for the hostility to the Chinese are, they are too industrious and sober and white men do not like them. I am very glad I have had an opportunity to speak the truth in favour of human beings.

Hon. Mr. KERR (Cobourg)—Reluctant as I always am to intrude myself upon the attention of this Chamber, or take up any considerable time of this House, still the Bill now under our consideration seems to me of sufficient importance to justify me in expressing my views upon it before I cast my vote. In the first place, I may remark that the Bill is intended to impose a check upon the inundation of our country by too large numbers of that branch of the Mongolian family called Chinese—not the best members of that great family. I could wish with the leader of the opposition that some other check—an educational check rather than a financial check—were the means used to bring about that purpose, because it is not to get money that this tax is imposed. The money is a very secondary consideration. The object is to prevent too large accession from the direction of China. Now I start with two propositions : First, that it is perfectly legal for us to pass this Bill. The highest court in the realm, the Privy Council, have already decided that no foreigner has such a right as would sustain an action, to enter any part of the British empire. Therefore, the law is in favour of the passage of this Bill. Then I take another proposition, that we have a moral right to pass this Bill for the protection of our own people. I have long ago learned that every man, every community, every nation should be just before it is generous. The application I would make of that principle is this, that this parliament has a right, and is bound in duty, to be just to our own people before we are generous to foreigners. I take that as a sound position. I have heard said here that it is inhuman—that it is barbarous, and that it is contrary to Liberal principles and to Liberal policy to take a view such as would lead to supporting this Bill. I deny that proposition. I have a very considerable leaning to the idea of the brotherhood of man, but I have not such a strong faith in the brotherhood of nations, and for that reason I feel that it is perfectly plain that we have the right, legally and morally to pass this Bill. The only question then is whether it is expedient to do so. If I were shut up to that, I would take the report of that commission, from which I shall not quote—the evidence afforded on every hand—the speech with which this Bill was launched upon this House by the hon. member for Victoria, a full, moderate, temperate, convincing speech, but I am not driven to that. Before I proceed further I shall give you what I believe reasons sufficient, apart altogether from those to which I have referred, to justify me in supporting this Bill. I watched with a great deal of interest, as I always do, those who have spoken for and against this Bill in order that my previous conviction might be strengthened or weakened. The gallant leader of His Majesty's loyal opposition in this House has seen fit, and it is proper for him to do so, to call the attention of the Secretary of State to his altered attitude with regard to this question. Well, the Secretary of State has given what seems to him and what perhaps will seem to others, as it does to me, a sufficient reason for supporting a principle which he formerly eloquently opposed. And in this connection, perhaps I could not illustrate what I mean better than by a quotation from Lowell. He says :

> New occasions teach new duties,
> Time renders ancient good uncouth ;
> They must upward still and onward
> Who would keep abreast of truth.

Conditions have changed since that, and the evil that then was expected by some, and not anticipated by the Secretary of State at that time, has grown to large dimensions and he, having the responsibility of government, is bound, I take it, to protect every member of our confederated family, and if British Columbia is speaking out loudly against this great influx of Chinese immigration, and it has come to the ears of the government, and they are satisfied that the dimensions of that immigration are becoming menacingly strong, in my opinion it is their duty to checkmate it and that is what I suppose they hope to do by the present Bill. But, hon. gentlemen, I shall not allow any one with impunity to charge me with being inhuman, of being illiberal,

or of being unfriendly to the human family, because I see fit to support this Bill. My very nature is to be sympathetic with all the world, and if I support this Bill, it is because I feel that I am discharging a duty to this Dominion. Now I am coming to the paramount reason for supporting this Bill, and it is this: I have been a close student of ancient and modern history, watching the progress and rise and fall of nations, and have always felt, since this question was first mooted, that it was not in the best interests of this Dominion that Chinese immigration should be allowed into this country. It has been said, as a counter statement, see what the British people have done in forcing an entrance into China. I am not called upon to defend that. I am not called upon to pronounce an opinion on it, and I would be sorry, although I yield to no man in this Dominion or in the British empire in my loyalty to the British throne and British institutions—I would not like to defend everything that has been done in the name of British freedom. Whether Britain was right or wrong in forcing her way into China or not, we are not called upon to discuss to-night. But what we are called upon to consider is this: we have a magnificent heritage in this Dominion. I look upon it, tracing the rise and fall of nations, that the tendency of higher civilization is from the south and the east to the north and the west, and whether it may be a fancy or a dream, or whether peradventure it may be reality, I look upon this Dominion of Canada as a centre point which the eyes of Europe and the world already look upon or will in the near future. We should begin now, just upon the threshold, when we are laying the foundation of an empire broad and strong, and I should like to see upon this Dominion a people the best educated, the most temperate, as we are now, the most intelligent and the most law-abiding upon the fact of the earth. I do not want that happy state of things to be interfered with. But unless we take some steps to prevent Chinese immigration in great numbers from that empire whose population numbers hundreds of millions, we cannot tell what will happen in the near or in the distant future. I have nothing against the Chinese. My motto is charity to every man and malice to none—that is my creed—but I say that self-preservation is the first law of nature, and we have a right to defend ourselves and protect ourselves against an influx of immigration from any country, especially a country which despise our civilization and boastfully assert that their civilization is four thousand years in advance of ours——

Hon. Mr. LANDRY—That is true.

Hon. Mr. KERR—I pity the hon. gentleman's idea of civilization. They do not come here, as they do from many lands, fleeing from oppression, to work out their destiny in a new land, flinging off the trammels of the old world and coming here where everything is as free as the mountain air. They do not come here with that purpose. They come to make a little money, not to assimilate themselves. That is all right as far as it goes, but they do not come to assimilate themselves with our population. They do not care a fig for our government or our institutions. They are law-abiding while here. I give them credit for all that, but so prejudiced are they against British institutions, or they have such a preference for their own, that they take care when one of their number dies to preserve his bones, and when they have made a little money and return to China, they take the bones of their dead comrade with them and will not allow them to moulder away in British soil. Now, I feel that this Bill is a Bill that is far-reaching. I know the hon. member from Victoria (Hon. Mr. Macdonald), for whom I have profound respect. He calls this Bill an 'outrageous Bill.' He says it is a 'Bill to get votes,' and a 'cowardly Bill.' Well, I am sorry he thinks so. I do not know whether the Bill is designed in the interests of party or not. I have no reason to suppose it is. I will not suppose it is, but that it is just what it purports to be, in the interests of the Dominion in general and British Columbia in particular, and I ask every well-wisher of this Dominion in this Chamber—and we are all well-wishers of the Dominion of Canada and the British empire—to unite as one man and support this measure, and in the years to come you will feel that you conscientiously did your duty according to the light you had, and then you will be all right with your conscience. I have no object to serve in the vote I give. I have only one object, and I

tell you with all my heart and with all the sincerity I possess—and I try to be candid and sincere—it is the welfare of my country I have in view, and my country irrespective of party. With that view and with that view alone, I intend to cast my vote in favour of this Bill. As a Canadian I love Canada so well, I love the British empire, the British throne and British institutions so well, that I sometimes feel that I should like to live a thousand years to help to perfect our institutions in order to leave a more glorious heritage for those who come after us.

Hon. Mr. VIDAL—I claim to be as fully persuaded of the greatness and glory of the British empire and as fully interested in the well-being, prosperity and honour of Canada as my hon. friend from Cobourg.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. VIDAL—And although I admit he has superior talent, and can by his eloquent speaking, perhaps affect the judgment of many, he has not changed one iota the judgment which I had formed in my mind many years ago with respect to this question. The measure first came before the Senate about seventeen years ago—when I took action upon it. I then, in very plain terms, expressed my view of the character of this legislation. I pronounced it in the House to be un-British and un-Christian, and I contend that I can amply prove that it sustains this character still, and, consequently, it will be observed I differ very widely from the sentiments just expressed by my hon. friend as to the propriety of this measure, its usefulness, its necessity, and the obligation resting upon all of us to carry this Bill into effect. I believe if we had right views with respect to the honour and dignity of the empire and the Dominion we would give this Bill its second reading this day six months. That would be the proper course to adopt with regard to it. I advocated those sentiments seventeen years ago, and advocated them strongly, in this House, as will be seen by the Debates of that year. And there is a little item in connection with it that it is just as well to call attention to in the House, because I think there are only five members that voted with me then that are to-day members of this Chamber. I opposed the Bill as strongly as I could in its various stages. It passed into committee, and the committee reported progress and asked leave to sit again. We had had a very animated discussion in committee, and the subject had been very thoroughly investigated and the points very clearly brought out. When the committee presented its report I was so strongly opposed to the Bill, felt it to be so detrimental to the real interests of Canada and especially to the honour and character of our nation, that when the committee presented their report and asked leave to sit again, I ventured to make the proposal that leave to sit again be given to them that day six months. That proposal was accepted by the House, and although I was a supporter of the government, and the Bill had the government support, I do not think it was introduced as a government measure, but it had the government support and the usual friends of the government supported it.

Hon. Mr. FERGUSON—It was a government measure in the other House.

Hon. Mr. VIDAL—But not in this House. It was introduced by Mr. Plumb at that time, but under the circumstances I was acting, as I supposed, straight against the wishes of the party in power. I ventured in the exercise of my judgment, to take that course, and succeeded in defeating the Bill. My motion that the committee should have leave to sit again six months hence, was agreed to, but it had no chance to meet again, because parliament would not then be in session. It is rather remarkable that in that motion I was supported by my hon. friends Mr. Dever, Sir Alphonse Pelletier, Mr. Power.

Hon. Mr. DEVER—I should like to help you to-day in the same manner.

Hon. Mr. VIDAL—The hon. Secretary of State, and by my venerable friend Mr. Wark. Those are good names. Hon. gentlemen know them all. You know how important their opinions are and how great is their influence in this House.

Hon. Mr. LANDERKIN—Did the hon. gentleman from Victoria assist you there ?

Hon. Mr. VIDAL—Can it be possible that in seventeen years such a change has come over these hon. gentlemen that they could

now urge upon us the acceptance of a Bill which they themselves denounced in the strongest terms? I do not know what their views may be. Possibly they may even now do as I did then—vote against those with whom I generally worked. I was not thinking so much of the details of the Bill just now; but the feature of it that strikes me strongest is that in its character it is, in my judgment, so utterly inconsistent with British principles. You do not find any such legislation as this on the statute-books of the United Kingdom—nothing like it. It is quite true Bills are passed in some of the dependencies like Canada, and it surprises me very much that the home government has not vetoed some of these Bills on account of their interference with the treaty rights enjoyed by other nations. Even in connection with this, if my memory serves me right, our own government have vetoed Bills in which the Japanese have been treated in the same way as Chinese. Why is that done? It is well known Britain would not permit us to exclude Japanese, because Japan is strong and influential and valuable as a friend of Great Britain in the east.

Hon. Mr. MACDONALD (B.C.)—That is it.

Hon. Mr. VIDAL—And that is the reason why a distinction is made by our own government between the Japanese and Chinese, simply because the Chinese, numerous as they are, are unable to resist the power of Great Britain. I do not think that that is an argument which should be used for the introduction and maintenance of unjust legislation. Now, it is said by my hon. friend who spoke last that this is a measure for self-protection. It strikes me as the most absurd statement to make—self-protection. We, a Caucasian race, need to pass a measure of this kind for our self-protection. The thing is utterly absurd. Look over the whole world, wherever our people have gone, in every climate and among every people, have they not always made their home where they pleased and retained possession and exercised power and influence wherever they have gone. And why is it? Because where they go they carry with them the blessings of civilization and true religion, and that is why Britain has such great power and why the Almighty continues to permit them the exercise of such power throughout the world. The idea of Canadians being afraid of being hurt by the incoming of Chinese. Is it not absurd for us, a people who are spending thousands of dollars to bring in a lot of Doukhobors——

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. VIDAL—Who do not speak our language and have not the same faith, have no sympathy with us and know nothing about us? We have spent thousands of dollars to bring them in and hon. gentlemen know they have been a little troublesome hitherto; but the Chinese that come into our country are of an entirely different class, and would it not be the part of wisdom in our government, when they are wanting to populate our million acres in the North-west to bring in thousands of the Chinese with their families and locate them there and let them cultivate the ground and raise wheat? Why not? Are they any worse than the Doukhobors? I do not think so. As a people they are a quiet, peaceable, useful set of men. As to their character, they have been spoken of as though they were people we could not associate with and be familiar with. I think hon. gentlemen must forget a great deal of what should be known by all of us. There are among us Presbyterians who know a little about this matter, and if so I can only remind them of the proceedings of our missionary sent to the island of Formosa. They know very well the great, glorious and wonderful work accomplished by that devoted man. He has passed away to his rest now, but during his life there, we have the result in the conversion of thousands of Chinese living in sobriety, in peaceful occupation, in great comfort and prosperity, and in their daily life and intercourse with one another are really model Chinese Christians.

People in this land might imitate with propriety these converts who are leading really more moral and better lives than many of our own people. While there is no necessity for immediate amalgamation, it is not the impossible thing which some hon. gentlemen have spoken of. In that case, the missionary to whom I have referred married a Chinese woman. I had the pleasure of seeing her when she came over to this country, some seventeen or

eighteen years ago. She was a refined, educated lady, with whom it was delightful to have intercourse and conversation. She would have adorned any drawing room; wherever she went she was loved and respected and treated as an equal, and yet people will say that there is no possibility of there being any amalgamation of the people with us. But even if there were not, I do not think that affects the general merits of this question. That, as I say, is a wrong kind of legislation altogether and that we are making a mistake. Even morally and legally, using these words in connection simply with the British empire principles, I think it is a very great mistake that we are making and that it would be a far better course to pursue to receive them in a friendly manner and to give them large areas of our millions of acres which require culture and occupation. It is not necessary to occupy any length of time in discussing this measure, because the merits of the case have been pretty well debated: but I must admit that while I have listened with the greatest possible care and attention to the advocacy of its friends, I have failed to hear one single reason to justify such an interference with British procedure and the generosity which Britain has ever extended to people from other countries. We have had abundance of evidence of the prejudice existing, but no reason why that prejudice exists. In the course of the arguments which have been adduced and the evidence which has been read, a sort of reason has been given, that the Chinese interfere with the labour of our people. Surely that is an absurd reason. Have we not had to-night a complete refutation of an argument of that kind, showing that, so far from interfering with the work of white men among us, they are needed, that there is an actual need for the help of these people among the white population in British Columbia.

Hon. Mr. TEMPLEMAN—Where did we have the refutation of that statement that it interfered with white labour?

Hon. Mr. VIDAL—Well, it is a matter of opinion only.

Hon. Mr. TEMPLEMAN—A matter of evidence—a matter of fact.

Hon. Mr. VIDAL—If it does, what does it amount to, if you look into the foundation of it? Is it not the very same principle which is in operation by labourers who felt that the introduction of labour-saving machinery was a great curse and going to take away their work, and that it must be done away with? And is not that the foundation of the principle, that if the coming of the Chinese interferes with labour of the white working-people, therefore they must be kept out, and not treated as we treat other nations. It is very poor reasoning indeed. There is great need in many parts of the country for encouraging the coming in of the Chinese. They make excellent domestic servants. I know that personally. I have been in houses where they are employed and I have seen the propriety of their conduct and the way in which their work is done. They perform efficient and valuable services, and that is a great item. In these days many families have felt the inconvenience of getting the requisite amount of female labour in their establishments, and if we could get well-behaved Chinese, quiet, orderly people, it would be rather an advantage to the country than a disadvantage. Where is the possible evil that is to result from their coming in? That is the thing I want to know.

There should be a very strong case made for an interference with British principles in this kind of legislation. We should be able to point out the evil which would result from their coming in. Has it been shown that there is evil resulting from the Chinese coming among us? I do not think it has been. I have not seen it. I have not heard the nature of the difficulties that I regard as a proof to justify such a statement. I believe that their coming in in very great numbers might prove an inconvenience in some places, but surely, speaking for Canada as a whole, the large majority of Canada would not approve of this Bill if it were laid before them. They would say, as they did when the other Bill was before us, 'It is British Columbia forcing upon the rest of the Dominion something which the rest of the Dominion does not desire and does not approve of.' Those were the sentiments of the hon. Secretary of State in 1886. They have changed now, but I think they were

correct statements. I held them then and hold them to-day, and shall continue to hold them, because they are right, and it would be a very desirable thing for the House to recognize the general sentiment of the Dominion that if such a measure is to be tolerated at all it should be confined to British Columbia. According to the very strong arguments used by my hon. friend, the Secretary of State, in a former debate upon this question, the measure should be confined to the Pacific coast, parliament should not inflict it upon all the rest of the Dominion where these Chinese are welcome, are doing good honest and decent work, and where, let me remind hon. gentlemen, they are freer from all charges of disorderly conduct than any other people who come among us. Hon. gentleman never heard of such a thing as a Chinaman being brought before the court for any violence or wrong-doing, unless it is defending himself from outrage committed upon him, and it is just the same in British Columbia. I have been there and have seen them at work in the country. I do not know what the white people would do there if you stopped the Chinese from coming in. In some factories all the work is done by Chinamen, with white overseers over them, and done well. In every way they have been a great help and comfort to British Columbia. I should like to know how the Canadian Pacific Railway in that province could have been built without them. White labour could not have completed it. They were obliged to have Chinese, and a great deal of the work done in British Columbia is owing largely to Chinese labour. I see nothing about them which should stir us up to an act of this kind, because this measure is really prohibitory, to say that the Chinese shall not come among us and become citizens of British Columbia. What are we doing on this western side of the Atlantic? Did we not come in without any specific right and take possession of the lands of the Indians and call them our own ? We did not even treat some of them quite as well as they should be treated, although I admit the British and Canadian authorities have always treated the Indians kindly, well and generously ; still, we came in here and took possession of their lands without their consent, and why did we do it? We did it to better our own circumstances and conditions, and why should the Chinese, in the exercise of their God-given rights not have the privilege of coming, like any others, into the British empire when they think that by coming they can better their circumstances and live very comfortably and quietly and make better provision for advancing themselves ? Why should they not come ? Why should we do anything to shut them out ? What right have we to do anything to shut them out ?

I hold that they have just as perfect a right to come in under British laws and locate themselves among us and become British subjects as we British subjects had to come over here to America and take possession of the Indians' lands. Denying them the right to enter our country is a small matter in connection with this great Dominion of Canada. Instead of treating them this way, we should encourage them. One of the objections is that they come in singly and do not bring their families. Whose fault is that ? Is not that the fault of Canada, because she puts difficulties in the way of bringing them in ? They cannot afford to bring in their women and children and pay $100 a head on them. We are responsible for that defect, and if the door were thrown open and Chinese families allowed to come in and settle, I believe Canada would be greatly benefited by them. They would be found to be peaceful labourers and successful cultivators of the soil. In the course of a little while, as we have seen by the labours of missionaries among them, they become civilized after our fashion, and hold our views with respect to the great moral truths of Christianity and become valuable citizens of this great Dominion. I should greatly rejoice that either this Bill was thrown out altogether, or, if it must pass, that it could possibly be so changed as to confine its operations to the province of British Columbia.

Hon. Mr. McGREGOR—The expressions from the last speaker are more convincing than anything I have heard in this House, yet I am going to support this Bill and I want to give my reasons for it. I have read somewhat carefully extracts from the report of the Chinese Commission. I knew somewhat of the Chinese before reading that report. I spent a night in San Francisco some years ago visiting the haunts and

dives of the Chinese, and saw them in all states and positions under the influence of opium. These things I knew of, but I never had much sympathy with restricting the immigration of the Chinese, and I came here with some scruples against voting for this Bill, but after hearing the discussion I can vote for it without hesitation. The hon. leader of the opposition read extracts from speeches made by another member of this House to show his inconsistency, but not one single argument did he advance to show why these people should not be kept out. He rather admitted that when he was a member of the government that imposed a tax of $50 it was not imposed for revenue purposes. I hope not. I think it would be a most contemptible thing if we were to raise revenue in that way. We will get less revenue under this measure, and if the principle is for restriction it will be more effective. The $50 head-tax it was found did not restrict. At a later period, I understand, if the hon. gentleman did not support he did not oppose the Bill making the restriction $100. Is that correct?

Hon. Mr. SCOTT—There was no division in the House.

Hon. Mr. McGREGOR—If some hon. gentleman would move to repeal the tax, I might support the motion. I wanted to get the arguments in favour of admitting the Chinese and listened carefully to the arguments of the hon. member from Victoria, but the hon. gentleman gave away the whole thing when he said he was himself in favour of restriction. If the principle of restriction is right, $500 is better then $100. I do not say it is right, but I can vote for $500 instead of $100.

Hon. Mr. SULLIVAN—I did not intend to say anything on this matter, and would not now were it not that the vote is assuming particular consequence. I want to relate something in the nature of a whimsical adventure. The Hon. Mr. Tessier, one of the gentlemen who occupies a seat in the room with Dr. Robinson and myself, was going away to-day and he appeared to be very anxious and asked me where he could get a pair. I smiled and wished to know what he meant, not thinking there was any such thing in the Senate. He said he had to go away. I said: 'I suppose you will get some one—if you do not get any one else you can get me,' not thinking there would be anything more about it. If the hon. gentleman wished really to make a pair, I supposed he must have gone to some other gentleman, because he did not ask me which way I was going to vote, nor did I ask him. That is the position I am in, and therefore if there is any hon. gentleman present with whom he paired he ought to let me know. If there is not any hon. gentleman in that position, inasmuch as I could not reach Mr. Tessier by telegraph, not knowing where he was—and certainly I could not do it by letter—I assume that he would hold me bound by this expression of mine, although I had no real intention of carrying it out. I may as well disclose what my opinion is in the matter and which way I was going to vote. I had no idea that this matter was assuming such political importance as it has on this occasion. My impression was that it would be a matter which senators would be allowed to vote upon without any appeal to their political feelings. However, I regret that it is not so. I regret that it should have taken another direction, and that the Bill was not allowed to go on its merits, and we could give a vote at all events that we could justify before the public and divest this House of what I always condemn, a tendency to partisan spirit.

With reference to the subject of Chinese immigration, this discussion reminds me of a gentleman who used to say to his son, 'Tom, there is a great deal of knowledge outside of your head.' I was thinking of that when some hon. gentlemen were giving learned opinions about the Chinese. Gentlemen who have lived in China for years and years—Sir Robert Hart, for instance, who for many years had control of the Chinese customs department—say they know nothing about them. Some hon. gentlemen judge of the habits of the Chinese by what they have seen and heard of Chinese on the Pacific coast—their use of opium and the horrible things they eat, beetles, rats and mice, and all that sort of thing—but the Chinese as a race ought not to be judged by that, any more than we should be judged by the worst specimens of our own race. Infanticide is common in China, but have we not all heard of a Caucasian legislator who advocated the killing off of all the surplus population? Fortunately, that has

not been advocated by any one in Canada yet. I say it is impossible for us, with our limited information, to form any opinion of the habits of the Chinese as a race. The statements we hear about them are very conflicting. By one set of people they are represented to be the most virtuous of nations, honest, trustworthy, careful of their parents and their children ; others represent them as the very reverse. Just to give you an idea of the estimate in which the Chinese were held by a portion of the population of the Pacific coast of the United States, I may be permitted to quote from a poem by Bret Harte, in which he described how a Chinaman took part in a game :

My feelings were shocked at the state of Nye's sleeve,
Which was stuffed full of aces and bowers,
And the same with intent to deceive.
But the hands that were played by that heathen Chinee,
And the points that he made were quite frightful to see,
Till at last he put down a right bower
Which the same Nye had dealt out to me.
Then I gazed upon Nye and he gazed upon me.
And he rose with a sigh and he said, 'Can this be ?'
'We are ruined by Chinese cheap labour,'
And he went for that heathen Chinee.

There is the whole solution of it--they interfere with white labour and progress. I was going to vote against this Bill if I had not paired with Hon. Mr. Tessier. So I will assume, as he is one of what the hon. gentleman from Montreal calls neophytes—whatever they are—he would be, as all neophytes are, with the hon. gentleman who has charge of the Bill. I can only say I was going to vote against it for the same reasons, I presume, as other hon. gentlemen, to a certain extent, for economic reasons. Religious reasons and ethnological reasons are out of the question; it is a matter of economy, and because Chinese labour would be beneficial to the people of the part of Canada in which I reside, I was going to vote against this Bill because that vote would be in favour of the view which I hold. There has been a scarcity of a certain class of young women who used to hire out as domestic help. That class of artisans, or professional help, is getting scarcer and scarcer, so it is necessary for people to look about and see whether it is possible any longer to keep house and retain their families and live as they have been living in the past, practising all the domestic virtues which we all know have done the country so much good ; and the idea of having to break up a home and transfer our household gods to some hotel is repugnant to the ideas of every right-minded Canadian. We hope that that feeling will never be prevalent in this country. It will be a sad day for Canada when the people, either from extravagant living or other causes, should be compelled to break up the domestic circle, and in that way lower one of the greatest bulwarks against the introduction of anything of a vicious tendency. In Ontario a great number of people have secured Chinese servants. They find that these Chinese servants are capable of doing all the work which two or three girls will do, and therefore, they employ them. They have to pay them more wages. In Kingston, even, which is not a rich nor a great town so far as wealth and population are concerned, there are a number of families that have Chinese servants, and they express themselves as being highly satisfied with these people. If Chinese immigration should be the means of assisting the people of Ontario in getting a supply, so necessary, of domestic servants, it will be a great boon to them. I do not want it understood that I desire to say a word against such an intelligent and respectable body of people as the domestic servants of this country. I know many of them, and I know that they are people we ought to be proud of, but the training which they undergo in many homes is something which they should pay for, instead of being paid for their services. That is the reason I thought it would be better for me to vote against this Bill. As to the amount of the tax, I do not know how that is. It would require a good deal of consideration. I suppose that money goes into the treasury of the Dominion.

Hon. Mr. FERGUSON—One-half.

Hon. Mr. SULLIVAN—I do not think it would amount to a great deal. It ought not to influence a government like the present one, who are so wealthy and so fond of spending money—I would not say extravagant. Therefore the amount of revenue derived from the tax ought not to be a consideration. If the people of British Colum-

bia are unanimous in wishing to have the Chinese excluded, if they injure the growth of the country or interfere greatly with the supply of labour, I would certainly use my influence against admitting them into the country.

Hon. Mr. TEMPLEMAN—Hear, hear.

Hon. Mr. SULLIVAN—Of course, I do not know anything about that. I regret that this question has taken a political turn. Members of this Senate should vote freely and without any party restraint. I thought there never would be any such thing as a man asking for a pair in this Senate. I am sure it will never occur with me again.

Hon. Mr. WATSON—Two or three hon. gentlemen in this debate have compared the Chinamen with other classes of immigrants coming to this country. I think it is the intention of hon. gentlemen to be fair to all classes of people who may come to Canada. The hon. gentleman who leads the opposition saw fit to compare the Chinese with the Doukhobors, and thought they were probably as good a class of people to settle in this country. The hon. gentleman from Kingston, says that the Chinamen should not be judged by the fact that some of them eat the class of food which he mentions; no more should the Doukhobors be judged by the fact that some of them have been going on an insane expedition. Last fall the trouble originated amongst the Doukhobors owing to the religious belief some of them had. Instigated by agitators to go out and meet the Saviour, about two hundred started on a pilgrimage. They travelled three of four weeks, and were finally persuaded that their mission would be a failure and were induced to return to their villages.

Hon. Sir MACKENZIE BOWELL—Forced, the hon. gentleman means.

Hon. Mr. WATSON—They had an idea they should not use horses or cattle for labour—that they were God's creatures, and should go free. Now, I know something about the Doukhobors. I have visited their settlements, and have no hesitation in saying that a great majority of the Doukhobors will become first-class citizens. They are first-class settlers to-day. They are industrious, honest, with good moral habits, and are prepared to become British subjects. They have so signified their intention. They objected in the first place to take up land, because they did not believe in asking any human being for any portion of the earth to live on. They, no doubt, for a time were induced not to take up homesteads by agitators who were trying, as it were, to intimidate the people with the belief they would have trouble if the authorities insisted on their making entries. But the government were firm in that matter, and I am pleased to inform the House that these people are now making homestead entries. After the Doukhobors turned out their stock, the government undertook to take care of them until the agitation was over and the Doukhobors settled down. There are about seven thousand Doukhobor settlers altogether. About one-third of them turned out their stock. The government took possession of it and sold some eighteen thousand dollars worth, and that money was put into a fund to cover expenses incurred through the pilgrimage. I mention this, because reference has been made to the expenses in connection with the Doukhobor movements. The total expense in connection with any trouble the government had with the Doukhobor pilgrims was paid out of the fund realized by the sale of the Doukhobors' stock. So it did not cost the government one cent. Some eight thousand dollars of that money was expended in looking after the Doukhobors who started on that pilgrimage. They went back to their villages and have since made entries for homesteads, and signified their intention of taking the oath of allegiance and becoming British subjects. I believe they will be good citizens, and I do not wish to hear any one comparing them to the Chinese, because I am not aware that any Chinaman has come to Canada with the intention of becoming a British subject or taking up land and cultivating it. The Doukhobors came with that intention; they have taken up land, and I believe they will be a valuable class of settlers in the future.

I have some knowledge of the early settlement of the Mennonites in the province of Manitoba, and my recollection of the early days of their settlement as com-

pared with the Doukhobors is very similar. They are a similar class of people. If anything, the Doukhobors are more religious. The Mennonites have become good settlers, and I have no doubt the Doukhobors will be quite as good as the Mennonites, and I do not like to have them compared with the Chinamen. I never was in British Columbia. I know very little about the Chinese, any more than what I have seen of the Chinese engaged here in laundry work. They disappear; we do not know where they go. It is said they go back to China, even taking the bones of their dead companions with them. One thing I do know, there has been a constant agitation in the province of British Columbia against the Chinese, and a demand made for their exclusion. A tax of fifty dollars per head was placed on the Chinese by the late Conservative government. I suppose it was thought at that time that it was sufficient to keep Chinese out of the country. That did not succeed. The tax was increased by the present government to one hundred dollars; that increased tax has not prevented them from coming. The agitation against them continues in British Columbia. The legislature has tried to pass laws to exclude the Chinese entirely, but that legislation included the exclusion of the Japanese, and it was vetoed by the government at Ottawa. It seems to me, when there is such a community of feeling for the exclusion of Chinese from British Columbia, as voiced by the representatives of the people, through the press, and through her legislative acts, it is nothing but right that we should protect British Columbia against a further influx of Chinese, and for that reason the Senate will be justified in voting for this Bill.

Hon. Mr. POIRIER—I will not consider whether this is a government Bill, or whether there is any political significance attached to it. I have been in the habit, since I came to the Senate, of voting on all measures according to their merits, or according to my ability to discern the merits from my point of view. The question before us is one of great moment. It has been dealt with before by the Conservative party, and a tax of fifty dollars per head was imposed on each Chinaman coming into the country. Was that sufficient protection? The policy of the party to which I belong is for protection. If that tax were meant to be protection, experience has proved it inadequate. Now, we are confronted with a Bill which imposes a tax of five hundred dollars on each Mongolian from China coming in, and this protective tax is imposed by the party which is pledged to reciprocity in all things. This is an anomaly from the point of view of hon. gentlemen opposite. Therefore, I cannot view this question either from a Conservative or a Liberal standpoint. If I viewed it from the Conservative standpoint, I would vote for it: if from the Liberal point of view, the logical policy would be to abolish it altogether. Fifty dollars do not protect, while five hundred dollars protect. On broad, human, civilized principles I would rather have Chinamen admitted free, because we are compromising our principles of liberty as much as by imposing fifty dollars as a tax as we do by imposing a tax of five hundred dollars, with the difference that fifty dollars does not protect, whereas five hundred dollars will protect to a great extent. Considering this question from an ethical standpoint, history has been resorted to, and the hon. gentleman from Cobourg has told us that the Chinese civilization antedates ours four thousand years. Four thousand years ago they were as civilized as they are to-day, and to-day they are not more civilized than they were then. They have remained in statu quo. That is not in their favour. Not going forward, they go backward. If they were civilized long ago, there must be something very wrong in their institutions since they have remained and are still remaining steadfast. It does not redound to their credit.

My hon. friend from Sarnia (Hon. Mr. Vidal) said that no such thing as a restriction upon immigration has ever been introduced in Englad. I do not believe that England has been in the predicament we are in to-day, and we cannot draw any historical inference from what England has done for this question here. The English people protected themselves when there was much less occasion to do so than we have now, if you refer to the Pilgrim Fathers and the time of the Mayflower. We do not know what the English people would do if they were in the same predicament that we are

in at present. They have a small island and have been able to take care of themselves, and at no time have they been threatened with an influx of immigration that might have impaired their institutions or interfered with their aspirations for liberty. Coming to this question on a broad principle, I should rather see the whole world free to come into this grand country of ours so full of great possibilities. But our obligation to extend hospitality to the world at large is governed by the same principles as extending hospitality in our own homes. On broad principles, on Christian principles, on heathen principles, we are bound to open the doors of our houses to all comers. The Jews did it, because there was a tradition among them that a traveller and tramp might be nothing less than an angel in disguise, and the heathen, as we see by the Odyssy, held it sacred, held it as a tenet of their religion to open their houses to all comers, because a god might be concealed under the garb of a begger. On broad principles, hospitality is a virtue, but there are exceptions to all rules, or modifications to the application of all rules. Who amongst us will not discriminate as to the guests we admit into our homes ? On broad principles my house is open to all. Still, if some objectionable guest, some person whose character is anything but oderous, should come, I will, in a sort of polite way, try to keep him out ; or, if he is in, I will try to get him out of my house. This Bill is nothing but a polite way of inviting the Chinamen to stay at home. Individually, the Chinese are our brethren and as good as we are, but they are not, in my estimation, a desirable class to admit into our country, nor desirable guests to have at our dinner table with our people. They have been compared to the poor Doukhobors. I have more pity for the Doukhobors than rigour. They went looking for Christ and they found Sifton. Let us drop the Doukhobors for a moment and take in Chinamen. Hon. gentlemen must not judge what Chinamen may do from the few specimens of washee-washee we have here in Ottawa. If you wish to judge the Chinese immigrant, go to San Francisco, and there you will see what they do when herding together in large numbers. I would not, for the good name of Canada, give my vote to what might produce such a disgraceful, horrid sight as travellers witness in San Francisco, where men are ashamed to see their fellowmen doing what is being perpetrated in those dives. I sympathize with my hon. friends from British Columbia. They wish to protect themselves, and we might yet be in a position to appeal to them to protect us. Without going further into the merits of this case, without asking myself if there is any political significance attached to this Bill, I will deal with it as if my hon. leader was pressing the Bill. I shall in this case vote in favour of the Bill for the few reasons I have urged, because those men should be politely invited to remain at home. We should not open the gates of our country to an immigration, the result of which may be, if not disastrous, at least leading to such vices as the civilized world is shocked with in San Francisco.

Hon. Mr. DeBOUCHERVILLE—When I learned that the government were presenting this Bill, I thought it would be very interesting to see what the commissions on this subject had reported, and I took advantage of the knowledge which I got here, not many days ago, to look into the question. I thought there must have been discovered some great vices in these Chinese since we thought of not only increasing the tax on them, but making it absolutely exclusive. I understand that fifty dollars is not a tax to exclude. It meets the great expense which sometimes an inferior class of immigrants will impose on the country. When the tax of fifty dollars was imposed, it was not for the same object as this is. When it was raised to a hundred dollars, it was not even then an exclusive tax, because the poor Chinese who are engaged as domestics in British Columbia, get from twenty-five to forty dollars a month. If a man can make three hundred dollars in a year, the one hundred dollars which he would pay to come into the country would not prevent him from getting fair remuneration. In Ontario and Quebec there are not many domestic servants who get $200 a year. But when we put on a tax of five hundred dollars, it is impossible for these men to pay it unless they are wealthy. They will come to this country and probably not get to work as soon as they land, and then will receive probably not more than thirty dollars a month.

Therefore, they will not be able to recoup themselves for what they spend.

I expected to learn that these people were a dangerous element in our population. Nobody asserts that they are superior to our race, either physically or intellectually; then why should we be so much afraid of them? How many of them are there in British Columbia in all those years they have been coming into the Dominion? About fifteen or sixteen thousand altogether. What is that compared with the population of one of our large cities? It does not amount to one-twelfth of the population of Toronto. There are about fifty thousand male adults and thirty thousand white women in the province of British Columbia. These people are endeavouring to impose on the government a thing which I do not think any civilized country in Europe has ever done. By this Bill we say that a British subject cannot come to Canada, unless he pays five hundred dollars. There are a number of Chinese, as hon. gentlemen know, who are British subjects. A great many of them were born in the British possession of Hong Kong, and we are going to vote for a Bill which excludes British subjects from a British country. Now, taking the vices which many of us believe prevail among the Chinese, what does the report of the Commission say? The Rev. Canon Beanlands testifies:

> I have had Chinese domestic servants. They are honest, sober, industrious and cleanly in the house.

Sometimes it happens they are not so clean, I suppose. The health officer finds their houses are crowded, it may have been by friends who came in at night, and they would not put them out. I would ask if, in the slums of London and New York you will not find overcrowded lodgings worse than he described? The two vices which are attributed to the Chinese are gambling and opium. As to the latter habit, I think it has been exaggerated. It is not only the Chinese who use opium, but let us admit that the Chinese do use it to excess. It is easy to prevent the use of it—much easier than to prevent the use of liquor. If we put a high tax on opium, those people will not be able to get it. It may be said that opium is necessary for medical purposes, but it is not used in large quantities. Put a duty on opium and you will stop the use of it. Those are the only two vices alleged against the Chinese. Gambling is charged against them, but it seems to be an extraordinary kind of gambling. We never hear of Chinese who are ruined by gambling, committing suicide. Those people are not rich, and gambling with them is more like children playing marbles. Of the two vices charged against them, one can be easily stopped, and the other is not a very serious vice. It is stated that they are not cleanly in their lodgings. This condition has been already greatly improved in British Columbia. A by-law has been passed by which there cannot be more than six persons lodged in a room twenty feet long by thirty wide. This can be easily enforced. There is another matter. I refer to chapter 4 of the report of the committee, which reads:

> The Chinese compare favourably with the whites.

And, mind you, this report is rather against them; and when they say they compare favourably, it means they are much better than the whites. I was surprised to see that, after all, this report does not show that the Chinese are so bad as they say. There is another thing. The hon. gentleman from Cobourg (Hon. Mr. Kerr) found fault because when Chinese die in Canada their relatives provide that their bones shall be brought back to China. It seems to me the hon. gentleman, whom I respect and whose good feelings I believe in, would not find it strange to see the remains of our white friends, dying in a foreign country, brought home for burial, and if the deceased had the means, he probably would have left the money to do it. Therefore, I was astonished at the hon. gentleman referring to this as a fault with the Chinese. It is not a fault. There is another thing which the hon. gentleman said: He cited the decision of a judge—he did not know the name of the judge—that people have not the right to come into British possessions. I must differ from him. When a country like Canada places in newspapers an invitation to come in, when it sends agents to ask strangers to come in, and publishes pamphlets and sends them all over the world, I think we invite immigration. If you ask me into your house, I have a right to come in. The hon. senator said

these people are not Christianized. We send missionaries to China to Christianize those people. What do they tell them? They say, 'Come with us; we are all brothers; we like one another.' And some of those Chinese who have come here will say, 'Why did you make us pay $50 when we came to your country? Is that brotherly love?' They might reply, 'Oh, well, that was passed; there was some reason for that.' A little later the same thing occurs, and they say, 'If we are brothers why do you put $100 on us?' They do not understand it. But this is much worse. Instead of a tax of $100, which they may pay in a certain time, we are going to put on $500. What is it? It is pure prohibition. I am not surprised when I see that in some part of China the people hate Christians, whether English or not. For these reasons, I think I am justified in voting against the Bill.

Hon. Mr. MACDONALD (P.E.I.)—I do not wish to take up time going into the details of this measure, but shall pursue the same course which I followed on former occasions when a similar Bill was before the House. I consider we should not pass a measure taxing any people coming into the Dominion of Canada, and I am sure when you raise the tax on the Chinese from $100 to $500, you are prohibiting them entirely from coming into the Dominion. Now, it is very well for enlightened gentlemen to tell us of the degraded state in which the Chinese are in San Francisco and other very distant cities. We see a good many of them ourselves in the different cities and towns of the provinces in which we live, and I must say, from my experience of any I have seen, they are just as good citizens as the average people coming into the country from any other foreign nation. In the province from which I come there are certainly not a very great number, but I presume that they are almost in as great proportion in the city of Charlottetown as in the province of British Columbia in proportion to population.

Hon. Mr. TEMPLEMAN—I think there are only four in Prince Edward Island.

Hon. Mr. MACDONALD (P.E.I.)—I beg the hon. gentleman's pardon; there might have been only four at the time the census was taken, but there are a great many more than that number at present. I find that those that are there are industrious, sober, people. They go to the markets and purchase the necessary supplies for their households, just the same as the other labouring people in the community do.

Hon. Mr. POIRIER—People cannot get liquor in Prince Edward Island. They have the Scott Act.

Hon. Mr. MACDONALD (P.E.I.)—I presume this prohibition of the Chinese will be more effectual than the Scott Act. If it is not, the Chinese will come in without any hindrance whatever. I would just refer briefly to some of the objections that have been urged against the Chinese coming into the Dominion. It is said that they will not assimilate with the people. That was one of the principal objections I have heard against their admission into the Dominion. That is rather an advantage. If these people are such a class as has been stated, it is an advantage that they do not assimilate with the people. Another reason is that they come in here and earn money and return to their own country when they have earned sufficient to live on. That is not a very great objection against the Chinese, because we know that people from other countries come into the Dominion, become millionaires and go abroad to spend their money, which is only what the Chinese are doing. They follow in that respect the example of Mr. Carnegie and many other millionaires who go to reside in the country in which they were born. I do not think it is a very objectionable thing that they desire that their bones should be taken back to the country from which they come. We find our own people who die in a foreign country, the United States or anywhere else, have their bones brought home for interment. You cannot travel on a railway train carrying passengers from abroad in which you do not find the remains of some person being brought to be interred in the country in which the deceased was born. Such objections as these are ridiculous. I cannot give my support to the Bill now before the House. The amount that we propose to tax these people coming in is prohibitory, and you will soon have none of them at all. In a short time you will find we will require

them, and it will be necessary to repeal this law and admit them into the country to do the work we require and which it is difficult to get our own people to do. Some hon. gentleman who spoke mentioned the difficulty of getting household servants, and in the eastern provinces here we would be very glad to have some Chinese come in to perform domestic service.

Hon. Mr. SULLIVAN—I would ask the hon. gentleman for information; what do the United States people charge ?

Hon. Mr. TEMPLEMAN—Absolute prohibition on the labouring classes still.

Hon. Mr. SULLIVAN—Who pays that money ? Is it the Chinaman or some agent that takes charge of the Chinamen ? Is it not paid by some gentleman who takes charge of the cargo, as it were ?

Hon. Mr. TEMPLEMAN—I think so.

Hon. Mr. MACDONALD (B.C.)—I think so, in some cases.

Hon. Mr. SULLIVAN—The agent runs that business at a profit.

The House divided on the motion, which was carried on the following division :—

CONTENTS :

Hon. Messieurs

Casgrain (de Lanaudière),	Mackay (Alma),
Coffey,	McGregor,
Dandurand,	McHugh,
Dever,	McSweeney,
Ellis,	Poirier,
Fiset,	Scott,
Frost,	Templeman,
Gibson,	Thibaudeau,
Jones,	(de la Vallière),
Kerr (Cobourg),	Watson,
Kerr (Toronto),	Yeo,
Landerkin,	Young,—23.

NON-CONTENTS :

Hon. Messieurs

Baker,	Macdonald (P.E.I.),
Boucherville, de	Macdonald (Victoria),
(C. M. G.),	McDonald
Bowell,	(Cape Breton),
(Sir Mackenzie),	Montplaisir,
Drummond,	Robertson,
Ferguson,	Vidal,
Landry,	Wod,—14.
Lovitt,	

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

FAST LINE STEAMSHIP SERVICE.

Hon. Sir MACKENZIE BOWELL—I should like to call the attention of the Secretary of State to the effect which his answer to the question I asked him yesterday in reference to the pledges made in reference to the fast line, has had in England. I observe a telegram in to-night's paper which reads as follows :—

> Surprise is expressed here at Senator Scott's statement in the Canadian Senate yesterday, that the British government had made no representations to the Canadian government regarding the fast Atlantic service. The fact is that when the British government agreed to a renewal of the Canadian Pacific subsidy, the Canadian government frankly recognized that the subsidy had not been earned, in that a fast through postal service had not been provided to the far East. It was understood that Canada had given a pledge to use the utmost exertion to complete the British link at the earliest possible moment, and certainly before the expiry of the renewed contract.

The statement made by Mr. Austin Chamberlain and confirmed by this telegram was that the pledges that were made were for the purposes of a fast line from Europe straight to Japan and China, and that through the action of the Dominion government these pledges had not been fulfilled ; the consequence is the postal service, on account of it not being established, is not remunerative or paying the expenses to the British government nor to Canada. I call the attention of the Secretary of State to this in order that it may be brought under the notice of the government so that no misunderstanding in the future may exist in England as to the position of Canada upon this question, It is very important that our Canadian reputation should not be smirched by a nonfulfilment of promises, if any promises were made.

Hon. Mr. SCOTT—I quite appreciate the importance of having the truth inquired into and the report thoroughly tested. When I spoke I thought it was on information. Of course it is just possible I may be mistaken. I will have a thorough examination made into the despatches, and if I overlooked any of them I will so advise the House.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, June 12, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

INTERCOLONIAL RAILWAY BENCHES AT LEVIS.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. When did the government ask for tenders for the construction of the benches for the use of the Intercolonial station at Lévis?
2. In what newspapers and at what date did the government publish a notice of such request?
3. If the newspapers have not published any notice of such request, how was the public made aware of this request for tenders, and at what date?

Hon. Mr. SCOTT—The answers are as follows:—

1. Tenders were invited on the 31st May, 1902.
2. Tenders were not asked by newspaper advertisement.
3. Tenders were invited by circular.

QUEBEC AND LEVIS MAIL SERVICE.

INQUIRY.

Hon. Mr. LANDRY inquired:

Has Captain George Chamberland, of Lévis, a contract with the Post Office Department for the carriage of mails by the vessels of the Quebec and Lévis Ferry Company, or is it the said company which has this contract, and at what price was this contract given?

Hon. Mr. SCOTT—There is no contract with Captain George Chamberland for the carriage of the mails referred to, the service being performed by the Quebec and Lévis Ferry Company, payment being made therefor at the rate of one thousand dollars per annum.

FISHING RIGHTS IN THE SEIGNIORY OF MINGAN.

INQUIRY.

Hon. Mr. LANDRY inquired:

What are the facts and the points of law regarding which certain conflicts have arisen between the federal government and that of the provinces of Quebec and the Labrador company with respect to the fishing rights in the Seigniory of Mingan?

Did not the judgment of the Privy Council in England definitely settle this question?

What point is there so obscure in this decision of the Lords of the Privy Council, that it is necessary to have recourse to illumination from Mr. P. V. Savard and to his vast knowledge in order to clear up with brilliancy the respective rights of the federal government, the provincial government, and the Labrador company?

Is the salary of $5 a day given the celebrated jurisconsult in accordance with the signal service that he is called to render to his country by flooding with his luminous clarity the legal obscurity of the highest tribunal of the British empire, and is it the government's intention to remunerate this employee of its choice in a more suitable manner?

Hon. Mr. SCOTT—That question I cannot answer. I have always been anxious to gratify the curiosity of the hon. gentleman, and have answered very many questions to which exception might have been taken. Where it was at all possible or reasonable, I have endeavoured to gratify his wishes. In the present case the hon. gentleman seeks to make a covert attack on an individual whom I do not know, a gentleman who is an advocate in the province of Quebec. The hon. gentleman asks:

What point is there so obscure in this decision of the Lords of the Privy Council that it is necessary to have recourse to illumination from Mr. P. V. Savard and to his vast knowledge in order to clear up with brilliancy the respective rights of the federal government, the provincial government, and the Labrador company?

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My hon. friend must see that that is not a question that ought to be answered. It should not be on the order paper, because we ought not to use the records of the House to cast reflections on anybody outside of it.

Hon. Mr. LANDRY—The gentleman named is not a member of parliament.

Hon. Mr. SCOTT—The hon. gentleman might attack a member of parliament, because he would have a chance of making an attack in return, but a gentleman who has not the privilege of replying, who is outside of parliament, is not in as good a position as a member, and besides it is not the proper thing to do.

Hon. Mr. LANDRY—Could the hon. gentleman answer the first question as to what are the facts and the points of law?

Hon. Mr. SCOTT—I am not able to give the points of law, nor can anybody else. To Mr. Savard was referred a number of questions to inquire the facts on the ground, and give some information to the minister who had charge of the decision of the various disputes.

Hon. Mr. LANDRY—If those questions have been submitted to Mr. Savard, I do not see why we are not entitled to know what they are.

Hon. Mr. SCOTT—No, certainly not. The House is not entitled to them.

Hon. Mr. LANDRY—The House is not entitled to know what instructions the government gave to Mr. Savard ?

Hon. Mr. SCOTT—No, they are for the private information of the minister. His opinions do not prevail.

Hon. Mr. LANDRY—Mr. Savard is paid by the public treasury with our money, and we have a right to know the points of law or facts submitted to him in those questions.

Hon. Mr. SCOTT—No, it is quite unusual.

Hon. Mr. LANDRY—That is the first time the government have refused to give to the Senate information which they gave to a private individual.

Hon. Mr. SCOTT—I have, in my anxiety to meet so many of the requests of the hon. gentleman—because the hon. gentleman puts more questions than any member of the House of Commons does——

Hon. Mr. LANDRY—I am so ignorant.

Hon. Mr. SCOTT—I am inclined to think there is a motive behind it all, and it does not seem fair; I am anxious to meet the hon. gentleman's wishes where the public have a right to know the facts, but he carries it too far. I refer to Todd's Parliamentary government in England, where we find the following :

> Numerous precedents can be cited wherein ministers of the Crown and other members have declined to give any answer to questions which they considered to be unnecessary, inexpedient, unusual, impertinent——

And I should like the hon. gentleman to place some stress on that word—

> —or as involving matter of too much gravity to be dealt with by way of reply to a question.

Hon. Mr. LANDRY—Let the two or three last questions drop, and can the hon. minister not answer the first part ?

Hon. Mr. SCOTT—No, I could not. The judgment of the Privy Council is a matter that is found in the law-books of the country, and I am not going to involve my judgment with their judgment, I might not agree with the Privy Council. He asks me to explain a judgment given by the Privy Council.

Hon. Mr. LANDRY—I am asking what are the points involved that necessitated the nomination of Mr. Savard ? He was named for a purpose.

Hon. Mr. SCOTT—The points of law and fact in a long involved judgment, which very few lawyers understand, is not a proper subject to be inquired into across the floor of the House by any member.

Hon. Mr. LANDRY—Would the hon. gentleman make any objection to a motion for an address to His Excellency to have the instructions laid before this House ?

Hon. Mr. SCOTT—I must judge of it when I know something about it.

Hon. Mr. FERGUSON—He could not object to that.

Hon. Mr. LANDRY—I know that.

Hon. Mr. YOUNG—I would suggest that this motion in its present form be expunged from the records, and a motion put——

Hon. Mr. LANDRY—The hon. member must give notice of motion.

Hon. Mr. YOUNG—As a matter affecting the dignity of the Senate, possibly the good sense of my hon. friend would dictate that course, and I have no doubt that any information asked for in a reasonably proper manner, which it would be the duty of the minister to give, would be forthcoming. Certainly a question put in this form would tend to lower the House in the estimation of hon. Senators. I think the feeling of the hon. gentleman's fellow members, is that that should be expunged, and a reasonable motion could be put which would elicit the desired information.

Hon. Mr. LANDRY—My inquiry cannot be expunged on a question of feeling. It can be expunged on a question of right. If the hon. gentleman wants to make a motion of that kind, let him do so.

Hon. Mr. YOUNG—I am appealing to the hon. gentleman's good sense.

Hon. Mr. LANDRY—Well, my good sense is what guides me and I refuse to drop my question. The refusal of the minister to answer settles the whole thing for the time being.

THIRD READINGS.

Bill (80) An Act respecting the Canada North-west Land Company, Limited.—(Hon. Mr. Kerr, Toronto.

Bill (54) An Act respecting the Canada Permanent and Western Canada Mortgage Corporation, and to change its name to The Canada Permanent Mortgage Corporation. —(Hon. Mr. Kerr, Toronto).

Bill (25) An Act respecting the Eastern Townships Bank.—(Hon. Mr. Baker).

Bill (31) An Act respecting the Canadian Order of the Woodmen of the World.—(Hon. Mr. Watson).

Bill (J) An Act to incorporate the Missionary Society of the Church of England in Canada.—(Hon. Mr. Kerr, Toronto).

Bill (L) An Act to amend the Act relating to the Naturalization of Aliens.—(Hon. Mr. Scott).

SAULT ST. LOUIS LIGHT AND POWER COMPANY'S BILL.

THIRD READING.

Hon. Mr. LANDERKIN moved the third reading of Bill (113) An Act to incorporate the Sault St. Louis Light and Power Company.

Hon. Mr. LANDRY—Before this Bill is read the third time, I wish to call attention to the fact that it is for the incorporation of a private company for local purposes, and for work to be done entirely within the province of Quebec. It is a Bill which should go before the local legislature.

Hon. Mr. LANDERKIN—The hon. gentleman said that before.

Hon. Mr. LANDRY—It is the first time I have said it here, and the hon. gentleman has no right to refer to what I said in committee.

Hon. Mr. LANDERKIN—I did not say it was in committee.

Hon. Mr. LANDRY—Will the hon. gentleman state where I said it before? This Bill empowers that company to expropriate land. I know that lands may be expropriated for public purposes and by railways, but here is a private company which seeks from us the right to expropriate land, and on that ground I think it is infringing on civil rights which are given altogether to the jurisdiction of the local legislature. From that point of view, this Bill is unconstitutional. It is a private enterprise and should go before the local legislature. For these reasons I oppose the Bill, and beg to move an amendment:

That the said Bill be not now read the third time but that it be read the third time this day six months.

Hon. Mr. WATSON—In looking over the Bill it appears to me it is necessary for the company to come to this parliament for power, because it interferes with a navigable river. I do not think the provincial legislature would have power to pass this Bill, inasmuch as it interferes with the navigation of the St. Lawrence river.

Hon. Mr. LANDERKIN—The hon. gentleman did not see the Bill before.

The SPEAKER—The question before the House is the third reading of this Bill.

Hon. Mr. LANDRY—I have moved an amendment.

The SPEAKER—It has not been seconded.

Hon. Mr. LANDRY—Is it necessary to have a seconder to my motion?

The SPEAKER—It has always been so understood.

Hon. Mr. LANDRY—I want a decision. It is necessary in the House of Commons to have a seconder for a motion of this kind, but it is not necessary here.

The SPEAKER—I rule that the amendment cannot be put unless it is seconded. I have never known of a motion being put which was not seconded.

Hon. Mr. LANDRY—Well, I move, seconded by the Hon. Mr. Bolduc, that the Bill be not now read the third time, but that it be read the third time this day six months.

The amendment was rejected.

Hon. Mr. POIRIER—Before the vote is taken on the third reading, I should like

to know if the Speaker has given his decision as a final one. This is a matter of procedure which is very interesting. I do not at all find fault with the decision of His Honour the Speaker, but it is a matter of procedure which ought to be settled. The point has been raised here before to my knowledge. If I remember correctly, it was previously decided that such a motion as has been put by my hon. friend needs no seconder. We have had to-day a decision that it requires a seconder. I am not at all saying which decision is right, but I have a right to ask that a decision be given which will make our procedure uniform. As it is now, we have a conflict of the decisions of our Speakers. I, therefore, with proper regard to what is due to the Chair, ask Mr. Speaker to look into the question more at length, because he was taken by surprise on this occasion, and see if his decision is one to which he will adhere for the instruction and guidance of the Senate.

Hon. Mr. LOUGHEED—That hon. gentleman will find in Bourinot, at page 367, that it is not necessary, as a matter of practice, to have a seconder for a motion in the Senate. Our practice is based on the practice of the House of Lords. Bourinot says :

> It is not an unusual practice in the House of Lords—and the same has been sometimes followed in the Senate—to allow a member in giving notice to make remarks of an explanatory character as to the nature of the motion as to the reason for proposing it as to the course the member intends to pursue but no remarks of a controversial or argumentative character should be made nor will any debate be permitted at such stage when the House has had no opportunity of considering the subject matter of the motion. No notice need be given in the Senate of public Bills. Neither has that body any special rule, like that of the House of Commons, requiring a seconder ; but it is the practice nevertheless to have a motion duly seconded.

The foot note is as follows :

> In the Lords any Lord may submit a motion for the decision of their Lordships without a seconder—the only motion requiring a seconder, by usage, being that for the address in answer to the Queen's speech.

That is the practice, although there is no rule on the point.

Hon. Mr. MACDONALD (B.C.)—An amendment has never been seconded in this House.

Hon. Mr. YOUNG—If my hon. friend will turn to the Manual of Proceeding, page 84 and page 82, he will see what the practice has been. Examples are given on page 81 as well.

Hon. Mr. LANDRY—That is not the rule.

Hon. Mr. YOUNG—I admit that. I am quoting from the Manual of Proceedings, a document which was adopted by this House at the same time that our Standing Orders were adopted, and therefore to some extent a part of our procedure. If my hon. friend will turn back to the time when our Standing Orders were adopted he will find that side by side with that there was submitted to the Senate this Manual of Procedure, which was adopted at the same time, and gives it a standing practically equal to our Standing Orders.

Hon. Mr. LANDRY—Even in the manual the hon. gentleman cannot find a rule requiring a seconder for a motion such as I have given.

Hon. Mr. YOUNG—I do not say there is a rule, but I say that has been the procedure.

Hon. Sir MACKENZIE BOWELL—I must confess this is new to me. I never looked at the rule, but we all know what the practice has been. The ruling of the Speaker is correct so far as the practice is concerned. According to Bourinot, a seconder is not necessary. I think it would be better to leave it to the Speaker and let us have his decision to-morrow.

The SPEAKER—I do not feel that the Speaker is called upon to decide the question, because the hon. gentleman from Stadacona procured a seconder and the motion was put and lost. It is merely an academic question now, but the question seems to be settled by the quotation from Bourinot. At the same time, I think that conclusions which are drawn from the practice of the House of Lords are sometimes inconvenient.

Hon. Mr. YOUNG—Let me call the attention of the House to page 99 of the manual :

> If an amendment is moved to a motion for a second reading, the Speaker says : The question, hon. gentlemen, before the Senate is for the second reading of Bill intituled, &c. In amendment it is moved by seconded by &c., and then the debate follows. &c.

Hon. Mr. LANDRY—That does not settle the question.

Hon. Mr. SCOTT—Would it be really wise to disturb a practice which has existed in this House for more than a quarter of a century at any rate? I think it gives weight and gravity to a motion to have it seconded. If it is not the practice of the House of Lords, would it be wise for us to alter our practice? It ought not to be decided in that very off-hand way. We would be introducing a new rule in this House, so far as my experience goes. I do not think it would be wise or prudent, unless hon. gentlemen thought it was a proper thing to do, to change the practice that has prevailed from time immemorial.

Hon. Mr. FERGUSON—Some three or four years ago, under a previous Speaker of this House, my hon. friend from Wolseley (Hon. Mr. Perley) submitted an amendment to a motion with regard to the prevention of the sale of spirituous liquors in the restaurant of this House, and no seconder came forward, and attention was called to the fact that his motion was not seconded. I think I put that myself. The hon. gentleman from Richmond (Hon. Mr. Miller) corrected me immediately, and said there was no seconder required for an amendment in the Senate. I had occasion to look it up three or four years ago, and it was admitted the motion of the hon. gentleman was in order, although it had not been seconded.

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

FEDERAL OIL COMPANY'S BILL.

SECOND READING.

Hon. Mr. LANDERKIN, in the absence of Hon. Mr. Dandurand, moved the second reading of Bill (30) An Act to incorporate the Federal Oil Company.

Hon. Mr. POIRIER (in French)—It was my intention to ask the promoter of the Bill (Hon. Mr. Dandurand) if the company had power under the charter to sink wells.

Hon. Mr. LANDERKIN—I will consider the hon. gentleman's proposition when we go into committee.

Hon. Mr. POIRIER—I want to know if this company is seeking for privileges to bore for oil as is done with ordinary companies, or is it a commercial company for manufacturing?

Hon. Mr. LANDERKIN—I might tell the hon. gentleman, if he will allow me, that the Bill is not standing in my name. The hon. gentleman who had charge of it, the Hon. Mr. Dandurand, has gone out, and he asked me to move the second reading, so that it could get before the committee, and all those questions that the hon. gentleman is asking can be sifted in committee.

Hon. Mr. POIRIER—Necessarily so. I do not wish to impede the Bill. It has been suggested, and I think rightly, that some explanation of Bills should be given at the second reading, and I wanted to have this explanation, which is important. However, I will not raise any objections to the second reading of the Bill, reserving my privilege to ask questions when it goes before committee.

Hon. Mr. LANDERKIN—All right.

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

PUBLIC PRINTING ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (182) An Act to amend Chapter 27 of the Revised statutes respecting the Department of Public Printing and Stationery. He said: This deals with three subjects that are under the direction of the Department of Public Printing. In 1893 the Act relating to the Department of Public Printing was amended by introducing this provision:—

> Provided that nothing in this Act shall require that printing for the purposes of the Intercolonial Railway or the Prince Edward Island Railway, shall be done in the said establishment, in any case where such printing may be more conveniently done elsewhere at a cost not exceeding that which would be charged for such printing in said establishment.

The necessity for the legislation is due to this fact: that for nearly ten years the Auditor General was content to pay any account for the printing in the maritime provinces connected with those two railways on a certificate from the King's Printer, setting forth that the charge was fair and

reasonable. He discovered that that did not conform to the language of the section, because the language of the section is that the work should be done at a cost not exceeding that which would be charged for such printing at said establishment, and so he declined to pay a number of bills, and a number of bills are standing at the present moment. The substitution for the words of the Act of 1893, as proposed in this Bill, reads as follows :—

Provided that nothing in this Act shall require that stationery and printing for the purposes of the Intercolonial Railway or the Prince Edward Island Railway shall be obtained or done in the said establishment in any case where such stationery and printing may be more conveniently procured elsewhere at a cost not exceeding customary and fair commercial rates for similar work or supplies in similar quantities.

The next clause confirms and makes part of the statute an Order in Council that was passed on the 27th November, 1893, which reads as follows :—

On a report, dated 27th November, 1893, from the Secretary of State, stating that, with a view to prevent any unreasonable increase to the cost of work by gradual accretions to the rates of wages paid at the Printing Bureau, it is expedient to lay down the principle that the rates of wages paid to the operatives employed should be based upon the current rates for similar work throughout the Dominion, and that, for more special guidance to the officers of the department, it is advisable to order that the rates of wages in the cities of Montreal and Toronto shall, for the future, be taken as a standard not to be exceeded.

Hon. Mr. FERGUSON—In looking at this Bill I find that there is a very serious departure from what has been the law. I mean that there are two radical amendments in it. The first one deals with the work which should be done in the Printing Bureau, and I find here that there is a new part of this clause introduced which permits the government to have all the printing or any printing for the Intercolonial Railway and the Prince Edward Island Railway done elsewhere than in the Printing Bureau ; and it provides further, in subsection 2 of section 1, that the provisions of this section shall be retroactive, that they shall apply to work done in the present fiscal year, or in the fiscal year which is now about to expire. It appears that the Minister of Railways and Canals has had printing done in private printing offices, contrary to the statute.

Hon. Mr. SCOTT—Oh no, I read the statute of 1893.

Hon. Sir MACKENZIE BOWELL—Not contrary to the statute.

Hon. Mr. SCOTT—In 1893 the statute was amended to read as follows :—

Subsection one of section five of chapter 27 shall be amended by adding thereto the following :—

Provided that nothing in this Act shall be held to require that the printing for the purposes of the Intercolonial Railway or Prince Edward Island Railway shall be done in the said establishment in any case where such printing may be more conveniently done elsewhere at a cost not exceeding that which would be charged for such printing in such establishment.

Hon. Mr. FERGUSON—I did not observe that this change had been made in the law previously, but I find that subsection 2 provides that this section shall apply to all bills incurred or rendered within the current fiscal year, 1902-3. I can scarcely discover what the amendment really affected is. What is the change in the law ?

Hon. Mr. SCOTT—I thought I made it clear. The Auditor General had been in the habit of paying the accounts for printing since 1893, on a certificate from the King's Printer that the charges were fair and reasonable. On reference to the Act very recently, within a few months past, he discovered that the words in the statute require the certificate to be in a different form, that the certificate ought to state that the charge for those printing accounts did not exceed that which would be charged for such printing at the said establishment. Dr. Dawson said : ' I cannot certify that. It is quite impossible for me to do it, because in many of the small offices in the maritime provinces they could not do it,' presumably on the ground that here there is no charge for capital account. There is over half a million dollars invested on which there is no charge, and the only charge at the Bureau is, of course, the money paid to the operatives, and it could not be presumed that small country offices, not run by some power, could do the printing as cheaply, or that the King's Printer would certify that they could do it as cheaply as at the Bureau. Well, when the accounts were refused a few months ago, the minister said : ' We will have to leave

the accounts open, and we will have the Act amended,' and it is those accounts that are standing that have not been paid since the Auditor General gave his decision.

Hon. Mr. FERGUSON—I see now the scope of the amendment. Hitherto the amounts allowed on accounts for any work done outside of the Printing Bureau had to be regulated by the cost of work done in the Bureau, and this amendment is to overcome that. It can now be paid for if the cost does not exceed fair and customary rates for similar work in similar quantities done elsewhere. I can see that the object is, even though it may cost the government somewhat more if the charges are not unreasonable, from a commercial point of view, that work can be done in other places than the Printing Bureau. And the subsection is simply to make that provision apply to bills that are outstanding for work done in the last current year. In other words, it will enable the government of Canada to pay higher rates than they would be able to pay if the law had remained as it is. It would seem to me that it would be much better to adhere to the previous practice, and if it is found that work cannot be done as cheaply in private printing offices as it is done in the Printing Bureau, the work should go to the Printing Bureau, where it seems to me it ought to be done, more particularly in view of the doctrine laid down by the present Minister of Trade and Commerce, years ago, that the giving of public printing to newspaper offices and to private printing offices was a pollution of the wells on which the people were dependent for their political information. This enables the government to go on in this process of polluting the wells of the country, the newspapers to which the people look for information on public questions. It is a pity this amendment is being carried. It is a pity the government are departing from the sound principle of having the work done in the Bureau to have it done elsewhere.

Hon. Mr. SCOTT—We are only following what was enacted by the friends of the hon. leader of the opposition. It was not enacted by us. It was enacted in 1893, and it has been going on since that time.

Hon. Mr. SCOTT.

Hon. Mr. FERGUSON—But it provided that work could only be done at rates paid at the Bureau.

Hon. Mr. SCOTT—But as the government interpreted it at the time, it was not necessary to certify that it was done as cheaply as at the Bureau. The Auditor General is now getting a little crotchety.

Hon. Sir MACKENZIE BOWELL—I am astonished at the statements of the hon. Secretary of State in reference to the action of the King's Printer, and also the practice in the past. It was found, in 1893, that it was more convenient to have some work done in the maritime provinces instead of at the Printing Bureau, but the provision in the law was very strict in order to protect the revenues of the Dominion, and prevent the government of the day, as I think they ought to be prevented, from paying any more for the work which was performed than it would cost the government and the country if performed in the Bureau.

Hon. Mr. TEMPLEMAN—The government might get it done for less, probably.

Hon. Sir MACKENZIE BOWELL—If the government can get it done for less, so much the better for the finances of the country. The Bill goes a good deal further than has been explained by the hon. Secretary of State. It includes, also, stationery, which there was no power under the law upon the Revised Statutes to procure outside of the Bureau; now the amendment gives the power to the government to have the stationery purchased where they please. The present proposition, as has been pointed out by my hon. friend from Marshfield (Hon. Mr. Ferguson), goes further. It provides that all stationery may be obtained at other places than that which the present law provides.

Hon. Mr. TEMPLEMAN—Not all the stationery.

Hon. Sir MACKENZIE BOWELL—Stationery required for the purposes indicated in this Bill. I am not speaking of the stationery that is furnished to members or parliament. I am speaking of the provisions of this Bill. Then there is a material change in this proposed law, that instead of paying the prices which it would

cost for the doing of this work in the Printing Bureau in Ottawa, you pay what they term a fair commercial rate for similar work supplied in similar quantities. That will vary materially. There are some country printing offices that would not have the material to do it. There are other printing offices which could do it just as cheaply as at the Bureau, but this opens the door to an almost indefinite amount of—shall I say fraud?—I won't say that, but the exacting from the government, prices which, for ordinary commercial purposes, would not be asked. The hon. gentleman tells us that the King's Printer informed the Auditor General, or the government, that he was unable to fix the price at which this work should be done. I should like very much to know, having had a little practice myself, if a hundred thousand copies of a certain form were required upon a certain quality of paper, and certain size, whether any printer could not tell at once what it would cost. If they wanted a thousand or a hundred thousand, the prices would vary. Any one who knows anything about printing knows that very well, and if the King's Printer could not tell the Auditor General what the price of a certain form would be if furnished at the Bureau, and in certain quantities, he would not be able to charge the department that ordered it at the Bureau. He could tell the hon. Secretary of State what a hundred thousand copies of a particular form of a certain kind and quantity of paper would cost, just as well as if he had printed it himself, and charged it to his department, because that is the practice. If the Customs Department got ten thousand of a certain form printed, and charged it to the contingent accounts of the Customs Department, he could tell just as well, and I think the hon. Secretary of State must have been misinformed when he got that information. Then it opens the door to favouritism, which my hon. friend called attention to, and which the late opposition used to condemn. I could point out certain newspapers which receive large amounts of patronage. There is one certain newspaper in a large city, one of the largest commercial cities in Canada. It takes only two or three hours to get there, and yet if you look at the Auditor General's accounts you will find that their bills have run up from $15,000 to $20,000 a year. In the last two years the estimates run up in that one newspaper office alone, that could not exist without it——

Hon. Mr. McSWEENEY—What office was that?

Hon. Sir MACKENZIE BOWELL—The Montreal 'Herald.' I did not care to mention it. In the last four or five years it has had $100,000. No wonder that paper can be circulated throughout the country at $1 a year. I know in my own county that daily paper, a large paper and well edited, getting $15,000 or $20,000 out of the government, has a large circulation. I know enough about printing to know they can afford to print a very cheap paper to circulate their political views with such patronage. Then come down to Moncton and turn to the 'Transcript.' That paper attacked the government continually for the first year or two after the change of government, because it did not get the patronage. Look at the public accounts and see what it gets now and has got since. It has become an admirer of the government. There are others in New Brunswick. I am not looking at my hon. friend in front of me (Mr. Ellis) because he had the courage to tell the government what they should do and would not follow in the wake of the pollution which surrounded the parties down in the province of New Brunswick. That is the object of this Bill, to give patronage to the government press. I say the Bill that was introduced by the government of which I was a member, I believe ought not to have been passed, and if I were in the government again I would not be a party to it. The abuse has been as great as I have indicated, and under this Bill it gives the government power to do legally what they have been doing illegally. If the Auditor General has refused to pay these bills, it is for the reason the certificates have not been in accordance with the law and the Auditor General is perfectly right in what he has been doing. From sixteen or seventeen years' acquaintance with the Auditor General I will say this for him, that in every instance where he thought the action of the minister was not in accord with the law, he put his hand and foot upon it, and I commend him for having done so. During my later experience, which was somewhat long

in managing departments, I found the Auditor General strict in the performance of his duty, for which he deserves the commendation and approval of the country rather than condemnation by the ministers. I do not pretend to say some of my colleagues did not find fault with him because he refused to do that which he thought ought not to have been done, but that is carried to a greater extent, a hundred-fold, under the present government and you have only to read the Auditor General's Report to see that what I am saying is correct. He is constantly coming in conflict with them. The law apopinting an Auditor General is one of the best laws on the statute-book for the protection of the revenue of the country. The other feature of this Bill which is objectionable to my mind is giving it a retroactive effect. That can only be for the purpose of enabling the government to pay a higher price for the work which has been performed by these outside offices than it would cost the country were it printed at the government Bureau. The Printing Bureau was established for the purpose of doing the work, and while there are cases, I frankly admit, where it is inconvenient to bring everything to Ottawa, the most of the printing that has been given to the different papers, many of which I have not mentioned, could be done as well at the Bureau at lower rates. This other clause, which provides for paying the printers at the rates prevailing in the commercial centres, may be wise from a different standpoint. It enables the government to say to the printers' union when they make certain demands: 'The law says that you shall have such and such wages and no other, and consequently we are unable to meet your wishes in this respect, otherwise we would be delighted to give you so much more per thousand, or per day, or per week.' It is a protection for the government against what might be considered the demands and impositions of the trade unions. I am not prepared to condemn that further than to say it only shows they have not the courage to do that which they are putting on the statute-book. If it is necessary to confine them to commercial rates, it is just as necessary to confine them to the law, that they shall pay no more for printing done by outsiders than it costs at the Bureau. I hesitate not to say that ninety-nine per cent of the patronage which was formerly given to newspapers, and which was condemned with such vehemence by my hon. friend and his colleagues, could have been done just as well and as cheaply in the city, and it would be just as well, if this change is to be made, to abolish the Bureau altogether. I have stated very frankly what I think the objects of this Bill are. One object is to pay a larger price for the work the government is having done outside in order to sustain certain newspapers which are supportng them, and which propagate the views of the government and to enable them to circulate these journals throughout the Dominion at a much lower rate than they could if they had to depend exclusively upon their commercial work and the appreciation of the people who read them. I have not seen that this question was discussed to any great extent in the lower House, and it may be because practical gentlemen there did not study the question as closely, perhaps, as some of us have done. If we live long enough I shall ask for a comparative statement of prcies, those paid for the work done outside and the prices paid for similar work at the Bureau. We know what took place in 1874-75-76, when I took this question of printing in hand and made the statement in the House which necessitated the resignation of the Speaker who had to go back to his constituency for re-election. At that time the examination of the accounts rendered and the amounts allowed by the Queen's Printer was from twenty-five to thirty-three and one-third cut off. The prices were put in at what they demanded as the fair commercial rate, but when the Queen's Printer took them and compared them with the prices which he should charge were it done in his office, they were cut down by thousands and thousands of dollars. Some hon. gentleman may remember the circumstances which took place then and this is a Bill to enable the government to do that which the parliament of 1874-75-76 condemned and created a number of vacancies in the House of Commons at that time. I do not suppose any amendments that I would propose to this Bill would carry, but I ask the House to reflect upon the provisions and objects of the Bill and what will result

from its passage, and if we live a few years, if my prognostications are not correct, I will apologize for what I have said to-day.

Hon. Mr. SCOTT—The hon. gentleman could scarcely have understood the explanation I made on this Bill, because he is entirely astray. In 1893 the government of which my hon. friend was a member recognized that the printing for the Prince Edward Island Railway and the Intercolonial Railway should be done in the maritime provinces. It was more convenient. It consisted of bills and notices of various kinds in connection with the running of the railway, so they passed this Act in 1893, authorizing the printing for the Intercolonial Railway and the Prince Edward Island Railway to be performed in offices in the maritime provinces. We have made no change in that. This Bill limits the printing, and refers only to the printing for the Intercolonial Railway and Prince Edward Island Railway under the statute passed by my hon. friend's government. From 1893 up to 1903, the Auditor General passed the accounts for those printers on the certificate of the Queen's Printer that the charges were fair and reasonable and such charges as should be made for similar work in the provinces. A few months ago—I do not know what prompted him to do it, but I suppose he read the Act more carefully or his attention was called to it—he said to Dr. Dawson: 'I will not pass those accounts on that certificate; you must give me a certificate in accordance with the statute passed in 1893.' Dr. Dawson said: 'For ten years we have been paying those accounts. It is the ordinary printing for the two railways I have named.' The Auditor General declined to pay. Dr. Dawson said: 'I cannot conscientiously give you a certificate such as is required by the Act of 1893, and you have never required it before; you have always been satisfied to take my certificate that the charges were fair and reasonable. If you will not pay these accounts, we must go to parliament and get authority to pay them on the same basis that you have been paying them since 1893—that is, based on the charges made to other parties in the provinces for similar printing.' As I said before, it would be absolutely impossible to expect country offices in the maritime provinces to do their printing as cheaply as at the Bureau here, where nothing is charged for capital account or, probably, for supervision and salaries. All that is charged up against the printing there is the amount paid to the operatives.

Hon. Mr. ELLIS—I do not think there are any duties charged either.

Hon. Mr. SCOTT—No. The object of this clause is simply to legalize the form of certificate my hon. friend's government approved of during the time they were in office. The Auditor General saw no reason to dispute the correctness of a certificate of that kind. He has lately changed his mind, and it is to meet the objections of the Auditor General that this legislation is sought for. The parties declined to accept the amount that would be awarded them, and it is in reference to those accounts. There are not many of them. They are only the accumulation sent in since the Auditor General took the view that I have spoken of. It only relates to comparatively few of them. I do not think my hon. friend's strictures have any application whatever. It would not be printing done in the Montreal 'Herald' or the other offices he named. That is altogether outside of what he refers to. It was printing from the Department of Agriculture. His criticisms may be fair or otherwise, just as you happen to look at them. I presume his government did pretty much the same as this government does. There are times when, from excessive work, it cannot be done at the Bureau and a limited amount is sent outside and in sending it out it is sent to papers friendly to the government. That was what the former government did and what has been done from time immemorial. In regard to the second clause, it is merely legalizing an Order in Council adopted by the former government.

Hon. Sir MACKENZIE BOWELL—In reply to the hon. gentleman's reference to the charges made and the certificate which has been, he says, recognized by the Auditor General, of course I cannot say anything. If he will refer to the speech I made on this question in the House of Commons he will find I pointed out the amounts charged for the different work that was performed in St. John, N.B., by the then Speak-

er, and the amount which was deducted by the Queen's Printer as being an overcharge in every single instance. The amount of the bills rendered is given, together with the amount of the deductions therefrom. Do I understand the Secretary of State to say that the Auditor General, since the passing of the amended Bill in 1893, has been paying all the accounts for the work done outside at the prices which were rendered by those who printed them, without any deduction at all ?

Hon. Mr. SCOTT—Oh, no. I am only speaking of the accounts for the Intercolonial Railway and Prince Edward Island Railway. The Auditor General requires the King's Printer to give a certificate that the charges are fair and reasonable, such as were charged to other parties in the provinces, and he wanted a change in this certificate recently.

Hon. Sir MACKENZIE BOWELL—And he paid them on a certificate of the character the hon. gentleman mentioned ?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—Then it was contrary to the law.

Hon. Mr. SCOTT—It has been going on for years.

Hon. Mr. McMULLEN—I am sorry to think that the entire printing of this Dominion is not done at the Printing Bureau, where it ought to be done. With regard to this Bill, I have this to say : When the Bill of 1893 was introduced in the House of Commons, I certainly, as one, condemned the provisions of the Bill and found fault with it.

Hon. Sir MACKENZIE BOWELL—I think the hon. gentleman did.

Hon. Mr. McMULLEN—I thought then it was wrong. The printing of this country should be done at the Printing Bureau, and if the Printing Bureau is not capable of doing the work, then any outside printing should be done on a schedule of rates that would be fixed and certified to by the superintendent of the Printing Bureau. If you are going to allow outside journals to charge their own rates and send in their bills, it will open the way to a very considerable amount of expenditure of an extravagant character, I am afraid. When we have a general election the printing in connection with the voters' list and the ballots is all done under a schedule of rates that is fixed before ever the printing is asked for, and when the bills are sent in they are cut down by the Auditor General to comply with this schedule of rates. Why not have the printing that is done outside, if it is absolutely necessary, done in the very same way ? I think it should be done. In the first place every single item of printing for this Dominion which could be done in the Printing Bureau should be done there, and if the Bureau cannot perform that duty, and printing has to be done outside, then it should be done under a schedule of rates fixed by the superintendent of printing, and no departure should be made from that schedule of rates. That would be the proper way to do it. I remember when hon. gentlemen opposite were in power that a very large amount of money was spent, for instance, paying the Moncton 'Times' and the Halifax 'Herald' for performing work for the Intercolonial Railway and printing for the government. We condemned it. I did every year. The Moncton 'Times' drew $25,000 to $30,000 some years, and the Halifax 'Herald' in the same way. We condemned that conduct on the part of hon. gentlemen opposite. We do not want to condone it now. I do not want to, as far as I am concerned. Still there may be justifiable grounds for this. I do not say the Minister of Railways is not influenced by honest motives, but there should be positive evidence that the Printing Bureau cannot perform the work as it should be performed, and then if it is necessary be done under a schedule of rates that would not be departed from.

Hon. Mr. ELLIS—I do not disagree with my hon. friend, or even the leader of the opposition, with regard to having the public printing done here. Inasmuch as we have a Printing Bureau, all the printing should be done, as far as possible, by that Bureau, But with regard to the Intercolonial Railway it is a very large establishment. There are many different heads to it. There is a constant rush of printing required. The man in charge of orders, say, form No. 456 or 982, or finds himself, at a moment's notice, out of blanks. He sends to some printing office, perhaps at Moncton, or St.

John, or Halifax, and within twenty-four hours his work comes in. That has been the case over and over again in the Railway Department. Whether that could be overcome or not, so that those blanks or forms could be printed in large quantities and the supply never run out, is a question. Then again the Intercolonial Railway is a business. In twenty-four hours it will get up the idea of excursions, or something of the kind, that it has not done before. Printing will be required for that, and it must be sent somewhere and done immediately. I recollect very well that when His Royal Highness, the Duke of York, and the Princess went over the Intercolonial Railway the idea of those visitors coming gradually grew in extent, and there came a sudden demand to impress them with the beauties of the country through which they were going and a great variety of printing of all kinds was required in a great hurry. It is a question whether the Bureau could do that work in time. I do not know whether it could or not, but I just make that suggestion to hon. gentlemen so that their minds may be prepared to accept the view that all the work of the Intercolonial Railway could not be very well done at the short notice it is required to be done by the persons in charge of the different departments. With regard to what the hon. gentleman from Wellington has said as to a schedule of rates, the practice at the present moment—right or wrong, my hon. friend's government adopted it in 1893 and followed it since—is that the King's Printer undoubtedly has a standard and all the bills, I assume, have to conform to that standard. That is to say, if a newspaper sent in a bill that he considered beyond what was fair and reasonable, he would cut it down. That has gone on for a good many years, but the Auditor General has, and I think properly—I do not find fault with it or consider it evidence of crankiness on the part of the Auditor General, but understanding better what the statute requires, demanded recently that the certificates shall be in accordance with the statute. This legislation, I assume, is for that purpose, but the King's Printer will still have his schedule—will understand what the fair and reasonable charges are, because they were fair and reasonable charges which he allowed all along. He will still audit the bills as he did before, and the payments will be made, so I do not think there will be the opportunity which some hon. gentlemen seem to think of getting more than a fair and reasonable rate because it will come down to the King's Printer in the end to say what it shall be. It is an effort to harmonize it. With regard to the second clause, my hon. friend the leader of the opposition will understand all those bills have been rendered and paid—it says 'shall apply to all bills incurred.'

Hon. Sir MACKENZIE BOWELL—But the Secretary of State said they had not been paid.

Hon. Mr. ELLIS—Certainly, in part they had not been paid. I do not know——

Hon. Sir MACKENZIE BOWELL—He said they had not.

Hon. Mr. ELLIS—The hon. gentleman will see the Auditor General only recently refused to sanction them, I presume since the bills of 1902 have been rendered.

Hon. Mr. SCOTT—Within a few months.

Hon. Mr. ELLIS—He has taken that ground, and that would put the bills undoubtedly lower than many newspaper publishers could do the work, so that it seems to me it is not a fair thing, inasmuch as they have been paid since 1893 to 1901, according to a system, that a new system should be put in operation for a year as against those bills. This it appears to me is all there is in that clause. I quite imagine that it might be possible, under the system of distributing printing around the newspaper offices to give patronage to the friends of the government. My hon. friend has been good enough to say that I have been refused—and it occurred to me as a case in point—but I might say that I am not cognizant of any quarrel with the minister on that matter. There is no quarrel on my side. However, I wish to state I am generally in favour of having all the printing done at the Bureau. It can, undoubtedly, be done cheaper than by a private printer, because the government has the advantage of getting all machinery at a low rate of cost. It is able to pay cash and has no duty to pay, and its advantages are very great, but I really think, on the other hand, that it

would be wholly impossible to do all the work of the Intercolonial at the Bureau.

Hon. Sir MACKENZIE BOWELL—There should be some provision as to the payment of it. Then, in confirmation of what was said by the hon. gentleman from Wellington, I might say, in reference to printing outside, that at the office with which I have been connected a great many years, the prices allowed for similar work by the government is higher than we charge to the municipalities for precisely the same work, and we were quite willing to accept the King's Printer's rates. That is in Belleville, and I do not know about the maritime provinces. I have heard the foreman and the manager of the office in Belleville say that it was a fat job to get that from the government, for they got more for it than that which they did in printing the voters' lists for the city of Belleville and for the county.

Hon. Mr. ELLIS—Clearly understand me, that in my judgment the King's Printer's supervision will still continue.

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

SECOND READING.

Bill (112) An Act to incorporate the Canadian Industrial Corporation, Limited.—(Hon. Mr. Lougheed.)

DESJARDINS CANAL BILL

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (183) An Act respecting the Desjardins Canal. He said: In 1832 a company was formed for the purpose of building the Desjardins canal. One of the conditions of that was that at the end of fifty years the work was to revert to the Crown. The Crown, however at the time made arrangements for assisting them and authorized certain moneys to be advanced on security given by the late Sir Allan McNab——

Hon. Sir MACKENZIE BOWELL—He was one of them.

Hon. Mr. SCOTT—And a Mr. Peter Hunter Hamilton. They gave mortgages on certain properties in the district of Gore, as they were then in Newcastle. When the fifty years expired the government of the day decided to transfer the property to the town of Dundas. Of course, these mortgages were paid off long ago, but no discharge was registered, and the object of this is to remove the cloud on the title.

Hon. Sir MACKENZIE BOWELL—I do not think they were ever paid.

Hon. Mr. SCOTT—Why were they not collected? There is no use opening that question now, however, because the government transferred them. They transferred them during the time of the Mackenzie administration, some time about 1875 or 1876. This, at all events, is for the purpose of removing the cloud on the title. It has passed into the infants' hands long since. They are not the original parties at all. They have time and again, asked to have them discharged, and there was no way of discharging them except by Act of parliament.

Hon. Sir MACKENZIE BOWELL—The Bill which authorized the advance of the money by the parliament of old Upper Canada was passed in 1832. Then certain parties named in the preamble became security, or gave mortgages upon certain properties, to aid in the construction of what is known as the Desjardins canal. It was considered of sufficient importance then for the parties owning property in the neighbourhood to mortgage their own property to aid in this construction, and the government advanced the money. A short time ago, fifty years having expired—I am speaking under correction, but this is my recollection of reading the case—the heirs made a claim to this property and there was likely to be interminable litigation arising out of it. Was this land or that property conveyed to the Dominion government, or did it become theirs, I should say, at confederation? It must have done so or it would not be necessary to pass the Bill now in order to quiet the title. My recollection is that the parties who borrowed it never paid the money, but the property was transferred by the government of the day to the town of Dundas and the town built upon it, and certain properties in Hamilton worth a large amount, running up into hundreds of thousands at the present day. The Dominion government introduced this Bill

to quiet that title. That is quite proper if they have the power to do it, and I suppose they have or they would not do it.

Hon. Mr. SCOTT—It goes for what it is worth.

Hon. Sir MACKENZIE BOWELL—But looking at it casually that pertains to the province, as it was the old Upper Canada parliament that gave the power to take those securities and advance the money. I suppose the Minister of Justice has looked into it ?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—I ask it for information—not to oppose the Bill.

Hon. Mr. SCOTT—It must have been looked into. I have heard for many years that there was a cloud on this title, and it passed over to the federal parliament—I presume it passed over first to the federal parliament and then they transferred it to the corporation of the town of Dundas.

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

PUBLIC WORKS ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (193) An Act to amend the Public Works Act. He said : The object of this Bill is to amend section 13 of the Public Works Act found in the Revised Statutes. The clause in the Bill reads as follows :—

13. The minister shall invite tenders, by public advertisement, for the execution of all works, except in cases of pressing emergency in which delay would be injurious to the public interest, or in cases in which, from the nature of the work, it can be more expeditiously and economically executed by the officers and servants of the department, or in cases where the estimated cost of the work is less than $5,000, and it appears to the minister, in view of the nature of the work, that it is not advisable to invite tenders.

The latter clause is in the spirit of an Order in Council passed many years ago which authorized the Minister of Public Works, where the work was to cost less than $5,000, to do it in the way indicated here. It was found that the cost of advertisements amounted to as much as the work. The Auditor General paid out during my hon. friend's time and part of our time, but he has recently declined to recognize that Order in Council as giving authority to the government to give contracts for work of $5,000 or less. In other words he has come to the conclusion that the Order in Council was ultra vires, and so it becomes necessary to pass this Bill.

Hon. Sir MACKENZIE BOWELL—When was that order passed ?

Hon. Mr. SCOTT—Many years ago.

Hon. Sir MACKENZIE BOWELL—I do not remember particular cases of this kind. I do remember, however, where it was necessary, under the law, to advertise for tenders for ferries, particularly the ferry running between Ottawa near the base of the canal and over to Hull, where the advertisement cost two or three times the amount paid for the lease, and in cases of that kind it is very well to do away with the advertisement. It is only in cases such as I indicated a few moments ago, where you wanted to help the newspapers.

Hon. Mr. SCOTT—I have before me a copy of the Order in Council approved on the 3rd March, 1880. That Order in Council has been construed to apply to cases where the expenditure was less than $5,000, that it did not require an advertisement, and so the Auditor General allowed it to go until the last year.

Hon. Sir MACKENZIE BOWELL—Perhaps he found it was so frequently abused it was necessary to check it.

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

ELECTRIC LIGHT INSPECTION ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (187) An Act to amend the Electric Light Inspection Act. He said: This Bill contains one clause which reads as follows :—

2. Where the offender is a corporation, such penalties shall be recoverable in like manner, and any process or other paper required by part LVIII of the Criminal Code, 1892, to be served upon the defendant in proceedings under that part, may in such case be served upon the mayor or chief officer of such corporation, or upon the clerk or secretary thereof.

It is just making provision for the mode of collecting, where it is a corporation,

where the service can be made on the mayor or other officials.

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

BILL INTRODUCED.

Bill (R) An Act respecting the Midway and Vernon Railway Company.—(Hon. Mr. Macdonald, B.C.)

LABOUR UNION LABELS BILL

SECOND READING POSTPONED.

The Order of the Day being called :

Second reading Bill (D) An Act respecting Labour Union Labels.—(Hon. Mr. Watson.)

Hon. Mr. TEMPLEMAN—In the absence of the hon. gentleman, I move that this Order of the Day be discharged and placed on the Orders for Wednesday next.

The motion was agreed to.

Hon. Sir MACKENZIE BOWELL—I should like to make a suggestion that the second reading be postponed a little longer than Tuesday. A number of members are desirous of giving their opinions on this Bill and they cannot be here on Wednesday. I refer to the hon. gentleman from Smith's Falls. He would like to be present. The gentleman in charge of the Bill, in conversation with his colleague and me to-day suggested that it be put off till a week from next Tuesday. With the consent of the House, I think that might be done if it meets the hon. gentleman's views.

Hon. Mr. TEMPLEMAN—I have no objection.

The SPEAKER—The House has solemnly fixed this Order for Wednesday, and, I think when Wednesday comes it will be better to have it postponed in the regular way.

The Senate adjourned.

THE SENATE.

Ottawa, Monday, June 15, 1903.

The SPEAKER took the Chair at Eight o'clock.

Prayers and routine proceedings.

Hon. Mr. SCOTT.

CORRESPONDENCE RE GRAIN ACT.

MOTION.

Hon. Mr. YOUNG moved :

That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid on the Table of the Senate copies of all Orders in Council, correspondence, reports and recommendations of the warehouse commissioner, and other documents in anywise relating to the 'Grain Act' since January, 1901.

The motion was agreed to.

PRINTING OF THE DEBATES.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I should like to inquire of the hon. Secretary of State if he has any information to give us relating to the printing of the French edition of the Senate Debates. We have had no French edition so far this session, and I think, in justice to the French element in the Senate, we should have it printed, because it has been translated.

Hon. Mr. SCOTT—Nor had we last session, nor the session before. The practice has never been to print the French edition of the Debates till after the close of the session.

Hon. Mr. LANDRY—I know that has been the practice, but I understand the personnel of the staff has been increased, and we have the services of French translators who are supposed to be up to date. All the work is done. The manuscript is at the Printing Bureau now, or in the hands of the head of the Bureau.

Hon. Mr. SCOTT—I will make some further inquiry about it.

THIRD READINGS.

Bill (79) An Act to incorporate the Bank of Winnipeg.—(Hon. Mr. Watson.)

Bill (92) An Act respecting the Dominion Burglary Guarantee Company, Limited, and to change its name to the Dominion Guarantee Company, Limited.—(Hon. Mr. Ellis, in the absence of Hon. Mr. Casgrain, de Lanaudière.)

Bill (107) An Act to incorporate the Empire Accident and Surety Company.—(Hon. Mr. Watson.)

Bill (129) An Act respecting the Crown Bank of Canada.—(Hon. Mr. McMullen.)

Bill (148) An Act respecting certain trust funds of the Diocese of Moosonee.—(Hon. Mr. Vidal.)

NEW CANADIAN COMPANY'S BILL.

THIRD READING.

Hon. Mr. DANDURAND moved the third reading of Bill (83) An Act to incorporate the New Canadian Company, Limited.

Hon. Mr. LANDRY—Before saying anything against the Bill itself, I should like to ask the promoter of the measure in this House if he would agree to send it back to the proper committee to which it should originally have gone, as its nature indicates—that is the Committee on Railways, Telegraphs and Harbours. The Bill by mistake was sent to the Committtee on Banking and Commerce. When the motion was put by the Chair, I rose in this House and pointed out what I thought was an error in sending the Bill to that committee, and I think my hon. friend himself said he was not very sure whether it should go there or to another committee. At all events, the objection being taken by both of us, on my part formally and on the part of the hon. gentleman in perhaps a milder way, I think he in justice should allow this Bill to be sent to the Committee on Railways, Telegraphs and Harbours, so that we would be able there to ventilate the whole question. I desire if possible, to prevent the discussion of the Bill in this House inasmuch as before the committee it seems to me that I could give all the reasons perhaps in a more satisfactory way than I could here.

Hon. Mr. DANDURAND—I am sorry my hon. friend was not present at the meeting of the Committee on Banking and Commerce, of which neither of us happens to be a member. The Bill was referred to that committee and was very carefully considered, and I am quite sure after the work done on this Bill by the committee, it would be quite useless to send it to any other committee. Besides, when one reads the Bill it is easy to see that it could be referred to the Committee on Banking as well as to the Committee on Railways, Telegraphs and Harbours, because it is a commercial enterprise. The scope of the Bill is much more considerable than the work to be done at the port, and I think it was, after all, the proper committee to which the Bill was sent. At all events, it was sent there and has been reported on. The amendments which were made to the Bill were concurred in by this House, and I think we should now proceed with the third reading.

Hon. Mr. LANDRY—If the hon. gentleman chooses to refuse my request, I am bound to oppose the Bill. I move the six months' hoist and shall give my reasons for doing so.

Hon. Mr. POIRIER—I beg to state that I have received from some parties interested in the Bill letters strongly worded against the Bill. I must admit that I do not understand very much about it and about the difficulties, and opposition to the Bill, but I have received from parties, occupying responsible positions, letters urging me to oppose this Bill. I have nothing else to say. Of course I could have gone to the meeting of the committee if I had desired to do so. I did not go. I am not interested in any manner in this matter, except that I wish to inform the House that there are persons outside who are, rightly or wrongly, opposed to the Bill.

Hon. Mr. WATSON—Would the hon. gentleman state the grounds? Did those people not have an opportunity of appearing before the committee in opposition to the Bill?

Hon. Mr. POIRIER—I could not tell the hon. gentleman. Very likely they had. They may or may not have had the opportunity. I am simply informing the House of the contents of the letter. I do not mean to say that the opposition to the Bill is justifiable. I simply state that there is opposition to the Bill.

Hon. Mr. LANDRY—I suppose the hon. gentleman will consent to my request?

Hon. Mr. DANDURAND—No.

Hon. Mr. LANDRY—I will give, then, the House the reasons why I move the six months' hoist. This Bill is to incorporate an English company, formed in London, under the name of the New Canadian Company. As I remaked when the Bill was introduced, it does not give the names of the directors and does not give any details of the formation of the corporation. All we know is

that that company seeks incorporation from the Canadian parliament, and for what purpose? Clause 11 reads:

The company may—

(a.) own, manage, construct, lease, acquire and dispose of tramways, basins, docks, jetties, wharfs, elevators, warehouses, hotels, abattoirs, refrigerators, and other buildings necessary for the carrying of passengers and for the receiving, storing, transhipping, and forwarding of mails, live stock, goods and merchandise and of any other freight to or from railways, tramways and vessels at the said Gaspé Basin and Gaspé Bay;

(b.) purchase, acquire, lease, sell and dispose of lands, water lots and water rights for the construction of the wharfs, jetties, basins, buildings and other works above mentioned;

(c.) construct, lease, acquire, freight, manage and dispose of steamers, lighters and other vessels of any kind, to receive, store, forward, carry and transport passengers, mails and freight of any kind;

(d.) carry and transport passengers, mails, goods, merchandise and freight to and from Gaspé Basin and Gaspé Bay and Great Britain or any other foreign countries.

This is the object set forth by the company in the Bill itself. What about the stock?

The capital stock of the company shall be five thousand dollars, divided into shares of five dollars each, and may be called up by the directors from time to time as they deem necessary.

Besides that the Bill provides:

The directors, being first authorized by a resolution passed at a special general meeting of the shareholders, may, from time to time, issue bonds, debentures or other securities to the extent of seventy-five per cent of the real value of the property of the company, such value having been first established by an inventory of the assets of the company duly audited and revised by auditors appointed at a meeting of the shareholders.

In addition to that, the directors have also the right to issue additional bonds in aid of the construction of:

Any steam or other vessel which by this Act it is authorized to acquire or construct, or in aid of the acquisition or construction of any mill, factory, grain elevator, wharf, dock, inn, hotel or warehouse property, fittings, furniture, plant, appliance or lands not exceeding in amount the cost of such vessel or other property.

That is to say, this company has a general power to issue bonds at 75 per cent of the real value of the assets of the company, and besides that, to issue any additional bonds up to the value of any property they want to get. That is a double right which may bring the company into vast enterprises as regards pecuniary aid or pecuniary swindle. Now, what is the company? That company was formed in London. There is one Canadian shareholder, one director, and the rest are people from London. If you refer to the 'Star' of November 18, 1902, you will find, under the signature of 'Windermere,' the special correspondent of the Montreal 'Star,' the following cable sent from London to the Montreal 'Star':

Prospectus For Canadian Railway.

Company Formed to Get Charter of Atlantic, Quebec and Western.

Receives Good Notices.

(Special by Cable from the Special Correspondent of the Montreal 'Star' in London.)

The prospectus is expected to-morrow of the New Canadian Company recently registered with a capital of £100,000, all ordinary stock, in order to acquire from Charles Carpenter, of Gaspé, the charter for the Atlantic, Quebec and Western Railway. The object is to build a railway from Gaspé to a point north of Causapscal, where a junction will be effected with the Intercolonial.

Preliminary notices of the press make a great flourish about the railway as a fast mail route and dwell upon the difficulties of St. Lawrence navigation and the commercial loss thereby.

WINDERMERE.

That was the first intimation that we got on this side of the Atlantic of the formation of this new company. The following day the 'Star' published another telegram coming also from London. It reads as follows:

New Canadian Company.

Prospectus Will be Issued To-morrow.

Capital £100,000.

(Special by Cable from the Special Correspondent of the Montreal 'Star' in London.)

London, November 19.—The prospectus of the New Canadian Company will be issued to-morrow. The capital will be £100,000, shares at £1 each, of which 50,207 shares have been allotted at par, with five shillings per share paid up. The objects of the company are stated in yesterday's cable. Sir Douglas Fox and his partners are the consulting engineers. There are no well-known men among the directors.

WINDERMERE.

I call specially your attention to this assertion made by the 'Star's' correspondent, that 'There are no well known men among the directors.' On the 20th, the following day the 'Star' received another cable from its correspondent in London, which reads as follows:

New Canadian Company.

London Papers Full of Prospectus To-day.

(Special by Cable from the Special Correspondent of the Montreal 'Star' in London.)

London, November 20.—The papers are full to-day of the prospectus of the New Canadian Company. Much is made of Sir Wilfrid Laurier's alleged cordial approval and his pledge to grant subsidies to the proposed railway line from Gaspé to a point north of Causapscal, in the Intercolonial Railway, in connection with the

requirements of the charter of the Atlantic, Quebec and Western Railway. The company is not now asking for public subscriptions, the advertisements being simply for public information.

WINDERMERE.

Hon. Mr. FERGUSON—That could hardly refer to this company, although the name is similar, because the company does not have power to build a railway.

Hon. Mr. LANDRY—The charter for the construction of the railway is already bought. On the 6th of December, 1902, the 'Star' had this news:

The New Canadian Company, Limited.

Under this title a new company has been formed with a capital of £100,000 of £1, of which £50,207 has been subscribed and five shillings per share paid up.

The famous firm of Sir Douglas Fox and partners are the consulting engineers. Among the directors are: Mr. William Griffiths, of Hamilton House, Bishopsgate, London, E.C., managing director of the big firm of government contractors, Wm. Griffiths & Co., Limited, and Mr. Joseph Mellowes (of Mellowes & Company, Sheffield), himself a large government contractor. Another member of the board is Mr. C. B. K. Carpenter, a well-known resident of Gaspé.

Hon. Mr. MACDONALD (B.C.)—Is that the well man?

Hon. Mr. LANDRY—Yes, the well man, whose name appears as a director in all those companies open to suspicion. The prospectus was issued, and as the 'Star' said 'for public information only.' These are the first words we find on the prospectus:

The New Canadian Company, Limited. Incorporated under the Companys' Act, 1862 to 1900. Capital £100,000, divided into 100,000 shares of £1 each, 50,207 of which have been applied for and allotted at par, and five shillings per share paid up thereon. A settlement in the shares has been granted by the committee of the London Stock Exchange. Directors William Griffiths (of Wm. Griffiths & Company, Limited), Hamilton House, Bishopsgate Street, London, E.C., chairman. Joseph Mellowes (Mellowes & Company, Sheffield), 28 Victoria Street, London, S.W. Sidney Lee, 120 Bishopsgate Street, London, E.C.; C. B. K. Carpenter, Manor House, Gaspé, Canada. Consulting engineer, Sir Douglas Fox and partners, 28 Victoria Street, Westminster, S.W. Bankers, Bank of Montreal, Abchurch Lane, London, E.C. Solicitors, Le Brasseur & Oakley, 12 New Court, Lincoln's Inn, London, W.C. Gouin, Lemieux & Brassard, 1592 Rue Notre Dame, Montreal.

When they applied here this session to parliament, in publishing notices and presenting the petitions, only the names of Messrs. Gouin and Brassard appeared. As I have shown already, the name of Mr. Lemieux, who is a member of this parliament, disappears and the name of Mr. Gouin, who is not a member at Ottawa, appears in the notice in the 'Canada Gazette.' But when they go to Quebec, the name of Gouin, who is a minister at Quebec disappears, and then the name of Lemieux appears in the provincial notices.

Hon. Mr. DANDURAND—The hon. gentleman has already stated that in the House. From the beginning of his remarks up to this moment the hon. gentleman has followed the same track exactly as in the former debate, so the House knows everything he has said. It appears in the Debates. These are remarks absolutely identical with the remarks the hon. gentleman made before in the debate on this question.

Hon. Mr. FERGUSON—This House has a perfect right to have information also.

Hon. Mr. DANDURAND—I spoke of the previous debate in this House.

Hon. Mr. LANDRY—Will the hon. gentleman let me take my own course. I do not care to consult him. I know I would not get good advice.

Hon. Mr. DANDURAND—This is a second edition of the hon. gentleman's speech.

Hon. Mr. LANDRY—I have just given the names of the directors of the New Canadian Company. Let us now see if their prospectus is in accord with the petition and with the Bill before us. The prospectus sets forth that the principal objects for which this company is established are:

To acquire the benefit of an Act of parliament of the government of the province of Quebec, dated the 28th March, 1901, for the incorporation of a company entitled the Atlantic, Quebec and Western Railway Company, for the construction and working of a line of railway and to cause to be performed all the obligations set forth in the said Act.

To undertake the issue of the capital and debenture stock of the said railway company under the terms of the said Act.

To procure the necessary surveys for the railway to be made under the supervision of eminent engineers.

To enter into contract for the construction of the line of railway and to arrange for the payment for such construction to be made, wholly or partially in cash or bonds of the railway company and from government subsidies, &c.

To enter into contracts for the acquisition of steamers and other vessels and ships for bringing mails and traffic to the railway in accordance with the power of the said Act, &c.

To promote and encourage colonization for the development of the vast region through which the railway will run, and to acquire, operate, deal in, develop and dispose of sections

of territory granted as subsidies by the government, valuable for colonization, mining, lumbering and pulp works.

This New Canadian Company incorporated in England, asserts in these paragraphs the object for which this company is organized. It is to acquire the benefit of an Act of parliament for its own purposes to undertake the issue of debenture of the said railway company, &c. Now let me call your attention to the last clause of its prospectus :

The purchase price payable for the benefit of the royal charter—that is the charter of the province of Quebec—is the sum of £50,000 payable wholly or in part, at the option of the directors, in cash or in fully paid up shares of the company.

The other day I heard somewhere that this New Canadian Company should be termed the construction company of the Atlantic, Quebec and Western Railway Company. Let us see what are the powers of that so-termed constructing company and what are the powers of the other company. The Quebec, Atlantic and Western Company was incorporated by an Act of the legislature of the province of Quebec, assented to on the 8th of March, 1901, and the directors of that company are Mr. Henry Higgins, of the Oil Trust Petroleum Company, Alfred Wm. Carpenter, banker, of the same company ; Charles Ernest Richard Preston Hillary, solicitor at law; all three of the city of London, England. This company, chartered by the Quebec legislature, was incorporated for the purpose of constructing what is called the Interior Short line from Gaspé to Causapscal. It is that provincial charter that was sold to the New Canadian Company in England. The price was £50,000 sterling. A fortnight ago we passed a federal Act incorporating that same Atlantic, Quebec and Western Railway Company. We gave to the company, as incorporated in Quebec, comprising the directors named in the Act passed by the legislature of Quebec, the power to build the same line of which they have sold the provincial charter to the English company. There are now two companies having an equal right by legislation to construct the same railway—an English company which has bought that right from a Canadian company incorporated by the Quebec legislature and that same Canadian company which has just been incorporated by this parliament. Since the provincial company has sold its charter to the English company, they are asking parliament to incorporate them in the Dominion. In Quebec they had the power to construct only one railway and that power they sold to the English company, but in Ottawa here they are now asking for a federal charter to exercise the same power they sold and for an additional power—the power to construct a second line from the basin of Gaspé to Paspebiac, about one hundred miles on the seashore to join the old Baie des Chaleur Railway. In all those railways we find the same men, Carpenter and Higgins, and at the time he was living, you would have also found Foley who was in all those companies. My object to-day is to call your attention to the incorporation which is asked here to-day and to see if we are not putting English money in peril by incorporating this company and giving the two companies power to borrow money on the British market and dispose of that money in a way that we cannot tell. The Quebec charter was sold for $200,000 and this charter will be sold in the same way. The English company cannot work the railway if this Canadian company does not sell them this charter. How can they work on a road with conflicting rights given to one company by the sale of the provincial charter and given to another company by the federal charter ? The English company may say ' this is our road —we bought it ' The reply would be this : But since we sold it to you we have got an Act of incorporation from the Dominion parliament and it is our property.' To secure peace, the English company would be obliged to buy the federal charter as they bought the local charter. English money will go out in that enterprise as it went out in the oil well schemes in Gaspé. To show the House that these people are never short in their vast conceptions, I shall narrate to you what was done in the year 1900, by these same people who are to-day asking for incorporation. You will find in the ' Star ' of April 14, 1900, this telegram from St. John, New Brunswick :

Canadian Oil Industry.

An immense company may be formed with fifty million dollars capital.

(Special to the ' Star.')

St. John, N.B., April 14.—A meeting of the Baltimore Railway and Coal Company was held

here this week. Among those present were: Henry Higgins (chairman of the Petroleum Oil Trust, London, England).

Higgins is chairman of the company incorporated by the Quebec legislature, and also chairman of the Federal Oil Company.

Mr. Higgins, who is chairman of the company owning the Gaspé wells, says there is a likehood of an amalgamation of the oil and coal interests in Canada involving fifty million dollars of British money. He says there is a great patriotic feeling in England now in favour of the development of the imperial resources by British capital. If such an amalgamation took place it would have no connection with the Standard Oil Company. He expresses confidence that a great oil industry will be developed in Gaspé. Sir Wm. Bailey, an ex-mayor of Manchester, is coming out probably next month to visit the Gaspé works.

This name of Bailey was already mentioned on the floor of this House when I read what was the Canadian Petroleum Company in 1900. The Canadian Petroleum Company, formed in England, bought from the Petroleum Oil Trust a certain number of shares and wells and went to work. This telegram tells that Bailey is on his way to visit the works in Canada. If you read from the 'Daily Sun' of St. John, of date the 13th or 14th of April, 1900, you will see that Mr. Higgins, in his speech, announces to his auditors that the wells were in full operation—that even one of the wells had a kind of explosion—I do not know of what kind, but it had thrown out the boring plant.

It threw out the boring plant and the stream of oil rose seventy feet in the air.

That happened while Mr. Higgins was absent in St. John N.B., the same day he was speaking to the meeting. I think the explosion was in his words more than in the wells, because no one who was living on the spot saw that explosion of oil, and never saw the oil itself. Well, Mr. Bailey came over from the other side of the Atlantic. He was at the works and returned to England, and what was the result of his trip and of his investigations? He was bound to wind up the Canada Petroleum Oil Company. He wound it up in England, and he wound it up to save his reputation and his own credit. He found no oil in the wells he had bought from the Petroleum Oil Trust, of which Mr. Higgins was then the manager. This Mr. Higgins, the famous oil digger is now in the Atlantic, Quebec and Western Railway Company, incorporated in Quebec, and which has been incorporated in this Dominion. Let us now come back to the New Canadian Company. After issuing its first prospectus, it came out with particulars on the new fast route, and as I have already told you, gave as its first advertisement, on the first line on the first page the assurance that the Rt. Hon. Sir Wilfrid Laurier, K.C.M.G., Premier of Canada, on the occasion of his public address to the members of the legislature, and political associations in Gaspé, Quebec, last year had expressed his cordial approval of the immediate construction of this new railway to the great harbour at the mouth of the St. Lawrence, and promised the support of his government to the scheme. Political associations in Gaspé—I should like to know where they are. The only political association in Gaspé is the member that represents that county in this parliament, and who also belongs to the legal association of Gouin, Brassard and Lemieux. There is no other political association in the county, and I know that is a fact. When Lord Strathcona read the New Canadian Company's prospectus and saw this assertion on the first page of the book, he wrote to the Right Hon. Sir Wilfrid Laurier, asking him if it was true that he had promised any subsidy to the scheme, and Sir Wilfrid denied that he had ever offered any subsidy to the construction of the road in the interior of Gaspé, and I would challenge the hon. member, who is now promoting the Bill, to say anything to the contrary. He cannot tell us that any promise has been made for a subsidy over the road through the interior. Let him take a note of that, and I hope he will not forget to answer it. All the French members in this House know the fable of Lafontaine, describing how a bird stole the feathers of another one. This prospectus is nothing else but that. All the words of this prospectus have been stolen in a book prepared by Mr. C. Langelier, in a pamphlet called 'A sketch on Gaspesia, by J. C. Langelier,' and I will prove it. Just take a few sentences. On the first page are given some particulars on the new railway route, and the port and harbour of Gaspé, Canada, situated at the mouth of the River St. Lawrence. It reads:—

The Gulf of the St. Lawrence being navigable at all seasons, it is evident that the harbour and port of Gaspé, as the key to the St. Lawrence

trade, presents the greatest amount of advantage by its geographical position, as it is nearer by some hundreds of miles to the great centres of Canada than Halifax, N.S., Sydney, C.B., or St. John, N.B.

If hon. gentlemen will turn to page 82 of Mr. Langelier's book, they will find the following :—

The Gulf of St. Lawrence being navigable in all seasons it is evident that Paspebiac has the most advantages. Its geographical position puts it under the control of the Canadians. It is nearer of the great centre of Canada than Halifax or Louisburg.

Of all the stolen feathers the only one that has not been robbed is the word 'Gaspé.' In every place where Paspebiac is used, the word 'Gaspé' has been substituted. In 1874 a committee was appointed to ascertain the best route for the fast Atlantic service. That commission was presided over by our late friend, the Hon. Mr. Robitaille, and their report was decidely in favour of Paspebiac. It is for that reason that the book written by Mr. Langelier made the statement I have just quoted and gave all the advantages of that port but what is said about Paspebiac is now falsely applied to Gaspé. It is nearer the great centres of Canada than Halifax and Louisburg, says Mr. Langelier. The prospectus proceds :

In order to obtain for the Canadian railways the traffic which now takes the route of the American ports, it is of the greatest importance that this splendid harbour should be placed in railway communication with the great cities of Canada. To do this it is necessary only to build the connecting railway link of about 140 miles, and thereby directly connect this harbour with the great railway systems of the west.

Hon. Mr. MACDONALD (B.C.)—And the harbour open all the year round ?

Hon. Mr. LANDRY—What does Mr. Langelier's book say ? It reads as follows :—

Port Paspebiac occupies an exceptionally advantageous position in every point of view, and it is of the greatest importance, in winter as well as in summer, to put it in a constant communication with the great cities of Canada, in order to keep up the traffic on our Canadian railroads, which at present is sent to the United States ports by American roads. To have this traffic in our countries, a railroad between Paspebiac and Metapedia (a distance of four hundred miles) must be built.

The prospectus proceeds :

From the standpoint of the transit of the interprovincial trade, this railway is absolutely essential. It will provide an opening for a short grain route from the west to tide-water, and Parry Sound, which is in connection with the entire system of navigation upon the great lakes, will be brought within six days of Liverpool.

Mr. Langelier, in his pamphlet from which I have been quoting, says :—

In a trans-commercial and interprovincial point of view, this Baie des Chaleurs railway is absolutely necessary, and its construction will allay a great want.

The prospectus says :

The railway also provides an efficient trade outlet to the markets of Quebec, Montreal, Toronto, Winnipeg and the West, and an opening for the products of the Gaspé peninsula, with its rich farm lands.

Mr. Langelier, in his pamphlet, says :—

It will open a seaport town to the western provinces, and in particular it will open to the various produces of Baie des Chaleurs the markets of Quebec, Montreal, Toronto and Winnipeg. At present, a great part of the sea fish, which is consumed in the provinces of Quebec and Ontario, and Manitoba, comes from the United States.

And then the prospectus gives us a description of the harbour of Gaspé which is false. In the harbour of Gaspé ice is permanent during five months of the year. There is no ice at Paspebiac, and the navigation can be kept open all the year round, but the description which is given—except of the land surrounding—the description of the temperature, the description of the state of the ice and the river is all taken from Paspebiac and applied to the basin of Gaspé.

Hon. Mr. FERGUSON—The charge the hon. gentleman makes is that this company issued a false prospectus ?

Hon. Mr. LANDRY—Certainly it is a false prospectus, containing false statements.

Hon. Mr. DANDURAND—In the mind of the hon. gentleman.

Hon. Mr. MACDONALD (B.C.)—How about the harbour being open all the year round ?

Hon. Mr. DANDURAND—We can talk all the year round on this subject. The people of Paspebiac would say it is superior, and those from Gaspé would say the other thing.

Hon. Mr. FERGUSON—Is it true that the port of Gaspé is open all the year round ?

Hon. Mr. DANDURAND—I suppose it is. I do not hail from there.

Hon. Mr. LANDRY—It is a mere supposition.

Hon. Mr. DANDURAND—I do not live there.

Hon. Mr. LANDRY—No, the hon. gentleman would freeze there. It occupies a special position with regard to climate. This work of Mr. Langelier says :

In a climatological point of view, the latter region occupies a position worthy of remark. The sea that surrounds it on three sides, regulates the climate and attenuates the variations of cold and heat. Even the nature of the different parts divides the peninsula of Gaspé into two distinct climatological townships, that of the north and south. The northern region, more or less exposed to the cold blast and to the neighbouring cold waters of the Labrador and the ice that enters into the north-east of the gulf by the Strait of Belle Isle is a little colder than that of the south * * * The south-eastern region is somewhat warmer, and as regards agricultural operations, far superior to that of Great Britain and Ireland.

Then he proceeds :

Protected on one side by the mountains of Notre Dame and Shickshock, against the north wind, exposed on the other side to the warm breezes of the south, which takes part of its heat from the gulf stream, upon which the rays of the sun fall perpendicularly ; in fact, nature seems to lend her hand in making this place the most healthy and most agreeable in the province.

That is the south part, not the one most exposed to the winds. Now let us see what the prospectus says :

The sea which surrounds it on three sides, regularizes its climate, and lessens the fluctuations between cold and heat.

It is the same description :

Protected on the one side by the Notre Dame and Shickshock mountains, exposed on the other to the influence of the warm breezes from the south, which come laden with a portion of the heated air of the gulf stream, this part of the peninsula has one of the best balanced and agreeable of climates, both winter and summer. The port of Gaspé, owing to the health-giving properties of its air, with railway facilities, would soon become the most popular holiday resort of the eastern coast.

It goes on like that. At one place, the promoters have the decency to say :

Mr. J. C. Langelier, in his work, 'Colonization of Gaspé,' (giving it a false name, 'Colonization of Gaspé' instead of 'A Sketch of Gaspesia,' writes—Colonization has in the peninsula of Gaspé a vast field to work, and if all the resources, the natural riches and the settlement of facilities of this fine region were well known and appreciated at their correct value, by the British public, and if these riches, resources and facilities of access were properly brought to the knowledge of European immigrants, it is unquestionable that the current of immigration would flow towards this, the easiest point of access from all Europe.

The prospectus ends like this :

Railway enterprise in Canada is being actively promoted by the Dominion government, as well as by the various provinces and municipalities, and Sir Wilfrid Laurier, G.C.M.G., the Premier of Canada, has undertaken that the road shall be duly subsidized as construction proceeds.

I say this is the most striking falsehood in the whole affair. Sir Wilfred Laurier has denied that, in a letter written to Lord Strathcona.

Hon. Mr. DANDURAND—Has the hon. gentleman a copy of the letter ?

Hon. Mr. LANDRY—I have not a copy of the letter, but I defy my hon. friend to deny the existence of the letter that Sir Wilfrid Laurier himself showed to one of the parties of whom I am now speaking. I defy him to deny my positive assertion given to this to Chamber. That letter was written by Sir Wilfrid Laurier in answer to an inquiry made by Lord Strathcona, and states that he had never made such a promise as the one alluded to by the prospectus. And after why did the Canadian company get their charter in the province of Quebec, if not because they told the legislature that they were able to build the railway without any subsidy, and so positive were their assertions that they were embodied in the Bill itself, and the present Act of incorporation recites :

The present Act of incorporation is granted under the following express conditions :

That the works authorized by this Act shall be commenced in good faith within the delay of two years from the sanctioning of this Act, such commencement to be evidenced by the construction at least of ten miles.

And what is the other condition ?

That the whole of the road shall be constructed within the delay of five years from the sanctioning of this Act :

That in default of the accomplishment of either of these two conditions, such default shall pleno-jure occasion the forfeiture of all the rights, powers and privileges granted by this Act.

There was another clause added :

This Act shall come into force by proclamation of His Honour the Lieutenant Governor, after the company shall have given positive and clear proof to the Executive Council that it possesses the necessary resources to construct the said railway.

I am reading from the provincial Act incorporating the Quebec, Atlantic and Western Railway Company, and making it a condition to their incorporation that this Act should come into force only when they

could clearly prove that they had sufficient means to construct the road, and I have told you how they gave that proof, by addressing themselves to the New Canadian Company and asking them to send a certificate that the sum of £7,500 sterling was in bank to the credit of the New Canadian Company. I have proved that the Lieutenant Governor issued the proclamation asked for solely on this proof, in other words not because the Canadian company had the money in bank, but that another company in England had £7,500 in bank. That was considered sufficient proof to satisfy the Lieutenant Governor that the Atlantic, Quebec and Western Company was able to build 140 miles of road.

Hon. Mr. McMILLAN—Why were we not furnished with the statements the hon. gentleman has made in this House at the meeting of the committee? Was he in possession of these facts at the time? If he was and did not produce them, I do not feel that we ought to give them much consideration here. But if he was not in possession of the facts, it will certainly govern me a good deal in the way I shall vote on this question.

Hon. Mr. LANDRY—I was in possession of certain facts and the other facts I only got to-day. I did not know the Bill was coming before the committee. I supposed it would go to the Committee on Railways.

Hon. Mr. FERGUSON—It is where it should have gone.

Hon. Mr. LANDRY—It is for that reason I asked the hon. gentleman, at the beginning, to let the Bill go to the Railway Committee, so that we could follow the whole thing, but as he refused it then, I brought it before the House.

Hon. Mr. DANDURAND—I am surprised at the answer made by the hon. gentleman to the question put by the hon. gentleman from Alexandria. It is apparent that the hon. gentleman was not present at the last discussion we had on the Atlantic, Quebec and Western Railway Company.

Hon. Mr. McMILLAN—No, but I was a member of the committee that had this Bill before it.

Hon. Mr. DANDURAND—My hon. friend was not present when the hon. gentleman stated, about word for word, what he has stated this evening before this House. I am surprised that the hon. gentleman from Stadacona would say there are facts which were not in his possession last week and which he is now possessed of, because I should be surprised if he could point to a single allegation or statement of any importance which he made to-night that he did not make before.

Hon. Mr. LANDRY—I have stated one most important fact—the fact that Sir Wilfrid Laurier has denied that he promised a subsidy to that railway. Is that a fact or not? Is it important or not? This fact I only ascertained to-day.

Hon. Mr. YOUNG—Is that the reason the hon. gentleman wants to send the Bill back to the committee?

Hon. Mr. LANDRY—I want to send it back to have it discussed, to show that the prospectus is a falsehood from beginning to end, and especially in that particular, because it is inducing English capitalists to invest money where they should not put it, counting on a subsidy from the government.

Hon. Mr. DANDURAND—Is the prospectus which the hon. gentleman speaks of, the one he has not named and which I hold in my hand.

Hon. Mr. LANDRY—There are two.

Hon. Mr. DANDURAND—The hon. gentleman has travelled a considerable distance from the Bill under discussion. This Bill does not speak of the building of a railway, but I have no objection to follow the hon. gentleman in the discussion of this prospectus which he speaks of. The company in their prospectus, 'for the information of the public,' state the route of the railway which they intend to help to construct under the charter from the province of Quebec. They describe the route and state it is a splendid route; that there is a large area of valuable timber, and that it is a very rich part of the province of Quebec. Nobody will deny that in this House. They go on to describe the situation of the harbour of Gaspé, and the advantages of that port. There is not a man who knows anything about Gaspé or the peninsula who will venture to assert that it is not a splendid port.

Hon. Mr. FERGUSON—Open all the year round ?

Hon. Mr. DANDURAND—I do not know that the prospectus says so, and even if the prospectus did, I suppose there are many winters when the port of Gaspé is open the year round just as the Paspebiac port is. But this I will not vouch for personally, because I live quite a distance from there. But the company in that prospectus say that they intend to build this railway with, I suppose, part of their capital and with subsidies to be obtained from the Dominion of Canada and the provinces. There is no question as to the federal government and federal parliament being desirous of helping the road through Gaspé with subsidies, because in 1899 parliament voted a sum of $250,000 for a railway to be built to Gaspé, without mentioning any company, but simply indicating its readiness to give a subsidy to that amount to any company that would build it. I had in my hands the other day, when the hon. gentleman spoke against a charter to the Atlantic, Quebec and Western Railway, a copy of a newspaper published in Montreal, which substantiated word for word the affirmation made in this prospectus that the government viewed with favour the building of that railway. Of course, in this prospectus they speak simply of the short route from Metapedia or Casaupscal to Gaspé basin, but we all know that when these people came here for a confirmation of these provincial powers, parliament this session forced them to build concurrently a line through the interior and a line on the shore, in order to follow the settlements, as they are on the shore, and forcing them to build ten miles this year and ten miles next year. They assert that Sir Wilfrid Laurier has declared to political associations of Gaspé and to the legislature that he was favourable to subsidizing the road in the interior as well as the road on the shore. I may state, on my responsibility here, that I had in my hand a newspaper from Montreal, publishing eight or ten columns of speeches made by Sir Wilfrid Laurier two years ago or thereabouts at different points on the Gaspé shore. He spoke at divers places where Liberal political associations headed by the mayor of the county and the principal parties of each place presented addresses to him. I read myself a speech from Sir Wilfrid Laurier in which he said he had personally no hesitation in saying that he would favour the building of the railway. The question was put to him by one of the parties present 'even in the interior,' and he replied, 'Yes, I would be disposed to help even the road in the interior. This country is rich enough to help to develop that part of the Gaspé peninsula.' So this is a direct answer to the challenge of the hon. gentleman as to my being able to show anything to indicate the desire of Sir Wilfrid Laurier to help the road in the interior and the road on the shore. Of course, I did not hear Sir Wilfrid Laurier speaking myself, but I saw the speech as reported in extenso of the proceedings that took place at the different places where the premier passed through, and a part of that speech was indicated to me in order to answer the remarks of the hon. gentleman. Sir Wilfrid Laurier undoubtedly declared that he was in favour of assisting the road, even in the interior. Now, we have the fact that before he went there, even as I have just stated, his government asked that $250,000 should be voted, and it was voted for a railway to Gaspé basin, meaning, I suppose, the shore road. So there is evidence there of the disposition of the Dominion government to help the railway.

Hon. Mr. LANDRY—I wish to point out to the hon. gentleman this fact, that the English company, the New Canadian Company, have acquired only the interior road, and has nothing to do with the sea shore road, so the subsidies that are named in the prospectus apply to the interior road. The hon. gentleman says that he saw a report of a speech by Sir Wilfrid Laurier in which he promised to aid this enterprise. I give him a better clue than that—let him look at the letter denying that.

Hon. Mr. DANDURAND—I asked the hon. gentleman on what he based his information, and now he challenges me to produce that letter. I do not know anything of the letter or its contents. He should be able to produce it since he has referred to it himself and not expect me to prove a negative.

Hon. Mr. LANDRY—Will the hon. gentleman deny the existence of the letter ?

Hon. Mr. DANDURAND—Again the hon. gentleman would like me to establish a negative. I cannot undertake that, but I ask the hon. gentleman to produce the document to which he refers. Has he only heard of, or has he seen the document? My hon. friend should substantiate his own assertions. He has been, since the beginning of the session, putting questions about all kinds of things. It seems to me that this letter, passing between the Premier of Canada and our High Commissioner, should have been of sufficient importance to warrant him in asking for the production of it before this evening. He has not done so, and he defies me to deny the existence of the letter. I do not know anything about the existence of the letter. My hon. friend spent half an hour of his speech in an attempt to show that the description of the port of Gaspé, in the prospectus, was a description made by Mr. Langelier of the port of Paspebiac. He drew no conclusion from the comparison. What does that prove? He did not assert that all that was said of the port of Paspebiac was true and what was said of the port of Gaspé was untrue. There is hardly anything that could be said in favour of Paspebiac that could not be said of Gaspé. If we have a favourable description of the one, I think any one living in the neighbourhood would say this description is as correct as possible of the other port. This is the kind of argument we have had for half an hour before this Chamber. The hon. gentleman could have gone before the Banking and Commerce Committee and said all that he has said now in this Chamber, or that he said two or three weeks ago before this Senate. I might state that, representing him to the best of my ability in his absence, I explained to the committee that this was the New Canadian Company, of which they had heard the hon. gentleman speak for an hour in this Chamber—that it was intended to be a construction company to build the road from Paspebiac to Gaspé basin and in the interior. I showed on the map where that railway would run, although it had nothing to do with the Bill proper, but I wanted the committee to be apprised of what the New Canadian Company was. Most of what I told about the company I had from the hon. gentleman's own lips. So the Banking and Commerce Committee knew with which company they were dealing. One member asked me if it was the company that had members in the oil well trust. I replied there was only one name the same, and that one was the son and the other the father. I had learned that from the lips of the hon. gentleman. He says he has moved the six months' hoist in the interest of English capitalists who have sunk money in the oil wells of Gaspé. If they have sunk money there through the instrumentality of the promoters of this company, I hope they will continue their confidence in them and build the road and get the subsidy. Just now we are dealing with the demand of a certain set of gentlemen asking to be incorporated to do certain work at the port of Gaspé. The hon. gentleman states that the company is already organized in England, and has already subscribed and put a sum of money into its treasury. It is a far better evidence of its solvency and seriousness than three-fourths of the companies that come before parliament. Here we have a company that has already paid up five shillings on each five pounds share, so we are with a company that has shown its desire and ability to subscribe a certain part of its stock and pay for it. If hon. gentlemen will look at the Bill, they will see it asks for nothing but the ordinary powers granted to similar companies. The hon. gentleman from Stadacona seems scandalized by the fact that they ask power to mortgage their assets. If he will look through the charters granted by this parliament for the last three years, he will find exactly similar powers given to other companies. Besides the right to issue bonds and debentures, they always give to a shipping company the right to mortgage their shipping to the extent of 75 per cent of its value, and in the new Companies Act, which we passed last year, we did not even fix a limit. A company incorporated under that Act will have the right to mortgage a steamer to whatever extent a lender will be pleased to advance money. The lender knows what his security is, and he may advance money up to the full value of the ship, or to the extent of 75 per cent of its value, if he pleases. These powers any one can obtain by applying for letters patent under the Act, and they are exactly similar

to the powers obtained by other companies. This is all a tempest in a tea-pot. This company is not asking for extraordinary powers. It is organized in England. Under their charter in England, the company may construct any kind of work they are empowered to do by virtue of their letters patent. But all we are interested in is to see that we vest them with no extraordinary or special powers, and if we do not do that. and they are not proved to be a fraud, I think that we should grant them their demands. In fact, the Banking and Commerce Committee have reported that those people have done no wrong to Canada. As I stated in the former debate, whatever money they obtained on the other side, whatever dealings they had in the Gaspé peninsula—and they had been working there ten or twelve or fifteen years—they do not owe a cent to the people of the province of Quebec or Gaspé peninsula, and the hon. gentleman has just stated that a gentleman, Mr. Bailey, coming to investigate as to the doings of this company and the advantages of his company in trying to find oil, has returned to England and liquidated the company. If he liquidated the company, he paid one hundred cents on the dollar for all that he bargained for, or did so in the province of Quebec, and that is more than we can say of very many railway promoters and others. I think this Bill should have its third reading. We are granting no special privileges, and under the scope of this Bill I do not see that they can do any harm, but spend their own money.

Hon. Mr. McMULLEN—I just want to say a word with regard to this Bill. There is one point that my hon. friend from Stadacona made which has not been answered by my hon. friend who has just spoken—a charge that the holders of this charter had sold it for some fifty thousand pounds, and that those people that had disposed of the charter applied at the present session of parliament and obtained a new charter for something upon the same lines. In this charter we are undoubtedly reviving an obsolete company. That is quite clear by the clauses of it, and for my part I should like to be thoroughly convinced that there is nothing about it that savours of trafficking with charters and selling and buying for the purpose of making gain and fleecing either those in England or any other place. I should like to hear a very clear distinct statement in reply to my hon. friend, and if it is really true that this charter was sold out for fifty thousand dollars and that the people virtually did nothing—that an English company bought it and that they are now coming here, after it has virtually expired, to resurrect it and put it on all fours and the same parties who have disposed of the charter are applying for a new charter for the same thing—we should know if that is true.

Hon. Mr. DANDURAND—No.

Hon. Mr. McMULLEN—If that is so, we should not grant this new charter. More than that, there are virtually two companies. By this charter they are brought here and amalgamated into one. I do not want to do anything to interfere with people obtaining a charter, but the credit of Canada is at stake in transactions of this kind, and we must have the clearest and most distinct proof that there is nothing about this that savours of anything of that sort. Otherwise, I cannot vote for the third reading.

Hon. Mr. DANDURAND—The hon. gentleman misunderstood the hon. gentleman from Stadacona.

Hon. Mr. McMULLEN—No.

Hon. Mr. DANDURAND—The hon. gentleman should allow me to show that he misunderstood him. The hon. gentleman thinks that the parties who are asking for powers under this charter have already sold one charter.

Hon. Mr. McMULLEN—No.

Hon. Mr. LANDRY—They bought it.

Hon. Mr. DANDURAND—Is that what the hon. gentleman believes ?

Hon. Mr. McMULLEN—The hon. member from de Lorimier had the conduct of the Bill and it was his business to take down that statement and answer it.

Hon. Mr. DANDURAND—What I took down was the apparent impression of the hon. gentleman as shown by his questions. He wants to know if these gentlemen who are now asking for a charter had not al-

ready sold rights they held under a preceding charter.

Hon. Mr. McMULLEN—No, bought them.

Hon. Mr. DANDURAND—The hon. gentleman says they bought rights. That is very different from selling rights which they had. The hon. gentleman thought they had sold the powers which they obtained. They did nothing of the kind. They declare in the prospectus that they will purchase the rights of the Quebec, Atlantic and Western Railway, to build the railway, according to the articles of agreement, as a constructing company. All this is beside the present charter, but these people only declare to the English public that they intend to build a railway under a charter obtained from Quebec, by the Quebec, Atlantic and Western Railway. They declare that they will pay fifty thousand pounds for the advantages of that charter. They will pay either in cash or in paid up shares. Now, these people who will become the construction company of the Quebec, Atlantic and Western are simply handing over a part of their shares, as paid up, to the people who are in the Quebec, Atlantic and Western Railway. What we do not know, but what does exist, is the contract between the construction company and the provincial promoters of the Quebec, Atlantic and Western by which they get not only the subsidies to accrue to that company for the building of the railway, but the bonds and shares, so that when they get from the Quebec, Atlantic and Western the whole of the line, all the possibilities, all that could accrue to the promoters of the Quebec, Atlantic and Western under their charter for the building of their railway, they return in kind paid up shares of their own company, which may be valueless, because ahead of them will come the preferred stock and the debentures, and the road can be bonded for twenty thousand dollars a mile, and they know very well that on the building of the road the initial bondholders generally get very little so that there is there a simple bargain between this New Canadian Company to obtain the right of building that railway. There is nothing immoral or special or extraordinary in it. It is not everything that a construction company would do. A construction company builds a road and takes the whole life out of the company for which it is built by getting all the assets, present and future, of that company for the building of the road. This is, in a nutshell, the situation of the New Canadian Company under its English letters patent. They come before this chamber, not for revision of the power to build the railways, but simply power to build railway terminals, and harbour facilities at Gaspé. I think, under these conditions, we have nothing to do with their dealings with the Quebec, Atlantic and Western under their letters patent in England an the provincial charter, because it is outside of the scope of the Bill, and even if it were in this Bill, it would not be relevant.

Hon. Mr. MACDONALD (B.C.)—I understand the hon. gentleman from Stadacona wants to protect the English investors from investing their money under a false prospectus. That prospectus shows that there are subsidies promised by the Dominion government, which is uncertain.

Hon. Mr. DANDURAND—It is voted.

Hon. Mr. MACDONALD (B.C.)—That the harbour of Gaspé is open all the year round, which is not the case, and other things which will not bear daylight. It is to protect the English investors from putting their money into a thing of that kind that the hon. gentleman from Stadacona has brought up the matter. Did not Mr. Carpenter float a scheme for oil wells in Gaspé, and was not that a bogus scheme ?

Hon. Mr. DANDURAND—No.

Hon. Mr. MACDONALD (B.C.)—There is no oil there.

Hon. Mr. DANDURAND—No one can affirm that there is none.

Hon. Mr. MACDONALD (B.C.)—There is no oil there. Something should be done to protect English investors from going into bogus schemes of that kind. I suppose the House will pass the Bill, but many of these schemes are floated and so many of the English people, when they see such a prospectus, are apt to believe it is true.

Hon. Mr. FERGUSON—I had the honour of being on the Committee of Banking and Commerce when this Bill was considered, and I must say, with the hon. gentleman,

that it received a great deal of consideration, and as far as the Bill itself is concerned, it was looked into quite carefully, and although it is somewhat unusual in its character, as we might say, grafting a Canadian charter upon a charter already obtained in England, yet still, it did not seem to the members of the committee that there was anything out of the way in the power we are proposing to give this company; but when the hon. gentleman who has addressed the House brings proof of the statements he has made this evening, that the prospectus issued by this company contains false and fraudulent statements, and some of them which I think it is plain, were utterly false——

Hon. Mr. DANDURAND—Oh, no.

Hon. Mr. FERGUSON—The statement was made that the port of Gaspé is an open port the whole year round, and English investors were asked to put their money in this company on the strength of carrying on navigation and railway connections with the port of Gaspé on the statement that it was an open port the whole year round. Living as I do on the Gulf of St. Lawrence, and speaking in the presence of a great many gentlemen who come from that part of the country, I have no hesitation in saying that that statement is not true. I do not know what the port of Gaspé inside of the harbour itself may be, but I do know—and I am speaking in the presence of gentlemen who know very well—that outside of that port of Gaspé, stretching all the way up to Belle Isle and to the Strait of Canso and to Cape North there is a solid pack of ice every winter, and that is absolutely untrue to say that that port is an open port in the sense of having communication with the outside world the whole year round. I remember about four years ago a company was formed in connection with the old Baie des Chaleurs Railway. There have been so many names given to companies operating up there since the famous Baie des Chaleurs that we hardly know what is what about them. But there was a company there that undertook to establish communication with Great Britain from the port of Paspebiac. They purchased an old steamer which they named the 'Gaspesia,' and announced that a line of steamers was to commence regular trips from Paspebiac to London, Liverpool, Bristol or any other port on the other side. They were to call at Charlottetown I remember I took a particular interest in it on that account, and they procured the 'Gaspesia,' and when she arrived in Charlottetown there was a banquet on board. They dined us on that occasion and there were speeches made, and a great many things like that happened, and the 'Gaspesia' made her way to Liverpool, and in our effort to get back in the early part of the winter to Paspebiac, was fastened in the ice, and the crew ran imminent risk of being lost or starved; but eventually they got ashore. Bringing the Baie des Chaleurs matter into recollection, and knowing how much harm was done to the good name of Canada in that connection, knowing something about the old 'Gaspesia' steamer, I think I have very good reason for looking very carefully into the bona fides of this company and of others of a similar nature and the statement has been made—I am not able to tell hon. gentlemen myself, but the hon. gentleman read it to the House—that English investors were led to believe, in the terms of this prospectus, that the port of Gaspé was open the whole year round, I have no hesitation in saying that that was false, and I think it is clear, if the statement was made, notwithstanding the explanation we have heard, which I do not think fairly meets the charge from the hon. gentleman who has charge of the Bill, that Sir Wilfrid Laurier had promised a subsidy, not for the railway round the shore, but the railway running through the interior of the country to the Intercolonial Railway—if the statement was made in the prospectus as the hon. gentleman read it to the House that that subsidy was promised, that was also a statement which was not correct. Then it is further stated by the hon. gentleman—and that I do not think has been answered—that the powers obtained by one of these companies, under the provincial charter were not to go into effect until certain things were shown to the Governor in Council of the province of Quebec, and that a fraudulent representation was made on that occasion——

Hon. Mr. DANDURAND—Oh, no.

Hon. Mr. LANDRY—Yes.

Hon. Mr. DANDURAND—What is it ?

Hon. Mr. FERGUSON—As I understood my hon. friend, it was represented that a certain amount of money had been deposited in a certain bank as the money of these people, whereas it was not their own money which was deposited, but the money of another corporation altogether, with a string to it. That was the statement.

Hon. Mr. LANDRY—Certainly.

Hon. Mr. FERGUSON—If this statement is not correct, it will be contradicted or explained. If it is true that these people, under different names, and representing all the time almost the same persons, have been obtaining charters and selling them, have been putting out prospectuses in England, containing misleading statements, if these statements are true we should know it. I confess that all I know about the question is what I learned from the statements of the hon. gentleman from Stadacona, and the explanations of the hon. gentleman from de Lorimier. I must say that I am far from satisfied that this unusual charter, in the first instance, was not obtained by fraudulent means. It is a pity that we should legislate in this way and give powers to adventurers, and very unscrupulous adventurers if these statements are at all proved. My hon. friend says no harm is done to Canada. If the statements which were made to this House are true, a great deal of harm has been done to Canada. The reputation of this country should not be injured by these people, and we should not encourage people who go to England and induce capitalists to invest in Canadian enterprises by false representations. I think this Bill should have gone to the Committee on Railways. The operations which they are carrying on belong to that committee. They are a construction company, for a railway company. Even that would clearly show it should have been sent to that committee, but in view of the statements made by the hon. gentleman from Stadacona, we should send this Bill to the Committee on Railways and Telegraphs and Harbours, and then if those persons who are behind my hon. friend, or the hon. gentleman himself, will come before that committee, and prove the statements made in this House, the Bill of course will be rejected, but if, on the other hand, it is found that these statements are unfounded, and that no false prospectus has been issued and that it is a bona fide company in every respect, it will be all right. There is ample time to consider the measure, and no need of rushing the Bill through in the face of these statements. I think it is due to this House to have the matter thoroughly sifted, and the Bill should be referred to the Committee on Railways Telegraphs and Harbours. I, therefore move, in amendment to the amendment of the hon. gentleman from Stadacona—

That this Bill be referred to the Committee on Railways, Telegraphs and Harbours.

Hon. Mr. YOUNG—Is that amendment in order ?

The SPEAKER—I think so.

Hon. Mr. BEIQUE—I am quite indifferent, for my part, to this Bill, but I must confess that I am rather surprised at the course pursued by the hon. member for Marshfield, who was present when the debate took place on the first of this month, and when the hon. member for Stadacona gave us his first edition of the speech which he made to-day, setting out all the facts that he stated to-day. The hon. gentleman says that the Bill was thoroughly examined in the committee of which he is a member, the Banking and Commerce Committee, and now he takes exception to this Bill.

Hon. Mr. FERGUSON—I was not aware, when this Bill was before the Committee on Banking and Commerce, that it was the same concern or connected in any way whatever with the other Bill.

Hon. Mr. LANDERKIN—I might say that nobody else would ever think he was talking about this Bill in the conversation he has given us to-night.

Hon. Mr. BEIQUE—I must say that, for my part, when the discussion took place I took the trouble of inquiring about both Bills, the Bill of the Atlantic, Quebec and Western and this Bill, because of the speech which was then made by the hon. member for Stadacona ; and I must confess that I fail to see any reason why this Bill should not be read a third time. What are the allegations against this company ? This

company, as has been well stated by the hon. gentleman for de Lorimier, asks no powers which cannot be obtained by letters patent under the seal of the hon. the Secretary of State. It is not a Bill asking for powers to build a railway. All the powers that are asked for and that are granted by this Bill are powers which can be obtained by letters patent under the Companies Act, and now we are told that this Bill should be rejected because there were false representations or false statements made in England. I should like to call the attention of the hon. member to this fact: that, as is set out in the preamble of the Bill, this company was incorporated in England under the Companies' Act of 1862 and 1900. It was incumbent upon the company to file with the registrar the prospectus that they published or issued. It was incumbent upon them to make public, or file with the registrar, all the particulars of any contracts which they made, any advantage which was obtained by promoters in contracts made, and any paid up stock which was issued for one consideration or another —it was incumbent on them to state all that in the prospectus, and it was incumbent not only to do that, but to state it in the reports made to the shareholders within three months after the company commences operation, and therefore we have the guarantee that the English investor had full reports, and had knowledge of all the facts of the case. But there is more than that. I draw the attention of the hon. gentleman to section 28 of the Companies' Act under which this company was incorporated in England, which provides:

> If any person in any return, report, certificate, balance sheet, or other document required by or for the purposes of this Act, wilfully makes a statement false in any material particular, knowing it to be false, he shall be guilty of a misdemeanour, and shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, with or without hard labour and on summary conviction to imprisonment for a term not exceeding four months, with or without hard labour, and in either case to a fine in lieu of or in addition to such imprisonment as aforesaid: provided that the fine imposed on summary conviction shall not exceed one hundred pounds.

Therefore, if it is true that there were any false statements, the English shareholders or creditors have their remedy, and are entitled to prosecute every director of that company criminally for having made false statements. It seems to me, in the face of a position such as that, which is occupied by that company in England, it is idle for the hon. gentleman from Stadacona, or any other member of this honourable House, to come and say that the English creditors should be protected—that there was such and such false statement in the prospectus of the company, and that we should protect the investors, and should refuse to grant to this company the ordinary powers they are asking. For my part, I cannot join in this, and it seems to me there must be some additional reason given to show why we should, on this occasion, refuse to confer on this company the powers which we grant by the dozens every day to other companies.

Hon. Mr. LANDRY—Hon. gentlemen——

Hon. Mr. LANDERKIN—Spoke.

Hon. Mr. LANDRY—Does the hon. gentleman raise a point of order?

Hon. Mr. YOUNG—The proper course to follow is to wait until the amendment which is now before the House is voted down and then the hon. gentleman from Marshfield can move his amendment.

The SPEAKER—I think the amendment of the hon. gentleman from Marshfield is unusual, but still it is in order.

Hon. Mr. LANDRY—The argument used by the hon. gentleman (Hon. Mr. Bélque) who has just taken his seat, would be as true if it was applied to the following case: A man has murdered another one. A man gets up in this House, like my hon. friend, and says, 'I cannot believe that. He would never kill him because there is a law which says he would be hanged if he did. He would not dare to do that.' That is the argument the hon. gentleman uses to prove there is nothing false in this prospectus. He says there can be nothing of the kind. because there is a law against it. I do not think the hon. gentleman will make converts by such an argument as that. Another fact which should be stated is this: the provincial company—Mr. Higgins, Mr. Lavoie and others, obtained from the local government a charter. That local charter they sold to the English company. That is a fact which cannot be denied. The prospectus of the English company states it. More than that, the English company

is formed for what? For a purpose, for an object, and that object is stated in the prospectus, as follows:—

To acquire the benefit of an Act or parliament of the Government of the province of Quebec, dated the 28th March, 1901, for the incorporation of a company entitled the Atlantic, Quebec and Western Railway Company, for the construction and working of a line of railway and to cause to be performed all the obligations set forth in the said Act.

The English company is established just for that purpose, to buy that provincial charter. They bought it, the price is fixed, they mention it in the prospectus. When that provincial company has sold its charter, it comes to this parliament and asks for another charter for the same railway.

Hon. Mr. McMILLAN—And they got it.

Hon. Mr. LANDRY—And they got it. Now, there are two parties having equal rights. The English company say, 'we bought that charter.' The provincial company say, 'but we have got a charter since then from the Dominion parliament.' That is the danger to which I am calling the attention of the House, because it involves a loss of English money. Now, what is this road that the English company bought? It is the interior road from Gaspé to Casaupscal. That is the road which Sir Wilfrid Laurier said he would never subsidize, and which the local legislature said they would never subsidize. Surely no subsidy has ever been attached to the road, and I have proved that to get the charter the Quebec, Atlantic and Western Company had to furnish proof that they were able to build the road themselves which obligation excludes necessarily the idea of any local or federal subsidy. Notwithstanding that, they go before the public and publish in their prospectus that Sir Wilfrid Laurier and the local government had promised to subsidize the road. These are false statements, and it is useless to say there is a law to prevent the publication of false statements, and therefore it could not occur. There is something better than the law. There is honesty, and where a company is honest we need not apply the law for criminals. The hon. gentleman from de Lorimier reported that he saw in a paper that Sir Wilfrid Laurier had made a speech two years ago promising to aid the company. That is all the proof he has. I assert in my place in this chamber that Sir Wilfrid Laurier wrote to Lord Strathcona, in answer to an inquiry made by the latter, whether it was true that the premier had promised a subsidy to that road, denying the truth of that statement. He said he never had promised such a thing. If the hon. member wants proof of that, let him refer the Bill back to committee and we will ask Sir Wilfrid Laurier whether it was the case or not. If Sir Wilfrid Laurier says he never wrote a letter to Lord Strathcona in the sense I have mentioned. I shall withdraw my objection to the Bill; but in the meantime I maintain my assertion that such a letter exists and I will stand by the assertion. If the House will allow me to withdraw my amedment I will substitute for it the amendment to the amedment.

Hon. Mr. SCOTT—It is a very unusual course to challenge a private Bill on a third reading, after it has been before the committee. I find, on reference to the advertisements, that an unusually full notice was published, mentioning all that the company asks for, and more, for one or two points were struck out in the committee. The notice was published on the 13th February, both in the 'Canada Gazette' and a local paper. It received the usual publication. The Bill on its face certainly has nothing objectionable. I think it is rather unfair for us to attack the English Bill; practically that is what it means. We are asked to take the prospectus issued in England. The English laws have been explained by the hon. gentleman from Montreal (Hon. Mr. Beique) as extremely stringent, punishing directors for making false statements, and I think we can very well leave the English directors to the English law if they have acted as charged. This Bill, as has been observed, is similar to fifty other Bills commonly passed here. The company simply ask to be incorporated—ask for no special provision. The power of borrowing money is limited to 75 per cent, which is a greater limitation than exists in the Companies' Act. Under the circumstances, I feel great embarrassment in voting that the Bill should go back again to committee, because I do not think the committee can go outside of the powers asked by this Bill, as there is nothing unusual to challenge. Any body of men can become incorporated for the purpose this company asks to be incorporated for. I

have gone through the Bill and there is nothing in it to object to.

Hon. Mr. MACDONALD (B.C.)—The prospectus is objectionable.

Hon. Mr. SCOTT—It is straining our position very much to throw out the Bill on the ground that a prospectus in England goes beyond what we think a prospectus ought to go. We all know that prospectuses, as a rule, are more highly coloured probably than they should be. Our law is strict, and provides that if any false statement is made in a prospectus the directors become liable. The English law is equally strict, and I think we can very well leave English directors to the English law in the prospectuses they issue there. That is the idea I have about it.

Hon. Mr. ELLIS—After the statements which have been made in this House, and as the adjournment is not in sight, it may be better, under all the circumstances which have been stated, to allow this Bill to go before the Railway Committee. I can see no harm in that course.

The Senate divided on the amendment to the amendment, which was adopted by the following vote :

CONTENTS :

Hon. Messieurs.

Baker,	Legris,
Bernier,	Macdonald (P.E.I.),
Bolduc,	Macdonald (Victoria),
Boucherville, de (C.M.G.)	McDonald (Cape Breton),
Casgrain (Windsor),	McGregor,
Coffey,	McKay (Truro),
Dobson,	McMillan,
Ellis,	Perley,
Ferguson,	Vidal,
Landry,	Wood,—20.

NON-CONTENTS :

Hon. Messieurs.

Beique,	Robertson,
Casgrain (de Lanaudière),	Scott,
Church,	Templeman,
Dandurand,	Thibaudeau (de la Vallière),
Fiset,	Thompson,
Landerkin,	Watson,
Lovitt,	Yeo,
McSweeney,	Young.—17.
Power (Speaker),	

PUBLIC WORKS ACT AMENDMENT BILL.

IN COMMITTEE.

Hon. Mr. SCOTT moved that the House resolve itself into a Committee of the Whole on Bill (193) An Act to amend the Public Works Act. He said : As this is a short Bill, it might as well be read at length at the Table.

The SPEAKER—That practice is antiquated. When a Bill is at the second reading, if it is a short one, it is quite competent then to move that it be read the second time at length ; but after the Bill has been read in the usual way the second time and referred to committee, there is no object whatever in reading the Bill at length at the Table.

The motion was agreed to.

Hon. Mr. ELLIS, from the committee, reported the Bill without amendment.

ELECTRIC LIGHT INSPECTION ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (187) An Act to amend the Electric Light Inspection Act.

(In the Committee.)

Hon. Mr. SCOTT—It has been found that you cannot proceed against a corporation for a breach of the Electric Light Inspection Act, and this Bill is to enable such a course to be taken.

Hon. Mr. WATSON, from the committee, reported the Bill without amendment.

SECOND READING.

Bill (164) An Act to incorporate the Pacific Bank of Canada.—(Hon. Mr. Templeman.)

INLAND REVENUE ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (186) An Act to amend the Inland Revenue Act.

Hon. Mr. FERGUSON—I think this is a Bill which calls for some explanation, and the order should be postponed.

Hon. Mr. SCOTT—The object of this Bill is to make a few technical changes. The first paragraph fixes the time for payment of the duties on the first day of the month instead of the 6th as at present. The second change is that an abatement not exceeding

three per cent in distilleries using grain, and four per cent in distilleries using molasses and other saccharine matter, is allowed for such quantity of fusel-oil or other refuse.

Hon. Mr. FERGUSON—The first two amendments are simple, but I think the others would require a good deal of explanation and consideration and on that account I was going to suggest that consideration of the measure be postponed.

The SPEAKER—This is the second reading.

Hon. Mr. SCOTT—The only change in the last is to make declaration that packages of cut tobacco weighing one pound do not require to have the gross tare and net weight therein marked. There are just the three points in it.

Hon. Mr. FERGUSON—I think that there are much more serious changes in the proposed law than one would infer from my hon. friend's explanation. I find clause 3 of the Bill makes a different provision from what we have in the Act. The law reads that an abatement not exceeding three per cent——

Hon. Mr. SCOTT—I explained that.

Hon. Mr. FERGUSON—Here we provide in the case of liquors manufactured from molasses or saccharine, that the abatement shall be four per cent. My hon. friend has not told us why such a change should be made. Why should there be a larger abatement made for liquors manufactured from molasses, which is not a product of the country than from grain which is a product of the country ? There may be a good reason but it calls for an explanation.

Hon. Mr. SCOTT—It is due to the fact that it has been determined that the quantity of fusel-oil in liquor manufactured from molasses and saccharine matter is greater than that found in the liquors produced from grain. The grain is left at three per cent and the molasses at four.

Hon. Mr. FERGUSON—The difference in the production of these materials has always existed.

Hon. Mr. SCOTT—It was always three per cent, and it was found that there ought to be a difference of one per cent between the liquor made from the grain and the liquor made from the molasses.

Hon. Mr. FERGUSON—That difference in the making of liquor from grain and from molasses and saccharine matter always existed and still the law has not been changed till now, and not only that, but the clause says this shall be retroactive, and it shall apply to all liquors manufactured during the year ending the 30th day of June next.

Hon. Mr. SCOTT—The chemists have found that there should be a difference between them of one per cent, and that the law was defective before. It was not quite the fair proportion. The grain and the molasses contain different quantities of fusil oil. It is owing to chemical investigation ; no other explanation of it.

Hon. Mr. FERGUSON—There are other changes in the Bill which will require explanation, but as we can have them in committee I do not think it is necessary to go into it further at present.

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

WEIGHTS AND MEASURES ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (188) An Act to amend the Weights and Measures Act. He said : This is another technical Bill. The first section reads as follows :—

4. Postal scales, when engraved and stamped as such, and of a capacity not exceeding four pounds, and not used for trade purposes, may be sold without inspection under such regulations as the Department of Inland Revenue prescribes ; but any person using such scales for other than postal purposes, shall be liable to the penalties prescribed by subsection 1 of this section.

The next change is made at the instance of the grain men, to substitute a smaller quantity of grain for test than at present. They break the law because they say it is preposterous. They cannot afford to lose so much out of a given quantity, and they take a less amount.

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

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, June 16, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (S) An Act to amend the Criminal Code, 1892, respecting free labour.—(Hon. Mr. Beique.)

CATTLE QUARANTINE AT LEVIS.

INQUIRY.

Hon. Mr. LANDRY inquired :—

1. Is the name of one Mr. P. Laliberté to be found on the pay-list of the workmen who have been employed on the works at the cattle quarantine at Lévis during the summer and the autumn of 1901 ?
2. From what date and to what other date of the same year was he employed on these works ?
3. How much was he getting a day ?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are as follows :—

1. Yes.
2. From the 1st August to the 15th September.
3. Paid at the rate of 17½ cents per hour.

NEWSPAPER-STAND AT LEVIS.

INQUIRY.

Hon. Mr. LANDRY inquired :—

1. Who keeps at present at the Intercolonial Railway Station at Lévis the newspaper-stand for the convenience of the travelling public ?
2. Did he obtain it after having tendered, and for how many years ?
3. What was the amount of his tender and was it the lowest one ?
4. Is he obliged to furnish newspapers to the public without regard to the political colour of these newspapers, or has he the right to offer for sale only the newspapers which reflect the political opinions of the party which gave the position that he occupies ?
5. Does the government know that the actual keeper of the newspaper-stand at the Intercolonial Railway station at Lévis methodically keeps from the public the sale of Conservative newspapers ?
6. Is it the intention of the government to notify this newspaper-stand keeper of the complaints brought against him and to bring him to serve the public without display of political partisanship ?

Hon. Mr. SCOTT—The answers to the questions are as follows :—

1. F. Pichette.
2. Yes.
3. $520 which was the highest tender received.
4. There is no restriction in the contract as to the sale of newspapers.
5. No.
6. The department have not received any complaints about the contractor.

Hon. Mr. LANDRY—The answer to No. 2 is not complete. The question is did he obtain the privilege after having tendered, and for how many years. I want to know the number of years.

Hon. Mr. SCOTT—I have not the number of years. They have only answered the first. I will make the inquiry.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman's question is for the lowest tender.

Hon. Mr. LANDRY—If I understood the hon. gentleman he gave me the highest tender.

Hon. Mr. SCOTT—The question is 'did he obtain it after having tendered and for how many years ?' The answer is yes, but they have failed to answer as to the number of years.

Hon. Mr. LANDRY—But I refer to question No. 3.

Hon. Mr. SCOTT—Question three is 'what was the amount of his tender and was it the lowest one ' and the answer is 'five hundred and twenty dollars, which was the highest tender received.' It will be the highest, of course. They were interested in getting the highest.

DESJARDINS CANAL BILL.

THIRD READING.

Hon. Mr. SCOTT moved the third reading of Bill (183) An Act respecting the Desjardins canal. He said : If any one desires fuller particulars of this Bill I have a history of it which I can read.

Hon. Sir MACKENZIE BOWELL—I suppose the statement made in the House is correct ?

Hon. Mr. SCOTT—Yes. The area is large, a portion of Hamilton is built on it. It has been passed regularly as having been paid for, but recently it came before the court

in some way and the master had some hesitation about the title. To go to work and release all the mortgages now, subdivided as the property is, would cost two or three thousand dollars, and this was thought the simplest way of getting rid of it.

Hon. Sir MACKENZIE BOWELL—The question really is whether the parties ever paid the money back. The property is held by innocent parties now, and this is the most expeditious way of perfecting their title.

Hon. Mr. SCOTT—Yes that is the way.

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

THIRD READINGS.

Bill (193) An Act to amend the Public Works Act.—(Hon. Mr. Scott.)

Bill (187) An Act to amend the Electric Light Inspection Act.—(Hon. Mr. Scott.)

SECOND READINGS.

Bill (115) An Act to incorporate the Richmond and Drummond Fire Insurance Company.—(Hon. Mr. Thompson, in the absence of Hon. Mr. McHugh.)

Bill (91) An Act to incorporate the Dominion Gas Improvement Company.—(Hon. Mr. Landerkin, in the absence of Hon. Mr. Kerr, Toronto.)

Bill (121) An Act to incorporate the Consolidated Trusts Corporation.—(Hon. Mr. Landerkin, in the absence of Hon. Mr. Kerr, Toronto.)

Bill (163) An Act respecting the United Empire Life Insurance Company.—(Hon. Mr. Coffey.)

Bill (M) An Act for the relief of Harford Ashley.—(Hon. Mr. Perley.)

Bill (R) An Act respecting the Midway and Vernon Railway Company.—(Hon. Mr. Macdonald, British Columbia.)

COMPANIES ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (K) An Act to amend the Companies Act, 1902.

(In the Committee.)

Hon. Mr. SCOTT—I have an amendment to submit to this Bill, and I propose to add it to clause 7. A section was struck out of the old law which had given rise to a great deal of discussion both in England and in this country, and in England it was struck out of the new Act and another substituted for it. It was a clause which required, where stock was allotted in pursuance of a contract or agreement between the parties, that it had to be filed in the office of the Secretary of State. It was a clause that was, as I said before, subject to a good deal of discussion, and as far as the Ontario bar were concerned, was generally—I might say almost universally—disapproved, and by a considerable number of the bar of some of the other provinces, gentlemen of the profession for whose opinion I entertain very high respect, and therefore I agreed on a modification of it, that where stock is allotted and no cash paid, where property is taken or where a going-business is transferred and stock allotted in payment of it, that a contract must be first made. But instead of filing in the office of the Secretary of State, which I think is a very inconvenient place to search those matters, particularly for distant parts of the Dominion and distant provinces, I have provided, as hon. gentlemen will notice, that this contract must be kept on record in a book of the company, so that all shareholders and all persons who propose taking stock in the company, will have the opportunity of seeing exactly what transactions have taken place, other than for cash. My own opinion, and the opinion I may say of a large number of the profession, has been that so far as allotting stock for kind, that is for other than cash, the law amply authorized the Secretary of State to issue letters patent. That I know has been disputed by some members of the profession, for whom I entertain respect, but at the same time I am bound to say that certainly nine-tenths of those with whom I have had the opportunity of discussing the matter, did not share that view, but in deference to the opinion that there were doubts upon it, I have prepared this clause; I have added to it, as hon. gentlemen will notice, that it will not weaken in any way the letters patent that have already been issued, under the Act on the assumption that the Secretary of State had power to allow stock to be allotted for other than cash. I purposely in the Act of 1902 say nothing about the value of the article

transferred, leaving it to the common law of the country. In the event of the company going into liquidation, it would be for the court to say whether the stock was allotted for a fair equivalent of cash. It would be purely a matter for the courts. I in no way pronounce upon that part of it. In the allotment of stock the parties must take their chances as to whether it would be upheld in the event of its being disputed by creditors at any future time, but a rider has been added which I think protects all letters patent that have already been issued giving that power. These amendments will be printed before another stage.

Hon. Sir MACKENZIE BOWELL--Is that a substitution for the clauses that are here ?

Hon. Mr. SCOTT—No, it is a new clause altogether. It is simply added to that part of the Act. It comes in as a subsection of clause 7.

Hon. Sir MACKENZIE BOWELL—If I heard correctly, the Bill provides that instead of the registration of the issue being made in the office of the Secretary of State——

Hon. Mr. SCOTT—No, it is authority to the company to issue stock in that way.

Hon. Sir MACKENZIE BOWELL—But as to the records, under the present law it has to be registered with the Secretary of State.

Hon. Mr. SCOTT—That is the old law that was repealed. There is no law now requiring them to file the contract in the Secretary of State's office.

Hon. Sir MACKENZIE BOWELL—Simply to keep a record in the book.

Hon. Mr. SCOTT—A record of the letters patent, of course.

Hon. Sir MACKENZIE BOWELL—The only difficulty I see is in the case of the destruction of the books by fire. There would be no evidence and no means of reaching it.

Hon. Mr. SCOTT—The letters patent are always registered in the office of the Secretary of State, but of course the contracts and agreements and by-laws are not registered there unless the company are making application for additional privileges, but not otherwise.

Hon. Mr. BEIQUE—It would stand as any other documents.

Hon. Mr. POIRIER—I consider this a decided improvement on the old law, because it certainly will give more satisfaction to the shareholders, and they will be able to follow much better what the company is doing with the stock.

Hon. Mr. BEIQUE—I have submitted to the Secretary of State another amendment to section 18 of the Act. This section requires that before commencing operations 10 per cent of the authorized capital shall be subscribed and paid for. That is all right, but it is somewhat exacting when a capitalization is very large, and the object of my amendment is to limit in any case the amount to $25,000 paid in cash before commencing operations. The clause, as amended, will read as follows :—

> The company shall not commence its operations or incur any liability before ten per cent of its authorized capital, or until capital amounting to $25,000, has been subscribed and paid for.

The balance of the clause will remain as it is.

Hon. Mr. FERGUSON—It is a pity that my hon. friend the Secretary of State and my hon. friend from Montreal (Hon. Mr. Béique) had not given notice of their intention to move these amendments. The House is hardly in a position to pass judgment on them now until after they appear in the minutes, and I think it would be better that the committee should rise, in order that we can understand the scope of the amendments after they are printed.

Hon. Mr. SCOTT—Would it not be better to reprint the Bill as amended, and then go back into committee ? The purpose of the hon. gentleman's suggestion is this : where the capital stock is very large, $5,000,000 for instance, it amounts to a very large sum that the company would have to pay in before commencing business. The proposition of the hon. gentleman from Montreal (Hon. Mr. Béique) is, if they pay $25,000 they may proceed.

Hon. Mr. LOUGHEED—This not only applies to the amount paid in. but to the amount subscribed. It seems to me a com-

pany with a very large capital, such as referred to by my hon. friend, should certainly not incur liability or proceed with operations until 10 per cent of its capital is subscribed. A company with large pretensions can contract liabilities far exceeding $25,000, and if they do and there is no capital subscribed exceeding that amount, there is no recourse for the creditors for payment of their claims. I think certainly 10 per cent of the capital at least should be subscribed before any company is permitted to enter on its operations. It is a matter for consideration as to whether it is desirable that that amount should be actually paid in, but it should be subscribed so that there will be a contract between the subscribers and the company on which the creditors might depend for payment of any liability.

Hon. Mr. BEIQUE—I entirely agree with the suggestion of the hon. member, and with the permission of the committee, I will change the amendment to give it that effect. What I had in mind was the payment in cash.

Hon. Mr. SCOTT—Our Act is more stringent than the English law or the Ontario law. Under the Ontario Act they may go into operation at once. They have only to subscribe a very small amount, and so it is in England. Our law is now more stringent than any other.

Hon. Mr. POWER—I am glad it is. A due regard to the interests of outsiders who are liable to be victims would make the Act more stringent than it is. Any change ought to be in that direction.

The first clause, as amended, was adopted.

Hon. Mr. SCOTT—When the Bill was up for second reading the leader of the opposition drew attention to a clause which authorized companies having shares of less than $100, and wanted to bring up their stock to $100, which raised a very important question, supposing a stockholder had not shares enough to make up $100. I have an amendment which would cover that. It provides that if the parties cannot agree among themselves the company will purchase the share. The hon. gentleman from Alexandria (Mr. McMillan) suggests one month is too short a time in which to sell the fractional shares. I am open to suggestions on the subject. Three months might be long enough.

Hon. Mr. LOUGHEED—Why should holders of fractional shares be compelled to sell them within a stipulated time ?

Hon. Mr. SCOTT—I think the rule has been that companies sell these fractional shares.

Hon. Mr. McMILLAN—They always sell the fractional shares and distribute the proceeds among the owners. Three months I think would be a better time than one month in which to sell.

Hon. Mr. LOUGHEED—They might be in the treasury.

Hon. Mr. McMILLAN—No, the money is returned to the owners of the fraction.

Hon. Sir MACKENZIE BOWELL—That gives power to the company to take from a shareholder who holds a fractional share property that he holds in his own right, and then supposing it is sold at twenty-five below par and the person holding it desires to continue the ownership in the hopes that the value of the stock will rise to par instead of being depreciated, the selling of his stock, either in the open market or by the company, is taking it from him at a depreciated value without his consent, thereby depriving him of what he is really and legitimately the owner. During the present session we have had two Bills before us, one a Bill relating to the Bank of Montreal, reducing their shares from $200 down to a uniform stock of $100. In the case of the Eastern Townships Bank they were raising the value of their shares so that every one who had an odd share of $50 would either lose it by public sale under this clause, possibly at a depreciated value, or it might possible be sold at a premium.

Hon. Mr. McMILLAN—I cannot understand how it would depreciate. It would sell at the market value. All the fractional shares would be put together and sold at the market value, and the money distributed according to the fractional share each shareholder owned.

Hon. Sir MACKENZIE BOWELL—There are shares in the market now that are not within 50 per cent of their par value.

Hon. Mr. McMILLAN—That is why I wish the time for sale extended.

Hon. Sir MACKENZIE BOWELL—The point I am raising does not touch the extension of time. It is a matter of policy. I am not prepared to say whether it is right or wrong. It takes from the holder a fractional share which belongs to him by law. If you get the unanimous consent of the company to do that, I can understand it, but even if you had two-thirds of the shareholders—still it would be a depreciation of the value of the shares held by individuals. It is a difficult thing to deal with. It is an interference with the rights of property, and whether it would be wise for the Senate to adopt a principle of that kind is questionable in my mind. I do not think we ought to do it.

Hon. Mr. SCOTT—The company will be guided by the interest of the majority. The minority must give way to the majority. I will make the time three months.

Hon. Sir MACKENZIE BOWELL—The Secretary of State is quite right—the minority in case of differences must submit to the majority, but that is when you want to place all the stockholders on the same footing. There is equality in that case. If you want to reduce the capital of a bank 50 per cent, you place every man on a footing of equality, and his hundred dollars is worth only fifty; but in this case you take from the individual stockholder that of which he is owner.

Hon. Mr. FERGUSON—I assume the object of equalizing the shares is for convenience in listing the stock on the stock exchange. That would be the only reason I can see. Would it not be a good solution of this difficulty to allow the persons who hold shares in a company, where the value of a share was $50, to allow those people to hold half a share ?

Hon. Mr. LOUGHEED—That would be all right, but it interferes to the extent of the voting power of a share.

The clause as amended was adopted.

Hon. Mr. SCOTT—I have been requested to move an amendment to section 69, which I will read for the information of the committee. It is as follows :

69. The directors of the company shall not declare or pay any dividend when the company is insolvent, or any dividend, the payment of which renders the company insolvent, or diminishes the capital thereof ; but if any director present when such dividend is declared, forthwith, or if any director then absent, within twenty-four hours after he has become aware thereof and able so to do, enters his written protest against the same, and within eight days thereafter publishes such protest in at least one newspaper published at the place in which the head office of chief place of business of the company is situated, or if there is no newspaper there published, then in the newspaper published nearest thereto, such director may thereby, and not otherwise, exonerate himself from such liability.

Hon. Mr. MACDONALD (B.C.)—Does that apply to loan and savings companies ?

Hon. Mr. SCOTT—No, it would not apply to those at all. It is represented that it is a fair thing in the case of a director acquiescing in the payment of a dividend when a company is not solvent, he should be held liable for the amount of the dividend, but not for the debts of the company. In the Ontario Act it has been changed, making the director liable for the particular dividend he may aid in declaring if the company is not in a position to declare such dividend, and I have been asked to introduce the clause in the Ontario Act to make it in accord with it. That clause limits his liability to the particular dividends that he may have taken part in declaring when the company was not in a position to declare them. In the other case it makes him liable for all the other debts of the company.

Hon. Mr. LOUGHEED—How as to his knowledge ?

Hon. Mr. SCOTT—He would be presumed to have knowledge.

Hon. Mr. LOUGHEED—There may be circumstances where he would not have knowledge.

Hon. Mr. SCOTT—When it comes to his knowledge he can take action and get relief.

Hon. Mr. LOUGHEED—What provision has the hon. gentleman made as to knowledge ?

Hon. Mr. SCOTT—The provision is as follows :

If any director then absent within twenty-four hours after he has become aware thereof, and able to do so, enters his written protest against the same, and within eight days causes such protest to be notified by a registered letter to the Secretary of State, such director may thereby and not otherwise, exonerate himself from liability.

Hon. Mr. POIRIER—May I ask why it is that notice to the Secretary of State is substituted for publication in a newspaper ?

Hon. Mr. SCOTT—It is copied from the Ontario Act.

Hon. Mr. POIRIER—For the protection of the public I would rather have it as before.

Hon. Mr. SCOTT—I think so.

Hon. Mr. POIRIER—Because the communication with the Secretary of State will be private and the other shareholders will know nothing about it, but if the operations are to be in a healthy condition, it is better to have the publication in the newspapers.

Hon. Mr. SCOTT—I quite agree with that. It was handed to me, and I submit it for what it is worth.

Hon. Mr. LANDRY—Does that clause apply only to the directors who may be absent, or to those who may be present and in a minority ?

Hon. Mr. SCOTT—In the first place, it applies to all directors, and then if, within twenty-four hours, those who are absent enter a protest and take such measures as now proposed, and insert their protest in a local newspaper, by that act they would be relieved from the liability attaching to the other directors who had been parties to the payment of the dividend.

Hon. Mr. FERGUSON—I beg to submit that this is a most unsatisfactory way of legislating, and, in view of the very serious and important changes proposed to be made my hon. friend should withdraw the Bill and submit a new one. A few members may be able to follow this discussion, but if we have nothing before us we cannot make comparisons and take part in discussions of this kind.

Hon. Mr. SCOTT—Those propositions have reached me since the Bill has come before the House. The committee might rise and I will have the Bill reprinted, and then point out to the hon. gentlemen where the difference is.

Hon. Mr. FERGUSON—But what I object to is the discussion now going on.

Hon. Mr. SCOTT.

Hon. Mr. SCOTT—The hon. gentleman is not bound by the discussion.

Hon. Mr. FERGUSON—We are not in a position to take part in the discussion.

Hon. Mr. SCOTT—I am here to give the fullest information on the amendments and I am glad to be interrogated and accept any suggestion. There is no use in printing some of the changes in the Bill unless it is thought that they are going to meet with approval. The fairest and truest way is to ask gentlemen to send in suggestions, give the committee the benefit of them and find out what is the sense of the committee and have them printed in the new Bill.

Hon. Sir MACKENZIE BOWELL—The clause the hon. gentleman has just read is a protection to those who become directors of these companies merely to lend their name, who never go near the company and consequently know very little, or nothing, of what is going on, and as the provision is that he has to give notice within twenty-four hours after the knowledge comes to him that a wrong has been done, then he becomes liable. The man who lends his name to a company and takes no interest in it, will never be liable for any penalty, because he will take precious good care not to know.

Hon. Mr. SCOTT—If he does not take the trouble to learn he would be liable.

Hon. Sir MACKENZIE BOWELL—But it is within twenty-four hours after he becomes aware of the improper declaring of a dividend that he becames liable to the penalty, hence he will take care not to know that an imporper dividend has been declared.

Hon. Mr. MACDONALD (B.C.)—But they are liable all the same.

Hon. Mr. POWER—This written protest should be served upon some particular person. The amendment proposed simply says, he can make a written protest, but it should be filed with the secretary of the company, or some officer. It comes to this, that unless you specify the person with whom the protest is to be filed, a man may claim that he gave the protest to a member of the company, or to a director, or something of that sort, but he should be obliged to file the protest with the secretary

of the company. That is the proper place to have it. That should strike hon. gentlemen as being business and common sense, that if a protest against the action of the directors is to be filed, it should be filed with the secretary of the company, or with the board of directors, one thing or the other.

Hon. Mr. BEIQUE—The suggestion was to add a like provision, word for word, to that in the Ontario statute, passed in 1897, the Ontario Companies Act, and I have just read the clause. It strikes me that there was something omitted in copying the clause.

Hon. Mr. SCOTT—We will have that corrected.

Hon. Mr. BEIQUE—My recollection is to the effect that it has to be published in some paper.

Hon. Mr. LOUGHEED—That is the law to-day.

Hon. Mr. BEIQUE—Under the Ontario Act it has to be published in some paper.

Hon. Mr. LOUGHEED—That is the Joint Stock Companies law to-day.

Hon. Mr. SCOTT—We would retain that part of the present law which requires the director to publish this protest within eight days thereafter in, at least, one newspaper published in the place where the head office is situated. That would be the best protection. I will re-draft that clause.

On clause 2,

Hon. Mr. SCOTT—This clause is simply to remove a doubt. Some lawyers were of opinion that in reference to defining the method of borrowing money by the company, even in issuing promissory notes, they would have to have a meeting of the shareholders, and a by-law and all that. That was never intended and never contemplated, and not in the spirit of the Act, but some very scrupulous lawyers have taken exception and this clause is to provide that in reference to promissory notes and bills of exchange, it is not necessary to have a meeting of the shareholders or pass a by-law.

Hon. Mr. LOUGHEED—I would point out a misleading idea that may be gathered from this. The directors may borrow money upon promissory notes and bills of exchange without a by-law. Now, I think the shareholders should certainly authorize the directors to borrow money by by-law, but not by the passage of a by-law for each specific loan.

Hon. Mr. SCOTT—That is what they do.

Hon. Mr. LOUGHEED. The hon. gentleman's amendment proposes now to do entirely away with the passage of the by-law for the borrowing of money by the directors on promissory notes, bills of exchange and so on.

Hon. Mr. SCOTT—That has always been the law. The shareholders may do it if they like, but so far as the law is concerned, the directors always have the right to accept and use promissory notes and bills of exchange.

Hon. Mr. LOUGHEED—Not unless it came within the purview of the current business of the company. If it became necessary, in the ordinary course of business, to do so they could, but here you do away altogether with the necessity of a by-law for the purpose of borrowing money.

Hon. Mr. SCOTT—No, only so far as promissory notes and bills of exchange are concerned.

Hon. Mr. LOUGHEED—So far as promissory notes and bills of exchange are concerned, the directors of the company could place in jeopardy the whole assets of the company by reason of exercising extraordinary borrowing powers in the way of promissory notes.

Hon. Mr. SCOTT—It is a very easy matter for the company to take precautions : they can pass a by-law.

Hon. Mr. LOUGHEED—But you say it is not necessary to pass a by-law. In the carrying on of the operations of a large company, if it is intended that the directors should be empowered to borrow money on promissory notes, the shareholders should, at the inception of the company, or periodically, express their desire that the directors should do business in that way.

Hon. Mr. SCOTT—You would make it absolutely impossible to do business in a bank.

Hon. Sir MACKENZIE BOWELL—The Ontario Act regulating companies, provides that the directors must pass a by-law giving them power to borrow money from the bank to carry on the business, and then they have to call the shareholders together and get the approval of two-thirds of the shareholders before they can put a note in the bank. Whether that is the law under the Dominion statute I do not know, but it is with reference to the Ontario statutes. I belong to a company that desired to borrow money from a bank to carry on business, and we first had to pass a by-law and then we submitted it to the shareholders at a meeting called for that special purpose, and had to get two-thirds in value of the stock, in addition to the majority of those present, to pass the by-law. Then we had to file that by-law with the bank to show the authority on which the money was borrowed. I am not prepared to contradict what the Secretary of State says with reference to the Dominion Act. But does this bear the interpretation that has been put upon it? Would the company have power under this provision to borrow on promissory notes of the company, or does it mean that they could borrow on notes or bills of exchange given to them in payment of articles manufactured by the company. Is that the point at issue? We know how goods are sold and the purchaser gets sometimes three or four months credit. He gives his note. You enter into arrangements with the bank to cash these notes—that is, you borrow on the strength of the note.

Hon. Mr. LOUGHEED—There is no doubt that under the present Joint Stock Companies Act, section 57, the board cannot borrow money—that is, the directors are not empowered to borrow money on their promissory notes, bills of exchange and so on, excepting there be a by-law passed by the shareholders authorized them so to do. That is the present law as it stands.

Hon. Mr. SCOTT—No, that has not been the interpretation passed upon it.

Hon. Mr. LOUGHEED—That must have been the law, because you bring in an amendment for the purpose of giving greater latitude and permitting directors without that by-law to borrow money. My hon. friend said that was the object of the amendment.

Hon. Mr. SCOTT—To remove doubts I said. I have no doubt on the subject.

Hon. Mr. LOUGHEED—The doubts must have been sufficiently substantial to warrant my hon. friend removing them. That by-law might be passed at the inception of the company. It is not necessary to pass a by-law every time a promissory note is required. It is for the company to decide the limit to which the directors should go. That is a salutary limit to place on the directors. If the directors are to exercise such powers, there should be a general by-law defining the extent to which they should go when so borrowing. Increasing the latitude of the directors to borrow money entirely irrespective of the knowledge or consent of the shareholders seems to me to be bad legislation.

Hon. Mr. SCOTT—It is for each company to make its own arrangements in regard to that. Any company is authorized to make a by-law lessening the powers of their directors if they please, but I do not think it would be a proper thing to introduce with this particular amendment that I propose.

Hon. Mr. LOUGHEED—But the hon. gentleman is saying it will not be necessary.

Hon. Mr. SCOTT—But still they may do it if they think there ought to be such a restrictive power.

Hon. Mr. POWER—Then the Secretary of State must see that it would be authorizing the shareholders by a by-law to override this statute.

Hon. Mr. SCOTT—No, they can do it now if they pass a by-law. Section 24 gives the directors power. Companies do pass those by-laws, but I leave it for each company to take its own course. We do not make it absolutely necessary for them to do so.

Hon. Mr. LOUGHEED—That is a question of policy; we can discuss it after.

Hon. Mr. BEIQUE—Under the old Act, section 47 provided for borrowing by the shareholders, and there was this rider, that the amount borrowed shall not be more than 75 per cent of the actual paid up stock

of the company, 'but the limitation of this section shall not apply to commercial paper discounted by the company.' In the new Act the corresponding section, section 57, is worded differently, and the rider relating to commercial paper is omitted. As a consequence, I know that companies have been called upon by banks to pass by-laws or they would not be admitted to discount $100 of paper. It seems to me it never was intended to require that a by-law should be passed to authorize a joint stock company to discount the paper received in the ordinary course of its business. Now, it is possible that the wording of the amendment might be changed. Those words might be added—'in the ordinary course of its business'—but the amendment commends itself to me.

Hon. Sir MACKENZIE BOWELL—Do I understand the hon. gentleman to mean the raising of money by a company on promissory notes and bills of exchange they have received from other people or paper issued by themselves ?

Hon. Mr. BEIQUE—As the present section 57 stands in the Act, the companies are absolutely prevented from borrowing, whether by pledging their own paper or not, without a by-law, which was evidently an oversight. I was present when section 57 was adopted and did not approve of the clause. It seems to me it should be modified. The amendment amounts to this, that a by-law shall not be necessary for borrowing in the ordinary course of a company's business, and if those words 'in the ordinary course of its business' were added. it would remove the objection.

Hon. Mr. POWER—There is a great deal of force in what was said by the hon. gentleman from Calgary, and I do not think the Secretary of State has grasped the point he made. The hon. gentleman does not propose that there shall be a by-law every time a promissory note or bill of exchange is made, but he proposes that when the company is organized the shareholders shall decide whether or not they shall authorize the directors to become parties to negotiable paper and to what extent. I think that is legitimate.

Hon. Sir MACKENZIE BOWELL—Or after they have been in operation.

Hon. Mr. POIRIER—That is invariably done.

Hon. Mr. POWER—That seems to be a reasonable proposition.

Hon. Mr. SCOTT—It is absolutely impossible. Large companies probably have ten, fifteen or twenty drafts and bills a day in different banks, and this question would be constantly asked : 'Where is your by-law.'

Hon. Mr. POWER—The speech which the hon. gentleman is making shows I was right, and that he did not quite understand the point made by the hon. gentleman from Calgary. The hon. gentleman does not say there shall be a by-law whenever the company wish to make a note or bill of exchange, but that when the company is going into operation the shareholders shall pass a by-law authorizing the directors generally to do that and saying to what extent they shall go. That is a right and proper thing, and does not interfere with the transaction of ordinary business. This amendment gives them the power, without any limit whatever, or any previous authority from the shareholders, to make notes and bills of exchange to any extent.

Hon. Mr. SCOTT—It would absolutely cripple business. There are companies doing enormous business—transacting business from the Atlantic to the Pacific—with bills of exchange in hundreds passing into the banks, and the question would arise in every bank in which their paper was presented, 'Do you know whether that is properly issued ?' If the company must be authorized by by-law to issue a draft, you would have to keep a copy of the by-law in every bank.

Hon. Mr. LOUGHEED—Does my hon. friend think a bank will accept a company's paper without having some evidence of their authority for issuing it ?

Hon. Mr. SCOTT—Certainly.

Hon. Mr. LOUGHEED—It has not been my experience. They require evidence that the directors have the necessary power.

The amendment was agreed to.

On clause 7.

Hon. Mr. BEIQUE—My amendment will make the clause read this way :

The company shall not commence its operations or incur any liability until ten per cent of its authorized capital has been subscribed and the said ten per cent, or capital to the amount of at least $25,000, has been paid for.

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

Hon. Mr. ELLIS, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again.

INLAND REVENUE ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (186) An Act to amend the Inland Revenue Act.

(In the Committee.)

Hon. Mr. SCOTT—This is one of the many Bills the Inland Revenue Department from time to time introduce making changes in the Act which governs the management of the department. They are always getting new light. The first clause substitutes the first day of the month for the sixth day of the month for the payment of the goods, and a provision that if they are not ready to pay, they will bond the goods.

Hon. Mr. FERGUSON—That is just a matter for the convenience of the department?

Hon. Mr. SCOTT—Yes.

The clause was adopted.

On clause 3,

Hon. Mr. SCOTT—In the distilling it is found there are more impurities where molasses and other saccharine matter are the basis of it. There is one per cent more of impurities in that, and therefore the law has been changed. It was formerly three per cent for grain as well as molasses and saccharine matter; they now allow one per cent for the presence of fusel-oil and refuse where the molasses and saccharine matter are distilled.

Hon. Mr. FERGUSON—I cannot quite understand why this legislation is required more than it has been in all the past history of the Dominion. At the present time three per cent is allowed for the waste fusel-oil in the process of distilling, no matter from what material the liquor was being produced. If there is this difference, it is singular that it should not have been discovered and the different abatement put into force long ago. What surprises me most is that, in making this change, it is proposed to go back and make the change retroactive.

Hon. Mr. SCOTT—Only in the present year.

Hon. Mr. FERGUSON—It seems singular, if there has been this distinct difference and if there is that difference now, that the abatement should have been computed on the same percentage all over, both with the manufacture from grain and from molasses and other saccharine matter, that in all the past history of the department the abatement was made the same for products from both sources, and that no change was made until now; and now it would appear that it is so serious that it is made to apply to the transactions of the whole year that will expire at the beginning of the next month. The making of this provision retroactive seems to require some explanation. Why is it that it should be so; and why do they now make the change, and especially make it apply to the transactions of the whole year that is just about to expire?

Hon. Mr. SCOTT—I presume it is the result of representations of the parties who feel that they are being unfairly dealt with where the molasses and saccharine matter form the basis for the distillation, and the department have probably ascertained they were wrong in unduly compelling the parties who used molasses and saccharine matter to pay an unfair proportion. That is the only explanation of it. Then, as to applying it to the fiscal year, there is probably a lot of it in bond that would not be taken out of bond.

Hon. Sir MACKENZIE BOWELL—In passing Bills of this kind, they always take effect from the day they become law. Has there been much of this kind of spirits taken out of bond and the duty paid, because this provision provides for a refund to parties who have been distilling spirits from molasses and other saccharine matter. The law provides that liquors shall not be sold until they are of certain age. The duty is not paid until they are taken out of bond. This evidently, if it means anything, is for the purpose of paying back to those who

have distilled spirits during the past year and paid the duty on them——

Hon. Mr. SCOTT—They may or may not have paid it.

Hon. Sir MACKENZIE BOWELL—Then it does not apply. It is not retroactive. If it is in bond, they have not paid the duty. All the distillers keep their liquors in bond until they sell them, and they would not advance the two dollars a gallon on the liquor two years before they sold it. Then it says 'On saccharine matter only.' I have always understood that there was more fusel-oil in the spirits manufactured from potato. They do manufacture it from potato, and whether the present government have given power to the beet-root sugar factories to manufacture spirits from the residue, after the saccharine is taken out, I do not know. Those who are in the habit of distilling and manufacturing wines in the western portions of Canada have applied over and over again for permission to use the residue after the wine has been extracted for the purpose of manufacturing alcohol. Would this apply to that? Would that be called saccharine matter, because there must be sugar in everything from which it is extracted.

Hon. Mr. DEVER—I do not think spirit can be manufactured from anything that does not contain saccharine matter.

Hon. Sir MACKENZIE BOWELL—But the spirit is of inferior quality. The great objection is to making this legislation retroactive, because it looks like handing back a lot of money to people who have been manufacturing spirit from saccharine matter.

Hon. Mr. SCOTT—I presume this has been brought to the knowledge of the department and they have been making the parties who have been distilling from molasses and other saccharine matter pay unduly, and when that has been represented to the department and they have discovered that they were incorrect, they have said 'very well, we cannot go beyond the fiscal year, and whatever you have paid will be considered.'

Hon. Sir MACKENZIE BOWELL—There was a period, in carrying out this law, when nothing was allowed. No abatement was allowed to distillers for fusel-oil or anything else. The duty was collected on the spirit as it came from the worm. I remember the question coming up under the late government. It was discussed a good many years ago before they allowed any rebate, or rather any allowance to be made for what the law declared should be destroyed, and this is upon the same principle, only you are extending it further and you are paying back to the distillers who have manufactured this quality of spirit a portion of the duty collected. The statement made by the hon. Secretary of State may be quite correct. There may be more deleterious matter in the spirit manufactured from the molasses than there would be from corn, or barley, or any other grain. Pay them if the principle has been admitted, but let it commence when this Act becomes law.

Hon. Mr. LANDRY—When the amendment of the Secretary of State is to be retroactive he should state the reasons for it.

Hon. Mr. SCOTT—I think I have.

Hon. Mr. LANDRY—The hon. gentleman said he thought, he supposed, he presumed that it was because payments had been unduly made. How could a payment be unduly made? If a payment is made against the law it should be refunded, but we do not want any law to have a retroactive effect if it is unduly made. We want more explanations than we have received to justify us in passing a law with a retroactive effect. It should be made clear. There should be no presumptions.

Hon. Mr. SCOTT—The law stood that way for a long time. I find back in the Revised Statutes that an abatement not exceeding three per cent for fusel-oil is allowed. They have gone on for all those years allowing three per cent for the refuse matter. Well, it has become patent to them —I presume on representation, and one can readily understand that saccharine matter, molasses particularly, would not render as pure a distillation.

Hon. Sir MACKENZIE BOWELL—There is nobody objecting to that, but we object to making it retroactive.

Hon. Mr. SCOTT—Then if we have been discriminating against certain persons we should not do so, and if we can make com-

pensation for the current year we should do so. That is quite clear. I suppose my hon. friend will remark that all this liquor is there in bond. It is there under the control of the government, and if the department is convinced we have been discriminating against one class of distillers, it is only fair to make compensation.

Hon. Sir MACKENZIE BOWELL—If it is fair for six months, then it is equally honest to make it for twelve months.

Hon. Mr. SCOTT—It is twelve months.

Hon. Sir MACKENZIE BOWELL—And to go back to the time the law was passed and refund this money that the government have been improperly taking.

Hon. Mr. LANDRY—With the interest.

Hon. Sir MACKENZIE BOWELL—I could easily understand that the measure should be made retroactive if the manufacturers of spirit had started their business only in the last two or three years, but whisky has been manufactured out of molasses and saccharine matter with a knowledge of what the law was, and if the government realize now that it is not just to the manufacturer, they have a right to make the amendment they have made, but I do not believe it is just to make it retroactive.

Hon. Mr. BEIQUE—I understand that it is retroactive against the Crown only, and some date must be fixed from which the account shall be made up. It is retroactive only against the Crown in favour of the parties who have paid, or who are called upon to pay.

Hon. Sir MACKENZIE BOWELL—Who have paid, not who are called upon to pay. They have the liquor in bond and they pay when it comes out and the allowance would be made.

Hon. Mr. BEIQUE—It is only against the Crown. It is retroactive against the Crown, not against any subject.

Hon. Mr. LANDRY—If you take that money to give it to a few parties you are taking it from the public.

The clause was adopted.

On clause 4,

Hon. Sir MACKENZIE BOWELL—Clause 4 applies to goods in bond. We have not heard it read nor explained, which makes a material difference.

Hon. Mr. SCOTT—I am sorry my hon. friend did not hear me. I said it was only changing the date from the 6th to the 1st.

Hon. Mr. FERGUSON—There is another change in the section besides that. In the law as it stands the words in the opening section are—

Except in the case of methylated spirits.

Methylated spirits are left out now. The provision in the old law making an exception in the case of methylated spirits will not prevail now. There must be some provision for dealing with methylated spirits. It seems to be a very important change too.

Hon. Sir MACKENZIE BOWELL—The cause of that explanation is a good one, because it puts goods manufactured in bond in the same position as other goods. They are held a certain time. Why is methylated spirits left out?

Hon. Mr. SCOTT—I am unable to give any explanation.

Hon. Mr. POWER—The general law is made applicable.

Hon. Mr. LOUGHEED—I understand the government takes all the methylated spirits turned out by the distiller.

Hon. Mr. SCOTT—I think they sell it. There are certain concerns, the Rathbun Company and others, who buy all the methylated spirits.

Hon. Mr. DEVER—For manufacturing purposes.

Hon. Mr. SCOTT—I cannot recall what it is really for, but the government disposes of it to one or two firms.

Hon. Sir MACKENZIE BOWELL—It is used in other manufactured articles. What we want to know is why it is left out.

The clause was allowed to stand.

On clause 5,

Hon. Mr. FERGUSON—Part of this, also, is entirely new. I notice that after the word 'quarter' on line eleven, beginning with the word 'except' it is a new section, and subsection two is entirely new. It will be noticed that subsection two is also retroactive. The change gives discretion to the

Minister of Inland Revenue, when he finds that a deficiency has been found and a failure to reach a standard—as soon as he finds it is not due to fraud. Why this provision is necessary the hon. gentleman has not explained.

The clause was allowed to stand.

On clause 6,

Hon. Mr. POWER—Why is it that while every pound package of cavendish, plug and twist tobacco must have the registered number of the factory on it, in the case of other kinds of tobacco you can go up to five pounds ?

Hon. Mr. SCOTT—The explanation given me is that the only advantage is to make the law clear.

Hon. Mr. FERGUSON—This excepts all other tobacco except these three kinds of tobacco which the hon. the Speaker has pointed out. Under the law as it previously stood, all tobacco required this printed mark. Now you limit it to three kinds.

Hon. Mr. POWER—I cannot understand why the distinction is made.

The clause was allowed to stand.

Hon. Mr. LOUGHEED, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again.

WEIGHTS AND MEASURES ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (188) An Act to amend the Weights and Measures Act.

(In the Committee.)

On the second clause,

Hon. Mr. DeBOUCHERVILLE—Why confine the use of these scales to postal purposes ? A family using such a scale for ordinary purposes would be liable to punishment. I think the prohibition should be limited to trade purposes.

Hon. Mr. SCOTT—It is perfectly plain it is only used for postal purposes.

Hon. Mr. DeBOUCHERVILLE—Why not allow it to be used to weigh a pound of tea ?

Hon. Mr. SCOTT—The scale must be very sensitive.

Hon. Sir MACKENZIE BOWELL—I suppose the law punishes people for using scales even for postal purposes unless they are inspected ? If you are mailing matter for which you pay by weight, why should not the postal scale be accurate and be inspected as well as any other ?

Hon. Mr. ELLIS—If your scale does not weigh right, they will charge you extra. It is your interest to be honest in that matter.

Hon. Sir MACKENZIE BOWELL—Suppose the scale should make it weigh more than it really does, they would take more money than they should.

Hon. Mr. TEMPLEMAN—The weight is determined at the post office.

Hon. Mr. POWER—Suppose you put on three stamps instead of two ?

Hon. Sir MACKENZIE BOWELL—If the scales made it weigh more than it really did, you would be paying more postage than you should, and if the scales weighed light then the sender would be paying less than he should.

Hon. Mr. FERGUSON—I think this clause is beneficial, but there is a great deal in the point made by the hon. gentleman (Hon. Mr. DeBoucherville), because really a cook could be fined for making up the proportions of some of her dishes by using a postal scales.

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—That is absurd. I think the suggestion which the hon. gentleman (Mr. DeBoucherville) makes to insert in the fourteenth line the same words that are used in the twelfth line, 'for trade purposes,' should be adopted.

Hon. Mr. TEMPLEMAN—It would not be trade purposes if you used it in your own dwelling.

Hon. Mr. FERGUSON—In a family there might be many uses a scale would be put to in a hurry. Of course, I do not suppose the law would be made so inquisitorial that it would reach these cases, but the law should be made common sense anyway.

Hon. Mr. MACDONALD (P.E.I.)—The law is all right as it is. These scales are manufactured expressly for the Post Office Department. They are stamped with that mark on them, and their use is confined to the post offices. No person has a right to use them for any other purpose any more than they would have to use a scale not stamped by the inspector of weights and measures.

Hon. Sir MACKENZIE BOWELL—I have not heard any explanation why this change is asked for.

Hon. Mr. POWER—There is no reason why one should go to the expense and trouble of having scales examined by an inspector and stamped which are only to be used for letters.

Hon. Sir MACKENZIE BOWELL—My hon. friend says it is for the protection of the public. If it is, then it should be a correct scale.

Hon. Mr. POWER—I do not think it is for the protection of the public. It is for the convenience of the owner.

Hon. Mr. SCOTT—The scales are used in business offices.

Hon. Sir MACKENZIE BOWELL—We have had no reason given us yet why this change is made.

Hon. Mr. SCOTT—The reason is it does not seem quite fair, when the weighing of a letter in a business house is not to be final, because the postal authorities do not accept the weight. Therefore, when those scales are not kept in order constantly it seems to me it would be very unfair to expect parties to have them inspected periodically and pay the fees, and it is only fair they should be allowed to use them without having them inspected from time to time.

Hon. Mr. FERGUSON—It is to prevent them being used for trade purposes. Why go further? I can understand when those scales are allowed to be sold and pass into a family, so long as they are not used for trade purposes that family should be allowed to make any other use of them. Why not?

Hon. Mr. SCOTT—In trade matters the scale must be inspected and examined and carefully tested from time to time.

Hon. Mr. BERNIER—Why not use the words 'for domestic purposes'?

Hon. Mr. LOUGHEED—What kind of scales do you use in the kitchen, for instance? Do you require to have them inspected?

Hon. Mr. ELLIS—Certainly. As I understand the law, all scales are subject to inspection. This simply excepts the scales on which you weigh your letters, and I think it is a very fair thing to do.

The clause was adopted.

On the third clause,

Hon. Sir MACKENZIE BOWELL—What is the effect of that?

Hon. Mr. SCOTT—The officials called 'deputies' in this section are called 'assistants' everywhere else, and this amendment is to make the Act uniform.

The clause was adopted.

On the last clause,

Hon. Mr. FERGUSON—We are here repealing a section introduced in the Act passed in this House in 1898. I did not take any part in it myself, but there was a very long discussion on it here, and the section was finally introduced into the Act. Perhaps the hon. gentleman can tell us why it is now to be repealed. The section requires that a larger quantity of grain shall be used for a test.

Hon. Mr. SCOTT—It was found that a bushel was entirely too large a quantity, that the farmer was losing too large an amount, because it is taken away altogether. Now they substitute a much smaller quantity, I think about a quart.

Hon. Mr. LOUGHEED—The weighing machine was required to weigh not less than a bushel.

Hon. Sir MACKENZIE BOWELL—I am afraid this is another illustration of introducing legislation and governing the country by departments, without each member of the council knowing what is being done. I know the late Minister of Justice, when he was here, stated that that was the principle upon which they were acting, and he ridiculed the idea that every member of the cabinet should be made acquainted with the

different changes which it was proposed to make in the laws that came before parliament. I have already pointed out the difficulties that must necessarily arise. Take the case before us : here we have the Secretary of State introducing laws, materially changing, altering and amending those already upon the statute-book without having a proper precis before him, to tell us what they mean and why it is done. I know I had the responsibility, when occupying his position in this House, of introducing measures which, individually, I was not acquainted with ; but I refused pointedly, until that matter was discussed in council, and we understood the reasons for the introduction of the Bill and the changes which it was proposed to make, and then I had a precis before me, giving an explanation why parliament was asked to change each clause. If that practice were followed now, we should not have this difficulty. There may be good reasons for making a change, and those reasons may be the result of the practical working and operation of the law, which none but a minister would understand, therefore an explanation is required by gentlemen occupying the position we do, not knowing the reasons. All this difficulty would be removed unless some new principle was introduced, and I have only to repeat what I have often said here, that if the Secretary of State would tell his colleagues that he would not take charge of a measure coming from another department, making departmental changes in the law, which are necessary from the working of the law, he would have less difficulty in in having his Bills passed by the Senate. And I can say again, it is not reasonable to suppose that any of us, unless we had been in the departments, could know why these particular changes are being made. They are suggested from the working of the law, and while they may appear absurd to those who have to deal with them, the minister, who is practically working the law, should give an explanation as to why the changes are being made, and if that were done, we would avoid all this difficulty of having intricate Bills, such as these are, dealing with technicalities of the department, and asking us to approve of them without knowing anything of what they are, and having a minister sitting here without being able to tell us what they are. That is really the fact. I do not desire to find any more fault with the hon. minister, and I offer him my sympathies because I think he is placed in a false position.

Hon. Mr. SCOTT—I think my hon. friend is not quite correct, especially in reference to a department like the Inland Revenue, where they have to do with weights and measures. It is simply impossible for a member of the government to know anything about it. He is only able to state what is said by men who have to do with the working of the law. We will remember how this matter was threshed out with people from the North-west in regard to the grain, and a variety of incidental questions. It is not a matter any government could understand or comprehend. It would be absolutely impossible, and there would be no object in discussing it in council. It is the men who have to deal with it, and who, from year to year, have to make changes, as they find they can do better. The subject is comparatively new. We are in a new country and new conditions are arising, and it is only the men who are conversant with the management of those details that can give us information.

Hon. Mr. LANDRY—I would suggest that when a Bill comes before us which the minister is not able to explain, it should be referred to a special committee, so that we could get the officers of the department, and from them know all the details that are asked for.

Hon. Mr. SCOTT—I have allowed to stand any clause which has not been explained. I deny that I have ever declined to explain. I am sorry my hon. friend has not given me his attention, and therefore does not comprehend the subject, but if he had been giving close attention, he would not say I was ignorant of it. The clause as it stood before, read :—

> No weighing machine, used for weighing, or determining the weight of any articles, mentioned in section 16 shall be of less certified capacity than one bushel.

I say that is altogether too large.

Hon. Sir MACKENZIE BOWELL—I wish to take exception to one remark of the hon. Secretary of State. He acquiesces

in what I say, that it is impossible for senators, as we are, to understand why these changes are being suggested.

Hon. Mr. SCOTT—That is, technical changes.

Hon. Sir MACKENZIE BOWELL—The minister also declared it nonsense to bring them before the cabinet. I can tell the hon. gentleman that no minister, during the seventeen years that I was in the cabinet, was allowed to present any Bill having the imprimature of the government for which they were responsible, until the question was first discussed in council, and the Minister of Inland Revenue, or the Minister of Customs, if he desired to make any change in the law, went to council with his proposition, discussed it with his colleagues, received the approval of his colleagues, and then he came to parliament, and both the minister who occupied a seat in the Senate, and the minister in the other House, when it was discussed and approved in council, knew why it was done. But the difficulty with this government has been that each minister arrogates to himself the right to suggest changes and bring them before parliament, and his colleagues know nothing about them, and that is what my hon. friend justifies. That is what I take exception to, and not the principle in the Bill. We would not have this difficulty if the same system prevailed with this present government as with the late government, and just so long as it is carried on in this way, just so long will we have the spectacle we have to-day, Bills of the most intricate character, affecting the trade of the country, and the minister who introduced them, not being able to explain why it is done.

Hon. Mr. YOUNG—I do not think any harm can be done by striking out this clause. It refers to the testing of grain and a much smaller quantity and smaller machine is found more convenient and cheaper. I think hon. gentlemen will find, if they sanction this, it will work out in the best interests of the country.

Hon. Mr. FERGUSON—I agree with the hon. gentleman. The section should be taken out of the law. I remember now very distinctly, although it was hazy at first, how this came to be enacted. A gentleman in this House complained that in some instances a test was made out of a bin of grain and a very small quantity was taken out where the grain was not as good, and the quality of the grain was determined from the weighing of a very small sample. The late Mr. Justice Mills undertook to consult the department, and the result was the department furnished this clause which it was thought would meet the case. I suppose it did meet it, but it brought with it a practical difficulty so great that it made it inoperative.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman strike out that clause?

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. LOUGHEED—In former sessions in highly technical Bills of this character, an officer of the department invariably attended the Senate to give any explanation to the minister that might be required. One can understand the difficulty of any minister dealing with clauses of this character.

The clause was adopted.

On clause 2,

Hon. Mr. BERNIER—I should like to go back to clause 2, and say that the word 'domestic' should be added after the word 'postal,' in line 14. One may have servants in his house.

Hon. Mr. POWER—No one will meddle with the servants.

Hon. Mr. BERNIER—We may have servants in our houses, and if they are dissatisfied they may tell of our using that scale for domestic purposes.

Hon. Mr. POWER—The object of this is to prevent fraud in selling, and if a man is going to use scales to weigh the ingredients of a pudding, he is committing no crime.

Hon. Mr. YOUNG—This is to provide that where scales are used in dealings between individuals, that they must be inspected, so that the correct weights are given, but I have never understood that the Inspection Act invades anybody's kitchen, where scales are only used for household purposes.

Hon. Mr. LOUGHEED—It only applies to scales of traders.

Hon. Mr. FERGUSON—We are making this section more strict than the former law. We are making it punishable to use these scales for any purposes except postal. We should put it simply 'trade purposes.' As it is, we are making the cook in the kitchen punishable for using them for cooking purposes.

Hon. Mr. ELLIS, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, June 17, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (T) An Act to amend the Criminal Code, 1892, respecting the punishment of Fraudulent Debtors.—(Hon. Mr. Béique.)

THIRD READINGS.

Bill (90) An Act respecting the Niagara-Welland Power Company.—(Hon. Mr. McMullen.)

Bill (118) An Act respecting the Canada Atlantic Railway Company.—(Hon. Mr. Coffey.)

Bill (69) An Act to incorporate the Northwest Coal and Coke Railway Company.—(Hon. Mr. Perley.)

Bill (42) An Act respecting the Alberta Central Railway Company.—(Hon. Mr. Watson.)

Bill (134) An Act to incorporate the Erie Ontario Power Company.—(Hon. Mr. Landerkin.)

Bill (30) An Act to incorporate the Federal Oil Company.—(Hon. Mr. Dandurand.)

Bill (112) An Act to incorporate the Canadian Industrial Corporation, Limited.—(Hon. Mr. Lougheed.)

Bill (188) An Act to amend the Weights and Measures Act.—(Hon. Mr. Scott.)

RAILWAY LABOUR DISPUTES BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (17) An Act to aid in the settlement of Railway Labour Disputes.

(In the Committee.)

Hon. Mr. SCOTT—This Bill proposes to aid in the settlement of disputes between railway companies and their employees. The object of it is the formation of a committee, which may be called a committee of conciliation, mediation and investigation. There is nothing compulsory about the Bill except the attendance of witnesses when the committee choose to call them.

On clause 2,

Hon. Mr. SCOTT—Clause 2 is an interpretation clause defining the meaning of the word 'minister,' 'department,' 'railway,' 'railway employees,' the expression 'difference,' &c., 'the committee' and 'the board.'

Hon. Sir MACKENZIE BOWELL—Before we adopt these clauses, I wish to say a word: I do not know that we had much discussion upon this question at the second reading, and I am not aware that there is any very strong feeling against it. The only thing that strikes one in reading the clauses and considering the Bill is what I think I might call the inconsequential character of it. It is permissive in its character, and the only compulsory provision in it, is, as I understand it, to compel the attendance of witnesses in case a committee of arbitration is held under the Bill. There is another clause in it, which perhaps might be considered peremptory, and that is the payment of fees, which is some consideration to those who attend to it. Really, the question is whether it is advisable to put a Bill of this character on the statute-books. It seems to me to be a simple desire to play to the prejudices of a certain class of people without accomplishing anything. In reading the comments upon this Bill by the

labour people—I mean those engaged in the avocations of life to which this Bill refers—and also of those interested in it from an employers' standpoint—neither the railway people nor those employed by them are satisfied with the Bill. They both oppose it, and I cannot see what object there can be in placing a Bill of this permissive character on the statute-book.

Hon. Mr. MACDONALD (B.C.)—Milk and water.

Hon. Sir MACKENZIE BOWELL—Yes, it is a milk and water Bill. It is neither fish, flesh nor good red herring. The only interpretation I can put upon it is a desire on the part of the Minister of Labour—that is the Postmaster General—to try and make himself popular by pandering to prejudices which should not be recognized by ministers. The utterances of the Minister of Labour, in his addresses to different organizations in many parts of the country, notwithstanding the responsible position that he holds, have tended to incite strikes rather than prevent them. Any one who has taken the trouble to read the reports of that gentleman's speeches must have come to that conclusion. Take, for instance, the speech he delivered in Montreal during the longshoremen's strike. What other tendency could his remarks have had than to incite those people to continue the strike and to ruin the trade of the commercial centre of Canada. We know that that strike in Montreal, almost approved of by the Minister of Labour, has lost to that commercial city hundreds of thousands of dollars in the way of trade this year. I know of a case where the importations from Europe and from other portions of the world have been directed through New York rather than by Montreal by a man engaged in the largest manufacturing operations in that city. Why? Because he feared, owing to the labour troubles that existed in that city, that he would have difficulty in having his goods landed and properly handled. I am not going to quote an adverse paper in justification of what I say. The Montreal 'Herald,' which is a government organ in the city of Montreal, reports the Minister of Labour as having given utterance to this language in speaking to the longshoremen when they were on strike:

> You have borne yourselves like men. Continue to act with dignity, and you will help the great cause of labour in Canada immeasureably. To-night I go back to Ottawa. I will tell the Premier, Sir Wilfrid Laurier, of the creditable way in which you have acted.

What is that but inciting the strikers? No other construction could have been put on such language by the strikers. I shall read an editorial comment of a Liberal paper on this utterance. If it had been written by a Conservative editor, it might be supposed it was published for political purposes. That Liberal paper says:

> All this said when Sir William, by looking out at a window of the hall, could see the wharfs lined by red-coated sentries, but for whom not a box or a bale could be unloaded from the ships waiting to discharge their cargoes. The men whom he was complimenting on their conduct, had driven non-union labourers into cover, had mercilessly pounded those who fell into their hands, and, when they could with safety, been filling the air with alternative volleys of stones and curses. Why were 500 young men summoned from desk and counter to shoulder the rifle, and why have the taxpayers to foot the bill of $18,000? Was it not to put an end to a reign of terror by these very men whom two ministers of the Crown praise for 'the creditable way in which you have acted? Is not such encouragement of lawlessness, such patronage of brutal oppression, an undermining of public security, a menace to the future peace of the country? In this free Canada the shameful spectacle was seen, that men willing to work could only do so under the protection of the bayonet. Aside from all questions as to the merits of the late strike, rises the paramount duty of obeying the law, and that the law was defied and trampled upon with fierce brutality by the strikers, and that they were only withheld from hourly deeds of violence by platoons of soldiers, is undeniable. Men have a right to refuse work, but they have no right to prevent others from working by intimidation and brute force. This great truth has to be vindicated in Canada; it will not be by Mulocks and Préfontaines, who flatter and encourage when they should rebuke and condemn.

Hon. Mr. SCOTT—What paper is that from?

Hon. Sir MACKENZIE BOWELL—From the Huntingdon 'Gleaner.'

Hon. Mr. SCOTT—Oh.

Hon. Sir MACKENZIE BOWELL—The moment a Liberal paper has the courage of its convictions and speaks the truth, or the moment an old Liberal rises to condemn that which he had been condemning in his

opponents for years, hon. gentlemen opposite say: 'oh. oh, he is a Tory editor.' The Huntingdon 'Gleaner' is consistent with its former record. I have known the editor of that paper for forty years, and he has been a consistent member of the Liberal, or what I would call the illiberal party for years. And now that he tries to impress on the people that the ministers he assisted to get into power are violating all their former professions, they cry 'oh, oh'. Well, I sympathize with the hon. gentleman; he is in that same category himself, and I can easily understand why he should condemn those who are consistent with their former professions, when he himself is one of the greatest sinners, in the way of inconsistency, in this House.

Of course, I understand the position. That is strong language, I admit. Is it stronger than the circumstances demand? Is it not a fact, staring the two ministers referred to in their faces at the very time Sir William was addressing those longshoremen and uttering those sentiments, telling them how well they had behaved, that the only means of moving a bale of goods was under the protection of the bayonet, and the strikers had been mobbing those who dared to offer their services and perform work, and earn bread and butter for their children. In the other strike, I am glad to say that the judge of Montreal had the courage to do that which many others had not the courage to do: that is, send people to jail with hard labour for one to six months, as a punishment for violating the law, and abusing men who were desirous of earning an honest living. There are many other quotations which I could give, but I think the quotation I have given is sufficient to show the unfortunate position of affairs—I say unfortunate, because I look upon it as a great misfortune to this country that gentlemen in high positions, men holding responsible offices should so forget their duty to the community and to the whole country as to eulogize and praise men who are committing the deeds of depredation and wrong that these people in Montreal at the very time these sentiments were uttered were committing. If I were on the stump I would say, speaking not very classically, that this Bill does not amount to shucks. None of those affected by it, on one side or the other, are in favour of the Bill, and I see no necessity for putting it on the statute-book. But if it be a good Bill, a Bill which should be placed on the statute-book in connection with the railways, why is it not made applicable to every other business, and why, above all things, is it not made applicable to the Intercolonial Railway?

Hon. Mr. SCOTT—It is.

Hon. Sir MACKENZIE BOWELL—In all things?

Hon. Mr. SCOTT—Oh, yes.

Hon. Sir MACKENZIE BOWELL—I was confounding this with another Bill which is not made applicable, but even in this case I can only repeat my objection to all this kind of legislation. If we are to have a Bill at all, let us have one that will have some effect to it. If the principle of arbitration be right between these people, and the government should interfere, let us have a measure that would be effective, and compel workmen and employers to act under it. This milk and water legislation has been introduced for no other purpose, I hesitate not to say, than to try and make hon. gentlemen opposite popular with a class of the community that are now controlling and destroying the commerce, trade and business of this country. We cannot go into a city outside of the one in which we are standing, but this fact presents itself to us, that is that building operations and enterprises of a commercial character, and industrial pursuits are blocked. In the city of Toronto alone, between two and three million dollars' expenditure which would have taken place this year has been abandoned simply for the reason that no man is safe to enter into a contract and no man is safe to commence an industry or extend the operations of the industry in which he is engaged, simply because he never knows what moment he is going to be blocked and his credit and his whole business ruined.

Hon. Mr. TEMPLEMAN—What would the hon. gentleman suggest to stop that condition of affairs?

Hon. Sir MACKENZIE BOWELL—I would not pander to the element that is creating the trouble, as the hon. gentleman is doing both in the Chinese Bill and other measures.

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir MACKENZIE BOWELL—And if that did not do it, I would adopt the principles that are laid down by the legislature of Victoria, Australia. I would put such a law upon the statute-book as to prevent the possibility of these outrages occurring, and if they did occur, then send the offenders to jail and keep them there for a long time. That is the way I would prevent it, and mark you, the time is fast arriving when scarcely any man will be safe in entering into any industrial pursuit for fear of the little capital he may have being controlled by those who have no capital at all. That is the tendency of the age, and the more you pander to it the worse it will be. We see the results of it to-day, and it is extending continually. I know that I am not speaking the popular sentiment of that class of people, nor have I ever done so during my life. I am condemning what I believe to be the curse of this continent at the present day, and I am giving utterance to what I honestly and conscientiously believe to be the only remedy by which you can put a stop to it, but just so long as we have agitators, and just so long as we have people who are willing to surrender their individual and honest convictions, in order to obtain favour in the political world, just so long will we have these difficulties. I have spoken warmly on this subject, perhaps, but I have spoken as I feel, and it is for the Senate to say, while they pass this Bill, whether they approve of the conduct of men who deliberately, in their cool, calm moments, give utterance to such language as has been used by the Minister of Labour, in the very face of the disturbance and unlawful acts committed in Montreal. As far as I am concerned individually, I wipe my hands clear of it. Those who like to support such conduct and legislation can settle it with their own consciences and the people they represent.

Hon. Mr. SCOTT—The information furnished to me differs considerably from the statement of my hon. friend. I have understood from the Minister of Labour that this Bill is asked for both by the employees and by the railway companies. I recollect a body of railway employees meeting the Minister of Labour in Toronto some time ago, and his submitting to them his proposal and, as I understood then, and have understood since, they favourably considered it. If we look back upon the strikes in the past—I am sorry to say they have become very numerous, and appear to be increasing in number year by year—you will find there is just one way in which they have been successfully settled, that is, by the very method proposed in this Bill, by conciliation, getting both parties to yield something. Both parties are very often to blame. Of course in some cases striking is wholly indefensible. In other cases a strike may arise from grievances imposed on men, and it is only fair that those grievances should be considered, and as experience has shown, in many cases the employer has to yield. But it is only through this channel—there is no compulsory way of settling a strike. That is the experience of everybody who has given any attention or study to the subject. Now, in reference to the observations that has been read of the hon. Minister of Labour, I am quite sure that at the time the Minister of Labour gave utterance to the expressions which have been reported, those acts of violence had not been committed.

Hon. Sir MACKENZIE BOWELL—The strike was going on at the time.

Hon. Mr. SCOTT—Of course, I speak subject to correction. I read at the time the observations of Sir William Mulock, and they appeared to me to be all in the direction of conciliation. There was no use, if he hoped for any successful results, to commence at once to abuse them. That is not the way to bring over an excited body of men. You have, in a certain sense, to humour them—to get them to recognize that you take an interest in them and desire their welfare—that you recognize there are some wrongs to be righted. Otherwise it is impossible for any mediator to intervene in a labour dispute. That is the only way it can be accomplished. This Bill proceeds just on the lines I have indicated. I am informed—and my information comes from

the fountain head—that this Bill is acceptable to the employed and to the companies. Some hon. gentleman said, when the Bill was up for second reading, that there was strong opposition to it. In order that the opposition might be developed, I said: 'Send it to a committee and let those who oppose the Bill appear and give their reasons. They cannot give their reasons in this Chamber, but they can before one of the committees of the House.' No one appeared in opposition to the Bill, although ample opportunity was given. I think it was about a week after the Bill was referred that it was taken up for consideration, and yet no one appeared to oppose it. That must be taken as evidence that the Bill is acceptable to all the parties who are interested. I fully recognize all the hon. gentleman has said as to the unfortunate position of the country at present with regard to strikes. There is no doubt they are increasing very rapidly, and in many cases are wholly unjustified, and that the effect has been to wean largely the sympathies of those who would ordinarily sympathize with the labouring men in their troubles, recognizing that they have a good deal to endure and suffer. They have to work hard, and public sympathy as a rule is on their side, but I do say unhesitatingly that that sympathy has been largely alienated by the indefensible conduct of the unions in the last few months. It has changed the feelings of the community on the labour question, and the sooner the unions recognize that the better. They must have public opinion on their side if they are to make their strikes a success. The constitution of the labour organizations is sound, but unfortunately there is an element of excited men who, when aroused, violate all rules and the laws of the country, and more particularly of late by denouncing men who refuse to join the unions, and debarring such men from the privilege of working.

Hon. Mr. McMULLEN—I must say that I give the Minister of Labour all credit for trying to put on the statute-book a law that may possibly render some assistance in the case of railway strikes. We all know perfectly well that the country has suffered great inconvenience by the strikes which have taken place from time to time. I am not a lawyer. I am not in a position to say whether the provisions of this Bill may be a success or not. I am exceedingly sorry that there appears to be no provision in it to enforce a decision. Why it is so, I am unable to say. I quite agree that the incidents which have transpired in this country for the last two or three years very clearly indicate that it is highly desirable that some stop should be put to strikes, particularly railway strikes. The Minister of Labour has commenced with railway strikes, and if he succeeds with these the law may be extended to others. The question of not being able to enforce a decision of the board may rather weaken and injure, if it is not efficient, than improve the conditions that exist. It is also, I may say, legislating on very dangerous ground. If both parties are not willing to accept the offices of those appointed to act as conciliators, or if they take objection to their findings, and one party refuses to abide by the findings of the board, it is going to weaken the law considerably in settling other things perhaps than strikes. Now, the leader of the opposition has drawn attention to the strike which took place in Montreal. I have looked over the criminal code, and I am amazed that, in the face of the strike which took place in Montreal and the conduct of men there in doing personal injury to non-union men by throwing stones and in other ways —I am amazed to think that the power of the criminal code was not brought to bear more effectually than it was. I should like any lawyer in this House to point out to me a single act of violence or calling names, or in any way interfering with men in the discharge of their duty, that is not in violation of the provisions of that code. It is very singular to think that both in Montreal, where we have unquestionably able lawyers, men are permitted openly to violate the provisions of that code and act in a disgraceful way to injure the freedom of labour and the trade of that city, without having the provisions of that criminal code put in force against them. I have looked over the existing law for the punishment of wrongs of this kind, and tried in my humble way to prepare a Bill which would, in some measure, punish the outrageous conduct of persons in cities and other places where strikes take place. I was amazed to find, when I compared the draft of my

Bill with the criminal code, that it was covered in every particular by the criminal code as it exists. I gave up any further attempt, because I did not see how a Bill could be framed that would go further than the criminal code does, and what I am amazed at is that it has not been put in force. If this Bill succeeds to any extent we shall all be greatly pleased. I shall give the minister credit for the honest effort he makes if it does not succeed, and I am sure it is the wish of every member of this Chamber, if this Bill becomes law, that it shall be effectual. If we find, after it has been put into force, that it is not in every respect as effective in stopping strikes as we would like, we can amend and improve it so as to prevent the unfortunate condition of things that has existed in this country for the past few years. For my part, I entirely agree with the expressions of opinion we have heard to-day regarding the unfortunate condition existing in this country, for the last year particularly, with regard to strikes. It is most deplorable to think we have the condition of things that exists in the east and the west and in all directions. I was amazed on Monday last to read in the 'Globe' a copy of a circular that has been issued by labour organizations of this country, for circulation throughout Great Britain, telling men there that there was no room in Canada for skilled labour—that the price of everything had gone up to such an extent that this was not a country for skilled labour—that there was no room here, and that workingmen here were living from hand to mouth. It is deplorable to think that there is any organization which would be so untruthful, so unpatriotic, so disloyal to the future of this country and to the present conditions and progress of the Dominion that they would dare to put in black and white such a circular as that. For my own part, I am interested in one or two manufacturing institutions, and I say we cannot get skilled labour. We are paying for skilled labour in a factory I am interested in $20 a week, and we cannot get men enough to fill the places or do the work. In Toronto the manufacturers have approached the government and represented to them that there is room here for 11,000 skilled labourers in this country if they could be got to come here. In the face of that fact, a fact which I know to exist, and which can be proved, the labour organizations of this country, to serve their own ends and enable them to successfully frustrate the efforts of employers of labour, have issued that circular and sent it to the labour unions of England for circulation there. An organization which could be guilty of such conduct deserves to be treated with drastic legislation to prevent the condition of things we have in this country. As far as this Bill is concerned, if it will help to put a stop to labour troubles, I shall be greatly rejoiced. I hope it may, and I shall be prepared to give the Minister of Labour credit for the effort he has made. If it does not accomplish all we wish, we can amend it so as to put a stop to those troubles in this country.

Hon. Sir MACKENZIE BOWELL—I quite agree with the hon. gentleman that if this Bill is to have the effect he anticipates it will, we shall all be gratified, and I shall be pleased to give the credit to those who have introduced it and put it on the statute-book. The mild, genial, soothing manner in which the hon. Secretary of State has defended this Bill leads me to conclude that he agrees with mostly all I have said in reference to it. The tendency in his mind, I am convinced, is as strongly in the same direction as mine, as it can possibly be. The hon. gentleman from Wellington says he is surprised that the provisions of the criminal law were not put in force in Montreal. I was very much of that opinion, but I can understand why when I come to read letters received from British Columbia in reference to the Chinese restriction Bill. When certain people were denouncing the Bill as introduced very strongly, the question was asked 'Why do you not sign the petitions?' The reply was: 'Simply because we dare not do it.'

Hon. Mr. TEMPLEMAN. Oh, nonsense.

Hon. Sir MACKENZIE BOWELL—Perhaps the hon. gentleman knows better than the gentleman who wrote me about it.

Hon. Mr. TEMPLEMAN—I know better than a great many of them.

Hon. Sir MACKENZIE BOWELL—There are many who would not sign the petitions simply because they know they would an-

tagonize the labour element not only in British Columbia, but in the east. The hon. gentleman has referred to an arbitration law. What has been the effect of it in New Zealand? No doubt every hon. gentleman makes himself acquainted with the events of the day. A difficulty occurred in New Zealand, as reported recently, and when I give the authority from which I quote, an editorial of the Toronto 'Globe,' of course my hon. friend will accept it—and when I desire to make a point I prefer to quote from papers which support the hon. gentlemen. The 'Globe' in its editorial gives a quotation of this character: A dispute arose between the furniture makers and their employees. The government appointed a board of arbitration. They made an award. The answer made by the manufacturer was this: 'If I accept that award and pay the wages you have decided that I shall pay, I will either have to abandon my business, or import from Europe, or some other part of the world, those articles which I have been in the habit of manufacturing in my establishment; or I will take the other alternative of dismissing every man who is not a first-class mechanic and can earn the wages that you insist on me paying.' There is one of the curses of arbitration. There are many men in every man's employment—every one knows it—who can earn fifty or seventy-five per cent more than another man, and yet the arbitrators decided that under this law the inferior man who was unable to earn his wages, or the rates they had declared, should receive the same wages as a skilled artisan. That is an illustration of the working of compulsory arbitration. Such arbitration is of this character: if it suits those who are affected by it, they will accept it; if it does not, they will revolt against it, and do as these manufacturing industries will do. It has the effect of producing strikes. My hon. friend from Victoria (Hon. Mr. Templeman) when I gave as an illustration the reasons why many persons, who objected to the anti-Chinese Bill, would not sign petitions against it, questioned the correctness of my information. I have no objection to show him the letters that I received upon this question, showing that the evil to which I refer exists in our own country. We all know that a man carrying on a business, who perhaps has large orders at his disposal, takes very good care not to do that which will antagonize those whose labour he must have in order to carry on his business. I am very glad this discussion has arisen. I am very glad the hon. gentleman from Calgary introduced his Bill, whether it ever becomes law or not. I am quite satisfied that the effect upon the whole community, whether it be the employers or the employed, will be a salutary one, and do more towards putting an end to these strikes—not so much the strikes, perhaps, but the evils which result from them—than any milk and water legislation which we can put on the statute-book. I sincerely hope this Bill will have the effect which the hon. member from Wellington (Hon. Mr. McMullen) speaks of, but I have grave doubts of it. It means nothing, is intended to mean nothing, and will accomplish nothing.

Hon. Mr. DANDURAND—I should like to say a word about the administration of justice in the late strikes in Montreal. The hon. gentleman from Wellington was surprised at the failure of the administration of justice in connection with those strikes. I may tell him that if he lived in Montreal he would not have come to that conclusion. It is hard to lay one's hand upon a culprit when four or five hundred men are gathered together. A volley of stones is fired and some strike the victims, and it is a hard thing to identify the guilty parties. There were, at the beginning of the longshoremen's strike, some small disturbances. It was the first important strike we had had in Montreal for a number of years. The police of the city were taken unaware, and had not had sufficient experience as to the proper way of coping successfully with such a situation. As it is a debatable question with reference to the jurisdiction of the police of Montreal on the wharfs of the city, the chief of police thought that the troops should be called out. A few hundred men were brought there. I am quite sure it was useless to call those men. A hundred well-disciplined men would have coped with that strike and kept at bay the fifteen hundred strikers. Perhaps it is a very large number of men to manage, with a limited number of policemen. Some special police should perhaps have been sworn in. At all events, two or three hund-

red soldiers remained there from the beginning. Perhaps there were more, but two or three hundred men did serve most of the time, and from the moment there was sufficient force to keep the unruly at bay, or to show that law and order would be maintained, there was no further difficulty. Men who were willing to work could do so. We all recognize that a man has a right to abstain from working, but there is a further higher and more solemn law, and that is the right of a man to earn his own living, and the law should protect men when they are desirous of earning their own living. A few weeks ago we had the Montreal street railway strike. In that case we had proof of the ease with which law can be maintained, if the police will simply do their duty. There was a slight outbreak, some disturbance on a Sunday afternoon, just because the police authorities thought there was no harm in allowing the strikers to walk in procession. As I said a moment ago, we do not always know exactly what will happen from day to day. Our police know now the situation exactly. They have had the experience. A few men were hurt, but the police know that in times of strikes they should allow no body of men to congregate or march in the streets, that every man should attend to his own business, and that the streets of the city should not be blocked by any kind of procession or aggregation of men. This was the whole solution of the trouble. Once the police came to the conclusion that it was dangerous to allow men to congregate together, we had peace, and the men who were willing to work were absolutely protected. A few days afterwards the strike was off, perhaps in consequence of the fact that the men were willing to work when they were protected. I said it was hard to catch men who, in a crowd, created a disturbance or assaulted individuals. But five or six men arrested there are serving quite long sentences to-day at hard labour, some three months, some six months—all those that the police could lay their hands upon are now breaking stones in Montreal jail, and I am quite sure that with the experience we have had our police will be able in future to cope with any kind of strike, and protect the man who wishes to work and stop, at all events, the disgraceful disturbances we have had in Montreal.

The hon. gentleman has spoken of the encouragement given to the strikers by the hon. Postmaster General and the Minister of Marine and Fisheries when they came down to Montreal to try and stop the longshoremen's strike. One of the ministers, the Postmaster General, was reproached for having used some words when speaking to the strikers; but the language attributed to him, and which should have been condemned, and deserved condemnation, was repudiated by him over his own signature.

Hon. Mr. McMILLAN—It was declared by the press they could prove it. I will give the 'Gazette' as authority.

Hon. Mr. DANDURAND—But at the same time we had the admission from the 'Gazette' that its reporter had not been able to go to that meeting, because newspaper men were debarred from attending. Some one made the report. It was a second-one-hand report, but in the face of the solemn denial of the minister of the Crown stating that he had not used the language attributed to him, it seems to me his word to-day should go unchallenged.

Hon. Sir MACKENZIE BOWELL—I did not quote from the 'Gazette.' I quoted from the ministerial organ.

Hon. Mr. DANDURAND—I am very glad to hear the hon. leader of the opposition speak of that organ as the government organ. It is the Huntingdon 'Gleaner,' is it not?

Hon. Sir MACKENZIE BOWELL—Not at all; the Montreal 'Herald,' in which one of the ministers, I understand, is a stockholder, if not a director. I quoted from the report made by the Montreal 'Herald,' and then I quoted the comments upon it of the Huntingdon 'Gleaner,' a Liberal paper.

Hon. Mr. DANDURAND—I did not follow word for word, the quotation from the Montreal 'Herald,' but I am informed the 'Herald' corrected its own report even before the Postmaster General made an official denial.

Hon. Sir MACKENZIE BOWELL—I confess I never saw it

Hon. Mr. DANDURAND—At all events, it appeared where a denial was most need-

ed, in the Montreal press—the whole press of the city. I am surprised that my hon. friend did not see within two or three days, the denial of the Postmaster General over his own signature.

Hon. Sir MACKENZIE BOWELL—Yes, I saw his denial of the remarks reported in the 'Gazette.' I read that.

Hon. Mr. DANDURAND—This was a denial of the statement that he had declared to the strikers that if he had been in their place he would have struck himself.

Hon. Sir MACKENZIE BOWELL—Exactly, but that is not what I quoted.

Hon. Mr. DANDURAND—The hon. gentleman quoted the Huntingdon 'Gleaner,' which is supposed to be independent Liberal, but I hardly know a question on which that paper does not differ from the Liberal party. It has openly assailed the policy of the provincial and federal governments from the time of their coming into office, and at times even condemned the policy of the Liberal party, provincial and federal when in opposition. So that when my hon. friend cites the Huntingdon 'Gleaner,' we could have the opinion of the Huntingdon 'Gleaner' cited against the policy of the Liberal party on almost every question.

Hon. Mr. LANDRY—Why ?

Hon. Mr. DANDURAND—It shows the hon. gentleman perhaps rather agrees with the policy of the Conservative party. He is a party who opposes nearly every act of the Liberal government. My hon. friend condems the policy of the government as expressed in the present Bill. It seems to me this Bill can do no injury and can do some good. It is said that when a strike is about to happen, the parties should go to arbitration. It is a good policy and a good principle to adopt, and if it ends in peace and conciliation it should do good. I want to refer to the remarks of the hon. leader of the opposition on the Chinese Immigration Bill. The hon. gentleman states he has letters from parties in British Columbia protesting against the adoption of that measure. We have had for a number of years the official representatives of British Columbia in their provincial legislatures pretending to speak for the province, and speaking uniformly in the same way all along for a number of years. We have besides the members from British Columbia in the House of Commons, who have followed the provincial legislatures in condemning the Chinese immigration, and asking for restrictive legislation against that immigration. It seems, therefore, that this parliament is well justified in acceding to the desires and wishes of the legislature of British Columbia. Chinese immigration is a question which affects British Columbia exclusively. On this side of the House we claim to be autonomists, and it seems to me when a question affects a province solely, it is but just that we should, after the long number of years that they have uniformly expressed themselves unanimously against admitting the Chinese that this parliament should accede to the unanimous voice coming from the Pacific coast. There is nothing immoral in the legislation. Our right to prevent people from entering this country is absolute. We have a law against alien labour. The United States have a law against alien labour. The United States and Canada can say to foreigners employed under contract, that they shall not be admitted. We can prevent a white man from entering our country, and a white man can be prevented from entering the States when he enters under certain conditions. I do not see any principle violated by the Act. The right of a man to roam about the world is limited by the supreme will of the country he wants to enter, and the conditions under which he may be allowed to enter. I do not see any principle violated. I only see in the question of Chinese immigration the right of parliament to give effect to the unanimous voice of British Columbia.

Hon. Mr. DeBOUCHERVILLE—The United States law does not prevent the naturalized United States citizen from going back to the States.

Hon. Mr. DANDURAND—No, I do not think it does.

Hon. Mr. DeBOUCHERVILLE—The British law prevents the Chinese from coming into this country.

Hon. Mr. DANDURAND—If he be a Chinaman.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman misapprehends what I said in reference to Chinese labour. The reason that I referred to it was that the hon. senator for Wellington (Hon. Mr. McMullen), expressed his surprise that certain people in Montreal did not take action under the criminal law, and I said probably that resulted from the same causes which prevented people who were opposed to the imposition of the extra tax on Chinese labour in British Columbia from signing the petitions protesting against the anti-Chinese legislation for fear of the effect it would have on their trade. That is the only reference I made to it. I did not argue the question generally, as the hon. gentleman has done.

Hon. Mr. DANDURAND—I suppose as the premises laid down are found to be erroneous the conclusion should follow.

The clause was adopted.

On clause 3,

Hon. Mr. McMULLEN—I notice that this clause provides that the minister shall give notice, and so on. I should like to know on whom that notice is to be served. Supposing a strike of trackmen, for instance, has arisen, and there is a very large number of trackmen all along the line, how are all the trackmen to be held responsible for a notice served on one trackman? Who is to be served? Who is to be recognized as the head of any organization upon whom they wish to serve a notice? That is a point I should like to ascertain. One party may get notice and the other party may say: 'I do not recognize him as my authority, or a man I should follow in receiving notice to consent to an arbitration.' Some provision should be made, if you are going to serve notice, that there should be some one to receive it. Then when you come to the railway men, are you going to serve notice on the president, or the traffic manager, or who is to be served?

Hon. Mr. SCOTT—I do not see that any difficulty can arise. We all know that on occasions of that kind the men act in unison and some individual is named as spokesman for the others. So far as the railway company is concerned, it does not matter whether you notify the president or the manager. It is a circumstance which is known to everybody when a strike is imminent, and I do not see the slightest difficulty in that part of it.

Hon. Sir MACKENZIE BOWELL—I am not so sure of that. There seems to be a good deal of force in the remarks made by the hon. gentleman from Wellington. Is it the president or the manager, or who is it to be? Are we to understand that this is a recognition by this law of the unions that cause the strikes? Must the head of the union be notified?

Hon. Mr. TEMPLEMAN—It does not mention unions.

Hon. Sir MACKENZIE BOWELL—I know it does not. That is what the hon. gentleman from Wellington says. It does not mention that or anything else. Take the strike in Montreal. Complaint was made in reference to that railway strike. One of the men was dismissed for incivility to passengers. That has taken hold of by the head of the union as a grievance. What was his claim? I have no doubt you have all read it. He published a letter to this effect: If there was any complaint on the part of the public of incivility by one of the railway conductors, why didn't they go to the head of the union and complain, and not to the gentleman who owned the railway? Was he the man who should be invited, or was it the men who employed him? There was a case showing exactly what the tendency and the demand of the officials in the union are. Now that man, no doubt, on behalf of the union, would claim, if there was a dispute and they ordered a strike, that they are the parties who should be notified as to what kind of settlement should take place and not the parties who are affected by the strike. If this Bill is to be effective at all, there is a great deal of force in the suggestions made by the hon. gentleman from Wellington. I am very much afraid that this Bill is like a great many others that the hon. Secretary of State has introduced. He has not given it that attention, probably, that he should have given it, and is not sufficiently acquainted with the details of it to accept suggestions that may be made.

Hon. Mr. BEIQUE—We must bear in mind the nature of the subject with which this

Bill is dealing. The Bill deals with any differences which may arise between employer and employees. These differences will arise in most cases between a railway company and employees who are not regularly organized, or the difference may arise between a regular labour organization and a railway company. Therefore it is an impossibility to define on which party to the difference the notice should be served. It will be for the minister, according to each special case, to determine the best way of making a service. The moment a difference in the nature of a strike arises, it is invariably known who are at the head of the movement, and it will be easy for the minister to determine who should be served with the notice. Therefore, it seems to me it would be an impossibility to define, and it would nullify the law, as a matter of fact, if we tried to define on what party notice should be served. While I am on my feet, I desire to say, for my part, I think that this Bill is a valuable measure. One must admit that the most important thing in dealing with strikes is public opinion, and public opinion is liable, for want of proper information, to err in taking one side or the other, and it is very important that at the outset there should be a tribunal organized whose duty it would be to see if the employees have any grievance, and if they have any real grievance, public opinion will be brought to bear on the employer so that justice will be done; and it will be equally important, if the grievances are not of a serious character, that it should be known as soon as possible so that public opinion might be properly directed and brought to bear so as to prevent a strike. Therefore, as far as I can see, that is the object of the Bill, and I am sure it will serve a valuable purpose.

The clause was adopted.

On clause 6,

6. If any member of said committee or board shall die, refuse, neglect or become incapable to act, then whenever the same shall happen a successor shall be appointed in like manner as is above provided in respect of the original member of committee or board. Before such appointment the name of the person proposed to be appointed shall be submitted to both parties to the difference and there shall be afforded to each of them an opportunity not exceeding ten days of making known to the appointing authority whether such proposed appointee is objected to, it being intended that it shall be endeavoured to appoint only such person as shall not be reasonably objected to by either party.

Hon. Mr. POWER—Does not the hon. Secretary of State think that ten days is too long a time to allow ?

Hon. Mr. BEIQUE—Not exceeding ten days it says.

Hon. Mr. POWER—I know, but it is always desirable these difficulties should be terminated as soon as possible, and it should not take anything like ten days for either party to decide whether to accept the arbitrator named. It seems to me it should not be anything like ten days.

Hon. Mr. DANDURAND—It would be dangerous to reduce that number of days, because the country is so large it may be hard, if there is a strike in British Columbia for instance, to fix upon a man to act. If it is a dispute in Ottawa, very likely the time given would be forty-eight hours. If it is in Montreal it may be twice that, or three days. I suppose a limitation should not be made for either.

Hon. Sir MACKENZIE BOWELL—The longer you put off the time the longer you continue the difficulties that exist. If there is to be conciliation, it should be as soon as possible.

Hon. Mr. SCOTT—The minister appreciates that, and will close it up as soon as possible.

Hon. Mr. LOUGHEED—But the other party may not.

Hon. Sir MACKENZIE BOWELL—It is not for the minister to say. The parties interested have the ten days as well as the minister.

Hon. Mr. POWER—I still think that ten days is an unduly long time.

Hon. Mr. LOUGHEED—Say five days.

Hon. Mr. POWER—A week at the outside. With respect to the point made by the hon. gentleman from de Lorimier (Hon. Mr. Dandurand) as to a strike in British Columbia, there might be force in that objection if we had no telegraph lines to British Columbia; but there is no part of this country that cannot be reached in a day by telegraph.

Hon. Mr. LOUGHEED—Under clause three only five days are given the parties to nominate the arbitrator. I see no reason why the same limit of time should not be applied in clause six.

Hon. Sir MACKENZIE BOWELL—The Secretary of State should accept that suggestion.

Hon. Mr. McMULLEN—I do not think it would be wise to limit the time. Hon. gentlemen must remember this: once a move is made by the Minister of Labour to settle what may possibly result in a strike, parties on both sides are looking forward to a settlement, or an effort on the part of the Minister of Labour to settle the dispute. If a lapse of even ten days takes place, it will give time for the quieting of the venom and spleen that may arise between the parties, and cause them to reflect and think over the whole question. If you limit it down and insist upon arbitration before they cool down, you may not effect a settlement at all.

Hon. Sir MACKENZIE BOWELL—But suppose a strike takes place, as it often happens, before parties outside know anything about it? The hon. gentleman's argument is all right if the dispute is going on before the strike.

Hon. Mr. TEMPLEMAN—In the appointment of a board of conciliation five days notice is given. If that board of conciliation is unable to effect a settlement, there is to be a board of arbitration and clause six deals with the board of arbitration. They are then to proceed to try and find out where the blame lies as to the strike. Should any member of that committee die, a time not exceeding ten days is given to get somebody else. It is to be assumed the Minister of Labour would have the appointment made out at as early a date as possible. I think it would be unwise to change that; making it five days will not improve it, because I have no doubt if the Minister of Labour can make the appointment in five days, he will do so.

Hon. Mr. LOUGHEED—The hon. gentleman overlooks the fact that the other side might take advantage of the ten days delay. It might be to their advantage to delay a settlement as long as possible. Further, section six only provides for the filling up of a vacancy. If that vacancy arises, the board is practically where it was under section three before the appointments were made.

Hon. Mr. DANDURAND—I do not read clause six as the hon. gentleman from Calgary does. The appointment may be made in five days; it will not exceed ten days. It is a power that will give the minister the discretion in fixing the delay. If he thinks forty-eight hours are sufficient, he will give that delay which will be within the limit mentioned. I think it is well to leave it to the power affording the opportunity to use his discretion to fix the time limit, provided it does not exceed ten days.

Hon. Mr. DRUMMOND—Let me direct attention to clause twenty-four which reads as follows:

24. The minister may from time to time make, alter and amend regulations, as to the time within which any thing hereby authorized shall be done, and also to any other matter or thing which appears to him necessary or advisable in order to the effectual working of the several provisions of this Act.

That seems to cover all the objections.

Hon. Mr. LANDERKIN—After the formation of the board, if a death occurs, hostilities may have ceased. No great difficulty will arise, and conciliation may be effected. This is a measure of conciliation and everything in this Bill is to carry out that object. As the Postmaster General desires to give it a fair trial, the House should bear him out in endeavouring to pass it on the line he proposes. I think we should not cavil at it. Give him an opportunity. He has made a special study of it, and has shown a deep interest in the cause of labour, notwithstanding the fact that he has been misrepresentetd. Endeavour is made to interfere with the successful conduct of measures that he may have in this direction, but I think we ought to lend him a willing hand in assisting him to carry out this measure—we should give him every assistance in our power. We have had strikes going on for a long time, and he has endeavoured, by a policy of conciliation to settle them. Arbitrary means have been tried in other countries. He is trying a conciliatory measure. Give him a fair op-

portunity. Do not interfere and cavil at the time he takes, because that may be all a part and parcel of the process by which he endeavours to bring conciliation about. With regard to the efforts of the two ministers who endeavoured to settle the strike in Montreal, political rancour goes so far that efforts were made to minimize their influence. They were misrepresented, and it is not the duty of this House to continue to misrepresent the ministers who made the effort and had the courage of their convictions and went to see the men with a view to bringing about conciliation, and I think when the minister says it is necessary to have this time, we should accept it.

Hon. Mr. LANDRY—Does the hon. gentleman intend to move that the committee rise and report the Bill without amendment ?

Hon. Mr. LANDERKIN—As to this matter of date, I think that the minister should have his way as far as that goes. On other matters, I think that he invites the fullest discussion on his Bill. I am only giving my own view.

Hon. Mr. LOUGHEED—My hon. friend from Grey rather misunderstands the point that is taken. It is this: Under section three, five days are given the parties to nominate their appointees to the board. Clause six provides, in case one of the appointees should die, that five days will elapse before any appointment will be made, and ten days after that will be given for either party to show cause why that appointment should not be made.

Hon. Mr. LANDERKIN—I mentioned that in my speech. I said as the board had been formed, then hostilities between the parties would cease and a little time might bring them closer together and stop the strike. I fancy the hon. gentleman was asleep when I said it.

Hon. Mr. LOUGHEED—The hon. gentleman must himself have been asleep. It is not an attack on the Minister of Labour. If the hon. gentleman is consistent in his view, he should move that the committee rise and report the Bill, but if the function of the committee is to criticise the Bill, then surely it should not be said we are showing a spirit of hostility when we point out what we conceive to be defects or ask for information. This criticism as to the ten days is along the line of harmonizing the Bill to carry out the object in view rather than otherwise. It is for the purpose of permitting it to be done speedily so that disputes will not continue longer than necessary.

Hon. Mr. LANDERKIN—We have passed from the board of conciliation. We are passing to the board of arbitration. The hon. gentleman, I hope, will read the clause again. He is an able lawyer, and why this misunderstanding of the Bill ? Conciliation has succeeded this far, and then before we go on to arbitrate, if a member of the board of arbitration dies, the minister may have this delay to give an opportunity to make an appointment that would meet the approval of both parties. Hastily doing it within an arbitrary date of less than ten days might embarrass the arbitration.

Hon. Mr. LOUGHEED—I do not want to contradict my hon. friend, but if he will look at clause six he will see it applies to both the committee of conciliation and the board of arbitration.

Hon. Mr. LANDERKIN—I know that. I said so before.

Hon. Mr. BERNIER—It means that the ten days will always be taken advantage of. The minister will not always be master of the situation. Cases may arise when he would think it wise to reduce that number of days, but the strikers will take advantage of the ten days in all cases.

Hon. Mr. TEMPLEMAN—I am disposed to think my hon. friend from Calgary does not quite realize the effect of this sentence. He seems to argue that the limit of ten days is at the discretion of either party ?

Hon. Mr. LOUGHEED—Yes.

Hon. Mr. TEMPLEMAN—It is intelligible to construe it in this way :

> Before such appointment, the name of the person proposed to be appointed shall be submitted to both parties to the difference, and there shall be afforded to each of them an opportunity not exceeding ten days, &c.

That is, an opportunity at the discretion of the minister.

Hon. Mr. LOUGHEED—Oh, no.

Hon. Mr. TEMPLEMAN—The minister shall afford them an opportunity to give an answer in five days, or two days if he thinks proper. The minister shall himself define the number of days. It is not at the discretion of the parties.

Hon. Mr. McMULLEN—Would it not be possible under this clause to keep up a strike for an indefinite time ?

Hon. Mr. TEMPLEMAN—Impossible.

Hon. Mr. McMULLEN—It says 'not exceeding ten days.' Now if the party is objected to at the end of ten days, he cannot be appointed, and that causes more delay. Another name is mentioned : still the strike goes on for another ten days, and another member is objected to.

Hon. Mr. LANDERKIN—Provision is made for that.

Hon. Mr. LOUGHEED—There is no finality to it.

Hon. Mr. McMULLEN—I think it should say the limit is ten days, provided the strike has not taken place. There should be some provision so that a strike could not be extended indefinitely.

Hon. Mr. DANDURAND—The hon. gentleman from Montreal (Hon. Mr. Drummond) has drawn attention to clause 24, which allows the minister to make regulations as to the time limit.

Hon. Mr. LANDRY—But he cannot make a limitation against what is fixed by law.

Hon. Mr. DANDURAND—No, but he can make his own limit within ten days.

Hon. Sir MACKENZIE BOWELL—The question put by the hon. gentleman from Wellington (Hon. Mr. McMullen), I understand, was what provision is there for compelling the appointment of a person to fill a vacancy. Supposing they object to ten days, and another appointment is made, and they keep objecting, should not the Minister of Labour then have the power to appoint one himself to fill the vacancy if the desire is to make the law effective ?

Hon. Mr. SCOTT—He has absolute latitude, as pointed out by the hon. gentleman from Montreal.

Hon. Mr. LOUGHEED—No. My hon. friend surely does not say the Minister of Labour will have the right under this Bill to practically change the Act ?

Hon. Mr. SCOTT—He can change the limit within the ten days.

Hon. Mr. DANDURAND—Read the first part of clause 6 :

> If any member of said committee or board shall die, refuse, neglect or become incapable to act, then whenever the same shall happen a successor shall be appointed in like manner as is above provided in respect of the original member of committee or board.

Hon. Mr. LANDRY—Giving ten days ?

Hon. Mr. DANDURAND—He has five days under clause 3, the latter part of which provides that the minister shall notify the parties and—

> If either party within such time or any extension thereof that the minister, on cause shown, may grant, refuse or fail to name a member of said committee, the minister or the Lieutenant Governor in Council, as the case may be, as hereinafter provided, may appoint one in the place of the party so refusing or in default, and if the members of said committee so chosen fail to select a third member the minister, or the Lieutenant Governor in Council, as the case may be, may make such selection.

That would apply to clause 6 as well.

Hon. Mr. POWER—I am not proposing to move any amendment, but I really cannot see why there should be the difference in time between clauses 3 and 6. In the first place, when a board is being constituted we are told that the minister shall in writing notify each party, and each party has five days to do the thing. Then if a vacancy occurs in either this committee or in the board, if the committee fails in making a settlement, the term is extended to a term not exceeding ten days. I do not see why, when the original appointment is to be made within five days after notice, a longer period should be given to the party to object.

Hon. Mr. BEIQUE—It seems to me that the reason is this : the original appointment under clause 3 is to be made within five days. Then if a vacancy occurs it is to be made again within the same limit, five days, but as the appointee might be a man perfectly unknown to the other party, might be a man imported from the States, it is provided a longer delay may be had, but it is not necessarily longer. A longer delay may be

given to the adverse party to inform himself whether this party is really qualified or should be refused. As very properly stated by the hon. gentleman from Montreal, this will be dealt with by rules which will be made by the minister under section 24. It is a matter of detail, and it seems to me, being a matter of detail, and being merely the maximum delay which may be granted, that this committee should not interfere with the Bill as drafted.

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir MACKENZIE BOWELL—Is the hon. gentleman really correct in the interpretation he has given the clause ? If clause 6 is governed by clause 3, then there would be no necessity for this discussion, but it seems to me clause 3 and the provision to which the hon. gentleman referred, of giving power to the minister or the Governor in Council to fill a position, where a person refuses or neglects, or for any other cause fails to accept the position on the board of conciliation or arbitration, then the Governor in Council or the minister has the right to fill that place ? Is that not the case ?

Hon. Mr. BEIQUE—No. In a law of this kind it is very difficult, and it is not necessary to provide for matters of detail. It is much more effectively done by rules. It is the same thing with the courts of law. In matters which pertain to the working of the law, the judges are governed by rules which may be changed from time to time as experience shows, instead of coming to parliament. Here some hon. gentlemen take it for granted that it will be the minister who will fix the delay. For my part, I do not see anything of the kind in the law. It may be the minister. Of course, it is the adverse party who has the delay, but as far as the details are concerned, it is to be regulated by the rules which will be made by the minister and which may be changed as experience shows.

Hon. Sir MACKENZIE BOWELL—It may be presumption on the part of a layman to take exception to the logic of my hon. friend. I was not referring to his statement. I was referring to the hon. gentleman opposite, whom I understood to declare that the appointment in case of death, as provided in clause 6, was governed by clause 3.

Hon. Mr. DANDURAND—No, with the limitations contained in clause 6.

Hon. Sir MACKENZIE BOWELL—No. Clause 3 refers exclusively to the appointments on the original board of arbitration or conciliation,and it provides that in case any person who is selected to serve refuses, or dies, or for other cause neglects to accept, then there is power to fill that position. Clause 6, as has been pointed out by the hon. gentleman from Calgary, refers to one position alone and that in case of the death of the person certain proceedings shall be taken, and ten days shall be given for either party to object. It does not refer to clause 3 at all.

Hon. Mr. DANDURAND—It does.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. LOUGHEED—Except as to the appointment.

Hon. Sir MACKENZIE BOWELL—That is all. To my mind it does not appear that the one governs the other at all. One provides for one state of proceedings and the other for another. The hon. gentleman from de Salaberry and the hon. gentleman to my left referred to this clause. That clause or a similar clause is in almost every Bill that is of an administrative character. The Customs Act makes provision that rules and regulations may be made for the carrying out of the provisions of the law—not to change the provisions of the law.

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir MACKENZIE BOWELL—And there is no law upon the statute-book, or no practice that I ever heard of, that would give the power to a minister to adopt regulations changing the law. The regulations referred to here are for the practical working of the Act. There may be a regulation that certain things shall be done, but it must be in accordance with the provisions of the Act —that is, if experience is any use to me.

Hon. Mr. DANDURAND—He could not say twelve days ; but could say eight days.

Hon. Sir MACKENZIE BOWELL—No, he could not change that at all.

Hon. Mr. DANDURAND—He has the discretion.

Hon. Sir MACKENZIE BOWELL—He has no discretion in my mind. I should like the opinion of the Secretary of State upon that question. The law says distinctly that the parties concerned shall have ten days. They cannot have more than ten days. It is optional with them to take the ten days, and I contend that no minister, under the clause referred to, number 24, has the power to make regulations changing and altering the ten days. He may make regulations for the governing of it.

Hon. Mr. TEMPLEMAN—Does the hon. gentleman mean to say that the minister might not say 'You shall have an opportunity, not exceeding eight days'?

Hon. Sir MACKENZIE BOWELL—Yes, I say that most distinctly.

Hon. Mr. TEMPLEMAN—If so, why should it not be distinctly stated in this clause 'And there shall be afforded an opportunity of ten days'? Why the words 'not exceeding'?

Hon. Sir MACKENZIE BOWELL—The clause is clear enough. It says the parties may have ten days to do a certain thing.

Hon. Mr. DRUMMOND—Not exceeding ten days.

Hon. Sir MACKENZIE BOWELL—That is giving him ten days.

Hon. Mr. TEMPLEMAN—At the discretion of the minister.

Hon. Sir MACKENZIE BOWELL—No. If it said that, it would be all right. If you want to give it that interpretation, put it in the clause. What I contend in reply to my hon. friend who spoke first, who is an eminent lawyer—and I do it with a great deal of diffidence, being only a layman—is that there is no power given in that twenty-fourth clause to any minister to change one single provision in that law, if it becomes law. I say that from experience of some 15 or 16 years dealing with departments which were entirely administrative in their character, and where they had the greatest possible power that could be given under the law for adopting regulations for the governing of the department.

Hon. Mr. DANDURAND.

Hon. Mr. DRUMMOND—I wish to ask, for information, if the following interpretation of the clauses is correct. Clause 3 deals exclusively with a committee of conciliation, mediation and investigation. Clause 5 goes further and provides for the appointment of a board of arbitrators. Clause 6, which is now under discussion, gives an opportunity not exceeding ten days for filling a vacancy on the board of arbitration. Now, supposing a name is submitted and the opportunity not exceeding ten days is given for objecting to it, and it is objected to, what is the next proceeding? Can they have another ten days for the next name that is submitted, and so on, ad infinitum? And, moreover, there is in clause 3 an absolute provision for filling a vacancy in the board of conciliation, but clause 6 makes no provision for filling a vacancy in the board of arbitration. I should like the opinion of the minister on these two points.

Hon. Mr. SCOTT—I really think the matter is not worth the discussion given it. Perhaps it would meet the views of the House if we struck out 'not exceeding ten days' and substituted 'within such time as the minister may fix'.

Hon. Mr. DRUMMOND—Supposing an objection is made within the time appointed by the minister and a fresh name is submitted, is there to be a repetition of this process ad infinitum?

Hon. Mr. BEIQUE—I will call the attention of the House to the fact that this change would be a very serious one, because it would call upon the minister to fix the time in every case. I take the economy of the Bill to be altogether different. These are matters of detail which will be regulated by the minister under section 24. He will make rules which will provide for the cases that have been mentioned, within what delay, whether ten days or five days, the parties may be refused or will finally be accepted. If he is required, of course it is always governed by the same delay of five days. If his appointment cannot avail, it is not a regular appointment, then he is to be appointed within five days.

Hon. Mr. BERNIER—The rules must be consistent with the law. He cannot make rules in contradiction of the law. The sug-

gestion made by the hon. Secretary of State is a good one.

Hon. Mr. FERGUSON—I think the suggested amendment would be a good one.

Hon. Mr. BERNIER—The minister will be forced to allow the ten days in every case for fear of intimidating the other parties.

Hon. Sir MACKENZIE BOWELL—We might let the clause stand, to prepare an amendment.

Hon. Mr. POWER—The minister is not the appointing authority.

Hon. Sir MACKENZIE BOWELL—In case the difficulty should arise, as pointed out by the hon. gentleman from Montreal, then let the minister have the authority to act.

Hon. Mr. POWER—Supposing the person to be appointed is to be appointed by the employer and there is afforded to each of the parties an opportunity, not exceeding ten days, of making known the appointment where such appointee is objected to: the employers propose a man and the other people have ten days to say if they object to him. It is not the minister. The original members are not appointed by the minister. One member of the board is appointed by the minister, but the others are not.

Hon. Mr. SCOTT—In case of their refusal to do it, they are.

Hon. Mr. TEMPLEMAN—Under clause 3 the minister may cause an inquiry to be made into the same, and the clause thereof, and for that purpose under his hand and seal of office establish a committee of conciliation. Under his hand and seal he appoints them.

Hon. Mr. POWER—He establishes them.

Hon. Mr. TEMPLEMAN—Each party to the dispute names an arbitrator.

Hon. Mr. SCOTT—We cannot discuss it all day. Let it stand.

The clause was allowed to stand.

On clause 7,

Hon. Mr. LANDRY—Would it be proper to substitute the words 'government railways' in place of 'The Intercolonial Railway,' because if the government become proprietors of other roads it should apply to them.

Hon. Mr. VIDAL—The question is whether it is by accident or design that only the Intercolonial Railway is mentioned.

Hon. Mr. POWER—The reason is that in the case of the Intercolonial Railway the minister is looked upon as being the employer.

Hon. Mr. FERGUSON—The point made I think is proper. The Intercolonial Railway and Prince Edward Island Railways are treated as different railways in all public documents, and I think the Prince Edward Island Railway should be named as well as the Intercolonial Railway. It is intended the Prince Edward Island Railway should be included, because further on in the Bill it is mentioned that the Lieutenant Governor may be named for the purpose of putting this clause in motion.

Hon. Mr. SCOTT—There is no objection to putting it in.

Hon. Mr. POWER—The hon. gentleman from de Salaberry suggests that we strike out the Intercolonial Railway and insert 'any government railway.'

Hon. Mr. FERGUSON—I do not think that will answer, because the government has also leased a line from the Grand Trunk Railway and I do not know whether that will cover it.

Hon. Mr. POWER—Oh, yes, it is a government railway.

Hon. Mr. FERGUSON—We had a Bill similar to this one passed by parliament three years ago, known as the Conciliation Act, which provided for somewhat similar troubles when they arose outside in any other line of employment except railways. This is an attempt to apply, in a somewhat modified or different form, the same principle of conciliation to government railways, and to all railways, as the Conciliation Act of 1900 was applied to other employments. I notice, with regard to the Conciliation Act, that when the government had trouble not very long ago, when my hon. friend had trouble in his own depart-

ment, that he did not call in the services of his colleague, the Minister of Labour, to procure a settlement of the difficulty with his employees : but, as they think, he treated them very arbitrarily, and proceeded by sending an ultimatum to them and the Conciliation Act was treated with very scant respect by the government that had enacted it, and even the Minister of Labour was not heard of in connection with that matter, and the government with a strong hand put down the discussion entirely and completely with regard to their own employees. When the government is dealing with this subject and proposing in the case of government railways that there will be a means of putting it into operation, I think that the power should be put into operation independently of the Minister of Labour. It seems to me that when trouble occurs in the government railways, the application of one of the parties to the dispute—in this case it would be the operators, or the municipalities that are named in section 3—that they should be permitted to make their application direct to the Lieutenant Governor of the province in which the railway is situated. It would seem to me that there should be the same power as on the part of the employees of any other railroad besides the government railway. Under the machinery provided in this Bill, the Lieutenant Governor, before he has any power, must be named by the minister for the purpose of undertaking this work, and to vest him with the power which, under clause 3, is given to the minister himself in dealing with other than government railways. That is the point that occurs to me in clause 3. The section provides that when it appears to the minister that a difference exists, or on receiving a representation from a municipality, or on the application of a corporation of any municipality that has been affected by the difference, or of his own motion, he can do certain things. It would seem to me that if the government are really desirous of giving the employees on the government railways, the same protection that this Bill is alleged to give other railway employees, they should allow the application to be made direct to the Lieutenant Governor of the province in which the trouble occurs because it is to him ultimately that it has to be referred, if anything is done in the matter.

Hon. Mr. McMULLEN—I would suggest, in connection with this clause, when we make it applicable to the Intercolonial Railway, we should make it applicable to our canal system also. Our canal system has become an exceedingly important avenue of commerce.

Hon. Mr. FERGUSON—Hear, hear.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. McMULLEN—It should be made to apply to canals, where a strike may take place and interfere seriously with the commerce of this country. I respectfully suggest there should be some provision with reference to canals, because we know what a serious strike we have just passed through in the city of Montreal.

Hon. Mr. McKAY (Truro)—Take the Intercolonial Railway as an example. Supposing a strike takes place all over the Intercolonial Railway, what province appoints the arbitrator ?

Hon. Mr. SCOTT—It would be any one of the Lieutenant Governors of Quebec or the maritime provinces.

Hon. Mr. McMULLEN—I move that the word 'canal' be inserted in the twenty-sixth line after the words 'Intercolonial Railway.'

Hon. Mr. SCOTT—I hope the hon. gentleman will not press that amendment, because it would mean re-drafting. There is no talk of canal men striking. They have a soft thing as it is.

Hon. Mr. ELLIS—We might insert the words 'Prince Edward Island.' It is clear that the Governor of Prince Edward Island, or the Governor of Nova Scotia would be called in where the trouble arises in any one of these provinces, and that being the intention of the section it is necessary that the words 'Prince Edward Island' should be inserted in the measure.

Hon. Mr. POWER—It is necessary to put those words. The Prince Edward Island Railway is spoken of as a separate thing from the Intercolonial Railway. I move that after the word 'railway,' in the twenty-

sixth line, we insert the words 'Prince Edward Island.'

Hon. Mr. VIDAL—The trouble will occur on the part of the road near Montreal which is leased from the Grand Trunk Railway. That is not a government road. It is the Grand Trunk Railway.

Hon. Sir MACKENZIE BOWELL—Does 'Intercolonial Railway' in the interpretation clause include the Prince Edward Island? If it does, there would be no necessity for this amendment.

Hon. Mr. SCOTT—No, the Speaker is quite right. We speak of the Intercolonial Railway on Prince Edward Island Railway, and in a matter of this kind, where it is permissive and not compulsory, it seems necessary. If there was any difficulty on the Intercolonial Railway it would be set in force.

Hon. Sir MACKENZIE BOWELL—We might apply an expression used in answer to a contention of the Hon. Edward Blake—that is 'there is nothing to it.'

Hon. Mr. TEMPLEMAN—Where did he use that expression?

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman reads the debates he will find out.

The CHAIRMAN—We will add the words 'and the Prince Edward Island Railway.'

Hon. Mr. FERGUSON—Is my hon. friend quite clear that that will include the leased line from Lévis to Montreal?

Hon. Mr. SCOTT—Yes, that is part of the Intercolonial Railway.

Hon. Mr. FERGUSON—That is part of the Grand Trunk Railway.

Hon. Mr. SCOTT—Part of it before you get to the junction is the Grand Trunk Railway.

Hon. Mr. McKAY (Truro)—In case of a strike in Prince Edward Island, what province appoints the arbitrator?

Hon. Mr. SCOTT—The Lieutenant Governor of Prince Edward Island.

The clause was adopted.

On clause 12,

12. For the information of parliament and the public the report shall without delay be published in the 'Labour Gazette,' and be included in the annual report of the Department of Labour to the Governor General.

Hon. Sir MACKENZIE BOWELL—In case that is published in the 'Labour Gazette,' is it charged as part of the expense of the department?

Hon. Mr. SCOTT—Yes, there is an appropriation for the expenses of the department.

Hon. Sir MACKENZIE BOWELL—You provide that every newspaper shall have a copy free of expense, and then you publish it in a paper that nobody sees.

Hon. Mr. SCOTT—It is only if the newspaper applies that it is furnished.

Hon. Sir MACKENZIE BOWELL—The 'Labour Gazette' is a useless publication, to say the least of it.

Hon. Mr. SCOTT—It has a large circulation.

Hon. Sir MACKENZIE BOWELL—A free circulation in the interests of the party who publish it to bolster up the government and what they do—particularly the Minister of Labour—circulated free, I presume, to all labour organizations and newspapers. It is very well printed, and I suppose a clever man edits it, but it is in the interest of one class alone, and that is the government.

The clause was adopted.

On clause 14,

14. On the application of any of the parties, or on its own motion, the board may issue summonses to persons to appear and give evidence before the board, and any witness summoned by the board shall be entitled to free transportation over any railway en route when proceeding to the place of meeting of the board, and thereafter returning to his home, and the board shall furnish to such witness a proper certificate evidencing his right to such free transportation.

Hon. Mr. FERGUSON—Is that the only provision there is in the Bill for the costs of witnesses?

Hon. Mr. SCOTT—No, they are paid.

Hon. Mr. LOUGHEED—How is this to be enforced against railways?

Hon. Mr. SCOTT—The whole legislation is in the interest of the railways, and I think they will be only too glad to acquiesce in the principle.

Hon. Mr. McMULLEN—This clause does not say the railways shall carry them for nothing. It says the witnesses shall have free transportation.

Hon. Sir MACKENZIE BOWELL—That might mean that the government will pay for their transportation, or it might mean that the parties interested shall pay.

Hon. Mr. SCOTT—Free transportation means that nobody pays.

Hon. Sir MACKENZIE BOWELL—A man with a pass in his pocket has free transportation ?

Hon. Mr. LOUGHEED—That is to say, the government provide that such a witness may travel free over any of the railways in Canada ?

Hon. Mr. SCOTT—Yes, where the witness is summoned by the board itself.

Hon. Mr. LOUGHEED—They will not have to reimburse the railway ; the railway would have to carry the witnesses ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. POWER—I think this clause is liable to abuse.

Hon. Mr. SCOTT—It is only the board that issue those summonses.

Hon. Mr. POWER—' On the application of any of the parties, or on its own motion the board may issue summonses,' the clause says. Now, suppose one of the parties makes application to summon its friends who would like to get free transportation for hundreds of miles, this is an easy way to get it. Another point is that indicated by the hon. gentleman from Calgary ; I doubt if you can by this general language compel a railway to carry passengers free.

Hon. Mr. SCOTT—If we cannot the clause means nothing.

Hon. Mr. LOUGHEED—Then how are you going to get the witnesses ? Supposing a railway company says : We will not honour the certificate of the board to carry those witnesses free, and the witnesses are left at the point of embarkation, how do you propose getting them to their destination ?

Hon. Mr. SCOTT—I am not going to anticipate what the board will do.

Hon. Mr. POWER—I suppose the idea of having the Bill considered here is to try and perfect it. I make the suggestion to the hon. minister that he should let clause 14 stand and consult his colleague, the Minister of Labour, and see if they cannot make that clause more perfect.

Hon. Mr. SCOTT—No, there is nothing you can do to improve it that I can see.

Hon. Sir MACKENZIE BOWELL—Since the Bill is to become law, let us try and improve it, whatever we may think of its character. Here is a provision for the free transportation of witnesses. Who is to pay the other expenses of the witnesses ?

Hon. Mr. SCOTT—Provision is made for it later on.

Hon. Sir MACKENZIE BOWELL—A man must have something to eat and he ought to be paid for his time. Is there any provision for that and who is to do it ?

Hon. Mr. BEIQUE—We are dealing now with clause 14. There are two objections taken. The first is that there may be an abuse in the board summoning witnesses from a long distance who should not be examined. We cannot anticipate anything of the kind. It does not follow because the parties apply for a summons that a summons will necessarily be issued ; but, on the other hand, the parties should have great latitude in calling their witnesses, and no doubt will have great latitude. I fail to see that any objection can be taken to the first part of clause 14. As to the other point, the free passage on the railways, of course this is a public Act, and the witnesses will have a certificate of the board which will entitle them to free passage on the railway, and the government assumes that the railway will submit to the law. It will be incumbent on them to transport them free.

Hon. Mr. LOUGHEED—But suppose they do not, what then ?

Hon. Mr. BEIQUE—They will be prosecuted.

Hon. Mr. LOUGHEED—Under what law will they be prosecuted ?

Hon. Mr. BEIQUE—Does the hon. member suggest that in this Bill we are going to the extent of anticipating that railway

companies will refuse to obey the law in a matter of public interest ?

Hon. Mr. FERGUSON—In the event of a railway company seeing that great abuse was practiced they would refuse transportation on those certificates.

Hon. Mr. BEIQUE—The law would be changed, very likely.

Hon. Mr. McMULLEN—I am at a loss to know how it is going to be put in operation so far as the railways are concerned. Supposing I, as a witness in a case to be tried, say in Sarnia, am subpœnead here to attend that court. When I go to the railway station and present my subpœna, will the ticket agent at that station give me a ticket ? Can I force him to do it ? If I get on board the car and present my subpœna and say 'I am going to Sarnia to attend as a witness', will the conductor accept my summons and carry me to Sarnia ? There should be some provision in this clause that a man should be entitled, on presentation of his summons, to receive a ticket to any point where the court is being held, or there should be some provision that a subpœna shall be a warrant to the conductor to carry that man.

Hon. Mr. POWER—There is such a provision in lines 39 and 40 :

> And the board shall furnish to such witness a proper certificate evidencing his right to such free transportation.

Hon. Mr. LOUGHEED—It seems to me, from what the hon. gentleman from de Salaberry (Hon. Mr. Béique) says, and what the hon. Secretary of State says, the atmosphere will be surcharged with such a liberal loving spirit of conciliation when this Act is brought into operation, that it will be utterly unnecessary to invoke anything like the machinery of the law for the purpose of exercising that spirit. No hon. gentleman would exercise more alacrity in amending a Bill than the hon. gentleman from de Salaberry if he were amending any other Bill than this.

Hon. Mr. BEIQUE—My hon. friend has no right to say so. I think I have given evidence to my hon. friend of my firmness in dealing with Bills, whether public or private Bills. I think I have given evidence of my desire to discharge my duties, and on former occasions I did not hesitate, whether they were public Bills or government Bills, in moving amendments when I believed they were required. Before the hon. gentleman rose, I intended to reply to the inquiry which he put when he asked what will be the way of proceeding if the railway company refuses to carry passengers. It would stand on the common law. When I am the bearer of a ticket on a railway, I am entitled to be received on the railway and to be carried, and if they do not carry me, is there no law furnishing a remedy ? There surely is, and the moment this law declares that a witness shall be entitled to be carried free on showing his certificate, then the general law will apply and it seems to me that it will be sufficient.

Hon. Mr. LOUGHEED—In pointing this out, I did not wish to insinuate for a moment that the hon. gentleman was not doing justice to his duties as a critic of this Bill, but I do say that my hon. friend has advocated this very anomalous principle, that as this Bill is drafted it should be accepted by the House on account of the care which has been taken in the drafting of it, and we should not move amendments to it.

Hon. Mr. BEIQUE—I beg the hon. gentleman's pardon. I did not state anything of the kind. I said that in connection with the ten days' delay ; I said it was a matter of detail and of no importance, and the House should hesitate in disturbing matters of detail, of no importance, when the party who prepared the Bill was supposed to have some special reason for drafting it as it was presented to the House.

Hon. Mr. LOUGHEED—No one is better qualified than my hon. friend to make this Act workable if he will look into it carefully. If the Act is to be useful for the object in view it should be carefully considered, not for the purpose of showing hositlity to it, but for the purpose of making it workable. It is quite plain from a perusal of this clause that the board may subpœna their witnesses from distant points. There is no way of enforcing free transportation. Take the case of a dozen witnesses summoned in Vancouver and brought to Ottawa in a dispute with the Canadian Pacific Railway. The Act says they shall have free transportation. They present their certificates at the station

in Vancouver. Is there any law by which the railway company will assume liability by reason of not carrying those witnesses? I say no. The case referred to by my hon. friend, of a passenger on a railway, is regulated by the Railway Act, and regulated by the law of contract; but there is no law of contract here, simply a declaration in the Act that transportation shall be free. Let me instance another case: a witness coming from Vancouver to Ottawa would be under an expense of at least $30 for sleeping accommodation and for meals. Now, there is no provision made in this Bill for the payment of witnesses, or for their living expenses, when they arrive at their destination. These things should be provided for if the Bill is to be made workable, and it should be our duty to make the Bill operative. We may or may not approve of the principle of the Bill, but if it is to be a success, let us make it as workable as in our humble way we can.

Hon. Mr. BEIQUE—A few minutes ago I was on the eve of rising to remark that, for my part, the suggestions which were made from the other side, especially those made by the hon. gentleman from Calgary, were offered in a good spirit. I have never questioned that, and I am merely expressing my humble opinion. At first sight I thought this clause was fair enough, and it was merely by way of helping in preparing the mind of the committee that I spoke. On a study of it, if it is deemed insufficient, by all means let us suggest something that would remedy the defect.

Hon. Sir MACKENZIE BOWELL—Has the hon. Secretary of State found the clause as to the payment of witnesses?

Hon. Mr. SCOTT—No, I was mistaken about that. I will call the attention of the minister to it. I saw that all the parties were to be paid—stenographers, clerks, arbitrators and so on, and on reading it I thought it included witnesses, but I see it does not.

Hon. Mr. McDONALD (C.B.)—It is provided that there shall be free transportation by rail. It may be necessary to travel by steamer or stage coach.

Hon. Mr. SCOTT—We have no control over that.

Hon. Sir MACKENZIE BOWELL—In that case, provision should be made for transportation. The government could not compel the steamboats to carry the parties, but they could compel the railways.

Hon. Mr. FULFORD, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again.

BILLS INTRODUCED.

Bill (123) An Act to incorporate the Huron, Erie and Buffalo Railway Company.—(Hon. Mr. McMullen.)

Bill (125) An Act to incorporate the Guelph and Georgian Bay Railway Company.—(Hon. Mr. Watson.)

Bill (139) An Act respecting the St. Mary's River Railway Company.—(Hon. Mr. Lougheed.)

Bill (140) An Act to incorporate the Cardiff Railway Company.—(Hon. Mr. Watson.)

Bill (144) An Act respecting the Interprovincial and James Bay Railway Company.—(Hon. Mr. Dandurand.)

Bill (177) an Act respecting the Klondike Mines Railway Company.—(Hon. Mr. Young.)

Bill (149) An Act to incorporate the Hamilton, Galt and Berlin Railway Company.—(Hon. Mr. Robertson, in absence of Hon. Mr. Kerr, Toronto.)

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, June 18, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READING.

Bill (143) An Act respecting the Canadian North-west Irrigation Company.—(Hon. Mr. Lougheed.)

MILITARY CAMP AT THREE RIVERS.

INQUIRY POSTPONED.

The Order of the Day being called:

By the Hon. Mr. Landry—That he will inquire of the government:

1. Does the government know that the fourth military district which has been called upon to

go into camp at Three Rivers on the 13th June instant, is composed, with regard to rural regiments, of—

(a.) three English regiments, the 54th, the 79th and the 11th.

(b.) ten French regiments, the 64th, the 83rd, the 85th, the 80th, the 4th, the 17th, the 18th, the 61st, the 87th and the 89th ?

2. Is the government aware that the staff of the fourth division is composed of officers, among whom are to be found military men who are completely incapable of speaking French, and whose usefulness under the circumstances is more than problematical, especially in the matter of transmitting to French regiments orders given in English ?

3. Can the government modify the present composition of the staff of the fourth military district in such a way as to give this staff the greatest efficiency possible by requiring, at least from those who will be in necessary and daily contact with the French regiments, a sufficient knowledge of the French language to be able to translate to those regiments the orders which they may have to transmit to them ?

Hon. Mr. SCOTT—I have not the answer to this question.

Hon. Mr. LANDRY—It has been on the Order paper since the 12th June.

Hon. Mr. SCOTT—I cannot help it.

Hon. Mr. LANDRY—I hope the hon. minister will find his way to answer.

Hon. Mr. SCOTT—I will call attention to it again.

The order was allowed to stand.

WORKS AT FORT LEVIS.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. What is the name of the clerk of the works who received authority to purchase the wood and other materials to be used in the works which are actually going on at Fort No. 1 at St. Joseph de Lévis, or in the neighbourhood thereof ?

2. What was the name of the superintendent of such works ?

3. The name of the foreman or of the contractor who is working under the orders of the aforesaid superintendent ?

Hon. Mr. SCOTT—The answers are as follows :

1. Mr. L. J. Mathieu.

2. Mr. L. J. Mathieu.

3. Thos. Power, pointing walls No. 1 Fort ; F. Robitaille, woodwork, No. 1 Fort, and R. E. Park ; J. A. Blouin, floors at No. 2 and 3 Forts.

REFRESHMENT COUNTER AT LEVIS.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Who keeps, at the Intercolonial Railway station at Lévis, the refreshment counter for the accommodation of the travelling public ?

2. Was the contract for keeping this refreshment counter given after tenders had been asked for ?

3. Was the person who obtained the contract the lowest tenderer, and what was the amount of his tender ?

4. When and for what length of time did he obtain this contract ?

5. Has the government been made aware by the railway authorities at Moncton, or by any other person whatsoever, that this refreshment counter is badly kept and does not in any way answer the reasonable requirements of the public ?

6. Is it the intention of the government to take the necessary measures to render justice to the public in this matter ?

Hon. Mr. SCOTT—The answers are as follows :

1. It is understood that F. Pichette, contractor for the new stand at Lévis, sells confectionery and fruit.

2. There is no contract for a refreshment counter.

3. Reply given to number two question answers this.

4. Reply given to number two question answers this.

5. There have been no complaints received as to how the refreshment counter is kept.

6. Reply given to number five queston answers this.

RAILWAY STATION AT LEVIS.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. When does the government intend to open to the public the new railway station which has just been constructed at Lévis ?

2. How much has this station cost up to this date ?

3. What are the names of the various persons who have obtained contracts in connection with the construction of this railway station, and what is the amount received by each such person for each such contract ?

4. Has the government asked for tenders, or does it intend to ask for them, for the keeping in this new railway station of a newspaper stand and of a refreshment counter for the use of the public ?

Hon. Mr. SCOTT—The answers are as follows :

1. It is proposed to open the new station at Lévis on July 1 next.

2. The cost to date is $44,478.32.

3. Joseph Gosselin, $38,177, and L. P. Ferland $1,546.25.

4. The matter of asking tenders for news stand and refreshment counter in the new station is under consideration.

Hon. Mr. LANDRY inquired :

1. What is at present the number of agents and sub-agents charged with the sale of tickets at the Intercolonial Railway station at Lévis ?

2. What are their names ?

Hon. Mr. SCOTT—The answers are as follows:

1. Two.

2. D. McDonald, ticket agent, and A. J. Roy, assistant ticket agent.

MILITIA GROUNDS AT THREE RIVERS.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. In connection with the various properties which the government possesses, or of which it has the use for military purposes, at Three Rivers, how much has been paid—
(a.) For the purchase of the original camping ground.
(b.) For each purchase of additional land.
(c.) For the construction of targets.
(d.) For each other work.
(e.) For the use of the aqueduct.
(f.) For the rental of the exhibition grounds.
(g.) For damages done to these grounds.
(h.) For each other damage done to other properties.
(i.) As payment for title deeds or contracts of sale and the registration thereof?
2. Who are the various persons to whom sums of money have been paid as aforesaid, and how much has each such person received?
3. What is the area of the land mentioned in paragraph (a), and what is the area of land mentioned in paragraph (b)?

Hon. Mr. SCOTT—As regards questions 1 (a, b, c, d, i) and 2, if land for the rifle range is referred to, the information required can be obtained from the Auditor General's Report for the year ending 30th June, 1902, Q—99.

(e.) Nothing.
(f.) Nothing.
(g.) Fifty dollars.
(h.) Nothing.
3 (a.) 271·39 acres.
(b.) None.

Hon. Mr. LANDRY—I think there were some payments made since 1902?

Hon. Mr. SCOTT—If the hon. gentleman takes the memorandum, he will find the information.

(e) For the use of aqueduct, nothing.

(f) For the rent of the exhibition grounds, nothing.

(g) For damages done to the grounds, $50.

(h) For each other damage done to other properties, nothing.

Area of land in (a) is 271 acres and thirty-nine one-hundredths. As to (d), nothing.

Hon. Mr. LANDRY—Did the hon. Secretary of State give me the answer for (b)?

Hon. Mr. SCOTT—That is in the Auditor General's Report.

Hon. Mr. LANDRY—I think there was land purchased since that time?

Hon. Mr. SCOTT—They have not referred to it.

IMPERIAL SERVICE ORDER.

INQUIRY.

Hon. Mr. LANDRY rose to call the attention of the government to the following facts:—

On August 8, 1902, the London 'Gazette' (extra) published the following as the statutes of the Imperial Service Order:—

Edward, R. and I.

Edward the Seventh, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India, to all whom these presents shall come. Greeting:

Whereas, we are desirous of recognizing more fully than has hitherto been possible the faithful and meritorious services rendered to us by members of the civil services of the various parts of our empire, we do by these presents, for us, our heirs and successors, institute and create a new Civil Order of Distinction—to be designated as hereinafter described—and we are graciously pleased to make, ordain, and establish the following rules and ordinances for the government of the same:—

Firstly.—It is ordained that this order shall henceforth be styled and designated 'The Imperial Service Order.'

Secondly.—It is ordained that the order shall consist of the Sovereign, the Prince of Wales, and such companions as we, our heirs or successors, shall appoint.

Thirdly.—It is ordained that we, our heirs and successors, kings and queens regnant of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the seas, Emperors and Empresses of India, are and for ever shall be sovereigns of this order.

Fourthly.—It is ordained that only members of the administrative or clerical branches or our civil services shall be eligible for the distinction of companions of this order.

Fifthly.—It is ordained that the number of companions of the order shall not exceed four hundred and twenty-five, of whom two hundred and fifty shall belong to our home civil service, and one hundred and seventy-five to the civil services of our colonies and protectorates.

Sixthly.—It is ordained that no person shall be eligible to be a Companion of the Order whose name has not been laid before us, our heirs and successors, by one of our or their principal secretaries of state, and who has not at the time of his nomination rendered at least twenty-five years' meritorious service in the United Kingdom. Provided that in a colony or protectorate which, under the Pension Acts or regulations applying to that colony or protectorate, is recognized as unhealthy, the minimum period of service shall be sixteen years: Provided also that it shall at any time be com-

petent to us, our heirs and successors, to appoint specially to the order persons who, not having completed the aforesaid periods of service, have rendered such eminently meritorious service as to qualify them in our opinion to become recipients of this distinction.

Seventhly.—It is ordained that when we, our heirs and successors, shall be pleased to appoint any person to be a Companion of the Order, such appointment shall be made by warrant under our sign manual and countersigned by one of our principal secretaries of state.

Eighthly.—It is ordained that the decoration to be worn by Companions of the Order shall be a badge or medallion of gold and enamel, bearing on one side our imperial and royal cypher, and on the reverse 'For Faithful Service,' both to be executed in dark blue enamel on a plaque or shield of gold, surrounded by a wreath of laurel, surmounted by the imperial crown.

Ninthly.—It is ordained that the decoration shall be worn on the left breast suspended by a ribbon of one inch in width.

Tenthly.—It is ordained that the names of those upon whom we are pleased to confer the decoration shall be published in the London 'Gazette.'

Eleventhly.—It is ordained that Companions of the Order shall have the privilege of adding the letters 'I.S.O.' after their names.

Twelfthly.—It is ordained that members of any order of knighthood shall, if otherwise qualified, be eligible to become companions of this order, and that companions of this order shall in no way be debarred from becoming thereafter members of any order of knighthood for which their services may qualify them.

Thirteenthly.—It is ordained that an officer shall be appointed to the order who shall be styled 'Secretary and Registrar,' and who shall be ex officio a Campanion of the Order.

Fourteenthly.—It is ordained that the secretary and registrar of this order shall be appointed by us, our heirs and successors, and shall have the custody of the archives of the order, which shall be kept in the office of our secretary of state for the home department. He shall attend to the service of the order and shall execute such directions as he may receive from our principal scretaries of state.

Fifteenthly.—It is ordained that those members of our civil service who are not eligible for appointment as companions of this order may, on retirement from our said services after not less than twenty-five years of meritorious service in the United Kingdom, or not less than sixteen years of such service in a colony or protectorate which, under the Pension Acts or Regulations applying to that colony or protectorate, is recognized as unhealthy, be awarded a medal to be designated 'The Imperial Service Medal,' provided that no such medal shall be granted except on the recommendation of one of our Principal Secretaries of State. Provided also that it shall be competent to us, our heirs and successors, to confer the medal upon not more than five civil servants in each year, who have retired after less than twenty-five years' services, should special circumstances in our or their opinion justify the grant.

Sixteenthly.—It is ordained that the Imperial Service Medal shall be of silver and of a design similar to that of the badge of the companions of the aforesaid Imperial Service Order, and shall be similarly worn.

Seventeenthly.—It is ordained that the names of those persons to whom the Imperial Service Medal shall be granted shall be duly published in the London 'Gazette.'

Lastly.—We reserve to ourselves, our heirs and successors, full power of annulling, altering, abrogating, augmenting, interpreting, or dispensing with these regulations, or any part thereof, by a notification under the sign manual of the sovereign of the order.

Given at our court at Buckingham Palace, this eighth day of August, in the year of our Lord nineteen hundred and two, and the second year of our reign.

By His Majesty's Command,
CHARLES T. RITCHIE.

On the 29th of May, 1903, a second supplement to the London 'Gazette' published the following appointments :—

Friday, May 29, 1903.
Home Office, May 28, 1903.

The King has been graciously pleased to make the following appointments to the Imperial Service Order, and to approve of the grant of the imperial service medal to the gentlemen named below :—

To be Companions.

1. John Mortimer Courtney, Esq., C.M.G., Deputy Minister of Finance of the Dominion of Canada.

2. William Grannis Parmelee, Esq., Deputy Minister of Trade and Commerce of the Dominion of Canada.

3. Charles Jerome Jones, Esq., chief clerk, office of the secretary to the Governor General of the Dominion of Canada.

4. Colonel Donald A. Macdonald, chief clerk and chief superintendent of stores, Department of Militia and Defence of the Dominion of Canada.

5. Kivas Tully, Esq., consulting architect and engineer, Department of Public Works of the province of Ontario.

6. Eugène Etienne Taché, Esq., Deputy Minister of Lands, Mines and Fisheries of the province of Quebec.

7. Martin Murphy, Esq., provincial engineer of the province of Nova Scotia.

8. James Scott Beck, Esq., Auditor General of the province of New Brunswick.

9. Lieutenant Colonel Richard Wolfenden, King's Printer, province of British Columbia.

10. Solon William McMichael, Esq., chief inspector of customs, Toronto, in the Dominion of Canada.

11. Augustus Power, Esq., B.C.L., K.C., chief clerk of the Department of Justice of the Dominion of Canada.

12. Frederick Montizambert Esq., M.D., director general of public health, Department of Agriculture of the Dominion of Canada.

To be granted the Medal.

1. Mr. Robert Bruce Winton, light keeper, Department of Marine of the Dominion of Canada.

2. Mr. Jean Gauthier, light keeper, Department of Marine of the Dominion of Canada.

3. Mr. Robert Rivers, light keeper, Department of Marine of the Dominion of Canada.

4. Mr. James Barnes, letter carrier, Post Office Department Dominion of Canada.

5. Mr. Patrick Denneney, lockman, Department of Railways and Canals of the Dominion of Canada.

6. Mr. Alexander Adams, labourer, Department of Railways and Canals of the Dominion of Canada.

And that he will inquire—

1. Have the twelve names given by the London 'Gazette' of the 29th May, 1903, as companions of the Imperial Service Order, been laid before the imperial government by the Secretary of State of Canada ?

2. Have the six additional names given by the London 'Gazette' of the same date, as recipients of the Imperial Service Medal, been laid before the imperial government by the Secretary of State of Canada ?

3. When such recommendations have been made ?

4. Have any other names been recommended ?

5. How many of each distinct province of the Dominion ?

6. How many years of service have been fulfilled by each of the above nominees ?

7. On what principle or basis, were chosen the names that were recommended ?

Hon. Mr. SCOTT—All this is new to me. I have never read the London 'Gazette,' and I have never seen anything beyond what appears in the public press. My answer to the first question is no, and the second, no. I really cannot tell my hon. friend when such recommendations are made, nor can I say anything as to how many were recommended, nor how many from each province. My hon. friend has given that information himself. I presume the term of service, as laid down in the 'Gazette,' is twenty-five years of meritorious service. Then as to the principle or basis on which the names were chosen, it is on the principle of merit and length of time in the service.

Hon. Mr. LANDRY—Do I understand by the answers given by the hon. gentleman that any recommendation has been made ?

Hon. Mr. SCOTT—It does not come through me. The honors are very peculiar. They are different from anything else. Honors emanate from the Sovereign, who always has the chief voice in them, and his representative is the Governor General, and the Governor General did receive recommendations I have no doubt. I know of one case of a recommendation from one of the lieutenant governors from one of the provinces. The government must, of course, in the end assume the responsibility, and that is all I can say on the subject.

Hon. Mr. LANDRY—I would call the attention of the minister to the regulations which say 'it is ordained that no person shall be eligible to be a companion of the order whose name has not been laid before us, our heirs and successors by one of the principal secretaries of state.'

Hon. Mr. SCOTT—That is the principal secretaries of state in England, not in the colonies. They do not pass through me at all.

Hon. Mr. LANDRY—What does the word 'their' mean ?

Hon. Mr. SCOTT—It is the principal secretary of state in England. Mr. Chamberlain would have been the person referred to, as far as Canada is concerned.

Hon. Mr. LANDRY—It does not say 'our.' It says 'their.'

Hon. Mr. SCOTT—The Secretary of State of Canada has nothing to do with it.

Hon. Sir MACKENZIE BOWELL—I think the answer of the hon. Secretary of State is quite correct, so far as it goes, but the question goes a little further. It says were they recommended by the Secretary of State of Canada.

Hon. Mr. SCOTT—I have said that I had nothing to do with the recommendation.

Hon. Sir MACKENZIE BOWELL—Then 'No' is the answer.

Hon. Mr. SCOTT—I answered 'No.'

Hon. Mr. LANDRY—Are we to believe that appointments are made in England of those meritorious people who have served at least twenty-five years in the civil service without any information being given, or any recommendation being made by the government of this country ?

Hon. Mr. SCOTT—Yes, the government of Canada assumed the responsibility, as far as that goes.

Hon. Sir MACKENZIE BOWELL—It seems to me to be a very strange position for the Secretary of State to take. I can understand very well what the hon. gentleman says as a matter of practice and habit, but I can scarcely understand how the authorities in England could know what the merits and service of these different gentlemen have been, without it being called to their notice by the Militia Department in Canada.

I can understand very well that the Secretary of State could have no knowledge other than that which he would have to communicate if the recommendations were made by the Minister of Militia. They would have to pass through his hands, or rather, through his office. Whether that would be some recommendation on the part of the Minister of Militia, or his recommendation to be considered by the government, then they would be transmitted to the Colonial Secretary through the Secretary of State. I am finding no fault with his answer, I am only speaking of the practice and what it would be necessary to do in order to have these officers, meritorious or otherwise, living in Canada, brought under the notice of the imperial government. I can scarcely conceive it possible that the Colonial Secretary, or the Militia Department in England would take steps of this character, without first having the facts laid before them on a report from the Militia Department of the services rendered, not only to Canada, but to the empire, in their military capacity. If we are to understand that the imperial government act upon their own responsibility without reference to the government of Canada, all I can say is it is a new departure, and it is assuming something on the part of the imperial authorities that they have never assumed in the past.

Hon. Mr. SCOTT—No. What I said was that the honours, as my hon friend knows very well, emanate from the Sovereign. The representative of the Sovereign in this country is the Governor General. He is the medium of communication. Probably the hon. gentleman, from his long experience in the government of this country, knows very well that, in reference to those honours, the representative of the Crown usually claims perhaps more than ordinary discretion in submitting names to the Sovereign. The names, as I understand it, embrace first a list of names of all those eligible: that would be submitted. They numbered some hundreds, I think between three and four hundred, who completed their twenty-five years of service. Then, so far as the outside provinces are concerned, I think the communications were from the Lieutenant Governors of the provinces, acting, no doubt, with the approval of their governments, directed to His Excellency the Governor General. The list is made up largely in that way, and then it received the approval of the Governor finally, and the names are submitted by His Excellency.

Hon. Sir MACKENZIE BOWELL—That is what I would have supposed.

Hon. Mr. SCOTT—They are transmitted by His Excellency to the Colonial Secretary.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman might have added this to it, the source of honour is the Crown, and any honours that are conferred upon any Canadian, are upon the recommendation of the Governor General. That is correct. But the Governor General never, during my experience made any such recommendation without consulting the premier at least, whether he consulted the cabinet or not. I know that there are certain honours conferred where the cabinet is not consulted. The premier may consult and advise with his colleagues, or he may not, just as he pleases. That is a matter between the premier and Governor General, and if the premier recommends—and he may do that without the consent or with the consent, just as he pleases, of his cabinet—the conferring of honours upon any one, and the Governor General accepts that advice, and the honour is conferred.

Hon. Mr. SCOTT—In my answer I said the responsibility rested finally with the government of the country.

Hon. Mr. LANDRY—If the government is responsible for those nominations, I should like to know first——

Hon. Mr. SCOTT—My hon. friend need not inquire any further, because I do not propose to go into the matter categorically. I have no information myself, personally or officially, on the subject, except, perhaps, I know of one name that was recommended by the head of the department.

Hon. Mr. LANDRY—I want to call the attention of this House to certain facts, and I think I have the right to do so. In the nominations made there is one fact that we should not forget. I am speaking of nominations

of employees who have a right to the decoration or to the medal by their long service. They are quite numerous. But let us mention only those that entered the service in the '60s. Mr. Courtney who has received the order first enterred the service 2nd of June, 1869. Dr. Montizambert entered the service in 1866. Mr. Denneny entered the service in 1869. These are three names only in the '60s. They received, the two first, the decoration, and the last, the medal. But what about the others who entered the service before them? Besides these gentlemen, just named, we have a very old servant who entered the service in 1842—another in 1849—another in 1850; three in 1853; four that entered in 1854; in 1855 you have six; in 1857 you have four; and amongst those names you have a name well known in this house—the name of Mr. Boucher, our assistant clerk. In 1858 you have five more; in 1859 you have thirteen. In 1861 you have seven; in 1862 you have five; in 1863 there are ten. All those persons are entitled, as well as those who came after, and if the length of service has anything to do with it—

Hon. Mr. SCOTT—My hon. friend did not ask me on that point. Canada was limited to a certain number.

Hon. Mr. LANDRY—I know that. There were twelve for companionship and six for medals. The twelve for companionship have been chosen amongst servants the oldest of whom dates only from 1869, and all those I have just mentioned, as far as number goes, are prior to 1866. I think those nominations have been made without a due regard to the subject.

Hon. Mr. SCOTT—Mere length of service was not the test. The test was meritorious service for twenty-five years. You might pass over a man who had been fifty years in the public service, and regard one as much more meritorious who had served twenty-five years. Length of service alone did not entitle him.

Hon. Mr. LANDRY—Merit?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—On that ground, I think our assistant clerk should be as deserving as a man who has been keeping a lighthouse since the 24th of April, 1877.

Hon. Mr. TEMPLEMAN—Bring him in next year.

Hon. Mr. DANDURAND—We do not know how many persons were recommended and who were finally chosen. It may have been very arbitrary and may have been done on the other side. I am somewhat doubtful as to the propriety of attaching our officials to the imperial meritorious service. If we go into such a course, I should prefer to go in ourselves and make our own selections and the fountain of honour would reside in Canada.

Hon. Mr. LANDRY—I asked the question, how many were recommended, so that we should see who were recommended. At all events, as we may see the imperial service order is losing much of its merit the way it has been granted.

EXTRA-JUDICIAL EMPLOYMENT OF JUDGES BILL.

FIRST READING.

Hon. Mr. FERGUSON presented Bill (U) An Act respecting the Extra-Judicial Employment of Judges. He said: This, though a Bill of some importance, is short and I shall read it:

Judges of any Dominion or provincial court who are appointed by the Governor General or by the Governor General in Council, shall not hold or act under any commission to inquire into any matter relating to the good government of Canada or any province of Canada or to the conduct of any part of the public business of Canada, or any province of Canada, or to the conduct in office of any minister of the Crown or of any person in the service of Canada, or any province of Canada, whether such commission is issued under the authority of—

Any Act of the parliament of Canada, except chapter 138 of the Revised Statutes respecting the judges of provincial courts; or

Any statute or ordinance in force in any province of Canada; or

Any other power to issue such commissions possessed by the Governor in Council or by any Lieutenant Governor in Council.

That is the whole of the Bill. The first point in connection with the Bill which will strike hon. gentlemen is with regard to the power of parliament to pass this particular legislation that refers to the employment of judges by provincial governments. I have consulted with what I regard as very excellent authority on this question, and have looked carefully through not only the British North America Act with such assistance as I could obtain, but also all

the reports of the various Ministers of Justice since confederation, on provincial legislation, and many of these reports have touched on this question of the administration by judges, the power of the government to appoint judges, the control over those judges and how they should be paid, and all such things as that, and have found that nearly all the eminent gentlemen who have held the position of Minister of Justice since confederation are on record in these reports, at one time or another, expressing their very pronounced opinions as to the absolute and complete control with regard to the emoluments to be paid and right to control the judges in every respect being in the possession of the parliament of Canada. I shall not say anything more on that point, but I will submit just two or three reasons which appear to strongly call for this legislation on the part of the parliament of Canada. I hold that the appointment of judges on commissions is detrimental to the efficient discharge of their strictly judicial duties. It is assumed, when lawyers are appointed to the bench, that the work of the courts in the different provinces which they are called upon to preside over calls for the exercise of their best efforts, and if they are liable to be called away from their duties by extra-judicial work by appointments from the provincial government, or from the general government, to try cases arising in connection with the good government of the country, or the conduct of any minister, or officer of the government, then there is so much time taken away from that which the government and parliament of Canada provides shall be given strictly to judicial duties. I think it goes without saying that the judges of the courts shall not be called away, as we have known them to be for a month or two months at a time, and more than one of them sometimes, from the proper discharge of their duties without some detriment to the service they are appointed properly to perform. If the other side of this proposition is maintained, that no detriment arises, the conclusion is inevitable that we have too many judges and are spending too much money for the performance of judicial duties in Canada. Another point is that the employment of judges to perform extra-judicial duties is calculated to affect the independence of the bench. With all the due respect which we must hold, and which I am prepared to say is usually held for the bench in this country, we must feel and know that when they become judges they do not cease to be human beings, and it is not right that temptation should be put in their way, and inducements held out to them, or that it should be in the power of any government to confer favours upon those who should be above all influences either from the government of the day, or from the opposition, or from any party whatever. This view that I am now presenting is one that has been put before the public by different Ministers of Justice, and I am not going to allow this proposition to rest on my own judgment alone, but will submit to the House the opinions of some eminent men who have filled the office of Minister of Justice since confederation. Turning to the reports of all the chief Ministers of Justice that are embodied in this volume, at page 84, I find Sir John Macdonald, then Minister of Justice, laid down this view on the 14th of July, 1869, when dealing with a law passed by the province of Ontario—the Supply Bill of Ontario in fact for that year, in which provision was made for the payment of $1,000 to certain judges of the court in the province of Ontario. Sir John Macdonald said :

> That the sixth section of chapter one, being the Supply Bill for 1869, is also objectionable, as by the 96th and 100th clauses of the Union Act it is provided that the Governor General shall appoint the judges of the superior courts, and the parliament of Canada shall fix and provide their salaries, allowances and pensions ; it would seem that the judges of those courts cannot properly, and without a breach of its provisions, receive emolument of any kind from any but the power which appoints and pays them the legal salaries attached to their judicial positions.

I may further explain that Sir John Macdonald did not rest upon his own judgment upon that case alone, but he advised the Governor General to have a reference made of that Act, along with two others, to the law officers of the Crown in England, and they reported thereon. Mr. Collier, a very eminent lawyer, and Mr. Coleridge, afterwards Chief Justice of England, reported that this Bill was beyond the power of the Legislature of Ontario to pass, and the measure was disallowed. My hon. friend the Secretary of State will find the

report of the law officers of the Crown of England on this subject on pages 84 and 85 of the book to which I am referring, Hodgins' edition of reports of Ministers of Justice from 1867 to 1896. So much for that case. We find that the Hon. James Macdonald, at that time Minister of Justice for Canada, reported on an Act passed by the legislature of Prince Edward Island. My hon. friend will find the report on page 1203 of the same volume to which I have referred. This report goes in details. I will read the part of it that deals with this Bill :

A similar question came up in connection with an Act which was passed by the legislature of Ontario in 1869, whereby the sum of $1,000 each per year was allowed to the judges of the superior court payable out of the moneys of the province.

The opinion of the law officers of the Crown in England as to the authority of the provincial legislature to pass such an Act was taken, and they gave it as their opinion that it was not competent for the provincial legislature to pass it.

On the 19th January, 1870, the then Minister of Justice reported upon the Act and recommended its disallowance.

Hon. Mr. SCOTT—The disallowance was got over by paying the judges notwithstanding.

Hon. Mr. FERGUSON—My hon. friend says it was got over. That raises a point which I fully expected to meet. It is true the legislature of Ontario passed a law in the following session of parliament under which the judges of the court of error and appeal were to receive, and have received from that time, I think, up to the present time from the province of Ontario, $1,000 a year each during the time that each of them shall hold a commission with reference to heir and devisee and assignee proceedings, and it is also on record that the then Minister of Justice did not think that Act was intra vires either. A foot-note is found in this volume. Sir John Macdonald was very ill during the whole of that summer, and in consequence of the illness of the Minister of Justice, a report had not been made upon that law and the twelve months during which it could have been disallowed, passed, and it has remained on the statute-book, but in a report in 1888, by Sir John Thompson, dealing with this subject pointed out this fact, that notwithstanding the Bill had not been reported on and it had consequently been left to whatever operation it might have, that did not at all settle the intra vires character of that legislation. On the contrary, he held plainly in a very lengthy and full discussion which he made in reference to an Act which was passed by the province of Quebec, in, I think, 1887, appointing district magistrates in the city of Montreal, that the Ontario Act in question was ultra vires, and would be so held if the question had been raised. However, the question was not raised, and I am here free to admit that whether the Bill that I have submitted will cover it or not—I am rather inclined to think that it would not reach that provision of the Act of the province of Ontario—the many and strong objections which are entertained against the payment of judges in most cases do not apply against the provision that found its way into the statutes of the province some thirty years ago, and has remained there ever since. All judges, when they are appointed, know that it is in existence from their predecessors enjoying the salaries. There is no inducement held out to any individual judge in connection with it, and whether it is constitutional or not, it is not open to such grave objections as must be held to be valid against the occasional employment of judges by the governments of the day and the remuneration which arises from such occasional employment. I will read what Hon. James Macdonald, now chief justice of Nova Scotia, says. He is here discussing the legislation of the province of Prince Edward Island. He says :

The principle of paying judges by fees was long ago found to be a vicious one, calculated to interfere with the independence of the bench.

If the payment of very small fees to county court judges, such as arise under the operation of the law in these courts in Prince Edward Island, is held to be a serious interference with the independence of the bench, it must surely be held that the employment and remuneration of judges by provinces, where the employment is quite important and the emoluments are very high, is also an interference with the independence of the bench. I could submit very much stronger statements than that by other Ministers of Justice. For instance, I will turn to the view of Sir Alex Campbell, when he was Minister of Justice. I

will give my hon. friend the reference. It is page 186, of the same volume to which I have already referred. He was discussing Ontario legislation also, and he said :

The undersigned thinks it doubtful whether the provincial legislature can constitutionally in this manner appoint judges, who hold office by commission from Your Excellency to other offices under the provincial government. The expediency of allowing county judges to act as referees and local masters is questionable and the same may at some future time require the consideration of parliament. Should parliament think proper to legislate upon the subject it is evident that the provisions last referred to of the Act now under consideration would become inoperative.

This report I am reading and the references I am giving are included in a large volume which covers from 1867 to 1895.

Hon. Mr. LANDERKIN—Is that by Mr. Hodgins, of Toronto ?

Hon. Mr. FERGUSON—Yes. I will now turn to the opinion of Judge Fournier, then Minister of Justice, on page 1032 of the same volume. This deals with British Columbia legislation, in which the legislature of that province had undertaken by law to interfere with the circuits of the courts in British Columbia, to such a serious extent as to call for the interference of the federal authority :

They further allege that that Act in substance, confers on the local legislature power to appoint any county court judge for a particular district a power of appointment which belongs alone to the Governor General, and that any such power of control by the local legislature carries with it the power of rewarding such judges as may be favoured by the minister of the day by transferring them to more agreeable posts or visiting displeasure upon them by ordering them to the inhospitable districts of the interior. All which is incompatible with a continued faithful and unbiased discharge by the county court judges of their judicial functions.

There are many other opinions of the same kind, and throughout the entire two volumes that I have before me—a very considerable proportion of the volume deals with the question of the administration of justice—I have been unable to find one single report on any phase of this question which would seem to call in doubt the position I take with regard to this Bill, and from it I gather as the opinions of these eminent men that the view I am presenting to this House, that such employment as I am referring to is calculated to interfere with the independence of the bench, has been held and put forward strongly and prominently by different Ministers of Justice. There is just one other point that I shall refer to now—there will be ample opportunity for discussing the Bill at the second reading, but I thought it was a measure of sufficient importance to warrant some explanation being made at this stage, and that is that the appointment of judges to these employments is detrimental to the maintenance of due respect for the bench. I need not dwell upon that point. It is no doubt in the minds of hon. gentlemen in this House, as it is in the minds of the people of the country, that at this present moment a feeling prevails in the province of Ontario, and very much beyond that province, on this point that is a very unpleasant and very unsatisfactory one. I am not going to enter into a discussion as to whether there are sufficient grounds for that feeling or not, but I have no hesitation in saying that that feeling does exist and I am not at all exaggerating when I say that a majority of the people of Ontario who think on those subjects feel that the bench has been pulled down, so to speak, by what has occurred within that province within the last two or three months, in the employment of judges to try what is purely and solely a political question. There is an opinion that in a country enjoying responsible government, those questions should be tried by the representatives of the people themselves, but judges have been induced to accept a commission and hear evidence on that case and at this moment, as every hon. gentleman knows, we are just as far from a satisfactory solution of the question in the public mind as when the investigation was entered upon. The public mind is just as far from arriving at an agreement upon the question as they were when the investigation of that question began. In fact, everybody who has looked into it at all has come to this conclusion, that while it is beyond all question that a crime was committed in the bribery of a member of that House, yet the source of that money has not been disclosed and from the fact that it has not been disclosed, there can be no other feeling than that the inquiry has not resulted in the object which was in view when the commission was appointed. There are some whose view is that a proper result from such an

inquiry is reached if a report favourable to their own party is arrived at, but that cannot possibly be the view of the people of the entire country who want to have the truth discovered, who want to have the whole facts disclosed, and not a finding, or charge, or whatever you may call it, on evidence which everybody admits has not been sufficient to disclose the whole of the facts, and indeed the most important of the facts. To bear out what I have said, that the appointment of judges to commissions such as I have named is detrimental to that respect which should be felt for the bench, I will read to the House an article which appeared only three or four days ago in a newspaper published in the city of Toronto. I refer to the Toronto 'News,' a paper that is edited by a gentleman who stands undoubtedly at the head of the editorial profession in Canada, a gentleman who for many years edited the Toronto 'Globe,' and promoted the interests of that paper, while he had editorial charge of it, and brought it to a position of great respect and standing in this country which the 'Globe' never enjoyed before, and who is now employed on the editorial staff of the Toronto 'News,' a thoroughly independent paper. This is the article to which I refer:

The Judiciary.

What do the people of Canada think to-day of the Canadian judiciary? The question is a vital one. It involves a nation's regard for law and order. It involves the integrity of our national institutions. And it involves our national morality and decency and self-respect.

A year ago there could have been no such question. Its answer would have been absolute, unhesitating, unqualified. The judiciary was the one thing in which the people trusted. In the midst of a general break-down of political morality, the disappearance of all party principle, the elimination from public life of almost all the big men who held the nation's confidence, the courts of Canada remained in full possession of the people's respect. Have they it to-day?

A terribly significant incident occurred at the decoration of the veterans' monument in Queen's Park a week ago. In the course of a patriotic oration, which was being enthusiastically received, the speaker made the customary eulogistic reference to the position of the Canadian bench. It was received with ribald laughter, which compelled him to change his subject as soon as the jeers of his audience subsided and he regained a hearing. It was an incident that would have been impossible a year ago, and we can only hope against hope that it will be impossible a year hence.

This was at a gathering to decorate the monuments of veterans who fell in the service of their country. It was not a political gathering. It was a gathering irrespective of politics.

Hon. Mr. LANDERKIN—Who was the speaker?

Hon. Mr. FERGUSON—It does not say in the article, but I believe it was Dr. Ryerson. The article continues:

The cause is simple, and easily to be avoided if any government had the courage to avoid it. The judges have been made a part of the political machinery of a party. The responsibility is largely their own. They have allowed themselves to be made political agencies when they need not have done so, and that is the charge which the public lays against them. But the burden lies mainly upon the government which imposed this new obligation upon them. And as straws show the wind, so the laughter of the Queen's Park crowd—a crowd of patriotic citizens, assembled to honour their noblest dead—shows in what depths of degradation the present treatment of the judiciary will land this people.

These are very strong words coming from the quarter from which they emanate and they are entitled to, and must receive a great deal of consideration.

Hon. Mr. LANDERKIN—Does the hon. gentleman propose to abolish the trial of controverted elections by judges?

Hon. Mr. FERGUSON—If my hon. friend will look at the Bill and brush up his law on these questions, he will find the Bill will not reach such questions at all. The controverted elections are tried by the existing courts in all of the provinces. It is not an extra-judicial proceeding at all, but a strictly regular proceeding under the organization of the regular courts of the country.

Hon. Mr. LANDERKIN—The hon. gentleman has not answered my question, which is a simple one. I asked if he intended to abolish the trial of controverted elections by judges?

Hon. Mr. FERGUSON—I answered that.

Hon. Mr. LANDERKIN—No, the hon. gentleman answered it by rhetoric.

Hon. Mr. FERGUSON—I told the hon. gentleman the courts in trying controverted elections were regularly organized courts. Such trials are not extra-judical proceedings, and my Bill will not touch them.

Hon. Mr. LANDERKIN—They will still be in politics. The judges will be handling controverted election cases.

Hon. Mr. FERGUSON—I have always felt there was a great deal of force in that objection. There did not seem to be any other method open to have election cases tried. I always felt so. In my own province I saw, on many occasions, judges called to do work which was not proper work for them, but there seemed to be no other way of doing it and, under the circumstances, we had to endure the evil; but that does not make it at all necessary that we should go on and extend that evil where there is no necessity for doing so. Now I shall turn to another opinion, that of one who, I am sure, will be regarded by every hon. gentleman in this House and by every person in this country as a very high authority on such a question. I refer to Dr. Goldwin Smith, of Toronto.

Hon. Mr. LANDERKIN—I do not think any senator should quote as an authority for the Senate a gentleman who has advocated the annexation of Canada to the United States, as Goldwin Smith did.

Hon. Mr FERGUSON—I am not sure what my hon. friend has not advocated in his time. If we are going to enter into that question, I dare say my hon. friend was in favour of commercial union at one time in Canada, and we all know that meant annexation, and if my hon. friend wants to impugn the judgment of Dr. Goldwin Smith on every subject because, simply, at one time he recommended, or advised the annexation of Canada to the United States, he is condemning himself, because he advocated what we know very well, amounted practically to the same thing.

Hon. Mr. LANDERKIN—I will inform the hon. gentleman that I never advocated commercial union, and the Liberal party never advocated it, nor did they issue an annexation manifesto to the United States. It was the party with which the hon. gentleman is allied which did that.

Hon. Sir MACKENZIE BOWELL—I am very much afraid the hon. gentleman has taken the advice of a certain provincial minister, to forget some things.

Hon. Mr. FERGUSON—I am afraid his memory is bad. The same proposition was refurnished and presented to the people, as unrestricted reciprocity. It was first commercial union, and then unrestricted reciprocity, and I think it had a very strong and earnest support from the hon. gentleman who interrupted me.

Hon. Mr. LANDERKIN—It was introduced by the hon. gentleman's leader, Sir Charles Tupper.

Hon. Mr. FERGUSON—And furthermore I am just reminded that the Hon. Edward Blake, the greatest man that every held a position in the Liberal ranks, and the greatest man the party ever produced, left the ranks of his party and withdrew from political life in Canada in disgust, because of the propounding of that policy of commercial union and unrestricted reciprocity by the party to which my hon. friend belongs.

Hon. Mr. LANDERKIN—No, no.

Hon. Mr. FERGUSON—And because he regarded that policy as involving and leading ultimately to annexation and that he thought the question of annexation should have been discussed fairly and squarely in the first instance, instead of being discussed in an indirect way. However, if I were to go on and answer my hon. friend, the result would be to draw the attention of the House entirely away from the Bill which I am submitting for its consideration. As my hon. friend has concluded his interrogations, I propose to read the opinion of Dr. Goldwin Smith——

Hon. Mr. LANDERKIN—The annexationist!

Hon. Mr. FERGUSON—He says in this article:

> The legislature, having at last met, a member of it charged another member, who was also a member of the government, with an attempt at bribing him to betray his duty to his constituents. This surely was a case for a parliamentary committee of inquiry. If the legislature has to confess that it is incapable of vindicating its own character, to what a pass have we come. The House deserted its own honour by delegating the case to any external tribunal, unless it intended a criminal prosecution, in which case recourse should have been had to the courts of criminal justice. But the obvious course was not the one which best suited the interest of party. The case was handed over to an anomalous tribunal, selected by the case, while the accuser did not concur in its selection. There followed a monster trial, with interminable wranglings of counsel, and bullyings of witnesses, amid great party excitement and altercations of the party press. What the public wanted to know was whether

a bribe had been offered to Mr. Gamey, if it had, from what fund it came, and by whom and through what hands that fund was employed. These facts a strong chairman of the parliamentary committee might surely have extracted by direct and searching questions.

The door of satisfactory inquiry has been closed upon us, but that of reflection is not, and surely any one in whom party has not extinguished all power of reflection, seeing what has taken place, seeing the course of electioneering roguery and corruption through which we have been passing, and its necessary consequences, to political, and even general morality, must reflect on the wisdom of retaining a system of which these are the natural fruits.

I might also mention that this is not the only case in which I think developments occurred which have not been calculated to strengthen the judiciary of the country in the estimation of the people of Canada. And now I am dealing with what may be regarded as a conservative action, the action of the Conservative party. I am referring to the commission issued in the province of Quebec with regard to the developments in the Mercier regime, in 1891. On that occasion a royal commission of inquiry was issued, I think on the suggestion of the governor of the province, the Hon. Mr. Angers, but a commission for which the premier of the day assumed the ministerial responsibility. That commission consisted of three members and a report was finally presented—I am not dealing now with the preliminary report, but with the final report—in which two of the judges found Mercier guilty of the charges that had been preferred against him. The third judge brought in a favourable report. The judges that found the judgment against Mercier on that occasion were Judges Baby and Davidson, and the judge who made the favourable report was Justice Jetté, at the present time governor of the province of Quebec. This is only one of many instances that can be referred to. The public cannot shut their eyes to the fact, that the court divided on the question according to the political feeling of the judges before they went upon the bench. It turned out that the two judges that reported adversely to Mercier were judges that had been Conservatives before they went on the bench, and the judge who gave a favourable report had been a Liberal. When you find in the jury room, or on the bench, that either the jury or the bench divide on political lines, it cannot fail to fix the impression on the minds of the people that they have not ceased to be influenced by their political feelings, whether they are independent of party feelings or not. And what has occurred from that time forward? Judge Jetté, who made that favourable report, continued to be a judge of the Supreme Court, until the party with which he formerly was connected came into power, and since that time he has been honoured in various ways. He has been appointed governor of the province of Quebec, and has received an appointment, but has not entered upon his duties, to be High Commissioner in reference to the Alaskan Boundary. I am not charging to the slightest extent that these honours and distinctions and advantages which have been conferred upon him since that time, have been in consequence of any service he rendered in favour of Mercier. I am sure that has not been the case. For my own part, I am quite sure they have been bestowed upon him in consequence of his high character and ability, and perhaps with some regard to his eminent political services to his party before he went on the bench, but it is hard to disabuse the public mind of the impression—it has often been suggested in my hearing—that this preferment, advantage and distinction conferred upon Judge Jetté, has been to some extent owing to the fact that he had rendered a favourable judgment to Mercier in the investigation of the charges at that period. I do not entertain those views myself. I do not know the gentleman; I never met him, but I have heard him spoken of in the highest terms. Nevertheless the employment of judges in services which are calculated to create in the minds of the public such serious suspicions, is not in the public interest.

Hon. Mr. LANDERKIN—Did the hon. gentleman examine into the case of the judges who conducted the Pacific scandal investigation?

Hon. Mr. FERGUSON—That possibly would be another illustration, and perhaps stronger than the one I used.

Hon. Mr. LANDERKIN—Does the hon. gentleman know the result?

Hon. Mr. FERGUSON—I do not know that it is one whit better, whether it comes from the Conservatives or the Liberal gov-

ernment, and if there is injury to arise, or interests to be affected, it will be just as bad with one party as the other.

Hon. Mr. LANDERKIN—We should have the facts on both sides, so that we could judge.

Hon. Mr. FERGUSON—It is in the mind of hon. gentlemen in this country at the present moment, that a proposition has been made to appoint a judge, not very long since elevated to the bench, to investigate some charges with regard to concessions given to Treadgold and his associates in the Yukon, and it is notorious that the suitability of the gentleman to that position, and the propriety of appointing Judge Britton, has been strongly called in question. I had the pleasure of knowing Judge Britton, and entertain a very high opinion of him. I have not even a suspicion, as far as I am concerned, that he would do wrong if appointed to such a position; but knowing that he has only very recently left a very active arena of politics, that he was very actively employed in room 49 in this building, in one, or I think, two sessions, defending the government from similar charges to those which he is now investigating, that he entered into the defence of the government in that committee with a great deal of earnestness and ability and voted to exculpate the government with regard to the concentrated food sold for the use of our soldiers in South Africa, and that the report which he submitted on that occasion was of such a nature that it forced such an independent man and so good a Liberal as the hon. member for St. John to vote against the adoption of that report, and other gentlemen equally owing party allegiance, as my hon. friend and other independent men to vote against that report, I think the appointment would be unsuitable. I entirely disagreed with Judge Britton's conduct and action and finding with regard to that concentrated food inquiry, and with regard to the West Huron investigation, and I think there were many others, who had the opportunity of being in that room and following that investigation, came to the conclusion that no matter how good a man he was, no matter how able a lawyer he might be, he is just a little too fresh from the political arena to be called upon to judg of a matter between the government tha appointed him, and the party in whose ser vice he had worked up to that time, an the people of the Yukon. I might further re mark that my Bill does not propose t lessen or take away from the government whether provincial or federal, the powe to issue royal commissions, but if I hac gone that far, I am sure I would have the ardent support of my hon. friend the Sec retary of State. If he wishes to carry ou the Liberal platform in one very important particular, and if he suggests an amendment to my Bill in that direction, I will accept it heartily, and the House will pass it unanimously. The Liberal convention that met in 1893, passed the following resolution:

> That it is the ancient and undoubted right of the House of Commons to inquire into all matters of public expenditure, and into all charges of misconduct in office against ministers of the Crown, and the reference of such matters to royal commissions created upon the advice of the accused is at variance with the due responsibility of ministers to the House of Commons, and tends to weaken the authority of the House over the executive government; and this convention affirms that the powers of the people's representatives in this regard should on all fitting occasions be upheld.

This Bill does not take away the power of the government to implement the Public Inquiries Act and to make any other inquires they may deem necessary into the working of any law of the country. It does not allow them to appoint judges for these services, but they can call in any other expert. All the legal knowledge of the country is not upon the bench by any means. There are very many eminent lawyers at the bar in all the provinces, and many of them without very strong pronounced political opinions, and out of such a large number of able men it will be quite possible for the government to find some suitable, if they wish to continue appointing these commissions, and putting the responsibility for the good government of the country in many cases upon the shoulders of commissioners.

Hon. Mr. BEIQUE—I desire in no unfriendly way to raise a question of order, because of the importance of the subject. It seems to me that this Bill raises a constitutional question of extreme importance, as to whether it is within the jurisdiction of the Dominion parliament to legislate in the direction mentioned in the Bill. The

question is not new. At the time of the enacting of the Controverted Elections Act the question came up as to the powers of the federal parliament to assign new duties to courts of justice created in the provinces, and the Supreme Court held, and their judgment was confirmed by the Privy Council—and I find a reference to the judgment of both courts in Bourinot, pages 93 and 94—that it was within the powers of this parliament to assign new duties to the judges of the different provinces. The decision of the Privy Council may be summed up in these few lines :

That there is no doubt about the power of the Dominion parliament to impose new duties upon the existing provincial courts, or to give new powers as to matters which do not come within the classes of subjects assigned exclusively to the legislatures of the provinces.

The British North America Act, in sections 91 and 92, defines the powers of the federal parliament and of the local legislatures, and on referring to section 91, subsection 27, which is the only section which need be referred to now, we find the following :

The criminal law, except the constitution of courts of criminal jurisdiction, but including the procedure in criminal matters.

If we refer to section 92, which section defines the exclusive powers of the provincial legislature, paragraph 14, we find the following :

The administration of justice in the province, including the constitution, maintenance and organization of provincial courts, both of civil and criminal jurisdiction, and including matters of civil procedure in those courts.

It is, therefore, clearly laid down in the Constitutional Act that the power of organizing the courts belongs to the provincial legislature and the power of the federal parliament is limited to appointing the judges and providing for the payment of their salaries. Now, under the holding of the Supreme Court and the Privy Council under the Controverted Elections Act, it is quite plain that it would be within the powers of this parliament to assign a new duty to the judges and possibly, and I might say for my own part I am under the impression for the moment, it would be within the power of the federal parliament to pass a law which would take away from the judges the right of inquiring into or administering justice, or making inquiries under appointments of the Governor General in Council in matters within the jurisdiction of the federal parliament, but I direct the attention of hon. members of this House to the fact that the Bill seeks to take away from the courts of the provinces the right to inquire, about what ? The Bill reads :

Judges of any Dominion or provincial court who are appointed by the Governor General or by the Governor General in Council, shall not hold or act under any commission to inquire into any matter relating to the good government of Canada or any province of Canada, or to the conduct of any part of the public business of Canada or any province of Canada, or to the conduct in office of any minister of the Crown or of any person in the service of Canada or any province of Canada, whether such commission is issued under the authority of—

Any Act of Parliament of Canada, except chapter 138 of the Revised Statutes respecting the judges of provincial courts ; or

Any statute or ordinance in force in any province of Canada ; or

Any other power to issue such commissions possessed by the Governor in Council or by any Lieutenant Governor in Council.

Therefore I submit that under this Bill it is sought to remove from the courts of the provinces the right to inquire as to the action of any minister of the Crown—ministers in the provinces may be ministers of the Crown as well as in the Dominion—or of any persons in the service of Canada or any province of Canada. It seems to me that this would be an infringement upon the jurisdiction of local legislatures and would go beyond the powers of this parliament. It is quite a different thing from recognizing that this parliament has the power in such matters as are not civil matters to impose duties on judges and to maintain that it can override or interfere with the jurisdiction of the courts created by the several provinces of Canada. The one may be conceded, and for my part I am ready to concede it, but I am not ready to concede that this parliament has the right to interfere with the jurisdiction, or any part of the jurisdiction, which may be given by the legislature of a province to the courts organized by them, and therefore I feel it my duty to raise a question of order so that the matter may be decided by the hon. the Speaker of this House.

Hon. Sir MACKENZIE BOWELL—Before the question of order is decided, may I ask the hon. gentleman whether he considers the paragraph he read from page

94 of Bourinot, second edition, applies in any way to the Bill now before the House ?

Hon. Mr. BEIQUE—Yes.

Hon. Sir MACKENZIE BOWELL—The paragraph the hon. gentleman read, as I understand, is as follows :

> There is no doubt about the power of the Dominion parliament to impose new duties upon the existing provincial courts.

No one disputes that part :

> Or to give them new power as to the matters which do not come within the classes of subjects assigned exclusively to the legislatures of the provinces.

I think that is the paragraph the hon. gentleman read. That decision is that the Dominion parliament has the power to impose other duties upon the provincial courts that are not given to them in the Confederation Act, but there is nothing there, as I understand it, to prevent the passage of a Bill saying that they shall not do so and so unless it can be shown that we are acting beyond the powers of the constitution. With reference to the point of order, Bills are being constantly passed in the legislature of the different provinces that are ultra vires. It is now charged in the Ontario legislature—the discussion only took place the other day—that the Dominion parliament has been infringing on the rights of the different provinces in reference to the powers that pertain particularly to municipalities. These things are occurring continually, but it is not a question of order, surely, whether we shall place on the statute book an Act which, in the opinion of some, would be ultra vires and in the opinion of others intra vires. The hon. gentleman who presented this Bill stated distinctly that he had consulted some of the best legal authorities in the city of Toronto. He has consulted others in this city, and at the first blush they thought it was ultra vires of this parliament to put such an Act on the statute-book, but after looking into the question and considering it, and on reference to the clauses in the constitution which the hon. gentleman read, they came to the conclusion, deliberately, that this parliament had the power to do what the hon. gentleman proposes to do. I am not going to argue the other question just now, but I think the question of order is one that could not possibly be raised at present, because we might introduce any Bill we please and the courts might set it aside as they have done in the past. Some courts have declared that the Acts of the provincial legislatures were ultra vires and the English courts have decided they were intra vires, and so the question has been settled, and I presume it would be so in case this Bill were to be placed on the statute-book.

Hon. Mr. LOUGHEED—Will my hon. friend point out, for the information of the House, how this is interference with provincial courts ? It is not calculated to interfere with the courts of the provinces, but to place a limitation upon judges acting in an extra judicial capacity, who are officers appointed and paid by the federal authority. Will the hon. gentleman point out in what way that comes within subsection 14 of section 92 of the British North America Act ? That section defines the authority of the provinces with reference to the administration of justice in the province, including the constitution, maintenance and organization, etc., of those courts. My hon. friend must not overlook the fact that the judges do not act as judges on those commissions. Take, for instance, the commission referred to, which recently has been sitting in Ontario. The judges in that case did not sit as judges, but simply as commissioners. The province of Ontario could have delegated to two laymen the same authority to act, in taking the evidence and in holding commissions, as they did to these two particular judges.

Hon. Mr. BEIQUE—I have, with a view of saving the time of the House, limited myself to referring to the judgment of the Privy Council, but if I had taken time to read the remarks appertaining to the Supreme Court, it would have answered the point raised by the hon. leader of the opposition. I read from Bourinot, page 93:

> In 1874, the Dominion parliament passed an Act imposing on the judges of the superior court of the provinces the duty of trying controverted elections of members of the House of Commons. The question was raised in the courts whether the Act contravened that particular provision of the 92nd section of the British North America Act which exclusively assigns to provincial legislatures the power of legislating for the administration of justice in the provinces including the constitution maintenance and organization of provincial courts of divisional and criminal jurisdiction and including procedure in civil (not in criminal) matters in those

courts. The question came at last before the Supreme Court which constituted as a full court of four judges, unanimously held :

That whether the Act established a Dominion court or not, the Dominion parliament had a perfect right to give to the superior courts of the respective provinces and the judges thereof the power, and impose upon them the duty of trying controverted elections of members of the House of Commons and did not, in utilizing existing judicial officers and established courts to discharge the duties assigned to them by that Act in any particular invade the rights of the local legislatures. That upon the abandonment by the House of Commons of the jurisdiction exercised over controverted elections without express legislation thereon, the power of dealing therewith would fall ipso facto within the jurisdiction of the superior courts of the provinces by virtue of the inherent original jurisdiction of such courts over civil rights. That the Dominion parliament has the right to interfere with civil right, when necessary for the purpose of legislating generally and effectually in relation to matters confided to the parliament of Canada. That the exclusive power of legislation given the provincial legislatures by subsection 14 of section 92, British North America Act, over procedure in civil matters means procedure in civil matters within the powers of the provincial legislatures.

I refer to this for the purpose of conceding that, so far as giving additional powers to courts organized by the provinces, it was within the powers of the federal parliament, but the distinction which I made, and which I make again, is this, that there is a decided difference between giving the courts additional powers and interfering with powers which may be given to the courts by the authority creating them and defining their jurisdiction. Now, answering the question of the hon. gentleman from Calgary, I say this : It may be that, as a matter of fact, so far, the provincial courts have not been assigned such powers as are mentioned in the Bill, but suppose that tomorrow such powers should be assigned by a provincial legislature—that the legislature of a province should pass an Act saying that such and such inquiries—any of the inquiries that are mentioned in the Bill —shall be made by the judges of the Superior Court in the province of Quebec, or by the judges of the High Court of Justice in Ontario, would it be within its powers ? I claim it would be clearly within the powers conferred on the local legislatures by section 92 of the British North America Act, and if that would be within their power, it would be within their exclusive power, and it would show that as a consequence this parliament could not override or interfere with powers of that kind. In other words, I claim it is within the exclusive jurisdiction of the province to organize the courts and to state what will be their judisdiction within the province, and that the parliament of Canada has no power to interfere with that. All that we can do is in connection with matters pertaining to federal jurisdiction, and as an incident power to that, to confer additional powers on the provincial courts. Now, I see, on referring to rule 56 of this honourable House, that :

Any private Bill shall, if it be demanded by two senators when read the first time, be referred to the Committee on Standing Orders to ascertain and report whether or not the said Bill comes within the classes of subjects assigned exclusively to the legislatures of the provinces.

Hon. Mr. LOUGHEED—Does the hon. gentleman consider this a private Bill ?

Hon. Mr. BEIQUE—I say this is not a private Bill, and it seems to me, unless there be some other rule which I have overlooked, this would be the time to raise the question of order. The hon. gentleman opposite (Hon. Sir Mackenzie Bowell) says that laws are passed exceeding the jurisdiction of the federal parliament or of the local legislatures, and that it is left to the courts of justice to declare whether those laws are binding or not. A law which, on its face, would be unconstitutional, would not be effective; and the courts of law would have the power to declare it unconstitutional and therefore of no effect. But it is our duty, as a parliament, to inquire what are the powers of parliament, and it seems to me that now is the time to make that inquiry, and if we should come to the conclusion that it is beyond the powers of this parliament, we should in reason declare so and deal accordingly with the Bill.

Hon. Mr. LOUGHEED—My hon. friend has been driven to shift entirely the position on the point of order which he first took, namely, that the Bill was beyond the power of the federal authority, on the ground that it is invading the jurisdiction of the provinces with reference to provincial courts. The hon. gentleman now pre-supposes the calling into existence of a provincial court, with authority to delegate to judges such inquiries as the judges have been holding in their extra judicial positions heretofore ; but my hon. friend can scarcely take that position until the province organizes

such a court as that which he pre-supposes might be called into existence. Until that period is reached, I fancy my hon. friend can scarcely sustain his point of order. Now there is no question, we do not doubt, that it is within the authority of the province to establish courts, possibly to exercise jurisdiction outside of the ordinary jurisdiction of civil and criminal courts as they now exist in the provinces, but until that time is reached, surely my hon. friend is not serious in saying that this parliament cannot legislate as to the duties of judges—as to judges not performing duties, which very clearly pertain to laymen at the present time? As I pointed out before, there is nothing to prevent the provincial government of Ontario from asking two civilians to hold that commission, and to give to them all the powers exercised by the judges.

Hon. Mr. SCOTT—The point at issue is a very simple one. Can this parliament restrict the powers of the judges and compel them to refrain from holding inquiries at the instance of provincial governments or legislatures?

Hon. Mr. LOUGHEED—Yes.

Hon. Sir MACKENZIE BOWELL—Can such a law be passed?

Hon. Mr. SCOTT—The best way to ascertain the rights and powers of this parliament is by a reference to the Supreme Court under the authority of the Act constituting the Supreme Court. We have such a power, and that is a simple way of meeting the objection which has been raised, which I think is a very strong one. That would be the quicker way of arriving at the jurisdiction of this parliament, by referring to the Supreme Court the point at issue.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman think it is of sufficient importance to act upon the suggestion which he himself has made to refer this question to the Supreme Court? Will he tell us that he, on behalf of this House, will bring the matter before his colleagues and have that reference made?

Hon. Mr. SCOTT—Of course the whole question is absolutely new. I was not aware of the hon. gentleman's Bill. It is all new to most of us. We did not know he was going to launch such a question on the House, and therefore I am quite unprepared to discuss it. I shall be very glad to consider and will give my opinion on it tomorrow. I have just taken the authorities to consult them and form a judgment that would be worth something. At present I do not feel in a position to advise. I may be at a future stage. In the meantime, the Bill can stand. It has not been printed yet.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is quite right. It is only up for first reading. With reference to the point of order, if the point is well taken, then it is to make the Speaker of this House judge of a question of law on which there is great diversity of opinion. Certainly it is no breach of the rules of the House to introduce a Bill though it may be ultra vires. This question is one that has been disputed by the most eminent legal minds in the country. My hon. friend has told us that he is of the opinion that it is intra vires. The position of the hon. gentleman is that no one can introduce a Bill that pertains to the constitution of the country without violating the rules of order. The Secretary of State himself is at sea to know whether this Bill is constitutional or not, and he very properly has asked for time to consider it. I hold that it is no violation of the rules of parliament for a member to introduce any Bill effecting the administration of the affairs of the country. If the Speaker should rule that this Bill is out of order, he would simply be arrogating to himself the interpretation of the constitution, and that too upon a question upon which there is a very great diversity of opinion. It is not so plain to my mind as it seems to be to the hon. gentleman? The quotation from Bourinot has no reference whatever to this question. On the contrary, if there are any deductions to be drawn from the extracts from Bourinot read by the hon. gentleman they are in favour of the course that has been taken by the hon. gentleman from Marshfield, for the reason that when the law was passed relegating to the courts the trial of election contests, it was decided by the Supreme Court that parliament had the power. Now, if they had the power to do that, they would have the power to take it from them, and logically I think that would be leading to the conclusion that they would have the

power to say what duties should be performed by the judges whom they appoint and whom they pay. I said the other day, in speaking in opposition to the opinion of my hon. friend, it may be considered presumptious for a layman to discuss a legal point, but on parliamentary practice I am positive this question cannot be ruled out of order.

Hon. Mr. FERGUSON—I could scarcely believe that my hon. friend who has taken this point of order was serious. Had he taken a little time to consider, he would not have raised it. To call upon the Speaker of this House to decide a question with regard to the constitutionality of a Bill which he has not had in his hand or had time to consider—and this House is asked to refer a measure of this kind off-hand at the first reading of the Bill to the Speaker and insist upon an interpretation by the Speaker—is to my mind unreasonable. The proper course would be to allow the Bill to be read the first time and at the second reading of the measure to present an argument. I may be excused for saying—I am not a lawyer, far from it—that if my hon. friend who is a very eminent lawyer can produce any good argument against the constitutionality of this Bill he will have to do it in a different manner from what he has done. The quotation which he made from Bourinot is in favour of the Bill, and shows that the federal parliament can increase the power of the courts, and so far it is in the line of extending the jurisdiction of this parliament instead of restricting it. But if I have understood him right, he says it is possible that the legislatures of the provinces may pass laws governing the procedure of the courts in such a way that they will make some of the questions that are included in my Bill proper subjects for consideration in the courts. Is that the point the hon. gentleman made?

Hon. Mr. BEIQUE—I say this, that whether the provincial courts have done it or not, it makes no difference, that it is a question of jurisdiction, and I say if it is in their power to do it, then because it is exclusively in their jurisdiction it shows that it is outside of the jurisdiction of the federal parliament.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. FERGUSON—I ask my hon. friend to look at that point a little closer. Nobody disputes the power of the provinces to broaden the jurisdiction of the courts and to define that jurisdiction so that it will include other matters that are not now included in the jurisdiction of the court. I do not dispute that point at all, but the moment they so deal with the matters included in my Bill, they cease to be extra-judicial and become regular matters to be dealt with by the courts. My hon. friend, and I think this House will agree with me, that many subjects that are made matters of inquiry by commission would be quite impossible to embrace and bring under the jurisdiction of the courts by any procedure parliament might devise; but I contend if the legislature having the power to govern the procedure of the courts in civil matters should bring any of the these subjects within the jurisdiction of the courts as constituted, with the ordinary machinery that now exists, they cease to be extra-judicial and would not come under the operation of my Bill. That was exactly the case with the trial of election petitions. My Bill does not reach election trials, whether provincial or federal. All that was necessary to be done by the province was to use its powers of legislation so as to embrace the trial of election petitions in the procedure of the existing courts. Then the judges ceased to be doing extra-judicial work and received no extra remuneration. They were doing work clearly defined and laid down and there could be no conflict between the federal law and the provincial law. Surely my hon. friend must see that that would be the case. It is so with regard to election trials and could be made so with regard to other matters. Take the Gamey charges in the province of Ontario for instance; it would be quite possible to bring some of the transactions there involved before the courts of the country under the criminal law. That did not prevent, at the same time, the legislature of Ontario, appointing a commission to investigate them. If the legislature of Ontario, or of any province, goes on and provides machinery by which any matter included in my Bill can properly come before the courts, then the judges of those courts will try them, not as royal commis-

sioners, not as extra-judicial, but in conformity with their duty as judges. My hon. friend, in the course of his remarks, which is strange for an eminent lawyer such as he is, seemed to be confused between judges and courts. Nobody knows better than he does that they are distinct. The judges are officers of the government of Canada, appointed under the British North America Act, while the organization of the court belongs to the province. It has provided that all salaries, allowances and pensions to those judges shall be paid by the government of Canada, and I believe that a correct interpretation—and it has been held by ministers of justice—of that section would prevent the payment of salaries outside of the salaries paid from the federal treasury to judges—that it would not admit of their being employed and remunerated outside of that. My contention is that the hon. gentleman's point of order is not well taken; that it is not competent for the Speaker of this House to decide whether this Bill is ultra vires or not, and even if it would be competent at some later stage of the Bill to take such action, or to refer the Bill to the Supreme Court as suggested by the Secretary of State—the proper course now is that the Bill should be read the first time and set down for second reading and if, after due consideration, it is held that at some later period some action such as the Secretary of State suggests should be taken, by that time he will have consulted authorities and will be better able to form an opinion than he could now and anyway I hold that this is not a measure which can properly be made a subject for a point of order at this stage.

Hon. Mr. DANDURAND—I regret very much that the hon. gentleman from Marshfield has deemed proper to bring down this Bill at this time and before this chamber.

The SPEAKER—Is the hon. gentleman speaking to the point of order?

Hon. Mr. DANDURAND—I am speaking on the Bill itself.

The SPEAKER—As I understand, the hon. gentleman from De Salaberry has raised a point of order and that point will be settled first.

Hon. Mr. KERR (Toronto)—It is with a good deal of reluctance I rise to discuss a point of order, but I think the position taken by the hon. gentleman from Montreal has probably not been appreciated by some hon. gentlemen who have spoken. It would seem to me to be a highly inconvenient thing—as has been stated by the leader of the opposition, who spoke on this side of the House—if the decision of the Speaker on the point raised should exclude legislation. On the other hand, it is quite clear this Senate could determine some question of order, for if a Bill were so clearly out of order, as for instance, one to change the succession to the throne, I do not think there would be much difficulty in determining that it was out of order, and no constitutional argument that could be addressed would make it even debatable, so that it is necessary that a question of order should be a very definite one. I think that will be conceded, and that it should be definitely and clearly out of order before such action as has been suggested here would be taken as would be necessary on the question raised by the hon. senator from Montreal. But the point taken by him, in order that it may be appreciated by some hon. gentlemen who have spoken, I take it arises on the interpretation of a section of the British North America Act, and it is on the questions which arise over the various sections dividing and assigning to the Dominion and the provinces respectively the legislative duties that arise. Those relating to the provinces have been cited by the hon. gentleman, and it is not necessary that I should read them again, although I should call attention, perhaps, if I may be permitted to the first claim spoken of:

Hon. Sir MACKENZIE BOWELL—I call the attention of the hon. member to the fact that the question before the Senate at this moment is whether the introduction of this Bill is out of order.

Hon. Mr. KERR (Toronto)—That is the point to which I am addressing myself, and I say that in suggesting this question, the first authority was the legislative power of the province. The legislative power of the Dominion has not been specially referred to with reference to this particular matter. We are discussing a Bill which it is proposed to introduce, to prohibit, judges

of provinical courts from intervening or dealing with any matters outside of those duties which they discharge in court. That is the effect of it—to prohibit them from acting on commissions of inquiry or anything of that kind. I refer on this question to section 97 subsection 14, and that subsection goes very far. It reads as follows:

The administration of justice in the province, including the constitution, maintainence and organization of provincial courts, both of civil and of criminal jurisdiction and including procedure in civil matters in those courts.

And then subsection 16 reads:

Generally all matters of a merely local or private nature in the province.

I apprehend, a matter affecting the seat of a member, or the conduct of a member of the provincial house, would be a local matter within the meaning of this Act. Then the other sections of the Act which relate to what this parliament can do, with reference to the duties of the judges, are 96 and the following section. Section 96 says that the Governor General shall appoint the judges. Then it provides for the number of judges and from whom they are to be selected. The court from which they are to be selected is provided for in section 97. Then section 98 reads:

The judges of the courts of Quebec shall be selected from the bar of that province.

Section 99 reads:

The judges of the superior court shall hold office during good behaviour, but shall be removable by the Governor General on the Address of the Senate and House of Commons.

That seems to be the extent to which this parliament is clothed with authority to provide for the duties of judges. They are to do so during good behaviour and are removable—that is for something that is not good behaviour upon an address of the Senate and House of Commons. Then the other matters are mentioned here, that is, the salaries, allowances and pensions of the judges shall be fixed and provided by the parliament of Canada, and the only other power given is with reference to the Dominion court, which may be organized. Therefore, the point that was taken, as I understood it, was that this not being a matter pertaining to good behaviour, or defining good behaviour on the part of the judge, the parliament here has no power to prescribe as to the manner in which the judge shall behave, except as to good behaviour. That is the point practically taken by my hon. friend, based on and supported by the judgment of the Privy Council.

Hon. Mr. FERGUSON—It may be as well to call attention to what is a breach of order. The hon. gentleman takes a point of order and asks that a Bill which has not been read be ruled out, a Bill which the Speaker canot officially know about himself. Can anybody conceive of such an absurd thing?

Hon. Mr. BEIQUE—I did not interrupt the hon. gentleman before when he used an offensive expression, but I do not——

Hon. Mr. FERGUSON—I hope I have not used an offensive expression.

Hon. Mr. BEIQUE—The hon. gentleman has been using the word 'absurd.' I think the position I have taken is not absurd.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. BEIQUE—And it is taken in good faith.

Hon. Mr. FERGUSON—I am glad my hon. friend has called attention to it; I never thought of using the word in an offensive manner. I have the greatest respect for my hon. friend and for his legal attainments, and I hope he will not think for a moment that I intended to be offensive. At the same time, I can point to what I regard as an absurdity without being offensive to any one. I find it very hard to get a better word than 'absurdity' to characterize a proposition that this House shall call upon the Speaker to pass judgment upon a Bill which hon. gentlemen have not officially in their hands, or which is not before them. If my hon. friend had moved to appoint a committee to stop proceedings, to have this Bill examined, to see if it were proper to be read, there might be something in his proposition. But the form in which he has placed it is most extraordinary.

Hon. Mr. LANDRY—I think the question of order that has just been raised is one that we should perfectly understand ourselves. The hon. gentleman wants the hon. Speaker to decide that that Bill is unconstitutional. Well, we are asking the Speak-

or to deliver a judgement. I think it is not fair to place the Speaker in that position. He may interpret the rules of this House. If there is a rule of this House that prevents a member presenting a Bill in such and such form, all right. The Speaker might decide that the member has overlooked the rules of the House and bring him to order, but we are asking the Speaker now to decide something which the Supreme Court might take two or three weeks to decide themselves, whether this Bill is constitutional or not, and if we were not satisfied with the judgment of the Supreme Court, we might go to England. Yet we are asking the Speaker to rule immediately. I think we should bring the matter before the House in a proper way.

The SPEAKER—I do not think that the point just taken by the hon. member for Marshfield is well taken. The hon. gentleman moved that the Bill be read the first time, and in a certain sense that gave the House a jurisdiction over the matter, although the Bill had not been actually read the first time. However, that is not a very serious question. The attention of the hon. gentleman from de Salaberry probably was not directed to the exact language of this Bill, and I do not pretend that I have a right to discuss the question as to whether the Bill is ultra vires or not, but I may be allowed, before resuming my seat, to express my opinion on that point. I think the hon. gentleman from de Salaberry is in error, because this Bill says :

> The judges of any Dominion or provincial court who are appointed by the Governor General or by the Governor General in Council shall not hold or act under any commission to inquire into any matter relating to the good government of Canada or any province of Canada or to the conduct of any part of the public business of Canada or any province of Canada or to the conduct in office of any minister of the Crown or of any person in the service of Canada or any province of Canada.

The hon. gentleman must see that it is perfectly competent for this parliament to deal with a judge of a Dominion court in so far as respects the conduct of an officer of the Dominion of Canada, and if it should be held by and by that a portion of the Bill is ultra vires, that would certainly be no reason for ruling the whole Bill out of order. It could not be expected that the Speaker of either House should be in a position to decide delicate constitutional questions that might be raised. Our rules say that it is the right of every senator to introduce a Bill. The hon. gentleman for Marshfield was within his right, in introducing the Bill, and then the next rule goes on to say that the Bill, when introduced, is read the first time and ordered to be printed; and then another rule says that the principle of the Bill is generally discussed at the second reading. I think that is the right time to raise any question as to the constitutionality of the Bill. What we will do then with the Bill is another thing. If there are grave doubts as to its constitutionality, the House might decide to refer it to the Supreme Court, but inasmuch as there have been a great many decisions of the Supreme Court on questions as to the relative jurisdictions of the parliament of Canada, and the provincial legislatures, the Senate would probably feel that it was quite in a position, when the Bill came up for a second reading, to decide whether it was or was not constitutional. The course taken by the hon. gentleman for Marshfield is, perhaps, to a certain extent, responsible for the difficulty that has arisen, because the general rule is that at the first reading the member contents himself with simply explaining what the nature of the Bill is. The speech that the hon. gentleman made was more like the speech to be made at the second reading and naturally provoked more feeling than would otherwise have arisen ; but he was perfectly within his rights. However, this little discussion would probably not have arisen if the hon. gentleman had not spoken as he did. I do not think the point of order is well taken. The Bill will now be read the first time.

Hon. Mr. DANDURAND—Before the Bill is read, I had hoped to address the House. As his honour the Speaker has remarked, an unusual course has been adopted by the hon. gentleman for Marshfield.

The SPEAKER—It is a little unusual, but it is perfectly legal and constitutional.

Hon. Mr. FERGUSON—The House instead of complaining, I should say has a right to be pleased, because it is not always that a member explains so fully the contents of his Bill to the House at the first reading,

and it is in the interests of the House that it should be done.

Hon. Sir MACKENZIE BOWELL—The practice is the Bill, is read the first time; Now, let my hon. friend move the second reading, and it will be open for debate on the second reading of a month if necessary.

The Bill was read the first time.

Hon. Mr. FERGUSON moved that the Bill be read the second time on Thursday next.

Hon. Mr. DANDURAND—If the hon. gentleman had contented himself with laying the Bill before the House without going fully into the reasons why he brought this subject before the House at this moment, I would have followed the usual practice and waited for the second reading to express my opinion. I simply want to address myself to the propriety of this Bill being brought before this House at the present session. It seems to me that this chamber, although composed mostly of professional politicians who have been for a long time in the House of Commons, has a quasi judicial function and should abstain from showing any political feeling or bias. The hon. gentleman knows full well that the reason that he gives for bringing this Bill before the House——

Hon. Mr. LOUGHEED—Is the hon. gentleman speaking to the first reading of the Bill or to the second reading?

Hon. Mr. DANDURAND—I am speaking on the motion for the second reading.

Hon. Mr. LOUGHEED—The second reading is fixed for next week.

Hon. Mr. DANDURAND—I was ready to accept the advice of the hon. leader of the opposition as to the practice, but I did not suppose that would have the effect of preventing me expressing my opinion as to the propriety of bringing the Bill before us at the present time. I may state that I strongly object to this Bill being presented to this chamber at this period, when the reasons given by the hon. gentleman for Marshfield are, that lately in the province of Ontario an inquiry had been confided to judges, which inquiry should have been made in the Ontario legislature. The objection to the introduction of this Bill at this session is that the reasons for which the hon. gentleman has moved are at the present time being considered before another tribunal whose honour has been impugned, and which is sitting in supreme judgment over the accusations which were referred to judges. I therefore think that we should have waited till that tribunal had pronounced upon the propriety of committing that inquiry to judges and the finding of the judges. What will be the effect of this move? It will be taken as an aspersion upon the judges who sat upon the inquiry, and will only add fuel to the already excited state of the people of the province of Ontario. That is why I think that it did not behoove a senator of Canada to move in the matter this session, more especially when it is at present in the hands of another tribunal to which it naturally belongs. I refer to the legislature of Ontario. Judges have often been asked, to sit before on similar matters. The hon. gentleman spoke of what took place in Quebec in the autumn of 1891. We all know the Lieutenant Governor of the province of Quebec at that time selected three judges from the Superior Court and told his Prime Minister that he had to appear before that commission of three nominees of his or resign. In the face of the demand of the Prime Minister at the time, and of two-thirds of the legislature, that the legislature of Quebec should be called together to examine into the accusations which were being made and which had started from this very chamber. The Lieutenant Governor appointed three judges, and we know what followed. There was a majority report and a minority report. Considerable bad blood was created in the province of Quebec. Other royal commissions were appointed after the Mercier government were overthrown and judges again were named on those commissions. It created no end of trouble and discussion in Quebec. That was in 1892, and yet no one in this chamber and none in the House of Commons, moved to limit the jurisdiction of the judges, and prevent them sitting on such inquiries, and now to-day when we have had the experience of 1891-2, and when the hon. gentleman has been here since 1893 and has not felt that it was incumbent on him to move in this matter, though he had the experience of the nomination of judges in the

province of Quebec, he comes now when the legislature of Ontario is discussing the propriety of appointing that commission, and has named two judges to receive evidence and to make a report, and wants the parliament of Canada to declare that judges should not in future be appointed to sit upon such inquiries. This is simply upholding the contention of Mr. Whitney and his friends of the opposition in Ontario. That is the main reason why I object strongly to the taking of this course. I question the propriety of bringing that Bill at this stage before the House. There is considerable to say on its merits. I am not ready to say that judges should be appointed to make an inquiry in political matters and to make a finding as a result of that inquiry, but it is another thing to delegate powers to a judge to take testimony in a legal form. There was nothing more proper than to appoint judges to take evidence in, for instance the Gamey affair, because there were there a number of witnesses and difficult questions to handle, a number of witnesses swearing white, and a number of witnesses swearing black, and it was for the judges to see that all the evidence was taken in a legal manner. What would have been the consequence if that inquiry had taken place before a committee of the legislature of the province of Ontario, or any other legislature before a committee of say eight, or ten, or fifteen men ? It would not have proceeded two hours, before it would have been turned into a bear garden. We all know what it is to examine a witness with eight or ten partisan judges who stop a witness to prevent him compromising himself, and in the nick of time interrupting. There would have been no end to that inquiry. It would have lasted three or four months instead of a few weeks. It was quite proper to appoint judges to take the evidence. I withhold my opinion as to the propriety of asking judges to give their opinion upon that evidence, for, as a matter of fact, the evidence taken in the Mercier inquiry and in the Gamey inquiry, was published fully by the whole press of the country, and the supreme jury which is the people, forms its own judgment as to its value. I contend that there is in the move of the hon. gentleman an implied censure on the action of the Ross government in delegating the inquiry of the Gamey charges to judges, and for my part, at all events, I consider that it was the most proper thing to do to arrive at the truth of the matter, as far as truth could be found. The hon. gentleman says, that the most important thing was to know where the money that Gamey handled came from, and yet we are to-day without that result. Can the hon. gentleman pretend that before a committee of ten or twenty members of the legislature he could have arrived at a better result ? Every one bears witness to the absolute impartiality of the judges, the fairness with which all the witnesses who wanted to testify, or who could be brought to testify, were thoroughly examined by both sides in the solemn presence of judges who saw that the witness was not hampered and could answer as he pleased, and giving the fullest latitude to all witnesses to speak their full mind, and to say all that they had to say. I know very well, from my experience of what takes place in committees, that the committee are partisans on one side or the other, that it would have been impossible to gather all the evidence which was gathered in that inquiry and which was from day to day presented through the press to the Dominion, and under those circumstances, I think even this Senate, where the atmosphere is supposed to be more serene, will not give that intelligent and impartial consideration to the Bill which the hon. gentleman now presents because of the present political disturbance, and that it would be an act of prudence and common sense and tact to withdraw and re-introduce it next session if the hon. gentleman, then unbiased by the excitement which may have reached him from the province of Ontario, feels that it is proper to present the Bill again.

The SPEAKER—The question of order has not been directly raised, but this is a most serious departure from the uniform practice of the House. I have never known a discussion of this kind to arise on the motion that a Bill be read a second time at a future day. I am not ruling on the question of order, but I call attention to this fact, that our practice, which has been uniform for nearly forty years, now is to be altered, and we are to have these discussions in this way.

Hon. Mr. McMULLEN—I am exceedingly sorry——

The SPEAKER—I do not want to interfere with the hon. gentleman who is about to speak, but I call attention to the fact that we are initiating a new and vicious practice.

Hon. Mr. McMULLEN—I am sorry, if owing to the move that has been made in connection with the Bill that I, as a member of this House, would be deprived of saying anything whatever in reply to the long speech delivered by my hon. friend on the introduction of this Bill. Now, had my hon. friend simply introduced the Bill and asked for a second reading, the Bill would have then come before the House in the ordinary way. We would have had full knowledge of what he intended to bring before the House and we might have been prepared to reply to the speech that he delivered to-day on the first reading of the Bill. I think that would have been more courteous to members of this House, than to take the course the hon. gentleman did. I do not challenge his right to introduce the Bill, if he considers it his duty to do so, but I agree with the remarks of the hon. gentleman from Montreal, that it would have been much better not to introduce this Bill now, in view of the fact that the legislature of Ontario is still sitting and discussing these very proceedings, and are about to come to a vote, as to whether they are prepared to sustain the findings of the judges, and the course pursued by them in taking the evidence, or whether they are not. In view of that condition of things, in the province, I think my hon. friend, who lives away down by the sea where they are not at all interested in matters of Ontario, to the extent that he would be if he were a resident of our province, might have restrained himself.

Hon. Mr. FERGUSON—This is not a question for Ontario alone.

Hon. Mr. McMULLEN—He might have waited, before bringing this measure before the House, to let the vote be taken first in the legislature of Ontario, and leave the people of Ontario to do their own business in their own way. I think it would have been better to have done that than to take the step in advance as my hon. friend has done. As to the course pursued by the government, I am not a lawyer, nor am I able to speak with regard to matters that have transpired in this Dominion for the last thirty years, but I venture to say that the initiation of the use of judges in the way the Ontario government have made use of them to hold an investigation was not the work of the Reform party. The principle was laid down first by hon. gentlemen opposite—and in fact, it has been done by both parties in this Dominion—of referring an investigation to a commission of judges. Let me say with regard to the proceedings of that commission, there never was one single witness who was brought before that commission who was not allowed a full opportunity to state everything he wanted to say. He was subjected to investigation, examination and cross-examination, unlimited. There was no restriction placed by the judges upon the investigation.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is going just a little bit too far.

Hon. Mr. McMULLEN—The counsel on each side were allowed every opportunity to extract from all those witnesses any information or knowledge that they had in connection with the matter. The judges, after all the evidence had been taken, gathered the nuggets, if I might so speak, from beginning to end that pointed in any shape, form or way to the subject that had been referred to them for their investigation, and made their report. The report is before the legislature, and it is before the people of this country. My hon. friend says that a certain number of people at the unveiling of a statue in the city of Toronto, ridiculed the purity of the bench when it was spoken of. We know very well that in the city of Toronto—and I do not find fault with them, they have a right to be strong Conservatives or Tories—there is exceedingly strong political feeling both as regards the members they send to Ottawa, and the members of the local House. There has always been a strong political feeling there and they never hesitate to express it at gatherings and on all occasions. On this occasion, possibly, a few of those bitterly opposed to the Ross government gathered at a certain corner and when the moment

came they exhibited their feelings and hostility to the government, but after all that is no evidence that the report that was prepared by those judges is not a report that does credit to them. They have shown by the manner in which they conducted themselves that they made every possible effort to extract out of every witness all the information that could be gathered, and it has been submitted to the local legislature for their consideration. I do not think that the judges should be characterized as partisans. I do not think that an assertion of that kind has ever been made in this country before. If so, I have never heard of it. My hon. friend from Prince Edward Island (Hon. Mr. Ferguson) has done that.

Hon. Mr. FERGUSON—My hon. friend is in the wrong.

Hon. Mr. McMULLEN—The hon. gentleman has tried to show that the judges have been one sided.

Hon. Mr. FERGUSON—The hon. gentleman could not possibly have heard me. I did not say the report was partisan. Whatever I may think, I did not say it was one sided. I did say that there was a very strong opinion amongst a very large number of the people of Ontario that it was so, but I did not say it was.

Hon. Mr. DANDURAND—Among the Tories only.

Hon. Mr. McMULLEN—The hon. gentleman has tried to throw odium upon those two judges that sat on that investigation, simply because they agreed to act and to hold the investigation, and the Conservative press have never ceased, from the time they presented their report to the present day, to throw ridicule and odium upon those two judges, one who was a Reformer in past days and the other a Conservative. No matter what they were, if it answers political ends the party press never cease to hold them up to ridicule. The hon. gentleman refers to Goldwin Smith, who, he says, deplores the corruption which exists in the province of Ontario. I admit that if corruption is to exist by the press never ceasing to yell corruption, it exists. The Conservative press have yelled corruption, corruption, corrpution. The 'Mail and Empire' has never ceased to yell corruption for the last two or three years. There was no other ground on which they could hope to beat the Ross government unless they could make it felt there was something wrong, and they proceed on that score and try to accomplish their purpose in that way. They have evidently made an impression on Goldwin Smith. Mr. Smith is growing to be an old man, getting into his dotage. He reads nothing, perhaps, but the 'Mail and Empire,' and he has come to the conclusion, in his enfeebled moments, that the 'Mail and Empire' would never unceasingly yell corruption, corruption, corruption, unless corruption did exist, and he has lent the weight of his views to the opposition contention of the state of things that he says must exist in Ontario. The government of Ontario have invited investigation in the House; they have invited it before a commission that was appointed; they invite it now. Mr. Whitney was asked across the floor of the House to explain his charges. Any man who had any charge to make could go before the commission. There has not been one single tittle of evidence in the House or before the commission that goes to show that the Ross government was corrupt. I believe Hon. G. W. Ross to be an honest patriotic statesman—as honest as any man that ever lived in Canada. A determined effort has been made to blacken his character, but it will not succeed. If Mr. Whitney never reaches power until he reaches it by the course he has adopted, he will never be premier in the province of Ontario. The people are too enlightened to permit themselves to be humbugged and deceived. Now, I am sorry we had not a fair opportunity on the second reading to discuss the whole question. The reason I do it now is simply this; I am very much afraid my hon. friend will never move the second reading of that Bill.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman should not trouble himself about that.

Hon. Mr. McMULLEN—The matter will be decided in the legislature of Ontario, and after it is over the hon. gentleman will never bring up the second reading of the Bill, and consequently the few remarks I am now making, if I had not made them now, I do not suppose I should be afforded

another opportunity to do so. My hon. friend referred to Mr. Blake. He said the Hon. Edward Blake left the country because of the adoption of the unrestricted reciprocity policy by the Liberal party. I know Mr. Blake as well as anybody in this House. If there was any one thing that the Hon. Edward Blake left parliament and Canada for, it was because of his firm conviction of the corruption that existed in this Dominion, and he lost any hope of the people of this country relieving themselves of it. He had held elections and in none of them, did the people listen to his appeals in order to have pure government in this country. Failing to impress his views on that question, he left the country. Now, I could not sit here as an humble member from Ontario without feeling deeply grateful to our friends from Quebec who rose to defend the commission and the Hon. Mr. Ross, and I could not, as an admirer of Mr. Ross, and the government of Ontario, sit still and let the defence of that government rest entirely with the gentlemen from Quebec. I believe we have an honest party and a pure government, and I believe that the people of Ontario will stand by them when the opportunity comes. The great jury of the people will say whether Mr. Ross is corrupt or not and I am willing to abide by that verdict. If my hon. friend lives long enough—I hope he will—he will see that when the people are appealed to, the Hon. G. W. Ross will stand higher in their estimation than he ever did before.

Hon. Sir MACKENZIE BOWELL—I must congratulate my hon. friend from Wellington on the great energy he has displayed.

The motion was agreed to.

At six o'clock the Speaker left the Chair.

After Recess.

BILLS INTRODUCED.

Bill (85) An Act to incorporate the Berlin, Waterloo, Wellesley and Lake Huron Railway Company.—(Hon. Mr. McMullen.)

Bill (87) An Act respecting the Vancouver and Coast Kootenay Railway Company.—(Hon. Mr. Landerkin.)

Bill (142) An Act respecting the Elgin and Havelock Railway Company.—(Hon. Mr. Wood.)

Bill (154) An Act to incorporate the Niagara, Queenston and St. Catharines Railway Company.—(Hon. Mr. Gibson.)

Bill (171) An Act to incorporate the Chatham, Wallaceburg and Lake Erie Railway Company.—(Hon. Mr. Landerkin.)

Bill (145) An Act respecting the Quebec Bridge Company and to change its name to the Quebec Bridge and Railway Company.—(Hon. Mr. Casgrain, Windsor.)

CUSTOMS ACT AMENDMENT BILL.
FIRST READING.

A message was received from the House of Commons with Bill (174) An Act to amend the Customs Act.

Hon. Mr. SCOTT moved the first reading of the Bill.

Hon. Sir MACKENZIE BOWELL—Would the hon. gentleman explain the purpose of the Bill?

Hon. Mr. SCOTT—It is only dealing with details. There is nothing in the principle of it. The first change is in the constitution of the Board of Customs. There will be fewer members. The Commissioner of Customs is the chairman of the board. The appointment of an Assistant Commissioner of Customs is also provided for. Then there is a paragraph relating to the German surtax. Section 6 has been redrafted and amended. There is no principle involved in any way in the Bill.

Hon. Sir MACKENZIE BOWELL—I have no doubt of it.

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

THIRD READINGS.

Bill (88) An Act respecting the Mutual Fire Insurance Company of the City of Montreal, and to change its name to the Montreal-Quebec Fire Insurance Company.—(Hon. Mr. Ellis, in the absence of Hon. Mr. Béique.)

Bill (100) An Act to incorporate the Colonial Bank of Canada.—(Hon. Mr. Gibson, in the absence of Hon. Mr. Coffey.)

Bill (172) An Act to incorporate the City and County Bank of Canada.—(Hon. Sir Mackenzie Bowell.)

Bill (51) An Act to incorporate the Northern Bank.—(Hon. Mr. Young.)

Bill (164) An Act to incorporate the Pacific Bank of Canada.—(Hon. Mr. Young.)

SETTLEMENT OF RAILWAY LABOUR DISPUTES BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole, consideration of Bill (17) An Act to aid in the settlement of Railway Disputes.

(In the Committee.)

On clause 6,

Hon. Mr. SCOTT—This was a very much discussed clause which was allowed to stand on a question whether the limit should be five days or ten days as to which objections should be offered to the appointment of an arbitrator. I would suggest that it be changed by striking out the words 'not exceeding ten days' and substituting 'to within such time as the minister may fix.'

Hon. Sir MACKENZIE BOWELL—By making that change you would give the minister, under the 24th clause, power to act, in making the regulations.

Hon. Mr. SCOTT—Yes.

The clause was amended and adopted.

On clause 14,

Hon. Mr. SCOTT—I propose to meet the views of the committee, which I think are sound, by adding 'shall be entitled to witness fees.'

Hon. Mr. LOUGHEED—The hon. gentleman should define them so that they will be sufficiently large to cover expenses.

Hon. Mr. SCOTT—There is a perfectly understood interpretation of witness fees by the courts.

Hon. Mr. LOUGHEED—Under section 24 the minister possibly may have power to regulate them.

Hon. Sir MACKENZIE BOWELL—Who is to pay these fees ?

Hon. Mr. SCOTT—That will fall on our good mother, the country, I suppose. The mother furnishes all the pap.

Hon. Sir MACKENZIE BOWELL—I suppose that is the best milch cow they could get.

Hon. Mr. McMULLEN—There ought to be some provision in this clause in some way to restrict the enormous number of witnesses that may be subpœnaed by either party—say the labour organizations. We will suppose a strike takes place on the Intercolonial Railway and an investigation is to be held at Halifax or St. John. The labour organization at Moncton might say, 'we would like to go down and listen to the investigation.' and they apply to the leaders of the labour organization and say, 'we know something about the case, we wish you would bring us down,' and they might number fifty, sixty or ninety witnesses, and they would have to be paid under this provision.

Hon. Mr. SCOTT—My hon. friend is entirely wrong ; they must be summoned by the board.

Hon. Mr. McMULLEN—But the labour organizations have to supply the names of the witnesses they want subpœnaed.

Hon. Mr. SCOTT—But the discretion is with the board.

Hon. Mr. McMULLEN—The labour organization may say, 'we want the men ; we do not want you to restrict us as to the number of witnesses we should bring.' Give them all, if you choose, free transportation to attend the investigation and leave it optional with the board whether they grant them return tickets or not. It depends on whether their evidence is required or not. If their evidence is required and the board think they are entitled to free transportation home again, I would not object, but to start with free transportation there and back, and witness fees at the option of the labour organization making application, I am afraid will be open to great objections. My hon. friend shakes his head and says no. I can remember a time when the provisions of our law enabled a member of parliament to draw mileage from any place he started from to Ottawa when summoned to a session. We all remember how a member of parliament drew mileage all the way across the Atlantic from England. We amended the law afterwards, simply because it was loose in that respect. I think we should not pass

this law in such a loose manner. We should amend it in some way that discretionary power should be retained by the board to say whether witnesses are entitled to return transportation or not. To start with giving them free transportation both ways would lead, in my opinion, to abuse.

Hon. Mr. SCOTT—I cannot conceive there is any possible danger of the results my hon. friend describes, because the board are supposed to have some kind of judgment. The chairman of the board is an independent official. We must surely put some confidence in his discretion and prudence. He would not allow witnesses to be summoned unless there was some possible hope of giving material evidence, and there would be no necessity for a large number.

Hon. Mr. MACDONALD (B.C.)—Why not restrict the number to six?

Hon. Mr. SCOTT—You must leave it to the board. They are to judge.

Hon. Mr. MACDONALD—They might bring up one or two hundred witnesses.

Hon. Mr. SCOTT—Surely the board are not fools.

Hon. Sir MACKENZIE BOWELL—The presumption of the Secretary of State is correct, that what he has suggested would be carried out, but I can remember an instance—I cannot at this moment remember the case, perhaps the hon. gentleman from Wellington will remember it—not long ago in Ontario, where the court had to restrict the number of witnesses subpœnaed, for the reason that there were so many summoned to prove the same thing that it became an actual abuse. Perhaps the hon. gentleman will remember the case.

Hon. Mr. McMULLEN—Yes, I remember it.

Hon. Sir MACKENZIE BOWELL—It occurred a short time ago. While common sense would lead us to suppose the board would act on the principle laid down by the Secretary of State, we know in some cases such power has been abused. How is the board to judge if the labour organization, or if the railway, say it is necessary to have dozen witnesses brought from British Columbia to Halifax. How are we to stop it? The board cannot say no. They would answer, 'Oh, we understand our own business better than you do, and we want this half dozen or dozen witnesses.' I think the better way is to let the Bill go. It is an absurdity any way, and in the working out it will be found so.

Hon. Mr. GIBSON—I would suggest to my hon. friend the words 'reasonable number of witnesses' would cover the point. Would the Secretary of State have any objection to putting that in? I think it would get over the difficulty. I have a very strong recollection of the case cited by the leader of the Opposition, where thirty of forty witnesses in the West Huron election trial were subpœnaed to prove the same thing. A number stopped at the hotel, and really at the end they were obliged to stop them coming, because they one after another proved the same thing. The government is opening a wide door to witnesses being called to give evidence in connection with a labour dispute, and I think it would be wise, for their own sake, and to prevent the annoyance it would cause to the minister and the department, to limit the power of subpœnaing to a reasonable number of witnesses. That would leave it entirely to the discretion of the officer who has charge of the Department of Labour. He would know the importance of the case and it would be within his province and power to accept a reasonable number of witnesses in accordance with the importance of the question under dispute. With this amendment every one would understand that only a limited number would be allowed to give evidence in connection with the case.

Hon. Mr. SCOTT—Hon. gentlemen are assuming that parties can volunteer to be witnesses, or that the labour organization, or railway company, would have the right to call the witnesses. They have no such right. The names must be submitted to the board. In the case the hon. gentleman cited, the trial of the West Huron case, there was no such check. The court did not check the number of witnesses summoned.

Hon. Sir MACKENZIE BOWELL—I beg the hon. gentleman's pardon. That is what happened. It became such an abuse that the court stopped it.

Hon. Mr. SCOTT—The parties summoned them and the court decided it was an abuse.

In this case the board takes the responsibility, and surely you could not have any better security than that. I am willing to add the word 'necessary.'

Hon. Mr. GIBSON—My hon. friend the Secretary of State knows very well that in a matter of this kind pressure would be brought to bear on the government.

Hon. Mr. SCOTT—Oh.

Hon. Mr. GIBSON—Yes, there is no use saying oh! Pressure would be brought to bear on the government to bring an unnecessary number of witnesses, and they might force themselves in an unlimited number on the government in connection with this matter under dispute, and the result would be a large expense would be incurred for perhaps a trivial matter.

If the words 'a reasonable number of witnesses subpœnaed' were added, it would at once give these people to understand, when applying to the officer who acts in cases of labour disputes under the Minister of Labour, that every one applying would not be accepted as a witness, because I know, and there is no use disguising the fact—we are sensible men here—that unlimited applications would be made to the officer for men volunteering evidence that would be of no earthly use whatever, perhaps one giving evidence on top of the other, all running in the same direction, and yet for political reasons the request of these men would be acceded to, and we would have these disputes and it would cost a very large sum of money.

Hon. Mr. SCOTT—The hon. gentleman seems not to have read the Bill very carefully. The government have nothing whatever to do with it.

Hon. Sir MACKENZIE BOWELL—Except to pay the expense. That is where the trouble comes in.

Hon. Mr. SCOTT—The board is a court, made up of a representative of each party. It would require the concurrence of the board. The chairman must acquiesce. It must be presumed the chairman is not going to commit such a piece of folly. To add the words my hon. friend suggests might lead to abuse, because it involves the presumption that a number of witnesses would be necessary. Perhaps one witness on each side would close the whole matter. My hon. friend is simply inviting additional expense by adding those words.

Hon. Mr. McMULLEN—I do not claim to be as capable of wording a clause as my hon. friend or, perhaps, some other members of this honourable House. But here we have the Gamey charges which were investigated in Toronto. Numerous witnesses were called on both sides. I do not say that one was worse than the other. They secured subpœnas to come from Manitoulin Island. A great many of them came out of curiosity. They wanted to hear the case, and many were not called at all.

Hon. Mr. SCOTT—But the judge did not subpœna them.

Hon. Mr. McMULLEN—Supposing my hon. friend is the judge. Supposing the chairman of the commission, the labour organization or the head of the labour organization came along and submitted to the hon. gentleman fifteen or twenty or thirty or forty names, and said 'I want to subpœna those people.' Are you going to say to him 'I am not going to allow you to bring all those witnesses.' He may say 'I cannot prove our case without it. If you are not going to permit us to bring the witnesses we want, there is no use commencing the investigation at all. We want a whole lot of witnesses.' Now I say we should empower the chairman of the board to refuse transportation to witnesses if they are not material in the case. Give them transportation at first if they apply for transportation. Let them come. Then when they start to return, unless they are competent witnesses, let the chairman refuse to give them transportation or witness fees. There should be some such provision made. My hon. friend thinks that because the chairman of the board will have unlimited power that he will control it. The chairman of the board is at the mercy of these people who desire to get witnesses subpœnaed and if they apply for a number of witnesses I question very much if we would refuse.

Hon. Mr. VIDAL—Would it not be an easy way to throw the responsibility for the number of witnesses on the chairman of the board by inserting the following words:

'The chairman may summon such witnesses as is deemed necessary.' Would not that be a good protection ?

The CHAIRMAN—That is what the hon. Secretary of State suggests.

Hon. Mr. VIDAL—In that way we throw the responsibility upon the board, of determining that only witnesses who are necessary should be called.

The CHAIRMAN—The hon. Secretary of State suggests that.

Hon. Mr. VIDAL—It is not in the Bill.

Hon. Mr. SCOTT—The witness fees for all necessary witnesses are to be paid.

Hon. Mr. CASGRAIN (de Lanaudière)—It appears from the remarks of the hon. senator from Lincoln (Hon. Mr. Gibson) that he wishes to insert in that clause the words 'reasonable number of witnesses.' Who is to be the judge of a reasonable number ?

Hon. Mr. GIBSON—The chairman of the board.

Hon. Mr. CASGRAIN (de Lanaudière)—Is he not that already by the clause ?

Hon. Mr. VIDAL—That would not meet the question at all. You put no responsibility upon anybody then, but if you just put upon the board the responsibility of judging as far as possible beforehand who are necessary witnesses, that is the best way of doing it.

Hon. Mr. GIBSON—The clause reads :—

On the application of any of the parties, or on its own motion, the board may issue summonses to persons to appear and give evidence before the board.

That is the point I wanted to call the attention of the committee to, that unreasonable numbers would apply to the board for the purpose of being examined in order to give evidence.

The CHAIRMAN—It says they may examine them.

Hon. Mr. GIBSON—On the application of either of the parties, or of its own motion. When the government is going to pay the expenses of the witnesses and afford free transportation, we know what that means. I have seen evidence of that in the other end of the building, and I think it is only reasonable the committee should have something to say about this Bill in sending it back to the House of Commons that the government might be kept from needless expenditure because it means that if the dispute comes from the labour party, you may just have as many witnesses as we had in the last few days at our committee meetings, representatives from the trades unions, and representatives of labour in all branches, asking the chairman of the board that their people be summoned so that they may give evidence in regard to their particular trade. If a reasonable number were inserted in the Bill, the chairman could tell them he was prohibited from bringing a large number of witnesses, but as it is, what does it mean ? It means if they have any political influence that the commissioner will wink at the matter and allow these men to come at the expense of the government, and if there were no witness fees paid, and the men had to pay their own transportation as well as the individual, master or man, you would have fewer witnesses, and less expense in connection with the Conciliation Board. In order to do away with this idea the government should inform the Department of Labour that they are inviting trouble upon themselves by inviting the hearing of disputes between parties, that perhaps only one of the parties know anything about. The other party to the dispute may never have heard of it, and yet according to the tenor of this Bill that commissionner can, upon the application of those who feel that they have a grievance, ask him to summon perhaps thirty, forty or fifty witnesses at a very large cost to the government, and they might have this dispute up for weeks before it is settled. I want to bear testimony, in connection with the labour matter that we have seen in another part of the building, to the fact that the railway employees put forward the best element of unionism on the continent. What I mean by that is, we have been favoured in Canada for a great many years with able men connected with railway labour unions, and these men at repeated periods go to Montreal, the headquarters of the railway companies, and there for perhaps from three to six weeks, take up the different things that are under dis-

pute and settle them between themselves. If that is done, and both parties agree to it, and it takes from three to six weeks before the grievance committee of the various railways to reach an amicable arrangement, how much longer will it take when the government is a party to endeavour to effect the conciliation, especially as these men are to be paid for their time. Now, when the railway company have any trouble to settle with their men, they meet the representative men of each department. The railway company send railway passes for a limited number to come down and settle the matter under dispute. The railway has that matter in its own hands, and the men appoint representatives of the various branches of the railway service, where there are any disputes or difficulties, and the difficulty is settled by the railway company and the employees themselves. But in this case the government openly say that persons may be summoned who can give evidence, and I venture to say that there will be dozens upon dozens of applications from men claiming that they are thoroughly au fait with the subject, and they will receive the sanction and approval of the commissioner to come and give evidence, and in that way there will be an unnecessary number of witnesses called; and let me say to hon. gentlemen that the greater the number of witnesses are called, the more trouble there will be in settling the dispute, apart from the cost and expense in connection with the witnesses. I can say, after an experience of thirty years, that in any difficulty the fewer a man has to deal with in any walk of life, the more easily can that dispute be settled. But here is the government of Canada allowing—not only allowing, but encouraging, by paying expenses—an unnecessarily large number of witnesses to come and lay a complaint, an imaginary grievance perhaps, which the other party knows nothing about, and the government allowing its commissioner to summon these men and pay their expenses, when all that we ask, and the House is to consider, is that the number of witnesses should not be left to the commissioner, but that parliament should be seized of the power itself and should exercise that power, and say that only a reasonable number of witnesses should be called.

Hon. Mr. WOOD—One other point in connection with this question has been suggested to my mind by the remarks which have just been made by the hon. gentleman from Lincoln. The clause only provides for the payment of witness fees, and for free transportation of witnesses who are summoned by the board. I can conceive of a case in which an important and material witness might not be summoned by the board; that is if the board has the discretionary power which the hon. Secretary of State claims they have, and which I believe they have under the wording of the Bill as it stands. The board might, through some misconception, refuse to grant a summons to some person who was a material witness. One of the parties to the dispute might nevertheless bring that person, and it might be found after the trial was through that he had given very important and material evidence in the case. If the board is to have this discretionary power, I am inclined to agree that the views advanced by the hon. gentleman who has just resumed his seat and the hon. gentleman who preceded him have a good deal of force, and that the payment of the witness fees and the free transportation should not depend upon the fact as to whether the witnesses were summoned by the board or not, but whether they gave material evidence on the trial, and if this view is concurred in by other hon. gentlemen in this House, the clause could, by a very simple amendment, be made to meet the case I have mentioned, and also the difficulty to which the hon. gentleman referred. I offer a suggestion for the consideration of the hon. Secretary of State, to erase the words in the thirty-sixth and thirty- seventh lines 'and summoned by the board' and inserting instead thereof 'giving material evidence.' That is, whether he was summoned by the board or brought by either party without any summons, he would be entitled to free transportation. The chairman of the board would have to furnish him with a certificate that he had given material evidence on the trial.

Hon. Mr. MACDONALD (B.C.)—Would not that raise the question at once as to who would have to decide as to the material evidence?

Hon. Mr. WOOD—The board.

Hon. Mr. MACDONALD (B.C.)—It would raise a dispute. Counsel would say 'You have given material evidence and you are entitled to pay,' and it would lead to dispute.

Hon. Mr. McMULLEN—I would respectfully suggest that the words in the thirty-ninth line 'and thereafter returning to his home' should be erased and the following words added: 'and the board shall furnish such witness a proper certificate evidencing such right to free transportation, to attend the board meeting, and a like certificate to return home.' If he attends the meeting and his evidence is not required and he has gone there through curiosity, the chairman would have the right to refuse to give him a returning certificate. Leave it with the chairman.

Hon. Mr. SCOTT—We spent a good deal of time over this clause before, and have spent a good deal of time now. I have endeavoured to meet the views of my hon. friend, but it is absolutely impossible, with the variety of opinions expressed, to do so. I move that the following words be added:

On the application of any of the parties, or of its own motion, the board may issue summons to such persons as the chairman of the board may think necessary to give evidence, &c.

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

On clause 17,

Hon. Mr. McMULLEN—I would just like to ask if each member of the board shall have the right to travel whatever way he chooses in going and returning, and collect ten dollars a day during the time. Supposing an investigation is to be held in the city of Toronto, and he travels from Quebec to Toronto?

Hon. Mr. SCOTT—The board will be selected in the province where the grievance exists.

Hon. Mr. McMULLEN—Then supposing he has to travel from Cornwall to Sarnia, will he have the option, when the meeting is over, of taking a boat and going round by the canal, and sailing home, and collecting ten dollars a day, or will he be compelled to travel by the shortest route? I think something should be put in so that he will not have any discretionary power in that matter. I should suggest after the word 'board' should be added 'each member shall travel by the shortest and most expeditious route going and coming.'

Hon. Mr. SCOTT—Does not the hon. gentleman think the Auditor General will look out for that?

Hon. Mr. McMULLEN—But he may certify that he took so long in returning.

Hon. Mr. CASGRAIN—(de Lanaudière)—I would be willing to have the clause stand as it is. I do not think any one going or returning by a circuitous route could collect a per diem. Any side trips would be paid for out of his own pocket.

Hon. Mr. McMULLEN—I have been eighteen years in parliament, and I have seen such things happen.

The clause was adopted.

On clause 20,

Hon. Mr. McDONALD (C.B.)—What is the value of this clause? It seems to me there is no necessity for it.

Hon. Mr. SCOTT—There may not be. It is a matter of precaution.

Hon. Mr. McDONALD (C.B.)—It is not legislation. It is simply a piece of information. It is simply making the preceding part of the Bill useless. It says:

No court of the Dominion of Canada or of any province or territory shall have or possess any power or jurisdiction to recognize or enforce or to receive in evidence any report of the said board of arbitrators or any report of the said committee of conciliation, or any testimony or proceedings before either the said board or committee as against any party or person or for any purpose whatsoever, except in case of prosecution for perjury.

That is simply a piece of information; that is not legislation. If there is any statute which would give jurisdiction to this board of conciliation, this repeals it and makes the matter worse. If there is any such statute, this clause should be struck out; if there is no such statute and it is not the intention to give jurisdiction to any court, then there is no necessity for the clause.

Hon. Mr. SCOTT—It is to remove any possible doubt that might arise in the mind of the person in whose favour the award or report was made, that he is not at liberty to

go into a court to enforce it. That is the whole object of the clause.

The clause was adopted.

On clause 21,

Hon. Mr. McMULLEN—This very clause will give the labour union an opportunity of having a meeting and choosing all those who want to attend the investigation. That number is sanctioned by the gathering. It may be twenty, or thirty, or forty. The representative of the men goes to the chairman and says: 'I want subpœnas for this number.' The chairman says, 'I object, it is a very large body.' 'Well,' he says, 'the organization have had a meeting and it is resolved those men should all be subpœnaed,' and he wants subpœnas. How is the chairman going to limit the number?

Hon. Mr. SCOTT—I see no difficulty whatever. I presume the chairman is to be a man of some degree of discretion. The clause has reference to a very large number of men who have grievances or to different classes of men, say the trackmen and the labourers in reference to railways. Only a certain number of a class are admitted to take part in active proceedings before the board.

Hon. Mr. McMULLEN—What does this clause provide for? It provides that when a difficulty arises, the labourers or artisans that are proposing to strike call a meeting for the purpose of deciding what number and who shall attend the proposed investigation. There are fifty, a hundred, or two or three hundred. A number may say, 'I can give important evidence.' White, Brown, Grey, Smith and all the rest of them will say, 'I want my name put on the list.' They get witness fees and free transportation, and the result is that the representative will go to the chairman and say, 'Here I have a list of forty for whom I want subpœnas.' What discretionary power has the chairman to say, 'That is too many.' He has none. The only way you can restrict that abuse is to empower the chairman to refuse them free transportation on their return trip, if they are not material witnesses, and if the chairman has the power to say, 'I won't grant you a certificate to take you home, you are not a necessary witness,' you will have some limit, but otherwise you are opening the door to an enormous expenditure, and you will find there will be any number of witnesses to be paid. I can easily understand, or any person who has ever had labouring men or mechanics to deal with, can easily understand there would be great curiosity on the part of those men to attend, and they would insist upon the chief having them subpœnaed. We know how it occurred in the recent investigation. There were dozens of men subpœnaed and carried down to the court at the expense of the province.

Hon. Mr. SCOTT—In what case?

Hon. Mr. McMULLEN—In the Gamey investigation.

Hon. Mr. SCOTT—That is an entirely different thing.

Hon. Mr. McMULLEN—If the hon. gentleman can point out how the chairman can restrict the number I would like him to explain it.

Hon. Mr. SCOTT—Surely the hon. gentleman will recollect the discussion we had on clause 14, where we provide that only necessary witnesses are to be summoned, and the chairman of the board was to be responsible.

Hon. Mr. GIBSON—Hon. gentlemen will notice in clause 31 the only difference in connection with this matter is that they are not all to take part; but if one hundred men meet together, ninety-nine of them may come. This is a fitting place to limit the number. As the clause stands, the only restriction to the number is that they all cannot go. What does 'all' mean. There are say one hundred and fifty at the meeting; one hundred and forty-nine may go, but the hundred and fifty cannot, because the number must be less than the whole number. Let us deal with this in a business way and let us say that a limited number may be chosen as delegates.

Hon. Mr. CASGRAIN (de Lanaudière)—That is what is here now.

Hon. Mr. GIBSON—No. This is not an ordinary case of subpœnaing people to give evidence who would be going because required; in this case they are enticed to go. They have a trip before them—free transportation and expenses paid going and coming. It is an Act encouraged by the

government of Canada to have as many delegates as they possibly can so long as the whole meeting is not elected to go. A limited number would put the whole matter in a nutshell.

Hon. Mr. CASGRAIN (de Lanaudière)—If instead of a limited number you add to that 'summoned by the chairman'?

Hon. Mr. McMULLEN—That is already provided for.

Hon. Mr. GIBSON—My hon. friend does not seem to realize that he has to be guided by the representative of a class who has a grievance to lay before him, and so long as they are strictly within the law and hold their meeting and they do not all apply, there is no restriction. If the thing is to be done in a practical way for the men we are legislating for and the people whose grievances we wish to have settled, if we add a limited number sent as their delegates, I venture to say the best men of the class would be sent, but if there is no limitation to it, then it would be, not the most influential or safest men, but the men who would make the most noise, and they are always to be found in disputes of this kind. You never have any trouble with the man who attends to his business; but the man who is a member of an organization and lives practically, not by the labour of his hands, but by keeping himself and those surrounding him in trouble, creating grievances for them, is the man you have got to deal with. And here the government, having created a bureau of labour, are now forming a bureau of conciliation in order that these disputes may be amicably settled. Now, let them stipulate the number of witnesses that shall be sent from any one class. A railway has a large number of classes of employees and it would be impossible for them all to leave their work at the same time. In the case of a railway dispute, where 10,000 men are employed and the works are shut down, there would be no limit to the number of persons sent by the men to represent their grievances before this conciliation board. With the railway men who are operating the road, such as the telegraphers, the conductors, the brakesmen, the engineers and the firemen, they could not all get away from their runs, but if the dispute was of a serious character and affected the workmen who built the cars, or in other workshops of the company, that workshop would be shut down, and it would be within the province of the committee, because of the fact the government was to pay their expenses, to have to summon an incredible number of delegates.

Hon. Mr. SCOTT—The hon. gentleman is wrong altogether. There is no presumption of the government paying here. It is only witnesses summoned by the chairman who are paid.

Hon. Mr. ELLIS—The 21st clause is really intended to do the very thing the hon. gentleman is asking for—to limit the number of persons who shall go as witnesses.

Hon. Mr. GIBSON—My hon. friend seems to know all about it. I should like him to tell us where the limitation is that they shall not all take part in the inquiry. Now, say there are one thousand men in the workshops in Montreal who have grievances: how many would go?

Hon. Mr. ELLIS—They would select their delegates. The hon. gentleman has not read the Bill, because he confounds it with trade unionism.

Hon. Mr. GIBSON—If my hon. friend thinks the railway employees are not in trade unions he is mistaken. The mechanics in the workshops are trade unionists, as are the trackmen and trainmen. We have had their representatives here for several weeks. I was trying to point out the difficulties the government have before them. While it is true that a large number of men could not go from the engineers, the conductors, the firemen or the brakesmen classes, from the workshop they could go in unlimited numbers, and it is not in the power of the government to say who shall be sent, because the men themselves are to select, and all they are confined to, so far as the 21st clause is concerned, is that they shall not all go before this conciliation board.

Hon. Mr. SCOTT—It says it shall not be necessary for them.

Hon. Mr. GIBSON—The men may say there are one thousand of us here and we will send down at least a hundred.

Hon. Mr. SCOTT—It is at their own expense if they are not summoned.

Hon. Mr. GIBSON—A hundred of those men may have been selected by the thousand to represent them, and they apply to the chairman of the conciliation board for the transportation for the purpose of giving evidence.

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. CASGRAIN (de Lanaudière)—They must apply for a summons.

Hon. Mr. GIBSON—I am speaking about something I know a little about. I venture to say that my hon. friend never handled workingmen in his life. I have been employed on public works since I was thirteen years of age.

Hon. Mr. SCOTT—But the hon. gentleman is putting an interpretation on the clause which it does not bear.

Hon. Mr. GIBSON—Then let us put it so that every one can understand it. I was going to say one thousand men employed in the workshops may insist on a large representation, perhaps to the extent of one hundred, before the board. There will be a fight for the position, because there is to be free transportation and they will apply to the chairman of this conciliation board and represent that the matter in dispute is of such importance that it would require at least from fifty to a hundred men to represent their grievances and they must go before this conciliation board and receive what? It is left entirely to the chairman of the board to say how many out of that hundred he is to select. How is he to select the number from men, not one of whom he knows? If it was provided in the clause that on the men in the workshops going on strike the government are prepared to hear their grievances, but in doing so they must bear in mind that only a limited number of delegates can appear before the conciliation board, there would be some reason in it. But this clause as I read it, is open to this construction, that they cannot all go. That means a very large number may go, and in order that a very large number may not be able to go it would be far better for the government to put in that clause that a limited number may go. Then the men themselves would select out of that thousand men the number they would consider limited, and they would send ten or a dozen of the best men, representing the best element of the shop or railway who were willing to settle this matter in dispute between themselves and the railways, but as the clause now stands they would be overpowered by those who were not favourable to a settlement of the strike in the way it should be settled.

Hon. Mr. McMULLEN—I think it is intended by this clause when trouble arises that the mechanics shall meet and select a certain fixed number to represent them. Now, I would suggest that in line 42, after the word 'number,' you insert 'not more than two.' The class may be represented by some of their number not more than two to be chosen by a majority, or the agent or counsel, or solicitor.

Hon. Mr. SCOTT—I would object to any change in the clause, because I do not regard it as one that involves any expenditure at all. It is an indication to the men that it will not be necessary for them to come all together. I stand by the clause.

Hon. Mr. GIBSON—Take the Secretary of State's interpretation of the clause, that the men are to receive no witness fees whatever unless they are summoned by the chairman of the board. They go there voluntarily. It is open for them to go. One hundred of them—two hundred of them go, and what does it mean? It means that the arbitration will be delayed so much longer on account of no restriction being placed on them, even if they go voluntarily. They may have nothing else to do. The arbitration may take place in the locality where the strike occurs, and what is the effect of it? That this conciliation board will sit for weeks and weeks at an expenditure of ten dollars a day for every man who sits on the board and all his travelling expenses. If a limited number was provided for—I would not say two, because one man might take one view and the other another view, but an uneven number, say five or seven, and I think the government would act wisely in taking that course.

Hon. Mr. McMULLEN—If my hon. friend will look into it carefully I think he would surely come to the conclusion that it is ne-

cessary to put some restriction on the number. The remarks of my hon. friend from Lincoln largely apply to clause 14, and we have left that clause in an open condition as to the number that may be subpœnaed. Of course they must apply to the chairman, but they will make that application urgent, pressing; the labour element will press very strongly that unless you give an opportunity to bring witnesses before the board they cannot prove their case. They will say: If you are going to stand in the way of an investigation by limiting the number of witnesses, then we need not go on. Is the government or the board going to restrict us in the investigation we are going to have? This clause 21 is for a different purpose. It is for the purpose of the mechanics meeting and electing a certain number from amongst themselves to take charge of the case before the board of commissioners; but, as the hon. gentleman from Lincoln points out very clearly, they may not only elect a number to take charge of the case before the commissioners as leaders, but they may nominate a lot of witnesses who must be subpœnaed to attend. They go to the chairman of the board and I do not know how he is going to refuse them. I should like very well if the Secretary of State could see it as I see it. Perhaps I am wrong, but I really think that this clause and the clause we have already passed will open an avenue by which an enormous amount of money will be spent. Men will apply to be summoned to be present at the investigation. We know perfectly well that these people run together in groups. When a strike takes place they are all in unison, and every man knows something in regard to the grievances. Each one has his own grievance, and they all apply to be permitted to appear before the board. They all have votes and apply to be permitted to attend. Why not? There is free transportation and witness fees. The press will urge they should be permitted to present their case before the board. How is the chairman going to refuse to allow those men to be subpœnaed? If there was any limit, and if the limit had been imposed that I suggested, the chairman would only grant return certificates to witnesses material to the case. If he had a discretionary power to say whether they shall get free transportation back or not, men would hesitate to press for subpœnas to go. Why? Because they would know very well if they appeared before the board the chairman would say 'you have given no material evidence—there was no necessity for you to appear, and we cannot give you a certificate for your transportation back' and in that way the chairman of the board would control.

Hon. Mr. GIBSON—I have prepared an amendment to limit the number to seven.

Hon. Mr. SCOTT—I cannot accept that.

Hon. Sir MACKENZIE BOWELL—Seven is too many.

Hon. Mr. McMULLEN—Make it five and I will second it.

Hon. Mr. SCOTT—I think it is rather unfortunate hon. gentlemen should interfere with that clause, because it is a clause which affects the operators themselves. I deny absolutely that there is any implication, from the wording of the clause, that the chairman of the board is to pay those men as witnesses. I deny that there is any possible connection with the witnesses who are to be examined. The two clauses have no connection. They send those men as agents, not as witnesses. I have no objection, if it meets the wishes of the committee, to say 'a limited number,' but I cannot accept an amendment fixing the number, because it is dictating to the men, who would say, 'why limit the number? We are not asking for any fee or remuneration.' Strike out 'some of them' and put 'a limited number.'

Hon. Sir MACKENZIE BOWELL—You would avoid all that difficulty and let them bring a thousand if you like, provided they pay their own expenses.

The clause was amended and adopted.

Hon. Mr. FULFORD, from the committee, reported the Bill with amendments, which were concurred in.

PUBLIC PRINTING AND STATIONERY BILL.

COMMITTEE POSTPONED.

The Order of the Day being called:

Committee of the Whole House on Bill (182), An Act to amend chap. 37 of the Revised Sta-

tutes respecting the Department of Public Printing and Stationery.

Hon. Mr. SCOTT moved that the Order of the Day be discharged and that it be made an order for to-morrow.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman wishes to improve the Bill, he should make provision for the appointment of a party to examine the accounts before they are paid.

Hon. Mr. SCOTT—Since the Bill was up I have inquired of Dr. Dawson if they have been paid by the scale adopted when Sir John Thompson was Premier, and he says that the scale is being followed.

Hon. Sir MACKENZIE BOWELL—Dr. Dawson could not possibly have considered the question when he gave that answer, because the rates of wages are so much higher now than they were when that scale of prices was adopted. Through the action of unions prices paid for ordinary setting of type, and what is called tabular work and rule and figure work, have been increased some twenty-five to thirty-three and a third per cent in some cases.

My honourable friend opposite (Hon. Mr. Ellis) knows, as a practical printer, the force of what I am saying. Hence the schedule of prices adopted eight or ten years ago will never do for the present time, not if the object of the Bill, which is to pay a higher rate than is paid at the Bureau, is to be brought into effect. I make this suggestion in the interests of the government. There in another provision I object to, that is, making it retroactive. I merely mention these facts because, if the hon. gentleman does not accept the suggestions, I propose to move amendments to the Bill.

Hon. Mr. SCOTT—We will let it stand till Friday or Tuesday.

Hon. Sir MACKENZIE BOWELL—I merely throw out the suggestion and explain the course I will pursue. If we cannot get the protection to the revenue, those who vote for it will be responsible. For my part, I propose to vote against the Bill unless some changes are made.

The motion was agreed to.

CHINESE IMMIGRATION RESTRICTION BILL.

REPORTED FROM COMMITTEE.

The Orders of the Day being called :

Committee of the Whole House on Bill (82), An Act respecting Chinese immigration.

Hon. Mr. TEMPLEMAN moved that the House resolve itself into a Committee of the Whole on the Bill.

Hon. Mr. LANDRY—Is there any good reason why that Bill is not printed in French ?

Hon. Mr. TEMPLEMAN—If the hon. gentleman looks at his file I think he will find a French copy there.

Hon. Mr. LANDRY—I did look at the file and it is not there.

Hon. Mr. FERGUSON—It is only marked printed in English on the Order paper.

Hon. Mr. TEMPLEMAN—The French edition is distributed, and I think there is a copy on my hon. friend's file.

Hon. Mr. LANDRY—It is not on mine, and when I say it is not, I do not see why my hon. friend should insist that it is.

Hon. Mr. TEMPLEMAN—I want to put myself right on that. An hon. gentleman called my attention to the fact that no French copy was on his file, and the page saw that the files were all supplied, or at all events that my hon. friend's file was supplied, and he put the French copy on his file before eight o'clock, hence the reason I said there was a French copy of the Bill on the file.

Hon. Mr. MACDONALD (B.C.)—Before the Speaker leaves the chair I wish to ask, could this Bill not be made to come into operation by the proclamation of the Governor in Council ? In view of the condition of the labour market in British Columbia, it is a serious thing. The shipments of coal have decreased 100,000 tons a month for some time now on account of a strike, and if the government could take cognizance of the condition of the labour market there, I am sure they would do as I suggest to prevent strikes in that part of the country. It would be a wise precaution, and I hope before the Bill is read the third time the minister will have a chance to consult with his colleagues

so that they can say yes or no to the proposition to hold the Bill in that condition—put that in as a suspending clause. The other day, when discussing the second reading of this Bill, I mentioned that the white union labourers in British Columbia at the coal mines were organizing the Chinese and Japanese labour. The hon. member from Victoria doubted that statement, but since then, I have read some of the evidence taken before the Royal Commission sitting now in British Columbia, and a miner from Ladysmith, a British miner, was summoned as a witness and was asked about the organization of Chinese, and he then, after some hesitation, confessed that he had telegrams from some agitators in Chicago asking him to organize the Chinese labour. Acting on that telegram, he went out to the mines on Cumberland river and very wisely called on the white teacher of Chinese in that place, and tried to arrange with him about the organization of the Chinese to go on strike with the white men. The teacher, having an eye to the benefits of his class, said, 'Very well, if that is done will you pay Chinamen the same wages as you pay white men?' When that question was raised the delegate left and did not proceed further with the matter. I suppose my hon. friend will believe that that is the case—that the miners in that country are union men and trying to organize Chinese labour. There is another question arising. We find ships arriving in Vancouver with coal from Japan, and it is a great loss to the country that foreign coal is used in British Columbia. The supply from our own mines is so small that the Canadian Pacific Railway the other day purchased 10,000 tons in Japan to be shipped to Vancouver for their railway and different works. That is a very serious question, and another matter to show that the Chinese are not to be so much despised as some people think, there is actually now being established in the University of Cambridge a chair for teaching the Chinese language, seeing that it is a necessity for the trade of the empire that they should know something about the Chinese language and how to deal and trade generally in China.

Hon. Mr. SCOTT—Are they allowed to work in the coal mines? I thought they were prohibited.

Hon. Mr. MACDONALD (B.C.)—There is a local Act preventing them working under ground. They do a great deal of work unloading ships and working above ground. Formerly they used to work under ground and above ground. I should like the Secretary of State to consider whether this Bill could not be delayed until they see the time has arrived to put it in operation.

Hon. Mr. SCOTT—I will mention to the members of the government the suggestion made by the hon. gentleman from Victoria.

The motion was agreed to, and the House resolved itself into Committee of the Whole on the Bill.

(In the Committee.)

Hon. Mr. TEMPLEMAN—I might explain that this Bill is practically identical with the law now on the statute-book, excepting the crucial point that the head tax is increased from $100 to $500. Every clause except that is identical with the present law.

Hon. Mr. FERGUSON—There are some other changes.

Hon. Mr. TEMPLEMAN—I think I am fairly accurate in saying the law is almost identically the same as provided in this Bill. I have the statute-book before me.

Hon. Mr. FERGUSON—There are considerable changes in section 17.

Hon. Mr. SCOTT—The penalty is new and part of the clause referring to the Governor in Council is new.

Hon. Mr. TEMPLEMAN—I was disposed to think myself that the Act should be brought into force before the 1st of January, but it was thought that it probably would be found expedient to postpone it. But the matter may be referred to again.

On clause 6,

Hon. Mr. LANDRY—Does the expression 'irrespective of allegiance' mean that a Chinese who is a British subject is bound to pay also?

Hon. Sir MACKENZIE BOWELL—He would under this clause, no matter where he was born.

Hon. Mr. MACDONALD (B.C.)—A Hong Kong Chinaman would pay under this Act.

Hon. Mr. LANDRY—I would ask the minister, is a Chinese who is a British subject bound to pay also ?

Hon. Mr. TEMPLEMAN—Undoubtedly.

Hon. Mr. POIRIER—If he wore a queue.

Hon. Mr. TEMPLEMAN—It is every person of Chinese origin irrespective of allegiance.

Hon. Mr. LANDRY—We are taxing British subjects ?

Hon. Mr. TEMPLEMAN—Exactly.

Hon. Mr. LANDRY—Is it constitutional to tax British subjects ?

Hon. Sir MACKENZIE BOWELL—There is no doubt under this Act that if a Chinese family live in England, and a child is born there, he could not get into this country without paying the head tax.

Hon. Mr. LANDRY—Could it not be made to read 'Every person of Chinese origin not a British subject.'

Hon. Sir MACKENZIE BOWELL—That would be better, but that has not been the law.

Hon. Mr. TEMPLEMAN—No, that is a direct reversal of this. As a matter of fact, the law aims at the exclusion or restriction of Chinese, whether they are British subjects or not. Whether the Chinaman is a British subject or a subject of China, he is equally objectionable. We have in British Columbia a number of Chinese who are British subjects. It would probably be a very easy thing for the Chinamen from the provinces to go to Hong Kong and, after taking the oath of allegiance there, find their way into Canada.

Hon. Mr. LANDRY—I suppose the oath of allegiance alone is not sufficient. He must have resided a few years perhaps in the country before taking the oath of allegiance. I think there is no danger in that way, but it seems very queer to tax a British subject coming into Canada $500.

Hon. Mr. TEMPLEMAN—That is precisely the law as it is on the statute-book. The only change in that clause is making the tax $500 instead of $100.

Hon. Mr. LANDRY—But if the government found it convenient to make that increase, I do not see why they should not find it convenient to make this change. It seems very hard for a British subject to be taxed for going through the empire.

Hon. Mr. LOUGHEED—They would all be British subjects if you let them in.

Hon. Mr. ELLIS—This clause is quite repugnant to me. I voted for the Bill and am prepared to sustain the general principles of the measure. We hear a great deal about breaking down walls of separation and trying to get people under the flag, and here in Canada, where we boast of our allegiance, we are passing this law to tax British subjects. It is quite true it was in the Act before, but it is up again and there is an opportunity for those who have views to express them. I am not in favour of an import tax upon any man who is a British subject, no matter where he was born. I state that distinctly and positively. The law ought to be amended so as to allow any British subject to come in. If Great Britain thinks it is the policy of the empire to possess herself of parts of China, and she extends her civilization, or endeavours to do it, in that country, the men over whom she places her flag and to whom she gives the rights of British subjects should have the rights to go unrestricted to every part of the empire. I do not make speeches just for the sake of making speeches on questions of loyalty. I have a reputation the other way. But where a principle is involved, I think the British empire should be recognized as the British empire. This cannot be a source of trouble to us. There are not so many of these Mongolians likely to come here that we should stand before the empire in the position of refusing a British subject permission to enter Canada without the payment of $500. How does this apply to a Chinaman who, coming into Canada, is naturalized here, goes away and returns ?

Hon. Mr. TEMPLEMAN—He returns all right.

Hon. Sir MACKENZIE BOWELL—But within a certain number of months he must return.

Hon. Mr. SCOTT—One year.

Hon. Mr. LANDRY—I move that the words 'irrespective of allegiance' be struck out, and the words 'not a British subject' inserted therein.

Hon. Mr. TEMPLEMAN—The hon. gentleman might just as well move that the committee rise, because that would be defeating the whole Bill. There is no doubt about it. If you are going to open the door to have Chinamen become British subjects in Hong Kong, and so come into this country, you make this law less effective than the old law with the $100 tax. It must be quite clear to hon. gentlemen that the amendment would defeat the entire object of the Bill and could not possibly be accepted.

Hon. Mr. LANDRY—Well, we will move it on the third reading and take the sense of the House.

Hon. Mr. VIDAL—I have another objection, passing on to the details of the Bill. I should like to make a change, striking out the word 'Canada,' In line fifteen and substituting 'British Columbia' instead. I cannot understand why British Columbia should force upon all the rest of Canada a law of this kind. We want these Chinese in all the provinces. We find them useful citizens and why they should be debarred from coming into any other part of Canada because British Columbia does not want them, I cannot understand. I do not see why British Columbia should control the whole Dominion. I admire British Columbia as a prosperous country, and am as interested in its well-being and prosperity as my hon. friend who introduced the Bill, but at the same time I do not see that they have any claim whatever to interfere with Ontario and all the other provinces of the Dominion to say that they shall not have the privilege of bringing in Chinese when they are wanted in various departments of work. The hon. Secretary of State, when we had this question before us years ago, argued very strongly that this idea which I have now enunciated should be adopted, and he then entertained the view which I urge now, that British Columbia had no right whatever to impose upon the rest of Canada a statute which they do not want. I am sure the other provinces do not want it. Why we should be obliged to say to the Chinese that they should not come into Canada I cannot see.

Hon. Mr. DRUMMOND—I desire to put on record my agreement in general terms with what has been said. I think the Bill a most objectionable one in a great variety of aspects, and more especially in regard to the motion which has just been made. I would support most heartily an amendment to this clause in that respect.

Hon. Mr. LANDRY—I move that the words 'irrespective of allegiance' be struck out and the words 'not a British subject' be inserted.

Hon. Mr. TEMPLEMAN—I hope neither of my hon. friends will press the amendment. Either of them would practically nullify the Act, particularly the proposition of my hon. friend to strike out the words 'irrespective of allegance.' In regard to the objection of my hon. friend from Sarnia, that the word 'Canada' should be expunged and the word 'British Columbia' substituted, I think that would be equally objectionable. We could not possibly accept that. We want the law for the Dominion as a whole. We want to protect you benighted people in the east, if you do not want to protect yourselves. You know perfectly well that if you permit the influx of Chinese for the next ten years as it has been going on for the past ten years, the same trouble will present itself in your cities. If you want any Chinamen in Ontario, we are prepared to supply you to-day with the surplus Chinese people in British Columbia. The Act does not come into force till the 1st of January, and if the people of Ontario are particularly anxious to have Chinese labourers, they can import several tens of thousands of them before the 1st of January next, and supply all demands for the next twenty years. I think it is rather strange my hon. friends should propose to change a provision already on the statute-book. I could understand them attacking the proposed increase from $100 to $500, but in changing the Bill in other respects they are trying to change what they formerly gave their assent to, and which has been the law of the land for the last ten years.

Hon. Sir MACKENZIE BOWELL—Would the hon. gentleman explain to the committee

why, if the Chinese are so objectionable as he has represented them to be, that he should postpone the coming into operation of this Bill for six or seven months so as to enable British Columbia and Canada generally to be inundated with Chinese. Why give an opportunity to bring them in for seven or eight months? What reason is there for that? Is it to meet the views of the steamboat proprietors, or is it to enable the people of British Columbia and others to get a larger number of them?

Hon. Mr. TEMPLEMAN—I think I mentioned a little while ago that clause two was the one clause in the Bill to which a little exception could be taken. It was prepared in the Trade and Commerce Department, and I have not inquired why this clause bringing it into force on the 1st of January was drawn in that way. I would not be averse, if the House is prepared and there is no valid reason against it, to expunge clause two altogether and bring it into force when it receives the sanction of the Governor General. I cannot explain to my hon. friend why the provision was inserted, but I point out the fact that by coming into force on the 1st of January, it ought to be less objectionable to those of our friends in the House who are opposed to the Bill altogether, inasmuch as it gives six months more in which Chinamen can come into this country under the $100 tax.

Hon. Mr. MACDONALD (B.C.)—Clause 7 is a very heavy restriction and very few could come in under that. The clause reads as follows.

7. No vessel carrying Chinese immigrants to any port in Canada shall carry more than one such immigrant for every fifty tons of its tonnage; and the owner of any such vessel who carries any number in excess of the number allowed by this section shall incur a penalty of two hundred dollars for each Chinese immigrant so carried in excess of such numbers.

2. No Chinese immigrants shall be allowed to land in or enter Canada, coastwise or overland arriving in transit from any port or place in America from any vessel entering at such port or place, in excess of the number which would have been allowed to land from such vessel had it come direct to Canada.

Hon. Mr. TEMPLEMAN—That is the present law.

Hon. Mr. MACDONALD (B.C.)—That keeps Chinamen out very effectually.

Hon. Mr. LANDRY—I move that my amendment be adopted.

Hon. Sir MACKENZIE BOWELL—I was going to say to the hon. gentleman, who is a member of the cabinet without portfolio, that his excuse should be accepted by the House if he were an independent member and not supposed to know the policy of the government, or why they have adopted a measure of this kind and which he has to father. It was only the other day that I had to complain of the policy and the course pursued by members of the government coming here without knowing the effect of the clauses of the Bills which they had before the House. My hon. friend is in the same position exactly as the hon. Secretary of State. He tells us that it is prepared in the Department of Trade and Commerce, and he does not know why this provision is placed there. Is it possible that that Bill, involving such important clauses and changing, if not the principle, at least the details of the law to such an extent as it does, was not brought before council, and the hon. gentleman does not know about it? It is only another illustration of a government divided amongst itself.

Hon. Mr. TEMPLEMAN—Surely the hon. gentleman would not say it is a question of policy. It is a question as to the date when the Bill is going to be brought into force.

Hon. Sir MACKENZIE BOWELL—It is a question of what the hon. gentleman knows about a Bill which he is trying to impose on the House. That is the question, not the other. I asked a plain question, why a certain provision was made in the Bill, and the hon. gentleman said that he did not know. It was prepared in the Trade and Commerce Department, and yet the hon. gentleman does not know.

Hon. Mr. TEMPLEMAN—If the hon. gentleman wants to lecture me in the House, I shall not submit to it. I am prepared to admit that in regard to the details of this Bill, as of many other bills, I may be profoundly ignorant. I am not alone in this House in being ignorant of details of legislation passing this House.

Hon. Sir MACKENZIE BOWELL—Misery loves company.

Hon. Mr. TEMPLEMAN—I am glad the hon. gentleman admits that.

Hon. Sir MACKENZIE BOWELL—Yes, because the hon. gentleman has company alongside of him.

Hon. Mr. TEMPLEMAN—The time the law comes in force is not material. If my hon. friend the leader of the opposition desires to change it, I will accede to his request and have it come into force at an earlier date.

The committee divided on the amendment, which was rejected; contents 10, non-contents 20.

Hon. Mr. VIDAL—I move to strike out the word 'Canada' in the 15th line, and substitute 'British Columbia.'

Hon. Mr. POIRIER—If we mean to restrict Chinese immigration, let us do it in a practical way. By substituting 'British Columbia' for 'Canada' we make this Bill practically null and void—in fact, simply ridiculous. We should either restrict Chinese immigration or not. On broad principles, I should certainly be opposed to restricting British subjects from travelling through or settling in any part of the British empire. That is a sentiment apart, but here we are facing a problem, a serious one—it is the yellow question. We must not forget that China has a population of 400,000,000 or thereabouts, and if they are allowed to pour into this country a portion of their population, we will be flooded with them. Where they have landed in large numbers, as in British Columbia, the people are wailing over them. They find that, on the whole, Chinese are objectionable as immigrants. In Montreal I remember some three or four years ago the laundrymen had to unite against the Chinaman, and yet their numbers are small. What would we do if we had a comparatively small number of them in this country, say three millions? We would be absorbed. If we want to stop this immigration, let us do it now, and whatever our sentiments may be of high loyalty, let us leave that aside for a moment and do our work properly. The discussion of this Bill brings to the mind of the observer a very awkward, although not very infrequent state of things. When this Bill was first proposed by the Conservative party, this side of the House favoured it, while hon. gentlemen opposite opposed it. Now we have this condition of things reversed. What has produced the change? Are Chinese less objectionable to us now than they were ten or fifteen years ago? Are they more tolerable? Where is this change? Certainly not in the Celestials, They are now what they have been for four thousand years. They have not changed; we have. I voted for the law when it was being placed on our statute-books; it still has my approval. It is practically the same Bill; its principle is the same. The only difference is, that was a barrier to them ten years ago is no more a barrier. We have found since that time, that really there is a yellow danger, and we want to guard against it. I, for one, shall vote as I did before, and although objecting, on broad principles, or anything you like of that sort, against restricting British subjects from travelling through the empire, I shall vote for this as I did before, and shall certainly not vote to substitute the word 'British Columbia' for the word 'Canada' making the Bill null and void and of no effect.

Hon. Mr. MACDONALD (P.E.I.)—There is a very great difference between the Bill now before the House and the Bill to which the hon. gentleman has alluded. At that time the tax to be placed on Chinese entering the Dominion was fifty dollars: it is now proposed to make it $500. Like the hon. gentleman, I have the same view respecting the measure now that I had when the Bill was introduced before. I was opposed to the tax even at the smaller amount, and certainly I am opposed to it when it is increased, as it is in the present Bill. What is the number of Chinese now in the Dominion of Canada? It is but a fraction of one per cent of the population of the Dominion, and are British subjects, men of the physique and stamina that the people of this country possess, to be alarmed and frightened because a small fraction of one per cent of foreigners are coming into this country. It is absurd, in my view of the matter. What is the number of British subjects in the empire of China compared with the small number of Chinese in this country? I have been opposed to the Bill

from the first and I am opposed to it now.

Hon. Mr. LANDRY—We should congratulate my hon. friend from Acadia (Hon. Mr. Poirier) on the magnificient speech he made, but I am at sea how to reconcile his principles with his vote. He advocated liberty of the British subject, and for that reason he voted against my motion.

The amendment was declared lost, and the clause was adopted.

Hon. Mr. TEMPLEMAN—The subsections are exemptions from the tax. I have a subsection to follow that which we will call subsection (d).

(d) In the case of a person of Chinese origin who is the personal attendant or servant of a British subject visiting Canada, the tax payable under the first subsection of this section may be refunded to the person paying the same, upon his furnishing satisfactory evidence that such Chinese attendant or servant is leaving the port of entry with his employer or master, on his return to China, if within twelve months of the date of his arrival in Canada, and upon returning to the controller of such port the certificate granted under section 13.

Hon. Sir MACKENZIE BOWELL—That is a very good provision, but does it go far enough? That provides, if I understand the hon. gentleman, for Chinese servants of a British subject residing in China, travelling through this country. How would that affect the servant of the captain of a vessel who is a resident of Canada, trading between Canada and China? When he comes back to Canada he brings a Chinese servant with him. That clause would not permit him to land on any account unless he paid the $500. If he paid the $500, there is no provision for refunding it when he took the Chinaman back with him from the country. I understand by the amendment which the hon. gentleman proposes to add to the 8th clause, that that provides for the landing of a Chinese crew for the purpose of loading and unloading a vessel; but it does not meet the case to which I have called attention. There are such cases.

Hon. Mr. TEMPLEMAN—I think we could widen the scope of this amendment to cover such cases: we can make it extend to British subjects residing abroad and visiting Canada.

Hon. Sir MACKENZIE BOWELL—A resident, say of Halifax, who is captain of a vessel sailing between China and Halifax, continually brings his servant with him, with the intention of taking him back. If you impose the tax of $500 when his servant lands, there is no provision for getting the $500 back when he sails again for a foreign port.

Hon. Mr. MACDONALD (B.C.)—Another case might arise: say a tourist comes from China with a servant, how would that servant stand in relation to this tax? He only comes to Canada, and returns again to China. Why restrict it to persons residing in China?

Hon. Mr. CASGRAIN (de Lanaudière)—Every foreigner might come with a servant.

Hon. Sir MACKENZIE BOWELL—This provides for the admission of a tourist though he may be of Mongolian origin; but what my hon. friend asks is, supposing an Englishman, a German or a Frenchman is travelling through Canada with a Chinese servant, what provision is there to meet such a case? I know of a case where a gentleman passed through Canada with two Japanese servants. Suppose they had been Chinese, the difficulty my hon. friend refers to would arise.

Hon. Mr. TEMPLEMAN—I am prepared to amend the clause so as to cover the case of any British subject visiting Canada, by adding these words:—

In the case of a person of Chinese origin, who is a personal attendant or servant of a British subject visiting Canada, the tax payable, &c., &c.

That will meet the objection.

Hon. Mr. MACDONALD (B.C.)—It is better than it was.

The amendment was agreed to.

On clause 8,

Hon. Mr. TEMPLEMAN moved that subsection 2 be amended so as to read as follows:—

2. The landing of a person of Chinese origin from a vessel wherever referred to in this Act shall not be held to apply to the landing of such person on the wharf and the placing of him in a proper building where he may remain until the provisions of this Act have been complied with and the controller has given his authority for his departure therefrom, or to the temporary landing of any Chinese sailor for the purpose of assisting in the lading or unlading of the vessel to which he belongs or for the pur-

pose of his transfer to another vessel, and such person or sailor while in such building or while so employed or waiting such transfer shall for the purpose of this Act be held to be on board the vessel by which he arrived : this provision, however, shall not allow the placing of such person in such building until all quarantine requirements have been complied with.

Hon. Mr. MACDONALD (B.C.)—Under this landing clause, thirteen Japanese came in from the United States the other day, and were not allowed to land. They were carried back to Seattle, and were not allowed to land there. What is to become of them ?

Hon. Mr. TEMPLEMAN—There is no prohibition against Japanese.

Hon. Mr. MACDONALD (B.C.)—They were not allowed to land at Vancouver, and were carried backwards and forwards between Vancouver and Seattle. A Chinese woman was carried for several months that way. What became of her eventually I do not know.

Hon. Mr. TEMPLEMAN—She is probably running yet.

Hon. Mr. MACDONALD (B.C.)—At Niagara a Chinaman was kept on the bridge for twenty-four hours. The United States would not have him, and Canada would not have him. This was some years ago. Finally, our government broke the rule and permitted him to come into Canada.

Hon. Mr. FERGUSON—The 25th section will certainly apply to Japanese.

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

On clause 24,

Hon. Mr. ELLIS—Why does British Columbia get one-half of this tax ?

Hon. Mr. TEMPLEMAN—Because British Columbia suffers from the Chinese ; but my hon. friend's province gets half of the receipts from the tax on Chinese immigration into his province, and the other provinces the same.

Hon. Mr. ELLIS—It must be a great temptation for smuggling. I cannot see that a province suffers, and it would be a great deal better to strike out the clause and allow the whole of the tax to go into the consolidated revenue fund.

Hon. Mr. TEMPLEMAN—It will not be so material if the Bill we are now considering has the effect anticipated. There will not be much revenue from Chinese immigration, and we need not quarrel over the spoils.

The clause was adopted.

Hon. Mr. FULFORD, from the committee, reported the Bill with amendments.

INLAND REVENUE ACT AMENDMENT BILL.

ORDER OF THE DAY POSTPONED.

The Order of the Day being called :

House again in Committee of the Whole on Bill (186) An Act to amend the Inland Revenue Act.

Hon. Mr. SCOTT moved that the Order of the Day be discharged, and that the Bill be placed on the Order of the Day for tomorrow.

Hon. Sir MACKENZIE BOWELL—Would the hon. gentleman ascertain, for the information of the House, the number of distillers who are to be affected by this Bill and the amount that would be refunded to them if they have paid any excess, because this provides that it shall take effect on July 1, 1902. At present the law allows a rebate of three per cent on account of the fusel-oil which is extracted from the spirits and destroyed. This Bill provides that liquor manufactured from saccharine matter is to receive a rebate of four per cent. I want to know how much has been paid by those parties, from July 1, 1902 up to the present time, because the government will have to give them something if they have paid the full amount.

Hon. Mr. FERGUSON—Or in other words, how much will the revenue suffer ?

Hon. Sir MACKENZIE BOWELL—Yes, and who are the parties affected thereby.

Hon. Mr. SCOTT—I shall get the names.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, June 19, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

IMPERIAL AGENCY BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. DRUMMOND, from the Committee on Banking and Commerce, reported Bill (71) An Act to incorporate the Imperial Agency, with amendments. He said: It is my duty to explain these amendments. They consist practically in the change of name and deleting from the Bill a clause which the committee considered gave improper powers to the committee of the directors, and the addition of another clause with reference to the Railway Act, to meet the case of the company having, in the course of its operations, to finish and operate a railway.

Hon. Mr. OWENS moved concurrence in the amendments.

Hon. Mr. YOUNG—I ask the hon. gentleman to let this stand until Tuesday.

Hon. Mr. OWENS—We might take the third reading on Tuesday.

Hon. Mr. YOUNG—If the hon. gentleman would not press it now, no time would be lost. We could consider the amendments on Tuesday and take the third reading later. Some hon. gentlemen would like to look into the amendments.

Hon. Mr. OWEN—Very well, I move that the amendments be taken into consideration on Tuesday next.

The motion was agreed to.

BILLS INTRODUCED.

Bill (63) An Act respecting the London and Port Stanley Railway Company.—(Hon. Mr. Vidal.)

Bill (169) An Act to confer on the Commissioner certain powers for the relief of James Sinclair MacDougall.—(Mr. Gibson.)

Bill (185) An Act respecting the Canada Steel Company.—(Hon. Mr. Gibson.)

Bill (199) An Act respecting the Good Shepherd Reformatory in the city of St. John. N.B.—(Hon. Mr. Scott.)

MILITARY CAMP AT THREE RIVERS.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Does the government know that the fourth military division which has been called upon to go into camp at Three Rivers on the 30th June instant, is composed, with regard to rural regiments, of—

(a.) three English regiments, the 54th, the 79th and the 11th.

(b.) ten French regiments, the 64th, the 83rd, the 85th, the 80th, the 4th, the 7th, the 18th, the 61st, the 87th and the 89th?

2. Is the government aware that the staff of the fourth division is composed of officers, among whom are to be found military men who are completely incapable of speaking French, and whose usefulness under the circumstances is more than problematical, especially in the matter of transmitting to French regiments orders given in English?

3. Can the government modify the present composition of the staff of the fourth military district in such a way as to give this staff the greatest efficiency possible by requiring, at least from those who will be in necessary and daily contact with the French regiments, a sufficient knowledge of the French language to be able to translate to those regiments the orders which they may have to transmit to them?

Hon. Mr. SCOTT—The answers are:

1. The 4th military district does not go into camp at Three Rivers. No camp has been ordered to assemble on the 30th June.

2. The officers composing the 4th divisional staff, upon whom the issuing of orders devolves, are French-speaking Canadians, or are perfectly conversant with the French language, and their usefulness as staff officers of this division was assured before they were selected for staff appointment.

3. No, the subordinate or instructional staff comprises the greatest number of French-speaking instructors available for this service.

Hon. Mr. LANDRY—I think the hon. gentleman is splitting hairs. I asked in my question about the 4th military division, and that is translated 'the 4th military district.' I know that the 4th military district is not called to camp, but the 4th division is.

Hon. Mr. SCOTT—I do not know the distinction. I answered the question as I found it. The hon. gentleman did not give me any explanation of the error.

Hon. Mr. LANDRY—In my notice, as I have just read it, as I wrote it, I put the question as it should be put, the 4th military division. That has been changed into a district. As to the camp itself I know it is fixed for the 30th June, and when the government answer no, it is not a fair answer.

Hon. Mr. SCOTT—It is the only answer for the date I got. The hon. gentleman must not be hypercritical with me. I am not to blame.

Hon. Mr. LANDRY—I do not say that the hon. gentleman is to blame, but some one is to blame, because the answer given is not according to the facts.

Hon. Sir ALPHONSE PELLETIER—I think the hon. gentleman is in error himself. The reason why the answer has been given is because there is no camp at Three Rivers on the 13th June.

Hon. Mr. LANDRY—It is the same error that has been committed. If you look at the French edition you will find it is the 30th June. I am not obliged to make the translation. We have officers here for that purpose. I wrote my notice 'the 30th June' and 'the 4th military division.' The translation was made 'the 4th military district' and the '13th June.' Now that is not my fault.

Hon. Mr. SCOTT—The hon. gentleman must remember that this notice has been on the order paper every day for nearly ten days with the same date—the 13th June.

Hon. Mr. LANDRY—Yesterday I asked to have it corrected. There was another fault: they put in 'three French' regiments instead of 'three English.' I called attention to the mistake on a former occasion and the correction was made.

Hon. Mr. SCOTT—Give a new notice, and give it in English, and I will answer it.

Hon. Mr. LANDRY—I will give it in French.

Hon. Mr. SCOTT—Very well.

Hon. Mr. LANDRY—I rise to a question of privilege. The hon. Secretary of State wants me to put it again. I will not put it again. I put it as it should be put, and I want those who made the error to correct it themselves. It is not for me to do that.

Hon. Mr. SCOTT—If the hon. gentleman does not take any interest in his question, I certainly will not.

THIRD READINGS.

Bill (P) An Act respecting the Western Alberta Railway Company.—(Hon. Mr. Wood, in absence of Hon. Mr. Lougheed.)

Bill (17) An Act to aid in the settlement of Railway Labour Disputes.—(Hon. Mr. Scott.)

Hon. Mr. SCOTT.

SECOND READINGS.

Bill (68) An Act to incorporate the Lumberman's Fire Insurance Company.—(Hon. Mr. McHugh.)

Bill (123) An Act to incorporate the Huron, Erie and Buffalo Railway Company.—(Hon. Mr. McMullen.)

Bill (125) An Act to incorporate the Guelph and Georgian Bay Railway Company.—(Hon. Mr. Watson.)

Bill (139) An Act respecting the St. Mary's River Railway Company.—(Hon. Mr. Wood, in absence of Hon. Mr. Lougheed.)

Bill (140) An Act to incorporate the Cardiff Railway Company.—(Hon. Mr. Watson.)

Bill (144) An Act respecting the Interprovincial and James Bay Railway Company.—(Hon. Mr. Landerkin, in absence of Hon. Mr. Dandurand.)

Bill (177) An Act respecting the Klondike Mines Railway Company.—(Hon. Mr. Watson.)

Bill (149) An Act to incorporate the Hamilton, Galt and Berlin Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (142) An Act respecting the Elgin and Havelock Railway Company.—(Hon. Mr. Wood.)

Bill (154) An Act to incorporate the Niagara, Queenston and St. Catharines Railway Company.—(Hon. Mr. Gibson.)

VANCOUVER AND COAST KOOTENAY RAILWAY COMPANY BILL.

SECOND READING POSTPONED.

Hon. Mr. LANDERKIN moved the second reading of Bill (87) An Act respecting the Vancouver and Coast Kootenay Railway Company.

Hon. Mr. LANDRY—It is not printed in French.

Hon. Mr. LANDERKIN—It came up from the House of Commons printed in both languages.

Hon. Mr. LANDRY—We have not the French edition, and it is not marked printed in French, and I object.

Hon. Mr. LANDERKIN—Then I move that the Order of the Day be discharged, and that it be placed on the Orders of the Day for Monday next.

The motion was agreed to.

DEPARTMENT OF PUBLIC PRINTING AND STATIONERY BILL.

IN THE COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (128) An Act to amend Chapter 27 of the Revised Statutes respecting the Department of Public Printing and Stationery.

In Committee.

Hon. Mr. SCOTT—A section in the Act of 1893 provides that the printing for the purposes of the Intercolonial Railway and the Prince Edward Island Railway may, under certain circumstances, be done outside of the Bureau. In order to appreciate the difficulty that has arisen, I may call attention to the facts that led up to the legislation and the action that was taken upon it. I have here a copy of the original report to Council on the subject, and on which the minute of Council was adopted and afterwards the statute. The report of Council is dated 8th November, 1893, and addressed to the Minister of Railways. Attached to it is a schedule from the Queen's Printer. I have also a certified copy of an Order in Council approved on the 10th November, 1893. The minute of Council was passed on a report dated the 13th May, 1893, from the Secretary of State, submitting that a difference of opinion has arisen as to the interpretation of the statute. It appears that the government of that day held over accounts too. Then, in November there was a minute of Council approved, and a schedule attached giving the rates allowed for printing done outside of the Bureau for the Intercolonial Railway and the Prince Edward Island Railway. As to the second item in the schedule, composition, Dr. Dawson says it is altogether too small. Now, it is on that schedule that Dr. Dawson has been going, except composition, which, as I say, he considers altogether too small at present, and he has asked authority to increase. He acted on that schedule, and on the instructions he received, as I have explained, until a comparatively recent period—some months ago—when the Auditor General drew attention to the fact that the certificate was not in accordance with the requirements of the statute. Dr. Dawson, of course, said he could not furnish a certificate as required in this statute, and therefore the accounts were held up. Something was paid on them, as I presume had been done under the former government. In May, 1893, a minute of Council was passed recommending that fifty per cent of the accounts be paid until they could get the opinion of the Department of Justice and arrange for a better understanding. That action, it appears, was not taken for nearly six months, but in November following they finally adopted a scale.

Hon. Sir MACKENZIE BOWELL—What is the opinion of the Minister of Justice ?

Hon. Mr. SCOTT—I presume it is embodied in that minute of Council. For nearly ten years the Auditor General continued to act on that and found no fault with the prices; but recently he has required that the certificate shall be in the terms of the Act, and as Dr. Dawson pointed out, he had never contemplated that at the time.

Hon. Sir MACKENZIE BOWELL—It is the Order in Council the hon. gentleman has been referring to. It is not the report.

Hon. Mr. SCOTT—The report is attached to it.

Hon. Sir MACKENZIE BOWELL—What I asked was : What was the decision of the Minister of Justice in this matter ? I do not see by the papers laid on the table that he ever gave any. There is none.

Hon. Mr. SCOTT—That minute of council seems to have been sent to the Minister of Justice.

Hon. Sir MACKENZIE BOWELL—There is nothing here from the Minister of Justice. There is a certified copy of a report of the committee of the hon. Privy Council, approved by His Excellency the Governor General. That was based upon the memorandum, or report, sent to council by the Minister of Railways and Canals. That report is not here, but I presume the recommendation was based upon the agreement that was entered into by the King's Printer, and this Order in Council provides for the continuance of that until changed by some other authority—proper authority. I think, are the words used.

Hon. Mr. SCOTT—There are two minutes of council, one passed in May and one in November.

Hon. Sir MACKENZIE BOWELL—Yes, but that would not affect the point at issue. Whether the Auditor General's attention was called to the provisions of the statute we cannot say, but it is quite evident from the papers which have been read by the hon. Secretary of State, that the Minister of Justice could not make a report authorizing the payment of the accounts under the law unless the terms of the provisions of that law were complied with. That is quite evident.

Hon. Mr. SCOTT—But he did it, notwithstanding.

Hon. Sir MACKENZIE BOWELL—I will not say he did not, but we have no evidence of it. We have no evidence of the Minister of Justice ever making any report confirming, or approving, or stating that the payments were made in accordance with the law. There is nothing there about that, or that the Auditor General's attention had never been called to the provisions of the law, or that he had overlooked the provisions of the law, it is quite clear the moment his attention was called to the provisions of the law, he would not perform his duty if he certified to these accounts, because they must have been at a high rate, but whether higher or lower he could not certify to them under the statute, until the King's Printer had examined them, and ascertained whether the prices charged were higher than that at which they could be furnished to the Intercolonial Railway at the Bureau. The document which my hon. friend has read only verifies the correctness of the statement that I made yesterday when he said that the King's Printer could not very well regulate these prices. The document he has presented to us, is the schedule regulating the prices, showing that he was capable of doing it, and more than that, it also verifies what I stated yesterday, that the prices paid, if work is to be done outside or even here, ten years ago would not be fair prices for the work done to-day, from the fact that wages have materially increased, but the principle having been adopted in the past that this kind of work could be better done outside the Bureau, the provision was made to protect the revenue from over charges, by providing that the work should be paid for at the rates at which it could be performed at the Bureau. My hon. friend will recollect, no doubt, the reasons that induced the government of that day to place such a clause in the statute. Every session, whenever the question of estimates came up, the government was attacked vehemently, and in very strong terms, and all these newspapers that received advertisements were denounced as the reptile press, subsidized and fed and kept alive by the government because they supported the government; hence the government in the interest of the revenue, I repeat, made this provision in the law, that while it might be more convenient to have the railway work done at the different points at the maritime provinces where the head offices were, that there should be a strict positive provision that the prices paid for that work should not be larger or higher than they would be if the work were performed here, because the Bureau was established for that special purpose. Now, this Bill before us gives the power to somebody, but there is no provision here as to who is to check these accounts. There is nothing in the law before us to prevent the most exorbitant charges being made, and being paid by the minister, or by the official of the Railway Department without any check whatever. If this were done by the late government, I think we would have heard some of the gentlemen, who are now asking for this extraordinary power, uttering a good deal of condemnation and we should have heard that choice expression that was used so often of the venal, servile, and reptile press repeated very very often. I am not prepared to say that the work cannot be done as cheaply in Moncton and St. John as it can be done here, unless we are to adopt this principle, and I know not why it should be that in all enterprises where the public money is expended it is to do the work of the people without any allowance being made for the investment. You may spend hundreds of thousands of dollars that that Bureau has cost the country, but in doing the work you are only to consider the actual cost of the work without any allowance for capital or investment or wear and tear which in an ordinary printing office would be allowed. I do not know why this Bill

should be made retroactive. I am opposed to the principle in toto, I do not know what the Senate are inclined to do in matters of this kind. It would be found also that not only the printing but the stationery is included. They are taking a still further power than was given under the old law. Will the hon. Secretary of State tell us who is to check these accounts ?

Hon. Mr. SCOTT—The King's Printer.

Hon. Sir MACKENZIE BOWELL—There is nothing in this law to give him that power. I suppose if that is the case my hon. friend will not object to this proposed amendment to the Bill :

> Provided that all accounts for printing and purchases made under the authority of this Act, shall, before being paid, have been examined and proved and certified to be correct by the King's Printer.

That is a supervision of the accounts only; it does not involve the principle in the Bill of having the work done outside. That would be a protection to the revenue, and I am inclined to think, speaking from experience, that if I were in the hon. gentleman's place, or the head of the department, I should like very much to have that check placed in the statute-book, knowing the pressure that will be brought to bear on any minister and his officers, who have to pass these accounts, to allow more than the actual value of the work. If my hon. friend will accept this amendment when we come to that clause, I think we might pass the measure probably without any further discussion. The principle of the Bill is going too far, having a public Bureau, which has cost the country so much, we should not pay more for this work than it can be done for at the Bureau, but yielding that point and having a check on the accounts, for my part, I would not give the matter any further opposition, further than if a division is asked for, I would say that it should only apply from the time the statute is placed on the statute-book, like all others; and I would also eliminate the second paragraph of clause 5—that is the one giving it a retroactive effect.

Hon. Mr. SCOTT—This government proposes to do in a legal way, under the authority of the statute, what the government of my hon. friend did without that authority. That is the object of this Bill. Those accounts for the last ten years, have always been audited. They can only be paid through the Printing Department. It was not necessary to put it in the Bill. There is only one way to get such accounts paid, and it is through Dr. Dawson, in the Printing Bureau; and as to paying the accounts that are overdue and that have been standing, I quoted the precedent for it. In 1893 a number of accounts stood over from May till November, simply because the government could not make up their minds what to do, and they made up their minds they should be paid on the basis Dr. Dawson laid down in the report. I did not read the whole report, but read sections of it in which he points out that it was quite impossible for him to carry out the law as parliament intended it.

Hon. Sir MACKENZIE BOWELL—Does he say it was impossible ?

Hon. Mr. SCOTT—Yes. He points out that work has to be done outside often, printing tickets for excursions, and placards and other things, and the accounts were paid on the basis of those schedules. I asked Dr. Dawson whether those schedules were continued, and he said, yes. 'Except,' he said, 'I do not feel that composition could be paid on that basis and some margin should be allowed, but all accounts have to be vouched for,' but at all times, no matter what is bought in the way of stationery or supplies and that kind of thing, they must go through the hands of the King's Printer. My hon. friend has gone out of his way in charging that the government has given work outside. There are times when it is impossible, with the size of the Bureau and the limited amount of machinery, to do all the work, particularly when parliament is sitting, or when the voters' lists are being prepared, and various other times, and so, occasionally, printing has to be given out, but it is not given out on anything like the scale that prevailed when our predecessors were in office. They gave it out, although they were bound to give their printing to a contractor. They did not hesitate to give out printing year after year, and the consequence was they not only paid higher prices outside to persons who did the work, but they had afterwards to pay the contractors large damages. This country had to pay nearly a

quarter of a million because work was done outside, and that was a charge over and above the cost of the work. It was not alone the cost of the work. Take one year, just a sample of a number of years: In 1883-4, Burland & Company received $21,-173; the Canada Paper Company, $13,710; the Gazette Printing Company, $9,069; the Independent Publishing Company, five thousand odd; the 'Free Press,' London, $5,-375; the Mail Printing Company, of Toronto, $9,833; the 'Spectator,' Hamilton, $6,-593; J. Stuart, Halifax 'Newspaper,' $22,-737; Toronto Paper Company, $3,502; the 'Courier,' newspaper, $7,000.

Hon. Mr. FERGUSON— These are very small amounts compared with the others.

Hon. Mr. SCOTT—I beg pardon. The hon. gentleman must recollect that they had to pay the contractors over again for the profits, which amounted with the costs to nearly $250,000. That was paid over and above, because several contractors brought suits in the courts from time to time and got judgments against the Crown, and that was paid because this work did not go to the contractors.

Hon. Mr. MACDONALD (B.C.)—Who certified to these accounts being correct?

Hon. Mr. SCOTT—I presume they went to the King's Printer. I do not know, as a matter of fact. I know all accounts of that kind must be certified. They would not be audited unless they were certified by the proper officer, and he was the proper officer.

Hon. Mr. MACDONALD (B.C.)—All outside work will be scrutinized by the King's Printer.

Hon. Mr. SCOTT—It always has been. This clause is not an addition. I consider it was redundant. No work of that kind, from the time the Bureau has been established, could be paid for unless it passed through the Bureau. If, for instance, a department gives an order for any supplies that are furnished to the Bureau, they cannot be paid for except on the certificate of the King's Printer. The Auditor General would not take a certificate from any one outside, but the form of certificate has been the trouble of late months. The King's Printer certified that the accounts from the maritime provinces were fair and reasonable, but the Auditor General said, 'I will not take that certificate now. You must certify that those prices are as low as the work could be done for in the Bureau.' Dr. Dawson said, 'That is impossible and it is not a fair criterion.' The reasons are enumerated in the report to which I have referred. I have no objection to add the amendment of the leader of the opposition, because it is simply what the law already provides.

Hon. Sir MACKENZIE BOWELL—If the word would not be too strong, and probably considered unparliamentary, I would say the statement the hon. gentleman has made is somewhat disingenuous. He has referred to difficulties that occurred before the Bureau was established.

Hon. Mr. TEMPLEMAN—That does not alter the case.

Hon. Mr. SCOTT—The work was all under contract.

Hon. Sir MACKENZIE BOWELL—That is quite a different thing from what we are discussing now. Contracts were given for certain printing.

Hon. Mr. SCOTT—MacLean, Roger & Co. had all the work.

Hon. Sir MACKENZIE BOWELL—The difficulties that arose, to which my hon. friend has referred, were on account of the departments giving work to outsiders and not having it done by the contractors, as it should have been done—I do not hesitate to say so—by the contractors. The result was the contractors sued for the profits which they would have made upon the work had they performed it. I do not say that they were not right: it was for the purpose of preventing things of that kind that the government Bureau was established and an immense amount of money expended. I do not pretend to justify what the hon. gentleman has condemned upon that point. Although, as a member of the government, I was just as responsible as anybody else in the cabinet, if you examine the record you will not find that that was done in my department. I do not give that as an excuse, however. The newspaper accounts, to which my hon. friend has referred, were principally for advertising, not for work,

excepting one or two large jobs. We established a Bureau for the purpose of preventing that by the then government and by succeeding governments, and when they placed this law on the statute-book giving permission to have the work done outside which was necessary for the Intercolonial Railway in the maritime provinces, they took the precaution to add a clause declaring that the prices paid for that work should not exceed those which it would cost at the Bureau, which the present Bill repeals. If the Auditor General refused to pay without that proper certificate, he only performed his duty and the only complaint we can make is that it was not done before. I have simply that explanation to make in reference to the statement of the hon. Secretary of State. There is nothing in this report of the King's Printer of the character indicated by the Secretary of State on the point of not being able to do the work.

Hon. Mr. SCOTT—The amendment perhaps requires a slight limitation, 'Provided that all accounts for printing and purchases made under the authority of this Act shall, before being paid, have been examined and certified.' Then I have added these words, 'By the King's Printer in accordance with the provisions herein contained.' I have struck out the words 'to be correct,' because we only pay them in accordance with this clause.

Hon. Sir MACKENZIE BOWELL—Yes, I think that is right.

Hon. Mr. SCOTT—We have laid down the principle that they shall be fair commercial rates.

Hon. Sir MACKENZIE BOWELL—That gives power to purchase material other than printing and other paper necessary for such service. I think the proviso should apply to both.

Hon. Mr. SCOTT—The statute itself is clear about that. The King's Printer purchases everything.

Hon. Sir MACKENZIE BOWELL—I am speaking of the prices. I am not finding fault with who should purchase it. Let me ask the Secretary of State, from a legal point of view, whether the amendment he has now in his hands should not be a subsection to clause three and apply to number three as well as to number one.

Hon. Mr. SCOTT—This would apply to all. The proviso in the section, of course, covers all the purchases and work for the department, and whatever is done in the Bureau itself. Of course the form of certificate will be very different from the form of certificate we are authorizing for the Intercolonial Railway and Prince Edward Island Railway. Then, so far as the purchasing of paper and stationery, there is a special statute on that. It provides that all paper shall be bought on tender and invariably the lowest tender accepted.

Hon. Sir MACKENZIE BOWELL—The other clause only applies to the power of employing apprentices, journeymen, skilled hands and others and the purchase of material, not including paper. That would mean type, presses, ruling machines, and all that sort of thing.

Hon. Mr. SCOTT—The law is very stringent on that point.

Hon. Sir MACKENZIE BOWELL—The only question is whether the approval of the King's Printer should be obtained as to the prices before he pays for material as well as stationery.

Hon. Mr. SCOTT—That is quite clear.

Hon. Sir MACKENZIE BOWELL—All I desire is to make the accounts of the purchases in this way subject to examination and certification by the King's Printer.

Hon. Mr. SCOTT—The statute is very clear on that point. Section 4 of the original Act provides that all purchases shall be made on requisition approved by the minister or King's Printer, and in the case of paper, in accordance with contracts made, with the like approval, after tenders have been called for.

Hon. Sir MACKENZIE BOWELL—Does not the hon. Secretary of State think that the amendment to clause 5 removes the protection which is taken in the statute which he has just read as to the tenders?

Hon. Mr. SCOTT—Oh, no.

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

On subsection 2,

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman tell us why it is necessary to take power to employ apprentices and journeymen ?

Hon. Mr. SCOTT—These are the words of the original Act.

Hon. Sir MACKENZIE BOWELL—But the law does not specify that particular power, and it seems to me if the true reason were given it would be this, that you want to have distinct statutory power to do that which the trade unions object to your doing. The trade unions lay down the principle that you must employ only so many apprentices in proportion to the size of the office and the number of the men employed. In order to override that greater power, the trade unions, you take power by Act of parliament, so that if the trade unions object you can say : We have authority under the law. I do not object to it, but it looks like seeking a power to do that which you have not the courage to do otherwise.

Hon. Mr. SCOTT—It is already in the Act. The reason I am introducing it here is that I want to legalize the Order in Council passed in 1893 which fixes the basis of the rates of wages to be paid here.

Hon. Sir MACKENZIE BOWELL—That is not the point I raised. You take power in this clause to employ apprentices and to purchase material.

Hon. Mr. SCOTT—I am not changing the Act at all.

Hon. Sir MACKENZIE BOWELL—I was asking the reason why such power should be asked by statute when you can do it at any time.

Hon. Mr. SCOTT—I am re-enacting the old law which provides that 'the superintendent of printing may, with the approval of the minister, employ such apprentices, &c.' It is not in order to connect it with that Order in Council. I am not changing the law at all.

Hon. Sir MACKENZIE BOWELL—Then it is not necessary to do it.

Hon. Mr. SCOTT—I thought it was. When the Bill was before the other House I notice Mr. Puttee, who speaks for the labour unions, in the debate on it there said :

> I suggest to the minister the striking out of the words 'with the approval of the minister,' so as to leave the Bureau under the control of the practical superintendent who would carry it on the same as any ordinary concern. I believe that involves the whole question of the patronage in the Bureau, and if these words be struck out political influence will be done away with.

I propose to move an amendment, for my own personal comfort at all events, and throw the responsibility on the superintendent of printing and on the deputy minister, Dr. Dawson, and make it read this way :

> The superintendent of printing may, with the approval of the deputy minister, employ apprentices, &c.

Hon. Mr. POWER—All through this statute Dr. Dawson is spoken of as the King's Printer and I do not see why the hon. gentleman called him the deputy minister.

Hon. Mr. SCOTT—Under the statute he is deputy minister of the Department of Printing and Stationery.

Hon. Sir MACKENZIE BOWELL—I believe he is, but the hon. gentleman will find that will lead to some misapprehension. The question will be, who is the deputy minister—whether it is the superintendent who ranks as a deputy minister, or the deputy minister of the Secretary of State's department. The latter is the only one recognized as deputy minister. If the hon. gentleman will adopt the Speaker's suggestion, I think the difficulty will be overcome.

Hon. Mr. SCOTT—I have no choice in the matter.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman would have no difficulty then and no difficulty could arise; I may add that I had not read the debate to which my hon. friend refers, but I think it is a good suggestion which Mr. Puttee has made. The hon. Secretary of State knows the pressure that is brought to bear upon the minister, and if they throw the responsibility upon the King's Printer let him take it. But I differ altogether from the statement of the Minister of Justice that there is no department so free from pressure or political influence. The manner in which pressure is brought to bear upon the minister by members of the House of Commons and particularly in the city of Ot-

tawa, to force printers upon the hon. gentleman, would indicate that there was a good deal of political influence exercised.

Hon. Mr. SCOTT—Then strike out the word 'minister' and put in 'King's Printer.'

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

Hon. Sir MACKENZIE BOWELL—A question arose just now as to what the report of the Minister of Justice was upon the memorandum which was sent to him from the King's Printer, certifying that the prices had been paid for a number of years, and that it was satisfactory until the Auditor General's attention was called to the provisions of the law. An hon. friend has shown me the report of Mr. Newcombe, the Deputy Minister of Justice, on that point. I do not know that it is necessary to read it.

Hon. Mr. SCOTT—Oh, no.

Hon. Sir MACKENZIE BOWELL—Only that he says distinctly that the Auditor General would not be justified in paying these accounts unless they were certified as being done at the same rates for which they could be provided at the Bureau.

Hon. Mr. SCOTT—Yes.

Hon. Mr. FULFORD, from the committee, reported the Bill with amendments, which were concurred in.

INLAND REVENUE ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resumed in Committee of the Whole consideration of the Bill (186) An Act to amend the Inland Revenue Act.

(In the Committee.)

Hon. Mr. SCOTT—When the House was in committee before, there were two sections, 5 and 6, that had not been considered.

Hon. Mr. FERGUSON—We had not advanced so far in the Bill. The minutes said that we had passed clause 3, but even clause 3 was held over.

The CHAIRMAN—They were certified by the Chairman.

Hon. Mr. FERGUSON—Yes, he rushed things and we raised a row.

Hon. Sir MACKENZIE BOWELL—We were discussing the provisions of the third clause, raising the rebate upon spirits manufactured from molasses and saccharine matter from three to four per cent, and I asked my hon. friend then if he would tell us who was to be affected by this, and the amount involved.

Hon. Mr. SCOTT—It only really affects one concern, and it only affects 1,936 gallons which were wasted—thrown away into the sewer.

Hon. Sir MACKENZIE BOWELL—That would be $1,936 ?

Hon. Mr. SCOTT—Oh, no. It was wasted and did not go into consumption, and was simply turned into the sewer as so much lost stuff, and therefore the parties should not be charged with it.

Hon. Mr. FERGUSON—An abatement is made on an estimate of what the fusel-oil is.

Hon. Sir MACKENZIE BOWELL—It is four per cent instead of three—one per cent upon whatever is waste.

Hon. Mr. SCOTT—There has been only one concern using molasses, and it is thought there will be more next year, and that is the reason the law is changed, because that is really the difference. There is more waste and refuse in the spirit made from molasses, and that is the allowance that is granted by the Crown.

Hon. Sir MACKENZIE BOWELL—Could the hon. gentleman tell me how much would have to be paid to the party if you adopt the clause giving it a retroactive effect ? If he has paid upon the basis of three per cent, he should have been allowed four per cent in reduction. Is there not an abatement of one per cent more to be allowed ? That is the question I asked.

Hon. Mr. SCOTT—It would be the value of the 1,936 gallons. The duty would be $1.90, and it would amount to about $3,700. There is no money involved, because the stuff was not used at all and it is a mere matter of bookkeeping.

Hon. Mr. FERGUSON—It is this : That if the old manner of computation of abatement was to prevail, three per cent would be the abatement. The difference between

three per cent and four per cent would amount to about $3,700 on the transactions of the year. There would be just that much more revenue this last year if this law is not passed.

Hon. Mr. SCOTT—In this case the loss was not very much. One per cent—he was not allowed even that. It was fifty-six hundreths. It was not one per cent.

Hon. Mr. FERGUSON—But nevertheless, the difference in the abatement between three and four per cent makes a total on one year's operations of about $3,700. I understood my hon. friend to say that. I suppose that in the administering of a department like that there will be always new light obtained and new facts developed, and I can understand why it would be possible for the department to wake up to the fact that this three per cent that they were allowing as an abatement was not accurate, and that a higher percentage was necessary to allow for fusel-oil and other refuse. But having come to that conclusion, and having ascertained that fact, I cannot well understand why it is necessary to go back one year to make the allowance to the manufacturer. It seems to me, if you go back one year you should go back more than one year.

Hon. Mr. SCOTT—This is a new venture. This is a new establishment, and they have not been manufacturing spirit with molasses previously.

Hon. Mr. FERGUSON—We do not know that.

Hon. Mr. SCOTT—I am so informed by the minister.

Hon. Mr. FERGUSON—That this is the only case which has occurred ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—If that is so, it would account for making the Bill apply for the year, but I thought this was going on and the department discovered that four per cent was a more correct abatement than three per cent—that they had arrived at that conclusion, and if that were so, it would seem to me it should take effect from the passing of the Act.

Hon. Mr. MACDONALD (P.E.I.)—Do we understand that this 1,900 gallons was the quantity of fusel-oil produced in the manufacture of spirits in this factory within the past year, or up to the present time, and that, therefore, it was destroyed

Hon. Mr. SCOTT—It was a quantity of refuse, a substance that could not enter into the manufacture. It only applies to one establishment, but the department think there will be others who will be following that same plan in another year.

Hon. Mr. MACDONALD (P.E.I.)—I presume the reason this change is proposed now, is that it is shown that there will be four per cent of fusel-oil in spirit manufactured from molasses ?

Hon. Mr. SCOTT—That will be the outside. There may not be that. In this case there was only a little over three and a half.

Hon. Mr. MACDONALD (P.E.I.)—I think I understand the matter now.

Hon. Sir MACKENZIE BOWELL—I might apologize for saying that I think I understand it. I had a short explanation from the deputy, and he puts it very clearly. The establishment, manufacturing spirit from molasses, has only been in existence from about last July. Not a drop of the spirit, or whisky, has been taken out of bond. It is all in bond, and cannot be taken out until it is two years old, and this Act will cover all spirit manufactured from molasses, from the time of its commencement until the end of two years, when they take it out of bond.

Hon. Mr. FERGUSON—It is not altogether so clear to me that this is the first instance of liquor being manufactured from sugar by this process. Is that the fact ?

Hon. Sir MACKENZIE BOWELL—Yes, there has been none manufactured in Canada from molasses until it was established by the sugar refinery in Montreal. There was application made years and years ago for permission to manufacture spirit from the residue of the beet-root sugar factory, but the government never would permit them to do that unless they paid the same license, and under the same regulation that governed the different distilleries in the country. It cost too much and they never did it. The sugar refineries have come to the conclusion that they can manufacture spirit from the molasses, and

make more profit than by selling the molasses. The price at which it is sold at the present day is so low, and when you consider the expense of the barrels and the tins in which the molasses is encased, there is really no profit in the molasses, and consequently they have purchased machinery and have manufactured spirit out of the molasses, instead of putting the molasses on the market.

Hon. Mr. FERGUSON—It is the first time spirit has been manufactured from sugar ?

Hon. Mr. MACDONALD (P.E.I.)—It is not the first time whisky has been manufactured from molasses, because to my certain knowledge in the maritime provinces, before confederation, to a very large extent it was produced from molasses.

Hon. Sir MACKENZIE BOWELL—Has it been since confederation ?

Hon. Mr. MACDONALD (P.E.I.)—No, before confederation.

Hon. Sir MACKENZIE BOWELL—I know nothing about what occurred in Prince Edward Island before confederation. It was only since confederation I was speaking of.

The clause was adopted.

On clause 4,

Hon. Mr. FERGUSON—We were to have an explanation about methylated spirits. The reference to it has disappeared. We want to know why ?

Hon. Mr. SCOTT—We are not making any change in the law. Methylated spirit is now entirely under the control of the government and they do not allow it to be manufactured outside. That is why it is dropped out.

Hon. Sir MACKENZIE BOWELL—Do the government manufacture it themselves ?

Hon. Mr. SCOTT—We have control of it. It is disposed of for industrial purposes.

Hon. Mr. FERGUSON—No methylated spirit is held by manufacturers in bonded warehouses ?

Hon. Mr. SCOTT—No.

The clause was adopted.

On clause 5,

Hon. Mr. FERGUSON—The clause is made retroactive.

Hon. Mr. SCOTT—The statement is made that in many vinegar factories they have had to pay for more than their apparatus yielded. It is proposed to give them the privilege of merging two quarterly periods into one. There are sixteen bonded vinegar manufacturers in Canada. Where their machinery was defective and the converters would not convert the whole quantity making one hundred gallons to the twenty-five gallons of spirit, which ought to be the product—where they failed to produce that, the department ought to make them an allowance.

Hon. Mr. FERGUSON—If I understand it right, the object of this clause is where in any particular quarter a difference is disclosed, that the hundred gallons has not been reached, two consecutive quarters are allowed. If the two are found to be both short, of course this provision does not cover it. It is only if there is an excess in one of the quarters and it makes up the deficiency in the other. Do I understand it right ?

Hon. Mr. SCOTT—The hon. gentleman's explanation is correct. It did not seem to me quite fair, but I am told that is the law—that they have an opportunity to make up the deficiency in the second quarter. Suppose they do not bring up the quantity in the first quarter, they are not charged for it, but are allowed the next quarter and there is margin enough in allowing twenty-five gallons of spirit to make one hundred of vinegar. If the generators are in proper order they can make up the deficiency by exercising care, but if they are short they have to make up the amount.

Hon. Mr. FERGUSON—Why is that made retroactive ? Why is it applied to the year just closing ?

Hon. Mr. SCOTT—It is retroactive because in the cases which are affected it gives them the benefit of the current quarter. They have recovered themselves in the second quarter.

Hon. Sir MACKENZIE BOWELL—This is twelve months; it is not a quarter. It goes back to the 1st of July, 1902.

Hon. Mr. SCOTT—The parties who were deficient are recovering it on the current quarter, which seems in conformity with the law we are passing.

Hon. Sir MACKENZIE BOWELL—But if there is any deficiency in 1902 you have to pay it back to them under this clause ?

Hon. Mr. SCOTT—The deputy tells me that those men have practically covered themselves, but the law would not allow them to get the benefit of it unless this Bill is passed. In the last quarter they have brought up the quantity and therefore this is necessary.

Hon. Sir MACKENZIE BOWELL—If there is any equity in this, it should go back to all the time they have been manufacturing.

Hon. Mr. SCOTT—The Bill has been drawn very carefully. I think the hon. gentleman is hypercritical, particularly as I have given the names of the parties affected by it.

Hon. Sir MACKENZIE BOWELL—The subsection should be struck out. There is no possible necessity for it.

Hon. Mr. SCOTT—That would destroy the Bill.

The clause was adopted on a division.

On clause 6,

Hon. Mr. SCOTT—The only change in this is to define the kinds of tobacco.

Hon. Mr. POWER—We should have information on this question. Why put this stamp on a pound of smoking tobacco, while you can put up packages containing anything under five pounds of chewing tobacco or snuff without the stamp ?

Hon. Mr. SCOTT—The explanation given me is that on small packages it is impossible to put the stamp. That is the only reason for the change.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman not think it would be well to treat those tobacco packers the same as he does the 'Labour Gazette'—have the union label attached to them ?

The clause was adopted.

Hon. Mr. ELLIS, from the committee, reported the Bill without amendment.

The Senate adjourned.

THE SENATE.

Ottawa, Monday, June 22, 1903.

The SPEAKER took the Chair at Eight o'clock.

Prayers and routine proceedings.

NEW SENATOR.

Hon. LAURENT OLIVIER DAVID was introduced and took his seat.

BILLS INTRODUCED.

Bill (96) An Act respecting the Kettle River Valley Railway Company.—(Hon. Mr. Watson.)

Bill (97) An Act respecting the Manitoulin and North Shore Railway Company.—(Hon. Mr. Dandurand.)

Bill (194) An Act respecting Infectious or Contagious Diseases affecting Animals.—(Hon. Mr. Scott.)

MILITARY CAMP AT THREE RIVERS.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Does the government know that the fourth military division which has been called upon to go into camp at Three Rivers on the 30th June instant, is composed, with regard to rural regiments, of—

(a.) three English regiments, the 54th, the 79th and the 11th.

(b.) ten French regiments, the 64th, the 83rd, the 85th, the 80th, the 4th, the 17th, the 18th, the 61st, the 87th and the 89th ?

2. Is the government aware that the staff of the fourth division is composed of officers, among whom are to be found military men who are completely incapable of speaking French, and whose usefulness under the circumstances is more than problematical, especially in the matter of transmitting to French regiments orders given in English ?

3. Can the government modify the present composition of the staff of the fourth military district in such a way as to give this staff the greatest efficiency possible by requiring, at least from those who will be in necessary and daily contact with the French regiments, a sufficient knowledge of the French language to be able to translate to those regiments the orders which they may have to transmit to them ?

Hon. Mr. SCOTT.—With reference to the inquiry respecting the Three Rivers camp, the replies are as follows :

1. Yes.

2. The officers composing the 4th divisional staff, upon whom the issuing of orders devolves, are French speaking Canadians or are perfectly conversant with the French language, and their usefulness as

staff officers of this division was assured before they were selected for staff appointment.

Hon. Mr. LANDRY—The answer to the second question renders it unnecessary to answer the third question.

Hon. Mr. SCOTT—The staff selected comprises the best non-commissioned officers available for instruction in French.

Hon. Mr. LANDRY—As a matter of fact, I think there is one of them at least that does not speak a word of French. One of those appointed as orderly officer does not know a word of French.

REPRESENTATION OF QUEBEC IN THE SENATE.

INQUIRY.

Hon. Mr. LANDRY inquired :

Whether, taking into consideration—

1. The fact that the province of Quebec, which, according to the last census, has a population of 1,648,898 out of the total population of 5,371,316, has the right to a representation of twenty-four members in the Senate ;

2. The fact that the French population of the whole Dominion is very nearly in the same proportion, compared with that of Canada, that is to say, 1,649,371, compared to the total population of 5,371,316 ;

3. The fact that the French representation of the Dominion in the Senate contains the following names, taken alphabetically :—The Honourable Messieurs : Béique, Bernier, Bolduc, de Boucherville, Casgrain (Windsor), Casgrain (de Lanaudière), Dandurand, Fiset, Forget, Godbout, Landry, Legris, Montplaisir, Pelletier, Poirier, Shehyn, Tessier, Thibaudeau (Rigaud), and Thibaudeau (Vallière), that is to say, nineteen members altogether ;

4. Is it the intention of the government, in making the appointments to fill the seats now vacant, or those which may become so, to take into account the rights of the French population and to increase its actual proportion, so that that proportion may be twenty-four Senators out of the eighty-one that the Senate numbers?

Hon. Mr. SCOTT—It may be advisable to revise the policy followed in this respect by the administrations which were in office previous to the present one ; but no opportunity has arisen to consider any such question.

THIRD READINGS.

Bill (O) An Act to incorporate the Citizens' Bank of Canada.—(Hon. Sir Mackenzie Bowell.)

Bill (115) An Act to incorporate the Richmond and Drummond Fire Insurance Company.—(Hon. Mr. McHugh.)

Bill (163) An Act respecting the United Empire Life Insurance Company.—(Hon. Mr. Macdonald, B.C.)

Bill (105) An Act to confer on the Commissioner of Patents certain powers for the relief of the Standard Car Truck Company. —(Hon. Mr. Young.)

Bill (40) An Act to confer on the Commissioner of Patents certain powers for the relief of the International Railway Appliance Company.—(Hon. Mr. Wood.)

Bill (186) An Act to amend the Inland Revenue Act. (Hon. Mr. Scott.)

DEPARTMENT OF PUBLIC PRINTING AND STATIONERY ACT AMENDMENT BILL.

THIRD READING.

Hon. Mr. SCOTT moved the third reading of Bill (182) An Act to amend chapter 27 of the Revised Statutes, respecting the Department of Public Printing and Stationery.

Hon. Sir MACKENZIE BOWELL—Before the motion is carried, I desire to call the attention of the House to some facts to which I made reference when the Bill was in committee. I know it has been unusual in the Senate, to discuss Bills at the third reading, unless there is something important to bring before the House, and my only excuse for asking the indulgence of hon. gentlemen for a few moments on this occasion is the fact that I made certain statements, when this Bill was before the House a few days ago, without having the particulars before me ; and, though I have no reason to suppose any would doubt the correctness of the statements I made, I desire to put them more clearly on record. Among other things I said was, that the present government had carried the principle of patronage to outside newspaper offices, in direct contravention of the provisions of the law, to such an extent as to run up into the tens of thousands of dollars. Among other things, I said was that one paper in the city of Montreal, during the last five or six years, had received over one hundred thousand dollars. I stated, further, that that journal could not exist,—or did not exist, because it had passed into very many hands —until it received this enormous patronage from the government, and if the newspaper statements be correct, one of the cabinet

ministers is not only a large shareholder in that establishment, but a director. Now, I do not make that statement upon my own responsibility, because I am not aware of it personally. I am simply repeating what is stated in the newspapers. I find, on reference to the Auditor General's reports for the year 1897, about the time that paper changed hands, down to 1901 (I will refer to 1902 immediately), the Montreal 'Herald' received during the first five years this government was in power, no less a sum than $97,790, and in the year 1902, $15,831, making a total for six years of $113,621.96. Here are the items as they appear in the Auditor General's Report:

1897.... ....$	994 00	$ 604 00
1898..	1,946 00	2,349 00
1899..	2,800 00	12,208 00
1900..	2,766 00	22,358 00
1901..	2,697 00	49,068 00
Totals.. .. .. ..$	11,203 00	$ 86,587 00

Add to these figures the amount paid to the same journal during the year ending June 30, 1902, $15,831.96, and you have a total of $113,621.96 cents.

These sums were paid in direct contravention of the provisions of the Act. If the late government erred, as was indicated by the hon. Secretary of State when he read about the few thousand dollars that was paid to the 'Mail' and some other newspapers for advertising (which does not come within the purview of the law) I should like to ask him to calculate by the common rule of three, as we used to call it when I was a boy, what was the extent of the sin committed by themselves when they have given to one newspaper alone nearly $114,000 in six years to keep it in existence. I am going to read a very few items from this blue-book, and hon. gentlemen will find that the sums which have been paid to the different newspapers supporting the government are not small in their character. If hon. gentlemen turn to page 21—B they will find that the advertising and other printing, lithographing, and so on, amounted to no less, during the year ending 30th of June last, than $383,164.57. If hon. gentlemen turn back two pages they will find the departmental printing amounted to $383,164.57, so that the newspapers received during the year about as much, if not more, than the legitimate work that was done at the Bureau for the different departments. I notice that a paper in the Yukon got some $2,720. I do not know that that work could very well be done here; but if we go to Halifax, we find that the Halifax 'Chronicle' got $8,637.76. Whether the Finance Minister has any interest in that establishment I do not know. It used to be his organ and he used to edit it. However, it got over $8,000. The 'Echo' got $649.45. I do not know what kind of a paper that is, or whether it has much influence.

Hon. Mr. FERGUSON—That is the evening edition of the 'Chronicle.'

Hon. Sir MACKENZIE BOWELL—I have called attention to the Montreal 'Herald,' but 'La Patrie' did not get much, only $3,361.43. It will not get much now, my hon. friend says. The St. John 'Gazette' is the next. If I have any recollection of the St. John, N.B., 'Gazette,' it is a paper of a few years' standing. Not very long ago it started as an independent paper, but afterwards fell into line. Whether the fact that it received over three thousand dollars last year may have turned it into a Blair paper, I cannot say, but I believe it did support him and that, too, very strongly. Then the 'Telegraph,' in which it was reported the Minister of Railways had a large interest—whether he has now or not I cannot say—got last year $18,021. Of this amount $17,000 was for printing and lithographing, which the law provides shall be done at the Printing Bureau, and $920 for printing, making a total of $18,021.82. The Winnipeg 'Free Press,' which is known to be the organ of the Minister of the Interior, got $2,693 and some cents. There are a great many pages of items here, totalling up $383,000. There are items for other journals, running from two hundred to three hundred dollars each, just in proportion to the position they occupy in the political world. My hon. friend opposite, the minister without portfolio (Hon. Mr. Templeman) was not so well treated as the rest of them. I think he has great cause to complain.

Hon. Mr. TEMPLEMAN—Give us the figures.

Hon. Sir MACKENZIE BOWELL—During the last year the hon. gentleman's journal got only $495.90.

Hon. Mr. TEMPLEMAN—I think I have a grievance.

Hon. Sir MACKENZIE BOWELL—I think the hon. gentleman has good reason to complain. Now that he is in a position to command the Secretary of State, he should see that he is not so badly treated in future. I do not find fault with that portion of expenditure, because in British Columbia and those outlying provinces it is not to be supposed that the advertising necessary to be done in the interests of the government could be done anywhere else, though under the present law does not my hon. friend come within its purview ? I am not so sure that it is much worse than it was formerly. I do not know whether my hon. friend's establishment is a company business or not, but if not, he certainly does not come within the purview of the Act. After the exposure of the maladministration of this part of the departmental work in the House of Commons, they changed the law so as not to reach companies, so that any company would not violate the Independence of Parliament Act by doing this class of work ; so that if the Minister of Agriculture——

Hon. Mr. TEMPLEMAN—It was the late government changed the law.

Hon. Sir MACKENZIE BOWELL—Very likely. They wanted to protect just such men as the hon. gentleman.

Hon. Mr. TEMPLEMAN—They succeeded in doing it.

Hon. Sir MACKENZIE BOWELL—As the law stood on the statute-book at that time, a bank giving credit to the country, or any company in existence which might ask for favours or changes in their Acts of incorporation, in which a member of parliament had stock, would violate the Independence of Parliament Act ; hence, when the matter was thoroughly investigated, it was found necessary to make that change, but when they made the change, they put a law on the statute-book to regulate the printing so that certain work should be performed in the Printing Bureau. The present government was not ignorant of that fact, for the Auditor General called attention to it when he wrote to the Queen's Printer as follows on the 20th March, 1902. He quotes from section five of the Act respecting the Department of Public Printing and Stationery, which enacts :

> A government establishment shall be organized at Ottawa and shall be under the management of the superintendent of printing, in which establishment all printng, electrotyping, stereotyping, lithographing and binding and other work of like nature required for the serviec of parliament and government of Canada shall be executed.

Now, that has not been repealed. That is still the law, and notwithstanding that fact, we find the government subsidizing—I think that is a good expression to use—their own journals that could not exist without it, to the extent, in one case, of over one hundred thousand dollars. Mr. Dawson, in reply, on September 10, 1902, says :

> I have the honour to acknowledge receipt of your letter of the 8th instant, and to express my fullest concurrence in the remarks you make as to the illegality of purchasing books or stationery save through the King's Printer's Department. It has been incessantly pointed out by me, but without avail.

What does this government care about the law, or the fact of having their attention called to the violation of it, if there is anything to be gained by it or a friend to be assisted? There is nothing like having friends in court is an old adage, well illustrated by these proceedings. Now, there are other extracts but I will not weary the House with more than one of them. The Auditor General calls the attention of the King's Printer on October 9, 1902, to the many irregularities and contraventions of the law and he says, among other things :

> According to this statement supplies to the amount of $12,109.60 were obtained in this irregular way and paid through your department. It will be found on examining this statement that every department has offended in this respect to a greater or less degree.

That is, contrary to the law and without a proper certificate. The statement will be found on page 84—T, of the different departments, that have been violating the law. The Agriculture Department was $637.59.

The Auditor General's Department itself was $3.40.

That reminds me of a little incident. I was myself accused of violating the law, after the new government came into power in 1874, through my connection with a newspaper company. After an investigation by the Public Accounts Committee, in the paper I had had control of, to the tune of

62½ cents. That was my crime. However, it never occurred again. The other departments which transgressed the law are:

The Customs Department, $6,928.24.
Finance Department, $7.15.
Geological Survey, $231.32.
Governor General's Secretary, $8.
Indian Department, $4.85.
Inland Revenue Department, $30.
Interior Department, $829.91.
Justice Department, $303.86.
King's Printer Department, $3.
Clerk of the Crown in Chancery, $14.
House of Commons, $253.10.
Senate, $222.
Marine Department, $244.68.
Militia Department, $440.30.
Northwest Mounted Police, $49.80.
Post Office Department, $202.07.
Privy Council Office, $26.90.
Public Works Department, $589.69.
Secretary of State's Department, $157.30.
Railways and Canals, $811.01.
Trade and Commerce Department, $110.80.
A total of $12,109.60.

I read this to show that the violation of the law was not in ignorance. The Auditor General had called the King's Printer's attention to it over and over again. The King's Printer said, in his letter to the Auditor General, that he had called the attention of the government to these irregularities, but they paid no attention to it. His language was, that he .

'Expressed his fullest concurrence in the remarks of the Auditor General as to the absolute illegality of purchasing books or stationery save through the King's Printer's department. It has been incessantly pointed out by me, but without avail.'

As to the excuse for doing so much lithographing outside of the Bureau, the King's Printer said it was on account of the fact that the government had neglected to purchase lithographing apparatus. That being the case, and it being required, that portion of the work would have to be done outside. But they are equally culpable in not providing the material which was required to comply with the law. We are now asked, in this Bill that is before the House for third reading, to justify the payment of such accounts at higher prices than should have been paid under the law as it stood on the statute-book. But bear in mind, it only applies, if I understand the Bill aright, to the printing for the Intercolonial Railway and Prince Edward Island Railway. The hon. Secretary of State nods his head, so I am right in that particular; but it will be observed that in nearly every case which I have pointed out to the House, of printing, lithographing and other work, which should have been done at the Bureau has been altogether apart from the work necessary for the Intercolonial Railway, unless we are to understand that the Intercolonial Railway absorbed the whole $300,000 in order to carry on its operations, which is not at all likely. I call the attention of the House to this fact, to show what the practice has been in the past, and if there was ground for the hon. Secretary of State's attack, in reply to the remarks I made before, that a few thousand dollars had been paid to the 'Mail,' which would be for advertising and which would not come within the law at all, how much more has the present government violated the law—how much more culpable are they than their predecessors, for the manner in which they have been feeding their own press throughout the country, and particularly the present Minister of Trade and Commerce, who used to denounce Conservative newspapers as 'the reptile press,' because they received money for doing advertising, which does not come within the purview of the law.

Hon. Mr. SCOTT—Had I been aware that the leader of the opposition was to have given us an account of the sins of the present administration when giving work outside of the Bureau, I should have had with me the list I had last week, and from which I read a few items in one year alone of the quantity of printing and advertising given out by the late administration. I stated that before the Bureau was established all the printing and furnishing of printing supplies was given out by contract. The government were bound to give all the work to contractors. It was not exactly a government office, but under the control of contractors, while, in consequence of the government giving out this year by year to friendly newspapers, the 'Mail,' Montreal 'Gazette' and other political journals, the contractors brought actions against the Dominion and the amount recovered by them for loss of profits of the work taken away, to-

talled close to a quarter of a million dollars. I had the figures here the other day.

Hon. Sir MACKENZIE BOWELL—It was not so large an amount, the hon. gentleman is stretching it.

Hon. Mr. SCOTT—That was simply for damages for loss of profit on the work sent outside, but it must be remembered that the Printing Bureau has now been established twelve years. The work that should be done at the Bureau has far outgrown the capacity of the building. Any hon. gentleman who chooses to investigate for himself will see how utterly impossible it is to do any additional work at the Bureau. In the binding, for instance, four-fifths of the work has to be done outside, in consequence of an absolute want of space, and the fire that occurred at Mortimer's recently burned up a very large number of publications, blue-books that were sent there to be stitched. That is the condition. So far as the lithographing is concerned, they have never had either space or material for doing the lithographing work. It requires a great deal of room. Lithographing now involves the making of maps, The Interior Department particularly have a great deal of that work to do. It has all to be given out, because really they have no facilities for doing it at the Bureau. The Printing Committee have from time to time called attention to the inadequacy of the Bureau for doing the work, but parliament has neglected or omitted to vote any appropriation for the purpose of enlarging the building, which is really an absolute necessity. As I said before, if I had been aware that the hon. gentleman was to bring forward evidence of that kind, I could have delighted and amused the House by quoting proof that similar favours had been extended to political journals before the change of government. Hon. gentlemen will quite appreciate the situation without details. I mention simply the one fact that the mere loss on profit in the actions brought by the contractors, amounted very nearly to a quarter of a million dollars. That is the best proof that very liberal supplies were given out on former occasions. I think the hon. gentleman coupled with the printing given out also the advertising. Of course it is scarcely fair to do that, because the advertising depends entirely upon the number of public works that are going on, and the evidences of activity in the country, which have been very great in the last four or five years. Those accounts are always carefully scrutinized by the King's Printer, and cut down to commercial rates, so that no charge can be made against the administration on that point.

Hon. Sir MACKENZIE BOWELL—Has the hon. gentleman forgotten that he told us the other day that the King's Printer could not do that? I understood him to say that it was imposible for the King's Printer to lay down a schedule of rates, and consequently they propose this measure.

Hon. Mr. SCOTT—No, the hon. gentleman must have misunderstood me. I brought forward the schedule prepared by Sir John Thompson, which has been in operation ever since, with one single exception, to which I called attention. That is the composing. It was the same schedule I handed over to the hon. gentleman. It was dated in 1893, and there was the certificate of the Premier's private signature. I have learned since that time, that while this was being done under the late government, and although Sir John Thompson reported in that way, he declined to allow that report to go on record, because he felt that it was contrary to the statute as it stood, and so it went on in defiance of the law, in full knowledge that the law was being defied; but the only way was to go to parliament and make the change proposed in this Bill, that the rates paid for the Intercolonial Railway and Prince Edward Island Railway should be similar to the rates paid in those provinces, the King's Printer having taxed such accounts on those lines. The cause for the legislation was that the parties rebelled and said, 'We cannot take it. It does not pay the labour,' and so a lot of the accounts have been lying, just as they were lying over in 1883, until either an Order-in-Council which some gentleman in office respected, or some legislation was adopted in order that the accounts might be settled on a reasonable basis.

Hon. Mr. FERGUSON—I know very well that the statement made by my hon. friend the Secretary of State with regard to the lack of space at the Printing Bureau is strictly correct, and I remember very well—I ahink it was about two years ago—that

the matter was investigated by the Printing Committee. The King's Printer was asked to appear before that committee, and the information given was that it was impossible to install new plant and machinery there and other machines with which to extend the work without enlarging the building, and if my memory serves me right, the Joint Committee on Printing on that occasion made a recommendation that the building should be enlarged. I really think that something should have been done. The financial state of the country would warrant it. Large expenditures are made in other directions, and I really think that something should have been done before this to have the premises at the Bureau enlarged in order that a reasonable proportion, at all events, if not the whole, of the public printing should be done at that Bureau. My hon. friend has put forward the old excuse for the government of which he is a member on this occasion, that they are not very much worse than their predecessors were. He hardly claimed that they were no worse—that the amounts they were paying were no larger, but that their predecessors had also given a considerable amount of printing to private offices and newspapers notwithstanding that they ran a Printing Bureau. I do not know that that would be considered any defence for my hon. friend and his colleagues, because we well remember that this was a point on which they made a particular assault upon the late government in consequence of the amount of printing, that they caused to be done in that way, and it was declared in every form by my hon. friend and his supporters, and colleagues that the press was being corrupted, it had become a reptile press, the public wells were being polluted by this policy of the late government, and in view of that, it was promised that on a change of government an improvement would be made. Notwithstanding that, my hon. friend's plea is that they have not been any worse, or much worse than their opponents. My hon. friend's plea, to which I have just referred, that there is not space within the present building for the purpose of carrying on the operations required in connection with the printing service, while I know it is true, is no excuse for the government, because they have had a recommendation on that subject before them for a considerable time, and I think they should have applied themselves to have obtained the proper remedy, which would be to have the Bureau enlarged in order that all the printing could be there performed.

Hon. Mr. McMULLEN—I am exceedingly sorry that the Printing Bureau, apparently, is not capable of doing all the work necessary for the parliament and the several departments of the government. With regard to advertising in the newspapers, that is unquestionably a necessity where contracts have to be let. Public notice must be given that tenders will be received for certain work. In that case, advertising is necessary, but where printing is done, unless the Printing Bureau is overloaded and cannot do the work, it is undoubtedly wrong to give it to the outside press. I condemned in parliament the course adopted by the late government for twenty-one years, and I am prepared to condemn now what I condemned before, if it can be shown that it really is being done.

Hon. Mr. MACDONALD (B.C.)—The hon. gentleman is consistent in that regard.

Hon. Mr. McMULLEN—No organ of the government should be favoured to the extent of taking work from the Printing Bureau and giving it to that organ for the purpose of building it up and strengthening it financially. I am not saying that was done in the case of the 'Herald' or any other paper. If my hon. friend, the leader of the opposition, will go into an investigation and show that some extravagant prices have been paid for the work that is being done outside, I am prepared to condemn it. It should not be done. Then, again, as I said in the first place, the only possible excuse for giving out work of that kind is that the Printing Bureau is not able to do the work. If that is the case, we have to get the printing done elsewhere and I frankly admit that to say now that the late government was as bad or worse than the present one, is no answer to a charge that wrong is being done at the present time. I, for one, sat in parliament fourteen years, and condemned the government for sacrificing the people's money in the way of giving to the outside press work that should have been done by the parties who had the contract for printing

for the government. I condemned it then, and I condemn it as much now if it exists. I am prepared in the meantime to take the statement of the hon. Secretary of State that the Bureau is not capable of doing the necessary work. Under those circumstances, the government have been forced to give it to the outside press. If they have paid reasonable and fair prices for the work that has been done, I have no right to challenge it, and I am prepared to support it; but if my hon. friend can show that the Printing Bureau is capable of doing the work, and, notwithstanding that fact, the work has been given out to favourite papers, and that they have received large prices for doing it. I say that it is wrong and am prepared to condemn it.

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

SECOND READINGS.

Bill (145) An Act respecting the Quebec Bridge Company, and to change its name to 'The Quebec Bridge and Railway Company.'—(Hon. Sir Alphonse Pelletier.)

Bill (185) An Act respecting the Canadian Steel Company.—(Hon. Mr. Landerkin, in the absence of Hon. Mr. Gibson.)

Bill (87) An Act respecting the Vancouver and Coast Kootenay Railway Company.—(Hon. Mr. Landerkin.)

Bill (171) An Act to incorporate the Chatham, Wallaceburg and Lake Erie Railway Company.—(Hon. Mr. Landerkin.)

GOOD SHEPHERD REFORMATORY IN THE CITY OF ST. JOHN, N.B. BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (199) An Act respecting the Good Shepherd Reformatory in the city of St. John, New Brunswick. He said: The object of this Bill is to authorize the courts in St. John, N.B., to send any woman or girl who is a Roman Catholic, and who is convicted of an offence which is punishable up to two years' imprisonment, to the reformatory under the control of the Good Shepherds, instead of the common jail. We have had legislation of that kind before in New Brunswick. Reformation is much more likely to be accomplished in a reformatory of that character than in a prison.

Hon. Mr. FERGUSON—We had a Bill before us this session, which was duly passed by both Houses, relating to juvenile offenders in New Brunswick, which gave power to the Governor, on recommendation of the Attorney General, to transfer incorrigibles who had been sentenced by a judge to the reformatory of St. John, to the penitentiary. Will that provision apply to this institution as well?

Hon. Mr. SCOTT—No.

Hon. Mr. FERGUSON—If that was a wise provision applied to other classes of the population, would it not be wise to extend the same to this institution? This is just the same class of institution as the other with which we have already dealt.

Hon. Mr. SCOTT—The offences for which girls are sometimes punished bring them peculiarly under the happy influences of the Good Shepherds, and I think it would be very much better to adopt the proposition here. I do not think it would come within the purview of that Act. I will ascertain at the next stage of the Bill.

Hon. Mr. ELLIS—The other Bill only referred to boys who might be sent to the penitentiary.

Hon. Mr. FERGUSON—They might, on the action of the Governor on the recommendation of the Attorney General, be sent to the penitentiary.

Hon. Mr. ELLIS—Provided they were committed for a penitentiary offence. That does not appear to be the case in this Bill.

Hon. Mr. FERGUSON—It can be considered when we get into committee.

The SPEAKER—In the act respecting a similar institution in Halifax, there is a provision that, under certain circumstances, incorrigibles can be sent to the penitentiary. That is my impression.

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

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, June 23, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (185) An Act respecting the Canadian Steel Company.—(Hon. Mr. Gibson.)

Bill (121) An Act to incorporate the Consolidated Trusts Corporation.—(Hon. Mr. Kerr, Toronto.)

SALE OF PUBLIC LANDS IN NORTH-WEST TERRITORIES.

INQUIRY.

Hon. Mr. PERLEY rose to ask the government:

If it is true the government has sold to the Saskatchewan Valley Land Company, or any other company, a quantity of the pubilc government lands of the North-west Territories? And if so, to what companies or persons have they sold lands to? How many acres to each of the respective companies, and how much per acre did they sell it for?

What were the terms of payment, and the respective persons of the several companies? If more than one company, and also, the conditions of the sale during the last two years?

Hon. Mr. SCOTT—I am advised that there have been no sales to the Saskatchewan Valley Land Company; that sales have been made to a number of individuals who probably have transferred and sold it to them. If the hon. gentleman would move for a return, we would have the information all brought down in that way. Allow it to stand for a return, and I will give instructions to bring forward all the information connected with the transaction in the department.

Hon. Mr. PERLEY—If I move for the return, will the hon. gentleman undertake to produce it?

Hon. Mr. SCOTT—I will allow this inquiry to stand for a return.

Hon. Mr. PERLEY—Will the return come down?

Hon. Mr. SCOTT—I will give instructions.

Hon. Mr. PERLEY—It will be a strange thing if it does.

BILL INTRODUCED.

Bill (122) An Act respecting the Rathbun Company.—(Hon. Mr. Kerr, Toronto.)

NEW CANADIAN COMPANY'S BILL.

THIRD READING.

Hon. Mr. DANDURAND moved the third reading of Bill (83) An Act to incorporate the New Canadian Company.

Hon. Mr. LANDRY—I would not be performing what I consider my duty, and would not be doing justice to the case, if I allowed this Bill to pass its third reading and be adopted by this House without entering my protest against what I consider to be the perpetration of what I may call a fraud. People who have already deceived the public and obtained money under false pretenses on the English and Belgian markets—people who have criminally, against all the most positive prescriptions of the law, converted capital stock sold by them into a 40 per cent dividend, which was divided amongst a few shareholders, and boasted of it as a clear profit on a most paying enterprise—people who have succeeded in deceiving the Lieutenant Governor of the province of Quebec, through the ministry of his son-in-law, convincing him that a deposit in a bank in England of a sum of £7,500 sterling, put in the name of one English company, was clear and sufficient proof that another company altogether that was formed on the bank of the St. Lawrence was unquestionably able and has shown its capacity to build one hundred and forty miles of railway with that sum only—people who have united to disparage and injure our great water-way, the St. Lawrence river, for the benefit of their own private enterprise—people who have published in England that the basin of Gaspé is all the year round, or at all events, ten months of the year, an open port, free from ice—people who boldly assert in their prospectus that the Prime Minister of Canada has undertaken that the road (that is the Gaspé short line) shall be largely subsidized as construction proceeds, which is a deliberate falsehood—people that announced in English markets—at all events in English monetary papers—that seventy miles of that road have now been constructed——

Hon. Mr. DANDURAND—No.

Hon. Mr. LANDRY—Who says no ?

Hon. Mr. DANDURAND—I deny that fact.

Hon. Mr. LANDRY—I give you the facts. I maintain my assertion and for the information of the hon. gentleman let me tell him that I have here the paper that gives such an announcement. If I forget to read it at the proper time let him not fail to call my attention to the omission. I repeat, people who announced in English monetary papers that already seventy miles out of the one hundred and forty have now been constructed—which is also a deliberate falsehood—people with such a record against them, and with such a stain on their coat of arms, are now before this parliament seeking an Act of incorporation, and we are told that we should not be allowed to call the attention of this parliament to all those ill-doings, and the attention of the British capital in particular to what threatens them in the future. Such is not my idea of the duty I have to perform here. On the contrary, I am in duty and in honour bound to denounce those attempts to defraud, to denounce the people who make them, and to denounce their misrepresentation and falsehoods. They are not, to my mind, all equally guilty.

Hon. Mr. DANDURAND—Hear hear.

Hon. Mr. LANDRY—No, they are not all equally guilty of those wild-cat schemes, but I am bound to denounce the promoters, those that are entrapping, or trying to entrap, in the name of the public interest, honest people and British capital. The committee which had this Bill under consideration, after having been sent there by a special order of this House, have accepted the Bill on the ground that apparently it was merely for the incorporation by this parliament of the English company, and that nothing in the Canadian Bill could indicate the objectionable features which I took upon myself to point out. I do not want to discuss the wisdom of the decision, but when asked to adopt the Bill at its third reading, and to approve by my vote, of the financial disaster that, in reality, before long it will bring forth, I refuse my consent. I do not want in any way to share the responsibility of all that which threatens to happen, and which, should the Bill pass, will come in the very near future, and I want, on this occasion, to enter my protest against a premeditated fraud, and should the Bill pass, let it pass on a division. I was told by one individual, whose personal interest in the matter prevented him from being just towards me, that I was making this opposition from a political sentiment. Why ? The two promoters of the Bill are Conservatives. I was told by one gentleman who promotes the Bill in this House that Mr. Carpenter was a Conservative. I know, for a fact, that Mr. Lavoie is a Conservative. The announcement of these two names, proves to this House that I am not acting from a political motive. I am acting in the interest of our Canadian people, and the interest of the British capitalist. That is all the interest I have in the matter. I was told, moreover, that I was only echoing the sentiments of one simple curate of the county of Bonaventure, a bitter opponent of Mr. Lemieux, who met him on the hustings, the only man, said he, in the county of Bonaventure that was opposed to the Gaspé Short Line. This is very easy to answer. I have given proofs of the contrary already. I have told this House that when that Bill of the short line came before the legislature of Quebec, 2,639 persons, against 800, petitioned in opposition to the Bill. But I go further. I will give hon. gentlemen what was passed unanimously by the municipality of the county of Bonaventure :

At a general meeting of the municipality of the county of Bonaventure, at the town hall, New Carlisle, on Wednesday, the 11th day of March, 1903, in conformity with the municipal code of the province of Quebec, at which meeting the following mayors were present :—

Ernest Allard, Esq., warden, mayor of Nouvelle and Shoolbrid.

Nicholas Arseneau, Esq., mayor of Carleton.

François Dion, Esq., mayor of St. Chs. Caplan.

Joseph Guité, Esq., mayor of Maria.

Narcisse Cyr, Esq., mayor of Musselyvill.

Bonaventure Gauthier, Esq., mayor of Hamilton.

Wm. L. Kempffer, Esq., mayor of New Carlisle.

John Clement, Esq., mayor of Paspebiac.

Michael McInnis, Esq., mayor of Port Daniel East.

Forming a quorum under the presidency of his worship the warden.

The following resolution was unanimously adopted :—

Moved by Mr. Clement, seconded by Mr. McInnis, and resolved,

1. That the federal and local governments be prayed to join in constructing the railway along

the shore line from Pasbebiac to Gaspé basin, its natural terminus, which road, with the projected branch road from Metapedia to Rivière du Loup, would really be the short line from Gaspé to Quebec, otherwise to grant to the trustees of the bondholders of the Atlantic and Lake Superior Railway Company, in preference to all others, the necessary powers to complete the said road to Gaspé.

2. To give to the said trustees the necessary help to carry on the enterprise by giving them sufficient subsidies or guaranteeing the interest on the bonds.

3. To bind them as a guarantee of their good faith to begin the work of construction simultaneously at Paspebiac and Gaspé within a year from the sanction of the Act, and to build ten miles of road yearly, otherwise that their charter be lapsed.

4. Not to grant any charter, extension of charter or subsidies for railways through the interior of Gaspesia before the completion of the railroad along the coast line.

5. To put in the estimates an amount sufficient to cover the lapsed and due claims for work performed on the Baie des Chaleurs Railway from Matapedia to Paspebiac, and thereby do justice to the population of this region.

6. That copies of the above resolutions be transmitted to the Privy Council and Charles Marcil, Esq., M.P., Ottawa, and to the Honourable Provincial Secretary and Wm. H. Clapperton, Esq., M.L.A., Quebec, as well as to the Montreal 'Star' and the 'Events' of Campbelton.

Passed.

(Signed) ERNEST ALLARD,
Warden.

(Signed) L. P. LeBEL,
Secretary-Treasurer, C.B.

Certified a true copy.

L. P. LeBEL,
Secretary-Treasurer.

This proves that the curate of the county, whom Mr. Lemieux pointed out as the single man against the short line, was not the only one opposed to it. All the population of the sea shore is against the construction of the interior road before the line on the shore is completed. More than that, a petition was sent to His Excellency the Governor General in Council, as follows :—

To His Excellency,
The Governor General in Council.

The humble petition of the undersigned ratepayers of the county of Gaspé respectfully represents :

That the Petroleum Oil Trust, Limited, of London, England, after having organized four or five companies to carry on the oil industry in Gaspé, has finally sold its wells to the Canada Petroleum Company, of Manchester, England, which latter company has liquidated after having complained that the Petroleum Oil Trust had sold to it empty wells (see among other English papers the Manchester City 'News,' August 31, 1901).

That English papers had nevertheless published that out of fifty wells dug, thirty-two were flowing wells, and oil from one of them had spouted to a height of seventy feet, which nobody in Gaspé seems to have seen, though one hundred men and more were then working at those wells or in the neighbourhood.

That the same company seems now to be willing to do with railway charters what it has done with petroleum wells.

That some of the directors of the Petroleum Oil Trust, after having met with a refusal at Ottawa have actually obtained at Quebec, under the enigmatical name of Atlantic, Quebec and Western, a charter authorizing the construction of a railway from Gaspé basin to Causapscal, but not without having represented that they absolutely wanted that charter to continue to carry on their oil industry, of which they speak no more, and that moreover they had by themselves the necessary funds to build their railway.

That after having obtained their charter in March, 1901, they have not done anything, still they were obliged to build ten miles of railway before March 28, 1903, or their charter was to be declared lapsed.

That in November last, these same persons have organized in England, it seems, a new company, the New Canadian Company, which they call their construction company, of which Mr. Carpenter, jr., is a member, to buy the privileges of the charter of the Atlantic, Quebec and Western Company, whose president is Mr. Carpenter, sr., which charter was then virtually lapsed.

That this new company has deposited to the credit of the government, they say, the sum of $37,500, which sum seems to have been subscribed by the Messrs. Carpenter, or perhaps by other shareholders, thanks to the publication of a prospectus exaggerating the dangers of the navigation of the River St. Lawrence, to the detriment of the ports of Quebec and Montreal, but to the benefit of the American ports and chiefly of the port of Gaspé which they falsely represent, in England and here as open to navigation for ten and even twelve months of the year and assuring falsely also that the government of Canada had promised subsidies to their pretended short line (see Daily 'Mail,' November 20, the English prospectus which differs from the Canadian prospectus published in the 'Daily Star,' December 3, 1902).

That the said Atlantic, Quebec and Western Company is actually petitioning——

Hon. Mr. SULLIVAN—Is it a fact that there is oil in Gaspé where these wells were sunk ? Is it an established fact that there are real oil wells there ?

Hon. Mr. LANDRY—I cannot tell you that. We have not seen the oil ; we see the wells. The petition continues :

—the local government for an extension of time, dies though it pretends to have made at Quebec a sure and complete proof that it has by itself the necessary pecuniary means to build its railway, which proof seems to be confirmed by the proclamation putting its charter into force.

That other companies are also petitioning for charters to build railways through the interior of Gaspesia.

That the official report of the exploration made in 1885 by Mr. Joseph Bureau, a well known explorer and the ill-starred venture of the petroleum companies of Gaspé do not justify that run on our governments for charter authorizing the construction of railways through the heart of that region.

That those demands are founded on incomplete and even false informations, as proved by the declaration made by the author of the Bill of the Atlantic, Quebec and Western, that the interior of Gaspesia was known only to hunters, which region he has been pleased to falsely describe in the preamble of his Bill, as a real Klondike accessible to his short line only.

That the too welcome reception and chiefly the support given those demands by our governments, under the present circumstances, would close for ever the English market to any public undertaking—be it the most recommendable—in Gaspesia, and even elsewhere in Canada, if it is not already done.

That the trustees of the bondholders of the Atlantic and Lake Superior, since they have taken possession of that road, have completed the work on the section from Caplin to Paspebiac.

That they are even beginning to pay the amounts adjudicated against the company, but they cannot be expected to pay the claims that the labourers have allowed to get lapsed because they had a right to believe the governments would protect them.

That the labourers' claims actually before the government shows how we have suffered to be victimized ; but we would not be duped.

That we cannot but reflect sadly that those claims would have been paid long ago if they had been presented by influential contractors instead of poor fishermen, still the government owes protection first to the poor and humble.

Therefore, your petitioners pray your government—

1. To build itself, the Gaspé Railway along the coast from Paspebiac to Gaspé, its natural terminus, which road with the projected branch road from Matapedia to River du Loup, would really be the short line from Gaspé to Quebec, otherwise not to allow the persons interested in the petroleum companies to have anything to do with the construction of that our shore railway, but to grant to the trustees of the bondholders of the Atlantic and Lake Superior Railway Company in preference to all others, the necessary powers to complete that road to Gaspé.

2. To give the said trustees the necessary help to carry on that enterprise, either by giving them sufficient subsidies or guaranteeing the interest on the bonds.

3. Not to authorize the construction of twenty-five mile branch-roads mentioned in the advice, before the main line is completed.

4. To bind them, as a guarantee of their good faith, to begin the works of construction simultaneously at Paspebiac and Gaspé within one year from the sanction of the Act, and to build ten miles yearly, otherwise their charter to be declared lapsed.

5. To refuse any demands of charter, extension of charter or subsidies for the construction of railways through the interior of Gaspesia, before an investigation is held on the doings of the petroleum companies of Gaspé and a new study of the oil-bearing lands has been made by a geological commission.

6. To come to an understanding with the local government so as to put in the estimates a sufficient amount to cover the lapsed claims due for work performed on the Baie des Chaleurs Railway from Matapedia to Paspebiac and thereby to do justice at last to the population of that region.

And your petitioners will ever pray:

I was told also, on the same occasion, that I was myself a bitter opponent to the hon. gentleman's candidature in the county of Gaspé, and that I went down to that county and opposed him at the time of the electoral contest. That assertion was so audaciously made that it took me by surprise. As I generally go into counties in elections, I thought I might possibly have been in that county ; but, as a matter of fact, I totally deny it. I never was in the county of Gaspé against the hon. gentleman. I never met him on the hustings ; I never had a word to say to him on any occasion whatsoever. I deny it emphatically, but it was a bold assertion just made to carry the day and an attempt to convey the idea that I was merely acting through prejudice or animosity against the hon. gentleman. And he added, with the same audacity, that the Carpenters had bought all the property of the late Canada Petroleum Company, and had paid every shareholder of that company one hundred cents on the dollar ; whereas, as a matter of fact, the property was sold by auction by order of the court, and the amount realized by the sale was only sufficient to pay twenty-three cents on the dollar instead of one hundred cents on the dollar. Now, I should not like to take my seat before giving proof to the hon. gentleman, the promoter of this Bill in the Senate, that what I said is true. I hold in my hands the 'Money Market Review,' published in London. This number is dated Saturday, March 28, 1903. I find, on page 483, the following announcement :—

NEW CANADIAN LINE.

Cable advice received at the London office of the New Canadian Company, Limited, reports that the construction of the line has now reached within seventy miles of the Intercolonial Railway.

That is the assertion of a positive fact, that half of the railway is now constructed. That is the information given to the English public by a cable received at the London office of the New Canadian Company. The announcement continues :

And that the roads are good and so far easy grade, while the country is favourable.

They know all about it—seventy miles constructed—the country is favourable—the grades are easy—giving all the details, so as to impress English investors and lead them to put their money into the enterprise.

Hon. Mr. DANDURAND—The hon. gentleman added the words 'the country is favourable.'

Hon. Mr. LANDRY—Yes; 'while the country is favourable' is the language used. The despatch is very favourable to the company also.

Hon. Mr. McMULLEN—How many miles are built?

Hon. Mr. LANDRY—Seventy miles, it says.

Hon. Mr. McMULLEN—How many miles are really built?

Hon. Mr. DANDURAND—None.

Hon. Mr. LANDRY—Not one. This despatch is a deliberate falsehood. I do not blame the paper for announcing it. They say they received information telling them there was already seventy miles of construction done, and giving all the particulars in regard to the road. I suppose the hon. gentleman will not tell me now that I am wrong. He will not venture to say that my assertion is not founded on fact. This is what the paper says. If the hon. gentleman wants the paper I will hand it to him. The announcement continues:

> The secretary adds that the party which started for the east from Gaspé basin will have now joined hands with the western survey party.

This is the information brought to bear on public opinion in favour of this company. Add that to the equally false assertion that the road will be subsidized by the government under promise of the premier, Sir Wilfrid Laurier, and you will see that the whole scheme—all the efforts made in this country and elsewhere—has been prepared to deceive the public, as the public have been deceived up to this day. With these few additional words, which I give in order to put the English capitalists on their guard and in a position to judge what is being attempted, I resume my seat declaring that I shall vote against the motion for the third reading of the Bill.

Hon. Mr. DANDURAND—The only new fact the hon. gentleman has brought out is the one he has emphasized by reading from the 'Money Market Review' of the 28th March, and it is what he characterizes, in his usual plain language, as 'falsehood.' It is a big word. He has repeated it many times during his speech. The facts which he has characterized stand for themselves, but the things which he thus assails are beyond our own inspection or control, because they refer to the operations of companies with which we have nothing to do. But we have to do with this New Canadian Company, and the hon. gentleman thinks that he has made a big point when he speaks of another misrepresentation of the grossest character practiced upon the British public. Well, decidedly, I must give him credit for being very industrious, or perhaps some of his friends behind him are. He cites the 'Money Market Review' of the 28th March, 1903, and says his only aim is to protect the British public against the doings of this company, to prevent them putting their money into such a venture, with such misrepresentations as those placed before him. I have the 'Daily Telegraph' of March 24, four days before the issue of the 'Money Market Review' from which my hon. friend has quoted, in which appears a telegram, published simultaneously in all the other newspapers of London, and we will see how it accords with this reproduction in the 'Money Market Review,' taken from some of those papers. The telegram from which I will read, as I have said, is dated four days before the 'Money Market Review' appeared. The cablegram the hon. gentleman speaks of reads as follows:—

> The secretary of the New Canadian Company reports that the following cable has been received from the engineer in charge of the survey of the railway: Have now reached seventy miles from Intercolonial Railway, good roads, so far, easy grade, country favourable, timber good.

Nearly all that there is in this cablegram is reproduced by the 'Money Market Review,' with this error: It says that the construction of the line has now reached within seventy miles of the Intercolonial, while the real cable, which appeared four days before, spoke of a survey party having reached within seventy miles of the Intercolonial. This cablegram appeared in all the newspapers of London, and here is a paper, the value of which I cannot give my opinion upon, because I do not know of it, which reproduces the cablegram, with the error which I now mention. It is the only error. Who is responsible for that error? The hon. gentleman says that it is the New Canadian

Company. It would be very queer if the cablegram would appear four days before this publication is given to the public with the real words of the cablegram. In fact this reproduction mentions survey. It says :

The secretary adds that the party which started east for the Gaspé basin will now have joined hands with the survey party.

We all know what errors journalists and reporters will make in gathering news and rushing it through to their papers, more especially with daily newspapers, and I am quite sure that this error is easy to explain and readily understood when it is put before the public mind, and before this Senate. So that this gross misrepresentation is on a par with all the misrepresentations which the hon. gentleman has spoken of during the last three debates which he has raised before this House. There is one more fact, and only one, which I want to allude to before I resume my seat. It is not a new fact. I did not think it was worth while to answer the long speech of my hon. friend and touch upon every point that he raised in the preceding debate, but he comes back again, and when he does not fill this Chamber with big words such as 'falsehoods' and 'gross misrepresentations and frauds,' he proceeds by insinuations. He did so in a couple of speeches he made on this question, and again he comes back to the charge, and says fraud was practiced upon the Lieutenant Governor of the province of Quebec through the action of his son-in-law. My hon. friend again will not be taken at his word. He read the statute passed by the legislature of Quebec, which said that the Quebec, Atlantic and Western Railway would not be empowered to start operations till it had satisfied the Lieutenant Governor in Council of its capacity to carry out the work. The hon. gentleman is a mild and innocent lamb who has no fanaticism, but it is very queer that, with all his intelligence, he seems not to make any distinction between the Lieutenant Governor and the Lieutenant Governor in Council. The Lieutenant Governor, he says, has been deceived by his son-in-law. This, of course, carries an imputation that he can be more easily deceived by his son-in-law than by any one else. I draw the attention of this Chamber to the fact that a lieutenant governor can be approached only by a petition addressed to whom ? to the Lieutenant Governor in Council, which the Lieutenant Governor never sees himself, which he simply sees when the report from council is brought to him for his signature so that the council has taken action upon it, has deliberated, and when the council has deliberated, the premier advises the governor to sign. Where can there be any deception from the outside practiced upon the lieutenant governor ? The hon. gentleman seems to like to bite. It seems to be his daily avocation. To-day he speaks disparagingly of the Lieutenant Governor of the province of Quebec. That hon. gentleman need not be defended. He stands so high in the estimation of the province that he is much above any insinuation the hon. gentleman could make.

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

CHINESE IMMIGRATION ACT AMENDMENT BILL.

THIRD READING.

Hon. Mr. TEMPLEMAN moved the third reading of Bill (S2) An Act respecting and restricting Chinese immigration.

Hon. Mr. MACDONALD (B.C.)—I wish to inquire if my suggestion about bringing the Bill into effect by proclamation of the Governor in Council has been considered at all ?

Hon. Mr. SCOTT—It does not go into operation until next January. That will give abundance of time. It will be a month or six weeks before parliament meets, and the government does not propose to add any other rider to it than that.

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

LABOUR UNION LABELS BILL.

BILL REJECTED.

Hon. Mr. WATSON moved the second reading of Bill (D) An Act respecting Labour Union Labels. He said : In moving the second reading of this Bill, I quite understand that there is liable to be considerable opposition to its passage, and I do not propose to make any lengthened remarks in connection with it, because I think that probably more information can be secured before the committee than can possibly be

elicited in the House. I have received a mass of correspondence in connection with this Bill. A large number of petitions have been sent to this House asking that the Bill should become law, and I simply ask the House, without committing itself, to allow this Bill to have its second reading and to go before the committee, in the same way that a Bill was sent there the other day. Both sides could be heard there. A similar Bill introduced by the hon. gentleman from Calgary was referred to that committee and received consideration at their hands, and was reported, and I would ask the same treatment for this Bill. A Bill of a similar character was passed on two different occasions by the House of Commons and thrown out by the Senate, on the ground that it interfered with trademark rights. This is a Bill entirely separate from the trade marks; the labour organizations are simply asking to be able to register some mark which they could hold as their property. It is claimed by a great many people that this would not only assist the labouring classes, the organized unions, but also guarantee the public a better class of manufactured goods. In other words, it would do away with the sweating system, and it would be a guarantee that any article bearing the union label had been manufactured by workmen receiving fair wages, that the sanitary conditions in connection with the manufacture and everything else in connection with the goods bearing the union label would be right. It would be a guarantee to the public that it was a better class of goods on account of being manufactured by more skilled labour.

Hon. Mr. McMULLEN—I desire to say a few words in regard to the importance of this Bill. I know a little of what a law of this kind does across the border. I have a little experience. In the state of Missouri they have a law something of this character, and I know of a certain case where recently a number of employees of a manufacturer threatened a strike, not for wages—they were quite content with their wages—not for shorter time, they were quite content with that—but because the manufacturer who employed them declined to brand upon every article that he turned out of his factory the words 'Union label product.' He declined to be foreed to put that upon his goods, and the result was that he had a strike that lasted for some two or three weeks. The men struck simply on the ground I have mentioned. Now, I think that where an organization of labour claims the right not only to demand higher wages—which perhaps is proper, if they do it within the law—or the right to agitate for shorter hours of employment—which they have, no doubt, as long as they do it legally—but to unite for the purpose of forcing a manufacturer to comply with such a demand as this is a gross and unreasonable interference with a man in the conducting of his business. A manufacturer should be allowed to conduct his side of his business without being interfered with by his employees. I have no antipathy whatever to labour organizations, as long as they are used for their own mutual and general benefit; but the very moment they step beyond that limit and attempt to interfere with their employers and dictate as to how they shall conduct their side of the business, I say that it is going too far, and this House should not countenance a Bill that would enable them to dictate terms of that kind on this side of the line. I am willing to do every justice to trades unions. With regard to other Bills that have been before the House, very extended discussion has taken place upon them. I want the workingmen of Canada to have every liberty and privilege that they are entitled to under the British Crown. I want them to enjoy that liberty to the fullest extent, but I do not want to be guided, directed or controlled by outside influences coming from a country where labour has run wild—where the condition of things is most disastrous, and where manufacturers are driven to their wits' ends by union strikes that are unreasonable and unfair. I hope that this House, after due and careful consideration of this measure, will do itself the honour of saying that they are not prepared to sanction legislation of this sort.

Hon. Mr. DEVER—I rise to oppose the second reading of this Bill, because I look on trade unionism and extreme protection as one and the same thing. They are both hostile to liberty and progress. They both aim at fleecing the public under false pretenses for personal gain.

They compel us to obtain our goods in a market where there is no option—you must trade with them or do without the goods. Trade unionism is despotism of the worst kind. It is opposed to business and progress, and no liberal-minded man should tolerate it in any department of this country.

Extreme protection is the parent of trade unionism. Look at extreme protection as it is fostered in the excise department of this Dominion, where two or three parties are making millions out of tobacco and alcohol by an outrageous protection, and nobody is able or willing to relieve the people from this gigantic parasite. I have always held that our tariff and excise law should be framed by a commission of trained business men, so as to protect the government and the people from being plundered by monopolists who are not willing to meet fair competition.

No tariff should be higher in this country than 25 per cent, and manufacturers who cannot work under this should go at something else and not want to rob their fellow-citizens by shutting out better value of goods from other countries. A hundred per cent duty might be permitted on some goods, but 500 per cent is excessive, and is doing serious injury to various industrial trades and manufactures in which these goods are used extensively all over the country.

The Dominion government, the local governments and the municipal governments, are all squeezing too much money out of the people by plausible pretenses of pleasing the temperance people, without lessening the debauchery of drunkenness in the slightest degree.

England has pauperized a large portion of her people by excessive demands on spirits and tobacco to keep up her army and navy. The United States have done the same to pay her war expenses. Canada is meanly following their example without proper cause, merely to obtain an abnormal tax on these goods.

How can it be expected the maritime provinces, especially the commercial cities of Halifax and St. John, will submit to this excessive tax and protection any longer ?

Hon. Mr. FERGUSON—Will the hon. gentleman excuse me, but I do not see any relevance between all this and the union label.

Hon. Mr. DEVER—If the hon. gentleman will have patience he will understand. Before confederation they were free to import from all parts of the world as distributing ports, and never paid higher duties on general goods than 17½ per cent. Then these cities were prosperous and property in them was valuable. Now it is not. If you continue to protect manufacturers, you must also protect labour or trade unionism. They are one and the same thing in principle. And where will it end ? It means higher prices for goods, more strikes, and perhaps breaches of the peace.

The people are opening their eyes to this covert oppression, and will not submit any longer to it. Labour is of little account without capital. It would be like that of the man rolling the stone up the mountain all day and having it fall back on him in the evening. Labour would go for nothing without capital to pay for it. I am in favour of liberty and fair-play for all men in the battle of life, but special advantage to none. I hold in my hand a paper which was sent me by trade unionists, and the conclusion I have come to after reading it is that the promoters of it are fit subjects for a lunatic asylum. The cool impudence of such people to expect their employers will ignore themselves and fall under the control of strangers by a subterfuge or Bill of this wording—the thing is too ridiculous to be entertained for a moment.

Fancy celebrated manufacturers allowing their hired men to share with them the reputation they acquired for goods after long years of painstaking labour to acquire this reputation. If trade unions wish to obtain credit for workmanship, let them manufacture for themselves and gain fame by the quality of their productions ; but to steal other men's laurels by schemes of this description is something this Senate will not permit, I think.

Might I ask here how much capital Gompers and other agitators give to labour ? Talk is cheap to them, but we allege their capital is in the savings bank, if they have any. Trade unionism is treason against the freedom of commerce and the people and should be opposed by all men who are in favour of fair-play to all mankind.

He is true to God who's true to man, wherever wrong is done.
To the humblest and the weakest 'neath the all beholding sun.

That wrong is also done to us and they are slaves most base,
Whose love of right is for themselves and not for all the race.

Labour, like all other values, should be free to competition and they who seek to restrict it should not complain if their food and living be restricted by similar means—that is by monopoly and coercion.

We have a great free country in Canada. Let us legislate to keep it free for all time to come. Certainly it should not be crippled by men or the sons of men who only lately escaped from the despotisms of Europe and the slight comforts of pauper wages. There is nothing in this country to keep any man from becoming a capitalist only his own conduct, therefore, I call on this Senate to be liberal and fair to all men, but permit advantages to none.

Hon. Mr. McMULLEN—I forgot to add to my speech, before I sat down, a motion, which I now move :

That this Bill be not now read the second time but that it be read the second time this day six months.

Hon. Sir MACKENZIE BOWELL—It would be utterly useless, even if the House consented to the second reading, to send this Bill to the Banking and Commerce Committee. I am not aware that any new information could possibly be produced on this subject. We have had it before the Banking Committee two or three years in succession. It has been discussed by those who are in favour of it from the different standpoints that are taken by those who are interested in having it placed on the statute-book, and in addition to that, the labour organizations have circulated their views in a printed form amongst, I presume, the different members of the Senate. I know I have read it very carefully. I find no new ideas advanced in the document which has been placed in my hands, and for that reason, even if the Senate were to consent to the second reading, I should be opposed to sending it to the committee to waste any further time over it. If I understand the character of the Bill as described by the hon. gentleman in charge of it, who made a very moderate, and, I must say, a temperate speech in connection with the subject, it is that the articles upon which the union labour label is placed indicate the character of the work on them, and the fact that they have been manufactured by union labour men. Is not that one of the objects, I would ask the hon. gentleman ? Is it not the object—the principle of it ?

Hon. Mr. WATSON—Yes.

Hon. Sir MACKENZIE BOWELL—I should like to ask, with these facts before us, if the Secretary of State could tell us why the 'Labour Gazette' has a labour union label placed upon each number ? Is the Bureau conducted on that principle ? If I take the answers given in the House of Commons to this question, I find that it is not, and yet we have the government actually violating the principle upon which we are asked to base this legislation, by the highest power in the realm. Mr. Brock asked certain questions, among them :

Does the government employ Canadians who do not belong to such organizations to work on such reports, documents or publications upon which such label or imprint appears ?

The Minister of Finance, the Hon. Mr. Fielding, replied that the 'Labour Gazette' was issued with what was called the union label. It was intended to indicate that the work was done by union labour. Now, if I understood the Secretary of State a short time ago, in referring to this question, he denied the right of the labour union organization to interfere with the government printing, and therefore, it could not be published exclusively by a labour union printing office. But to go a little further, Mr. Clarke asked this question, for Mr. Lancaster, the same day :

Is the Government Printing Bureau in this city an open office or is it a union office ? Are men who do not belong to the Typographical Union permitted to work as compositors in the composing room and if so how many such men are now employed there?

The Prime Minister gave this answer :

There never has been any objection on the part of the government to employ union men only. It is now an open office.

And yet in the face of these two answers we find a government publication sent forth throughout the world with the imprint upon it of the union labour organization in the shape of a label, thereby doing that which the unions declare they want to prevent, that is the use of the label on articles not the product of union men. If the government may do that what may we expect of the people ? I merely want to point out that they

are not consistent with themselves. They send forth a document to the world bearing a certain imprint which is, according to their own declaration, incorrect. The Secretary of State and his colleagues alongside of him can reconcile these things, perhaps. I confess I cannot. I look upon this Bill as being detrimental, if placed on the statute-book, to the whole of the industries of the country. It is said no one will be compelled to place the label on the articles produced. We can all remember that the first Bill introduced into this House, after being passed by the House of Commons, made it imperative. It was a measure compelling manufacturers to place the label upon the articles manufactured by union labour. Finding that that was strongly resented, the next Bill introduced did not contain that provision, and now this Bill comes before us in a modified form. It is all very well to say that those unions will not insist upon the label being placed on the articles they manufacture. We know from experience that they do insist, and issue circulars to try and prevent the public from dealing with manufacturers who refuse to recognize the union, and those who refuse to put this label upon their goods. I hold in my hand a document issued by the labour union cautioning the people not to trade with certain manufacturers for the simple reason that they refuse to recognize the union. The manufacturers should not object to employing union men. That would be arbitrary and improper, because unions, when organized for proper and legitimate purposes, are benefical to the workingmen and their families; but the moment they go as far as this, it shows that unions become dangerous to the commerce of the country. There are scores of illustrations which might be given of a similar character to that which has been furnished by the hon. senator from Wellington. We need not go to the United States for examples, we have them here. Speaking for myself, I cordially support the motion of the hon. gentleman to give this Bill the six months' hoist.

Hon. Mr. SULLIVAN—I have not studied this Bill very closely, and there are certain things in it which I would not support, but this motion for a six months' hoist is a very ungracious way of receiving a Bill from any section of the people of this country. I contend that the mechanics and the people who toil have a right to be heard in the Senate, even if they do not occupy as high a position as manufacturers. If the manufacturers are in trouble and there is a trade dispute, they are not always guiltless. The tyranny and overbearing conduct of the manufacturers have driven men often to revolt. These unions are the natural result of the despotism of capital. Men were forced into going on strike as the only weapon with which they could secure their rights. Any number of people—I do not care if there were only twenty-five in this country—have a right to come before parliament and submit their grievances and ask them to be examined. Even if this Senate is superior to popular feeling under the constitution, it should, in honour and justice to every section of the people of this country, give them a fair and square hearing. I never knew it to be refused in this Senate before, and if we are going to stand on that principle and hold a whip over any section of the people of Canada, and such a weapon as the hon. gentleman from Wellington has submitted to-day, I say it would be a serious matter to consider. What do we depend on here? We live on the laws maintained, and we live in peace because the people are willing to support the law—because the whole of the people are law-abiding. What does this measure mean but class legislation? Where is there any fairness or honour about it? I should be ashamed to vote for such a motion as this. I would allow every man in this country to be heard, and the principal duties of this Senate are to protect minorities. I saw this session gentlemen representing the labour element before the committee, and I really must say that in point of conduct and gentlemanly bearing, and in point of argument, they certainly surpassed the representatives of the manufacturers. The last time a Bill like this was up it went to the committee, and they let the manufacturers have their own way. There was not a single mechanic or any one to speak for them.

Hon. Mr. FERGUSON—Oh, yes, there was.

Hon. Mr. SULLIVAN—I did not hear from any.

Hon. Sir MACKENZIE BOWELL—Then the hon. gentleman was not there.

Hon. Mr. SULLIVAN—Who were those gentlemen who spoke for the mechanics ?

Hon. Mr. MACDONALD (B.C.)—Several.

Hon. Mr. SULLIVAN—I mean the time before : I do not mean this session.

Hon. Sir MACKENZIE BOWELL—The member for Nanaimo, who was at the head of the organization, Mr. O'Donoghue, and others addressed the committee in favour of the Bill.

Hon. Mr. SULLIVAN—It is no matter. To my mind, they did not get as fair a hearing from the committee as the others did—that is, so far as the feelings of the committee were concerned.

Hon. Sir MACKENZIE BOWELL—Nobody interrupted them though they spoke for hours.

Hon. Mr. SULLIVAN—That does not indicate the sentiment of the committee.

Hon. Sir MACKENZIE BOWELL—The sentiment of the committee was precisely as the hon. gentleman says it was, but that does not indicate that the labour unions did not get a fair hearing.

Hon. Mr. SULLIVAN—I said the sentiment of the committee was in favour of the manufacturers. They were always treated well, and I hope they always will be. And I hope this Senate may not put itself in such an arbitrary position as to throw out this Bill on a six months' hoist. It is contrary to the feelings of the people, offensive to the principles which should actuate members of this Senate. I have not studied the Bill sufficiently. I had no idea such an arbitrary stand would be taken. I think this matter will never be settled by law. How did the Hon. Peter Maclaren, Mr. Rathbun, Mr. Calvin, sr. and others like them keep their men, scattered as they were all over the country, except by conciliation, kindness and attention to their grievances ? If employers will do that, I promise you there will be no strike. Strikes are the offspring of oppression in some form or other, and men would never combine together if it were not that they are driven to it. I am not in favour of unions altogether. I condemn a great deal of what they do, but I think they have a right to be heard, and we will never improve the condition between capital and labour by arbitrary laws. These people will come together in time. It is like a man and his wife ; interference from outside never settled a domestic quarrel. It must be settled entirely in the family, and so it is in this case. I hope the motion of the hon. gentleman will not prevail.

Hon. Mr. FERGUSON—I rise at this moment to deal with a statement made by the hon. gentleman who has just taken his seat to the effect that the same attentive hearing was not given to the representatives of labour before the committee as was given to the manufacturers.

Hon. Mr. SULLIVAN—I withdraw that. I say the tone of the committee was against the workingmen.

Hon. Mr. FERGUSON—With that qualification of his remarks I do not desire to quarrel with my hon. friend. I believe that the opinion of a very large majority of the committee was not favourable to the contention of the labour delegates.

Hon. Mr. SULLIVAN—That is all I mean.

Hon. Mr. FERGUSON—As the matter has been raised, I wish to make this statement, that both sides were ably represented before that committee in the recent inquiry that took place, and I would not venture to say which side displayed the greater amount of ability ; but I venture to say that both sides were heard with the same fair-play and an equal opportunity was given to both.

Hon. Mr. SULLIVAN—I wish to say that I had no reference to that last meeting. There were two meetings. I referred to a committee meeting on another different Bill.

Hon. Mr. FERGUSON—Not this session.

Hon. Mr. SULLIVAN—Not this session at all.

Hon. Mr. FERGUSON—I am going to deal with this Bill that is before us as it is intended to accomplish precisely the same object as former Bills on the same subject, although this Bill tries to accomplish it in rather a different way, and I am not quite sure that I can name the years in which we have had this proposition before us, but I know we have had practically the same Bill. It has been dealt with by this House on two occasions. One of these measures was introduced in the Com-

mons and passed there, and it came to this body and was referred to the Committee on Banking and Commerce, and there discussed at length. Opportunities were given to both parties to appear, and they did appear, before the committee. Representatives of the labour organizations came before us, and an expert from the Department of Agriculture, Mr. Jackson, was called in order to give information with regard to what really did constitute a trademark, in order that we should have technical and the expert information submitted to us. All that was gone into, and the result was that the committee, if not unanimously, almost unanimously, agreed to report unfavourably on the Bill. The year following it was again introduced by an hon. gentleman in this House, and was sent to the Committee on Banking and Commerce. It was there considered and an unfavourable report was presented to this House with regard to it.

Hon. Mr. SULLIVAN—I was not discussing the merits of it. I only discussed the principle of throwing out the Bill here.

Hon. Mr. FERGUSON—I am dealing with that very point. My hon. friend made a distinct statement that when this Bill was before the House on a former occasion, the same opportunities were not given to the supporters of the Bill as were given to its opponents. I remember that the hon. gentleman from Victoria on the government side of the House who had charge of the Bill on that occasion, not satisfied with the consideration which it received from the Committee on Banking and Commerce, when it went first before it, asked this House that it should be referred back in order to give the advocates of the Bill a better opportunity to present their views. It was so referred back, and on that occasion both sides were heard at great length and a very able argument in favour of the Bill was delivered by Mr. Ralph Smith, the member for Nanaimo. Other gentlemen also supported the Bill and reasons were heard on the other side, and I think I am safe in saying that the decision of the committee adverse to that Bill was arrived at unanimously after that inquiry had been made. After having sifted this Bill so thoroughly, after having had it threshed out so thoroughly as it was in committee, I do not think this House is open to the charge of treating this measure brusquely or without consideration, if we decide on this occasion to adopt a motion such as has been made by the hon. gentleman from Wellington. Unless we have new light on this question, unless in the course of this debate some new light shall be thrown upon it, showing that this is not the proposition that we had before, or that some new information is to be submitted that would be sufficient to change the minds of hon. gentlemen, it is not due to this Bill or to the House itself that we should again go into committee upon this measure after all that has happened. In the present state of the discussion, at all events, I will have no hesitation in supporting the motion of the hon. gentleman from Wellington. To my mind, this Bill is calculated to establish a boycott. That is the essential object of the Bill, to enable trades unions to boycott non-union industries, and not only that, but to interfere with shop management and to hamper and deal unfairly with employers of labour.

Hon. Mr. DANDURAND—I should like to say a few words before I vote on this measure, because I do not want to give a silent vote. I wish to declare here and now that I intend to vote for the motion of the hon. gentleman from Wellington. The principles underlying this Bill violate all my notions of the contract of hire. I have always thought that the description made of that contract by our civil code was a right one. The lease of hire or of work is a contract by which one of the parties called the lessor obliges himself to do certain work for the other, called the lessee, for the price which the latter obliges himself to pay. The extent of the interest which the labourer has in the work which he does is the payment of his salary. Once his salary is paid to him according to the contract, the obligation of the lessee is at an end.

Hon. Mr. MACDONALD (B.C.)—Hear, hear.

Hon. Mr. DANDURAND—The lessor has made a bargain to hire himself for days, weeks, months, or years, and if treated as a human being should be treated, according to human principles, and if he receives at

the end of the contract the amount of his salary, I say that the lessee has performed his obligations towards him. The legislature of Quebec has gone very far towards protecting the rights of the lessor of labour, the one who hires himself. It has given him all kinds of privileges to protect what he earns. From year to year the legislature of Quebec has extended the protection given to the labourer in collecting his wages. With the permission of this Chamber, I will read articles of our code concerning this matter, which will show the paternalism of the laws of our province. The clause reads as follows :—

1697a. Every builder or contractor, whether chief or sub-contractor, who employs workmen by the day or by piece work to carry out a contract must keep a list showing the names and wages or price of the work of such workmen ; and every payment to them made, must be attested by the signature or cross of such workman affixed thereto, in presence of a witness, who also signs it.

1697b. It shall be lawful for every workman who is unpaid to produce, in the presence of a witness, to the proprietor who gave the work out to contract, his claim in duplicate in the form of schedule B, and from the time such claim shall be produced, the sum then due upon the price or value of a contract shall be deemed to be seized in the hands of the proprietor pro rata up to the amount of the claim of the workman. Five days after the production of such claim, if the claim of the workman has not been paid, the latter may proceed judicially against the contractor who employed him, making the proprietor a party to the suit.

Payments made to the proprietor after the production of the claim cannot be opposed to the workman's claim.

1697c. Several unpaid workmen may join in the same claim.

1697d. In the case of an assignment by the contractor to a third party of the price of the work, the claim of the workman has, with respect to such third party, the same effect as it would have had with respect to the contractor if no such assignment had been made.

All through the economy of our code, labour has a first lien upon the assets of the employer.

Hon. Mr. BAKER—And the proprietors too.

Hon. Sir MACKENZIE BOWELL—The same law exists in Ontario in reference to mechanics and others.

Hon. Mr. DANDURAND—We have two parties to consider, the employer and the employee. When the employee has received from the employer his daily wages, his responsibility ends, while the capital invested by the employer, transformed into goods, remains at the risk of the employer, and remains his own property. It is absolutely indifferent to the employee what becomes of the product of his labour. All the product of his labour, the thing upon which he has worked, remains in the hands of the employer who has to dispose of it. Let the market go up or go down, the labourer goes home feeling perfectly disinterested and protected, and I say that we have no right to go beyond the general privileges which the labourer has to protect his daily salary, and that we must give the right to capital, which has been transformed into goods, to the value of which the labour has been added, the privilege of being the sole judge as to the means to be employed to dispose of those goods. I have heard the explanations of the gentlemen who have been urging parliament to pass such a measure. I have not found one good reason in favour of the Bill, because it seems to me that it is an encroachment upon what is not the promise nor the property of the labourer.

Hon. Mr. MACDONALD (B.C.)—Impertinence.

Hon. Mr. DANDURAND—The capital and the goods belong to another party. It is a matter of indifference to the labourer what becomes of the capital and the goods, and I think, in consequence, the law should not be altered.

Hon. Mr. VIDAL—The hon. gentleman from Kingston has failed to draw the distinction which exists between what the workmen are entitled to and really possess with reference to their wages and their hours of labour, and the exercise of what I would call tyranny over those who employ them, and also the exercise of tyranny over those fellow-workers who do not join the union but are quite willing to continue to work with their employers at the wages they are willing to pay. There is a vast distinction between the two things. We are not doing any injury to the labouring classes. We are not treating them unkindly or refusing to hear them. We have granted them very full protection in regard to all their acknowledged rights, but we do take the stand which has been taken here before, and I trust will be maintained still, that when they go beyond requiring what is necessary and useful for them and try to interfere with a matter over which they

should have no control whatever, they go too far, and especially I think we ought to try and guard the rights of our fellow-men who are unwilling to join the unions and desire to continue at work. The amendment of the hon. gentleman from Wellington is wise and judicious, under the circumstances which have been already narrated to us. The question has been so fully discussed here before us, and the decision of the Senate come to on former occasions so unanimous, I think we should still adhere to that decision and throw out the Bill.

Hon. Mr. SULLIVAN—In explanation I may say that I did not state that I would vote for the Bill. I would not vote for it, but I say that it should be allowed to follow the course of other Bills. I do not see why it should be so harshly treated: coming as it does from a section of the community who are entitled to some consideration. I did not discuss the merits of the Bill at all.

Hon. Mr. VIDAL—Because the Bill has been so fully and ably discussed before. At this period of the session, to give it the same treatment as a new Bill would occupy a great length of time. Being a public Bill, it would be referred to a Committee of the Whole House, and it would occupy a great deal of time. I notice in the Bill itself the introducers have evidently had in their minds a sense of the danger to which it was exposed of being rejected, for in the last clause they put in what they think would be a sufficient guarantee that there would be no objection to it on the part of capitalists and employees, but although it reads very well and fair, I do not think it would have the least effect in preventing the exercise of this tyrannical power if we passed this Bill. It really professes to say that:

12. Notwithstanding anything in this Act contained no label shall be put or placed upon any goods, wares, merchandise or other product of labour without the consent of the owner or proprietor of such goods, wares, merchandise or other product of labour first had and obtained.

It sounds very well, but I do not think it amounts to anything.

Hon. Mr. PERLEY—I am opposed to this Bill, but not because I am in sympathy with the manufacturers. There is no more tyrannical class of people in Canada to-day than the manufacturers. I know that in the North-west Territories I cannot buy a thousand feet of lumber from the manufacturers. They form a combine and fix a price. Talk about Canada being a free country? We are anything else but a free country. You cannot buy a ton of coal except through a combine. I know this, because I have the proof in my possession. I wrote to a man who controls the coal to a large extent, and I was told that I could not get a carload of it unless I wanted it for my own house. If I wanted to sell it, I must first give a man in Wolseley $5 for his share, because they only allow one man in the same place to sell coal. They use their powers of monopoly and will only sell to one man in a town and that man can charge you whatever he pleases. I must buy from that man and pay his price. When I come to buy a thousand feet of lumber, it is the same. There is no article more needed in the North-west than lumber. I needed a carload of lumber the other day when I was at home, but I was told 'you cannot buy it from us; you must buy it from the merchant at your place.'

Hon. Mr. DEVER—That is a trade union.

Hon. Mr. PERLEY—Yes, of another kind. The cotton men and almost all the manufacturers have formed combines by which they regulate the prices. I am opposed to that, and I am opposed to this legislation. I voted for the anti-Combine Bill of Hon. Clarke Wallace, which was thrown out by this House. It was a good Bill. I do not blame the labouring men so much. They find that the manufacturers have formed combines to make money out of their labour. I am opposed to labouring men forming combines, because there is enough demand to-day in the country to pay every man good fair wages. I do not believe this Bill is right, and I would vote against a Bill supporting combines of any kind in Canada, because I believe they are more injurious to the country to-day than the trade unions. A Bill passed its third reading in this House to-day to restrict and regulate Chinese immigration. I think it is the greatest outrage ever perpetrated in Canada. I condemned the late government for imposing a tax on Chinese immigrants, and I condemn this also. The idea of preventing a British subject from coming to Canada unless he is prepared to pay $500, is absurd. There is one wise provision in it, that the Act shall not come into force before January next.

If an election takes place before that, the Act may not be put in force. Any government ought to be ashamed that claims to be a British government, to introduce legislation of that kind.

The motion was agreed to.

SECOND READINGS.

Bill (85) An Act to incorporate the Berlin, Waterloo, Wellesley and Lake Huron Railway Company.—(Hon. Mr. McMullen.)

Bill (169) An Act to confer on the Commissioner of Patents certain powers for the relief of James Sinclair McDougall.—(Hon. Mr. Gibson.)

Bill (63) An Act respecting the London and Port Stanley Railway Company.—(Hon. Mr. Vidal.)

IMPERIAL AGENCY BILL.

AMENDMENTS CONCURRED IN.

Hon. Mr. OWENS moved concurrence in the amendments made by the Standing Committee on Banking and Commerce to Bill (71) An Act to incorporate the Imperial Agency.

The motion was agreed to.

Hon. Mr. KERR (Toronto)—On looking at the Bill it seems to me that it requires some amendment. I therefore, suggest that the consideration of the amendments be postponed until Thursday next. In the meantime, I will give notice of the amendments which I desire to have made to the Bill.

Hon. Mr. OWENS—This Bill was very fully discussed in the Committee on Banking and Commerce and all the amendments which were suggested were accepted by the promoters. When the Bill came before the House last week it was specially asked that it should stand over until to-day. If the hon. gentleman intended to move any amendments, he should have given notice and brought them up to-day. He has had now four days to do it in, and I think it would be very unfair to the promoters of the Bill to have it held over for a longer time. The motion is not in order, in my opinion.

Hon. Mr. SCOTT—It is quite in order.

Hon. Mr. KERR—I have no intention whatever of delaying the Bill. I am not a member of the Committee on Banking and Commerce and had no opportunity of presenting objections there, nor was I aware that it was on the Orders for to-day, having been unfortunately absent when the order was fixed for to-day. I wish to have an opportunity of presenting amendments which I think should be incorporated in the Bill, and it is only with a view of being perfectly fair to the promoters of the Bill that I propose the postponement, in order that I may give the notice now and let members have an opportunity of reading the amendments.

The SPEAKER—I think the object of the hon. gentleman would be attained if the hon. promoter of the Bill would agree to postpone the third reading until to-morrow.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman from Toronto should indicate what amendments he desires to make to the Bill, and he might also take the opportunity, when the third reading is moved, to submit his amendments or move its re-reference to the committee. I might say to the hon. gentleman that almost every suggestion that was made by those who were opposing the Bill, in the way of amendment, was accepted. The name was changed. There was an objectionable clause in the Bill which gave power to the trustees or board of directors to divest themselves of the responsibility attached to their position by relegating it to a committee. That clause was struck out of the Bill, and I think that was all the amendments which were suggested. Whether there are any other important amendments necessary I do not know. The gentlemen of the committee will remember distinctly that it was discussed for a long time and almost every amendment that was proposed was accepted by the committee, notwithstanding the fear that was expressed by those who were promoting it that they would not have time to send it back to the House of Commons for ratification. Of course the committee took a very proper position. Their position was that that was not a question that they ought to consider when they had a Bill before them that required amendment, whether the Bill had time to go back to the House of Commons or not. Our duty was to revise and amend where we thought amendments would be in the interest of the outside parties interested. I would suggest to the hon. gentleman to allow this to go at present,

and if he desires to make amendments, to do so on the third reading.

Hon. Mr. FERGUSON—The hon. gentleman might allow these amendments to go as a notice and move them at the third reading.

Hon. Mr. KERR (Toronto)—I have no desire whatever to delay the Bill and I shall be pleased to adopt the suggestion of the hon. member.

Hon. Mr. OWENS—If the hon. gentleman from Toronto would give us notice of what amendments he proposes to make, I will defer the third reading until to-morrow, if that will suit the hon. gentleman.

Hon. Mr. SCOTT—I would suggest Thursday.

The SPEAKER—The hon. gentleman from Toronto says he is prepared to hand in his notice now. The hon. gentleman from Argenteuil had the right, under the rule, to have this Bill read a third time to-day. He has deferred it until to-morrow, and I do not see why we should insist on interfering with the rights of the member in charge of the Bill.

The motion was agreed to.

SUPPLY BILL.

FIRST AND SECOND READING.

A message was received from the House of Commons with Bill (206) An Act for granting to His Majesty certain sums of money for the public service for the financial year ending 30th June, 1903.

The Bill was read the first time.

Hon. Mr. SCOTT—In moving the second reading of this Bill, I might say it is to cover expenses that have already been incurred during the current year. The amount is $1,384,016.51. The chief items are Yukon telegraph, $205,000; North-west Mounted Police, $150,000; militia, $103,000; public buildings, $101,000, &c.

The SPEAKER—I would suggest, with a view of facilitating matters and preventing difficulty, that the 41st rule be suspended, and that the Bill be read the second time now and fixed for a third reading to-morrow: then discussion could take place.

Hon. Mr. SCOTT—I move the suspension of the 41st rule in so far as it relates to this Bill.

The motion was agreed to.

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

Hon. Sir MACKENZIE BOWELL—Then the hon. gentleman proposes that the third reading be fixed for to-morrow?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—I do not suppose it makes much difference, for we cannot amend it.

Hon. Mr. SCOTT—The money is all spent.

Hon. Sir MACKENZIE BOWELL—As there is only one copy, we cannot have an opportunity of studying it. This Bill, if I understand it, is to provide for expenditures of money prior to the 30th of June of this year, and that were not covered by the estimates of last year?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—So that makes a sum of $1,384,016.51 expended in excess of the amount required for carrying on the different works for the year ending the 30th June. I notice in this Bill there is no less than $30,998.67 for civil government. That seems to be a very large amount for civil government. It is made up of any number of items and I see a good many of them of a character which has characterized the Supply Bill for a number of years past, 'notwithstanding anything in the Civil Service Act to the contrary.'

Hon. Mr. SCOTT—Those words have been in for twenty-five years now.

Hon. Sir MACKENZIE BOWELL—That is the old story. I like to hear it. I have simply to say, with reference to that story, that while it is true to a certain extent, it has never been carried as far as it has been of late years, and I will take the opportunity upon some future occasion to read a page or two to show how often the law has been violated in this respect and the amounts covered by it. It is impossible for me to add the present year to the statement, although I see the expression 'notwithstanding anything in the Civil Service Act' is increasing every year.

Hon. Mr. JONES—The country is growing.

Hon. Sir MACKENZIE BOWELL—Is it? I am glad of that. That is something new also. The hon. gentleman a little to the south of the hon. gentleman from Toronto told us the other day that since this government came into power they have discovered a new Canada, and now the hon. gentleman from Toronto, who represents a very large industry which is increasing very rapidly—and I am glad to know that—informs us that the country is growing also. It is very gratifying to know these facts, and it is still more gratifying to know they are true, but it is not so gratifying to know that the law which has been placed upon the statute-book in order to govern this country economically, is violated every time parliament meets. That is growing much more rapidly than the hon. gentleman's industry, or the country. I have not had time to study this Bill fully, but I think there are some very interesting items in it. I notice even the Senate exceeded its appropriation by $2,300. I hope the hon. Secretary of State will, through the chairman of the Internal Economy Committee, see that there is a larger sum put in this year in order to prepare for us a committee room in which we can be more comfortable than we have been in the past.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—I know my hon. friend's desire for pure air. He likes it, and I can stand almost anything, still I found, after the experience we had a short time ago in that room, which was crowded to excess on a hot day, that I had the benefit of a headache all the rest of the day, and not being as young as I was eighty years ago, I think it is about time I began to look after my health.

Hon. Mr. SCOTT—The country should take care of all the good men in it.

Hon. Sir MACKENZIE BOWELL—The hon. minister refers to himself?

Hon. Mr. SCOTT—I was referring to my hon. friend.

Hon. Sir MACKENZIE BOWELL—I am glad my hon. friend takes care of himself, and I am getting at that age that I desire to follow his example, in that respect at least. I see that on the Intercolonial and Prince Edward Island Railway there was spent last year $937,983. That is a subject for discussion some other time. We will try to show to the country how that Intercolonial Railway is managed and why it costs so much.

Hon. Mr. FERGUSON—I suppose these supplies that we are now voting are the final supplementaries for the year ending the 30th of the present month?

Hon. Mr. SCOTT—I think not. I think they are only the pressing ones, which the House concurred in yesterday.

Hon. Mr. FERGUSON—And the final supplementary supplies of this year are not embraced in it?

Hon. Mr. SCOTT—I do not think it.

Hon. Mr. FERGUSON—I was going to suggest, if that were the case, that at the third reading to-morrow, the hon. gentleman might give the House the information if these were the final supplies, or, even if they were not; he probably knows what is yet to come. He might give us a statement of the entire sum that has been voted for the present year. My hon. friend could easily obtain that. We might obtain it for ourselves, but he has the means of obtaining it more readily than any of us, and when that is submitted we will be able to take up the pleas put forward by the government and by the hon. gentleman from Toronto, that the country is growing. We can compare the growth of population, which I think would probably be about 10 per cent since Sir Richard Cartwright declared that an expenditure of thirty-six millions was a shameful expenditure for 4,800,000 people. We will be able to compare the growth of the expenditure with the growth of population, and it will possibly be found that while the population has increased only 10 or 11 per cent, the expenditure has increased 80 per cent.

Hon. Mr. LANDRY—I suppose we will have those Bills printed for to-morrow?

Hon. Mr. SCOTT—The Supply Bill is never printed.

Hon. Mr. LANDRY—We get it generally after the session.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—I should like to get it for to-morrow.

Hon. Sir MACKENZIE BOWELL—I should like to know if the Secretary of State understood the question put by the hon. gentleman from Marshfield. It was, if I understood him, as to whether there was likely to be another estimate for expenditures which had to be made for the year ending the 30th of this month.

Hon. Mr. SCOTT—I think I answered that. I did not consider that this Bill embraced all the items of the present year. It embraces those that were most pressing in which payment had to be made immediately.

Hon. Mr. FERGUSON—The hon. gentleman will know about it to-morrow.

Hon. Mr. SCOTT—Yes, I am quite sure I know about it now.

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

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, June 24, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

LUMBERMAN'S FIRE INSURANCE COMPANY BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. DRUMMOND from the Committee on Banking and Commerce reported Bill (68) An Act to incorporate the Lumberman's Fire Insurance Company, without amendment. He said: The note appended to this Bill was considered to be called for on the part of the committee, but it really refers only to a technical point. No objection was raised by any member of the committee, and I trust the House will see its way to remedying the defect.

Hon. Mr. YOUNG—Bill 68 was referred to the Committee on Banking and Commerce, without the petition having been passed by the Standing Orders Committee. The Bill should not have been referred until the petition had been passed upon by the Standing Orders Committee. That is the position in which the Committee on Banking and Commerce found themselves when they came to consider that Bill. The Committee on Standing Orders had a meeting at two o'clock to-day. Unfortunately I am not yet in possession of the report, but in that report there is a paragraph recommending a suspension of the rules so far as the notice for this Bill is required. I make this statement so that the House will know exactly the circumstances in connection with the Bill. What course the House will see fit to take under the circumstances, remains for the good sense of the House to decide. The Bill should not have been referred to the Banking and Commerce Committee, until it had been passed upon by the Standing Orders Committee. It was an oversight. The petition will be reported upon as soon as the report comes to hand, but that report is again subject to the rules of the House, because it contains certain recommendations—a suspension of certain rules. Possibly the report of the Banking and Commerce Committee had better stand until the other report comes in.

Hon. Sir MACKENZIE BOWELL—I think the objection is a little more than technical.

Hon. Mr. YOUNG—Yes.

Hon. Sir MACKENZIE BOWELL—The 65th rule provides that the Standing Committee can consider a question of that kind after the report of the Committee on Standing Orders has been placed before them. The committee this morning had no report from that committee and consequently they had no basis upon which to investigate the provisions of the Bill to see whether it exceeded the law, or whether they were asking for more powers than the rules would give them. If I understand the objection to this Bill, it is this: it is asking for powers to do business in all parts of Canada, but the advertising that is necessary to be done in the different provinces in which the operation of the Bill is to take effect was not done. The advertising only extended to the

provinces of Ontario and Quebec as I understand it.

Hon. Mr. YOUNG—And Manitoba.

Hon. Sir MACKENZIE BOWELL—But the Bill itself empowers the company to go into operation and do business in the whole of the Dominion. Whether that is considered technical or not, or what the committee which has been appointed to make the rules of the Commons and the Senate conform have reported, I do not know at present; but it does seem to me that if the Bill is to have the effect that the company may carry on its business in all parts of the Dominion, it should be advertised in all parts of the Dominion—that is the principal point. This is another illustration, I am afraid, of the loose manner in which we are rapidly drifting in the legislation of this House.

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir MACKENZIE BOWELL—When the motion was first made, the hon. gentleman in whose charge it was, asked to have it stand until the Standing Orders Committee could report. When the question came up yesterday it was moved for the second reading without any report having been laid before the House from the Standing Orders Committee, done I have no doubt innocently by the whole of us, but it only shows the necessity of adhering strictly to the rules. Some might think the objections are of paramount importance; others, that it makes no difference whether the notice was advertised in all the provinces or not. If we had had that report before us we could have decided as a committee whether the operations of the Bill should have been confined to Ontario and Quebec alone, not having asked for further powers by advertising in the other provinces. That is really the position, and would it not be better to let this matter stand until the report from the Standing Orders Committee has been laid before parliament. Then we can consider the propriety of suspending the rules which provide for advertising in all the provinces.

Hon. Mr. YOUNG—What the hon. gentleman said is absolutely correct. Rule 54, reads as follows:

> Every private Bill is introduced on petition and presented to the Senate after the petition has been favourably reported on by the Committee on Standing Orders.

That petition had not been reported on, and, therefore, the second reading should not have taken place. That is the position of the case. That Bill was introduced by petition.

Hon. Mr. MACDONALD (B.C.)—The committee reported on the Bill to-day, recommending that the rule be suspended. The company can confine its operations to the provinces in which they advertise. The House can confine the operation of the Bill to those provinces, and it is quite proper they should do so, there has been so much laxity in the matter.

The SPEAKER—The report must be postponed until to-morrow.

Hon. Mr. McHUGH—I see no object to be gained by postponing it until to-morrow. However, I move that the consideration of the report be an Order for to-morrow.

The motion was agreed to.

DUTY AND REBATE ON AGRICULTURAL IMPLEMENTS.

INQUIRY.

Hon. Mr. PERLEY inquired of the government:

> What was the amount that a harvesting binder was valued at, for dutiable purposes in 1895, under the late government, and what is it valued at now for the same purposes?
>
> Also, what was the amount of rebate given the manufacturers of agricultural implements in cash in 1901 and 1902 respectively, on goods manufactured in Canada and sold in foreign countries, and to what firms was the rebate given?

Hon. Mr. SCOTT—Importations of harvesters (binders) were valued for duty purposes in 1895 at from $90 to $100 each, according to the size of the shipment, the average value of the importations being $96 for each binder. The present value of binders for duty purposes is $97.

The drawback paid on agricultural implements exported from Canada during the fiscal years ending 30th June, 1901 and 1902 was as follows:

To	1901.	1902.
Harris Company, Limited, Toronto and Brantford	$49,781 59	$89,696 54
Verity Plough Company, Brantford	3,165 96	1,231 16
Cockshutt Plough Company, Brantford		1,224 98

To	1901.	1902.
J. W. Mann Manufacturing Company, Brockville.. ..	$ 265 15	$ 239 80
Frost & Wood, Smiths Falls.		1,393 37
Noxon Company, Limited, Ingersoll..	1,361 30	
Peter Hamilton Manufacturing Company, Peterborough	62 37	
Coulthard-Scott Company, Oshawa..		167 90
Totals..	$54,636 37	$93,953 75

THIRD READINGS.

Bill (Q) An Act respecting the Nipissing and Ottawa Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (123) An Act to incorporate the Huron, Erie and Buffalo Railway Company.—(Hon. Mr. Coffey.)

Bill (125) An Act to incorporate the Guelph and Georgian Bay Railway Company.—(Hon. Mr. Watson.)

Bill (139) An Act respecting the St. Mary's River Railway Company.—(Hon. Mr. Wood.)

Bill (140) An Act to incorporate the Cardiff Railway Company.—(Hon. Mr. Watson.)

Bill (144) An Act respecting the Interprovincial and James Bay Railway Company.—(Hon. Mr. Landerkin.)

Bill (177) An Act respecting the Klondike Mines Railway Company.—(Hon. Mr. Watson.)

Bill (149) An Act to incorporate the Hamilton, Galt and Berlin Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (142) An Act respecting the Elgin and Havelock Railway Company.—(Hon. Mr. Wood.)

Bill (199) An Act respecting the Good Shepherd Reformatory in the city of St. John, New Brunswick.—(Hon. Mr. Scott.)

MINUTES OF THE SENATE.

Hon. Mr. LANDRY—Although this Bill has been passed, I should like to know why this order, and the fourth and second orders of the day, do not indicate on the notice paper that Bills have been printed in English or in French. I know, as a matter of fact, that they are published in both languages, but I do not see why it is not indicated in the order paper.

Hon. Mr. SCOTT—Very often in the last stages of a Bill that is omitted.

Hon. Mr. LANDRY—If that reason is a good one, why does it not apply to the other items ?

Hon. Mr. SCOTT—There has been no uniformity.

Hon. Mr. LANDRY—I think we should have some uniformity.

The SPEAKER—As I understand, these letters are not put at the third reading of a Bill where they have been on before. They were not on in the cases mentioned when the Bills came for second reading.

Hon. Mr. LANDRY—But they should have been.

SUPPLY BILL.

THIRD READING.

Hon. Mr. SCOTT moved the third reading of Bill (206) An Act for granting to His Majesty certain sums of money for the public service for the financial year ending 30th June, 1903. He said: Yesterday, I think the leader of the opposition asked for some information in reference to the supplementary estimates for the current year. I think I stated from memory that this Bill contains only a portion of the items, the most pressing for payment. The total supplementary estimate for the present year is $5,090,000, of which the appropriations in this Bill are the most pressing part.

Hon. Sir MACKENZIE BOWELL—Has the Bill which the hon. gentleman is moving been printed and circulated ?

Hon. Mr. SCOTT—It is never usual to circulate the Supply Bill.

Hon. Sir MACKENZIE BOWELL—How are hon. gentlemen going to discuss it ?

Hon. Mr. SCOTT—I have never known it to be discussed in thirty years of my experience in this Chamber. When I was on the opposite side, in the position my hon. friend is, I took occasion to make some remarks on the Supply Bill when the guns were firing for prorogation, but I never knew the items to be challenged except in general debate.

Hon. Sir MACKENZIE BOWELL—We read a Bill yesterday that was not printed or before the House. Now we are asked

to read it the third time though we have not seen the Bill.

Hon. Mr. SCOTT—Hon. gentlemen know it is the Supply Bill for $1,340,000. If I am breaking a rule that has not been observed in thirty years, I shall submit to the judgment of the House, but we must countermand the order for the Governor to come down to-morrow.

Hon. Sir MACKENZIE BOWELL—I wish it to be distinctly understood I am making no objections, but it seems to me to be irregular. My recollection is not the same as the Secretary of State's. My recollection is that the Bill laid before the House containing the estimates for the year is always printed. I am not objecting, only it seems irregular.

Hon. Mr. SCOTT—It was not printed in the other House. It passed there about half an hour before it came here and was in a single print. If it had been printed we would have had copies of it here. I was asked yesterday what was the total vote last year. I am in a position to give the information to the House. It was fifty million odd. Of course, it does not follow that all that money was spent.

Hon. Sir MACKENZIE BOWELL—The government spent a good deal more.

Hon. Mr. SCOTT—That was the vote last year, and these five millions in the Supply Bill, although not before the Chamber now, will be added to that. There is a Supply Bill now before parliament, and only a portion of it has come up to this Chamber. The Supply Bill is for the current year, five million dollars. One million three hundred and forty-four thousand dollars contained in this Supply Bill is a part of the five million dollars that requires to be voted for the supplemental estimates for the present year, which money has been practically spent. The year expires in a few days, and there was a pressing necessity to meet demands that have come in. Take the instance of the Yukon telegraph—that is to pay the wages which are in arrear from January—and other pressing payments of that kind, and the other House consented to that going through for the purpose of meeting expenses.

Hon. Sir MACKENZIE BOWELL—I want to call the attention of the hon. gentleman to the necessity for having that Bill at least prepared and printed, otherwise the Governor or Deputy Governor will have no Bill to which he can give his assent. The explanation furnished by the hon. gentleman is, I believe, the correct one. After leaving the Senate yesterday, I examined the supplementary estimates that had been presented to the House of Commons, and find that the present Bill covers a portion of the five million which they are asking a vote for, being expenditure over and above the fifty-three million that was voted last year. When the question was asked what the appropriation for last year was, it was very dexterously answered. The Secretary of State very innocently said that you may take fifty millions, but it does not follow that it should be all spent. We find by the estimates now before us, that they not only spent the fifty million, but five million some hundred thousand in addition.

Hon. Mr. SCOTT—My hon. friend knows very well that is not the style of bookkeeping that is kept.

Hon. Sir MACKENZIE BOWELL—I care not about your intricate bookkeeping, I am not going to discuss the question of bookkeeping at all. The hon. gentleman asked for an appropriation last year, according to the hon. gentleman's own statement, of fifty million when in fact it was fifty-nine million. Now he is asking by the supplementary estimates for an additional five million to cover the over-expenditure during this year, otherwise the Bill means nothing.

Hon. Mr. WATSON—On certain special services. The hon. gentleman knows very well that we cannot take a vote for any special purpose, and apply it to another that is short. There is no evidence that fifty million has been spent.

Hon. Sir MACKENZIE BOWELL—If the money has not been spent, then they should not ask for it. What the hon. gentleman means to say is that these are all for special purposes.

Hon. Mr. WATSON—Not altogether.

Hon. Sir MACKENZIE BOWELL—There are some of them to override the Civil Ser-

vice Act. That was not unforeseen. The estimates, that have been laid before the House of Commons are for an additional five million to cover an expenditure during the year. The hon. gentleman from Manitoba says probably the other fifty millions have not been spent. Perhaps they have not. The Auditor General's Report will tell us. What I wanted to call attention to was the fact that not only did they spend the amount of the appropriation last year, but they spent a much larger sum, and, if my information is correct, there will be other supplementary estimates brought down shortly to cover other expenditures.

Hon. Mr. LANDRY—I should like to know from the government if it is their intention to press the adoption of the Bill to-day.

Hon. Mr. SCOTT—Oh, yes.

Hon. Mr. LANDRY—So we are called upon to pass a Bill that is not even printed.

Hon. Sir MACKENZIE BOWELL—Oh yes, it is here.

Hon. Mr. LANDRY—Not distributed. We are asked to shut our eyes and swallow that Bill and vote confidence in the government, against the rules of this House, and against the rules of common sense. That is what we are asked to do. The hon. gentleman said just now it was generally done in the last days of a dying session, such a practice could not be followed now for we are at the beginning of the session and it is absurd for us to be asked to swallow this Bill without a word—without even the right to claim that the rules of the House should be observed. When we have rules we should abide by them. Would the hon. minister let us hope that the next Bill of that kind introduced here will be printed, so that we may have an opportunity to see into the figures a little ?

Hon. Mr. SCOTT—I am sure my hon. friend would not ask me to make any rash promises. He has the estimates. They are distributed when they are brought down to parliament. For instance, the five million estimates——

Hon. Mr. LANDRY—I have that.

Hon. Mr. SCOTT—This only embraces one million four hundred thousand of items that are mentioned here.

Hon. Mr. LANDRY—But I do not know what they are.

Hon. Mr. SCOTT— I read a few of them.

Hon. Mr. LANDRY—Two of them, one of $30,000 and one of $3,000.

Hon. Mr. FERGUSON—Yesterday, when this subject was before the House, I asked the hon. Secretary of State if he would be kind enough, when it came up to-day, to give us a statement of how much money was brought down included in the various estimates submitted both during last parliament and this parliament and for the purpose of the present year—the year expiring on the 30th June. I do not know that my hon. friend has given that information. If if he has it in his hands, it would be very useful to us, and I think it is not out of place to discuss this matter fully now, because we all know that the Supply Bill often comes to us so near the end of the session that there is no possible time to discuss it, and as this is a matter of supply, and as it comes to us when we have time to consider it, I think it is very desirable we should know from my hon. friend how much money is included in all the various estimates submitted to parliament last year and this year, for the purposes of this year.

Hon. Mr. SCOTT—I did not know my hon. friend asked for the present year, because I am not in a position to give that. All the estimates for the coming year have not been brought down. An estimate was brought down for the current year—that is the $5,000,000.

Hon. Mr. FERGUSON—I am speaking of the current year—not the incoming year.

Hon. Mr. SCOTT—I read the figures. Last year the vote was $50,061,000, and to that would be added now to the five million odd. That would be fifty-five million odd, voted for the year ending 30th of the present month. I am unable to give the figures for the present year, because they are not all now before parliament.

Hon. Mr. FERGUSON—I think my hon. friend is not correct in the figures he is giving us, as the amounts that are voted are for the current year. I have the main esti-

mates for that year in my possession; I only obtained them about five minutes ago, and I find the total amount estimated for 1902-3 was $53,361,638.51. That is in the main estimates for that year. Then there were supplementary estimates brought down for the same year, sessional paper No. 5 last year, and that embraced $5,090,968.27.

Hon. Mr. LANDRY—That is about the same as the one brought down this year.

Hon. Mr. FERGUSON—But it is for the purposes of this current year. Then again I find there were some other supplementary estimates brought down last year, as A, B, and C, supplementary to that which I have just read, the one marked No. 4. I really have not as much time as I should like to look at the figures. Sessional Paper No. 5 that I have already referred to, was for the fiscal year ending 30th June, 1903, and I have given the figures for it. Then No. 5a for the same year there was another set brought down that consisted of $5,639,301.79. I am not very sure that I have all of these supplementary estimates in my hands, but I certainly have the main one, which exceeds fifty-three million dollars, and I have two supplementary estimates in addition to that, one of which amounts to $5,090,000, and another of which is $5,663,000—about $64,000,000 embraced in those estimates. I have some other papers in my hand. I went to the Distribution Office a few moments ago and asked for the estimates covering the year, and I find one of the papers I have referred to, for the year ending 30th June, 1902, but here I have, at all events, three estimates covering the current year, which will expire on the 30th of this month and these three estimates amount in round numbers to $64,000,000. Yesterday, when my hon. friend from Toronto reminded my hon. friend the leader of the opposition that the country was growing, I said evidently more than the country is growing. As I then remarked, the country has grown from ten or eleven per cent in population. I think that would be about the utmost limit that the late census and a fair estimate of what has happened since the late census was taken would show—a growth of ten or eleven per cent since Sir Richard Cartwright made that famous declaration in 1893 that an expenditure of $36,000,000 was a shameful amount to expend on behalf of a population of 4,800,000. Now, with a population increased ten or eleven per cent, we have the expenditure increased over 80 per cent.

Hon. Sir MACKENZIE BOWELL—That is growing, is it not?

Hon. Mr. SCOTT—I wish to say that I went to Mr. Fraser, who keeps the accounts in the Finance Department, and asked him to give me a statement of last year's expenditure, and he sent it and marked it in this book, giving the fifty million and sixty-one thousand as the main, and the current estimate as $5,090,000. It is in the first column of this blue-book: 'Estimated expenditure of fiscal year ending 30th June.'

Hon. Mr. FERGUSON—My observations have entirely an application to the present year.

Hon. Mr. SCOTT—That purports to give 1903. It may be possible that there are statutory payments that are not included. I really cannot say. There are certain sums that are voted by statute that do not appear in what are called the estimates, and then there are other sums which have to be voted regularly every year. I cannot tell whether it embraces all these.

Hon. Sir MACKENZIE BOWELL—I cannot understand where the hon. gentleman gets the fifty million.

Hon. Mr. SCOTT—The first column, page four.

Hon. Sir MACKENZIE BOWELL—I am referring to that page, and the first column shows the sum to have been fifty-nine millions, not fifty millions. What I am referring to is the estimates for the fiscal year ending 30th June, 1903. If you turn to page four you find a summary of the estimated expenditure for the fiscal year ending June, 30, 1903, together with the sums granted for the financial year ending June, 1903, and a statement showing the increase or decrease for each service. If you look at the other column of figures you find the expenditure was over fifty-three millions of dollars. That is the statement made by my hon. friend from Marshfield. Now, you are asking for supplementary estimates for the

same year, amounting to over five millions of dollars. That would make it sixty-four millions of dollars. I do not know what statement the clerks of the department have given the Secretary of State, but there is the official document.

Hon. Mr. MACDONALD (B.C.)—The difference between the fifty million and the fifty-three million is this: there are over two millions of dollars for capital account. The actual amount, as shown by the Public Accounts of last year, is $50,757,391, and when you add some two millions odd spent on capital account, it makes it over $53,000,000. This is money asked for in the supplementary estimates this year to complete last year's account; what becomes of the surplus of $7,000,000 that the Minister of Finance claims he had?

Hon. Mr. BAKER—It disappears.

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

SECOND READINGS.

Bill (N) An Act for the relief of Stephen Wilson.—(Hon. Mr. Young.)

Bill (97) An Act respecting the Manitoulin and North Shore Railway Company.—(Hon. Mr. Dandurand.)

ANIMAL CONTAGIOUS DISEASES BILL.

SECOND READING POSTPONED.

Hon. Mr. SCOTT moved the second reading of Bill (194) An Act respecting infectious or contagious diseases affecting animals. He said: This is a Bill emanating from the Department of Agriculture, the object of which is to prevent the spread of infectious and contagious diseases among animals. Briefly, it may be stated the first clause imposes a penalty on an owner who, on perceiving the appearance of disease among his herd, fails to give notice to the minister, and also——

Hon. Mr. FERGUSON—Is this a new Bill or a consolidation of existing Acts?

Hon. Mr. SCOTT—I think it is a consolidation.

Hon. Mr. FERGUSON—What are the new provisions of the Bill?

Hon. Mr. SCOTT—Perhaps we had better take that up in Committee of the Whole.

Hon. Mr. FERGUSON—If there are any very important amendments we ought to know.

Hon. Mr. SCOTT— I do not think there are. It is making it more definite and specific than before.

Hon. Mr. FERGUSON—It would be only fair to the House if my hon. friend would state what are the more important changes in the law.

Hon. Mr. SCOTT—I am not really in a position to do that, because I have not the various changes in the law that have been enacted. This seems to me to be a consolidation.

Hon. Sir MACKENZIE BOWELL—The last clause repeals the Act of 1896.

Hon. Mr. SCOTT—The Act of 1896 is repealed and some other clauses are repealed. If it will meet the views of the House, we can discuss it more fully in committee and let the second reading go now. Then there is a penalty for allowing diseased animals to be at large.

Hon. Mr. FERGUSON—Is that a new provision?

Hon. Mr. SCOTT—I do not think so. They have revised it all. There have been various Acts passed from time to time, and they have revised and codified them. I do not think there is anything very new in the Bill, because, as far as my reading goes, it has all been the law of the country.

Hon. Sir MACKENZIE BOWELL—This is a very important Bill and if the hon. gentleman would ask the Department of Agriculture to supply him with a precise showing what the changes are, then he would be enabled to lay them before the Senate and we would be better able to understand the effect they would have. I am almost ashamed to keep making these suggestions, I have made them so often, and this grumbling and finding fault with the want of knowledge of the minister, I am tired of myself. If he is as tired of it himself as I am, he would see to it that he had this information in his hands before he moved the Bill. I would suggest that he have the order discharged and set it down for second reading at a later period and have the information here, so

that it will not be necessary to have the Act of 1896 to compare it with the Bill, as we may have to do with the Bill which he proposes to move the second reading of shortly—the Customs Act.

Hon. Mr. FERGUSON—We have had no change in this law since the enactment of the Revised Statutes, excepting one amendment in 1896. I have not referred to it, but I remember it very well, for I had the honour of submitting it to this House myself on behalf of the Department of Agriculture. It was principally intended to bring the health of horses exported from the country under the same category as cattle. With that exception, there has been practically no change in the law since 1886. Now, I take it for granted, that fact, that the government would not submit a consolidation of the laws on this subject unless there were some very important changes to be made. It it were merely a change of phraseology, they would scarcely go to the trouble of presenting a completely new Bill consolidating the Act of 1896 with the law as it stands on the Revised Statutes. On that account, I think my hon. friend should ask his colleague the Minister of Agriculture, to give him some information about this Bill. It may be found that there are some matters we should understand before proceeding to the committee stage with the Bill.

Hon. Mr. SCOTT—I had already anticipated the necessity for the information hon. gentlemen have asked for, and the department promised to send it to me. It has not, however, arrived, and that is why I suggested to supply it at the next stage of the Bill. It cannot be assented to now, and there is no reason why we should press it forward and I shall be quite willing to let the second reading stand until Friday.

Hon. Mr. FERGUSON—That is satisfactory.

Hon. Mr. SCOTT—I move that the order of the day be discharged and the second reading of this Bill be made an order for Friday next.

The motion was agreed to.

CUSTOMS ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (174) An Act to amend the Customs Act. He said: This is a Bill made up of details, no new principle being involved. It is designed for the more simple working of the department as the result of experience. The first clause is to make it clear that the surtax is to be treated as a duty would be for customs purposes. The next clause is to constitute the board of customs, and the appointment of an assistant commissioner is also provided for.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman tell us why this additional officer is required? That position was abolished many years ago. When I first went into the Customs Department, I found, after some few years' experience, that an assistant commissioner was not necessary, and consequently the office was abolished. What I want to know is, what has arisen since that time to justify the adding of another officer to the department.

Hon. Mr. SCOTT—The large increase of work is the reason given by the Minister of Customs for the necessity of having such an officer. That is the only reason he has urged.

Hon. Mr. LANDRY—Is there a large increase in the demand for offices?

Hon. Mr. SCOTT—For instance, the preferential tariff involves a great deal of extra labour, and other similar points involve an additional staff, and it is found that an assistant commissioner has become a necessity according, at all events, to the opinion of the Minister of Customs. Clause five is redrafted and amended so that the declaration of the board of customs as to the payment of duty will not be applicable to any goods imported previous to the time when it comes into effect. Clause six: the first change is to make the invoice in the currency of the country into which the goods are imported. This change will be a convenience to importers. Clause seven provides that on any article not enumerated, manufactured of two or more materials, the duty shall be assessed at the highest rate at which it would be chargeable if the article were composed wholly of the component material of chief value. I do not see much change in the Act.

Hon. Mr. SULLIVAN—Would that be fair?

Hon. Mr. SCOTT—They take the highest value. Clause eight extends the limit for making claims as to damaged goods from ten days to fourteen days. Clause nine extends the time limit for making entries. That has to be also within fourteen days instead of ten days. The changes are all of that character. We can discuss them in committee.

Hon. Mr. FERGUSON—There is a very important change in clause eleven.

Hon. Mr. SCOTT—Clause eleven is a further concession to importers in regard to damaged goods, being the same provision as in section fifty-five of the present law. The old law read to the extent of fifty per cent; now this is for an amount in excess of loss of twenty-five per cent on the whole quantity damaged.

Hon. Mr. McSWEENEY—In clause six, subsection two, it says that invoices are to state the actual prices of goods. What does that mean?

Hon. Mr. SCOTT—The change in the clause is to permit the use of invoices made out in the currency of this country. It is thought the change will be of advantage to the importers.

Hon. Sir MACKENZIE BOWELL—It is a pity they did not give the reasons for that. We cannot understand it. I see that my hon. friend has not given the question as much attention and study probably as he should have done.

Hon. Mr. SCOTT—There are only twenty-four hours in a day, unfortunately.

Hon. Sir MACKENZIE BOWELL—That is not my fault. In clause 3, the provision changing the constitution of the board of appraisers is, I think, a very good one. It enables the minister and Governor in Council to constitute a board of qualified officials instead of, as under the present law, constituting the board of certain officials who live from Halifax to Vancouver. In that respect it is a very good suggestion. The change for which I do not particularly see the necessity is in subsection 3 of clause 3, giving power to appoint an assistant commissioner. The reasons furnished by the Secretary of State for that appointment do not seem to me to have any force. An ordinary clerk who understands figures and can deduct the thirty-three and a third per cent from the invoices of goods imported under the preferential clause can do the work just as well as an assistant commissioner. Hence, the reason given by the hon. gentleman has no force whatever, and I can only account for it by assuming that there is a desire on the part of the minister to appoint somebody in the department to a higher position than he now holds, and give him a larger salary. A clerk can do all that is necessary to be done by the assistant commissioner. If the hon. gentleman had said it was necessary to have an assistant commissioner to take the place of the commissioner when he is absent or sick, then we could understand it; but, even in that case, it is not necessary, because any clerk can perform the duties pertaining to his office. In the fifth clause, in reference to the board of customs, there is very little change, except in the wording, and it makes it a little clearer and more extensive, giving greater latitude to the minister than under the other. I have not yet been able to compare with the law the provisions of the second subsection of clause 6, which provides that no invoice shall state any discount other than such as has been actually allowed to the importer. If the hon. gentleman will refer to the present Customs Act, he will find that the discounts are defined. Will this clause interfere with the general provisions, which provide that the value for duty of an article must be the price at which it is sold in the country from whence it is imported? For instance, if an article in the United States is purchased by a resident of the United States for consumption in the United States, and the discount is twenty-five per cent upon it, that twenty-five per cent would be allowed to the importer of the same article into Canada, but if the party from whom the article is purchased would give, as he often does, a larger discount on goods that are exported to another country, that is allowed if sold for home consumption, is that to be allowed under this clause?

Hon. Mr. SCOTT—Oh, no.

Hon. Sir MACKENZIE BOWELL—I don't know.

Hon. Mr. SCOTT—Oh, no ; that is quite clear.

Hon. Sir MACKENZIE BOWELL—It makes the provision that no larger discount shall be allowed than is actually allowed to the importer.

Hon. Mr. SCOTT—That is only for information.

Hon. Sir MACKENZIE BOWELL—It is for much more than that. The manufacturer in the United States, when he sells goods to a Canadian, will give him a bona fide discount larger than that which he gives when he sells to a person in the United States for consumption in the United States, but that discount is not allowed when the value of the goods is considered for duty in Canada.

Hon. Mr. McSWEENEY—Sometimes he gives a larger discount—not always.

Hon. Sir MACKENZIE BOWELL—I did not say always. I say they sometimes do it. There are some honest people in the United States as well as in this country, and some dishonest ones also as well as in this country. I know, and so does every importer, the practice is that a large number of manufacturers and people who sell goods in the United States for exportation to Canada, give an additional discount to the extent of the duty which they would have to pay. No one knows that better than my hon. friend, who is engaged in the agricultural implement manufacture. I have seen statements where the schedule was read in the Senate of the United States to show what advantages were given to foreigners over those who purchased in the United States, and in nearly every case the discount was equal to the duty which the foreign purchaser had to pay upon the goods. I argued this question when they were discussing unrestricted reciprocity. The contention of the Conservative party was that if you granted unrestricted reciprocity, you then placed Canada in the same position precisely as if it were a state of the Union, and consequently the prices prevailing in a state of the Union would prevail in Canada, and the only difference in the selling value of the article would be the freight added to the value of the article that came into Canada, because Canada would then be a free market to them just the same as Ohio would be a free market to the state of New York. However, that is not the point, and it is only suggested by my hon. friend's interruption.

Hon. Mr. SCOTT—I know the opinion of the Minister of Customs on the point, and that is that the value for duty is the value in the country whence it is exported.

Hon. Sir MACKENZIE BOWELL—That is the law. The only point I asked my hon. friend was whether the provision of this subsection of clause six would not, to a certain extent, override that. In the eleventh clause there is a material and radical change. Under the present law no duty would be refunded unless the damage done to the goods reached fifty per cent, though if the articles mentioned in clause fifty-two of the Act upon which a rebate for damages should be paid, did not reach fifty per cent, he received nothing.

Hon. Mr. SCOTT—Anything in excess of twenty-five per cent, this clause says.

Hon. Sir MACKENZIE BOWELL—He receives it up to the extent of fifty per cent now, but he could not go beyond that limit. The amendment provides that any amount of loss upon these articles, by damage or for any reason, which is in excess of twenty-five per cent shall be refunded, no matter if it goes up to seventy-five or eighty per cent. So that while it is a restriction on one part, it is an extension on the other.

Hon. Mr. DANDURAND—More humane.

Hon. Sir MACKENZIE BOWELL— I am not talking about humanity. If we are to consider this clause from a humanitarian standpoint, you had better make it five per cent, or leave out the percentage altogether, and if it is only a quarter per cent, pay it back. The same principle will apply. If the hon. gentleman had the difficulties some of us have had in administering this law, he would understand very well what I mean.

Hon. Mr. SCOTT—Clause twelve is a widening too.

Hon. Sir MACKENZIE BOWELL—That extends it to fire. There is very little difference in clause twelve except that it is particularized, which is not the case in the older law, and it says, 'lost by accidental

fire and other casualty and also when goods are in transportation.' It widens the present law, and I am not prepared to say it is not properly widened. Clause fourteen is a new subsection. Whether it will accomplish the object that the Customs Department has in view, I do not know. Practice will decide that point. It is a very important one, however, and one that has given a very great deal of trouble in the administration of the Customs Department in the past in arriving at the value at which this particular kind of goods should be entered for duty.

Hon. Mr. SULLIVAN—Is there any department where there is an invoice kept of the contents of these proprietary articles such as pills, elixirs, &c.

Hon. Mr. SCOTT—Oh, yes.

Hon. Sir MACKENZIE BOWELL—The difficulty has been that they import these articles into the country in bulk. For instance, they bring pills in by the bushel, and then they put a dozen or so into a little bottle and sell them for twenty-five, or fifty cents as the case may be, and the actual value at which they are entered for duty may be the tenth part of a cent or less.

Hon. Mr. DANDURAND—The Ayer case, for instance.

Hon. Mr. SULLIVAN—That should be looked into. They do not pay over one-hundreth part of the duty that should be collected.

Hon. Sir MACKENZIE BOWELL—That is what this clause is intended to cover. My hon. friend mentioned the Ayer case, in which there was a very great difficulty. I notice, also, in subsections T and U it is giving a greater power to the minister and the Governor in Council in reference to the remission of duties. It is giving the power to the Governor in Council to reduce the duty upon an article which is imported into the country and which goes into the manufacture of another article, whether that article be the raw material or whether it be a manufactured article. For instance, the old law gave the Governor in Council power to admit free the importation of raw material which entered into the manufacture of any article in this country. That is by a report from the Customs Department, affirmed by the Treasury Department, and then approved by the Governor in Council. This goes further and gives power to reduce the duty upon articles which are manufactured in the United States and brought in for that purpose. It is extending the power, and I think it might be very dangerously used, or it might not. My own impression is that that clause ought to be confined to the importation of raw material for the manufacture of articles which are not produced in this country. I do not see why an article which is completely manufactured should be introduced. To give an illustration of what I mean, suppose a man is manufacturing agricultural implements, would not this clause give the Governor in Council power to declare that the wheels necessary for the binder might be imported free, or at a duty of say ten per cent instead of twenty-five per cent. I merely throw out the hint for my hon. friend to consider when he discusses this question. There is another point I desire to call attention to before I resume my seat, in reference to clause five repealing section nine and substituting another section. On reference to that, it will be found that if there is a dispute as to the value of an article for duty, the board of customs can pass upon that question, and declare what the duty shall be. If the importer objects to the decision of the department upon that particular question, he can appeal to the Governor in Council, and whatever order the Governor in Council issues, or whatever decision they may render, it gives the same force and value to that decision as if it were passed by parliament. That is giving a great deal more power than the law conferred upon the Customs Department in the past. I am not so sure that that is a bad provision after all, considering the difficulties that arise, but the question is whether, under circumstances of that kind, the decision should only be enforced until the next parliament meets. In the Customs Act as it stands now, if my recollection serves me right, there is a clause which limits the operation of a decision of that character until parliament meets. Then parliament would have an opportunity of saying whether it should become law or not. I know

the Customs Act is an arbitrary Act and must necessarily be so in order to protect the revenue, but whether you should confer the full power of parliament upon the Governor General, or upon the Treasury Board, or give it to the Minister of Customs, is a question for very serious consideration. I have not gone into this as minutely as I should like to have done, because I have not had an opportunity of comparing the Bill fully with the law on the statute-book, and I am speaking from my memory of the law as it is. When we go into committee, however, we can discuss this question more fully, but on two points of the Bill there is a very material difference and a radical change from the law as it has existed in the past.

Hon. Mr. McSWEENEY—I can give the House a case which happened some years ago in regard to wall paper—two importations of wall paper, one from England, the other from the United States. The English had a discount of 50 per cent; the American a discount of 33⅓ per cent. They allowed the discount of 50 per cent on the English, but they charged the full duty on the importation from the United States. James Johnson was Commissioner of Customs at that time.

Hon. Sir MACKENZIE BOWELL—Didn't they allow the 33⅓ per cent?

Hon. Mr. McSWEENEY—No, they allowed the discount on the English goods but not on the goods from the United States.

Hon. Sir MACKENZIE BOWELL—That might be true, and it might be strictly in accordance with the law. I think I recollect the case to which the hon. gentleman refers. The law is positive and distinct. The discount which is allowed to the trade in the country in which the article is purchased must be allowed, under the law, to the importer in this country, and if the English manufacturer gave 50 per cent discount the importer here was entitled to it. If the United States allowed only 33⅓ per cent the importer in this country was entitled to no more than 33⅓ per cent.

Hon. Mr. McSWEENEY—But he did not get any. He had to pay the full face value of the invoice, no discount being recognized.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. FERGUSON—I think we have, in regard to this Bill, to make somewhat the same complaint as we made so often with regard to explanations we receive with reference to the contents of government Bills. I admit at once that on a measure relating to the customs my hon. friend the Secretary of State could not possibly be expected to discuss it in that masterful way that my hon. friend to my left (Hon. Sir Mackenzie Bowell) does, from the fact that the latter gentleman was so long Minister of Customs; but I think the hon. gentleman was scarcely treated properly by his colleagues when he was not equipped with a brief which would adequately explain the changes proposed in government measures which come before this House. It is not necessary to refer to the clauses in detail to which my remark relates. My hon. friend (Hon. Sir Mackenzie Bowell) has dealt fully and clearly with them, and they can be further dealt with in committee, but I want to refer to one change proposed which is very important and which has been very inadequately explained by the Secretary of State. It is proposed in the amendment we are now going to pass, that in the future the deductions for damages to goods shall not be made unless the damage exceeds 25 per cent of the value of the goods, and having reached that 25 per cent of the value it will be allowable to make any deduction up to the full value. Hitherto the deduction could only be made to 50 per cent of the value of the goods. You began at a very low percentage, but you could not go any higher than 50 per cent. My hon. friend from de Lorimier (Hon. Mr. Dandurand) interjected the remark that this amendment had a humane object in view, but if my hon. friend were an importer and found that the rights which he formerly enjoyed, of having a deduction up to 50 per cent if his goods were damaged that were taken away if the damage did not exceed 25 per cent, he would say it was an instance of man's inhumanity to man, instead of being a human measure.

Hon. Mr. DANDURAND—It is very hard to say which is more favourable to the importer without reading it very closely.

Hon. Mr. FERGUSON—If the damage should exceed 25 per cent he might be al-

lowed the full amount. There may be explanations which will outweigh anything that occurs to me, but there should be very good reasons for taking away the right of the importer to payment for damage to his goods when the damage is under 25 per cent, and at the same time opening the way for an allowance up to the full value of the goods if the damage exceeds 25 per cent.

Hon. Mr. DANDURAND—I simply intended showing that, with such a Bill before us, where each clause needs a technical explanation, hon. gentlemen in this Chamber should not expect from the minister having the Bill in charge explanations which should be properly forthcoming when we go into committee; and as I have some remarks to make myself on some clauses of the Bill, I shall defer them until we go into committee.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman should study that eleventh clause well.

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

BILLS INTRODUCED.

Bill (73) An Act to incorporate the Ontario and Quebec Power Company.—(Hon. Mr. Young.)

Bill (V) An Act for the relief of Ellen McDiarmid.—(Hon. Mr. Perley.)

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, June 25, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

QUEBEC BRIDGE COMPANY BILL.

REPORTED FROM COMMITTEE.

Hon. Sir ALPHONSE PELLETIER, from the Committee on Railways, Telegraphs and Harbours, reported Bill (145) An Act respecting the Quebec Bridge Company, and to change its name to the Quebec Bridge and Railway Company.

The report was adopted.

Hon. Sir ALPHONSE PELLETIER—I move, seconded by Hon. Mr. Tessier, that this Bill be read a third time to-morrow.

Hon. Mr. LANDRY—I wish to give a few explanations in relation to this motion. I have nothing to say against the Bill itself. When the motion for the second reading of this Bill was proposed on Wednesday last I was not asked to second it, but the hon. promoter of the Bill who moved the second reading placed my name down as seconder to the motion and it was carried. To be frank, I thought I should have had charge of the Bill, as representative of the division of Stadacona, but I have not been asked to do so nor to second the Bill at all. I did not protest at the time, because I thought it would be putting my hon. friend in a bad position. That is the only reason I did not protest, but since he thinks fit to-day, after having placed my name as seconder of the motion, to withdraw my name and substitute another name, I do protest against the action taken.

Hon. Sir ALPHONSE PELLETIER—The only explanation I have to give to the hon. gentleman is that I had no intention to hurt his feelings. I do not know why he should have had care of the Bill more than myself. I belong to Quebec as well as the hon. gentleman, and the Bill relates to a provincial bridge in Quebec.

Hon. Mr. LANDRY—The hon. gentleman does not explain why, having chosen my name to second the motion for the second reading, he drops it now, and substitutes another member's.

Hon. Sir ALPHONSE PELLETIER—Because the hon. Senator Tessier is qualified.

Hon. Mr. LANDRY—And I have ceased to be qualified ?

Hon. Sir ALPHONSE PELLETIER—There is no qualification particularly, but I thought I would give a chance to both gentlemen.

Hon. Mr. LANDRY—The best chance the hon. gentleman should have given me, was to ask me beforehand.

Hon. Sir ALPHONSE PELLETIER—It is a small matter.

Hon. Mr. LANDRY—A matter of etiquette and courtesy.

The motion was agreed to.

EMPLOYMENT OF J. E. ROY.

INQUIRY.

Hon. Mr. LANDRY inquired :

Has Mr. Joseph Edm. Roy, of the town of Lévis, notary, received from the government any mission whatsoever which explains his present journey to Europe, or which relates thereto, directly or indirectly ?

What is the nature of this mission ?

In such case, what is the salary paid, or the indemnity promised, and are the travelling expenses of this gentleman comprised in either the one or the other ?

Hon. Mr. SCOTT—This notice appears for the first time on the paper now, and I am unable to find out anything about this gentleman. The question is a very vague one. It is quite impossible to say who he is or what he is. The motion will have to stand.

Hon. Mr. LANDRY—Am I to understand that I shall get an answer on some future day ?

Hon. Mr. SCOTT—I hope so. I have made inquiry and so far have been unable to find any trace of this man.

QUEBEC HARBOUR WORKS.

INQUIRY.

Hon. Mr. LANDRY inquired :

Who has been appointed inspector of the works at the harbour of Quebec, and especially of the works for which Mr. Etienne Dussault, of Lévis, has just obtained the contract ?

Hon. Mr. SCOTT—The work will be under the superintendence of the resident engineer of the district.

A CORRECTION.

Hon. Mr. FERGUSON—Before the Orders of the Day are called, I wish to direct the attention of the House, and especially of the hon. Secretary of State, to a slight misapprehension which occurred yesterday when we were discussing the Supply Bill. My hon. friend directed my attention, after the House rose, to the fact that he had inadvertently quoted to the House $50,000,000 instead of $59,000,000, as an amount in last year's estimates, and in that way there appeared to be a discrepancy between the figures quoted by him and by myself. He is in a position to inform the House that he has inadvertently quoted the estimates as $50,000,000 instead of $59,000,000, and when this estimate is corrected we substantially agree.

Hon. Mr. SCOTT—The only explanation is, my eyes are a little aged and the light in this Chamber is weak. I thought the 9 was a 0, but the moment my hon. friend beside me saw it, his eyes being sharper than mine, he detected the mistake and called my attention to it.

Hon. Sir MACKENZIE BOWELL—The nine looks like a nought.

Hon. Mr. FERGUSON—Then we quite agree as to the figures.

THIRD READING.

Bill (G) An Act for the relief of Florence Lee Gray.—(Hon. Mr. McMullen, in the absence of Hon. Mr. Gibson.)

EXTRA-JUDICIAL EMPLOYMENT OF JUDGES BILL.

SECOND READING POSTPONED.

The Order of the Day being called :

Second reading Bill (U) An Act respecting the extra judicial employment of judges.

Hon. Mr. FERGUSON said : As the House is going to take a short adjournment, and this Bill will probably call for a somewhat lengthened discussion which might render it not possible to clear our slate of routine matter, with the consent of the House, I move that the consideration of this Bill be postponed until Thursday, the 9th July.

The motion was agreed to.

KETTLE RIVER VALLEY RAILWAY COMPANY BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. YOUNG moved that the 25th report of the Standing Committee on Standing Orders be concurred in.

Hon. Mr. LANDRY—I do not see any necessity for concurring in those reports. I think if we concur in them we are bound by the conclusions, and as I intend raising a point of order on one of the conclusions brought forward by the report itself, I think we should not be asked to concur in the reports. It should be left open so that we should have liberty of action when the different Bills affected by these reports are brought before us.

The SPEAKER—I think perhaps the hon. gentleman is under a misapprehension with respect to this particular report. This deals with an Act respecting the Kettle River Valley Railway Company, and another Bill

respecting the Rathbun Company. It has nothing to do with the Bill in which the hon. gentleman has manifested an interest.

Hon. Mr. LANDRY—What Bill did I manifest an interest in ? I would like to know. The Speaker seems to be well posted on such matters.

Hon. Sir MACKENZIE BOWELL—We had better understand the objection of the hon. gentleman to this report. If I understand the character of these reports, it is that they recommend to the Senate the suspension of certain rules, to enable the Bills to which they refer to be proceeded with. When the question comes up for the suspension of the rule, then, it strikes me, would be the time for the hon. gentleman to move his amendment against it or to vote against it. This is merely a recommendation. By adopting that report we do not adopt the principle of it, as I understand it.

Hon. Mr. LANDRY—If the adoption of the report does not carry with it the adoption of the conclusions to which the committee has come, I have no objection to the motion but I do not want to be debarred of my right, after the adoption of the report, to raise a question of order exactly on the subject which is reported to the House.

Hon. Sir MACKENZIE BOWELL—The moment this report is accepted, it would be necessary for the senator who is interested in the suspension of the rules, to make a motion to that effect. Then, it strikes, me, would be the time for the hon. gentleman to take the action which he proposes to take.

Hon. Mr. LANDRY—I understand that perfectly well, but I want to be consistent with myself. If I assent to the adoption of the report, how could I be consistent if I raised an objection to carrying out the recommendation of the report ? I have no objection to the report being adopted, but it must be adopted on division.

The motion was agreed to on division.

BILLS ASSENTED TO.

The Honourable Sir Henri E. Taschereau, acting as Deputy to His Excellency the Governor General, being seated at the foot of the Throne,

The Honourable the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House : 'It is the Deputy Governor's desire that they attend him immediately in this House.'

Who being come with their Speaker,

The Clerk of the Crown in Chancery read the titles of the Bills to be passed severally, as follows :—

An Act to amend Chapter 8 of the Statutes of 1900, authorizing the granting of Railway subsidies.

An Act to amend the Civil Service Superannuation Act.

An Act to amend the Act respecting the publication of the Statutes.

An Act to amend the Act relating to the Custody of Juvenile Offenders in the province of New Brunswick.

An Act to amend the Expropriation Act.

An Act respecting the Kootenay Central Railway Company.

An Act respecting the Canadian Pacific Railway Company.

An Act respecting the Quebec and New Brunswick Railway Company.

An Act respecting the British Columbia Southern Railway Company.

An Act respecting the Canada National Railway and Transport Company.

An Act to amend the Yukon Territory Act.

An Act for the relief of William Francis Schooley.

An Act respecting the Huron and Ontario Railway Company.

An Act respecting the Niagara Grand Island Bridge Company.

An Act respecting the Ottawa, Northern and Western Railway Company.

An Act to correct a clerical error in the Act to incorporate the Edmonton and Slave Lake Railway Company.

An Act to incorporate the Quebec, Saguenay and Gulf of St. Lawrence Railway Company.

An Act to incorporate the Coast Yukon Railway Company.

An Act to incorporate the Kootenay, Cariboo and Pacific Railway Company.

An Act to incorporate the Joliette and Lake Manuan Colonization Railway Company.

An Act respecting the Great North-west Central Railway Company.

An Act respecting the Grand Trunk Railway Company of Canada.

An Act further to amend the Dominion Controverted Elections Act.

An Act to amend the Militia Pension Act. 1901.

An Act respecting the Winnipeg Western Land Corporation, Limited.

An Act respecting the Ontario and Qu'Appelle Land Company, Limited.

An Act respecting the Mutual Life Assurance Company of Canada.

An Act respecting the Bank of Montreal.

An Act to incorporate the Shipping Federation of Canada.

An Act respecting the Royal Trust Company.

An Act to amend the Dominion Elections Act, 1900.

An Act respecting the Atlantic, Quebec and Western Railway Company.

An Act respecting the Hudson's Bay and Pacific Railway Company.

An Act to incorporate the Père Marquette International Bridge Company.

An Act to incorporate the Regina and Hudson's Bay Railway Company.

An Act respecting the Nipissing and James Bay Railway Company.

An Act to incorporate the Macleod, Cardston and Montana Railway Company.

An Act respecting the Lindsay, Bobcaygeon and Pontypool Railway Company.

An Act respecting the Edmonton-Yukon and Pacific Railway Company.

An Act respecting the Ottawa Electric Railway Company.

An Act to incorporate the Nipissing and Pontiac Railway Company.

An Act respecting the Calgary and Edmonton Railway Company.

An Act respecting the Canadian Northern Railway Company.

An Act respecting the Alberta Railway and Coal Company.

An Act respecting the Hamilton and Lake Erie Power Company, and to change its name to the Jordan Light, Heat and Power Company.

An Act respecting the Mexican Light and Power Company, Limited.

An Act respecting the Lake Erie and Detroit River Railway Company.

An Act respecting the Canada North-west Land Company, Limited.

An Act respecting the Canada Permanent and Western Canada Mortgage Corporation, and to change its name to the Canada Permanent Mortgage Corporation.

An Act respecting the Eastern Townships Bank.

An Act to incorporate the Sault St. Louis Light and Power Company.

An Act to incorporate the Bank of Winnipeg.

An Act respecting the Dominion Burglary Guarantee Company, Limited, and to change its name to the Dominion Guarantee Company, Limited.

An Act to incorporate the Empire Accident and Surety Company.

An Act respecting the Crown Bank of Canada.

An Act respecting certain trust funds of the Diocese of Moosonee.

An Act respecting the Desjardins Canal.

An Act to amend the Public Works Act.

An Act to amend the Electric Light Inspection Act.

An Act respecting the Niagara-Welland Power Company, Limited, and to change its name to the Niagara-Welland Power Company.

An Act respecting the Canada Atlantic Railway Company.

An Act to incorporate the North-west Coal and Coke Railway Company.

An Act respecting the Alberta Central Railway Company.

An Act to incorporate the Erie Ontario Power Company.

An Act to incorporate the Canadian Industrial Corporation, Limited.

An Act to amend the Weights and Measures Act.

An Act to incorporate the Hudson's Bay and Occidental Railway Company.

An Act to incorporate the City and County Bank of Canada.

An Act to incorporate the Northern Bank.

An Act to incorporate the Pacific Bank of Canada.

An Act to incorporate the Richmond and Drummond Fire Insurance Company.

An Act respecting the United Empire Life Insurance Company.

An Act to confer on the Commissioner of Patents certain powers for the relief of the Standard Car Truck Company.

An Act to confer on the Commissioner of Patents certain powers for the relief of the International Railway Appliance Company.

An Act to amend the Inland Revenue Act.

An Act respecting the Canadian Order of the Woodmen of the World.

An Act to incorporate the Federal Oil Company.

An Act respecting the Mutual Fire Insurance Company of the City of Montreal, and to change its name to the Montreal-Canada Fire Insurance Company.

An Act for the relief of William Allen.

An Act for the relief of James Reid Steele.

An Act to amend the Criminal Code, 1892.

An Act respecting the Canadian North-west Irrigation Company.

An Act respecting the Canadian Steel Company.

An Act to incorporate the Sterling Bank of Canada.

An Act to incorporate the Huron, Erie and Buffalo Railway Company.

An Act respecting the St. Mary's River Railway Company.

An Act to incorporate the Cardiff Railway Company.

An Act respecting the Interprovincial and James Bay Railway Company.

An Act respecting the Klondike Mines Railway Company.

An Act to incorporate the Hamilton, Galt and Berlin Railway Company.

An Act respecting the Elgin and Havelock Railway Company.

An Act to incorporate the Consolidated Trusts Corporation.

An Act respecting the Good Shepherd Reformatory in the city of St. John, New Brunswick.

To these Bills the Royal Assent was pronounced by the Clerk of the Senate in the following words :—

In His Majesty's name, His Honour the Deputy of His Excellency the Governor General doth assent to these Bills.

Then the Honourable the Speaker of the House of Commons addressed His Honour the Deputy Governor, as follows :—

The Commons of Canada have voted the certain supplies required to enable the Government to defray the expenses of the public service. In the name of the Commons, I present to your honour the following Bill :—

An Act for granting to His Majesty certain sums of money required for defraying certain expenses of the public service for the financial year ending the 30th June, 1903, to which I humbly request your Honour's assent.

After the Clerk of the Crown in Chancery had read the Title of the Bill,

The Clerk of the Senate, by His Honour's command, did thereupon say :—

In His Majesty's name, his Honour the Deputy of the Governor General, thanks his loyal subjects, accepts their benevolence, and assents to this Bill.

The Deputy Governor was pleased to return and

The House of Commons withdrew.

The Senate resumed.

KETTLE RIVER VALLEY RAILWAY COMPANY BILL.

MOTION.

Hon. Mr. WATSON moved the suspension of rule 59 in so far as it relates to the Bill respecting the Kettle River Valley Railway Company.

Hon. Mr. LANDRY—I think the Speaker made an error in stating rule 59. I think it should be rule 54.

The SPEAKER—Yes, it should be rule 54.

Hon. Mr. LANDRY—I desire to call attention of the House to rules 59 and 54 so that we may understand the meaning of both these rules, with reference to the Bill now before the House.

Hon. Mr. WATSON moved that Bill (96) An Act respecting the Kettle River Valley Railway Company, be placed on the Orders of the Day for second reading to-morrow.

Hon. Mr. LANDRY—I object to that motion for the same reason I would object to the motion to suspend. I desire to raise a point of order. I do not object to the motion itself. I would allow the motion to carry if the point is settled in the way I think it might be settled. I call the attention of the House to this fact : The report of the committee, and the motion that is based on that report, states :

That your committee recommend the suspension of the 54th rule in so far as it relates to those Bills.

The 54th rule of the Senate reads as follows :

Every private Bill is introduced on petition and presented to the Senate after the petition has been favourably reported on by the Committee on Standing Orders.

I take it for granted that this House can not suspend the rule unless a special report, or a special recommendation, is made to that effect by the Standing Orders Committee. That is according to rule 17, which reads as follows :

No motion to suspend, modify or amend any rule or part thereof, shall be in order, except on one day's notice, in writing, specifying precisely the rule proposed to be suspended, modified or amended, and the purpose of such suspension. But any rule may be suspended without notice by the unanimous consent of the Senate ; and the rule proposed to be suspended shall be precisely and distinctly stated ; and no motion for the suspension of the rules upon any petition for a private Bill shall be in order, unless the same shall have been recommended by the Committee on Standing Orders.

In this case, it will be said that the Standing Orders Committee have just made that recommendation, but what are the recommendations that the Committee on Standing Orders have the right to make ? Their jurisdiction is specified at page 17, of the book, rule 53, which says :

Petitions for private Bills, when received by the Senate, are to be taken into consideration without special reference, by the Committee on Standing Orders.

What is the duty of that committee ? The duty is :

To report in each case, whether the rules with regard to notice have been complied with; and in every case where the notice shall prove to have been insufficient, either as regards the petition as a whole, or any matter therein which ought to have been specially referred to in the notice, the committee is to recommend the course to be taken in consequence of such insufficiency of notice.

The jurisdiction of the committee in that sense is only in regard to the notice.

Hon. Mr. MACDONALD (B.C.)—It ends there.

Hon. Mr. LANDRY—And to report on the sufficiency or the insufficiency of the notice compared with the petition or the Bill, I do not see that the Standing Orders Committee has any right to make any other

recommendation than those specified by this special rule No. 53. The Standing Orders Committee cannot, in my opinion, recommend the suspension of a rule, if that committee has not a special right to so recommend by this rule 53. What have the Committee on Standing Orders done? They have recommended the suspension of rule 59. What is rule 59?

Any private Bills in the House of Commons (not being based on a petition which has already been reported on by the Committee on Standing Orders) shall be taken into consideration and reported on by the said committee, in like manner as a petition, after the first reading of such Bill, and before its consideration by any other Standing Committee.

So the committee has no more right to act on the Bill than on the petition. The Bill is substituted for the petition, and the action of the Standing Orders Committee is just the same on a Bill that comes from the House of Commons as on a petition that is brought in this House. But rule 59 goes further and says:

Any private Bill from the House of Commons, not being based on a petition——

What kind of a petition?:

—not being based on a petition which has already been reported on by the Committee on Standing Orders.

What does the clause in brackets 'not being based on a petition which has already been reported on by the Committee on Standing Orders' mean? I should like to know the interpretation given to that 59th rule by our Speaker. I should like to know how we should understand it. The 54th rule states that no Bill can be introduced in this House without being based on a petition. The 59th rule relates to Bills coming from the House of Commons but it says: 'any private Bill from the House of Commons, not being based on a petition which has already been reported on by the Committee on Standing Orders.' Where is that petition which has already been reported on by the Committee on Standing Orders? Another argument is that if this means that a Bill coming from the House of Commons may be taken here without any objection, why, if we are complying with the rule, should a report be made to suspend the rules? Why suspend rule 54 if we have a right to do the same thing by rule 59? It is because we have not the right of doing the thing that we ask the suspension of the rules. This is another argument in addition to those that I have advanced. At all events, I am asking for the ruling of the Speaker on those particular points, and if the Speaker is not ready to give his decision to-day, I am willing to wait until to-morrow.

The SPEAKER—I am quite ready.

Hon. Mr. LANDRY—Then I ask the ruling of the Speaker.

The SPEAKER—If this were a new question, it might require some time for consideration, which the hon. gentleman was kind enough to say he was prepared to allow me to have. But it is not. The question is whether the practice which has existed in this Senate ever since it was a Senate, shall be continued, or whether some new practice shall be introduced as appears to be contemplated by the hon. gentleman from Stadacona. The rule 54 is a rule which applies to Senate Bills and it provides:

Every private Bill is introduced on petition, and presented to the Senate after the petition has been favourably reported on by the Committee on Standing Orders.

That applies to Bills which are introduced—which originate in the Senate, and it is also applied, apparently, very frequently to Bills coming from the House of Commons; but rule 59 applies specially to Bills which are not introduced first in the Senate; and the uniform practice of this House, as long as I have been a member of it (and I have been a member now for twenty-six years) is that Bills from the House of Commons which are not based on petitions which have already been reported on by the Committee on Standing Orders, are taken into consideration just as petitions are taken into consideration and are reported on by the Committee on Standing Orders. I find that the practice and rules of this House have been most carefully and strictly complied with in connection with the matter now before the House. The report of the committee was not adopted, as is the usual practice, on its being presented, but at the instance of the hon. gentleman himself, its consideration was postponed until to-day, and now it comes up as regularly as anything could possibly come up.

Hon. Mr. LANDRY—Would the hon. gentleman be good enough to explain, for my

own satisfaction if not for the satisfaction of the House, what is the meaning of 'which has already been reported on by the committee'?

The SPEAKER—Does the hon. gentleman refer to rule 59?

Hon. Mr. LANDRY—Yes.

The SPEAKER—I thought I made myself clear.

Hon. Mr. LANDRY—Not to me.

The SPEAKER—I do not know that I can make the language clearer than it is. The rule means what it says: the actual rule is:

Any private Bill from the House of Commons (not being based on a petition which has already been reported on by the Committee on Standing Orders) shall be taken into consideration and reported on by the said committee in like manner as a petition after the first reading of such Bill, and before its consideration by any other Standing Committee.

If the committee had already reported on a petition for the Bill, it would be quite unnecessary to report on the Bill itself. But inasmuch as they have not reported on a petition for the Bill, then they report on the Bill. If the hon. gentleman proposes to appeal from my decision he can do so.

Hon. Mr. LANDRY—I am quite willing to accept the decision of His Honour the Speaker, but there is no explanation of the words 'not being based on a petition which has already been reported on.' If it was a petition which has not already been reported on, I could understand it, but it says 'which has already been reported on.' Now, where is the petition which has already been reported on?

Some hon. GENTLEMEN—Order, order.

Hon. Mr. LANDRY—I want an explanation.

Hon. Mr. YOUNG—For the information of the hon. gentleman, I might be permitted to say two Bills were referred to the Committee on Standing Orders. It was explained and made clear to the Standing Orders Committee that in both cases the petitions had been mislaid, and under rule 59 we took them into consideration without being so ordered by the House, and the Bills have been reported and the committee——

Hon. Mr. LANDRY—Will the hon. gentleman tell me the meaning of that phrase in brackets in rule 59, 'not based on a petition which has already been reported by by the committee'? What is it which has already been reported on?

Hon. Mr. YOUNG—That means that no petitions have been presented to this House for these Bills, and therefore the Bills were referred to the Standing Orders Committee.

Hon. Mr. LANDRY—It does not mean that at all.

Hon. Mr. MACDONALD (B.C.)—There is no doubt there is an ambiguity in this rule. They have to consider the matter twice. The petition must have already been reported on. After having been reported on, the Bill goes back for consideration. If it is never done, it does not go back to the committee twice. There is certainly ambiguity in the rule.

Hon. Mr. VIDAL—A good deal has been made of a very trifling matter. I do not think English can be more clearly expressed than it is in this rule. It appears to be quite clear and distinct. If a Bill comes from the House of Commons, the rule says in parenthesis, 'not being based on a petition which has already been reported on.' Now this is a Bill which has come to us from the House of Commons not based on a petition which has been already reported on. You cannot even improve the rule.

Hon. Mr. LANDRY—It says 'not being based on a petition which has already been reported on to the House.'

Hon. Mr. VIDAL—If there is no petition, how can it be reported on?

Hon. Mr. LANDRY—Why is the Bill brought in, then?

Hon. Mr. VIDAL—Because it has not already been reported on by petition.

Hon. Mr. LANDRY—If we have a right to bring in the Bill, then why ask for a suspension of the rule? If we have the right, by this rule 59, to bring in a Bill, why suspend the rule?

Hon. Mr. VIDAL—The rule is perfectly clear—if a Bill is brought in, not founded on a petition which has already been before the committee.

Hon. Mr. LANDRY—But it has never been done in this case.

Hon. Mr. VIDAL—Then there has been no report on the petition. The Bill itself goes to the committee then to be dealt with as a petition.

Hon. Mr. LANDRY—I would understand the argument of my hon. friend if it stood like this: 'Not being based on a petition which should have been reported on, but which has not been reported on.' But it does not say so. It says: Being based on a petition which has already been reported on. If it has been already reported on, I want to know where is the report.

The motion was agreed to.

LUMBERMAN'S FIRE INSURANCE COMPANY BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. YOUNG moved the adoption of the twenty-seventh report of the Standing Committee on Standing Orders, recommending the suspension of the rules so far as they relate to the Lumberman's Fire Insurance Company Bill.

The motion was agreed to.

Hon. Mr. McHUGH moved that the resolution of the Senate, passed on the 19th instant, giving a second reading to Bill (No. 68) intituled: An Act to incorporate the Lumberman's Fire Insurance Company, be now rescinded and that the said Bill be placed on the Order paper for the second reading to-morrow.

The motion was agreed to.

CRIMINAL CODE AMENDMENT BILL.

SECOND READING.

Hon. Mr. BEIQUE moved the second reading of Bill (T) An Act to amend the Criminal Code of 1892, respecting the Punishment of Fraudulent Debtors. He said: This Bill is quite short, but is of considerable importance. Its object, as plainly appears from the reading of it, is to provide for the keeping of books by traders who do business on credit. A law of this kind exists in several countries, amongst others France and Scotland. Traders who purchase goods on credit, it seems to me, if they are unable to pay their creditors, should be able to show what has become of the goods entrusted to them. Otherwise it leaves the door open to a great deal of fraud, and, moreover, it is to the detriment of traders themselves. They carry on business without any knowledge as to whether they are ahead or behind in their business, without knowing how they stand, and that is against their own interests. On referring to the law enacted in Scotland in 1880, known as the Debtors Act of that year, I find the following:

> If being indebted to an amount exceeding £200 at the date of the presentation of the petition for sequestration or cessio, as the case may be, he has not, for three years next before such date, kept such books or accounts as, according to the usual course of any trade or business in which he may have been engaged, are necessary to exhibit or explain his transactions.

In such cases he is liable to be imprisoned for any time not exceeding two years. Hon. gentlemen will notice that I have followed, in drafting this Bill, very closely the wording of the English Act:

> 1. Section 368 of the Criminal Code, 1892, is amended by adding the following after paragraph (b) thereof:—
>
> (c.) who, being a trader and indebted to an amount exceeding one thousand dollars, is unable to pay his creditors in full and has not, for five years next before such inability, kept such books of account as, according to the usual course of any trade or business in which he may have been engaged, are necessary to exhibit or explain his transactions, unless he be able to account for his losses to the satisfaction of the court or judge and to show that the absence of such books was not intended to defraud his creditors.

In fact this Bill is more lenient than the English Act.

Hon. Mr. SCOTT—Five years is a long term.

Hon. Mr. BEIQUE—The term might be shortened if it is thought desirable. In France, it is well known they have a law, and have had it for centuries, which is much more stringent. In France it is an infamy for a trader to become a bankrupt. There are two kinds of bankrupts. There is what is called the simple bankrupt, and there is the fraudulent bankrupt. In either case the trader is liable to imprisonment if he fails to keep books, even though he is considered to be a bankrupt without having committed any fraud. Whether he has committed fraud or not he is liable to imprisonment, and the books that are to be kept in France are these:

Article 8. Every trader is bound to keep a journal, in which shall be entered day by day his assets and liabilities, the operations of his business, his negotiations, acceptances or endorsements of commercial paper, and generally everything that he receives and pays for any purpose whatsoever; and which shall state, month by month, the sums used for his household expenses; the whole independently of the other books used in his business, but which are not indispensable.

Then he is bound to keep his letters for a certain number of years. He is bound to make every year an entry of his movable and immovable assets, and his inventory book has to be initialled either by the mayor, or his assistant, or by the judge of the court of commerce, and if he fails to comply with any of these provisions, then he is considered a simple bankrupt and liable to imprisonment. This has proved to be a valuable safeguard for trade in France, and I have no doubt, for my part, that it is now opportune that we should have, if not provisions as stringent as these, at least legislation on these lines. This Bill is not introduced on my own suggestion; it is introduced at the suggestion of boards of trade in this country. The question was considered by the Chambre de Commerce in Montreal for the last two or three years, and again this year, and petitions were sent to the government asking for legislation in this direction. The Chambre de Commerce passed this resolution:

Whereas, the failure to keep regular books of account is adverse to the interests of those who invest their capital in commercial, industrial and financial enterprises by exposing them to endless losses, and is likewise the cause of a great many business failures;

Whereas, the absence of books is also the cause of embezzlements, of all manner of breaches of confidence, of dishonest manipulations of funds, of obtaining moneys under false pretenses, and, finally, of fraudulent failures;

Whereas, the enactment of a law, obliging persons or corporate bodies, doing business, to keep books of account, would have the salutary effect of checking these dishonest and illegal practices;

Whereas, the making of accountancy obligatory for establishments or enterprises of a certain magnitude, would safeguard the general credit and would aid in the advancement and development of trade and of industries throughout the whole of Canada:

Resolved, that this 'Chambre de Commerce' reiterates its representations to the federal government, praying the introduction, at the next session, of a Bill obliging all persons, or bodies corporate, doing business, or who obtain credit, to the extent of one thousand dollars and upwards, to keep books sufficient, in case of failure, to render an account of their operations, and that such persons or bodies corporate, be held criminally responsible unless they show that the absence of regular books of account was not for the purpose of defrauding their creditors.

This resolution was sent to most of the boards of trade in the country, and has received the approval of most of those boards of trade, and especially the Boards of Trade of Montreal, Toronto, Halifax, Fraserville, Drummondville, Joliette, Prince Albert, N.W.T., Victoria, Goderich, Morden, Man., Edmonton and several other places. I have only one more word to add. This law becomes the more necessary nowadays that merchants are tempted to go into speculations, buying stocks, very often on margin, and imperilling the capital which has been entrusted to their care for the purpose of doing a legitimate business, and if they have a desire to go into such ventures, the least that can be expected of them is that they will be compelled to keep such books of account as will be necessary to give a reasonable account of the losses which they have sustained, and to show that they have not embezzled any of their assets which are the common pledge of their creditors.

Hon. Mr. FERGUSON—I have heard the observations of my hon. friend who has just introduced this measure, and I am entirely in accord with the Bill. I think that it will be very useful, and I almost wonder that such a provision had not found its way into the Criminal Code ere this. The only suggestion that I would make is that the amount might be lessened.

Hon. Mr. SCOTT—And the time shortened.

Hon. Mr. FERGUSON—Yes, I think the Bill might properly be made even a little more stringent, and that in this country where there are a great many small traders, it might very properly be made to apply to a trader who was indebted to the extent of $500. It seems inconsistent to say that a man whose debt is over $1,000 should be considered a criminal under certain circumstances, while the man who owed nine hundred dollars should escape. But we have to make a limitation somewhere, and I think $500 would be better than $1,000 as a limit, as the scope of trading in many parts of Canada is on a smaller scale than in Scotland to which my hon. friend has referred, and he might also consider whether—I am not going to propose an amendment—three

years would not be a sufficient period—that where there is a lack of such a record for even three years, the debtor might come within the scope of the Bill.

Hon. Mr. McMULLEN—This is a Bill that, perhaps, after all has two sides to it. We know perfectly well that the extended credit that has prevailed in this country has not by any means tended to the best interests of those that have been in business. This Bill, if passed into law, will afford a new method of collecting small debts. I am afraid that it will be taken advantage of. My hon. friend proposes to reduce the limit to $500, and if books are not kept for a period of three years, then the trader becomes subject to the provisions of the Criminal Code, and is liable to be punished as a criminal. Any merchant who gives credit to a trader who knew so little about business and the way to keep books as to allow him to run into debt to the extent of $500, should be willing to share the risk with the debtor. Certainly if the merchant has reason to believe, and should conclude that the man to whom he is advancing goods on credit has not sufficient education to keep a set of books or to conduct business properly, he should not give him goods on credit. But if he does, then under this measure he has two methods of collecting his account, first, the ordinary method of trying to get the debtor to pay up, and failing that, to subject him to criminal prosecution if he does not pay the debt. That gives creditors a double power over debtors of that class. I admit that there is some reason for the Bill. No doubt men that are not capable of keeping books should not commence business, and in that way subject their creditors to loss of money; but, on the other hand, merchants who give credit to men of that stamp encourage them to go into business for which they are unsuited. They have never learned how to keep a cash account or a debit and credit account of business. Merchants should not credit men of that stamp, but if they do, and they become insolvent and are not able to keep their accounts, this Bill gives the creditors too large a power. The House should carefully consider the provisions of the Bill before passing it.

Hon. Sir MACKENZIE BOWELL—I scarcely think the Bill goes to the extent the hon. gentleman states. The latter part of the clause provides that if the insolvent trader can give a satisfactory account to the court, or judge, and show that the failure to keep books was not the result of a fraudulent intention, he would not come within the purview of this Act. That is clear enough. A person carrying on business of the character indicated by the hon. gentleman from Wellington, would have only to show the court that the absence of keeping such books was not done with the intention of defrauding his creditors, and that moment he would not come within the operations of this Bill. It may be quite true, as the hon. gentleman says, that merchants should not give credit to such people. That is a matter that they may consider themselves, but if they do give credit, there should be some means by which a creditor could be protected against the fraudulent acts of a debtor such as indicated by the hon. gentleman who has introduced this Bill, and the sooner we place something on the statute-book to protect the creditor against fraudulent debtors the better. It does not apply to any one except a trader, and, therefore, the Act, having been on the statute-book in Scotland for so many years, and also a much more stringent law being in force in France, as indicated by the hon. gentleman who proposed this measure, surely the principle is not only applicable to this country, but in the interest of trade generally.

Hon. Mr. MACDONALD (B.C.)—Hear, hear.

Hon. Sir MACKENZIE BOWELL—We have no bankrupt Act upon our statute-books. I think we should have such a law. It would provide means to reach many of this class of debtors; but under the present circumstances, and as there seems to be a disinclination to place a general bankrupt Act upon the statute-book, the hon. gentleman has taken the correct view to meet a great many of the reasons which have induced boards of trade and traders generally to ask for the enactment of such a law, and it having met the general approval of the trading portion of the country, we should be doing an act of justice to creditors by preventing, if possible, fraudulent debtors from cheating those who have placed confidence in them.

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

CRIMINAL CODE AMENDMENT BILL.

SECOND READING.

Hon. Mr. BEIQUE moved the second reading of Bill (S) An Act to amend the Criminal Code, 1892, respecting Free Labour. He said: This Bill may have appeared rather as new legislation to some hon. members of this House, but if we refer to the Criminal Code, it will be seen that the modifications sought to be made by the Bill are not very great. By section 79 of the Criminal Code, it is provided that:

> An unlawful assembly is an assembly of three or more persons who, with intent to carry out any common purpose, assemble in such a manner or so conduct themselves when assembled as to cause persons in the neighbourhood of such assembly to fear, on reasonable grounds, that the assembly so assembled will disturb the peace tumultuously, or will by such assembly needlessly and without any reasonable occasion provoke other persons to distrub the peace tumultuously.

Therefore, we have a provision on our statute-book, in the criminal code, that any assembly of three or more persons, if they give reason to believe that the peace is going to be disturbed, becomes an unlawful assembly. My object in introducing this Bill is to provide for cases in time of strikes. I take it that in times of strikes the conditions are altogether abnormal, and that extraordinary precautions should be taken to preserve the peace. We have had the experience lately, especially in Montreal, during the late strikes, five, ten, fifteen, twenty or more persons assembling and assaulting drivers of teams or conductors of street railway cars, and in such a manner that the police authorities were unable to ascertain who committed the offence. It is perfectly well known that when there is an assembly of fifteen, twenty, or forty people, a stone may be thrown and serious acts of violence may be committed without police officers being able to reach the guilty party. It seems to me that if we were to adopt, to add to the law, as it is sought to be done by this Bill, the simple provisions here submitted, that it would make it easy to reach the guilty parties under such circumstances, and it would be in the interests of trades unions, as well as in the interests of the community at large. It is perfectly well known that at the time of the late strikes in Montreal the public sympathy was strongly, especially on the occasion of the first strike, with the workingmen, but by reason of a certain class of workingmen breaking the peace and committing acts of violence, they lost that sympathy, to their great disadvantage. I am, and have always been of opinion that trades unions are a necessity nowadays, and that they accomplish valuable results, provided they keep within the law—provided they do not commit acts of violence such as occur very often and are perpetrated, not by the better class in these associations, but by people who are of evil character. Therefore, it seems to me that dealing with such abnormal conditions as exist at times of strikes, it would be important that the police authorities should be able to reach assemblies such as are mentioned in the Bill, the moment an act of violence or intimidation is committed. Then, you will notice that the Bill goes on and provides that if a member of the assembly is able to show that he was there merely casually, and without any common purpose with the other members of the assembly, and that he did not commit any act of violence, then the provisions of this measure will not apply.

Hon. Mr. LANDRY—He would always show that.

Hon. Mr. BEIQUE—We cannot expect that they will always be able to show that, and if a law of this kind had been on the statute-book at the time of the strike of the longshoremen, workingmen would not have been gathering at all the corners of the streets and assaulting people who were in the exercise of their rights in driving goods from one place to another. It seems to me we should try and put a stop to that kind of thing and prevent the peace from being disturbed as it is invariably disturbed on such occasions. The Bill contains a further provision in clause 2 which is as follows:

> 2. Paragraph (b) of section 523 of the Criminal Code, 1892, is repealed and the following substituted therefor:—
>
> (b.) intimidates such other person, or his wife or children, by threats of using violence to him, her or any of them, or of injuring his, her or their property, or by the use of insulting or opprobrious language addressed to him, her or any of them; or

This is amending section 523 of the Criminal Code. The addition is a very slight one. The change is merely intended to prevent opprobrious words being used and thereby interfering with free labour. It is under our law a criminal offence to publish a libel. Surely, if it is a criminal offence to publish a libel, it should be a criminal offence also to use insulting words—words that are much worse than a libel, intended to reflect on the character of a man. I am referring to the common expression 'scab' which is applied to non-union men in times of strikes. One knows perfectly well that a party to whom these expressions are addressed feels very much aggrieved as being a reflection on his character. In the interests of peace it should be prevented. Section 523 of the Criminal Code reads as follows :

Every one is guilty of an indictable offence, &c., who wrongfully and without lawful authority, with a view to compel any other person to abstain from doing anything which he has a lawful right to do, or to do anything from which he has a lawful right to abstain,

(a) uses violence to such other person, or his wife or children, or injures his property, or

(b) intimidates such other person or his wife or children, by threats of using violence to him, her, or any of them, or of injuring his or their property ; or

(c) persistently follows such other person about from place to place.

And then there are different other paragraphs. The Bill is intended merely to add a few words to subsection (b) : 'intimidates such person, or his wife or children, by threats of using violence to him, her, or any of them, or of injuring his or their property.

That is the old law. The addition there is, 'or by the use of insulting or opprobious language addressed to him, her, or any of them.' This is the only addition which is sought to be made by this paragraph.

Hon. Mr. LANDRY—I would suggest to the hon. gentleman when we go into committee to extend that a little more and add 'expression,' because if a person uses the word 'scab' it is not language, but an expression. I offer the suggestion.

Hon. Mr. FERGUSON—I fully agree with the hon. gentleman in regard to the second clause of this Bill. I followed his reasons, and I think they are very conclusive and that we should enlarge the scope of that section of the Criminal Code in the way indicated by the Bill which is now before us. The use, for instance, of the word 'scab' by trade unionists and their abettors against the families of non-union workers would come within the scope of this clause. It is a term, I believe, that is very commonly used. It is very offensive, and would be so specially regarded by the wives and families of persons to whom that opprobrious term would be applied, and it is very well to widen the scope of the law so that the use of any such language as that would be indictable under the Criminal Code. But I cannot say that I am so much in agreement with the first amendment, clause one of the Bill. When I read that Bill after my hon. friend had introduced it in the House, I certainly thought it was going very far, and I thought that possibly, when the hon. gentleman would submit his Bill to the House, he would show that this legislation was not going beyond what has been done in other enlightened countries. I have not observed that he has shown us that any legislation going so far as he proposes to do in this Bill has been adopted in any other country. I quite agree with my hon. friend, it is desirable that the law should be made stringent in order to preserve the peace in communities during the progress of strikes, and it is possible that an amendment can be made that will not go quite so far as my hon. friend proposes, that will strengthen the administration of justice under such circumstances. But this clause strikes at the right of public meeting :

If at any time when a strike is in progress three persons or more assemble for any purpose.

It need not be in the immediate vicinity of the trouble ; it might be in a public hall. It might be for a purpose completely removed from the question of labour discussion at all, yet some disorderly or evil-disposed person might enter into that meeting and threaten or commit some unlawful act, and the moment that is done, this assembly shall be held to be an unlawful assembly from the beginning, and not only that, but—

Each person forming part thereof when such unlawful act is done or threat used, shall be deemed to have been, from the beginning, a member of an unlawful assembly, and shall be punishable accordingly (unless punishable as a rioter as hereinafter mentioned) even although such person has not participated in such unlawful act or threat, unless the accused shows to the satisfaction of the court or judge that he formed part of the assembly only casually.

I feel that this provision at the end of the clause is altogether inadequate to relieve an innocent and well-disposed person under the circumstances. He must show that he formed part of that assembly only casually. I can conceive of a case where an assembly might have resulted in disorderly conduct on the part of an individual in such an assembly, and where a well-disposed person would be arrested, or charged as is proposed he shall be charged. where he ought not to be required to show that his attendance there was only casual. His attendance there might have been for a perfectly legitimate purpose. He must show, in the second place, that he had no common purpose with other persons assembled there. I submit it might be possible that a well-disposed and peaceable citizen might not even be able to show that, if arrested at a meeting in a city where a strike is in progress he had not a common purpose with others. I will mention a case to illustrate what I mean. There might be a civic election going on, and a meeting called to choose candidates for municipal positions, and at that meeting a disorder might spring up. The meeting might be called for any purpose, but such a meeting would come under the scope of this Bill.

Hon. Mr. McKAY (Truro)—There would have to be a strike on before it would come under the law.

Hon. Mr. FERGUSON—I am keeping that in mind. I understand this could only happen in a city or town where there was a strike in existence. But surely no one proposes to suspend the right of public meetings in a city or town during the progress of a strike. other things have to go on. A strike may occur in a city and other meetings may be necessary to be held for the good government of the town, and at any of those meetings some such thing may occur as I have pointed out, and a well-disposed citizen who went there for any purpose, might find himself arrested, and he might not be able to show any of those excuses or palliations provided in the Bill, except the last one, and that is that he did not countenance any unlawful act or threat. That would not be sufficient to exonerate him ; he must show he was only casually in the meeting and that he acted without any common purpose with the others who formed that meeting. I have no doubt my hon. friend's object is good, but I think he will see that the Bill as at present drafted is one that would be subversive of British liberty, and would strike at the right of assembling in public meetings at a time when a strike is on in any place. Law and order, and the ordinary business of a city are not to be suspended because a strike is in progress. It might be a very important matter in that town, and we know that if an election were going on, it would be the easiest thing in the world for an evil-minded person to get into a meeting, and produce disorder, which would render any citizen present liable to arrest, and he might not be able to show that he was not doing wrong as defined in the Bill, and he would be brought under the scope and penalties of this Bill.

Hon. Mr. SCOTT—Would it not be well to let the Bill go to the committee ? It would be easy to modify it, and meet the objections which the hon. gentleman has raised. If this clause were amended in this way : if when a strike is in progress, &c., 'three persons in sympathy with the strike.' That would meet one part of it, and it might be improved.

Hon. Mr. McMULLEN—My hon. friend draws an extreme interpretation of the provisions of this Bill. I have no doubt he does so honestly, but to my mind the Bill provides that it is only in case an act of violence or intimidation is committed that it would come within the provision of this Bill. A dozen may assemble if they like, and as long as no act of violence or intimidation is committed, they would be just as free from the operation of this clause as they are now. My hon. friend's object undoubtedly is to deal with those who gather for the purpose of doing violence—throwing stones, or committing offences of that kind. In the recent strike in Toronto, I can well remember, cars were broken, stones were thrown, and there was a mob of four or five hundred people gathered. If this Act had been in force when these people began to gather and the first act of violence was committed, they might have been arrested and the destruction stopped. I quite agree with the hon. Secretary of State that this Bill should go to the committee, and if

there are any suggestions on which a modification of the clause should be made, it can be done, but the provisions here outlined are fair and just and will tend to prevent the destruction of property that takes place when strikes are under way.

Hon. Sir MACKENZIE BOWELL—My hon. friend (Hon. Mr. Ferguson), I understand, does not propose to ask for a division on the second reading. I understand he is quite prepared to vote for sending it to the committee in order to make suggestions, to avoid the difficulties he has pointed out. I must confess I cannot put the construction on this Bill that my hon. friend from Marshfield does. It only applies, so far as I can read it, to acts of violence committed during a strike.

Hon. Mr. TEMPLEMAN—Hear, hear.

Hon. Sir MACKENZIE BOWELL—And it is necessary to have a stringent law in order to meet cases of that kind. Whether the number should be restricted to three, I am not prepared to say, but that we require a provision of this kind in the criminal law, is beyond a doubt when we consider what has taken place recently. Either the officials whose duty it is to maintain peace and order in cities and towns where strikes take place do not wish to perform their duties, or they are afraid that the power of the mob—for such it becomes at the time—will overpower them, and the people who are in business dare not do that which they ought to do in order to protect innocent people. This Bill provides for the punishment of those who commit depredations during the time of a strike. The Bill reads:

> 4. If at any time when a strike is in progress, three persons or more assemble for any purpose, and if, while they are so assembled, any unlawful act of violence or intimidation is committed by one or more of such persons, or any unlawful threat is used by one or more of them, the said assemblage of persons shall be deemed to have been an unlawful assembly from the beginning; and each person forming part thereof when such unlawful act is done or threat used, shall be deemed to have been, from the beginning, a member of an unlawful asembly, and shall be punished accordingly.

Hon. Mr. FERGUSON—That is not what it says.

Hon. Sir MACKENZIE BOWELL—Yes, that is the clause. That is during a strike. We must put in some provision of that kind or they may say they were not there for that purpose, and they might commit depredations. If they commit depredations during a strike or any other time, they should be punished. Then it says: 'While so assembled.' That is for any purpose. They may be assembled and commit any unlawful act, violence or intimidation, in that case they will come within the meaning of this Act. Whether the latter clause is sufficiently broad, or too restrictive, I am not prepared to say. If it does not give sufficient scope, or wide enough margin, if I may use that expression, to enable an innocent man to say 'I was only there by accident,' or 'I went there just to see what was going on,' I should think the hon. gentleman who introduced the measure would be willing to give it that scope. I am fully in accord with the principle of the Bill. Protect an innocent man as far as you like, and if there is any doubt of the protection furnished in this Bill for an innocent spectator, who may be for the time-being among the strikers, let him be protected by all means, but I go the fullest possible length to prevent a repetition of the depredations and the murders that have taken place.

Hon. Mr. McMULLEN—Hear, hear.

Hon. Sir MACKENZIE BOWELL—Otherwise we are not living in a free country. My hon. friend from Marshfield thinks we are not living in a free country if we place this measure on the statute-book. If the past is to be indicative of the future in the matter of strikes, those who dare to differ from the strikers will be in danger of losing their lives, and will be in great jeopardy, and the peace of the country will be destroyed, innocent people injured and property destroyed simply because these people have a quarrel with their employers.

Hon. Mr. BEIQUE—I desire to add one word. I may suggest some amendments to the Bill when it goes to Committee of the Whole. The object of the Bill being understood, we will endeavour to carry it out the best way possible, but I desire to say one word in answer to the statement made by the hon. gentleman from Marshfield, that it is striking at the liberty of the subject, I should like to draw his attention to section 79 of the Criminal Code, to which I have already referred, to show that an as-

sembly of three or more persons becomes an unlawful assembly from the mere fact that it gives those in the neighbourhood reason to believe that there may be a breach of the peace.

Hon. Mr. FERGUSON—If they are assembled for a common purpose, but here we are departing altogether from that, and it says: 'assembled for any purpose.'

Hon. Sir MACKENZIE BOWELL—Well, put it a 'common purpose.'

Hon. Mr. BEIQUE—They may assemble for a common purpose, for a legitimate object, but the moment some of the members of that assembly give reasonable ground to fear that the peace is going to be disturbed, it becomes an unlawful assembly and under section 81 every member of that assembly, whether he is able to show that he happened to be there only casually or not, or whether he is able to show he was not in common accord with them, or whether he is able to show that he did not commit any act of violence or any unlawful act, nevertheless is liable to be punished from the mere fact that he happened to be in the unlawful assembly; and, therefore, it seems to me that that section goes beyond the suggestion embodied in this Bill. But I desire to draw attention to the fact that times of strike should be treated as abnormal times—to certain extent as times of war.

Hon. Mr. FERGUSON—Martial law.

Hon. Mr. BEIQUE—And that more stringent precautions are to be taken to preserve the law. It is well known that in Montreal, conductors of cars were assisted by one, or at times, two policemen, and yet were repeatedly assaulted and beaten almost to death, by assemblies of ten or fifteen persons, and that the police authorities were helpless. Surely we should provide for cases of that kind. The arm of the law should be long enough to reach all guilty parties, and I have in mind, amendments to suggest for the purpose of making this Bill more perfect than it is, but always in the line of the chief object of the Bill.

Hon. Mr. FERGUSON—Might I ask the hon. gentleman if the troubles he has in his mind, and which he is seeking to remedy by this Bill, have generally occurred on the streets?

Hon. Mr. BEIQUE—Oh, yes.

Hon. Mr. FERGUSON—Always?

Hon. Mr. BEIQUE—Yes. The longshoremen's strike lasted three or four days, and there were any number of men on hand to drive teams, all that were required, but the transportation companies would not expose their lives because there were groups of strikers awaiting to assault them.

Hon. Mr. McMULLEN—Hear, hear.

Hon. Mr. BEIQUE—And the only remedy was to call out the troops, and to put either the government or the city of Montreal to an expense of some $18,000, and demoralize the whole country. Surely there should be means of at least trying to prevent such a state of affairs.

Hon. Mr. FERGUSON—In that case would it not be sufficient to make the Bill applicable to assemblies on the street. That would take a great deal of out of the objections which I made to the Bill, if it were so limited. But these things can be considered in committee.

Hon. Mr. DeBOUCHERVILLE—The hon. gentleman did not admit that he would propose certain amendments to the Bill. For my part, I would vote against the second reading as the Bill stands. The first clause reads as follows:

If at any time when a strike is in progress, three persons or more assemble for any purpose, and if, while they are so assembled, any unlawful act of violence or intimidation is committed by one or more of such persons, or any unlawful threat is used by one or more of them, the said assemblage of persons shall be deemed to have been an unlawful assembly from the beginning; and each person forming part thereof when such unlawful act is done or threat used, shall be deemed to have been, from the beginning, a member of an unlawful assembly, and shall be punished accordingly.

Supposing there is a strike going on in the western part of Montreal. Three or four or five people assemble in the eastern portion of the city, perhaps in commercial matters, and a quarrel happens to arise among them; according to this, they will be punished. But, as my hon. friend has said, there may be amendments. I shall vote for the second reading.

Hon. Mr. DAVID—Knowing what has taken place in Montreal, I should be disposed to vote for this Bill, provided some amendment is made to connect the assembly with the strike. Otherwise I think it would be rather a dangerous measure to pass.

Hon. Mr. McHUGH—I have listened to the discussion and I do not think anything has been shown to us which is not already on the Criminal Code as a means of reaching people who are assembled to commit the acts of violence which have been mentioned by the hon. gentleman from Montreal. In looking over this measure, I think it is going a long way when it says 'an assembly of three persons who have assembled for any purpose,' that the onus of showing why they were there is on the accused. If the number is twenty it is all the worse, because one man may commit an offence in that assembly, and the other nineteen may know nothing about it, and they are called upon to prove they were there innocently. I always thought a man was called innocent till proved guilty——

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. McHUGH—But in this case the onus of proof is put upon the accused. The Secretary of State said the Bill might be amended in committee. He also referred to the public sympathy being with the strikers. Very often a large number of people are in sympathy with the strikers when they are conducting themselves in a proper manner, and have a just grievance. The hon. gentleman says that in Montreal they had the sympathy of the people. This measure would deny labour organizations the right to go into their lodge rooms and meet there during a strike. Some men might come in and start a row, and the whole organization would be liable when they might have been there on business in reference to their organization. The first clause of the Bill is uncalled for and should not be placed on the statute-book. The law of the country is amply sufficient, if it is properly enforced, to see that the lives of the people and their property are protected, just as much as if this Bill were passed. The innocent are more liable to suffer under the enactment of this Bill than under the present law.

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

Hon. Mr. DeBOUCHERVILLE.

CUSTOMS ACT AMENDMENT BILL.

SECOND READING POSTPONED.

The Order of the Day being called :

Second reading Bill (174) An Act to amend the Customs Act.—(Hon. Mr. Scott.)

Hon. Mr. SCOTT—The Minister of Customs is particularly anxious this Bill should go through the two Houses before the 30th of June, as it will affect certain payments. The Auditor General is quite satisfied, if the Bill passes the two Houses, to pay without the royal assent. There is not time to discuss it now, and unless the Bill could take two stages to-morrow, we could not put it through before the adjournment.

Hon. Sir MACKENZIE BOWELL—I do not see particularly the object of rushing the Bill in the Senate, as suggested, except it be to enable the Minister of Customs to pay some of these officials that he is preparing to appoint or has appointed. The Bill is not retroactive, and I cannot for the life of me see what object there is in having it rushed through the committee. It is more of a domestic character than anything else, except the appointment of an additional officer and for giving additional powers to the government to reduce the duties upon articles which are imported for manufacturing purposes. That is all. There are no money provisions to this Bill, and I understand fully what the Secretary of State says in reference to the Auditor General. . If there is money to be paid and no appropriation in the estimates of last year, if the Bill passes both Houses of parliament for the payment of money, although it may not have received the sanction of the Governor General, the Auditor General will advance the money on the strength of it being approved by the Governor General afterwards. But I do not see anything in this Bill affecting that.

Hon. Mr. SCOTT—There are a number of officials in the department who did a great deal of night work in connection with the railways, and at present the railways pay them and pay the ferry company men doing night duty, and the department has allowed those men to get a certain amount for extra service. In this Bill it is proposed that the department will assume those liabilities. Whatever extra money the men are entitled to will be paid by the department. At

Windsor or at Montreal, where railways enter ten or twelve times a night, the officer has to attend.

Hon. Sir MACKENZIE BOWELL—What clause is that ?

Hon. Mr. SCOTT—The last clause. It reads as follows :

(t.) For regulating and determining what shall be special custom services for which charges shall be payable to His Majesty on account of the attendance of customs officers on vessels or at wharfs, warehouses, stations, or other places, and the scale or amount of such charges and the conditions attaching to such special services.

An arrangement has been made by which the department will pay them hereafter.

Hon. Sir MACKENZIE BOWELL—But there is nothing in that clause giving power to the government to pay them.

Hon. Mr. SCOTT—Oh, yes.

Hon. Sir MACKENZIE BOWELL—That is only for the purpose of making regulations. Does the hon. gentleman know what that involves ?

Hon. Mr. SCOTT—The latter part of the clause reads as follows :

Provided, that the money received for such charges may be used for payment of the salaries or pay of customs officers for the fiscal year in which the special customs service is performed, notwithstanding anything in any Act.

Hon. Sir MACKENZIE BOWELL—I will not discuss it, but simply say that it cannot bear the interpretation the hon. Secretary of State has placed upon it.

Hon. Mr. SCOTT—The officers ought to know themselves.

Hon. Sir MACKENZIE BOWELL—They don't know. If we propose to do that, it involves an additional expenditure to the country of from fifty to seventy-five thousand dollars a year.

The order was postponed.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, June 26, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (63) An Act respecting the London and Port Stanley Railway Company.—(Hon. Sir John Carling.)

Bill (R) An Act respecting the Midway and Vernon Railway Company.—(Hon. Mr. Macdonald, Victoria.)

Bill (145) An Act respecting the Quebec Bridge Company, and to change its name to the Quebec Bridge and Railway Company.—(Hon. Mr. Casgrain, Windsor, in absence of Hon. Sir Alphonse Pelletier.)

Bill (87) An Act respecting the Vancouver and Coast-Kootenay Railway Company.—(Hon. Mr. Dobson in absence of Hon. Mr. Landerkin.)

Bill (169) An Act to confer on the Commissioner of Patents certain powers for the relief of James S. McDougall.—(Hon. Mr. Kerr, Toronto, in absence of Hon. Mr. Gibson.)

SECOND READING.

Bill (73) An Act to incorporate the Ontario and Quebec Power Company.—(Hon. Mr. Young.)

ANIMAL CONTAGIOUS DISEASES BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (194) An Act respecting infectious or contagious diseases affecting animals. He said : The department in preparing this Bill for the changes that it contains, has, I think, acted very wisely and re-enacted the law, making the changes in the Bill itself instead of making amendments to the Act, as it can be much more intelligently understood by that method. It would be very much better if other departments followed in the same line. The main features are to give to the minister larger powers. It is found often, where infectious or contagious diseases exist, that the process formerly in vogue is rather slow, and therefore this Bill gives to the minister and the inspector more direct powers than were exercised before. If it is the desire of the House, I will go over the various clauses and refer shortly to the changes. Three-fourths of the Act is the same.

Hon. Sir MACKENZIE BOWELL—I would suggest, as the House is so thin, that

the hon. minister should make the explanation when he moves the House in committee. The hon. gentleman from Marshfield (Hon. Mr. Ferguson) takes a very great interest in this matter.

Hon. Mr. SCOTT—There are whole clauses of it not touched at all, and in some clauses only a word is changed, so that practically it will be very much better understood when the House is in committee, if that meets the approval of the House.

Hon. Sir MACKENZIE BOWELL—The explanation could be made when the hon. minister moves the House into Committee of the Whole.

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

CUSTOMS ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (174) An Act to amend the Customs Act.

(In Committee.)

On clause 2, subsection 3,

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman give us some reason why this additional official should be appointed? From my experience, I do not see the necessity for it.

Hon. Mr. SCOTT—The hon. gentleman knows that the receipts from customs have doubled since he had charge of the department, and the increase of work must be in proportion to the increase in the duties. The preferential duty has also given additional work, which requires more assistance. The commissioner felt for a long time that he required an assistant. I think there was one formerly, but the position was done away with.

Hon. Mr. POWER—I was somewhat surprised at the remark made by the leader of the opposition, in view of his long experience as Minister of Customs. During the whole time the hon. gentleman was the head of the department there was an assistant commissioner. The office was abolished only in 1895, and then it was I think on account of some improper conduct on the part of the assistant commissioner of that date. His services were dispensed with, and no one was appointed in his place; but from 1867 to 1895 there was an assistant commissioner.

Hon. Sir MACKENZIE BOWELL—I do not know where the hon. gentleman gets that information.

Hon. Mr. POWER—So the statute says.

Hon. Sir MACKENZIE BOWELL—The party to whom he refers, I have no doubt, was a gentleman who was in the accountant's branch, Mr. Watters. Mr. Watters never was, so far as I have any recollection, an assistant commissioner. There was an assistant commissioner, I remember distinctly, when I took charge of the Customs Department. My memory fails me altogether if one was ever appointed after the promotion of Mr. Parmalee to the commissionership. He was formerly assistant commissioner, and as soon as he became commissioner of customs, taking Mr. Johnson's place, I have no recollection of any one being appointed to that office. More than that, if there was one, I do not know any duties that he performed or could perform, other than that discharged by any accountant. The only reason for it that I can understand is to give promotion to some clerk in the department, and give him the standing of assistant commissioner, with the salary attached to it. The reason given by the Secretary of State is, to my mind, no valid reason, because any ordinary accountant who can calculate the reduction of an invoice by 33⅓ per cent is all that is necessary to give effect to the preference clause.

Hon. Mr. MACDONALD (B.C.)—What is Mr. McDougall's position?

Hon. Sir MACKENZIE BOWELL—He is commissioner under the minister.

Hon. Mr. MACDONALD (B.C.)—I thought Mr. Parmalee was commissioner.

Hon. Sir MACKENZIE BOWELL—Mr. Parmalee went from the Customs to the Trade and Commerce Department, and remains under Sir Richard Cartwright now.

Hon. Mr. POWER—In the revised statutes, passed in 1886, we find there is provision for an assistant commissioner. In 1895, I find the office was abolished by statute.

Hon. Sir MACKENZIE BOWELL—Since the hon. gentleman has raised the question again, if it was abolished in 1895, I know it was not filled before that. If it was abolished in 1895 it must have been because such an officer was not necessary, and nothing has occurred since to make it necessary. When the assistant commissionership was not filled, we had the whole of the tariff that was revised, and what was called the national policy tariff put upon the statute-book, and that involved an immense amount of work. The only difference that is made at present is the 33⅓ per cent reduction under what is called the preferential clause, and that certainly can be no good reason for adding this expense to the department.

The clause was adopted.

On clause 4,

Hon. Mr. SCOTT—This clause is for the purpose of authorizing the minister to employ temporary officers when he needs them. There are two at the same rate as if they were permanent officers, and no more, and within a given time if they prove their fitness for the position they are appointed by Order in Council.

Hon. Sir MACKENZIE BOWELL—If I understand, on reading the debates in the other House, the reason given for the adding of this clause, was this: under the Civil Service Act no one can be appointed as an official in the Customs Department unless he has passed the Civil Service examination for the 1st 2nd and 3rd classes, except in the appointment of a preventive officer, and it was not considered necessary to ask a preventive officer to pass an examination, particularly, as scores of them were appointed, especially in the maritime provinces, and along the frontier, at perhaps, fifty, seventy-five or a hundred dollars a year, and it was considered unnecessary for men who were placed in that position, simply to prevent smuggling, that they should have the qualification of an officer. What I have understood the Minister of Customs to say was, that to appoint a preventive officer, and then place him in another position, that of clerk, or to perform the duties of a locker or landing waiter, was an evasion of the law which was repugnant to a man who had any ideas of right or wrong. Now, he wants the power to appoint anyone. In these two classes of officers to which I have called the attention of the House, without having any qualification at all, and that he can set them at any work he pleases. So that he can appoint a person in the same class to do the work which it is necessary now to have a man who has passed the Civil Service examination, and this gives him power to evade the Civil Service examination to that extent. I should not use the word 'evade,' because that would not be correct, but to do that under this clause, which he could not do under the Civil Service Act without violating the law. The present system of appointing men temporarily can be done now for a certain length of time, providing you get an Order in Council to do it, and you can pay the man for the work he does. This is giving power to set aside the Civil Service Act in that respect, and perhaps this is a more honest way of doing it than to have in every Bill the words 'notwithstanding anything in the Civil Service Act to the contrary.' In looking over the Civil Service appointments, you will find that there is not a single department—yes, I think there is one—which has not violated the law in that respect, and they ask in the estimates which are before the House to-day, for an appropriation to cover the cases where the law has been violated. The Minister of Customs in this clause is asking for that unlimited power. If you want to set aside the Civil Service Act, why do it, for in view of the way it has been administered of late, you had better set it aside altogether. I know my hon. friend threw the taunt across the floor of the House the other day, when discussing this question, 'oh, you did the same thing.' I admit there were certain circumstances where it was necessary, in the appointment of men of superior ability and for special purposes, to insert that clause, but I challenge my hon. friend to produce an estimate where he can find that in every department it was done. However, I shall take an opportunity before the House rises, of placing all these cases before the hon. gentleman and it will be an interesting document.

The clause was adopted.

On clause 5,

Hon. Mr. POWER—With respect to subsection 3 of this clause, I was under the impression there was a provision in the Customs Act that all Orders in Council made since parliament had risen, should be laid on the Table of both Houses within a certain number of days after the meeting of parliament. There does not seem to be any such provision in the Customs Act. I think there ought to be a provision of that kind. These Orders in Council really are, substantially, new laws, and ought to be laid before parliament within fifteen days after the opening of the session.

Hon. Mr. SCOTT—Any Orders in Council are published always in the statutes of the following year.

The clause was adopted.

On clause 6,

Hon. Mr. POWER—I wish to direct the attention of the committee to the second subsection. Section 10 of the Customs Act deals altogether with the currency in which the invoices are made out. It has nothing to do with anything else. The first subsection of the clause before us deals with the currency, as you will see. It inserts certain words with respect to the currency after the word 'imported'; but the second subsection deals with a totally different matter, and it should not appear in the place where it is. As I understand the position, this is probably the result of an oversight on the part of some clerk in the Department of Justice to whom the rough draft of the changes in the Customs Law was handed. This subsection 2 really ought to be appended to section 42 which deals with invoices. But it is calculated to mislead where it is, and I submit to the hon. Secretary of State that it would be better to have this transposed and put under section 42.

Hon. Sir MACKENZIE BOWELL—But it has a much wider significance than that, unless I am very much mistaken.

Hon. Mr. POWER—I am simply speaking of the place where it ought to be.

Hon. Sir MACKENZIE BOWELL—I called attention yesterday to this clause, and I asked the hon. gentleman whether it did not conflict with other provisions of the statute, and he answered 'no, no.' I am quite convinced that he did not consider it fully. I have been consulting one of our colleagues, who is not here just now, who is a lawyer, and he takes the same view of the clause as I do. Even if it does not go to the length that I think it goes, it certainly would create confusion and misapprehension and lead to a great deal of difficulty. I will explain what I mean. The hon. Speaker and the House will notice that it reads this way—that while it deals with the currency it goes further and says:

All such invoices shall faithfully exhibit the transaction between the exporter and the importer, and contain a true and full statement of the actual price payable for the goods.

That is dealing exclusively with the value of the goods which are purchased in a foreign country to be exported to Canada. Then it continues:

Including cartons, cases and coverings of all kinds and all expenses incident to placing the goods in condition, packed ready for shipment to Canada, and no such invoice shall state any discount other than such as has been actually allowed to the importer.

'As has been actually allowed to the importer.' Now, under that clause, could not an importer claim exemption from duty to the extent of any discrimination which might be given him?

Hon. Mr. SCOTT—I think not.

Hon. Sir MACKENZIE BOWELL—If not, then it is useless. If the hon. gentleman will refer to clause 10, of this Bill, and if he will go further, and read sections 61, 64 and 65 and others in the Act, he will find the principle upon which all entries can be made and the principle of the whole law, not only in this country, but in the United States and all countries where they have ad valorem duties, the value of the article for duty shall be the fair market value of that article when sold for consumption in the country where it is purchased for exportation. Now, if an article be purchased in the United States for home consumption, and the purchaser receives ten, fifteen or twenty-five per cent discount from the rates in the invoice, that discount is allowable to the person who purchases for import into Canada. If, however, the person in a foreign country, from whom the goods are purchased, gives to the Canadian purchaser 25 per cent on the article, while he allows

only 15 per cent when sold for home consumption, the additional 10 per cent must be added for duty.

Hon. Mr. SCOTT—There is no doubt about that.

Hon. Sir MACKENZIE BOWELL—This clause says:

No such invoice shall state any discount other than such as has been actually allowed to the importer.

Hon. Mr. SCOTT—It is only information, nothing else.

Hon. Sir MACKENZIE BOWELL—You do not crystallize a principle in a statute for information merely.

Hon. Mr. SCOTT—That has been the practice of the department.

Hon. Sir MACKENZIE BOWELL—No, with all respect to the hon. gentleman, that has not been the practice of the department. If, according to the reading of this clause, the person who imports the article is not permitted to state any other discount than that which is actually allowed, is not the inference plain that he is to be allowed a deduction from the invoice to the extent of the discount allowed? You may depend upon it, in carrying out this law, whatever interpretation may be put upon it by the department, you will find there will be innumerable difficulties and trouble arising, and you will have lawsuits about it on account of large discounts. If it has the meaning that my hon. friend says it has, then it is useless, because the law makes it clear what the value for duty shall be, and if that is the case, there is no necessity of saying he shall not be allowed any larger discount than that which is actually allowed. Of course, you take the responsibility, but I have pointed out the effect which I am satisfied this provision in the law will have, and from a consultation with legal gentlemen, I find that they take the same view that I do. The hon. gentleman says this is put here for information. If you go into any court, they will take the wording of the Act and not the intention.

Hon. Mr. SCOTT—But if the Act is very clear in subsequent clauses of it.

Hon. Sir MACKENZIE BOWELL—If this does not override it, then it is useless.

Hon. Mr. POWER—The point to which I directed attention is that this clause, which we are now considering ought to be an independent clause, and should be added to section 42, which deals with invoices.

Hon. Mr. SCOTT—Those who prepared the Bill have taken a great deal of care in drafting it.

Hon. Mr. POWER—My hon. friend is continually using that argument when we criticise these Bills.

Hon. Mr. SCOTT—I will continue to use it while I am in parliament.

Hon. Mr. POWER—If one critises a departmental Bill, the hon. gentleman tells us that the clerk who drew that Bill knew more about what is needed than the members of parliament.

Hon. Mr. SCOTT—I am perfectly safe in saying so.

Hon. Mr. POWER—The hon. minister may think so, but it does not follow that the hon. gentleman is right. He is not infallible.

Hon. Mr. SCOTT—I am not infallible, but I believe much more in the ability of those who prepare the Acts to express what they mean than of any hon. gentleman here.

Hon. Mr. POWER—I consulted the deputy commissioner of customs about this clause, and he recognized that it was not in the right place, so the hon. gentleman sees he has not only my authority, but the deputy commissioner's.

Hon. Mr. SCOTT—If the commissioner desires the change, I am quite willing, but not otherwise.

Hon. Mr. POWER—What is the purpose of bringing a measure before parliament if the minister in charge says 'I will not under any circumstances accept an amendment'?

Hon. Mr. SCOTT—Where it is a matter of principle, I am willing always to accept an amendment; but where it is only a rearrangement of a statute—when a statute has been carefully prepared by the department after weeks and weeks of careful study—I think it is untimely and unseasonable for a gentleman, who may not be familiar with it, to get up and propose changes.

Hon. Mr. POWER—As I have stated, the deputy commissioner admitted this sub-

section was not in the right place, and he said the drafting of the Bill was not their work—that they had sent the information to the Department of Justice. In all probability, the person who is extolled so by the Secretary of State, was one of the clerks in the Department of Justice.

Hon. Mr. SCOTT—As the hon. gentleman has given the authority of the deputy commissioner, I have no objection to make the change.

Hon. Sir MACKENZIE BOWELL—I am sorry to see the hon. Secretary of State take the position he has done. If his view is correct, all we have to do is to accept the crude productions that come from the department, and we are of no use. He might as well abolish parliament altogether. He might as well say to the clerks of the department prepare your Bills as you like and you shall have them. I differ entirely from the doctrine laid down by my hon. friend. There are some members of parliament just as capable of judging of the character of this clause and of this Act, as Mr. McDougal or Mr. Paterson, or anybody else, and I shall not surrender my right, as a member of this House to criticise a Bill, no matter who may bring it forward, even if it is the distinguished gentleman who occupies the position of Secretary of State. We stand here upon an equal footing. Those Bills are brought to us to criticise and amend. There is no politics in this. The Minister of Customs, I have no doubt, desires to make this Bill as effective as possible for the protection of the revenue. He could not have any other reason, and I take exception also to the hon. gentleman's statement that this is a mere technical objection that I have taken to this clause. It is not technical. The hon. the Speaker has very justly pointed out that the clause should be placed in another position in the Act so that when you are dealing with this question you will have one thing concurrent with another dealing with the same subject. That is only common sense, notwithstanding the law clerk of the department. This other clause, I am convinced, will have the effect I have pointed out to my hon. friend. It is not a question of information; it is a question of law you have to deal with, and which you will find we have to deal with.

Hon. Mr. POWER.

Hon. Mr. SCOTT—I made no comment on the hon. gentleman's criticism. It was the suggestion of the hon. Speaker that this clause should be placed anywhere else. It did not seem to me a fair ground to take, unless he gave the authority on which he spoke, because we all know that these Bills are prepared with great care and unless there is very strong reason for it, one does not wish to see them disturbed. So far as the criticism of the leader of the opposition is concerned, I am always very glad to hear from him, because he speaks from long experience of the Act as Minister of Customs, and no other member in this chamber can speak with such authority on the subject.

Hon. Sir MACKENZIE BOWELL—I should like to ask the Secretary of State to place the interpretation on this clause, and also on the other clause to which I have called attention, before the Minister of Justice, and see if it is likely to lead to what I say. If it is found it does not, I have no further objection to make.

Hon. Mr. SCOTT—Well, we can hold over that clause and the other to which the hon. gentleman objected.

The clause was allowed to stand.

On clause 7,

Hon. Mr. SCOTT—There is nothing new in this clause.

Hon. Sir MACKENZIE BOWELL—Oh, yes, there is. If under the law as it now stands on the statute-book, a piece of cloth, for instance, is composed of three or four articles in its manufacture, the rate of duty on the whole article must be placed on the material which bears the highest duty. I think this proposition is more equitable than the old law, though more difficult to carry out. Take a piece of west of England broadcloth, and you will find in the selvege, silk threads which become part of the manufacture. If the silk bears a higher duty than the cloth does, then the silk duty must be exacted.

Hon. Mr. SCOTT—The law as it stood was practically the same.

Hon. Mr. POWER—I would ask the leader of the opposition if he thinks that the meaning of this new clause is perfectly clear.

15. On any article not enumerated, manufactured of two or more materials, the duty shall be assessed at the highest rate at which it would be chargeable if the article were composed wholly of the component material thereof of chief value, having regard to the condition of the component materials as found in the article.

I think it would puzzle the ordinary lawyer to make out just what that means.

Hon. Sir MACKENZIE BOWELL—The interpretation I should put on that is, if an article is manufactured of, say, three materials, and one of the three has greater value than the others, then the value for duty must be applied to that article.

Hon. Mr. POWER—I think that is what the intention is. I was not satisfied that it was made as clear as it might be.

The clause was adopted.

On clause 11,

Hon. Sir MACKENZIE BOWELL—This clause has, as I indicated yesterday, a restrictive and expansive character. The present law provides that the amount allowed for damage to any goods must not exceed 50 per cent on certain classes of goods. This clause changes the law so that an importer cannot claim any rebate unless the amount of loss is in excess of twenty-five per cent, so there is nothing allowed for loss under twenty-five per cent, but if it reaches twenty-five per cent then you can pay for the loss to the extent of seventy-five per cent. That is really the working of it. They get no allowance for any deterioration of goods, or injury to goods, under twenty-five per cent, and all over twenty-five per cent they get.

The CHAIRMAN—It was fifty before.

Hon. Sir MACKENZIE BOWELL—If it were two or three or four per cent, you get no allowance, but after it got over 50 per cent, although it might reach 99, you could not get the other 49. Under this clause, a man may lose 24½ per cent and gets nothing, but after it reaches 25, it goes up to 100.

Hon. Mr. POWER—I think there is another object in this clause, that it assimilates the sheet-iron, which is the only thing dealt with in section 52, with other articles which are mentioned in section 55, of the Customs Act. If the hon. gentleman will look at section 55, he will see that the object is to put sheet-iron on the same footing as the other articles mentioned there.

Hon. Sir MACKENZIE BOWELL—This amends section 52 only.

Hon. Mr. POWER—It puts the articles mentioned in section 52 on exactly the same footing as the articles mentioned in section 55.

Hon. Sir MACKENZIE BOWELL—I cannot possibly see that it applies to section 55, because section 55 deals with another class of goods altogether, crockery, china, glassware, &c.

Hon. Mr. SCOTT—It puts them in the same position as those coming under section 55. That is the explanation given by the department, at all events. It is a further concession to importers in regard to damaged goods, being the same provision as in section 55.

Hon. Sir MACKENZIE BOWELL—How can that apply to that clause at all ?

Hon. Mr. SCOTT—By reading section 55, the hon. gentleman will see that it applies. It brings it up to the same standard.

The clause was adopted.

On clause 12,

Hon. Mr. SCOTT—This is a new clause.

Hon. Sir MACKENZIE BOWELL—It goes to the extent of allowing the damage, if it is a loss by accidental fire, or while in transportation, which was not in the old section. It extends the right of the importer to have a refund in case the goods were lost by fire or other casualties, when they are in transport, which was not included in the other one. There is no objection to it.

The clause was adopted.

On clause 14,

Hon. Sir MACKENZIE BOWELL—I have not had time to give this practical consideration, but I think it is an improvement on the old law. Medicinal or toilet preparations are the most difficult articles of importation with which the Customs Department has to deal, and for that reason I think this power should be given to the department. Whether it will work out practically or not, I cannot say.

The clause was adopted.

On clause 15,

Hon. Mr. SCOTT—That clause is transferred from the Tariff Act. It is more for the purpose of a reference.

Hon. Mr. POWER—I do not rise to make a technical objection, or suggest a change in the language, but I wish to make a protest against the absolute power which is given to the Department of Customs. These are regulations with respect to molasses and syrup and things of that kind, and the quantities imported are generally large and the cargoes are of great value. The provision in the clause reads :

> And the decision of any officer, to whom is so assigned the testing of such articles, as to the duties to which they are subject under the tariff, shall be final and conclusive, unless, upon appeal to the commissioner of customs within thirty days from the rendering of such decision, such decision is, with the approval of the Minister of Customs, changed ; and the decision of the commissioner of customs with such approval shall be final.

I think in cases where very large amounts are involved, dealing with cargoes of molasses, for instance, that there should be an appeal to the Governor in Council, or to some court.

Hon. Mr. SCOTT—I think there is a general appeal.

Hon. Sir MACKENZIE BOWELL—I think there is.

Hon. Mr. POWER—This clause says that, when approved by the minister the decision of the comissioner is final. I think that is pretty hard. We had one case in Halifax where I always felt that the importer had a very serious grievance, and he could not get any remedy from the officers or from the minister. There should be a chance to go beyond the minister, who is naturally disposed to back up his own officers.

Hon. Sir MACKENZIE BOWELL—I have a vivid recollection of the case to which my hon. friend refers. I had the very great pleasure and privilege of being pestered for hours and hours in my room over that case. I gave it a very great deal of attention, and while I have no doubt that the importer himself was quite innocent of any intention of doing wrong, the facts were against him —not only the facts, but the actions of near relatives, and those who had the making of the entries. That there was wrong—I do not use the word 'fraud' in that case—but I am quite clear that there was a wrong committed. I do not object to giving this power to the minister. I know what the difficulties are in this case.

The clause was adopted.

On clause 16,

Hon. Sir MACKENZIE BOWELL—This is a good clause, and is intended to meet this kind of fraud. Representatives in this country of a manufacturing industry in Germany purchase goods from the manufacturer at the cost of manufacturing them, and sell with a slight advance upon the manufacturing price in that country. They will call them their own goods, and sell them. This gives power to prevent that.

The clause was adopted.

On clause 18,

Hon. Mr. SCOTT—I explained the other day that there are, all along the frontier of this country, from Windsor to the maritime provinces, customs officers who have been paid for extra duty at night and on Sunday. They have been paid from that channel—the transportation companies—for being up at night and for extra work out of ordinary office hours, and it is proposed now, that the department shall assume that charge and pay them, except in some special cases where the amounts may be considerable. For instance, a railway crossing the frontier, take from Niagara to Montreal, passing perhaps at midnight, the officer has to be present at the frontier. That officer may have been on duty all day. It is only fair and proper, if he is up till that hour of the night, that he should be paid something extra for attending.

Hon. Mr. POWER—He is paid extra now.

Hon. Mr. SCOTT—By the railway companies, and it is now proposed that the department shall pay him.

Hon. Mr. JONES—It is proposed that the department make the collections, and out of the collections pay the officers. They have larger control than before.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—Is that the intention ? That is not the explanation given by the hon. Secretary of State.

Hon. Mr. JONES—I think that is the intention.

Hon. Sir MACKENZIE BOWELL—I understand the Secretary of State's explanation to be that it is to relieve the steamboat owners, and all railway companies from paying for the services of men who work after hours ?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—In the city of Montreal, the customs officials have to be on duty at all hours of the night—not all hours of the night, but at the arrival of trains from the United States, in order to prevent the smuggling which might otherwise go on. The examination of the passengers' baggage, or any goods that might be brought in surreptitiously by porters and others, and to see that all dutiable goods are placed in bond. The railways pay for that extra work. The steamboats in different ports, in Montreal in particular, when the Allan liners or any of the steamers arrive, desire to have their freight unloaded as rapidly as possible, and consequently they have customs officials watching the dutiable goods all night, and they pay so much to the department, or direct to the officer himself. That involves an extra charge. If the effect of the clause is what has been pointed out by the hon. Secretary of State, it involved an extra expenditure out of the revenues of from fifty to seventy-five thousand dollars a year.

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—The question came up before the late government when I was administering the department, and there was a feeling in favour of the principle which evidently has been accepted and adopted by the present government, that is, if the interpretation put upon it by the hon Secretary of State is correct ; but when I pointed out the amount that would be involved in making this change the question was dropped, and it was dropped for the reason that if these vessel owners and others required services at other than the legal hours, they should pay for them, and not the country, because it is done for their benefit. At Niagara I adopted this principle, I compelled the railway officials of the Michigan Central and the Grand Trunk and all those that crossed from one side to the other to pay an extra charge, which was paid to the government, and then the government paid these officials for overwork, and in order that they should not be overworked night and day, we put on additional men to do the night work and paid them out of the moneys which were paid by the railway company.

Hon. Mr. JONES—That is exactly what is proposed under this clause.

Hon. Mr. SCOTT—The railways paid the men directly under the old arrangement.

Hon. Mr. JONES—Yes, that has been the rule always.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is half right and half wrong. If he had paid attention to what I said, he would not have interrupted. I said that was the principle, but that at Niagara I adopted a different principle, and made the money payable to the department, and that we paid the officers. There are Canadian officials in St. Paul, at Tacoma, Seattle, and wherever the connections are made, where the goods are sent in bond through the United States to British Columbia, or any British port on the Pacific, there are officers at the points that I have indicated who superintend the transference from the bonded railway car to the vessel. Then they are locked up and put in bond until they get to Vancouver or some place in British Columbia. All that money is paid by the railways, the Grand Trunk, the Canadian Pacific Railway, the Michigan Central, and others that carry goods that way direct, the government keeping control of the officers by paying them. So that the hon. gentleman is not right altogether when he says the other principle is involved. When I read this clause I put the same interpretation upon it as the hon. gentleman from Toronto, that the government would charge the railway and the steamboat owners for the services rendered after hours.

Hon. Mr. JONES—Is that not what is provided in the clause ?

Hon. Sir MACKENZIE BOWELL—The hon.. gentleman says not.

Hon. Mr. JONES—Read the clause.

Hon. Sir MACKENZIE BOWELL—I have read the clause. If the hon. gentle-

man from Toronto will read Mr. Paterson's explanation in the Lower House, he will find he gives the same interpretation precisely as the hon. Secretary of State, so that they agree. Whatever the clause means, they agree that the government is incurring an expenditure for the benefit exclusively of the railways and the steamboat owners.

Hon. Mr. POWER—When I first read the clause, I took the same view as the hon. leader of the opposition, and the hon. Secretary of State, but after reading it over two or three times I attached the same meaning to it which was given by the hon. gentleman from Toronto (Hon. Mr. Jones).

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is mistaken. I did not give that interpretation to it. I agreed with the hon. gentleman, but I am taking the interpretation of the two ministers.

Hon. Mr. POWER—Probably the Minister of Customs means to make the change, but if so I do not think the language of this clause is going to effect his object. The Governor in Council may make regulations :

(t.) For regulating and determining what shall be special customs services for which charges shall be payable to His Majesty on account of the attendance of customs officers on vessels or at wharfs, warehouses, stations, or other places, and the scale or amount of such charges and the conditions attaching to such special services.

There is no statement there who is to pay them. The charges are to be paid by the importers.

Hon. Mr. JONES—By the transportation company.

Hon. Mr. POWER—Then it goes on to provide :

Provided, that the money received for such charges may be used for payment of the salaries or pay of customs officers for the fiscal year in which the special customs service is performed, notwithstanding anything in any Act.

I read the clause over two or three times, and attached the same meaning to it as is placed on it by the hon. gentleman from Toronto. As to the principle of it, if any body is to pay, it should be the transportation company. This country has done a great deal for transportation companies, particularly railway companies, and gets very little in return, and I think the least these companies can do is to pay for arrangements which are made for their convenience.

Hon. Mr. JONES—The section is very clear, and I understand to some extent how it is. As the leader of the opposition has pointed out, in the past the transportation company required to get an officer on their own account to do the services necessary to enable them to transact their business promptly, and the question of remuneration rested between the transportation company and the official.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. JONES—Yes.

Hon. Sir MACKENZIE BOWELL—I beg the hon. gentleman's pardon.

Hon. Mr. JONES—I know in certain cases it was done. The official was not obliged to do this service after hours, unless he was specially paid for those services by the transportation company. The government propose now, through the department, to take charge of these services, and they make the charge, let it be great or small. As between them and the transportation companies, the department makes the charge and the money is to be paid directly to the department, and then the department pays the officers such sums as they deem advisable. In that regard, I think the proposed system is an improvement, and is likely to bring about better service, and the remuneration will be more carefully looked into and regulated than under the system which, to some extent at all events, has prevailed in the past.

Hon. Sir MACKENZIE BOWELL—I quite agree with the interpretation the hon. gentleman has put upon it. I do not know what the practice has been the last five years, but I know when I was at the head of the department the remuneration paid to the different officers for the work was concurred in by the department, and the department would indicate to the railway officials and the steamboat officials how much they should pay. Sometimes they would get $10 a month extra ; sometimes $20, sometimes $30, in accordance with the work they did ; but it always came before the department when I had anything to do with it.

Hon. Mr. SCOTT—The hon. gentleman is perfectly correct, as to the practice which has prevailed up to the present time. I know that myself, from having occasionally acted for the Minister of Customs. I sent myself to Mr. McDougall to get his opinion of it, He writes:

Section 18. (t.) In the past charges received for extra services of customs officers have been paid by the parties accommodated, and such amounts were not deposited to the credit of the Receiver General but were deposited to the credit of the collector of customs, and he paid the officers who performed the extra services. Now the government propose to relieve the railways and steamship companies from this extra charge by paying the officers for over-time themselves where necessary. Charges will still be made for special services rendered by customs officers in particular cases, such as attending customs warehouses, &c., and in some cases for services of officers on Sunday. The money received for such services to be available to pay the officers, although deposited to the credit of the Receiver General.

Hon. Sir MACKENZIE BOWELL—It is just a difference in book-keeping.

Hon. Mr. SCOTT—The point I have not been able to make up his mind to is, are they going to charge a bulk sum to the railways and steamships, or go into detail. I am inclined to think they are going to divide the cost, from what I understand of it, and reading Mr. McDougall's opinion would carry out that conclusion—that they will make a fixed charge and pay the officers.

Hon. Mr. JONES—It is a matter of routine in the office.

Hon. Mr. SCOTT—Altogether.

Hon. Sir MACKENZIE BOWELL—The opinion the hon. gentleman has read, carries out the interpretation we put upon the clause. The only difference is the government will say directly to the railway companies, if you want this man for a certain purpose, you have to pay him a certain sum a month extra. But he pays that to the collector, who pays it to the Receiver General, and the government pays the officer. That is not at all the explanation the hon. gentleman gave which led to this discussion.

Hon. Mr. JONES—It places the officer under the control of his department absolutely.

The clause was adopted.

On subsection u,

(u.) For reducing the duty on any or all articles, whether natural products or products of manufactures, used as materials in Canadian manufactures; and any such materials specified in such Order in Council shall be subject to such reduced duty of customs and no other for the time and under the conditions therein provided.

Hon. Mr. SCOTT—Section 245 authorizes articles to be put on the free list. It is held that this clause would not cover a reduction of duty, and the changes made to enable the duty to be reduced instead of totally repealed. The clause only extends to goods to be used for Canadian manufactures.

Hon. Sir MACKENZIE BOWELL—The question is whether this power should be given to the Governor in Council to reduce the duty on any article. If we adopt this, I think the suggestion made by the Speaker ought certainly to be carried out. My recollection now is—I am speaking subject to correction—that where an article has been put upon the free list it remains on the free list until the meeting of parliament, and this would be much less objectionable if there were a few words added to the bottom of this clause where it says 'for reducing the duty on any or all articles whether natural products or products of manufacturers, &c.' That is they might say for six months—they might say for five years, or they might say until a change made by parliament; but it seems to me it would be an improvement if my hon. friend would accept it, by adding 'such reduction in duties shall have full force and effect until the meeting of parliament.' That would leave parliament to judge, when it meets, of the propriety of the Act which had been performed under the authority of this clause. My own view was this, that where you placed an article on the free list to-day for a special purpose, we have the power, as the law stands, providing it goes into the manufacture of another article, to put it on the free list. In this clause it goes further. It permits the government to reduce the duty so that if the manufacturer wants an article to complete the goods he is manufacturing, even if it is a manufacture in itself, they can reduce the duty. Now, should that power be placed in the hands of any government longer than the time which intervenes between the time the order is passed by the Treasury Board and the meeting of parliament? I do not think it ought; other-

wise you are divesting parliament of the right to say what the duty upon any article shall be.

Hon. Mr. SCOTT—Is the hon. gentleman quite certain that where you place an article on the free list you must at the next session of parliament introduce an Act confirming it ?

Hon. Sir MACKENZIE BOWELL—That is my recollection.

Hon. Mr. JONES—I do not think that is the law now. Are not all Orders in Council brought down so that members of the House at the meeting of parliament would know what the Orders in Council were ? In that way they would be made aware of an order of this kind at each session.

Hon. Sir MACKENZIE BOWELL—They are, provided there is a clause in the law compelling the department to do it. In every case you will find Orders in Council for advancing money must be laid before parliament within fifteen days after the meeting of parliament, but I do not think there is anything of the kind in the Customs Act—at least I have no recollection of it at present. Look at subsection 'm' of section 245 of the Act : It says, one of the powers is for granting drawback. Now, that would cover this clause it seems to me.

Hon. Mr. JONES—I do not think it would.

Hon. Sir MACKENZIE BOWELL—For granting a drawback for the whole or part of the duty on an article imported to be used in Canadian manufacture. Now, this relieves the government of the trouble of giving the drawback by passing an Order in Council to say that the duty on an article shall be ten per cent instead of thirty-five per cent.

Hon. Mr. JONES—It does a good deal more than that. It prevents the necessity of a man paying a large sum for duty and lying out of the money for a long time before he gets it back, probably not knowing that he will have a refund until the price of the article may be changed and he may be seriously inconvenienced. This will enable him to know, when it is in combination with an article of which it is a component part, what the cost of the manufactured article will be, and in that way will be of value to an importer as well as a convenience to the department.

Hon. Mr. SCOTT—This clause is intended as an amendment to 'l.'

Hon. Mr. POWER—If the government have the power to remit the duty altogether it is reasonable to give them power to reduce it, and I cannot see that this in itself is open to objection.

Hon. Sir MACKENZIE BOWELL—The great objection I have to it is from my protectionist principles against admitting anything free into the country that is a completely manufactured article in itself.

Hon. Mr. JONES—This ought to meet the hon. gentleman's views exactly, because heretofore the government could take all the duty off and make no report. Now, if they take off part of it they must report it to parliament. That would be the view of the free trader I should think.

Hon. Sir MACKENZIE BOWELL—This clause says any articles of natural product.

The clause was adopted.

On clause 6,

Hon. Sir MACKENZIE BOWELL—All I ask the hon. gentleman to do with this clause is that he should consult with the Minister of Justice, and if his interpretation is the same as the hon. gentleman's, let it stand as it is. I do not wish to delay the passing of the Bill.

The clause was adopted.

Hon. Mr. FULFORD, from the committee, reported the Bill without amendment.

SECOND READINGS.

(Bill 96) An Act respecting the Kettle River Valley Railway Company.—(Hon. Mr. Watson.)

(Bill 122) An Act respecting the Rathbun Company.—(Hon. Mr. Kerr, Cobourg.)

(Bill 68) An Act to incorporate the Lumberman's Fire Insurance Company.—(Hon. Mr. McHugh.)

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, July 7, 1903.

The SPEAKER took the Chair at Eight o'clock.

Prayers and routine proceedings.

NEW SENATOR.

Hon. HENRY JOSEPH CLORAN was introduced and took his seat.

BILLS INTRODUCED.

Bill (46) An Act respecting the Kingston and Pembroke Railway Company.—(Hon. Mr. Macdonald, B.C., in absence of Hon. Mr. Sullivan.)

Bill (99) An Act respecting the Canada Central Railway Company.—(Hon. Mr. Templeman.)

Bill (81) An Act respecting the Brandon and South-western Railway Company.—(Hon. Mr. Young.)

Bill (131) An Act to incorporate the Marconi Wireless Telegraph Company, of Canada, Limited.—(Hon. Mr. Dandurand.)

Bill (150) An Act to incorporate the Columbia River Improvement Company, Limited.—(Hon. Mr. Watson.)

Bill (156) An Act to incorporate the Montreal and Longueuil Bridge Company.—(Hon. Mr. Beique.)

Bill (161) An Act to confer on the commissioner of patents certain powers for the relief of the Woolf Valve Gear Company.—(Hon. Mr. Lauderkin, in the absence of Hon. Mr. Edwards.)

Bill (165) An Act to incorporate the Algonquin Lumber and Power Company, Limited.—(Hon. Mr. McHugh.)

Bill (178) An Act respecting the encouragement of the construction of dry docks.—(Hon. Mr. Scott.)

Bill (184) An Act to amend the Patent Act.—(Hon. Mr. Scott.)

Bill (201) An Act to provide for further advances to the Harbour Commissioners of Montreal.—(Hon. Mr. Scott.)

Bill (207) An Act to prohibit the importation, manufacture or sale of adulterated, process or renovated butter, oleomargarine, butterine or other substitute for butter, and to prevent the improper marking of butter.—(Hon. Mr. Scott.)

Bill (209) An Act respecting certain aid for the extension of the Canadian Northern Railway.—(Hon. Mr. Scott.)

SETTLEMENT OF RAILWAY LABOUR DISPUTES BILL.

COMMONS' AMENDMENTS CONSIDERED.

A message was received from the House of Commons to return Bill (17) An Act to aid in the settlement of Railway Labour Disputes, and to acquaint the Senate that the Commons agreed to the first, second and fifth amendment to the Bill, amending the third and fourth amendments.

Hon. Mr. SCOTT—I presume the House will not insist upon the amendments they made with reference to the power conferred upon the chairman to summon witnesses. Then, as to the other proposition that they have dissented from, which was the subject of discussion here—that is, the payment of witnesses—they have differed from us and propose to leave that matter to the board. I move that this House do not insist on the amendments which we made to the Bill.

The motion was agreed to.

Hon. Mr. SCOTT moved that the House do not insist on the fifth amendment.

Hon. Sir MACKENZIE BOWELL—I think it would be well to consider those amendments to-morrow or the next day, for the reason that in the hurried manner in which they are read, it is impossible to fully understand the reasons given. I do not see any objection to the first amendment, and there may not be to the second, but perhaps the hon. gentleman would postpone the consideration of the amendments until to-morrow.

Hon. Mr. SCOTT—Then I move that the portion of the message which deals with the fifth amendment be taken into consideration to-morrow.

Motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, July 7, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

LUMBERMAN'S FIRE INSURANCE COMPANY BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. DRUMMOND, from the Committee on Banking and Commerce, reported Bill (68) An Act to incorporate the Lumberman's Fire Insurance Company, recommending that the Bill be passed. He said: The note appended to the report of the committee deals with the fact that the promoters of the Bill failed to give the necessary notices in some of the provinces. Considering, however, that the Bill was an ordinary insurance Bill, presenting no new features, the committee, upon the whole returned the Bill to the House with the hope that it would be permitted to follow the usual course, and would be passed.

Hon. Mr. FERGUSON—In connection with that, I might remark that the report of the Standing Order Committee with regard to this Bill seemed to me to be at least very unusual. They recommend that the rule be suspended, and recommend further that the Committee on Banking and Commerce, to whom the Bill was referred, should see that no interest is affected, as much as to say that they might pass the Bill and throw the responsibility on some other committee. It seems to me that the duty of the Standing Orders Committee was to recommend that the rules be suspended, or that they should not be suspended, and not to throw any responsibility on any other committee.

Hon. Mr. MACDONALD (B.C.)—The responsibility must rest somewhere. The committee make the report and ask the House to guard the interests of the public.

Hon. Mr. FERGUSON—But it is the other committee should do that.

Hon. Mr. MACDONALD (B.C.)—We recommend that the rule be suspended and give the reasons for suspending the rule, and ask the House to guard the interests of the public.

Hon. Sir MACKENZIE BOWELL—In my view we are altogether too lax in the enforcement of the rules of the House. This concession was made on the grounds intimated by the Chairman, that no particular interest would be jeopardized by passing the Bill, but if we adopt that plan in all matters affecting the rules of the House, we might just as well abolish the rules altogether. If there is any force in the rule which requires the advertising in every province in which the enterprise is to be carried on, then the parties failing to advertise should suffer the consequences. If it be not necessary to advertise in all the provinces, and only in one, then we had better repeal the rules of the House at once. In this particular instance, no interest would be jeopardized, unless it might be local insurance companies that wanted to restrict—if they do want to restrict—the introduction of other companies. But the committee did not think that of sufficient importance. If the rule provides for certain things being done, should the committee set that rule aside in order to allow a Bill to go through? My own impression is they ought not.

Hon. Mr. DANDURAND—If the committee is given any discretion, why not exercise it under certain circumstances? A case came under my notice this session where the Standing Orders Committee ordered that a Bill should be advertised throughout all the provinces. That was done. I heard from the promoter that it has cost him $150, an expenditure which is absolutely useless, because it is an industrial company, doing business in Montreal, asking the right to sell goods throughout the land, or perhaps to appoint agents in all the provinces. It was absolutely a useless expenditure of $150. The company was simply asking power in the future to invade the other provinces with its wares, and it seems to me if the committee has discretion to exercise, it should exercise it one way or the other as each case calls for.

Hon. Sir MACKENZIE BOWELL—That is a very good argument in favour of repealing the rule.

Hon. Mr. DANDURAND—Or modifying it.

Hon. Sir MACKENZIE BOWELL—Or modifying it. It is no argument for violating the rule.

Hon. Mr. BEIQUE—As a member of the committee, it is my duty to attend all the meetings and I am in a position to testify to this, that the committee have discharged their duty to the best of their ability. The committee has to apply a rule of this honourable House which is different from that of the House of Commons. Notice is required in all the provinces, whereas in the House of Commons this is not exacted, and as a consequence a great number of Bills come before the Committee on Standing Orders when there has been no compliance with that rule of our House. The committee has, I will not say invariably, but generally insisted on the rule being complied with in spirit, if not absolutely to the letter, and exacted from the parties evidence that failure to comply with the rule was an oversight or error on their part and have suspended a number of Bills in order that the notices might be given, so that I believe the committee is not open to much criticism in that respect. I deem it my duty to give these explanations in the absence of the Chairman of the Committee on Standing Orders. The committee has felt also that action was being taken in the direction of harmonizing the rule of this honourable House with that of the House of Commons, and pending that, some leniency might be shown, especially when no injury would be done to any one by the action of the committee. That is the reason why the committee has recommended in several instances to suspend the rule when the spirit of the rule was complied with.

Hon. Mr. FERGUSON—I did not criticise the recommendation of the committee to suspend the rule. What I did criticise was their recommendation that some other committee should make an investigation. I think the committee did perfectly right to recommend the suspension of the rule. That is a matter for the House, but where I thought the committee had made a mistake, not a very serious one, was in making a recommendation for some other committee, as if they had some doubt as to the scope of their own powers.

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Hon. Mr. McHUGH moved that the Bill be read the third time to-morrow.

The motion was agreed to.

THE MISSION OF JOSEPH EDMOND ROY.

INQUIRY.

Hon. Mr. BOLDUC, in the absence of Hon. Mr. Landry—inquired :

Has Mr. Joseph Edmond Roy, of the town of Lévis, notary, received from the government any mission whatsoever which explains his present journey to Europe, or which relates thereto, directly or indirectly ?

What is the nature of this mission ?

In such case, what is the salary paid, or the indemnity promised, and are the travelling expenses of this gentleman comprised in either the one or the other ?

Hon. Mr. SCOTT—I can find out nothing about Mr. Joseph Roy, nor of his journey to Europe.

INSPECTOR OF WORKS AT THE HARBOUR OF QUEBEC.

INQUIRY.

Hon. Mr. BOLDUC—in the absence of Hon. Mr. Landry—inquired :

Who has been appointed inspector of the works at the harbour of Quebec, and especially of the works for which Mr. Etienne Dussault, of Lévis, has just obtained the contract, and what is the name of such inspector ?

Hon. Mr. SCOTT—I think I answered that question some days ago. Paul Mercier is the inspector of harbour works at Qeubec.

SALE OF LAND TO THE SASKATCHEWAN VALLEY LAND COMPANY.

Hon. Mr. SCOTT—The hon. gentleman from Wolseley put a question on the Notice paper for the 23rd June, asking for information about some sale of lands by the government to the Saskatchewan Valley Land Company, or any other company in the North-west Territories. I suggested that the inquiry would not be sufficient to bring down the papers. I now bring down the papers under which the land in the neighbourhood of the Qu'Appelle and Long Lake Railway Company were sold to a syndicate. I suppose that is the sale to which he had reference, two hundred thousand acres.

IMPERIAL AGENCY BILL.

IN COMMITTEE.

Hon. Mr. OWENS moved the third reading of Bill (71) An Act to incorporate the Imperial Agency, as amended.

Hon. Mr. KERR (Toronto) moved in amendment:

That the said Bill be not now read a third time, but that it be referred to a Committee of the Whole House, to consider the following amendments to the said Bill:—

1. That the fifth clause be amended by striking out the words 'twenty-five per cent thereon has been.'

2. That the eighth clause, subsection (c), be amended by striking out the word 'railways.'

3. That the eighth clause, subsection (c), be amended by striking out the words after the word 'contractors' on page 3, line 30.

4. That adding the following clauses:

9. The moneys and securities of such person or corporation for whom this company acts shall always be kept distinct from those of the company and in separate accounts, and so marked in the books of the company for each such person or corporation as always to be distinguished from any other in the registers and other books of account kept by the company, so that at no time shall such moneys and securities form part of or be mixed with the general assets of the company, and such moneys and securities shall not be liable for the debts and obligations of the company.

5. '10. No parcel of land or interest therein at any time acquired by the company and not required for its actual use and occupation, or held by the company or by any trustee on its behalf for a longer period, shall be held by the company or by any such trustee for a longer period than seven years after the acquisition thereof, but shall be absolutely sold and disposed of so that the company shall no longer retain any interest therein unless by way of security, and any such parcel of land or any interest therein not within the exceptions hereinafter mentioned, which has been held by the company for a longer period than seven years without being disposed of, shall be forfeited to His Majesty, provided that the Governor in Council may extend the said period from time to time not exceeding in the whole twelve years; and further provided that no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing to the company of the intention of His Majesty to claim such forfeiture; and it shall be the duty of the company to give the Minister of Finance and Receiver General, when required, a full and correct statement of all lands, at the date of such statement, held by the company or in trust for the company, and subject to these provisions.

6. '11. Section 45 of "The Loan Companies Act, Canada, 1899," shall apply to the company.

7. '12. The company shall not act as agent or attorney or otherwise carry on business until it has obtained from the Minister of Finance a certificate permitting it to do so, and no application for such certificate shall be made and no certificate shall be given until the board of directors has been elected, as provided in section 5, and until it has been shown to the satisfaction of the Minister of Finance and Receiver General that the provisions of the said section have been complied with, and no such certificate shall be given unless application therefor be duly made within one year after the passing of this Act.'

He said—I do not know how far it may be necessary to discuss all the proposed amendments, because I think probably some of them will be concurred in by the promoters. The Bill is a peculiar one altogether. It appears to me it is not one which should be passed by parliament. If it is what it purports to be—and I have no doubt it is correct—it is one which should be incorporated under the General Joint Stock Company's Act, and it is a matter for the consideration of parliament whether they will entertain Bills of a commercial character, whether such companies should not be incorporated under the provisions of the General Joint Stock Companies Act. But if they are passed by parliament as special Acts it appears to me that the safeguards which are thrown around the management and control of companies of this description by the general Acts should be introduced in the Bill. The serious point about this is that by the clause which is supposed to be amended, under the heading of the second amendment which I have indicated in the notice of motion, it really is a Bill to operate a railway company—first to make advances, and secondly, to enter into possession of, and thirdly, to operate railways, and that without the safeguards which are introduced by the company being incorporated under the Railway Act. That is a perfectly apparent proposition. I will take clause 8 first, because that is the important one, and the one to which I think attention should be called, although it is not first in point of order in the amendments. If we deal with this clause first, there will not be much difficulty in dealing with the other one. Clause 8 reads as follows:

The company may—

(a.) act generally as agent or attorney for the transaction of business, receiving or collecting any principal, interest, rents, coupons, mortgages, debts, dividends, debentures, bills, notes and securities or evidences of debt or demand of any nature, and in the purchase or sale of any real or personal property, and generally in all matters in the nature of a general agency;

(b.) act as agents for the purpose of issuing, countersigning, registering or otherwise ascertaining and certifying to the genuineness of certificates of stock, bonds, debentures or other obligations or securities for money of any government, municipal or other corporate body or society duly authorized to issue and make the

same, and act generally as fiscal or other agent for such government, society or corporate body ;

(c.) make loans or advances to companies authorized to construct railways, tramways, electric light or power plants, water-works, docks, warehouses and other works, or to the contractors for any of the said works ; issue, sell or make loans or advances upon any of the securities of the said companies, or any of them, or of the said contractors, and otherwise assist the said companies or contractors; and in case of default by any of the said companies or contractors in the repayment of the said loans or advances, or the failure to carry out any contracts or agreements by the said companies or contractors, the company may, under the authority granted to the said companies or contractors, continue, complete and operate the said works in the name of any of the said companies or contractors, or in the name of the company, on such terms and conditions as may be agreed upon with the said companies or contractors.

An amendment was introduced which was intended to get rid of the trouble in case of railways, which amendment reads as follows :

In case of a railway or any section of a railway, the provisions of sections 278, 279 and 280 of the Railway Act shall apply.

What would be done in this case would be that a railway company entering into a contract with contractors, the contractors, on building the road, would become entitled to all the stock and bonds the company would issue. By that contract, the contractor having the power to take possession of the road and manage it in the name of the company, because he becomes the owner of the shares, could contract with this company, not as an agency company, but as a company, making advances to him, by which this company could acquire the rights of the contractor, and become entitled to all the shares and bonds of the company, and so on in case of default, could enter into possession, and as contractors, or as acquiring the title under contractors, own and operate a railway company. That, it seems to me, is an express provision in this Bill providing for the operation of a railway by a company professing to be an agency company, which has invested money, loaned money for themselves or other people to contractors, for the building of a road—the contractors making default, the agency company operates the railway. If it is the intention of parliament to give that authority, I have nothing more to say about it, but it seems to me it is a most objectionable form of enabling people to do so who are not authorized as a railway company to build or operate a railway. Then the provisions of the Railway Act that would govern persons in that capacity operating the road under the contractors' contract do not apply. Those restrictions are not introduced here, and freed from all those conditions and restrictions which the Railway Act impose, they can go on and operate the railway. The attempt made to cure that to some extent, by introducing the three sections of the Railway Act, does not, to my mind, afford that protection. It will be seen that the only sections which are introduced are sections 278, 279 and 280 of the Railway Act, and these apply to the cases of mortgagees, but this company will be in a different position from a mortgagee. They will be in a position to operate this road in the name of the company under this Act, and therefore not being mortgagees, these sections would not apply to it, and the declaration that they are to apply to it, in the absence of words which are not apt—in other words, so as to re-enact the sections into this Bill—would create confusion. Discussing this matter to-day will the hon. senator who has charge of the Bill, I felt sorry that the Bill had not been considered in this way in committee, and that these matters were not before the Railway Committee for that purpose, because it is a more convenient way of discussing it than in the House, but the bald proposition I am presenting here, is that the word 'railway' should be struck out so that this company cannot, through making advances to contractors constructing roads, acquire the rights of contractors to operate the road, and so be free from the restrictions imposed by the Railway Act. That is the proposition in the important amendment. The first amendment in point of order on the paper, is aiming at the amount of money. Here we have a company with a capital of $200,000 undertaking all this. It can commence business on a subscription for $100,000 and twenty-five per cent thereof paid up. It appears to me it is getting down to very small business for parliament to authorize all this to be done on such a capitalization as that, and I propose to strike out those words and require that the whole $100,000 should be paid up. It has been suggested that perhaps a com-

promise as to that amount might be arrived at by making the amount $50,000. I am not going into that one way or the other, because that is a matter of opinion as to what is the right amount; I think that we will all agree that $25,000 is a totally inadequate amount to be acquired as paid up, in view of the pretensions of this company, to undertake to operate large works to the extent proposed. But the objection I have is to the introduction of the word 'railway' here, and therefore the second ground of the amendment is that the word 'railways' should be struck out, and I suppose I should be in order to move that amendment now. I presume they had better be considered separately, as they are distinct propositions.

The motion was agreed to.

The House resolved itself into a Committee of the Whole on the Bill.

(In the Committee.)

Hon. Mr. KERR moved that the fifth clause be amended as follows: By striking out the words 'twenty-five per cent thereon has been.'

Hon. Mr. OWENS—The hon. gentleman has taken the ground that the Bill is an exceptional one. The Bill as it appeared before the committee was purely an agency Bill. When the Bill was introduced in the House of Commons it was also a trust Bill as well as an agency Bill. It was then fully discussed before the Finance Committee and the legal gentlemen connected with it advised at the time that the trust clause be dropped and the promoters of the Bill acquiesced, so that when the Bill came before the committee of the House of Commons, all the trust clauses connected with the Bill were dropped, and it was purely an agency Bill. The matter was discussed very fully before the committee of the House of Commons and the amendments suggested there were adopted. It came then before the Senate Committee on Banking and Commerce, and was discussed fully two hours. There also the promoters of the Bill acquiesced in the suggestions which were made. The question was raised in reference to railways, that in instances where they advance their money to railway companies, and the companies default, that the company advancing the money was obliged to take over the railway so as to secure their money, they were given power under the Bill to complete and operate the railway until they could be refunded their money. To meet the conditions of the Railway Act, the law clerk of the House of Commons, whose opinion I am sure hon. gentlemen have great respect for, and the solicitor of the company were instructed to draw up amendments covering that, so as to bring it under the Railway Act, and the amendments to-day provide that the provision of section 278, 279 and 280 of the Railway Act shall apply, bringing the Bill under the Railway Act. The hon. gentleman from Toronto, who has taken the objection, did not take that view of it. He took the ground that those sections could not apply to the Bill. To be fully posted in the matter, I conferred with other legal gentlemen in the House. I also went over to the Finance Committee and the chief of the Finance Department took it up with their law officer, Mr. Fitzgerald. He went over the question and he fully agreed with the law officer of the Senate that these amendments brought it under the Railway Act. Therefore, I think that should remove the objections which have been raised against the Bill this afternoon. Now in reference to this first proposed amendment, in which it is sought to increase the stock of the company, in the Bill it is provided that as soon as $100,000 is subscribed and 25 per cent paid on it, they can appoint directors to go on with the work. Although that is as much as is required under the Act, I am prepared to accept the suggestion of the mover of the amendment and strike out the word 'twenty-five' and substitute 'fifty' per cent. Is that the suggestion of the hon. gentleman that we compromise on that amount?

Hon. Mr. KERR (Toronto)—As far as I am concerned, I am quite willing to accept that.

Hon. Mr. McMULLEN—I really think that we should very carefully consider the passage of Bills of this kind. I have no desire to throw any obstacle in the way of my hon. friend's Bill, but I object to authorizing a company with this very limited capital to do so many things, and giving the prestige that an Act of this Dominion will give them in the public estimation, while at the bottom of all of it there is only some

twenty-five or fifty thousand dollars at stake to protect the public who do business with the company. In my humble opinion, the least capital we should have consented to would be $400,000, and at least $200,000 paid up in cash. There has been too much legislation, both in the local House and in the Dominion parliament, giving an important status to companies that are based upon very little in the way of capital, and I think we should call a halt. We have been getting lessons in Ontario recently, very serious ones, and the Dominion would do well to carefully consider all legislation that has for its basis but a very limited flimsy amount of capital. If people come here asking to be incorporated as a company, going out to the world with the prestige of a Dominion Act which supposes them to be in a position to do business with the world, we should see that the company is at least upon a substantial financial basis, so that the public will be safe in doing business with them. In asking for the passage of this Bill with a mere $25,000 paid up capital, I commend most heartily the action of the hon. gentleman from Toronto for the stand he has taken. I am not a lawyer. I am not supposed to judge measures of this kind as well as lawyers and others who are brought into touch almost every day of the year with companies of very limited financial ability, where people are perhaps from time to time called upon to suffer the consequences of their limited ability, still I think the hon. gentleman has taken a step in the right direction, and we should hesitate in placing companies in a position of this kind unless they have a substantial basis on which the public can rest if they do business with them at all.

Hon. Mr. THIBAUDEAU (de la Vallière)—As originally drafted and presented in the House of Commons, the Bill stated the capital of the company was $500,000 with power to increase to $5,000,000. It was reduced to $100,000, but that was not our fault. The Bill has been through two committees. It was considered by the Finance Committee of the House of Commons and limited and amended in every way, and I do not think it is right to offer these amendments now at this stage. Every member had an opportunity, before this stage of the Bill, to offer amendments. I think the hon. gentleman should not ask so much of the promoters.

Hon. Mr. McMULLEN—The hon. gentleman must remember this is not the House of Commons. Bills come up before us, and we have a right to deal with them as we find them, no matter how they may filter through the House of Commons, where, I acknowledge, they are considered by very intelligent men. Nevertheless we are supposed to do our duty to the public.

Hon. Sir MACKENZIE BOWELL—The remarks of the hon. gentleman from Wellington will, I think, commend themselves to every member of the House who takes an interest in legislation of this vital character. It seems to me, however, there is some misapprehension about this Bill. I studied it to-day for some little time. Until then I thought it was of a totally different character from what it really is. The amendment proposed by the hon. gentleman from Toronto would be applicable and should be included in the Bill if it were a loan company or a trust company. If I understand it, the intention of the promoters was originally to make it both, but the House of Commons decided to cut down all its powers to that of a simple agency, and, in looking through the whole of the clauses, I see nothing more in them than a simple Bill to incorporate an agency company with power to do certain things. The first amendment proposed is to increase the deposit before they can commence to do business. That has been accepted by the promoter of the Bill by doubling it and making it $50,000. The objection is in reference to railways. If I understand the Bill it simply makes this provision: it gives certain powers to this company—for what purpose? For the purpose of loaning money, and then it lays down the principle as to how they could secure a repayment of that money. There is a great deal of force, however, in the interpretation given to the clause relating to the operating of the railway. If the Bill were passed as it is before us it would enable the company to operate the railway for all time to come, and become de facto a railway company, unless there was a provision to compel them to surrender the railway to the parties to whom they had loaned their money as soon as they had been recouped. It seems to

me that difficulty might be met by making a provision at the end of the railway clauses declaring the length of time the road may be operated by the parties who had loaned the money, and that would be until they were recouped the amount they had advanced. I speak subject to correction, but if I understand the clause, it enables the company to advance money for certain purposes, and one of these purposes is for the construction of railways. When a company has constructed a railway partially and fails to complete it, then this Imperial Agency Company having advanced a certain amount of money to carry on the work to the extent of which the company fails to continue it, they could go on and complete it. Then they say that this company shall have the privilege of operating that railway until they get their money back. Whether the wording of the clause is not wider than they intended, I am not prepared to say, hence when we come to that clause, instead of taking the drastic measure the hon. gentleman proposes, I would suggest to add 'and in the case of a railway or any section of the railway the provisions of section 278, 279 and 280 of the Railway Act shall apply.' That would bring them within the operation of the Railway Act, and if it were necessary to go further and compel them to surrender the railway after they got the money advanced paid back to them, I do not see why the House should object to it. I may state further, as stated by the hon. gentleman who has just spoken and the promoter of the Bill that the clauses which my hon. friend from Toronto is desirous of adding to this Bill were in the original Bill, and in their wisdom the Committee of the House of Commons struck them out. There was also a clause in the original Bill declaring that any properties acquired under the provisions of this Bill should be sold, bringing it within the provision of the Loan Companies Act, within seven years, and then, on application, in case they could not sell, the market being depressed or for any other reason, they could apply to the Minister of Finance, who could extend the time for twelve years. The House of Commons in its wisdom struck that out also, and in the amendment which the Banking Committee of the Senate struck out was that very important paragraph 'd' in clause seven, which authorized the company to delegate their powers to a committee. The question arose when that was under consideration—it was brought to the notice of the committee by my hon. friend from Westmoreland—as to whether that would not relieve the directors of the company of all the responsibility which devolves upon them under the provisions of this Act. After considering the question, the law clerk gave it as his opinion that the objection raised by the hon. member from Westmoreland was correct and that it had full force. Then the committee struck it out.

Hon. Mr. OWENS—The promoters acquiesced.

Hon. Sir MACKENZIE BOWELL—Yes, they acquiesced because they said they did not intend to divest themselves of the power. I would suggest to the Senate that while we want to guard the interests of the public to the fullest possible extent, there is no use hampering this Bill with provisions which are not necessary to protect the parties. It is simply placing the company in the position of an individual who has money to loan and he takes such security as he thinks will secure him the repayment of that loan. That is all that has to be done. It goes further and says if they advance money on certain securities they shall have the right to take possession of the road until they get their money back. That is the interpretation I put upon it, and after a good deal of consultation with the lawyer who had this matter in charge, and with the promoter of the Bill, I found that is the interpretation they placed upon it. If that be correct, is there any necessity for reinserting in this Bill clauses which the committee in the House of Commons has struck out? Would it not be virtually sending it back to the House of Commons for them to repeat what they have done? Though I say that, I am fully in accord with the utterances of the hon. gentleman from Wellington. We have to consider these matters upon their merits, as we, the Senate, think are in the interests of the community, irrespective altogether of what the House of Commons may have done. If I am wrong in my interpretation of the Bill, I shall be very glad to be set right.

Hon. Mr. KERR (Toronto)—Two things are in evidence here: In the first place, the promoters of this Bill applied for legislation of an entirely different character from that which is now before this House. They applied apparently, from what I have heard to-day, for incorporation as a trust company, and properly introduced all the safeguards relating to a trust company. They appear before us now as an agency company, asking for no trust powers at all—an agency company with a capital authorized of $200,000, $25,000 to be paid up before they commence—not merely organize,—but commence doing business, and asking for authority not only to make advances, but to act for others who may make advances, which means borrowed money in another form, trust money under another name.

Hon. Sir MACKENZIE BOWELL—Loaned money it says.

Hon. Mr. KERR (Toronto)—They ask to act as agents for people. They could loan your money to a railway and operate the road.

Hon. Sir MACKENZIE BOWELL—Yes, if I trust them.

Hon. Mr. KERR (Toronto)—I am glad the hon. gentleman put in that qualification. So far as this company is concerned, it may be unfortunate for them, but we are called upon to deal with a Bill which is entirely different from the Bill which the promoters asked it should be. Where they were proposing to begin business with a respectable paid up capital of $500,000, we have it cut down by some means to $25,000—to do what? They ask authority from parliament to say that with a paid up capital of $25,000 they may operate a railway. Now that is the first proposition. Of course, if the House thinks that is a right and reasonable thing to do, they may so decide, but it is my duty to call attention to it.

Hon. Mr. OWENS—The first amendment is accepted.

Hon. Mr. KERR (Toronto)—I am only pointing out the changes in the Bill as it came before us, and what made it so striking to me that I considered it was out of place here altogether. There is no question about this, that under the clause which we are now considering the company may not only make advances of loans to companies, but they can do so for other people as agents. Under subsection 'c' of clause 8, the company may

> Make loans or advances to companies authorized to construct railways.

Just deal with that alone. Leave the other matters out for the present, and they may 'assist' contractors, and advance these moneys to contractors, 'and otherwise assist the companies or contractors.' Then in case of default by contractors, they may, under the authority granted to the said companies or contractors, enter upon the roads which the contractors have, and may do what? 'Complete and operate' a railway.

Hon. Sir MACKENZIE BOWELL—That is in case of failure to pay.

Hon. Mr. KERR (Toronto)—Yes, I am assuming the case we are dealing with. Therefore there is authority here for a company with $25,000 or $50,000 of paid up capital, and an authorized capital of $200,000, to make advances to contractors, which may be their own moneys or the moneys of other people whom they may be acting for, and then, in default of the contractors to repay them, may operate the railway, and there is no limit to the time they are to operate the railway. Then it has been suggested that the addition of these words 'and in the case of a railway or any section of a railway, the provisions of sections 278, 279 and 280 of the Railway Act shall apply'—that that will cure the matter. It will be seen by reading the sections that they do not apply to it, or cure it at all, because they apply to the case of a sale by the mortgagees, and they apply to the case of a purchaser. Section 278 reads as follows:

> If at any time any railway or any section of any railway is sold——

This road is not going to be sold. It is going to be operated by this company. The statute gives that express authority to do so. There is no provision in the Bill before us under which they may go on and sell. They may hold under a contract which is not before you, a contract entered into between the contractors and the railway company, a contract which it is not intended should be seen by anybody but the contractors and the agency company. They

may hold under the terms, therefore, of a contract authorized by this Bill which is not before you, and the terms of which you have no opportunity of criticising or considering, and there is no limit to the time they can operate. Then there is no provision that they can go on and sell, and unless there is some provision in the contract of the contractors for that purpose, there would be no provision for the sale at all, and there is no obligation that they shall go on and sell. Therefore they will not sell, we will assume, but they will operate as the statute says they may. Then the words of the statute, section 278, would seem not to apply. That section reads :

If at any time any railway is sold——

This is not going to be sold. It proceeds :

—sold under the provisions of any deed of mortgage thereof.

There is no deed of mortgage.

Hon. Sir MACKENZIE BOWELL—The remarks of the hon. gentleman suggested a question to my mind. His argument was that the company was originally to carry on all the enormous works, and business to which he has referred with a paid up capital of 25 per cent. That is to be increased only to 50 per cent, and the objection will be just as strong to the 50 per cent as to the other, because they could only lend of their own money to the extent of their paid up capital, but if an individual thinks proper to entrust them with $500,000 to carry on an enterprise such as he has intimated, they are only giving the power to this company to do that which they would have the right to do themselves. It is almost analogous to the case of a person dying and appointing a trust company as his executor. The trust company would have to do with that estate what an executor would have to do. This company would have to do for the person who had advanced the money precisely that which he might do himself. It would be only a question as to the trust company with the individual's money, it would not be their own capital they would be investing at all. I suppose that is pertinent to the question before us.

Hon. Mr. KERR (Toronto)—It will be seen that the agency powers which are given are of the widest character, and there is no limitation as to the terms on which they may receive the money, so that although the money might be partly their own money and partly some one else's entrusted to them, yet the terms on which that might be done, might be of the most unlimited character, it might be money for the advancement of railway building.

Hon. Sir MACKENZIE BOWELL—That would be a question between the persons who loaned the money and the agency.

Hon. Mr. KERR (Toronto)—That would be quite right as between those two, but as to that, ample capital should be provided, but when it comes down to a question as between themselves and some person who is behind them who has entrusted them with money, are they to be permitted to operate a road and do it without limitation ? That is the second point. If the word 'railways' is struck out, I have no further objection to their carrying on the business of a building or construction company, but the 'railway' provisions are the most serious, and it seems to me that it is a very serious proposition to say, that under the name of a company with a capital like this, we will allow persons to employ an unlimited amount of capital, to operate a company continuously and permanently, under the provisions of a measure like this as a special Act, which entirely overrides the Railway Act, for, as I have just pointed out, the sections of the Railway Act do not apply to the case at all. There is no provision in this that the railway must be sold.

Hon. Sir MACKENZIE BOWELL—We can make it apply.

Hon. Mr. KERR (Toronto)—If the Railway Committee had wanted to do that, they could have done it, but the matter is before the House now. Those provisions apply to the case of a sale of a railway under the provisions of a mortgage, and in the absence of anything of that kind in this Bill, the words are absolutely inapt. They do not apply, under the provisions of the Railway Act the person who is to operate will be the purchaser of the railway. But these are not going to be purchasers. They are going to be agents for the lenders, or agents for themselves who in this underhand way desire to operate a railway. I think the only thing to do is to strike out the word 'railways' or refer the matter back

to the Railway Committee. I move that the first amendment be adopted.

The motion was agreed to.

Hon. Mr. KERR (Toronto)—I move that the second amendment of which I have given notice be adopted.

Hon. Mr. OWENS—The hon. mover of the amendment is laying stress upon the fact that, even now, only $50,000 of capital is required to be paid up. That is to enable the company to commence business, and that would be commencing business as an agency company. The Bill provides that the company may increase its capital to one million dollars. Clause 3 reads as follows :

> The company may increase its capital to one million dollars by successive issues of two hundred thousand dollars at a time, after each previous issue of two hundred thousand dollars has been fully subscribed and paid up in cash ; but the stock shall not be increased until a resolution of the board of directors authorizing such increase has been submitted to and confirmed by two-thirds in value of the shareholders present or represented by proxy at a special general meeting of the shareholders duly called for that purpose.

Once this company undertake to advance money to contractors, either for a railway or for any other purpose of any importance, they must increase their capital, which they are permitted to do to the extent of one million dollars; and again, remember that it is their own private funds, not trust funds. The hon. gentleman suggests that they may use their own funds or trust funds. They have no power under the Bill to acquire any trust funds. They cannot borrow one dollar and cannot accept a deposit of one dollar, and consequently it is the company's own private money they are using for that purpose, and for that reason we fail to see why they should be restricted to too great an extent, when it is their own capital. They are only asking under this Bill to do what any private individual can do with his own money, so that in no sense of the word is it a trust company. There is no authorization to borrow, or to accept a deposit of one dollar. In reference to the railways, that matter is certainly covered by the amendment passed in the committee which reads as follows :

> In case of a railway, or any section of a railway, the provisions of the sections 278, 279 and 280, of the Railway Act shall apply.

It is not stated there whether that road would be sold by the sheriff, whether it would be sold by private sale or go into the hands of the company in any other way for the advances that they make upon it, but it does state positively that those clauses of the Railway Act shall apply and shall apply as though the road had been sold, and notwithstanding the high legal opinion of the hon. gentleman who moved the amendment, we have the authority not only, as I said before, of the law clerk of the Senate, but of the law clerks of the other different departments, who have certainly had as much to do in railway matters as the hon. senator from Toronto, and they have given their opinions since his opinion has been known ; and after all the light which has been thrown upon it by the hon. gentleman, they state still that it is fully covered by that amendment. Therefore, when we have authority of that kind, the Senate should not hesitate to pass this clause, as it positively brings the company, once that company takes possession of the road, under all the conditions of the Railway Act. Therefore, I trust that the amendment may not be concurred in.

Hon. Mr. SCOTT—The hon. gentleman has failed to point out any precedent for this legislation. He cannot show that parliament has ever given similar powers to any company to carry out a proposition such as is embraced in this omnibus Bill. As was made very clear by the hon. gentleman from Toronto, the Railway Act does not affect or include cases of this kind. It assumes there that the only course by which a railway could go into liquidation would be by the mortgagees foreclosing. That is the only plan adopted under the Railway Act. It is perfectly unheard of that any agency company, by the advance of money to contractors should take possession of a railway. We are practically giving to these gentlemen a railway charter without knowing how that charter is to be exercised, in what area, under what condition or circumstances. I am quite sure the attention of parliament—and I have very good authority for knowing that—has not been called to this particular point. The hon. gentleman, who usually notes what is going on in the other House, assures me that it escaped the attention there of those who give attention to these subjects, and I think the House will be

only doing its duty to adopt the amendment and strike out the word 'railway.'

Hon. Sir MACKENZIE BOWELL—Would not a clause of this kind meet the views of the hon. gentleman :

And the operation of said works.

That would apply to any works which might fall into their hands. Or it might read in this way :

To continue until the advances are repaid.

Or we might make it read thus :—

Or until such time as the advances have been repaid by the earnings of the work, or the sale of the property.

Hon. Mr. SCOTT—That is too elaborate altogether.

Hon. Mr. KERR (Toronto)—In the first place, the probability is that the moneys would never be repaid.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is induced to advance that argument, I suppose, because of the precedent we have in the case of the Intercolonial Railway.

Hon. Mr. KERR (Toronto)—A great many railways.

Hon. Sir MACKENZIE BOWELL—However, the compliment paid to the Minister of Railways by the Secretary of State must certainly be appreciated by him, that he would allow a Bill of this kind to pass through the House without comment.

Hon. Mr. SCOTT—I did not name the Minister of Railways.

Hon. Sir MACKENZIE BOWELL—I know that, but it applies to him, because he has this particular branch under control and it was his duty to look after it.

Hon. Mr. KERR (Toronto)—Probably the Minister of Railways would be the last person to see this Bill. It would have gone to the Committee on Banking and Commerce, being a trust company, and it would not go to the Railway Committee at all.

Hon. Mr. MACDONALD (B.C.)—Supposing we strike out the word 'railway,' then could the company lend money to a railway on mortgage ?

Hon. Mr. SCOTT—No, it could not, not under this Act.

The motion was agreed to.

Hon. Mr. KERR (Toronto)—I move that the 8th clause be amended by striking out the words after the word 'contractors' on page 3, line 10.

Hon. Mr. OWENS—Subsection (c) of clause 8 reads as follows :

(c.) make loans or advances to companies authorized to construct railways, tramways, electric light or power plant, water-works, docks, warehouses and other works, or to the contractors for any of the said works ; issue, sell or make loans or advances upon any of the securities of the said companies, or any of them, or of the said contractors, and otherwise assist the said companies or contractors.

Then you strike out that portion which would enable them to come in and secure their money. The remainder of the clause reads as follows :

And in case of default by any of the said companies or contractors in the repayment of the said loans or advances, or the failure to carry out any contracts or agreements by the said companies or contractors, the company may, under the authority granted to the said companies or contractors, continue, complete and operate the said works in the name of any of the said companies or contractors, or in the name of the company, on such terms and conditions as may be agreed upon with the said companies or contractors.

They make all the advances, and after the failure of the company to carry out the work, you would take from them that portion which enables them to go on and finish up the work to secure the money. The work would be less valuable in that incomplete shape, and they could not realize upon it, and what we wish to give to the company is the power to build those works so as to be able to realize on them. Under this proposed amendment you would take away that authority from them, and I am sure hon. gentlemen will see that it would be acting very unfairly.

Hon. Mr. KERR (Toronto)—Of course at the time I drew the amendment I was dealing with the matter as we have the clause now. If it will suit the promoters of the Bill to accept the clause, so far as I am concerned, this would meet my views, if the word 'operate' were struck out, and also the words which were added respecting the case of a railway which of course would be necessary in consequence of striking out the word 'railway' before.

Hon. Mr. OWENS—When the 'railways' were struck out, it took away naturally that portion from it and you would have no

objection certainly to the company operating other works—for instance, water-works.

Hon. Mr. KERR (Toronto)—The words which are added incorporating three sections of the Railway Act should go out now.

Hon. Mr. OWENS—Certainly.

Hon. Mr. KERR (Toronto)—Now the question is whether it is reasonable that an agency company should be allowed to go on and complete a contract for work in respect to which they have made advances and go on and operate it. Look at the character of the business it can carry on. Would you, in other words, incorporate a company to do these things which are grouped in the Bill, even with the word 'railways' out? Would you incorporate a company to construct and operate tramways, electric light or power plant, water-works, docks, warehouses and other works? Is it the practice of parliament to authorize a company to have all these different powers? Now, my objection to the word 'operate' is, that it is the word under which all these different businesses might be carried on. This agency company would develop into a company to operate electric light plant, water-works, docks, warehouses and other works as much as they like. Now if the words 'and other works' were struck out and the word 'operate' were struck out, the Bill would be less objectionable to my judgment.

Hon. Sir MACKENZIE BOWELL—What would be the practical effect of carrying out the suggestion made by the hon. gentleman? Supposing this company advanced money for the construction of an elevator, and that the parties who induced this agency company to invest their money for that purpose, failed to complete the work, what would be the position of the parties who advanced the money if the agents could not collect it unless they sued and sold the property?

Hon. Mr. KERR (Toronto)—If they were advancing their own money, or the money of friends for the purpose of aiding the contractors or others to build a warehouse or an elevator, then they could have their claim for the money—they could have their mortgage upon it and enforce their security and sell the property, but they could not carry on the business of warehousemen at the same time. It is a principle of legislation, as I have always understood it, that each company incorporated by parliament must be clothed with power to transact one kind of business, not an 'omnibus' business.

Hon. Mr. OWENS—With the word 'railways' and the railway clause struck out, I do not see why the hon. gentleman should object to the word 'operate.' We may define and qualify it by saying, until such time as the advances are refunded but take the case of an elevator or water-works. The works may be completed, but in order to give them value they must be put in operation to enable the company to realize their money upon them. You may qualify the word 'operating' if you will, but I still hold, and I think the House will agree with me, that there can be no injustice done, now that the word 'railways' is struck out, by leaving the word 'operate,' and qualifying it by adding 'until the moneys advanced are refunded.'

Hon. Mr. KERR (Toronto)—The only amendment I can move is to strike out all the words after the word 'contractors.' That is the nature of my motion. If the hon. gentleman had accepted my suggestion, it would have answered the purpose, which is to strike out the words 'and other works' and strike out the word 'operate.' The only amendment I can move is the one of which I have given notice.

Hon. Mr. OWENS—I accept the suggestion of the hon. gentleman, and therefore I beg to move that clause 'c' be amended by striking out the word 'railways' and the amendment that was made to it in committee in reference to railways. Is that accepted?

Hon. Mr. KERR (Toronto)—Yes, that is satisfactory.

The CHAIRMAN—Subsection 'c' will read as follows:

(c.) make loans or advances to companies authorized to construct tramways, electric light or power plants, water-works, docks and warehouses, or to the contractors for any of the said works; issue, sell or make loans or advances upon any of the securities of the said companies, or any of them, or of the said contractors and otherwise assist the said companies or contractors; and in case of default by

any of the said companies or contractors in the repayment of the said loans or advances, or the failure to carry out any contracts or agreements by the said companies or contractors, the company may, under the authority granted to the said companies or contractors, continue and complete the said works in the name of any of the said companies or contractors, or in the name of the company, on such terms and conditions as may be agreed upon with the said companies or contractors.

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

Hon. Mr. KERR (Toronto)—I now beg to move the addition to clause 9 of which I have given notice and which is as follows :

9. The moneys and securities of such person or corporation for whom this company acts shall always be kept distinct from those of the company and in separate accounts, and so marked in the books of the company for each such person or corporation as always to be distinguished from any other in the registers and other books of account kept by the company, so that at no time shall such moneys and securities form part of or be mixed with the general assets of the company, and such moneys and securities shall not be liable for the debts and obligations of the company.

This company is an agency company in name. It has authority to deal with the moneys and credits of other persons. Practically, therefore, it does not differ in its character and responsibility from a trust company, and therefore I think the provision which is inserted in trust companies' charters providing that the money and securities of these persons should be kept separate and apart from the moneys of the company is a proper one to insert in a Bill of this description, and I therefore move the amendment as set out in my notice.

Hon. Mr. OWENS—I accept that amendment.

Hon. Sir MACKENZIE BOWELL—Where are the accounts to be kept ?

Hon. Mr. KERR (Toronto)—In their own books, and in a separate bank account.

Hon. Sir MACKENZIE BOWELL—I can understand a company, receiving money from others to invest would have necessarily to keep a separate ledger account.

Hon. Mr. KERR (Toronto)—It says so, that they shall not be mixed with the general assets of the company.

Hon. Sir MACKENZIE BOWELL—Suppose they take the money and deposit it in a bank, must it be deposited to the credit of that special account, or to the credit of the company ?

Hon. Mr. KERR (Toronto)—They should do it as agent for the owner, so that it would not be mixed with the assets of the company. That is the idea I have in my mind.

Hon. Mr. OWENS—The amendment proposed is perfectly clear. It will be necessary in any case to keep their accounts entirely separate. The promoters accept the amendment without hesitation.

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

Hon. Mr. KERR (Toronto)—I will now move clause 10, which is as follows :—

No parcel of land or interest therein at any time acquired by the company and not required for its actual use and occupation, or held by the company or by any trustee on its behalf for a longer period, shall be held by the company or by any such trustee for a longer period than seven years after the acquisition thereof, but shall be absolutely sold and disposed of so that the company shall no longer retain any interest therein unless by way of security, and any such parcel of land or any interest therein not within the exceptions hereinafter mentioned, which has been held by the company for a longer period than seven years without being disposed of, shall be forfeited to His Majesty, provided that the Governor in Council may extend the said period from time to time not exceeding in the whole twelve years ; and further provided, that no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing to the company of the intention of His Majesty to claim such forfeiture ; and it shall be the duty of the company to give the Minister of Finance and Receiver General, when required, a full and correct statement of all lands, at the date of such statement, held by the company or in trust for the company, and subject to these provisions.

Hon. Sir MACKENZIE BOWELL—What is the necessity for this clause when you have restricted their operation, as you have done ? This was in the original Bill and was struck out by the House of Commons. I must confess I do not see that it is applicable.

Hon. Mr. KERR (Toronto)—Under the name of an agency company they are really a trust company, authorized to invest other people's money in the purchase or sale of real or personal property.

Hon. Mr. OWENS—No. Look at subsection (a), and the hon. gentleman will see that the company may—

(a.) promote or assist in promoting any other company, and for such purpose may subscribe

for, buy and sell debentures, mortgage debentures or other securities of such other company, and otherwise may employ the money or credit of the company in any manner deemed expedient for any such purpose, either by actually employing any portion of the moneys of the company for any such purpose, or by placing on the market or guaranteeing the issue of, or the payment of interest on, the shares, debentures, mortgage debentures, obligations or securities of such other company ; may purchase insolvent estates or any part thereof, and may sell or otherwise dispose of the assets thereof, and wind up the business thereof.

But they cannot use their clients' money for that purpose. It is only the company's money that can be used for a purchase or a loan. They are authorized to administer real estate or collect moneys, but it is not permitted, under the Bill, that they should use those trust funds for any purpose of their own.

Hon. Sir MACKENZIE BOWELL—I do not see any harm in the clause, but I do not think it is applicable.

The clause was adopted.

Hon. Mr. KERR (Toronto) moved the addition of clause 11 :

Section forty-five of the Loan Companies Act, Canada, 1899, shall apply to the company.

Hon. Mr. OWENS—Clause 11 would not apply to this Bill. The fact is it is the company's own money that is to be used in this. They are in no sense a trust company. They cannot use money coming in, only their own money, and therefore I think the hon. gentleman should not press this amendment. It does not apply to this Bill in any case. We accept all the amendments which apply to the Bill, and which strengthen it in any way, but this would not apply in any sense.

Hon. Mr. KERR (Toronto)—The idea I had in my mind in moving this clause was that this company, as agent, may act for a large number of people. It may receive money to an unlimited extent, and that perhaps is another fault in the Bill. They may therefore, as agents, to an unlimited extent receive money and invest it in various ways.

Hon. Mr. OWENS—But the company cannot invest moneys of that kind.

Hon. Mr. KERR (Toronto)—The Bill says they may do it in a purchase.

Hon. Mr. OWENS—Their own money, not others.

Hon. Mr. KERR (Toronto)—Sub-clause (a) of the eighth section provides that they may—

(a.) act generally as agent or attorney for the transaction of business, receiving or collecting any principal, interest, rents, coupons, mortgages, debts, dividends, debentures, bills, notes and securities or evidences of debt or demand of any nature, and in the purchase or sale of any real or personal property.

Hon. Mr. OWENS—That is with their own money.

Hon. Mr. KERR (Toronto)—No, with other people's money. It is because that practically means they can receive an unlimited amount of trust money and invest it in various kinds of real and personal security, that I thought a clause relating to these things in the return should be added to this Bill. In other words, they should show the separate accounts of the different persons who trust them with money and the investments they have made, and show the total amount they have, just as a loan company or a trust company would.

The clause was adopted.

Hon. Mr. KERR (Toronto)—It seems to me, having regard to the nature of the business, that clause 12 should be added. I therefore move that clause 12, which is exactly taken from section 15 of the Loan Companies' Act, be added :

12. The company shall not act as agent or attorney or otherwise carry on business until it has obtained from the Minister of Finance a certificate permitting it to do so, and no application for such certificate shall be made, and no certificate shall be given until the board of directors has been elected, as provided in section five, and until it has been shown to the satisfaction of the Minister of Finance and Receiver General that the provisions of the said section have been complied with, and no such certificate shall be given unless application therefor be duly made within one year after the passing of this Act.

The clause was adopted.

Hon. Mr. FULFORD, from the committee, reported the Bill with amendments.

CUSTOMS ACT AMENDMENT BILL.

THIRD READING.

Hon. Mr. SCOTT moved the third reading of Bill (174) An Act to amend the Customs Act.

Hon. Sir MACKENZIE BOWELL—I understood the hon. gentleman to say that he

would make inquiry as to the effect of the words :

Such invoice shall state any discount other than such as has been actually allowed to the importer.

He was to ascertain whether they will have the effect that I anticipate, of creating trouble and difficulty in the working out of this Bill. The hon. gentleman will remember that I pointed out the different clauses of the Customs Act providing what discount shall be allowed off any invoice of goods purchased in a foreign country. That confined the discount to the amount which was allowed to any purchaser in the country in which the goods were purchased for home consumption. The hon. gentleman is no doubt aware that often a large discount is allowed to purchasers in the United States and Germany and other countries when the goods are sold for export—sometimes to the full extent of the duty which they have to pay. It seems to me that this implies, although it does not actually say so, that any discount, which appears on the face of the invoice which is the actual discount allowed to the importer will be accepted. I pointed that out as my interpretation of it. I think that parties importing will be inclined to demand under that clause the full amount of discount allowed, and if so, it would be in direct contravention of the practice and provisions of the other clauses.

Hon. Mr. SCOTT—I went over to Mr. McDougall to find out what the interpretation of the department was. He said it was to put in a statute a practice which for many years had prevailed and which is in the form of oath that has been in use for many years——

That the said invoice exhibits the actual price or prices at which the said goods were actually purchased by the owner when exported to Canada, and that there is included therein the true value, &c.

Hon. Sir MACKENZIE BOWELL—That is precisely what I pointed out, but it did not meet the objection to the clause which I have pointed out. However, if the department and government are satisfied with the clause as it stands, I have no objection.

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

Hon. Sir MACKENIE BOWELL.

PUNISHMENT OF FRAUDULENT DEBTORS BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (T) An Act to amend the Criminal Code, 1892, respecting punishment of fraudulent debtors.

(In the Committee.)

Hon. Mr. BEIQUE—When this Bill was read the second time it was received very favourably by the members of this House. It was, however, suggested by the hon. gentleman from Marshfield (Hon. Mr. Ferguson) that the Bill might be amended in two directions, first substituting three years for five years in view of making the Bill less stringent. The Bill as drafted requires that the books be kept for five years previous to the inability to pay, and therefore it is more stringent than if we were to reduce it to three years. I am quite willing to submit to the sense of this honourable House, but it seems to me that the five years might remain. Then the hon. gentleman made a suggestion that $500 be substituted for $1,000. I have no objection to consent to the amendment. However, a line must be drawn somewhere and it seems to me that for the present anyway we should limit it to $1,000. There is a danger that it may be a hardship to very small traders, and for the present, subject to amending the law in the future if experience shows the amount should be reduced, I would suggest that the Bill be accepted as drafted.

Hon. Mr. MACDONALD (P.E.I.)—I would call the attention of the hon. mover of the Bill to the case of a man who has not been in business for the whole five years. It would then not apply to him at all.

Hon. Mr. BEIQUE—He is bound to keep books of account according to the usual course in the trade or business in which he may have been engaged. Of course if he has not been engaged in business for five years he is not bound to keep books for the period during which he was not engaged in business. The five years would merely apply in case he has been in business for five years or more.

Hon. Mr. MACDONALD (P.E.I.)—Why should it not apply to the case of a person in business three years ?

Hon. Mr. BEIQUE—It will apply for the three years. It will apply for one year if the man has been in business only one year.

Hon. Mr. MACDONALD (P.E.I.)—I think not.

Hon. Mr. DANDURAND—Before the Bill is reported, I would draw the attention of the House to a procedure which is followed in France, which is, I think, an excellent safeguard against fraudulent debtors and against bankrupts. The party who wants to start in business has to present his set of books to the clerk of the court, who initials every page of the whole set, and the party has to reproduce the same books whenever he fails. So that there is a considerable safeguard against the manipulation or altering of books, when each page of the books he has to keep is initialled by some proper authority. I mention this to the hon. gentleman, though I do not think it would be proper to add it to the Criminal Code. Still I highly commend the present Bill, and think we could perhaps adopt at a later date the same procedure which is followed in France on the same line as the present Bill.

Hon. Mr. BEIQUE—When I moved the second reading of the Bill, I called the attention of the House to those provisions under the French code, but I followed as closely as possible, in drafting this Bill, the law as it has been in force in Scotland ever since 1880 ; but it has occurred to me it might be rather stringent at the outset to require these books to be initialled, and, therefore, I omitted that part advisedly. We should have the law framed in such a way as to facilitate as much as possible its adoption by the other House. I think it would be a very great safeguard if this could be adopted, both in the interest of traders and of commerce generally, and if we were too stringent in the provisions of the law, I am afraid it might imperil the passing of the Bill.

Hon. Mr. FERGUSON—As I remarked at the second reading of this Bill, I consider it a very proper one. It struck me, on looking at it, that it was a very proper Bill to pass, and I made the remark at the time, that I thought the amount might be reduced and the term of years might also be changed, but I did not intend to move any amendment on these lines, and perhaps it is better that it should pass the way it is than that we should make it applicable to smaller debtors, or for a less term of years. Possibly it is better to pass it in the form in which it has been submitted and at a later date, when the laws are being consolidated, and it has operated, it will then become apparent whether it should be changed in any particular.

Hon. Mr. POWER—There is a great deal of force in the objection made by the hon. gentleman from Charlottetown, and I hope the hon. promoter of the Bill will explain what the effect of these words to which the hon. gentleman referred is. The clause reads :

> And has not for five years next before such inability.

Does that apply to a trader who has not kept any books at all during the whole period of five years, or to one who has not regularly kept the books during that period ? Does the hon. gentleman mean for and during that period ? I think the language is susceptible of the meaning suggested by the hon. gentleman from Charlottetown (Hon. Mr. Macdonald), that a trader would not come under the provisions of this Bill, if at any time during the period of five years he had not kept the books. That is not the hon. gentleman's intention.

Hon. Mr. BEIQUE—I did not understand the point made by the hon. gentleman from Charlottetown to be that. I understood his question was whether the Bill would apply if the trader had not been a trader for five years, and I answered the objection by saying that of course if he has not been in trade for five years, then he cannot be compelled to have kept books for five years. Then as to the other objection, it seems to me that it is clear, though the hon. Speaker of this House is a much better scholar than I am, and is a much better judge of that, it seems to me that the reading is clear. The clause reads :

> And has not for five years next before such inability.

It seems to me it is quite clear, it calls for the keeping of the books continously for five years if in trade.

The clause was adopted.

Hon. Mr. GIBSON, from the committee, reported the Bill without amendment.

The Bill was then read the third time, and passed.

THIRD READING.

Bill (91) An Act to incorporate the Dominion Gas Improvement Company.—(Hon. Mr. Kerr, Toronto.)

LIBRARY OF PARLIAMENT.

SECOND REPORT OF JOINT COMMITTEE ADOPTED.

Hon. Mr. BAKER moved concurrence in the second report of the Joint Committee of both Houses on the Library of Parliament. He said: This report was made before the adjournment, and is entered in the 41st number of the 'Minutes of Proceedings' of this House. Its important features are the endorsation made thereby of the report of the sub-committee upon the proposition to purchase the library of the late lamented Sir John Bourinot, and the appointment of a committee composed of the Speakers of the two Houses to wait upon the government and present the recommendations made by that sub-committee. I am sure there can be no two opinions in this House in reference to the important services that were rendered to parliament and to the country by the late Sir John Bourinot. He was a man distinguished above his fellows in the cause of literature, and he rendered a service to the country that should not be lightly esteemed. The unhappy circumstances in which his devotion to his public duty left his family are a matter of common report, and there is no use in our disguising the fact that it is the intention of the committee indirectly to permit the government to do an act of justice to the memory of its distinguished officer. The library left by him is one that was selected with the most judicious care. It embraces, as is shown by the report of the librarian of parliament, books that are very rare, and which should find a place in the library of parliament. I have no doubt that every member of this House has read with interest and attention the report of that sub-committee, and the joint committee in endorsing that report and in recommending it to the attention of the government I am sure have discharged a duty which was incumbent upon them under the circumstances. I hope and believe that the report now before this House will be heartily concurred in by every member of this House.

Hon. Mr. ELLIS—I quite agree with the remarks made by the hon. gentleman who moved this report. I draw in my mind somewhat of a distinction between what should be done for Lady Bourinot, in view of Sir John Bourinot's public service, and the purchase of his library because, so far as I know—and I have some little acquaintance with his library—it is well worth purchasing by the people of Canada, on its merits inasmuch as it is composed almost wholly, or very largely at any rate, of books upon particular lines of study which no person could perhaps collect as readily as Sir John Bourinot did, or as effectively at this period; I think therefore, that upon its merits, aside altogether from the suggestions contained in the hon. gentleman's remarks as to Lady Bourinot's position, the parliament of Canada, or the government of Canada, or the people of Canada could very well purchase that library and add it to the parliamentary library. I support the proposition made by the hon. gentleman.

Hon. Sir MACKENZIE BOWELL—I can only add my full concurrence in the remarks made by the mover of this motion and also by the hon. gentleman who has spoken. Apart altogether from the question of remunerating the family for the services of Sir John Bourinot, the library, as I understand it, is of that value which should induce parliament to secure it, even if it were at a very large price, but, as I understand, it can be purchased for nearly half its actual and intrinsic value. If my information is correct, the experts who have examined the library are from the United States, and are in negotiation, I suppose, for purchasing, and they have valued it at from fifteen to sixteen thousand dollars. If I understand the report, it can be purchased for some ten thousand dollars, and if we have no other reason than an appreciation of the great services rendered to this country and to the whole empire by the

late Clerk of the House of Commons, we might with every degree of propriety purchase his library, it being of the character that has been indicated by the hon. gentleman who has just spoken, and I can only hope that the hon. Secretary of State fully approves of the report made by the Library Committee, and that he will use his influence with his colleagues, in order to appropriate a sum sufficiently large to pay the full value of the library, so that it may be secured for the use of members of parliament, not only for the present but for all future time.

Hon. Mr. FERGUSON—I just desire to add one word. My hon. friend has said that he understands the library can be bought for one-half of its real value. I desire to say that there should be no haggling on the part of the government in buying this library, and they should not buy it at half its value. It should be bought at its full value. It is an opportunity of obtaining very valuable books, and affords an opportunity of doing what is right by a very valuable public servant.

The motion was agreed to.

HARBOUR COMMISSIONERS OF MONTREAL BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (201) An Act to provide for further advances to the Harbour Commissioners of Montreal. He said: The Bill authorizes the advance of three million dollars to continue and complete the works which have been undertaken by the Harbour Commissioners of Montreal in the way of docks, steel sheds, elevators, and a variety of other purposes. The Montreal Harbour Commissioners have in years past been in the habit of borrowing from the government of Canada. They pay the interest regularly. The rule adopted is that they deposit with the government bonds of an equal amount, bearing an equal rate of interest with the debentures that are issued, and up to the present time their credit has been good. They have never failed to pay the interest regularly, and with the great increase in trade, there is no reason, I am advised, for assuming that the harbour commissioners will fail to carry out their agreement.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman tell us how much has been already advanced for harbour improvements, and the amounts which have been expended upon the harbour? I do not ask this information from a captious standpoint; I wish it distinctly understood that I think the government of Canada should act very liberally with what may be properly termed a national harbour. It is really the only harbour that we have in the St. Lawrence which may be considered of that character, and I know that a few years after the late government came into power they dealt liberally with the harbour commissioners by relieving them of a large amount of indebtedness for moneys which have been expended in what might properly be termed the continuation of the canal system. My own impression is—and I am not speaking, I trust, from a narrow standpoint as an Ontario man—that the harbour should be relieved as much as possible in the interests of the country from any heavy indebtedness or payments which would have to be made, which would hamper the trade of the country. I have long been of the opinion that there are two or three things that the government of Canada should take hold of vigorously, and one of them is to have a thorough, perfect, and inexpensive pilotage system. The pilotage system of the St. Lawrence has been of a character to injure to a very grave extent the trade of this country, and it has been the duty in the past of the Senate to defeat certain Bills which were introduced upon this very question which they thought and those interested in the commerce of the country knew, if placed upon the statute-book would be injurious to the commerce of the St. Lawrence. It is the duty of every man who will view this from a Dominion or national standpoint to support any measure which will make that harbour as inexpensive to the trade as it possibly can be made, consistent with the interest on the advances which have been made. When it goes into the committee, perhaps the hon. Secretary of State can furnish the Senate with the information which I have asked. It is only for the sake of information, in order that we may know exactly what encumbrances to trade we are imposing upon that Dominion harbour by exacting too high an interest for any money we may advance to it.

Hon. Mr. DANDURAND—I am happy to hear the hon. gentleman from Belleville expressing the opinion that the burden upon the harbour of Montreal should be made as light as possible. I should hope this alone, with the expectation that in the near future Montreal will be made a free port, and the government of Canada will take the whole harbour of Montreal under their charge, and the debt as well. We are advancing large sums of money throughout the country for the same purposes that this money is required at the expense of the country, in building wharfs in divers parts of the Dominion, and it is but just that Montreal, which is the principal drawer of the foreign commerce, should as soon as possible be made a free port, more especially after the canals have been made free. I am sorry not to see the Chairman of the Harbour Commission in his seat. I am quite sure I am echoing his own desire by endeavouring to persuade as many of the hon. gentlemen as will be here on Saturday to come down to Montreal to see the great strides we are making towards improving the port of Montreal.

Hon. Mr. MACDONALD (P.E.I.)—It is pleasing to see that the people of Montreal are going to treat the members of the House of Commons and the senators with such liberality. On several occasions such things have occurred. There is an invitation sent to members of parliament to visit Montreal, and there they are entertained very freely and sumptuously. And it has occurrred with unfailing regularity that about the same time an application comes in for a grant of a very large sum of money for the support and improvement of the harbour of Montreal.

Hon. Mr. DANDURAND—On which they pay interest.

Hon. Mr. MACDONALD (P.E.I.)—There is no doubt it is a very fine harbour, and has a good many natural facilities, but there are a good many other harbours in the Dominion which would compare favourably with Montreal in its natural condition, and very much more favourably situated for the trade of the country during the whole year than Montreal harbour is, for they are open harbours the whole year round. Charlottetown is in the same category as Montreal. It is frozen up part of the year, but Charlottetown has never made application to the extent of one dollar for the millions that Montreal has applied for. You must remember that the whole Dominion contributes to these improvements made to the harbour of Montreal. We expended many millions of dollars for canals which are intended for the benefit of the great west. That expenditure at the time of confederation was considered one wihch would turn in a very considerable revenue to the Dominion. Now we have made those canals free and thus placed the maritime provinces in a very different position from what they occupied with respect to the revenues of the Dominion when these canals were contributing towards that outlay. We have expended somewhere about five millions, on the harbour of Montreal. A few years ago it was stated in either the Senate or the House of Commons that a considerable amount had up to that time been paid towards the harbour of Montreal and they had not paid the interest.

Hon. Mr. SCOTT—Oh, no, that is not correct.

Hon. Mr. MACDONALD (P.E.I.)—They had possibly paid the interest but had not paid the principal.

Hon. Mr. FORGET—It was not due.

Hon. Mr. MACDONALD (P.E.I.)—I am very glad to hear that it was not. From what the hon. Secretary of State has informed us, they are paying the interest by the issuing of bonds, giving a bond to the government for interest.

Hon. Mr. FORGET—No.

Hon. Mr. SCOTT—What I said was they replaced the different bonds with bonds of the harbour commissioners of Montreal on which the interest has been regularly paid and the principal too, when it became due.

Hon. Sir MACKENZIE BOWELL—If my recollection serves me, the harbour of Montreal does not owe one dollar, principal or interest to the government on any advances made, but has paid promptly as it became due.

Hon. Mr. MACDONALD (P.E.I.)—The other statement was made in parliament some time ago.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman may be confounding Montreal with the harbour of Quebec.

Hon. Mr. MACDONALD (P.E.I.)—I think we are treating the harbour of Montreal with great liberality, more liberally than other harbours in the same position respecting the provinces in which they are situated as Montreal is with respect to the province of Quebec. If we expended but a very limited portion of the amount which we are about to sanction for Montreal in the harbour of St. John, for instance, we would place that harbour probably in as good a position for obtaining a very large portion of the trade of the Dominion as Montreal is. The government has not treated that harbour in anything like the same manner as it has the harbour of Montreal.

Hon. Mr. SCOTT—The hon. gentleman is mistaken.

Hon. Mr. MACDONALD (P.E.I.)—I do not see why the Dominion should contribute generally to that work at Montreal.

Hon. Mr. DANDURAND—The government just built an elevator at St. John.

Hon. Mr. MACDONALD (P.E.I.)—It is a work which should be done by the province in which the harbour is situated and not by the Dominion generally. I do not see why the people of the Dominion, from the Atlantic to the Pacific, should contribute to these improvements in the harbour of Montreal. It is situated within one province and in my opinion the province should shoulder that expense itself and not come to the Dominion.

Hon. Mr. SCOTT—The hon. gentleman is scarcely fair in his criticism. The harbour commissioners deserve great credit for the manner in which they have built up a great port at Montreal. They have not asked for contributions from the Dominion treasury, as has St. John. If the hon. gentleman looks back in the public accounts, he will find the expenditures there have been considerable for building docks, elevators and other works. In 1896, all accounts in connection with the harbour of Montreal were squared up to then, and the commissioners authorized to raise $2,000,000. One of the conditions of raising it was that all the amounts which the government of Canada had guaranteed should be repaid out of that $2,000,000 loan. That was done so that the accounts were squared. Then in 1898 there was a loan of $2,000,000 under the usual terms, the harbour commisssioners of Montreal placing with the Finance Minister bonds of an equal amount to those placed on the market. The interest on those bonds, and all previous bonds, was repaid by Montreal. Canada has not lost a dollar, nor is there any danger of losing it. In May, 1901, there was a further grant of $1,000,000 to enable the corporation to construct grain elevators.

Hon. Mr. FORGET—The government of Canada was given a first mortgage on it.

Hon. Mr. SCOTT—Yes, the security is ample. With the amount contained in the present Bill, $3,000,000, it will total the debt of the harbour commissioners of Montreal at $8,000,000. I saw a statement issued by the harbour commissioners in which they pointed out that the imports of Montreal, which go over the whole of Canada through to the Pacific, assist towards the keeping up of the expenses of running the harbour commission and interest on the debentures, so that the tax does not come out of the city of Montreal at all except on goods that are consumed in that city, but the goods which go all over the northern country through to Victoria and down to the Atlantic coast, are charged up with the harbour dues, and therefore I do not think there is any cause for criticism. Of course if you were to make it a free port, I could quite recognize there would be some advantages attending it, because free ports are always popular with shipping. The captains have nothing to pay on entering a port, and they feel it an advantage if they are short of money, to go into a free port, but I never heard it urged as a grievance or encumberance on the trade of Montreal. The small amount of the tax on the vast amount of goods brought into Montreal, I have never heard spoken of as an embarrassment to the port or as militating against the advantages that the port enjoys.

Hon. Mr. ELLIS.—I think the hon. gentleman from Montreal rather alarmed us by his statement following the observations made by the leader of the opposition. As

I understand it, he would vote for this with the hope, idea and expectation that eventually it would be a charge on the country.

Hon. Sir MACKENZIE BOWELL—I did not say that.

Hon. Mr. DANDURAND—I said that.

Hon. Sir MACKENZIE BOWELL—I would go a long way towards it.

Hon. Mr. ELLIS—The hon. gentleman (Hon. Mr. Dandurand) would vote for it, I do him that justice, if he had no such hope at all. The hon. gentleman from Charlottetown is pretty nearly right in his reference to the port of St. John. I quite agree with the proposal that this money should be loaned to the port of Montreal. We all know that the merchants of that port have made great and commendable efforts for the benefit of the whole country to develop their port and to get business which has been beneficial to the country, but when the port of Montreal and gentlemen favouring Montreal say there has been no expenditure there by the country, they forget that the whole deepening of the St. Lawrence between Quebec to Montreal, while it is an advantage to the country, is a prime advantage to the port of Montreal, and that has not been a charge on Montreal, but is a large charge on the whole country. With reference to St. John, it is quite true the Inercolonial Railway has built an elevator there and also a wharf. I, for one, would like to see that elevator and wharf used a great deal more than they are ; but the great exporting business from St. John is done through the Canadian Pacific Railway, and the people of St. John have put up the money for that work. The government has not, or at any rate has contributed very little. The government of which my hon. friend (Hon. Sir Mackenzie Bowell) was a distinguished and shining member, made us pay, for the Carleton branch railway. We paid the actual cash for it, and handed it over to the Canadian Pacific Railway as part of the development. But I should like the House to understand this, that all the expense of the work at St. John, something like eight or nine hundred thousand dollars, has been borne by the citizens of St. John. The goods which are exported, and I think the goods imported, for the whole of Canada are free. There is no wharfage or harbour tax imposed on them, as I understand from the Secretary of State is the case in Montreal. The burden is borne by the people themselves. However, I do not wish to impute anything as against Montreal, for it is certainly a noble and magnificent city and I only feel bound to come to the rescue of my hon. friend (Hon. Mr. Macdonald, P.E.I.), for the Secretary of State himself doubted the accuracy of his statement as regarls St. John, but the more it is examined the more it will be found to be correct.

Hon. Mr. McMULLEN—With regard to the port of Montreal, I do not think the people of that city can claim that port as their property—neither can the people of Quebec province claim it. The port of Montreal belongs to this entire Dominion. It virtually is the Liverpool of Canada—the point from which we export very largely all our surplus products and the trade of which undoubtedly will increase year by year. I am delighted to listen to the statement made by the Secretary of State with regard to the satisfactory condition of the accounts with that port up to the present time. This House is doing the country great service in making necessary advances for improvements at Montreal to enable that port to handle the trade that is growing there every day. I entirely approve of the assistance offered, and think we are doing something in the interests of the entire Dominion in building up that port. With reference to St. John, I have nothing to say. It is one of the winter ports of this country, but after all, the great exporting point, the point at which the great trade of the western part of Canada is gathered, is the port of Montreal, and I am sure we all feel proud of it. I do, as a Canadian.

Hon. Mr. FERGUSON—With due deference to my hon. friend from Charlottetown, I do not at all agree with him with reference to the claims that the port of Montreal has on the people of Canada. It is, as has been remarked by the hon. gentleman from Wellington, our great national port for the summer season, and it is in that season that the great bulk of our products must go abroad to foreign markets, and it

is during that season the great bulk of our imports must be made. I know this parliament has never acted niggardly with the port of Montreal, and I do not think it should do so, and more especially as the harbour commissioners of Montreal have kept good faith with the government in regard to any assistance they ever obtained. I do not think there is any necessity to raise comparisons, invidious or otherwise, as between Montreal and St. John. St. John is, with due deference to Halifax, and must be, from its situation, the winter port of Canada, and the government of Canada, when my hon. freind to my left was in the ministry, granted liberal subsidies in order to induce winter steamers to ply from the port of St. John, and the people of St. John have put their hands deep into their own pockets in order to give facilities for carrying on that trade. I think I am right in saying that all the valuable improvements on the western side of the harbour which have resulted in moving all the expert trade that is centered in the city of St. John, were altogether furnished by the Canadian Pacific Railway and the people of St. John themselves. These two ports should have our special care. Montreal is the great national port for the summer, when the principal amount of our trade must be done, and the port of St. John for the winter season, but in connection with this very subject a suggestion arises just now that when the government is loaning $3,000,000 to the harbour commissioners at Montreal for the purpose of effecting improvements there, we have in the air a proposition for spending some $50,000,000 to carry the trade of the west away past the city of Montreal, away beyond the height of land.

Hon. Sir MACKENZIE BOWELL—It will cost more than that.

Hon. Mr. FERGUSON—I am only talking of the road from Winnipeg to Moncton. The proposition is to carry the trade of the west away beyond the city of Montreal. However, we are not discussing that now. Perhaps it is not very regular to introduce it. We will have enough of it probably before long. But I wish, as representing part of the east, to place on record my entire sympathy with all that is being done and is proposed to be done with regard to making the harbour of Montreal a safe and cheap harbour, so that we will have an opportunity of doing our trade in our own ports on equal terms with the ports of the great republic.

Hon. Mr. McGREGOR—As I understand it, this is equal to a guaranteeing of their bonds.

Hon. Mr. SCOTT—No, they get the money and they deposit with the Finance Minister bonds of a corresponding date and amount with interest payable at certain dates.

Hon. Mr. FORGET—It is making use of the credit of the government to get money cheaply.

Hon. Mr. SCOTT—They pay the same interest.

Hon. Mr. McGREGOR—It is equivalent to a guarantee. The government is going to get the money at 3 per cent, when the harbour commissioners could not.

Hon. Sir MACKENZIE BOWELL—I see the Bill provides for the payment of interest at 3 per cent. If the government can issue bonds and borrow at 2½ or 2¾ per cent, would the commissioners have to pay 3 per cent?

Hon. Mr. SCOTT—Our debentures, speaking from recollection now, our 3 per cents, are quoted at one hundred and two. Taking out commission, it is about par. We do not desire to make any money out of the transaction.

Hon. Sir MACKENZIE BOWELL—Dominion debentures, it seems to me, would sell now at a premium. I think the last quotation was one hundred and two. Could the hon. gentleman tell us what the income of the harbour of Montreal is? If he has not the figures now, will he kindly get them?

Hon. Mr. SCOTT—I understand they calculate the charges on the goods up to an amount which will sustain the harbour, the necessary expenses of running the docks and warehouses and paying interest on the bonds. Assuming $8,000,000 is the amount, it would be about $260,000 a year.

Hon. Sir MACKENZIE BOWELL—$240,000.

Hon. Mr. SCOTT—It is something more than the interest, because there are expenses also—$250,000 or $260,000 a year.

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

CANADIAN NORTHERN RAILWAY AID BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (209) An Act rspecting certain aid for the extension of the Canadian Northern Railway. He said: Hon. gentlemen are aware just now, with the large immigration coming into the North-west, it is exceedingly important to furnish them with railway accommodation, and the Canadian Northern are constructing a line of railway from what is called the present terminus, Gilbert Plains, to Edmonton, a distance of six hundred miles. They are also building a branch to Prince Albert of one hundred miles, and the government of Canada propose to advance a loan to the amount of $13,000 per mile on this line, taking a first mortgage as security. I should be glad if the House would allow the second reading to go this evening for this reason: at the present time the Canadian Northern have a very large force of men under their employ, and it is of the utmost importance that their monetary arrangements should be facilitated. They wish this Bill to pass through the House promptly. It is quite possible His Excellency may come down to give his assent to some Bills on Friday, and this should be one of them. It is of the highest importance financially to the company, and to the country I may add, because the number of men they have in their employ is large, and we are serving a double purpose. I will give full particulars when the House goes into committee on the Bill.

Hon. Mr. MACDONALD (P.E.I.)—We have not the Bill before us yet. We are asked to vote several millions of dollars without knowing what it is for.

Hon. Mr. SCOTT—I have it here. If the House will allow the Bill to be read the second time to-day, I will see that opportunity is furnished for discussion.

Hon. Mr. FERGUSON—This is really a very important measure, and is initiating a new policy, I may say, with regard to railways.

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. FERGUSON—Oh, yes; and it is a forerunner of a great deal more in the same direction that is approaching us. With due regard to my hon. friend's desire that we should advance the Bill another stage, seeing the Bill is not on our file——

Hon. Mr. SCOTT—Oh, yes; it is on mine.

Hon. Sir ALPHONSE PELLETIER—Even in French.

Hon. Mr. FERGUSON—It is not on my file. I think, in view of that, and the fact that there are yet some days intervening before Friday, I cannot see why it is so urgent that we should give this Bill a second reading without discussing its principles and having a full explanation of its details and seeing the Bill. It is railroading an important Bill through the House in an extraordinary way, without its being distributed and in the members' hands, and without giving explanations with regard to it.

Hon. Mr. SCOTT—I hope my hon. friend will not take the objection. Hon. gentlemen alongside of me say they have the Bill in both languages, but the House will be quite free to discuss the principles of the Bill before going into committee. With that understanding, I hope the hon. gentleman will let the second reading go. It may very seriously embarrass an important matter, because it is of the highest consequence that this railway should be pushed on in view of the large immigration that is going into that part of the country. It may be thrown over for a month if we do not allow it to go to second reading now.

Hon. Sir MACKENZIE BOWELL—It must be with the distinct understanding that when the hon. gentleman moves the House into committee the fullest discussion will be permitted. We have no copies of the Bill, and we should have it before us to discuss it intelligently. It involves a very important principle.

Hon. Mr. SCOTT—That is quite understood.

Hon. Mr. FERGUSON—We must have those Bills more promptly distributed.

Hon. Mr. SCOTT—I will make inquiry about it.

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

BILL INTRODUCED.

Bill (208) An Act to amend the Post Office Act.—(Hon. Mr. Templeman.)

LEVELS OF THE GREAT LAKES.

Hon. Sir MACKENZIE BOWELL—Before the House adjourns, I should like to call the attention of the Secretary of State to a despatch which appeared in the New York 'Evening Post' recently, and ask whether the government have taken any action on the matter. I bring it under the notice of the government now, not with the expectation of getting an answer this evening, but in the hope that the Secretary of State will be able to give us an answer to-morrow.

DAMMING THE GREAT LAKES.

(Special despatch to the 'Evening Post.')

Washington.—In the last River and Harbour Appropriation Bill Congress requested the President 'to invite the government of Great Britain to join in the formation of an international commission, to be composed of three members from the United States and three who shall represent the interests of the Dominion of Canada, whose duty it shall be to investigate and report upon the conditions and uses of the waters adjacent to the boundary lines between the United States and Canada, including all of the waters of the lakes and rivers whose natural outlet is by the River St. Lawrence to the Atlantic ocean; also upon the maintenance and regulation of suitable levels: and also upon the effect upon the shores of these waters, and structures thereon, and upon the interests of navigation, by reason of the diversion of these waters from or change in their natural flow; and further, to report upon the necessary measures to regulate such diversion, and to make such recommendations for improvements and regulations as shall best subserve the interests of navigation in said waters.

It is unnecessary for me to repeat the reasons which induced the Washington authorities to take this step. We all remember questions arose as to the lowering of the level of Lake Erie by the construction of canals and the diversion of water from the lakes. What I should like to ask the hon. gentleman is whether the government have taken any steps towards the appointment of the three who are to represent this country, or whether they have represented to the imperial government the fact relative to the action of the Washington authorities, asking them to make an appointment, or whether this government has recommended to the imperial government three persons to act for them.

Hon. Mr. SCOTT—I will find out and answer to-morrow.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, July 9, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

RAILWAY LEGISLATION.

INQUIRY.

Hon. Mr. MACDONALD (B.C.) rose to:

Ask the honourable the Secretary of State, if the Senate can at an early day be put in possession of the government railway policy, and inquire if it is the intention to construct as government works—

1st. A railway from Quebec to Moncton, competing with the Intercolonial Railway.

2nd. A railway from Quebec, or from Montreal, to Winnipeg, competing with the Canadian Pacific Railway.

He said: Before the House proceeds with the business of the day I should like to know if the hon. leader of the government in this House could inform us as to what important measures will come before us this session before they are brought down in crystallized form. The air is full of rumours as to railway schemes—and very important ones—to be undertaken by the government. Of that we have no information in this House, and there is nothing before the country, and I think before the Bills actually come before us, we should be informed as to what is going to be done. I will not go into any lengthened remarks on the subject now, and merely ask the Secretary of State if he can give us the information I have asked for.

Hon. Mr. SCOTT—I am not in a position to give my hon. friend the information he desires. It has not been given to the other chamber, because the policy has not been fully matured. I may be in a position, perhaps to-morrow or Monday, to give my hon. friend a foreshadowing of what the policy will be.

SUPPLY BILL.

FIRST READING.

A message was received from the House of Commons with Bill (218) An Act for granting to His Majesty certain sums of money for the public service for the financial years ending respectively 30th June, 1903, and the 30th June, 1904.

The Bill was read the first time.

Hon. Mr. SCOTT—I move that rule 41 be suspended so far as it relates to this Bill. The proposal is to authorize the payment of a sum of $708,179 for the past year, part of the supplementary estimates of the past year, and the sum of $18,342,669 for the current year. The necessity, of course, arises from there being no appropriations for the year ending in 1904, and the practice is sometimes adopted in the House of Commons under similar conditions to grant a proportion, either a fourth or a fifth, I am not sure which. It was originally intended to be a fifth. I do not know whether it may have extended beyond a fifth of the supplies granted to His Majesty to carry on the public service. It affects every branch of the public service, not only civil government, but works under construction, subsidies, and all the items that appear in the ordinary estimates that are now before parliament.

Hon. Mr. MACDONALD (B.C.)—Are these old subsidies or new ones ?

Hon. Mr. SCOTT—The ordinary old subsidies, the ordinary vote. There may be some new ones in it ; I cannot say. Probably there are, but it is a proportion only. The whole vote before parliament is not included in this. I understand the proportion originally was one-fifth, but it may be a larger proportion. It may be one-fourth. Of course the whole subject of the matter referred to here is still before parliament, because this is only a fraction of what may be expected before parliament rises, in order that the public service may be carried on. No payments can be made for services performed in the year commencing 1st July, 1903, until the authority of parliament is obtained, and that authority is contained in the Supply Bill passed in the House of Commons yesterday.

Hon. Mr. SCOTT.

Hon. Mr. FERGUSON—When does my hon. friend propose that this Bill shall be assented to ?

Hon. Mr. SCOTT—Either to-morrow or Monday—Monday probably.

Hon. Mr. FERGUSON—There does not seem to be any necessity, even if it is to be assented to then, for suspending the rule or passing it to-day. I can understand the urgency for taking such steps at the end of the session, but we have not yet seen this Bill—I suppose there is only the one copy in this House, and that is in my hon. friend's hands. As the assent of the Governor General will not be given to it for a day or two, the hon. gentleman might allow the second reading to stand till to-morrow, we could then put it through the final stages.

Hon. Mr. SCOTT—It will, of course, involve the House sitting on Monday. A rule adopted some little time ago for the convenience of our friends from Montreal was that when the House rose on Friday we should not meet until Monday at eight o'clock. We can meet on Monday at three o'clock and I will allow this Bill to stand over until to-morrow. It never has been usual for the Supply Bill to stand. It has not been usual to print it in either House. Its passage through the House of Commons amounts to this : Yesterday afternoon Mr. Fielding presented Bill 218. It was read the first and second times, considered in Committee of the Whole, reported without amendment, read the third time, and passed. The hon. gentleman would call that railroading, I suppose ?

Hon. Mr. FERGUSON—They are different cases altogether.

Hon. Mr. SCOTT—Not at all. The estimates have been before this House as well as before the other House. The estimates are never discussed in this House in detail. We never go into committee on the Supply Bill. In my experience in this House on the other side, I never knew the Supply Bill to come down until a few minutes before prorogation. That has been the rule in the past. I, however, have no desire that the hon. gentleman should be deprived of the opportunity of criticising the items. He will find them in the estimates which have been

distributed from time to time. I, therefore, if it is the desire of the House, give notice that I will move that when the House rises to-morrow it stand adjourned until Monday at three o'clock, and I move the second reading of this Bill for to-morrow.

Hon. Mr. FERGUSON—I do not see there is any necessity for this motion with regard to the Monday meeting, because there will be ample time to-morrow to give the Bill its two remaining stages, and have it assented to to-morrow afternoon. There is no difficulty that I can see if the Governor is ready. My hon. friend the Secretary of State would almost excite a suspicion in the minds of hon. gentlemen in this House that he wants to get this Bill through just as quietly and as quickly as possible. He assumes his blandest tones and most urgent manner, and asks us to shut our eyes and open our mouths and submit to the operation gracefully. I know what he says about the Supply Bill not being printed and being given all its stages at the one time by suspending the rule is quite correct, but there does not appear to be any necessity for that in the middle of the session, when there is time to give it reasonable consideration. I cannot see, for my part, that the House should now change the rule that we made about meeting Monday evening, although I am not personally interested in that matter, or for delay in connection with this Bill, unless the Governor General will not come down to-morrow to give it his assent. If he is not coming down, there is a strong reason why we should not give the Bill all its stages to-day.

The motion was agreed to.

NATURALIZATION OF ALIENS BILL.

COMMONS AMENDMENTS REPORTED.

A message was received from the House of Commons to return Bill (L) An Act to amend the Act relating to naturalization and aliens, with amendments.

Hon. Mr. SCOTT—The changes are to render naturalization in the North-west simplier. It was suggested, I think by the Senator from Calgary, that the courts only sat there at distant periods, and it would be much better to allow an application to be made to the judge in chambers at any time, so as to facilitate naturalization. The most important amendment proposed is this: As hon. gentlemen are aware, a very large number of Canadians are returning to the North-west from the United States. Many of those have been living in the United States for fifteen or twenty years, and have taken the oath of allegiance to that country. They are desirous of being naturalized in Canada again, and, therefore, the time required for their residence in Canada is not three years, as it would be for an ordinary foreigner, but three months. That change was suggested with a view of giving greater facilities for naturalization. I move that the amendments be taken into consideration to-morrow.

Hon. Sir MACKENZIE BOWELL—That three months applies to other than returned Canadians, does it not?

Hon. Mr. SCOTT—Only to those British subjects who have been in the United States and have taken the oath of allegiance there, and desire to settle in Canada. That is the provision of the amendment, shortening the time from three years to three months.

The motion was agreed to.

LEVELS OF THE GREAT LAKES.

Hon. Mr. SCOTT—In answer to a request made by my hon. friend that I should give the Senate some information in reference to the paragraph that he read from a New York paper, the statement in the main was correct, as it appears by a dispatch from London, which refers to section 4 of the Act of Congress of the United States approved on the 15th January of this year, for the improvement of rivers and harbours. it provides for the appointment of an international commission of six members, three from Canada, and three from the United States, to investigate generally with reference to these matters. In answer to the question as to what are the views of our ministers, they replied that they would be very glad to co-operate, and the imperial government was so advised. The commissioners, however, have not yet been named.

Hon. Sir MACKENZIE BOWELL—Has the government decided to make the ap-

pointment and at an early date ? It seems to me the sooner this question is taken up the better for Canada.

Hon. Mr. SCOTT—The subject will be taken up probably after parliament rises.

THIRD READING.

Bill (68) An Act to incorporate the Lumbermen's Fire Insurance Company.—(Hon. Mr. McHugh.)

RAILWAY LABOUR DISPUTES BILL.

COMMONS AMENDMENTS AGREED TO.

The Order of the Day being called.

Consideration of the message from the House of Commons, agreeing to the 1st, 2nd and 5th amendments made by the Senate to Bill (17) an Act to aid in the settlement of railway labour disputes ; amending the 3rd amendment, and disagreeing to the 4th amendment.

Hon. Mr. SCOTT said : I think the first was our amendment. Clause 6 read :

Before such appointment the name of the person proposed to be appointed shall be submitted to both parties to the difference and there shall be afforded to each of them an opportunity not exceeding ten days.

We inserted 'within such time as the minister may fix.' The second referred to the introduction of the words 'Prince Edward Island' after 'the Intercolonial Railway.' It was thought the term 'I.C.R.' did not cover the Prince Edward Island railway. It is usually mentioned as a distinct railway, and we added Prince Edward Island Railway.

The SPEAKER—That is our own amendment ?

Hon. Sir MACKENZIE BOWELL—Did they disagree to that ?

Hon. Mr. SCOTT—No. The amendment to which they disagreed was the third clause. They struck out 'witness fees' and gave an explanation of the reason for doing so. The clause originally gave free transportation, and we inserted the words 'witness fees and.' I think under the circumstances we might agree to that. The reasons are set forth in the minutes of the House. I think the main reason is that those witnesses who are sent forward are usually paid by the parties who send them. I move that the Senate accept the amendment made by the Commons to the 3rd amendment.

The motion was agreed to.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. SCOTT—Then the 4th and 5th are both contained in clause 14. They struck out the word 'chairman,' as the referee would decide what witnesses were necessary, and the 5th amendment was one made in clause 21, which reads as follows :—

21. Where the difference, which is being inquired into, affects a class of employees, it shall not be necessary for them all to take part in the inquiry, but the class may be represented by some of their number chosen by a majority or by agents other than counsel or solicitor.

We inserted a limited number instead of 'some of their number' and the House of Commons accepts that amendment.

Hon. Mr. McMULLEN—I am quite willing to agree with the suggested change. At the same time, I have no doubt that we will be asked to amend this law, perhaps in a year or two. The board will have to be called together by the Chairman before any witnesses are subpœnaed, and after they have decided what witnesses will be subpœnaed they have either to sit there until the witnesses are subpœnaed and brought before them, or else the board has to adjourn until some other day before proceeding with the hearing. My object in suggesting that the chairman should have the power to issue the summons was to avoid calling the board together, to enable the chairman to issue the summonses, and have the parties that were considered necessary, subpœnaed. Then the board would meet and be constituted, and go on with the case. Under this, it appears witnesses cannot be subpœnaed unless by the joint action of the board. The board has to be in session before any witnesses can be decided upon as necessary in the case of a dispute, or the hearing in any trial. I accept the suggested amendment at the Minister's request, but I do not think it is an improvement.

The SPEAKER. The question now is whether we shall insist on our 4th amendment or not. We inserted the words 'witness fees' and to that amendment the Commons disagreed.

Hon. Mr. SCOTT—I made that motion some time ago.

The SPEAKER—No, it was the 3rd amendment. It was moved that the Senate do not insist on the 4th amendment.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman from Wellington was speaking to that motion.

Hon. Mr. SCOTT—No, it is another one. They struck out the word 'chairman' and left it to the board, and gave it as their opinion that the chairman should not assume control or power, but those are the main reasons which I quite agree were rather weak.

Hon. Sir MACKENZIE BOWELL—I do not know that it would be advisable for the Senate to insist upon its amendments. Taking the whole Bill from beginning to end, and particularly the amendment which they have made to it, is turning the whole thing into a farce. It never was intended for any practical purpose, and never will end in anything except expense to the country. We had better let it go as they have amended it, and make it a still greater farce than as it was originally introduced.

The motion was agreed to.

CANADIAN NORTHERN RAILWAY EXTENSION BILL.

REPORTED FROM COMMITTEE.

The Order of the Day being called.

Committee of the Whole House on Bill (209) An Act respecting certain aid for the extension of the Canadian Northern Railway.

Hon. Mr. SCOTT said: Before we go into committee, I should like the House to have an opportunity of discussing the principle involved in this Bill, as it was by the kindness of the House I was enabled to give the Bill a stage yesterday in view of its importance. The line of the Canadian Northern Railway is from a point in Manitoba known as Grand View. The line runs to Edmonton, a distance of 620 miles, and with a branch to Prince Albert of 100 miles, making a total of 720 miles. The guarantee on the part of Canada for which this authority is sought is for the sum of $13,000 per mile. The debentures to be issued will run for fifty years, and will be a first charge on the line to be constructed.

Hon. Mr. MACDONALD (B.C.)—Six hundred miles.

Hon. Mr. SCOTT—Seven hundred and twenty miles. Six hundred and twenty miles from the present point to Edmonton. The Canadian Northern extends higher up than Grand View. They originally intended running towards Hudson Bay, and from the northern end of the line, they propose building a line, and are building it now, to Prince Albert. The distance is more than one hundred miles, but they have already encumbered a short distance of that line by loans; and therefore, we only guarantee on a hundred miles—that is the western hundred leading to Prince Albert. We guarantee that on the same terms as we guarantee the main line.

Hon. Mr. MACDONALD (B.C.)—Seven hundred and twenty miles altogether?

Hon. Mr. SCOTT—Yes, seven hundred and twenty miles altogether. It runs through a section of country that is not now served by any railway. It runs through a section into which a very considerable number of settlers are now going. It will run directly through the Barr colony which came from England about six weeks ago. One of the great advantages from the rapid construction of the road will be that settlers will be able to get employment, especially those of them who have gone in there this season and who necessarily will not be able to cultivate the land at least for another year. Now, the principle of aiding those lines in the North-west is not a new one. The aid granted by Canada to the Canadian Pacific Railway—which was of course an exceptional case, it was the pioneer railway—cannot be taken as a standard by which to judge the fair proportion of aid to be given to other lines. But, apart from the Canadian Pacific Railway, we aided very liberally the line running from Calgary to Edmonton. We gave it not only an annuity of $80,000 a year for twenty years, but also gave it a land subsidy of 2,176,000 acres. That land to-day, I presume, is selling at five to seven dollars an acre. Then there was another branch of the Canadian Pacific Railway that led to Prince Albert. We are giving that also an annuity of $80,000 a year.

Hon. Sir MACKENZIE BOWELL—That is in consideration of carrying the mails and supplies for the Mounted Police, &c.

Hon. Mr. SCOTT—Yes, they were to carry our mails. I am afraid the mail matter has not been a very serious consideration on

the line to Prince Albert. That line also got 1,625,000 acres of land. The Manitoba and South-western received a subsidy of 1,306,000 acres of land. The Manitoba and North-western received 2,918,000 acres, and other lines have been aided in proportion to their distance. We have also had the policy that has been adopted in regard to the older portions of the Dominion, of granting subsidies varying from $3,200 to $6,400 per mile. Now, the advantage, in my judgment, to flow from the proposition which I am now laying before the House is that the government do not expect to be long called upon to pay anything, or that they will in the end have to pay any money. It is believed the roads being constructed by the Canadian Northern will pay from their inception. Hon. gentlemen know the line to be aided is simply an extension of a line that is already over six hundred miles in length. The Canadian Northern have now an outlet on Lake Superior, and last year competed for the carrying of grain from Manitoba and will to a larger extent this year. So this extension, when finished, will give immediate connection with the water of Lake Superior, and it has that advantage over an ordinary line that has to connect with another railway.

Hon. Mr. PERLEY—Did the hon. gentleman say Prince Albert or Edmonton was the terminus ?

Hon. Mr. SCOTT—The line runs direct from a point in Manitoba known as Grand View.

Hon. Mr. FERGUSON—Where is that ?

Hon. Mr. SCOTT—If the hon. gentleman will recollect the location of the Canadian Northern, it runs north for a considerable distance to the west of Lake Winnipeg. The branch leading to Edmonton turns westward at right angles about fifty or sixty miles to the south of the present terminus of the line running north. It is the line running north that furnishes the branch to Prince Albert. The branch to Prince Albert comes off a line already built running north to the line to Edmonton, comes off a line already built, but from a point of intersection further south and running in a pretty direct line to Edmonton through that northern country. As I said before, the government under this Bill take a lien for the $13,000 per mile, on not only the road-bed, but also the rolling stock and all the property of the company on that part of the line. They also receive a second mortgage on the other line of the company totalling a mileage of 700 miles down to Lake Superior. There is just one exception ; for a distance of, I think, fifty miles in Manitoba there is already an encumbrance of $3,000 per mile, and the first mortgage would be limited to a sum of $10,000 per mile, not the total amount to be advanced. It would only be a lien for $10,000 per mile on that particular fifty miles.

Hon. Mr. PERLEY—Exclusive of the $3,000 ?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—A second mortgage ?

Hon. Mr. SCOTT—A second mortgage outside of the $3,000 on that fifty miles. There are clauses which give the Governor in Council the right to regulate the tolls. They have also the right to give other roads running powers over the line. The clause declares it to be unlawful for the Canadian Northern to sell or lease its line to the Canadian Pacific Railway Company. It is believed and hoped that the government will not be called upon to pay a dollar of this guarantee. Should they be obliged to, of course they have the railway as security.

Hon. Mr. PERLEY—Is there any time fixed when the road shall be built to Edmonton ?

Hon. Mr. SCOTT—There may be under their Act. It is not referred to here, but the understanding is that they are to put it through as fast as possible. With these observations I move that the House go into committee on the Bill.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman tell us how much the road from Port Arthur to Winnipeg is encumbered ? As I understand, the government of Canada take additional security to the extent of $13,000 a mile on that portion already built and running from Port Arthur to Winnipeg, subject, however, to the encumbrances which are now upon the line.

Hon. Mr. SCOTT—I think it is $20,000 or $25,000 a mile.

Hon. Sir MACKENZIE BOWELL—And that is mortgaged to the Manitoba government much upon the same terms that we are loaning this $13,000 per mile ?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—If I understand the provisions of this guarantee, it is to guarantee not only the interest, but the principal, to the extent of $13,000 per mile for seven hundred and twenty miles, and $10,000 as a second mortgtge on the fifty miles within the borders of Manitoba.

Hon. Mr. SCOTT—So I understand.

Hon. Sir MACKENZIE BOWELL—And the security is still further extended to the line running from Winnipeg to Port Arthur, subject to a first mortgage of $25,000 per mile which is guaranteed by the government of Manitoba. Taking the proposition all in all, from the knowledge I have of the country and the advantages which, I am quite satisfied will accrue to the whole Dominion, as one of the main arteries or outlets of the millions of increase in the output of grain from that country, the agreement entered into with this company by the government, should not be objected to, but rather I think it one of the best that possibly, under the circumstances, could be made in order to provide facilities for the transportation of the output of the North-west and of Manitoba in particular. Everybody has been surprised at the marvellous progress in that portion of the Dominion since the construction of the Canadian Pacific Railway. Most of us can remember what a fight the government of the day had in order to get through the Bill which was passed granting subsidies for the construction of the Canadian Pacific Railway. The prediction was then made that the encumbrance on the resources of this country would ruin us. We all remember also the predictions made by one of the leaders of the opposition at that time in the House of Commons, that that road could not be built with all the resources of the empire at its back within the ten years provided for in the Act. Another one said it would never pay for the grease required to lubricate the axles of the wheels. Another, a railway man—that is Mr. Thompson, the then member for Welland, who built the Canadian Southern—predicted that it would be impossible to have the ties laid upon the western end of the road before the ties on the eastern end would all be rotten. We have lived long enough to see that those predictions have not been fulfilled, and further, we find the Canadian Pacific Railway stock to-day selling at one hundred and twenty-four and it has been as high as one hundred and thirty-four. I take this opportunity of expressing my opinion on this question, that the Canadian Pacific Railway, not being able at the present time to bring out the vastly increased products of the west in sufficient time to get them to the seaboard, this Canadian Northern is going to be not so much a competing line with the other, as an assistance to that country, and to the whole Dominion in bringing out the products of the west to Lake Superior. There are other advantages also. There are fine water powers on Rainy River, which forms the boundary line between Canada and the United States, and if arrangements could be made to develop them, a second Minneapolis might spring up in our own country. I hope to see the capitalists of Canada take this matter in hand, and ere long that we shall see large mills erected at that particular point utilizing the immense water power created, to a very great extent, by what is known as the Fort Frances lock, which we ridiculed so much in years gone by, the expenditure upon which has been a dead loss to the country and will remain a dead loss unless the suggestion which I have made be followed and a large and prosperous town is created in that part of the country. I think my hon. friend from Wellington (Hon. Mr. McMullen) who has visited that country, and knows it better than I do, will agree with me. My visit to that section of the country has made a strong impression on my mind that ere long we ought to have a second Minneapolis on Rainy River, so far as the grinding of wheat into flour and shipping it to the seaboard is concerned, for it can be done easily and more cheaply than at Minneapolis. Flour mills in that locality would not only utilize the hard wheat of our own country, but it is in such a position as to be able to monopolize, to a very great extent, the output of the farms of Northern Dakota and Northern Minnesota. Speaking for myself, I cordially approve of the assistance which it is proposed to give to the Canadian Northern line and

the manner in which it is to be given so far as Edmonton, but it is not going to stop there.

Hon. Mr. TEMPLEMAN—Hear, hear.

Hon. Sir MACKENZIE BOWELL—You will find when they get to Edmonton we will be asked for another very large subsidy in order to extend the line through Yellow Head Pass to Port Simpson or some other port on the Pacific Ocean. If it should be built to Bute Inlet, the line would strike that portion of the channel between Vancouver Island and the mainland which was contemplated as the western terminus of the Canadian Pacific Railway when it was originally proposed by the late Mr. Worthington. There they will cross by Seymour Narrows and go down to Victoria. If they should go to Port Simpson, they would be five or six hundred miles nearer to Japan and China than at Vancouver. I do not anticipate at all, so far as this guarantee is concerned, that the country will be called upon to lose one dollar. We may, for the first few years, have to make advances, but if I read the Bill correctly, there is still to be a lien upon the road, and ultimately we will have that second outlet for the products of the great west without costing us anything. I do not think there is a man in Canada to-day who has given the subject the slightest consideration, and more particularly those like my hon. friend opposite who is smiling and who gave such vehement opposition to the scheme of Sir John Macdonald's government to build the Canadian Pacific Railway, who will not say that the opposition of that day made a mistake then, and acknowledge that they were in error, as the premier of Ontario has acknowledged —and he was one who vigorously opposed the whole Pacific Railway scheme. We must all now admit that the construction of that road has been the salvation of this country and made Canada the pride of ourselves as well as of the empire to which we belong. I cannot say that I am so much enamoured of other schemes I have heard foreshadowed. Whether they are coming up this session or not I cannot say, but it will be time enough to express an opinion when they are laid before us. In the meantime, I am glad to see this company aided. They have displayed energy and enterprise which deserve recognition, and I am sure the prosperity of this country will be increased by the extension of their road to Edmonton. Those who have not visited that part of the country—and I have travelled from Edmonton to Prince Albert along the north Saskatchewan myself—can have no conception of the value of that portion of the Northwest Territories to this Dominion. It will make this country what it would not have been and could not have been made, but for the construction of railways.

Hon. Mr. MACDONALD (B.C.)—The leader of the opposition says it will be time enough to discuss other schemes when they are before us. It will be too late then. After the contract is signed and placed before parliament, it will be entirely too late. Whether a good thing or a bad thing, it will then be settled as far as parliament is concerned. If it were possible that all schemes of that kind were first of all laid before parliament before the government entered into a contract, it would be wise and judicious. Take the Treadgold concession, for instance. If that had come before parliament in advance, it would never have been granted. The minister took that upon his own responsibility and granted it, and tells parliament that they have to swallow the agreement. If something of that kind could be done, it would be an excellent thing for the government and parliament and would relieve the government of many responsibilities. With regard to the scheme now before us, I give it my entire approbation. That country ought to be opened up by railways. It is a rich country for cereals, cattle and dairy products. The company that has this work in hand deserves a great deal of praise. They have, with their own money opened large portions of that country, and this grant will enable them to open up still larger areas. The responsibility of the government in this matter does not amount to very much. It is interest at three per cent on about nine and a half millions of dollars, so that if the company are not able to meet their bonds, it will only amount to a matter of about $250,000 for the government to meet. I hope the government will never be called upon to pay a dollar of it. I take a deep interest in this scheme, for I believe, as my hon. friend says, they will not stop at Edmonton—that they will go on to Bute Inlet,

and across to Vancouver Island, and thence down to Victoria. The province of British Columbia passed an Act two years ago giving a grant of $5,000 a mile for a railway from Yellow Head Pass down to Bute Inlet—that is over two and a half millions of dollars. I have no doubt it will be an inducement to this company to take up that bonus and build that road.

Hon. Sir MACKENZIE BOWELL—What is the distance ?

Hon. Mr. MACDONALD (B.C.)—About five hundred miles. There is another scheme from Seymour Narrows down to Victoria, on Vancouver Island, for which another subsidy of $4,500 a mile was granted, so that there is every hope that this company will not stop at Edmonton, but will go down to the Pacific coast, and eventually have lines of steamers to Japan and China like the Canadian Pacific Railway now has. It is true that to go to Port Simpson would give a shorter route to China. It has that advantage, but it has other disadvantages. It is a section of country where there is no trade or population. It is away from the coal mines, where steamers must go to get fuel for their voyages. I would advise —though I may be personally interested in the matter—any company going to the Pacific coast to have their terminus as far south as possible, for there all the trade lies, not only the local trade, but the trade with China and Japan. There are at present no less than six oriental lines coming into that part of the country from China, and the custom now is for large English tramp steamers, of from twelve to fifteen thousand tons burden, to leave England laden with cargo, go around by the Red Sea to Singapore, China and Japan, thence to Vancouver, and make a circle with their cargo, landing it here and there at different ports. I hope this company will eventually, and before long, make connection with those steamers. I give my hearty approval to this scheme, and I only hope that the other schemes we hear so much about that are to be laid before us will be on the same lines—that the government will not build a road themselves, but give a money subsidy to some company, so that they will know just where they are. Suppose the government own a thousand miles of road, and lease it to a company, they would have to keep the road-bed, the bridges, stations, &c., in repair. We know it is the government who will have to repair them, and not a company, and it would come to just as much expense to lease a line to a company as if the government worked the road themselves, because of the repairs.

Hon. Mr. McMULLEN—I just desire to add a word to what has been said by the leader of the opposition, and permit me in the first instance to say I am very glad to find that the opposition are disposed to heartily endorse the course which the government has taken in granting aid to this company to build the Canadian Northern road. I had the pleasure of travelling over the Canadian Northern Railway from Port Arthur to Winnipeg twice, and I can honestly say that it is an exceedingly well built line. It has easy grades and very easy curves, and is a line that I am satisfied will render admirable service to Manitoba and the North-west in carrying out the surplus produce of that extensive country to navigable waters. With regard to the remarks made by the hon. leader as to the Canadian Pacific Railway, we all admire the Canadian Pacific Railway as an institution that is creditable to Canada and creditable to itself, and that has done a great deal for the development of Manitoba and the North-west. Our impressions of the future of that country, when it came into the possession of Canada, were very vague. The reports that we received with regard to its future were very discouraging indeed. Those that had been there for years, said that it was a country that never could be an agricultural district, that it was only suited for raising buffalo, and that to take it away from the herds of buffalo that had been in occupation for years, was foolish on the part of Canada. We knew that was the report generally. We know that even the churches, in some cases, lent their countenance to the report that the North-west could not be looked forward to as a desirable agricultural district. In view of these reports we were disposed to think that the construction of the Canadian Pacific Railway at the time it was built was premature, and that possibly it might not turn out so satisfactorily

as we would like to see an institution that was costing the country so much money turn out. We are all now happy and glad to see that our anticipations of what might happen, and our ideas of the character of that country, have not been realized, that it is turning out to be a most desirable section. Its development year after year has proved very clearly and distinctly that it will soon become the butt-end of this entire Dominion. We earnestly hope and wish it every success, and I can say that I entirely endorse the course the government have taken in giving the Canadian Northern this assistance. The two men at the head of that concern deserve credit for the energy they have shown, and I can say that the elevators that they have erected at Port Arthur are creditable to Canada and to themselves. I saw a steam barge loaded to take 100,000 bushels of wheat from that elevator down to Depot Harbour, and they loaded that steam barge with that 100,000 bushels of wheat in something less than four hours. I asked the man in charge what they got for carrying wheat from Port Arthur to Depot Harbour, and he told me the rate was two cents. That is an exceedingly low rate. I also agree that Port Arthur in the near future will become the great focussing centre for the surplus produce of the North-west, and it is from there that they will find an outlet to the sea. Let us earnestly hope that it will be carried all the way through Canada, that Canada will retain within herself and for herself the trade of that vast country and from year to year as it grows, that it will prove a decided advantage to the older provinces. I agree with my hon. friend, the leader of the opposition, with regard to utilizing the water power along the Rainy River. There is a magnificent water power at Fort Frances to which he has drawn attention. I should like very much to see it developed. I think there is room there for large mills. I believe it would be a very desirable distributing point for that region and also a good point for shipment of flour. That water power has remained there for a long time undeveloped. I should be glad to see it developed, and at no very distant day I hope it will be, and that it will be turning out a very large amount of flour, the same as the Keewatin mills, which have been a decided advantage to Canada. There are also other water powers in that region that can be developed, and I should like to see all of them fully utilized. There are plenty of them on the rivers over which the Canadian Northern runs, and I believe there is power enough on that line, to grind one-half of the entire output of the wheat of Manitoba, if it were only developed, and we would be sending forward Canadian flour to all portions of Europe and our own country, in place of the wheat. I hope to see developments of that kind take place from year to year, because power by water is, after all, the best, and it cannot be successfully competed with by steam.

Hon. Mr. FERGUSON—It would have been quite unseemly if a measure of such great importance as this had been pushed yesterday afternoon, as suggested by my hon. friend, the Secretary of State, without discussion, and especially without the Bill having been distributed to the members of the House. That was exactly the situation last evening when the Bill came before us, and it was not till some time after the House opened this afternoon, that I was able to secure a copy of this Bill as it passed the House of Commons. I am quite in accord with the observations that have already been addressed to this House with regard to this Bill. It is a very important, and, on the whole, a good measure. At the same time, I think we should have more information than we have yet received before we finally pass it, or even allow it to go to committee. We have not the advantage, in discussing a Bill of this kind before this honourable House, that we have with a private railway Bill, when we get it in the Railway Committee. There we have a map and the discussion is of a conversational character, and all the members of the committee in a short time know exactly the location of the railroad they are subsidizing or authorizing. In this case there is a rather vague impression in the minds of most hon. members, who have not been in the western country, as to where this railway begins. Well, it reaches to Winnipeg. That point is very definite. But as I understand it, the Canadian Northern at present have a line extending from Port Arthur to Erwood, which is near, or in the direction of the Saskatchewan river, and as

I understand from my hon. friend the Secretary of State—he will correct me if I am in error—the road that we are now assisting by this Bill is one that is an extension of what is called the Gilbert Plains branch, which leaves the line going north, and goes westerly, and we are going from a point on that road to Edmonton, with a branch line which will lead into Prince Albert, and that the whole amounts to about 720 miles. My hon. friend, the Secretary of State, pointed out as a contrast to the arrangement that is being made in support of this railway, what was done for other railways. He referred to a contract which a former government made with regard to the construction of the railway from Calgary to Edmonton, agreeing to pay $80,000 a year, part of which was to be taken out in carrying mails and supplies for the mounted police and other purposes, but if I recollect aright, this very same company, the Canadian Northern, obtained similar assistance with regard to a part of this very line that we are now considering from Winnipeg northward towards the Saskatchewan. I think there was a payment also of $80,000 a year, and precisely the same conditions as the Calgary and Edmonton line. I am not so clear as to what were the other important concessions by the government of Canada or by the province of Manitoba—I think there were both—and they are very important ones indeed, to this Canadian Northern Railway, enabling it to get to Erwood and to this point, Grand View, where we are now taking it in hand. This is a road that has already been very liberally assisted. I notice that we are to have security upon the entire line of the road, and in return we are loaning $13,000 a mile for the most of 720 miles, and $10,000 on 100 miles. That is the way I understand it. I do not understand that we are to have any security upon the land grants which the company are to receive. Possibly that is right. It would probably be very awkward for the company to have their lands tied up in a way which would not allow them to dispose of them freely. Possibly there is ample security for the government without any lien on the land grant. There is one point to which I wish to call the attention of the Secretary of State, in connection with clause 6, which reads as follows:—

6. The rates and tolls to be charged for the transfer and carriage of freight and passengers upon the lines of railway so aided and upon all the lines owned by the Canadian Northern Railway Company shall be under the control of the Governor in Council or of such authority, commission or tribunal as is designated or constituted under any Act of the parliament of Canada for the regulation or control of the business of railways: Provided that the rates or tolls to be charged shall not in any case be higher than the rates or tolls which may be fixed in the contract to be made between the government of Canada and the Canadian Northern Railway Company under this Act.

I presume this refers to a contract that is to be made, by which the government is to get security upon the lines, and this is, I think, the only provision in the Bill which relates to the tolls forming part of that contract. It is a very important provision, but really I would think that that contract, or that part of it, ought to appear as a schedule to the Bill, so that we would know really what the government is getting with regard to the charges that are to be established by the company, and collected on the business of that road. I just make that observation with regard to clause 6, so that my hon. friend may have some more exact information with regard to that point when we go into committee. I wish also to call the hon. gentleman's attention to clause 8, which provides that it shall be unlawful for the company to sell any of their lines, or any portion thereof, to the Canadian Pacific Railway, or to pool their earnings with the Canadian Pacific Railway. I can quite understand the object of that provision. It is no doubt the desire, and the very earnest desire of the people of the North-west that these railways shall not get together, and that the competition which it is hoped will arise from the inauguration of this system by the Canadian Northern in the North-west shall not be entirely nullified as it were, by the companies amalgamating or pooling their earnings, in some such way as the Canadian Pacific Railway and the Great Northern did after the government of Manitoba had gone to such very great expense in getting the Great Northern to come into Canada. But it really seems to me that this clause 8 might have gone further, and covered also the other railways that it is proposed to subsidize, or to construct the new Trans-Canada Railway, for instance, of which we have heard so much, which is outlined in

the press as a grand government plan for forming another transcontinental railway. I do not know, but it would seem to me that if public safety requires that the Canadian Northern should not be allowed to amalgamate with the Canadian Pacific Railway or to pool earnings with the Canadian Pacific Railway, that it would also be in the public interest to prevent their amalgamating or pooling earnings with this other great corporation it is proposed to create in the North-west, or any other railway. I am just indicating this point at this stage. These are matters of detail that will come up when we go into committee. I was in this north-western country a good many years ago, and was not mistaken then as to what its future should be. I formed a strong conviction at that time that we had a magnificent country in the North-west, an almost unlimited country of the greatest agricultural possibilities, and what is happening in recent years goes to confirm even the most sanguine expectations that were formed by men like myself visiting that country as far back as ten or twelve years ago. I have not the slightest doubt if this road is as well managed as the Canadian Pacific Railway has been managed, that the security that it is able to give the government is ample to protect the treasury of Canada, and prevent the government from ultimately having any loss whatever. A country of such great resources will give traffic to this road, if it is well managed, to such an extent that no loss can accrue to the country from giving the enterprise this encouragement at the outset. I am pleased to know that it is being done, and I think this principle is a safer and better one than the principle adopted in the past, of giving land grants. I am happy to find that that policy is being abandoned. In the early stages of railway development in the North-west matters were in a very different position. The land was estimated to be, and it was really, practically of no value until railroads were built and until it was made valuable by that kind of development. At that time, with the resources of the country as they were, the public men of the day did probably what was perfectly right, in view of the circumstances, and in view of their knowledge of the country, when they gave land grants. However, we know now what the value of the country is, and we have no right to go on giving these concessions of land grants which would be in the very near future of a value out of all proportion to the cost of the railroad that we are building or assisting to build.

The motion was agreed to, and the House resolved itself into Committee of the Whole on the Bill.

(In the Committee.)

Hon. Sir MACKENZIE BOWELL—I do not know that it is necessary to read all the clauses. Those who take an interest in this measure have gone through it I suppose. I only received the Bill at one o'clock, and was not therefore in a position to give it that consideration a question of so much importance deserves. Under the circumstances, however, I do not object in this particular case, but I think that this system of railroading Bills through the House without reading them carefully is vicious in principle.

Hon. Mr. SCOTT—We will have any clause read that the hon. gentleman wishes.

Hon. Sir MACKENZIE BOWELL—I am simply protesting against the principle. I call the attention of the hon. gentleman from Victoria to the fact that he misunderstood me altogether when I said that we were not to discuss the other questions that might likely come before the House until they were in a concrete form and contracted for by the government. I merely referred to those schemes as prospective schemes of the government and it was not necessary, not being before us, to discuss them at the present time. It would be an abnegation of responsibility of the government and of members of the government if the government were permitted to enter into contracts and then insist upon our accepting it. This House knows, and the country knows, that the government have made bargains in the past and that the Senate thought they were vicious in principle and resisted them. I merely make this explanation so as not to be misunderstood on the record.

Hon. Mr. MACDONALD (P.E.I.)—I should prefer to have the different clauses read at the Table. This Bill was handed round to members on this side of the House when the discussion was proceeding. We have

had no opportunity of seeing it, and during the discussion one cannot read the clauses of the Bill with any attention so as to get a thorough understanding. I have not had the advantage other hon. gentlemen have had of travelling through that country and seeing the wonderful advantages it possesses, and I must say that the appropriation of such a large amount of the funds of the Dominion of Canada requires considerable attention on the part of members, especially members of the opposition. It appears that the Bill has the sanction of the leading members on both sides of the House, and it would be presumption in me to express my personal opinion possibly not shared in by any other member of the House, that we are proceeding at an extravagant rate in making these appropriations. The hon. Secretary of State told us that we had given something like 6,700,000 acres of land as a bonus to lines which have been constructed partially on this same route.

Hon. Mr. SCOTT—Not on the same route. This is a new line altogether, new territory, the northern line. The two lines I spoke of particularly were branches of the Canadian Pacific Railway, one running north to Edmonton, and another running from the Canadian Pacific Railway to Prince Albert, but they do not traverse the country longitudinally.

Hon. Mr. MACDONALD (P.E.I.)—If we had the advantages that members of the Railway Committee have, of seeing those lines laid down on the map, we would have a much better understanding and knowledge of what the lines were, of the directions in which they run and what other lines they cross, or if they interfere with any other. I think the hon. Secretary of State mentioned that there were 2,176,000 acres of land granted to one railway, something over 2,000,000 to another and 2,600,000 to a third. At any rate, the whole amounted to somewhere like 7,000,000 acres of land which had been granted towards the construction of railways in that part of the Dominion, and the value of that land was from $5 to $7 an acre; so that we have given in land bonuses to the companies to which he referred an amount equal to from $35,000,000 to $50.000,000 which has been given for the construction of railways in that part of the country. I am very glad to find that the policy of giving lands to railway companies is to be discontinued. We know that many years ago this land was of very little value. It was estimated in the early days of the Canadian Pacific Railway that the land was worth from 50 cents to $1 an acre. Now it has gone up until it amounts to from $5 to $7 an acre, and it is certainly a very much better use for the Dominion to hold it if they contemplate giving a cash bonus or guaranteeing the bonds of the road. I am pleased, at any rate, that the policy of giving lands of the Dominion to companies is done away with.

Hon. Mr. SCOTT—Hear, hear. In estimating the value of lands my hon. friend must recollect that these lands were absolutely valueless. You could not get a dollar an acre for them until the railways were built. That was the primary stimulation that gave the lands any value, and even then it was a long time coming. The line from Calgary to Edmonton has been built many years, and so has the line to Prince Albert. Neither of them ran through the very best country. A map of the railway would really give very little information, because between the extreme points in that 600 miles, there are only two points that are known—that is, points that are marked on the map. They are the towns of Prince Albert and Battleford. It is a new country. The best information one can get is that it is a line running almost due west. In the first place, the Canadian Northern runs almost due north from Winnipeg before turning west. From Winnipeg it runs south before it turns east to Port Arthur, but the line from Winnipeg was originally intended to run from Hudson Bay, and we had very many discussions on the first line known as the Canadian Northern. It was known as the Winnipeg and Hudson Bay Railway. The forty miles my hon. friend referred to was subsidized a good many years ago to help and support a line the objective point of which was on Hudson Bay. When they had reached a point, perhaps a hundred or a hundred and fifty miles north, they took authority from parliament to build branches westerly, and now practically the western branch will be the main line. For the present I may say that the due north line that was to continue to Hudson Bay has been

abandoned. The point of intersection of the main line—that is the line 620 miles in length to Edmonton— is not the extreme limit of the line running north to Hudson Bay. It is a point of intersection perhaps from fifty to one hundred miles south of that. The point from which the branch will run to Prince Albert is higher up than the intersection of the line that runs to Edmonton, so that it is not a branch off the main line that goes to Prince Albert but rather a branch of the line that originally formed part of the Winnipeg and Hudson Bay Railway.

Hon. Mr. McMILLAN—These will be parallel lines.

Hon. Mr. SCOTT—Yes, I think it is a little further north than Edmonton, so that in considering the question of the land value, we have, of course, to take that into consideration, that these great values that are now quoted are only of very recent date. I suppose that ten years ago the lands that are to-day selling at five to ten dollars an acre could all be had readily for one dollar an acre—in fact some have been sold for considerably less than that. The rise in value since Manitoba and the North-west have become known to the world has been something phenomenal, quite out of the ordinary run, even beyond the gradual rise of land south of the boundary line. It is due, of course, to a variety of causes, the main cause, I suppose, being that the wheat grown in northern latitudes is finer and richer in gluten than wheat of southern climates. Lying in a cooler climate, and with a richer soil, it gives a larger yield per acre than land south of the line.

Hon. Mr. ELLIS—I do not know that I clearly understand the proviso of clause two :

> Provided always, that, with respect to that portion of the said line from the end of the Gilbert Plains branch to the westerly boundary of Manitoba, the said guaranteed securities shall be a first charge to the extent only of ten thousand dollars per mile, but shall also rank on the said portion next after the charges heretofore created.

What does that latter part mean ?

Hon. Mr. SCOTT—It will be a second mortgage on the main line. The clause gives the government a second mortgage on the whole system.

Hon. Mr. FERGUSON—It is not very clear.

Hon. Mr. DANDURAND—There will be a first charge to the extent only of ten thousand dollars per mile 'but shall also rank on the said portion next after the charges heretofore created,' and will in consequence become second mortgages. They will rank as first mortgage up to the extent of $10,000. Other charges will follow which have been heretofore created, and then they will stand as a further charge, after those charges, as second mortgages.

Hon. Mr. FERGUSON—The $5,000 will come under the charge hereinbefore created.

Hon. Mr. SCOTT—It arises in this way : they had encumbered that particular part of the line with $3,000 a mile, so they could not give us the $13,000 a mile on that particular fifty miles and, therefore, we get a second mortgage on that short distance ranking after the $3,000 per mile.

Hon. Mr. ELLIS—Would it not be better to make it an absolute first mortgage by paying off the difference ?

Hon. Mr. BEIQUE—In granting a mortgage, they reserve the right to grant a first charge to the extent of $10,000 a mile, and it is in the exercise of that reserve that this mortgage would be created. They have the right to create a mortgage in favour of the government to the extent of $10,000 per mile as a first charge, and then the mortgage at present existing on the road would take effect, and then the government would have a second mortgage after the charges that now exist for the balance.

Hon. Mr. FERGUSON—That is for $5,000 more. That is a very probable meaning, but I do not think it is clearly expressed.

The clause was adopted.

On clause 6,

Hon. Mr. SCOTT—The hon. gentleman asked for some explanation with regard to clause six. He suggests it would be better if we had the contract attached to this Bill, but he can readily see it would be very difficult indeed to fix the rates by Act of parliament, because they must be changed, necessarily, from time to time. Rates that might be fair and reasonable the first year,

might, after greater facilities were given, be unreasonable, and therefore, they are subjected from time to time to change and could not be very well incorporated in the Bill.

Hon. Mr. FERGUSON—The idea I got from reading the clause is this: There is to be a contract between the company and the government governing the security and also the tolls. This is a very incidental way of bringing in a reference to this contract. One would suppose it would be set out clearly that there was to be a contract, and that that contract was to control the tolls, but the way it is inserted in the Bill is only just a mere incident:

Provided that the rates or tolls to be charged shall not in any case be higher than the rates or tolls which may be fixed in the contract to be made between the government of Canada and the Canadian Northern Railway Company under this Act.

That is all there is of it. But at the same time, I presume the government can implement it in order to have a contract which will cover the tolls.

Hon. Mr. SCOTT—That will be the extreme limit. They cannot charge more than the contract allows. The commission which is to be appointed will have control of the rates, but in no case can they be higher than the rates fixed in the contract between the government and the Canadian Northern.

The clause was adopted.

On clause 8,

Hon. Mr. SCOTT—My hon. friend made some allusion to this. The Canadian Pacific Railway is the only existing company and we could not take cognizance of any other.

Hon. Mr. FERGUSON—Would my hon. friend object to insert after the words 'Canadian Pacific Railway Company' the words 'or any other company'?

Hon. Mr. SCOTT—Oh, yes, and I will tell the reason why: Suppose another main line is built, it would be very much better if it could be arranged that this will form part of it. I do not know whether that is possible or feasible. Speaking for myself, it would seem to me to be a very wise and prudent proposition. If another main line were constructed, would it not be wise to utilize the Canadian Northern if they are going to run over the same section of the country? Of course, if they are taking an altogether different section of the country, the suggestion would have no force or weight.

Hon. Mr. FERGUSON—Is it my hon. friend's meaning if another transcontinental line is built that it should amalgamate with this?

Hon. Mr. SCOTT—That might be one of the possibilities. I could not say, of course.

Hon. Mr. FERGUSON—It is a very important consideration, and this would be a very proper time to discuss it, because if we build a railway, say from Moncton to Winnipeg, at the entire expense of the government, and we aid, in the way we are aiding now, another line running parallel to it, and this has an outlet at Port Arthur on the lake, and this road would amalgamate with the new transcontinental road, it would be a serious thing for the government owning that road, because the effect might be to divert the traffic southward to the lakes. The company owning lines in the territories would have an interest in diverting traffic in that way.

Hon. Mr. BEIQUE—I understand the object in singling out the Canadian Pacific Railway is because they are the only company who are not subject, as to control of the rates, to the government. A certain percentage on their stock must be earned before control can be exercised, but the rates of all the other railroads are subject to control by the government. That is why I take it for granted the clause is limited to the Canadian Pacific Railway Company.

Hon. Sir MACKENZIE BOWELL—The reason advanced by the Secretary of State would apply with equal force to other roads as well as to the Canadian Pacific Railway. The object of preventing an amalgamation with the Canadian Pacific Railway is, I take it, to prevent monoply, and if it is in the interests of the country that there should be competition, there is no reason why this company should be permitted to amalgamate with another company. I cannot conceive it possible that it would be advisable to amalgamate this line with another road running in the same direction. I quite understand, however, that a road from the

terminus of this line at Edmonton to the Pacific Ocean might amalgamate with this road, providing it were built by another company, but only under those circumstances would it be advisable to permit amalgamation with another company any more than with the Canadian Pacific Railway. If the road to which my hon. friend has referred, running from Moncton to Winnipeg, is built, I do not see how an amalgamation that could be made with that would be of any advantage to the country. What the people of the west want, and what the whole Dominion desires are competing lines, and that is why I take it the government has made this provision. To make it effective, the amendment suggested by the hon. gentleman from Marshfied would be the correct one, that is to say, it should be provided that they shall not amalgamate with the Canadian Pacific Railway Company or any other company. Experience has taught me that these provisions do not amount to anything. We put them on the statute-book, and in a few years it is found to be to the advantage of the company and of the country to allow the amalgamation to take place, and they come to parliament and the concession is made at once. This looks all very well for the present, and it sounds well, and it takes the ear of the public, but it is not worth the paper it is written on.

The clause was adopted.

Hon. Mr. TESSIER, from the committee, reported the Bill without amendment.

The Bill was then read the third time, and passed.

HARBOUR COMMISSIONERS OF MONTREAL BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (201) An Act to provide for further advances to the Harbour Commissioners of Montreal.

(In the Committee.)

Hon. Mr. SCOTT—I was asked yesterday by the leader of the opposition to ascertain the revenue of the Harbour Board of Montreal. I have a telegram from the secretary-treasurer of the harbour stating that the revenue for last year was $326,190.

Hon. Sir MACKENZIE BOWELL.

Hon. Sir MACKEUZIE BOWELL—That would cover interest and expenses of management even on a debt of $8,000,000.

Hon. Mr. SCOTT—Yes. A very large amount they look to receive from the expenditure is from the warehousing. They are now erecting very extensive steel warehouses. Hon. gentlemen may have noticed in the press allusions to the terrible congestion at the docks of Montreal, that vessels cannot unload in consequence of the docks being already covered with goods, and the difficulties also in getting exports away. It is now in contemplation that part of this money is to build very extensive warehouses, and from them a very considerable additional revenue will be obtained. I notice the commissioners were going to fine many of the merchants of Montreal because they allowed their goods to remain in the warehouses beyond the stipulated period.

Hon. Sir MACKENZIE BOWELL—Does that sum include elevators as well ?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—That would show that if their income is $326,000 and the interest upon their bonds $240,000, they will have a surplus of $86,000 to meet the ordinary expenses of management: That is a very satisfactory statement.

Hon. Mr. DANDURAND—According as the receipts increase, the rates are reduced.

On clause 3,

Hon. Mr. FERGUSON—I think in previous loans to the harbour of Montreal the Acts passed by parliament directed in what way certain portions of the expenditure should be made. I am not sure that that was right. Perhaps it is better to leave it to the Harbour Commissioners, but in former cases that was done.

Hon. Mr. SCOTT—It was, but very generally. On one occasion a million dollars was advanced for the improvement of wharfs, structures and other accommodations in the harbour. The only special item I recollect was in one of the grants of $750,000 which was authorized to be spent on a dry dock in the east end of the city, and I think authority was afterwards taken by parliament to divert that to general improvements.

Hon. Mr. FERGUSON—I think this is better.

The clause was adopted.

Hon. Sir ALPHONSE PELLETIER, from the committee, reported the Bill without amendment.

The Bill was then read the third time, and passed.

FREE LABOUR BILL.

IN THE COMMITTEE.

Hon. Mr. BEIQUE moved that the Speaker leave the Chair, and that the House resolve itself into Committee of the Whole on Bill (S) An Act to amend the Criminal Code, 1892, respecting free labour.

Hon. Mr. ELLIS—I have not had the pleasure of hearing an explanation of this Bill. It is a very drastic measure, and I should like to hear some reason, before we adopt the principle of it, why the Bill should pass.

Hon. Mr. SCOTT—We can discuss it in committee.

Hon. Mr. BEIQUE—I gave an explanation at the second reading.

The motion was agreed to, and the House resolved itself into Committee of the Whole on the Bill.

(In the Committee.)

On the first clause.

Hon. Mr. BEIQUE moved that the clause be amended to read as follows :

4. If at any time when a strike is in progress, three persons or more assemble for any purpose which may reasonably be deemed connected with, or in sympathy with such strike, and if, while they are so assembled, any unlawful act of violence or intimidation is committed by one or more of such persons, or any unlawful threat is used by one or more of them, the whole in any way affecting free labour, or the employer against whom the strike is directed, members of his family, his employees, his property or persons making use of said property, the said assemblage of persons shall be deemed an unlawful assembly ; and each person forming part thereof when such unlawful act is done or threat used, shall be deemed to have been a member of an unlawful assembly, and shall be punishable accordingly (unless punishable as a rioter as hereinafter mentioned), even although such person has not participated in such unlawful act or threat, unless the accused shows to the satisfaction of the court or judge that he formed part of the assembly only casually, without having any common purpose with the other members thereof and that he did not commit or countenance any such unlawful act or threat.

It will be noticed that in the redrafting of the paragraph, the following words have been left out : 'to have been an unlawful assembly from the beginning.' The words 'to have been' and the words 'from the beginning' have been struck out. I have, in remodelling this paragraph of the Bill, tried to meet the objections which were raised against it when it received its second reading. I thought these objections would be removed by the additions made, so that the Bill is limited to assemblies which may reasonably be deemed to be connected with, or in sympathy with, a strike. It must be an act of violence or intimidation which affects free labour, or the employer, members of his family, his property or persons making use of such property. It is intended to cover cases of this kind. For instance, during the strike directed against the electric railway, people riding on the cars were liable to be struck with stones thrown by the strikers, and that is why I add the words 'or persons making us of said property.'

Hon. Mr. ELLIS—I was not here when the Bill was discussed before. I have a strong feeling against legislation of this kind. The struggle which is going on between capital and labour is a struggle of vast importance, a struggle which cannot be suppressed in any way by any Act of parliament. Because the moment one form of the struggle is suppressed, it will take another form, and until the golden rule is adopted everywhere there will be such agitations existing, and I am afraid the end will not be in our day. This particular legislation, I presume, arises out of the condition in Montreal over the strike there, and the hon. gentleman having, no doubt, come in contact with some little trouble in that way, seeks to meet that particular difficulty by legislation which will declare an innocent man guilty, throw upon him the burden of proof before a court that he was only casually present, was not there for any particular purpose in connection with the strike, and therefore thrust upon him a burden which is an unfair burden to throw upon a man who may be entirely innocent. I think it was Emerson, or some emi-

nent philosopher, who said that the great mass of men who walk the street were fevers, hungers and thirsts, and that is a correct generalization with regard not only to strikers, but men who seek to resist strikes. Labour has its rights. It is a fair and just thing for strikes to take place, and it is a difficult thing to keep them within legal limits, but you cannot prevent them. You cannot prevent the exercise of the rights the labourers have of not working if they do not choose to work, and therefore we should be very careful that an unfair advantage should not be taken of a man who may be quite within the limit of his rights as a member of the state, but who, by such a law as this, can be brought into a false position, and the burden thrown upon him of proving before the court that he is innocent, when from the first he was innocent. It seems to me it is an irritating thing, and all that would be gained by it would be nothing, and it would be better for the hon. gentleman to withdraw his Bill and not proceed with it.

Hon. Mr. FERGUSON—When this Bill was introduced and received its second reading. I very strongly opposed it. I considered that, in the form in which it was then presented, that it was a very dangerous Bill indeed, and should not be passed by the House. However, in the course of discussion it was manifest that occasions have arisen in which it has been necessary that very strong powers should be placed in the law——

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. FERGUSON—In order to meet uprising and disorder, such as has occurred in Montreal and Toronto, and I have looked very carefully into the amendments that the hon. mover of the Bill now proposes to insert, and think that mainly they remove the objections that I had to the Bill in the first instance. There are one or two alterations that might still be made in order to perfect the measure. We must all admit that this is a very drastic measure, and yet at the same time we must recognize that it is a very difficult matter indeed to have prosecutions when a state of disorder exists on the streets, as in Montreal when the street railway strike took place, and when stones were thrown out of shops and doors, and when people were assembled in little knots for the purpose of trying to defeat the object of the law—in such cases it is hard to make prosecutions, and it is a very desirable thing that we should frame the law so that it would be possible to get prosecutions in such cases as that. We must guard at the same time carefully that innocent men are not prosecuted and sent to prison. Better that quite a number of guilty men should escape, than that one innocent man should suffer, but I think that if my hon. friend would make just one or two changes in the Bill still further—and he has shown a disposition to meet the view of the House so far—that for my own part I would be inclined to withdraw any further opposition to it. I think that the first line of the Bill is not closely enough worded. It reads :

If at any time when a strike is in progress three persons or more assemble.

'In progress in any locality'—it should read something like that, so that if there was trouble or difficulty in any city, town or locality, it would not be possible to connect a meeting in any other part of the city with what would be brought under the hands of the officers of the law. Another amendment would be in the second line, by inserting the words 'common purpose,' in place of 'any purpose.' It would make the clause entirely symmetrical, and the words 'common purpose,' which are used in the third to last line, would then have a meaning they would not otherwise have.

Hon. Mr. POWER—If the three persons assemble for a purpose, how could it be for any other than a common purpose ?

Hon. Mr. FERGUSON—Well, any purpose.

Hon. Mr. POWER—It must be a common purpose.

Hon. Mr. FERGUSON—The words 'common purpóse' are used at the conclusion, and I think it would be better that they should be used in this part of it. If you use the words 'any purpose,' each of those individuals might have a different purpose.

Hon. Mr. BEIQUE—If my hon. friend would bear in mind, to meet his objection I propose to add the definition of the purpose by these words :

—which may be reasonably deemed to be connected with or in sympathy with such strike.

It defines the purpose.

Hon. Mr. FERGUSON—I admit that takes a great deal of force out of my objection, but I think that that explanation is such that there could be no objection to using the words 'common purpose' because it amounts to that, and that would make plain what is meant at the end of the clause. I think the other words the hon. gentleman has added make it almost equivalent to common purpose. At all events the purpose would require to have some reference to a strike. It would make the word 'purpose' at the end of the clause more clear. I think it would be well to insert in the first line 'when a strike is in progress in any locality.'

Hon. Mr. POWER—It must be in some locality.

Hon. Mr. FERGUSON—It must be connected with the locality of the strike.

Hon. Mr. DANDURAND—It must be connected with, or in sympathy with the strike.

Hon. Mr. KERR (Toronto)—They may be perfectly lawfully there and do no harm, but no matter how innocently they may come together, or how different their purposes, if they come for a purpose which is connected with the strike, or in sympathy with the strike, and while there do something in addition to being there, it is declared unlawful.

Hon. Mr. FERGUSON—No. A person is liable to be arrested although he has done nothing, if somebody else has done something wrong, and he is forced to prove a negative.

Hon. Mr. KERR (Toronto)—While there, something must be done.

Hon. Mr. POWER—It must be one or more of such persons.

Hon. Mr. POIRIER—I submit that this Bill, and particularly this clause, would be more appropriate in Turkey, in Persia, or with some people who are ruled by a high hand, who are semi-freemen, than in this country of ours. Allow me, hon. gentlemen, to express my earnest views on the question of our dealing with labour. We had better deal with that qeustion in a spirit of prudence, and great prudence. Why are criminal laws enacted? Because there are abuses. Before abuses crept in of a considerable nature, criminal laws would not be enacted. In the glorious Roman empire they had twelve tables of law and these sufficed so long as they remained peaceable and virtuous, and they only filled their statute-books with all sorts of conceivable laws when the republic was corrupt. I do not admit that this Canadian country of ours is so corrupt that we should have particular laws meeting all possible emergencies, and meeting cases that we will likely enough never have to face. Let us, I say again, be cautious in dealing with this question of labour. Let us not forget that for centuries capital had the upper hand. Let us not forget there is such a thing as equilibrium in this world, and that where abuses have crept in and long had their sway, reactions will set in, and in setting in will possibly pass the mark. But such things as necessary reaction, such as equilibrium, must of necessity happen. Now, what is the state of affairs in our Dominion? As against the abuse of capital, against which no laws have been enacted, because there was no one to enact them, there are, I will admit, some grievances now against labour, but are those grievances sufficient for us to pass such Draconian Act as this, the effect of which would be, if I went to Montreal tomorrow, not knowing there was a strike there, and met my hon. friend and another hon. gentleman and we shook hands, I might be arrested and brought before the courts, be delayed on my journey, and have to prove that I had none but lawful motives?

Hon. Mr. SCOTT—No; oh, no.

Hon. Mr. POIRIER—That is the object of the Bill. The hon. mover shakes his head, and I will not repeat the anecdote about a certain judge shaking his head. The clause reads:

If at any time when a strike is in progress three persons or more assemble for any purpose——

Three persons may assemble to go to church.

Some hon. MEMBERS—Read further.

Hon. Mr. POIRIER—It continues:

—and if while they are so assembled, any unlawful act of violence or intimidation is committed by one or more such persons.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has not the amendment.

Hon. Mr. DANDURAND—The hon. gentleman might read from the amendment, which will be found on the Order paper.

Hon. Mr. POIRIER—I understand the Bill has been amended, but no sufficient amendment will commend itself to me. I think we had better let this question severely alone until the abuses are such that we will be justified in taking action with a strong hand. The difficulties that have arisen in Montreal are of a certain grievous nature, but not sufficient to warrant this measure, and I think that I will appeal to the sense of this House, if I say that public opinion on those matters is much stronger than any legislation we could pass. I will not make any further remarks on this measure, because I observe that I have been reading from the Bill as first printed, which has been amended, not considerably, not sufficiently for me to support it, but I will say before resuming my seat that it is preferable, in my estimation, that this Bill should be withdrawn, and for us senators here, who lead a placid life, who are not concerned in those matters as directly perhaps as the other House, although we have the privilege to deal with them, to wait until abuses of a more severe and more serious nature have sprung up in the country, until there is a demand for anything like a Bill of such a Draconian nature. I will vote against the Bill in toto, and against this clause particularly.

Hon. Mr. BEIQUE—I do not desire to repeat the explanation I gave to the House when moving the second reading of this Bill, but it is only due to the hon. member from St. John and the hon. gentleman who has just spoken, that I should add one word, and it is this: that I claim to recognize as fully as anybody can do so the right of workingmen to organize and protect themselves, and in my estimation it has been and is a good thing that they should unite for the purpose of protecting themselves. They have obtained valuable results, and I hope they will continue striving to improve their condition. I claim that there is nothing in this Bill directed against union men who are desiring to protect themselves. I claim that the object of the Bill is to protect union men, as well as other citizens. We had the experience in Montreal, and other people have had the experience in other cities, wherever strikes have taken place, the peace has been broken and they have been unable to reach the guilty parties, and it will not be disputed that the arm of the law should be made strong enough and long enough to reach guilty parties, whether they are union men or not. Now, limited as it is, I cannot see the force of the objections that are offered when the object of the meeting is defined, as it is defined in the amendment, and when the object of the threat or act of violence is also defined, as it is defined in the amendment. The hon. gentleman who has just spoken deals with this Bill as if it were a new measure altogether.

Hon. Mr. POIRIER—No, not quite. It is one of those Bills against associations, which has caused more trouble in Europe and the Old Country than any other Bill except Bills against the free publication of newspapers,—caused revolutions, and that sort of thing.

Hon. Mr. BEIQUE—We have the same principle in our statute-book. In the Criminal Code, in that very section to which this is being added, we have it, that an assembly of three or more persons, whatever may be the object of that assembly——

Hon. Mr. FERGUSON—For a common purpose.

Hon. Mr. BEIQUE—For any common purpose it becomes an unlawful assembly if it gives reason to apprehend that the peace will be disturbed, and the moment that that condition of things arises, the person who becomes liable as being a member of that unlawful assembly, can be prosecuted, and he has no such recourse as is intended to give him under this measure, of showing that he never intended to be guilty of any offence. It has been stated by the hon. gentleman from St. John, that it was a new principle to put a person on his defence. If the hon. gentleman will peruse the Criminal Code, he will find there a number of sections where that principle is applied, and I could refer to a Bill introduced by the Minister of Justice in the other House, where the same principle is found. It is an amendment to section

704 of the Criminal Code. The Bill reads as follows:

704. Whenever, on the trial of a person charged with making an agreement for the sale or purchase of shares, goods, wares or merchandise in the manner set forth in section two hundred and one, it is established that the person so charged has made or signed any such contract or agreement of sale or purchase, or has acted, aided or abetted in the making or signing thereof, the burden of proof of the bona fide intention to acquire or to sell such shares, goods, wares or merchandise, or to deliver or to receive delivery thereof, as the case may be, shall rest upon the person so charged.

It is not a new principle. I might point out several sections of the Criminal Code where the same principle obtains, and it seems that it is a measure more in the interest of the labouring classes, because they are more interested in having the peace preserved, otherwise it is the occasion of their losing the sympathies to which they are rightly entitled.

Hon. Mr. TEMPLEMAN—I confess that I sympathize somewhat with the views expressed by the hon. gentleman from St. John, but it seems to me that a definition of what is meant by free labour, would make this measure somewhat more intelligible. I do not know what is meant by free labour referred to in this clause.

Hon. Mr. BEIQUE—Freedom of labour.

Hon. Mr. TEMPLEMAN—If the object of the originator of this Bill is to cast a reflection on the union men of the country, as it does, and to say that all labour outside of union is free labour, I can understand the meaning of it.

Hon. Mr. BEIQUE—It is freedom of labour.

Hon. Mr. TEMPLEMAN—That is quite intelligible but that is a minor thing. I thought it was directed distinctly to where strikes of union men took place, and to where the introduction of non-union labour was being made and that this was being aimed exclusively at unions, and as it reads, that is evidently the meaning. However, if it is changed in the way the hon gentleman suggests, that would remove the stigma that otherwise would attach to the measure. It seems to me it is, on the whole, very drastic legislation. I think it is going very far.

Hon. Mr. POIRIER—Too far.

Hon. Mr. TEMPLEMAN—I should like to see it amended to some extent.

Hon. Mr. McMULLEN—I do not want it to go abroad and be generally admitted that this legislation is caused by the strike that took place in Montreal, I have witnessed strikes in Ontario. Take for instance the street railway strike in Toronto. I never in my life witnessed a more scandalous exhibition of vandalism——

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. McMULLEN—than I witnessed there in the destruction of property, in the breaking of cars—men that volunteered to go and act as drivers on the motors were abused, one man was nearly killed by being struck on the face with a brick. Men that were willing to take those cars out and give the public of Toronto necessary accommodation were terrorized, driven from their places and scared from taking charge of the cars. The object of this Bill is not to interfere with unions at all, as my hon. friend has explained. I am quite willing that artisans and mechanics should have a perfect right to unite for their own general advantage and improvement, but when a strike takes place, if other men wish to step in and sell their labour, have they not a right to be protected as well as the men who belong to a union? Certainly they have. The non-union man is a British subject; he has a right to expect, if he covenants with a street railway, or a manufacturer, or any one else, for his labour, that the law will protect him in the service he has covenanted to render. That is the only object of this Bill, and to call it a Bill that would adorn the records of some country where they have no responsible government is miscalling the Bill altogether. If ever there was a Bill which tends to secure to every man under the British Crown his rights, this is the only Bill that has been introduced in this House. We want to secure every man his rights. If I belong to a union and choose to strike and step out of my place, I have no right to dictate to my friend that he shall not occupy it. If another man chooses to come in and take my place the law should protect him in his rights as a British subject. That is the object of the Bill, and it will meet the conditions fully, if it is passed with the

amendment now submitted by my hon. friend.

Hon. Mr. CLORAN—I quite agree with what the last speaker has said about the object of the Bill. There is no doubt the object is good, but the means which the promotor of the Bill takes to attain that object are not based on what would be proper in the administration of criminal justice in this country. I have had some experience in the matter of criminal justice and its administration and if I were on the bench, I would not want that Bill placed in my hands to administer it in its present shape. We pass laws easily here ; the judges have great difficulty in interpreting and administering them. I find two obstacles in this Bill, one, the first provision in it, the object my hon. friend wants to attain, will be attained by it. The law should not be made a means of injustice. The law should be applied for the purpose for which it was drafted :—

If at any time when a strike is in progress three persons or more assemble for any purpose——

It may be a legitimate or illegitimate purpose. Why not put in the word 'illegitimate."

Hon. Mr. BEIQUE—Read further.

Hon. Mr. CLORAN—It continues :

—which may reasonably be deemed connected with or in sympathy with such strike, and if, while they are so assembled.

As soon as an unlawful act is committed it is a policeman's duty to arrest the person. By this Bill you want to punish the cause and the effect. You want to punish the cause, the men assembling. They have a right to assemble, but the Bill says they have committed an unlawful act, in so doing. The very moment they commit an unlawful act they are liable to an arrest for an unlawful act, and this Bill wants to punish them also for having assembled. They will be punished twice practically for the same act. It is superfluous. As soon as three or more persons are gathered together in connection with a strike—that is all covered by the common law or the statutes of this country.

Hon. Mr. POIRIER—Yes, and sufficiently so.

Hon. Mr. CLORAN—Our criminal judges in Montreal needed no such Bill to punish the men who were guilty of unlawful acts in the Montreal strike. This Bill, coming from this House, will be looked upon by the labourers of this country as an attack on their liberty and rights.

Hon. Mr. McMULLEN—No, no.

Hon. Mr. CLORAN—I say yes. I know whereof I speak. I admit the object of this Bill should be promoted by this House and by parliament, but we already have sufficient in the law to attain that end. That is the first point. The second point is this, that I protest against it as being a subversion of the principles of British justice in Canada. Under British law and under its administration, I am proud to say, no man is called upon to prove himself innocent before the Crown has made proof of his guilt. Here we find a subversion of that principle of British justice. I cannot accept this Bill, because I think the statutes of our country already cover these unlawful acts of violence, intimidation and threats. Whether committed in strike or out of strike, an unlawful act is punishable, and it is the duty of the officers of the law to see that such acts are not perpetrated as soon as they are warned that they may occur. As far as making a man guilty under any such circumstances is concerned, I will not be a party to subverting the principles of British justice in its administration.

Hon. Mr. BEIQUE—I am in a position to say that I submitted the Bill to one of the judges who is charged with the administration of criminal justice in Montreal and that the measure received his entire approbation, and having had experience of the difficulty of dealing with cases of that kind, it is on that experience he expressed to me his high appreciation of the Bill.

Hon. Mr. POIRIER—I shall demand a vote on this Bill at all events. I consider it evil legislation and it simply reminds me of that law which was passed during the French revolution of 1791-3—the Loi contre les suspects. It will open a door that it is not desirable to open, and, as the hon. gentleman says, it is on the face of it against the spirit of British institutions. I shall demand a vote on this question and record my voice against it.

Hon. Mr. COFFEY, from the committee, reported that they had made some progress with the Bill.

BILLS INTRODUCED.

Bill (141) An Act respecting the Medicine Hat and Northern Alberta Railway Company.—(Hon. Mr. Dandurand.)

Bill (166) An Act to incorporate the Gaspé and Western Railway Company.—(Hon. Mr. Landerkin.)

SECOND READINGS.

Bill (46) An Act respecting the Kingston and Pembroke Railway Company.—(Hon. Mr. Macdonald, B.C.)

Bill (131) An Act to incorporate the Marconi Wireless Telegraph Company of Canada, Limited.—(Hon. Mr. Dandurand.)

Bill (150) An Act to incorporate the Columbia River Improvement Company, Limited.—(Hon. Mr. Landerkin.)

Bill (156) An Act to incorporate the Montreal-Longueuil Bridge Company.—(Hon. Mr. Béique.)

Bill (161) An Act to confer on the Commissioner of Patents certain powers for the relief of the Woolfe Valve Gear Company.—(Hon. Mr. Landerkin.)

Bill (165) An Act to incorporate the Algonquin Lumber and Power Company, Limited.—(Hon. Mr. McHugh.)

Bill (V) An Act for the relief of Ellen McDermid.—(Hon. Mr. Perley.)

The Senate adjourned.

THE SENATE.

Ottawa, Friday, July 10, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

ENCOURAGEMENT OF THE CONSTRUCTION OF DRY-DOCKS BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (178) An Act respecting the encouragement of the construction of dry-docks. He said: Since 1882 the policy of the government of Canada has been to aid in the erection of dry-docks. From time to time the subsidies and the conditions attached have been rather enlarged. The first instance that we have of parliament granting a subsidy to dry-docks, was in 1882, Chap. 17. Two per cent was then authorized to be paid for twenty years, on dry-docks, and in no one year was the amount to be paid to any particular dock, to be larger than $10,000. In 1899 the 2 per cent was revived, and the amount was not to exceed $20,000—practically double. This amendment to the Act authorizes a subsidy not exceeding 3 per cent per annum—that is, increasing it 1 per cent—on the cost of the work during twenty years, provided the subsidy shall not exceed $30,000 per annum. The immediate demand for this increase arose from the fact that in the maritime provinces it became necessary to erect docks of a larger character, and the city of St. John will contribute towards the dock in that city. It will be large enough to allow the largest vessels that come to Canada to be repaired in the dry-dock, and that is the outcome of this legislation.

Hon. Sir MACKENZIE BOWELL—Is there any limit to the amount to be paid for the construction of these dry-docks?

Hon. Mr. SCOTT—Thirty thousand dollars.

Hon. Sir MACKENZIE BOWELL—I understand that. It says $30,000, but it might go on for ten years.

Hon. Mr. SCOTT—Oh, yes, twenty years.

Hon. Sir MACKENZIE BOWELL—How far have they succeeded in the construction of the dry-dock at St. John? In what state is the dry-dock at St. John as to its completion?

Hon. Mr. SCOTT—I do not think it is under construction yet. I think they have simply been making financial arrangements for it, and making arrangements with the city and the local government for advances and a subsidy. Perhaps the hon. gentleman from St. John will be able to tell us about it.

Hon. Mr. ELLIS—I think the difficulty, up to the present time, has been to finance it. The city, as I understand it, has given a site to the promoters, and also an annual grant for a certain period, and the province

has done the same, but there has been no progress yet made or commencement of the work.

Hon. Sir MACKENZIE BOWELL—Then it simply means that while the city have given a site and an annual grant, the subsidy to be paid by the government is not sufficient to enable them to make their financial arrangements to commence the work. I suppose that is the fact ?

Hon. Mr. SCOTT—That is the fact.

Hon. Sir MACKENZIE BOWELL—I know there was a great deal of opposition to the granting of a subsidy for the construction of a dry-dock at St. John. At the time it was represented as being useless and not required in that part of the Dominion. The argument was that the dry-dock in Halifax was quite sufficient for the purpose in the maritime provinces. Whether that be so or not, I am not prepared to give an opinion, All I can say is that I hope it will be more useful and more profitable than the elevator that has been built.

Hon. Mr. DEVER—The citizens of St. John ought to be better judges——

Hon. Sir MACKENZIE BOWELL—Not when we are paying the money.

Hon. Mr. DEVER—Whose money are we paying ?

Hon. Sir MACKENZIE BOWELL—The country's money.

Hon. Mr. DEVER—We do not think it any compliment at all. We see our public money expended by the government on public works in every portion of the Dominion. We see a bridge across the river at Ottawa here where a large amount of money has been given and we want public improvements at St. John. It is our right. Though our representation is small, we do not think it is fair that we should not have our share of improvements. We want a dry-dock at St. John and we think the government of Canada should help us. We should not be opposed by members from other portions of the Dominion who are always anxious for every cent they can get of public money for their own sections. The people of St. John think we should have a dry-dock. We had a ship of great value, about two years ago, damaged and had no dock to put her into, and the consequence was that she became totally destroyed. Talking about using the dry-dock at Halifax, the Bay of Fundy is an important sheet of water and it is too much to expect a city like St. John to have to send ships hundreds of miles to be repaired. The citizens of St. John are quite willing to supply their portion of the cost of the construction of that dry-dock. They have given already a very valuable site for the dock. The corporation of St. John has contributed a certain amount per annum, and I believe our local legislature also is willing to give something. Therefore, I do trust, instead of having it hanging year after year, as it has been for the last three or four years, that something definite will be done soon.

Hon. Mr. FERGUSON—May I ask my hon. friend, the Secretary of State, how many harbours have taken advantage of this legislation ? How many places have applied for assistance under the Act ?

Hon. Mr. SCOTT—Very few. The only one I can recall at the moment is Collingwood. I think Kingston also got some assistance, but at the next stage of the Bill I shall be able to give definite information as to the docks that have received this assistance.

Hon. Mr. FERGUSON—I understood from the hon. gentleman from St. John that no progress has been made with the work—that it is not under construction yet ?

Hon. Mr. SCOTT—No.

Hon. Mr. FERGUSON—In my opinion there must be some other work in view besides the dry-dock at St. John, because there is another change from which one would imply that it is intended to make the law applicable to a dock now in progress.

Hon. Mr. SCOTT—It may be at Collingwood, where they are enlarging the dock.

Hon. Mr. FERGUSON—The impression was conveyed to the House that this legislation was intended to apply altogether to the city of St. John.

Hon. Mr. SCOTT—No, I said that was the immediate pressure. Representations were made that it was absolutely necessary to provide a larger dock on the Atlantic coast,

and the city of St. John represented that the city and the province had aided the work.

Hon. Mr. FERGUSON—I know what my hon. friend said very well, and the impression was conveyed to the House that this legislation was entirely in the interests of St. John and the maritime provinces. I find in the ninth and tenth lines of clause one, it says 'or to complete a dry-dock now in course of construction, &c.' It is plain to my mind that one of the main objects of this legislation is to give larger assistance to some dry-dock that is in course of construction or otherwise this change would not be made in the law. These are the two material changes I find made by the Bill. One is to increase the amount from two to three per cent on the cost, and the maximum expenditure from $20,000 to $30,000, and the other to make this provision applicable to a dry-dock now in course of construction, which cannot mean the dry-dock at St. John, as we are told that dry-dock has not been commenced. I want to say that St. John probably, with the single exception of Montreal, has done more at the expense of its citizens for harbour improvements than any other city in Canada, and I quite agree with my hon. friend behind me that there should not be any very severe criticism levelled at an expenditure of this kind by the federal government for the city of St. John ; at the same time, I think my hon. friend is scarcely right when he refers to the steamer which was stranded there, as if the loss was due to the want of a dry-dock. I do not believe the 'Lake Superior' was floated.

Hon. Mr. DEVER—Yes, she was.

Hon. Mr. FERGUSON—I know she was not floated for nearly a year after she was stranded. I do not know if she has been floated yet. She remained aground for a long time, and therefore it was not the lack of a dry-dock that caused the loss of the vessel.

Hon. Mr. DeBOUCHERVILLE—Before voting on this Bill, I should like to have some information from the hon. minister. As I read the Bill, if the government agree with the contractor to build or to finish a dry-dock, the government have the power to pay so much per cent on the cost ?

Hon. Mr. SCOTT—It is not made with contractors. It is made with the owners of the dry-dock. This is a subsidy granted in aid of the construction of dry-docks, not paid to contractors, but paid to owners who, of course, make the dry-dock.

Hon. Mr. DeBOUCHERVILLE—The Bill says :

1. If any company or body corporate approved by the Governor in Council as having the ability to perform the work, enters into an agreement with His Majesty to construct a dry dock, or to complete a dry dock now in course of construction, with all proper and necessary equipment, machinery and plant for the reception and repairing of vessels, at a place, and according to plans and specifications approved by the Governor in Council on a report by the Minister of Public Works as sufficient for the requirements of the public at such place, the work to be completed within a time to be limited by such agreement, then, provided the company performs the work according to such agreement and to the satisfaction of the Minister of Public Works, under the supervision of whose department the work shall be done, the Governor General in Council may authorize the payment, out of any unappropriated moneys forming part of the Consolidated Revenue Fund, of a subsidy not exceeding three per cent per annum on the cost of the work, during twenty years from the time of its completion, &c.

It seems to me, by this law, without consulting parliament, without having the money voted, the government may ask a person to construct a dry-dock, and will have power to pay so much without the authority of parliament. Is not that so ?

Hon. Mr. SCOTT—Yes. The principle has been established for more than twenty years now. The first Act passed on the subject limited it to 2 per cent and a maximum sum of $10,000. That was in 1882. Since that time parliament has enlarged it on one occasion, and this is a further enlargement.

Hon. Mr. DeBOUCHERVILLE—If that is the only information I can get, I cannot approve of the Bill. It is giving the government a right that they should not have. They should ask the authority of parliament to spend money.

Hon. Mr. DEVER—It is hardly fair to say nothing has been done in St. John with reference to a dry-dock. We have had men representing a dry-dock for three years, and the company has been formed to construct a dry-dock just as soon as they can go on safely. All the preliminaries have been arranged.

Hon. Mr. ELLIS—Coming as I do from the city of St. John, I desire to say this. The law is a general law in its scope, and will apply to other places as well as to St. John. So far as Collingwood is concerned, I think Collingwood, struggling to get a dock, should have the same right.

Hon. Mr. FERGUSON—I found no fault with it.

Hon. Mr. ELLIS—The government should be fully satisfied that the place requires a dry-dock. I do not ask for a dry-dock for St. John unless the government is satisfied that a dry-dock is necessary there for the shipping and business of the place, and that it will be kept in such a way as to serve the purpose for which it is intended. The city of St. John itself is not directly interested in it, except so far as it may be useful for the shipping of the port, and it has shown its interest by giving so much money for a time.

Hon. Sir MACKENZIE BOWELL—Could the hon. Secretary of State tell us how much these dry-docks are likely to cost ?

Hon. Mr. SCOTT—It depends on the size; from $400,000 up to a million. The largest one was calculated to be about a million dollars.

Hon. Mr. ELLIS—Eight hundred thousand.

Hon. Mr. PERLEY—There is no port in the Dominion of Canada that a dry-dock would be such a benefit to as the city of St. John. It is a port the year round. It is not like Montreal, locked up half the year by ice. St. John is a winter port and I know the shipping men would be very much more willing to bring their vessels to St. John, if there was a dry-dock at that port so that vessels could be repaired if injured. It is a risky thing for vessels to go into a port like St. John and know that there is no chance to get them repaired, and I think it would be a general benefit to the whole of Canada. It is the port where we send our cattle, grain and various products to be shipped in the winter season when we cannot ship from Montreal, and therefore I think it is a wise provision to have a dry-dock at St. John, whether the company succeed in constructing the work or not. The government should take a great interest in this matter, because it has a tendency to encourage transportation from that port. More than that, I see that some moneys have been expended in St. John, which, to my mind, are not very wisely spent. I think when the government make an expenditure they should see that it is for a good and proper purpose. They have an elevator there which has only had a few bushels of grain in it, and which has been running two years and cost a large sum of money. Then they built a large warehouse and wharf there which have been little used. They tell me that hardly a vessel goes there. When money is expended to open up and benefit a port, it should be wisely and judiciously expended for the benefit of the port and the whole country and not for political and other purposes.

Hon. Sir MACKENZIE BOWELL—This Bill is simply granting a subsidy of $600,000 to any port desirous of building a dry-dock. That is really what it means.

Hon. Mr. SCOTT—The government has to be satisfied that there is a necessity for it.

Hon. Sir MACKENZIE BOWELL—I understand that. I am looking at the Bill as it is presented before us. We are granting $30,000 a year for twenty years—$600,000, which is simply a bonus to any port or any parties who desire to construct any dry-dock in the Dominion. That is really what it means, and it is only payable in the way of interest so as to enable the parties who construct the works to negotiate and finance the undertaking.

Hon. Mr. TEMPLEMAN—It is not necessarily $30,000 for twenty years. That is the maximum amount, the three per cent.

Hon. Sir MACKENZIE BOWELL—That is three per cent. That is very valuable information.

Hon. Mr. TEMPLEMAN—The hon. gentleman stated that we were voting to expend $600,000.

Hon. Sir MACKENZIE BOWELL—I say distinctly that will be the result of the passing of this Bill, and it will enable the parties at three per cent to borrow a million of money. I am not finding fault with it, but that is exactly what it provides. It is

all very well to say a dry-dock may not cost that amount, and we will not have to pay it. But it says you will pay three per cent on the value of the dock if it does not exceed $30,000. The dock might cost a million and a half and then it would not cost three per cent.

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

SUPPLY BILL.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of (Bill 218) An Act for granting to His Majesty certain sums of money for the public service for the financial years ending respectively the 30th June, 1903, and the 30th June, 1904.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is not going into committee on this Bill ?

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—Then before we proceed there is one point I should like to mention. I desire to know, for the information of the Senate, the order in which these Bills are to be taken up. Is it at the request of the government or is the Speaker to select just what orders he pleases ? We have passed over several orders and taken up this.

Hon. Mr. SCOTT—I was very anxious to take up this measure first and I spoke to the Speaker about it.

Hon. Sir MACKENZIE BOWELL—Would it not be just as well to speak to the Senate and not the Speaker, so that we may all know what is going on ? It is an irregular way of proceeding with business, and the desire is, apparently, to shove through measures without an opportunity of dicussing them. It is not in accordance with our practice and parliamentary usage, to say the least of it, and in the discussion of every measure each member should have the fullest opportunity of expressing his opinion, before the Speaker rises and insists on pushing a matter unduly. I draw attention to this, because I find I have had to rise two or three times, and rise after the Speaker has risen, which is not pleasant to do, because when the Speaker rises, the supposition is that the discussion is over. I find that this Bill is for about $18,000,000.

Hon. Mr. SCOTT—I think so, together with $700,000 odd for the supplementaries of last year.

Hon. Sir MACKENZIE BOWELL—The total amount is for some $18,000,000, and the former supplementary was for $5,000,000. That was partially for the year ending the 30th June last, and I see that in this Bill there is also a large sum, amounting to about three quarters of a million, to meet the expenditure over and above the appropriation for the year ending the 30th of June, and while not desiring to discuss the question fully, I want to call the attention of the House to this important fact to show how completely the government set aside the Civil Service Act. That is all I desire to say about it. I find in the supplementary that we passed, there are no less than twenty-two items that have been paid in contravention of the provision of the Civil Service Act. These items are accompanied by these words 'notwithstanding anything in the Civil Service Act.' Then in the supplementaries before us, there are no less than thirty-three items of the same character, making over fifty instances, in these two supplementaries, of violations of the Civil Service Act. Then, I hold in my hand a statement—I do not propose to read it at the present moment—of the number of times that the Act has been violated since 1900, up to the present time, in each department. I will take the opportunity of putting it upon record when the question is under discussion at some future time, in order that the people may see how little regard has been paid to the provisions of an Act solemnly placed upon the statute-book for the purpose of preventing irregular increases of salary, and the payment of moneys contrary to that Act. The items run up to thousands and tens of thousands of dollars. I would suggest to the hon. Secretary of State as these Bills usually come through his department, that he should exhibit the same conscientious scruples that his colleague, the Minister of Customs does. That hon. gentleman had the Customs Act changed so as to permit him to make appointments without examination, because he said his conscience pricked him every

time he appointed a preventive officer, and then put him at other work. Preventive officers can be appointed according to law without an examination. If the law has been violated in the manner I have indicated, to the extent of about fifty items in these two supplementary estimates, how much more will we find it has been violated when we get hold of the estimates. It would be much better to repeal the law altogether, and let the government have full sway, and increase salaries, and appoint people just when and as they please, irrespective of every consideration.

The motion was agreed to, and the Bill passed through its final stages under suspension of the rules.

BILLS INTRODUCED.

Bill (102) An Act respecting the Red Deer Valley Railway and Coal Company.—(Hon. Mr. Landerkin.)

Bill (157) An Act to incorporate the Brandon, Saskatchewan and Hudson's Bay Railway Company—(Hon. Mr. Perley.)

Bill (159) An Act to incorporate the Canadian Yukon Western Railway Company.—(Hon. Mr. Landerkin.)

Bill (176) An Act to incorporate the Canadian Transportation and Storage Company.—(Hon. Mr. Perley.)

ANIMAL CONTAGIOUS DISEASES ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (194) An Act respecting infectious or contagious diseases affecting animals.

(In the Committee.)

Hon. Mr. SCOTT—The main feature of the Bill is giving more power to the minister. It was found where he had to get authority from council for certain proceedings, in the meantime harm was being done, and one of the main features of the Bill is to give the minister power to act and after acting, to go to council to confirm his action. In the appointment of inspectors the same principle will prevail. In the interpretation clause there is really nothing new. The clause is somewhat altered in the placing of the various diseases, but there is no particular change in subsection 'C.'

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. MACDONALD (B. C.)—How will the slaughter of animals for tuberculosis be guarded against by municipalities? Unless the matter is taken up and the cattle are inspected they may be slaughtered though suffering from tuberculosis and the meat sold to the public. I know there is no protection against such an abuse in the province from which I come. This Bill does not provide for any case of that kind.

Hon. Mr. SCOTT—It provides that the owner is liable to be punished.

Hon. Mr. MACDONALD (B.C.)—The trouble is to catch him. The animal is killed and the diseased meat is put on the market.

On clause 2,

Hon. Mr. FERGUSON—I know there are some changes made in subsection 2 of clause 2.

Hon. Mr. SCOTT—The changes are simply in the placing of the diseases? There are no diseases added.

Hon. Mr. FERGUSON—There is one disease which the hon. gentleman may be able to tell us the name of, 'contagiosa.'

Hon. Mr. SCOTT—It is merely giving pleuro-pneumonia a larger name, that is all.

Hon. Mr. FERGUSON—Texas fever is something we have not had previously in the law, and I notice also that splenetic fever is left out. I know a new light has been taken into the Department of Agriculture, Dr. Rutherford, and as new brooms sweep clean we ought to know what he is doing.

Hon. Mr. PERLEY—This is a very important Bill, and there is one noticeable omission in it, and that is, you do not provide any compensation to the man who loses the animal. Unless this is done you will never be able to successfully stamp out disease from the herds of the country.

Hon. Mr. FERGUSON—Yes, there is compensation provided for.

Hon. Mr. SCOTT—The memo. I have on my notes here is that there is no change in the diseases enumerated here. The changes, if any, are in the name.

Hon. Mr. FERGUSON—Splenetic fever is left out and Texas fever is introduced. It may be the same disease for all I know.

Hon. Mr. SCOTT—The change is in the subsection, which is new.

2. Any veterinary surgeon practising in Canada shall, immediately on ascertaining that an animal is labouring under an infectious or contagious disease, give similar notice to the minister and to the nearest veterinary inspector.

The clause was adopted.

On clause 7,

7. Every person who sells or disposes of, or puts off, or offers or exposes for sale, or attempts to dispose of or put off any animal infected with or labouring under any infectious or contagious disease, or the meat, skin, hide, horns, hoofs, or other parts of an animal infected with or labouring under any infectious or contagious disease at the time of its death, whether such person is the owner of the animal, or of such meat, skin, hide, horns, hoofs or other parts of such an animal, or not, shall, for every such offence, incur a penalty not exceeding two hundred dollars.

Hon. Mr. SCOTT—There is a change in the third line. The words 'known by him to be infectious' are struck out. This law is much more positive and arbitrary. It was found those words being in, everybody was shielded practically. A man knows very well when an animal is diseased, and the words 'known by him to be affected' gave him an opportunity of denying he knew anything about it.

Hon. Mr. FERGUSON—I think it is quite possible the owner of an animal might be perfectly innocent of any knowledge of the animal being infected with disease. However, I do not know that I would object to it, because I think under any circumstances he should prove he was innocent in the intention.

Hon. Mr. PERLEY—It takes a very skilful man to know when an animal has tuberculosis.

The clause was adopted.

On clause 10,

Hon. Mr. SCOTT—In this clause 'Governor in Council' is struck out, and the word 'minister' is substituted.

Hon. Mr. FERGUSON—Is it not a little hard that a man should be under these penalties merely for a suspicion?

10. If any animal infected with or labouring under any infectious or contagious disease, or suspected of being so affected, is sold, disposed of, or put off, or is exposed or offered for sale in any place, or is brought or attempted to be brought for the purpose of being exposed or offered for sale in any market, fair or other open or public place where other animals are commonly exposed for sale, any clerk or inspector, or other officer of the fair or market, or any constable or policeman, or any other person authorized by the mayor or reeve, or by any justice of the peace having jurisdiction in the place, or any person authorized or appointed by the Minister, may seize the animal and report the seizure to the mayor or reeve, or to any justice of the peace having jurisdiction in the place; and such mayor, reeve or justice or person authorized or appointed by the minister, may, after veterinary examination and verification, cause the animal, together with any pens, hurdles, troughs, litter, hay, straw, or other articles which he judges likely to have been infected thereby, to be forthwith destroyed, or otherwise disposed of, in such manner as he deems proper, or as is directed, as provided by this Act.

Hon. Mr. SCOTT—The cause is a very serious one and we have to take very stringent measures in cases of this kind.

The clause was adopted.

On clause 12,

Hon. Mr. SCOTT—Subsection two provides that grade animals shall be paid for, and in the case of pure-bred animals sixty dollars is allowed.

Hon. Mr. FERGUSON—My hon. friend from Wolseley will see it is in this clause that the provision is made for compensation and it is a little more liberal than under the old law.

12. The Governor in Council may order a compensation to be paid to the owners of animals slaughtered under the provisions of this Act.

2. When the animal slaughtered is affected with infectious or contagious disease, the compensation, if any, shall be one-third of the value of the animal before it became so affected, but shall not exceed, in the case of grade animals, twenty dollars, and in the case of pure-bred animals, sixty dollars.

Hon. Mr. PERLEY—It is a very small compensation.

Hon. Mr. FERGUSON—Yes, but larger than it was.

The clause was adopted.

On clause 18,

Hon. Mr. SCOTT—The word 'suspect' in this clause is new.

Hon. Mr. FERGUSON—I notice all through the Bill it proposes to allow action to be taken on suspicion, both in this clause eighteen and in others.

Hon. Mr. SCOTT—That is the main feature of the Bill.

Hon. Mr. FERGUSON—That it allows proceedings to be taken on suspicion ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—Is there anything in the Bill which makes the inspector or veterinary responsible for the very serious damage done to the owner if he unwarrantably makes a report or acts on suspicion. One can imagine a case where a man may be ruined in his business from the inspector acting on mere suspicion that a herd is diseased. We know that in parts of the country veterinary surgeons have run simply crazy on this subject of tuberculosis. They have been getting back to more sober ground lately, but some years ago they required tuberculosis tests in very many cases. I notice in this Bill, due I suppose to the influence of the new official that has been placed in charge of these matters in the Department of Agriculture, there is a tendency to exalt a mere suspicion into an established fact. Now, supposing a veterinary, or an inspector, reports a whole herd as being infected with tuberculosis, and all this process of condemning and slaughtering the herd happens, a man may be overwhelmed with ruin practically. There is a provision that if it found that the proceedings were wrong, he shall be paid such compensation as the Governor in Council may settle as the value of the herd, but there should be compensation for damage done under such circumstances. I am not speaking of a matter that is not likely to arise, for we know such incidents have occurred, and we know by attaching too much importance to this tuberculin test animals have been condemned as infectious and slaughtered with serious consequences to the owner. There ought to be some provision that the inspector should be held responsible, or there should be some compensation to the owner if it be found that a valuable herd has been needlessly destroyed. Not only should he be recompensed, but damages should be paid.

Hon. Mr. SCOTT—My hon. friend recognizes the great importance of acting promptly where disease exists. We must trust to the good sense and the sound judgment of the officials in charge. A man is liable to make mistakes, but the cases must be rare where he would commit the indiscretion the hon. gentleman suggests. I cannot imagine an inspector with good sense and judgment who would commit the error the hon. gentleman points out, but if he did, either the government or the inspector should compensate the owner.

Hon. Mr. FERGUSON—It is more than ever necessary we should be cautious, because I heard Dr. Rutherford make this sweeping declaration, that a large portion of tuberculosis in the human family was due to the milk of the cow. We know that Dr. Koch, the greatest authority on the subject, has pronounced the opinion that animal tuberculosis is not capable of being communicated to the human system at all. That is Dr. Koch's opinion after a great deal of investigation, with all the facilities that could be placed at his disposal by the government of Germany. That being so, and knowing the very extreme views that Dr. Rutherford has held on this subject, we should proceed cautiously. I want to speak with due respect of the veterinary profession but we know that profession does not stand on a very high plane in this country. I have no doubt it does in some other countries. We find a tendency among the veterinaries to magnify the danger—that is another way of magnifying their own profession. The greatest possible care should be taken when passing an Act of this kind, inspired as it is by a gentleman of this profession who is anxious, no doubt, to commit the government to the very extreme position which he himself has taken on this question, and which is unwarranted to-day by the judgment of the highest scientists of the world.

Hon. Mr. SCOTT—If the hon. gentleman has followed the controversy on the subject of the transmission of tuberculosis through the milk of the cow, he will find that more than Dr. Rutherford entertain that view. It is a question in dispute among scientific men on the other side of the Atlantic. Those who take an interest in the subject are not yet satisfied which is the correct view.

Hon. Mr. FERGUSON—The statement I made was that Dr. Koch, who stands at the very head of investigators on this subject, put himself on record only a little more than a year ago as being of the op-

inion—he could not say it was absolutely settled—that tuberculosis as it exists in the bovine family is not communicable to the human family. He proved beyond any doubt, as he reported, that human tuberculosis was not communicable to the bovine family. Of course, he could not pursue the same test to prove the opposite of that proposition. It would not be possible to get human beings to submit themselves to the application of a test by having bovine tuberculosis communicated to their systems in any way, and therefore he could not come to what would be called an absolute conclusion on the subject; nevertheless, he gave a great many reasons which led him to say that, in his opinion there was strong reason to believe that it was not so communicable, and that there was no absolute evidence to prove that it was. I only mention that as incidental to this, knowing, as I do, the extreme position that Dr. Rutherford has taken upon this question, and knowing, as I do, that the present Minister of Agriculture was carried away some years ago on this subject, so much so that he got in conflict with the best men in Canada representing the farmers of the country, among the rest, the Hon. John Dryden, Minister of Agriculture for Ontario, who differed entirely from him on the subject. Therefore, I think there should be great care taken that we do not go too far in allowing herds to be condemned on mere suspicion on the part of those veterinaries, or by the inspectors appointed by the Minister of Agriculture.

Hon. Mr. ELLIS—It is well known that the officials who are charged with the enforcement of these laws are very rigid, and further than that there is a disposition to have all legislation so easy that whatever they do they will have a law for it. I know something of matters which occurred in New Brunswick with regard to cattle in that way, and I think great injustice was done. There should be some saving clause in the Bill. We have passed the 7th clause: that was an unjust section, for it does not give a man an opportunity to show whether he is acting properly or improperly. I would suggest to the hon. Secretary of State that, looking over the whole subject, he might find it possible to get in the Act somewhere a saving clause, to get over the difficulty, because when the cattle belonging to these unfortunate people become diseased, they are subject to great straits. Their cattle are sacrificed for the public good. I trust the hon. Secretary of State will think it over, at any rate, and see whether there could not be a saving clause to provide for many of those cases.

The clause was adopted.

On clause 19,

Hon. Mr. FERGUSON—Who is going to take the responsibility of the damage resulting, even supposing no animal has been slaughtered, when a man's herd has been improperly declared to be affected with the disease? My hon. friend, the Secretary of State, can reflect what that means to a man with a very valuable herd, who depends upon sales to breeders in all parts of the country. Supposing an unfounded report is made against his herd, and it is afterwards found it was all a mistake, that the inspector was entirely wrong, the most serious consequences would result to that man, and certainly, as my hon. friend from St. John has pointed out, there should be some provision for such cases. I know there is a provision that if an animal which is not infected is slaughtered, the owner gets the value of the animal, but that does not cover the loss to breeders of pure-bred stock, where the value of animals is up in the hundreds, where the suspicion is fastened on a man's herd and the report goes all over the country. It means an absolute suspension of sales by him to other breeders for a considerable time. Where such a thing as that is done wantonly and ignorantly, by an inspector, there should be some remedy, besides paying him at a price the minister may fix, which may not cover half the value of the particular animal to him. The minister could not go up to the real price of a high bred animal imported from the old country.

Hon. Mr. SCOTT—This clause has been in force since 48-49 Victoria. I do not know why my hon. friend should lay so much stress on it.

Hon. Mr. FERGUSON—It is made much stronger than it was. Formerly it had to

be something more than a suspicion, but now it may be done merely on suspicion.

Hon. Mr. MACDONALD (B.C.)—A man in Victoria had forty cattle killed in a few days under the local Act. He got nothing but what the government gave him as a matter of benevolence, and it was a great hardship.

Hon. Mr. TEMPLEMAN—That was under the local law.

Hon. Mr. MACDONALD (B.C.)—And whether the cattle were diseased or not nobody could say.

The clause was adopted.

On clause 22,

Hon. Mr. FERGUSON—This clause reads as follows:

> The area of an infected place may, in any case, be described by reference to a map or plan deposited at some specified place, or by reference to townships, parishes, farms, or otherwise.

Hon. Mr. SCOTT—That is the old law word for word.

Hon. Mr. FERGUSON—But an old law is not always a right law, and we are not to assume that absolute infallibility has guided the Department of Agriculture as to what parts of the old law should be amended. Should there not be provided some post office, or some specific place? That is so indefinite that it might mean nothing.

Hon. Mr. SCOTT—I presume they will adopt the best measures possible.

Hon. Mr. FERGUSON—Surely when we come across an expression in the law so vague and meaningless as that, we should amend it.

Hon. Mr. SCOTT—Those who have had charge of the administration of the Act say they think it is not possible to give any better description, because they define the actual lot and concession in the township.

Hon. Sir MACKENZIE BOWELL—But the clause is optional.

Hon. Mr. SCOTT—If the hon. gentleman can make it more definite, I should be glad.

Hon. Mr. FERGUSON—First there is an infected area set out. The department or its officers, find out the infected area. It has to be described. Where is that description to be filed, so that the public may see it? There should be some specified place. This is a vague and indefinite thing.

Hon. Mr. SCOTT—It may be one locality in one township, and it may be a different locality in another. You cannot lay down an arbitrary or positive rule. It must be governed by the occasion that arises.

Hon. Mr. FERGUSON—The infected area will be different in one part from another, but there should be some place named where the description of the infected place may be filed, so that owners of cattle would know what was the infected place.

Hon. Mr. TEMPLEMAN—I apprehend the name of the place will be mentioned in the specification—the infected district. You could not name it any more distinctly here.

Hon. Mr. POWER—If the hon. gentleman will look at clause 21, he will see that it is provided for, and the object of clause 22 is to provide that the infected place may be marked on a map.

Hon. Mr. SCOTT—It seems to me you could not get a better description. We do not want to narrow it.

Hon. Mr. FERGUSON—Is there no place in the Bill where this infected area is to be described, and the public are to have notice how far it extends or what herds it covers? I should think that would just be the place to have it. I fail to see what is the object of declaring a certain area to be described, and the public are to have described by reference to a map or something, but there is no provision in the Bill by which that description can be made public, so that the people can get the benefit of the information.

Hon. Mr. TEMPLEMAN—The very clause we are dealing with provides for that.

Hon. Mr. SCOTT—I am advised that no difficulty has ever been found in defining the area. No one has ever made any complaint.

Hon. Mr. FERGUSON—Is the hon. gentleman sure of that?

Hon. Mr. SCOTT—I am told so by a gentleman in the department.

Hon. Mr. FERGUSON—I know it is a subject of heartburn among farmers and importers of stock. They have been put to a vast amount of unnecessary trouble, and I think there should certainly be something inserted in the Act, perhaps not in this clause, but in some part of the Act, that when an area is found to be infected, and described on a map as provided here, there should be notice given of some character or another, so that all interested would know how far that area extended.

Hon. Mr. POWER—I must say I cannot see the source of the difficulty. Under clause 20 the inspector makes a declaration which constitutes the place an infected place. Then he gives the notice to the parties immediately interested. Then under section 21 the area of the infected place, may in all cases, by a declaration by the minister, include a common field, stable, cowshed, or other premises in which infectious or contagious disease has been found to exist, and such an area as to the minister may seem requisite. And section 22 says that the area of an infected place may in any case be described by reference to a map or plan deposited at some special specified place or by reference to townships, parishes, farms or otherwise. That is in order to make it clearer in what region or district the farm is. Section 21 provides for the description of the infected place, the field or farm ; and then in order to make the matter clearer section 22 says this area may be described by reference to a map or plan, which plan or map, is to be deposited in some specified place, or if not by map or plan, then by reference to townships, parishes, farms or otherwise, I do not see how we can do better than that.

Hon. Mr. FERGUSON—Where is the publication ?

Hon. Mr. SCOTT—It is in the newspapers.

Hon. Mr. FERGUSON—Is there any publication at all ?

Hon. Mr. POWER—Apparently. The declaration of the minister must be made public, I suppose.

Hon. Sir MACKENZIE BOWELL—But the objection is that it is not sufficiently specific as to where that notification shall be put up.

Hon. Mr. SCOTT—Would it be the same now in any two different places ? If you defined a place that would suit one locality, it might not suit another locality. It would not be a public place, it might be too remote, or there might be some objection. Each case must be governed by the circumstances attending it.

Hon. Sir MACKENZIE BOWELL—Supposing this disease should be discovered in any particular township, what would be the hardship in requiring the notification to be given in the place where the infected cattle are located ?

Hon. Mr. SCOTT—Certainly it would be given there. No doubt of it.

Hon. Sir MACKENZIE BOWELL—That is all my hon. friend asked. This clause leaves it optional with the parties to select the place in which this notice shall be given, or advertisement published. If it is in Osgoode; should not the notice be given there? Supposing the Minister of Agriculture should decide that the specified place should be in Nepean or in the city of Ottawa, what then ? That is the whole of the point my hon. friend has tried to make, and the argument has been beating round the bush.

Hon. Mr. SCOTT—I understand the practice of the department is that where a farm is infected, the notice is served on the owner himself, and that where several are affected it is published in all the newspapers in the locality in that district. That is where several farms are affected.

Hon. Mr. McGREGOR—Is it the intention, where several farms are infected, to bring them all together in one place ?

Hon. Mr. SCOTT—No, this is the announcement in the newspaper.

Hon. Mr. POWER—I suggest to the hon. Secretary of State that clause 22 should be held over with a view to selecting some particular place where these notices could be posted up. As a rule there is a post office, or school-house, not very far from the residence of any farmer, and I think it is worth while considering whether some provision might not be made for the posting of the notices for the information of the people in the district. Publication in the newspapers is expensive.

Hon. Mr. SCOTT—If there is any reason, I will allow the clause to stand, but I am advised that there is no complaint against it. Where a law has been in operation twenty-five or thirty years, some one should know if it has not worked satisfactorily.

Hon. Mr. FERGUSON—I do not know that I can point to any instance of complaint or harm arising with regard to this particular matter, but I do know that the whole question of the operation of the Contagious Diseases Act, and the enforcement of it by the government, has given rise to a great deal of trouble, and a great deal of difficulty and heart-burning, and loss of money to the owners of live stock. I know that has been the case, and a great deal of difficulty has been thrown in the way of importation. That being the case, it is worth my hon. friend's while to hold the clause over.

Hon. Mr. SCOTT—I will do so. This law is a most difficult one to enforce in our country. There is a kick against it not only in England, in Germany and the United States, but in all parts. It is a difficult law to enforce, because a man who has a valuable herd would run the risk of suppressing the knowledge that a disease had got into his herd, in the hope that he might in some way recover the animal and not allow it to become public. There is always that difficulty in enforcing an Act of this kind. It is not peculiar to Canada. Any one injuriously affected by it naturally kicks against the law.

The clause was allowed to stand.

On clause 25,

Hon. Mr. FERGUSON—There is a change in clause 25. The word 'person' was introduced as if a person might be the means of communicating the disease.

Hon. Mr. EDWARDS—That is so.

Hon. Mr. FERGUSON—I thought for the moment that the word 'person' was introduced for the first time, but it is not so. It seems strange to me that even whether it is in the old law or not, the moving of persons by railway or otherwise should be interfered with.

Hon. Mr. EDWARDS—A person handling infected animals, who is moving about them and attending them, may be the means of communicating disease.

The clause was adopted.

On clause 26,

Hon. Mr. FERGUSON—I just wanted to call my hon. friend's attention to this clause, and to clauses 30 and 39. I see no reason whatever why clauses 26 and 30 should not be put into one clause. There is a great deal of verbiage in this Bill, and this is an instance of it. If my hon. friend will look at clauses 26, 30 and 39, he will see that they deal with hay, straw, and so forth, and while section 39 may be necessary, because it provides for the penalty, I see no reason why one section should not cover the whole of it. Clause 26 reads as follows :—

26. Whenever under this Act a place has been constituted an infected place, no live animal, nor the flesh, head, hide, skin, hair, wool or offal of any animal or any part thereof, nor the carcass, nor any remains of any animal, nor any dung of animals, nor any hay, straw, litter or other thing commonly used for and about animals, shall be removed out of the infected place, without a license signed by an inspector appointed as aforesaid, until said place has been released by order of the minister.

Then clause 30 reads as follows :—

30. The minister may, from time to time, make such regulations as to him seem necessary for preventing the removal of live animals, or the hide, skin, hair, offal of any animals or any part thereof, the carcass or any remains of any animal, any dung of animals, and any hay, straw, litter or other thing commonly used for or about animals, out of an infected place, without a license signed by an inspector or other officer appointed as aforesaid.

The one clause provides that this thing cannot be done without the certificate of the inspector, and the other provides that the minister may make a regulation from time to time preventing its being done. The two clauses are absolutely unnecessary. I do not know whether clause 39 is so absolutely unecessary as the others.

Hon. Mr. SCOTT—No ; 39 was in the law before, and there is no change. There is no change in clause 30, and this clause was considered necessary to make it complete.

Hon. Mr. FERGUSON—It may be necessary to retain clause 39 ; but 30 and 26 are mere verbiage and not necessary. It would be easy to make one section which would cover the ground.

Hon. Sir MACKENZIE BOWELL—This prevents a man from removing straw and stuff from an infected animal and burning it up.

Hon. Mr. EDWARDS—He can do that.

Hon. Sir MACKENZIE BOWELL—No; not unless he gets a license.

Hon. Mr. BEIQUE, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again.

The House adjourned during pleasure.

BILLS ASSENTED TO.

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

The Honourable the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House:

It is His Excellency's pleasure they attend him immediately in this House.

Who being come with their Speaker,

The Clerk of the Crown in Chancery read the Titles of the Bills to be passed severally, as follows:—

An Act to incorporate the Home Bank of Canada.

An Act respecting the Quebec Bridge Company, and to change its name to the Quebec Bridge and Railway Company.

An Act respecting the Vancouver and Kootenay Railway Company.

An Act to confer on the Commissioner of Patents certain powers for the relief of James S. McDougall.

An Act respecting the London and Port Stanley Railway Company.

An Act respecting the Rocky Mountain Railway and Coal Company.

An Act to incorporate the New Canadian Company, Limited.

An Act to amend Chapter 27 of the Revised Statutes, respecting the Department of Public Printing and Stationery.

An Act respecting and restricting Chinese Immigration.

An Act to amend the Customs Act.

An Act to provide for further advances to the Harbour Commissioners of Montreal.

An Act respecting certain aid for the extension of the Canadian Northern Railway.

An Act to incorporate the Lumberman's Fire Insurance Company.

An Act to aid in the settlement of Railway Labour disputes.

To these Bills the Royal Assent was pronounced by the Clerk of the Senate in the following words:—

In His Excellency's name, His Excellency the Governor General doth assent to these Bills.

Then the Honourable the Speaker of the House of Commons addressed His Excellency the Governor General, as follows:—

The Commons of Canada have voted the certain supplies required to enable the government to defray the expenses of the public service. In the name of the Commons, I present to Your Excellency the following Bill:—

'An Act for granting to His Majesty certain sums of money required for defraying certain expenses of the public service for the financial years ending respectively 30th June, 1903, and the 30th June, 1904, to which Bill I humbly request Your Excellency's assent.

Then, after the Clerk of the Crown in Chancery had read the Title of the Bill,

The Clerk of the Senate, by His Excellency's command, did thereupon say:—

In His Majesty's name, His Excellency the Governor General, thanks His loyal subjects, accept their benevolence, and assents to this Bill.

His Excellency was pleased to retire, and

The House of Commons withdrew.

ANIMAL CONTAGIOUS DISEASES ACT AMENDMENT BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (194) An Act respecting infectious or contagious diseases affecting animals.

(In the Committee.)

On clause 26,

Hon. Mr. FERGUSON—I want to ask my hon. friend if he would allow the twenty-sixth, thirtieth and thirty-ninth clauses to stand over and call the attention of the department to the bad drafting of the Bill?

Clause 26 is inserted as a new clause. It practically, in other language, says the same thing as clause 30. Surely the department can give us better work than this.

Hon. Mr. SCOTT—The note I have is that they considered it necessary to cover what is implied in the other clause. You see this is a reference to 'wherever in this Act a place has been constituted an infected place,' and under the other clause the minister makes regulations for other subjects, so it was designedly put in with a note that they thought it was necessary.

Hon. Mr. FERGUSON—They both refer to the same character of places, and not only that, but clause 39 could be incorporated with the other.

Hon. Mr. SCOTT—Clause 39 is in the law as it is, but they thought it would make the law clearer by inserting clause 26. It was done after due consideration. Those who have the administration of the Act thought that it was necessary. It involves no principle. My hon. friend thinks it is unnecessary—that it is mere verbiage, but surely if those who have the administration of the Act think it necessary, there can be no objection to it.

Hon. Mr. POWER—Section 26 prohibits. It says that whenever a place has been constituted an infectious place, no live animal, &c., &c., shall be removed out of the infectious place without a license. That is a general prohibition. Then clause 30 says that the minister may make such regulations as to him seem necessary for preventing the removal of live animals, &c.—otherwise, for carrying out that prohibition. I think we could get along without it, but it does no harm, and on the whole is a good provision.

Hon. Mr. FERGUSON—It is doing harm if you repeat in one section practically what you have in another—the same thing—any verbiage and redundancy you introduce into the statutes are there for no good. The gentlemen administering the department and their officers may think this is a farmer's Bill, and it is good enough for them, but I could find many farmers who could construct better sections than these. There is no necessity for all these three sections. First we have a section declaring prohibition, then a section giving the minister power to prevent the thing already prohibited, and then a section providing a penalty. It could all be put in one, and any one turning it up could get at the whole law at once. Instead of that, we have the three sections introduced with all this redundancy, describing all the details, and for no purpose. When we are passing a law, whether on contagious diseases or anything else, we should try to have it fairly constructed.

Hon. Mr. POWER—I have the reputation of being rather critical, but I do not see that this Bill is open to the criticism of the hon. gentleman. It is a perfectly proper thing in the way of legal drafting that you should set out the general principle first that certain things are unlawful; that then you should provide that the minister may make regulations to carry out that prohibition; and, finally, that you should fix the penalty, as is done in section 39, for doing those things. These are three independent things. I am prepared to go this far with the hon. gentleman, I think it would be more workmanlike if 30 and 39 were made subsections of 26.

Hon. Mr. FERGUSON—That is exactly what I am saying.

Hon. Mr. POWER—They can be made subsections worded as they are.

Hon. Mr. FERGUSON—No; you could get rid of all the verbiage by making them subsections.

Hon. Mr. POWER—I do not think it is worth while amending the Bill in that way.

Hon. Mr. FERGUSON—I think it is worth while, and it would be a wise thing if we threw these three clauses into one. For the purposes of reference, how clumsy it is to have to go to three places in the Act to get what one wants.

Hon. Mr. POWER—Clause 26 is under the general heading 'infected places'; clause 30 provides for 'regulations.' The other heading is 'powers of inspectors.' I do not think that the hon. gentleman's criticism is warranted.

Hon. Sir MACKENZIE BOWELL—Would not that be accomplished as well by stating at the bottom of clause 26 that the minister

may, from time to time, make regulations to carry out the provision of this section ?

Hon. Mr. POWER—The regulations come under the general heading 'regulations.'

Hon. Mr. FERGUSON—These headings are arbitrary, and need not be there at all.

Hon. Mr. POWER—The object of the regulations is to prevent people doing what clause twenty-six says should not be done.

Hon. Mr. SCOTT—I have received what I think is really a satisfactory explanation. It was necessary to lay down a positive rule on a very important subject. Unless the department felt it was necessary to make it more complete, it would not have been inserted here, but those who have to administer found it necessary to do so.

Hon. Mr. FERGUSON—That does not meet the case at all.

Hon. Mr. SCOTT—Those who administer the law ought to know best what is required.

Hon. Mr. FERGUSON—If that be so the department ought to pass the law themselves.

Hon. Mr. SCOTT—Not at all.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman not think that the people who raise the cattle know as much about the matter as the officials of the department ?

Hon. Mr. FERGUSON—I only complain of the slovenly character of the work.

The clause was adopted.

On clause 28,

Hon. Mr. FERGUSON—This is a new clause.

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—I think it is a very proper one.

The clause was adopted.

On clause 30,

Hon. Mr. FERGUSON—Subsection 'K' is new.

(k.) For exempting certain contagious and infectious diseases from the operation of certain specified clauses of this Act, and for dealing with the said diseases as may to him seem necessary and advisable.

That power is given to the minister, is it not ?

Hon. Mr. SCOTT—Yes.

The CHAIRMAN—To the Governor in Council.

Hon. Mr. FERGUSON—It is for exempting certain contagious and infectious diseases from certain clauses of the Bill. The fact is the Governor in Council is taking power to himself there to exempt from the operation of the Act certain diseases which are enumerated in the Act.

Hon. Mr. SCOTT—No, they are minor diseases. The explanation of the department is that it is to enable the minister to deal with the more simple and less dangerous diseases by Order in Council. That is the object.

Hon. Mr. FERGUSON—Whatever the object is, it is a sweeping power. In the regulation they will specify what clause of the Act and name the disease, but as far as that is concerned they have positive power to deal this way with any disease and with any clause of the Act. In fact, it gives them power to set the whole Act aside, if they think fit, with regard to certain places or certain diseases.

Hon. Sir MACKENZIE BOWELL—What has occurred to suggest the enacting of this paragraph ?

Hon. Mr. SCOTT—I have already stated it is to meet simple cases—cases that ought not to be proceeded with under the Act—simple and less dangerous cases. It is a concession to the individual. I am rather surprised at the hon. gentleman taking exception to that. He has been fighting for the individual. This is to except cases where no injurious consequences can arise from it.

Hon. Mr. FERGUSON—I have pointed out that it gives the Governor in Council power, no matter what the disease may be, to exempt it from certain clauses of the Act. The clauses are not named. They may be the most important in the Act. There should be some limitation, and if it is intended to meet apparently harmless diseases, there should be some indication of it in the clause and not leave it applicable to the most serious diseases. It seems to me that

so sweeping a clause as that might have the effect of very great favouritism being exercised.

Hon. Mr. SCOTT—Oh, oh—favouritism in a matter of this kind!

Hon. Mr. FERGUSON—Some farmers are very much more influential than others are. A man might be a very important man and might be able to get the ear of the authorities when others could not, and inspectors are only human beings and governments are not altogether infallible. I think there should be a less sweeping discretion than this.

Hon. Sir MACKENZIE BOWELL—If you add the words "the minor diseases," it would carry out the idea.

Hon. Mr. SCOTT—We can put in some qualifying words if it is desired. I think my hon. friend might trust the discretion of the government. This is a concession in the direction the hon. gentleman has been arguing for. He has been arguing there is too much power given to the officials in this Act. Now, when we give power to ameliorate the conditions he finds fault with it.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman asks altogether too much when he requests us to place implicit trust in the government and its officials. The Minister of Agriculture might have strong feelings in one particular direction, and we all know when the head of a department makes a suggestion to his officials it is likely to be acted on.

The subsection was allowed to stand.

Hon. Mr. BEIQUE, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again.

PATENT ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (184) An Act to amend the Patent Act. He said: There are not very many important changes in the law as it has been interpreted by the courts, but there is a very great change proposed in this Bill in the practice which has been followed in the department. The necessity for this measure arises from the fact that the courts have declared illegal certain rulings and decisions of the department in several cases which have recently come before the courts. Hon. gentlemen know that the late Dr. Taché was the gentleman who administered the Act when it was first brought into operation, and he formed certain conclusions as to the meaning of the Act, and for thirty years, or more, that was acquiesced in by the patent solicitors, and by the persons who were obtaining patents.

Hon. Mr. FERGUSON—With regard to what point?

Hon. Mr. SCOTT—There were a number of points. There was a case recently decided in the courts that where a Canadian took out a patent in Canada and also took out a patent in a foreign country, when the first period of the patent in the foreign country expired he allowed it to drop, and the courts held that dropping it in a foreign country he dropped it in Canada, which was never intended by the Act, but that was the decision which went to the Privy Council.

Hon. Sir MACKENZIE BOWELL—Would that be where the patent was for a longer period than five years?

Hon. Mr. SCOTT—It is usual to take it out for five years and renew for five, in order to save the fee, and where it was taken out for ten years or five years, if the Canadian patentee who had taken out a foreign patent, allowed the foreign patent to drop or lapse, and did not renew it, it involved also the lapsing of his Canadian patent, which was, of course, never contemplated, because parties supposed the Canadian patent was to live for the fifteen or eighteen years of the original term by renewing it.

Hon. Sir MACKENZIE BOWELL—Was that the decision of the court that it ceased to have any effect in Canada?

Hon. Mr. SCOTT—It dropped in Canada in consequence of having lapsed outside. Then there was another decision. The old Patent Act authorized the minister to do certain things. In the absence of the minister, the commissioner of patents used to do certain things, and in his absence the chief clerk acting for the commissioner. The court held there were no such powers under the Act, that whatever had to be done, must

be done by the person named in the statute, the commissioner of patents. Then another point: In the Patent Act, as hon. gentlemen all know, persons taking out a patent in Canada are obliged to manufacture within two years; the law requires that unless they manufacture the article in Canada they lose their right; that is, a foreign patentee taking out a patent in Canada was obliged to manufacture within two years, and the statute read 'or within such further time as the head of the department may order.' It had been the practice of the department to extend the time for manufacturing for two years, and the department construed the Act to mean that a further time could be granted after the expiration of two years. The courts have held that when the commissioner exercised his power by allowing the term of two years to expire his power was gone.

Hon. Sir MACKENZIE BOWELL—Does the present Act give the power to the minister?

Hon. Mr. SCOTT—No, I think it goes back to the one limitation.

Hon. Sir MACKENZIE BOWELL—That is what it ought to do.

Hon. Mr. SCOTT—It is rather to cure cases of that kind that this Bill has been introduced, to overcome those decisions of the courts, and to allow the department, in cases where no hardship has arisen, to be placed in the position that the department intended they should. For instance, if a party allowed the two years to pass over, and he then applied to the department for an extension of the time to manufacture, and the department granted him an additional two years, and he did not manufacture till the second term of two years, under the decision of the courts he would have lost his right absolutely, although the department assumed they were giving him that extension within which to commence his manufacture. It would be rather a hard case that a man should be deprived of his patent by that decision, and where no one else has started to manufacture, and no injurious consequences could arise, it would seem only right and proper, as the department itself was to blame in the interpretation of the law, and that interpretation had gone on for so many years, that as far as possible, they should place the persons in the position the department desired to place them under the construction of the Act. Those are the principal features, and we will have an opportunity of discussing them in committee.

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

The Senate adjourned.

THE SENATE.

Ottawa, Monday, July 13, 1903.

The SPEAKER took the Chair at Eight o'clock.

Prayers and routine proceedings.

TRANSPORTATION OF GRAIN FROM THE NORTH-WEST.

INQUIRY.

Hon. Mr. PERLEY called the attention of the government to the question of transportation and inquired:

1. Whether a commission has been appointed, and if not, will one be appointed to consider and report upon the subject, and if so, who are the commissioners and what is their respective business occupations?
2. Is the government aware that the crop prospects in Manitoba and the North-west Territories are exceptionally good this year; also, are they taking action towards preventing a block in grain shipments similar to that which has existed during the past two seasons of 1901 and 1902?

Hon. Mr. SCOTT—An Order in Council was approved on the 19th May, 1903, appointing a commission for the purpose of making inquiry as to the best means for affording facilities for the transportation of the products of the North-west Territories to the sea-board. The commissioners appointed were Sir William Van Horne, of the city of Montreal, John Bertram, of the city of Toronto, builder of vessels, and otherwise interested in transportation, and Harold Kennedy, agent in connection with shipping on the Atlantic. Sir William Van Horne has since then signified his inability to take part. No successor has been appointed to take his place, in the hope that Sir William Van Horne might be enabled to perform the duties assigned to him. The

government are fully aware of the necessity for providing facilities for transportation in that section of the country and have taken every means within their power to meet the exigencies. Hon. gentlemen will know—I need not remind them—that early last year the government authorized an increase in capital, through parliament, to the Canadian Pacific Railway of twenty million dollars. Of this twenty million it was stipulated that either ten or eleven million were to be expended in rolling stock, engines and cars. As hon. gentlemen know, the Canadian Pacific have ransacked the world and given extra prices in order to obtain both locomotives and cars, but the same congestion has existed in other parts of this continent. I notice to-day in the papers that a complaint is made in the city of Montreal, where there is so much wealth, that the imports and the exports are congested—that there is no space for them—that the wharfs are blocked—that there is difficulty in getting the goods away. We notice in the evening paper the declaration that the Dominion Company have decided to abandon Montreal if proper accommodation cannot be provided for their vessels. So there are other parts of the continent where congestion exists. It is also a matter of notoriety that in the province of Quebec, they have a large quantity of hay to sell, which the people of Boston and New York want to buy, which they are unable to forward. The New York Central has absolutely declined to carry hay to New York, because it is more profitable to carry other goods and they have not the locomotives nor the cars to carry that particular article. So that the North-west and Manitoba are not peculiarly situated in the present congestion. There has been, happily for this country, a series of magnificent crops for three successive years, and though the railway companies have put forward herculean efforts, still they have been unable to cope with the situation. It is a matter of self-interest with them to carry the freight, but they are unable to do it. It is a happy thing to live in a country so blessed with prosperity that even with all the money at command all those large companies are unable to meet the demand on them for the haulage of the various products of the soil. It is not limited to wheat alone. My hon. friend will know that since the last year an additional road has been opened up—the Canadian Northern, Mackenzie & Mann's line—to Port Arthur, where they have built a large elevator, and propose to carry their portion of the grain. The Canadian Pacific Railway have announced that they hope to be able to cope with the traffic, because they have put on so many additional engines and such a large number of cars. They have had cars sent from all parts of the east into the North-west in order to cope with the emergency which they see is arising.

Hon. Mr. PERLEY—There is not much in the answer of the hon. gentleman to relieve the North-west farmers with respect to the shipment of their grain. The fact is, in the North-west this year we are likely to have a very good crop, though probably not as good as last year, and it is also a fact that every farmer wishes to sell a portion of his wheat early in the season, because the navigation closes about first of December and then there is a block. Those who have it threshed and are near the stations will not have to wait as they can get their wheat shipped, but those who are at a distance from the stations will have to wait, and sometimes cannot get their grain shipped in the fall of the year and will suffer a great deal of loss in holding it over, or be obliged to sell for any price they can obtain for it. It is important that a considerable portion of the grain should be shipped in the fall, and it is important there should be proper transportation facilities in order to get it out and save loss to the individual farmer. If it is sold after navigation closes the elevator men get it, and they have to charge for elevator fees, insurance and interest, and there is a certain shrinkage in the grain as well, which amounts to a loss of six or seven cents a bushel to the farmer in consequence of not being able to ship out in the fall. If there were more transportation facilities afforded in the early autumn, so that they could get it off before navigation closes, it would be a great benefit to that country, although if they had to hold over some of their grain they would not demur at doing so. It has to be held over by somebody until it is used. Now, I think it would be very important for the government to take some active measure towards

seeing that there were cars on hand and sufficient rolling stock to take out a larger portion of the grain the first two or three months after it begins to be marketed, than they have done in the past. We are developing the North-west and learning how to grow wheat. Ten years ago we did not know how to grow it. The same condition of climate to-day will produce a good crop that would not have produced a crop ten years ago, because the farmers did not understand it then. Now everybody wants to sell some wheat in the fall of the year. Those who are near the railway take advantage of it and fill up the elevators, and if the grain is not carried away, those far from the stations cannot market their grain, without suffering a severe loss. There is another matter : the hon. gentleman referred to a commission. I take it, there is no class of people in the Dominion of Canada that are so much interested in the transportation question as the farmers. Agriculture is the greatest industry, by all odds, in Canada to-day.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. PERLEY—I find on this commission the man who produces most has nothing to say. You provide for the railway man, for the manufacturer and the merchant, but the farmer, who produces the grain and has most to pay in the matter of freight, has nothing to say. He does not amount to a hill of beans with the government. It would be wise to appoint a good farmer as one of the three commissioners. It would do no harm to increase that commission, because while I admit that the railway industry, manufacturing and mercantile business are great industries, I am not prepared to admit that any of them is equal in importance and production to the agricultural. The farming industry produces more wealth for transportation than any other two industries, and, therefore, I think a farmer should have been appointed on that commission. I would be satisfied with one, a western man. I could pick out half a dozen good Grit farmers who would be a credit to that commission, and know as much about it as any one, because they have to pay for their experience and education in the high freights charged on their grain, and they would be good members on the commission, because they would know from actual experience what the requirements of the country are. The farmer would be a valuable acquisition to the commission, because he would be directly interested in everything about the business, otherwise you will not have a commission who will report in a manner satisfactory to a large portion of the settlers of Canada. I did not know really that all those commissioners had been appointed, and my object in bringing the matter to the notice of the government was that they might be able to see that justice and fairness demands that the farming community of Canada should have something to say about the transportation business as well as railroad men, merchants and manufacturers I came down on the train with a man who is building elevators at Fort William. He pointed out to me the great importance to Canada of having dredges to dredge the channel going into Fort William, and ice breakers to keep it open late in the season, the same as at Duluth. He said they could ship grain two or three weeks longer every season from Duluth because they have dredges there to break the ice. If the government would spend some money at Fort William and Port Arthur—if they would take steps to increase the navigation facilities it would materially aid the transportation of the grain of the west. We get the wheat into elevators, but that is no good to the farmer, because he has to pay for the storage. If we ship the wheat to the elevator that does not add anything to the farmers' profit, because up to the moment it is shipped out of Fort William, he has to pay insurance, interest, storage, &c., all of which is chargeable to the wheat. The farmer has to pay for the whole of it.

Hon. Mr. MACDONALD (B.C.)—Is there much of last year's crop still to be taken out ?

Hon. Mr. PERLEY—I do not think there is a great deal.

Hon. Mr. MACDONALD (B.C.)—Is the chief blockade at Fort William at the elevators ?

Hon. Mr. PERLEY—No, I do not think it; not now, but there will be after navigation closes.

Hon. Mr. SCOTT—The government of the late Alex. Mackenzie a great many years ago considered that Fort William was the proper outlet for the grain of the North-west, and considerable expenditure was commenced there which was condemned by the opposition of that day, and when a change of government took place an effort was made to build up Port Arthur. In the last twelve or fifteen years the late government and the present government have recognized that the dredging to which my hon. friend alludes was a most important thing, and every year since that time, for the last eighteen years at all events, dredging has been going on in the Kaministiquia river. From the peculiar formation of the ground there, every year silt is brought down by the current and has to be dredged out. There is a dredge at work there constantly. There is in the estimates for the present year a sum of $35,000 for the dredging at the mouth of the Kaministiquia alone. I may say the blockade at Port Arthur and Fort William is due to the want of Canadian trade vessels. Three years ago, or two years perhaps it was, under very great pressure from the wheat industry of Winnipeg and the North-west country, the government for a time allowed United States bottoms to come in, and if the hon. gentleman will recollect a very great row arose over it. The government was condemned for that action, and so since that period all we could do was to invite Canadian bottoms to be built more rapidly. They were not able to build them rapidly enough, and at the end of navigation last year, I think there were five to six million bushels of grain in the elevators on the Kaministiquia alone apart from those at Port Arthur. They are building vessels now, I am glad to say, in Canada at Collingwood, Midland, Owen Sound, and at other points, but still they cannot keep up with the demand for the trade vessels. The hon. gentleman has no right to criticise the government on that point, because since this government came into power every year there has been an item in the estimate for the Kaministiquia elevator.

Hon. Mr. DANDURAND—The hon. gentleman has referred to the lack of transportation as being the great grievance of the North-west farmer. I know that the North-west farmer will complain of the difficulty in transporting his grain rapidly towards the east, but I have been led to understand, that there was a greater grievance than the question of transportation, in the minds of the people of the North-west, and it is a question of storage facilities. If there were enough elevators to receive the grain, the great outcry from the North-west would be tempered considerably, but the difficulty is that the companies, private and public, are not fast enough in coping with the demand for storage capacity. This is the result of a system which is peculiar to the west. In the east each farmer builds his own barn to receive his grain, while in the west I understand that the farmer does not. He rushes away the grain as near as possible to the railway to have it stored by private or public companies. I wonder if there are exceptional difficulties in the way of the North-west farmer putting up his own barn and storage facilities on his own property, in order to wait his turn at the elevator, or that the railway may be in a position to carry his grain. This is a question which I suppose the hon. gentleman knows better than myself, because he is familiar with the situation in the North-west, but I have understood that the North-west farmer was absolutely helpless as to the question of storage for his grain, and that he rushes down to the railway and there waits until the elevator is ready to receive his grain. Will there, in the near future, be a change in storage facilities? Can the North-west farmer not take care of his own grain for a certain time as the eastern farmer does with his own produce? That is a question which the hon. gentleman could answer.

Hon. Mr. PERLEY—If the hon. gentleman knew what he was talking about he would not have made the speech he has made. I may say that every farmer in the North-west, except those living right alongside the railway, has ample granaries—not barns. We do not use barns as they do in other parts of Canada. We use sheds for our stock, but every farmer has granaries on his farm in which he puts the grain when it is threshed. He must have that. And the elevator does not supply him at all, because the moment that navigation closes with the elevators full, what is the result? First they cannot buy his grain, and when he does ship it to Fort

William he receives eight or ten cents less per bushel. They say: 'We do not know what the market will be next year.' Supposing when navigation closes it is worth 60 cents a bushel, he cannot buy at that price, because he has to charge him five months interests, five months storage and five months insurance, and he must charge him with the loss, because it may be six or eight cents less. It amounts to about ten cents generally. So far as the elevators are concerned, that could not remedy the defect at all. Every farmer has his granaries. On Perley farm there are granaries to hold all our grain, only three and four miles from the town. There are a large number of farmers who have sufficient granaries. Those living close to the railway do not have them. Those farmers join together and haul it in as soon as it is threshed.

Hon. Mr. DANDURAND—Does the hon. gentleman pretend to say that not more than five or ten per cent of the North-west farmers have no granaries?

Hon. Mr. PERLEY—Yes, I say that. There are very few of the farmers without them, and even those close to the railways have them. They do not have barns, but they have sheds for stock. Every farmer has a granary and threshes and puts his grain in it to-day, to-morrow and the next day, and then hauls it to the elevator. Every farmer would have to have a granary to store his grain, and that farmer who is the last one threshing finds by the time his grain is ready the elevators are filled with grain that should have been shipped out. But when they cannot ship it out, the farmer has to take eight to ten cents less, because his grain has to be held over. I do not expect it all to be taken out in three months. We had to hold over a large quantity of our grain last year, because we could not get it shipped out. The elevators were filled when we stopped threshing. Of course we may have to hold over some this year too, but it should not be such a large quantity. If there had been greater shipping facilities we could have got six or seven cents more for our grain. It is hardly reasonable to expect any railway company to undertake to ship out the whole product of a year's production in two or three months. It is not reasonable or fair, and my idea was that as the government had plenty of spending money, they might themselves invest a couple of million dollars in rolling stock so that they could assist the Canadian Pacific Railway and the Canada Northern with rolling stock and thus prevent a blockade such as we had in 1901 and 1902.

Hon. Mr. SCOTT—We could not buy the rolling stock.

Hon. Mr. PERLEY—I should think we could.

Hon. Mr. SCOTT—No. The Canadian Pacific Railway paid in many instances five thousand dollars more than the ordinary price of the locomotives that had been built for other people.

Hon. Mr. PERLEY—Last year and the year before were extreme times, and now the manufacturers of cars and locomotives have wakened up to the situation, and that situation will not continue.

Hon. Mr. McMULLEN—I want to say a word upon this question. I was in Port Arthur during the long adjournment of the Senate, and I can endorse the statement made by the hon. Secretary of State. I noticed that there was a dredge at the mouth of the Kaministiquia working when I was there, and there was another at Port Arthur that had been doing work for the purpose of cleaning out both those harbours. With regard to increased accommodation for our friends in Manitoba and the North-west, I am sure I should be glad to see all the accommodations that possibly could be given, but my own candid opinion is—and I have come to that conclusion after sitting in parliament for eighteen years—that the people of Manitoba and the North-west are the most persistent, determined, never-ending complainers that we could find in any portion of this Dominion. They are all the time yelling. Why, hon. gentlemen, I can go back to the period when the section of the country I live in was opened up. I can remember we had to store our wheat in bags and it lay there for three months. The spring storms came and rained upon it, and eventually we nearly lost the whole of our wheat. I shipped two car loads myself, sustaining the damage caused by the rain and the paying the storage, the insurance,

and the freight to Montreal—and we were paying seventeen cents a bushel for drawing it from Guelph to Montreal, 480 miles—and what is the hon. gentleman paying from Winnipeg to Port Arthur ?

Hon. Mr. PERLEY—We are not living in the same age now.

Hon. Mr. McMULLEN—That may be, but we paid seventeen cents a bushel on my two cars of wheat, and when I got my return, I received the net sum of $17 on the two cars of wheat. My hon. friend appears to think that the whole resources of this Dominion—the whole resources of the railways, as far as cars and everything else go, should be placed at the disposal of Manitoba and the North-west just as soon as the wheat is cut and threshed, and that it must be rushed forward, no matter who suffers. While I am anxious that Manitoba should be fairly and generously treated, I believe if there is any one railroad on this continent that has made an honest and earnest effort to meet the conditions of Manitoba and the North-west, it is the Canadian Pacific Railway. I have inquired into the prices charged on the four different transcontinental lines which run across the States, and I say that any one who will examine the prices will find that the rates charged by the Canadian Pacific Railway will favourably compare with the prices charged on any of those lines. Still we have a never-ending complaint. I hope the Grand Trunk Pacific and the Canada Northern will render additional services, and that our friends in the North-west, in place of everlastingly howling, will be patient when it is prudent to be patient, and not howl before they are hurt.

CANADA CENTRAL RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. TEMPLEMAN moved the second reading of Bill (99) An Act respecting the Canada Central Railway Company. He said : This Bill is to extend the charter of the Canada Central Railway Company, a company chartered last year to construct a line from some point on the French river to Tete Jaune Cache in the Rocky Mountains. This is to extend that road from Tete Jaune Cache to the Pacific ocean. It is a very short Bill, but a very long railway. The mileage through the mountains of British Columbia is eight or nine hundred miles.

Hon. Mr. MACDONALD—Where does it go from the Tete Jaune Cache ?

Hon. Mr. TEMPLEMAN—Down the Thompson and Fraser rivers to Vancouver and New Westminster. It seems to me that the charter, as it at present exists, would be useless unless the company were allowed to build through to the Pacific ocean.

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

SECOND READINGS.

Bill (141) An Act respecting the Medicine Hat and Northern Alberta Railway Company.—(Hon. Mr. Landerkin.)

Bill (166) An Act to incorporate the Gaspé and Western Railway Company.—(Hon. Mr. Fiset.)

BILLS INTRODUCED.

Bill (127) An Act to confer on the Commissioner of Patents certain powers for the relief of George M. Depew.—(Hon. Mr. Perley.)

Bill (175) An Act respecting the Century Life Insurance Company.—(Hon. Mr. Macdonald, B.C.)

Bill (203) An Act respecting the Toronto, Hamilton and Buffalo Railway Company.—(Hon. Mr. Landerkin.)

ENCOURAGEMENT OF THE CONSTRUCTION OF DRY-DOCKS BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (178) An Act respecting the encouragement of the construction of dry-docks.

(In the Committee.)

Hon. Mr. SCOTT—When this Bill was before the House I was asked by a gentleman on the other side to say what subsidies were now being paid to dry-docks. I find the only subsidy being paid is to the Halifax dry-dock.

Hon. Mr. POWER—I think the twenty years for which the subsidy was to have been paid have expired. There is nothing being paid now.

Hon. Mr. LOUGHEED—Wherein is the difference between this and the old law ?

Hon. Mr. SCOTT—The difference is three per cent is payable now while two per cent was paid before. The old law was limited to $20,000; this is limited to $30,000. The city of St. John proposes to construct a dry-dock to cost one million dollars or over.

Hon. Mr. POWER—It is not the city of St. John ; it is a private corporation.

Hon. Mr. SCOTT—The city is assisting and the province also is assisting. A private company in St. John is promoting the enterprise. It is alleged a larger dock was required than the existing one at Halifax. We all know that the size of vessels has been increasing rapidly of recent years, and the necessity of it was urged on that ground.

Hon. Mr. ELLIS—Is not Collingwood getting something now ?

Hon. Mr. SCOTT—No. It will after this Bill passes. Collingwood dock was built some years ago, and they agreed if they got a subsidy they would enlarge it. They are enlarging it and they will get aid under this Bill for the expenditure.

Hon. Mr. McKAY (Alma), from the committee, reported the Bill without amendment.

The Bill was then read the third time, and passed.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, July 14, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

RESIGNATION OF THE MINISTER OF RAILWAYS AND CANALS.

INQUIRY.

Hon. Sir MACKENZIE BOWELL—Before the Orders of the Day are called, I should like to direct the attention of the hon. Secretary of State to the rumours which are floating about the lobbies of the House, and also in the press, as to a ministerial crisis, and to ask whether it be true that the Minister of Railways and Canals has tendered his resignation on account of difficulties arising between himself and his colleagues upon the railway policy of the government. That there should be differences of opinion is not at all surprising, and more particularly when you consider the expression of individual opinions by members of the cabinet on various occasions which have to be repudiated by their colleagues afterwards. It is important that we should know how far the doctrine of responsible government, as understood in the past and as practised in England, is to prevail in this country. It was only the other day in the Railway Committee in the House of Commons—and this is only one of very many instances—that we found two ministers fighting, one against the other. The Minister of Railways, who was conducting a very important railway Bill through the committee, took one view of certain amendments which were proposed, while the Minister of Justice took very strong views in opposition to him, and it was amusing to those who have the slightest idea of what responsible government means, and the unity of action upon all great questions which should prevail in a cabinet, to see ministers differing so publicly. That they might differ in cabinet is not at all surprising, because cabinet meetings are held for the purpose of discussing questions and coming to conclusions, but when those conclusions are arrived at those who may differ on minor or important points, when they leave the council chamber, are supposed by the outside world, to have but one opinion. I might also ask the hon. Secretary of State whether he feels himself in the same position, or rather whether he is to be treated like his colleague, the Hon. Mr. Tarte, who expressed strong views on the trade question some time ago, Those opinions, if not in accord with the opinion of his colleagues, at least had not, so the premier said, been decided by the cabinet, and consequently Mr. Tarte had no right to give expression publicly to the views which he advanced on that very important question. The other day, when one of the Senators asked a question as to additional provincial subsidies that were to be granted, the hon. Secretary of State gave his very decided view, which I think was approved of by the majority in this House, if not the whole House, against

any such claim being acceded to or even entertained. I was very much surprised a few days afterwards to find, in reading the report of the debates in the House of Commons, that Mr. Lemieux, the member for Gaspé, asked the question whether the Secretary of State had expressed the opinions and views of the cabinet. The Prime Minister answered that the Secretary of State only gave expression to his own individual view, and consequently led the House to understand that they were not responsible for the views expressed by the Secretary of State. My hon. friend beside me (Hon. Mr. Miller) suggests that he said that matter had not been decided by the government, but was under consideration. If a question of such vital importance to the different provinces was before the cabinet and still under consideration, one can scarcely conceive the idea of one of the ministers expressing distinct and positive views upon the question which his colleagues were discussing and which the Prime Minister in the House of Commons was obliged to repudiate. It would cause the House, and more particularly myself, much regret if my hon. friend should be treated like his colleague in the House of Commons, and we should no longer hear him speaking for the government on public questions. It might, however, in that case not be objectionable to the hon. gentleman who sits beside him to his left (Hon. Mr. Templeman), who is a non-portfolio gentleman. If he should be called upon to take his place. It would be acceptable to him no doubt. How far it would be acceptable to the rest of the Dominion is a question for the future to decide. I notice the hon. gentleman smile and indicate how pleased he would be if such a change took place. I am not surprised at that. But, badinage aside, I call attention to the present state of affairs and the mode in which the government is being carried on by what I might call individuality, each one holding his own opinion and expressing it openly and publicly and having it repudiated by his colleagues led by the premier. What I should like to know and the country would like to know, is, if the Secretary of State can give us any information as to whether the Minister of Railways has resigned, and if so, whether the later report is true that he has been induced by the premier to withdraw his resignation. If it is so, the public should know it, and our minds be relieved of the anxiety which prevails just now on that important issue in the cabinet. I repeat I can understand differences in the cabinet, but I cannot understand members of the cabinet expressing them individually outside—neither can I understand a gentleman occupying the position of the hon. Secretary of State, holding the strong views expressed by him a short time ago upon a particular question, retaining his portfolio if a majority of his colleagues should decide to accede to the request of the different provinces. Self-respect, and I take it for granted the hon. gentleman has sufficient of that, would lead him to retire from the cabinet under such circumstances, and as we are all interested in a question of this kind, probably the hon. gentleman would give us some information.

Hon. Mr. SCOTT—So far as the rumour in the public press is concerned, that Mr. Blair tendered his resignation, the statement is true, and that resignation has been accepted. The ministerial explanations, which have to be given when Mr. Blair himself is present, will not be made for a day or two. I think Thursday has been named for the day when explanations will be made between the premier and Mr. Blair. I do not care now to discuss the academic question of responsible government, or whether we are conducting it on its true principles. My frank and candid statement the other day on the question of provincial subsidies in no way justifies the statement of the hon. gentleman that it has been turned down by my colleagues. At the time I made the statement the matter had not been discussed at council, and it was perfectly free for every member of the government to express his views on the subject before it came up in council. I had candidly hoped the reasons I brought forward would have prevailed with my colleagues. They may have their weight. I do not know how that will be, but that would not be a question on which a gentleman's resignation would be expected unless he found his own argument could not influence his colleagues. It depends altogether upon the facts as they develop. At the time I spoke on the questions to which the hon. gentleman has referred, the matter had never been discussed in council, had not been referred to at all,

and therefore, I was perfectly free to express the candid opinion I did on the subject. The answer given by Sir Wilfrid Laurier in no way compromised me. He said I spoke my own individual views. He did not say what his views were. He said the matter had not been discussed in council. He said the government had come to no conclusion, and until they came to a conclusion I was perfectly free to express my own candid and frank opinion on the subject.

Hon. Mr. MACDONALD (B.C.)—The hon. Secretary of State knows perfectly well that when any member of this House asks him a question, he is supposed to be asking the government a question and not an individual member of the cabinet, and I do not think it is fair for an hon. member, on such an important question, to express his own individual opinion independent of the opinion of the government. That is all I have to say on the subject now. A few days ago I sent a number of questions to the hon. Secretary of State in the hopes that I would receive an answer soon. In regard to the vacancy in the cabinet there is an excellent opportunity now to give my hon. friend from Victoria (Hon. Mr. Templeman) a portfolio. He has been a long time in the cabinet without enough hard work to do. He is fit enough to do any amount of work, and I hope the premier will not neglect his claims or overlook his ability to fill that portfolio. I daresay he is very modest, like all British Columbians, and not able to fight his own way into the cabinet, but if he were a good Irishman he would do as they have done in Dublin—kick the doors open and get in somehow. I hope, now that there is an opening, that the government and the premier will not neglect to consider his claims to a portfolio.

Hon. Mr. DANDURAND—There is a point which has not been touched upon, in answer to the remarks of the hon. gentleman opposite, as to the difference of opinion expressed on a government measure by the ex-Minister of Railways and Canals, and the Minister of Justice. I was present when that difference of opinion was expressed by a vote, but it was in the Railway Committee and on a private Bill. There was no question there of public policy or of a government Bill. Now as to the remarks made by the hon. Secretary of State, in reply to the question that was put by the hon. gentleman from Victoria in regard to increased provincial subsidies, I remember that I myself followed the Secretary of State and expressed the hope that his views were not those of the cabinet, and he answered very candidly that they were his own personal views.

Hon. Sir MACKENZIE BOWELL—But my hon. friend surely knows that he had a right to express his individual views, having no responsibility of government other than that of an ordinary member. There is a vast difference between the hon. gentleman and the Secretary of State, one of the cabinet. There are other points which the hon. gentleman made that are rather new doctrine in governing a free country, to which I shall not refer at present. But he is putting himself in a very unenviable position when he says he makes a statement publicly in the Senate in order that he might influence his colleagues when the question came before council. That is a new way of advising his Excellency. I must frankly confess.

Hon. Mr. DEVER—I did not feel that I had any right to express an opinion on this matter, but I cannot help thinking that it is very strange that we in Canada should be kept to so strict an account with reference to difference of opinion in the cabinet or outside the cabinet, when, according to the public press of the country, we see that in Great Britain, that old-established country, there is a great difference of opinion between Chamberlain and other members of the cabinet.

Hon. Sir MACKENZIE BOWELL—Not between him and the premier.

Hon. Mr. DEVER—I thought so.

Hon. Sir MACKENZIE BOWELL—Not a bit.

Hon. Mr. DEVER—I think so.

Hon. Sir MACKENZIE BOWELL—Quite the contrary ; they are in perfect accord.

Hon. Mr. DEVER—He was opposed to other members of the cabinet of Great Britain ?

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. DEVER—And still he is in the cabinet, and no objection is taken that I

can see. There was no criticism, at all events publicly made, with regard to his conduct.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has not followed the utterances of Lord Rosebery.

Hon. Mr. DEVER—Yes, I have followed them, and I think there is a great deal of confusion, but it is apparently a new question, and I do not know that it would affect matters much as long as they are not at variance with the great fundamental principles of government.

IMPERIAL AGENCY INCORPORATION BILL

THIRD READING.

The Order of the Day being called :

Consideration of amendments made in Committee of the Whole House to (Bill 71) An Act to incorporate the Imperial Agency.

Hon. Mr. OWENS moved concurrence in the amendments to the Bill.

The SPEAKER—My attention has been directed by the clerk to the fact that there is a slight irregularity in connection with this matter, which would render it desirable to postpone final action to another day. It appears that one of the amendments made in the Standing Committee on Banking and Commerce was to have been rescinded, and was not rescinded, and the House is not in a position to finally deal with the measure until that amendment has been rescinded.

Hon. Mr. OWENS—I notice the amendment to clause (b) is practically section 8 of the Loan Companies Act of 1889, chapter 41. I did not take exception to it. It is in the Bill now.

The SPEAKER—I am informed that the amendment, to which reference has been made, is an amendment to clause 8, paragraph (c) of the Bill. This amendment was made in the Select Committee—' in the case of a railway or any section of a railway, the provisions of sections 278, 279 and 280 of the Railway Act shall apply.' As the result of an amendment made here in Committee of the Whole House, the Bill does not apply to railways at all. It is clear that this amendment made in committee was allowed to remain in the Bill through inadvertence. It would be in order now for the hon. gentleman to move that that amendment be stricken out.

Hon. Mr. DANDURAND—It was struck out.

The SPEAKER—It was intended that it should be struck out, but it is still here.

Hon. Mr. DANDURAND—It was moved that that clause should be struck out.

Hon. Mr. OWENS—That is an amendment that was made in the Senate, and in amending the Bill it was moved that the word 'railways' and the clause referring to it, should be struck out.

Hon. Mr. SCOTT—Yes, it is quite clear that that was what was done.

The SPEAKER—Then it will be the duty of the clerk to see that that clause is stricken out.

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

RATHBUN COMPANY BILL.

CONSIDERATION OF AMENDMENTS POSTPONED.

The Order of the Day being called :

Consideration of amendments made by the Standing Committee on Banking and Commerce to (Bill 122) An Act respecting the Rathbun Company.

Hon. Mr. FERGUSON—My name is connected with the Bill simply for the reason that I, as acting chairman of the committee, reported it from the committee, and I presume that I gave notice of the motion, although I was not conscious that I was going to get my name connected with the Bill in that way. I do not know what hon. gentleman had charge of the Bill before that stage was reached, but I have had communication from a legal firm in the city to the effect that they desire to have an opportunity of presenting strong objections which they entertain to some features of this Bill, and I notice that my hon. friend from Russell has also given notice of an amendment, probably bearing on the same point. I gave an assurance this morning to the firm of Gemmell & May, who have the matter in hand, that I would have the Bill postponed till Thursday. With the consent of the House, I move that it be referred back to committee for further consideration.

The motion was agreed to.

SECOND READING.

Bill (157) An Act to incorporate the Brandon, Saskatchewan and Hudson's Bay Railway Company.—(Hon. Mr. Kirchhoffer.)

ANIMAL CONTAGIOUS DISEASES BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (194) An Act respecting infectious or contagious diseases affecting animals.

(In the Committee.)

On clause 22,

Hon. Mr. SCOTT—There were two clauses which were held over for further consideration. The first one was clause 22, as to the affected area. I applied to the department to see whether they could meet the views of hon. gentlemen, but they really do not see how they can make any change in it other than to strike out the words 'map and plan,' and make it referable to parishes, townships and farms. I asked them to give me a sample of what they did when a contagious disease was discovered on a farm, and they have given me a notice which is used where the contagion exists only on one farm. If it embraces more than one farm and is in a district, then they publish the fact in all the newspapers in that particular district. A notice is sent by the inspector. It does not seem to me, after hearing the explanation given by the department, that there is sufficient force in the argument against the description given there to warrant us in making a change. I do not see how a change could be made that would improve it, because each case must be governed by the peculiar circumstances of the district. I therefore move that clause 2 stand part of the Bill.

Hon. Mr. FERGUSON—After the committee rose the other day I noticed—which I failed to observe before and which my hon. friend and those who are instructing him with regard to it do not seem to have observed until now—that subsection 2 provides for a publication.

Hon. Mr. SCOTT—That was mentioned, that it was in a newspaper when the area was larger than a farm. I distinctly announced that after discussing the matter with the expert.

Hon. Mr. FERGUSON—I find now that section 32 provides for publication in the 'Canada Gazette,' and I have noticed this, that much of what is to be published and which is authorized here to be published—every Order in Council prohibiting importation—it is not an Order in Council to do this but a declaration of the minister, and therefore it will be necessary to amend clause 32 and then the publication will follow as a matter of course. But as it is now, only the few things that remain to be done under this Act by Order in Council will be published, while a great many things which were done under the old Act by Order in Council are now done by the direction of the minister. By introducing the words 'every Order in Council and every declaration of the minister' will give the publication complete; but as the Bill stands, you have taken a great deal of the operation of the Act out of the hands of the Governor in Council and put it in the hands of the minister.

The clause was adopted.

On clause 29, subsection (k),

Hon. Mr. SCOTT—The department cannot see their way to make any change in subclause (k). It must be left to the discretion of the minister. There are minor cases where the extreme action that is taken in other cases shall not apply. The department seem to think it is absolutely necessary. I have asked them if they could qualify it and they say they really cannot.

Hon. Sir MACKENZIE BOWELL—I thought the committee decided to add the word 'minor.' Do I understand the hon. gentleman to say that they object to adding that word.

Hon. Mr. SCOTT—Yes.

The clause was adopted.

Hon. Mr. FERGUSON—I want to reconsider clause 18 of the Bill. I hope my hon. friend will just look at this clause and see what it involves. The first line of it introduces a change.

Hon. Mr. SCOTT—Just one word.

Hon. Mr. FERGUSON—The words added are 'or suspects.' When that happens the inspector makes a declaration and gives a copy of it to the owner of the animal. A copy is sent to the minister, action is taken on that and the place is declared infected and all we have been talking of goes on—notice is published in the 'Gazette,' an Order in Council is passed and all this takes place under clause 18 and culminates in clause 33 which provides :

33. An order of the Governor in Council declaring any market, railway yard, stock yard, pen, wharf, steamship, steam or other vessel, railway car or other vehicle to be infected, or of the minister, declaring a place to be an infected place, or a copy of the declaration of the inspector certified by him, a notice of which has been delivered under the eighteenth section of this Act, shall be conclusive evidence in all courts of justice and elsewhere of the existence of disease and other matters to which the order or declaration relates.

My hon. friend will notice that what is provided is that this suspicion is to be taken as conclusive evidence in a court of law that the disease existed. My hon. friend will see that that is entirely repugnant to the principle of this Act right through. It is a provision that a declaration based on a suspicion shall be made conclusive evidence of the disease.

Hon. Mr. SCOTT—I am quite sure there is no such meaning intended to be attached to the clause. When a man suspects that there is a disease he makes inquiry.

Hon. Mr. FERGUSON—After he makes the declaration.

Hon. Mr. SCOTT—No, before he makes the declaration. A man would not go on a place unless he had suspicion the disease prevailed there, and if he found he was wrong in his opinion he would not go any further. The officers are not disposed to carry out this law is an arbitrary and dogmatic way to cause injury to individuals that the hon. gentleman seems to suspect. They have no personal motives.

Hon. Mr. FERGUSON—We are not talking about personal motives but about the incongruity of the law.

Hon. Mr. SCOTT—If a man has suspicion about the place, he should have the authority of law to go and examine it. How is it to be proved unless the inspector first ascertains it ? There is nothing in my hon. friend's contention whatever.

Hon. Mr. FERGUSON—My hon. friend must see, if he takes the trouble of looking into it, that the Bill, if passed in its present form, would be a most ridiculous measure.

Hon. Mr. SCOTT—The explanation is as I gave it. There is no intention to take further proceedings unless the suspicions are founded. I am referred to clause 19, which provides :

19. Whenever an inspector makes such a declaration of the existence or suspected existence of infectious or contagious disease of animals, he shall, with all practicable speed, send a copy thereof to the minister ; and if it appears that infectious or contagious disease exists, the minister may so determine and declare, and may prescribe the limits of the infected place——

It has to exist. That is the necessary consequence of the suspicion. If it does not exist, it all drops to the ground—no further action is taken, as the latter part of the clause shows,

—but if it appears that it did not exist, the minister may so determine and declare, and thereupon the place comprised in the inspector's declaration, or affected thereby, shall cease to be deemed an infected place.

The law is perfectly plain.

Hon. Mr. FERGUSON—This declaration provided for in clause eighteen is a declaration to be made on suspicion, and the declaration is in existence.

Hon. Mr. SCOTT—But it goes to the minister first.

Hon. Mr. FERGUSON—Clause nineteen shows that whenever an inspector makes a declaration as to the existence, or suspected existence, of infectious disease the minister takes it up.

Hon. Mr. SCOTT—The clause says : 'he shall, with all practicable speed.'

Hon. Mr. FERGUSON—There is no other way it can be brought into existence; that declaration is based on suspicion, and yet we have that suspicion made conclusive evidence in another part of the Bill.

Hon. Mr. SCOTT—Perfectly proper, because it can only be done after it has been established as being true.

Hon. Mr. POIRIER—Could not a word be added to that effect—on suspicion proved to be well founded in fact ?

Hon. Mr. LOUGHEED—I understand it is the order of the Governor in Council that is to be evidence in court, and not necessarily the declaration made by the inspector.

Hon. Mr. FERGUSON—Yes, it is the declaration of the inspector also.

Hon. Mr. LOUGHEED—Certainly the documentary evidence referred to in clause thirty-three would be the Order in Council—that is the declaration of the government in any case shall be conclusive evidence, and attached to that would be the evidence on which that order was made.

Hon. Mr. SCOTT—I shall qualify clause nineteen, if you like, by making it read 'if it appears on satisfactory evidence that contagious or infectious disease exists, the minister may so declare, &c.'

Hon. Mr. FERGUSON—But that does not touch the point of my objection.

Hon. Mr. SCOTT—Then I cannot reach it.

Hon. Mr. FERGUSON—The point of my objection is the declaration, apart from anything the minister may do, shall be conclusive evidence.

Hon. Mr. SCOTT—Quite properly so if it be found that the disease exists. It is only in case disease exists.

Hon. Mr. FERGUSON—Is it not possible the matter may get into litigation some other way ?

Hon. Mr. SCOTT—The Crown can have no motive in persecuting people.

Hon. Mr. FERGUSON—I was not complaining of clause nineteen, but clause eighteen. A copy served on the owner of the cattle is made conclusive evidence in a court of justice.

Hon. Mr. SCOTT—I cannot see it as my hon. friend does.

Hon. Mr. FERGUSON—Any person must see that is the way it reads. I believe it is all wrong to act on suspicion alone. The duty of the inspector is to find out whether the disease exists, or whether it does not. If he finds the disease exists, he has the right to go on and make a declaration. I presume this is a statutory declaration, not that the disease is suspected, but that it has been found to exist. However, that is my view ; and I shall bring the matter to a point and move that the words 'or suspects' be struck out of clause eighteen.

Hon. Mr. SCOTT—The words are put there designedly, because the change has been found to be necessary. This is done in the interests of the whole community. We know how rapidly these diseases spread, and how necessary it is that the inspector shall go on the premises and examine. He must have a suspicion before he goes on the premises. Without it a man would have no right to go on a property until some proof was obtained that there was disease there.

Hon. Sir MACKENZIE BOWELL—The hon. Secretary of State does not comprehend the objection that is taken. By the eighteenth clause you give power to the inspector, on suspicion, to do certain things. If he makes a declaration on suspicion, on belief that the disease exists, then under clause thirty-three——

Hon. Mr. SCOTT—Take clause nineteen : that is read with clause eighteen.

Hon. Sir MACKENZIE BOWELL—Let us take one at a time.

Hon. Mr. SCOTT—You must take clauses eighteen and nineteen together.

Hon. Sir MACKENZIE BOWELL—What has clause nineteen to do with it ? The same objection prevails if you take the word 'suspect.' The inspector has the power, under clause eighteen, to make a declaration on suspicion, and under clause nineteen he makes a declaration on suspicion, and if he makes the declaration on suspicion, clause thirty-three makes that declaration conclusive evidence in all courts of justice. That is the point my hon. friend from Marshfield takes, and there is no getting over it.

Hon. Mr. SCOTT—I beg the hon. gentleman's pardon, there is a way of getting over it.

Hon. Sir MACKENZIE BOWELL—What does clause thirty-three provide ? It says an order of the Governor in Council declaring, &c., or of the minister—that is an order

of the minister. Then you go down a little further 'or the declaration of the inspector.' Either one of these three becomes conclusive evidence of the existence of a disease, upon a declaration which is made upon suspicion. It seems to me that is the way it reads.

Hon. Mr. SCOTT—If my hon. friend will only read clause nineteen he will find that the first proceeding after the declaration is made is to submit everything to the minister, and it is only after it has been finally shown that infection exists that the other clauses operate, and I was quite willing to put in words to qualify it so that the minister would take action if it appeared on satisfactory evidence that contagious disease exists. The first thing the inspector does is to make a declaration, and it is provided :—

19. Whenever an inspector makes such a declaration of the existence or suspected existence of infectious or contagious disease of animals, he shall, with all practicable speed, send a copy thereof to the minister——

That is the first thing he does, send a copy to the minister, and then,

—if it appears that infectious or contagious disease exists, the minister may so determine and declare, and may prescribe the limits of the infected place; but if it appears that it did not exist, the minister may so determine and declare, and thereupon the place comprised in the inspector's declaration, or affected thereby, shall cease to be deemed an infected place.

The first step is the suspicion. The council declares suspicion. The next step is satisfactory evidence that the suspicion is well founded, so I cannot see how it is possible any injury can arise.

Hon. Mr. POWER—In a case of this kind action should not be postponed until there is satisfactory evidence, and it has been found in practice that this is the case, because the department come here and ask to be allowed to act on suspicion. I think it is a perfectly right and proper thing, if the inspector has reason to suspect, that he should be allowed to act, because it is not always easy to get into barns and other places where the suspected animals are to ascertain whether they are actually diseased or not, and the only question is whether this suspicion is sufficiently grounded. I think with the hon. minister that clause 19 does provide there shall be no decided action taken until the minister is satisfied that contagious disease exists. I do not think clause 18 or clause 19 needs any amendment, but I see the point made by the hon. gentleman from Marshfield with respect to clause 33. It strikes me, in respect to that clause, that what is meant is this, that the declaration of the minister declaring a place to be an infected place, or a copy of the report of the inspector certified by him—I think the 'him' there should be 'the minister.' The declaration of the inspector is submitted to the minister, and upon the minister being satisfied by proper evidence that this suspicion was justified, he certifies to the declaration and that declaration, when certified by the minister, should be conclusive evidence ; but I do not think that a mere declaration by the inspector that he has a suspicion that there is disease should be held to be conclusive evidence. I think the hon. gentleman from Marshfield was right there, and I would suggest—of course the officers of the department would know how it works out practically—that instead of 'him' you put 'the minister.'

Hon. Mr. FERGUSON—If the hon. minister will look a little closer at it he will find the only amendment which will suffice to clause 33 is to strike out all reference to the declaration, because it is the declaration in clause 18 that is referred to. As it stands in clause 18 it is the inspector's own act which my be based on the existence of disease or based upon suspicion. He has to take action on it immediately. He has to furnish a copy of that declaration to the owner of the animal, and clause 33 says that declaration shall be conclusive evidence in all courts of justice. That declaration has not been reviewed by the minister at all.

Hon. Mr. SCOTT—Oh, yes.

Hon. Mr. FERGUSON—No, because it is in section 19 the intervention of the minister comes in. That section leaves out the words which are in the existing statute, that the minister should make a declaration or an order on the inspector's declaration. It would seem by this the minister is to come in and make an inquiry. Suppose this is a case or tuberculosis, or glanders, in Prince Edward Island, and the local inspector makes a declaration there on suspicion and sends

it to the minister at Ottawa. It will take days if in winter—perhaps a week or two—to reach the minister, and the minister has to decide on that declaration and his decision cannot be arrived at until that declaration reaches him and he makes some inquiry. That was not the state under the old law, but it will be the case under this Bill. My hon. friend must see it will not lead to any satisfactory settlement. The inspector, who is a vet. and ought to be a competent man, goes to the place and he ought to satisfy himself whether the disease exists or not. If he is not able to do it on his own skill, he ought to call in some other and make his declaration, not on suspicion, not throwing the responsibility on the minister who may be a couple of thousand miles away—he ought to make his own report and that report the minister should act upon and proceed upon it, as the inspector should be a responsible man. I think it would be a mistake to pass the Bill in this form, starting the thing on suspicion. You have no sufficient remedy in clause 19 that the minister is to have an effectual review of this declaration, for before that declaration is sent the place is declared an infected place. The inspector has notified the owner. That is all provided for in clause 18. The owner is notified and a communication follows with the minister. If it were in British Columbia, I wonder how long it would take to reach the minister. If it were in Prince Edward Island, how long would it take? And how is he to make the inquiry in Ottawa? Is he to send some one down? Is that the proper procedure in the case of a contagious disease in the community, before the minister acts? Surely my hon. friend does not think that is the proper way to proceed. The proper way is that this declaration should be made only on the existence of the disease or a belief in its existence. The inspector might be mistaken. Any man might make a mistake. But he is not likely to make a mistake. He would cause a systematic inquiry to be made, and he would take the advice of other parties, and having started right, everything would work right to the end. The remedy for this is to strike out these words that have been introduced into this law, by which the inspector is to start his proceeding on suspicion, because it involves and vitiates the thing from beginning to end.

Hon. Mr. LOUGHEED—Without disputing what my hon. friend has said as to the principle of clause 18, I think we are losing sight of the object of clause 33, which deals simply with the evidence. I was under the impression in the first instance, that the Order in Council was the only documentary evidence with which it dealt. But I find that it deals with all the other declarations, that is, the declaration of the minister as well as the declaration of the inspector in the first place, and I think it deals properly with those to a limited extent. My hon. friend may possibly lose sight of the fact that before the declaration of the inspector reaches the minister, legal proceedings might be taken for recovering possession of the animal, which may have been seized or scheduled; consequently something must come before the court by way of justification of seizure of those animals. Hence, this clause makes evidence of a certified copy of that declaration which has been made by the inspector. That is all it is intended to apply to, and I fail to see, if you agree to the principle embodied in clauses 18 and 19 that there is anything wrong in clause 33, excepting that the last line of clause 33 should be amended so as to provide that the declaration should simply be evidence of whatever fact it sets out, or of whatever suspicion it may set out. Hon. gentlemen will see that those declarations are to be conclusive evidence in all courts of justice and elsewhere of the existence of the disease, and other matter to which the order or declaration relates. One declaration is contemplated to relate to a suspicion; consequently the element of a suspicion should be provided for in the last line of section 33, as well as the declaration of the existence of the disease. It should read: 'Of the existence of the disease, or suspicion of the existence of the disease.'

Hon. Mr. POWER—Yes, I think that meets the case.

Hon. Mr. FERGUSON—My motion is—and then this would not be necessary at all—to strike out the words 'or suspects' in the first line of clause 18.

Hon. Mr. LANDERKIN—I think that would make the Bill weaker than the hon. gentleman desires to make it. It might be impossible, when the inspector was called in, to diagnose the disease, and hence if action were not taken until a certainty was assured, the disease might spread to the whole flock. The strength of this clause is in the fact that they can start where suspicion exists that one of those contagious diseases is likely to be engendered, and if we remove this, we create the greatest danger to the herd, and they are apt to allow it to remain until a certainty is assured, and then perhaps every animal in the herd will take the disease. The very moment that the inspector has a suspicion that one of those diseases is likely to arise, he reports, and action is taken and perhaps the herd may be saved. But if we remove the word 'suspect' we weaken the clause, because it is impossible, in the early stages, for the inspector, no matter how skilled he may be, to diagnose the case, but if he has a suspicion that one of those cases is likely to arise, if he takes action then he is very much more likely to prevent a spread of the epidemic than if he waits till it is fully developed. Anybody who has given any attention to this will know that. My hon. friend opposite (Hon. Mr. Ferguson) has paid a great deal of attention to this subject, no doubt, and I think that if he considers he will agree with me that he should withdraw his motion and allow this clause to remain as it is. If he is further away, then the delay which he seeks to lessen is increased. If he waits for three or four days until the premonitory stage has passed to such a degree that he is able to diagnose it to a certainty, he is only increasing the danger and the delay. I would ask the hon. gentleman to withdraw the motion, because I think it makes the clause weak. It tends to create danger. It tends to create loss, and tends to frustrate what he has in view.

Hon. Mr. FERGUSON—I would ask my hon. friend to say whether he does not think that the operation of clause 19 will cause a great deal more delay than that. The minister living in Ottawa, a matter reported to him from Prince Edward Island or British Columbia ; he has to investigate and make his declaration or his order—does not the hon. gentleman see in that proceeding a long delay, more delay than if the inspector were to take a day or two to diagnose the case ?

Hon. Mr. LANDERKIN—Yes, but where is the delay ? It would take only half an hour to telegraph the facts to the minister, and he would reply to take every precaution. The hon. gentleman would not like to have every officer in the country given power to enforce an Act so important as this is. The minister has to be responsible and he has to be guarded and safeguarded. It would not take very long to report that the animal has been inspected, and then directions would be given him to take every precaution to ascertain, at the earliest possible moment, whether it is one of those diseases that is mentioned.

Hon. Sir MACKENZIE BOWELL—He would have to telegraph the declaration.

Hon. Mr. LANDERKIN—Yes.

Hon. Mr. POWER—I think the hon. gentleman from Calgary really hits the blot and he suggests that in the latter end of clause 33 at line 45 after 'disease' we should insert 'or of the suspicion of such existence.' It is a perfectly proper thing to make the inspector's declaration evidence of his suspicion of the existence of the disease. I think that amendment would meet the hon. gentleman's view. I would, therefore, move that we insert the words 'or of the suspicion of such existence.'

Hon. Mr. FERGUSON—Yes, if the word 'suspect' is to be retained.

Hon. Mr. McMULLEN—My hon. friend has given this question a good deal of consideration, but after all I think the amendment proposed by the Secretary of State, if he considers it carefully, will cover the ground. The government inspector at a certain place comes to the conclusion, or suspects, that a disease does exist. What does the Act require him to do ? It requires him to communicate with the minister that he has reason to suspect that a disease in a certain locality exists. When he forms that suspicion he gives immediate notice to those interested that he has formed that suspicion, and immediately he gives a copy of the same notice to the minister, with all expedition. The minister immediately instructs him to

make further investigation or instruct somebody. It must be made, and when he does that and reports to the minister that he has found that disease does exist, then the minister, on the basis of that evidence, when it is sent to him as provided by the amendment proposed by the hon. Secretary of State, he takes action to stamp out the disease. I think that that could be satisfactory. You must admit that the inspector must have some suspicion and some grounds to go upon in the first place. The moment he hears, by repute or any other way, that a disease does exist, he takes action at once. The object of taking action at once is to segregate the whole district, so that he will prevent the removal of the animals. He will communicate with the minister, and the minister instructs him in reference to that. If he does that, and he then reports and the minister is satisfied that the disease does exist, he gives orders to take steps to eradicate it.

Hon. Sir MACKENZIE BOWELL—There is a great deal of force in the remark made by the hon. gentleman. The amendment proposed by the hon. Secretary of State will improve the clause considerably, but what I object to in this Bill is making—as clause 33 does—a declaration of the minister on the suspicion of the existence of a disease conclusive evidence in all courts of justice. It qualifies it by the adjective 'conclusive' evidence. It would improve the clause considerably if we adopted the suggestion made by the hon. Secretary of State and the hon. gentleman from Calgary, but what objection would there be to strike out one of the lines altogether. I am reading clause 33 where it makes the declaration of the existence of disease by the inspector under clause 18 conclusive evidence of its absolute existence. Supposing you strike out the words 'or a copy of the declaration of the inspector certified by him,' and make it read in this way: 'an order of the Governor in Council declaring,' and so on, or of the minister declaring the place to be an infected place, notice of which has been given 'shall be conclusive evidence.' Of course, the declaration made by the minister would be upon the evidence offered to him by the inspector, but in this clause you are making the declaration made upon mere suspicion conclusive evidence of the fact of the existence of disease.

Hon. Mr. POWER—With respect to clause 19, it does not seem to me that it needs any amendment. In line 14 there is the expression 'if it appears that any infectious or contagious disease exists, the minister may so determine.' The minister would not so determine unless he had evidence to that effect.

Hon. Sir MACKENZIE BOWELL—I do not ask to strike that out.

Hon. Mr. POWER—Perhaps the hon. leader of the opposition did not catch what the hon. gentleman from Calgary said. A suit might be brought against some man who was acting under the instructions of the inspector. The inspector acts under suspicion, and some man acts on his instructions, and that man is brought into court, and the object of clause 33 is to show that there was something to go upon, and that he had the declaration of the inspector that he suspected that disease existed amongst the animals. That justifies the man's actions under the orders of the inspector; and I move, seconded by the hon. gentleman from Calgary, that after the word 'disease,' in line 45, we insert the words 'or of the suspicion of such disease.' Then this declaration will be only evidence that the inspector suspects the disease, and that is perfectly right and proper.

Hon. Sir MACKENZIE BOWELL—That materially qualifies it.

Hon. Mr. FERGUSON—Some time ago, when we were considering clause 18, I moved that it be amended. I think that motion should be put first. I shall certainly vote for the present motion if my own is not carried.

The CHAIRMAN—The question is on the amendment proposed by the hon. gentleman from Marshfield.

The amendment was lost.

Hon. Mr. DEVER—As I read clause 18, the disease must be a fact before the inspector can take action. It says 'where a disease is found.' It must be found. I do not see what amendment is required. I would be bound to accept the officer's opinion on this matter, because he must be a competent man. In case he makes a mistake, it enables the owner of the animal to

invoke the services of the minister, and then if any mistake has been made by the minister, the minister and the government would be responsible to the man for any wrong. Clause 19 also confirms this, so that I cannot, for the life of me, see how any man reading the clauses together, could imagine that the slightest injustice is done under any of these clauses.

The CHAIRMAN—The question is on the amendment proposed by the hon. Mr. Power, that we insert the words 'or of the suspicion of such disease.'

The amendment was adopted.

Hon. Mr. MACDONALD (P.E.I.)—I should like to call the attention of the committee to the fact that in clause 33 we speak of the certificate of the inspector as being conclusive evidence of the fact that disease exists. In clause 35 the same certificate is stated that for the purpose of this Act it shall be prima facie evidence in all courts of justice and elsewhere of the matter certified. There is certainly a contradiction between these two clauses of the Bill. In one the certificate is conclusive; in the other it is only prima facie evidence.

Hon. Mr. DANDURAND—It is not the same document.

Hon. Mr. SCOTT—No; but I am quite prepared to strike out the word 'conclusive' and make it prima facie.

Hon. Sir MACKENZIE BOWELL—That is better.

Hon. Mr. SCOTT—In clause 33, line 44, I move that the word 'conclusive' be struck out and that the words 'prima facie' be substituted therefor.

Hon. Mr. LOUGHEED—I think that is an improvement upon the Bill.

The motion was agreed to.

Hon. Mr. FERGUSON—I move that sections 11 and 12 be reconsidered.

Hon. Mr. SCOTT—It is not usual, unless there are some good reasons given.

Hon. Mr. FERGUSON—The changes in these sections as compared with the old law are what causes the incongruity in this part of the Bill. Clause 11 provides:

> The minister may, from time to time, cause to be slaughtered animals suffering from infectious or contagious disease or suspected of being so affected.

These are the new words there inserted. Take clause 12 which follows this up, and you will find that in the last part of subsection 3 of the clause, the proviso following the words one hundred and fifty dollars provides that:

> When it is clearly shown that an animal has been slaughtered on insufficient grounds, and that the slaughter was not in accordance with, or justifiable under this Act, the owner shall be entitled to compensation at the full value of the animal so slaughtered.

Now, when we had this before the House before I concluded that the meaning of it was that when animals were slaughtered and found to be free from disease the owner would be entitled to be paid the full value of the animal, but I doubt very much on reading clause 11 as it stands in the Bill that that would be the result. That clause sets forth what are the grounds for slaughtering an animal, but the fact that an animal was found, after being slaughtered, to be sound would not be considered to be sufficient grounds, because the animal had been slaughtered on suspicion. I do not know that I have made myself as clear as I would wish. An animal might be slaughtered on what is declared to be suspicion, and the requirements of the Act might be carried out though the animal was found free of all disease, and the owner would not have any claim for compensation. It would be extremely doubtful indeed to establish any claim for compensation under these two clauses, because it is only when the slaughter was not made in accordance with the provisions of the Act that compensation is allowed. I think it was the intention of the promoters of the Act that the owner would be entitled to compensation if a perfectly sound animal were slaughtered.

Hon. Mr. SCOTT—As I read the Bill, this is on a much more liberal basis than the old law. I do not think there is any provision in the law as it stands for compensation.

Hon. Mr. FERGUSON—The proviso I have read is entirely new.

Hon. Mr. DANDURAND—I preceive the point made by the hon. gentleman from

Marshfield. His argument is that the slaughter may be made on insufficient grounds, but may have been justifiable under this clause, and therefore the owner would not be entitled to recover the full amount of the value of the animal.

Hon. Mr. LOUGHEED—It seems to me the word 'insufficient' should be struck out.

Hon. Mr. DANDURAND—I should rather keep it as being more liberal than without it.

Hon. Mr. LOUGHEED—It seems to me it should provide when the animal was slaughtered and found free from disease, compensation should be made.

Hon. Mr. FERGUSON—We were told when in committee before that that was the intention, but I do not think it is fully carried out.

Hon. Mr. POWER—The hon. gentleman from Marshfield thinks that the words 'suspected of being affected' should be struck out the eleventh clause.

Hon. Mr. FERGUSON—No, I did not ask that, because the policy of the Bill is to retain those acts, but I want to make it clear that when an animal which is free from disease has been slaughtered the owner shall be compensated.

Hon. Mr. POWER—I direct the attention of the committee to the fact that in the Act as it stands on the statute-book the last provision is found 'or an animal suspected of being infected, &c. of disease.' If an animal is in contact with an animal suspected, the Governor in Council may order that animal to be slaughtered, so there is no object in reconsidering clause 11. With respect to subclause 3 or clause 12, I think probably it would make it clearer if we struck out the words 'and the slaughter was not in accordance with or justifiable under this Act.'

Hon. Mr. DANDURAND—It would be clearer, if I understand the bearing of the clause, that the provision should read as follows: 'provided that when it is clearly shown the animal slaughtered was not so affected the owner shall be entitled to compensation.'

Hon. Mr. POWER—The hon. gentleman should bear this in mind, that it is not necessary that the animal shall be actually diseased to justify the slaughter. If the animal had been in contact with diseased animals, then it shall be slaughtered, even though it has not developed the disease itself. Consequently I do not think this amendment should be accepted.

Hon. Mr. DANDURAND—Should not the owner be entitled to recover in that case?

Hon. Mr. POWER—If an animal has been, say, in a herd which is diseased, and is slaughtered, I do not think the owner of the herd should be entitled to full compensation.

Hon. Mr. LOUGHEED—That class has been already dealt with.

Hon. Mr. POWER—If you strike out all the words from the word 'ground' in line down to and including 'Act' in line forty-three, it will suffice. The words omitted would be 'and that the slaughter was not in accordance with, or justifiable under this Act.'

Hon. Mr. LOUGHEED—It is suggested that this phraseology might meet the difficulty 'provided that in all other cases of an animal being slaughtered the owner shall be entitled to compensation,' because we deal with various cases. We deal with a diseased animal, and with an animal that has been in proximity to a diseased animal. Now we are dealing with an animal that does not come under either of the classifications.

Hon. Mr. POWER—If the minister is satisfied there was not sufficient ground for the slaughter, then the owner is compensated.

Hon. Mr. LOUGHEED—That raises the question again raised by the hon. gentleman from Marshfield. You will see that suspicion is considered sufficient ground.

Hon. Mr. SCOTT—That case is provided for here. I do not think you can improve the clause.

Hon. Mr. LOUGHEED—I think the clause would be made uniform in the way pointed out.

Hon. Mr. SCOTT—What case do you want to cover? As it is now, the department

pays for animals that are not infected but have been slaughtered simply because they have been in contact with diseased animals, and so are suspected. You certainly cannot go beyond that, paying the full value for an animal that is not at all diseased.

Hon. Mr. LOUGHEED—The hon. gentleman does not yet apprehend the point that is taken. The case mentioned in subsection 3 of clause 12, there provides that compensation shall be made where the animal has been slaughtered on insufficient grounds, and that the slaughter was not in accordance with or justifiable under this Act. We say the term 'insufficient grounds' is ambiguous, because any ground might be deemed sufficient, and it opens up what would be sufficient grounds. Grounds of suspicion are sufficient grounds.

Hon. Mr. SCOTT—No, because the animal is paid for in full.

Hon. Mr. LOUGHEED—My hon. friend does not yet see what we are aiming at. The idea is, and the intention of the government evidently is, that full compensation should be paid where an animal is slaughtered that does not come under the different classes of cases provided for, but the terms employed are ambiguous and would give rise to controversy as to what constituted sufficient grounds for slaughter.

Hon. Mr. DANDURAND—I do not know that, and I should like to insist upon my amendment.

Hon. Mr. LOUGHEED—No, it would not do now.

Hon. Mr. DANDURAND—There are three classes of compensation: When an animal is slaughtered, though it is not in itself affected, but has been in contact with diseased animals. Then, again, where it has been shown the animal was slaughtered on insufficient grounds. Then, in case of a manifest error on the part of the officer. Then, by looking at clause six, it is simply permissive. It gives discretion to the authorities to compensate. So this is a special class which I think is well covered by the proviso.

Hon. Mr. SCOTT—I understand the clause was very much discussed in the other House, and was drawn up to meet the views of members of the House of Commons who take an interest in it, and this clause was claimed to meet the particular case.

Hon. Mr. LOUGHEED—To get at the point, I will move that all the words in subsection three of clause twelve, after the word 'slaughter' in line forty-two be stricken out down to the word 'Act' in line forty-three, and that in lieu thereof the words 'in error' be inserted. The words are 'on insufficient grounds, and that the slaughter was not in accordance with, or justifiable under this Act.' The object of the Act is, if an error has been made in slaughtering an animal, full compensation shall be made.

Hon. Mr. TEMPLEMAN—What is the difference?

Hon. Mr. LOUGHEED—You make it clear. It is as cloudy as can be under the present phraseology.

Hon. Mr. SCOTT—We are simply going to create confusion.

Hon. Mr. DANDURAND—The effect is to compensate to the full amount if an error is committed. I believe this being the intention of the Act, that the clause is clear enough as it is:

> Provided that when it is clearly shown that an animal has been slaughtered on insufficient grounds, and that the slaughter was not in accordance with or justifiable under this Act, &c.

This covers an error.

Hon. Mr. LOUGHEED—The government has power to slaughter an animal on suspicion. That is sufficient ground for slaughtering the animal. Then can it be said to be on insufficient grounds?

Hon. Mr. DANDURAND—No, because the government can give a certain compensation for having slaughtered the animal.

Hon. Mr. LOUGHEED—You are only giving one-third. We are dealing with a class of cases where it is intended to give full compensation.

Hon. Mr. FERGUSON—That was the intention and that is the explanation that was given when we were in committee, and it was fully approved of. We thought we had effected it, and it is very plain that it is not sufficiently clear to effect that object,

and it might be shown that a suspicion being sufficient ground for slaughter, there was no error about it at all, and the owner would not, therefore, be entitled to compensation.

Hon. Mr. SCOTT—I do not accept the amendment. I prefer to have the language as expressed there, and that was the desire of the minister, after the thing had been thoroughly threshed out in the other House, and the clause changed to meet the views of members who were interested.

Hon. Mr. LOUGHEED—If that is sound doctrine, we had better not discuss the Bill at all here.

The CHAIRMAN—It is proposed that the following words be struck out: 'on insufficient grounds, and that the slaughter was not in accordance with, or justifiable under this Act' and the following words be added instead: 'in error.'

Hon. Mr. SCOTT—I think the words in the Bill express the idea better.

Hon. Mr. McMULLEN—Where an animal is slaughtered in error, where there is no disease at all, in fixing the value of that animal is it under the previous portion of this clause, either at fifty dollars or one hundred and fifty dollars?

Hon. Mr. SCOTT—No, the full value.

Hon. Mr. McMULLEN—Without reference to this clause at all?

Hon. Mr. SCOTT—So I understand.

Hon. Mr. McMULLEN—Is that sufficiently clear? Certainly where an animal has been slaughtered in error, the owner is entitled to the value of the animal.

Hon. Mr. SCOTT—Certainly.

Hon. Mr. McMULLEN—The clause should clearly show that, so that any one would come to that conclusion at once. If it does not, we should amend it. But if it is to be governed by the previous portion of this clause, fifty dollars, or one hundred and fifty dollars would be entirely unfair.

Hon. Mr. LOUGHEED—In this class of cases it is full compensation irrespective of the amount.

Hon. Sir MACKENZIE BOWELL—I have not heard the Secretary of State give an explanation of how the one clause affect the other. The eleventh clause declare positively that a suspicion of an anima being affected by disease is grounds fo slaughtering. The twelfth clause provide for the case of an animal slaughtered on in sufficient grounds. Now, the eleventh claus declares what are sufficient grounds, but i an animal be suspected, and it turns ou afterwards that it was not diseased, the the owner does not get full compensation

Hon. Mr. SCOTT—Oh yes, that is the intention of the Act.

Hon. Sir MACKENZIE BOWELL—I am not talking about the intention. I have no doubt that is the intention, but what does the clause say? It provides that the owner shall not receive full compensation unless the animal is slaughtered on insufficient grounds. Now, suspicion, under the eleventh clause, is a sufficient ground for slaughter, whether the animal is diseased or not.

Hon. Mr. SCOTT—Not unless it were shown afterwards that the suspicion was well founded.

Hon. Mr. POWER—The amendment proposed by the hon. gentleman from Calgary, provides only for the case of an animal being slaughtered in error. Supposing the animal was not slaughtered in error. Supposing the man who slaughtered it was acting maliciously, and acting in a spirit of hostility to the owner of the animal.

Hon. Mr. LOUGHEED—That would be dealt with under the criminal law. The government would be clearly responsible.

The amendment was declared lost.

Hon. Mr. McMULLEN—I should like to have the meaning of the clause clearer. If you take subclause six, of this clause, you will see what I mean:

> 6. If in any case the sum received by the government, on the sale of a carcass of an animal slaughtered under the provisions of this Act, exceeds the amount paid for compensation to the owner of the animal slaughtered, the excess, after deduction of reasonable expenses, shall be paid to the owner.

If an animal is slaughtered in error—if it is a pure-bred animal, a valuable animal, it is exceedingly unfair to ask the owner to pay the expense of slaughtering it. I cannot understand the clause. The govern-

ment step in on suspicion that disease exists. They find afterwards it does not exist. They have taken from an innocent man an animal free from disease and, in order to satisfy the suspicion of the inspector, they have slaughtered that animal and find that no disease exists. I should like to see him get fully paid for his animal: to ask him to pay the expenses connected with the slaughtering of the animal I think is entirely unfair. My reason for coming to the conclusion that fifty dollars, or a hundred and fifty dollars, settles the value of the animal was on account of this subclause. The minister has the right to fix the value of the animal. He will, of course, get evidence as to the value, but after all, to say the owner must pay for the slaughtering of the animal when it was taken for the purpose of eradicating disease, and to make him the victim is, I think, unfair.

Hon. Mr. POWER—The provision which the hon. gentleman finds fault with has been on the statute-book for twenty years.

Hon. Mr. LOUGHEED—I should like some hon. gentleman with a very vivid imagination to point out how the government could sell a diseased animal and get more than the amount of compensation? I certainly fail to understand why this section was ever put in the Act, because I do not think such a condition of affairs would ever arise as is provided for.

Hon. Mr. McHUGH—I think if the words 'and if the slaughter was not justifiable under the Act' were struck out, it would be satisfactory to those who are trying to promote this Bill. It would make it clear that the owners were to be paid at the full price.

The CHAIRMAN—Does the hon. gentleman make a motion?

Hon. Mr. McHUGH—I think the hon. Secretary of State will accept the amendment I propose to clause 12 in the forty-third line showing that the animal has been slaughtered on insufficient grounds.

Hon. Mr. SCOTT—We have disposed of that clause already. We were discussing subclause 6. As remarked by the hon. gentleman from Calgary, no case has arisen under it though it has been on the statute-book for many years.

Hon. Mr. McMULLEN.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman from Marshfield has called attention to the fifth and seventh clauses dealing with the sale of diseased meat.

Hon. Mr. SCOTT—That was discussed when the Bill was up before, and it was found to be a necessary provision.

Hon. Mr. FERGUSON—I move the reconsideration of clause 7.

Hon. Mr. SCOTT—We discussed that when the Bill was up before. Attention was called to the fact that the words 'known by him' were struck out, and that is the difference between the present Bill and the law as it stands, and that was done designedly. It was felt to be absolutely necessary in the interests of the public, and in order to protect the public.

Hon. Mr. FERGUSON—If the House is not going to reconsider it, we need not discuss it, but if it is to be reconsidered, I will give my reasons, and I think I may as well state them now. My reasons are that those three clauses, 5, 6 and 7, deal with the same conditions. Clause 5 provides that:

5. Every person who turns out, keeps or grazes any animal knowing it to be infected with or labouring under any infectious or contagious disease, or to have been exposed to infection or contagion, in or upon any forest, wood, moor, beach, marsh, common, waste-land, open field, roadside, or other undivided or unenclosed land, shall, for every such offence, incur a penalty not exceeding two hundred dollars.

Clause 6 provides:

6. Every person who brings or attempts to bring into any market, fair or other place, any animal known to him to be infected with or labouring under any infectious or contagious disease, shall, for every such offence, incur a penalty not exceeding two hundred dollars.

Clause 7 reads as follows:

7. Every person who sells or disposes of, or puts off, or offers or exposes for sale, or attempts to dispose of or put off any animal infected with or labouring under any infectious or contagious disease, or the meat, skin, hide, horns, hoofs, or other parts of an animal infected with or labouring under any infectious or contagious disease at the time of its death, whether such person is the owner of the animal, or of such meat, skin, hide, horns, hoofs or other parts of such an animal, or not, shall, for every such offence, incur a penalty not exceeding two hundred dollars.

He is liable to a penalty whether he knows the animal is diseased or not. I hold that in the case of a man who takes the animal into a market or fair has far more

opportunity to know if the animal is diseased than the man dealing with the hide. It may come innocently into his possession, and he is liable to a fine of $200. He may be perfectly innocent of the animal being infected. If the word 'knowingly' were inserted in that clause it would require to be put in in two places.

Hon. Mr. SCOTT—It could never be proved.

Hon. Mr. POWER—We might make it read 'any animal known by him to be infected.'

Hon. Mr. FERGUSON—I think these words would be required further down in the clause also, and that principle would apply in section 7 the same as they do in 5 and 6. It is very incongruous that we should make a man, a dealer in hides for instance, liable to a fine of $200 for what he may do innocently, while in another clause you must prove that the man who brings the animal into market knew the animal was infected.

Hon. Mr. SCOTT—The department have adopted that advisedly. Frauds have been constantly committed by horse traders and others who sell on the market and bring in cattle that are infected, and how can you prove that they knew it? They knew it really, but you have no way of giving evidence of the fact. It is known to everybody that they knew it. Parties who deal with those animals are perfectly conversant with the circumstances. If they own them they must be aware of it, because they are selling for the reason, and they are shielded if you strike out those words.

Hon. Mr. FERGUSON—That is what occurs in five and six. These horse traders must know. But clause seven applies to another class of cases, such as the sale of hides and hoofs of animals, &c., and there the man has not the opportunity of knowing, and still he is made liable whether he knows or not.

Hon. Mr. POWER—The fact that the department, after a good deal of experience, think this change necessary is an argument in favour of making a change, and then there is the further point that there is very little difficulty in proving that the farmer who has the animal and turns him out to graze knows, or ought to know, but when you get a piece of diseased meat in the market it is a different thing, and it will be harder for the prosecution to establish the knowledge. If you wish to prevent the sale of diseased animals you have to adopt the most effective means of doing it, and I think the object of the officers of the department is to make the law effective, and that is in the public interest, and as this was discussed a good deal at the committee stage I should vote against the motion to reconsider it.

The motion was lost.

Hon. Mr. BEIQUE, from the committee, reported the Bill with amendments which were concurred in.

THE BUTTER ACT, 1903, BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of:

Bill (207) An Act to prohibit the importation, manufacture or sale of adulterated, process or renovated butter, oleomargarine, butterine or other substitute for butter, and to prevent the improper marking of butter.

He said: I will explain to the House the object in introducing this measure. In the first place, it was found necessary to prohibit the manufacture of butter known as process butter. The ground for legislation at the present time against the introduction and the manufacture of process butter arises from the fact that application had been made to the department by parties from the United States, invited here by parties in Canada, to manufacture process butter as made in the United States. Some years ago in the United States parties went into the manufacture of what is known as process butter. It was not oleomargarine, but butter of an inferior quality, a variety of kinds of butter that are re-washed, heated and the odours evaporated from them, and re-washed, and then cooled and packed as butter. Having been thoroughly washed and being free from all odours, they are palatable enough for a very short time, but as the natural animal fat has been removed in the heating process, the butter would not keep for any length of time. The United States permitted this. It went on without any legislation for some time and the manufacture became so general, and it was depreciating the character and quality of Unit-

ed States butter to such an extent, that they introduced a law in congress to regulate it, and compel parties who manufacture that sort of butter to take out licenses. It has been a very serious injury to the butter trade of the United States, as can be very clearly shown by the figures. While our butter export has been going up, theirs has been going down. In addition to that, the Bill provides for a definition of creamery butter; that is, butter manufactured at a regularly organized creamery supported by at least fifty cows. It is not necessary, as the law stands, that butter should be marked, but if you mark it as creamery butter, then it must be butter that comes from a regularly organized creamery sustained by at least that number of cows. The opposition to the Bill from certain quarters was in consequence of selecting creamery butter as a butter that could be marked and branded. Of course, people are quite at liberty to mark dairy butter, or any other brand they choose, but in the market creamery butter commands a higher price. The argument against it is that dairy butter may be just as good. That may be quite true, but it is found that the best butter is made in the larger creameries, better organized, with at least fifty cows. The number fifty is, of course, arbitrary. There is no reason why it should not be sixty or forty, other than that it was considered desirable to define the number of cows that should be sustaining and furnishing the milk to a particular creamery.

Hon. Mr. FERGUSON—This Bill is, on the whole, a very well considered measure as it now stands. I think it was considerably amended in the House of Commons. As my hon. friend the Secretary of State has pointed out, however, it does seem reasonable to say, that butter made in a creamery from the product of fifty cows, would be entitled to be classified as creamery butter while that made from a smaller number of cows would be classified as dairy butter, for we know very well in the markets of the world that a higher value is attached to creamery butter than to dairy butter, and I had thought that it would be possible for the department to have carried out this object in some other way than by fixing the number of cows. For instance, if it was provided that every owner of a dairy or a creamery having creamery appliances—that would have to be the first consideration, because we know that in the ordinary dairies of the country they have not appliances, and not having these, with a view to keeping a proper temperature and handling the product properly, they cannot possibly turn out high-class creamery butter, I had therefore thought that if there was a system of registration adopted, every person claiming to have creamery appliances, although he might have a lesser number of cows, would register his creamery, and then that the department should send one of their inspectors to visit it and find that the manufacture was carried on in accordance with the creamery process and creamery practices, that that dairy or creamery, although it might not have fifty cows, would be allowed to brand the product as creamery butter, and get the full price prevailing for creamery butter. I notice, however, that in the House of Commons an amendment was introduced to the Bill which will, to some extent, remove the hardship which would occur in the case of an owner of say less than fifty cows, say forty-eight cows or any lesser number, and who had the necessary appliances, and who was able to turn out creamery butter. There is a provision made in clause 9 which reads as follows:

> 9. Nothing contained in sections 7 and 8 of this Act shall apply to butter in rolls, prints or packages of less than twenty-five pounds in weight, not intended for export.

Clauses 7 and 8 are the penal clauses which makes it punishable for an owner or manufacturer of butter to put on the word 'creamery' unless it is the product of fifty cows or over. Under clause 9 of this Bill such manufacturer of butter having less than fifty cows, is permitted to make use of the word 'creamery' on his butter, provided he puts it up in packages of less than 25 pounds and sells it in the home market. That being so, I think it will remove to a large extent any unjust application of the law, and as it is so extremely desirable that we should get on a sound and sure basis in the matter of marketing our butter as dairy and creamery butter, so that there would be no mistaking it in a foreign market, I think the provision is satisfactory and at all events well worth trying for a time, and if

its operation is not found satisfactory, it can be changed.

Hon. Mr. PERLEY—I intended to make several motions for amendments to this Bill, but having talked to the promoters of the measure, I concluded not to do so. I possibly may move in committee an amendment to clauses 2 and 9 to which my hon. friend referred as being so applicable and beneficial to the farmers of the country. The first object of the Bill is to secure a better article of butter for export. Well, we should have as good an article for home use. We should eat as good butter in Canada as they do in England, and as good butter should be put on the Canadian market as is put on any other market. In Wolseley a large quantity of butter comes in that is termed 'axle grease,' which has no right to be marked creamery butter, and yet is sold as such. I know that from personal experience. I had a creamery on my farm. I went to the farm to bring home some butter for my own use, but forgot it, and when I reached home, my wife said: 'Did you bring the butter in' and I said 'No.' She said 'You will have to go and get some' and I went up town and they showed me in every store butter marked as creamery butter and the merchants said to me: 'You could not eat it.' I would not take it. Yet they had the privilege of marking that article as creamery butter, and if I had not been living in that locality, and had not been known, they would have sold it to me as creamery butter, a false name altogether for such stuff. Now, fifty cows should not be the test for creamery butter. The quality of the butter and the way it is manufactured should determine what is creamery and what is not creamery butter. I will illustrate that point in this way. In 1893 I started a creamery on my own farm in the North-west with twenty odd cows. I bought all the appliances for a creamery and erected a building first for the work. I supplied, or stocked it, with all the necessary and best improved machinery according to Prof. Robertson's directions. I went by his directions entirely. I manufactured butter in that creamery with about twenty-four or twenty-five cows, and what was the result? I went to the exhibition at Winnipeg. We put the butter on exhibition for every one to look at, entered it in the different grades, and we took four first prizes, a sweepstake, and a diploma, and my diploma is hanging up at my creamery. We have the experimental farm down here where they are trying to teach people how to make butter, and they have taught two men who went out to Australia and they are making better butter there than over here. This place here is only a small place. I say a dairy of certain dimensions properly stocked with the utensils to make butter constitute a creamery more than the fact that fifty or sixty cows are in the concern. If I had my way I should move that it be enacted that a creamery be comprised of two or more rooms fitted up to make creamery butter. Then you put a good article on the market, because no man would undertake to fit up a building to manufacture creamery butter unless he had the material to make it. And then make it subject to inspection. But the government allow these people to send butter to England without inspection. One outfit is clean and tidy and the other is poor, and they both go to England as creamery butter. To my mind it is a perfect farce. I hold that if you want to give our butter a standing on the English market, it should be inspected before it is shipped, and graded as our wheat is graded. I can sell my wheat on a grade. I get a grade from the inspector in Winnipeg and he grades it one, two and three, and it is shipped on those grades all the way through and there is no question about it. Now, in order to pacify some poor fellow who puts his parcels up in less than twenty-five pound lots, they allow him to call it creamery butter. We had a creamery out in the North-west. I went out to the station and saw some cans brought down from the creamery to return to the patrons, because it is customary for the patrons to separate the milk from the cream on the farm, and ship it to the different factories. What was the result? Some of the farmers were doing that, and I went and examined some of the cans and I tell the hon. gentleman that two breaths of it would knock a horse down. The stench was outrageous. How could any one make butter in that way? They had fifty cows and they called it creamery butter. I hold that butter made in a creamery should be made under the personal supervision of a good man, and should

be graded according to quality and not according to the number of cows a man has on his farm. One man may have good cows, and another poor cows. The good cows may be less than fifty and the poor ones more, the produce of one would be called creamery butter, the produce of the other would not. I consider that allowing people to brand their butter as creamery butter when it is not such an article at all, is an outrage, and I would obliterate that clause altogether. I would not allow it to be called creamery butter unless it is made in a creamery. Then you raise the standard of creamery butter, but in this Bill the standard is not raised at all. Every Tom, Dick and Harry is allowed to make creamery butter. I will move an amendment to clause 9 which will give people a chance of knowing that when they buy creamery butter it is good butter, and that no article will be marked creamery which is of a poor quality.

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

POST OFFICE ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. TEMPLEMAN moved the second reading of Bill (208) An Act to amend the Post Office Act. He said: This Bill I find, on a hurried reading of it, is a rather important one and will commend itself to the judgment of the House inasmuch as it is an attempt to improve the financial condition of railway mail clerks, clerks in post offices and inspectors' offices, superintendent of railway mail service, and also post office inspectors. The Bill deals with three classes of post office officials, the effect being to rearrange classifications, to inaugurate a system of gradual increases of salaries and to increase in all three classes the present salaries of those officials. In almost every instance the maximum salaries to be paid are increased under this Bill. The details will be more intelligently discussed in Committee of the Whole, inasmuch as it deals with a variety of officials and in somewhat different ways. Clause one, however, is perhaps the most important clause in the Bill. Under the law there are three classes of mail clerks. Under this Bill it is proposed to abolish those three classes and constitute but one class. Under the existing law the minimum salary of a third class clerk was about $480, and after two years service the mail clerk received $520, increasing after five years service to $560, and in ten years to $640. That was the third class. In the second class $600, increasing to $800, and in the first class $720, increasing to $920. Under the proposed amendment to the Post Office Act, the minimum salary after the probational period of six months provided in this Bill will be $500 a year and thereafter every year an increase of $50 a year until the maximum of $1,200 is attained. In addition to the salaries fixed under this Bill, as is well known, the railway mail clerk receives a mileage amounting to some three or four hundred dollars a year. This will give the mail clerks reasonably good salaries, and I think they are entitled to this consideration. There are some other clauses in reference to letter carriers, and in clause six the clerks in the city post offices and inspectors' offices are reclassified and given an annual increase. The same with respect to post office inspectors. It is proposed to have but one class, there being under the present law two classes. The maximum salary to be paid under this Bill being greater than under the present law, and increasing at a more rapid ratio.

Hon. Sir MACKENZIE BOWELL—From casually looking at this Bill it appears to me it applies only to the mail clerk service and city post offices. Are there any provisions in it in reference to the towns?

Hon. Mr. TEMPLEMAN—I think not.

Hon. Sir MACKENZIE BOWELL—Under the circumstances it seems to me the government ought to have considered the position of clerks in towns of 10,000, 12,000 and 15,000 inhabitants whose work is just as arduous and responsible as the work of those in city post offices, as I know from personal experience in the city in which I live. We were formerly a city office and no difficulties arose under the management of that office, but for political reasons the government reduced the office to what is called a town office and in that reduction dismissed the postmaster and appointed another one. What the basis of payment of clerks is I am scarcely in a position to say now, but this I do know, that the office ever since the change has been conducted in a

manner that is not satisfactory to even their own political friends or to anybody else, and it arises more from the fact of the inefficiency of the postmaster himself and the small pay which is given to the clerks. All the old clerks of the office, who had been receiving something like a fair remuneration, were either dismissed or superannuated, although some of them were only twenty-four or twenty-five years of age. New clerks were added to the staff, and the pay is so small that they remain there a very short time—a year or two and away they go. The result is the mistakes which are being made are inexcusable and are continuous. If you have a box in the office, you do not know half the time whether you get your own mail or not. Sometimes letters are kept months and months. I attribute it to the small pay given to the clerks, which compels them, after they get a few years older, to look for other employment, for they will not work there at starvation rates. In this Bill provision is made for increased salaries in cities. If there is any force in the reason which has been advanced for increasing the salaries in the city post offices, the same reasons exist for increasing the salaries and having efficient clerks in the post offices of towns. Whether the government intends to take that into consideration, I do not know. Would the minister who has charge of this Bill explain to me what a 'case examination' is:

Hon. Mr. TEMPLEMAN—I do not think it is the case of examination my hon. friend was used to in his younger days.

Hon. Sir MACKENZIE BOWELL—That may be a very intelligent answer, but I must confess I am altogether too dull of comprehension to understand what the hon. gentleman means. Ah, it has dawned on my intellect now. He is speaking of when I was 'printer's devil,' and the examination of the case I suppose, which holds the type. I can understand that kind of examination. I can pass that even at my age now, without difficulty. This provides that a clerk must pass a yearly case examination and in subclause 'c' of the first clause it says that the salary of a railway mail clerk may be reduced when the case examinations are not satisfactory. Perhaps the hon. gentleman can explain it intelligently.

Hon. Mr. TEMPLEMAN—I am told, and I should have said, it was very much like the case examination my hon. friend was put through some fifty or sixty years ago, when his tutor was teaching him how to distribute type in the case. The case examination is the examination of a mail clerk in respect to his ability to distribute the mail matter in the various departments on the railway he is connected with. The object is to provide that the mail clerks may be proficient on the runs on which they are running. Under the Bill the examination must be passed every year up to the age of sixty, after which they get their advance of salary.

Hon. Sir MACKENZIE BOWELL—It is gratifying to know that there is some member of the opposition who is able to inform the minister what his Bill provides for.

Hon. Mr. TEMPLEMAN—It was a case of a member of the opposition enlightening the leader of the opposition also.

Hon. Sir MACKENZIE BOWELL—The duty of the opposition, as I understand it, is to inquire of the government what they mean when they introduce a Bill. The hon. gentleman was ignorant of the matter until he was instructed. I was ignorant of it myself, and that was why I asked for information. What I want further to ask is, whether it is the intention of the government to adhere strictly to the provisions of this Bill, or whether they will make provision for the class of clerks I have referred to. The case I have pointed out absolutely exists, and I presume the same thing occurs in other towns which were city post offices at one time. The post office clerks in Belleville, Smiths Falls, Brantford and all other towns of that size are just as much entitled to consideration as if they lived in the city of Toronto or the city of Ottawa.

Hon. Mr. TEMPLEMAN—When we come to that particular clause in the Bill we will be able to discuss it.

Hon. Sir MACKENZIE BOWELL—I do not think there is any such clause in it.

Hon. Mr. MACDONALD (P.E.I.)—This is an important Bill and as a matter of fact, it did not come under my notice as early as

it should have done. I should like to have studied it more than I have had an opportunity of doing. I see it makes a very material difference in the salaries which are allowed to railway mail clerks. The fact, I suppose, has dawned on the government that these clerks have very important positions to fill and that it is necessary they should receive somewhat larger remuneration than they receive in many cases. The fact is, in some provinces they do not get sufficient remuneration for the important duties they have to discharge. In that way the Bill probably has some good features. One clause of the Bill reads as follows: It is subsection 'f' of section 1:

(f.) Any person heretofore appointed to the permanent staff of the railway mail clerks may come under the provisions of this section at the salary he is then receiving, on his advising the Postmaster General in writing that he so desires; but his rights and position under The Civil Service Superannuation Act or The Civil Service Retirement Act, 1898, shall not be thereby affected.

Now, I presume that any person who has been in the railway mail service for a good many years past would not desire to leave the position which he has under that Act and come under the provision of this Bill, which would place him in no better position respecting his salary than he had previously, and place him otherwise, in my opinion in a very much worse position in respect to his superannuation allowance. There are other provisions of the Bill which will be more particularly dealt with in committee, but in glancing over the Bill casually, I find there are other clauses which would not, in my opinion, meet the general approval of those who are at present employed even in the city post offices. I see that the different grades are divided. Instead of having first, second and third and fourth class clerks, the third class clerks on appointment receive a salary of $700 with annual increases of $50 up to $800. Then they make a second division of third class and say they shall receive $800 and an annual increase up to $900. I should like to know when a clerk is appointed a junior third class clerk and has remained in the office long enough to entitle him to his $800, what is his position then? Is he to remain at his $800 all his life or is it intended he should start in a new class? A person who is a third class clerk at present, and his salary has gone up to $500, $600 or $700, is still kept in that same class until he comes to the maximum salary, when he should be promoted to another class.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. MACDONALD (P.E.I.)—Under this Bill it does not appear that he will be entitled to promotion from one class to another. That is a very considerable change. I can understand very well that this will work a hardship to persons who are at present either third or fourth class clerks, or even second class clerks, because the classes are divided in such a way that a man must remain in the junior third class, say, for a certain period until he gets up to $800, then he cannot get promoted immediately to another class, to the senior third class. He must serve several years in that capacity before he will be entitled under this Bill to further promotion. I think that is scarcely what young people expect when they go into the post office service in city post offices. They expect their promotion shall go on commensurate with their ability according to the number of years they are there—that they should not stop at the conclusion of five or six years when they have got to the maximum of the class in which they have entered. These are matters which can probably be better dealt with in committee. There are some other clauses which I think deserve a good deal of consideration, besides those to which I have referred.

Hon. Mr. FERGUSON—I have had some communications with regard to this Bill, and there is considerable dissatisfaction among civil servants of the outside service with regard to the second and third classes. It arises from these classes being divided into two sections. The third class was a class complete in itself under the law, but now it is provided that there shall be a junior and a senior third class, and the same with the second class. The objection comes in this way, as I understand it—I am not very conversant with the subject, but still I have endeavoured to ascertain the point of the objection, and it is this: The third class clerks having been promoted to that class should be allowed to go on until they would reach the maximum of that class whereas by making two stages of it they are liable to

be held up in the middle stage, and not get promotion into the other section of the class for a long time, and whatever advantage there is in the maximum salary being higher than it was before, may be more than offsetted by the dividing of the classes into two sections in this way. Take, for instance, a third class clerk. On appointment he has $700 a year. That increases up to $800 under this Bill. He may not get promotion into the other section of that class for many years, and he is held at that $800. When he does get the promotion in two further increases he will get up to $900, but he is liable to be held up and not get the promotion. I understand deputations from city post office clerks waited on the minister and strong representations were made by members of parliament and others, and promises were made to deal in a liberal spirit with the applications of this part of the civil service. It is worth consideration even yet, that these clauses might be rearranged so that the clerks should get their regular advances. Instead of that they may not get to the end of the junior stage and not be permitted to enter the senior one, and in that way they are liable to be held up and not get the benefit of the increase they formerly had. The fourth class is a new class. I notice there that this objection does not apply. I see there, they start at $400 and increase annually up to $700. That will enable them to reach the maximum of $700 in seven years, and there is an increase every year. There is no chance of their being blocked in the middle of the period; but when you come to the men who have been longer in the service, and who are surely entitled to as much consideration as the juniors, or fourth class, the plan of subdividing the second and third classes has been adopted, and in that way they are liable to be held up and not get their increases as the fourth class gets them. I hope my hon. friend who has charge of the Bill will note those objections. I have had communications, not from my own province but from another part of Canada, and the officials feel they are not altogether well treated in that respect. I hope my hon. friend will consult the Postmaster General, so when we get into committee on the Bill he can see if it is not possible to remedy this and prevent dissatisfaction which I know prevails on the subject in the city post offices.

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

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, July 15, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

CUSTOMS AND EXCISE DUTIES IN NORTH-WEST TERRITORIES.

MOTION.

Hon. Mr. PERLEY moved:

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid on the Table of the Senate, a return showing the amount of customs and excise duties collected at the several ports of entry in the North-west Territories for the year ending the 30th June last.

The motion was agreed to.

THE LATE SENATOR DICKEY.

Hon. Mr. SCOTT—Before the Orders of the Day are called, I desire to remind this House of one of those sad events that have been occurring recently all too frequently, reminding us what shadows we are in this world. As we were leaving the Chamber, on the House rising last night, the melancholy intelligence of the death of Senator Dickey reached our ears, and although it was not unexpected, still, the death of one who was for so many years associated with this House, brings home to oneself how fleeting our days are in this world. The late Mr. Dickey was called to the Senate by royal proclamation at the time of confederation. For nearly thirty years, until his health broke down, he gave to this Chamber and to the various measures that came up for consideration, the benefit of a judicial mind, guided by very long experience and by a disposition to do what is right, and what was best in every matter which came before him. He was more of a statesman than a politician. Those

gentlemen who have been in the Chamber for very many years will remember how we all listened to the observations he made on any question. He never spoke but for a purpose, and it was to throw light on the subject that happened, for the moment, to be occupying the attention of this House. He was in every sense a gentleman with a kindly heart, generous impulse, and one who was popular with both sides of the House. I may say that my relations with him, for a very long period, were of the most intimate character. Highly refined, fond of music and all innocent pleasures, he was a welcome guest in every gathering on all occasions. As I said a few moments ago, he gave this House the benefit of a very ripe judgment, and of a mind that had been carefully trained, guided by a disposition upon all occasions to do what was right and best. He lived, of course, to a good old age. Death comes to us all sooner or later, and to very few of us is given the length of days that the late Senator enjoyed. I think he was in his 92nd year, having been born in 1811. He was one of the very few of those who are left now that were included in the Queen's proclamation. He stood at the head of our list. He was entitled to the position of precedence in the Senate, standing at the head, chronologically, of the list of eighty-one senators. I am quite sure that those gentlemen who knew him will feel a deep regret at his severance and departure from this Chamber at this time.

Hon. Sir MACKENZIE BOWELL—I do not think any one will be surprised at the remarks which have just fallen from the hon. Secretary of State. The opinion which he has expressed of our late colleague I know prevails in the mind of every man who ever knew him. He was in every sense of the word a type of the gentleman of the old school. During my acquaintance with him in this Senate, I never heard him utter an unkind word, or a word that had not been given, as I considered, due consideration before he uttered it. He occupied a very prominent position in his own province before confederation, and took a very active, energetic and intelligent part in the formation of the constitution which now governs us. It is true that he opposed the Quebec Resolutions when they were first adopted, not because he was opposed to the union of the different provinces, but on account of the financial arrangements which were arrived at then, believing, I presume, that his own province had not received that monetary consideration to which it was entitled, and his forethought, based on knowledge of the conditions of affairs, was acknowledged afterwards, by the better terms which were given to Nova Scotia. I cannot add anything to that which has been so well said by my hon. friend the Secretary of State. It is, as he has intimated, sad when we reflect upon the rapidity with which this Chamber is becoming emptied, through death, of the original fathers of confederation. We have, if my recollection serves me right, but three of the gentlemen who took part in the scheme of confederation left, our venerable friend, Mr. Wark, who is now in his hundredth year, the Hon. J. C. Aikins, and my hon. friend on my left (Hon. Mr. Miller), who no doubt will have a word to say on behalf of the colleague with whom he has been so long associated, and coming, as he does, from the same province. As the hon. Secretary of State has said, we are all passing away, and that, too, very rapidly. Many of us are reaching that age termed the alloted term for men—that is, the older portion of us. There are younger men amongst us who will soon take our places. All I hope is that they will be as true patriots to their country as the older men have been, and that when we make room for them they will govern the country and guard its interests to the best of their ability, as we all know the old men of the Senate did in the past, and no one more so than our lamented friend who has just departed this life. When I look around this Chamber, as I used to do six or seven years ago, and reflect that since 1896, the time when my hon. friend came to power, there have been over fifty changes in this Senate, it makes me feel we must soon make room for others. I only hope when we do pass away we will leave a name and character equal to that of the senator who has just died.

Hon. Mr. MILLER—As an intimate acquaintance for many years of the late Senator Dickey, and his colleague in this Chamber since confederation, I cannot refrain from adding to the well deserved tributes

paid to him by the two speakers who have just sat down, my own tribute of respect to the memory of a departed friend. I first met Senator Dickey in 1863, when both of us were members of the Nova Scotia legislature —one in the legislative council and the other in the house of assembly, and soon a friendly feeling towards each other grew into existence, which I am happy to say was never interrupted till the hour of his death. A gentleman of the olden time, as my hon. friend, the leader of the opposition has aptly said, his kind and cheerful disposition—his courtly manners—will not soon be forgotten by those who had socially or politically any intercourse with him during his prolonged life. Possessed of much ability, an effective speaker, and keen debater, the late Senator Dickey had a distinguished public career, He entered the political arena in 1858 as a member of the legislative council of his native province, and soon became leader of the Conservative party in that body. He was a member of the conference which formulated the Quebec scheme of union in 1864, and, therefore, was one of the fathers of confederation. He was over thirty years—before the infirmities of age impaired his wonderful vitality and strength—his mind to the last, I learn, was unimpaired—one of the most industrious and painstaking men in the Senate, and his clear intellect, his wide knowledge of public affars, and his assiduous attention to his parliamentary duties, made him one of its most useful members. I am much pleased with the tributes to his talents and public services paid by both the hon. leaders of the Senate, whose sentiments must be regarded as more just and impartial than those of one like myself, more likely to be biased by a personal attachment of many years. After these justly appreciative sentiments of my hon. friends, I do not think that it is necessary for me to amplify my remarks on this occasion further than to say, that I am sure the expressions of esteem uttered in this Chamber to-day will give such consolation to his bereaved family, and I also am convinced they will receive the endorsation and approval of all who ever had the pleasure of his acquaintance.

Hon. Mr. DEVER—I had the honour of knowing Senator Dickey thirty-five years. When I was in the Senate first, Mr. Dickey was a comparatively young and a brilliant man. From that day until the day he became less active here, I never had any reason to feel that he was anything less than a thorough gentleman. He was most active in debate and especially in his criticism of legal questions. I always looked upon him as one of the brightest minds we had in the Senate, one for the younger members and those less experienced in the statutory law of this country, to follow as an example. During that long time we have had very often disputes and criticisms of each other, but I never knew Senator Dickey to get ruffled in the slightest degree over and above what a polished, kind-hearted gentleman should show in a difference of opinons. I feel that this Senate has lost a member that we have all reason to regret, because he was a man of such wide experience. His son was a prominent member of the late government, and when that government fell, Senator Dickey was a member of this Chamber, but I never knew him to express a word of bitterness towards any party. I regret exceedingly to hear of the death of so distinguished a man, and I trust that his good life in this world will be an example to those who knew him as intimately as I did. I was very much pleased to hear the leader of the government and the leader of the opposition expressing themselves so kindly and favourably towards that hon. gentleman. I feel that in doing so they expressed the sincere feelings of their hearts. Knowing our late colleague as I did, I do not think they could express themselves differently

Hon. Mr. MACDONALD (B.C.)—I would suggest to the hon. Secretary of State that it would be a very proper thing if an address of sympathy were sent to the friends of the late Senator Dickey, and before I resume my seat I will say I am perfectly certain that every member of this House who had the pleasure of knowing that hon. gentleman will feel the deepest regret at his death. He was always a useful member of this House, a first-class parliamentarian, and as my hon. friend the Secretary of State said, he never spoke excepting when he spoke with authority and had something to talk about, and always came to the point well prepared, and his speeches

were always worth hearing. I have known him for thirty years, and feel his loss very much. He was kind and courteous and willing to help young members of this House, and I think the country's loss is very great, and the loss of this House is very great. If he were living to-day, and an active member of this House, I am sure his example would be a very excellent one for the younger members to follow. I learned with great regret of his death, and feel that it is a loss to the country.

The SPEAKER—Perhaps the House will allow me to add a few words to what has been said with respect to the late Senator Dickey. As the hon. leader of the Senate said, he was a most agreeable and courteous man, a most cheerful, interesting and genial companion. He shone in social life, and he also shone in the Senate, and he was in fact an ideal senator. If I were asked to-day to name the gentleman of all those whom I had been associated with since I came here who was nearest to the ideal senator, I think I should name the late Senator Dickey. As has been stated, he never lost his temper, and although he was a very decided Conservative, still he was not an extreme or unreasonable partisan, and on more than one occasion when his reason told him that his party was wrong, he did not hesitate to vote against his party ; and further, he was, as has been said by the hon. Secretary of State, a man with an admirable legal training, and a judicial mind, who devoted himself to the work of the Senate with the utmost patience and perseverance. He carefully examined nearly all the measures that came before this House, and the work that he did in the House, and perhaps still more, the work that he did on the committees of the House was invaluable. The hon. gentleman filled for some years the position of chairman of the Railway Committee, and in that capacity did yeoman service. It is marvellous to think how active he was and what good work he did even after he had attained a very great age. In the session of 1894, I think it was, when he was in his eighty-third year, he was a member of a committee to which was referred the Insolvency Bill, which the hon. gentleman who now leads the opposition introduced, and Mr. Dickey showed a quickness of apprehension and a fertility of resource in dealing with that complicated measure which was really extraordinary. I have nothing more to say, hon. gentlemen, except to repeat the sentiment with which the hon. leader of the opposition closed. I trust that his example may be a lesson to the younger members of the Senate, and I hope that when we go—those of us who are here now—our successors will be able to speak of us in somewhat the same way in which we speak of the departed senator to-day.

THIRD READINGS.

Bill (96) An Act respecting the Kettle River Valley Railway Company.—(Hon. Mr. Landerkin.)

Bill (46) An Act respecting the Kingston and Pembroke Railway Company.—(Hon. Mr. Sullivan.)

Bill (131) An Act to incorporate the Marconi Wireless Telegraph Company of Canada, Limited.—(Hon. Mr. Dandurand.)

Bill (150) An Act to incorporate the Columbia River Improvement Company, Limited.—(Hon. Mr. McMullen.)

Bill (165) An Act to incorporate the Algonquin Lumber and Power Company, Limited.—(Hon. Mr. McHugh.)

THE COMPANIES' ACT AMENDMENT BILL.

IN COMMITTEE.

The House resumed, in Committee of the Whole, consideration of Bill (K) An Act to amend the Companies' Act, 1892.

(In the Committee.)

Hon. Mr. SCOTT—The first change proposed in the Bill is to strike out subsection 2 of clause 1 with the addition. The reason is this. It is urged, and very properly, that by naming certain purposes and objects you necessarily exclude from the prerogative of the Act any other purposes or objects, inasmuch as you do not name everything ; and, of course, there are many purposes and objects that cannot be referred to there. The second subsection is a necessary addendum if the first were adopted, so I move to strike it out also—the whole clause.

Hon. Mr. DANDURAND—The end that some members of this Chamber had in asking that this cluase should go in was met by the seventh clause, which we will come to in a moment.

The motion was agreed to.

On clause 5,

Hon. Mr. SCOTT—This is the clause which relates to fractional shares. It reads as follows :

The directors of the company may, at any time, make a by-law subdividing the existing shares into shares of a smaller amount, or, whenever the par value of the existing shares is less than one hundred dollars each, make a by-law consolidating them into shares of a larger amount ; but no such consolidated share shall exceed the par value of one hundred dollars. Such by-law shall declare the rules by which fractional shares shall be dealt with, and the company may purchase for the purposes of this section fractional shares so created ; provided, however, that shares made up of fractional shares so acquired must be sold by the company within three months after the same have been purchased.

Hon. Mr. LOUGHEED—Have they power to buy their own stock ?

Hon. Mr. SCOTT—I think so.

Hon. Mr. LOUGHEED—Assuming that they cannot sell those shares, what would be the consequence ?

Hon. Mr. SCOTT—One party can assign his stock to another party.

Hon. Mr. LOUGHEED—But they are compelled to sell the stock within three months.

Hon. Mr. SCOTT—If they do not get rid of it in any other way.

Hon. Mr. LOUGHEED—But supposing they cannot sell the shares, they subject themselves to the penalty provided by the Act, and they have not power to buy their own shares.

Hon. Mr. SCOTT—We have tried to meet all cases in framing this clause.

Hon. Sir MACKENZIE BOWELL—The company is authorized to purchase fractional shares, but if they do buy they must sell them. If there was an option left there to appeal to the Secretary of State, who would have the administration of this law, for an extension of the time as their is in the law which provides for the sale of property which is acquired by loan companies, then the government could, by Order in Council extend the time for the sale of such properties.

Hon. Mr. SCOTT—I wanted to relieve the company from the necessity of coming to the government at all.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman must see the force of the position taken by the hon. gentleman from Calgary. If they cannot sell this fractional stock, what position are they in ? I think the hon. gentleman had better make the time six months.

Hon. Mr. LOUGHEED—At least six months should be adopted.

Hon. Mr. SCOTT—I have no objection.

The clause was amended and adopted.

On clause 6,

Hon. Mr. SCOTT—This clause is copied from the law as it stood. It was dropped out of the law last year, by some accident. That is the limitations and restrictions of the borrowing powers shall not apply to or include moneys borrowed by a company, &c.

Hon. Mr. POWER—There is one point with respect to this clause. There should be, in the first place, a general by-law, passed by the company, authorizing the directors, or such other officers as they please to make, draw, accept, and endorse, bills and notes.

Hon. Mr. SCOTT—They will have a general by-law, no doubt.

Hon. Mr. POWER—I know that, but when a company is formed under the Joint Stock Companies' Act, a good deal depends on what the business of the company is, whether it is desirable that the directors should have an unlimited power, as given by this clause, to make bills and notes. There ought to be required, in the first instance, a general by-law of the company, giving the power.

Hon. Mr. BEIQUE—As a rule there is a by-law, but very often it is done by mere resolution of the board, specifying what officers shall be authorized to sign.

Hon. Mr. SCOTT—They must have the authority of the company.

Hon. Mr. BEIQUE—Yes. They have it sometimes by by-law, and sometimes by resolution.

Hon. Mr. SCOTT—As a rule by by-law.

Hon. Mr. POWER—It is an important matter, and should be by by-law. I should suggest the addition at the end of the clause of some words like these: 'Under the provisions of a by-law giving a general power to make, draw, accept and endorse bills and notes.'

Hon. Mr. SCOTT—I should be afraid to adopt that without thoroughly examining the Act itself. I think we had better let it go as it is.

The clause was adopted.

On clause 7,

Hon. Mr. SCOTT—Some hon. senators drew attention to the extreme severity of the Act in the federal statutes as to the liability of the directors declaring a dividend where they should really be no dividend. Under the Ontario statutes a director taking part in authorizing a dividend when the financial position of the company was not such as to justify the dividend, became liable for all the debts of the company. It was pointed out that this might be done inadvertently, and it was making the director liable for too large an amount, and was unreasonable, and therefore I adopted the Ontario clause, which seemed to be a fair and reasonable one.

Hon. Sir MACKENZIE BOWELL—What would the liability be under the law?

Hon. Mr. SCOTT—The difference is, he was liable for the immediate consequences of that dividend, and under the federal law he was liable for all the debts of the company.

Hon. Sir MACKENZIE BOWELL—This holds him liable only for the amount of the dividend.

Hon. Mr. POWER—Clause 7 reads as follows:

The directors of the company shall not declare or pay any dividend when the company is insolvent, or any dividend the payment of which renders the company insolvent or diminishes the capital thereof.

That is all right, but there is no penalty provided. The clause does not state what the consequence shall be.

Hon. Mr. LOUGHEED—The present Act provides for that.

Hon. Mr. SCOTT—I think there is a line dropped out in the printing of the Bill. A copy of the imperial statute was given and the drafter was instructed to copy that in, and that portion must have been dropped from it.

Hon. Mr. LOUGHEED—The present Act provides that the liability shall be for all the debts of the company then existent.

Hon. Mr. SCOTT—Yes, it was to diminish that and limit it to the immediate consequences of declaring the dividend. We will have to let that clause stand.

Hon. Mr. BAKER, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again.

SECOND READING.

Bill (127) An Act to confer on the Commissioner of Patents certain powers for the relief of George M. Depew.—(Hon. Mr. Perley.)

EXTRA JUDICIAL EMPLOYMENT OF JUDGES BILL.

SECOND READING.

The Order of the Day being called.

Second reading Bill (U) An Act respecting the Extra Judicial Employment of Judges.—(Hon. Mr. Ferguson).

Hon. Mr. SCOTT—Will the hon. gentleman from Marshfield allow this order to stand till to-morrow? The hon. gentleman from Toronto (Hon. Mr. Kerr) desires to be present and asked me to make the request.

Hon. Mr. FERGUSON—I had some conversation over it with the hon. gentleman from Toronto, and he made no such request to me. I have deferred the Bill on several occasions, and I think that if he wanted it postponed he would have made the request to me. I do not feel like deferring it any longer.

Hon. Mr. TEMPLEMAN—As the hon. gentleman from Toronto was leaving Ottawa, he asked me to make the request that

this measure should stand over for one day.

Hon. Mr. FERGUSON—It is likely that the discussion shall proceed for another day, and he will have an opportunity of speaking on it before the vote is reached.

Hon. Mr. TEMPLEMAN—But he was particularly anxious to hear the remarks of the hon. gentleman from Marshfield on this Bill.

Hon. Mr. FERGUSON—Even with that object in view, I do not think it is necessary that I should postpone it, and especially if that appears to be the desire of the hon. gentleman it will be quite possible for him to learn what I have said on the subject without being present, and for these reasons, and in view of the fact that I have deferred making my motion on several occasions to suit the convenience of hon. gentlemen, I do not feel that I would be justified, much as I desire to meet the views of the hon. gentleman from Toronto, in postponing the consideration of the Bill to-day. When this Bill was before the House and read the first time, a serious complaint was made by some hon. gentlemen in the House, that I had pursued a very unusual, in fact, a discourteous course, in having made an extended exposition of the Bill at that stage, and it was held, even from the Chair, that I was in a manner responsible for irregularities that took place a little further on in the debate because I had adopted that course. I feel, therefore, that it is due to myself that I should point out to the House that I did not pursue any irregular course on that occasion, and that I was not at all responsible for any irregularities that occurred in the discussion later on. I turn to May, page 436, and find these words :—

> In the House of Lords any peer is at liberty to present a Bill and to have it laid upon the Table, without notice ; but in the Commons, a member must, due notice having been given, move for leave to bring in the Bill. In making this motion he may explain the object of the Bill, and give reasons for its introduction ; but unless the motion be opposed, this is not the proper time for any lengthened debate upon its merits. When an important measure is offered by a minister or other member, this opportunity is frequently taken for a full exposition of its character and object ; but otherwise, debate should be avoided, at this stage, unless it be expected that the motion will be negatived and that no further occasion will arise for discussion.

I feel, therefore, that this authority amply sustains the course I took on that occasion, in making a rather fuller exposition than is commonly made at the first reading of a Bill. However, I have not had much experience in introducing Bills in this House, and I admit frankly that if I had to do it again, or even if I had thought of the matter very fully at the time I would have given notice of the Bill, even although notice was not called for by the rules, for in that case gentlemen who entertained opposite opinions on the subject, and who wanted to take part in the discussion, would have a better opportunity of preparing themselves for debate. However, I did not mean to be discourteous. I followed the strict rule of the House and introduced the Bill without giving notice, and I made a speech which, according to May, I was in order in making, and was not responsible for any irregularity which took place in the discussion later on.

Another objection was made, and very strenuously made too, that I had chosen a very inopportune time to introduce the Bill to the House, on account of the Gamey-Stratton trouble that was then in progress in the legislature of Ontario. I may tell hon. gentlemen that long before that matter was referred to a commission I had been considering this question, and it was not on account of that incident that I took the matter into consideration, but I am free to admit that what occurred there strengthened a conviction I have held for a very long time, that legislation on this subject was necessary. I do not think it was improper that I should have had my eyes and ears open to what was going on there any more than other people had ; and, indeed, I notice that such matters as labour troubles and riots are held to be proper reasons for introducing legislation dealing with those questions. I had no intention, in the course of my observations on that case, to drag, in any shape or form, the merits of the Gamey-Stratton transaction into the discussion. Whatever way its merits were brought into the discussion, was done by others. I expressed no opinion whatever on the merits of the case, and passed no reflections on the judges who were called upon to act as commissioners in that matter. Noticing, as I did at the first reading of this Bill, that a

very strong objection was entertained to it in the minds of hon. gentlemen in this House, for whose views I have very great respect, on the ground that the Bill was beyond the power of this parliament, I feel it my duty to discuss that question as well as I can at the outset, because, although that argument may not be pursued very strenuously now, it is possible some hon. gentlemen might vote against the Bill under the mistaken impression that it is beyond the powers of this parliament to pass. This subject of the administration of justice is the point in regard to which I believe the jurisdiction of the parliament of Canada has been most encroached on by the provincial legislatures since confederation. In proof of that, I have only to refer to the words of Sir John Thompson, in 1888, in reporting upon some legislation of the province of Quebec. He says: (see page 358 Hodgins.)

> The most remarkable instance in which provincial legislation has overrun the limit of provinical jurisdiction, has been the legislation in reference to the administration of justice. It has been common for the provinces to enact from time to time what the qualifications of the judges who were to be appointed by the Governor General should be, although this seems to the undersigned to be an attempt to control, by provincial legislation, the power vested in the Governor General by the British North America Act.

It may also be contended that there are on the statute-books of the various provinces, legislation which would seem to support a claim that the provincial legislatures have the power to pass many laws in relation to the judges. On that subject also Sir John Thompson made this declaration in the same paper. He said: (page 357)

> It seems necessary, however, to call attention to the important misconception which seems to prevail throughout the reasoning presented by the Order in Council of the Quebec government that the allowance of provincial legislation, is in all cases, an admission of the validity of such legislation, and an admission which has the effect of depriving the federal authorities of the right or power of disallowing statutes similar to those which have been permitted to go into operation.
>
> No such inference can properly be drawn. It is apparent to any person conversant with the subject that many provincial statutes which have been left to their operation contain provisions beyond the powers of the provincial legislature, and that many others which have been left to their operation contained provisions of very doubtful validity.

The courts and the judges of Canada, as I understand it, are called into existence by different provisions of the British North America Act. In many matters we have to find out how the powers of the provincial legislatures and the federal parliament have been distributed. We have that duty in reference to the organization of the courts, but with regard to the appointment of judges there is no distribution of powers. All the power is given to the federal parliament. The constitution of the courts is provided for by section 101 of the British North America Act, which gives power to appoint a court of appeal and any other courts that may be necessary for carrying out the laws of the Dominion. Section 101 gives the federal government power to create Dominion courts. Subsection 27 of section 91, and subsection 14 of section 92 contain the powers of the provincial and the federal parliaments with regard to the constitution, organization and maintenance of provincial courts. It is not necessary for me to read these two sections. Every hon. gentleman, no doubt, is fully conversant with them. Subsection 27 of section 91 gives power with regard to criminal law to the federal government, and subsection 14 of section 92 is the one which provides that the provincial legislatures shall have control of the administration of justice in the province, including the constitution, maintenance and organization of provincial courts and including procedure in criminal matters in these courts. The words should be very carefully noted, 'the administration of justice in the province,' &c. Now, that section has received a judicial interpretation. I turn to the interpretation of this section, which is to be found in the judgment of the Supreme Court of Canada on the Controverted Elections Act, and on page 77 of vol. 3, S.P.C. Reports, Judge Taschereau makes this statement:

> I read subsection 14 of section 92 of the British North America Act as having no bearing on the jurisdiction of the courts in the matters not left to the provincial legislature.

And Judge Henry, at page 67 of the same report, says:

> The 14th section gives local authority to deal with 'administration of Justice in the province,' which I construe to mean the power of legislating for the administration of justice in the province in regard to the subjects given by the Act, and, to that extent only, to provide for 'the constitution, maintenance and organization of provincial courts,' including the procedure necessary for the administration of justice in reference to those and kindred subjects.

In regard to that subsection—and the point was brought up by the hon. member for de

Salaberry at the first reading of the Bill—the Supreme Court rendered a decision. I am now talking about the constitution of the courts and a decision which was confirmed by the Privy Council, that the federal authority had power to add to the jurisdiction of the courts on the subject under their control. Sir Oliver Mowat, then Minister of Justice, in 1898, reporting on the Acts of the legislature of Nova Scotia, laid down the law very neatly indeed, and pointed out that the provincial legislatures had power to add to the jurisdiction of the courts on all subjects where they had the exclusive control, and the federal government had the same power with regard to subjects on which they possessed the jurisdiction. See Hodgins Provincial Legislation 1896-98 page 36. So much for the courts. I have just referred to them in order to make my contention clear, that the law and the decisions draw a sharp and clear line of distinction between the courts and the judges. The judges are, as we know, appointed under the sections of the British North America Act from 96 to 100, and the subject-matter of this Bill is governed by these sections and by the principal section of 91. Section 96 provides that :

> The Governor General shall appoint the judges of the Superior, district and county courts in each province, except those of the courts of probate in Nova Scotia and New Brunswick.

I find that Ministers of Justice have interpreted this section as applying to all courts in the provinces. The Ministers of Justice who are on record in that way are Sir Alexander Campbell, whose opinion is found on page 186 of Hodgins' volume on Provincial Legislation, and Minister of Justice Lafiamme, whose views are found on page 1047, and Sir John Thompson, who summarizes the whole situation on page 372 of the same volume. The latter says :

> The contention which is made in the document under review with regard to the effect of the provisions of the British North America Act as to 'Superior, district and county court judges' does not, in the opinion of the undersigned, refute the view set forth in his previous report (and indeed in that particular does not seem to undertake a refutation). That view has been taken by nearly all the Ministers of Justice since the union of the provinces, viz., that the words of the British North America Act referring to 'judges of the Superior, district and county courts' include all classes of judges like those designated and not merely the judges of the particular courts which at the time of the passage of the British North America Act happened to bear those names.

Sir John Thompson was then reviewing the opinions of Ministers of Justice from the time of confederation, and he gave his own as agreeing with those who preceded him, among them Sir Alexander Campbell, and Hon. Mr. Lafiamme. So much for section 96. We come now to sections 97 and 98, which provide for the selection of the judges, and there, as we notice, there is only the one restriction placed on the federal government, and that is that they shall belong to the bar of their respective provinces. In the case of Nova Scotia, New Brunswick and Ontario, they were to be selected from the bars of those provinces respectively until the laws were assimilated, and in the case of Quebec they should be selected from the bar of Quebec. Yet in the face of this, many legislatures have proceeded to place Acts on their statute-books setting forth qualifications for judges, but whenever they have done so they have been notified by Ministers of Justice that those Acts were nullities, and no attention would be paid to them when making appointments, as the only restrictions were that they should be members of the bar of their respective provinces. The next section is section 99, of the Act.

> The judges of the Superior court shall hold office during good behaviour, but shall be removable by the Governor General on address of the Senate and House of Commons.

It does seem to me that that section in itself confers power to pass the Bill that I have submitted to the House. It has been held—an opinion that is quoted in Todd—by the law officers of the Crown of Victoria that the greater includes the less and that the power to remove, carries with it the power to suspend. However, whether that is accurate or not I do not pretend to say, but I do say that section 99 in connection with the principal clause of section 91 which gives the power to make laws for the peace, order and good government of Canada, clothes this parliament with ample power to pass a Bill which shall regulate the conduct of the judges with respect to extra judicial employment or otherwise. The argument does not rest merely on that authority alone. Any hon. gentleman who will take the trouble of reading the chapter in Todd's Parliamentary Government in the Colonies, entitled Judicature, commencing at

page 828 and going on to 850, or thereabouts, in which the position of judges in the colonies is very fully and clearly discussed, will find that it is there laid down most explicitly, and a great many cases are cited in support of the position, that the Imperial Act of 1782 is still in force in all the self-governing colonies, an Act which provided for the removal of judges holding patents from the Crown without proceeding by address. The section of the Act is quoted in Todd as follows:

In 1782 an imperial statute was passed which contains the following provisions:—That if any person holding an office granted or grantable by patent from the Crown shall be wilfully absent from the colony wherein the same ought to be exercised, without a reasonable cause, to be allowed by the Governor and Council of the colony, or shall neglect the duty of such office or otherwise misbehave therein, it shall and may be lawful to and for such Governor and Council to remove such person from the said office; but any person who shall think himself aggrieved by such a decision may appeal to His Majesty in Council.

It will be noticed that the British North America Act is silent as to the removal of county court judges. There is no mention of that subject within the Act, but it has been held—there are decisions on the subject, and Todd certainly is clear upon it—that it would be quite proper for this parliament to proceed by an address in the case of county court judges as well as in that of Superior judges. But this parliament chose to proceed in another way, and we passed chapter 138 of the Revised Statutes of Canada, which contains provision for the removal of county court judges for misbehaviour by the Governor in Council and I may remark that county court judges are also appointed, as hon. gentlemen are aware, by patent to hold office during good behaviour, just as the other judges are appointed. They hold office during good behaviour. Yet we passed this Act, providing a means by which county court judges could be removed without an address of both Houses of parliament; and I take the ground, although I do not think for a moment it will be necessary in Canada for us to act upon that point, that we have the same power, if we choose to exert it, to pass an Act providing for the removal of the higher judges in the same way. There is no question that is the view that is laid down in Todd, and most clearly laid down, and decisions are quoted in support of that view. If, therefore, we had this power with regard to county court judges, who are appointed to hold office during good behaviour, which is the same as other judges are, I do not see any reason whatever why we should not, if we thought proper, pass an Act of a similar nature with regard to the judges of the higher courts by which they also should be removable by the Governor in Council on proper procedure. In the old parliament of Canada the removal of the judges, which was provided for under the law, was not to take effect unless their was an appeal left to the Judicial Committee of the Privy Council, but Todd says that in the case of the Dominion of Canada it appears that that appeal does not exist and cannot be resorted to—that in Canada the appointment begins and ends with Canada, and that we have the power by address or by the Governor General in Council —to remove judges under the Imperial Act of 1872. Probably hon. gentlemen will take the trouble to look up the authorities I cite, and in reference to this I might cite the case of Tasmania. In Tasmania, where they had a constitutional Act somewhat similar to the British North America Act, in this respect, that the judges are appointed during good behaviour and are removable by address of both Houses of parliament, the legislature of Tasmania in 1857, I think, passed a Bill to prohibit the removal of judges in that colony except by address. This case of Tasmania will be found referred to on page 831 of Todd. The opinion of Todd is—and he sustains it by reference to cases that had been passed upon by the Judicial Committee of the Privy Council—that that act of the Tasmania legislature is null and void as far as removal goes, that the Imperial Act of 1872 confers the power of removing judges, and that therefore the legislature of Tasmania could not divest itself of a power that was conferred upon it by an imperial statute. Now I will turn to the opinion of Sir Alexander Campbell on this question, as given on page 186 in Hodgins. This was a report on legislation of Ontario. He says:

The undersigned thinks it doubtful whether the provincial legislature can constitutionally in this manner appoint judges, who hold office by commission from Your Excellency, to other offices under the provincial government. The

expediency of allowing county judges to act as referees and local masters is questionable, and the same may at some future time require the consideration of parliament. Should parliament think proper to legislate upon the subject, it is evident that the provision last referred to of the Act now under consideration, would become inoperative.

There is no question then that Sir Alexander Campbell's opinion was that if the parliament of Canada passed an Act to prohibit any judges appointed by them, whether judges of Dominion or provincial courts, from taking any other office from the provincial government of any kind whatever, that these laws of the provincial legislature would become inoperative. His opinion was clearly that this parliament had absolute control over this question.

Hon. Mr. SCOTT—It is very curious that it was done in Sir Alexander Campbell's time constantly. It has been done from time immemorial.

Hon. Mr. FERGUSON—He is referring to local masters, and references, and Sir Alexander Campbell says:—It will be found on page 186 of Hodgins—

Should parliament think proper to legislate upon the subject, it is evident that the provisions last referred to of the Act now under consideration, would become inoperative.

My hon. friend shakes his head. No doubt he is very well informed, but I think hon. gentlemen in this House who remember Sir Alexander Campbell and his great experience will not thrust his opinion aside as not entitled to great consideration.

Hon. Mr. SCOTT—I say it was done constantly in Sir Alexander Campbell's time.

Hon. Mr. FERGUSON—I do not think my hon. friend has any authority for saying that this particular thing which was done here was done with Sir Alexander Campbell's approbation. When it was proposed to be done under this Act of Ontario, he pointed out in his opinion that it was not right, and added that if the federal parliament would exercise the powers they possessed, by legislating on the subject, the local laws of Ontario would become inoperative. My hon. friend may be right.

Hon. Mr. SCOTT—Within my knowledge, for forty years, the local masters have been appointed in that way.

Hon. Mr. FERGUSON—My hon. friend will not claim that that makes it legal and right in the meaning of the British North America Act. My hon. friend may be right about this, and Sir Alexander Campbell may be wrong, but I am quoting Sir Alexander Campbell in an official document, and hon. gentlemen who are conversant with the subject will judge between my hon. friend and Sir Alexander Campbell. But I notice that my hon. friend does not say that Sir Alexander Campbell was wrong in his judgment. He only says the rule was disobeyed, that a different course was pursued, but he does not say that Sir Alexander Campbell was wrong in his opinion, that if this parliament was to legislate on the subject, the practice would have to cease, and the laws of the province would become inoperative.

Hon. Mr. SCOTT—I said I was familiar with the practice. Sir Alexander Campbell knew it existed. He may have said we could stop it if we liked.

Hon. Mr. FERGUSON—That is all I want to prove, and all I am attempting to prove, that the parliament of Canada had the power to stop it, and could do so if they chose.

Hon. Mr. SCOTT—I do not concede that, but that is Sir Alexander Campbell's view.

Hon. Mr. FERGUSON—This government having the appointment of judges, having the power to remove judges, having the responsibility of paying for the judges, having all the control that appears to be given by the British North America Act with regard to judges, it must be clear that they have the untrammelled exercise of that power.

I turn to Bourinot, and find that at page 130 he says:

The federal parliament must have free and unfettered exercise of its powers with respect to matters placed under its control, even though such exercise may interfere with some of the powers left under the provincial control.

I do not admit that what is proposed to be done in this Bill interferes directly or indirectly with any of the powers left to the provinces. Hon. gentlemen may be able to convince me that it does, but according to the information I have, and the investigation I have made, and the authorities I have consulted, I do not find that any such thing exists, and the words that I have just quoted are the words of Judge Taschereau

which may be found in volume 4, page 308, of the Supreme Court reports. Todd merely quotes these words and supplements them by a quotation from Judge Ritchie in the same case, and which are as follows :

> The exercise of the powers of the local legislature in those cases must necessarily be subject to such regulations as the Dominion may lawfully prescribe.

As further evidence that this parliament has a greater power than it has hitherto exercised with regard to judges, I would point to a Bill that is now on the Notice paper in the House of Commons in the name of the Minister of Justice, a Bill which proposes to deal with the pensioning and retirement of judges, and among other things it provides that county court judges, at the age of 80, shall be compulsorily retired. I confess that I have found it a little difficult to find authority for that proposed enactment. It certainly goes beyond the Imperial Act of 1782, which provides for the compulsory retirement of judges for cause assigned, for misbehaving in their offices, but a man 80 years of age is to be compulsorily retired, under the Bill proposed to be passed by the Minister of Justice—not because of any misbehaviour, but because he has lived to be too old. He might be in the complete and perfect enjoyment of all his faculties, and still he is liable to be removed, and not for any cause assigned in the Imperial Act of 1782 not for anything that the British North America Act itself can cover, but simply because he has attained the age of 80 years. However, if it shall be found that the parliament of Canada has the power which the Minister of Justice evidently thinks it has—and which possibly it has, I am not denying it at all—if it has that power it certainly must have the power that I am asking in this Bill, to say that the men that we appoint and pay shall do our work, work they are appointed to do, and not take up their time in doing other people's work. That simple regulation I propose does not go anything like so far as the Minister of Justice proposes to go when he says that judges who reach a certain age shall be compulsorily retired. I come now to section 100, with regard to the payment of judges, and here I have a good deal of authority which I could quote. In fact, I could take up a long time in quoting on this point, but I will content myself with referring to a few cases that are the most pointed, and that come from what I think will be admitted to be very high authority. I refer, in the first place, to the opinion of Sir John Macdonald as Minister of Justice. But I think before I enter upon that, in order to impress the terms of the Act upon our minds, I must read section 100 of the British North America Act which is as follows :

> The salaries, allowances and pensions of the judges of the Superior, district and county courts (except the courts of probate in Nova Scotia and New Brunswick) and of the Admiralty courts in cases where the judges thereof are for the time being paid by salary, shall be fixed and provided by the parliament of Canada.

That is the law and Sir John Macdonald is on record in this way. See Hodgins, page 83. On reporting on the Ontario Supply Bill of 1869 he says :

> The 6th section of chapter one, being the Supply Bill for 1869, is also objectionable as by the 96th and 100th clauses of the Union Act, it is provided that the Governor General shall appoint the judges of the Superior Court, and the parliament of Canada shall fix and provide their salaries, allowances, and pensions. It would seem that the judges of these courts cannot properly and without a breach of these provisions receive emoluments of any kind from any but the power which appoints and pays them the legal salaries attached to their judicial position.

Sir John Macdonald was of that opinion. The Supply Bill of that year was referred to the Law Officers of the Crown, and they reported in the same direction and that Bill was disallowed. Now, I will turn to other opinions. I will take that of Judge Fournier, which will be found on page 1032 of this volume by Hodgins. This was in reference to some of the legislation of the province of British Columbia. He says :

> They further allege that that Act in substance confers on the local legislature power to appoint any county court judge for a particular district, a power of appointment which belongs alone to the Governor General, and that any such power and control by the local legislature carried with it the power of rewarding such judges as may be favoured by the minister of the day by transferring them to more agreeable positions or visit displeasure upon them by ordering them to the inhospitable districts of the interior, all of which is incompatible with the continued faithful and unbiassed discharge of the county court judges of their judicial functions.

That bears upon another aspect of the question. It would be in the power of the provincial legislature, if they controlled these judges, to send them to remote

or inhospitable districts, and in that way punish them or visit displeasure upon them if they did not act satisfactorily to the provincial government, and it was a reason why that Act should be disallowed, and it was disallowed for that reason. I turn to page 1203 of the same book and find the opinion of the Minister of Justice at that time, now the Chief Justice of Nova Scotia, in which he reports upon an Act of the province of Prince Edward Island in which judges were provided to be paid for by fees in addition to their salaries. He says.

> The principle of allowing judges' fees for part of their judicial work is much more objectionable than allowing them to be paid an additional salary from the provincial government. The principle of paying judges by fees was long ago found to be a vicious one, calculated to interfere with the independence of the bench.

I am quoting this to show that the judges of the court should receive no emolument whatever from any source except from the power that appoints them, and in that way purchases their services as its officers. I turn to two opinions on the subject by Sir John Thompson. One will be found at page 1114 of the same volume. He quotes a British Columbia Act as follows:

> The judge shall be paid the sum of $20 for every day's actual and necessary attendance at such courts whilst engaged at the revision of said lists, together with travelling expenses, and such payment, and all other charges (not otherwise hereinafter provided for) necessary to be incurred in connection with the holding and proper conduct of the business of the court, shall be paid by the treasurer of the city upon the certificate or voucher of the judge as to the service performed, and in cases other than as to his own fees, as to the nature of a necessity for the service performed. The undersigned deems it his duty to make the following observations in respect to this Act.

And then he quotes the opinion of Sir John A. Macdonald, which I have already read, and he proceeds to say:

> Section 102 of the New Westminster Act, 1888, is open to the same objection as the legislation so disallowed, inasmuch as the judge therein referred to is a county judge, whose salary is payable by the government of Canada under the provisions of the British North America Act.

Then I turn to another opinion by Sir John Thompson, which will be found at page 1247 of the same volume, and this is in reference to the legislation of the North-west Territories. He says:

> The principle of allowing fees to judges the undersigned thinks is bad, and one which should not be given effect to in the territories upon the establishment of the Supreme Court there. In passing the salaries of the judges of the territories, parliament has granted the same salary as the judges receive in the province of Manitoba and in the provinces of Nova Scotia and New Brunswick. There would, however, the undersigned thinks, be no objection to the collection of such a fee as this, the same to form part of the general revenue of the territories.

That is, hon. gentlemen will see, directly against the payment to judges of fees or emoluments of any kind, except the salaries that they receive from the federal government who are their employers. The parliament of Canada must have been of the same opinion, for we have the Exchequer Court and the Supreme Court Act upon the statute-book, and I find chapter 135 of the Revised Statutes of Canada, subsection 4 of section 4, reads as follows:

> No judge of the court shall hold any other office of emolument either under the government of Canada or under the government of any other province of Canada.

So that the principle of my Bill, as far as emoluments, at all events, are concerned, is already placed on the statute-book of Canada in regard to the judges of the Supreme Court, and when the parliament of Canada the next year after the revision of the statutes, formed the Exchequer Court with one judge, they inserted the same provision with regard to the Exchequer Court judge. So that the parliament of Canada must have come to the conclusion, as far as the question of the remuneration of judges upon which they were legislating at that time, is concerned, that it was not proper that they should receive any salary from any source excepting the party who employs them, the federal government of Canada, and which condition is plainly set forth in section 100 of the British North America Act. It is not necessary for me to refer to the authority for the statement I am now going to make, for hon. gentlemen know that there is no principle more thoroughly established in Great Britain than that judges are not to be subject to, or dependent upon annual Supply Bills for their salaries. Their salaries are fixed by statute, and they are paid in that way and in that way only, and in Canada, I am free to admit, that principle has been fairly carried out. There have been a few instances where judges have been appointed in advance of the statutory

provision, but it has not been allowed to remain very long in that way. Why was that principle adopted ? It was adopted so that the judges would be just as independent of the government of the day as they were of the opposition, and would be independent financially—that no power in the country should be in a position to keep their salaries from them, unless they misbehaved themselves and rendered themselves liable to be removed by the authority, which alone could call them to account. I ask hon. gentlemen to think for one moment if the practice of allowing judges to accept and do outside work for a provincial government, or any other government, for which they receive remuneration, is not utterly repugnant to the principle I have referred to, which requires that the judges salaries should be fixed by statute, and that they should not be dependent upon the government of the day or on the opposition, or on anybody else for their remuneration.

Take the case of judges that are appointed on a commission. I have two such cases distinctly in my mind at this moment. It is not necessary I should mention them. One of them was under a Conservative government and the other under a Liberal government. I am not condemning either, but placing the full facts before the House. A member of the administration was accused in each case of grave misconduct in office. The government of which he was a member in each case appointed judges to investigate the charges against him. They conducted the investigation, and what was the state of things while that investigation was going on ? The men who had been chosen to make the investigation, while it was going on depended for their remuneration on one of the parties to the suit, and it was in the power of one of the parties to the suit to make the remuneration greater or less in proportion as the report would please them. I ask hon. gentlemen to reflect whether that is a position in which judges of this country should be placed ? Whether they should be allowed for one day to remain in such a doubtful position ? I could relate cases of judges in olden times where they were found taking gifts, and although it could not be shown that the gifts affected their judgment in the slightest degree, they had to retire from the bench in disgrace. I do not say that any member of the judiciary in Canada has disgraced himself, but things are going on in a way calculated to bring the bench into disrespect and judges, being human beings, are liable to be influenced by this consideration, that the amount of their remuneration while they are pursuing the investigation is in the hands of one of the parties to the suit.

Hon. Mr. BEIQUE—Would the hon. gentleman state the case he is referring to ?

Hon. Mr. FERGUSON—I will state the cases. I am referring to the charge that was made in the parliament of Canada against Sir Adolphe Caron—the Edgar charges, as they are known, as one case—I am only taking this as an illustration—and I am referring in the other instances to the charges made against Mr. Stratton in the Ontario legislature. I am not taking these two cases as the only ones, or because they illustrate my meaning more strongly, but I am taking them up one on each side of politics. It is possible I may be told 'Your own friends were wrong in the case of Sir Adolphe Caron.' I am not going to dispute it. My contention is that they were wrong.

Hon. Mr. DANDURAND—Does the hon. gentleman pretend that the remuneration of the judges who were appointed under those commissioners was not fixed beforehand at so much per diem for their services ?

Hon. Mr. FERGUSON—It may have been in the case of Sir Adolphe Caron, but I am informed it was not so—at least the public did not know about it if it was so—in the case of the Stratton investigation.

Hon. Sir MACKENZIE BOWELL—Was it in the other case, does the hon. gentleman remember ? Was the remuneration fixed in the Caron case ? I have no recollection of it.

Hon. Mr. DANDURAND—The ordinary practise in the issuing of a commission appointing officials is to mention the remuneration whenever there is remuneration, and that is why I put the question to the hon. gentleman.

Hon. Mr. FERGUSON—The answer may be that the remuneration was in all such cases fixed. If that is so, it would take

some point from my argument, but the principle remains still the same, because if judges are in the market for these commissions, there is a possibility of their being influenced to please the ruling power in any province, or in the Dominion, so far that their service will be acceptable on another occasion. Hon. gentlemen must agree with me that it was most improper that such an inducement as this should be in the hands of the government of the day, whether it is a provincial government or a federal government, enabling it to exert an influence upon the judiciary that it is not proper should be exerted. As I remarked at the outset when I introduced this Bill, I did so without notice, and, not having given notice hon. gentlemen who spoke did not have the advantage that perhaps it was desirable they should have in discussing an intricate constitutional question. Possibly they made no mistake in the views they expressed but, on the other hand they might have advantageously deferred their observations until the second reading of the Bill, especially on the constitutional point. Had notice been given, no doubt they would have been better prepared. My hon. friend from de Salaberry, however, took this point, if I understood him right, that he thought the Bill would interfere with the exclusive powers of the provincial legislature in this way—that there may be, as I am willing to admit there may be, some subjects not in the jurisdiction of the courts that are within the exclusive power of the provinces, and that consequently a province might want so to attach it to the courts and that my Bill would interfere with it. I think my hon. friend will not adhere to that opinion, because my Bill does not interfere with the free action of the provincial government in that respect. The provincial governments are yet free to deal with a question of that kind in two ways. They can issue a commission, if it is a legal question, to legal men who are not members of the bench, and can have it investigated in that way. Or they can pass an Act which will attach that matter to one of the regular courts, and it will then cease to be extra judicial and will come under the purview of the court to which it is attached. There is no difficulty, no infringement or interference with the right of the provincial legislature in any respect whatever. Assuming the matter to be one with regard to which the provincial legislature has exclusive jurisdiction, they are yet free to deal with it after my Bill is passed in every respect as they can deal with it now, with this exception, they cannot have it adjudicated by judges as commissioners. They are just prevented from doing one thing, and that is from approaching the servants of the government of Canada and entrusting them with the duty of making an inquiry into such matters in an extra judicial capacity. If they wish to inquire into any subject without its being placed in the jurisdiction of the court, they can do it by a royal commission. If it is a question of commerce they will find experts in commerce. If it is a question of manufacture, they will find experts in manufacturing. If it is a matter of law, they can find lawyers who will deal with it, but if they want to pursue another course, to make it a matter of judicial investigation, they have one way of doing it now and will have it then, and that is by passing a Bill and attaching it as a duty to one of the provincial courts, and then the judges will do that work as a strictly judicial duty, and my Bill will not affect it to the slightest extent. In the discussion on the first reading of the Bill, my hon. friend from de Lorimier (Hon. Mr. Dandurand) addressed the House on the subject and made some observations to which I shall now very briefly refer. The first of these I think I have already discussed sufficiently, and that is that it was improper on my part to bring down a Bill at that particular time on account of the excitement that was prevailing in Toronto and in the province of Ontario over what is known as the Gamey-Stratton investigation. I do not think it is necessary to discuss that point any further now, but he said that my action on that occasion was simply the upholding of Mr. Whitney's contention. Mr. Whitney's contention was that that question should be settled by the legislature of Ontario. I did not say one word on that point at all. I never expressed my opinion on it. I confined myself to the subject of my Bill, and that is, that judges should not have been called upon to settle that matter. If Mr. Ross had thought proper to issue a commisssion to legal or other gentlemen outside of parliament, and have the matter

investigated in that way, there could have been no application in anything I said to his conduct in the slightest degree. My objection was not to Mr. Ross referring that question to a commission instead of to the legislature, but my comment was entirely restricted to his using the judges of Canada for the purpose of that investigation, which I hold, I think on sufficient ground, not to be right, and something which we should prevent the repetition of by Mr. Ross or Mr. Roblin or any other premier of a province of Canada, and which we should not leave in the power of the government of Canada to do, no matter what party may be in power. I shall now say—although I did not do so then, not with the view to defend Mr. Whitney or attack Mr. Ross, but to vindicate the parliament of Canada—a few words in reply to some of the observations of my hon. friend who said that if that question had been investigated by a committee of the legislative assembly of Ontario, the committee would resolve itself into a bear garden, and there would be no investigation that would be worthy the name. I will not here answer for the legislature of Ontario. That charge may be true. I do not say it is true. I do not admit it is true, but I have this to say, and I can appeal to my hon. friend who made this remark, that such a statement is not true of this honourable body of which he and I are proud to be members. We had an investigation here not long ago—and it is not for the purpose of leading off this discussion to any side issue but for the purpose of vindicating this House which was indirectly aspersed by what my hon. friend said that I refer to it—we had here two years ago what is called the Cook investigation. A committee of this House sat. I had the honour to be a member of that committee, and my hon. friend sat on that committee also. and I appeal to the hon. gentleman if that investigation did degenerate into a bear garden. That investigation, on which my hon. friend to my left (Hon. Sir Mackenzie Bowell) sat as chairman, was conducted so fairly and justly that the lawyers representing both sides passed the very highest compliment on the manner in which it had been conducted, and I say further, that the investigation was conducted in a manner which was better calculated to elicit the truth than any investigation I am familiar with conducted by a commission of judges. For this reason, that judges bound themseves by laws of evidence while the committee of the Senate under my hon. friend who was chairman of it, laid down the principles at the very outset that they were not to be bound by any rules with regard to evidence, but would allow the freest investigation to take place, the object being that the whole truth should come out, and that any question pertinent to the subject might be asked even though it should not be in accordance with the laws of evidence. I may also vindicate the House of Commons of Canada to a certain extent from such a charge. I remember very well, in 1891 when a serious charge was laid against a minister of the Crown, the Minister of Justice, Sir John Thompson, gave every facility that could be given under the sun to have every shred of evidence brought out before that committee, and the fullest and freest investigation was had and the finding was on the whole detrimental to the minister who was attacked. So that my hon. friend's statement in that regard is not warranted as far as this House is concerned, however true it may be of the legislature of Ontario—a body I know nothing about—I hope it is not true of them—but when judicial responsibility was cast on those two occasions on this parliament in this House with regard to the Cook inquiry and in the House of Commons in the case of McGreevy, both Houses acted in a judicial spirit and pursued the investigation until the truth was completely brought out. I am merely putting my hon. friend from de Lorimier right, because I know he will be the first to admit that what I say with regard to the Cook investigation, at all events, is absolutely right.

Hon. Mr. DANDURAND—I absolutely agree with my hon. friend as to the Cook investigation.

Hon. Mr. FERGUSON—I knew that my hon. friend would do so. One other remark my hon. friend made, leads me to the belief that there is not very much difference of opinion between the hon. gentleman and myself, I notice that he said that he would refrain from expressing an

opinion as to whether a commission, such as was referred to, the one in Toronto recently, should make a finding. He thought that a commission of that kind was the best means of getting out the evidence according to rules of evidence. I do not altogether agree with him. I think an investigation conducted as it was in the Cook charges was better than any inquiry before a commission of judges or lawyers, because they would certainly bind themselves by the laws of evidence. With respect to other observations of the hon. gentleman, I am not now going to discuss them, but I want to say a few words with regard to the remarks made on that occasion by the hon. gentleman from Wellington (Hon. Mr. McMullen). I think it is very possible that the hon. gentleman laboured under the same disability that I do. Very often when a gentleman, even with as good a voice as he has, speaking from the lower end of the Chamber, is addressing this House I fail to catch exactly the import of what he says, and it is possible my hon. friend labours under a similar difficulty when I and others are speaking at this end of the Chamber. Whether it was due to that or to some other cause, I must take the hon. gentleman to task for saying that I had declared that the judges who investigated the Gamey charges were partisan and had acted in a partisan manner, and that I had thrown odium on them. My observations are found in the Senate Debates, and I had not occasion to change many words in the proof. I never have to change many words in the Debates. I do not think I had to correct altogether a dozen or twenty words in that report as it stands at the present moment, and my hon. friend will look in vain for the slightest reference on my part in the way of accusing those commissioners of being partisan. I pointed out what I thought was undeniable—what every hon. gentleman must admit, that whether these judges were just in every respect or not, nevertheless the painful result was that at least one-half the community believe they were not unbiased, and have attributed and continue to attribute motives to them, and I took the ground that it was undesirable that our judges, who should be held above and beyond such aspersions, should be drawn into such an unseemly contest as was going on at that time between the two parties in politics, and made to play a part in which aspersions were cast against them and cast by men who were just as honest in attributing to them improper conduct as they could have been in the administration of their duties. Who will doubt for a moment that Prof. Goldwin Smith was an honest critic, and that he believed every word he uttered. Who will believe that Mr. Willison, of the Toronto 'News,' was not honest and believed what he said with regard to that investigation? I say now, is it not deplorable that we should continue to put the judges of our country in a position that not only the political mud slinger would have a dash at them, but that the very best men in the community would be found to comment on them in a manner calculated to lower them in respect of their fellow-countrymen?

My hon. friend from Wellington (Hon. Mr. McMullen) said further, that I should have allowed the people of Ontario to settle their own business in their own way. Now, there is nobody in the world more willing to allow the people of Ontario, or any other province, to do their own business in their own way than I am, but it was not my intention to intermeddle in what did not concern me, and it is impossible to connect my action in this Bill in any way with an attempt to interfere with the free action of the people of Ontario with regard to the Gamey business or any other business. That was not my object, and it will require a great deal of heat in any gentleman's imagination who reads my remarks carefully to come to any different conclusion. Since the introduction of this Bill in this honourable House it has received an unusual amount of discussion in the press of the country. I have found that very long and able articles have appeared in most of the leading newspapers of Canada with reference to it. The strictly government newspapers have been silent. They probably did not want to move until they knew what course the Secretary of State and his friends intended to pursue. They have been courteous in this respect, that they have not passed an adverse comment on my Bill. I have been unable to find one single comment of that kind, as far as my reading of the press of Canada is concerned. I find the opposition press have very generally commented favourably upon it. Hon. gentlemen opposite might be disposed to say that that was no proof of any par-

ticular merit in the Bill. I dare say my hon. friend opposite, who smiles so gracefully, would be inclined to put forward that view, but when I find such papers as the Toronto 'News,' edited by Mr. Willison, who until very recently, was the managing editor of the Toronto 'Globe,' and who stands very high in journalistic life in Canada—when I find such papers as the 'Farmer's Sun' of Ontario, which is known to be as free a lance as you can possibly get in politics—when you find such papers as that discussing this question, and favouring as strongly as they do the passing of the Bill which I have the honour of introducing, and which I now propose shall be read a second time—when you find 'Bystander,' written by Prof. Goldwin Smith, supporting the principle of the Bill, and what is more important than all so far as the press is concerned, when you find the 'Canada Law Journal,' the professional law paper of the country——

Hon. Mr. SCOTT—With strong Conservative leanings.

Hon. Sir MACKENZIE BOWELL—So much the better.

Hon. Mr. FERGUSON—My hon. friend says with strong Conservative leanings. I do not know Mr. O'Brien.

Hon. Mr. SCOTT—I do.

Hon. Mr. FERGUSON—I do not know whether he is a Conservative or not. I know the paper is one that is accepted as the organ of the legal profession in the province of Ontario and that it is regarded as a very able and impartially conducted paper. I know that is the estimation in which it is held by the Bar on both sides of politics. When you find such writers as I have named supporting the Bill you must admit that it has at least some merit. On the 15th June last, the editor uses these words:

> This, at least, so far as Ontario is concerned, is a day of judicial commissions; also a time when the High Court bench has been weakened by the illness of infirmity of several of its judges. Strangely enough, there is also a time when it is said that there is a necessity to form a fourth division of the court and an increase in the number of its judges. There seems to be a little inconsistency in all this. It does not require much consideration to see that the proposed increase would be unnecessary if vacancies were promptly filled, if infirm judges were given a proper retiring allowance, if vigorous men were selected from the front ranks of the profession, and last but not least, if the judges were not taken from their proper judicial work either to report upon allegations of bribery in connection with a political issue or to go to the Yukon to inquire into the reasonableness or otherwise of some concession. The commonsense, businesslike way of disposing of the alleged difficulty seems to be sufficiently obvious.

Then he goes on, and nearly every word is so much to the point and so much better than anything I can say that I feel like reading almost the whole of it:

> There is really no necessity to add to the number of High Court judges. The question of expense, though a minor one, may be noticed. The proposed new division will probably add some $20,000 to the yearly cost of the court. All sorts of schemes have been invented to supplement the present utterly inadequate salaries of the judges. It would be much cheaper to give to each of the present judges an additional $10,000 per annum. But this is not the most important part of the subject. Is it fair to judges or to suitors, or desirable as a matter of public policy, that various pious frauds in the line of indirectly increasing judicial salaries should be resorted to, or that they should have extra pay for outside work. The independence of the bench is of vital importance both to the public and the profession—much more important than the benefit resulting from having an occasional inquiry more satisfactorily conducted. There might be danger of this independence being jeopardized by the growing practice of taking judges from their proper work to discharge extra duties with extra emolument. All these things give occasion to the enemy to blaspheme. The consequence is just what might be expected: unpleasant remarks are made in reference to the judges, with the inevitable result of lessening the esteem in which the bench of this province has heretofore been held. We are on the down grade in connection with matters affecting the dignity of the bench and the respect for it in the public mind. It is time that more thought were given to these matters. The country cannot afford to have the judicial pedestal lowered. The effort must be to raise it, for it is not what it once was.

It amounts to this, that owing to this and other causes, the exchequer of Canada is bled to a larger extent than it should be for the administration of justice. Then comes a more direct reference to the commission which I will not read, because it might be held that it was introducing that subject that was not necessary, and is not properly introduced here unless it is to illustrate some feature of the case, and some argument upon the subject now before the House. The article reads:

> It may be said that the commissioners exercised a very wise discretion in the liberal admission of evidence, though even here complaints have been made, not specially by counsel engaged for the prosecution, but by some of those on the jury, i.e., the public. We have nothing to say to this, nor do we propose to

discuss the evidence or to express any opinion on the finding of the commission, as that would take us within the arena of political controversy.

But what we do say—and we think it cannot be gainsaid—is that the report will not, and naturally cannot be expected to meet with the acquiescence of the community at large, for the simple reason that the inquiry involved party politics, in connection with an incident in a somewhat bitter political contest.

That has a direct bearing as an illustration of the evil I have tried to point out to this House as best I can. The article continues:

This non-acquiescence leads to evil results. When a judgment is given in a suit between individuals or corporation, it is prima facie assumed that the finding is correct, and even the disappointed litigant generally accepts his defeat without calling the judge hard names. This has happily been the habit in the past. It will be a bad day for the country when people get out of this habit in the future, as we fear they are beginning to do; and it is just such inquiries as this which will operate in that direction, no matter how careful or fair the judges may be. For reasons such as these there are many who regret that the services of members of the bench were invoked and that the judges felt it their duty to accept the call.

So much for the opinions of the press. I have also the pleasure of knowing that the Bill has met with a very remarkable degree of approval from the bar. I have had letters on the subject from gentlemen in different provinces whom I had never met personally, but who have written to me to compliment me on having introduced this Bill, and assured me they believed it was a good one, and they hoped it would become law——

Hon. Mr. LANDERKIN—Read the letters.

Hon. Mr. FERGUSON—And they further more gave me to understand that this opinion was one that prevailed extensively, almost unanimously, in the legal profession. I am speaking in the hearing of men who may know better than I do what the feelings of the members of the bar are on this subject.

Hon. Mr. McMULLEN—It would be very interesting to know whether my hon. friend's correspondents were Grits or Tories.

Hon. Mr. FERGUSON—My hon. friend seems to have that idea so thoroughly grounded in his mind, that he seems to think that nobody can possibly come to a conclusion on any subject without being dominated by political feelings. I know my hon. friend is not half as bad as he would sometimes make the House believe he is, and perhaps he might be inclined to make the same remark with regard to myself. I believe my hon. friend can be got on ground where he can rid himself of these feelings, and where he can see whether a proposition is good or bad, regardless of politics.

Hon. Mr. LANDERKIN—Does the hon. gentleman ever get on such ground?

Hon. Mr. FERGUSON—I hope I do, but there are some gentlemen in this House I would have to except. There are not very many, but I am afraid I would have to except my hon. friend who has just interrupted me. I think, perhaps, my hon. friend is too strong a partisan to forget his politics on any subject which comes within a catching distance of politics. You might get him at a safe distance, but it would be pretty hard to find it. I have had no conversation with judges on the subject, but I have been informed on excellent authority that some of the very best men on the bench in Canada to-day have hailed the introduction of my Bill with a great deal of pleasure. I had had these names communicated to me in confidence, and I do not suppose it would be proper to name them. I have had this information, that there is a very strong feeling on this question on the bench, in the province of Ontario especially—notwithstanding the due respect and regard which the brothers on the bench feel for each other. It is not human nature that men can be made cheerfully to do more of the judicial work than their share while others are drawing their salaries and drawing additional fees for outside work. I am told there is ample ground for complaint by the judges of Ontario on that very point—that they are made to do more than their fair share of the judicial work, because some of their brother judges are attending to judicial commissions. I hope hon. gentlemen will look at this question dispassionately and carefully, and that they will admit that constitutionally, and from every point of view, it is desirable that we should carry out what no doubt was the intention of the British North America Act, that the judges should be as independent a judiciary as can be found in any part of the earth. If they are independent now, all

I have to say is that many of them are resisting extreme temptation. Another matter to which I would refer is the question of judges' salaries, which is being bandied about in a way that I think is very unsatisfactory. I believe that the salaries of the judges of this country are not sufficiently high, that most of them, or a great many of them indeed, are not adequately remunerated.

Hon. Mr. DANDURAND—Hear, hear.

Hon. Mr. FERGUSON—And that is a most unsatisfactory state of things. The right method and the economical method on the part of the government is to put their salaries on a proper plane and not to be helping them out individually by giving them other employment. The better way is to deal directly with this question. What have we found in this House? We have heard the voice of private members pleading for better remuneration for the judges. Hon. gentlemen have heard my own voice. They have heard the voice of hon. Senator Drummond raised in this House, and again and again we have heard appeals to the government on this question. I have had letters from judges mself, and I imagine most of my hon. friends have had letters on the subject of these salaries. Is it satisfactory that the judges of the country should be so poorly paid, that they should be put in the position of appealing themselves, or having their friends appealing to the parliament of Canada in order to give them a living wage for their work? I say that is not proper, and the right course is to revise the salaries of judges in such a way as will put a complete stop to this continual appeal to the government of Canada to increase the salaries of judges, and the country can afford to increase the salaries. I know that in the Supreme Court of my own province, the judges are allowed fees. It is done under the provincial Act, passed long before confederation, and which is still in force under section 129 of the British North America Act. That Act remains still in force, and although these fees ought to have found their way into the treasury of the province, yet the provincial government, knowing that the judges should not receive these fees, allow them to be handed over because they feel the judges are inadequately paid. When Mr. Sandfield Macdonald was premier of Ontario, they actually added $1,000 a year to the salaries of judges, but the Act was disallowed. It was done as a pious fraud—for that is all it was—in a subsequent Act, on the plea that they were to be appointed to adjudicate upon some assignee or referee proceedings. A nominal duty was imposed on the judges of the Courts of Error and Appeal and an increase of $1,000 was allowed them.

Sir John Macdonald was of opinion that that Act was ultra vires because the payment was made by the government of Ontario, instead of by the government of Canada. The Act was not reported upon. Sir John, at this time, was at death's door, and from that time forward the province of Ontario has been paying that amount of salaries to judges of the Superior Courts of the province. I do not say that that affects the independence of the judges of Ontario. I do not take that ground, because it has been done for so long a time, they all received it, and it is not a favour to any man. But the government of Canada is able to pay its own servants, and the province of Ontario should cease to pay them, so that our judges should not be dependent for their salaries upon any source other than that described in the British North America Act. There is just one other subject which does come incidentally within the scope of my Bill, and that is the promotion of judges. I am told, on good authority, that when in England an eminent lawyer—and that is the kind of man they appoint as judge in England—is appointed to the bench, he remains in that position, and is not promoted. It has been held in England that if the government of the day has it in its power to promote this judge, and pass over that one, they have an improper influence over the bench and should not exercise it. That was Sir John Macdonald's opinion, and he acted upon it, in a great many instances, although he may sometimes have departed from it. He passed over good judges and refused to promote them on the ground that the judge would have to remain in the position to which he was appointed. In Canada we have now a different practice. It is in the minds of the judges that they are

candidates for promotion. I cannot think that that is a good principle. I think it is bad, and although my Bill does not reach it, I hope in practice, as the years go by, that it will not be continued. Having presented this Bill to the House and feeling as I do that it is a good measure, a measure that ought to commend itself to the good sense and good judgment of hon. gentlemen in this House, and feeling as I do that there is a strong public sentiment behind this Bill, that it should be made law, I have felt it my duty, as far as my humble ability would go, and as far as my information would reach, to place the facts before the House. I have tried to do my duty in the matter. I know I have done it inefficiently. If my hon. friend to my right, or my hon. friend behind me, or some of the legal gentlemen I see on the other side of the House, had the matter in hand, I know how much better it would be done. I am sorry it did not fall into abler hands. However, according to my ability I have done my duty and I hope and trust that hon. gentlemen on both sides of the House will throw aside any party feeling and no matter how many injudicious things may have been said by myself in support of the measure will not allow themselves to be warped in their judgment upon this Bill, because its advocate may have said something which was not right or just: I appeal to hon. gentlemen on both sides to give it fair consideration. I regard it as one of the most important Bills that ever came before this country. The object being to elevate the judiciary and put them beyond aspersion, and in that way keep clear and pure the streams of justice in this Canada of ours. I move that this Bill be now read the second time.

Hon. Mr. McMULLEN moved the adjurnment of the debate.

The motion was agreed to.

BILLS INTRODUCED.

Bill (135) An Act to incorporate the Quebec, New Brunswick and Nova Scotia Railway Company.—(Hon. Mr. McSweeney.)

Bill (211) An Act respecting the Nicola, Kamloops and Similkameen Coal and Railway Company.—(Hon. Mr. Templeman.)

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, July 16, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

RESIGNATION OF THE MINISTER OF RAILWAYS AND CANALS.

Hon. Sir MACKENZIE BOWELL—Before the Orders of the Day are called, I should like to remind the hon. Secretary of State of the statement he made the other day when I asked him a question in reference to the resignation of one of his colleagues. I understood him to say the explanations would be given to-day.

Hon. Mr. SCOTT—So they will—in the other Chamber.

Hon. Sir MACKENZIE BOWELL—It is usual to give the explanations in both Chambers.

Hon. Mr. SCOTT—I think not.

Hon. Mr. FERGUSON—Yes, always.

Hon. Sir MACKENZIE BOWELL—If my recollection serves me rightly, when I occupied the position the hon. gentleman does, the explanations were read to the Senate at the same time that they were given to the House of Commons.

Hon. Mr. SCOTT—My hon. friend will see that the practice is, where a government is retiring or is changing its personnel, it might be done, but where a single minister retires, of course, the explanation must be given in his presence in the particular Chamber, whether the Senate or House of Commons, in which he happens to be present. Otherwise it might lead to very serious contradiction. The statement made by the Prime Minister and the statement made by Hon. Mr. Blair must accord in some degree, or if there is a difference of opinion, explanations must be given, and, therefore, it would be manifestly improper for me to make any statement which Hon. Mr. Blair might negative or disprove. I looked up the practice. I know the practice laid down in Todd is that where a single minister retires, the explanations are given in the particular Chamber of which he is a member. I have sent for the authority and will look it up.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman may be correct, but my recollection is that in England, when there is any change of the kind, the practice is that the explanation is made in both Houses, and I am fortified in that by the hon. gentleman to my left (Hon. Mr. Miller) whose recollection is precisely the same as my own, and he certainly has no peer in this Chamber as a parliamentary authority, and unless I am very much mistaken, when a retirement took place in the case of Mr. Aikens, who was retired to accept the governorship of Manitoba, the same explanation was made in both Houses. I cannot conceive it possible that there would be any contradiction between the statement of the hon. Secretary of State here, and that made by the Prime Minister in the lower House, because the statements, as a rule, are written, and certainly must be in accord, and then the question would be as to the propriety or impropriety of discussing the question in the absence of the minister who is retired. I may be in error, but I am fortified in my opinion by the hon. gentleman on my left.

Hon. Mr. FERGUSON—I think the course that my hon. friend is pursuing is not the usual course, and furthermore, I do not think that it is respectful to this House that a gentleman representing the government in it should not take the Senate into his confidence at the same time the House of Commons is taken into the confidence of the Prime Minister. It matters not what the explanation of the minister who has resigned may be. I know my hon. friend is not responsible for that explanation and it does not matter, so far as the point we are discussing is concerned, whether there is a contradiction between my hon. friend and the minister who has retired, but the explanation which the Prime Minister is making at the other end of the building should be made by the hon. gentleman in this House at the same time, so that the Senate would be placed in possession of the same information as the House of Commons possess with reference to this resignation. My hon. friend shakes his head, but he must give some authority for the course he has taken. I can scarcely imagine the hon. gentleman would contend that this House should be left until to-morrow to receive officially the information which the government ought to be in a position to communicate to us at this moment. We are a co-ordinate branch of parliament, and it seems extraordinary that this information should be withheld from us while it is freely being made to the other Chamber, and while we have a representative of the government in this House. Surely it cannot be that the members of the government are afraid to trust each other to make an explanation, and that one has to keep quiet until the other has made it for fear they would contradict each other. Surely they should be able to communicate exactly the same information to both branches of parliament.

Hon. Mr. SCOTT—I am adhering to the well understood practice in England. That is, that where a minister retires the invariable practice of giving the explanation for his retirement is to make it in the House of which he is a member.

Hon. Mr. FERGUSON—By himself ?

Hon. Mr. SCOTT—By himself and by the government. It would be manifestly improper to take any other course. Hon. gentlemen know that Mr. Blair's retirement is due to disagreement with the railway policy of the government. That is the only explanation to give about it.

Hon. Mr. MACDONALD (B.C.)—Should not this House know when a new minister is appointed by the government ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. MACDONALD (B.C.)—Why should not the House know when one retires ?

Hon. Mr. SCOTT—It is a very delicate matter to lay down the exact language which ought to prevail where a gentleman has a difference of opinion with his colleagues. It is manifestly improper that any explanation should be given unless the person most affected by it is present at the time.

Hon. Mr. BEIQUE—I recollect clearly that the hon. Secretary of State stated the other day that an explanation would be given by the Prime Minister in the other House to-day.

Hon. Sir MACKENZIE BOWELL—That is quite true. Will the hon. Secretary of

State turn to page 424 of Bourinot, second edition. He will there find the following language :

In case of ministerial changes, explanations are generally allowed to be made in both Houses when the Orders of the Day are called by the Speaker. When the premier, or member leading the government in the House, has made such explanation it is usual to permit the leader of the opposition to make some remarks on points arising out of the former's speech. In fact, considerable latitude is allowed by indulgence of the House on such occasions in the Commons.

In the English House of Commons it is irregular to permit any debate, after the ministerial statement has been made, unless some question is formerly proposed by the House. The same practice obtains in the House of Lords, a motion for adjournment being made when a debate is expected.

If my hon. friend is afraid of saying something which will contradict his premier, we must accept the inevitable and allow the usual practice to be violated in this case. I would not, of course, like the hon. gentleman to make a statement which would contradict the premier, or the premier to contradict the Secretary of State, although we have unfortunately had experience of that kind in the past. All that I wish to impress on the Senate is that the position I have taken is fortified by the authorities.

Hon. Mr. SCOTT—Let us hear what Todd says :

When a single member of the Cabinet retires, until he has made his own statement in the House to which he belongs, the government cannot explain the ground of his withdrawal to the other House.

Then the authorities are quoted. That is pretty strong.

THIRD READING.

Bill (161) An Act to confer on the commissioner of patents certain powers for the relief of the Woolf Valve Gear Company.—(Hon. Mr. Dandurand.)

FREE LABOUR BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (S) An Act to amend the Criminal Code, 1892, respecting free labour.

(In the Committee.)

Hon. Mr. BEIQUE—When this Bill was in Committee of the Whole a short time ago I gave notice that I would move that clause one be amended so as to read as follows :

4. If at any time when a strike is in progress, three persons or more assemble for any purpose which may reasonably be deemed connected with, or in sympathy with such strike, and if, while they are so assembled, any unlawful act of violence or intimidation is committed by one or more of such persons, or any unlawful threat is used by one or more of them, the whole in any way affecting free labour, or the employer against whom the strike is directed, members of his family, his employees, his property or persons making use of said property, the said assemblage of persons shall be deemed an unlawful assembly ; and each person forming part thereof when such unlawful act is done or threat used, shall be deemed to have been a member of an unlawful assembly, and shall be punishable accordingly (unless punishable as a rioter as hereinafter mentioned), even although such person has not participated in such unlawful act or threat, unless the accused shows to the satisfaction of the court or judge that he formed part of the assembly only casually, without having any common purpose with the other member thereof and that he did not commit or countenance any such unlawful act or threat.

With the permission of this honourable House, I ask leave, at the suggestion of the hon. gentleman from Toronto (Hon. Mr. Kerr), to substitute for the words 'free labour' in the fifth and sixth lines the words 'freedom of action of workmen.' It would be more grammatical and more expressive of the object of the Act.

Hon. Mr. DeBOUCHERVILLE—By this amendment we place on the person accused an obligation to prove that he is not guilty.

Hon. Mr. BEIQUE—I have taken the trouble to go over part of the Criminal Code, and I can refer to some twenty different sections where the same principle is embodied. One is section 101, another section 448, and there are a great number of sections where the same principle is embodied.

Hon. Mr. POIRIER—What is the meaning of that word 'whole,' in line 6 ?

Hon. Mr. LOUGHEED—I would say to my hon. friend behind me that prima facie there is a case made out against the accused on account of his being in an unlawful assembly, and it is simply a shifting of the onus of proof that the Act provides for. He is already guilty in law by reason of being with the assembly complained of.

Hon. Mr. BEIQUE—And I might answer further that section 79, as it is, and as it will remain, is much more serious because,

as the hon. gentleman from Calgary says, it makes the party guilty without giving him a chance of proving that he is not guilty. Section 79, as it stands, deals with assemblies of three or more persons, and if on the occasion of their being assembled, and even if they be perfectly innocent, there are reasons to fear that the peace is going to be disturbed tumultuously, the assembly becomes unlawful and every person forming part of that assembly may be arrested, and they have no chance of proving that they are not guilty. The Bill, with the amendments that I propose, is much more lenient towards the accused than section 79. I refer the hon. gentleman to the Criminal Code, page 202, section 448, which reads as follows:

> Every one is guilty of an indictable offence who sells or exposes or has in his possession for sale, for any purpose of trade or manufacture any goods, or things to which any forged trade mark or false trade description is applied or to which any trade mark, or mark so nearly resembling a trade mark as to be calculated to deceive, is falsely applied, as the case may be, unless he proves—
>
> (a) that having taken all reasonable precaution against committing such an offence he had, at the time of the commission of the alleged offence no reason to suspect the genuiness of the trade mark, mark or trade description; and
>
> (b) that on demand made by or on behalf of the prosecutor he gave all the information in his power with respect to the persons from whom he obtained such goods or things; and
>
> (c) that otherwise he had acted innocently.

If the hon. member refers to section 101 he will find the same principle, and as I say, I have noted fifteen or twenty different articles where the same principle obtains.

Hon. Mr. DeBOUCHERVILLE—Does the hon. gentleman believe that what he has cited applies to this law?

Hon. Mr. BEIQUE—The party is put on his trial and he is condemned unless he proves his innocence.

Hon. Mr. ELLIS—The section which the hon. gentleman read is an entirely different thing, because that relates to property which may be stolen, and the man has to prove he is innocent, but in this case the principle of the Bill strikes at the assemblage of three or more men to discuss a question. The hon. gentleman says he can find twenty precedents in the statutes for this legislation. I think it is as well to stop at the twenty, if there be twenty such enactments. I remember in 1857, before the slavery agitation in the United States had reached its culmination, there were continual amendments to the laws by which the right of individuals was taken away, until finally in 1857 the chief justice of the United States delivered a decision by which he declared that a black man had no rights in the United States. That was the effect of his decision in the Dred Scott case—that a black man had no rights which a white man was bound to respect, and that no law could be passed by the United States which would give a black man any privileges. By a gradual process of sopping, liberty was endangered. Now, the effect of this is to go a step further than anything with regard to property in our law and this Bill provides this way as I read it, with all its verbiage dismissed—if at any time when a strike is in progress, three or more persons assemble for any purpose and while assembled any act of violence is committed by any one of them, or any unlawful threat is used by any one or more of them affecting free labour, the said assemblage thereby becomes an unlawful assemblage, and each person present shall be deemed to be a member of an unlawful assembly although they may have met for a perfectly legitimate purpose—for the purpose, may be, of healing the strike—and shall be punished as such even though the accused has not participated in the unlawful act or threat, unless he shows to the satisfaction of the court that he has formed part of the assemblage casually. He may be a perfectly innocent man, but he will have to show to the court that he was there only casually. He may not have gone there only casually—he may have gone there for a perfectly reasonable and honest purpose, yet he must show three things, that he formed part of the assemblage casually, that he had no common purpose with the others, and that he did not commit the act. It is an extreme position to take. It strikes at the right of men to assemble and to discuss any matter which may affect them. It prevents men from discussing their grievances together, prevents them from assembling to discuss a remedy for their grievances and from assembling to heal the grievances, because if they do so the assem-

blage is liable to be converted into an unlawful assembly. It might be in the interest of persons on the other side of the question to convert it into an unlawful assembly. I cannot follow the refinements of the law in the way my hon. friend is able to state them, but I have the feeling of a free man and would want to attend an assemblage if I chose. I desire to give my fellow man the same right, and I do not think there should be on the statutes such a law as this which converts a legal assembly into an illegal one, simply because one man does a wrong thing.

Hon. Mr. SCOTT—But is not the basis of it that they must be in sympathy with the strike? I understood that is the essential element of it.

Hon. Mr. DAVID—Everybody is presumed to know the law, so that a man who is present at such a meeting cannot complain of the application of the law if he knows the law. He must know the law and we must take that as a fact. Then he knows that if he takes part in a public meeting such as that mentioned in the Bill before us, he knows that he takes part in an unlawful meeting, and if there are threats and intimidation and acts of violence, and he persists in remaining in the assembly, he knows that he will be considered guilty. Consequently, he has only one thing to do; knowing the law. He must leave the assembly if he does not want to render himself liable to arrest, and if he remains he is liable to the application of the law and has no right to complain of the penalty. If he has to blame anybody for the operation of the law, he must blame himself.

Hon. Mr. ELLIS—The hon. Secretary of State asks me if basis of the law is that the party must be in sympathy under the strike. I direct his attention to the words 'if three or more persons assemble for purposes connected with the strike?' I would object to it even in that way; but it is not as the hon. gentleman says in sympathy with the strike.

Hon. Mr. LOUGHEED—That is not the gravamen of the charge. The charge really is if any one is connected with assemblage, and if while they are so assembled any unlawful act of violence or intimidation is committed by one or more of such persons, or any unlawful threat is used by one or more of them, the whole in any way affecting free labour, or the employer against whom the strike is directed, members of his family, &c. These elements must enter into what takes place before it could become an offence within the meaning of the Act. That is to say, the gathering would not be an offence. The discussion would not be an offence. But if an act of violence takes place, or any intimidation takes place which would lead to the consequences in the section, then the offence is committed and any one there would be included amongst those charged with committing the offence. It seems to me if you accept the principle of the Bill, it only would be workable to suppress intimidation or acts of violence of that kind. Otherwise I fail to see how you can establish a charge.

Hon. Mr. ELLIS—I do not accept the principle of the Bill.

Hon. Mr. LOUGHEED—I am discussing it from the standpoint of making the Bill effective. I do not see how you can establish a charge except you hold the persons who are present. I am simply discussing the practical carrying out of the Act, not the principle.

Hon. Mr. DeBOUCHERVILLE—Suppose there is a meeting which is not unlawful—not of three persons, but let us say, twenty persons. They have a right to assemble there. Unfortunately one person may, under the influence of liquor, for instance, do an act of violence and the other nineteen persons would be guilty. Does the hon. gentleman admit that?

Hon. Mr. POWER—In order to appreciate the position we might look at what the law now is. This Bill proposes to add a subsection to section 79 of the code. What does section 79 say:

> An unlawful assembly is an assembly of three or more persons who, with intent to carry out any common purpose——

It does not say what the purpose is.

> —assemble in such manner, or so conduct themselves when assembled, as to cause persons in the neighbourhood of such assembly to fear on reasonable grounds, that the persons so assembled will disturb the peace tumultuously, or will by such assembly needlessly and without any reasonable occasion provoke other persons to disturb the peace tumultuously.

Under the code as it stands that is an unlawful assembly, and those who form part

of that assembly are liable to a penalty provided in the Bill before us. I really do not see that the Bill goes any further than the existing law. I assume the reason for introducing the Bill is to make it perfectly clear to the public that this particular kind of assembly, under these circumstances, is an offence against the criminal law and renders the party to it liable to the penalties of the law. I sympathize with what the hon. gentleman from St. John says with respect to the value of freedom. The hon. gentleman himself has suffered a little, I believe, or did suffer at a rather remote period, and probably appreciates the value of freedom more than some of the rest of us who have not had the experience.

Hon. Sir MACKENZIE BOWELL—That was not for kicking up a row on the streets and breaking peoples' heads.

Hon. Mr. POWER—The question is whether this sort of legislation is necessary, and it does seem to me that the recent experience in Montreal, when almost the whole business in the most important commercial and manufacturing centre of this country was held up three days, largely from the want of some such prompt action as is provided for by this measure, we should hesitate before we decide not to pass the measure. I do not see anything out of the way in this Bill. As the hon. gentleman from Calgary stated, the persons must be in sympathy with the strike, and some one of the persons assembled must commit an act of violence or intimidation before any one is liable. With respect to the latter portion of the clause, which requires that the accused shall show to the satisfaction of the court that he was not guilty, I think, as the hon. gentleman from De Salaberry has shown, that there are a great many cases under the Criminal Code where the law contains a similar provision. I would suggest, however, to the hon. gentleman that this latter part might be modified, in such a way perhaps as to meet the views of hon. gentlemen who do not go quite as far as the hon. gentleman from De Salaberry. It might be amended so as to read in this way :

Unless the accused shows to the satisfaction of the court or judge——

—leaving out that he formed part of the assembly only casually without having any common purpose with the other members thereof, and let him prove that he did not commit or countenance any such unlawful act or threat. If the accused can establish the fact that he did not commit the offence, that is perhaps going far enough, because the meeting may not be a casual one. These three men who are in sympathy with the strike may meet together, and talk together, and not one of them may have any intention of breaking the peace or unduly interfering with the rights of other workingmen or with the acts of their employers, and under these circumstances, one of these men would not be able to prove that he formed part of the assembly only casually, because the men might have gone there together with intent beforehand.

Hon. Mr. TEMPLEMAN—It could not be proved either that they had a common purpose.

Hon. Mr. POWER—No. I submit it would be sufficient—and I submit that view to the hon. gentleman from De Salaberry—if the accused was able to prove that he did not commit or countenance any such unlawful act or threat, with that modification, I think it would be all right.

Hon. Mr. McHUGH—I may say that I am opposed to legislation of this kind, emanating from this House. I feel that there is quite sufficient on the statutes now to protect the people and the property of the public. The hon. Speaker has said that it does not go any further than the general law. It goes further in one direction, that it is aimed at free labour. It is aimed at free labour organizations, and that is why it meets with my opposition. I am fully in sympathy with labour organizations. They are in this country to-day and if we are going to make the best use of them, it is not by passing arbitrary legislation like this, but by conciliatory measures such as was passed in the other House by the Postmaster General and the Minister of Trade and Commerce. I am fully in sympathy with manufacturing associations and industrial institutions in this country, and think they should receive full justice. They say they do not require any law such as the conciliation law passed in the other House, that labour and capital are getting

on very well at the present time, and are able to manage their own business. Now this House steps in and takes hold of the labour organizations of the country, and if this Bill passes the Senate, we are going to prevent them from meeting in lawful assembly when a strike is on in a city or town and at the very time that they will require to meet. They may meet for legitimate purposes in order to bring about a settlement of the strike. Some person may get into that assembly and cause trouble, and then the whole assembly would be liable to be arrested, and put upon trial until they prove their innocence. The Bill goes fully that far. I say hon. gentlemen that labour unions have done a great deal of good in this country for the labouring masses of the people. I recognize the right we have to pass laws which will protect private property everywhere, but the labourer has a very strong claim upon us to see that full justice is done him. They are by far the most numerous class of the community, and I say they have a right to our sympathies, instead of our trying to pass a drastic measure such as this is, because it is directly aimed at labour organizations as well as other Bills that have been introduced here. We have had a good deal of light on the labour organizations from members of the association in the last few weeks. I say if they want to form labour unions and they think it is for their mutual advantage to have them international, then they should have the right to do so. It was pointed out to the committee that they did a great deal of good in this country. When the Bill introduced by the hon. gentleman from Calgary comes before us, I may have something to say on it, but I followed up what unions were doing and I saw where one organization, the railway trainmen of this country, had paid out of a beneficiary fund some $592,000 to widows and orphans, and disabled members last year. We do not want to throttle that organization by legislation. Fifty-four thousand dollars of that money was paid out to relieve distress in Canada. One of the functions for which the Senate was created was to protect the weak against the strong—weak provinces against strong provinces—minorities against majorities, and I say if you have to ask the other House to protect labour against class legislation in this Chamber, I should not like to see it.

Hon. Mr. SULLIVAN—I should like to ask one question. There is no machinery for arresting a man. Would not you give the men an opportunity of dispersing ?

Hon. Mr. POIRIER—No, arrest them all.

Hon. Mr. SULLIVAN—Would it require a policeman, or would any other man have authority to arrest them ?

Hon. Mr. BEIQUE—It falls under the common law. This Bill makes it a crime, and when a crime is committed any constable would have authority to arrest those taking part in the crime.

Hon. Mr. FERGUSON—When this Bill was presented to the House I examined it very carefully in the form in which it was then presented, and came to the conclusion that in that form it was a very dangerous and drastic measure. I expressed myself very strongly to the House on the second reading of the Bill in that respect, and it was allowed to go to committee with the understanding expressed by the hon. gentleman who introduced it, that he would modify its provisions in the committee. My hon. friend has submitted amendments which have very materially—I would say almost radically—changed the Bill and removed the objection which I entertained to it. I still felt, however, after we went into committee, that it might still be severe and dangerous, but I have taken the pains to go over the Criminal Code and compare this legislation with many other enactments in that code, and I have also referred to the English statutes, and I find that we are not at all going beyond what is very usual to do in cases of difficulty in getting prosecution, where it is important that prosecutions may be got, and where circumstances may render it difficult to get them. I feel that if my hon. friend who has charge of the Bill thinks it would not entirely impair it, and decides to accept the suggestion of His Honour the Speaker, I shall be very well satisfied, but even without that amendment I have now come to the conclusion, after very careful thought, that the Bill ought to become law.

Hon. Mr. McMULLEN—Hear, hear.

Hon. Mr. FERGUSON—It is not in the interests of respectable trades unionists to

have riots in the country, and I am sure that anything that will put a stop to riot and disorder and bloodshed will meet with the approval of ninety-nine out of every hundred trades unionists in the country, as well as other people, and therefore I intend to vote for the Bill.

Hon. Mr. BEIQUE—In presenting the Bill, as I have had occasion to say before, I had no unfriendly feelings against the trades unions. I am satisfied that it is in their best interests, and there is another principle which must be taken into consideration, that those who belong to the trades unions are not the only parties who have rights. Those who deem it advisable not to form part of trades unions surely should be allowed to work and earn their daily bread, and this measure is intended to apply merely in time of strike as was well stated by the hon. leader of the opposition on a previous occasion, at a time when the minds of the people are in a state of excitement, and when a great many people require to be protected. A large benefit to be derived from this Bill will lie in the fact that it is to be enforced only in times of strike, and therefore it will be announced to the public and to the strikers, and to all people in times of strikes, that there is a law which was enacted for the purpose of assuring peace and preserving order and allowing people to have the enjoyment of their full rights and liberty, and that they must be on their guard, that if they assemble for a purpose in sympathy with the strike, and if, while so assembled, any of them commit an illegal act—because it is surely an illegal act to use violence—for an object in connection with the strike, the others will be deemed to have countenanced the party who did commit the illegal act by being present in the assembly, and that they will all be responsible to the same extent unless they prove such and such things. It seems to me it is a sound principle in criminal law and reason. It is the basis of the criminal law that a party who countenances an act is considered an accessory, either before or after the fact, and is guilty to the same extent as the party who commits the act itself, and therefore it is no new principle, but the embodiment of an old English principle of criminal law. I am satisfied, from the attention I have given to the Bill, that it is in the best interests of trades unions, as well as in the best interests of parties who do not choose to belong to trades unions, but who should, nevertheless, be entitled to earn their daily bread as I have stated. It has been suggested by some hon. members of this House to modify the last portion of the Bill, so as to give a further chance to the parties forming the assembly. For my part, I believe it would be in the best interests of the public to allow the Bill to remain as it is, but I am willing to submit to the sense of hon. gentlemen, and if they think it should be modified in that way—which will, of course, considerably nullify the effect of the Bill—I will not object.

Hon. Mr. McHUGH—I should like to ask the hon. gentleman: In the event of a labour organization having a meeting in a city or town where there was a strike, and they had met in sympathy with the strikers, because they had before that voted for the strike, when they assembled there if a row were to commence at that meeting, a disturbance arise, would they not all be liable to arrest?

Hon. Mr. POIRIER—Yes, they would.

Hon. Mr. BEIQUE—No.

Hon. Mr. McHUGH—Does it not do away with the privilege of these men to meet on occasions of that kind for fear a disturbance might arise?

Hon. Mr. McMULLEN—There must be some act of violence.

Hon. Mr. McHUGH—The act of violence will arise when they assemble.

Hon. Mr. BEIQUE—No. The words are:

> And if, while they are so assembled, any unlawful act of violence or intimidation is committed by one or more of such persons, or any unlawful threat is used by one or more of them, the whole in any way affecting free labour, or the employer against whom the strike is directed, members of his family, his employees, his property or persons making use of said property.

So that if a person threw a stone, or committed any other act of violence it would not make the assembly illegal. They would not fall under the operation of the Act. They must do it in connection with the strike. If a strike is not in progress it does not fall under the operation of the Act at all.

Hon. Mr. McHUGH—The meeting is in connection with the strike.

Hon. Mr. BEIQUE—The meeting may be in connection with the strike, but if the act of violence is not in connection with the strike directed against the employer or his family or against his property, then this Act does not apply. The hon. gentleman from Kingston asked me to explain the words 'the whole.' The words are intended to cover acts of violence, threats and intimidation, so that any of those acts committed must be committed in connection with the strike; unless it is so the Act does not apply.

Hon. Mr. POIRIER—I called attention to the words 'the whole' because the hon. gentleman was reviewing his Bill with a view to adding to its elegance. I thought that the expression 'the whole' there was inelegant, and though the Bill is otherwise, in my estimation, obnoxious, I want him to shape it in better form. The more I look at this Bill the more objectionable do I find it, not because it is for the repression of criminal acts—I am in favour of that—I believe in repressing what is criminal—but because this Bill opens the door to very serious abuses, and because it will embrace the innocent with the guilty. The existing law is well enough, and I believe in the principle of leaving well enough severely alone. The law as it exists—because this Bill has not passed yet, and I hope it will not pass this House, and I am prepared to say it will not pass the other House—is directed against criminals only, and that is quite proper. This amendment will reach the innocent as well as the criminal. It is a law very much like the law of suspects, as I mentioned before, which was passed at the time of the French revolution, by which enactment a man, who had a hatred towards other men could go and molest and imprison them. Under this Bill, if it passes —and I hope it will not pass—here is an instance of what might happen. There may be a strike in Montreal. I may be in Montreal, a Montreal man myself, a law abiding citizen. I may go to two or three strikers for the purpose of entreating them to keep the peace. While I am trying to make them understand that the law should be respected and no unlawful act committed, if one of the three utters an unlawful threat affecting a labourer, or the employer against whom the strike is directed, or some member of his family, 'each person forming part thereof when such unlawful act is done or threat used shall be deemed to have been a member of an unlawful assembly.' That is, while expostulating with these strikers, if one of them in my presence while a strike is going on in Montreal or elsewhere utters a threat I am liable to be arrested. Is that the spirit of a law dealing with free men? Is that the spirit of British liberty? I say no. This Bill, if it passes, will have exactly the counter effect of what it proposes to carry out, and what it proposes to carry out I am in favour of—the repression of crime and strikes. But if you overdo a thing, you will undo it. In this case, it must be distinctly understood that crime is punishable, and this much more must be had in view, that law-abiding people must stand against crime; but when the law is so framed that you cannot at first sight distinguish between the innocent and the culprit—while the innocent is as liable to be arrested as the culprit, I say the principle or spirit of such a law is anti-British and against the best principles of legislation. This is one of the reasons I am opposed to the Bill. I am not opposed to the repression of strikes or of crime in any way, but I am opposed to that spirit and I am further opposed to the Senate levelling our legislation more particularly at a certain class of people who have been so far held under tutelege, but who, we must remember, are a great factor in the land. The labouring classes are apt to go astray possibly. Members of parliament may go astray and capitalists also may go astray, but why should we single out in this spirit the labour organizations and deal with them more severely than other organizations? I am convinced that the most wholesome element of our population is the labouring class. There are workers who work as hard; but the artisans are the best educated, the most enlightened among the working class. They are the class that in this country especially I might say is the most healthy, without disparaging others. Now because some little disorder was done in Montreal are we to pass such obnoxious legislation for the whole Dominion? I repeat I am against the spirit of this Bill —against a special law levelled at the labour classes which this Bill has in view. I protest as far as I individually can against this

measure, and, I for one, shall vote against it.

Hon. Mr. BEIQUE—I have no objection to acquiesce in the suggestion to leave out the words in the last three lines :

That he formed part of the assembly only casually without having any common purpose with the other members thereof——

The amendment was agreed to and the clause as amended was adopted.

Hon. Mr. DeBOUCHERVILLE moved that the committee rise.

Hon. Sir MACKENZIE BOWELL—That means that if the motion is carried the Bill is killed.

The committee divided, and the motion was rejected.

Contents 13 ; non-contents 30.

Hon. Mr. CLORAN moved to amend the Bill by adding to clause 4, in the second line, after the word 'any' the words 'illegal or illegitimate purpose. It would then read :

If at any time when a strike is in progress three persons or more assemble for any illegal or illegitimate purpose.

Hon. Mr. BEIQUE—The amendment is out of order.

Hon. Mr. MACDONALD (B. C.) from the committee reported the Bill with amendments.

Hon. Mr. BEIQUE moved that the amendments be concurred in.

Hon. Mr. BERNIER—Several members were not in the House during the discussion of this Bill, and it is but fair that the amendments should be printed so that we may know what we are voting for.

Hon. Mr. SCOTT—It is all fresh in the minds of hon. gentlemen, and it would be better to vote on it now.

The motion was allowed to stand until tomorrow.

EXTRA-JUDICIAL EMPLOYMENT OF JUDGES BILL.

DEBATE ON SECOND READING POSTPONED.

The Order of the Day being called :

Resuming the adjourned debate on the motion for second reading of Bill (U) An Act respecting the extra-judicial employment of judges.

Hon. Mr. POIRIER.

Hon. Mr. McMULLEN—I understand that by mutual consent it is agreed that the discussion upon this Bill should stand over until next week. I therefore move that the order be discharged and that it be set down as an order for Tuesday next and that it be the first order after the third readings.

The motion was agreed to.

NATURALIZATION AND ALIENS ACT AMENDMENT BILL.

AMENDMENTS CONCURRED IN.

The Order of the Day being called :

Consideration of the amendments made by the House of Commons to Bill (L) An Act to amend the Acts relating to Naturalization and Aliens.

Hon. Mr. SCOTT—The first amendment is merely verbal. It changes the title of the court in the province of Quebec from 'circuit' to 'district.' The next amendment is in reference to courts in Manitoba which it is maintained had not been properly described in the Bill. I move that the House concur in these amendments.

The motion was agreed to.

Hon. Mr. SCOTT—The next amendment relates to the North-west. The effect will be that an application may be made to a judge instead of to the court, in order to facilitate the proceedings.

The motion was agreed to.

Hon. Mr. SCOTT—The next amendment relates to the procedure, and is as follows :

Page 2, line 36.—After '1902' insert the following as subsection 5 of section 11a :—

5. In the North-west Territories the foregoing provisions of this section shall not apply, but in lieu thereof the procedure shall be as follows :—

(a.) On the presentation of the certificate the judge shall cause a copy thereof to be posted up in a conspicuous place in the court-house in which he holds his chambers, for at least two weeks.

(b.) At any time after the said copy is so posted any one may file with the clerk of the court where the said copy has been posted a written notice of objection to the certificate of naturalization being granted, stating the grounds of such objection, on the Wednesday following the expiration of the two weeks for which the copy is required to be posted, the judge shall hold a sitting in chambers, at which, if no objection has been raised, he shall direct the issue of a certificate of naturalization to the applicant, and if objection has been raised, he shall decide such objection in a summary way, and the judge shall have power to adjourn the said hearing from time to time.

Hon. Mr. LOUGHEED--I would suggest to my hon. friend that inasmuch as the conditions in the North-west Territories have very greatly led to these amendments, and that this amendment is particularly elaborate, the Bill should be reprinted and we should consider it in its entirety and its application to the conditions which obtain in the North-west Territories. What occurs to me at the present moment is this, as to what the jurisdiction of the judge is when the application is made before him. His jurisdiction, as I have already stated, is, to my mind, restricted entirely under such circumstances as to almost leave him without jurisdiction—that is to say, certain provisions are enacted as to the right of the applicant, after putting in certain residence and being possessed say of certain qualifications, to obtain naturalization. That is an absolute right of the applicant. Then it seems to me to be idle almost to file an objection if those provisions have been complied with. What is the judge going to consider? To what extent may his discretion be exercised? What may be his jurisdiction to refuse the application?

Hon. Mr. SCOTT—One ground would be that some party appeared who said that the applicant had not been three years in the territories. Exception might be taken to the affidavit, I suppose, that it was not sworn to before a commissioner. The ground upon which the judge would have to inquire would be very little indeed. One ground would be as to the truth of the statement that he had been in the territories three years, because he would have before him the oath of allegiance and he would have before him the applicant's affidavit that he had resided, and where he resided, and any evidence in support of that which might have been got where he took the oath before the commissioner. It is made as simple as it is possible to make it. The judge can deal with it in a summary way in chambers.

Hon. Mr. LOUGHEED—On the face of the Bill at first sight it would be made to appear that very wide discretion is given to the judge as to the issue of naturalization papers to the applicant.

Hon. Mr. SCOTT—Only if objection is taken.

Hon. Mr. LOUGHEED—Whereas even though objection be taken his jurisdiction is restricted to simply satisfying himself as to the accuracy of the statements made, namely, as to residence and character, and presumably as to identity. Outside of those three elements, it seems to me the judge cannot make inquiry or give consideration to any objections that may be raised.

Hon. Mr. SCOTT—No, I think not.

Hon. Mr. LOUGHEED—Under the circumstances, I see no way of bettering it. I regret that while the government is dealing with the Act of Naturalization, when one considers the very large proportion of aliens, and foreigners, and particularly those not of our own race are in that country, very wide discretion should have been given to the judges and courts as to issuing naturalization papers to the many thousands of foreigners who are going into that country at the present time. It is only a question of a very few years before they will be so overwhelmingly dominant in number that it may possibly be a very serious question. I allude to those races from Southern Europe, and aliens of that character, who certainly should not be naturalized until they become so closely identified and assimilated with our institutions as to make them good citizens, and, as I said before, within three years it is utterly impossible for foreigners of that kind to become an acquisition to the country so far as good citizenship is concerned.

Hon. Mr. BERNIER—I desire to endorse the remarks of the hon. gentleman from Calgary. It is a very serious matter, and I hope the government will look at it very carefully.

Hon. Mr. SCOTT—We have made no change in the general principles of the Naturalization Act except in regard to Canadians who desire to return. So far as foreigners are concerned, the law stands just as it was, except in the North-west. As the law stood before, the applicant had to appear before the Supreme Court there and it met only at long intervals, and it was urged in the other Chamber that greater facilities ought to be given, and there was no reason why a single judge sitting in chambers should not deal with it rather than the court when it met at a distant period.

That seemed to be the opinion in the other Chamber, and I think it was a very wise conclusion, because if parties remain three years in the territories and desire to become naturalized, all facilities should be given them for that purpose.

The motion was agreed to.

Hon. Mr. SCOTT—The next amendment is one that refers to Canadians who desire to return and take the oath of allegiance again and that is amending the old law. This is adding to section 18 'except that residence in Canada for not less than three months is sufficient.'

Hon. Mr. LOUGHEED—What is the position under the present law ?

Hon. Mr. SCOTT—He is in no better position than a foreigner.

Hon. Mr. LOUGHEED—And now he is permitted to return and become naturalized in three months. That is where they have become naturalized in another country, but if he has not been naturalized in another country, of course he does not require to be naturalized here.

Hon. Mr. SCOTT—No.

Hon. Mr. LOUGHEED—And the Bill permits them to be naturalized after three months' residence ?

Hon. Mr. SCOTT—Yes.

The motion was agreed to.

Hon. Mr. SCOTT—The next is carrying out that idea and altering the form of oath.

Hon. Mr. LOUGHEED—The schedule is amended to conform with the amendment reducing the three years to three months ?

Hon. Mr. SCOTT—Yes.

The amendment was adopted.

The SPEAKER—I should like to ask the hon. Secretary of State whether he does not think that we should make a consequential amendment as the result of the amendment which facilitates naturalization in the North-west Territories. I do not see why the procedure for naturalization in other portions of the country should not be the same.

Hon. Mr. SCOTT—It applies to all.

The SPEAKER—No, excuse me. It says 'in the North-west Territories'—why should not we, in the eastern provinces, have a chance to naturalize as readily as in the North-west ?

Hon. Mr. SCOTT—The hon. gentleman will find that 5a section 18 of the Naturalization Act is hereby amended by adding thereto——

The SPEAKER—I am speaking of the fourth amendment.

Hon. Mr. SCOTT—It is an entirely different clause.

The SPEAKER—I am only asking whether the hon. Secretary of State does not think as a consequential amendment we should made it apply to all the provinces ?

Hon. Mr. SCOTT—It says 'in the North-west Territories the foregoing provisions of this section shall apply.' This is not a foregoing provision. This is a subsequent one.

The SPEAKER—I am only speaking of this amendment.

Hon. Mr. SCOTT—My hon. friend is really in error.

The SPEAKER—I know quite well what I am talking about.

Hon. Mr. LOUGHEED—It seems to me we should have those amendments printed so that we may see their application. The Bill has been so recast that the original Bill has been practically wiped out. I do not wish to throw any obstacles in the way of putting the legislation through as speedily as possible.

Hon. Mr. SCOTT—To make it intelligible, you have to reprint it in the Bill.

Hon. Mr. LOUGHEED—It seems to me the amendments added by the House of Commons are much more voluminous than the original Bill.

Hon. Mr. SCOTT—3a, section 18, is an independent amendment, and applies to all parts of the Dominion, and applies to the North-west as well as the other parts of the Dominion.

The SPEAKER—I am not speaking of that amendment. It is the 4th amendment, an important one, which provides a summary and simple method of naturalization in the North-west. I suggested that I thought, as a consequence of that amendment we

should adopt the same rule with respect to all the provinces.

Hon. Mr. SCOTT—Oh, no; we could not do that. We discussed that before. You would have to define the different courts, and the courts meet more frequently in the other provinces. It would be altering the whole scope of the Bill if we did that. In the province of Quebec they apply to the district court in the district where the alien lives, and in Nova Scotia they appear before the Supreme Court. The reason for the change is that in the North-west the courts meet at more distant periods.

The amendment was adopted.

TORONTO, HAMILTON AND BUFFALO RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. KERR (Toronto), in the absence of Hon. Mr. Landerkin, moved the second reading of Bill (203) an Act respecting the Toronto, Hamilton and Buffalo Railway Company.

Hon. Sir MACKENZIE BOWELL—Is this one of the Bills that will likely be contentious—that is, affecting the municipalities—or is it an ordinary railway Bill?

Hon. Mr. KERR (Toronto)—It is a Bill that probably will provoke a good deal of discussion. It is the Bill that has been opposed by the city of Toronto, and it has largely provoked the discussion over municipal rights. Otherwise I may say that it is simply a Bill for the incorporation of a company to be operated by electricity or otherwise, but electricity is the idea, between Toronto and Hamilton, and there are reasons why it is properly a work for the general advantage of Canada.

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

THE BUTTER ACT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (207) An Act to prohibit the importation, manufacture or sale of adulterated, process or renovated butter, oleomargarine, butterine or other substitute for butter, and to prevent the improper marking of butter.

(In the Committee.)

On clause 2,

Hon. Mr. SCOTT—This is the interpretation clause. The clause A reads as follows:

> Creamery means a place where the milk or cream of not less than fifty cows is manufactured into butter.

The object of that clause is to give character to a certain grade of butter that now has a standing in the English market. The fact that fifty cows has been specified there does not indicate that a creamery with forty or thirty cows may not be equally good, but it was necessary to draw the line somewhere, and from the experience of the department, not only in Canada, but departments elsewhere that have had to deal with this question, that was considered a fair-sized creamery. I am advised that the majority of the creameries over this country embrace a very much larger number, some of them going up as high as 150 and 200 cows.

Hon. Mr. SULLIVAN—'Creamery' would not imply anything except for the manufacture of butter.

Hon. Mr. SCOTT—Only butter. The value of having a standard article can be very well proved and illustrated by a variety of instances. New Zealand adopted a standard of that kind and carried it out very carefully. They adopted by law the definition of a creamery at fifty cows, and I believe a law exists in Manitoba also fixing that number, but in New Zealand the Dairy Act was passed in 1898. Their export of butter in 1897 had been only 75 hundred weight. In 1898 it increased to 100,000 pounds. In 1900 it was 161,000. In 1902 it was 219,000. Now, in Canada the butter industry has shown marvellous changes at various times. So far back as the years between 1868 and 1880, our butter industry was a very important one. We exported over three million dollars' worth of butter. I will quote now from the trade returns, page 419, where the quantities are given. From 1880 the butter industry fell off very much until one year, 1889, it had fallen to an extremely low figure. It had been up to three million for a great many years and had fallen.

Hon. Mr. MACDONALD (B.C.)—Caused by spurious butter?

Hon. Mr. SCOTT—No, rivalry from New Zealand, Australia and other countries. Since that time the introduction of cold storage and better instructions to those who had charge of the dairy industry, led to an increase in the exports. The figures are as follows :

	Pounds.
In 1892..	1,000,000
" 1893..	1,200,000
" 1894..	1,000,000
" 1895..	697,000
" 1896..	1,000,000
" 1897..	2,000,000
" 1898..	2,000,000
" 1899..	3,700,000
" 1900..	5,172,000
" 1901..	3,395,000
" 1902..	5,660,000

The value also of the butter per pound had gone up, although it ranks to-day somewhat less than the New Zealand and Danish butter. Therefore it was felt it became necessary to adopt the standard that I found to prevail in other countries that have been successful in placing their butter in the English market. I may say the margin for trade in this article is a large one. Although Canada sends $5,000,000 worth of butter to England, or did last year, yet it is only 6 per cent of the value of the importation of butter into Great Britain, so hon. gentlemen can imagine the value it may ascend to. Our cheese industry cannot be expanded, because at the present time we supply nearly all the importations of cheese in the English market and, as I am advised, of recent years all they can do is to hold the ground they already possess.

Hon. Mr. SULLIVAN—Does the hon. gentleman mean that Canadian butter ranks next to Danish in value or grade ?

Hon. Mr. SCOTT—In value.

Hon. Mr. SULLIVAN—In grade where does it rank ?

Hon. Mr. SCOTT—The fact is it is quite as good, only the other has a more popular name.

Hon. Sir MACKENZIE BOWELL—There can be no doubt of the importance to the country of the subjects with which this Bill deals, nor can there be any doubt of the necessity of having such enactments as will insure a good quality of an article of produce when it goes to the European markets to compete with Danish and Irish butter, which formerly have occupied the foremost position in the markets of England. The information given by the Secretary of State is very valuable. I remember when our exports of dairy products amounted to about $3,000,000 per annum, while those of the United States went up from $15,000,000 to $20,000,000. I am very glad to know that although this country has only 6,000,000 population against 70,000,00 on the south of the line, we now export to the extent of $15,000,000 or $20,000,000 per annum, while our neighbours' exports have fallen to $4,000,000 or $5,000,000 per annum. That may arise from different causes, but one thing is certain, Canadian cheese has taken a better position in the English market than the cheese exported at the present day from the United States. The falling off, however, in the exports from the United States may possibly arise from the greater home consumption in so large a country as that is compared with ours. Now, it is only of late years we have begun to compete at all in butter, and the figures which have been read show a marvellous progress in that export as well as in the export of cheese. But the point under discussion, to my mind, and it is understood better by those engaged in that industry, is what to me seems an absurdity, to declare that a better quality of butter, and which is to be marked and labelled creamery butter, can only be made in a dairy supplied with the milk of at least fifty cows, while creamery butter from forty-eight or forty-nine cows would be as good. If the definition of butter was described by saying butter made in a creamery should only be considered creamery butter, when on inspection it was shown that the factory had all the machinery and appliances necessary to produce that better quality of butter, that would seem to me a better interpretation to give to 'creamery butter.' As the hon. member from Wolseley (Hon. Mr. Perley) pointed out to the House the other day, with a creamery established on his farm, of twenty-nine or thirty cows, he has buildings erected for the purpose, and all the appliances for manufacturing the best quality of butter from his cows, and he succeeded in carrying off the prizes to which he called attention of the House. Although he may make just as good and better butter than any

other creamery not having the necessary appliances and consequently not in a position to make as good butter, yet theirs would be branded creamery butter under this Bill, while his would not. The first necessity is absolute cleanliness in producing butter. There must be no foreign substances in the milk or cream. We should have the purest possible water, and everything in connection with it should be clean. I have not visited many creameries, but I have been in a good many cheese factories, because there are a great many in the county in which I reside, and I have found that those factories which produce the best cheese, which carries off the prizes and brings the largest prices in the English market, is manufactured in the parts of the country where the water is pure and the grass is good ; but with all these advantages, without absolute cleanliness and the best machinery it cannot produce that quality that this Bill is designed to promote. It is by the ninth clause as pointed out by the hon. gentleman from Wolseley you can manufacture butter, and if I understand it, you can mark it creamery provided it is not for exportation. This, of course, would not prevent people from exporting butter of any kind or quality. The only objection I have to that—and it seems to me a practical one—is designating a creamery to be a building in which butter is manufactured from fifty cows. I suppose the government will carry this Bill, but I felt it my duty to give expression to my views upon this matter, and I have formed them from what I have seen in living in a large dairy community nearly all my life. I do not desire to be disrespectful in speaking of this matter, but it seems to me to declare that good creamery butter can only be made in a factory where there are fifty cows is an absurdity. It may not be complimentary to those who have framed this clause, but if the government would change it and declare that a factory from which butter is made to be labelled 'creamery' should be one that has all the modern appliances for the production of that article, and only then after thorough inspection had been made by a competent officer who understood this question—such a man, for instance as Professor Robertson, or some one who has been under his tuition, and know their business—then it would be a practical clause. Whether that is the opinion of members of the Senate, and those who are more deeply interested in it than I am from a practical standpoint, I do not know. My interest is exactly that of the Secretary of State, and those who are placing the law on the statute-book, that we shall send to the English market butter which shall compete with the best in the whole world, and the most rigid regulations that could be made in order to bring that about, the House and the people would readily adopt. Whether that should be by providing that creamery butter should be the product of a five-cow creamery or a fifty-cow creamery, I do not know.

Hon. Mr. SCOTT—I quite concede, and I think I did in my introductory remarks, that equally good butter, perhaps better, can be made in creameries with less than fifty cows. I have no doubt there are farmers in this country where they have less than a dozen cows, where perhaps they make as good butter or better butter than in the ordinary creamery; but you have to make provision in a Bill of this kind for what is best to develop the trade. Now, there are between a thousand and two thousand creameries in this country. It has been found by those who have a practical knowledge of the subject, that the larger the creamery, the better machinery they have, and there is an inducement to have the most recent appliances, to have the refrigerating appliances alongside and every possible facility for making butter of the best quality. Those are the creameries that turn out the largest proportion of butter. But intelligent farmers make butter which, in many cases, is superior to creamery butter, but from the causes to which I have referred, it has been found that the best appliances are in the largest creameries and they turn out as a rule the most uniform quality of butter. They have their analysis made. Some of them may have a chemist at hand to examine the cream from time to time to see that it is up to standard, and greater particularity exists. It was therefore necessary, in defining a creamery, to bring it down to what was considered the lowest limit of the number of cows that supply the creamery butter that we make. It has been found, and that has been the experience in other countries, that fifty is

the lowest number. I have before me the statute of Manitoba which is very much in the same terms as this clause. 'The expression creamery means a butter factory in which the milk of fifty or more cows is received.' I have also the New Zealand law here and that is in the same terms, strange to say. I am reading now from the 'Official Gazette' of New Zealand :—

For the purpose of registration, dairies are divided into the following classes : One, creamery or factory, meaning thereby a dairy the milk supply of which is obtained from not less than fifty cows.

Hon. Sir MACKENZIE BOWELL—What other definitions have they ?

Hon. Mr. SCOTT—Number two private dairy, meaning thereby a dairy the milk supply whereof is obtained from less than fifty cows.

Hon. Sir MACKENZIE BOWELL—The word creamery only applies to fifty cows, and upwards.

Hon. Mr. SCOTT—Yes, but they number up from one hundred to two hundred cows or perhaps larger than that. The reason for selecting fifty cows is not to legislate against those who have a less number, but it is brought on by the actual necessity of having some dividing line. You may run too low, and then you would not have the best appliances, casting no reflection whatever on those who happen to have creameries supplied by a less number than fifty cows.

Hon. Mr. SULLIVAN—The only reason for naming fifty cows is this : Less than fifty cows would not pay to furnish the creamery with proper machinery. Irish butter once held first rank in the English market. Recently the Hon. Mr. Plunkett, member for the University of Dublin, took that matter up and in a spirit of the greatest patriotism went about encouraging the farmers. I agree with the hon. leader of the opposition, if the government has the power to make creamery mean certain appliances of certain quality, undoubtedly it is ahead of providing that fifty cows shall be the standard. Fifty cows may be the minimum number of cows which will pay to furnish a factory with those appliances, whatever they are—thermometers, separators and other machinery—but that is the proper way to do it. A man like me, an outsider, would have a difficulty in explaining these words 'fifty cows.' If the amendment suggested by the leader of the opposition could be adopted it would be infinitely better and would avoid a great deal of trouble if the government has power to declare that creameries shall have those appliances.

Hon. Mr. McGREGOR—A limit in weight would be better than limiting the number of cows, for the reason that in many sections there are cows that produce larger quantities of milk and butter than cows in other places. I know in all the creameries they test the milk and some show a large percentage of cream, and others less.

Hon. Mr. PERLEY—I have no other desire than to help the government to perfect this Bill. It is not a party measure to me at all. The hon. leader of the opposition said the government might carry this measure through, but he would offer his objections. I will suppose a case to show how perfectly ridiculous this provision would be. Take a person forty miles from a railway. It is unprofitable for him to raise wheat. He goes into stock raising, and manufactures butter, hauls in a load and gets $100 for it. He has perhaps fifty or sixty cows, and manufactures his butter in the crudest way possible. Its quality is bad, yet he can mark it creamery butter and it can be sold to a merchant and sent to England as such because he had fifty cows.

Hon. Mr. SCOTT—Oh, no ; it has to be inspected.

Hon. Mr. PERLEY—No, you have no provision for that.

Hon. Mr. SCOTT—I inquired specially about that. They say it is inspected at Montreal before it is exported.

Hon. Mr. PERLEY—Not at all.

Hon. Mr. SCOTT—I am so informed by the gentleman in charge of that duty.

Hon. Mr. PERLEY—I was told by the same gentleman, Mr. Ruddick, that it is not inspected. The hon. gentleman can ask him now. The point I want to make is this : I say that fifty cows is not a proper definition of a creamery. You might have fifty cows, and manufacture butter in the worst possible manner.

Hon. Mr. SCOTT—Yes.

Hon. Mr. PERLEY—The hon. gentleman should provide that a creamery shall have proper utensils and machinery, and that the butter shall be manufactured in a proper manner. If the government will accept my suggestion, I think the people will look upon it with greater favour.

Hon. Mr. McMILLAN—As coming from one of the best dairy counties in Ontario, I fully agree with this Bill, and if I had an amendment to make, I would provide that a creamery should be supplied with the milk of more than fifty cows.

Hon. Mr. SULLIVAN—What good will that do ?

Hon. Mr. McMILLAN—For the reason that in districts that are united for dairy purposes you hear of dividing, as they very often do—quarrelling amongst themselves, and dividing into a creamery district and a cheese factory district. In order to make a success of anything of the kind, it is well to have the support of all the patrons you can possibly reach. Now there are farmers in our county that could start a creamery of that description that have about forty cows or fifty-five cows themselves. Would you consider that a creamery ? If they disagree with the cheese factory, the first thing they do is to keep their milk and start a creamery of this description. I do not wish to press this view, but I think the number ought to be increased instead of being decreased. There is an expression here I do not understand in subsection (c) 'or harmless preservative.' I do not understand what that is ?

Hon. Mr. SCOTT—We will come to that later; we are dealing with subsection (a) now.

Hon. Mr. McMILLAN—I shall certainly support the Bill as it stands.

Hon. Mr. POWER—This definition of a creamery as has been suggested by hon. gentlemen opposite, needs some addition. If hon. gentleman will look they will see that clause 11 of the Bill speaks of persons charged with the enforcement of this Act, and clause 15 speaks of the Governor in Council making such regulations as they consider necessary to secure the efficient enforcement and operation of this Act. So, clearly, there are to be officers who are to look after the carrying out of this measure when it becomes law. Therefore, I think that the inspection to which the hon. gentleman from Wolseley referred is a practicable thing, and as that hon. gentleman pointed out, the mere fact that the milk of fifty cows is manufactured in a place is no guarantee that the butter manufactured there is of superior quality. It seems to me, as the department have officers to carry out this law, no place should be called a creamery which had not been inspected. It is all right to leave the number of cows as it is, but no place should be called a creamery which has not been inspected and licensed by the officers of the government. I would not charge anything for the license. Then you know you have the material and facilities at any rate to make good butter, and I think that every one of these creameries should be inspected at least once a year to see that the creamery is kept up to a proper standard and the license renewed accordingly. Then the marking of 'creamery' on butter would mean something. I would suggest to the Secretary of State whether, on consultation with his colleague, the Minister of Agriculture, he might not think it well to qualify this definition in such a way as to bring out the fact that a creamery was a place which had been inspected and licensed.

Hon. Mr. MACDONALD (P.E.I.)—We have in Prince Edward Island some thirty creameries. They are joint stock companies formed by the farmers within a certain radius of a particular point. They erect a building of considerable size furnished with all the necessary appliances for the manufacture of the best class of butter. It would not pay any settlement to establish a creamery of that kind unless they could supply the milk of upwards of fifty cows from the surrounding country, and of a much larger number in many places. As far as I remember, speaking from memory, the limit in Prince Edward Island for the establishment of a creamery is sixty cows. The creamery must be under the management and direction of a person who is thoroughly posted in the manufacture of butter, according to the latest and most approved method. He must have served his apprenticeship in a creamery, where he would learn the latest and best mode of

manufacturing butter, before he would be put in charge of one of those creameries. They have been attended with a good deal of success there. Although no legislation of this nature, respecting their management has been in existence they have been uniformly successful. At certain seasons of the year, they become, besides creameries, cheese factories and manufacture cheese. I see, in a return which is under my hand here, that it does not give the production for the last year, but in 1901 there were thirty creameries. I think the number has been somewhat increased since that period, and they produced 673,000 pounds of butter. It does not give the quantity of cheese which they manufactured during the season but the value of the butter made was $132,792. The description of a creamery might possibly be improved by putting it otherwise than by the number of cows, but that is a matter that does not affect the Bill.

Hon. Mr. PERLEY—I would suggest this amendment, which I hope will be acceptable: At the end of the clause add the words 'if a building properly equipped with machinery for making creamery butter.'

Hon. Mr. SCOTT—That seems reasonable.

Hon. Mr. PERLEY—I would dispense with the license and everything of that kind.

Hon. Sir MACKENZIE BOWELL—And particularly if you add the suggestion made by the Speaker that there should be a proper inspection before a license is granted. This Bill lays down the principle that good creamery butter can only be made in a factory in which the milk from fifty cows at least shall be manufactured. If the hon. Senator from Glengarry (Hon. Mr. McMillan) is prepared to state that creamery butter fit for exportation shall only be made in a dairy of fifty cows, his argument is very good. If the hon. Secretary of State will accept those words, I think it would be an impovement.

Hon. Mr. SCOTT—I do not see any objection to the words suggested.

Hon. Mr. MACDONALD (P.E.I.)—I would suggest you add also machinery and appliances, because there are other appliances besides machinery.

The clause was amended and adopted.

On subclause (c),

Hon. Mr. McMILLAN—What is 'harmless preservative'?

Hon. Mr. SULLIVAN—Salt, only don't put too much of it in.

Hon. Mr. McMILLAN—This would convey the idea there was some other preservative.

Hon. Mr. SCOTT—I would not consider anything harmless that went into butter.

Hon. Mr. SULLIVAN—That is all right. I think there is no objection to that.

The subclause was adopted.

On subclause (f),

Hon. Mr. POWER—I have an observation to make with reference to this subclause:

(f.) 'Renovated butter' or 'process butter' means any butter which has been melted, clarified or refined, and made to resemble butter.

The definition uses the word defined. The article is made to resemble something which it does not. I think it should be made to read 'to resemble butter of a higher character' a 'genuine butter.'

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. POWER—As it stands, I do not see what sense there is in it.

Hon. Mr. SCOTT—That is the present law.

Hon. Mr. SULLIVAN—That is all right; if it is melted, clarified or refined it is no longer the butter that it was originally.

Hon. Mr. SCOTT—Where a dealer has butter of various brands he mixes them together and that is what is called renewing them.

Hon. Mr. POWER—It says 'to resemble butter.'

Hon. Mr. SCOTT—Yes, and it is not butter. The moment butter has been melted, it will not solidify and retain the original quality. There is an amount of natural fat with it. There are a number of inferior qualities of butter melted and put together.

Hon. Sir MACKENZIE BOWELL—When butter that becomes rancid they remelt and clarify it, and fit it for axle grease.

The clause was adopted.

On clause 3,

Hon. Mr. SCOTT—In England the law is that it is unlawful to sell butter with over

16 per cent of water in it. In our butter, as a rule, it does not exceed 11 or 12 per cent. It varies from eight to thirteen. We have taken the extreme limit, as it is the law of England.

The clause was adopted.

On clause 4,

Hon. Mr. SULLIVAN—It would take a chemist to understand this clause. There are certain salts which absorb water. Therefore, I think that that might be amended in some way.

Hon. Sir MACKENZIE BOWELL—It says 'any substance whatever.'

The clause was adopted.

On clause 5,

Hon. Mr. McGREGOR—This strikes me as a most objectionable provision. I think it is an interference with trade and private rights. I can not see why, if I choose to buy or sell oleomargarine or anything else, so long as I know what it is, I should not be permitted to do so.

Hon. Mr. SULLIVAN—The hon. gentleman might sell a poisonous substance.

Hon. Mr. McGREGOR—I might sell a poisonous substance in butter. You might get bad butter from a diseased cow. You might get bad butter from a creamery, but it is hardly possible to get diseased oleomargarine.

Hon. Mr. SULLIVAN—How is it manufactured ?

Hon. Mr. McGREGOR—I do not know. This clause was prepared by some people who have had their bread buttered all their lives. But there are men who cannot afford to buy butter, but who can afford to buy oleomargarine. I cannot see any harm in its being sold under that name. It seems to me a restriction of trade and private rights.

Hon. Mr. SCOTT—The present law provides that no oleomargarine, butterine or other substitute for butter, manufactured from any animal substance other than milk, shall be manufactured in Canada or sold therein, and any person who contravenes this Act shall incur a penalty not exceeding $400, and not less than $200, and in default is liable to imprisonment not exceeding twelve months and not less than three months. This applies to oleomargarine, butter manufactured from any animal substance. At the time this Act was passed, in 1886, it was supposed vegetable substances could not make butterine, or oleomargarine. The ingenuity of the age has found that cotton seed oil could make it. And, therefore, it became necessary to change the Act in that respect, to manufacture it wholly or in part from any fat. The other referred to animal fats, and, therefore, it was to meet the two experiments that have been made of recent years by which they manufacture from vegetable fat. That is the object of it.

Hon. Sir MACKENZIE BOWELL—This does not prevent the hon. gentleman dealing in oleomargarine, but he must not sell it as butter.

The clause was adopted.

Hon. Mr. FULFORD, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again.

It being six o'clock, the Speaker left the Chair.

After Recess.

SECOND READINGS.

Bill (159) an Act to incorporate the Canadian Yukon Western Railway Company.—(Hon. Mr. Landerkin.)

Bill (175) an Act respecting the Century Life Insurance Company.—(Hon. Mr. Macdonald, B.C.)

Bill (81) an Act respecting the Brandon and South-western Railway Company.—(Hon. Mr. McHugh.)

Bill (176) an Act to incorporate the Canadian Transportation and Storage Company.—(Hon. Mr. Landerkin.)

COMPANIES' ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (K) An Act to amend the Companies' Act, 1902.

(In the Committee.)

Hon. Mr. SCOTT—We have gone through all the clauses except the last, and it seem-

ed as if the penalty had not been provided for there. In the Ontario Act the damages depend entirely on the pecuniary loss. A party has to prove what the damage has been, but I have had the law clerk prepare an amendment which will help it. The clause, as amended, will read as follows :

69. The directors of the company shall not declare or pay any dividend when the company is insolvent, or any dividend the payment of which renders the company insolvent or diminishes the capital thereof ; but if any director present when such dividend is declared, forthwith, or if any director then absent, within twenty-four hours after he has become aware thereof and able so to do, enters his written protest against the same, and within eight days thereafter publishes such protest in at least one newspaper published at the place in which the head office or chief place of business of the company is situated, or if there is no newspaper there published, then in the newspaper published nearest thereto, such director may thereby, and not otherwise, exonerate himself from such liability arising out of such declaration or payment.

I have added these words at the end of the clause to make it more definite.

Hon. Mr. LOUGHEED—What is the extent of it? What does the 'such' refer to ?

Hon. Mr. SCOTT—That refers to the liability in a former part, that is, declaring a dividend or paying a dividend. It makes it more definite that he is liable for whatever that amount may be. He shall not relieve himself unless he has taken the precaution referred to in the clause.

Hon. Mr. LOUGHEED—He becomes liable for what ?

Hon. Mr. SCOTT—For the loss arising out of the payment of the dividend.

Hon. Mr. LOUGHEED—That might be direct or indirect. What occurred to me was this, if it should not be limited to the extent to which the capital had been impaired by the payment of the dividend.

Hon. Mr. BEIQUE—The doctrine is pretty well established that dividends are considered proofs of revenue, and the director incurs the liability to the extent of the amount which has been paid.

Hon. Mr. LOUGHEED—That would be all right, but this goes away beyond that.

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. LOUGHEED—Yes, the 'liability arising therefrom.' It may be said that indirect loss follows from such an action. It might cover damages sustained by reason of the capital being invaded to that extent.

Hon. Mr. SCOTT—Of course if you choose you can leave it as it was originally, the same as the Ontario Act.

Hon. Mr. LOUGHEED—Originally it was objectionable also. It made the directors liable for all existing debts of the company.

Hon. Mr. SCOTT—The interpretation, under the Ontario Act, is that the party is liable for the damages arising from the payment of the dividend. In this Bill it was the same as in the Ontario Act. The House did not seem to think it was definite or positive enough, and there was objection to the section of the federal statute which they thought was too large.

Hon. Mr. LOUGHEED—It might be difficult to establish, under that clause, the loss as following from the payment of the dividend.

Hon. Mr. SCOTT—If the company paid a dividend when they had made no profits, they would certainly be liable.

Hon. Sir MACKENZIE BOWELL—That means the company.

Hon. Mr. SCOTT—The directors.

Hon. Sir MACKENZIE BOWELL—Your proviso, as I understand it, provides that unless a director who is absent takes steps to relieve himself of it he becomes responsible for what ?

Hon. Mr. SCOTT—For the money loss to the company by the payment of dividends when there was no justification for it.

Hon. Sir MACKENZIE BOWELL—To what extent ?

Hon. Mr. SCOTT—The whole cash loss of the dividend.

Hon. Sir MACKENZIE BOWELL—Then the parties who declared the dividend would be relieved would they not, and the loss would fall on the person who was not present ?

Hon. Mr. SCOTT—Oh, no, the director who was not present relieves himself.

Hon. Sir MACKENZIE BOWELL—But if he does not ?

Hon. Mr. SCOTT—Then they all share it.

Hon. Mr. POWER—We are told how the directors can get rid of the liability, and then it says the directors may 'thereby, but not otherwise, absolve themselves from such liability.' The world liability has not been mentioned in the clause before and liability is not defined. The amendment the hon. gentleman has suggested would define the liability. There should be something in the clause to define the liability.

Hon. Mr. SCOTT—I submit the proposition. It simply strengthens it in my judgment: 'every liability arising out of such declaration or payment.' That is the declaration of the dividend, or payment of the dividend.

Hon. Sir MACKENZIE BOWELL—I think that meets it.

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

Hon. Mr. LANDERKIN, from the committee, reported the Bill with amendments, which were concurred in.

THE BUTTER ACT BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of (Bill 207) An Act to prohibit the importation, manufacture or sale of adulterated, process or renovated butter, oleomargarine, butterine or other substitute for butter, and to prevent the improper marking of butter.—(Hon. Mr. Scott.)

On the 9th clause,

Hon. Mr. PERLEY—I desire to make an addition to this clause. A party may make butter which he is not going to export and put the word 'creamery' on it, and sell it in the North-west, and every other part of Canada. It does not affect me in the least, but I say that no man should be allowed to put 'creamery' on his butter, unless the butter is made in a creamery with appliances fit to make the butter. We certainly want as good butter here as we send to England.

Hon. Mr. POWER—We all believe in that kind of protection.

Hon. Mr. PERLEY—After the word 'export' we should add 'provided the said butter is manufactured in a building equipped with proper machinery for making creamery butter.' They cannot mark it 'creamery' unless it is made in such a building.

Hon. Mr. POWER—This particular clause was not in the Bill as introduced in the House of Commons. It was brought in during the progress of the Bill through the House, and I should recommend my hon. friend, instead of moving this amendment, to move to strike out that clause. It does not do any good, and it is highly objectionable. I think the people of the Dominion should be protected from bad butter masquerading under the title of 'creamery butter' as well as the people of England.

Hon. Mr. SCOTT—It may be very good butter.

Hon. Mr. PERLEY—But that would debar a man from marking his butter 'creamery butter' unless he had fifty cows. A man might have forty cows, and he could not mark his butter 'creamery,' but if we add the words that I have suggested at the end of the clause he will be enabled to do so.

Hon. Mr. SCOTT—We might say 'equal to creamery butter,' because we have defined the meaning of the word 'creamery,' and it could not be creamery unless he had fifty cows.

Hon. Mr. PERLEY—According to the preceding clause, a man could not make creamery butter with forty-nine cows, but under this clause he could, if those words were inserted. Under the clause, as it stands, I cannot make a pound of butter and call it creamery. I specify in my amendment that it must be made in a creamery.

Hon. Mr. SCOTT—We might make it read in this way:

> Provided the said butter is manufactured in a building equipped with proper appliances for making creamery butter.

Hon. Mr. PERLEY—That will do very well. That makes it so that any one can understand it.

Hon. Mr. SCOTT—Or you could say 'with appliances used in creameries.'

Hon. Mr. PERLEY—Yes, but the way I have it would be more distinct.

Hno. Mr. SCOTT—No, because you establish a definition of creamery, and it conflicts with that.

Hon. Mr. PERLEY—Then put it the way the hon. gentleman wishes.

Hon. Mr. POWER—That defeats the hon. gentleman's object, because creamery is defined in the Bill as a place where butter is manufactured with not less than fifty cows.

Hon. Mr. McMILLAN—You could not put 'creamery' on, because you have defined it.

Hon. Mr. SCOTT—I would suggest that the following be added to the clause :

Provided the said butter is manufactured in a building equipped with the appliances used in creameries.

Hon. Mr. PERLEY—That will answer.

Hon. Mr. LANDERKIN—I am quite satisfied the clause should be amended in that way. I have had several complaints in regard to this clause by people engaged largely in the creamery business. They say the difficulty that would arise would be that the standard would be lowered.

The clause was amended and adopted.

Hon. Mr. POWER—Before the Bill is read the third time, I hope the hon. gentleman will consult his colleague, the Minister of Agriculture, and see if subclause 'f' of the second clause cannot be improved, and some name substituted for 'renovated butter.'

Hon. Mr. SCOTT—It is the old clause. It is called 'renovated butter.'

Hon. Mr. POWER—But renovated butter is butter.

Hon. Mr. THOMPSON, from the committee, reported the Bill with amendments, which were concurred in.

OFFENCES CONNECTED WITH TRADE AND BREACHES OF CONTRACT BILL.

REPORT OF THE BANKING COMMITTEE CONSIDERED.

The Order of the Day being called :

Consideration of the amendments made by the Standing Committee on Banking and Commerce to (Bill H) An Act to amend the Criminal Code respecting offences connected with trade and breaches of contract.—(Hon. Sir Mackenzie Bowell).

Hon. Mr. LOUGHEED—This Bill has been discussed at such length before the committee to which it was referred that I have no intention to make any observations on it, but simply move concurrence in the amendments made by the committee.

Hon. Mr. BEIQUE—I beg to move the amendment of which I have given notice. The clause, as amended by the committee, is as follows :

524a. Every one is guilty of an indictable offence and liable to two years' imprisonment who, not being a British subject, or who, being a British and not having been continuously domiciled and resident in Canada during one year next before the commission of the act complained of, does in Canada counsel, incite, urge or induce any strike or any lock-out, or the continuance of any strike or any lock-out.

Now, I propose to add the following words to this amendment, after the word 'lock-out' :

1. Or a rise or fall in wages, or the imposition of additional or different conditions or terms of employment, or the impairing the exercise of industry, employment or labour.

I have a further amendment to strike out subclause 2, which is as follows :

2. This section shall not apply to any person who, being a duly accredited officer of any international organization, comes into Canada to bring about a settlement of any strike or lock-out.

It will be apparent to hon. members, on reading the Bill as amended, that it provides merely against inciting a strike or lock-out. Therefore, any of the parties contemplated by the Bill could come and do the very mischief wich is intended to be guarded against by the Bill as if the Bill were not passed. All they would have to say is they do not counsel any strike, but they might counsel anything that would tend to create a strike, and of course the men whom he would be addressing would privately understand why he did not counsel a strike, because they would be prevented from doing so by this Bill. Therefore, if it is desired to give any effect to the Bill it would be necessary to go further than is suggested by the amendment of the committee, and it is for that purpose I propose to add these words : 'Does in Canada counsel, incite, urge or induce any strike or any lock-out, or the continuance

of any strike or any lock-out,' and I would add :

Or a rise or fall in wages, or the imposition of additional or different conditions or terms of employment or the impairing the exercise of industry, employment or labour.

It is always by means of that kind that strikes or lock-outs are brought about. If it is desired to give any effect to the Bill, this should be added. I merely propose to add to the clause as reported by the committee the words I have read.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is not dealing with the amendment made by the committee. He is now making a motion to add to the original clause of the Bill.

Hon. Mr. BEIQUE—No.

The SPEAKER—The question was on the adoption of the Bill as reported by the committee. Now the hon. gentleman is moving an amendment, of which he gave notice a long time ago.

Hon. Sir MACKENZIE BOWELL—But that is in addition to the original Bill.

The SPEAKER—No, to add to the first subsection of the clause as reported by the committee.

The amendment as amended was adopted.

Hon. Mr. LOUGHEED moved the adoption of subclause 2.

Hon. Mr. BEIQUE moved in amendment that the subclause be stricken out.

The amendment was adopted.

Hon. Mr. MACDONALD (P.E.I.)—There was a motion made by an hon. gentleman who is not present to add another proviso to that Bill. As no person has moved in that matter, I presume it would be quite in order for me to make a motion to the same effect as that of which he gave notice, and if so, I will move in the same line as his notice of motion, that the following be added at the end of the first clause :

Provided always that nothing herein contained shall be construed to prevent any duly accredited officer of any international association from coming into Canada for the purpose of bringing about a settlement of any existing strike or lock-out.

The SPEAKER. That has been negatived already.

Hon. Mr. MACDONALD (P.E.I.)—I must say that motions are put in this House when so much talk is going on that we cannot hear them all over the House. If hon. gentlemen all round me were attending to the business of the House, I might have heard it, but I certainly did not hear that motion put.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, July 17, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (97) An Act respecting the Manitoulin and North Shore Railway Company.—(Hon. Mr. Ellis, in the absence of Hon. Mr. Dandurand.)

Bill (156) An Act to incorporate the Montreal-Longueuil Bridge Company—(Hon. Mr. Ellis, in the absence of Hon. Mr Beique.)

Bill (99) An Act respecting the Canada Central Railway Company.—(Hon. Mr. Templeman.)

Bill (K) An Act to amend the Companies Act, 1902.—(Hon. Mr. Scott.)

Bill (207) An Act to prohibit the importation, manufacture or sale of adulterated, process or renovated butter, oleomargarine, butterine or other substitute for butter, and to prevent the improper marking of butter.—(Hon. Mr. Scott.)

SECOND READING.

Bill (135) An Act to incorporate the Quebec, New Brunswick and Nova Scotia Railway Company.—(Hon. Mr. McSweeney.)

POST OFFICE ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (208) An Act to amend the Post Office Act.

Hon. Sir MACKENZIE BOWELL—What I should like to know with reference to this clause is whether the appointment of a mail clerk and the provision for annual increases of fifty dollars per annum is considered the bargain into which they enter when they

become clerks, or whether it would be optional with the minister to withhold these increases for any causes during the period of service. No doubt the Secretary of State is acquainted with the decision in the case of the postmaster at Winnipeg, who entered an action against the government under the post office law, claiming the salary which the law provided he should receive in case the receipts of the office amounted to a certain sum. As I understand it, the judge gave a verdict against the government in that case, and that there is at present a large sum, fifteen thousand dollars, in the estimates to meet similar cases of that kind, that is to pay to those postmasters and deputies the sums which they claim they should have received under the provisions of the law. I should like to know whether this clause in reference to post office clerks would have the same meaning that has been given by the courts in the case to which I have called attention.

Hon. Mr. TEMPLEMAN—It seems to me subsection (b) would readily answer my hon. friend's question. The subsection is as follows :—

(b.) Railway mail clerks shall pass a yearly case examination ; and no railway mail clerk shall be entitled to an increase of salary in any year in which he has not passed a satisfactory case examination, and no increase shall be granted except on the report of the deputy head, concurred in by the head of the department, stating that the clerk is deserving of such increase.

Hon. Sir MACKENZIE BOWELL—That does to a certain extent; that is, he would not be entitled to the appointment or the increases unless he passed the examination. After appointment could he claim his increases under the law, irrespective of any action of the department ?

Hon. Mr. TEMPLEMAN—I think not. The clause says :—

No increase shall be granted except on the report of the deputy head, concurred in by the head of the department, stating that the clerk is deserving of such increase.

The deputy head supported by the minister, must approve of the addition; in other words that the clerk is deserving of the increase.

Hon. Sir MACKENZIE BOWELL—I understand all that, but still it does not meet my point. Supposing the provisions of subclause (b) are complied with, can the clerk demand that as a right ? That is the point. The Secretary of State, who has had more experience than my hon. friend in charge of this Bill, will know that the law governing the inside civil service provides for an annual increment of $50 per annum, but that rests entirely with the minister. If the deputy head reports that the clerk is entitled to it, he then asks for the appropriation. If, however, the deputy head reports that the clerk's conduct has not been such as to justify the increase, then he does not get it. That is in the discretion of the minister, if I understand the Civil Service Act. This is different. This is placing these clerks in precisely the same position—at least it so strikes me—as those to whom I have referred.

Hon. Mr. SCOTT—I think not. This will place him on the same plane as the ordinary clerk in the civil service, that is as far as the payment of the $50 increase is concerned.

Hon. Sir MACKENZIE BOWELL—I do not think so.

Hon. Mr. SCOTT—That always goes as a matter of form to council, and it is only in those cases where the council has approved of it that the increases are granted. In many cases the present government did not pass it. They are doing it now, however. They have adopted the precedent of former years, and it is always granted, as a matter of course, except for cause.

Hon. Sir MACKENZIE BOWELL—But the option rests with the minister.

Hon. Mr. SCOTT—So it does here.

Hon. Sir MACKENZIE BOWELL—Supposing the clerk in this case complies with all the requirements of subclauses (c), (d) and (e), could he then claim the $50 ? He would not be in the position of a civil servant in the inside service, because this is a different law altogether from the law governing the inside service.

Hon. Mr. SCOTT—He must have the approval and recommendation of the minister. Without that it could not be legally claimed.

The subclause was adopted.

On subclause (d),

Hon. Sir MACKENZIE BOWELL—Why should we not go a little further than the university? Surely a person who has acquired the title of B.A. in an ordinary college should be qualified?

Hon. Mr. SCOTT—We are following the law as it is.

Hon. Sir MACKENZIE BOWELL—I do not know that that is a reason. We are changing the law to improve, as I understand, the clerks in these particular employments. We are making provisions in reference to qualifications. It does not follow that, being in the law, therefore it is right and should not be extended. I merely throw out the suggestion.

Hon. Mr. SCOTT—This university degree will dispense with the civil service examination.

The subclause was adopted.

On clause 4,

Hon. Mr. MACDONALD (P.E.I.)—Under this clause a person can be appointed to any of these positions without passing the civil service examination or the case examinations referred to in other portions of the Bill. Subclause 4 reads as follows:

4. The probationary period referred to in the said section 6 shall be deemed to be the period of employment in any capacity in the public service prior to the date of appointment or employment under the Civil Service Act.

Hon. Mr. TEMPLEMAN—This refers to the letter-carriers down to the bottom of page 2. Chapter 28 of 1902 refers to messengers, porters, &c.

Hon. Sir MACKENZIE BOWELL—This is doing away to a great extent, with many provisions of the Civil Service Act. That seems to be the tendency of legislation, however, this session. It was carried to a very great extent in the Customs Act, and this is to a certain extent doing precisely the same thing, placing more power in the hands of the minister independent of the provisions of the Civil Service Act.

Hon. Mr. TEMPLEMAN—That may be very proper.

Hon. Sir MACKENZIE BOWELL—That would depend altogether on who the minister is. Having no confidence in the present ministers we should be careful.

The clause was adopted.

On clause 6, subclause 2,

Hon. Sir MACKENZIE BOWELL—Subclause 2 reads as follows:

2. Any clerk in any of the said offices who, at the passing of this Act, is in the third class, shall be deemed to be a junior third class clerk, his salary until otherwise ordered continuing to be the amount which he is then enjoying, subject to annual increases not exceeding fifty dollars until it reaches eight hundred dollars a year.

What does that mean?

Hon. Mr. TEMPLEMAN—This clause proposes to amend section 15 of the statute of last year which provided for clerks in city post offices as follows: 'Fourth class on appointment $400 by annual increase of $50 up to $600.' You will observe there is an increase of the maximum of $100 there. Under the law there were three classes, first, second and third. It is proposed to divide the second and third classes into two—that is two grades in each. The maximum of third class before was $600, reached by annual increase of $40. We have two grades under this Bill with larger maximum salaries. The senior third class begins at $800 and goes up to $900 and so on. In order therefore to apportion the clerks now in the post offices to the grades under this Bill, it will be observed as there are only third class, second and first class clerks it will be necessary to say whether third class clerks, for instance, shall be senior thirds or junior thirds and the same with the second class. Subclause two provides that:

2. Any clerk in any of the said offices who, at the passing of this Act, is in the third class, shall be deemed to be a junior third class clerk, his salary until otherwise ordered continuing to be the amount which he is then enjoying, subject to annual increases not exceeding fifty dollars until it reaches eight hundred dollars a year.

All the clerks now in the second class will be put into the senior second class under this Bill.

Hon. Mr. MACDONALD (B.C.)—Is there any higher rating of letter-carriers under this Bill?

Hon. Mr. TEMPLEMAN—Yes.

Hon. Mr. FERGUSON—Some post office clerks read this to make it appear that all the third class clerks now shall become junior third class clerks.

Hon. Mr. SCOTT—No they are divided.

Hon. Mr. FERGUSON—The question my hon. friend has raised indicates, as far as I can see, the only weak part of that section. It seems to me the third class clerks—and I have had communications with regard to this very point—who are now third class clerks should be declared to be senior third class clerks, their salaries to remain as they are, subject to be increased until they reach the maximum of the class, $900 a year. It is not altogether just to those clerks that they should be declared to be junior clerks and subject only to increases until they get $800 a year, because when they come to that point they must have a promotion before they can go on and reach the maximum. Until promoted from the junior to the senior class, these clerks will not be able to reach the maximum of the class. That is all right for those coming in hereafter, but those who have been in the service for years will not be entitled to receive their further increases and go on to the maximum of $900 unless they get promoted. If my hon. friend would amend subsection 2 of clause 6 of the Bill in this way, by changing the word 'junior' in the second line to 'senior' and making the amount $900 instead of $800, he would accomplish the object I have in view. It would simply declare that those who are now in the service shall be senior, in place of being junior third class clerks. Their salaries would be whatever they are at the present time, but it would be open to them to reach the maximum of the class of $900 without having to receive a promotion from the junior to the senior branch of the class. I hope my hon. friend will seriously consider it. There is a strong feeling on this point, among those who have been a long time third class clerks, and that is the only objection to the Bill that I know of.

Hon. Mr. TEMPLEMAN—I shall be glad to make the representations of my hon. friend to the Postmaster General, but I would not undertake to accept his amendment at present. It seems to me that as the maximum is now $800, no clerk, being assigned to the junior third under this new law, will have any hardship. When he is a deserving clerk, he will undoubtedly be moved at once to the senior third class and go by annual increases up to $900.

Hon. Mr. FERGUSON—The difference I suggest would be that these third class clerks now in the service shall be regarded as senior third class clerks at the salaries they now receive, but they will be allowed an increase year by year until they reach the maximum of their class, $900.

Hon. Mr. TEMPLEMAN—Those who are now at the maximum of third class clerks ?

Hon. Mr. FERGUSON—All now in the class. I know my hon. friend has kindly undertaken to make this representation to the Postmaster General. I hope he apprehends the point I am making—that those who are now in the service should be held to be senior third class clerks.

Hon. Mr. TEMPLEMAN—Those who are now at the maximum ?

Hon. Mr. FERGUSON—No, those who are in the service now starting at their present salaries and that they may go up to the maximum without having to receive promotion. Take the case of a clerk who has reached the maximum third-class and is getting $800. There has been no opportunity to promote him. There may not be, in the particular office in which he is, an opportunity to promote him for years to come, not because he is inefficient, but because they have all the clerks of that class they can employ in that office; The object is that he may be allowed to take his yearly increment until he reaches the maximum now fixed at $900, and not be subject to be held up waiting for a promotion. The only changes would be that the word 'junior' at the end of the second line should be struck out and 'senior' inserted, and that the word 'eight' at the second last line of the section be struck out and 'nine' inserted. That would bring about the change I am suggesting.

Hon. Mr. MACDONALD (P.E.I.)—Is there any good reason for dividing the classes into two divisions ? I cannot see any. I quite concur in the amendment sug-

gested by my hon. friend from Marshfield. There are certainly cases in which a third-class clerk, having arrived at the maximum salary of his class which is at the present time $800, should at once be placed in the position of a senior third-class clerk. He has been for years at $800 and there would be no opportunity to increase his salary without promotion, and that promotion is in the hands of the minister and deputy minister, whereas, although the gentleman at the head of the office in which he is employed may have recommended him for promotion for years past, still until the Postmaster General, or the deputy minister, decides he shall receive that increased salary, he will not get it under this Bill, and I think the recommendation of the Postmaster, say of Montreal, Charlottetown, or any large city, the capital of a province, for instance—that the recommendation of the chief postmaster in the province in the office in which the clerk is employed should have some effect, and that on his recommendation the minister should give him the increase of salary to which he would be entitled if promoted from the class in which he is at present to a higher class.

Hon. Sir MACKENZIE BOWELL—The difficulty has arisen in substituting two second and two third classes. If you read paragraph three you will find that it declares that any clerk who is a second-class clerk now shall be considered a senior class clerk, which enables him to receive his $50 per annum increase until he reaches the maximum of $1,200. If, however, this were not the case, he would remain in the junior second-class with a salary of $1,000. You have made a positive distinction between the two classes. You declare that a clerk who is a second-class clerk now, with a maximum salary of $1,000, shall be considered in the senior class entitled to increases until it reaches $1,200, but you make no provision to treat third-class clerks in the same manner, as pointed out by my hon. friend from St. John, and the hon. gentleman from Marshfield. Why should not third-class clerks, who are worthy, be treated the same as second-class clerks, and be considered senior third-class clerks, enabling them to raise in two years to the maximum of $900, and then they would have to take their chance of promotion to the second class? It would be placing the third-class clerks in precisely the same position that you have, by the third paragraph of this clause, placed the second-class clerks. That is the position taken by the hon. gentleman from Marshfield and St. John, and concurred in by the hon. gentleman from Charlottetown. If the hon. minister would consider that, we might let this clause stand and go on and pass the remaining clauses.

Hon. Mr. TEMPLEMAN—I am quite willing that this clause shall stand until I submit the suggestion of the hon. gentleman from Marshfield to the Postmaster General. I can understand, however, why a second-class clerk, being rather a superior class to the third-class clerk, might receive the advantage given under this classification. However, we will pass over clause six for the present.

The clause was allowed to stand.

On clause 9,

Hon. Mr. ELLIS—I have been spoken to with reference to this clause:

9. Section 26 of the Post Office Act, as enacted by section 3 of chapter 20 of the statutes of 1898, is amended by inserting the following proviso at the end of subsection 1:

'Provided always that in any case where the distance in Canada which any such newspapers or periodicals are required to be transmitted does not exceed three hundred miles from the place of publication, and such newspapers or periodicals (the distance for transmission of which is limited as aforesaid) are not to be delivered in Canada under the free letter-carrier delivery system, the said rate of one-half of one cent for each pound or fraction of a pound weigh shall be reduced to one-quarter of one cent.'

In the first place, I wish to ask does it apply now to semi-weekly newspapers? Many newspapers, particularly at the extremes of the country, I presume on the Pacific, and certainly in the east, in view of the great competition to which they are subjected by large papers in Montreal, issue a weekly paper, particularly in two parts. Will that clause apply? I think the law only applies to weekly newspapers. Supposing a newspaper issues a semi-weekly and it is practically a weekly—will that go free? And then again, I think this makes this addition, that they are not to be delivered in Canada under the free letter-carrier system. If papers printed in St.

John mail to a few subscribers in Montreal, or London, or anywhere else, how are they affected ?

Hon. Mr. TEMPLEMAN—Section 26 of the Post Office Act of 1898 reads as follows :—

On and after the 1st day of January, 1899, newspapers and periodicals printed and published in Canada, mailed by the publisher in the post office at the place where they are published, and addressed to regular subscribers or newsdealers in Canada, residents elsewhere than in the place of publication, shall be transmitted by mail to their respective addresses, as follows :

As to weekly newspapers, the following governs :—

If they are required to be transmitted by mail a distance within twenty miles from the place of publication, or within circular area of a diameter not exceeding forty miles, and if their publication is of no greater frequency than once a week, they shall be so transmitted free of postage within one or other of such areas to be selected by the publisher in accordance with the regulations in that behalf to be established by the Postmaster General.

The only object of the use of the term 'weekly' there is to give them free transmission within the radius of forty miles, an area of twenty miles from the centre. This proposition is to reduce the postage which is at present one-half a cent, to one-quarter of a cent, within the area of 300 miles from the point of publication. It is, as I understand, a reduction of the rates, a concession to the newspapers of something like sixty or seventy-five thousand dollars a year in postage. It will affect all publications that publish as frequently, or more frequently, than once a month.

Hon. Sir MACKENZIE BOWELL—It goes a good deal beyond that. Under the present law there is a certain rate of postage of half a cent per pound on newspapers that are sent beyond the radius of twenty miles from the place of publication. That is the present law.

Hon. Mr. TEMPLEMAN—The radius of twenty miles only applies to weekly newspapers.

Hon. Sir MACKENZIE BOWELL—I know that, and the Postmaster General has some power, I do not know where he ever got it, to allow you, under the regulations of the department, to declare the places of publication at a spot within the county twenty miles from the place of its actual publication. In the city of St. John, for instance, a publisher can go twenty miles out of St. John and declare that that is the point of publication, and take the radius from that under the present regulation. I do not know whether it was ever taken advantage of in St. John or not, but I know that in the case of the paper with which I have been connected, under that regulation we take the centre of the county, nearly twenty miles from the place of publication, for the reason that it is within the county. If you put down the pack, if I may use that expression, in Belleville, you would have no area for circulation to the south, because we are on the bay shore, and across the bay is the county of Prince Edward. Under the regulation issued by the Post Office Department we go fifteen or sixteen miles north, and declare that the point of publication and take the radius from that, and in doing that we act under the authority of the Postmaster General. It is very handy for the country newspapers, I must confess, because we can bring with that radius nearly the whole county. If you go twenty miles north and twenty miles south you include the city of Belleville. That is the way the law is carried out now, under the regulations issued by the Post Office Department. This goes further. This is adopting the principle that the Postmaster General tried to adopt when the Senate defeated the Bill a few years ago. The Bill which he introduced then struck a blow at all the city newspapers that circulated in different provinces. For instance, take a St. John paper, if you like. The publisher would have to pay double postage if he sent it into Quebec, or Nova Scotia or Prince Edward Island. If the Montreal 'Herald' or 'Gazette' sent their papers to Ontario they would have to pay double postage, but the Ontario newspapers could send to Rat Portage, a couple of thousand miles, at half the postage, but the moment they crossed into Manitoba or Keewatin, they would have to pay double. Or to put a more flagrant case, while the Ottawa 'Citizen' or 'Free Press,' under that Bill, if it became law, could send their paper at half a cent a pound as far as Manitoba, but if they sent it across the river to Hull in the province of Quebec they would have to pay double that. This embodies precisely the same principle only to a limited extent. If

you go beyond the 300 miles you have to pay double postage and that strikes the papers of large circulation, such as the 'Globe' 'Mail and Empire,' 'Star,' and other newspapers.

Hon. Mr. TEMPLEMAN—The law remains the same as to the newspapers circulating without the 300-mile limit. Surely my hon. friend will admit this is a large concession to newspapers ?

Hon. Sir MACKENZIE BOWELL—I know that, but I am arguing that it does not affect the local newspapers.

Hon. Mr. TEMPLEMAN—It is giving them a half rate.

Hon. Sir MACKENZIE BOWELL—But they do not circulate to the extent that the large newspapers do.

Hon. Mr. TEMPLEMAN—Of course they do not, but they will pay only one-half the postage they now pay within an area of 300 miles.

Hon. Sir MACKENZIE BOWELL—I understand that, but if I send it 300 miles I have to pay double.

Hon. Mr. TEMPLEMAN—I should think that was quite proper.

Hon. Sir MACKENZIE BOWELL—Then you are going back to the old principle which prevailed a great number of years ago. I used to write letters from Belleville to Kingston and paid four pence ha'penny for them, and in writing to Montreal, I had to pay nine pence. That is eighteen cents. The principle that applies to letters should apply to newspapers. I can send a letter to Australia for two cents. I can send a newspaper a certain distance for half a cent, but if I have to send it a certain distance further, I have to pay double.

Hon. Mr. TEMPLEMAN—I understand ; I am afraid my hon. friend does not understand the merits of the Bill.

Hon. Sir MACKENZIE BOWELL—I understand it perfectly but unfortunately it has little merit, and I say that it is a direct violation of the principle of carrying mail matter that exists nearly all over the world. It is attempting to do, in another way, what the Postmaster General attempted to do a few years ago.

Hon. Mr. TEMPLEMAN—My hon. friend will admit that it is a great improvement on the present law. Will my hon. friend admit that ?

Hon. Sir MACKENZIE BOWELL—I intend to admit what I have already admitted, and I am sorry my hon. friend does not understand me. Either I am incapable of imparting to the House what I mean, or my hon. friend is incapable of understanding what I say.

Hon. Mr. TEMPLEMAN—Probably a little of both.

Hon. Sir MACKENZIE BOWELL—I do think I know from practice and theory what I mean and what I say. I ask why should you charge double if you send a newspaper over three hundred miles ? Why do you adopt that principle with reference to newspapers when you do not with reference to packages and letters ? If I can send a letter 10,000 miles for two cents, and have to pay as much to send a letter from one place in a city to another, why do you not apply the same rule to newspapers ?

Hon. Mr. TEMPLEMAN—I suppose there are some anomalies and incongruities in postal matters, and carrying letters. I do not know why you should carry a letter 2,000 miles for two cents, and charge the same for carrying a letter from here to Hull. I do not know why that is so, but in the case of newspapers, there is no doubt that carrying very large and bulky matter across the continent is very expensive to the Post Office Department, and while it is not exactly on the same principle as carrying letters, which are carried at the uniform rate, nevertheless there is a greater justification for charging higher postage on newspapers, which are carried by the carload across the continent for long distances. I remember, as the hon. gentleman does, when newspapers were carried all over the country free. I also can remember the time when we used to pay five cents postage per quarter. There have been many changes in the postal law since then, and now when the Post Office Department comes down and offers my hon. friend, who is a newspaper publisher, a concession of one-half of the postal rates he is paying on his paper, he seems to de dissatisfied.

Hon. Sir MACKENZIE BOWELL—I said no such thing. I was finding fault with the other provision of the Bill.

Hon. Mr. TEMPLEMAN—Because the government does not go as far as he thinks it should.

Hon. Sir MACKENZIE BOWELL—I am finding fault because it is adopting a principle which was abandoned years ago.

Hon. Mr. TEMPLEMAN—My hon. friend surely will admit that after this becomes law, with the exception of papers of very wide circulation, and in those exceptions only to a limited extent, there will be no newspaper in Canada which will pay more than a quarter of a cent a pound.

Hon. Sir MACKENZIE BOWELL—Nonsense.

Hon. Mr. TEMPLEMAN—The papers which circulate beyond the 300-mile zone are very few indeed. There are few, if any, papers in Ottawa which circulate outside the 300-mile zone to any considerable extent. There are few papers except the large city papers which circulate beyond the 300 miles. They all have a portion of each issue going beyond that, but they are very limited in number. The government is reducing by one-half the postage paid on these papers, and while the large papers which do circulate beyond the 300-mile limit, will pay the one-half cent a pound, nevertheless, though the concession to these papers appears to be so very little, the Postmaster General intimated that it will involve a loss in the revenue of from fifty to seventy-five thousand dollars, which is a clear and absolute gain to gentlemen who publish newspapers like my hon. friend and myself.

Hon. Sir MACKENZIE BOWELL—But the hon. gentleman made one error in his statement.

Hon. Mr. FERGUSON—My hon. friend lays a great deal of stress on the fact that this change in the law makes a very sensible reduction to a class of publications, and he contends that that is the largest part of our newspaper or periodical publication, and he has gone so far as to say that, with the exception of the Montreal 'Star' and a few papers of that kind, all the others will come inside and get the benefit of this with respect to a very large proportion of their circulation. If I understand the hon. gentleman right, this is legislation levelled at the Montreal 'Star' and a few papers of like character. It gives a reduction to all local papers which it does not give to such papers as the Montreal 'Star' and perhaps the Toronto 'Globe' and to a certain extent, one or two other papers I might mention that have a pretty general circulation. I presume the Montreal 'Star' has the bulk of its circulation outside of three hundred miles.

Hon. Mr. TEMPLEMAN—Did the hon. gentleman say the bulk?

Hon. Mr. FERGUSON—I think so. The 'Star' circulates 100,000 copies, and I am satisfied 75 per cent of that is outside of that zone. I may be wrong, but I cannot be very far wrong, when I say very much more than 50 per cent of the circulation of the 'Star' is outside of a zone of 300 miles, and I may say the same of 'La Presse' and 'La Patrie.' I dare say half a dozen papers will be held at the old rate of taxation, while the new and reduced rate will apply to local and smaller papers all over the country. My object in rising is not to plead the case of the large papers, for they are wealthy concerns and money making is their object, but I want to say something for the agricultural papers. I have received a letter from the publisher of the 'Farmers' Advocate', of London, Ontario. It has two offices of publication, one in Winnipeg and one in London, Ontario. I know it circulates in nearly every intelligent farmer's house in the maritime provinces, and it is not getting the advantage which is given to publications which are very much less meritorious than it is.

Hon. Mr. TEMPLEMAN—It is getting an advantage just the same.

Hon. Mr. FERGUSON—What advantage is it getting?

Hon. Mr. TEMPLEMAN—A reduction of half its postage throughout the entire province of Ontario.

Hon. Mr. FERGUSON—The clause provides:

> Provided always that in any case where the distance in Canada which any such newspapers or periodicals are required to be transmitted does not exceed three hundred miles from the

place of publication, and such newspapers or periodicals (the distance for the transmission of which is limited as aforesaid) are not to be delivered in Canada under the free letter-carrier delivery system, the said rate of one-half of one per cent for each pound or fraction of a pound weight shall be reduced to one-quarter of one cent.

This does not provide machinery whereby the circulation of the Montreal 'Star,' for instance, can be divided. Will all the copies that circulate within the 300 miles limit get the advantage ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—All the papers from that office circulated within the 300-mile zone will get the reduction ?

Hon. Mr. TEMPLEMAN—Yes.

Hon. Mr. FERGUSON—All outside of it will be at the old rate ?

Hon. Mr. TEMPLEMAN—Yes.

Hon. Mr. FERGUSON—It is not as bad as I thought it was. A paper with a large circulation will get the advantage within the 300-mile zone ?

Hon. Mr. TEMPLEMAN—Yes. I venture to say that the agricultural paper to which my hon. friend refers has 75 per cent of its circulation within the 300-mile zone.

Hon. Mr. FERGUSON—That would perhaps be the case with the 'Farmers' Advocate,' I am satisfied, and to that extent it would get the benefit of the reduction, but when you come to the Montreal 'Star,' the case is entirely different. The Montreal 'Star' has a very wide circulation outside of the 300-mile zone, and consequently the greater part of its circulation will be taxed at the old postage.

Hon. Mr. MACDONALD (B.C.)—Do newspapers carried on trains for sale pay postage ?

Hon. Mr. SCOTT—I think not.

Hon. Mr. ELLIS—No doubt this is quite an improvement and will be a great remission of duties on newspapers. I have learned a lesson from the leader of the opposition, however, which is of some value, because the paper in which I am interested is printed on the shores of the Bay of Fundy, and for a long distance I have had no advantage from the zone, but I have learned something from the hon. gentleman, and may be able to profit by it. My attention has been called to this provision 'not to be delivered in Canada under the free carrier delivery system.' Take a Toronto paper with a circulation of say fifty subscribers in Ottawa, how does that apply ?

Hon. Mr. TEMPLEMAN—They pay the full rate.

Hon. Mr. ELLIS—Will not that make a good deal of trouble ?

Hon. Mr. TEMPLEMAN—The post office authorities think not. Having established the number of papers going to Ottawa at one time, it is only a matter of checking up from day to day, just as in checking up the weight of new papers, the weight to-day is about the same as it will be to-morrow. I also have learned a trick of the trade from the leader of the opposition. I never knew before that a newspaper man could establish the place of publication at any other point than his printing office. I publish a paper also along the seashore, and, taking a radius of twenty miles from that, the southern half extends into the ocean. According to the bright publishers in the province of Ontario, who are apt to turn sharp corners sometimes, we can go out into the country some place and establish the place of publication twenty miles away and take in the most populous places and save postage. For years I have been doing the reverse, and the Post Office Department owes me a large amount that I have been paying improperly, or, if not, some publishers in Ontario are in debt to the Post Office Department. I am not sure which would be the correct view to take of it. However, badinage aside, I am quite sure my hon. friend considers this a very meritorious Bill indeed. I would, as a newspaper man, be very glad indeed to see newspaper postage entirely abolished, if the revenues of the post office would permit it, but as the Post Office Department has become almost self-sustaining, and we may have a surplus in the course of a year or two, the Postmaster General may then see his way to abolishing newspaper postage altogether.

Hon. Sir MACKENZIE BOWELL—I do not desire to continue the discussion further, but I take exception to one statement of the

hon. gentleman's, that he has learned from me a trick of the trade. I repudiate that. If it is a trick, it is on the part of the Postmaster General, who issued a circular declaring what newspaper publishers might do. If the hon. gentleman is so far away from the centre of civilization that he did not receive it, or did not comprehend it when he got it, the fault is not ours. I am very glad we did comprehend its meaning. I do not know whether the law gave the Postmaster General the power, but it is not to our advantage to ignore it and we simply carried out the regulation. The hon. gentleman has tried to lead the House to believe that I found fault with the reduction on newspaper postage. What I object to is going back to the old principle of carrying mail matter that existed fifty years ago, and which has been abolished nearly all over the world. Now, perhaps it may be news to my hon. friend if I tell him I disagree with him altogether in the matter of carrying newspapers free. I do not think this country should carry newspapers free any more than anything else. I have said so in this House and in the House of Commons, although I was a member of the government when the newspaper postage was abolished, I am not at liberty to say what course I took in council at that time, but publicly I said to the Postmaster General and to the Press Association a moderate charge for carrying newspapers was a legitimate mode of raising the revenue. I know the argument is that newspapers are of an educational character and should be carried free. I differ from that. I have great objection to the education which some newspapers give. I dare say my hon. friend would not have a much better opinion of the newspaper that was under my control, but on the broad principle of a slight postage for newspapers I think it is a legitimate mode of raising a revenue, and I object to going back to the old system of carrying the mails that existed when we were boys. I think we would be retrograding instead of being reformers.

The clause was adopted.

Hon. Mr. TESSIER, from the committee, reported that they had made some progress with the Bill.

The Senate adjourned.

Hon. Sir MACKENZIE BOWELL.

THE SENATE.

Ottawa, Monday, July 20, 1903.

The SPEAKER took the chair at eight o'clock.

Prayers and routine proceedings.

THIRD READING.

Bill (V) An Act for the relief of Ellen McDermid—(Hon. Mr. Perley).

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, July 21, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READING.

Bill (N) An Act for the relief of Stephen Wilson.—(Hon. Mr. Vidal, in the absence of Hon. Mr. Wood.)

EXTRA JUDICIAL EMPLOYMENT OF JUDGES BILL.

DEBATE RESUMED.

The Order of the day being called :

Resuming the adjourned debate on the motion for second reading of Bill (U) An Act respecting the extra judicial employment of judges.—(Hon. Mr. McMullen.)

Hon. Mr. SCOTT—I had a telegram from Senator McMullen saying he was attending the funeral of the late Mr. Innes to-day, and asking that this motion be allowed to stand until Thursday. I presume there will be an abundance of time during the session to allow the debate to continue. He was anxious to continue it.

Hon. Mr. FERGUSON—As an adjournment has been talked of at the end of the week and this measure has been a good deal postponed, I think we should proceed. Mr. McMullen will have an opportunity of speaking later in the debate. Of course I am in the hands of the House.

Hon. Mr. DANDURAND—With the assurance that the Hon. Mr. McMullen, who moved the adjournment, will have an opportunity to express his views on this Bill, I

ask the attention of the House for a few moments to express my views on this measure, and before doing so, I may be allowed to congratulate the hon. gentleman from Marshfield on the elaborate legal argument that he has given us. It has been applauded, I may say by all the legal gentlemen in this House, who were amazed at the industry shown and the work so well done and presented by a layman. Nevertheless, in spite of the brilliant argument made by that hon. gentleman I shall express, and maintain the expression of my regret at the inopportune time of presenting this Bill during the present session, and under the circumstances which prevailed at the time of its introduction. The hon. gentleman has disclaimed having had any idea in his mind of influencing the debate which was going on in another parliament. Of course, I accept his statement, but still maintain that it would, perhaps, have been better to adjourn this debate until next session. There is no doubt that the object which the Bill has in view is a laudable one. The principle which runs through the Bill, and which has been developed by the hon. gentleman, is to maintain the influence and prestige of the bench unimpaired. All good citizens must have but one mind on that subject. We all are interested in maintaining the judiciary as high as possible in the esteem of the people of this country. We possess an exemplary judiciary, whose history has been brilliant, and who have done yeoman service in maintaining justice and order in this country. This desire, with which we are all animated, of maintaining as high as possible the standard of impartiality governing our judges, I am sure is shared in by the men who are charged with the administration of justice in this country. In the representatives of the people in the federal and in the provincial Chambers, is delegated the sovereignty of the people as expressed at the polls, and I am quite sure that we must credit all of them, to whatever party they may be attached, with as great a desire as any of us, to maintain unimpaired the esteem, the influence, and the impartiality of the judiciary of this Dominion. We have in the governments of this country, the Minister of Justice in this parliament, and the Attorneys General throughout the land in the divers provinces, who are specially charged with the administration of justice, and maintaining and protecting the judiciary against all undue outside influences and aspersions. The only question which, to my mind, should agitate and move us in this present debate, is the question of the opportuneness of this present Bill. Is it necessary ? After having thought the matter over since the hon. gentleman from Marshfield presented the Bill, with the experience I have had of twenty-five years in public life, more or less, I have come to the conclusion that this measure is inopportune. There are instances and circumstances under which I think it is best to employ judges without injury to themeslves or to their office in holding inquiries which are, to my mind, of a certain judicial character. We have had lately—and very likely hon. gentlemen in this Chamber can point to other instances—inquiries which were instituted by this very government in which judges were appointed as commissioners. I have three just now in my mind. One was to examine into complaints made by newspaper owners of a supposed paper manufacturers' combine. An inquiry was demanded and held. Justice Taschereau of the district of Montreal was appointed; witnesses were heard, and arguments as well, and a deliverance by the judge was made on which the government acted, and as a result of that inquiry they reduced the duty on paper, I think, by ten per cent. Some time thereabouts, another inquiry into the pilotage system of this country was instituted, in which another judge was called upon to act; where witnesses were heard and a report was made on which the government acted. Latterly an inquiry was made by a judge sitting in the city of Ottawa upon a complaint that a monopoly of the tobacco manufacture and business was being attempted in this country. I had the advantage of representing before that commission some of the complainants. A long inquiry was made in the principal cities of the Dominion where witnesses were heard and a thorough examination of the question was gone through. Argument was heard and a report was made. Now. in all those cases I am quite sure no better selection could have been made than the judges who sat, garbed in their impartiality and their independence, to receive evidence and report on those divers questions, and I am quite sure that no finding of an attorney or

a barrister would carry the weight attaching to the reports such as were made on those questions by independent judges. The mind of a judge is absolutely above party warfare or private interests and is surrounded by that atmosphere of esteem—or, I would say, veneration—which the people have for the judiciary, away from all our party conflicts. He stands so high in the estimation of the public that a deliverance from him is of much higher value and weight than one which would come from a practising attorney. I will readily admit that judges should only be taken away from their ordinary duties in most exceptional cases. In the cases which I have cited, party passion did not enter in the least, and I suppose that the hon. gentleman from Marshfield, if he had had in his mind or before his eye no other inquiries than those I have mentioned, would not have brought in the Bill which is now before us for discussion. Undoubtedly, no harm has come to the judges who were called upon to sit on these commissions, or to the reputation of the judiciary, by requesting their help in these instances. The reason for which the hon. gentleman has introduced this Bill is that there are matters which fall among the controversies of the political parties which are surrounded with party passions in which the judges should not be called upon to act. The hon. gentlemen thinks that all such matters as those pertaining to questions of public policy should be decided by parliament, and all inquiries of public importance affecting the honour of parliament, or public questions, should be debated and discussed rather before committees of the legislatures or of parliament.

Hon. Mr. FERGUSON—My hon. friend will excuse me for saying I did not take that ground. I said my Bill did not reach it at all. It is open for governments, if my Bill should become law, to investigate those matters as they choose. All I object to is judges undertaking this work of a semi-political nature.

Hon. Mr. DANDURAND—I understood the hon. gentleman thought it was preferable in many instances to have those matters inquired into by committees of the House rather than by commissions of judges.

Hon. Mr. FERGUSON—I did not discuss that.

Hon. Mr. DANDURAND—At all events, the question presented itself to the minds of all who listened to the hon. gentleman because, possibly of the circumstances and the time he presented his motion. I am not ready to say that in all questions which divide the two political parties in this country it would be opportune to ask the judges to sit in judgment on accusations which have to be investigated. At the same time, I am not ready to say that there are not instances when judges should not be called upon to receive evidence. There are cases where passions will be aroused to such a high pitch that it would be next to impossible to get a fair inquiry in any other way than before judges, or the tribunals of this country. The hon. gentleman mentioned, as an example of a fair investigation held before a parliamentary committee, the inquiry by this branch of parliament into the Cook charges. I know that this inquiry was conducted with impartiality and to the satisfaction, I think, of all those who took part in it, and of the public who had its eyes upon our work, but I have had experience of contrary results. I may say that, although I was not in parliament in 1891, when the famous McGreevy inquiry took place in the other House, I was nevertheless very near some attorneys who had the conduct of the case, and I remember some of them declaring that it was very hard to conduct a case before such an unwieldy committee as the one they appeared before, and that they often, during the long inquiry before the committee, found it hard to go into certain kinds of evidence and follow it step by step logically as it should be, with members of parliament intervening and putting questions and breaking through the set of questions which were about to be put to a witness. Besides, we have the experience of this last session of the Ontario legislature, where we all know an inquiry took place, I think on the disposal of public lands, and where parties very nearly came to blows, if they did not actually come to blows. I have another experience of the difficulty of appealing for justice to men who are actuated by passion and prejudice. I remember a case of some perhaps twenty years old, coming from my own province, where an accusation had been made before the legislature at the end of the session, and a royal commission was appointed com-

posed of five members of parliament to inquire into that accusation. That commission was composed of three ministerialists and two members of the opposition. I followed that inquiry from day to day. It was of vital party interest. Both parties were most interested in the result to issue from the work which devolved upon that commission, and there I came to the conclusion that, however, high men stood in the eyes of the public and in public life, who were given the duty of sitting as judges on a royal commission to investigate certain charges, unconsciously perhaps they were partial in their findings and unjust in their conduct.

Hon. Sir MACKENZIE BOWELL—Was that the case of a legislative councillor who was accused of some improper act?

Hon. Mr. DANDURAND—No, it was not. I have not mentioned the name of the royal commission or the case, because some of the gentlemen are still alive, many of them are out of politics and I simply draw attention to their conduct for the purpose of my argument, but I prefer not to mention names. However, on that occasion, I remember that the accused party desired to go into a certain line of evidence. He had been confronted with some very partial decisions by the majority of that commission, and it was my good fortune one evening to be present at a private discussion as to the way that evidence could best be brought before the commission, without the majority preventing it from going in. In order to reach that result, a device was concocted: an objection to that very same line of evidence was made on a side issue in order to nail the majority to a finding which could be used the next day to put in the desired evidence. The necessary incident arose. The accused and his attorneys raised the objection that no evidence could be adduced on that point, and a long and fierce battle took place on the admissibility of that evidence. The majority decided that the evidence should go in. The adverse decision which the accused wanted on his objection was obtained, to his very great satisfaction indeed, but his gratification was of very short duration when the next day he tried to go into that very same line of evidence and avail himself of that decision. The ghastly trap appeared wide-open to the majority, and after a fierce legal argument these gentlemen, under my own eyes, with bowed heads and shameful brows decided to reverse their decision of the day before. This is the justice which one may expect when prejudice and political passions are aroused. I remember that incident as though it were yesterday, and I have since then come to the conclusion that we could get absolute and certain justice only from an impartial, independent tribunal responsible to no other power but their own consciences and the Almighty—the judiciary of this country. When judges are appointed to sit and receive evidence, on whatever kind of a commission, for the examination of whatever accusation, I am quite sure that never, in the history of this country, will a case arise parallel to the one I have just mentioned. Even in cases of party warfare, where accusations are of most vital importance, and may have a dire result upon the political life of a party, I consider it may be of very great importance that judges should be named as commissioners to take evidence. One is sure that the evidence will be received impartially under the powers confided to the commissioners. I would abstain, as much as possible, from asking them their opinions upon questions which have aroused party passions, but there may be exceptional cases where it would not be inopportune to do so. It has been stated that the rules of evidence which govern judges are not sufficiently elastic to at times admit of all the necessary evidence which would throw full light upon the matter investigated. My own experience at the bar prevents me from finding any force in that argument. I consider the rules of evidence are the best safeguard for the liberty of the subject and the protection of property. while parties may be hampered sometimes by the rules of evidence, it is always better that one accused should escape through that exceptional case, which I will admit may exist, than that ninety-nine innocent persons should be liable to being besmirched, humiliated and injured by irrelevant or illegal evidence being adduced in a fishing-for-evidence excursion. The hon. gentleman from Marshfield has stated that it was incompatible with the independence of the judiciary that their members should be offered remuneration for outside work. This is the first time I have heard

that the question of remuneration for services rendered on such commissions could in the least influence the judges. They stand so high, in my estimation at all events, that whatever remuneration has been offered them has never cut any figure with the legal fraternity nor with the public as to the influence it could exert upon their finding. My hon. friend has spoken of the injury to the judiciary in tempting their independence and impartiality by dangling before their eyes promotion. I confess that I am myself adverse to promoting a judge from one court to another, and I hold that it would be better, when a judge accepts a parchment from the government, and elects to sit upon a bench of this country, it should be understood it is a finality. The hon. gentleman thinks that the judges should be sufficiently paid to prevent them accepting remuneration for outside work. This parliament owes it to itself to give them adequate remuneration. I have already on two or three occasions declared that I think the judiciary in the cities are not sufficiently remunerated, and I only hope the government of the day will grapple with that question and give to the judiciary of our cities throughout the land sufficient remuneration for their services. I have stated that I thought the judges, in very many matters of public interest which often agitate and divide parties, could be called upon to act on royal commissions. There is no harm done to any one, to their own influence, or to the high esteem in which they are held, by calling upon them even in the most acute crisis in the country surrounded as they are with that veneration, that absolute esteem in which they are held, to receive and report the evidence to whatever parliament is interested. I have said that I thought, in most exceptional cases only, which I have not before my eyes but which may occur, would I ask them to make a report and give their opinion; but I have no doubt that the judges are the best tribunal to receive evidence and maintain the decorum and the order with which a court should be surrounded. Under these circumstances, feeling that there are very many questions which should be delegated to them—very many cases which may be delegated to them—I think that this Bill of the hon. gentleman is inopportune, and, in consequence, I move, seconded by the Hon. Mr. Frost,

That this Bill be not now read the second time, but that it be read the second time this day six months.

Hon. Sir MACKENZIE BOWELL—It was not my intention to take part in the debate on this Bill, which may be considered more a constitutional question than any presented to this House for some time past. I notice, however, if I am to judge from the remarks which have fallen form the hon. gentleman who has just spoken, that hon. gentlemen opposite have abandoned that plea in toto. He has not referred, either directly or indirectly, to the right of this parliament to pass the Bill which is now under consideration. That is one point of very great importance, not only to this House, but to the judges themselves, and more particularly to the country. I may take it for granted, then, that the legal gentlemen who have discussed the question, in a very calm and moderate manner, which is commendable under the circumstances, recognize the soundness of the position which was taken by my hon. friend from Marshfield, that this parliament had full authority to pass Acts dealing with this particular subject. That is an important point which has, I take it for granted, been conceded. The hon. gentleman's motion for a six months' hoist is probably what might be, under the circumstances, expected. If one could draw any conclusion from the remarks of the hon. gentleman, it would be that he is fully in accord with the provisions of this Bill had it been presented to parliament at any other time, and not, as he himself designates it, at an inopportune moment. I frankly confess that there may be interpretations placed upon the course taken by my hon. friend, arising from the investigations which have already taken place, which are not, in fact, justifiable. We heard one gentleman during this debate make a wild attack upon my hon. friend and defending the Ross government as what he termed the purest that ever governed any country. I failed, in listening to the hour and a half speech of my hon. friend from Marshfield, to find one single word in all his utterances in condemnation of that government for what it had done or had left undone. Hence the inopportune moment was seized to make an attack upon my

hon. friend without the slightest grounds for doing so. Had this Bill been introduced at any other period, it might not have received the opposition which it is about to receive, from this parliament, but be that as it may, it should be treated upon its merits and not from any other standpoint. The hon. gentleman paid a high tribute to the judges of this country. It has been the boast of Canadians from time immemorial that the judges in Canada were incorruptible, and that their decisions were, whenever questions came before them, of a character that met the approbation of the country at large, if not in all cases of particular suitors. Now, the object of this Bill is to preserve this reputation of the judiciary. There is no use hiding this fact, that no matter how conscientious, no matter how impartial, judges appointed to investigate semi-political questions may be, one party or the other will condemn them. All we have to do is to look at the results of those investigations in the past, and we will have no difficulty in coming to a conclusion as to what the result has been upon the public mind. Now, it may be said, and very truly, that individually I am not guiltless in this respect. I belonged to a government for a number of years that sent many cases to commissions. I myself moved the appointment of a commission to investigate the charges made by the late Mr. Edgar against my then colleague, Sir Adolphe Caron. But hon. gentlemen must bear in mind that in moving those resolutions, referring these charges made by the late Mr. Edgar, to the judges, it was not for the purpose of asking them to adjudicate upon the subject. If hon. gentlemen will read the whole case, which I hold in my hand, they will find that what was referred to them was to take the evidence and to report to parliament the result, not to make any finding upon the question. It will be remembered also that not only were the charges which were made by Mr. Edgar, but also all the charges, either by innuendo or through the speeches which were made by the late Hon. Mr. Mills and other members of the House of Commons who took part in that debate, were included in the resolutions proposed by myself referring them all to the judges. Now, while that is the true state of the case, it must not be forgotten that the judges were accused of all kinds of partiality, though they made no finding in the case. The evidence was taken and reported, and there was nothing found to sustain the personal charges which were made against my then colleague, the Hon. Sir Adolphe Caron. It will be remembered also that when the reference was made to these judges, Mr. Edgar, the accuser refused to go before the judges and prosecute, taking the ground, as any one who will take the trouble to read his letters to the judges will see, that he declined to appear because the investigation would be so narrowed as not to enable them to arrive at the actual facts and the truth which they could do were the matter sent to a committee of the House of Commons. If I understood the hon. gentleman (Hon. Mr. Dandurand) aright, he instanced a case in which he pointed out to the House that a party accused before a committtee of the House had insisted upon producing certain evidence, and that they had decided in favour of producing that evidence, but the next day withdrew the right.

Hon. Mr. DANDURAND—No. I always regret that at time my imperfect knowledge of the English language renders my meaning obscure. What I did say was that the accused, desiring to put in a certain kind of evidence and fearing an adverse judgment on the admissibility of that evidence, tested the question on a side issue the day before by expressing his conviction that such evidence should not go in. But the strenuous way in which he resisted putting in that evidence to which he objected that day seemed to lure the majority into declaring that that evidence should go in. He wanted an adverse decision on this point that he had raised in order that it should avail him the next day when he proposed to bring in the same kind of evidence himself. After having nailed that commission, composed of five members of parliament, to a declaration that that evidence was admissible, he let the evidence continue in order to take advantage the next day of their judgment to put in the evidence he wanted; but when the commission saw the next day that they had been entrapped into making a decision which availed the accused, they

changed their ruling, and decided that the same kind of evidence that they had allowed the day before should not go in. All this because they saw the importance to their party of not admitting the evidence, which, on the previous day's finding, should have gone in.

Hon. Mr. FERGUSON—What argument does that present against my Bill ?

Hon. Mr. DANDURAND—It presents this argument, that the hon. gentleman wants an inquiry conducted with absolute impartiality. If you want to be sure that there will be absolute, even-handed justice done both parties, you must in very many cases and instances call upon the judges to sit on such commissions, because they are clothed with absolute independence and removed from party factions and prejudices, and have their own reputation at stake, which, as judges, they value, and I have not yet seen a judge, in any inquiry, carried away from the ordinary rules of evidence in order to benefit one party or the other. The judges in their calm surroundings are above party prejudice and passions, remain garbed with that solemn oath they take of giving even-handed justice to all contending parties before them, and carry that atmosphere of calmness and impartiality from the bench into those inquiries, and I have no hesitation in saying that in giving evidence before them the parties will receive justice in every case.

Hon. Sir MACKENZIE BOWELL—I am very much interested in the second speech with which the hon. gentleman has accompanied his explanation, which might have been conveyed in about a dozen words. What I was about pointing out, when I called attention to that portion of the hon. gentleman's remarks, was the advantages which accrue to a full and thorough investigation before a parliamentary committee, rather than a commission of judges, was the latitude allowed in all parliamentary committees in these investigations. I readily admit that party considerations very often prevail, but the hon. gentleman knows that a parliamentary committee, under the British constitution, is not restricted by the technicalities which prevail in a court of law in the examination of witnesses, and when judges restrict the witnesses to a certain line, as laid down in the law of evidence, they fail in many cases to reach the actual facts in connection with a case which would be brought out before a parliamentary committee. So far was that carried in the investigation as to the causes of the North-west rebellion, upon which committee I had the honour of sitting with the Hon. Edward Blake, and the present Lord Strathcona and some others, when certain questions were asked the then Bishop Taché upon certain points which he declined to answer, he was compelled to answer them under the rules and regulations which governed the investigation before that committee. So far was that principle carried that the valet who sat at the door of the sick chamber of Sir George Etienne Cartier was compelled, through Hon. Edward Blake's questions to repeat the conversations which had taken place between Sir George Etienne Cartier, at a time when he was confined to his bed, and the then Father Richot. I instance those things to show how far you can go in the investigation of any matter before a parliamentary committee, which is restricted when it appears before the judges. We know in the late case in Toronto, certain witnesses who could have thrown light upon the charges made against Stratton were rejected by the judges on the ground that they only told things that they heard another party make, statements which would condemn the very men who were accused of having done wrong. Gamey himself was rebuked by the judges for, as they termed it, making a speech when he was trying to give his explanation much in the same way that my hon. friend did just now. But if you take the case of the investigation of Parnell, you will find that Michael Davitt took no less than seven days to make his explanation, and yet, in the case in Toronto, which was investigated but a very short time ago, the principal witness in the case was stopped on the ground that he was making a speech. Now the hon. gentleman referred to the advantages of reference to the judges, and he instanced a case of the tobacco and the paper combines. Those were cases which were of a purely judicial character—cases in which the statute makes provision that judges shall be appointed to investigate, and, as my hon. friend suggests, they were put

under their jurisdiction by statute. If my hon. friend will turn to the Customs Act passed a few years ago, when the question of the investigation of combines was provided for, he will find the eighteenth clause of chapter sixteen of 60-61 Victoria reads as follows:

> Whenever the Governor in Council has reason to believe that, with regard to any article of commerce, there exists any trust, combination, association or agreement of any kind among manufacturers of such article, or dealers therein, to unduly enhance the price of such article or in any other way to unduly promote the advantage of the manufacturer or dealer at the expense of the consumer, the Governor in Council may commission, or empower any judge of the Supreme Court, or Exchequer Court of Canada, or any Superior Court in any province of Canada, to inquire in a summary way into and report to the Governor in Council whether such trust, combination, association or agreement exists.

Here there is a distinct power given to the Governor in Council to refer these cases of combinations, if such exist among the manufacturers, to the judges to take evidence and to report. These are cases not at all in point with those which are aimed at by the Bill before the House.

Hon. Mr. DANDURAND—But which would be affected by the Bill.

Hon. Sir MACKENZIE BOWELL—Not at all. They are not of an extra-judicial character, and consequently would not be affected by the law as it exists in reference to such combines. Of course, I make that statement as a layman, with all due deference to the legal standing of my hon. friend. The principal and only object of this Bill is to remove the power of the Crown to appoint judges to investigate extra-judicial cases of a semi-political character, and nothing more. I was glad to hear my hon. friend cite the opinion, which I have heard, of the late Sir John Macdonald, given many and many a time, in reference to the judges. He laid down the principle that once a judge accepts a parchment from the Crown and takes his seat on the bench, that should be a finality, and the reason he gave, in discussing the question with myself, was the moment a man accepts a judgeship he should be removed altogether from the possibility of the idea of promotion while on the bench, for fear it might interfere with his judgment, particularly in cases in which the government of the day, who would have the power of making the promotion, might have an influence upon his mind which, if he knew he was totally and thoroughly independent of any government, would not be the case, and would not bias him one way or another.

Hon. Mr. KERR (Toronto)—Is it not a fact that the same right honourable gentleman in Ontario promoted pretty nearly every judge whom he appointed to the bench from one judicial position to another?

Hon. Sir MACKENZIE BOWELL—By whom?

Hon. Mr. KERR (Toronto)—By him.

Hon. Sir MACKENZIE BOWELL—I am not prepared to say yes or no to that question. I am, from a layman's standpoint, approving of the utterances of the hon. gentleman who has just spoken, and I am repeating what I heard Sir John Macdonald say over and over again. That I state positively from my own knowledge of what took place.

Hon. Mr. KERR (Toronto)—Preaching is one thing; practice is another.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman may be correct in one or two cases, but I am not prepared to admit or deny what he says. There may have been, and undoubtedly there were exceptions to the rule; but even if there were exceptions to the rule, I do not know that that detracts in the least from the soundness of the position which the hon. gentleman (Hon. Mr. Dandurand) has taken, and I shall be very glad to see it carried out in the future and for the reasons which I have given. These questions that are supposed to require a judicial mind to adjudicate upon could be referred to eminent lawyers instead of to the judges. What I desire to say, and all I intended to say on this question, is that experience has taught me—although I admit again that I was guilty of referring such matters to judges in the past—that the sooner we depart from that practice the better. As an illustration of it, when my hon. friend was making his speech the hon. member for Grey (Hon. Mr. Landerkin) interjected something about the Pacific scandal. That is thirty years old, yet the action of the judges upon that very question still rankles in the breasts of those who were opposed to the government at

the time and who believed, and believe to this day, that the judges did not do their duty, though one eminent gentleman who sat on that commission is now a member of this House whose honesty and integrity I do not think any one will impugn. There the Liberal party, as in subsequent cases, took the ground that you could not get justice and could not reach the truth if you referred accusation made against a minister to any judge of the land, and if my recollection serves me right, no one took a stronger position on that point than my hon. friend opposite (the hon. Secretary of State). At that time they opposed all reference to judges. The party with which I was connected took the other ground. Experience seems to have taught them that to give to judges now, under restrictions, the investigation of such matters, is the best and most equitable way to reach the truth. Experience has taught me, and those with whom I act, that the contrary is the fact, and that honest though the finding of the judges may be, the party making the charges will believe that they did not get justice. I have already referred to the case of Sir Adolphe Caron. We know what the result of the investigation by judges into the West Elgin case was. We know how the accusers were restricted in the mode of investigation. We know that the charges of corruption which were laid at the door of the accused were not to be investigated. The evidence was restricted to criminal acts, or acts which were supposed to be criminal, by the officials of the government at the time, and so far did it go that Conservative lawyers were not allowed to appear on behalf of the prosecution in that case. I am not finding fault, and I do not desire to be understood as condemning the finding on that case of Judge Morgan, who was a Conservative judge, appointed by a Conservative government; but I do say this, that the restrictions which were thrown around him, and the finding of that judge always left the impression upon the minds of those who desired a more thorough and rigid investigation, that he did not act as he would have done in that case had he had a free hand. I do not say that because, restricted as he was, the probabilities are that he could not go further than he did. There is another point that we ought to consider in connection with this Bill. Have the judges the time to give to these investigations? Is it not a fact that during the last twelve months some seven judges in the province of Ontario have had to do the work of twelve judges. That some of them, of course, were unable to serve on account of illness, but the principal reason was that the other judges' time was so occupied in investigations outside of their actual judicial duty that they could not attend to the business of the courts. What is the result of that? The result is that during the late session of the legislature of Ontario, they passed a law asking for the establishment of another court and the appointment of three extra judges, so that in future, for that province, they will have fifteen judges instead of twelve, when, if my information be correct, seven of the present twelve judges have had to do the work of the twelve during the last year, largely for the reason I have suggested, that their time was occupied in investigations which might just as well have been made by eminent lawyers or by committees of the House of Assembly. My hon. friend opposed the appointment of extra judges in the province of Quebec a year or two ago, not because there were not judges enough in the province, but because of the system which prevails in that province of compelling judges to live in certain localities and perform the judicial duties arising in those localities alone. The premier himself referred to the practice in the province of Quebec as antique and out of date. Another member of parliament, an eminent lawyer, referred to the fact that some judges had but ten or twelve cases in the whole year and that they were brought up to assist in doing work in Montreal. Another case was that of a gentleman who should live at Rimouski, or Gaspé, I forget which, but refused to live there. He lived in Quebec, and having but one case to try, paid the amount involved out of his own pocket rather than go down to try it. I do not give those cases on my own authority; they are to be found in the 'Debates,' but because the government would not change what they admit is an antiquated system and compel the judges to take circuits as they do in Ontario, the work was not evenly distributed.

Hon. Mr. DANDURAND—But the Dominion government cannot do it. That belongs to the provincial power to regulate.

Hon. Sir MACKENZIE BOWELL—There is a way of reaching those things which my hon. friend knows as well as I do. While that power exists in the provincial legislature, the paying of the salaries rests with this government, and if they reduce the salaries to such an extent that nobody would take the position, compliance with what they are required to do could be easily reached. And so it would be with those appointments to commissions. I heard one judge make the suggestion that while he had doubt as to the constitutionality of the Bill of my hon. friend, there was an easy way of reaching the judges by reducing their salaries if they attempted to perform any work other than that which should be performed in the regular course of their duties. In cases of that kind, where judges are appointed to perform other duties outside of those which pertain to their particular office, suitors must of necessity suffer, and as judges are by law removed from the political arena by being prevented from voting at elections, there can be no good reason why they should not be prevented from accepting positions such as have been accepted by them in cases of a semi-political character. Without pursuing this subject further, I venture the assertion that ninety-nine per cent of the people of Ontario—I would say, of all the provinces—are fully in accord with the principle embodied in the Bill now before the House, but there are reasons, political and otherwise, which induce members of this House, and would no doubt induce members of the other House, to vote against it. Some have asserted that it is a direct attack upon the Ontario provincial government. That my hon. friend repudiated. Others would vote against it for the reason they have come to the conclusion that to pass a Bill of this character, at this particular moment, inopportune as my hon. friend terms it, would be an indirect condemnation of the different governments who have appointed judges to investigate questions of a semi-political character which have been before parliament. I have known Judge Britton for many years before he was a judge. I do not say, nor do I insinuate, that that judge will give any other than an impartial judgment upon the Treadgold investigation which he has been appointed to make; but when you reflect that but a few months ago he was a member of the House of Commons, a representative of the people—that he was the mouthpiece of the government upon that very question—that he defended all that they had done in granting those concessions to Treadgold and others, and declared that these concessions were in the interest, not only of the miners, but of the whole country, does any one suppose that he accepts that position and commences that investigation without being prejudiced in his mind as to the correctness of the course that he pursued when in parliament? If in making an investigation he comes to the conclusion that they are not in the interests of the people, then he is to make a report in direct condemnation of his own statements and action, and the course he pursued in parliament a year and a half ago. While not inpugning that hon. gentleman's honesty, will the people believe—that in the point I wish to make—if he reports in accordance with the course that he pursued in the House of Commons, that he was impartial in coming to that decision? Then, again, I understand the reference which is made to him and the question that he has to investigate is as to the character of the concession, the effect which it has on the mining industries and upon the people of that country, and not into the charges which were boldly made in the House of Commons across the floor as to the corruption which it is alleged took place in the granting of these concessions.

Hon. Mr. DANDURAND—There was no charge made.

Hon. Sir MACKENZIE BOWELL—No charge of what?

Hon. Mr. DANDURAND—There were no charges of corruption made in the House of Commons. There was no vestige of them. The opposition was defied to bring them.

Hon. Mr. KERR (Toronto)—They declined to make charges. They declined the responsibility of making charges.

Hon. Sir MACKENZIE BOWELL—There was brought before the House of Commons the proceedings of the Liberal organization at Dawson in which charges of the grossest and most flagrant corruption were made.

If my hon. friend from Toronto will excuse me for making use of the expression, that is one of those bluffs which members of parliament sometimes attempt, by exclaiming 'make the charges here so we can hold you responsible.' That is the position that was taken by the government and their supporters when charges were placed in my hands in the Cook investigation. I did not make the accusation from my own personal knowledge that Mr. Cook was asked for $10,000 for a seat in this House. What I produced, was a letter written by Mr. Cook himself and other documentary evidence and referred the charges to a committee. If you refer to the proceedings of the Senate at that time you will find that my hon. friend from Grey (Hon. Mr. Landerkin) moved a resolution to throw out my motion to refer it to the committee unless I took the responsibility upon myself of making those charges. Now, that is precisely the position of those who wish to have the Treadgold charges investigated. The charges were made, and one of them particularly by the present administrator of those territories, Mr. Congdon, and by the Dawson Liberal Association. The charges in parliament were based upon that. My hon. friend is technically correct when he says that the Hon. Mr. Casgrain, member for Montmorency declined to take the responsibility on himself of making the charges; but I repeat that was only thrown at him in order to place him in the position of being the accuser when he could have no knowledge of the facts other than those placed in his hands, and which had been made by the people of Dawson themselves.

Hon. Mr. DANDURAND—If the hon. gentleman will allow me, I draw his attention to the difference between his position in the Cook matter and the position of the hon. member for Montmorency in connection with the Treadgold matter in the other House. In the Cook investigation, the letter of Mr. Cook contained an accusation, a charge sufficiently concise to be open to investigate, but in the letter which Mr. Casgrain put before the other House, there was no charge which could go to any kind of jury in the world.

Hon. Sir MACKENZIE BOWELL—There were charges of improper conduct on the part of officials in connection with that Treadgold concession. Now, those charges were not referred to the judge, and that brings me back to where I started; no matter what his findings may be, it will tend to lower the judge's influence and his position in the minds of the people, and the object of my hon. friend in asking the Senate to pass his Bill is to prevent such a result. Apart from all the technicality—apart from the different arguments and statements which have been made by my hon. friend and others against this Bill, what we should as a parliament endeavour to do is to keep the judges in such a position that they should remain, as they have been for years and years past, above suspicion, and the best possible way to do that is to prevent them from dabbling in politics in any way. They are not allowed to vote; questions of law are referred to them; their decisions are accepted, as they ought to be, without question, and I can only repeat that, so far as my individual opinion is concerned in reference to these commissions, I have changed it completely. I thought at one time that the best way to investigate such matters was to send them to judges. The Liberal party, led by my hon. friend in this House, and his supporters, condemned that principle in the strongest possible language. They, however, have changed their views on this question as they have upon very many others. I believe that the time is not far distant when even the hon. gentleman who has made a speech to-day against this Bill will argue as earnestly and logically in favour of some such legislation. The day is fast approaching when this House will come to the conclusion that the further the parliament of Canada can remove the judges in the country from the influences which may surround them in acting on commissions of this kind the better it will be not only for the judges themselves, but for the country at large. There are eminent lawyers who can be selected who understand the technicalities of the law and the law of evidence, just as well as the judges themselves. They could be appointed to make these investigations instead of the judges, and even if they were accused of partiality, it would not have that effect upon the public mind that the finding of a judge will have, whether it be honest or dishonest. I regret that my hon. friend has moved the six months' hoist, because I think in his

heart he believes the principle involved in the Bill is correct, and if it were not for other reasons than those which he has advanced to-day, he would vote for the Bill. Taking it from a party standpoint, I have no doubt his motion will carry, but you may depend upon it that that motion will not be approved of by the people of this country. The people have been aroused upon this question, and if the government appeal to them on that issue they will be as overwhelmingly defeated as was the Manitoba Liberals yesterday.

Hon. Mr. SCOTT—The arguments for and against the adoption of this Bill have been very fully, and I think very fairly placed before the members of this House. I must join in the congratulations that have been offered to the hon. gentleman from Marshfield for the industry that he exhibited in getting up his—shall I call it a case ? It is worthy of that name, because certainly, the hon. gentleman went into a very deep investigation of the various authorities, that either nearly or remotely bore upon the subject. I did not agree with his conclusions, and I thought in some instances they were scarcely consistent, particularly when he quoted the opinions of the several Ministers of Justice and Attorneys General who, while they considered that it was quite proper for the federal government to issue commissions to judges, yet denied the same right to the provincial governments. My hon. friend shakes his head.

Hon. Mr. FERGUSON—None of them did that.

Hon. Mr. SCOTT—I think it is very easy to point to such cases.

Hon. Mr. FERGUSON—I pointed to no such case.

Hon. Mr. SCOTT—The hon. gentleman condemned the issue of commissions by the provincial governments, while at the same time the federal government year by year have been issuing commissions to judges for political inquiries, of a similar character.

Hon. Mr. FERGUSON—I condemned them all.

Hon. Mr. SCOTT—I think the hon. gentleman was a member of a government which, in a very flagrant case, employed judges in a political matter—the employment of revising barristers.

Hon. Mr. FERGUSON—I was not a member of the government. If I had been, I would have made a mistake, but, I was not a member of the government of that time.

Hon. Mr. SCOTT—Because I think that is the most glaring case we have had in this country, where, under an Act of parliament, the government took power to appoint judges, barristers, notaries public and advocates to prepare the list upon which that government was to be kept in power. That is practically the meaning of it. They did not appoint all judges. The particular judges were selected. In one county a judge was selected, and in another county a junior judge was selected, and in another county a notary, and in another county a barrister of five years' standing. No uniform course was adopted, and the natural inference was—although I will not say they acted improperly—that they appointed friends of the administration. There is no doubt about that. The evidence was perfectly clear. And that continued for years, and it seemed to me, when quoting opinions of Ministers of Justice about employing judges in matters in which political questions arose, that they did not apply. The necessity of employing judges in matters of the kind that have prompted the debate to-day—that is the appointment of judges at Toronto in the Gamey inquiry—was a necessary sequence of the old condition of things. I can recollect perfectly well when controverted elections were tried by parliament, and a more unfortunate system could not be conceived. It was only because we all felt that a change was absolutely necessary that the change was made.

Hon. Mr. POIRIER—By whom was it made ?

Hon. Mr. SCOTT—By the Mackenzie government, I think.

Hon. Mr. FERGUSON—By Sir John Macdonald's government.

Hon. Sir MACKENZIE BOWELL—But all the appeals in the case of voters' lists had to be decided by the county court judge before

the law to which the hon. gentleman refers was placed on the statute-book.

Hon. Mr. SCOTT—But the revising barrister made up the list. He was the party who really was responsible for the list, but in former days, before references to judges, where election trials were tried by parliament, it became a perfect farce. There was an old saying: 'Show me your committee, and I will tell you what the result will be.' Two were elected on one side, and two on the other, and the chairman was drawn by ballot, and it was the universal remark 'Show me your chairman, and if you are fortunate in selecting a chairman of your political stripe, the decision of the committee will be your way,' and it became absolutely necessary to remit those cases to the judges.

Hon. Sir MACKENZIE BOWELL—And that was a mistake.

Hon. Mr. SCOTT—There was no other way of getting at it.

Hon. Sir MACKENZIE BOWELL—Except by a special court for that purpose.

Hon. Mr. SCOTT—Unfortunately our condition is such, when political feeling gets in the ascendancy, it is impossible to find a satisfactory tribunal. Even if they desire to act discreetly and without bias, one way or the other, the public will not give them credit for it, because the public believe in the weakness of human nature, and there is no other tribunal, in my judgment, except the judges available, and we all admit that in Canada particularly we are blessed with judges of a very high character. You have never heard the slightest reproach on a judge, except recently when the judges gave a decision, in regard to this Gamey matter, that was not acceptable to one part of the community. That was a subject on which men were divided, and no matter how honest they might desire to be, yet they were open to that unfortunate suspicion, that their judgment was prejudiced. Those two judges are men who both stand very high. They were not known as Liberal judges. They were both appointees of the late Sir John Macdonald, and certainly no man—and I have been familiar with the judges for fifty years—has stood higher with the judiciary of Ontario, than Chancellor Boyd, I have never heard the slightest imputation against the thoroughness of any judgment he ever gave, and I think, in justification of the part taken by the judges, I can call on no better witness than the counsel for Gamey. I have under my hand here the observations made by Mr. Blake in winding up the case, in which he pointed out that no evidence had been rejected. I understood one hon. gentleman who spoke—I think the leader of the opposition—was under the impression that evidence had been rejected. Now, Mr. Blake in his statement says:

> I feel satisfied that it has been a great satisfaction to those that I represent here, the people of this province, that so wide a scope has been given and that all the evidence which has been tendered has been received by your Lordships.

That rather contradicts the statement which some hon. gentleman made, that some evidence was rejected. Of course, evidence of a hearsay character would have been rejected by any tribunal. Even a committee of parliament would never be justified in taking hearsay evidence. The evidence that was admitted by the judges was just the same character of evidence that would have been admitted had it been a committee of the House.

Hon. Mr. POIRIER—Hearsay evidence against the party is admitted.

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. POIRIER—Hearsay evidence against interest is admitted by the court.

Hon. Sir ALPHONSE PELLETIER—Oh, no.

Hon. Mr. SCOTT—No.

Hon. Mr. POIRIER—Oh, yes.

Hon. Mr. SCOTT—I will read Mr. Blake's concluding words in the argument. He wound up with these remarks:

> On the part of the people of Ontario, I leave this matter with much confidence in the hands of the commissioners, men known and honoured in our community for their high position, for their honour and their ability. I may say they are men whom I have companioned with all my life and I know whereof I speak.

That is a tribute from the counsel for Gamey, who certainly was not dissatisfied with the attitude of the judges. He had the most unlimited confidence in the judg-

ment they would give. He felt satisfied there would be no bias or prejudice, that it would be a fair judgment on the evidence tendered to them, and therefore, it might fairly be concluded, when the passions of the hour have passed away, and men look back on it, perhaps a year or two hence, that a great deal of the criticism passed on the two learned judges who had the adjudication of the case on hand was unfair and unjust. Certainly there would be no other way of trying that case. I ask hon. gentlemen, supposing it had gone to a committee of the House, what would have happened? It would have been a case of five on one side, and four on the other. Does any one suppose for a moment that the verdict would not have been just the same? No doubt about that. As the judges decided in the way they did, certainly the committee of the House would not have decided the other way. That you may count upon. Whether that committee was composed of one political party or the other, who happened to be advocating the views of their own side, their views would have been the same. Any man who has had any long experience of parliamentary life, will admit that it is absolutely impossible, when political feeling runs high, to get men to weigh the case with the same impartiality as is done by the judges. A good deal has been said about the inopportune time at which this Bill has been introduced. That is quite apparent. Had that Gamey case not arisen, my hon. friend would not have thought of this Bill. It would not have occurred to him, and it is taken as a censure on the judges and a censure on the Ontario government, and the government at Ottawa, because the selection of Justice Britton is drawn into the controversy and he is referred to as having some connection with the facts of the Yukon scandal, and a criticism has been made on the propriety of his being made. So that this Bill is a vote of want of confidence in the government of the day, and also a vote of censure on the government of Ontario, which, I think, is very unfortunate and very unseemly, and I am quite sure the motion of my hon. friend who moved the six months' hoist will carry.

Hon. Mr. FROST—As the seconder of the motion, I desire to make a very few remarks. It has been always considered, in Ontario especially, that the judiciary have been of the very highest and most incorruptible order. Both parties alike have united in giving expression on many occasions to that effect. It has been a rule that not only with this government, but all preceding governments, to call upon the judiciary to decide certain questions, and in asking two of the most prominent, able and capable judges in Ontario to decide in a matter where a member of the government was directly charged with a crime, the government was simply following out what has always been the usual rule and practice. It has been said that judges have been restricted, but it can be said in this particular case, whatever may have been done in the past, that the government at Toronto gave these judges the widest scope for the taking of evidence, limiting them to no point in any particular, but telling them in their commission to take the evidence from the very broadest and the widest point of view; and we all know, from the evidence that was given, that the judges did take the evidence with the very widest latitude. In that evidence we find the man who made the charge and who stated that he had received a certain sum of money from the minister, two or three days later, after swearing that he had received the money, stumping for his own party in the county of Perth. That certainly did not look, to any one who would read the case, that he had been bribed or bought by the minister. How could the judges, in giving their opinion, have come to any other decision than that? Then, again, since the decision has been given, what do we find? We find these men who were surrounding the man who made the charge booming him in various constituencies at the present time.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman is going to discuss the Gamey charges, we are quite prepared to go into it for the next five hours, if it has anything to do with the question before the House.

Hon. Mr. FROST—I am only drawing attention to one or two things, simply to show that——

Hon. Sir MACKENZIE BOWELL—That Gamey was a rascal and Stratton an angel.

Hon. Mr. FROST—That the Bill brought into this House is a direct reflection on the judiciary of Ontario.

Hon. Mr. FERGUSON—No.

Hon. Mr. FROST—Coming after the decision of these two judges, this Bill is designed for the purpose of placing the judges outside of any further position on commissions of inquiry into such matters, and it gives every one to believe that the decision going unfavourably to a certain party, that it is time that these judges were removed from having any further opportunity of sitting on such cases. Now, at the present time, we have this man Gamey exalted all over the country as against these judges who sat on this case. It is a question to-day of that man as against the judges, and therefore, this evening, in seconding the motion of my hon. friend from Montreal, I am only, as an Ontario member of this House, again asserting and testifying my belief and my confidence in the judiciary of the province of Ontario, and particularly in the two able and capable men who sat upon this commission. I saw a little clipping in a paper a couple of days ago which shows where the animous comes in. They are giving this man Gamey several banquets. He has been banquetted on two or three occasions as though he had proved something against the Ontario government, as though he had committed some really creditable act for which the judges upon the bench should be condemned now for not finding in the same way, and yet we find Gamey to-day enjoying a banquet, I think in the city of Belleville.

Hon. Sir MACKENZIE BOWELL—No, no such thing.

Hon. Mr. FROST—A few days ago.

Hon. Sir MACKENZIE BOWELL—He was not banquetted. I do not say he would not be. I believe he is more honest than the man he accused.

Hon. Mr. FROST—He has been there.

Hon. Mr. DANDURAND—This is a slur on the city of Belleville.

Hon. Mr. FROST—He is to be banquetted in Gore Bay shortly.

Hon. Sir MACKENZIE BOWELL—I call the hon. gentleman to order. He is not speaking to the motion before the House.

Hon. Mr. SULLIVAN—Did the hon. gentleman read the evidence in the Gamey case? I did not.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is not in order now, in discussing the Gamey investigation.

Hon. Mr. FROST—I am not discussing the Gamey investigation. I am stating that this man Gamey to-day is being held up as a paragon of virtue.

Hon. Sir MACKENZIE BOWELL—I am afraid the hon. gentleman is forgetting something.

Hon. Mr. FROST—And I consider it is a matter degrading to the public to do such things with a man of that stamp. It is setting up that man as against two of the most honourable judges that sit upon the Ontario bench. That is the position I am taking.

Hon. Mr. TEMPLEMAN—That is in order.

Hon. Mr. FROST—And if this Senate were to refuse to give this Bill the six months' hoist, it would simply be supporting the contention that this man Gamey is a paragon of virtue and that the judges have been degrading their position and putting themselves in the position of partisans, which we know and which we feel and believe is not true, not only of the judges of Ontario, but of the judges of any of the other provinces in this Dominon of Canada. Therefore, I was very happy this afternoon to assist my hon. friend from Montreal by seconding the motion for the six months' hoist.

Hon. Mr. SULLIVAN—I first desire to repudiate, with all the force and strength within my power, the allegation and charge which the hon. gentleman has made. No Conservative with any respectability or decency that I know of has endorsed Gamey or put him forward in any way as a standard, nor desires to do so, neither would any Conservative come into power on the strength of Gamey.

Hon. Mr. TEMPLEMAN—Hear, hear.

Hon. Mr. SULLIVAN—But what they do say is that he should have fair-play. He was not asked by the Conservatives to make these charges. He was not put forward by them in any way, and it was as much news to them as it was to the Liberal party when he made his charges. However, that has nothing to do with the Bill before us. Of course, it may be brought in as a matter of illustration; but to try and fasten on the Conservative party such a charge as that is exceedingly unfair and unjust, and the hon. gentleman, in justice to myself and, I suppose, the other Conservatives in this House, should withdraw his remark at once and apologize for making it. I did not intend to say a word on this subject, but I think the hon. gentleman from Marshfield has rendered good service in bringing forward a subject of this kind. There can be no harm whatever in discussing it, and there is no doubt that the judges have suffered by being contaminated with these trials. He that toucheth pitch shall be defiled, and they cannot be otherwise than defiled by being mixed up with these cases. There was a great deal of talk in the legislature about the Parnell case, and about it being the only precedent they had for these appointments. That case of Parnell's may be taken as the arbitrary exercise by the government of this power, because the London 'Times' was the prosecutor in that case, as hon. gentlemen all know, and the London 'Times' has an immortal hatred of Ireland and all connected with Ireland. One of its first charges against Ireland was long ago, as stated by Lord Russell in his speech. He states that as early as the time of Lord-Lieutenant Mulgave was in Ireland he made this remark : 'We learn without any doubt that Lord Mulgrave, the Lord-Lieutenant, has dined with the rank and foul-mouthed villain O'Connell,' and he called all the priests of Ireland, probably the noblest clergy on earth, 'surpliced ruffians.' The 'Times' said, in Ireland's dire extremity, when disease followed famine, and when they were neglected on the part of the rulers, that they were like rats coming from one ship to another across a hawser. I mention this to show that the London 'Times' had such powerful influence with the government as against the Irish people, that they had no chance, and Lord Russell, who was then Charles Russell, who was defending the prisoner, states that fact, that the government refused to prosecute. There is another point that occurs in this matter which seems singular to me, and that is why it is, if this man Gamey was such a complete scoundrel—and he must either be a patriot or an infernal scoundrel, one or the other, there is no medium position—if he honestly and from patriotic motives took the course which he did to bring this man to justice—and it seems it is a very difficult thing to do anything with these gentlemen in the Ontario government. For thirty years they have held power in the province of Ontario and how they have exercised that power is on record——

Hon. Mr. DANDURAND—Hear, hear.

Hon. Mr. SULLIVAN—I do not know that there is any other dynasty that has held on except the Chinese—and they are certainly not under free government—such a length of time, and it will go far to modify the faith of political economists in free government if this party in Ontario can retain power, practising as they do such corruption and perpetrating such rascality as they have been perpetrating for a long time.

Hon. Mr. DANDURAND—They did not steal that slip from the Ontario Bank.

Hon. Mr. SULLIVAN—I do not know anything about slips.

Hon. Mr. MACDONALD (B.C.)—It is a slip of the tongue.

Hon. Mr. SULLIVAN—Probably the hon. gentleman from de Lorimier can answer it. He is very clever, and no doubt can answer this question : If Gamey was guilty of all that Mr. Ross and his associates have alleged against the member from Manitoulin, why did they not expel him from the House? Why is a man steeped in infamy, as they claim, retained as a colleague ? Mr. Ross gives the answer—not to make a martyr of him. That is a nice way to deal with a criminal. That struck me as an exceedingly lame way of treating this man. He voted, as I understand, afterwards, and I do not think there is any other statesman, or man pretending to be a statesman, like Sir John Abbott, the Hon. David Mills, Sir Oliver Mowat or Sir John Thompson, who

would allow that to go on as Mr. Ross has done. However, we must not go too far into Ontario politics. I simply rose for the purpose of complimenting the hon. gentleman who has introduced this Bill. He showed a great deal of research and learning for a man who is not a lawyer. I was struck by the forceful way in which he placed his views before this Senate. It may be that that case in Toronto stimulated him to bring forward this measure. Whether this Bill be passed or not, he must get the credit of what he states were his motives in submitting it to the Senate. There is an old Latin maxim, 'humanum est errare,' and judges are not exempt from that liability to err. There are judges as pure as any that could be nominated by any Prime Minister, and there are judges nominated by the Prime Minister who, I know, are not true to their trust. The passions which actuated them before they became judges actuate them now on the bench. How was it in the United States in the celebrated trial between Hayes and Tilden before the most impartial tribunal, they claim, in the world, the Supreme Court of the United States—how did they act? They divided seven to eight. One party stood for Hayes and the other was for Tilden, and the state was nearly brought to the verge of civil war. I have known myself judges who did not act with the sublime impartiality we have heard so much about, and it is possible that gentlemen may err who are appointed by the government as well as those who may be elected. I argued that with a gentleman one time, and he convinced me that elected judges were the best, and I, to a certain extent, agree with him still. You get younger men, more responsible to the people, men who will take care of their reputation. Sometimes you may get a bad one, but he can be got rid of. When you get a bad one appointed in Canada, you cannot dismiss him. I simply give this as the argument of the gentleman who showed me many points in favour of the elective system. This unfortunate case that has occurred in Ontario has created a feeling that it would be a good thing if there were any means in the future to prevent the appointment of judges on such commissions. The Senate might agree to pass this Bill and treat it with the greatest respect. I cannot feel that it is a want of confidence in the government of the Dominion, or an attack on the government of Ontario. Remember, Prince Edward Island is a province surrounded by the ocean. The atmosphere there, politically as well as morally, is purer, I presume, than it is in Ontario. It must be very bad if it is as bad as in Ontario. The political morality in Ontario, I think, I can safely assert, is at the lowest condition it ever has reached in my time, and it is most desirable that the public morality of this country should be elevated. We cry in vain for any reform if the source of authority be not pure, and you will not have pure judges or anything else until there is a change. Under the principles of free government under which we live, it is impossible that a party could be pure and remain perpetually in office. It is a shame that one party should be subjected to nothing else but defeat and rebuff, secured in an unfair manner. If it were the result of pure elections, it would be satisfactory, but the Conservative people of this country, and those who have voted Conservative, believe in their hearts, and believe firmly, that their party is kept out of office by unfair and unjust means. That is what rankles. I admire the greatness and magnanimity of those old Conservatives—Tories, if you will—who, meeting with defeat after defeat, close up their ranks with firmness and determination to continue the fight. They deserve better treatment, and I hope they will get it. The people of Quebec, having a row of churches in front all down the River St. Lawrence, and having the Laurentian range at their back, it is impossible for the devil to get in there. There is just one little place open. It just occurred to me a moment ago that that one little place is the Baie des Chaleurs. There is a possibility of his Satanic majesty making a landing there and getting into Quebec in that way, and he has done so. When the great navigator named it the Baie des Chaleurs it was not the climate he had in view, but he spoke in a prophetic spirit. His prophetic view has been verified.

Hon. Mr. DANDURAND—I only regret the hon. gentleman has not told us how many Conservatives in the late provincial elections in Ontario were unseated as compared to Liberals.

Hon. Sir MACKENZIE BOWELL—Perhaps he would go a little further, and say how many were disqualified on the hon. gentleman's side in excess of the other, and then he might do as the other gentleman did—try to forget something.

Hon. Mr. POIRIER—I do not propose to inflict anything like a speech on this honourable House, although I intended to speak at some length on the subject; but the question has been so thoroughly handled and exhausted that I dislike to attempt anything that would be a repetition of the speeches and arguments, much better advanced than I could possibly do it myself. However, I shall just say a few words to justify my vote on this question. The question resolves itself into whether we have the right to pass this legislation and into the opportuneness of it. As to the right, I believe unquestionably that we have the right. As a body having an existence, we have the inherent right of doing anything that is essential to our existence. It is one of the propositions, as you know, of the United States and French independence, but it is also a proposition which prevails in all bodies that exist, the right of existence. That right we have further given us in the Act which made us a confederation, that is in clause 91 of the British North America Act, which says:

> It shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons, to make laws for the peace, order and good government of Canada, in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the legislatures of the provinces.

That clause, as you are aware, hon. gentlemen, especially those amongst you who have followed political events for many years, has been interpreted by all the leading jurists of the Dominion as giving indeed the very widest scope to the parliament of Canada. We all remember the debate that took place here on the question of a Deputy Speaker, and what was then said by Mr. Angers, and the hon. the present Secretary of State, agreeing with him and other leading lights of the Dominion, that by that clause we are indeed given the widest and largest power. Now, in addition of this clause, there is the imperial Act of parliament of 1875 which gives to the parliament of Canada all powers that are enjoyed in matters concerning the administration of our own affairs, or, as I said before, the existence or good order of Canada, that are enjoyed by the imperial parliament itself. In fact, our powers are coequal to the powers of the imperial parliament, and as the powers of the imperial parliament grow, ours grow equally. Therefore, there can be no doubt as to our right of legislating in the manner proposed by my hon. friend from Marshfield. We have authorities directly to the point. Many authorities have been cited. Unfortunately for me, I did not hear all the speeches that were delivered in the debate, but I shall cite one case which certainly covers this point and establishes beyond a doubt that this Bill is intra vires—or, will be, if it pass, within our jurisdiction. I read from Bourinot's Parliamentary Procedure and Practice, second edition, page 93, and it will be the only authority I shall cite:—

> In 1874, the Dominion parliament passed an Act imposing on the judges of the superior courts of the provinces the duty of trying controverted elections of members of the House of Commons. The question was raised in the courts whether the Act contravenes that particular provision of the 92nd section of the British North America Act which exclusively assigns to the provincial legislatures the power of legislating for the administration of justice in the provinces including the constituton, maintenance and organization of provincial courts of civil and criminal jurisdiction and including procedure in civil (not in criminal) matters in those courts. The question came at last before the Supreme Court of Canada, which constituted as a full court of four judges, unanimously held:—
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> That whether the Act established a Dominion court or not the Dominion parliament have a perfect right to give to the superior court of the respective provinces and the judges thereof, the power, and impose upon them the duty, of trying controverted elections of members of the House of Commons, and did not, in utilizing existing judicial officers and establish courts to discharge the duties assigned to them by that Act in any particular invade the right of the local legislatures. That upon the abandonment by the House of Commons of the jurisdiction exercised over controverted elections, without express legislation thereon the power of dealing therewith, would fall, ipso facto, within the jurisdiction of the superior courts of the provinces by virtue of the inherent original jurisdiction of such courts over civil rights. That the Dominion parliament has a right to interfere with civil rights, when necessary for the purpose of legislating generally and effectually in relation to matters confided to the parliament of Canada.

That being appealed to the Privy Council their lordships expressed these opinions:—

> That there is no doubt about the power of the Dominion parliament to impose new duties upon the existing provincial court or to give

them new powers as to matters which do not come within the classes of subjects assigned exclusively to the legislatures of the provinces.

If we have the power to impose such duties upon the judges, we have certainly the power to restrict them. The less is contained in the greater; the greater power carries with it limitations of that power, therefore we undoubtedly can to-day assign to judges of the Superior Courts, the Supreme Court of Canada, and other courts of the provinces, except perhaps certain courts of New Brunswick and Nova Scotia, what restrictions we think advisable as to the limit of their jurisdiction. There cannot, in my estimation, be any serious contradiction of that position. This Bill, if it passes, will be intra vires. But the other question arises, although we have the power unquestionably to pass this Bill, is it opportune? That is the question to be discussed. It was alleged at the beginning of the discussion here—charged, I may say, against my hon. friend from Marshfield, that matters which recently took place in Ontario caused him to introduce this Bill. This he denies. The discussion went on lines which I stated before, as to our power to pass this Bill; but of late the question has been connected with the Gamey affair by the hon. gentleman from Leeds (Hon. Mr. Frost). It appears the Bill has been brought about in consequence of recent alleged scandals in Ontario. That will permit me to say just one word concerning what has taken place. Criminal laws, or laws of any kind, should not be made except to defend rights or to check evils. This Bill no doubt would not have been brought in had not occasion for introducing it arisen. I cannot for a moment think but that the recent events in Ontario have had something to do with it. Now the Conservatives have been asked whether Gamey is, in our eyes, a paragon of virtue. I do not believe him to be that, but I go further and say very few concerned with the Gamey charges could be called paragons of virtue. Without referring to any one in particular, I may say, it has been a sad show. I, for one, coming from the lower provinces and having been told of the high standard of virtue of Ontario—having read about the superiority of that province, the goodness of Toronto, was shocked to find, by reading the evidence in that case, that the people of Ontario were no better than the people of the province of Quebec, were human like the people of the lower provinces. My hon. friend from Grey (Hon. Mr. Landerkin) the other day, in a discussion on the Doukhobors, told us that an Englishman was equal to three men of any other nationality. My hon. friend from Berlin (Hon. Mr. Merner) shuddered at hearing this. Of course my hon. friend meant Ontario people, because no Englishman claims to be equal to three men. An Englishman is satisfied to be equal to the best. The result of the investigation in the Gamey matter leads me to believe that if an Ontario man is equal to three other men, it is in tall swearing. Since the Gamey case has been brought up, what we have heard of it has been of a nature to create a deep and sad impression, not only in this country, but abroad. We read, two or three weeks ago, what a candidate for academic honours said about Canada—that it was a spot to which any one could go without needing a character. That was immediately after the Gamey affair, so that the scandal of that investigation did pass the boundaries of our Dominion, and it is deeply to be regretted. Some hon. speaker has referred to a judge, a very honourable man—I know him to be most honourable—who has been appointed to deal with the Treadgold concession. Mark this, that very same gentleman would to-day be challenged for cause on a jury.

Hon. Mr. FERGUSON—Hear, hear.

Hon. Mr. POIRIER—He would indeed be challenged. No judge would empanel him; yet here he is not only one juryman out of twelve, but sits as sole juror and sole judge. If that is not a scandal it is pretty near one. Such instances have determined my hon. friend to introduce this Bill. I will not charge the present government with having sinned alone, if sin there is in this particular line. I well remember when the Canadian Pacific Railway scandal was tried what the Liberal papers of that time said about the constitution of the court. The trouble was started by the Conservatives, and it has gone on increasingly untill it has culminated in these Gamey and Treadgold scandals. What might not be sufficient at the beginning to justify a law of this nature, subsequent developments may, and I firmly believe do now justify. A re-

petition of such facts is constantly going on with results of a most grievous character. Therefore, although naturally reluctant to have criminal and other laws to meet every particular case, as in the case of the labour question in Montreal, in this case here, as there has been a repetition of affairs that have been derogatory to the good name of the country and especially to the high standing which our courts occupy, and which they should and must occupy, I shall reluctantly be compelled, by the necessities of the situation, to cast my vote in favour of this Bill and against the six months' hoist.

Hon. Mr. SULLIVAN—When I rose before, I intended to speak of Mr. Justice Britton, and as I have been acquainted with him for forty-five years, living in the same town, I wish to explain that a great deal of what is considered partisan about him may be misinterpreted. Judge Britton has a strenuous and extraordinary way of doing anything. In any court—and I have had experience with him in many courts and have been with him on many occasions—whatever he does he does apparently with all his heart, and a man looking at him would think he was a great deal more partisan than a man who would be calmer and conceal his thoughts. As to his personal character, of course it is beyond reproach, as my hon. friend (Hon. Sir Mackenzie Bowell) knows. No man has a higher repute in the city of Kingston than Judge Britton.

Hon. Mr. FERGUSON—As the hon. gentlemen from Wellington (Hon. Mr. McMullen) had a right to speak to-day and was not able to avail himself of it on account of being absent attending a funeral, I thought the most regular way to proceed would be that we should adjourn the debate and permit the hon. gentleman, as well as others, to discuss the question to-morrow.

Hon. Mr. SCOTT—Oh, no ; we had better finish it now. When I made the suggestion to adjourn it was opposed. I thought the feeling of the House was we had better go on with it and get rid of it to-day.

Hon. Mr. FERGUSON—I would not avail myself of the privilege to speak unless the discussion has reached the close. I am very sorry the opportunity the hon. gentleman from Wellington seems to desire is not afforded him.

Hon. Mr. TEMPLEMAN—We will apologize to him.

Hon. Mr. FERGUSON—I have not very much to reply to in the arguments adduced against my Bill. There have been a good many things said that come within the atmosphere of the subject, but very few indeed of the points which have been presented to the House have any direct bearing against the Bill. Before, however, picking up one or two of these points, I want to deal with the statement made by the hon. gentleman from Smith's Falls (Hon. Mr. Frost). I am not going to follow that hon. gentleman, or others, into a discussion as to whether Gamey is a demon or Stratton an angel. I do not think these questions come properly within the discussion of this question, and I have studiously avoided reference to them. But the hon. gentleman from Smith's Falls made this statement, that it has been usual, when a member of parliament is charged with a crime, to refer the matter to the investigation of judges by commission. All I have to say in regard to that is that when a man commits a crime, be he a member of parliament or any one else, the proper place to send him is to the courts of his country—not to send him before a judge in his shirt sleeves, but to a court with all the solemnity of a court of justice. That applies to all men in this free country. But what my hon. friend meant to say was that when members of parliament, or of the administration, are charged with political misdemeanors, the usual course was to send those charges for adjudication to judges appointed as commissioners. I have to differ from my hon. friend, as it has been everything but the usual course in Great Britain, and the Stratton case stands alone in that regard in Canada. The usual course has been to have him tried by his peers, and in support of that view I shall read from Todd's Parliamentary government in the colonies, in which the eminent author of that book quotes, with very great approval the words of the Hon. David Mills, late Minister of Justice, in reference to the Edgar-Caron investigation. I may be excused for discussing this point, as it appeared to be so much in the minds of hon.

members that my Bill dealt with such cases as this and took from parliament some right which it now possesses. Hon. Mr. Mills made this statement in parliament in discussing the Edgar charges :

> There is not in the history of England an instance where such an investigation has been made by commissioners appointed by ministers of the Crown. A commission being the creature of an administration, is appointed to investigate the conduct of those subordinate to the government ; but if called upon to investigate charges against a member of the Treasury Bench, such a person would be in the position of advisor as to who should be appointed to try him. That the sole tribunal to whom the ministers of the Crown are responsible is this parliament, and when a charge is made against a minister of the Crown an investigation ought to be had in this parliament and a report made as to whether the charge is well founded or not.

That is the parliamentary law as laid down by Todd, quoting the words of the Hon. David Mills in support of it. In the Edgar-Caron case the judges were only empowered to take evidence, but in the Stratton case they made findings. The hon. gentleman from de Lorimier (Hon. Mr. Dandurand) in the very interesting speech which he made to the House, referred to an investigation made by judges under the Customs Act. I do not think my Bill, as at present drafted, would refer to such cases at all. If the hon. gentleman would take the pains of looking over our Customs Act, Railway Act, Inland Revenue Act and a great many other Acts affecting the public service of Canada, he would find many instances that arise in carrying out the law in regard to all these departments of the government where questions are properly submitted to the courts. My Bill would not relate to such matters, because there is a proper judicial reference in cases of that kind. It has no relation to the behaviour of a person in office, and I do not think even as at present drafted, this Bill would reach such cases. However, that would be a mere matter of detail. In committee we could consider all these things. I freely admit there are a great many things, in carrying on the government of this country, where it seems desirable to have a speedy reference to the court, not in an extra-judicial capacity, not to settle heated questions between two political parties, but for settling questions of law of fact which arise in the administration of the government of the country. My hon. friend, the Secretary of State, referred to the case of the revising barristers under the Dominion Elections Act, and made the statement that he had always been very strongly opposed to the appointment of judges to that position and that a different course had been pursued by the government of the day. My recollection of that is very distinct, that my hon friend, and those associated with him, were most anxious that the reference should be to judges, and that the judges should be made revising barristers, and they complained when any other course was pursued. At any rate, I never agreed with the action of the late government in appointing judges as revising barristers. My experience with them, and I had a good deal, was that they were not satisfactory. Our experience was that when the same duty was assigned to revising barristers, lawyers of good standing, both parties received fairer treatment, and greater facilities were given for getting the work done expeditiously and with less expense than when it was referred to a judge. However, if anything of the kind had to be done again, I should like to see my Bill so worded, if it is not so worded now, that it would prevent the appointment of judges as revising barristers. With regard to controverted elections, my Bill does not affect such matters. The election cases are tried by the constituted courts of the country, not by a quasi-judicial body. All the machinery is there provided by Acts of this parliament, or of the provincial legislatures, and no one calls it in question. I am free to admit, and I think many hon. gentlemen will agree with me, that there have arisen occasions when the judges of the country were brought into contact with the best of our citizens in the administration of our election laws in ways that did not raise the bench in the estimation of the people of this country. We have known instances where the judges, in administering the election laws, although they have done it as a court, have been subjected to criticism. We are free to admit it is the less of two evils and that it is better to have such cases so tried, not because we have an efficient and complete administration of the election law, for we all know we have not such administration. It is not in all cases the fault of the judges or the courts, but there are so many ways of getting

round the law, and the big culprit, who may have spent $30,000 in an election, may go scot free, while an innocent candidate, who may have run an election honestly, through the action of some agent or some thoughtless act of his own, may lose his seat and be otherwise affected. We know that the Act is not perfect in its administration, but we accept it as the less of two evils, better than to have an election trial held as before, by committees of parliament. I do not feel that there is any necessity for pursuing this discussion further. After listening to the objections made to this Bill by hon. gentlemen who, I am aware, intend to vote against it, I come to this conclusion, that the one reason has been more than any other the dominant reason for opposing this Bill, is not because they see anything dangerous or bad in it, but because hon. gentlemen believe in some way or other the enactment of this Bill at this particular time would, in some way or other, be held to have a bearing on some of these serious troubles that have occurred in the province of Ontario within the last three months. The phrase which has been used by nearly all those gentlemen is this: it is inopportune. Believing the Bill to be a good one—believing that it is one which will find its way, not perhaps exactly in the form in which I have submitted it—it may be more fully and amply considered—but a Bill on the general lines it contains, will certainly before long find its way on the statute-book. I should be loath to do anything which would prejudice the full and fair consideration of such a Bill, now or hereafter. On that account, although I know the Bill would receive at this moment, if not a majority of the votes, a very large number of the votes of this House—although I know that is the reception it would get at present from hon. members, yet feeling that possibly a good measure may be prejudiced in regard to the future by forcing a division at this time, when hon. gentlemen seem to be influenced by fear that it would be taken as in some way a reflection on the government of Ontario, I shall, with the permission of the House, ask leave to withdraw the Bill with the determination, which I desire to express as firmly as I possibly can, that at the next session of parliament, if I live and am here, I will again present the Bill for the consideration of the House, when I hope this view, which seems now so strongly impressed on the minds of some hon. gentlemen, will have disappeared with regard to its being an inopportune time, and when I trust the Bill will receive the consideration to which it is entitled.

With the consent of the House the Bill was withdrawn.

SAFETY OF SHIPS ACT AMENDMENT BILL

FIRST READING.

A message was received from the House of Commons with Bill (179) An Act to amend the Act respecting the safety of ships.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time to-morrow. He said: This Bill enlarges the scope of chapter 7 of the Revised Statutes of Canada in regard to deck-loads, including a number of articles besides those mentioned in the Bill.

The motion was agreed to.

POST OFFICE AND SAVINGS BANKS ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (220) An Act respecting government and post office savings banks.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time to-morrow. He said: This Bill requires that ten per cent shall be held for deposits in the savings banks and post office savings banks, either in gold or securities of Canada.

The motion was agreed to.

DOMINION NOTES BILL.

FIRST READING.

A message was received from the House of Commons with Bill (222) An Act respecting Dominion Notes.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time to-morrow. He said:

This Bill authorizes an addition to the Dominion notes circulation, requiring at the same time that 25 per cent of the amount in circulation shall be held in gold or equivalent securities. It, of course, is necessary to enlarge the circulation of the banks. They require additional circulation.

Hon. Sir MACKENZIE BOWELL—The Bill goes further, as I understand. It requires 25 per cent up to $30,000,000 and 15 per cent above that. I think the Bill is a good one and demanded by the country, especially with the extended trade which is going on and the necessity for larger circulation. The Finance Minister has adopted a plan which is in the interests of the country, and will meet with general approval. If I understand it, the Bill does not limit the amount we can issue.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—The law provides that over the $30,000,000, 15 per cent shall be held as security in gold and securities of Canada.

Hon. Mr. SCOTT—The clause is as follows :

4. The Minister of Finance and Receiver General shall always hold as security for the redemption of Dominion notes issued and outstanding at any one time, up to and including thirty million dollars, an amount in gold, or in gold and securities of Canada, the principal or interest of such securities being guaranteed by the government of the United Kingdom, equal to not less than twenty-five per cent of the amount of such notes so issued and outstanding, provided that the amount so held in gold shall be not less than fifteen per cent of the amount of such notes so issued and outstanding, and as security for the redemption of Dominion notes issued in excess of thirty million dollars an amount in gold equal to such excess.

Hon. Sir MACKENZIE BOWELL—That is correct, but the question I ask is as to the extent of issue—for what amount can they issue, over and above the thirty million, for which the fifteen per cent is held ?

Hon. Mr. SCOTT—I shall explain it to-morrow.

The motion was agreed to.

CITY OF OTTAWA IMPROVEMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (223) An Act to amend the Act of 1899, respecting the city of Ottawa.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time to-morrow. He said : This Bill extends the government grant to the city of Ottawa for ten additional years, and allows the commissioners to borrow on that. They may issue debentures, provided they are payable at the expiration of the ten additional years, making twenty years altogether from 1898. It is to enable them to make the improvements in the next four or five years rather than extend them over twenty years. They can issue debentures on the aggregate of the whole amount, the debentures, of coarse, to be payable within the time limited.

Hon. Mr. FERGUSON—That means we shall have a Washington of the North here in four years instead of twenty years ?

Hon. Sir MACKENZIE BOWELL—Is it to be governed by commission, the same as Washington, and deprived of municipal powers?

Hon. Mr. SCOTT—No. It is simply an extension of the Act passed four years ago, which was limited to ten years. The $60,000 a year, which included the amount of $15,000 for water supply, is extended for ten years, and in order to make the improvements at an earlier date, the commissioners are authorized to issue debentures on the amount to be paid within the full period.

Hon. Sir MACKENZIE BOWELL—That is by the commission ?

Hon. Mr. SCOTT—Yes, with the authority of the Governor in Council, of course.

The motion was agreed to.

FIRST READINGS.

Bill (192) An Act to enable the city of Winnipeg to utilize the Assiniboine River water power.—(Hon. Mr. Gibson.)

Bill (224) An Act to amend the Fisheries Act.—(Hon. Mr. Templeman.)

Bill (225) An Act to amend the Steamboat Inspection Act, 1898.—(Hon. Mr. Templeman.)

Bill (226) An Act to amend the Act respecting certificates to Masters and Mates of Ships.—(Hon. Mr. Templeman.)

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, July 22, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (203) An Act respecting the Toronto, Hamilton and Buffalo Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (159) An Act to incorporate the Canadian Yukon Western Railway Company.—(Hon. Mr. Gibson.)

Bill (81) An Act respecting the Brandon and South-western Railway Company.—(Hon. Mr. McHugh.)

Bill (194) An Act respecting Infectious or Contagious Diseases affecting Animals.—(Hon. Mr. Scott.)

CRIMINAL CODE AMENDMENT BILL.

THIRD READING.

Hon. Mr. LOUGHEED moved the third reading of Bill (H) An Act to amend the Criminal Code respecting offences connected with trade and breaches of contract.

Hon. Mr. ELLIS—I had not the opportunity of being present during the discussion on this Bill when it came from the committee, and I desire simply to say that I dissent from the principle of the hon. gentleman's Bill. I am sorry to detain the House now with regard to it, but will only say a few words. Legislation of this character, it appears to me, can have no good effect. It widens the breach between capital and labour. It makes labour suspicious. It puts capital in a false position before the country. I attended one of the hearings before the Banking and Commerce Committee, but did not hear any sound reason urged why the Bill should pass. It was not shown before the committee that there were any walking delegates, or whatever they are called, coming in from the United States who in any way ordered strikes, or compelled strikes in this country. In view of all the conditions which exist between labour and capital, in view of the difficulties which are continually arising, the less law we have on the matter the better. It is right enough to have laws to preserve the peace, and to have laws which will operate fairly and justly as between man and man, but this Bill goes much further than that. It seeks to put upon labour a burden which it would be impossible to put upon capital. That is to say, there is no way that you can legislate to prevent capital organizing. We have evidence that between monopolists in Canada and in the United States there is a constant and active organization—there is a constant union between them, while on the other hand, capitalists are endeavouring to prevent an organization on the part of labour. It is going too far. I dissent from that view of legislation altogether, and will not say further than express my dissent from the Bill.

Hon. Mr. MACDONALD (B.C.)—This Bill is not aimed in the least against union labour. It is aimed entirely against the mischief maker from another country coming into this country and doing harm. What do we find across the border? We find these walking delegates being arrested and put in jail day after day for deceiving the union men they are supposed to protect. This Bill does not touch union labour in any way, but it gives workingmen freedom to labour when and how they like, and to join a union or remain outside of a union, as they please. I hope the Bill will pass in this House—I am sure it will with a large majority. It is in the interests of the union men themselves, and, by invoking the aid of outside people, they declare themselves to be incompetent fools who cannot manage their own affairs.

Hon. Mr. SULLIVAN—I rise with a great deal of diffidence to say a word against what, I suppose, may be almost the unanimous opinion of the House, at this late stage. The reason why I am opposed to this Bill is that it is a coercion law, and if any one has a horror of coercion laws, it is one who has read the history of Ireland for the last hundred years, and which the most illustrious of the monarchs, I hesitate not to say, who ever sat on the throne of England is now engaged in settling for ever. Hitherto, I think that the spirit of the Canadian law has been opposed to such measures as this. The feeling of the age is not of such a nature that it requires force and law to keep down any improper organizations. I am sorry that Senator Lougheed has not his name affixed to some Bill which

I could heartily support. The first legislation of his in this Chamber, to which his name will be affixed imperishably, is not one of beneficence, like that to which the name of the hon. Secretary of State is attached. I suppose many would consider this Bill a beneficial measure. The gentlemen before the committee who represented the higher classes of mechanical labour acquitted themselves there with decorum, and advanced arguments which I found should be listened to with respect. The law of Canada, I hope, will never reach a point where it will require a strong force, military or civil, to enforce it. I trust that as heretofore in the history of this country the people will obey the law. We have enough of laws and law-making machines. From the municipality up to this House, three anyway, are engaged in legislation, and surely that will be sufficient. I know this Bill has had the consideration of all the legal acumen of this House, from the hon. gentleman from Calgary down to the hon. gentleman from Quebec. All the legal talent has been used to frame this law, so as not merely to prevent a coach and four going through, but to prevent even a wheelbarrow going through it. I have a knowledge of laws which cannot be enforced. I recollect well, and some hon. gentlemen in this House may recollect, when there was a party processions law passed in England, and Lord Dufferin, seeing the bad effects of it, wanted to have it repealed. There was another such law passed in this country. I live in a city called the Derry of Canada, and it is customary there for gentlemen of a certain organization to have a procession on a memorable day when they celebrate the glorious, pious and immortal memory, &c. The mayor at that time was an Englishman named Contre, and like some Englishmen I am looking at, was very obstinate and determined to carry out his will and compel the most supreme respect for the majesty of the law. Mr. Contre, in an evil hour, went to arrest this procession. I saw what occurred; I did not take part in the procession exactly, but I saw it. His worship the mayor stood up with a document in his hand and the procession came on. The drums struck up the British Grenadiers, and as the procession marched along with drums beating and banners waving and the rub-a-dub-dub of the small drums, Mr. Contre did not shrink, but held his ground. He had only one policeman with him. The procession did not know what he was doing, and when he was about to read his document I remember the drummer flung his drumsticks in the air and the musicians seemed to get more vim, and the mayor of the city, the majesty of the law, and the whole Act was swept away like a chip on a torrent into the pool of oblivion. That is what this gentleman did, and the same thing may happen under Senator Lougheed's Bill. I do not want anything of the kind to happen. I agree with everything that was said by the illustrious Pontiff whose remains are now lying in state in the city of the Cæsars, and whose last illness has afforded such a touching spectacle to the whole world. Never in the history of this world has there been such a sublime spectacle afforded as the whole Christian world uniting to pay the respect to piety, talent, toleration and great worth, and to one whose influence was always exerted on the side of peace and for the benefit of humanity. He does so by recommending the law to look out for such an action, and to be prepared to suppress such firebrands as the Bill before us, I presume, aims at. That may apply to some states of Europe, but it does not apply to this great free country—this country which I believe has none other to equal it in safeguarding individual liberty. I should be sorry to see that such legislation had emanated first from this Chamber—a measure of coercion and repression, a law which aims at restricting the liberty of individuals. Does the hon. gentleman mean to say that the people of this country are so wanting in intelligence that they have to be protected like children—that they are so innocent and unsophisticated in the ways of the world that we are afraid some importation from the United States would come over here and tempt them, and they might possibly fall? I have no such opinion of my countrymen as that. I honour the sentiments of the gentlemen who support this Bill, and it may pass this House, but whether we support it or not, there is doubt it will never pass in the other House. The House of Commons would not think of passing such a Bill. They dare not do it. Moreover, this might lead to international difficulties. If we were to

arrest citizens of the United States and thrust them into jail for a breach of this law, what might happen? I think serious difficulties might arise from this, and we would be in a worse position than before. Rely on my word, conciliation will get over all this difficulty. Labour and capital will see the necessity for compromise. I am opposed to the greed and to the grinding efforts of some of those gentlemen who engage labour. There is no doubt there have been instances of oppression; and there is no doubt either that labour should unite, and that they should strike occasionally to force the fear of God into men's hearts. They have no other way to do it. If there was a little trouble in Montreal, let Montreal settle it. In the city of Toronto, if three or four men stand at a corner in peaceable time at present, they are not allowed to remain there. A policeman orders them to go on, and if they do not move on, he will soon put them where they will have time to reflect.

Hon. Mr. BAKER—That is coercion.

Hon. Mr. SULLIVAN—It is enforcing the laws of politeness. I do not think it is coercion to make men move on and allow others to use the streets. I hope I have not uttered any sentiments which would be unworthy of this House. I know that it is a Chamber where such sentiments as I have uttered might be considered out of place, and that they might be better urged in the other House. I think that this is a coercive law, and I have a horror of such laws, because I know the baneful effects of them, and I know that it cannot be enforced without a great deal of trouble and loss of life. I therefore am opposed to it.

Hon. Mr. COFFEY—I feel inclined to oppose this law for several reasons. I feel, in the first place, that it goes too far in one direction, and, if I might be permitted to say so, in another it does not go far enough. If I understand it, this Bill is aimed at citizens of the United States or Canadians who have been resident for only one year continuously in Canada. It would be a mistake, indeed, to put on the statute-book a law such as this, for the reason principally that it seems to be framed specially for the benefit of capitalists. I have before me an extract which I will take the liberty of reading, and which, I think, will be a very strong illustration of the claim I make, that this law is framed specially for the benefit of capitalists. They speak about walking delegates of workingmen coming from the United States to agitate for a raise of wages, and to create strikes in Canada, but we have here an illustration of the walking delegate acting for the capitalists. The extract reads as follows:—

> Toronto, June 13.—A special to-night from Akron, Ohio, says: 'Attorney F. Matterholt, the noted combine promoter of this city, has effected a combination of all the ice companies of Toronto. The merger will become effective before July 1st. He has been in Toronto this week completing the combine.' The big companies in control of the Toronto field at present are: Lake Simcoe Ice Company, Ewart Ice Company, Canadian Ice Company, Graham Ice Company, Northern Ice Company, Crystal Ice Company, Grenadier Ice Company and the Knickerbocker Ice Company. The proposed trust will be in a position to command the product all over southern Ontario.

We have here a walking delegate deliberately coming from the United States to raise the price of one of the necessaries of life, and this walking delegate the law will not touch. On the other hand, a walking delegate coming from the United States, representing the workingman, we want to put in jail if he comes to Canada and tells the workingmen they are not getting enough wages. I do not think this is fair. Let us look at the matter for a moment, and see where we are. Take my own business: we will say that a printer comes from Chicago or Detroit, or Cincinnati, or some western city to Toronto and gets employment, and he happens to say to one of his fellow workingmen 'I do not think you are getting enough wages in this city. You ought to agitate for an increase.' This law will take hold of that man and put him in jail for simply making that assertion.

Hon. Mr. MACDONALD (B.C.)—Serves him right.

Hon. Mr. COFFEY—Is that not interfering with the liberty of speech, of which we are so proud in Canada? Let me say, furthermore, that I do not want to hold any brief for the anarchist, or his half brother the socialist, nor will I hold any brief for the man who throws stones, or is guilty of rowdyism or of breaking the law, or who wishes to promote a strike for the purpose of causing trouble between employer and

employee in Canada. The further you sift the question the more palpable it will become to you, that while we may very often find fault with the actions of the workingman—and it is quite true they have been guilty of many crimes of unreasonableness in the labour market—we must also find fault with many capitalists who are unreasonable, and who are actuated by the spirit of grind, grind, grind, and who are engaged in the furious race for millions. There are capitalists and capitalists, as there are workingmen and workingmen. I know some workingmen that, it might be said, are an honour to our country, and the workingmen of this class are the great majority who are happy in the condition of life in which they are never placed. They never cause any trouble with their employers. I know there are discontented workingmen, and if you give them a raise of wages to-day they will want another to-morrow, but while you find fault with the workingmen on this point, you must at the same time look at the other side, and you will find that employers are guilty of quite as many sins against the peace and harmony and freedom of this country. The hon. gentleman who has just resumed his seat made reference to the the position that the Pope has taken on the social question, and I will ask permission to read a short extract from one of his encyclicals on the labour question, which will bear me out in a good deal I have said. It reads :—

> When work people have recourse to a strike it is frequently because the hours of labour are too long, or the work too hard, or because they consider their wages insufficient. The grave inconvenience of this not uncommon occurrence should be obviated by public remedial measures, for such paralyzing of labour not only affects the masters and their work people alike, but is extremely injurious to trade and to the general interests of the public ; moreover, violence and disorder are generally not far distant, and thus it frequently happens that the public peace is imperilled. The laws should forestall and prevent such troubles from arising ; they should lend their influence and authority to the removal in good time of the causes which lead to conflicts between employer and employed. The rich must religiously refrain from cutting down the workmen's earnings, whether by force, by fraud, or by usurious dealing, and with all the greater reason because the labouring man is, as a rule, weak and unprotected, and because his slendor means should, in proportion to their scantiness, be accounted sacred.

I think hon. gentlemen will all agree with this principle, and if we have one illustration which more completely than another bears out the contention that I have made, it is this : We all recollect our experience last winter when coal was scarce, and when men who could well afford it took the opportunity of putting a price on that necessary article of life, which rendered it almost impossible for poor people to obtain fuel. If capitalists combine to raise the price of the necessaries of life—and we see about us on all hands trusts for almost everything that goes into daily consumption—how can you blame the workingman if he combines to raise the price of his labour in order that he may be enabled to live ? If we pass this Bill we are going altogether too far. We are very proud of the freedom we enjoy in Canada, the grandest and best and freest country on the face of the earth to-day. Let us not go too near that line where tyranny begins. Another thing that is well worthy of consideration is this fact : we have in the United States to-day perhaps, hundreds of thousands of workingmen who are Canadians. What will the United States people think of us if we put on our statute-books a law which will tell them : 'gentlemen, we will give our own people liberty of speech. We will give our own Canadian people the privilege of standing on the platform and declaring that we are not getting enough wages, but if an American comes over here and says such things we will put him in jail.'

Hon. Mr. MACDONALD (B.C.)—Yes, put them in jail ten times over.

Hon. Mr. COFFEY—That is a matter well worthy of consideration. We know perfectly well that our Canadian young men are continually going to the United States. and if we put a law on our statute-book which is unfriendly to the United States. we must expect that that unfriendliness will revert on our own people when they go to the great republic. I oppose this Bill because I think it will do more harm than good, and unless we inaugurate a spirit of conciliation, the best we can do is to let matters stand as they are. For my part, I believe that conciliation is the best course which can be adopted, because the bringing of both sides together to talk over matters in dispute, with the object of arriving at a mutually satisfactory agreement, is the only effective weapon we can use to settle the labour question.

Hon. Mr. McHUGH—I feel very keenly on this subject. I feel that this Bill is directed against the masses of this country. It is claimed that the workingmen of Canada have not sufficient intelligence to know their own business and that they will leave an employer who has treated them well to follow a stranger from the United States. Unless that delegate from the United States or from any other foreign country can show the labourers of Canada that it is in their best interests to quit their employment, I do not think they will do it. It is an insult to the intelligence of our Canadian workingmen, and I think they are as intelligent as the workingmen of any country in the world. To say that these men will follow the advice of some foreigner in order to serve his interests and neglect their own is hardly doing them justice. At the same time, I think there is an inconsistency in this Bill which should bring about its defeat. It makes it legal for men to strike, yet makes it unlawful for a man from a foreign country to tell his fellow-craftsman that he has a right to demand higher wages—that one fellow-craftsman cannot say to another that he has a right to higher wages. Under such a Bill I think our liberties are pretty well invaded. I know a good deal has been said about the foreign agitator coming into this country. I listened to the discussion before the Banking and Commerce Committee of this House on this subject, and I must say that the delegates from the labour organizations represented there did well and held their own alongside of the paid counsel of the organized capital of this country. The employers brought Mr. Ritchie, of Toronto, an able lawyer, and Mr. Watson there, and I can prove to this House that they tried to deceive that committee. Mr. Watson took an article from the 'Globe' newspaper, if the gentlemen who compose that committee remember, and read it as what the labour organization of this country said they themselves were—said they had neither a body to be kicked nor a soul to be damned—that they could shoot from behind hedges and kill. He said that is what the trade unions of Toronto had stated they were. His attention was called by Mr. Clarke to the fact that he was quoting from the speech of Mr. Brock, the member for Centre Toronto. I have here the speech made by Mr. Brock and the article Mr. Watson read from the Globe,' and I say the paragraphs that he read to that committee are in quotations, and quotations from the speech Mr. Brock delivered in the other House. It was unfair towards that committee for Mr. Watson to insinuate that the labour organization had declared themselves to be such unlawful characters. I heard in the discussion—if I may be permitted to refer to it—the other night on the Chinese question the hon. gentleman from Victoria say you cannot control white labour. That is a nice sentiment coming from an hon. member of this House. I say you can control white labour, but you cannot coerce it. There is a class of people who can be coerced, but they are an inferior race, and not the working people of Canada. There is coercion in this Bill, and it is not going to attain what the hon. promotor thinks it will, because you are not going to coerce the white labour of Canada; but you are going to drive Canadian labour into a corner, and instead of being able to go out and discuss questions in the open, pertaining to their own interests, you are going to drive them to disucss in secret. Wherever drastic legislation of that kind has been imposed on a people, it has been the parent of anarchy and socialism. We do not want anarchy or socialism in this country. We want labour to be as free as capital to discuss what is in its own interest, and for that reason we should vote down this Bill. I know that evils have followed in the wake of labour strikes, but what good was ever bequeathed to man that evil did not accompany it? Look at England and the United States, where labour organizations have been in force for many years, and see what it has done for the masses, and then go to despotic countries in Europe, where they do not have a right to discuss questions pertaining to their own interests, and see how they compare as to intelligence with the labourers of Canada, and I say it ought to be sufficient to ask this House, for that alone, to vote down this Bill. The hon. gentleman from Victoria said a moment ago that this Bill is not interfering with labour unions. We had delegates from the labour organizations of this country before the committee. Why were they there? Be-

cause they felt their interests were being attacked. They pointed out to that committee where their interests were going to be attacked in their insurance organzations. They have their insurance organizations internationally, and if we pass this Bill it will be impossible, and the delegates said so, to carry on their insurance in this country. Canadians have some two million dollars insurance in that international union, and as soon as ever they see that a foreign officer cannot come into Canada when labour troubles are on, just so soon will our unions be asked to send in their charters, and when they do so, they will lose all rights in the funds they have been paying into for twenty or twenty-five years; and in that way we will be doing an injustice to those men, and bringing misery on their wives and children. See the benefit some of those associations have done in keeping misery from the doors of working-people in this country. I have mentioned one organization, the railway trainmen, who paid last year alone out of their beneficiary fund to widows and orphans some $592,000, and $54,000 of that money was paid to widows and orphans and disabled members in Canada. By legislation of this kind you may destroy that organization. I have mentioned one of many. The locomotive engineers have been equally benevolent with their fellow-members and the unfortunates that belonged to them. If this House do their duty, they will vote down this measure.

Hon. Mr. CLORAN—I should like to have the promoter of the Bill explain to the House why he does not accord to labour the same rights that are accorded to all other interests, whether business, financial, social or political interests. Will the promoter of this Bill explain to me why labour has not the same right to have organizations throughout the world that capital has? Will he tell me why insurance companies are not prevented from going abroad and seeking aid doing business in foreign countries. Will the promoters of this Bill tell the labouring classes of this Dominion why their rights are curtailed by this honourable House while the rights of all other classes of society go untrammelled? Until the promoter of this Bill gives these explanations to me, I shall have to cast my vote against the Bill.

Hon. Mr. McHUGH.

Hon. Mr. LOUGHEED—I had not intended to make any observations upon the third reading of this Bill, but owing to misrepresentations having been made as to its effects, I feel I would be placing myself in a position subject to be misunderstood, did I not make a few remarks with reference to its application. In the first place, I might say that the object of introducing this Bill, was not so much that it might become law, as that the subject, which was one receiving a great deal of consideration, both in the press and by the general public, should be discussed by this House and otherwise and thus possibly result in the subject being dealt with more intelligently in the future than it has been in the past. Now, I unhesitatingly say that the Bill as it stands at present will lead to a great degree in the line of conciliation being adopted as the method of settling strikes, instead of the coercive measures which heretofore have been resorted to both by capital and labour. Had I been permitted to exercise my discretion to the full in this matter, I would, after the discussion before the committee, have withdrawn the Bill, being fully satisfied its object had been attained by reason of the public discussion which took place upon it; but owing to the reluctance of the committee, and I apprehend of this Chamber, to permit it to be withdrawn, as I assumed the responsibility of introducing it, of course I abide by that responsibility. But it is manifest that if foreign, irresponsible agitators—agitators who do not come within the pale of the law, are permitted to come into Canada and are permitted by a process of systematic agitation to stir up that acerbity and bickering and ill-feeling between employer and labourer which we find to be the result of these agitations which have been carried on heretofore, it is utterly impossible to arrive at a satisfactory settlement of labour disputes through any process of conciliation. The two processes which have been freely discussed, that of coercion and that of conciliation, are diametrically opposed to each other and it is impossible, I submit to this House, to suppress such a system of agitation as is resorted to except legislation will in some way step in, or except public opinion will pronounce itself intelligently against such methods of attaining labour objects as heretofore have been resorted to. Now, it is quite manifest

to this House, and hon. gentlemen who have spoken to-day on the Bill must admit, that if we can by any means wipe out the causes which have led to all those unfortunate conditions which have heretofore obtained between labour and capital, we will occupy a much better basis on which to settle labour disputes. Some of my hon. friends who have spoken against the Bill have termed this a coercive measure—they have spoken of oppression—they have spoken against the desirability of promoting such legislation, but I would point out to hon. gentlemen, and particularly to those gentlemen who seem to be so opposed to the Bill, that there is probably no such repression, no such coercion in public life to-day as that which is resorted to by many labour unions for the purpose of coercing and repressing that individual liberty which every subject is entitled to by reason of his right to labour under any conditions he may choose. If any hon. gentleman can point to me more mischievous oppression or coercion than that is, I should like to know of it, but I am not aware of any such coercion entering into the principles of this Bill as that of which I have made mention. Another misrepresentation has been made—not wilfully, I freely absolve any hon. gentleman from wilfully making any misrepresentation upon the subject to which I am about to refer, but certainly through the public press, and amongst the labouring classes, and in this House, it has been represented that this legislation is calculated to very seriously affect the financial interests of Canadian workingmen in the American federation of labour, so far as their insurance and other funds are concerned. Now, I challenge any hon. gentleman to point out within the four corners of this Bill any interference which can possibly arise with reference to that subject. The Bill does not assume for a moment to deal with the vested interests of Canadian workingmen, or with the interests of the American federation of labour. Surely it cannot be said that the financial interests of the workingmen, either in the United States or in Canada so far as the American federation of labour is concerned, are allied in any way to the agitation which this Bill is calculated to suppress. If hon. gentlemen can point out to me any connection between the two subjects, I will assume the responsibility of withdrawing the Bill so far as I am personally concerned. I, therefore, must ask this House, and ask public opinion to absolve me entirely from any such desire, and to pronounce upon the Bill being absolutely free from any such results.

Hon. Mr. McHUGH—I think the hon. gentleman was a member of the committee to which this Bill was referred and heard the representatives of organized labour there state that they had consulted the best legal talent they could get in the country, and that they were advised that in the event of this Bill becoming law, it would interfere with an international officer coming over here when he was asked to participate in settling a strike, that they would be called upon to send him their charter, and would by that means lose their right as members of that international organization, and being deprived of their membership in the international organization, they would lose any right to participate in any insurance benefit fund, or any other fund belonging to that organization.

Hon. Mr. MACDONALD (B.C.)—They could not do that ?

Hon. Mr. LOUGHEED—I must disclaim having heard any such statement made. I am free to say this, that if any responsible counsel in the Dominion of Canada has given an opinion that this Bill would in any way affect the funds to which my hon. friend has referred, or would have the far-reaching effect which he mentions, I certainly would not remain the sponser of the Bill for one moment. No such statement as that was made before the committee. No legal gentleman undertook to express his legal opinion there before the committee, or before the public upon that phase of the Bill. True, certain delegates who addressed the committee made reference to the Bill having that effect, but no hon. gentleman on the committee, even among those opposed to the Bill, seriously accepted the view that it would have any such effect. I desire to point out to my hon. friend from London (Hon. Mr. Coffey) who seemed to feel very seriously aggrieved, contending that this Bill met a condition of affairs which, so far as workingmen are concerned, was peculiarly unfair, and he referred to an ice combine and other combinations of capital hav-

ing a pernicious effect upon the public interest and which were not interferred with. The very condition of facts mentioned by my hon. friend from London is already provided against in the Criminal Code. There are very serious penalties attached to the combinations which he has mentioned, and my hon. friend is perfectly at liberty to invoke the criminal law to suppress any such combine. I might furthermore say that this Bill does not possess the inequalities charged against it. It has been so drafted that it meets combines of capital as well as agitations of labour. It bears equally hard upon both. No discrimination has been drawn either as to capital or labour in the Bill itself, and wherever capital may become organized and invade Canada for the purpose of effecting the purposes which the Bill is designed to suppress, the Bill will reach that combine of capital precisely in the same way it would reach a like condition of labour agitators. Whichever way you look at it, you find the Bill so balanced that it meets both conditions of the difficulty which the committee endeavoured to reach. Under the circumstances, the Bill will not have the far-reaching effect which hon. gentlemen who are opposed to it have pointed out, but it will have the salutary effect of directing public attention, particularly in Canada, to the undesirability of irresponsible agitators coming into this Dominion and widening the breach which already is wide enough between labour and capital. If it should pass and effect that purpose, it certainly will bring about a consummation devoutly to be wished.

Hon. Sir MACKENZIE BOWELL—I listened with a very great deal of pleasure to the first speech of my hon. friend from London (Hon. Mr. Coffey), and if he will permit me, as an older parliamentarian than himself, to compliment him on the manner in which he has placed his views before the House, I will do so with very great pleasure. But it struck me that both the hon. gentleman and the senator from Lindsay (Hon. Mr. McHugh) misapprehended the character of the Bill altogether. There is no attack upon organized labour in this Bill, as has been pointed out by the hon. gentleman from Calgary. If hon. gentlemen will take the trouble to read the Bill, they will find that it provides against capitalists combining to unduly lower the rate of wages. It has been so amended by the committee, and subsequently by the hon. gentleman from De Salaberry (Hon. Mr. Béique) that it meets the case that my hon. friend has called attention to, and I do not know that I should have risen to say one word more upon this subject had it not been that I think they are labouring under a misapprehension as to the character of the Bill itself. The Bill reads as follows :

> Every one is guilty of an indictable offence and liable to two years' imprisonment who, not being a British subject, or who, being a British subject and not having been continuously domiciled and resident in Canada during one year next before the commission of the act complained of, does in Canada counsel, incite, urge or induce any strike or any lock-out,—

That word 'lock-out' is against the capitalist and not against the labourer. The clause of the Bill continues :

> —or the continuance of any strike or any lock-out or a rise or fall in wages.

The hon. gentleman will see that it strikes at both the employer and the labourer. That change took place, as the hon. gentleman may remember, because it was pointed out to the committee by those who represented the labour organizations that an organization existed among the capitalists for the purpose of preventing settlements in cases of dispute between the labourer and the employer, except by an agent of such organization. So that the law is just as strong against one as the other. The extract read from the encyclical of the late Pope was quite to the point, but if my hon. friend had read a little further I think he would have found in it something which meets the case precisely now before the House. I take the liberty of reading one or two sentences in the letter from which my hon. friend quoted. I find the following passage, dealing with the subject of employer and labourer :

> It is not an easy matter to define the relative rights and mutual duties of the rich and of the poor, of capital and of labour, and the danger lies in this : that crafty agitators are intent on making use of their differences of opinion to pervert men's judgment, and to stir up the people to revolt.

Hon. Mr. MACDONALD (B.C.)—Hear, hear.

Hon. Mr. CLORAN—Is that quotation quite correct ?

Hon. Sir MACKENZIE BOWELL—I presume so. I am reading it from a book with the title, 'The Pope and the People: Select letters and addresses on social questions.'

Hon. Mr. CLORAN—It disagrees with what I have in my hand.

Hon. Sir MACKENZIE BOWELL—This is by His Holiness Pope Leo XIII., and it was put in my hands a few moments ago for my own edification by my hon. friend who sits opposite, for which I thank him.

Hon. Mr. CLORAN—The third line in that paragraph reads:

It is not easy to define the relative rights of the wealthy and the poor, and the danger lies in this: that crafty agitators constantly make use of these disputes and stir up the people to sedition.

I did not quite catch it as the hon. gentleman read it.

Hon. Mr. COFFEY—The words are the same.

Hon. Sir MACKENZIE BOWELL—I am not responsible for the book. I do not think my hon. friend would put it in my hand if he did not think it was authentic. I take it for granted that it is, and the reason that I quote it is that, to my mind, it utters sentiments precisely in accord with the provisions of this Bill; that is, to strike at the agitators and not the organizers of labour, not the labour unions who combine for mutual benefit and advantage to each other. I do not know that language could be found to convey the idea that my hon. friend must have had in his mind, when he introduced this Bill. What I wanted to point out was the misunderstanding that seems to exist in the minds of those who have discussed and opposed the provisions of this Bill. I remember myself—and those who were present on the committee will remember it—that when it was pointed out that capitalists had formed a combination in which there were rules as obnoxious to the ideas of freedom as of the labour organizations which prevent men from earning a living when they will not work themselves, and consequently the Bill was altered so as to meet both cases. I will not refer to the humorous remarks of the hon. gentleman who sits behind me (Hon. Mr. Sullivan), when he referred to ancient history. I have a faint recollection of the passage of the Bill to which he referred by the then Baldwin-Lafontaine administration, long, long before confederation. I remember taking a little hand in it myself, when I was a good deal younger than I am now, in assisting to set that law at defiance, because it ostracised a certain class of people. The Secretary of State will remember it well. It prevented a man being a pathmaster or sitting on a jury if he belonged to a certain society, and it made it a penal offence to exhibit an orange lily on a certain occasion. That was striking a blow at liberty that I think my hon. friend himself would object to, and I say it now, and with a very great deal of pride, that one of the principal statesman who wiped that iniquitous law from the statute-book was the late George Etienne Cartier, who had some regard for the rights of the people in Canada, whether they were of the Protestant or the Roman Catholic faith, and as a Conservative, believing fully in the liberties of all classes of the people, he was one of the principal instruments in moving and voting for the repeal of that Act. I am not going to argue that question now; it is too old. We have learned to treat each other with a little more consideration than in the old times years ago. I hope that spirit of liberality which characterizes the people of the present day will continue to grow in the future, and that we may learn to respect each other's opinions, whether they be political, racial or religious, and forget the animosities that existed a long, long time ago. I have lived long enough to adopt that principle, and I hope that during the remaining portion of my life, I may continue to carry it out.

Hon. Mr. ELLIS—Does the hon. gentleman think that is the spirit of this Bill?

Hon. Sir MACKENZIE BOWELL—Yes. If a man comes into this country for the purpose of stirring up people to revolt, as referred to in the extracts I have read from the encyclical letter, the spirit of this Bill is to punish him, and if capitalists combine to raise the price of an article which goes into consumption, the law upon the statute-book punishes him and gives the government the power to prevent any man from inciting others to do that which is wrong.

My hon. friend talks about turning out the militia and the soldiers to keep the peace if this becomes law. Has it not cost the city of Montreal some fifteen or sixteen thousand dollars to suppress what the provisions of this Bill are intended to prevent if possible ? In the city of Toronto a like result followed. At Valleyfield the soldiers had to be turned out to keep the peace, I do not say that was the result of agitators, but it was the result of a combination, which arrogated to itself the right to prevent you and me from earning bread for our children because we chose to work while they thought proper to strike and refuse to work. Is that the principle the hon. gentleman desires to see continued in this country ? If it is, I cannot concur in his opinion. It is not according to my idea of liberty in the sense that I understand it. No man should be permitted to come into this country and agitate people to do that which is wrong. My hon. friend from London (Hon. Mr. Coffey) says he is afraid that the United States will enact retaliatory laws against our people, in case we put this on the statute-book. What have they on the statute-book to-day ? A labouring man goes across the line and asks for employment, and what happens ? Some official deports him—sends him back to Canada because he happens to be an alien. I have learned and I am sure my hon. friend after he has studied this question a little more, will see, that the less we frame our legislation in the fear of what the United States will do, the sooner we will get justice from the republic. We have been legislating for years in a direction fearing some retaliation from them, until we have given away everything we have in return for what we might receive as a matter of reciprocity. Let us do as legislators and as a people that which we believe to be in the interests of our own people irrespective of the United States or any other country.

Hon. Mr. COFFEY—I do not think I made the assertion that I feared the United States would enact retaliatory laws. What I said was this—that in case this law passes, it will create a feeling of very great unfriendliness amongst the workingmen of the United States against the Canadians who are there, and those who may go there hereafter. I will say also, that in my experience of agitators, the worst we have ever had in this country were returned Canadians.

Hon. Sir MACKENZIE BOWELL.—Hear, hear.

Hon. Mr. COFFEY—And the law will not have much effect, if it is intended to strike United States people, because they very rarely come over here. In regard to what my hon. friend said about lock-outs. I do not think there is much force in it, for the reason that we scarcely ever have one. The capitalists are so well able to protect their own interests that they never have any. Last winter, if hon. gentlemen will remember—and no doubt they do—a gentleman was arrested in Brantford and tried for having, with others, entered into a conspiracy to keep up the price of coal. It was a combine of half a dozen coal dealers in Brantford, and they put all the other dealers out of business. The other dealers went to Buffalo to buy coal and found they could not buy it unless they paid a higher price than the coal was retailing for in Brantford. That gentleman was found guilty of conspiracy, but was never punished. It was taken from one court to another. He had unlimited capital, and the chances are that he will go scot free. From what I have heard, and know, I believe that the hon. gentleman from Calgary (Hon. Mr. Lougheed) has been animated by the highest and noblest motives in presenting this measure. Still, I think it is a mistake, and it will be one of the worst acts we ever did if we pass such a coercive measure simply because a few characterless scamps come into Canada and make speeches on the labour question.

Hon. Mr. GIBSON—I do not know that I should say anything, occupying as I do, perhaps, a different position from most hon. gentlemen in this House, but, I know from my observation and experience—having been connected with the working classes all my life—that those who do not employ workingmen to a large extent seem to give them the most of their sympathy, that those who have had the experience of handling men find there is no more difficult thing in the world than the settlement of a strike. It is the simplest thing in the world to bring on

a strike, and it is the most difficult to settle one. The whole object and aim of this Bill, if I understand the English language and the intentions of the hon. gentleman aright, is simply to prevent people from coming into this country to disturb the peace and harmony between employer and employee. Under my hand I have a number of letters from leading employers of labour, unsought for, uncalled for. I have never lifted my finger in one direction or the other, since the hon. gentleman introduced this Bill to get these letters. I attended one or two of the committee meetings, and was struck with the subtlety of those who were presenting their argument against the Bill from the labour class, in bringing forward the railway operators, the fireman's union, the brakesman's union and the railway engineers' union as representing the trades unions.

I wish to bear testimony, being connected with a railway for thirty-three years or longer, that these organizations are the finest type of labour unionism on the continent of America, but everything behind that was silent and dumb. Not a representative of the other labour unions came here. Why should they simply shield themselves behind an organization which is a credit to the working classes? Such a thing as a strike has not taken place by the railway men—I refer to the men operating the railway trains. These men have been wisely led. Year after year they go to the railway companies with their grievances, but they do not threaten to strike. Perhaps for six, eight or ten weeks, a representative is sent from the different organizations to wait upon the railway companies, and they adjust their grievances, and come home and everything is amicably settled. Can any one defending labour unions say that that is the way all trades unions and labour unions are conducted? Not a bit. I am not going to enter into anything of a controversial character, because I could keep the House for hours on the subject. The labouring people do not give you a moment's warning. They tell the foreman through the day that at six o'clock at night, or the next day, they will cease work unless certain conditions which they demand are acceded to. Personally, I have had them come to me before I was out of bed, and tell me that before they started work they required a raise of twenty-five cents a day to every man, not inquiring whether I could afford it or not, and I simply had to submit to that dictum, or let them go on strike. That is the experience of every employer of labour. They strike without giving any consideration to the results which may follow. Men are easily led, and one evil man in the shop or factory can disturb the harmony of five hundred, yea, of five thousand men. It is to prevent these paid agitators from coming over from the United States to disturb the peace and harmony at present existing between the employees and the employers that this Bill has been introduced. I venture to say that before a walking delegate set his foot in Canada, there was no difficulty in settling the labour disputes in our factories and workshops. The trouble is caused by the walking delegate who comes over here and gets among the men. He is well paid and receives so much a day for every man who joins the union. He organizes a lodge. He goes amongst them and says 'If you join the lodge you will get your wages raised thirty, forty or fifty per cent.' The men take this for granted. He brings over a charter, and pockets a large proportion of the fees paid, and then the trouble begins. The men were satisfied before this agitator came, but he convinced them that if they would start such a union their wages would be increased. The men said 'We are perfectly satisfied and perfectly content.' He said: 'Oh, but if you join the union we will get your wages increased thirty to fifty per cent.' Then he must do something for this money, so he advises the men to go on strike. That is coercion, and I am bound to say here, in presence of my fellow-members, and let it go out to the world, that the greatest coercionists among the working class, are the working classes themselves against one another. If a man breaks one of their rules, they will follow him to the end of the earth, if need be, and place a fine upon him that he cannot escape from. Worse than that, these walking delegates come over here, not for the purpose of benefiting the working classes always, but for the purpose of benefiting themselves and destroying the industries of Canada, so that the like industries on the other side of the line may

control the markets during the time our industries are tied up. This is one particular in which the Bill of the hon. gentleman from Calgary commends itself to my judgment. Before I read the letters to the House, let me show the way these men coerce one another, and how useless it is to make a bargain with a trade union. It is not worth the paper it is written on. You make a bargain that your own men will remain with you twelve months for $3.50 or $4 a day. If the wages go down they will remain with you, and you are obliged to pay the money, but if the wages go up they will not strike. Although they have entered into a bargain, every one will leave you. What benefit is it to enter into an agreement with a body of that kind? Let the body become incorporated under the laws of the province where these unions are organized, and then they can be made amenable to the law. As it is now, they have no organization except an international one. There is nothing that you can lay hold upon. They are under no obligation to carry out any engagement they may enter into, and the employer is entirely at their mercy. Let me read one extract from a labour journal to show you how they coerce their own men with regard to their duties to the state. I suppose that if I were speaking before a committee of labour men that this would be challenged, but this is a document sent out from Washington, where nearly all these organizations emanate, and this is what the delegates of the assembly state. It was adopted by the executive board at Washington, District of Columbia, on January 1st, 1900, and ratified by the branches April 1st, 1903. It reads as follows:

> This association does not approve of or sanction any of its members belonging to any volunteer military organization except on a call from the government for the defence of their country.

They will not allow a man to belong to a volunteer organization for fear that volunteer organization may be called into use for the purpose of putting down a strike. It is only in defence of the country a trades unionist is allowed to join the volunteer militia. We all hope that is an occasion which will not happen, and that volunteers will never be required for such a purpose on either side of the line. But these men are forbidden to become volunteers for fear that they might be taken out to guard life and property. One firm has stated:

> The labour unions have carried things so far that in some factories the owners have very little to say about the managing of their own business, they say whom he shall employ, what wages to pay, what hours they will work, what machines he can use, and what stock they will work up and what they will not, so practically the owner is only a figure-head. Many of the arguments in favour of it are not true and there are many reasons why it would be unjust. The unions have been asking for and getting more rights all the time, but they are unwilling to incorporate the unions to make responsible bodies and accountable for their acts.

I have another communication which here reads as follows:

> I saw an article in the Hamilton 'Herald' that the Hon. Senator Lougheed's Bill would likely be withdrawn, but I do not think that this will be the case, as I think that the Senate is a body (rightly), not altogether tied by political exigencies, and therefore any Bill promoted by them carries unbiased opinion on a subject which is for the benefit of Canada. I may state in vindication of this that I read a long article in the 'Iron Age' giving statistics that at the very most the unions in the United States, all told, do not comprise fifteen per cent of the industrial population, and Canada without doubt has not the same, so that all this upsetting of business is brought about by a small minority and are doing their best to get legislation to keep alive a state of affairs which will serve well—those paid officials of the different unions. Another important eventuality is, can it not be possible for our competitors or the unions which to some extent control them in the States, to precipitate a strike here and leave them an open field. This I only surmise as a possibility with unscrupulous men. However, I hope that the unbiased opinion of the Senate will have a wholesome moral effect on this question by the passing of the Bill. I may state that all our men seem satisfied and we have got a goodly number of Scotch machinists used to machine tool work, which has a good effect.

Then I have another communication which reads as follows:

> The parliamentary committee of this association is of the opinion that this would be a very great mistake. We have taken two important deputations to Ottawa, and have presented to the committee, what, in our opinion, would seem abundant evidence for the necessity of the measure. The Banking and Commerce Committee have decided that the representations made to them have been sufficient, or we would bring even more evidence to bear upon the subject. In any case, we feel that any apathetic stand on the part of the committee or the Senate will not only nullify the healthy sentiment which the discussion of the Bill has already created, but it may even lead to the impression that the Senate, like other bodies in Canada, is pandering to trades unions.
>
> It has also been hinted that there should be a 'saw-off' between the Union Label measure and Senator Lougheed's Bill. In both cases the manufacturer feels that his case is too strong

and the issues too important to make a compromise of any kind with irresponsible bodies whose leaders have little or nothing to lose so far as Canada is concerned.

We trust, therefore, that in the interests of all parties, you will lend all the influence you have towards having the Lougheed measure pressed through the Senate as soon as possible during the present session.

Bearing out what I said a moment ago with respect to the unreliability of some labour unions with regard to holding to their bargain, I have this letter from a firm in Montreal, dated June 6th.

Sir,—Recently we noticed in the 'Press' that a labour leader, while in Ottawa, stated all labour unions had a sacred regard for agreements.

If an opportunity arise, please let your honourable body know how little regard the International Stonecutters Association has for the agreements of its branches.

More than a year ago we made an agreement with the Crookston, Ontario, branch of this organization to cut stone for Niagara Falls, Ontario. From the day we began the contract, the Niagara Falls, New York, branch—(of the same organization)—endeavoured to make our Crookston men violate their contract with us.

Finally, before the expiration of the agreement, they succeeded in forcing our men to quit work.

After some time, our men were allowed to resume work, for a short time only, and then on condition that they would discontinue the use of the most useful tool; and, further, they were forced to ask fifteen per cent more wages than they had agreed to work for.

Our Crookston men fought hard, but the American branches overruled them.

As a practical man you know the abolishing of the stone pick would mean thirty per cent increase in cost of cutting.

There you have a case where another branch, nearly three hundred miles away, before allowing the men to resume work on the material they were formerly cutting, insisting that the employers of labour should pay these men fifteen per cent more than they had agreed to accept. Now, I know that these men were perfectly satisfied to resume work. They were disappointed that they were laid off, and it was fortunate for the men that they had other work to do. I want to bear testimony—I want to be fair in this matter—that the men belonging to the Crookstown branch, as I mentioned on a former occasion, were willing to work, but they were prevented by Queenston who have a charter from the United States, men who live between Buffalo and Niagara Falls come over to Queenston, Ontario, with this charter in their pocket and set up business for themselves—these men would not allow the Crookston men to cut stone and send it into their district. As I said a moment ago, the employers had material cut going to the city of Montreal, and to the credit of our French Canadian stonecutters, they allowed the stone cut in Crookston to be taken down to Montreal, but not for months after were the men allowed to resume the work on the stone going to Niagara Falls, and then only on an imposition being made, not by the men who were cutting the stone, but by the men whose districts the stone was going into, forced the employers of labour to pay fifteen per cent more. The Crookston men fought hard against it but they were overruled. I paid a visit to the quarries and saw two of the leading men, citizens of Belleville, whose word is undoubted, who told me they were perfectly satisfied to resume work at the former wages, but were not allowed to do so by an organization whose place was in Buffalo and whose headquarters were in Washington. They were not satisfied to impose the fifteen per cent additional on the wages of those men, but made them abolish what is known in the trade as the stone pick, one of the instruments used in stone cutting. In order that the work might be more costly to the contractor the men were obliged to follow the dictum of this lodge in Buffalo, and lay aside the most important tool in that trade, and in addition to the fifteen per cent which the employers were obliged to pay, this caused an addition of fifteen per cent to the time in consequence of the removal of this important tool. Some hon. gentlemen who have spoken have quoted from an encyclical letter of the Pontiff who has just passed away, giving his views on the labour question. I should like to say to those gentlemen who have spoken, I would be delighted, as a Protestant, to know that the labour unions would implicitly follow the advice laid down by the great and good statesman, because he has done more to conciliate the differences between the labouring classes and employers of labour than any living mortal, and his advice has been beneficial to the world at large. Every effort he has made has been to establish peace and goodwill between employer and labourer. If our men were allowed to go on in the even tenor of their way in Canada, they would start a Canadian labour union. I, for one, have always been glad to employ men connected with the union—I prefer them to non-union men, but I say the time has arrived in Can-

ada when we are large enough, strong enough and have ability enough to carry on trades unions as Canadian unions without having any connection with the unions of any other nationality on the face of the earth. This Bill is not aimed at the citizens of the United States. It is aimed at people who come over here to disturb the tranquility of the tradespeople in Canada—people who are engaged in lawful industries and whose industries are being destroyed by men who are paid to create agitation and tie up the industries of our country so that they will not be able to meet competition from the other side of the line. I could not afford to stand up in this House and give a silent vote on a measure which commends itself to my judgment and the judgment of every right-thinking man in the Dominion of Canada. I care not whether it is carried in the House of Commons or not; thank God there is one place in the legislature of Canada where men can stand up and do their duty irrespective of fear or favour, and that is this Senate. Perhaps the Bill is not as complete as it ought to be, but it is at least a step in the right direction and will commend itself to the calm judgment of all those who wish for the welfare of Canada and to live in amity with our neighbours to the south of us. We have no quarrel with them. We do not want to disturb them. Our men do not go there to create a disturbance. Some one said that a delegate from United States capitalists had come here to create an organization to raise the price of ice. There never was ice enough in Canada to cool the hot-headed people coming from the United States to create trouble. I trust to the industrious, intelligent and law-abiding citizens of Canada rather than to men from the other side of the line who so far forget themselves that they will not allow their fellow-employees to become volunteers to preserve the peace and prevent the destruction of life and property. When an organization of that kind goes so far, it has not the right to come before this House and say that it is being unfairly dealt with. As far as the money that has been spent by the Railway Conductors Union is concerned, many hon. gentlemen in this House has an insurance policy with some United States insurance company, but still he is not afraid, if the time comes when that policy is due, that his heirs will not get the money. That was only a bugbear that was put up, because there is a solemn compact between these men that as long as they pay their dues to that association—so long as that organization is able to pay its claims when they fall due, there is no more fear of those men losing a single dollar than if they were insured in the New York Life or some other first-class insurance company in the United States. We need not be afraid on that score. There is no aim in this Bill to destroy the property or rights of any workingman in Canada. The whole object is to prevent our own people from being——

Hon. Mr. LANDERKIN—Gulled.

Hon. Mr. GIBSON—I quite agree with the word 'gulled,' but that is not the word I wanted to use. They are certainly gulled by men who know too much to work, but know enough to wear good clothes and to spend money at first-class hotels as if they were princes at large. This man Gompers who was here a short time ago in Ottawa, was quite meek while he was in Canada. In the city of Montreal, I am proud to say the Roman Catholic Archbishop discouraged a meeting that was called to disturb the peace, but when Mr. Gompers went to Boston he was on free ground, and was in a position to say that he was endeavouring to create an international union all the labour unions in the building trades on this continent—endeavouring to mass them in one federation of which he would be the emperor. At present he is drawing, I suppose, eight or ten thousand dollars a year, and if he could get labour organized as he wishes, he would be in a position to destroy the building trade of any country on the face of the earth. As it is now, each labour organization is separate and distinct. The mason may build the cellar wall but the bricklayer may stop because of a strike. After the walls are up the carpenter may put on the roof, but the steel men may be on strike and will not put on the metal. This man Gompers, whom some of our people in Ottawa ran after as if he was a hero, proposes that he shall have the power to stop the masons, the bricklayers, the carpenters, the iron men, roofers and all tradesmen engaged in the construction of a building. Imagine such power put in the hands of any man, and that he may be allowed to come to Canada or send his satellites here to destroy our peace and harmony. He should

never be allowed to land in the country if that is his intention. Under this Bill, if a man comes here with a good intention the Bill does not apply, but if he comes to destroy the labour interests of the country, this Bill would be enforced. It would be far better that a dozen or fifty men of that character should be put into jail than that thousands of our workingmen should be thrown out of employment and their wives and children suffer privation for want of the necessaries of life.

Hon. Mr. DAVID—I was not present when the Bill was first discussed, and I should like to ask for some information from the hon. gentleman from Calgary. The Bill provides :

524A. Every one is guilty of an indictable offence and liable to two years' imprisonment who, being a person not a British subject, whether residing in or out of Canada, does in Canada incite, urge or induce workmen, by any act or means whatsoever, to quit any employment in which they may be engaged, or to enter upon any strike with the object of enforcing additional wages or terms of employment from their employer.

This applies only, if I understand right, to foreigners and to British subjects not domiciled in Canada. If I understand it, counselling a strike is not declared an offence. If the things which are mentioned here do not constitute an offence under our own laws, how can you make a discrimination between a Canadian and a foreigner ? If the thing mentioned in this Bill is not criminal, how can you make a criminal of a man whether a foreigner or not, who commits the act ? It is not a criminal act now ; how can you make a discrimination and condemn and punish as a criminal a man who has not committed a criminal offence ?

Hon. Mr. LOUGHEED—Parliament can declare what shall constitute an offence. Full power is vested in parliament to create any offence and bring it within the criminal law. There is no doubt, at the present time, the criminal law does not cover an act like this, but the intention of the Bill is to make this a criminal offence and punish it under the criminal law.

Hon. Mr. DAVID—I admit there is but one thing which parliament cannot do, and we know what it is. But is it right to make such a discrimination ? I want to explain my vote, because I have declared I would vote for the Bill presented by the hon. gentleman from De Salaberry (Hon. Mr. Béique) concerning the freedom of labour. Why ? Because, while I have always been considered a friend of the workingman, and have shown it on many occasions, at the same time I think we must protect them against their own imprudence and protect society as well. There may be strikes which are reasonable. I have known occasions when the general sympathy of our population in Montreal was with the strikers. I would ask the hon. gentleman from Calgary, supposing a strike is a good and honest one, ordered by people with good intentions or only a desire to improve their conditions, and if a foreigner comes in and encourages such a strike, though the strike is not bad, if it is not criminal, how can you declare that a man who does that is a criminal and condemn and punish him as a criminal ? As to the Bill presented by the hon. gentleman from De Salaberry, I voted for the Bill as amended because its object was to prevent strikes from being converted into riotous assemblies which might become very dangerous to the community and for the workingmen themselves, but here there is nothing to connect what is mentioned in the Bill with acts or words of violence. If there was something to that effect in it, I should vote for the Bill. If there was something like this in the first clause, 'or using words or threats which would be conducive to deeds of violence,' then I think I would vote for the Bill, but otherwise, unless the hon. gentleman from Calgary is able to meet my objection, I do not see how I can vote for it.

Hon. Mr. LOUGHEED—The whole object of the Bill is to prevent foreigners from interfering in Canadian strikes.

Hon. Mr. CLORAN—This discussion has taken a course which is a very serious one in this country. The labour interest is the most important in Canada.

Hon. Sir MACKENZIE BOWELL—Order. The hon. gentleman has spoken.

Hon. Mr. CLORAN—I made no speech before on this measure. I asked a question and got no answer, and I rise to ask for that answer. I am willing to submit to the ruling of the Speaker.

Hon. Sir MACKENZIE BOWELL—What is the question ?

Hon. Mr. CLORAN—The question is this : Will the hon. the promoter of this Bill prove

to this honourable House why they do not curtail the liberties of financial, manufacturing and others as well as labour interests? That question has not been answered. This debate is assuming proportions of interest to the people of Canada. As I said, the most important and valuable interest in the country is that of labour. Labour is the creator of capital, and capital must pay respect to labour, and this honourable House and the parliament of Canada must understand that. Now, I oppose this Bill because it strikes at organized labour, notwithstanding what the hon. senator from Belleville has stated.

Hon. Mr. McMULLEN—I rise to a point of order. I want to know whether this discussion is being conducted in accordance with the rules of this House or not?

Hon. Mr. MACDONALD (B.C.)—No.

Hon. Mr. McMULLEN—If not, we should have order. The hon. gentleman has already addressed the House.

Hon. Mr. CLORAN—I addressed the House in asking a question, that is all.

Hon. Mr. TEMPLEMAN—On the point of order, we all know that considerable latitude is allowed in this House to all speakers, and my hon. friend from Hawkesbury is a new member of the Senate. He has had no opportunity to express his views on this question, or at least has not availed himself of any opportunity, and when he rose a few minutes ago he simply asked a question and sat down. We have lost lots of time. There is no necessity for any hon. gentleman, on a question of order, to suppress any hon. member, and particularly a young member of this House. I appeal to the House to let the hon. gentleman speak.

The SPEAKER—I understood the hon. gentleman who has the floor said he was prepared to defer to the ruling of the Chair. I take the same view which has been taken by the hon. gentleman from Victoria. The rules are not very rigidly enforced here, and the hon. gentleman from Hawkesbury (Hon. Mr. Cloran) had not made any regular address to the House; he simply asked on two occasions questions of hon. gentlemen who had the floor, and I think it would be enforcing the rule in an unjustifiable degree if I were to hold that he was out of order in speaking now.

Hon. Sir MACKENZIE BOWELL—I do not want to question the ruling of the Chair. If the Speaker decides that the hon. gentleman has a right to continue the discussion, I am willing to submit, but I do not propose to take a lecture from the Chair when I call a member to order under the rules.

Hon. Mr. TEMPLEMAN—The Speaker was not lecturing any one.

The SPEAKER—I did not lecture any one, and I hold the hon. gentleman who had the floor has the right to make a speech.

Hon. Mr. CLORAN—I do not understand the motive of the hon. gentleman opposite who wished to prevent light from being thrown on this subject. As I have stated, this question is of supreme importance, not only to this honourable House, but to the millions of the labouring classes of this Dominion. The hon. senator from Belleville stated that this Bill was not an attack directed against organized labour. I hold that it is a direct and fatal attack on organized labour. If this honourable House can prevent men from outside the limits of Canada coming in to assist their brother toilers, why not declare that the toilers of Quebec shall be restrained from coming into the province of Ontario? Why not localize your organizations so as to make them insipid, useless and powerless? In union there is strength, and I say this Bill is an attack on the brotherhood of man. We are supposed to be brothers throughout this world. There are no lines which prevent the workingman seeking to better their condition, and I say this Bill is a direct attack on organized labour, its value and usefulness. I hold, more, that it has not been proved here by the declarations of hon. gentlemen who have spoken on this Bill that there is any necessity for it. Has any hon. member named an instance where an agitator has come from a foreign country and called a strike in this country of ours? I have it on the best authority that there is no such instance in the history of unionism in Canada—that there is no one instance where a foreigner has come into Canada for the purpose of ordering a strike. If that statement can be contradicted, I am pre-

pared to accept the contradiction on the spot. If it cannot be contradicted, I say all the arguments that have been made on that line fall to the ground. The hon. senator from Lincoln (Hon. Mr. Gibson) had an objection to delegates coming in here. That is a matter of opinion. It is not a matter which attacks the principle which underlies this Bill or builds it up. A delegate can come here and form unions just as our delegates go from the I.O.F. to outside countries to form courts for mutual insurance. The question of delegates coming in here to form unions I know nothing about. I believe they do come, and they come here under the protection and for the assistance of our Canadian unions. They do not come here and impose themselves on our trades unions. If they come, it is because they are invited. There are gentlemanly instincts amongst the labouring classes as well as elsewhere. These delegates do not force themselves on our Canadian labourers, and therefore, that argument of walking delegates coming in here has no weight with me in forming an opinion on this Bill. On the contrary, it is necessary that there should be international action, international action not only between two countries, but all over the world. If international action is necessary for the maintenance of peace, why not permit of action on international lines all over the world on behalf of labour, so that labour can be strong and in its strength be wise. Where labour is weak labour is not wise. Labour is liable to commit errors and grave sins against the laws of society, and we are liable to err in the statutes that we pass here, and the same with capital. What we want is strong unions, so that they will be able to take care of their interests. On these grounds, I cannot see that this Bill should pass. And further, a document has been placed in my hands regarding a statement made by the hon. senator from Calgary, and it is this: he asked a question which I did not catch myself, but of which I was informed. He wanted more drastic rules than the union rules—the rules that would be used by employers and companies.

Hon. Mr. LOUGHEED—No. Permit me to say that I said nothing about rules. I simply instanced in a general way cases of repression and coercion which occurred from time to time in being impressed upon non-union men, and I simply used it in a general sense, because a large body of our law is simply a question of 'Thou shalt not do so and so.' I have made no attack on organized labour or their rules.

Hon. Mr. CLORAN—I am glad to know that my information is not well-founded. There is another statement of the hon. gentleman from Calgary which I have on information also. He said he was prepared to withdraw the Bill if it could be proved that the property or the interests of labour would be injured by its enactment.

Hon. Mr. LOUGHEED—Yes, I said that if a responsible legal opinion had been submitted to the committee that the financial interests of organized labour were directly in jeopardy through the passage of this legislation, I would have assumed the responsibility of withdrawing this Bill, and I furthermore said that during the various sessions of the committee no evidence was submitted whatever, except the ipse dixit of the various delegates, as to the indirect injury it would cause to the funds of the association, but no legal opinion, or no opinion bearing upon the legal aspect, was submitted to which we could pay any attention. In fact none whatever was submitted.

Hon. Mr. CLORAN—In regard to that matter, I would have this to say, that there is not the slightest doubt in my mind from a legal point of view, that if Canadian unions were forced to separate from headquarters in the United States or in Great Britain, or elsewhere, that the funds paid in up to date would be confiscated and remain at headquarters. There is no question about that whatever.

Hon. Mr. LOUGHEED—Will my hon. friend point out wherein the element of separation is in any way involved in this legislation ?

Hon. Mr. CLORAN—This legislation cuts at the great artery that binds the Canadian unions with other unions of the world, whether they be in Australia, England, France or the United States. If there can be no active, useful relationship between the two bodies, then they had better be separated. If Canadian money is going into United

States channels and United States funds, and no agitator, as he is called, or no representative of labour, as I call him, can come into Canada to settle matters, then the best thing they have to do and the only thing they have to do is to separate, and the moment they separate, all the funds which have been put into the general fund will remain on the United States side. That is my legal opinion. It is my opinion from a public point of view, and if the hon. gentleman wishes a further opinion, I am prepared to wait and give him an opportunity to obtain it so that he may withdraw this Bill. He owes that to parliament. He has made a fair offer, and he has made a generous offer of his principles, to sacrifice them on the altar of his country, and I am prepared to close the discussion at once if the hon. gentleman will undertake to move the adjournment of the debate and secure that opinion. But in case he does not, I will finish my argument. The hon. leader of the opposition quoted a very important passage from one of the most important documents ever penned by the hand of man on the question of labour. The hon. senator from Belleville quoted four lines, and from what I can see, although he said, a few days ago on the floor of this House, that he did not belong to the legal fraternity, he would make an excellent lawyer if he were at the bar. He quoted sufficient to suit his own purposes, which compels the attorney on the other side to complete what he left unread. This honourable House will remember that I interrupted the hon. gentleman when he read the extract from this encyclical letter of Pope Leo XIII. I was right in interrupting him, because the two texts are not the same. One is published by the Catholic Truth Society, and mine is published by the International Catholic Truth Society, going to show that when you have an international base to stand on you are on safer ground. The Catholic Truth Society publishes this letter and the International Catholic Truth Society also publishes it.

Hon. Mr. MACDONALD (B.C.)—Which is the true copy ?

Hon. Mr. CLORAN—The sense is about the same. I contend the text of the hon. gentleman is stronger than what is contained in this.

Hon. Sir MACKENZIE BOWELL—The language in that document is stronger than the one I was reading from.

Hon. Mr. CLORAN—This document reads as follows:—

The Condition of Labour.

The discussion is not easy, nor is it free from danger. It is not easy to define the relative rights and the mutual duties of the wealthy and the poor, of capital and of labour, and the danger lies in this : crafty agitators constantly make use of these disputes to pervert men's judgments and to stir up the people into sedition.

Hon. Mr. GIBSON—Hear, hear.

Hon. Mr. CLORAN—The article continues :—

But all agree, and there can be no question whatever, that some remedy must be found, and quickly found, for the misery and wretchedness which press so heavily at this moment on the large majority of the poor. The ancient workman's guilds were destroyed in the last century, and no other organization took their place. Public institutions and the laws have repudiated the ancient religion. Hence by degrees it has come to pass that workingmen have been given over isolated and defenceless to the callousness of employers and the greed of unrestrained competition. The evil has been increased by rapacious usury, which, although more than once condemned by the church, is nevertheless under a different form, but with the same guilt, still practised by avaricious and grasping men. And to this must be added the custom of working by contract and the concentration of so many branches of trade in the hands of a few individuals, so that a small number of very rich men have been able to lay upon the masses of the poor a yoke little better than slavery itself.

These are the words of the man who has lived a holy and pure life. These are the words of a man who has governed, not only one spot in Rome, in the Vatican, but whose counsels have gone over the face of the earth. These are the words of a man who lies to-day dead, but before his tomb is closed over him, I am proud to have it to say, that hon. members on both sides of this House, hon. gentlemen on both sides of this question, have thought fit to teach this Senate, this parliament of Canada, upon what basis to place this question of labour. Look not at one side alone, look at both, look at labour and wealth. What is wealth, only the creature of labour. There is no wealth in this world without labour or without toil. It is not the artist who adds to the wealth of the world. He may add to its beauty. It is not the lawyer or the notary who adds to the wealth of the world. He may add to the intelligence,

and so all along the line. The men who add to the wealth of this world—and there is only one sense in which wealth can be created—are the farmer who tills the soil, the miner who digs into the bowels of the earth, the manufacturer and the fisherman. These are the four men, and these are the men you have to protect against danger, and these are the principles laid down and which I will be called upon to further advocate in connection with the Bill of the hon. gentleman from De Salaberry when it comes up. But here we have sufficient proof that this Bill should not be accepted by this honourable House. We have enough proof that this Bill is a direct attack against the liberty and the freedom of action of the workingman. I am sorry to disagree with the hon. gentleman from Lincoln (Hon. Mr. Gibson), when he states that Canadian workmen should remain within their own restricted limits. Why not let the brotherhood of workmen extend over the face of this world, the same as any fraternal order? Why restrict the labouring man to a local organization when the Independent Order of Foresters and the Masons, and all mutual benefit societies are allowed to stretch their hands all over the wide world? Why force our poor loyal Canadian workingman to depend upon his own efforts ? Why not allow him to have others come in ? They do not come in to disturb the peace. No instances have occurred in the history of strikes where they have been urged on by foreign agitators. When that is done, we will find sufficient in our statutory laws to put them behind the bars, but we have no right to state to labour in this Canada of ours, 'Your field is simply here. Your relationship is alone here and you have no right outside.' I say it is a duty this Senate should not be called upon to perform.

Hon. Mr. KERR (Cobourg)—I shall not detain the House long, and only for the discussion this afternoon it was not my intention to do more than give a silent vote on the question. Although this Bill has been now for some time before the Senate. I still fear, notwithstanding the full and able discussion that has taken place upon it, both here and in committee, that there still exists some—no I should say very considerable—misapprehension as to the true nature of this Bill. To my mind, the Bill is a very simple one. It is good English, easily understood, pointed and direct. If I understand the Bill, it is not aimed at the question of capital and labour. It is not aimed at the question of labour unions, or unions of capital——

Hon. Mr. MACDONALD (B.C.)—Hear, hear.

Hon. Mr. KERR (Cobourg)—I am not called upon on this occasion, whatever I may be in the near future, to advocate these questions. As I understand the Bill—and I think I do—its sole and only object is not to prevent aliens or foreigners coming into Canada, but to prevent them coming into Canada for the purpose of instigating strikes and lock-outs. I cannot understand how this Bill does not commend itself to all reasonable men. Do not misunderstand me, hon. gentlemen, that I would insinuate—far from me—that I think those who have spoken, and will follow their speeches by their votes against this Bill, are not just as good and loyal, and perhaps wiser men than myself. But I cannot understand the view that they have taken. I, for one, cannot, after what I have heard, reconcile my conscience and remain quiet and not say a word or two from my standpoint. Happily, or unhappily, I am not an employer of labour or a member of a labour union, but I want to say here now, in justice to myself, that if there is one class in the Dominion of Canada whom I admire and respect more than another it is the men who belong to that great band of labourers, so to speak, the men who belong to that great army, 'Pull off your coat and roll up your sleeves,' men who have made Canada largely what it is to-day ; but hon. gentlemen, while I entertain that view, I am bound to say that I will now, and on all occasions when called upon, set my face and voice and vote against men coming into Canada for criminal or malicious or wicked purposes. This Bill is within the competence of this House to pass ; there is no doubt about that. The only question we have to consider, I take it, is whether it is expedient, or in the interests of the welfare of this Dominion to pass this Bill. I have heard an argument used, sounding somewhat strangely to me, that, forsooth, some people across the line might take umbrage, or offence, or consider that it was an un-

friendly act on our part, to pass this Bill. I do not anticipate any such reason, or any such feeling. I am very sure that if a Canadian so far forgot himself as to cross the international boundary line and set to work to stir up or incite strikes, or lock-outs, I would think the United States people would send him back where he came from.

Hon. Mr. MACDONALD (B.C.)—He would be shot like a dog, and serve him right, too.

Hon. Mr. KERR (Cobourg)—I am told that it was useless for us to pass this Bill, because it is sure to receive its quietus in the other Chamber, where I believe Bills have sometimes to go. Well, that may be. Some people say they do some queer things there, but I do not know whether they do or not. All I want to know and be satisfied about, is that I give an intelligent vote on the question before us, and when I have done that, to know that I have discharged my duty, and I shall leave it to those who vote against it to take their own view of it, either in this House or in the other. The last speaker, in his eloquent speech, quoted some views and sentiments of His Holiness, Pope Leo. I have the most profound respect for the words and the wisdom of that great man. I do not know that I can better sum up what I have always thought of him, of his great life, than by saying that his long and useful mission upon the earth was one of peace on earth and good-will to men. But while I say that, if I read his views aright, they completely disprove the position that the hon. gentleman sought to establish by quoting them. I am satisfied that if His Holiness could hear this discussion, judging from his antecedents, judging from his whole life, judging from his conciliatory disposition, I believe he would be heartily in sympathy with the object of this Bill and endeavour to prevent men stirring up strife and ill-will. Now, do not let any one go away and say that I am opposed to men coming here. This Bill is not opposed to aliens coming to Canada. Aliens are welcome to come here, but they are not welcome to come here and stir up strikes and lock-outs amongst our own people.

Hon. Mr. CLORAN—Are strikes a crime?

Hon. Mr. KERR (Cobourg)—I have not said they are, and this Bill does not say they are, but the stirring up of them is a crime. Aliens can come here, British subjects can come here for peaceable objects, and they will be just as thoroughly and fully protected by our laws as those who have lived here all their lives, but they must come here for a useful purpose, and use their presence here for a conciliatory and peaceful purpose, and it is only against alien agitators that this Bill is aimed. When I cast my vote in favour of this Bill I do so as a true friend of the labour unions. I cannot conceive anything that will array the Canadian people and the capitalists of both countries against labour unions more than agitators coming in here to meddle with union men's affairs. It is a sad reflection on the people of Canada that we cannot produce as good people to settle these questions here as they have in the United States. The sooner we rely upon ourselves for the settlement of our labour disputes, as well as for the development of our country and the exploitation of our territory, the better for us, and this Bill will be a large instalment in favour of bringing about that most desirable result. For these reasons, as well as many others which are present to my mind, which I cannot and will not give, even though hon. gentlemen had the patience and kindness to listen to me, I shall vote in favour of this Bill, and in doing so I shall claim to be as good a friend of the labouring man—and those who know my life from my youth up will corroborate what I say—that I am as favourable and as friendly as any man in this Chamber to the labouring man, as any one who has spoken to-day, and in voting for this Bill, I shall do him a grand service by keeping alien agitators out of this country who come here to incite strikes and meddle with our affairs.

Hon. Mr. McGREGOR—It was not my intention to have said anything in this debate. I intended to give a silent vote on this Bill. An authority has been quoted here, but a greater authority says 'the labourer is worthy of his hire.' I am, to some extent, an employer of labour myself. If there is anything I would punish, it is the man who would prevent a labourer from doing as he pleases. When there is a strike, and labourers interfere with any man who wishes to work we should have laws as stringent as possible to punish them, but this Bill, as I

understand it, assumes, if there is a strike that the strikers are wrong.

Hon. Mr. TEMPLEMAN—Hear, hear.

Hon. Mr. McGREGOR—If the strikers wish to go to the United States, or to Germany, or any other place to consult, why should not they be allowed to do so ? I cannot see why they should not. This Bill interferes with labour and private rights. I am in favour of private rights being protected in every form and I shall vote against this Bill.

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

Contents :

Hon. Messieurs

Baker,	Macdonald, (Victoria),
Bolduc,	Mackeen,
Boucherville, de	McDonald (C.B.),
Bowell (Sir Mackenzie),	McKay (Truro),
Carling (Sir John),	McLaren,
Casgrain (de Lanaudière),	McMillan,
Church,	McMullen,
Dever,	Merner,
Dobson,	Miller,
Ferguson,	Montplaisir,
Frost,	Owens,
Fulford,	Pelletier, (Sir Alphonse),
Gibson,	Perley,
Godbout,	Power (Speaker),
Kerr (Cobourg),	Robertson,
Kerr (Toronto),	Tessier,
Landry,	Vidal,
Lougheed,	Wood.—38.
Macdonald (P.E.I.),	

Non-Contents :

Hon. Messieurs

Coffey,	McHugh,
Cloran,	McSweeney,
Domville,	Scott,
David,	Sullivan,
Ellis,	Templeman,
Fiset,	Yeo.—13
McGregor,	

The Bill was then read the third time and passed.

SAFETY OF SHIPS ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (179) An Act to amend the Act respecting the safety of ships. He said : This Bill simply enlarges the Act which is already on the statute-book, providing for other material than those mentioned in the original Act will also be regarded as in violation of deckload regulations. For instance, the new words added to the 7th clause are:

Or any pitch pine, oak or elm planks, or any heavy wood goods.

Hon. Mr. MACDONALD (B.C.)—It is to prevent heavy wood being carried on deck, I suppose ?

Hon. Mr. SCOTT—Yes, the words 'to a height exceeding three feet above the deck' are struck out. An objection can be taken to any deckload if it endangers the vessel.

Mr. MACDONALD (P.E.I.)—The amendment prevents the carrying of any deckload on a voyage to Europe after the 1st of October and before the 16th March. Under the law as it formerly stood, there was a certain amount of timber or other cargo that could be carried on deck, but as the Bill reads, I think it prevents the carrying of any heavy deckload during that period of a year. I presume it is intended for the safety of ships.

Hon. Mr. WOOD—The words in clause (c) permit the deckload to be carried three feet in height provided it is :

Any deals, battens or other light wood goods.

The words which have been struck out of the old Act are 'in any space where the deck of such ship is closed in : The three feet provision is still there. It is an improvement on the Act.

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

GOVERNMENT AND POST OFFICE SAVINGS BANKS BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (220) An Act respecting government and post office savings banks. He said : This Bill is only a Bill of seven lines making provision :

The Minister of Finance and Receiver General shall hold, for the purpose of securing the repayment of deposits made in the government savings banks and in the post office savings banks, an amount in gold, or in gold and Canada securities guaranteed by the government of the United Kingdom, equal to not less than ten per centum of the total amount of such deposits as such amount is ascertained from time to time.

Hon. Mr. FERGUSON—Has there hitherto been any amount held ?

Hon. Mr. SCOTT—I think not.

Hon. Mr. FERGUSON—It seems an original provision.

Hon. Sir MACKENZIE BOWELL—Most likely it arises from the increased deposits.

Hon. Mr. SCOTT—Yes, and some protection ought to be introduced. The amounts are increasing very largely.

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

At six o'clock, the Speaker left the Chair.

After Recess.

DOMINION NOTES BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (222) An Act respecting Dominion notes. He said: This Bill is following on the line of former legislation. From time to time there has been an expansion of our currency, necessarily as the business of the country grows. The last increase, I think, was up to twenty millions. This Bill authorizes an issue of thirty millions with the same proportions—not less than 25 per cent is to be held in gold or its equivalent. For any excess over the thirty million dollars, there must be dollar for dollar in gold held. As it was before, when the issue was twenty million dollars, any excess over twenty million dollars required a reserve of dollar for dollar. Now it is over thirty million dollars.

Hon. Mr. FERGUSON—The previous law was any excess over twenty-five million dollars. It was increased in 1894 to twenty-five million dollars, and in 1895 the limit was removed as it is in this Bill.

Hon. Mr. SCOTT—There has been no legislation since 1895.

Hon. Sir MACKENZIE BOWELL—Then it would appear that whatever the amount the government has power to issue just now, they have under this clause to hold 25 per cent.

4. The Minister of Finance and Receiver General shall always hold as security for the redemption of Dominion notes issued and outstanding at any one time, up to and including thirty million dollars, an amount in gold, or in gold and securities of Canada, the principal or interest of such securities being guaranteed by the government of the United Kingdom, equal to not less than twenty-five per cent of the amount of such notes so issued and outstanding.

Hon. Mr. FERGUSON.

Hon. Mr. SCOTT—The proportions are the same whatever the other is.

Hon. Sir MACKENZIE BOWELL—They have the additional power now given them to issue notes to the extent of thirty million dollars, for which they must keep a reserve of 25 per cent in the securities mentioned in the clause. Then the proviso would lead us to suppose they could issue any amount of Dominion notes afterwards, but they must keep dollar for dollar in gold to redeem such issue, because it says after that portion of the clause which I have quoted:

Provided that the amount so held in gold shall be not less than fifteen per cent of the amount of such notes so issued and outstanding, and as security for the redemption of Dominion notes issued in excess of thirty million dollars an amount in gold equal to such excess.

From this they could issue Dominion notes to the extent of $30,000,000 for which they must hold 25 per cent in gold or securities to redeem it, but any amount they issue in excess of $30,000,000 they must hold dollar for dollar. Is not that the meaning?

Hon. Mr. SCOTT—Yes, it is the same principle that has prevailed for many years.

Hon. Mr. FERGUSON—I find that the state of the law is just this: in 1894 it was enacted that the amount to be issued was increased from $20,000,000 to $25,000,000. The next year, 1895, it was put back again at the $20,000,000, and no limit upon the amount, only upon the amount in excess of $20,000,000 dollar for dollar must be held. Now it is proposed to increase the amount to $30,000,000 on the ordinary security, and above that amount there must be dollar for dollar in gold held. There is another clause here, clause 8, which I wish my hon. friend would explain. It provides:

8. Provincial notes issued under the Act of the late province of Canada, passed in the session held in the twenty-ninth and thirtieth years of Her late Majesty's reign, chapter 10, shall be held to be notes of the Dominion of Canada, and shall be redeemable in specie on presentation at Montreal, Toronto, Halifax or St. John, N.B., and that at one of the said places at which they are respectively made payable, and shall be (as provided by the last mentioned Act) a legal tender except at the offices at which they are respectively made payable.

What does that mean? That is the first time such a provision has appeared in a federal statute. There must be something to explain with regard to these notes of the

old province of Canada, for provision is now made to redeem them.

Hon. Mr. SCOTT—There are, as my hon. friend knows, notes of large denominations, thousand dollar notes, used by the banks in settling their balances.

Hon. Sir MACKENZIE BOWELL—Were those issued by the old province of Canada ?

Hon. Mr. FERGUSON—Yes, notes issued prior to confederation.

Hon. Sir MACKENZIE BOWELL—There are in circulation—I do not know whether this refers to it or not—a number of what are termed shinplasters which were issued by Sir Francis Hincks, when he was Minister of Finance, in order to meet the requirements of the country at that time.

Hon. Mr. ELLIS—I think in the assumption of the debts of the provinces at the time of confederation all the paper money that was issued and floating became a debt of the Dominion. In later years I saw in the 'Canada Gazette' a statement of the notes in circulation and notes of the province of Nova Scotia and the province of Canada were included as well as the Dominion issue of which the government published an account. I believe the notes of the province of Nova Scotia were paid off. I am glad to say there are none of New Brunswick in circulation. We always paid in gold.

Hon. Mr. FERGUSON—The same prevailed in Prince Edward Island. The notes issued before confederation are redeemable by the provincial government. We held in the provincial treasury an amount for the redemption of those notes, and a stray one comes in yet. That is thirty years ago, and a small amount, $12,000 or $15,000, was held, and I think it is held yet for the redemption of these notes, the greater part of which have not been presented.

Hon. Mr. SCOTT—This clause 8 was in the first Act passed, in 31 Vic. It is word for word the same as in this Bill.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman inquire and give us the information in committee. My own impression is it covers the issue of shinplasters.

Hon. Mr. SCOTT—Perhaps it does. I know they have been a long time in circulation.

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

CITY OF OTTAWA IMPROVEMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (223) An Act to amend the Act of 1899 respecting the city of Ottawa. He said : Hon. gentlemen will recollect that in 1899 the government undertook to pay to the city of Ottawa, for a period of ten years, a sum which was then fixed at $60,000 a year. Now it is proposed to extend the time for ten years longer from that date, and to allow the commission to anticipate payment by issuing debentures, the $60,000 a year to be funded to meet the debentures as they become due. Instead of extending the work over the next fifteen or sixteen years, this will enable them to get it done in four years. It is provided here that the debentures shall be redeemable at the expiration of the time.

Hon. Sir MACKENZIE BOWELL—I should like to call the attention of the hon. Secretary of State and the government to one of the provisions in the Bill. As I understand it, the government are extending the payment to the city of Ottawa in order to make it the Washington of the North—$60,000 per annum for twenty years instead of $60,000 per annum for ten years as originally provided. In order to make the improvements that are contemplated, and the commission which has been appointed to expend this money is given power to issue debentures on the security of the annual payments which are to be made, so that the government could lose nothing under these circumstances, because the fourth clause provides that the interest upon the debentures and the principal shall be paid out of the income of the commission. Now the only income which the commission has, or can have, is the amount received annually from the government, $60,000. What I want to ask is why should the government give the power to the commissioners to borrow money at four per cent when the money can be obtained by the government itself at three per cent, thereby losing one per cent upon whatever amount of bonds the commissioners issue. Supposing that they issue to the full extent given them in this Bill,

$250,000, I can see no reason why the government should not advance that money themselves, being able to borrow it at a much less rate than the commissioners can borrow it, unless the commissioners issue their debentures with the security or endorsation of the government upon them by which they would save one per cent on $250,000. It seems to me if I were recommending a Bill of this kind I should take that position. The government cannot lose anything. It has this $60,000 to pay annually for twenty years if this Bill becomes law. They could just as well advance the $250,000 which they permit the commissioners to borrow under this Bill and save the additional interest, or perhaps they might get it at 2¾ per cent. Perhaps there is some reason for adopting this principle. I cannot see any good or valid reason why it should not be done in the way I suggest. If we are going to aid the city and give them money in order to put our capital in the position that parliament evidently desires it should be placed, to make it a credit to the Dominion, we should save all we can, and it might be done if the suggestion I have made were acted on.

Hon. Mr. SCOTT—Possibly it may be done. The interest is not to exceed four per cent. The parties cashing the debentures, knowing the money is in the hands of the government to meet the debentures, will lend at a low rate of interest, probably not more than three per cent.

Hon. Mr. GIBSON—The only advantage the city would have in connection with that is, if they were allowed to borrow the money at four per cent under the government guarantee they would get a premium. If it is at three per cent capitalists would be willing to lend the money knowing the government of Canada are at the back of it.

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

FISHERIES ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. TEMPLEMAN movd the second reading of Bill (224) An Act to amend the Fisheries Act. He said: This is a Bill of two clauses, the first provides:

> 6. Every one who hunts or kills fish or marine animals of any kind, other than seals, porpoises, whales and walruses, by means of rockets, explosive materials, or explosive projectiles or shells, shall be liable to a penalty not exceeding three hundred dollars and costs, and, in default of payment, to imprisonment for a term not exceeding six months.

The law at present prohibits the taking of these marine animals by explosives. I am advised that the law at present on the statute-book has been regularly disregarded and that explosives have been used in capturing these marine animals. It is thought proper to remove this prohibition and permit those who desire to engage in the capture of whales and walruses to use explosives in the capture thereof. The second clause repeals the law now on the statute-book prohibiting the use of purse seines for the capture of fish in the waters of Canada. The prohibition in the past referred to the waters of the Pacific and Atlantic coasts. This Act proposes to remove the prohibition in so far that the Minister of Marine and Fisheries may issue a special fishing license for the use of purse seines in certain waters in the province of British Columbia. On the Pacific coast our fishermen are very greatly handicapped in consequence of the greater restrictions imposed upon the taking of salmon in Canadian waters as compared with the manner of taking fish just across the boundary line in Puget Sound. Our United States friends have all kinds of fishing traps and purse seines, and all manner of contrivances for capturing the salmon, which very properly belong to Canada inasmuch as all the salmon taken in the waters of Puget Sound are salmon making their way to the Fraser river. Our fishermen have been very much handicapped in the past in this respect and it has been considered wise by the department here that the privilege of taking salmon by means of purse seines should be tried for a few years in British Columbia waters. This law is for that purpose.

Hon. Mr. MACDONALD (B.C.)—The government might have taken power to have traps allowed under certain conditions. As the hon. gentleman has said, we are labouring under a great disadvantage in British Columbia on account of the United States fish traps. It is a most extraordinary thing that last year the salmon coming from the ocean escaped the traps on the United States side, as if they had been taught to do it. The year before the fishermen caught more than

they could use on the United States side, and last year they escaped the traps and went around them. I was telling a fisherman in British Columbia the same thing and he said 'They are educated. He said: 'I had a net in a certain river up north, and the first year I caught as many as I could take, and the next year I did not catch any.' The contention might hold good if the same fish were coming back, but new run which comes every year, and not the old run. Those that come to our rivers one year never come back. It is not known whether a single salmon ever comes back that goes up five hundred miles to spawn, whether they float down to the ocean again is a question not yet settled. I am very glad the minister has taken power to give licenses for purse seines, because something must be done to put us in an equal position with the United States fishermen, and I should like to have seen power given to the minister to have traps. I do not like the name 'traps,' but it is only a net, and when you get all the fish you can out of it, the others are let go and are not hurt. Last year on the Fraser river, a boat coming in with perhaps six or seven hundred fish, 200 only would be sold, and the rest were dead and thrown into the river. It is a fearful waste of food, and the only way to come at that would be to restrict licenses. Every year we do not have the same number of fish. The fourth year is a small catch. Having said that much, I would ask the hon. gentleman if he knows how the question stands now between the province and the Dominion about the fishery rights. There has been a contention for some time. We received a small portion of the licenses about two months ago, and the Secretary of State promised an answer to this question, but he has not given it yet. Perhaps I can get that answer now—if anything has been done to settle the claim of the province to certain rights in the fishing licenses.

Hon. Mr. TEMPLEMAN—In reply to what my hon. friend has said, in regard to traps, I would like to remind him that it is not necessary, under this law, to take power to issue trap licenses. The Minister of Marine and Fisheries has that power now. The only reason for legislating now in regard to purse seines is because there is a statute prohibiting the use of them, chapter 43 of the statutes of 1891. This Bill repeals that law and confers power to permit the use of purse seines to a limited extent in the waters of British Columbia. In regard to traps, as I understand, the minister has full power now, if he feels inclined to use that power, to authorize and license the use of traps in the waters of British Columbia. The issuance of trap licenses is surrounded with a great many difficulties in British Columbia. Our United States friends have the territory which is naturally adapted to the use of traps. No traps, for instance, could be used on the mainland of British Columbia. The only place where traps could be utilized at all is on the south side of the Island of Vancouver, and that only to a limited extent. As my hon. friend further knows, the provincial government a year or two ago used the foreshores, which, it is claimed, they have the right to, for the purpose of influencing an election in the city of Victoria, and under their fishery laws, issued licenses to all who applied for them, to the extent of one or two hundred to the foreshore rights all along the south coast of Vancouver Island. They also undertook, with what authority I do not know, to give licenses for the establishment of traps in the territorial waters adjoining those foreshores. I am afraid that the government of British Columbia, in their eagerness to give traps to political friends and others, have really defeated the object they had in view, inasmuch as they have made it impossible for this government to authorize or license traps when they have practically located all the foreshores and all the territorial waters where traps necessarily would have to be planted. Of course, it is a constitutional question whether a provincial government has any right to legislate in respect of territorial waters, and that I do not care to discuss. I may say that possibly it is a disputed point whether they have any right to legislate with regard to foreshores. It is at all events a question whether they have any right to issue licenses to establish traps in the territorial waters. In regard to the larger question, about which my hon. friend asks the Secretary of State, I believe that in that matter, the jurisdiction of the governments in respect to the fishery rights remains in statu quo. Nothing has been done since my hon.

friend put his question to the Secretary of State. Speaking for myself, in regard to taking salmon by traps, I am certainly of the opinion that ultimately it must be conceded. We have, of course, some in favour of that and some opposed to it in British Columbia. The fishermen who engage in net fishing on the salmon rivers are opposed to the establishment of traps. The people on the mainland, in the district of New Westminster and Vancouver, imagine that if trap licenses are authorized the seat of the industry will be removed somewhat from one locality to another. I do not think there is any ground for this fear.

Hon. Mr. MACDONALD (B.C.)—The question alluded to by my hon. friend about the foreshore ought to be settled. If the two governments could get together, I think they could easily do it, and end the folly of the way the thing stands now under the decision of the Privy Council, which is that the government here can form regulations but the province can take the fish and licenses. Of course, the government here would not be bothered with fishing regulations if they could not control the fishing and issue the licenses. It would not be reasonable that they should.

Hon. Mr. TEMPLEMAN—The government here can take a license fee.

Hon. Mr MACDONALD (B.C.)—But they must hand over a certain amount to the provinces, and that could be easily settled if the government made up its mind to settle it. I saw the Minister of Marine who said he thought they would hand over all the licenses to the provinces, the question of the foreshore right should be settled by an application to the courts, or by the two governments. Whether traps on the coast of Vancouver Island can intercept the fish of the Fraser river cannot be settled till the trial is made. They might intercept some. The flow of salmon would not be so large. I think the government should settle the matter as quickly as possible and not keep it in dispute, as it is now, between the two governments.

Hon. Mr. FERGUSON—This is a question that affects the Pacific coast portion of Canada only, but it is a very important one, and with our eastern experience with regard to the use of purse seines, I would feel disposed to utter a word of warning. In the matter of fishing in the Gulf of St. Lawrence, the result of using purse seines, not only there but on the United States coast, has been disastrous to the mackerel fisheries. It is a destructive mode of fishing, inasmuch as a great many more fish are killed than are saved, and it has actually occurred that where purse seining was used on the United States coast the mackerel were turned away from the United States coast, and then the United States fishermen pursued precisely the same method in the Gulf of St. Lawrence, with the result that the mackerel were driven away, and the fishery was destroyed for many years. That mode of fishing is generally abandoned now, and the old method of hook and line resorted to, and the fish are beginning to come back to their old haunts, and the fishery is in better form than it was. That has been the case within the last two or three years. I think this is the first time this departure is to be made in British Columbia. It is now proposed that the Governor in Council shall have the right to authorize the use of purse seines in British Columbia waters. I should, therefore, like to warn my hon. friend, who represents that province in the government, who no doubt has a great interest in it, and to assure him that what has occurred in the east in the use of purse seines in mackerel fishing may produce a similar result on the Pacific coast. Of course the methods pursued with mackerel and salmon may be different, and the results may be different, but that certainly has been the case in the mackerel fishery in the Gulf of St. Lawrence and on the coast of the United States and Nova Scotia, and it is very possible that the same disastrous results might occur with regard to the salmon fisheries of British Columbia. I notice that my hon. friend explained that there is another change in the Bill, permitting seals, porpoises, whales and walruses, to be killed by explosives, while up to this time the use of explosives in killing this kind of fish was prohibited. My hon. friend says that the prohibition was not enforced, that the law has not been regarded, and it is possible if that is the case that it was impossible to enforce the law as it stood. It was very distinct before against killing these very same animals. The law reads :

Every one who hunts or kills seals, porpoises, whales or fish of any kind by means of rockets, explosive materials, &c.

And this Bill permits the killing of these very fish, seals, porpoises, whales and walruses—by the use of explosives. My hon. friend will be able to inform the House whether there is any international regulation with regard to taking seals. I confess that I have not a very lively recollection at this moment of what the result of the Behring Sea negotiations was in that respect. I know there was a great deal of negotiation with regard to establishing a close season and regulating the capturing and taking of seals, but my hon. friend will be able to tell me whether there is any international regulation on this subject. I suppose there is not.

Hon. Mr. MACDONALD (B.C.)—Oh, yes, there is a very strict one.

Hon. Mr. TEMPLEMAN—I speak subject to correction, but I think this must have reference to the foreshore of the Pacific ocean.

Hon. Mr. FERGUSON—It has reference to seals of all kinds.

Hon. Mr. MACDONALD (B.C.)—There is a modus vivendi between the United States government and the British government, and every year two English ships of war and two United States ships of war go up the Behring Sea and our fishermen cannot fish within sixty miles of land and cannot use guns of any kind. They can use the harpoon and the lance, and there is another important, and the most foolish regulation I ever heard of in my life made by sane or sensible people! the commission in Paris allowed this to be done—they allow our vessels to go down the coast of California in winter, meeting the herds of seal coming up to the north when with young, and they can kill them up to the month of May, just when there should be a close season. They are allowed to kill them during those four months.

Hon. Mr. FERGUSON—That is not affected by this Bill?

Hon. Mr. MACDONALD (B.C.)—No, that stops in May, and then there is a zone fixed about a hundred miles out in the Pacific ocean where they can fish nearly all the time, and after June they can go into Behring Sea and fish up to the sixty-mile limit without guns.

Hon. Mr. FERGUSON—I think this clause is absolute and applies to the killing of seals, porpoises and whales anywhere in Canadian waters.

Hon. Mr. MACDONALD (B.C.)—I think that regulation is for Hudson bay.

Hon. Mr. FERGUSON—I do not suppose we can, by an Act of parliament of Canada, make a regulation or a law with regard to the killing of seals out in the open at Behring Sea?

Hon. Mr. SCOTT—No.

Hon. Mr. FERGUSON—I suppose that must be managed by international regulation, and any law we would pass here would not have any reference to that, but it does not so describe it in the Bill. It repeals the Act of 1894 in regard to the use of explosives, and permits the use of explosives. That is all the difference. There is another change in the law. The words 'catching of fish' is changed into 'capturing' in two places. I think catching is just as good English as the other word.

Hon. Mr. TEMPLEMAN—I will make inquiry in regard to the application of the Bill in respect of seal. I thought when I read this that it had reference entirely to catching seal on the Atlantic ocean. I am inclined to think that the use of explosive materials and rockets would not be authorized for the taking of the valuable fur-seal of the Pacific ocean, which already is surrounded with very great restriction. In reference to the remarks of my hon. friend as to the danger of the use of purse seines on the Pacific coast, I should like to point out to him that in granting this privilege we are doing it as a means of self preservation, so to speak. The United States canners in Puget Sound have not less than 200 traps, and the trap for the taking of salmon is a very large affair.

Hon. Mr. FERGUSON—Are purse seines and traps the same?

Hon. Mr. TEMPLEMAN—No, I was just pointing out the superior advantages that the fishermen and cannery men of the United States have over our fishermen on the Sound, and it is not 20 miles away. The Washington

State government have authorized the use of traps, and they have over 200 of them in the waters of Boundary Bay, Whatcom and Fairhaven, and for miles up and down the coast it is all covered with traps. In addition to that, they use purse seines. I do not care to mention the number now, but I think I am safe in saying they licensed last year over forty purse seines. Now when you remember that these contrivances are used for the taking of salmon exclusively, and of salmon which are on the run to the Fraser river, and for catching the fish which have been spawned up the Fraser and are returning there to spawn, I think my hon. friend will see we are only trying to protect our own cannery men and give them more expeditious means of catching salmon than they have now.

Hon. Mr. FERGUSON—Would it not be possible to enter into arrangements with the United States government to make better regulations ?

Hon. Mr. TEMPLEMAN—That has been tried many times and has failed. As my hon. friend knows, the fisheries of the United States are controlled by the states legislatures and the legislature in some cases is controlled by the cannery men, and it has been impossible thus far to get the state of Washington, which controls all the fisheries on the Sound, to make the use of traps illegal.

Hon. Sir MACKENZIE BOWELL—Do I understand the fishing in Puget Sound, as well as in the Fraser river, where they use these traps and the purse seines, is outside of the limit which we can control ? It is proposed, if I understand this Bill, to permit the same means of catching salmon within our own waters as now prevails in United States waters. Is it to be confined to the mouth of the Fraser river, or extended to the Fraser river itself ?

Hon. Mr. TEMPLEMAN—Oh, no ; the licenses to use purse seines will be issued under very strict regulations. It would not be possible to use a purse seine in the river, or in the mouth of the river.

Hon. Sir MACKENZIE BOWELL—Then it would have to be within the three-mile limit to catch the fish before they reached the mouth of the river, if it means anything, and you would then set the traps, or the purse seines,, in the same manner that the United States fishermen do.

Hon. Mr. MACDONALD (B.C.)—They do not fish on the foreshores at all. It is along their own shore entirely.

Hon. Sir MACKENZIE BOWELL—On their own shores they catch the fish which have to pass their shores in order to reach the spawning grounds on the Fraser river. Then the setting of these purse seines can only be within our own waters to catch the fish that have passed the United States shores and the purse seines. The only object that I can understand, from the reading of newspaper discussions upon this question, and also discussing the question with some British Columbians when I was in Vancouver, is to enable them to catch more fish within our waters in order that they may have a sufficient quantity on hand to compete in the outside markets with the United States people. That is the only object of it, I understand. I suppose that is really the reason. A difficulty may arise under the amended 6th clause, because while exempting the use of explosives for the purpose of catching certain marine animals, there is no provision that in the case of using these explosives if they kill other fish, to exempt them from the penalty of going to jail for six months and $300 fine. I suppose that the decision under this clause by a magistrate, would be, in all probability, that as they were not hunting for other fish and only for these animals which could be killed by explosives, therefore they would not be brought within the penal clause of the law.

Hon. Mr. ELLIS—Verdict of accidental death.

Hon. Sir MACKENZIE BOWELL—You might, in throwing in an explosive into the river for the purpose of killing a whale or walrus, kill 100 other fish.

Hon. Mr. FERGUSON—You would be sure to.

Hon. Sir MACKENZIE BOWELL—The only exemption from the penalties of the law would be the accidental death by explosives of these other fish. As to the question of purse seines, the matter was brought under my notice some time ago. The hon. gentleman said that the British Columbia

government had granted certain concessions for political purposes. That may be true, and I regret to say that political reasons induced the government to permit putting a seine all across the Bay of Quinte where I live. If that were stopped there would not be better sporting grounds for fishing in Canada than the Bay of Quinte for bass and other game fish. At present the bay is actually being depleted of that kind of fish which anglers delight to catch, simply by means of the nets which are set across the bay miles in length and scores of them up the bay. The government should put a stop to that. I do not say it affects this government more than another, but all along that shore there are a large number of fishermen, who are voters, and they have a great many friends, and the moment you attempt to put a stop to the fishing by the means I have indicated you lose in an election. It is like dealing with the labour question. You are afraid of the voters and you do not do justice to the country. You do not prevent the destruction of the fish any more than you do justice to the industrial pursuits of this country by pandering to the element you are afraid of. There is no use mincing matters. This is true.

Hon. Mr. TEMPLEMAN—Is that within the jurisdiction of this government at present ?

Hon. Sir MACKENZIE BOWELL—Yes, it is a navigable water. My hon. friend said he could not see why the Dominion government desired to keep the regulations of the fishing, while the granting of the license to fish is within the province of the local governments. If you take that right from them, you would deprive a large number of men who are now receiving large salaries to ostensibly look after what is called the preservation of the fish. Look at the fisheries report and you will find there are two or three of this character of officers on the Bay of Quinte end to look after the back lakes. Some of them get $1,200 a year and some less, with travelling expenses, horse hire and all sorts of things, and all in the world they have to do is simply to go round and look at those lakes and pretend to enforce certain regulations which they say are put on the statute-book for the protection of the fish in the local lakes and in the rivers. It is utterly useless. The whole of the fisheries, outside of the ocean fisheries, to my mind, ought to be in the hands of this government and not the local government.

Hon. Mr. TEMPLEMAN—If you exclude the maritime provinces, what have you to say about British Columbia ?

Hon. Sir MACKENZIE BOWELL—I said the ocean fisheries. British Columbia stands in precisely the same position as the maritime provinces. I mean the sea coast and sea fishing. As an illustration of what I mean, we have now a fishery inspector for the Dominion in our district who gets $1,200 a year and expenses. What he does I am at a loss to know. I have asked for the regulations once or twice, and my hon. friend gave all the information he had. Then we have an Ontario fishery inspector drawing $600 or $700 a year. He does certain work for the Dominion for which he receives $200 or $300 in addition to the salary he gets from the Ontario government. The whole thing is for no other reason than to create offices for a number of hangers-on of the government, and they generally select men for these offices who have been defeated at the polls. I could give half a dozen illustrations. I hope that in the protection of the fisheries in the different bays of the provinces, where the Dominion has the power, that they will enforce the regulations and prevent the depletion of these waters of the game fish which would bring thousands of people to that locality for angling who would leave thousands of dollars in the country. We know how the wealthy people from the United States go through different parts of this country and pay very high sums for the sake of securing fishing rights. That could be done just as well in our bays and inland waters as on the rivers and lakes. This is the first opportunity I have had to call the attention of the minister to this particular point. If the hon. gentleman will take the trouble, and if he agrees with me to adopt such means as to prevent the destruction of the fisheries which is going on, he will do much in the interests of the people and of the fishermen as well.

Hon. Mr. ELLIS—The question is much larger than the hon. gentleman states it.

Hon. Sir MACKENZIE BOWELL—Quite right.

Hon. Mr. ELLIS—Along the coast, I have sympathized with the coast fishermen against those men who would close up the salmon fishing simply for the sake of men of wealth who can afford to pay hundreds of dollars for the right of fishing, and who would exclude, if they had their way, the fisherman who is living on the coast, and whose father before him earned his livelihood in that way. These must always be considered in discussing this question. I know on our own coast, in New Brunswick, there are numbers of men who raise large families and are good citizens, and to adopt a policy which would drive them from the soil or the shore would be fatal to the best interests of the country. While a man may come up with thousands and buy up preserves as they do in the old country, I do not look with favour on that policy as against the interest of the poor man.

Hon. Sir MACKENZIE BOWELL—Do they not do that in this country, as well as in the old country ?

Hon. Mr. MACDONALD (P.E.I.)—Going back to speak of the provisions of this Bill, which provide that the Minister of Marine and Fisheries may issue licenses for the purpose of permitting purse seines to be used on the coast, if we apply to that locality the experience of persons on the United States coast and on the coast of the maritime provinces here with respect to purse seines, I think it will be found to be very disadvantageous to the fisheries of British Columbia. The use of purse seines on the Atlantic coast has been the means of depleting the fisheries. The fish do not frequent the waters now as they did many years ago before the use of purse seines was permitted. With respect to the argument which was used by the hon. member from British Columbia, that the use of these seines and appliances by the people of the United States had driven the salmon from the particular place in which they were used, I think it should be a very cogent argument against permitting the use of purse seines on any part of the coast of Britisn Columbia. So far from being a standing benefit to the people of British Columbia, it may benefit the people who for the first time put down their nets and take any quantity of fish in the first season, or while those fish are schooling in large numbers, but after that has been done for a season or two, the fish will leave that particular part of the coast and go to some other place. That has been the experience of the fishermen on the coast of the maritime provinces, and I expect it will be the experience on the Pacific coast also.

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

STEAMBOAT INSPECTION ACT, 1898, AMENDMENT BILL.

SECOND READING.

Hon. Mr. TEMPLEMAN moved the second reading of Bill (225) An Act to amend the Steamboat Inspection Act, 1898. He said: The object of this Bill is to abolish dues and inspection fees hitherto imposed on steamboats and to provide for the inspection rendered imperative under the Act. Section 37 of the Act as it now stands is compulsory in regard to the imposition of steamboat inspection fees and dues, and in amending this section to agree with the object of the Bill, it was thought advisable to leave power in the hands of the Governor in Council to impose the duty at any future time should it be deemed advisable so to do. That is to say, the Governor in Council may impose an inspection fee without waiting for the sanction of parliament. There is a change with respect to the gasoline launches provided for in this Bill. It is proposed to allow gasoline yachts to ply without molestation from the Steamboat Inspection Act, provided they do not carry passengers for hire. It is hoped in the near future the propelling arrangements for that class of vessels will have been so perfected and improved, that the board of steamboat inspection will have no hesitation in giving them certificates of inspection the same as in the case of other steamers. These are the principal changes in the present law.

Hon. Mr. MACDONALD (B.C.)—The hon. gentleman will know that the engineers over the whole Dominion of Canada and British Columbia have been anxious that engineers of smaller vessels should pass more strict examinations. There is nothing in this Bill to interfere with that.

Hon. Mr. TEMPLEMAN—I do not think so.

Hon. Mr. MACDONALD (B.C.)—They say men who are not competent are allowed to be engineers of those vessels. Petitions have come to the government in connection with the matter for some years, and it is hoped to have it taken up. Before I left home there was a meeting of engineers and they desired some action taken in the matter.

Hon. Mr. FERGUSON—I understood from the hon. gentleman from Victoria that the object of the Bill was to abolish fees.

Hon. Mr. TEMPLEMAN—Yes, inspection fees.

Hon. Mr. FERGUSON—I see there is an entirely new provision which establishes a system of reciprocity with foreign countries.

Hon. Mr. TEMPLEMAN—That is where the fees are abolished. We at present charge United States steamboats fees.

Hon. Mr. FERGUSON—We give immunity to inspection of vessels of foreign countries where we are satisfied they have a satisfactory system of inspection of their own, and where we obtain similar privileges.

Hon. Sir MACKENZIE BOWELL—This Bill adopts the principle which our friends opposite used to object to very strongly many years ago—that is, governing by Order in Council. It was a very fertile topic on which to find fault. There is not a clause in this Bill that I see without the term 'Governor in Council.' I see it six or seven times, so if you introduce one clause to say the Governor in Council shall have power to do what they please in reference to steamboat inspection, the hon. gentleman might avoid all these clauses. This is another illustration of their having learned something in the reforms they promised so many years to adopt in their legislation in this country. I merely call their attention to the fact, to point out that this is another instance in which they are doing that which they used to abuse in very strong English terms when done by the late government. I congratulate them on going further than the old government ever did in arrogating to themselves the right to govern by Order in Council.

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

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CERTIFICATES TO MASTERS AND MATES OF SHIPS ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. TEMPLEMAN moved the second reading of Bill (226) An Act to amend the Act respecting certificates to masters and mates of ships. He said: The clause of this Bill are new. There are two changes made in the law, the introduction of certificates for home trade voyages and changing the limits of the coasting trade which, under the present law, would be all over the United States coast both on the Atlantic and Pacific ocean. Under this first clause, subsection (h), the class of home trade voyages is constituted, the extent of this being limited to voyages on the Atlantic coast as far south as Portland, and on the Pacific coast to Cape Flattery, which is south of Vancouver Island. This Bill amends the existing law so as to provide for the issue of this new certificate. The sole object of this law is to constitute another class for which a special certificate will be given to masters and mates.

Hon. Sir MACKENZIE BOWELL—This applies to the Pacific ocean as well as to the Atlantic?

Hon. Mr. TEMPLEMAN—Yes, masters and mates holding certificates under this Bill would be allowed to navigate as far south as Cape Flattery.

Hon. Mr. MACDONALD (B.C.)—Where is Cape Spencer?

Hon. Mr. TEMPLEMAN—The southern point of Alaska.

Hon. Mr. WOOD—What is the object of making a new class of certificates?

Hon. Mr. TEMPLEMAN—The object is to create, if I might so describe it, a junior class of masters and mates for the navigation of vessels in home waters. It will not require men of such ability, and smaller vessels may be employed.

Hon. Mr. LOVITT—What kind of examination is required?

Hon. Mr. TEMPLEMAN—I suppose the examination imposed under the present Act.

Hon. Sir MACKENZIE BOWELL—The examination under the present Act is much

more rigid than will be required under this Bill. In other words, parties who obtain this certificate are not required to have the same nautical knowledge that other masters and mates have.

Hon. Mr. TEMPLEMAN—Quite true.

Hon. Mr. MACDONALD (P.E.I.)—What qualification is required and what fees will they have to pay for the purpose of passing this examination? At present people who are engaged in this coasting trade—for it is only the coasting trade this refers to—have had experience for twenty or thirty years in following up the trade to particular ports which they run, and although they may not be able to pass the same examination as masters and mates of sea-going vessels, still they are qualified for navigating the ships to such ports as they go to, where perhaps they may not be out of sight of land for more than a few hours, and I think it is requiring these people to take an examination and pay a fee which is not going to be of any practical benefit. They are probably just as well qualified before these examinations as after them for the purpose of navigating vessels to such ports as they are in the habit of going to.

Hon. Mr. WOOD—Under the provisions of this Bill, I understand the examination for a master or mate on a voyage extending on the eastern coast as far as Portland, and on the Pacific coast as far as Cape Flattery, will be less rigid than it is at present. Under the existing law a voyage including either of the voyages mentioned here would be a coasting voyage, and a certificate would be the same as required for the master or mate of a vessel on a coasting voyage under the old Act, that is to the West Indies. As I understand the explanation of the minister, the object of this Bill is to make the examination less rigid for the navigation of a vessel within the limits mentioned in the Bill. Is that correct?

Hon. Mr. TEMPLEMAN—I infer that that would be the case, that the examination would be less rigid, but there is nothing in the Bill before us with respect to examinations. I assume it will be under the Act, but my knowledge of the Act is not so extensive that I could answer the question of my hon. friend opposite or of the hon. gentleman from Prince Edward Island. The bare principle of the Bill has been stated, and probably I shall be able to offer further explanations in detail when in committee, if my hon. friend will permit the Bill to go there.

Hon. Mr. MACDONALD (B.C.)—The examination ought to be a pilotage examination.

Hon. Mr. FERGUSON—I can see what clause two will accomplish, but I think it will not be very satisfactory to allow a provision of that kind to apply to the whole twenty-six clauses of the Bill. It would take a good deal of inquiry to find out what the law is. This expression 'home voyage' is to come in in a great many places all through the Act. It seems to me every section so amended ought to be set forth, because it will take a great deal of trouble and difficulty to get the law in that particular—so great that there ought almost to be a consolidation.

Hon. Mr. TEMPLEMAN—I suppose the reason for not doing so is that it would make this Bill unduly long, and as a commission is now engaged in consolidating the laws, I presume in a very short time we will have a consolidated Masters and Mates Act.

Hon. Mr. FERGUSON—That was not the case in the Contagious Diseases Bill. In order to get in the word 'suspect,' we had to change and reprint the whole Bill.

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

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, July 23, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (122) An Act respecting the Rathbun Company.—(Hon. Mr. Kerr, Cobourg.)

Bill (175) An Act respecting the Century Life Insurance Company.—(Hon. Mr. Macdonald, Victoria.)

SECOND READINGS.

Bill (102) An Act respecting the Red Deer Valley Railway and Coal Company.—(Hon. Mr. Landerkin.)

Bill (192) An Act to enable the city of Winnipeg to utilize the Assiniboine river water-power.—(Hon. Mr. Gibson.)

POST OFFICE ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (208) An Act to amend the Post Office Act.

(In the Committee.)

Hon. Mr. TEMPLEMAN—We passed in committee all the clauses of this Bill except subsection 2 of clause 6, which was held over at the request of the hon. gentleman from Marshfield, who pointed out on the second reading of this Bill that the clerks at present in class three should be, under this re-arrangement of classes, placed in the senior third, instead of, as in this clause, in the junior third.

Hon. Sir MACKENZIE BOWELL—At the salaries now received or at the maximum ?

Hon. Mr. TEMPLEMAN—And that the salary should be a maximum of $900. I think, on second consideration, that my hon. friend from Marshfield will see that it would be quite improper to do that. The post office clerks in class three will be placed in the junior third at their present salaries. They do not suffer any and they can all go up to the maximum of the class, which is $800. If my hon. friend's suggestion were adopted, all clerks in the third class on being placed in the senior third, would be immediately increased in salary, some $50, and some $100, inasmuch as those who are now getting $700 would by being placed in the senior third, have to get the minimum salary of that class. The department has pointed out to me that would be an improper thing to do. The memo. furnished me states that the amount which any man appointed to a third-class clerkship under the law hitherto, was to receive $800. Therefore, in ranking him now as a junior third he would still have the privilege of going up to $800 and those who are in the enjoyment of it will not in any way be subject to injustice. It leaves every man in the service, who has reached his maximum, open to promotion to the next class, which is the intention of the Act. This was not the case with the man in the second-class clerkship in the former law. A second-class clerk on appointment received $900, with a possibility of going up to $1,200. In the junior second-class the maximum was only $1,000. It was a grievance that all the present third-class were placed in the junior third and in the present they are placed in the senior second. The department, therefore, in view of the appointees under the old law having a possibility of going up to $1,200, decided to place them in this class so that no injustice would be done. My hon. friend would not attain anything by making the change he proposes, because the minimum senior third under this Bill is to be the same as the maximum junior third at present, and no clerk, whether he is at the maximum of the junior, or at the minimum salary of the senior third, can get any increase except by merit, and even though they were all placed at the $800 mark, they could not go beyond that until they were recommended for promotion by the department. Consequently, a clerk who is receiving $800 as a maximum in the junior third, is in just as good a position as to salary, under this Bill, as he would be at the minimum in the senior third with a salary of $800.

Hon. Mr. FERGUSON—I was afraid my hon. friend did not understand my suggestion when I made it the other day, I noticed that he did not hear me distinctly. I suggested exactly what he says, but I made the further suggestion that the same provision that is in subsection three, with reference to second-class clerks, should be, with modifications, inserted in subsection two with reference to third-class clerks—something like this would come in 'except that if his salary be less than $800 it shall, until otherwise ordered, continue to be the amount which he is then enjoying.' I suggest that these words, which are in subsection three, should be introduced in subsection two. I did not mean to suggest for a moment that all the clerks now in the third-class should be held as senior clerks and have the salaries provided in this Bill for senior clerks. My meaning was that they should be paid at whatever their present status is and continue to

rise. I hope my hon. friend has now appreciated my point. My objection, further, was that by dividing the class in two, a man who may have been at the head of his class at $800 might be held there for years without promotion, not for lack of merit, but because in his office there might be a rule not to have more than a certain number of senior clerks employed in it, and in that way he would be denied a promotion which he should have long ago, having reached the head of his class. That was my point, not that these clerks now in the service should all be placed now in point of salary as senior class clerks, but that they should have the same advantages as in subsection three with reference to second-class clerks, that they would start at their present salary, and be subject to the annual increase until they reached the maximum class, which is $900. If my hon. friend is not prepared to adopt that amendment, I think he ought at least to agree to this suggestion, that all who are now at the maximum of their class should be held to be third-class seniors.

Hon. Mr. TEMPLEMAN—My hon. friend now asks that those who are enjoying the maximum salary of the third-class, $800, should be put in the senior third, and not the junior third as proposed by this subsection; but the maximum salary of the junior third is precisely the same as the minimum salary of the senior third, $800.

Hon. Mr. FERGUSON—But my point is he would get the promotion.

Hon. Mr. TEMPLEMAN—He will not get promotion in either case, from the junior third into the senior third, or $50 a year when he goes into the senior third, unless he does so by merit and on the recommendation of his superior officer. He is just as well off at the maximum junior third as he would be at the minimum senior third as to salary, and with just as reasonable prospects of promotion if he deserves it.

Hon. Mr. FERGUSON—He would become a senior if he was made so in this Bill, and on the recommendation of his senior officer he would get his annual increase. I know of clerks who have been held for years and years, who have had these recommendations, simply because there are already employed in their offices all the clerks in classes above theirs that can be employed in the present state of the service, and for that reason alone; but my hon. friend would agree that all who are at the maximum third class would be regarded as senior third-class clerks. The advantage to them would be that they would go the other steps and be able to reach the maximum of their class. If we say they belong to the senior third-class clerks, they would belong to it and would undoubtedly get the increase.

Hon. Mr. TEMPLEMAN—Not unless they are recommended for an increase. If they are at the maximum of the junior third and they are entitled to an increase, and they are clerks of a deserving character who would get the recommendation of their superiors for an increase, are they not just as likely to get that recommendation for an increase while the maximum junior third as they would be at the minimum senior third?

Hon. Mr. FERGUSON—My hon. friend does not appreciate what I am saying. If they were in the senior third they would advance as a matter of right.

Hon. Mr. TEMPLEMAN—My advice is that for every increase, every year, they have to be recommended.

Hon. Mr. FERGUSON—That is talking about another thing altogether. I understand the department can hold back the increase if the clerk is not efficient and if there are any charges against him.

Hon. Mr. TEMPLEMAN—Certainly.

Hon. Mr. FERGUSON—And I know this government have held back all the increases from certain officers, but that policy has been departed from, and I insist on this, that if we make this amendment and declare all the clerks now in the service in the third class and who are at the maximum of their class, to be seniors, they must get the increase, unless there is some black mark against them. It could be withheld from them if they were faulty and had not done their duty. I may as well tell my hon. friend what I hear, and it is this: It is about six or seven years since the change of government took place, and there have been clerks that have reached the maximum of their class and have received recommendations

from their postmasters, and with regard to whom there are good certificates, who cannot get promotion into the class above them. It is about seven years since we have had a change of government, and this policy is being pursued with regard to clerks who received their appointments from the late government to a very large extent. There really is that complaint, and if these clerks were placed by this amendment to the law as senior third-class clerks, they would get any advantage that is in this Bill, which was supposed to be an advantage all round for men who were meritorious. They would get it, and they could not be held back for the lack of promotion. There is the right in the department, when a man reaches the maximum class, to hold him no matter what the recommendations of the officers may be. The minister has the power to withhold him from promotion for an indefinite period of time. I know it has been done. I do not say it has been done by the government only. Men have been held in that way for good and sufficient cause, because in the office in which they are employed there are a large number of men in the class above them where they would be entitled to go in case of promotion, and they cannot tax the office too heavily until vacancies occur, and the men who are in that position and are denied promotion must bear it; but, there are other cases where the promotion might go and not meet with any difficulty, where it is believed they are withheld because they are a class of officers that were appointed by the late government. I notice that the fourth-class men in this Bill enter at four hundred dollars—there is no stage intervening—and reach the maximum of their class. For seven years they are allowed to go on, increasing at fifty dollars per annum, unless there is some black mark against them. They will go on and get fifty dollars a year for seven years, until they reach the maximum of the class. I notice with regard to the third-class clerks there is a block introduced. The maximum of the class as a whole has been raised to $900, as against $800 before, but in the four years which it takes to climb up through the different stages of the class from $700 to $900, there is a block introduced in the middle which enables the minister to come down and exercise his discretion about promoting a man, and that being so, he can hold him up just as long as he likes for good reason, or for what some would think was not good reason. I think my hon. friend will see that no injustice could be done by the appointing of all the men that are in the third class now, or at the head of the class, as seniors. It would simply entitle them to get $50 increase in the two coming years, unless there was some report against them for inefficiency in their office, when it would be quite right to withhold the increase.

Hon. Mr. SCOTT—I scarcely think the hon. gentleman is justified in saying that partiality has existed, I never heard that complaint. The general complaint against the Postmaster General is that he has been rather penurious in payment of salaries. It is very well known to everybody who has had any experience with the employees of the Post Office Department that, so far as salaries are concerned, it is the most unsatisfactory department in the government. I was just looking over the number of clerks who are junior 2nd class clerks in the office here. I find there are about 130 of them, and at the head of that class are men who were no doubt appointed at the time of the Mackenzie administration:

Arthur Wm. Wall, January 1, 1874; Henry James Harvey Spencer, 1874; Henry H. Morden, 1874; James Carter, 1877.

I am taking them all as they stand in the list. They are certainly appointees of whoever was Postmaster at the time, perhaps the late D. A. Macdonald. They were appointed by the Liberal government, but yet there they are stuck at the head of that class for so many years and still they are there. The promotion is very, very slow in the Post Office Department.

Hon. Mr. FERGUSON—This clause relates to the outside service.

Hon. Mr. SCOTT—I presume the same rule applies to the other.

Hon. Mr. MACDONALD (B.C.)—What is the highest pay of a first-class clerk in the Post Office Department?

Hon. Mr. SCOTT—Take Charlottetown.

Hon. Mr. FERGUSON—I never heard any complaints from there.

Hon. Mr. SCOTT—I see they are later appointments and getting higher salaries than those at Ottawa.

Hon. Mr. FERGUSON—None of my complaints come from Charlottetown. They are from other places.

Hon. Mr. SCOTT—There are about 130 junior second class, a number of those at the head, perhaps one-half of them, getting $1,000, and others get $900 and $800 and $650. From the very large number in the inside service, of course the promotion is extremely slow, and very few attain anything like a position which gives them a really good salary. The department seems to be well conducted on economical principles, apparently.

Hon. Mr. FERGUSON—The point I make with regard to the general treatment of officials I draw largely from the Bill before me; favours to the appointees of this government appear on the face of the Bill; that is, that those fourth-class men who are appointments of the present government, are allowed for seven years to get $50 a year increase, while the older men are not allowed an increase in that way. The block is introduced at the end of two years, and they may be held up for an indefinite period in that way. I would ask, on the face of the Bill, why is not the fourth class divided into two stages altogether.

Hon. Mr. TEMPLEMAN—Because the fourth class started at a very low salary.

Hon. Mr. FERGUSON—My hon. friend will not say, considering the elementary character of the work which younger men can do, that the salaries of those who were appointed recently, should be equal to the salaries of the older men. I do not say good treatment should not be given to those, but a different treatment is adopted in not interposing the will of the minister, in not making a promotion in the middle of the class. I appreciate the suggestion I have just heard that this, being a money Bill, we can not amend it, and we need not bother our heads any further about it.

Hon. Mr. ELLIS—Since the matter was under consideration before, I have looked into it, and come to the conclusion that the effect of the law will be beneficial. A principle runs through the Bill, and it is this: they have so many third-class, so many second-class and so many first-class clerks. In class 3, take St. John for instance; supposing there are twenty third-class clerks who are at the head of the class, they cannot be promoted to the second class, as the number of clerks alloted to the particular city office is full, the effect of dividing them into two classes is that when they are transferred from the juniors to the seniors, they will get an advance of salary within their class greater than they have now.

Hon. Mr. MACDONALD (B.C.)—Can the hon. Secretary of State say a clerk in one department should be paid better than a third-class clerk in the Post Office Department?

Hon. Mr. SCOTT—I was not referring to the higher class of clerks. I was referring to the lower class of clerks.

Hon. Mr. MACDONALD (B.C.)—Do they get the same?

Hon. Mr. SCOTT—When they are promoted, but it is slow work for a man to climb up where there are a number ahead of him.

Hon. Mr. MACDONALD (B.C.)—The clause reads:

> 1st class, specific duties with fixed salaries in each case to be determined by the Postmaster General; no salary to be less than $1,200, or more than $1,500.

Would a first-class clerk go beyond $1,500 at all?

Hon. Mr. TEMPLEMAN—The maximum of a second-class clerk is $1,200.

Hon. Mr. MACDONALD (B.C.)—This goes up to $1,500. Does it remain there?

Hon. Mr. TEMPLEMAN—Yes, that is the maximum.

Hon. Sir MACKENZIE BOWELL—The only fault I have with the Bill is that it does not go far enough. It should provide for salaries to clerks in towns equal to those that are paid in city post offices. I called atttention to this matter before. Take Brockville, Belleville, and all places of that kind that do not come within the meaning of a city post office, where the clerks become civil servants, under the Civil Service Act. They are not provided for at all. I know a number of young

men in the town in which I live where they have just as much work to do as the city clerks. They are there as many hours, and perform just as important duties, and yet they are there at $300, $400 and $500 a year, without the slightest prospect of any increase or promotion, because the law makes no provision for it. Under those circumstances, as soon as a young man, or a lad in his teens, goes into an office and remains there for a year or two, and becomes an adept at the work he has to perform, he finds better employment and away he goes. The result is that changes are continually occurring. I know my hon. friend cannot very well introduce an amendment of the character to which I refer, but it is a pity that other officers, quite as important as those that come under the name of city officers, are not provided for. I agree with the hon. member for St. John that the provisions of this Bill improve the status of the city post office clerks and of the first-class clerks. We know very well that it does not require much education—simply requires health—to be able to perform the duties of sorters and stampers. It requires little education, and the salary in that class is quite high enough. My own view is that with government employees, in the position they occupy, they should be paid the same salary they could earn in other occupations in life, or that they could earn it if they were not in the service. It does not follow that because a man or boy gets a clerkship or situation in the post office, that he should be paid double that which he can earn in any other position of life.

The clause was adopted.

Hon. Mr. McKEEN, from the committee, reported the Bill without amendment.

The Bill was then read the third time, and passed.

PATENT ACT AMENDMENT BILL.

COMMITTEE STAGE POSTPONED.

The Order of the Day being called:

Committee of the whole House on Bill (184) An Act to amend the Patent Act.

Hon. Mr. SCOTT moved that the Order of the Day be discharged and that it be fixed for Wednesday next.

Hon. Sir MACKENZIE BOWELL—Did I understand the hon. gentleman to propose some amendment to that Bill?

Hon. Mr. SCOTT—There is just one formal amendment, but there are other gentlemen in the House who desire to make amendments, and I want to see whether the minister will consent. So far he has not consented. It is a technical Bill and retroactive in some particulars, and is not a Bill which, on general principles, is desirable, and it is only the necessities of the service which justify it.

Hon. Sir MACKENZIE BOWELL—Has the hon. gentleman a copy of the amendments which he could submit to the minister, so as to see their effect if accepted?

Hon. Mr. SCOTT—Yes.

The motion was agreed to, and the Order of the Day was postponed.

SAFETY OF SHIPS ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (179) An Act to amend the Act respecting the Safety of Ships.

(In the Committee.)

Hon. Mr. SCOTT—The object of this Bill really is to bring our law on the subject of deck-loads into conformity with the British statute. In 1901 the Act was amended and in it there was rather an ambiguous sentence. The authorities in Great Britain, the board of trade, through the colonial office, called attention to it and stated that the imperial government would not be called upon to disallow the Act if, at a later stage, it was amended. The ambiguity, which I will explain when I come to it, was the principal motive in bringing forward this Bill. The first clause simply provides that section 7 be repealed and the following substituted. That is the formal amendment.

Hon. Sir MACKENZIE BOWELL—Is that the ambiguity to which the hon. gentleman has referred, the one which was discussed for an hour or two in this House two years ago when the question of what would constitute deck-loads was before us.

Hon. Mr. SCOTT—Yes, the same. I will explain that when we come to it.

On subsection (c),

Hon. Mr. SCOTT—The law of 1901 reads as follows: 'Any deals, battens or other light woods of any description to a height not exceeding three feet above the deck,' &c. If hon. gentlemen will go back to the last line in clause 7 they will find it reads:

Shall place, or cause or permit to be placed or to remain upon, any uncovered space upon the upper deck or in any covered space not included in the cubical contents forming the registered tonnage of such ship.

It will be observed subsection (c) rather conflicts with that, inasmuch as it refers to the space on the deck of the ship which is closed in, that is what they refer to.

Hon. Sir MACKENZIE BOWELL—That is the point we fought over so long.

Hon. Mr. SCOTT—That has to be struck out.

Hon. Mr. FERGUSON—My hon. friend from Westmoreland and myself argued for nearly an hour on that point two years ago.

Hon. Mr. SCOTT—The gentleman who drew it up did not understand it.

Hon. Mr. POWER—I am glad to hear that admission from the hon. Secretary of State, because we have been told on more than one occasion that the persons who draw these Bills understand them better than we do. I ask for information. I notice that in 1901, as the hon. gentleman says, this paragraph (c) was enacted in the form which he has mentioned; but there was a change made in 1901, and I would simply ask now why that change was made. I have no doubt there was good cause for it. In the law of 1894, cap. 44, instead of the words that we have now, we have the following words:

Cargo of any other description except live stock.

Now, why was the prohibition of carrying any other cargo stricken out, and this prohibition with respect to deals, battens and woods put in?

Hon. Mr. SCOTT—I really could not tell my hon. friend.

Hon. Mr. FERGUSON—We had a very long discussion over that too.

The clause was adopted.

Hon. Mr. FULFORD, from the committee, reported the Bill without amendment.

The Bill was then read the third time, and passed.

GOVERNMENT POST OFFICE AND SAVINGS BANK BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (220) An Act respecting government post office and savings banks.

(In the Committee.)

On clause 1,

Hon. Mr. FERGUSON—My hon. friend will perhaps inform the House what is the total amount now held in these two classes of deposits by the government post office savings banks and government savings banks.

Hon. Mr. SCOTT—I do not really know. I fancy it must be well up to $75,000,000—perhaps not as much as that.

Hon. Mr. MACDONALD (B.C.)—It is over $50,000,000.

Hon. Mr. SCOTT—It has been increasing largely during the last year. It has been because it has gone up so high that the Finance Minister has decided on this legislation.

Hon. Mr. FERGUSON—It is a new provision. We have never held any amount as against these deposits up to the present time.

Hon. Mr. SCOTT—No.

Hon. Mr. FERGUSON—I think it is very good legislation, but we are providing, suppose we have $60,000,000, that we shall hold $6,000,000. It is a good deal of money. I notice there is no provision as to how they are to maintain that deposit. In another Bill which is to come before us soon, respecting Dominion notes, it is provided that if the amount held by the government is not sufficient to redeem the Dominion notes presented for payment, the Governor in Council may raise a loan to meet the demand. In case the amount in the hands of the government should fall below what is necessary to be held, the government have power to issue a loan in order to keep that up.

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—I suppose my hon. friend and the Minister of Finance have provided the means to obtain this security.

Hon. Mr. SCOTT—Oh, yes.

Hon. Mr. FERGUSON—It would seem to me they should ascertain how they are to get the money. It is easy to say they must hold so much as security, but they should be empowered in some way to keep that security.

Hon. Mr. POWER—They can take the money out of the surplus.

Hon. Sir MACKENZIE BOWELL—Has any difficulty arisen that necessitated this legislation ?

Hon. Mr. SCOTT—I have heard of nothing special.

Hon. Sir MACKENZIE BOWELL—There must be some reason for it.

Hon. Mr. SCOTT—Except the amount was increased so largely it was thought prudent to do so. It had been growing and as the responsibility increased the necessity became greater.

The clause was adopted.

Hon. Mr. ELLIS, from the committee, reported the Bill without amendment.

The Bill was then read a third time, and passed.

DOMINION NOTES BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (222) An Act respecting Dominion Notes.

(In the Committee.)

On clause 2,

Hon. Mr. MACDONALD (B.C.)—I suppose the government will not interfere with the chartered banks in the issuing of five dollar notes ?

Hon. Mr. SCOTT—It was referred to in the other House, but there was no answer given. There was some expression of opinion by leading members of the opposition objecting to the fours, and that introduced the question whether the government ought not to issue fives ; but the Finance Minister did not convey any positive idea on the subject.

Hon. Mr. MACDONALD (B.C.)—I believe the banks cannot issue fours or twos.

Hon. Mr. SCOTT—No.

Hon. Mr. FERGUSON—There is no change made in this Bill with regard to the denomination of notes ?

Hon. Mr. SCOTT—No, none whatever.

Hon. Mr. FERGUSON—The only provision is they can issue ten million dollars more.

Hon. Mr. SCOTT—Yes, on the same terms as before.

The clause was adopted.

On clause 7,

Hon. Mr. SCOTT—With regard to the redemption of notes, there are outstanding notes of the province of Canada to the amount of some $28,000.

Hon. Sir MACKENZIE BOWELL—That would include also, I suppose, the twenty-five cent shinplasters.

Hon. Mr. SCOTT—They are not quite sure about that at the Finance Department, but they said the total amount was only about $28,000.

Hon. Sir MACKENZIE BOWELL—I have seen, within a month or so, those twenty-five cent shinplasters which were quite new.

Hon. Mr. SCOTT—They were printed a great many years ago, and only issued now. I go to the bank sometimes to get them for change.

Hon. Sir MACKENZIE BOWELL—They would be included under this, because the government is as responsible for them as they are for the one, two and four dollar bills.

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—At confederation the Dominion government became responsible for those notes that are to be redeemed.

Hon. Mr. SCOTT—Yes. I find the same provision in the original Act.

The clause was adopted.

Hon. Mr. FULFORD, from the committee, reported the Bill without amendment.

The Bill was then read the third time, and passed.

CITY OF OTTAWA IMPROVEMENT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (223) An Act to amend the Act of 1899 respecting the city of Ottawa.

(In the Committee.)

On clause 1,

Hon. Mr. SCOTT—I think we pretty well discussed this Bill at the second reading. The only change is the addition of ten years to the period named in the statute of 1899, under which the government of Canada undertook to pay $60,000 to the Improvement Commission and now, in order to enable the money to be anticipated, they are being authorized to issue debentures to the amount of $250,000, all of them to be payable within the term of twenty years, and the money, of course, to be deposited, $60,000, year by year, in order to meet the debentures as they are payable and also the interest. It has been calculated that is the amount which can be advanced at the present moment. I understand they have also made an arrangement with the bank by which they practically will get the money at three per cent, because the $60,000 would be deposited from time to time in the bank, and there would always be an arrangement to get interest on it.

Hon. Sir MACKENZIE BOWELL—If they can get money at 3 per cent, it will accomplish the object I had in view yesterday in suggesting that the government provide the money. They can lose nothing, and it would be in the interest of the commisssioners to have as much money as possible. Really the Bill provides for an increase of $600,000, for the purpose of beautifying the capital. That is really what it provides for. Then it gives the power to borrow upon the strength of that $600,000, in order to do it more rapidly than they could do if it were received annually. I do not see in the Senate the gentleman with whom I had the honour and pleasure of sitting some years ago in the House of Commons who used to object very strongly to the beautifying of Major Hill Park. We used to have homilies preached to us of a very serious character and the expenditures denounced as an outrage, and depicted as an imposition upon the whole of this Dominion because we relieved the city of Ottawa of the responsibility and expense of maintaining that park, and placed it in a really respectable position. I was not in the Senate at the time, and cannot speak for the hon. gentleman opposite (Hon. Mr. Scott), but being a resident of Ottawa, I do not suppose he took objection to the pecuniary liabilities that the late government assumed, but here we find they have gone on, beyond whatever the late government contemplated, and it is accepted by the gentlemen who were par excellence economists in the lower House, and who used to preach us sermons on economy, and our extravagance, taking this bait without the slightest difficulty, and I do not find that it chokes them in the least. I am not finding fault with the Bill, I think that this city, as the capital of Canada, ought to be a credit to the Dominion, as the capitals of other countries are, and the course taken by the hon. gentleman is one that, speaking for myself and as a Canadian, I rather commend. It is not altogether $60,000 a year, because the old government appropriated certain sums in assisting the city in many respects, but they came to the conclusion that the $60,000 would be adequate to make the city the Washington of the north. They had better go a little further, and if it is to be the Washington of the north, let them deprive the city of representation and let there be a joint committee to keep it up. Treat Ottawa as they treat the district of Columbia. I do not know that the people of Ottawa would appreciate the suggestion, but if we were to imitate our neighbours across the line, why not go the whole length, unless it is thought they go too far, and that we should halt at a certain point. I should like very much to have called the attention of some hon. gentlemen in the Senate, if they were present, to the position they occupied before, when they are very readily accepting the proposition which is made to them now to quadruple the sums they used to find fault with. However, this is an age of advancement; whether you call it reform or not, I do not know, but we will accept it as such and trust we will go on and follow in the footsteps of the late government

to a greater or less extent than in the past —and that will be somewhat difficult—and I have no doubt you will meet the approbation of the country, and the country, under such circumstances, will go on prospering as it has for the last few years.

Hon. Mr. POWER—I think that on patriotic grounds it may be very well to make this expenditure, and no member of this House appears to oppose it; but there is another point of view: The government of this country pay out every year in the city of Ottawa, I suppose somewhere between a million and a half and two million dollars. That does not take place in any other city in the country, and I can understand the feelings of the inhabitants of other cities when they find that, in addition to paying out these very large sums here, the government undertake to pay for the ornamentation and improvement of the city. However, on the ground that this city is in a sense the Washington of the North, and that it is our duty to make it look well, I do not suppose that any one should fairly quarrel with the policy, but there is just one point, in the little speech of the hon. leader of the opposition, which, I think, deserves attention. The hon. gentleman spoke of the fact that some years ago a gentleman, who is now a member of this House, in another place was fond of criticising expenditures made for the benefit of the city of Ottawa, much smaller expenditures than are involved in this Bill. Now, hon. gentlemen, circumstances alter cases. That which would be extravagance in a man whose income is one thousand dollars a year is not necessarily so if the man's income happens to be $5,000 a year, and inasmuch as the income of this country has about doubled since the time to which the hon. leader of the opposition referred, an expenditure which might have been open to criticism at that date is not open to criticism now.

Hon. Mr. MACDONALD (P.E.I.)—We must bear in mind that the expenditure of the country is increasing at even a more rapid rate than the income. It is true, Ottawa has received very liberal treatment from the parliament of Canada, and it is very difficult for gentlemen who are members of another body than this, perhaps, to justify to their constituents the very liberal appropriation which we are making for the benefit of the capital of the Dominion. They say, just as has been alluded to by His Honour who addressed you, that there is an immense amount of the revenue of the Dominion expended directly in Ottawa, so many of the civil servants live here. The ministers, their families and retinue all living here expend an immense deal of money in the city of Ottawa, which is not expended to anything like the same extent in any of the capitals of the different provinces, and while it is very well that we should beautify the city of Ottawa to at least a reasonable extent, I believe we are treating it very liberally indeed in approving of the different amounts which have been voted by parliament for that purpose. The city of Ottawa itself compares now perhaps favourably, more than favourably with any city of the same age within the Dominion. I think we may say that with its natural scenery and the parliament buildings, the improvements made in the city itself within the last few years by the commission, which was authorized to expend this money for the beautifying of the city, have accomplished a great deal. The money which they have expended must have been laid out to great advantage, for I must say that every person who has travelled round the suburbs of Ottawa and through these different streets must see that there has been already a great improvement made in the appearance of the city, and that it is now, even in its present state, a credit to the Dominion.

The clause was adopted.

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

The Bill was then read the third time, and passed.

FISHERIES ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (224) An Act to amend the Fsheries Act.

(In the Committee).

On clause 1,

Hon. Mr. TEMPLEMAN—I have a small amendment to this clause. On the second reading of this Bill the other day, I thought

that the wording of the clause would include all seals, as it evidently does. It reads:

Every one who hunts or kills fish, or marine animals of any kind other than seals, whales or walruses.

This would legalize the killing of all seals, porpoises, &c. I think it would be a great mistake should there be any conflict with the regulations with respect to the killing of the fur-seals in the Pacific Ocean. Consequently, I propose to put in the word 'hair' before the word 'seals.'

Hon. Mr. MACDONALD, (B.C.)—That is a very wise precaution.

Hon. Mr. DeBOUCHERVILLE—What is the meaning of that?

Hon. Mr. TEMPLEMAN—There is thin hair on them instead of fur. I move that the word 'hair' be introduced in the second line after the word 'than' and before the word 'seals.'

Hon. Mr. POWER—We should have some further explanation of the remarkable change of attitude which parliament has assumed with respect to these marine animals. I shall just read section six of the Fisheries Act for which this section is substituted. It is as follows:

Every one who hunts or kills whales, seals or porpoises by means of rockets, explosive instruments or shells, shall be liable to a penalty not exceeding $300, and in default of payment to imprisonment for a term not exceeding six months.

That section was repealed in 1894, and another section substituted, which included other marine animals. So up to 1894 the policy of parliament was to make this prohibition more extensive instead of less extensive. Now the hon. minister comes here and asks us, not to increase the protection, but to strike it out altogether, take away the protection from all these animals, whales, seals, porpoises, and other marine animals. There may be some justification for the use of explosives in killing whales, and of course the walrus is a very formidable animal which cannot be approached very closely without a certain amount of risk for the person who tries to capture him, and as to whales and walruses, there might be some reasonable defence for the change of attitude, but I think, as regards seals and porpoises, certainly as regards the capture of seals of any kind, there is no justification for tolerating the use of rockets and explosive materials or explosive projectiles. These things are not necessary where the seals are caught on the ice, as they are on the coast of Newfoundland. The seals are simply knocked on the head with clubs; and I do not see why the harbour seals which are to be found in the bays about our shores should be destroyed with explosives. They can be shot, as it is, but why rockets and explosive projectiles and shells should be used to kill seals, I cannot understand. I think it is a highly objectionable thing, and I hope the hon. gentleman will not limit his amendment to hair seals, but strike out the word 'seals' altogether. Otherwise I shall feel it my duty to move an amendment to his amendment.

Hon. Sir MACKENZIE BOWELL—Would there be any confounding in the use of the words 'hair seals'? We know that seals, whether they have fur or not, have hair in addition to it, and the seals that are caught in the Pacific Ocean and those of which we have heard so much talk, have hair which is plucked from the fur seal. And then the most valuable fur that is caught—I forget what they call it——

Hon. Mr. MACDONALD (B.C.)—Sea otter.

Hon. Sir MACKENZIE BOWELL—Yes, run up as high as fifty pounds a skin. They are fur animals. On the Labrador coast and Newfoundland, I do not think there is any fur on the seals. Now, are there any of that kind of seals in the Pacific?

Hon. Mr. TEMPLEMAN—Yes, there is a hair seal.

Hon. Sir MACKENZIE BOWELL—I have seen seals in the Gulf of Georgia, but I did not know what kind they were. I do not object to the porpoise being destroyed, because porpoises destroy immense quantities of fish.

Hon. Mr. FERGUSON—A point was made by my hon. friend last evening at the second reading of this Bill, which I think was not sufficiently attended to. It is a very bad thing to authorize the use of explosives in fishing, because you cannot possibly use them for capturing any of those fish without destroying other fish. Last year I happened to be on the Island of Vancouver at the time

of the explosion at Departure Bay. I heard so much about it that a party resolved to go up there and see what happened. The fish were killed in the bay for fully a mile from the scene of the explosion by the shock. I do not think I am exaggerating when I say I think it was possible to gather up schooner loads of herring which were lying on the shores and the bottom of Departure Bay as a consequence of the explosion which took place there. It was a sight such as I could not get my imagination to conceive of if I had not seen it myself. I do not think it is possible to use explosives successfully in killing those fish without injuring fish life—that is, if the shock is sufficiently strong to kill these animals in the water, it would kill fish that are valuable, and be injurious to fish life.

Hon. Mr. DeBOUCHERVILLE—I do not approve of what the hon. gentleman has just stated. You cannot use an explosive which will kill more than a certain class of animals. The law says you can use it only for certain animals.

Hon. Mr. FERGUSON—But the other fish are in the same waters.

Hon. Mr. DeBOUCHERVILLE—Then you must not use it. But there is another reason for using explosives for seals. On the shore of Newfoundland they kill them with sticks, but in the bay if you fire at a seal and do not kill it, it might disappear and you cannot get it. If you use balls which explode in the seal you get it, and that is why explosives are used in killing seals.

Hon. Mr. MACDONALD (B.C.)—I think explosives might be confined to whales altogether. There is no use in putting walruses in the Bill, because they are not found on our coast in any number. I would confine the whole thing to whales. They cannot be killed easily without something of that kind.

Hon. Mr. TEMPLEMAN—My information is that the law as it now stands is always violated in respect to the taking of whales, porpoises, hair seals and walruses—that explosives are used, and that there is no modern whaling station to-day that does not use explosive projectiles of some kind. The taking of whales under the old method of harpooning them would be unprofitable, and all successful whaling of the present day is done by use of explosives. It may be explosive balls or an explosive material in the harpoon. Parties who purpose establishing whaling stations on the Atlantic coast, and I believe there is also a party on the Pacific coast in British Columbia applying to establish a whaling station there, have asked the department to make this change in the law and legalize the use of explosives which are now used by them illegally as the law stands. There is a very great difference between the fur seals and the hair seals. There is no difficulty at all in respect to this matter. In the Behring Sea award, and the legislation founded thereon, the whole protection is to the fur seal. The animal known as the hair seal is the seal which is caught on the Atlantic coast and slaughtered in such numbers by the Newfoundland sealers.

Hon. Sir MACKENZIE BOWELL—Do they fish for them on the Pacific ?

Hon. Mr. TEMPLEMAN—Not for the hair seal, but I understand there are a few there. Mr. Venning of the Marine Department advises me there are some on the Pacific coast, but the important seal is the fur seal. We are all agreed against the use of explosives in hunting the fur seal, because the taking of the fur seal on the Pacific ocean is already safeguarded under the Behring Sea award. No guns at all, for instance, can be used in the Behring Sea seal fisheries; the seals must be taken with harpoons or spears. Guns, however, can be used along the Pacific coast in taking the fur seal. I do not know why the hair seal is included in the permission to slaughter by projectiles, but I do not at all imagine that the use of projectiles is for the fishing that my hon. friend from Marshfield thinks. I do not think dynamite would be exploded in the water for the purpose of killing hair seals. I assume they are generally taken on ice floes and on shore, and killed possibly in the water with spears and shot guns. If you are going to kill a seal you might as well kill him effectually. In the case of killing fur seals on the Pacific, one of the great grievances of our United States friends against Canadian sealers was that the seals were very often wounded with buckshot, and in many cases disappeared and were never recovered. So the catch of skins, our United States friends said, did not

at all represent the slaughter of the seals. The same thing no doubt happens in the taking of the hair seals on the Atlantic coast. They may be hit on the head with a club, as our fur seals on the Pribyloff Islands are, or they may be speared, but in any case if the object of the hunter is to kill the seal it is far better to kill him effectually and get the animal than it is to wound him and see him disappear under the ice.

Hon. Mr. MACDONALD (P.E.I.)—If this Bill is to be confined to the ocean and to permit the use of explosives in the ocean, I presume its object would be a good one, but if we permit the use of explosives, as this Bill does, within any harbours, bays or waters adjacent to the coast, it is going to have a very injurious effect on the fish that frequent those waters. We know very well that the explosion of an ordinary bomb or shell in the water will kill a quantity of fish in the vicinity. I have seen that happen on various ocasions. I have seen a war ship coming into a harbour, in order to show the effect of the ordinary explosive shell, put one into the bay and have it touched off with an electric battery on the deck of a ship, and the consequence was that perhaps for one hundred yards around where that shell exploded all the fish were stunned so that they floated on top of the water and boats went out and picked them up. If we permit the use of such explosives within the three-mile limit anywhere, it is going to have an injurious effect and there should be a proviso in this Bill to confine the use of explosives to the deep seas beyond the confines of the harbours on the coast. I would suggest that a proviso be added to the Bill making it illegal to use such explosives within a certain distance of the coast anywhere.

Hon. Mr. ELLIS—Perhaps it would be better, after the discussion, if the hon. gentleman would withdraw the word 'seal' altogether. I know on our coast there are large numbers of seal and some men would use explosives to kill these seals, and the result would be injurious to the fish. There are not enough seals caught on the Atlantic coast to make it advisable to legislate with regard to them at present. If it should be necessary a year or two hence to permit the use of explosives, the law can be amended. With regard to what the hon. gentleman from Prince Edward Island says, whales and walrus are not killed anywhere within the three-mile limit, but I have seen seals up the River St. John. If a man chose to kill a seal there by using an explosive, he would destroy a number of salmon.

Hon. Mr. DOMVILLE—With an explosive, half the diameter of the shock is only fourteen feet. That is a matter of science, not of opinion. I have been where they shot at whales and the object of firing with explosives was to blow them open. If the explosion is within the animal it cannot do much damage to fish in the neighbourhood. I give this information for some who, perhaps, may not know this fact. The charge used is so very small in killing a whale that it could not do any harm to fish. The whale when fired at is on the surface.

Hon. Mr. FERGUSON—There might be a great many fish within fourteen feet of the whale.

Hon. Sir MACKENZIE BOWELL—A few years ago I was down at Sable Island, and round that island I saw scores of seals floating about. Now, that is a fishing ground, and even if it were only in throwing an explosive at one of those seals, and the radius of the explosion is only 14 feet, one does not know what destruction might take place amongst fish. You might carry the idea further, and say under pretense of killing seals, explosives might be used to kill fish. I remember when the Canadian Pacific Railway was being built from Fort William up to Lake of the Woods, when the men wanted fish they would throw a charge of dynamite into a lake with a wire attached and explode it from the shore by an electric battery. The result was the fish would turn up. I remember very well as a boy we used to go into our marshes to catch pike and would carry a gun with us. We would not hit the fish, but the shot striking the water would stun the fish and it could be caught before it recovered. The same result would follow an attempt to catch seals in the waters where I have seen them. I think it would be better to strike out the word 'seal' altogether.

Hon. Mr. TEMPLEMAN—I feel disposed to let the word 'seal' drop out myself. When the Bill returns to the House of Commons with the amendment, if any good rea-

son can be shown for retaining the word 'seal' I presume it will come back to us again.

Hon. Mr. POWER—I move that the word 'seal' be struck out.

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

Hon. Mr. DANDURAND, from the committee, reported the Bill with an amendment, which was concurred in.

The Bill was then read the third time, and passed.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, July 29, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

CERTIFICATES TO MASTERS AND MATES OF SHIPS ACT AMENDMENT BILL.

ORDER OF THE DAY POSTPONED.

The Order of the Day being called,

Committee of the Whole House on (Bill 226) An Act to amend the Act respecting Certificates to Masters and Mates of Ships.

Hon. Mr. TEMPLEMAN moved that the Order of the Day be discharged and placed on the Orders of the Day for to-morrow.

Hon. Sir MACKENZIE BOWELL—Might I ask the hon. gentleman if he has in contemplation any changes or amendments to this Bill?

Hon. Mr. TEMPLEMAN—In postponing this measure till to-morrow, I am doing so at the request of an hon. gentleman. I purpose making one amendment. I intend to move that the limitation of the home trading voyage shall be the city of Boston instead of Portland.

The motion was agreed to.

PATENT ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE,

The House resolved itself into a Committee of the Whole on Bill (184) An Act to amend the Patent Act.

(In the Committee.)

On clause 1,

Hon. Mr. SCOTT—The necessity for this measure is due to the fact that it has been held—I believe only an 'obtier dictum,' however, that has been the decision of one of the judges—that the powers under the Patent Act could not be performed by any person other than the Commissioner of Patents, and it had been the practice of the Deputy Commissioner of Patents to act and also, as is the practice in other departments, for the chief clerk, when delegated properly to do so, but in consequence of the decision of the court—not a decision practically, but an opinion expressed by one of the judges—it became necessary to make this point clear. In the Civil Service Act the minister has the power in certain cases, and in other cases it requires a minute of council to authorize the chief clerk to act for the deputy.

Hon. Sir MACKENZIE BOWELL—This clause gives full power and authority to the Deputy Commissioner to perform the duties of the minister. It gives him full power to perform all the functions pertaining to the Commissioner of Patents, whether the minister be present or not?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—And in case of the absence of the minister and the deputy, any clerk may be authorized by the minister to act.

Hon. Mr. LOUGHEED—Who is now the Commissioner of Patents?

Hon. Mr. SCOTT—The minister himself, and the deputy minister is now a barrister, Mr. O'Halloran.

Hon. Mr. LOUGHEED—It seems to me that sufficient powers are given in the Civil Service Act, sections 13 and 14, by which the powers of the minister may be delegated to the deputy minister—that is to say, by an Order in Council.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—Those duties may be defined which are to be delegated to the deputy minister. Now it seems to me not good policy that the deputy should be clothed with all the powers of the minister. It simply gives a license to the minister, upon

whom the responsibility of administering that department is concerned, to, in fact, neglect the duties of his department, to render himself unfamiliar with them, and to rely absolutely upon the deputy without exercising that supervision and having that general knowledge as to the obligations of his office which the Civil Service Act in the first place contemplated. Might I ask my hon. friend if any good grounds have arisen which render it conducive to the public interest that this should be done?

Hon. Mr. SCOTT—Most certainly.

Hon. Mr. LOUGHEED—In what regard?

Hon. Mr. SCOTT—In a matter of this kind, the deputy would be really the acting officer. In clauses 13 and 14 of the Civil Service Act deputies are clothed with that power. From time immemorial the deputy has been the officer who has administered this.

Hon. Mr. LOUGHEED—My contention is that sufficiently wide power is given under the Civil Service Act to permit the Governor in Council issuing an order to give to the deputy the powers which are vested in the minister. It seems to me, if the Governor in Council choose to exercise discretion in clothing the deputy with that particular power, the public interest will be subserved as well as if we make a statutory enactment absolutely giving that power to the deputy head. There may be cases where it is not desirable that power should be vested in the deputy minister, and it is for the government, in any instance, to exercise their discretion and say whether the deputy shall act in lieu of the minister.

Hon. Mr. SCOTT—From the institution of the department it has been the deputy minister who has acted. He has not in all cases been a lawyer. It is particularly desirable, in the interpretation of the Patent Act, that the deputy should be a barrister in good standing, and the present deputy is a barrister.

Hon. Mr. LOUGHEED—My hon. friend must not think I have in view any particular individual. Mr. O'Halloran, or any particular officer, may resign his office at any time, and yet we have on the statute-book a clause giving all the power of the minister to the succeeding deputy minister.

Hon. Mr. SCOTT—Only in administering the Patent Act.

Hon. Mr. LOUGHEED—It seems to me no distinction can be drawn between vesting authority in the deputy minister for the administration of the Patent Act more than for any other power. After a while all the deputies will be sufficiently ambitious to practically occupy the position of ministers.

Hon. Mr. McMULLEN—I should like to know, in the absence of the Commissioner of Patents and the Deputy Commissisioner of Patents who appoints the person who takes the position of either of them? Is he appointed under Order in Council?

Hon. Mr. SCOTT—Yes, under Order in Council.

The clause was adopted.

On the 2nd clause,

Hon. Mr. BEIQUE—I desire to have this clause stand. I propose to hand to the Secretary of State an amendment to provide that it shall not apply to any patent set aside by the courts. I should like the hon. Secretary of State to consider the amendment.

Hon. Mr. LOUGHEED—I suppose it is the intention of the government that this clause shall be retroactive?

Hon. Mr. SCOTT—Oh, yes.

Hon. Mr. LOUGHEED—Although it is not precisely stated to be retroactive, that is the intention. What has led to this radical change of policy?

Hon. Mr. SCOTT—There are a number of clauses retroactive.

Hon. Sir MACKENZIE BOWELL—They are all retroactive.

Hon. Mr. SCOTT—Not all, but several of them are. The late Dr. Tache had first to do with this Patent Act. He professed to be very familiar with it, and had practically exclusive control. He gave judgments as a judge would do on questions which came before the department, and once he gave a judgment, it was acquiesced in. That has gone on for over thirty years. It is some years since Dr. Tache's time, and it has only been in recent years that his decisions have ever been in question, and

in several instances they have been declared absolutely without the authority of the statute. In some instances the points he had settled have been called in question by what is known as obiter dictum of individual judges, who, in cases under the Patent Act which have come before them have incidentally referred to points which were not directly before them, but involved in the case before them. It is to legalize practically, as far as vested rights are concerned, the decisions of Dr. Tache where they have been going on for a number of years. It practically gives effect to them, reserving of course the rights of parties that have been acquired by any decision in the courts. Now, the amendment proposed by the hon. gentleman from Montreal goes somewhat further. There is a clause, hon. gentlemen will know, at the end of the Bill, which is called a saving clause, reserving to parties any rights they had acquired under the decisions of the courts. It is alleged, and of course it is a very difficult point to determine eventually, that that is not sufficiently wide, and it is in order to secure the full effect of a judgment that went to the Supreme Court on the question. Perhaps the hon. gentleman will understand it better if I explain it. Formerly, when patents were taken out in Canada and in foreign countries, parties would take the patent out for five years in each country. At the end of the five years for some good reason, perhaps no market or no opportunity of getting anything out of the patent, they have allowed the patent in the foreign country to drop, though the patent had been renewed in Canada, and that has gone on. Last year a patent that was running concurrently in Canada and in a foreign country was the subject of legislation, and the question of its validity in Canada went through the courts to the Privy Council. The ground taken by the patentee was this: he alleged that it was not necessary to continue the patent in the foreign country when renewing for the five years in Canada. The Privy Council held, on the contrary, that the patents, in order to be continued in Canada, must be continued in the foreign country. If it once had life in a foreign country, the dropping of the patent in the foreign country voided the patent also in Canada. This measure is retroactive in all those cases where there was a renewal of the patent in Canada and the foreign patent expired, and it is only fair and right that that should be so, because from the first inception of the Act, the impression given by the department and held by the patent solicitors, was that it was unnecessary to continue the life of the patent in a foreign country if it was not of essential value. As a rule patents are taken out for five years, the full term being fifteen years. In order to save the fee, people take out a patent for five years. Before the five years terminated they would take it out for another five and before that term expired they would take it out for the remaining five. But in many instances, where the patent had been taken out in a foreign country, it was allowed to drop after the first five years, and the effect of the decision of the Privy Council has been to avoid all patents, though renewed in Canada, where they had allowed the foreign patents to drop. It is in consequence of this decision that the proposed amendment of the hon. gentleman from Montreal comes up. There is a saving clause that a party directly interested in the manufacture of an article who, in consequence of the judgment of the Privy Council, may have lost his rights, is protected in his manufacture. I understand he is fully protected under this Bill.

Hon. Sir MACKENZIE BOWELL—How much further would the amendment suggested by my hon. friend go than the last clause in this Bill? I understand the last clause in this Bill has the effect indicated by the hon. gentleman, that after the expiry of the patent, should a person have commenced manufacturing the article prior to the judgment which had been given by the Privy Council, he would be protected under this clause.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—And how much further would the suggested amendment go?

Hon. Mr. BEIQUE—He would be protected by the last clause so far as manufacturing, but it seems to me it does not protect sufficiently those who have assailed patents and have succeeded in having the patent declared void by the courts of law. What has given rise to this Bill is litigation which has taken place in the courts, and which has

been carried to the Privy Council. I do not know the party at all. He is a stranger to me, but it seems to me that, having incurred the expense of litigation, and having exhausted the jurisdiction of all the courts, he is entitled to the benefit of the judgment which he has secured.

Hon. Sir MACKENZIE BOWELL—Notwithstanding the fact that he had not commenced manufacturing.

Hon. Mr. BEIQUE—Notwithstanding the fact that he had not commenced manufacturing, he is entitled to the full benefit of the judgment, and it seems to me it would be overriding by legislation the effects of a judgment.

Hon. Mr. LOUGHEED—How would the litigation have arisen if he had not invaded the right of the patentee by manufacturing ?

Hon. Mr. BEIQUE—I am not familiar with the facts of the case, but I suppose he had commenced the manufacture.

Hon. Mr. OWENS—In the case in point the party may have commenced manufacturing here, or he may be shipping into Canada goods that were manufactured elsewhere. In the case in point mentioned by the hon. Secretary of State, a case which has gone through the different courts in Canada to the Privy Council, the parties contesting that action incurred very considerable expense. Would it be good policy for us to pass an Act here that would set aside that judgment of the highest court in the empire? I think the hon. Secretary of State would agree that it would not, and such an amendment as is proposed by the hon. Senator from Montreal (Hon. Mr. Beique) would quite cover the ground and would remove any ambiguity in connection with the saving clause at the end.

Hon. Mr. SCOTT—It is a very unusual situation, and the point that we have now to consider is what is really fair under all the conditions. The case arose on a suit entered by what is called the Jones Furnace Company. Parties commenced the manufacture of an article covered by their patent, and they moved for an injunction to stay the manufacture. The case went through the courts, and they were defeated on the ground that the foreign patent had been allowed to expire and that therefore the Canadian patent dropped with it. While I say that the party who succeeded in the judgment of the Privy Council should be protected if he is manufacturing those articles, we should not destroy the patent that the Jones Company hold absolutely. We can reserve the right to the individual who has commenced to manufacture, and who has succeeded in the case before the Privy Council, which follows on the line that this House and parliament had adopted in other cases. We have frequently cases coming before us in which patent rights are discussed, and where we yield a point in favour of the manufacturer. We limit the manufacture, but we give the life of the patent to the individual patentee, so far as the rest of the world is concerned. We have always been careful, even where the matter is under litigation, that so far as that litigation is concerned, we would reserve any rights that a litigant may acquire, but at the same time we may continue the life of the patent so far as the rest of the world is concerned, and I think that that is the line that ought to be taken in this particular case. I would suggest as a compromise the following clause :

Nothing in this Act contained shall affect any right acquired by a party to a suit in any of His Majesty's courts by the final judgment rendered therein.

That would certainly save the party who brought the case to the Privy Council, and to-morrow, when we discuss it, I will submit this as a counter proposition to my hon. friend's and we will consider it.

Hon. Sir MACKENZIE BOWELL—Suppose under the decision of the courts, a United States manufacturer had been sending these articles into Canada for sale, and he had contested the case in court, would he be permitted to continue, after the passage of this Bill, to manufacture in the States and send the articles into Canada to be sold ?

Hon. Mr. SCOTT—If he was a party to the Privy Council case.

Hon. Sir MACKENZIE BOWELL—If he was a party to the Privy Council case he would ?

Hon. Mr. SCOTT—I think so.

Hon. Mr. BEIQUE—He should be, I think.

Hon. Mr. LOUGHEED—I very much doubt the propriety of giving a foreigner the right to thus come into Canada and to place him in a very much better position than a British subject would occupy, even though he may have a judgment from the Privy Council. He should not be placed in a better position than a Canadian who is manufacturing and selling the article which is patented.

Hon. Mr. SCOTT—Suppose we take that case. If we protect him in the right he acquired under the judgment of the Privy Council, would not that be going as far as we could go, leaving the party who was successful in the suit to manufacture ?

Hon. Mr. LOUGHEED—Yes, so long as he manufactures in Canada, but he should not with impunity be permitted to ship the article into Canada.

The clause was allowed to stand.

On clause 3,

Hon. Mr. SCOTT—There are practically no changes of any consequence in the clauses referred to. The change will be in the interpretation put upon them by the department. To give an illustration of it: in the language used in the clause, say, which gives power to the Commissioner of Patents to extend the time within which manufacture may take place, the limitation in the first instance, I may say, is for two years. In the past a party having the two years has been in the habit of applying to the department, giving reasons why he could not manufacture, and I think the department has extended the time, we will say, for one year. Before the end of that one year, he has made another application, and if they find the reasons substantial and sufficient in their judgment, the department has made another extension. It has been decided there was no power to do so—that only one extension can be granted. There is, first, the limitation of two years, and then one extension, and beyond that the department has no power to go.

Hon. Sir MACKENZIE BOWELL—This gives the department the power.

Hon. Mr. SCOTT—No, it limits the extension to one year. The courts have put an interpretation upon it which obliges the department to give only one extension. There is, first, the limitation of two years to manufacture the article. If before the expiration of two years good and valid reasons are given for inability to manufacture, the department may, in its discretion, give an extension, but only one extension. That is really the effect of this clause.

The clause was adopted.

On clause 6,

Hon. Mr. SCOTT—It will be observed that by subsection (b) of clause 4, a party can import during twelve months of his patent. If the imports after the first twelve months, his patent is void.

Hon. Mr. LOUGHEED—No, because under subsection (b) the twelve months may run after the authorized extension.

Hon. Mr. SCOTT—The clause we are now considering gives discretion in this case to extend the time. There is no change in the law in that respect.

The clause was adopted.

On clause 7,

Hon. Mr. SCOTT—This is a new clause and it is adopting the principle that has been adopted in England and in the United States. There are certain novelties or inventions that it would not pay a man to make—he could not keep them in stock. I may mention, for instance, a patent for a graving dock or an elevator. The object of this clause is to empower the commissioner, in a case of that kind, to issue a license to any party who may make an arrangement with the patentee to construct the work, the commissioner having jurisdiction as to the fair compensation to be paid. Where a man invents a graving dock, for instance, it might be three, four or five years before there would be any opportunity of the patent being availed of by anybody.

Hon. Mr. LOUGHEED—There is nothing under the present law to prevent a patentee from entering into an arrangement with some person to carry out a contract. He need not personally manufacture the article.

Hon. Mr. SCOTT—Yes, but there is a limitation of time, which should not apply

to cases of that sort, because it is not possible to go on and manufacture within the time.

Hon. Mr. LOUGHEED—This evidently has in view an extension of time for the manufacturing of the article. That is, the commissioner or deputy commissioner may go beyond the extensions provided for in the preceding clauses, and grant a license extending, I apprehend, to any party for its manufacture. A question arises as to whether that gives the public the advantage which would necessarily accrue from the patent in the absence of a clause of this kind—that is to say, it simply provides for a limited manufacture of the patent.

Hon. Mr. KERR (Toronto)—This is really an adaptation of the present British Patent Law, with this exception, the new Patent Law of Great Britain applies practically to all cases in England by which this limited system of licensing may be obtained—in other words, the public cannot be shut out from the benefit of the patent. Manufacturers cannot be held up by reason of unjust demands for the use of the patent. The English law has been amended so as to meet that, and it is an adaptation of that British law to the exceptional cases which are mentioned in the first subsection of the clause. It seems a reasonable thing in cases of that kind that that power should be extended.

Hon. Mr. DANDURAND—Clause 4 gives the conditions under which the patent shall exist. It provides :

4. Every patent granted under the said Act shall, unless otherwise ordered by the commissioner as hereinafter provided, be subject, and expressed to be subject, to the following conditions :—.

(a.) Such patent and all the rights and privileges thereby granted shall cease and determine, and the patent shall be null and void, at the end of two years from the date thereof, unless the patentee or his legal representatives, within that period or an authorized extension thereof, commence, and after such commencement continuously carry on in Canada, the construction or manufacture of the invention patented, in such a manner that any person desiring to use it may obtain it, or cause it to be made for him at a reasonable price, at some manufactory or establishment for making or constructing it in Canada ;

(b.) If, after the expiration of twelve months from the granting of a patent, or an authorized extension of such period, the patentee or patentees, or any of them, or his or their or any of their legal representatives, for the whole or a part of his or their or any of their interest in the patent, imports or import or causes or cause to be imported into Canada, the invention for which the patent is granted, such patent shall be void as to the interest of the person or persons so importing or causing to be imported.

Now, I know very many cases where it was absolutely impossible to ask a patentee to go on and continually manufacture the article in question, which was in demand once every three or four years, and this clause 7 is a most welcome amendment authorizing any party who wants to manufacture to do so under certain conditions fixed by the commissioner in place of the patentee himself.

Hon. Mr. LOUGHEED—I can quite appreciate the policy embodied in the clause, but it seems to me the difficulty lies in this : Let us assume for a moment that the patentee, during the term required for manufacturing the article, does not manufacture. At the expiration of that time the patent becomes general property. Now, in the meantime, this third party may step in and make an application to the minister for a license, which I presume, if granted, would extend beyond the term of the extension provided for in the preceding clause. There is no limination in this clause to show how long the license may run. Let us conceive a case where the terms of the extension have expired, under that license I apprehend the Patent Act will be so restricted that the public cannot step in in the interim and take advantage of it, although the extensions have expired. It seems to me there should be a restriction by which, notwithstanding the issuance of the license, if the patentee has not proceeded with the manufacture of the article during the term of the extensions, the patent should then cease and the invention become public property. Under this clause the licensee would have the right to manufacture that particular article under the patent to the exclusion of the public.

Hon. Mr. BEIQUE—The hon. member loses sight of this fact, that all patents are issued for a given term of years, and this clause is merely to take the place, in certain exceptional cases, of subsection (a) of clause 4, which makes it incumbent on the patentee to preserve his patent for the term mentioned in the patent, whether for ten or fourteen years, to manufacture and con-

tinuously manufacture the article patented, and when it is an object, as has been stated, which is not supposed to be in demand, then instead of making the patent subject to that obligation of manufacturing, the commissioner of patents would be, under clause 7, entitled to issue a patent subject to license.

Hon. Mr. LOUGHEED—My hon. friend misapprehends the difficulty I have pointed out. I quite appreciate the benefit he has mentioned. The difficulty I see is this, that the license may be issued to a third party for the manufacture of that article without limit as to time. There is no restrictive language in the clause, restricting the minister to confine the life of the license to the term of the extension which may have been granted under clauses 4, 5 and 6.

Hon. Mr. SCOTT—It says, 'while the patent continues in force.' The patent must be in force.

Hon. Mr. LOUGHEED—All that it provides is that the application must be made while the patent is in force. The minister issues a license and the question arises for what length of time shall he issue that license.

Hon. Mr. SCOTT—In a case of that kind you must have some discretion. It has been found to work well in Great Britain and the United States. There is no country in the world where they issue more patents than in the United States, and the provision works well there.

Hon. Mr. LOUGHEED—Let us assume the hon. gentleman is commissioner of patents and I make application for a license to manufacture an article which is patented but has not yet been manufactured. I ask for a license of ten years. What would my hon. friend say to that?

Hon. Mr. SCOTT—It would depend altogether on the article. I gave an illustration of the kind of article——

Hon. Mr. LOUGHEED—The article has nothing to do with it.

Hon. Mr. SCOTT—It has everything to do with it, because if it is an article in general demand, the commissioner would not issue a license.

Hon. Mr. KERR (Toronto)—The commissioner must be satisfied that the reasonable requirements of the public have not been satisfied by reason of the neglect or refusal of the inventor to sell the invention, before granting license to manufacture.

Hon. Mr. LOUGHEED—I may not have made myself clear; what I say is this: the article has nothing to do with it. We are simply discussing the terms of the license. Is the license to be restricted to the extension of time that may have been granted by the minister to the patentee—that is to say, there may be a possible extension of four years. After a patent has been issued, an application for an extension of time may be made, and the minister may extend for two years. Then an application may be made for another extension of time and two years more given—or four years extension altogether; will this license go beyond four years?

Hon. Mr. BEIQUE—It cannot go beyond.

Hon. Mr. LOUGHEED—I say it may under this clause. The clause does not say that the license shall be restricted to the life of the patent. That should be done.

Hon. Mr. BEIQUE—The hon. member will bear in mind that the license will be of no use once the article has become public property. What would be the use of having a license? Under the law a patent is issued for a given number of years and it may be extended for a given time. After that it becomes public property. It would not be in the power of the commissioner of patents to issue a license which would remain in effect when the article patented had become public property.

Hon. Mr. LOUGHEED—Will the hon. gentleman show me any provision in this clause by which that license may be limited to the life of the patent? All that is required to be done is that the application shall be made during the life of the patent. The license runs on from that application.

Hon. Mr. BEIQUE—It seems to me it is clearly limited to the life of the patent.

Hon. Mr. LOUGHEED—Will my hon. friend point that out in the clause.

Hon. Mr. BEIQUE—By necessary implication.

Hon. Mr. LOUGHEED—Oh.

Hon. Mr. BEIQUE—What is the license issued for? It is to give the power to the licensee to manufacture a patented article which otherwise he could not manufacture. Now, if the patented article has become public property, surely he does not require a license. There would be no object in granting a license to manufacture an article, which in virtue of the law, he is entitled to freely manufacture, and therefore I say that by necessary implication the life of the license must end with the life of the patent.

Hon. Mr. KERR (Toronto)—That is it.

Hon. Mr. DANDURAND—This clause giving power to extend the patent is limited. It gives power to the commissioner to allow a party to manufacture during the life of the patent. A man would be non-suited at once if he tried to go beyond the date of the patent, because this is a date antecedent to the issuing of the license and to the manufacturing and operating under the patent. I do not believe the point the hon. gentleman is urging is well taken.

Hon. Mr. LOUGHEED—The whole difficulty with the Patent Act up to the present time has been one of general intendment. My hon. friend the Secretary of State has been pointing out that the deputy commissioner of patents has been making rulings extending over a period of thirty years, and that many of those rulings have been wrong. That is to say, the deputy commissioner did, like my hon. friend, assume under a common-sense aspect of the question, such and such would be the construction placed on the Act. The suggestion made by the hon. gentleman from Montreal, is reasonable and possibly would be the construction placed on it, but as we are legislating to cover defects in the Patent Act, we had better legislate in the clearest manner possible.

On clause 12,

12. Section 47 of the said Act is amended by adding after the word 'caveats' in the second line thereof, the following words: 'and except those filed in connection with applications for patents which are are still pending.'

Hon. Mr. SCOTT—Heretofore the practice of the department has been to allow everybody to see everything in the patent office, and it has been found that where patents have not been issued the public should not be permitted to investigate pending cases. It takes away from the public the right of seeing the applications of parties whose rights have not been dealt with.

The clause was adopted.

On clause 13,

Hon. Mr. SCOTT—It is proposed to add the following amendment to this clause:

And no patent respecting which such application has been or is heretofore made according to the provisions of this section shall be deemed at any time to have expired by reason of the failure of the patentee to construct or manufacture the patent of invention before the last said mentioned date.

It appears there are in the department over two hundred applications for time to manufacture, which have not been dealt with. It is only fair, as they have not been dealt with yet, to give them until the first of January next.

Hon. Mr. BEIQUE—I would suggest that this clause with the proposed amendment be allowed to stand.

Hon. Sir MACKENZIE BOWELL—As that applies to cases under consideration you are giving extended time. Why should it stand? However, I have no objection to it standing.

The clause and amendment were allowed to stand.

On clause 14,

Hon. Mr. BEIQUE—On examining clause 14, I observe that the rights of the parties were not properly safeguarded, in my estimation, and I called the attention of the Minister of Agriculture to the fact, and spoke to his deputy, and I suggested a clause which might come in as section 15. But I should like clause 14 to stand.

Hon. Mr. LOUGHEED—I should like some information upon this. Does it refer to the right of a foreigner to ship manufactured goods under a Canadian patent into Canada?

Hon. Mr. BEIQUE—The last part of clause 14 provides for the revival of contract which has expired. Surely it would be very dangerous to revive contracts and not protect parties to those contracts who may have shaped their business differently on the faith of the lapsing of those con-

tracts, and therefore it seems to me that this clause 14 should be amended, or should be controlled by an additional clause to save the rights of third parties.

Hon. Mr. POWER—Would the hon. gentleman explain what third parties are to be saved ?

Hon. Mr. BEIQUE—The last portion of clause 14 reads :

> And in case any person has contracted with the owner of the patent for the right to manufacture, use or sell such invention in Canada, such contract shall be deemed to have remained in full force and effect notwithstanding that the patent has become void as aforesaid.

This Bill has the effect of reviving a great number of patents—I imagine there are cases of that kind—where there were contracts for the manufacture of articles under patents which have lapsed, and those contracts may have been for the term of two and five years or any given time, or on the date of the expiration of the patent the parties to those contracts may have entered into other contracts for the manufacture of another article to take the place of the article patented, and it would be dangerous to revive the contracts which may have lapsed for two or three or four years, and allow the party to that contract to be placed between two fires and to be exposed to a great deal of loss. Suppose that a party to a contract of that kind, on the faith that his contract has lapsed, has shaped his factory in order to discontinue the manufacture of the article and manufacture other articles which are intended to take the place of those articles, would it be fair, because we revive the patents, to revive also the contract and compel him to manufacture again an article which he had ceased to manufacture for four or five years.

Hon. Mr. LOUGHEED—But if he is manufacturing an article different from the article contemplated by the patent, in what way can the matter come into issue ?

Hon. Mr. BEIQUE—Because he was under a contract for five years, for the life of the patent, and obliged to manufacture the article for the life of the patent, and on the faith of the expiry of the patent he has considered himself free from that contract, but if we revive the contract now his position may be considerably altered.

Hon. Mr. LOUGHEED—It seems to me if you do not revive the contract you place the patentee in an exceptionally good position, because although he has assigned all his interest by contract in that patent, yet, according to the argument of my hon. friend opposite, you ignore the contract and revive the rights of the patentee, notwithstanding the fact that he is divested of all interest in it.

Hon. Sir MACKENZIE BOWELL—Does the revival of these contracts extend beyond the length of time that the patent has to run ?

Hon. Mr. KERR (Toronto)—It could not.

Hon. Sir MACKENZIE BOWELL—Then if that be the case, the argument of my hon. friend opposite could have no effect. This clause seems to me to protect any person who may have commenced to manufacture an article after the expiry of the patent as interpreted by the courts.

Hon. Mr. KERR (Toronto)—Yes, that is all.

Hon. Sir MACKENZIE BOWELL—And then it goes a little further and confirms and makes valid the contract made under the same circumstances, and the man who has made a contract with the patentee after this Bill passes, can continue to manufacture that article during the life of the patent. That seems to me to be the reading of the clause.

Hon. Mr. BEIQUE—I will try to make myself more plain by stating a case. Suppose a patent was issued say five years ago for a term of 14 years, for a given article, and that by reason of not manufacturing within the two years, the patent lapsed, but that before the patent lapsed the patentee entered into a contract with me whereby I bound myself to manufacture the patented article during the 14 years, the life of the patent, and to manufacture that in any quantity, to supply the whole market. The patent having lapsed at the expiration of the two years, the contract which I had entered into became null and of no effect, and as a manufacturer I may have shaped my business differently on the faith of the lapsing of that patent and may have adopted another article which has been patented, and which was intended to

take the place of this article which I agree to manufacture. By what right and where would the fairness be, because we revive the patent and come to the rescue of the patentee whose patent has become null and has lapsed—for he has not complied with the law as it stood—where would be the fairness of placing myself as contractor in a false position by reviving a contract of that kind? It is for that reason that I suggest that we should add a clause to the following effect: Unless the party to the contract had in the meantime, and on the faith of the lapsing of the patent, materially altered his position and would be exposed to damages by reviving the contract——

Hon. Mr. LOUGHEED—Why not simply make it permissive as to persons holding such contracts?

Hon. Mr. SCOTT—I was thinking of that.

Hon. Mr. KERR (Toronto)—It seems to me the amendment suggested by the hon. gentleman from Montreal may lead to a great deal of injustice. Consider the matter for a moment. The patent is issued for fourteen years. Within the first year contracts are entered into by at least a dozen parties by which these people have the right to manufacture this patent, in their business, paying a royalty for the life of the patent, and that would have gone on for fourteen years but for the misinterpretation that was put upon the statute, and the mistake that was made about the extension. Just take a case like that. How can any injustice be done to that man, who has entered into that contract by which he has to pay a royalty for a term of years for this patent which he holds the right of and which he has enjoyed for a number of years, he may yet be under an obligation for many years to come—what harm can be done by reviving that patent and declaring it to be valid, and protecting him and all other persons under it? The hon. gentleman suggests that after the decision he may have changed his position. How long a time did he have in which to change his position? Practically, if he has changed his position, he has done it with his eyes open, because this decision was delivered, I think, in November last by the Privy Council, at all events, some time about that date. If I mistake not, in January or February a deputation of a board of trade waited upon the government and received the assurance that this law would be amended to protect all these patents, because it was then exciting the whole commercial community. Therefore, there would only be the interval between those two dates in which to have changed his position. The danger of having such a provision as the hon. gentleman suggests would be that in order to get rid of royalties for a term of years, the rights of patentees might be destroyed by having gone into, and now going into, and before the Act goes into force going into a new contract. I take it that such an amendment as that might be fraught with a great deal of risk, and I should prefer the clause as it stands, with the amendment suggested by the Hon. Secretary of State, protecting, I think, all who ought to be protected in this matter, simply the patentees who have paid their money in the shape of expenses in getting a decision in their favour as to what their rights are, protecting all litigants who have obtained a judgment. That has been the policy of the law always. It is not new law. It has been the practice which has been adopted with reference to a great deal of legislation, that those who have been suitors and have obtained the judgment adversely to what was previously considered the law, where what was considered to be the law was in fact reversed, if one may use that expression, after a term of years of user of the law on one line of thought—those litigants obtain the fruit of their judgments by having their rights protected, but no one else. Surely this door should not be opened to people who have taken advantage of that to get rid of a liability and be helped in doing it.

Hon. Mr. BEIQUE—Suppose a case where a party to a contract such as I have mentioned materially altered his position and would be exposed to ten or fifteen thousand dollars damages. He might have entered into a contract with another party which would place him in a false position. It seems to me that we are able, and we should try to protect the patentee to the full extent, by reviving his patent; and, on the other hand, of protecting anybody who has materially altered his position because of the lapsing of the patent; and the more so, because section 10 goes pretty far. It revives the

patent, not only because the party has not manufactured, but in all cases when the party, instead of manufacturing, is able to show that he was willing to allow other parties to manufacture, and therefore it is going very far, and it is, as a matter of fact, reviving a great many patents which have lapsed. Surely third parties, on the faith of the lapsing of their patents, who have changed their position, should be protected. I know a case, for instance, of a manufacturer of rubber. I am quite sure his case is not affected by this Bill either one way or the other. I had occasion to prepare contracts for the manufacture of rubber tires for all the requirements of the trade, and to supply the patentee with all those requirements—moulds had to be made, preparations costing thousands of dollars had to be undertaken. Now, if that patent had lapsed, and if that manufacturer, on the faith of the lapsing of the patent, should agree to manufacture a patented article because it yields a larger profit, if that manufacturer had entered into a contract for another patented article of a similar nature, another kind of tire, surely it would be unfair now, because we revived the patent, to revive his former contract and place him between two different contracts which conflict with one another. It seems, therefore, that it would be fair to amend that section in the way I have suggested. Let us revive the patent and the contract, unless the party to the contract has materially, on the faith of the lapsing of the patent, altered his position and become exposed to serious danger.

Hon. Mr. LOUGHEED—What would my hon. friend do in the meantime with the contract? Would he reassign it to the patentee?

Hon. Mr. BEIQUE—It is because the contract has lapsed that this Bill declares it revived.

Hon. Mr. KERR (Toronto)—If a case such as the hon. senator suggests occurred between the time of the decision of the Privy Council and the announcement by the government that they would revive that, I can quite understand there might be some difficulty, but that is a short space of time in which anything could occur, and I have heard nothing of such a case. It seems to me you would be running a great deal of risk in leaving the contract in force if he chooses to take it, and give him the option of rejecting it if he wished to get rid of his liability.

Hon. Mr. POWER—It seems to me the draftsman of the Bill did not look at this question from the same point of view that the hon. gentleman from De Salaberry did. This clause protects those who ought to be protected. Clause 14 reads as follows:

> Any person who has, between the time when such patent became void or when the ground for such impeachment arose, and the time of the passing of this Act, commenced to manufacture, use or sell in Canada the invention covered by such patent, may continue to manufacture, use or sell it in as full and ample a measure as if this Act had not been passed.

I think that is a right and proper thing. I do not agree with the hon. gentleman from Toronto, who seems rather to take the view that, as soon as the Board of Trade of Montreal had memorialized the government, every one should immediately desist from any effort to manufacture this article, the patent of which had lapsed.

Hon. Mr. KERR (Toronto)—I did not say that.

Hon. Mr. POWER—The Act protects the rights of those persons up to the time it becomes law, and I think it is right and proper that those who act under the law as it stands should be protected. My impression is that the draftsman of this Bill wished to go on and protect persons who had made contracts with a patentee before the patent became void; and I assume it would be held that the contract under the patent had also become void, and then you would have the patentee, after the passing of this Act, owning his patent, which had been revived, and not obliged to carry out his contract with the third party, and it was for the purpose of protecting the interests of the third party who had a contract with the owner of the patent that these last words were put in. At the same time, it may be that the case which the hon. gentleman from De Salaberry refers to was not in the contemplation of the draftsman of the Bill, and it would be wise, under the circumstances, to let this clause stand over so that the legal adviser of the department may have time to consider that point. It is an important one.

Hon. Sir MACKENZIE BOWELL—In considering that, if you declare that the patent has not been voided, would not that carry also with it the contract? If a patent which was granted for a certain number of years is declared by this Act not to have been voided, would that not also carry with it the validity and the continuance of the contract? In order to provide against the possibility of another construction being put upon the law, they made special provisions to continue them.

Hon. Mr. SCOTT—Clause 10 reads in this way:

Nor shall such patent be deemed to lapse or have expired.

Clause 15 I propose to add. It appears there is a very large accumulation of models in the department, and they are not now used. They do not require actual models in the department. They have not called for any for many years, and they want to get rid of the large accumulation they have in the Patent Office. They do not know what to do with them. The proposed clause reads:

15. Whereas the models, and specimens of compositions of matter and of ingredients thereof, filed in connection with applications for patents of invention are of no value after they have served their immediate purpose; and the cost of storing and preserving them is very considerable, therefore it is hereby enacted that the commissioner may destroy, sell or otherwise dispose of all such models or specimens in such manner as he deems best in the public interest, and that any money arising from the sale or disposal of such models or specimens shall be dealt with as is provided by law with respect to public moneys.

16. Nothing in this Act contained shall affect any right acquired by a party to a suit in any of His Majesty's courts by the final judgment rendered therein.

There is an accumulation of them and they are very much in the way, and, of course, many of them were never followed up. A great majority of them were only patents issued and nothing was done with them.

Hon. Sir MACKENZIE BOWELL—The government might erect another building for them.

Hon. Mr. SCOTT—We have no space.

Hon. Mr. POWER—It occurs to me that a question may arise as to a very valuable patent, and these models may be required in a suit in connection with the patent. It seems to me that at any rate if the models are not preserved the descriptions and drawings should be preserved.

Hon. Mr. DANDURAND—Could not the models be kept for a certain space of time, and then, before disposing of them in the way indicated, the owner thereof notified in order that he should have the privilege of claiming the property? We might discuss that to-morrow.

Hon. Mr. LOUGHEED—They are the property of the department, not of the inventor.

Hon. Mr. DANDURAND—It is true, but a man might not like that his own model should fall into some other party's hands.

Hon. Mr. SCOTT—Probably there is not any model of any existing patent there. For some fifteen years the department have been accepting drawings and descriptions of inventions. The accumulation of models became so great it was impossible to hold them in the space awarded to them.

Hon. Sir MACKENZIE BOWELL—The only suggestion made by the hon. gentleman was that the original owner or manufacturer of the model should have the right of taking it if he desired it, rather than have it destroyed.

Hon. Mr. SCOTT—I am quite sure the department would be willing if they can find the owners.

The amendment was allowed to stand as a notice.

Hon. Mr. TESSIER, from the committee, reported that they had made some progress with the Bill.

FREEDOM OF LABOUR BILL.

THIRD READING.

The Order of the Day being called:

Consideration of the amendments made in Committee of the Whole on (Bill S) An Act to amend the Criminal Code, 1892, respecting Free Labour.

Hon Mr. BEIQUE moved:

To further amend subsection four of section one, by leaving out the word 'unlawful' from the third line before the word 'act'; the same word from the fourth line before the word 'threat'; the same word from the eighth line before the word 'act'; the same word from the twelfth line before the word 'act'; and the same word from the sixteenth line before the word 'act.'

With leave from this honourable House, although the notice did not cover it, I would suggest that the words 'free labour' be replaced by the words 'freedom of action of workmen or affecting.' It merely makes the Bill clearer by defining the term 'free labour.' The object of striking out the word 'unlawful' is quite plain. It is unnecessary, and the object of the Bill itself is to cover acts of violance or acts of intimidation, or threats which are made in a way affecting the employment of free labour.

Hon. Mr. ELLIS—I do not intend to do any more than just call attention to the general progress of this measure. It was objectionable when the hon gentleman introduced it, but he has gone on amending and enlarging it through the willingness of this honourable House and the Committee of the Whole. First we began by defining certain things as unlawful. Now the hon. gentleman strikes out 'unlawful' everywhere, so that if persons assemble for any purpose and any unlawful act is done by any member of that assemblage, all the others become parties to that unlawful act. I pointed out the other day the progress which laws of this kind make, until human liberty is taken away altogether and by this Bill, practically, if it passes—which may be considered doubtful—and can be enforced—which is still more doubtful—the absolute freedom of assembly is put an end to in regard to strikes. I should like to impress on the House, if I were permitted, the fact that there has been a great movement of public opinion in this country in favour of freedom of workingmen, and the progress which has been made in reference to the whole question of strikes. There was a time in England, I do not know whether it was ever the case in this country, when strikes were unlawful, when the very fact that a man struck subjected him to the penalties of the law, and one result was, when machines were introduced they were destroyed by the labourers. The workingmen saw no other way of getting rid of the difficulties which surrounded them than to destroy the machinery. They were not so well educated as they are now, and the whole system as regards labour was a constant embroilment between the employer and the workingman. The progress of time has softened a great deal of that; the conditions are much better now, and I do not think we gain anything by making these very harsh laws.

The motion was agreed to.

Hon. Mr. CLORAN moved:

That the said Bill be further amended, by inserting the word 'unlawful' before the word 'purpose' in the seventh line thereof.

He said: Since this Bill has been before this honourable House, I have had an opportunity, and have made it my business, to consult the various interests, both here and elsewhere in regard to the propriety and necessity of this Bill. I may state here that I have not come across one single individual who is in favour of this legislation. I have consulted the public press of this country and have failed up to the present time, to find one organ of public opinion to defend the passage of this Bill. In fact, where public opinion is expressed it is, in both languages, against the measure. The press of Montreal, where labour interests are large, is distinctly and seriously against this Bill as unnecessary and as a direct attack against labour.

Hon. GENTLEMEN—No, no.

Hon. Mr. CLORAN—It is very well for hon. gentlemen to say 'no, no,' but we have to take the opinion of those whom the Bill affects, and not our own opinion, and the opinion of those whom the Bill affects is against this legislation. They look upon it as an attack upon their rights. We have in our Criminal Code all that is required to punish people who assemble for purposes that are illegal, or who commit acts which are unlawful, and the passage of this Bill means that the Senate will go on record as being antagonistic to what the people of this country want—freedom of assembly. Therefore, I propose this amendment. feeling, as the Bill of the hon. senator from Calgary passed last week, that this Bill will also pass, and if it passes I hope it will be in terms which will be easily interpreted by the courts. It is easy to pass such laws. It is very hard to put them into execution, and I ask this honourable House if it is fair and right to place in the hands of any common tramp the execution of this law? If hon. senators were the administrators of this law I would not be afraid of it, but during times of strike we have

special policemen who are sworn in for the occasion. They are not the first citizens of the land. They are often men whose characters are not blameless, and it would depend on these men to say whether I and two friends meeting on the streets are holding an unlawful meeting or not. I say it is putting a dangerous weapon into the hands of irresponsible men—men who are sometimes over-zealous. It is putting a dangerous instrument into the hands of men who may have spite against others, and this Bill asks common policemen to interpret the rights of the people of this country. It says 'if at any time when a strike is in progress three persons or more assemble for any purpose which may reasonably seem,' &c. Who is to be the judge? The policeman on his beat, and he can arrest us. That is a dangerous power to confer. It is putting the liberty of the subject and the freedom of assembly too much in the hands of men who may be over-zealous, who may be without character, and who may be irresponsible. That is the great danger of this Bill, and, as I stated before, when you leave it in the hands of policemen to interpret your rights, it is going a long way to suppress, as the hon. senator from St. John said, that supreme right which every British subject claims, the right of free, open meeting. Under these circumstances, I cannot conscientiously vote for this Bill. I know that men in high position in this parliament do not want this Bill passed. I know members of parliament who do not want this Bill passed. I know that all the labour organizations of the country do not want this Bill to pass. I know that men high in professions do not want this Bill to pass, and why this honourable body should be urged by the hon. senator from De Salaberry so strongly to pass it, is beyond my comprehension. As an administrator of the criminal law in this country, I say there is sufficient in the Criminal Code in Canada to cover all that is provided for by this Bill. It would be an unfortunate thing to go abroad that this House is antagonistic to the rights of labour, the rights of free assembly, and the rights of free men. Under these circumstances, I think this honourable House should hesitate before adopting the Bill. The hon. senator who has promoted the Bill should not press its passage. It is altogether superfluous, unnecessary and dangerous.

Hon. Mr. McMULLEN—I do not wish to detain the House with any long reply to my hon. friend, but I want to say that I have had the privilege of sitting in parliament for eighteen or twenty years, and in my humble opinion there never was a law brought before parliament that is more necessary than the one which is now before this House. Take the experience of this country for the last two or three years, for the last year particularly. A number of strikes have taken place and men who were willing to labour where they were wanted have been subjected to abuse, insult and injury, their homes and families threatened, themselves called 'scab,' and every kind of abuse heaped upon them. If with this experience for the last twelve months there is not the most positive evidence of the necessity for the adoption of just such a Bill as this, there never has been necessity for the passage of any Bill in Canada. That is my private opinion. I do not want to injure organized labour; I do not want to dictate to organized labour. I am quite willing that they should have every privilege and every right as British subjects that they are entitled to, but when they go the length of making a strike, and going out of employment and not only going out themselves, but preventing other persons from taking their place, then I say it is time that the law of the country should step in and say that men who are willing to render service and are British subjects should be protected in their right to free labour. What is law for if it is not for that? I must express my surprise that there are any who oppose this Bill. It is a necessity in every sense of the word, and I believe it will do a great deal of good. If people choose to strike and leave their employment, they have a perfect right to do that. They are not prevented from so doing by this Bill. If an organization to which I belong demands higher wages and the employer does not consent to give us an increase, we have a perfect right to strike; but if other men step in and say, 'we will perform the work,' what right have we to stop them, and to abuse and humiliate them and threaten their wives and children? What right have they to subject their fellow-workmen to

abuse ? I think this Bill is most necessary, and I hope earnestly that it will be carried by this House.

Hon. Mr. CLORAN—This Bill does not cover those points. It is against assembly.

Hon. Mr. BEIQUE—I have one word to say against the amendment proposed by the hon. senator opposite. Its adoption would destroy entirely the object of the Bill.

Hon. Mr. CLORAN—That is what we want to do.

Hon. Mr. BEIQUE—The hon. member, if he wants to attain that object, should move the six months' hoist, and not move an amendment which would make the Bill an absurdity.

Hon. Mr. CLORAN—It is that already.

Hon. Mr. BEIQUE—When this Bill has been voted upon and has been supported by a very large majority of this House, the hon. gentleman can hardly expect that the same House will so amend the Bill that it will be absurd on the face of it. What is suggested by the amendment ? That the Bill affects persons who meet for an unlawful purpose. There surely would be no necessity for a Bill to deal with people of that kind. The laws on the statute-book would reach them, and effectually reach them. This Bill is intended to reach people who meet for the purpose indicated in the Bill, which is declared by the Bill to be an unlawful purpose.

Hon. Mr. DeBOUCHERVILLE—Does not the law already provide for this case ? I have read the Criminal Code of 1892, and I do not think this Bill brings anything into it. We have measures of precaution against strikes if they are dangerous. They immediately fall under the criminal law as the law exists. Therefore, for my part, I shall vote against the Bill, not because I consider it bad, but because I consider it useless.

Hon. Mr. DANDURAND—The view of the hon. gentleman (Hon. Mr. DeBoucherville) who deems the Bill is useless, is not correct. It is to cope with situations which are not covered by the law. The hon. gentleman has declared that this Bill does not increase the power which society has to meet disturbances during strikes. I may tell him, as far as I know the law, that we cannot dissolve an assemblage of people under the existing law without reading the Riot Act and forcing them to disperse to their respective homes. We can force people to move on in the streets of a city under the Vagrancy Act, but there is another situation which we must reach. The parties may move, but if they move in a body, or column, or procession, they cannot be reached as vagrants they cannot be forced to separate, and we found during the last strikes in Montreal that it was absolutely dangerous to public safety, peace and order to allow any kind of assemblage, moving or standing, in the streets of the city when a strike was going on. The hon. gentleman by this Bill is trying to cope with that situation. We must clothe the authorities with sufficient power to prevent any kind of assemblages, reunions or processions when a strike is on in any part of Canada. If we do so, we remove any danger of violence which may result from such an assemblage. Let a body of men who would separately be sensible men, gather together in a time of passion, or strike, which is nearly always a time of passion and excitement, and then we do not know what will take place on a minute's notice. In Montreal well-behaved motormen and conductors during the strike, when in sufficient numbers, seeing a car moving with men who were willing to work, as they were free to do, were excited to acts of violence by the shout of a single individual. In a crowd those men lost their heads and dragged the employees of the Street Railway Company from the cars and destroyed property. We want a law which will prevent any kind of assemblage on the streets of a city during a strike. I am not prepared to say that this Bill will cope with that situation. I do not know but another mode, and perhaps a better one, could be adopted to clothe the mayor of a municipality with sufficient power to do effectively, the moment a strike is on, what the reading of the Riot Act does when an illegal assemblage has to be dispersed. He should have power to declare that from the moment a strike is on, no assemblage shall be allowed in the streets of the municipality. I have not given special attention to the question, and I am not prepared to say what is the best remedy. I am quite sure that this Bill cannot pass this session, and the

discussion which has taken place in this Chamber will go a long way towards reaching a proper solution of the difficulty. I do not think that the hon. gentleman (Hon. Mr. Cloran) should persist with his amendment, because it would destroy the whole harmony of the Bill and make it ridiculous legislation. He should move the six months' hoist if he wants to defeat the Bill.

Hon. Mr. BEIQUE—With the permission of this honourable House, I should like to convey this information to hon. members who have not probably been aware of the fact. I find that in France, as far back as 1864, they adopted legislation bearing on the same subject matter. I have translated the French provision, and it is as follows :—

Any person who, with intent to force a rise or a fall in wages, or to impair the free exercise of industry or labour, by force, violence or fraudulent devices, brings about and maintain, or attempts to bring about or maintain a concerted stoppage of work by labourers, or a concerted cessation (total or partial) of his business operations by any employer of labour, shall be guilty of an indictable offence, and on conviction thereof, shall be liable to a fine of not more than five thousand francs or not less than sixteen francs and to imprisonment for not more than six months, and not less than six days, or the both together.

I refer to this legislation to show that this Bill is not dealing with any extraordinary legislation. In fact, we can find it in other countries, and in conservative countries, who found twenty years ago it was necessary to adopt legislation of this kind to protect the free exercise of labour. In other words, they found it necessary to protect those who have no desire to form part of a union or to take part in strikes, and who are equally entitled to the free exercise of their rights as those who believe in taking part in such strikes.

The amendment was declared lost.

THIRD READING.

Bill (M) An Act for the relief of Harford Ashley.—(Hon. Mr. Lougheed.)

STEAMBOAT INSPECTION ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (225) An Act to amend the Steamboat Inspection Act, 1898.

Hon. Mr. DANDURAND.

(In the Committee.)

On clause 1,

Hon. Mr. TEMPLEMAN—These amendments to the Steamboat Inspection Act are principally to provide for the removal of the dues and fees now imposed under the steamboat inspection law on the inspection of steamboats. It also provides that the Governor in Council may re-establish these fees in the future without waiting for the sanction of parliament in the event of it being found necessary to do so. As the House will understand, the government some month or two ago announced its policy of removing the charge of inspection of steamboats as a concession to the shipping interests of the country. This Bill is to provide and authorize them to do so.

Hon. Mr. POWER—The hon. gentleman might explain why he thought it necessary to exempt the vessels propelled by naphtha.

Hon. Mr. TEMPLEMAN—They do not carry passengers for hire. That is the reason.

The clause was adopted.

Hon. Mr. ELLIS, from the committee, reported the Bill without amendment.

The Bill was then read the third time, and passed.

BILLS INTRODUCED.

Bill (160) An Act to incorporate the Stewart River Development Company,—(Hon. Mr. Young.)

Bill (212) An Act to incorporate the Alliance Bank of Canada.—(Hon. Mr. Domville.)

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, July 30, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

STEAMBOAT INSPECTION ACT FURTHER AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (W) An Act further to amend the Steamboat Inspection Act, 1898.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time to-morrow. He said: I received an amendment to the Bill passed yesterday, the Steamboat Inspection Act, and I overlooked it, and therefore, will have to introduce a separate Bill, and they can be united on the revision of the statutes. It was an amendment to the Steamboat Inspection Act, but not germane immediately to the amendments we introduced yesterday. The provision was allowing oil to be used on certain conditions for fuel. It now appears in other countries they are beginning to use oil instead of coal, and this is to give an opportunity of using oil of a very high degree of gravity.

Hon. Sir MACKENZIE BOWELL—That does not in any way interfere, I suppose, with the propelling of small yachts by kerosene and naphtha?

Hon. Mr. SCOTT—Oh, no.

The motion was agreed to.

PATENT ACT AMENDMENT BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole, consideration of Bill (184) An Act to amend the Patent Act.

(In the Committee.)

On clause 2,

Hon. Mr. BEIQUE—The hon. Secretary of State gave notice that he would move that clause 16 be added to the Bill, which would read as follows:

Nothing in this Act contained shall affect any right acquired by a party through any of His Majesty's courts by the final judgment rendered therein.

This would satisfy the objection which I made yesterday. But it would be necessary to add the following words in clause 2 after the word 'issue' in the third line, paragraph 2:

Except as provided for in section 16 hereof.

That would connect clause 16 with this paragraph.

The motion was agreed to.

On clause 13,

Hon. Mr. SCOTT—There was an amendment proposed to clause 13. The clause in the Bill reads as follows:

13. Notwithstanding anything in the said Act contained, in the case of any application to the commissioner made within the time prescribed by the said Act or by this Act, and pending on the ninth day of April, one thousand nine hundred and three, or of any such application thereafter made within such time, for an extension of time to construct or manufacture a patented invention or to import it into Canada, the commissioner may, until the first day of January, one thousand nine hundred and four, grant such extension after the time so prescribed, and any extension so granted shall have the same effect as if granted within the time so prescribed.

It is proposed to add the following:

And no patent respecting which such application has been, or is hereafter made according to the provisions of this section shall be deemed at any time to have expired by reason of the failure of the patentee to construct or manufacture the patented invention before said lastly mentioned date.

The immediate object and effect to be accomplished by this clause is this: Up to the 9th April last, under a practice which has prevailed for thirty years in the department, the commissioner or assistant commissioner had been in the habit of extending the time for the manufacture on application. No very particular evidence was given, and it was granted more as a matter of course. One or two, or sometimes three, applications were granted. On the 9th April, the point came up in which opposition was made to the extension, and the Department of Justice held that the powers of the commissioners had been exceeded, that this additional time was contrary to the terms of the Act. It was a decision that of course was at variance with the practice that had prevailed for over a quarter of a century. At that time a very large number of applications were pending for extension of time, and if that decision were followed it would cut out all of them. There were between two and three hundred applications, and hon. gentlemen will note that in the preceding clauses of the Bill, if the party desired to obtain an extension of time to manufacture, he had to apply three months before the time expired, and since the 9th April it became necessary at all events for the parties to furnish good and sufficient reasons by either statutory declarations, or declarations on oath as to the time involved, to cut them out of the opportunity of having their cases considered, and it is for the purpose of enabling the commissioner to deal with that class of cases that the clause has been in-

troduced. They are limited in point of time to date.

Hon. Mr. POWER—I fancy I do not quite comprehend the full effect of the amendment proposed, but it strikes me that it would have the effect of depriving persons who came in afterwards—and who had a perfect right to come in as the law stood—of the rights they had acquired, by bringing to life again rights which had expired before the passing of this Act. It seems to me we should not make this measure unduly retroactive. We are going far enough as it is, but we should not interfere with rights acquired under the law as it now stands. The impression I have is that this amendment would have that effect.

Hon. Mr. SCOTT—No, a very much more grievous wrong would be done if the amendment were not adopted, because the department are responsible for this delay. Patent solicitors have assumed all over the country that at least two extensions would be granted without furnishing any evidence. It has been the practice of the department I suppose for over thirty years, and therefore a much greater wrong would be inflicted upon innocent parties who would have been misled by the practice which has prevailed in the department.

The clause was adopted.

On clause 14,

Hon. Mr. SCOTT—The last paragraph of this clause reads as follows :—

—and in case any person has contracted with the owner of the patent for the right to manufacture, use or sell such invention in Canada, such contract shall be deemed to have remained in full force and effect notwithstanding that the patent has become void as aforesaid.

This has not been adopted yet. The hon. senator from Montreal, and my hon. friend opposite had a controversy on that subject. Of course, in legislation of this kind, where we are correcting mistakes in the past, it becomes exceedingly embarrassing to avoid hitting somebody, and we should try to do the least injury possible to the parties affected by it, and that has been the object in drafting this paragraph.

Hon. Mr. BEIQUE—I regret to have to insist, but again I draw the attention of the hon. Secretary of State to the fact that this Bill has the effect of reviving thousands of patents which have expired five or ten years ago may be.

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. BEIQUE—Oh, yes. There is no limit to clause 10. A very large number of patents are revived, and it seems to me that the suggestion I made, that parties who have shaped their business differently should be protected, should be considered. I suggest that this last paragraph be struck out. It is not what is intended. I understand that it is intended to cover the royalties which have been paid by parties who have been manufacturing under a contract. If a party has gone on manufacturing and paying on the assumption that the contract was in force, then would be agreeable to favouring legislation which would prevent them repeating what they have paid. But between this and reviving contracts which have lapsed for a number of years, and to the prejudice of and placing those parties to the contract in a very false position, is a very long way, and I would suggest to the department to consider seriously this clause.

Hon. Mr. SCOTT—In considering this law, one has to remember this, that as early as 1872—probably earlier—the statute was so drawn as to allow the life—that is the interpretation given—of a Canadian patent to be continued, notwithstanding the foreign patent has been allowed to drop. That has gone on now for thirty years. I think it is unfortunate that in these thirty years cases sometimes got to the Privy Council because they overturn all the interpretations placed on the law during that long interval. When I first read the judgment of the Privy Council, I thought they had made a mistake, and I think so still. Their judgment is that if the life of a foreign patent expires, the life of the Canadian patent expires also. Any one who will take up the statute of 1872 will form this conclusion, that that section was only intended to apply where a party in a foreign country took a patent there first, and then came to Canada and took out a patent practically subsidiary to the other. If a patent in a foreign country, where its home is practically, were allowed to expire, it seemed a reasonable conclusion on the part of those drafting the original Bill that the patent in Canada should also expire ; but it certainly was

not intended to apply to cases where a patent had been taken out in Canada first, and where the patentee protected his rights in other countries, because a very common practice in the past has been for Canadian patentees, who thought they had something good, to take out a patent abroad, and they did not consider it necessary, nor did the department in running it over five years, that the foreign patent should be renewed. The decision of the Privy Council upsets that, but any one reading the Act of 1872 will come to the conclusion that that is the fair interpretation of what parliament meant. I notice in the revising of the Act in 1886, the 7th and 8th clauses of the Act were put into one by way of shortening them, and the effect has been in that way to warrant this decision of the Privy Council. In view of the fact that for thirty years parties had been acting under the assumption of facts that the Privy Council has since reversed, one has to deal tenderly with the revival of those rights. It is all very well to say a patent has expired by a decision of the courts, but if patentees and those interested had no idea the case was before the Privy Council, or that the effect of the decision was to cancel their patent, we should protect the parties and put them in the position they supposed they were at the time the judgment was rendered last year.

Hon. Mr. LOUGHEED—My hon. friend, I venture to say, scarcely apprehends the point made by the hon. gentleman from de Salaberry. I quite agree with the objection he has taken to the latter part of the clause, but with reference to the misapprehension under which the department has been labouring on account of the misconstruction they placed on the Act in the past, it seems to me to be indefensible. The Act of 1892 is certainly as clear as a language can make it, that on the expiration of the foreign patent the life of the patent ceases in Canada. How the department put such a misconstruction on it is inexplicable.

Hon. Mr. SCOTT—All the patent solicitors agree with the decision of the department.

Hon. Mr. LOUGHEED—I will read the latter part of the clause :

And under any circumstances, if a foreign patent exists, the Canadian patent shall expire at the earliest date at which any foreign patent for the same invention expires.

Now, I can quite appreciate the point made by my hon. friend from de Salaberry. This Bill should certainly embody in a clause some particular date back of which it would be impossible for parties to go. Clause 14 clearly revives every patent of the class in question which has expired, notwithstanding the rights or obligations which have been acquired in the interim. Surely my hon. friend does not contend that it is necessary, or good policy, or in the public interest to go back and revive patents that have expired long ago, and revive contracts and obligations that have been entered into, and which, since the expiration of the patent, have been regarded as lapsed, but certainly, if this clause is passed in its present form, it will mean a revival of obligations which, between the parties, have long since been regarded as terminated. I would suggest to my hon. friend from de Salaberry—because he probably has some particular case in view—that the reviving of a contract by reason of the revival of the patent, should be made permissive, so that the party to whom the patent was assigned, may elect whether he will treat the contract as revived or not. On the other hand, if a patent is revived, and the assignee of the patent should not take advantage of the revival of it, the revival should certainly enure to the advantage of the patentee. It seems to me if a provision embodying that idea were adopted, it would meet the circumstances of the case ; but the party who has entered into the contract should certainly be at liberty to say whether he should treat the contract as revived or not. If the hon. gentleman will move an amendment of that kind, I should be happy to support it.

Hon. Mr. SCOTT—I have before me the Act as originally drafted in 1872. Clause 6 deals with applications by parties in Canada for patents in Canada. Clause 7 reads this way :

But an inventor shall not be entitled to a patent for his invention, if a patent therefor in any other country shall have been in existence in such country more than twelve months prior to the application for such patent in Canada ; and if during such twelve months any person shall have commenced to manufacture in Canada the article for which such patent is afterwards obtained, such person shall continue

to have the right to manufacture and sell such article, notwithstanding such patent ; and under any circumstances, where a foreign patent exists, the Canadian patent shall expire at the earliest date at which any foreign patent for the same invention expires.

That was intended to apply altogether to patents taken out in a foreign country first, and if within a year after they took out a patent in Canada, they allowed the first patent to expire abroad, the Canadian patent also dropped. But in the redrafting of the clause in the consolidated statutes of 1892, whoever drafted it ran the two clauses into one, and did not take in the idea. Our Supreme Court did not agree with the decision of the Privy Council. They saw it applied to the class of patents I have referred to—that is, patents taken out first in a foreign country. When that patent was allowed to expire, naturally and fairly and properly the patent in Canada should expire, but it had no reference to patents first applied for in Canada and the Canadian patentee afterwards took out a patent in the other countries, because my hon. friend will notice the words in the 7th section I have read are word for word the same as in the clause he read.

Hon. Mr. LOUGHEED—But in the Act of 1892 the marginal note deals with patents taken out in foreign countries.

Hon. Mr. SCOTT—It was drawn by the same parties who are now trying to have the interpretation I have stated put on it. The case went from the Exchequer Court to the Supreme Court. The Supreme Court judgment was in favour of maintaining the Canadian patent. Then the parties appealed to the Privy Council, and it was on the appeal the judgment of the Supreme Court was reversed. Our court evidently understood the history of the Patent law in Canada, and put the interpretation the department had put on the statute.

Hon. Mr. BEIQUE—I am fully in accord with the object of the Bill so far as reviving these patents which have lapsed through misinterpretation made by the patent office. The suggestion I have made does not bear at all on this. I approve also of reviving contracts whenever it may be fair to revive them. But what I draw attention to is this, that the effect of this Bill will be that a large number of contracts which expired five or ten years ago will be revived and parties will be under the obligation of continuing contracts when possibly they have very materially altered their position, and when they cannot be made to fulfil these contracts without, may be, great damage to themselves. I must say I have no case in mind, but that seems to be the inevitable consequence of legislation of this kind. Because the Bill will have the effect of reviving thousands and thousands of patents which expired may be, five or ten or may be more years ago. Therefore, it seems to me that clause 14 should be amended, and the best amendment I am able to suggest at the moment—and I do it in a very diffident way, because I have not had sufficient time to fully consider the matter, which I thing is a very important matter—the best suggestion I can make is to add to the clause the following words :

Unless such person who has so contracted with such owner can show that in the meantime by reason of, or on the faith of such invalidity or lapsing, he has materially altered his position with respect to such invention, and that the revival of such contract would cause him damage.

Hon. Mr. DeBOUCHERVILLE—Would it not be shorter to say this : ?

This law will not revive the contract.

Hon. Mr. BEIQUE—But clause 14 is for the purpose of reviving the contract and for my part, I approve of reviving the contract for certain purposes. I think it is fair that it should be revived for certain purposes, but provided it can be revived without doing damage to the party who has shaped his position differently on the faith of the lapsing of the contract.

Hon. Mr. LOUGHEED—Would it not meet the circumstances of the case very much better if you were to provide that the contract should be revived on the election of the holder of the contract.

Hon. Mr. SCOTT—That would make it too broad altogether.

Hon. Mr. LOUGHEED—The difficulty I see with this proposition is, that it places the onus upon the person holding the contract to show that his position has been changed, or that he may be damnified.

Hon. Mr. SCOTT—That is the only justification for it.

Hon. Mr. BEIQUE—I draw the attention of the hon. gentleman from Calgary to this: that his suggestion would not meet a case of this kind, where a party to a contract has suffered no damage and has had the benefit of the contract, has manufactured on a royalty.

Hon. Mr. SCOTT—It can only be defended where a prejudice exists. My hon. friend talks of thousands of patents being revived, but this judgment has only been recently delivered, and very few beyond the patent solicitors know anything about it, and parties are working under contracts that have existed, wholly oblivious of the fact they might void them. The cases, therefore, prejudicially affected will be comparatively few. If the hon. gentleman could word his amendment to require any one working under a patent to show that in consequence of his knowledge recently acquired he had given up that particular business, and gone into something else, that would be a fair and reasonable proposition, but it does not seem to me there would be a half dozen people over the whole Dominion who would be affected by it, because they have gone on the assumption that the patents were in force. There are thousands of persons holding patents who believe they are in force without this legislation.

Hon. Mr. LOUGHEED—My hon. friend overlooks this class of cases—not one that would come within the purview of recent litigation; but say a patent that had expired through effluxion of time.

Hon. Mr. SCOTT—It does not affect them at all.

Hon. Mr. LOUGHEED—Or say a patent which had expired without the party having made application for renewal.

Hon. Mr. SCOTT—It will not affect those patents.

Hon. Mr. LOUGHEED—Yes, because the clause is of the widest possible character.

Hon. Mr. SCOTT—It is limited to those cut off by the recent decision of the Privy Council.

Hon. Mr. LOUGHEED—It affects expired patents without reference to the recent decision. The class of cases to which I refer is where a patent expired say for some time, and a party holding a contract may not be disposed to go on and manufacture the article. That party cannot say he has been damnified in the least, and yet the contract is revived. What would be the position of parties under that condition of facts ?

Hon. Mr. SCOTT—There is no patent revived that does not come within the category of that judgment.

Hon. Mr. LOUGHEED—I would point out to my hon. friend that the Bill does not refer to a decision of the Privy Council. Clause 14 clearly revives all patents of the class under consideration under the Patent Act.

Hon. Mr. SCOTT—Patents that have expired by efflux of time are not affected by it.

Hon. Mr. LOUGHEED—There may be conditions under which a patent expired entirely irrespective of the point that has been raised before the Privy Council.

Hon. Mr. SCOTT—Such a patent would not be revived by this Bill.

Hon. Mr. McMULLEN—What would be the position of a man who has been paying a royalty on an article that he has been manufacturing under a patent ? The patent lapsed in the United States some four years ago and was still kept in force in this country and the royalty has been collected. Now, under the decision of the court he is not liable for that royalty, but what will be his position with regard to the use of that patent for the last four years when it was supposed that it was in force ? Will he have a right to turn around and collect off the party the money that was paid under the impression that the patent was still in existence ?

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. McMULLEN—That decision has declared that the patent has not been in existence, that when it lapsed in the United States it dropped out of existence here. Notwithstanding that fact, he has collected his royalty up to the present time. If you revive the contract by this Bill, it makes valid the payments that the man has received on that article for four years.

Hon. Mr. SCOTT—Yes.

Hon. Mr. McMULLEN—If you do not revive the patent the question arises, has the man who paid over the money on the representation that that patent was in force the right to recover the money back that he has paid on the royalty during the time it was not in force ?

Hon. Mr. SCOTT—He would unless we pass this Act. It would upset all those transactions.

Hon. Mr. McMULLEN—With all due respect to the hon. Secretary of State, who no doubt is anxious to do his best for all parties, I think we are treading on dangerous ground if we are going to revive all patents and place parties who had patents in the past in a position to enforce contracts which had expired owing to the fact of patents having expired in a foreign country. The trend of legislation should not be for the purpose of building up and perpetuating the rights of individuals in patents. We have had too many of them. I know business is shackled in many lines because the people keep patents in force by renewal. We do not blame them. I do not think, where they happen to drop out of existence by lapse of time, or something of this kind, that we should renew the whole of them and give parties the opportunity of turning round and extorting from people that use them the penalties of covenants they had entered into when they got them.

Hon. Mr. SCOTT—Where they expired by lapse of time, they are not revived by this Bill. This Bill endeavours to put people in the position that they believed they occupied six months ago, or at the date of that judgment—to put them back in the position they believed they were in, both the person who was paying the royalty and the one who was receiving it. We want them to be placed in the position they believed they were in—not to disturb the terms and conditions that existed.

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

On clause 15,

Hon. Mr. SCOTT—Clause 15 is as to the models.

Hon. Mr. POWER. I am not objecting to this, but I suppose this amendment will go to the law clerk before it is printed in the Act. It is not in the regular form. There is a preamble 'whereas the models, and so on.' And then, 'Be it enacted,' &c. That form has not been used for a great many years. I suppose the law clerk will see that it is put in proper shape.

The clause was adopted.

Hon. Mr. ELLIS, from the committee, reported the Bill with amendments, which were concurred in.

BILL INTRODUCED.

Bill (189) An Act to incorporate the Canadian Telephone and Telegraph Company.—(Hon. Mr. McMullen).

The Senate adjourned.

THE SENATE.

Ottawa, Friday, July 31, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (127) An Act to confer on the Commissioner of Patents certain powers for the relief of George M. Depew.—Hon. Mr. Landry.

Bill (184) An Act to amend the Patent Act.—Hon. Mr. Scott.

SECOND READINGS.

Bill (211) An Act respecting the Nicola, Kamloops and Similkameen Coal and Railway Company.—Hon. Mr. Macdonald, B. C.

Bill (212) An Act to incorporate the Alliance Bank of Canada.—Hon. Mr. Domville.

Bill (160) An Act to incorporate the Stewart River Development Company.—Hon. Mr. Young.

THE GRAND TRUNK PACIFIC RAILWAY PROJECT.

NOTICE OF MOTION.

Hon. Mr. MACDONALD (B. C.)—I beg to give notice of a motion which I would have given notice of before now had the gov-

ernment railway policy been brought down in the House at an earlier stage, and as there is no saying where I may be myself when the House meets again, I wish to put on record my views on that subject. The motion is as follows :

Resolved, that this House considers that contracts for important public works, involving a large expenditure of money, or extensive land grants, should be placed before parliament for consideration before ratification, and not afterwards.

That the system now in practice does not afford members of parliament sufficient time for due consideration of public important questions.

That it is exceedingly reprehensible to have the most weighty and important measures placed before parliament in the last days of the session.

That the House does not approve of the Grand Trunk Pacific Railway proposition, as presented by the Premier in the House of Commons, and consider its inception incomprehensible, and its fulfilment unnecessary under existing transportation conditions.

That the entering upon a scheme of such gigantic a character as that proposed by the government, without proper surveys and exploration of the route having been first made, is reckless and unjustifiable.

That the outlay for the work contemplated is more than the country can prudently bear, together with the annual additions to borrowed capital.

That the leasing of the contemplated railway to a company is injudicious, and may be considered a free gift—that the proposed security to the country is insufficient and illusory, and stands to increase the public debt.

That in default in interest and sinking fund by the lessees, it is not desirable, in the public interest, to attach rolling stock and operate the contemplated railway, when constructed, as a government railway.

That governments do not operate railways as economically and with the same necessary, close business capacity as private companies do.

That the country has an object lesson before it in the partial failure of the Intercolonial Railway.

That this House should object in the most unqualified manner to railways being constructed and operated by governments.

That the necessity does not exist for the government proceeding with the proposed railway—that the contract, as submitted, is entirely on one side and a sacrifice of public interests.

That the Canadian Pacific Railway, with its excellent transcontinental line, and branch lines into the wheat and cattle country of the west, together with the rapid construction and extension of the Canada Northern Railway, will in a reasonable time be in a sufficiently advanced position to afford our agriculturists the necessary transportation facilities.

That the government—with the public treasury at its command—should consider, and hesitate before doing any act which may lessen and divide traffic on the Intercolonial and Canadian Pacific railways, or cause competition.

That the one is entirely the creation and an asset of the country.

That the other has been largely aided in its construction by public grants of money and land, and is filling a highly essential place in the commercial economy of the country, and its usefulness should not be lessened.

That this House approves the action of the late Minister of Railways, Mr. Blair, in withdrawing his support from the proposed railway, and in strengthening his conviction in so emphatic a manner by resigning his portfolio rather than be an unwilling party to an unwise and injudicious project.

That the prominence given by the Premier, on the introduction of the National Transcontinental Railway Bill, to an all-Canadian route is not worthy of much consideration. Canada does not build railways for military, but for commercial purposes.

That their extension into a foreign country is desirable in the interest of trade, and has little to fear from the suspension of the international 'bonding system'—the advantages being as much to one country as to the other.

That the Atlantic ports, Halifax and St. John, are now reached and available to the railway systems of the Intercolonial and Canadian Pacific Railway Company—anything said to the contrary.

That Port Simpson being now a Depot Harbour is a myth ; and is the same bleak shore it was in 1896.

That the surrender of seven years' interest on $18,000,000—equal to $3,780,000—will be a heavy charge on the public revenue, is an unbusiness-like proposition, and a loss to the country which cannot be made up on the principle of 'free trade as it is in England.'

DELAYED RETURNS.

Hon. Mr. YOUNG—I should like to ask the hon. Secretary of State when the return with reference to the Grain Act and the correspondence for which I moved some time ago will be brought down.

Hon. Mr. SCOTT—I shall make inquiry and try to get it down before we return.

STEAMBOAT INSPECTION ACT FURTHER AMENDMENT BILL.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (W) An Act further to amend the Steamboat Inspection Act, 1898. He said : This Bill contains a proviso that was intended to be added to the Bill passed in this House recently, but was overlooked. It reads as follows :

Provided, however, that in any case where oil is used as fuel for the production of motive power on steamboats, oil which will bear a test of two hundred degrees Fahrenheit without taking fire may be accepted if properly stored with safe and suitable provisions as to safety and to guard against fire and explosion from such oil to the satisfaction of the steamboat inspector.

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

Hon Mr. SCOTT moved that rule 41 be suspended in so far as it relates to this Bill, and that the Bill be read the third time presently.

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

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, August 12, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

NIAGARA, QUEENSTON AND ST. CATHARINES RAILWAY COMPANY BILL.

THIRD READING.

Hon. Mr. LANDERKIN moved the third reading of Bill (154) An Act to incorporate the Niagara, Queenston and St. Catharines Railway Company.

Hon. Mr. McMULLEN—With regard to this Bill and the two following Bills standing on the Order paper for third reading to-day, I wish to offer a few remarks. I have no intention of interfering with the third reading of the Bill, but I desire to draw the attention of the House to the fact that when those Bills were before the committee, persons who intended to oppose them were taken by surprise. The House will remember—at least those that are members of that committee—that a sub-committee was appointed to consider how far, in view of the constitutional provisions, it was prudent and proper on the part of this House to give effect to legislation of the kind contained in these three Bills. Those who were opposing the Bills decided that they would defer any further action regarding them until such time as the sub-committee had reported. After waiting for some days, the general committee, by a resolution, decided to proceed with the Bill without waiting for the sub-committee's report. I might say that in the interval a decision of the Privy Council regarding the Lord's Day Act of Ontario has been given adverse to that Act, virtually declaring, if I remember rightly, that it was ultra vires of the province of Ontario to pass such a law.

No doubt one object on the part of those asking for the passage of these three Bills, in coming to this House, was to evade the application of that law in Ontario, because in coming here for legislation, they would come under Dominion, rather than under provincial jurisdiction. I have no doubt, therefore, that that was their object in coming here. The Lord's Day Act has been disallowed, still the feeling in the province of Ontario is just as strong to-day in favour of the Lord's Day Act as it ever was. That feeling is unquestionably very strong, I have no doubt so strong, that an effort would have been made to have a Bill introduced during the present session to take the place of the law that has been disallowed as a provincial Act, but for the fact that the session is so far through that at this late hour, it would be perhaps unwise to press the consideration of such a measure; but they do intend, I feel satisfied, at a future session to ask parliament to pass a law somewhat along the line of the Ontario Act, and in doing that we simply want to give the promoters of these three Bills and those that are being granted the power to operate lines under them, to understand that they must not seek to evade the application of any future Lord's Day Act because they were granted charter powers, before such an Act is put on the statute-book of this Dominion. Of course I might move to have these Bills referred back to give these gentlemen an opportunity to present their resolutions, but, under my advice, as well as the advice of others, they have decided not to take that step, but to allow the Bill to pass with the notice that the people who are getting these powers must not seek to evade the application of any future law because they were granted those powers before any Dominion Lord's Day Act was passed. We know perfectly well that legislation for the purpose of preserving rest on the seventh day is no new thing. Legislation along that line was introduced in England many years ago—also in Scotland, and in a great many European countries from time to time. We know that in the reign of Richard III. a very drastic law was passed which imposed a fine of something like thirty shillings on a man if he performed manual labour on the Sabbath day. We know also if he could show it was not

of his own choice he performed that labour, but that he was forced under the order of his master to do it, then the fine fell on his master, and it was sixty shillings instead of thirty shillings, and the employee was free. In the reign of Queen Elizabeth, laws were enacted for the purpose of securing to the labourers the Sabbath day, and even went so far as to require a man to attend a place of public worship. We do not ask for a law of that kind now. I do not think there is any intention of forcing people to go to church or to attend any religious service, but we have a right to enforce the provision that the seventh day shall be a day of rest. If a man chooses to remain at his home, or do anything else that his conscience permits him to do, save and except labour, we do not interfere with him. But I say we should preserve the day of rest to all men in the interest of our country. Two of these railway lines border on the United States, and if there is any one thing in which the United States to-day is going on the down grade it is in the open desecration of the Lord's Day. Any person who has travelled that country, as I have, must have noticed that if they keep on in the present course for twenty-five years more, the Sabbath day in the United States will be a mockery. We do not want that in our country. We claim to be a Christian professing people, a people that are not going to permit ourselves to be led away by the bad example of the cities on the other side of the border. We know that if these two electric lines are to be run on the Sabbath day, they will be very largely patronized by people from the United States. I do not think we should encourage an open desecraton of the Sabbath in that way. I am personally opposed to it. I would do everything in my power to prevent it, because I think we should have one day in seven, which the labourer and the artisan should be forced by law to keep as a day of rest. That is all we want to do. I hope that at the next session of this parliament, if we live to see it, a Bill will be brought in which will, to some extent, guard the seventh day as a day of rest and I want to emphasize the point that the promoters of these three Bills, one of which stands in my name, must not expect because those powers are being granted before the passage of a Lord's Day Act that they will not be subject to its provisions. I hope next year, when a Bill to preserve the seventh day as a day of rest is introduced it will receive the hearty support of this House that, in my humble opinion, it should receive in the interests of our country.

Hon. Mr. DANDURAND—I should not like that the expressions of opinion of the hon. gentleman should go out through the Dominion as being the unanimous voice of this body. I am convinced that there is a majority in this country that does not see exactly eye to eye with the hon. gentleman on the question on which he has spoken just now. He closed his remarks by saying he thought the labouring men should be forced to keep the seventh day as a day of rest. I would dissent from the way the hon. gentleman has expressed that desire, The question of running electric railways on Sunday is one that would meet, in large cities, and in the neighbourhood of large cities, with the approval of a vast majority. People want the day of rest, but sometimes those who are in a crowded part of the city want to reach a place where they can enjoy the day better and they do so by using the tramway. Others from a distance would like to attend religious ceremonies and they can only do so by the use of electric tramways. It is a large question, and we will discuss it next session, but I simply enter my dissent from the views which the hon. gentleman expresses as being the views of the majority of this Chamber and the country.

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

THIRD READINGS.

Bill (171) An Act to incorporate the Chatham, Wallaceburg and Lake Erie Railway Company.—(Hon. Mr. Landerkin.)

Bill (85) An Act to incorporate the Berlin, Waterloo, Wellesley and Lake Huron Railway Company.—(Hon. Mr. McMullen.)

Bill (141) An Act respecting the Medicine Hat and Northern Alberta Railway Company.—(Hon. Mr. Landerkin.)

Bill (157) An Act to incorporate the Brandon, Saskatchewan and Hudson's Bay Railway Company.—(Hon. Mr. Watson.)

Bill (102) An Act respecting the Red Deer Valley Railway and Coal Company.—(Hon. Mr. Watson.)

CERTIFICATES TO MASTERS AND MATES OF SHIPS ACT AMENDMENT BILL.

ORDER OF THE DAY POSTPONED.

The Order of the Day being called :

Committee of the Whole House on (Bill 226) An Act to amend the Act respecting Certificates to Masters and Mates of Ships.—(Hon. Mr. Templeman).

Hon. Mr. TEMPLEMAN moved that the Order of the Day be discharged and placed on the Orders of the Day for Monday next.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman contemplate any change in this measure ? It is a very small Bill, providing for the extension, as I understand it, of the privileges granted to certain masters and mates who have not the full qualification to navigate the ocean. Is it proposed to extend or restrict its provisions?

Hon. Mr. TEMPLEMAN—The Bill provides for the establishment of a new order of masters and mates.

Hon. Sir MACKENZIE BOWELL—It defines also the territory over which they may trade.

Hon. Mr. TEMPLEMAN—It defines the destination of the home trading voyages, but I postpone it at the request of an hon. member of this House who takes some interest in the Bill, and has an amendment to propose. I am not aware of the nature of that amendment, but I understand it will meet the views of the Department of Marine and Fisheries.

The motion was agreed to.

SECOND READING.

Bill (189) An Act to incorporate the Canada Telephone and Telegraph Company.—(Hon. Mr. McMullen.)

SOUTHERN CENTRAL PACIFIC RAILWAY COMPANY INCORPORATION. BILL.

FIRST READING.

A message was received from the House of Commons with Bill (152) An Act to incorporate the Southern Central Pacific Railway Company.

The Bill was read the first time.

Hon. Mr. TEMPLEMAN moved that the Bill be read the second time on Friday next. He said : This is a Bill incorporating a railway running from the city of Vancouver to the Kootenay Pass into the Territory of Alberta, thence in a north-easterly direction to a point on the Hudson's Bay about 100 miles north of Fort Churchill. It is not exactly a transcontinental railway, but it is very nearly that. It is a very large and important enterprise.

The motion was agreed to.

CHICOUTIMI AND NORTH-EASTERN RAILWAY COMPANY BILL.

FIRST READING.

A message was received from the House of Commons with Bill (168) An Act to incorporate the Chicoutimi and North-eastern Railway Company.

The Bill was read the first time.

Hon. Mr. DANDURAND moved that the Bill be read the second time on Friday next.

Hon. Sir MACKENZIE BOWELL—Could the hon. gentleman inform the House where the road begins and where it ends ?

Hon. Mr. DANDURAND—The custom has been to give that explanation when moving the second reading. The hon. promoter of this Bill (Hon. Sir Alphonse Pelletier) will be here then and will be able to do so.

Hon. Mr. CASGRAIN (de Lanaudière)—This Bill provides for a railway which begins at Chicoutimi and runs to the Bay of Seven Islands, on the north shore.

Hon. Mr. DeBOUCHERVILLE—It is entirely in the province of Quebec. It is purely a local Bill.

The motion was agreed to.

PUBLIC AND REFORMATORY PRISONS ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (221) An Act further to amend the Act respecting Public and Reformatory Prisons.

The Bill was read the first time.

Hon. Mr. SCOTT—This Bill has only one clause. Its object is to provide—

Wherever the words 'Ontario Reformatory for Boys' occur in chapter 183 of the Revised

Statutes, intituled an Act respecting Public or Reformatory Prisons, or in any other statute of Canada, they shall be construed to apply to and include all certified industrial schools in the province of Ontario, either or any of which shall be and shall be considered to be the Ontario reformatory for boys for all purposes so far as such statute is applicable, as soon as the Lieutenant Governor in Council of the province of Ontario makes an order that no boys are to be sentenced to the said reformatory.

It also provides for the transfer of boys now in the Ontario reformatory to a certified industrial school.

The motion was agreed to.

BILLS INTRODUCED.

Bill (158) An Act to incorporate the St. Chrysostome Railway Company.—(Hon. Mr. Young.)

Bill (231) An Act to confer in the Commissioner of Patents certain powers for the relief of the Keller Heater Company of Canada.—(Hon. Mr. Dandurand.)

Bill (104) An Act to incorporate the Brockville, Westport and North-western Railway Company.—(Hon. Mr. Frost.)

BINDER TWINE BILL.

FIRST READING.

A message was received from the House of Commons with Bill (233) An Act respecting the manufacture of Binder Twine in Canada.

The Bill was read the first time.

Hon. Mr. SCOTT—Hon. gentlemen are aware that the Philippine Islands are now under the sovereignty of the United States, and congress has enacted a law that while the manilla fibre which comes from the Philippine Islands is free coming to the United States, there is an export duty on it if it goes to any other country for the purpose of manufacture. This Bill is to place Canadian manufacturers of binder twine on precisely the same plane they were on before that was passed, as it provides for a bounty equal to the export duty on manilla which is three-eighths of one cent a pound on the manilla fibre used in the manufacture of binder twine. I move that the Bill be read the second time on Friday.

Hon. Sir MACKENZIE BOWELL—The system adopted by the government is apparently to keep as near as possible to their previous principles of free trade, and so they evade the real economic question by giving a bounty to which every taxpayer in the country has to contribute rather than impose a duty upon foreign binder twine when it comes into this country. The fact of the United States having admitted the raw material into their country free and placing an export duty on it if it is sent to any other part of the world, places the Canadian manufacturer at a disadvantage, and in order to avoid that, the government have adopted this principle of bounties, instead of securing the market of this country to our own people by the imposition of a duty sufficiently high to protect them. We know that in the past the manufacture of binder twine in the penitentiary under the present government has to a very great extent been a failure, and a failure for this reason: That instead of selling the twine to those who use it in the different parts of the Dominion at the actual cost price, they have entered, if not directly at least indirectly, into a combination with the manufacturers and have not sold it, as it was intended that binder twine manufactured in the prisons should be sold to the agriculturists at the actual cost of production. It has been held back rather than allow it to come into competition with the product of factories in the different parts of Canada, so that in fact the original intention of the Sir John Thompson's government—because that was the government that imposed the duty in the first place—has really become a nullity, and by a combination—I cannot describe it in any other way—with the manufacturers, the farmers have been deprived of the benefits which it was intended should accrue to them by the manufacture of binder twine in the penitentiaries for sale at cost price. Now we have the principle of protection evaded by taxing the whole community to assist the binder twine manufacturers, instead of taking a course which would not only be legitimate, but would be in accordance with the economic principles of trade and commerce, of putting an adequate duty upon foreign binder twine. That is the view I hold on this question, and I believe it is the view held by every one who believes that protection is a necessity in this country, as it is in all new countries. I have taken this first opportunity to express my views upon the question. I am not going

into ancient history just now. If I did, I could enlighten and amuse some of the younger members of the Senate with a few extracts from the utterances of my hon. and venerable friend who sits in front of me (Hon. Mr. Scott) in strong condemnation of the principle underlying this Bill. I question whether he could find anything in the English language sufficiently strong to condemn this species of robbery, as it was called when the principle was first introduced, of giving a bounty to steel and iron manufacturers. To a certain extent the principle may be correct, but under the present government it is becoming, to use some of the arguments my hon. friend used to employ, almost a crime upon the community, taxing largely a class of the community who are not benefited in any way by the introduction of, and the enforcing of a principle of this kind. I congratulate my hon. friend on having become an indirect protectionist, and I hope ere long, if he is to remain in the position he now holds, that he and his colleagues will go the full length and adopt a correct principle of protection to all our industries, and not try to evade the principle in the manner in which this Bill and other Bills coming before us do, at a cost to the country of some millions of dollars per annum. If he will take my advice—and I am not charging anything for it—I hope he and his colleagues will take another advance from their old views, and become, what they should be, the real protectors of the industries of this country.

Hon. Mr. SCOTT—The hon. gentleman fails to recognize a principle that is well understood by all statesmen, that the conditions of times change materially.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman think the conditions of the time or the men have changed ?

Hon. Mr. SCOTT—The conditions of the binder twine industry have become absolutely changed in the last ten years owing to the development of the growth of wheat in the North-west and of corn and grain all over this Dominion. We all know very well that at the time of the change of government there was a clamour all over this country from the farming community that it was monstrous they should be taxed for the twine they used, and so the government of the day removed the tax. So far as the product of the penitentiaries is concerned, it became a very unimportant item. The manufacture of twine sprung up all over this country under free trade principles and before long the condition of the binder twine industry all over this country changed, and I am glad to say they made money and paid handsome dividends even on free trade principles.

Hon. Mr. McMILLAN—Some hundred per cent.

Hon. Mr. SCOTT—The one at Brantford, I believe, paid at that high figure, but now the United States, having struck at us in a way that is wholly unneighbourly, we are bound to stand by the people who put their money into these industries, and say that they shall be in no worse position than our neighbours because they carry on manufacture in Canada. We say to our manufacturers, 'we will not allow a neighbouring country to stab you to death, and we will give you a bounty equal to the export duty that is imposed on the raw material.' If we do not do that, what will be the consequence ? Why, the concern in the United States is a combine and our factories would be closed up, and they would put the figures for twine anywhere they pleased.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. SCOTT—It is simply to protect the farmers of this country that the Bill now before us has been introduced.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman, with his usual tactics, has evaded the question. It is true the Brantford binder twine factory, which was established by farmers, took advantage of the war in the Philippines to increase the price of the binder twine manufactured from the raw material that had been imported into the country before the war, and before the price raised so enormously. They took advantage of the increased price of raw material and charged the full price to the farmers, as they would have done had they paid the increased price for raw material that year. That accounted for the large dividends they were enabled to declare. It

was not on account of any free trade principle which existed in this country.

Hon. Mr. WATSON—There is no doubt what the hon. leader of the opposition has stated is correct; the Brantford factory was fortunate enough to have a large quantity of raw material on hand, and charged all they could for their product, but it must be admitted that the system adopted by the government of granting a bounty equal to the amount of the export duty charged on the raw material exported from Manilla placed the Canadian manufacturer exactly on the same footing as the United States manufacturer.

Hon. Sir MACKENZIE BOWELL—Who said it did not?

Hon. Mr. WATSON—Then the hon. gentleman must admit that this is fair to the manufacturers, and it is much more fair to the consumer than if we put a duty on the binder twine, because then we would not have the benefit of competition between the United States and Canadian manufacturers. While I favour the measure now before the House, I would decidedly object to carrying out the argument advanced by the leader of the opposition—placing an import duty on binder twine. The hon. gentleman must recollect that at one time the farmers of Canada were compelled to pay three cents a pound for binder twine manufactured in the United States. After the establishment was started in Canada by Mr. Stairs, of Halifax, and others, they entered into a combine with manufacturers in the United States, and the result was that one year, I remember, the Cordage Company were able to declare a dividend on the profits made by the Canadian branch for manufacturing binder twine. In the United States they had no dividend, but in Canada they were able to pay a dividend on the whole of the stock of the combine. I think it is right and proper for the government to come to the relief of manufacturers and place them on an equal footing with the manufacturers in the United States, who compete in our market. If they had placed a duty of two or three cents a pound on binder twine, as they did formerly, the consumer would have to pay the extra price.

The motion was agreed to.

RETIREMENT OF JUDGES BILL.

FIRST READING.

A message was received from the House of Commons with Bill (243) An Act to amend the Supreme and Exchequer Court Act and the Act respecting Judges of Provincial Courts.

The Bill was read the first time.

Hon. Mr. SCOTT—I move that the Bill be read the second time on Tuesday next. It has been recognized for very many years that there was a weakness in our judicial system, due to the fact that judges declined to retire after they had arrived at an age when their usefulness was practically gone. There was no way to force a retirement. A judge could only be removed for cause, and of course very rarely occasions arose when the sentiment of this country would induce parliament to take that action, and for some years it has been in contemplation that when judges arrived at a certain age and after they had served on the bench for a given number of years, they should be retired on their full allowance. This Bill makes provision for that. A judge who has reached the age of seventy-five years—that is a judge of a higher court—and continued in office as judge of one or more courts for a period of twenty years, or has attained the age of seventy years and continued in office as a judge for twenty-five years, shall be continued in office at the salary that he then enjoys. There is a provision also that if any judge of the Supreme Court of Canada, or Superior Court of any of the provinces of Canada, resigned, or has heretofore resigned and accepted the office of Lieutenant Governor, he may be retired on a two-thirds allowance ; that every county court judge who attains eighty years shall be compulsorily retired, and any judge who has so retired and having attained seventy-five years, resigned his office and who in either case has continued in office for twenty-five years or upwards, may be granted an annuity equal to his salary.

Hon. Mr. SULLIVAN—Was there any particular reason for bringing in this Bill ? Because, if there was not, I do not see what could have induced it. If the fault had been found with any of the judges,

and if there had been any cases wherein age had impaired their faculties any way that might explain it, but of course we know it is not age. It must be some condition, because the hon. gentleman is aware that there are men eighty years of age who are fully equal to all that is required of them on the bench. I have not heard that there was any reason for bringing in such a measure and I should be inclined to leave matters as they are.

Hon. Mr. SCOTT—It is a very delicate matter giving the names of gentlemen who are on the bench who probably will take advantage of this or be forced to retire. Perhaps at the next stage of the Bill I may say something further.

Hon. Sir MACKENZIE BOWELL—All I desire to say on the principle of the Bill at the present time, is that there may be some arguments in its favour. Experience has taught the country that in some cases it was desirable to retire judges for various reasons. Without mentioning names, as my hon. friend says, but during Sir John Thompson's administration a Bill was introduced by which county court judges who became incapacitated from mental or physical reasons could be retired on a pension after an investigation had taken place by a Superior Court judge and then retired. The principle laid down in this Bill is certainly a departure from the well recognized principle of the independence of judges, by compelling them to be retired. What I object to most is the retirement of judges upon full pay. I cannot understand why a judge is entitled to be retired upon full salary any more than any other servant who is working for the government or for the public. Perhaps I am somewhat singular in that view. I remember very well when the Superannuation Act was first introduced and supported very strongly by the present Governor of British Columbia, Sir Henri Joly, I took the ground then, although a young parliamentarian, that people in the civil service should act in life as other people do, and not become pensioners upon the community. I know that that idea is not only exploded, but the idea of pensioning people even for old age, without having served the country, out of the public funds is becoming—shall I say prevalent throughout the world? New Zealand has adopted the principle, and I see Mr. Chamberlain, in his proposition to introduce a system of preferential trade between the outlying portions of the empire and England, proposes to utilize the income derived from the imposition of a duty upon articles that would be imported into Great Britain from foreign countries, while those from Canada and other dependencies should be free, for the purpose of old age pensions. That is an important serious problem which I do not propose to discuss just now, but I merely rise at this stage of the proceedings to say that, for myself individually, I am opposed to any system which provides for the retirement of any servant, and judges among others, upon a full pension, although I fully recognize—and I may as well admit it frankly—the difficulties that have arisen in the past and may possibly arise in the future in making vacancies upon the bench in order to put more vigorous men in their places. If men are to be retired at seventy-five, my hon. friend and myself will have to take a back seat very soon. I am vain enough to believe that my hon. friend and some others that I know, without including myself—because that might be considered vanity—are just as capable of transacting business allotted to us as we were at sixty-five.

Hon. Mr. SULLIVAN—Better able to.

Hon. Sir MACKENZIE BOWELL—My hon. friend says better. I think for myself, from the experience and health which I enjoy, I am just about as able to fight the battles of my country in the line I think they should be taken as I ever was.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. LANDERKIN—Hear, hear.

Hon. Sir MACKENZIE BOWELL—But if my hon. friend is going to retire us upon full pay we might go out to-morrow and take advantage of the law. But unfortunately, I am not a limb of the law. I was not brought up at the bar and consequently no matter what our services may have been in the past, if we do retire we will have to retire upon the little that we have saved through our industry and economy in the past. Perhaps that may seem a little facetious. It creates a smile on the faces of some of my hon. friends, but I am sincere

in the views that I hold upon the question. If a judge's salary is not sufficient I would support an increase of salary to the judges, and also to ministers of the Crown, and men who occupy positions where they have to move in certain society that costs a great deal of money, but I object in toto to retire them on full pay. You will find plenty of them will be glad to relieve themselves of responsibilities the moment they can retire on the salary they receive, and which the law provides that they should have. I may have more to say on the second reading of this Bill, or when it goes to committee.

Hon. Mr. DANDURAND—There is, perhaps, a reason for this Bill which will not be given by the hon. promoter, but at all events this is one that I suggest: As a certain number of judges in the country are paid at starvation rates, it is a question of humanity that we should not see them suffer in their old age. I will not go into the merits of the Bill now, because I think it is not in the shape it was when first brought before the House on resolutions. It was amended, but on Tuesday we will have an opportunity to see how it stands.

The motion was agreed to.

SUPPLY BILL.

FIRST READING.

A message was received from the House of Commons with Bill (241) An Act for granting to His Majesty certain sums of money for the public service for the financial year ending 30th June, 1903.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time to-morrow. He said: This is providing for moneys that should have been paid in the past year. It is supplemental estimates for the year 1902-3. The time expires very early for the payment of these moneys—the 15th August—and I think it is the intention that His Excellency shall come down to-morrow and assent to the Bill. The amount involved is $2,977,000, of which $1,334,608 is capital account, and $1,200,000 consolidated funds.

Hon. Sir MACKENZIE BOWELL—What would be the total amount for last year ending 30th June, with this addition?

Hon. Mr. SCOTT—We passed $1,384,000 before, and with this Bill it will be nearly $5,000,000.

Hon. Sir MACKENZIE BOWELL—Could the hon. gentleman tell us how many items there are in this supplementary that violate the Civil Service Act?

Hon. Mr. SCOTT—I do not think there are any clerkships, as far as I can see.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has not studied it. He will find three in the miscellaneous accounts.

Hon. Mr. SCOTT—Yes, there are three there, following very bad examples set many years ago.

Hon. Sir MACKENZIE BOWELL—I must admit that the government are very apt pupils in anything that is wrong. In the estimates that have come before us, and in this additional list which I have here, which is very interesting, I find that in the first estimates we had twenty-two items in which the Civil Service Act had been violated in that respect, in the second, seven, in the next, eight, and in the present Bill, three or four. That means in this session alone, with the supplementary estimates for last year ending 30th June, the last fiscal year and the present one, no less than 39, and in a very short time before that a large number of similar cases, making during the hon. gentleman's tutelage 119 times, and all cases directly violating the Act placed on the statute-book to prevent such abuses. I should not say all, because there are a few exceptional cases which could not be avoided, but here is a wholesale system. Why not repeal the Civil Service Act altogether?

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—And place the whole power in the ministers to do what they like, and when they come to parliament for approval they can be approved or condemned, but this example we unfortunately set them in a few instances, they have flagrantly abused. During the whole time I was in the government you could not find that number of cases, and here you have in a very few years over 119 cases of direct violation of the law.

Hon. Mr. SCOTT—Any one who has given any thought to this subject will recognize where the difficulty is. It is due to the Civil Service Act which was drawn a good many years ago. It is absolutely impossible to get really good men and pay them under the Civil Service Act. Where can you get a good clerk, even a typewriter and shorthand writer for $400 a year? The thing is absurd.

Hon. Sir MACKENZIE BOWELL—There is no such law.

Hon. Mr. SCOTT—Under the Civil Service Act they enter at $400 when they are first put upon the list.

Hon. Sir MACKENZIE BOWELL—But for every optional subject in addition to that there is $50 added, and if for special services, the provisions of the Act are that a clerk can put in at any price.

Hon. Mr. SCOTT—Those of us who have had to do with the Act recognize the very many difficulties, and time and again it has been amended by patchwork, and I hope it will be taken up shortly. There is an amendment to fix the salaries at a higher rate. You cannot get men that really ought to be in the civil service for the figures paid to-day. In the higher class we lose our best men. Only a few months ago, a gentleman, Mr. Ross, was taken from the Finance Department and given six or seven thousand dollars a year in another position. Take the men connected with the Geographical Survey, those men who have been drawing $2,500 are obtaining positions elsewhere at $8,000 and $10,000.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, August 13, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE LATE SENATOR COCHRANE.

Hon. Mr. SCOTT—Before the Orders of the Day are called, I desire to refer to another of those incidents that have so frequently happened in the last few months. It will be observed that the flag on the tower is at half-mast to-day for an old and valued member of this body, a gentleman who was called to the Senate in the fifth year of the existence of this Dominion. The late Senator Cochrane had been a member of this body for more than thirty years. These gentlemen who have come into the Chamber in the last eight or ten years can scarcely be said to have known that gentleman as the older members of this body knew him in the earlier years. When he came into the Chamber in 1872 he was a man full of vigour and life and highly esteemed by members of this body on both sides of the House. Though he rarely spoke, he always took a very active part in committees. The late Senator Cochrane had been very successful in business at a very early period, and on retiring with a fortune, not like most men, anxious to double it by investing in stocks, he enlarged the homestead in which he had been born and brought up and made very extensive improvements, went into the breeding of animals, thereby doing a very great service to this country. He added to the fair name of Canada in those earlier years by paying the highest price for animals of the short-horned breed that had ever been paid in Great Britain. Those who have given any thought or attention to this subject will recollect the jealousy that existed among the breeders in Great Britain at seeing the most valuable animals carried away by Canadians. After we acquired the North-west, Senator Cochrane enlarged the scope of the business by acquiring a ranch in the south-western part of Alberta, which he stocked very heavily. Unfortunately, the selection was not a wise one, and he sustained a very heavy loss in a storm that occurred there, when nearly the whole herd was destroyed. Nothing daunted, he selected another location, and we are all glad to know that he was successful. His pioneer effort there has been attended with very great benefit to the whole of Canada, because it has given evidence that that section of Canada is admirably adapted for ranching. It was a sad thing to those who have known the late Senator Cochrane in his earlier days to know that last session, when he attended here, he was almost totally blind, having to be led in and out by one of the pages. It was very sad and

painful, and those of us who knew him intimately always felt a deep and lasting regret that so enterprising and honourable a man should, at the latter end of his days, lose his sight and practically his interest in life. I am sure I voice the feeling of this House when I express sympathy with the family of the late Senator Cochrane.

Hon. Sir MACKENZIE BOWELL—I do not know that it is necessary for me to add many words to those which have already fallen from the hon. Secretary of State, Those who knew the late Senator Cochrane would re-echo every word the Secretary of State has said in reference to the late Senator Cochrane. He was a man with a great deal of personal magnetism, not only in his private, but also in his public life. He displayed a great deal of that energy and enterprise which characterize so many of our Canadian people. His long services to his country were decidedly of the character which has been intimated by the hon. gentleman who has just spoken. The late senator was not a man of very many words, but on the committees, more particularly the Railway Committee, and the Committee on Banking and Commerce, he took a great deal of interest, always bringing a matured mind to the consideration of the questions which came before those committees. I deeply regret, with my hon. friend opposite, that the Senate is becoming depleted, if I might use that expression, of many of the old and valued members of this body. When we reflect that within the last six or seven years there have been no less than forty-nine or fifty changes, it really brings to our minds at once the force of the expression 'What shadows we are, and what shadows we pursue.' We are all rapidly passing away, and if the next five or six years should be as fatal to the members of this Chamber as the past five years have been, the Senate will be managed and controlled by younger, and let us hope, by wiser heads; but in all cases, let me add, whoever may succeed us as members of this body, I hope they may be actuated by one feeling, and that is, as Canadians, to make Canada what it should be—the brightest gem of the British Crown. These sad events which are occurring so rapidly and so often, make us think that many of us are not long for this sphere of action; but let us all hope that when we pass away we may leave as good a record behind us as the hon. senator whom we and the country have just lost. That is the best wish I can make for the future of Canada. I feel, and all of us must feel deeply, the loss of so many of our old friends, and as they pass away all we can do is to mourn for a short time. In the march of events we are soon forgotten outside of our own family circles. Whatever positions men may occupy in this world, whether as statesmen, professional men or private individuals, six or eight months after they have passed away, to the outside world at least, they are forgotten. I feel it is a wise dispensation of Providence that it should be so. If it were not so, we should become a nation of mourners, instead of what we really are, active members of society. I very much regret the loss of Senator Cochrane, and I deeply sympathize with his family in their bereavement.

FREEDOM OF LABOUR BILL.

THIRD READING.

Hon. Mr. BEIQUE moved the third reading of Bill (S) An Act to amend the Criminal Code, 1892, respecting free labour.

Hon. Mr. DANDURAND—I had occasion to state at one of the last sittings of this Chamber, that something should be done to increase the power which municipalities should have in certain contingencies to maintain peace and order. I have not given sufficient time or thought to the matter to declare that the present Bill, presented by the hon. member for de Salaberry, would effectively meet the difficulties we have had to contend with in the past. A Bill on other lines would perhaps meet the difficulty and cover the case as well, and perhaps more effectively, and I would suggest, in view of the discussion which has taken place on this Bill, and the considerable comment which it has created in the country, as the Bill cannot pass this session in the lower House, even if carried through this Chamber, that the hon. gentleman should stay his hand and not insist on proceeding with it now, in order that, in the time which will intervene between now and next session, we may have occasion to have a full expression of opinion from the country, and we may then act either upon those lines or upon

other lines. I know that the discussion upon this Bill has been considerable. I am quite sure that the passing of the Bill here would not better its chances of passing the other House this session, and I would suggest that it be withdrawn in order that we may do, what we would be obliged in any event to do, even if this Bill passed its third reading here to-day—re-enact it at the next session.

Hon. Mr. BEIQUE—I regret that the hon. gentleman from de Lorimier has not taken the trouble to examine this Bill thoroughly, because I am satisfied that had he done so he would have come to the conclusion that, as worded, it is in the best interests of all classes of the community. I am quite sure that this Bill has not been sufficiently studied by the hon. gentleman to be properly appreciated. I have declared already that my intention in framing this Bill and in urging its passage in this House was not to injure in any way the trades unions or the labouring classes. On the contrary, I am satisfied that it is in the best interests of the labour unions, and workingmen in general. Labour unions will succeed in obtaining better conditions, only in so far as they will help other citizens to preserve peace and order, and themselves abide by the law. The strongest influence is public opinion, and when public opinion is in their favour they are sure to succeed in commanding fair conditions from their employers; and there is nothing which tends to alienate public opinion so much as going too far and disturbing the peace. As I stated on a former occasion, we had some experience in Montreal a few months ago—we have had three different experiences. We had two strikes of the Montreal Street Railway Company's employees, and we had one strike of the longshoremen. The city of Montreal during those strikes was under a reign of terror, and especially during the strike of the longshoremen it was proclaimed to the world as being under the regime, so to speak, of military law. It was announced to the world that the police authorities were incapable of maintaining order, and troops in large numbers had to be entrusted with the preservation of peace. They had to be put in charge of what is known to be the national harbour of this Dominion, and for over a week they had to remain in charge of that harbour night and day, yet, notwithstanding that, we had all kinds of assaults committed. It seems to me that surely this should be ample evidence that the law is not sufficient. Therefore, it becomes our duty to try to amend the law in fairness to all parties concerned, in order that a repetition of that state of things may not occur. It was with that view that I prepared this Bill and that I am urging it before the House. I would have no objection to postponing the Bill if the hon. member has not had sufficient time to study its provisions. Is he under the impression that he can suggest a measure which will better accomplish the object in view? If so, I have no desire to press for the third reading of this Bill to-day. I shall be very glad to give him, or to give any other member of this House, an opportunity of suggesting anything better, but I must say that, as far as I am concerned, I have given so much thought to the subject and the measure, that I have no intention of dropping the Bill. I know perfectly well that it will not become law during this session, but I think that it will have a good effect if passed by this House. It will not become the law of the land, because the session is too far advanced and we cannot expect that the other House would have time to discuss it properly; but I desire to put upon the records of this House the criminal law as it stands now on our statute-book in contrast with this law, in order that it may be better appreciated by people who take the trouble to consider the measure, and I will take occasion to draw attention to what I consider to be a defect in section 79 of the criminal law, to which section this Bill is proposed as an amendment.

Hon. Mr. SCOTT—His Excellency is to be here at four o'clock to sanction certain Bills, and as there is a Supply Bill on the Order paper which we wish to have passed, and assented to, perhaps the hon. gentleman could postpone the discussion of this measure for the present. This Bill has been a long time before the Senate and several amendments have been proposed and one or two adopted. We have only the original Bill in our hands, and perhaps we should have this Bill reprinted.

The SPEAKER—Then this measure will stand till after His Excellency's departure.

SUPPLY BILL.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (241) An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 30th June, 1903. He said : As I explained yesterday, this is a supplemental estimate for the expenditure of the past year terminating on the 30th June last. It is for a sum of $2,977,053.73, which, in addition to the former supplemental estimate, makes a total of about $4,700,000—a little less than five million. The items are distributed over almost every branch of the public service, including railways and canals, capital account as well as consolidated revenue account.

Hon. Sir MACKENZIE BOWELL—Before this Bill is read the second time, I have one or two questions to ask. Can the hon. gentleman give me any information as to how it happened that the expenses in connection with the Coronation Arch amounted to $33,000 ? Would he also explain the meaning of this paragraph :

For all services under the Naturalization Act of 1902, according to the schedule of rates established by Order in Council, $6,000.

Hon. Mr. SCOTT—Answering the last question first, my hon. friend will remember that last session we passed an Act directing that thereafter it should be the duty of the officers having charge of the papers to make returns to Ottawa of all persons naturalized in Canada, in order that there might be at one central point the names of all naturalized citizens. Inquiries were constantly being made as to whether so-and-so was a naturalized subject, and it tended to very great difficulty, and in many parts of the Dominion returns were kept very carelessly. It was, therefore, thought wiser that hereafter all the officers having charge of the naturalization service should make a return to the Secretary of State, to be kept on file.

Hon. Sir MACKENZIE BOWELL—It is not included in the census returns ?

Hon. Mr. SCOTT—No, it has nothing to do with that. We made an appropriation when we passed the Act, and the clerks of the peace and other officers remonstrated and said : 'We have been put to a lot of expense in making the return.' The return covered many years and many of them amounted to a very considerable number of names, and it is only fair that the officials should be paid, and the $6,000 is to pay those accounts.

In regard to the arch, my hon. friend will notice that the arch was worth probably ten times more than its cost to Canada. I had not noticed the amount. I see it is $33,000. I thought it cost more than $33,000.

Hon. Sir MACKENZIE BOWELL—Oh, oh.

Hon. Mr. SCOTT—I thought it cost $50,000. We got off cheaply.

The motion was agreed to, and the Bill was read a second and third time and passed under a suspension of the rules.

BILLS ASSENTED TO.

The House was adjourned during pleasure.

After some time the Senate was resumed.

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

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

Who being come with their Speaker,

The Clerk of the Crown in Chancery read the Titles of the Bills to be passed severally, as follow :—

An Act to incorporate the Guelph and Georgian Bay Railway Company.

An Act respecting the encouragement of the construction of Dry Docks.

An Act for the relief of Florence Lee Gray.

An Act respecting the Kettle River Valley Railway Company.

An Act respecting the Kingston and Pembroke Railway Company.

An Act to incorporate the Marconi Wireless Telegraph Company of Canada, Limited

An Act to incorporate the Algonquin Lumber and Power Company, Limited.

An Act to confer on the Commissioner of Patents certain powers for the relief of the Woolf Valve Gear Company.

An Act to amend the Acts relating to Naturalization and Aliens.

An Act respecting the Manitoulin and North Shore Railway Company.

An Act respecting the Canada Central Railway Company.

An Act to incorporate the Dominion Gas Improvement Company.

An Act respecting the Western Alberta Railway Company.

An Act respecting the Midway and Vernon Railway Company.

An Act to incorporate the Columbia River Improvement Company, Limited.

An Act to incorporate the Missionary Society of the Church of England in Canada.

An Act respecting the Toronto, Hamilton and Buffalo Railway Company.

An Act to incorporate the Canadian Yukon Western Railway Company.

An Act respecting the Brandon and Southwestern Railway Company.

An Act to amend the Post Office Act.

An Act to amend the Act respecting the Safety of Ships.

An Act respecting Government and Post Office Savings Banks.

An Act respecting Dominion Notes.

An Act to amend the Act of 1899 respecting the City of Ottawa.

An Act to amend the Steamboat Inspection Act, 1898.

An Act to incorporate the Citizen's Bank of Canada.

An Act respecting the Rathbun Company.

An Act respecting the Century Life Insurance Company.

An Act to incorporate the Montreal-Longueuil Bridge Company.

An Act respecting infectious or contagious Diseases affecting animals.

An Act to prohibit the importation, manufacture or sale of adulterated, process or renovated butter, oleomargarine, butterine, or other substitute of butter, and to prevent the improper marking of butter.

An Act to amend the Fisheries Act.

An Act to confer on the Commissioner of Patents certain powers for the relief of George M. Depew.

An Act to incorporate the Niagara, Queenston and St. Catharines Railway Company.

An Act to incorporate the Chatham, Wallaceburg and Lake Erie Railway Company.

An Act to incorporate the Berlin, Waterloo, Wellesley and Lake Huron Railway Company.

An Act respecting the Medicine Hat and Northern Alberta Railway Company.

An Act to incorporate the Brandon, Saskatchewan and Hudson's Bay Railway Company.

An Act respecting the Red Deer Valley Railway and Coal Company.

An Act to amend the Patent Act.

To these Bills the Royal Assent was pronounced by the Clerk of the Senate in the following words :—

In His Majesty's name, His Excellency the Governor General doth assent to these Bills.

Then the Honourable the Speaker of the House of Commons addressed His Excellency the Governor General, as follows :—

The Commons of Canada have voted the certain supplies required to enable the Government to defray the expenses of the public service. In the name of the Commons, I present to Your Excellency the following Bill :—

An Act for granting to His Majesty certain sums of money for the Public Service for the financial year ending 30th June, 1903, to which Bill I humbly request Your Excellency's assent.

Then, after the Clerk of the Crown in Chancery had read the Title of the Bill,

The Clerk of the Senate, by His Excellency's command, did thereupon say :—

In His Majesty's name, His Excellency the Governor General thanks His loyal subjects, accept their benevolence, and assents to this Bill.

His Excellency was pleased to retire, and

The House of Commons withdrew.

FREEDOM OF LABOUR BILL.

Hon. Mr. BEIQUE—When the debate was adjourned, I was about to read section 79 of the Criminal Code as it stands now on the statute-book. It reads as follows :

An unlawful assembly is an assembly of three or more persons who, with intent to carry out any common purpose, assemble in such a manner or so conduct themselves when assembled as to cause persons in the neighbourhood of such assembly to fear, on reasonable grounds, that the persons so assembled will disturb the peace tumultuously, or will by such assembly needlessly and without any reasonable occasion provoke other persons to disturb the peace tumultuously.

2. Persons lawfully assembled may become an unlawful assembly if they conduct themselves with a common purpose in such a manner as would have made their assembling unlawful if they had assembled in that manner for that purpose.

There is a third paragraph which I will not read, as it is not specially connected with the matter under discussion. It will be noticed that the whole of section 79 is absolutely controlled by the word 'tumultuously,' and unless the assembly has that character the authorities are powerless. They have no right to interfere, and it is for that reason that the law has been found insufficient for the preserving of the peace. During the recent strikes at Montreal, the

gatherings were of this nature, three or four or five or ten persons gathered, sometimes walking on the street, and threw stones at passengers who were riding on the cars. Some of those people thus assembled assaulted the conductor of the car and the constable who was supposed to be protecting the conductor. This was the state of things which obtained during the strike of employees of the Montreal Street Railway. During the longshoremen's strike it consisted of gatherings at street corners and on the wharfs, of five or ten or twenty persons who were apparently quiet and law-abiding, but all of a sudden some of them would assault the drivers of teams, either striking them or throwing stones at them. Section 79 is insufficient and has been so proved on these occasions, because of its special wording. Under section 79, what is the sanction? The sanction is found in clause 81, which says:

> Every member of an unlawful assembly is guilty of an indictable offence and liable to one year's imprisonment.

We have it, therefore, on our statute-book that an assembly of three or more persons menacing the peace 'tumultuously' becomes an unlawful assembly and the authorities may act. The whole section is controlled by the word 'tumultuously.' What is the object of the Bill now before the House? It is proposed as a fourth paragraph to section 79 and reads as follows:

> 4. If at any time when a strike is in progress, three persons or more assemble for any purpose, which may reasonably be deemed connected with, or in sympathy with such strike, and if, while they are so assembled, any act of violence or intimidation is committed by one or more of such persons, or any threat is used by one or more of them, the said assemblage of persons shall be deemed to have been an unlawful assembly from the beginning; and each person forming part thereof when such act is done or threat used, shall be deemed to have been, from the beginning, a member of an unlawful assembly, and shall be punishable according (unless punishable as a rioter as hereinafter mentioned) even although such person has not participated in such act or threat, unless the accused shows to the satisfaction of the court or judge, that he did not commit or countenance any such unlawful act or threat.

Now, I call the attention of this House to the fact, first, that the proposed amendment to the law is intended to take effect only while a strike is in progress, and only against persons who assemble in connection with or in sympathy with a strike, and only when one or more of the persons thus assembled commit an act of violence or an act of intimidation—in other words, when one or more persons of those assembled commit an act of violence or intimidation directed against an employer or against the freedom of action of workingmen, or against the property of the employer, or against his employees. What reason is there for objecting to persons who thus assemble, under the circumstances defined in this Bill, being prosecuted? The objections to the Bill could only arise from persons who avowedly wish to break the law. It cannot be contended seriously that people have a right to assemble for the purpose of assailing their neighbours, and committing acts of violence. The Bill is only directed against such persons. Section 79 of the law as it stands makes no exception. Every person who forms part of the assembly may be arrested, and should be condemned, whether guilty or not guilty, whether the person was really connected with the other persons assembling or not. Under the Bill as drafted we give every member of the assembly this very important privilege, of escaping punishment by showing merely, to the satisfaction of the court or judge, that he did not commit or countenance any such unlawful act or threat. It seems to me that it is fair to everybody. If a person takes part in an assembly such as is described in the Bill and is found connected with persons who commit an act of violence, there is sufficient presumption against that person to put him on his trial, and the least that can be expected of him is that he will show that he did not himself commit the act of violence or countenance it. If he is unable to do that, which he can show by his own oath, it seems to me he should be rightly condemned. If we had had an Act of that kind on our statute-book last spring, it would have been sufficient to prevent the abuses to which I made an allusion a few minutes ago, and it would have been in the interests of the labour unions. It would have tended to preserve the sympathy of the public, where it was so necessary to their welfare. Objection was taken to the Bill on the ground that it was unfair to put a member of an assembly of that kind, or a person arrested, on his trial and throw on him the onus of proving he is not guilty. I

have had occasion to draw attention to a great number of sections of the Criminal Code where the same principle obtains, and therefore I had occasion to show that it is no exceptional law, and especially when we do it in such a way as to allow the person himself to offer the necessary evidence, and when he has only to show that he did not commit any of the unlawful acts described in the Bill ; it seems to me it is going as far as the law should go. I repeat that I am satisfied that this Bill is in the best interests of all parties concerned, and I would be anxious to meet, and shall try to meet on the first occasion I can, with the labour unions and discuss the matter with them, and I am confident that I can convince them that this Bill is in their best interest. Apart from the labour unions, there are other people who have rights which must be protected. It has been shown by the statistics that the members of the labour unions amount to only some 30 per cent of the working-people in the United States. Therefore, they are a minority, and as a minority they have no right, surely, to dictate terms to those who do not deem it advisable to belong to their unions, and they have no right to prevent those who desire to work from earning their living. These acts of violence are always directed against those who do not belong to the unions, and who are anxious to earn their living, and it seems to me, especially when they form the majority of the workingmen, that they are entitled to be protected and not left at the mercy of people who, through excitement or bad counsel, break the peace and demoralize the business of the whole community without any advantage to themselves. I think the bias against the Bill arises from the fact that an impression has been created that the number three, as mentioned in this Bill, is introduced for the first time by this Bill. By referring to section 79 as the law now stands, I have shown that this number three has existed for a number of years, and is no innovation. The whole object of the measure is merely as to the application of the law for the purpose of enabling the police or municipal authorities to better preserve the peace. Now, the last remark which I desire to make on the subject is this : the great benefit of this Bill will arise from the fact that it is a special law to which the papers and the municipal authorities will call the attention of the public in time of strike. It is a law to operate only in times of strike, and therefore the attention of everybody concerned will be called to the fact that this law will be enforced during the time of strike and everybody will be cautioned against infringing it. We have passed during the present session a very important Bill which is connected with that question —the Bill providing for arbitration of labour disputes. Under that Bill, which has now become law, labour unions are enabled to ask for a tribunal of arbitration for the purpose of making a speedy inquiry and showing that the demands of the men are fair and reasonable. That is the best thing which they should do. It is a law which will have a most valuable result, I have no doubt, for the purpose of enlightening public opinion and forming it in the best direction. When labour unions desire to call a strike—which they are justified in doing, provided they have good reasons for it—that is the first step they should take to show the public the fairness of their demands, and the moment that this is shown, everybody may be sure that justice will be done them, and it will be done to them, especially if the peace is preserved, and every member of the community is not made to suffer because of the breaking of the peace.

Hon. Mr. CASGRAIN (de Lanaudière)—I should like to put myself straight in this matter. As the Speaker of this House has given my name as seconding this Bill, and as I have no intention of voting for it, I should explain that in the usual way, being next to the mover, the Speaker made me seconder, but I should not like it to go out of this Senate that I am in favour of this measure. Not having a legal training, I should not like to discuss it with the hon. gentleman who has spoken so eloquently about it, but it does look strange that people will be arrested on the street and brought before a judge, and then have to prove their own innocence. That is reversing the usual order of things. Under the law as it is, those who make an arrest have to prove that the parties arrested are guilty, but under this Bill the parties arrested will have to prove they are not guilty. It would take a good

deal of trouble for some parties to prove that they are not guilty. There might be circumstances leading to suspicion of their guilt, and the policeman making the arrest will swear they are guilty, because if the arrested people are not guilty, then he will be found fault with and punished for false arrest. So, I believe with the hon. gentleman from de Lorimier, that it would be better that this Bill should stand over at least one year, and the hon. gentleman from de Salaberry, I am sure, can devise some way by which people who are arrested will not have to prove their own innocence, but that those who arrest them will have to prove their guilt.

Hon. Mr. SCOTT—I may inform the hon. gentleman that if he seconds the motion he has to vote for it.

Hon. Mr. CASGRAIN—Then I decline to second it.

The SPEAKER—I wish to say a word on the position of this Bill and the question of order. The hon. gentleman from de Salaberry moved the third reading of the Bill. The hon. gentleman from de Lorimier asked the hon. gentleman to postpone the third reading. The hon. gentleman from de Salaberry declined to postpone the third reading to another session, but he agreed to postpone it to another day; and I think the business-like way is for some hon. gentleman to move that the debate be adjourned until that other day; and the Bill can then be discussed. It is not properly under discussion now.

Hon. Mr. DANDURAND—I move in amendment to the motion for the third reading of the Bill, that the debate be adjourned until Thursday next.

Hon. Mr. SCOTT—And in the meantime that the Bill be reprinted.

The motion was agreed to.

BILLS INTRODUCED.

Bill (64) An Act to incorporate the Grand Trunk Pacific Railway Company.—(Hon. Mr. Dandurand.)

Bill (155) An Act respecting the jurisdiction of the Exchequer Court as to railway debts.—(Hon. Mr. Béique.)

Bill (180) An Act to incorporate the Maritime Railway and Transportation Company.—(Hon. Mr. Frost.)

The Senate adjourned.

THE SENATE.

Ottawa, Friday, August 14, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

COMMITTEE ON STANDING ORDERS AND PRIVATE BILLS.

MOTION.

Hon. Mr. YOUNG moved that the quorum of the Committee on Standing Orders and Private Bills be reduced to three members.

Hon. Mr. LANDRY—I rise to a point of order. The motion cannot be put for two reasons: first, it cannot be made without notice, and second, the recommendation must come from the committee itself.

Hon. Mr. YOUNG—If we must have a meeting of the committee before we reduce the quorum, we cannot meet again this session. If my hon. friend objects to my motion because of want of notice, I must give it as a notice of motion.

BROCKVILLE, WESTPORT AND NORTH-WESTERN RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. FROST moved the second reading of Bill (104) an Act to incorporate the Brockville, Westport and Northwestern Railway Company.

Hon. Mr. SULLIVAN— I should like to know where that road is to run to. I am not on the Railway Committee. I know the road very well, and have travelled on it, but I should like to know to what point the road is to be extended—whether to James' Bay or to some other point in the province, or to some place outside the province.

Hon. Mr. FROST—The road is in operation for forty-five miles, and has been for a number of years. It is to be extended in

a northwesterly direction until it reaches Sault Ste. Marie.

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

SOUTHERN CENTRAL PACIFIC RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. TEMPLEMAN moved the second reading of Bill (152) an Act to incorporate the Southern Central Pacific Railway Company. He said: This is a Bill incorporating a company to build a road from the city of Vancouver to Hudson Bay, via the Kootenay Pass.

Hon. Mr. SULLIVAN—Any particular point on Hudson Bay?

Hon. Mr. TEMPLEMAN—One hundred miles north of Fort Churchill. It is an extensive road, some 1,500 miles long probably. The Bill is of the usual character.

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

SECOND READING.

Bill (168) an Act to incorporate the Chicoutimi and North-Eastern Railway Company.—(Hon. Mr. Beique in the absence of Hon. Mr. Dandurand.)

PUBLIC AND REFORMATORY PRISONS ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (221) an Act further to amend the Act respecting Public and Reformatory Prisons. He said: There are in Ontario what are called certified industrial schools, where boys under fourteen years of age, charged with minor offences, are sent. This Bill provides that boys in the reformatory prison at present may be sent to the industrial school.

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

BINDER TWINE BOUNTY BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (233) an Act respecting the manufacture of binder twine in Canada. He said: I gave a pretty full explanation of this Bill when it was before the House for first reading. Some questions arose as to how the institution at Kingston, where binder twine is made by the prisoners, is to be affected. I find on inquiry that, owing to the large amount of binder twine made in Canada and imported, the output at Kingston really cuts no figure—that it is only three and a third per cent of the consumption, and that the practice has been, at all events for some years, to sell it only to the farmers, and as a rule it is a cent or one and a half cent below the ordinary market price. They endeavour to graduate the price so that it barely pays the expense—the cost of the material, the estimated cost of keeping the prisoners there and the value of their labour.

Hon. Sir MACKENZIE BOWELL—The real object of this Bill is to protect the Canadian manufacturer, is it not?

Hon. Mr. SCOTT—To give him the benefit, in the shape of a bounty, of the extra cost he has to pay on the raw material in consequence of the export duty put on it by the United States. It is to make it equivalent to the export duty.

Hon. Sir MACKENZIE BOWELL—Then it enables him to charge more or less, which, for the binder twine? The great doctrine the hon. gentleman has been advocating for the last fifteen or twenty years, has been the cheapening of everything used by the farmers. By this Bill he enables the manufacturer in Canada to receive more for his binder twine than he otherwise would receive if he were not given this bounty. Or if he does not get the bounty, he must close his factory and give the whole of the Canadian market to the United States. Is that the proper policy according to the doctrine of free trade, which the hon. gentleman advocated for a long time? Why should we do anything to protect those bloated manufacturers?

Hon. Mr. EDWARDS—Robbers.

Hon. Sir MACKENZIE BOWELL—I am only repeating what the hon. gentleman opposite has said so often. There is one thing I can congratulate this Senate upon, and that is the fact that the House of Commons exported the only honest, the only outspoken free trader among its members to

this branch of parliament, and I have no doubt, from the expression he has just used, that he will be just as consistent in the advocacy of the doctrines he boldly proclaims in this House, as in the other branch of the legislature. There is only this fault I have to find with him: while he advocates the doctrine of free trade, pure and simple, and looks upon all protection given to any manufacturer as a piece of robbery, when it comes to a question of voting, he has always voted with his party who were carrying out this protective doctrine. He preaches one way and votes another. His preaching is in accordance with his principles, but his vote is opposed to them. I hope my hon. friend, when it comes to a vote, will act consistently with his convictions, and vote accordingly. He will not now have to go to the people for their approval or disapproval. This Bill is just one of those evasions of the doctrine of protection adopted by the present government for the purpose of being able to say to the people, 'Oh we hold the same principles as we always did on this economic question.'

Hon. Mr. EDWARDS—For once in my life I support the hon. leader of the opposition. If he challenges a vote on this occasion, I shall vote with him.

Hon. Mr. SCOTT—I do not quite agree with my hon. friend. I regard this from a very different standpoint, and I think I can quote the fact that the greatest free trade country in the world, Great Britain——

Hon. Mr. EDWARDS—Hear, hear.

Hon. Mr. SCOTT—Has been in a position to oppose those countries which have been acting on practically the inverse proposition of this—paying a bonus to the manufacturers to enable them to sell to outside countries. They have forced them to abandon that policy. I may instance the sugar industry. In this case we put binder twine on the free list. We thought it was the most important industry for the farmers, the largest producing population of this country, and the demand for binder twine has increased extraordinarily. In 1897 the number of pounds imported was three millions odd. In 1903 fourteen millions odd. In addition to that, the manufacturers turned out ten millinos. Our manufacturers are being hit by the United States. We are now powerful enough to say we will not tolerate this kind of thing.

Hon. Sir MACKENZIE BOWELL—Quite right.

Hon. Mr. SCOTT—At the same time, we would not be justified in putting a tax on the people of this country for the binder twine, reversing the policy adopted. What is the proper paternal thing for a government to do? We will protect our manufacturers. This is a direct unfriendly act of a country alongside of us to ruin our manufacturers. We will stand by the manufacturers.

Hon. Mr. EDWARDS—I should like to ask the Secretary of State where the bounty comes from. Who pays it? Do the people pay it?

Hon. Mr. SCOTT—The general public pay it.

Hon. Mr. FROST—While the Philippine Islands were under the jurisdiction of Spain, sisal and manilla hemp came into Canada on the same terms as it came into the United States. Just as soon as the United States got control of the Philippine Islands, they levied an export duty against all other countries of a certain per cent, I think 10 per cent, on all hemp unmanufactured coming into these countries. Therefore, as the duty has been removed from twine coming into Canada, as twine has been admitted free, the manufacturers of twine were labouring under a still further burden of a differential duty of 10 per cent on the raw material. It is simply to put the manufacturers again on the same footing as their competitors that this bounty is placed upon twine, and it is perfectly fair and perfectly consistent with any free trade idea.

Hon. Mr. EDWARDS—Oh, no.

Hon. Mr. FROST—And simply a matter of justice to the manufacturers of twine in Canada.

Hon. Mr. McMULLEN—With regard to the remarks which have fallen from the hon. leader of the opposition, I have this to say: that while I many years ago very strongly opposed the very pronounced protective policy that was introduced by the government of which he was then a member, great changes have taken place since that

time. To-day we are face to face with a condition of things, as far as the United States is concerned, that is very different from that which prevailed during the time of the government of my hon. friend. My hon. friend shakes his head, but allow me to explain to him. We have come under the operation of a McKinley Bill and a Dingley Bill since the time he was in power. By the passage of these two Bills, together with the Act to which my hon. friend the Secretary of State drew attention, they have struck clearly and distinctly at Canadian trade. They have struck at Canada just as straight as they possibly could do by the passing of those Bills. The government of Canada negotiated with the government of the United States for friendly intercourse on trade lines. They went to Washington. They were met virtually, I presume, with a blunt refusal. Under those conditions, Canada is forced to take an independent course in behalf of her own manufacturing institutions, and we are bound to see that institutions that now have an existence in Canada are not destroyed by a Dingley or a McKinley tariff or by the export duty which has been referred to. To put a duty on sisal would hamper the manufacturer of twine in Canada. I entirely endorse the course pursued by the government in this matter. It is the initiation of a principle that will teach the United States, when they make a move in the direction of overtaking Canadian trade and killing and crushing out of existence our institutions here, that the government of Canada are patriotic enough to stand up for their rights and for the interests of those institutions that have a footing in Canada and have a right to expect to prosper. From that standpoint I entirely endorse the course the government have pursued. My hon. friend drew attention yesterday to the policy of granting bounties. Now, if there is any one policy that is commendable on the part of a government for the production of anything in the country which the conditions will enable us to produce, I contend that a bounty is a proper principle to adopt. For instance, take the article of pig-iron. If you do not produce it by a bounty you simply impose a very large increased cost upon the users of iron, and my hon. friend who wears a silk hat and uses no iron would not pay a single farthing of taxation towards the production of pig-iron; but when you encourage its production by a bounty, my hon. friend will pay a certain percentage on the duty on a silk hat to produce pig-iron, and it is right, and any man that buys goods which are subject to duty contributes his share to the production of pig-iron, which is a national necessity. If there is any policy by which you can fairly assist institutions, it is that of granting a bounty where the treasury of the country can afford it. I commend the government's course with regard to binder twine and pig-iron, and I commend also their course in fostering any industry for which we have the raw material and the essential conditions to maintain it, and I commend also their course in protecting our home industries as we have them. I commend them for doing that, simply because under present conditions we cannot help ourselves. We live alongside of a country adjoining ours for three thousand miles, which is ready on any occasion, under all circumstances and under any pretense, to grind out of existence by competition any institution in this country that they can overtake and reach. We as patriotic people have to depend on institutions, and whether we are protectionists or free traders, we cannot afford, in the interests of this Dominion, to allow those interests to be crushed out of existence. I admire my hon. friend's free trade policy. Free trade is a grand policy to live by and act by, if you can get countries to free trade with you, but when they will not free trade with you, when they do the same as the United States has done, when they impose duties on every possible occasion, we are driven to the necessity of respecting ourselves and standing by our own institutions and giving them a chance to live.

Hon. Mr. EDWARDS—I am very glad indeed to hear a discussion of this kind in the Senate. I wish that these discussions occurred every day, because this House might become an educational institution in so far as this country is concerned. I am very sorry to see that in recent years we have not had the discussions that we formerly had upon this important question. My hon. friend who has just resumed his seat was at best only a weak-kneed free

trader at any time; otherwise he never could have made the little speech he has delivered this afternoon. A free trader is a man who is not concerned about what the other country does. If the United States government will crush the people of the United States under the heel of tyranny which exists there in so far as protection is concerned, it is no reason why the Canadian government should follow their example and also crush the producers of the wealth of the Dominion, as has been the case in the United States. My hon. friend says that he is willing to protect home institutions. I should like to ask him if that is the question now under consideration, or whether we are dealing with a product imported from a foreign country. It is absolutely impossible to protect any home industry, any industry that is natural to Canada which must export its produce to foreign countries to be sold—perfectly impossible to protect the farmer, the lumberman, the miner or the fisherman, unless indeed you give a bounty. It is the only way you can do it. Now, I dissent absolutely from the principle of bounty-giving, exactly as I dissent from the principle of protecting imports, through the means of placing an impost on imports. I do it, why? Where does the bounty come from? The bounty comes in all cases from the people.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. EDWARDS—Just exactly as it does through the instrumentality of duties—exactly in the same way. There is no difference whatever. In so far as this great bugbear about what foreign countries do in the way of protection is concerned, who is raising that storm in Canada? It is the manufacturers of Canada, who want the protection, and those who are foolish enough to support them against the best interests of Canada. It is quite true there was a time when, with our small population, we could not manufacture specialties in this country, and it is true that in that respect the United States had a great advantage over us, but a change is coming over the conditions of Canada, and we are having enlarged population, and will soon have a very large population, and in this country we will cope with the manufacturers of the United States in every respect. I am not one of those Canadians who are afraid of the United States or the people of any other country.

Hon. Mr. McMULLEN—Because you are not in the trade—not a manufacturer.

Hon. Mr. EDWARDS—I am not a manufacturer? I am surprised at the hon. gentleman's statement that I am not a manufacturer. I am a manufacturer, and a manufacturer who opposed, in the Commons of Canada, when I had a seat there, on two or three occasions an import duty on the article I do manufacture. To-day I desire to embark in pulp and paper-making, and I only desire to embark in it when the duty is taken off the paper, because I, as a manufacturer, want no theft and won't steal anything from my fellow-man. I maintain that protectionists advocate the means by which the labour of one man is stolen by another. That is what it means, and nothing else. I believe in freedom of trade. I believe in each man being on an even keel and enjoying the fruits of his labour. Protection means nothing else than that the labour of one man is stolen by another. It is legislative theft.

Hon. Mr. CLORAN—Hear, hear.

Hon. Mr. EDWARDS—Legislative theft, and nothing more or less. For that reason, I oppose the principle of protection in the shape of bounties or in the shape of duties.

Hon. Sir MACKENZIE BOWELL—I want to congratulate my hon. friend from Wellington. I am sure the House will thank me for having uttered some opinions that have brought forth the speech which has been delivered by my whilom friend. I have a rather distinct recollection of his utterances on former occasions in the House of Commons, when the question of bounties was before parliament, but I am not going to refer to that now. The hon. Secretary of State said the other day that things change as the world progresses.

Hon. Mr. WATSON—Hear, hear.

Hon. Sir MACKENZIE BOWELL—And so do men. My hon. friend from Wellington (Mr. McMullen) would lead this House to believe, if they did not know better, that no efforts were made by the Conservative party during the seventeen years they were

in office to obtain reciprocal relations to a greater or less extent with the United States. I remember, and so does he, when in the Lower House they denounced the Conservative party as being insincere in their endeavours to obtain reciprocal relations with the United States, and I remember also that they always said that our policy was one of retaliation, which never could succeed; but if the country gave them the reins of government, in less than six months they would guarantee to the people all that they ever professed we should have. I remember coming from Washington after certain negotiations, when an hon. gentleman sitting opposite me just now, declared positively that he did not believe the statements that were made in reference to the attitude taken by the United States towards Canada on this question. The hon. gentleman's friends went to Washington immediately after they obtained power, and met with precisely the same reception that we received during the seventeen years we were in power, and it taught him at least that those who preceded him were just as honest as he was, and that what they said to parliament and the country was wholly true. He should not now arrogate to himself and his party all the credit for having tried to obtain better trade relations with the United States. Personally I do not want to see any reciprocal relations with the United States to-day. Things have changed.

Hon. Mr. McMULLEN—Hear, hear.

Hon. Sir MACKENZIE BOWELL—Canada is able to stand on her own feet and fight her own battles now, and I agree with the hon. gentleman wherever it is necessary to encourage an industry by a bounty, when it cannot be done otherwise, give it by all means. But I remember when that was proposed by the Conservative party in the House of Commons no man denounced it more forcibly than my hon. friend from Wellington. Men have changed as well as conditions. My hon. friend the Secretary of State asks would it have been right to impose a tax on the people in order to protect the industries of the country. The hon. gentleman from Wellington (Hon. Mr. McMullen) asks: 'Who pays the bounties? The hon. senator from Wellington replies 'the man who wears a silk hat ?' I do not believe in that principle. I believe a man who receives a benefit from any particular policy should pay for it, and I should not be taxed, except for the collective benefit of the country. There is the difference between my hon. friend and myself. The hon. Secretary of State tells us that we should adopt this principle because England, a free trade country, induced foreign countries to remove the bounties from sugar. I remember discussing that question repeatedly with one of our late Governor Generals—that is, Lord Lansdowne—when he wanted Canada to join with the Boards of Trade in England to urge on Germany, Belgium and other countries that gave bounties to refiners, to repeal them. Why ? Because the bounties given by Germany to the producers of the raw material, beet root sugar, had the effect of introducing sugar into England at so low a price as to close most of the sugar refineries in Scotland and other parts of the United Kingdom. As I said to His Lordship : Is not the doctrine of free trade advocated to secure to the consumers food at the cheapest possible rate ? Now, how do you reconcile your theories of free trade with the doctrine you are advocating ? We are now giving a bounty to the farmers who are growing beet root and manufacturers who are manufacturing sugar from the beet root, and if we join—Baron de Worms was then at the head of the Board of Trade—if we join in a crusade against all the others we would have to change our own policy. In doing so, if England secures what she wants, it is going to increase the price of sugar now consumed by the poorer people in Great Britain. That taxes a necessary article of food—nearly as necessary an article as wheat, or flour or any other product.' His Lordship could not answer that. He said : 'I admit what you say is correct, but it is injuring the refiners in Scotland, closing up their factories, and what are left will be closed if this bounty is not abrogated.' It is another evidence of the absurdity of the doctrine laid down by my hon. friend from Rideau (Hon. Mr. Edwards). I believe the only true principle on which to govern any country until they become as wealthy as England is the principle of protection direct, and there is the difference between my hon. friend and myself. If you put on a sufficient duty to

protect the manufacturers of binder twine, the result will be in a year or two you will have binder twine just as cheap as if you took the duty off. If, however, you take the duty off binder twine altogether, then you place Canada in precisely the same position as a state of the union is in relation to the whole confederacy. You give the United States the whole of our market, and if there be a monopoly to produce a certain article, they can easily crush out industries in new countries. My theory may be heterodox to those who pin their faith to Adam Smith and other political economists of his class. However, experience has taught us, and has taught my hon. friend opposite that, situated as we are in regard to the United States, if our neighbours adopt a certain policy we must govern ourselves accordingly. I go further than that: I would pursue a policy in this country independent of the United States altogether—no matter what policy they pursue, if it be to our interest to put any article on the free list, do so whether it affects the United States or not. If it be necessary to protect an article, I would put a protective duty on it no matter what the United States may do. The hon. gentleman from Wellington (Hon. Mr. McMullen) would lead this House and those who read his remarks to believe that there are different circumstances existing to-day from those which existed when the national policy was introduced in 1878. It is only a question of degree, at the most. The same doctrine, the same principle, the same policy prevailing in the United States in 1878 prevail to-day, with this exception, that in some articles under the McKinley Bill they raised the tariff still higher. When we went to the electors we said: 'You allow the United States to come to this country and crush our manufacturers out of existence, while they refuse to let us into their country.' The same thing prevails to-day. My hon. friend has progressed in the direction of protection, and I hope he will continue to do so. But whenever he speaks again on the subject, let him be a little more fair to those whom he formerly opposed on this question, and give them credit for doing then what he is now declaring to be the correct and proper course to pursue. If he does, he and I will go hand in hand more heartily and cordially than we would otherwise. I do not object, upon principle, to a bounty entirely. What I would prefer, however, is a high duty which would give the markets of this country to our own people, independent of the United States, no matter what their policy is—let our policy be such that our manufacturers will have within themselves the power to furnish to the consumers of this country any and all articles which now come from the United States.

Hon. Mr. WATSON—The argument advanced by the leader of the opposition that it would be preferable to have a policy of protection rather than a policy of granting bounties, is one open to criticism. Take this one item alone—I will not go outside of it to discuss the principle of protection or free trade—in Canada there must be about thirty million pounds of binder twine used each year. If the hon. gentleman had his way, and would put a protective duty on this binder twine, I venture to say he would not put it at less than one cent a pound. That would be an enormous tax, because the consumer has to pay it. There is no question about that at all, and there is no doubt if the government did not give a small bounty which I venture to say will not amount to more than ten thousand dollars a year, the Canadian manufacturer could not compete with the United States manufacturer. He would have no protection. If he gets the raw material at the same price as the United States manufacturers, he is then on an equal footing, and is not going to be crushed out; but if a policy of protection was adopted, a duty placed on the binder twine imported into this country, where the large amount stated by the Secretary of State is required, it would be a heavy tax on the farmer. We know that a few years ago when a duty was placed on binder twine as high as three cents a pound, then reduced a cent and a half, and then further reduced, and afterwards, when the present government came in, binder twine placed on the free list, we in the North-west know what it cost the farmers. In every case the binder twine sold at the price prevailing in the United States plus the duty. The farmer had to pay the duty. It was a severe tax. Talk about a duty of 25 per cent on agricultural implements. It was nothing to the binder twine tax. If a farmer bought an agricultural implement, it lasted for years, but he had to buy his binder twine

every year, and the duty amounted to an enormous tax annually. The government are right in assisting the binder twine manufacturers to manufacture in Canada on an equal footing with the manufacturers in the United States, because a large portion of the binder twine used in Canada to-day is manufactured in the United States and there is keen competition. I might just say, so far as the west is concerned, some people talk about free trade, and claim that implements ought to be put on the free list. We find in the west we have the United States and Canadian manufacturers competing for our trade. I think I am safe in saying that just now fifty per cent, perhaps, more, of the implements sold in Manitoba and the North-west Territories are of United States manufacture. We have the benefit of the keen competition between the Canadian manufacturer and his foreign rival in the prices of their goods, and we have a keen competition for the quality of goods, which is of just as much importance to the farmers in the west as the price. I believe we are really in about the best position we could be, so far as the farmers are concerned, in having this keen competition, and I believe the people who are buyers of these wares are getting the best results. If the manufacture of binder twine is retained in Canada, where it has assumed large proportions, by putting it on an equal footing with the United States industry, I believe the consumers will get the best results. It is much better to give a few thousand dollars by way of bounty to enable the Canadian manufacturer to get his raw material at the same prices as the United States manufacturer, than to pay a large amount, as they would have to do if a duty were placed on the manufactured article.

Hon. Mr. McMULLEN—Will the House allow me to say a word of explanation in reply to the hon. leader of the opposition? He has placed me in rather a false position by what he said, not intentionally, I fancy, but if he will look up 'Hansard,' he will find that in no case did I ever oppose the granting of a bounty for the protection of an article manufactured in Canada for which we have the raw material and which was largely needed and consumed within our own country. I have on several occasions advocated a bounty along that line.

Hon. Mr. WATSON.

A bounty for the purpose of producing a commodity is a very different thing, from my standpoint, from a duty imposed upon a commodity for the purpose of producing it. Because if you impose a duty those that use the article produced are the only people that contribute to the production; but if you pay by a bounty for the protection, all contribute—the whole population pay their proportionate share instead of contributing only on what they buy and consume of dutiable goods. That will be generally admitted. The hon. gentleman challenged my views to-day on this question when compared with the views that I announced when I was in the other chamber. I took very strong exception to some provisions of the protective policy that my hon. friend and those associated with him introduced. I was always opposed to extreme protection. I will give my hon. friend an instance: At one time the government imposed a duty on cotton. I think my hon. friend will remember that the outcome of that increase was that the cotton producers of Canada declared a dividend of no less than 40 per cent upon the stock of those companies.

Hon. Mr. CLORAN—Watered stock.

Hon. Mr. McMULLEN—That was the condition the first year. Afterwards they watered their stock, and gave to the holder of every share of one hundred dollars a share of stock of ten dollars, and on that share of stock they declared a dividend of 10 or 12 per cent. It is protection of that character that I condemn. I say that it is not in the interests of the people of Canada to build up a protective system of that character. I am in favour of adjusting our tariff so as to give our people an incidental advantage, to protect them from being ground out of business by a country which, by protection, has enabled its producers to sell their commodities to outsiders at lower prices than they are selling the same articles for in the home market. Take the article that has been referred to by my hon. friend from Manitoba—the article of agricultural machinery. I venture to say, if an investigation was made to-day, that agricultural machinery from the United States is sold in Manitoba cheaper than on the southern side of the border to the United States farmers. Why do the United States manu-

facturers do that? They can afford to do it simply because they have an enormous protection on their own side, and they arrange their prices in such a way that they charge their own home consumers higher prices for these very machines that they send over to Canada and sell at reduced prices in competition with the manufacturers of similar machines. I know that is a fact in connection with wind-mills. Windmills are sold cheaper here than in the United States, and why? Simply because they have a protective tariff there that enables them to extort from the pockets of their own people high prices for those things in their own country, and that protection enables them to sacrifice their surplus manufactures in foreign markets at a low price. I could give many instances of where that kind of thing exists as far as Canada is concerned, and also with regard to goods sent to England. Goods manufactured in the United States are shipped over to the British market and sacrificed there at lower prices than they command in the United States, simply because the manufacturers are forced to find an outlet for their products, and it is better to sacrifice them at 10 per cent of a loss than to shut down their mills and run only eight or nine months of the year. There was another point that my hon. friend drew attention to which I want to mention. He said we found fault because they did not go to Washington for the purpose of getting reciprocity with the United States. We did find fault, and I have told the House what we more particularly found fault with, and I hope my hon. friend will take note of what I am going to say. We found fault with the government of which my hon. friend was a member in going before the people of Canada and announcing to them that they had an invitation to go to Washington to make a commercial treaty. They asked the electors to return them to power for the purpose of carrying out that treaty, and when the papers were laid on the Table of parliament there was nothing to prove there was any truth in that statement. It was put forth for a political purpose. They intended to carry the country on that plan, and they did, and the people of Canada said, if you are going to get a reciprocity treaty of a desirable character with the United States we will support you,' and they did. But had they an invitation? They had none. It was announced for a purpose. It accomplished its end, and there was no reciprocity. That was the reason why we found fault with the government of which my hon. friend was a member. We found fault with them for not taking the people of Canada into their confidence, and telling them the actual fact, in place of misleading them for a purpose.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is all wrong. No such course was ever pursued by the Conservative party.

Hon. Mr. McMULLEN—My hon. friend says it is all wrong. My recollection is far at sea if it is not right, and I think those on this side of the House whose recollection serves them quite as well as mine does, will endorse what I say.

Hon. Mr. LANDERKIN—The hon. gentleman is quite right.

Hon. Mr. McMULLEN—For the sake of his own reputation and the reputation of the party to which he belongs, we had better bury the hatchet. We will not make anything by going back over the old record, for, after all, there have been changes. There has been a certain change in my own case, and I have given my hon. friend the reason—on account of the Dingley Bill and the McKinley Bill. We were forced by these drastic measures to take the course we have taken, and I commend the government for the manner in which they have handled the tariff in the interests of the people of this country. I commend the course they have taken with regard to binder twine, with regard to the production of pig-iron, and all those things which are so essential for the general interest and development of this country, and every move they make in that direction shall have my support.

Hon. Sir MACKENZIE BOWELL—Amen.

Hon. Mr. EDWARDS—Is it stated that the United States impose an export duty of one cent a pound on sisal exported from that country?

Hon. Mr. LANDERKIN—Yes.

Hon. Mr. EDWARDS—The United States, under its constitution, cannot impose export duties at all.

Hon. Mr. LANDERKIN—They have violated the constitution, then. They do that when they try to hurt Canada.

Hon. Mr. CLORAN—I wish to challenge the statement made by the hon. leader of the opposition when he says that this country is prosperous because of protection. I admire the courage of his convictions, but the wisdom of his attitude I contest. In the face of the experience of the past seven years, he should have become a convert from his old belief, and on account of protection, of which he is one of the great high priests, he should have put on sackcloth and ashes, for if Canada did not forge ahead as rapidly under the Conservative regime of high protection it has gone on very well under the present tariff.

Hon. Sir MACKENZIE BOWELL—I will take the sackcloth, but not the ashes.

Hon. Mr. CLORAN—I wish to challenge the statement that the prosperity of the country depends on high protection. I fought that principle on the hustings of this country for many years, and I want to tell my hon. friend opposite when he put the question to the hon. gentleman from Rockland, 'he did not understand the question because he was not a manufacturer,' that that is where protectionists have the whole question upside down. The people who understand this question in all its bearings are not so much the manufacturers, as the consumers, and I am one of them. I understand the question all the more because I am not a manufacturer, and I say here if I were a manufacturer inspired by selfish motives, as they are nearly all, I would be a high protectionist—not only a high protectionist, but a prohibitive protectionist.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman would not be honest.

Hon. Mr. CLORAN—No high and extreme protectionist is honest towards the consumer. I believe in the statement on principle.

Hon. Sir MACKENZIE BOWELL—What does the hon. gentleman think of those who are not manufacturers, but who take the same view of protection that the manufacturers do?

Hon. Mr. CLORAN—They have no right to charge me two dollars for an article that is worth only one.

Hon. Sir MACKENZIE BOWELL—But the hon. gentleman says he would be dishonest if he were a manufacturer.

Hon. Mr. CLORAN—Not in the sense the hon. gentleman means.

Hon. Sir MACKENZIE BOWELL—My hon. friend from Wellington and the hon. gentleman from Hawkesbury are not manufacturers. We think that we should protect our industries.

Hon. Mr. CLORAN—When a chip gets into the Niagara Falls it is swept down by the current, and there is selfishness in human nature which sweeps all before it. It is the tendency of all manufacturers to increase their dividends and water their stock at the expense of the consumer. It is one of the principles laid down by the Conservative leader that high protection in Canada is necessary for the prosperity and the development of the wealth of the country. I am not going to discuss the Bill now before us, but I am here to challenge the principle of legislation which the hon. leader of the opposition has laid before the House, and which will go to the country, that high protection is necessary for the welfare and development of the country. I hold that such is not the case, and our present economic conditions fully prove and uphold my contention. On this account, I am in opposition to the principle. As I said, I admit the courage of the hon. gentleman's convictions; but he ought to understand that this country has gone through a wonderful change, and it will undergo a more wonderful change for the benefit of the masses, when the tariff is lowered, and lower we shall make it—at least, the younger men of this country will do as the needs of the masses will require and the economic conditions of the country will either alter or demand.

Hon. Mr. BEIQUE—I had no intention to take part in this debate, but it has taken such an unexpected course, that I think it right that I should express my opinion on one point. The question now before the House is not at all a question which should raise a discussion on the principle of free trade and protection. The Secretary of State has very properly given a reason, which should commend itself to the approval of the house, why this bounty should

be granted, but I desire to congratulate my hon. friend from Rockland (Hon. Mr. Edwards), who, I understand was, in the other House, the third party, on having found in this house a follower in the hon. member who has just spoken. It is idle, it seems to me, to speak of free trade in this country, when both parties agree that it is necessary and advisable to have a high tariff, when that high tariff is imposed on a large line of articles with the approbation of both parties. The principle of absolute free trade has no advocate in this country. And for the very simple reason that it is not in the interests of this country that absolute free trade should exist, and it is not practical. It is necessary that we should have a revenue tariff, and the country is governed by means of the revenue that is levied in that way, and that revenue should be the means of helping such industries as can be established in this country under normal conditions. I am not one of those who believe in going to the extent of adopting the high tariff which obtains in the United States at the present time. I believe that if the United States are to-day again threatened with reaction in business, it is on account of this high tariff, which is the means of creating too much home competition and destroying their own industry and creating trusts also. It would be much more injurious in this country, where the population is very much smaller than it is in the United States, where they have a population of some 80,000,000 to draw upon. I happened to inquire into some special industries in which I was personally interested, in which I had invested my money, and I found that those industries had suffered more from too high protection than from anything else. But I wish merely to say that we should not be driven into a discussion of the principle of free trade or the principle of protection. We are almost a unit in this country in believing that it is advisable to have a pretty high tariff, and that this tariff should be used for the purpose of helping the creation of industries.

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

BILL INTRODUCED.

Bill (21) An Act to amend and consolidate the law respecting railways.—(Hon. Mr. Scott.)

The Senate adjourned.

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THE SENATE.

Ottawa, Tuesday, August 18, 1903.

The SPEAKER took the Chair at Eight o'clock.

Prayers and routine proceedings.

COST OF DOMINION CENSUS.

INQUIRY.

Hon. Mr. PERLEY rose to

Ask the government, how much it cost to take the census of Canada in each of the years 1881, 1891 and 1901 ?

Hon. Mr. SCOTT—In 1881 the cost of the Dominion census was $456,904.19. In 1891 nine schedules were distributed with an aggregate of 216 inquiries, and the cost was $570,115.54. In 1901 fifteen schedules were distributed, with an aggregate of 623 inquiries, and the cost was $1,146,050.98.

Hon. Sir MACKENZIE BOWELL—That is up to the present time ?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—All the accounts are not in yet ?

Hon. Mr. SCOTT—That is the answer they gave me. I could not say as to that. At the present time we will call it.

Hon. Sir MACKENZIE BOWELL—I suppose the hon. gentleman could not tell us what action the government propose to take in view of the developments that took place before the Public Accounts Committee in the other House, in which it was shown that some of the enumerators, or commissioners, or whatever they are called, made charges that covered expenses which were never incurred ? Perhaps the hon. gentleman has not followed that.

Hon. Mr. SCOTT—No, I have not. I suppose it will be struck off.

Hon. Sir MACKENZIE BOWELL—But they have been paid. It is only in the investigation under oath that these facts have come out.

Hon. Mr. SCOTT—Then the money ought to be recovered from them, I think.

Hon. Sir MACKENZIE BOWELL—Yes, it should be, but will it be recovered ?

QUORUM OF STANDING ORDERS COMMITTEE.

MOTION.

Hon. Mr. YOUNG moved :

That the quorum of the Standing Committee on Standing Orders be reduced to three members.

Hon. Mr. LANDRY—I raise a point of order. I think the quorum of the Standing Committee on Standing Orders should be reduced to three members only on a report of the committee to that effect, asking the House to sanction a resolution that should be passed first of all in the committee itself.

Hon. Mr. SCOTT—But if the committee cannot assemble with the requisite number, what are we going to do ? Are we going to throw out all the Bills which come before the committee ?

Hon. Mr. LANDRY—Does the hon. gentleman say that the committee is unable to assemble ?

Hon. Mr. SCOTT—So I am told.

Hon. Mr. LANDRY—He was told so on that particular day, on a Friday, when the members were leaving for home.

Hon. Mr. SCOTT—Yes, that is the reason.

Hon. Mr. LANDRY—But there is a quorum here now.

Hon. Mr. McKAY (Truro)—I understand there is a quorum here now.

Hon. Mr. YOUNG—The other day we called a meeting of the committee and certainly there was no quorum present. Those who were present discussed informally this notice of motion that I have given, and thought it would be wiser, under the circumstances, to provide that the quorum, which is now five, should be reduced to three, because, as we are drawing towards the close of the session, we are desirous to have all the work cleared up as rapidly as possible, and if there were a greater number present than those indicated, all the better, but it would facilitate the work of the committee, which is largely pro forma, and enable us to clean off the slate at any time we chose to meet. We have precedent for it, because in other years the very same course has been followed, not only with reference to this committee, but with reference to other committees towards the close of the session. No harm would arise, and I am sure all the members of the committee would be only too pleased if the committee was there in full strength to consider the remaining business that would come before us. As my hon. friend knows, that committee holds its meetings so as not to interfere with the work of the larger committees, and if it should happen that we had not a quorum, it would be impossible to get a recommendation from the majority of the committee, as he suggests, and the Bills would be delayed to a greater extent than those who are interested in them would like. It is merely to facilitate the business of the House : there is no other object in view in asking the House to pass this motion, which, I think hon. gentlemen will agree has worked very well in other years, and I know very well it will facilitate business on this occasion.

Hon. Mr. LANDRY—I do not say that the hon. member has not good reasons to make the motion, but what I contend is, that the motion does not come up in the proper way. The selection by the committee of a quorum is a question left altogether to the committee itself.

Hon. Mr. YOUNG—No.

Hon. Mr. LANDRY—I beg the hon. gentleman's pardon. When the committees are formed there is a general rule that the majority of the committee itself constitutes a quorum ; but they ordinarily fix the number of the quorum themselves, and report accordingly to the House which then approves of the report. The quorum of each committee is fixed by resolution of the committee itself, but what we are now asked to do, without any report from the committee, is to pass a resolution which in fact would destroy the resolution passed by the committee itself. The committee are the only judges in the matter, and if they want to have their quorum reduced, they should make a report, to that effect to the House, which would no doubt carry. If the hon. gentleman (Hon. Mr. Young) is right in the course he is taking any member could stand up in his place and move that the committee should be reduced ; but I contend that these things are left to the committees themselves.

Hon. Mr. POIRIER—I have no doubt the point is well taken, and the course followed by the hon. gentleman opposite is altogether incorrect. On first constituting a committee, the quorum consists of an absolute majority, and then any reduction of the quorum must be on the recommendation of the committee, presented to the House by the chairman of the committee. I am of the opinion that we should as much as possible, except in cases of absolute urgency, proceed according to the established rules and usages of the House.

Hon. Mr. SULLIVAN—The whole Senate as a body formed this committee. They created the committee, and why has not the creator of the committee the power to modify a subordinate part of that committee? It seems to me outrageous to say that this Senate cannot, in a mere formal matter of this kind, at once declare that one or any other number they think proper shall constitute a quorum.

Hon. Sir MACKENZIE BOWELL—I am rather inclined to the opinion that the point of order taken is not in accordance with the rules, and although the hon. gentleman is quite right in saying it has been the practice in the past, in this case an emergency has arisen, and the question arises whether, under rule 81, the House has not the power to do what my hon. friend on my left has suggested. The rule says:

> Every Standing or Special Committee meets, if practicable, on the next sitting day after appointment and chooses a chairman; and the majority of senators appointed on such committee constitute a quorum, unless it be otherwise ordered.

Now the question is whether it is necessary to have a report of the committee before the House recommending a reduction of a quorum, or whether we can act on the motion before the House. My impression is that we can. On the reading of it, I think the Senate has the power and authority to act on any motion which may be proposed.

Hon. Mr. McKAY (Truro)—I do not see why we should have any trouble in this business. There are enough members of the committee present to form a quorum. If we wish to reduce the quorum, we can pass a resolution to-morrow to do so.

Hon. Mr. YOUNG—The hon. gentleman forgets that the Railway Committee is to meet to-morrow. The only difference between my hon. friend who has just spoken and me, is that he proposes to have a meeting of the committee to pass a recommendation to reduce the quorum to three. They can only recommend it to the House, and the House acts finally; and whether the House acts to-night or next week, it matters not, so long as it meets the approval of the House to reduce the quorum. I agree heartily with the leader of the opposition.

Hon. Mr. BEIQUE—I would call attention to the first report of the committee on page 48. There was no mention of a quorum at all. In several instances the committees reported asking that a quorum be fixed by the Senate, but in this case there was no such demand on the part of the committee; therefore the committee as a committee did not act at all. The authority rested on rule 81, which has been cited by the hon. leader of the opposition, and therefore it seems to me to be for the Senate to take action in the matter, on the motion of the hon. gentleman from Manitoba.

Hon. Mr. POIRIER—According to my interpretation of rule 81, a majority of the senators appointed on the committee is merely meant for the first meeting of the committee. Of course the power must come originally from the House, and that applies to the quorum of the first committee; but all subsequent reductions, I believe, ought to come on a recommendation of the committee. It has been the invariable rule of this House, and the true interpretation of this rule. If I remember well, that is the practice in the House of Lords where they are not at all sure of having a majority to start work. In that case the House of Lords mentions a number lower than the absolute majority for the committee to start; but afterwards, if the committee is reduced again, it is, I believe, done according to the practice that obtains here—that 'unless otherwise ordered by the Senate' applies merely to the first meeting of the committee for starting the machinery to work. I say this with due regard, necessarily, to the opinions of hon. gentlemen who possibly may give a better interpretation than I do of rule 81.

Hon. Mr. YOUNG—Hon. gentlemen must agree that it is the Senate that orders the change of quorum.

Hon. Mr. LANDRY—I think the hon. gentleman should admit that, as the rule reads, it is in favour of the contention I make, for this reason : the practice up to date has been to leave that question to be settled by the committee itself.

Hon. Mr. YOUNG—Oh, no ; the House settles it.

Hon. Mr. LANDRY—The practice up to date has been to let the committee settle the matter itself. If the committee chooses to reduce the quorum fixed by the rules of the House, it may do so by a resolution which is reported to the House. If it does not do that, under the 81st rule, it is the majority of the members composing the committee that form a quorum. The committee are at liberty to take action or not. If they do not take action, the rule applies. If they take action, the report is made to the House, and the House approves or changes the report ; but here we had no report at all changing the quorum. I do not see how the Senate could accept any quorum but the one fixed by its own rules.

The SPEAKER—I do not think that the point of order raised by the hon. gentleman from Stadacona is well taken, for the reasons, amongst others, given by the hon. gentleman from Kingston, and the hon. leader of the opposition. I would suggest to the hon. mover of the resolution to add the words 'for the remainder of the session.'

Hon. Mr. YOUNG—I thought of that, but we cannot change, by a motion of this kind, any standing order of the House except for the session, because under other circumstances, if we wished to change the rule, the House would have to be summoned, so it must be limited to this session.

Hon. Mr. POIRIER—I have here from Bourinot—if I may be permitted to read——

The SPEAKER—Does the hon. gentleman propose to appeal from the decision of the Chair?

Hon. Mr. POIRIER—I did not hear the decision.

The SPEAKER—I decided the point of order was not well taken.

Hon. Mr. POIRIER—I refer to page 502 of Bourinot's Parliamentary Procedure. If the hon. Speaker would choose to read it, it would be to the advantage of us all. We have all been taken by surprise.

The motion was agreed to.

INCORPORATION OF BOARDS OF TRADE ACT AMENDMENT BILL.

FIRST READING.

Hon. Mr. BEIQUE introduced Bill (X) An Act to amend the Act respecting the Incorporation of Boards of Trade.

The Bill was read the first time.

Hon. Mr. BEIQUE moved that the Bill be read a second time to-morrow. He said : The object of the Bill is merely to allow boards of trade to renew their councils partially if they choose. In the law as it stands, there must be at least eight members of the council, and they have to be elected every year, and it is to allow the election to be held every year to renew the whole of the board, or renew the board only partially.

The motion was agreed to.

CERTIFICATES TO MASTERS AND MATES OF SHIPS BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (226) An Act to amend the Act respecting Certificates to Masters and Mates of Ships.

(In the Committee.)

Hon. Mr. TEMPLEMAN—When this Bill was before the House on its second reading, I explained that the purport of the Bill was to create a new class of masters and mates for what were to be called home trade voyages. That was the essential in the proposed Bill. The Bill has been held over for some time, and the department having taken the matter into consideration, has come to the conclusion that with a proper limitation of what a coasting voyage is, or should be, the object of the Bill would be attained, and it would not be necessary to create the class proposed. I have therefore to propose, instead of clauses 1

and 2, that the following shall be substituted:

2. Paragraphs (e) and (g) of the first section of such chapter, as enacted by the second section of chapter 42 of the statutes of 1894, are repealed, and the following paragraphs are substituted therefor :

(e.) That the expression 'sea-going ship' includes every ship employed in trading or going between a port or place in Canada and a port or place out of Canada, not being within the limits mentioned in paragraph (g).'

(g.) The expression 'coasting voyage' includes a voyage between any port or place on the eastern coast of Canada and any other port or place on such coast, or in Newfoundland, Labrador, St. Pierre or Miquelon, or on the eastern coast of the United States, not further south than Cape Hatteras, in the state of North Carolina, and also includes a voyage between any port or place on the western coast of Canada and any other port or place on such coast, or on the western coast of the United States, not further south than the harbour of Portland, in the state of Oregon, and not further north than Cape Spencer, in the territory of Alaska, or any inlet or bay having its entrance on the eastern side of the cape.

3. The ninth, eleventh and fourteenth sections of such chapter, as enacted respectively by the fifth, sixth and seventh sections of the said chapter 42 of the statutes of 1894, are so amended as to conform to the next preceding subsection of this section.

4. The first section of the said chapter 42 of the statutes of 1894 is repealed.

The effect of the proposed amendment will be, as I stated, that the proposition to create a home trading voyage class is abandoned, that the coasting voyage under the law is limited to what is purely, after all, a coasting business.

Hon. Sir MACKENZIE BOWELL—Do you propose to leave in clauses 2 and 3 ?

Hon. Mr. TEMPLEMAN—Clause 3 will remain, but clause 2 will be stricken out.

Hon. Sir MACKENZIE BOWELL—It is virtually a new Bill.

Hon. Mr. TEMPLEMAN—No, it is just a modification.

The motion was agreed to.

Hon. Sir MACKENZIE BOWELL—What is to be done with clause 2 ?

Hon. Mr. TEMPLEMAN—I mean to strike it out and substitute what I have just read. I move that clause 2 be stricken out.

The motion was agreed to.

Hon. Mr. TEMPLEMAN—And the following will be added at the end of the clause.

2. Nothing in this Act shall take away or impair any right or privilege held or enjoyed at the time of its passing, by any masters or mate.

That becomes necessary, from the fact that the coasting voyage which really embraced the coast of America is now limited to very narrow bounds, and a master or mate who may have obtained a certificate under the present law to enable him to sail all round Cape Horn, for that matter, will be limited under this provision.

Hon. Sir MACKENZIE BOWELL—This law is simply to affect the coasting trade ?

Hon. Mr. TEMPLEMAN—Yes.

Hon. Sir MACKENZIE BOWELL—It is to provide for masters and mates who are engaged in the coasting trade ?

Hon. Mr. TEMPLEMAN—Yes.

Hon. Sir MACKENZIE BOWELL—That would not be around Cape Horn ?

Hon. Mr. TEMPLEMAN—Yes, under the law. The coasting certificate enables a master or mate to sail round Cape Horn, I suppose, from Halifax to the city of Victoria. A literal interpretation of the law would allow him to do that. The object of this amendment is to restrict the coasting trade in the way indicated.

Hon. Sir MACKENZIE BOWELL—It would be somewhat interesting to know why you stop at the mouth of the Columbia river and go up to Vancouver and afterwards to Victoria. If you go up the Georgia strait why should not the power be given to the masters and mates to pursue that voyage which is purely internal ? It is not on the coast of the ocean proper until you get to the head of Vancouver Island, some five hundred miles from Victoria. I cannot see why the liberty to exercise power, which this intends to give them, should restrict them to the mouth of the Columbia river. The hon. gentleman knows just as well as I do that that portion of the coast is as much inland as the Bay of Quinté, or almost the Ottawa river.

Hon. Mr. TEMPLEMAN—Probably my hon. friend's geography is at fault.

Hon. Sir MACKENZIE BOWELL—No, I think not.

Hon. Mr. TEMPLEMAN—The mouth of the Columbia is very far from being inland.

Hon. Sir MACKENZIE BOWELL—Where is it ?

Hon. Mr. TEMPLEMAN—It is on the Pacific ocean.

Hon. Sir MACKENZIE BOWELL—Yes, I know that.

Hon. Mr. TEMPLEMAN—About five hundred miles south of Cape Flattery on the wide sweep of the Pacific ocean. That is the southern limit of the coasting voyage.

Hon. Sir MACKENZIE BOWELL—It is south of Seattle.

Hon. Mr. TEMPLEMAN—The city of Portland is on the Columbia river, about 100 miles from its mouth. This coasting voyage certificate enables a captain or mate to navigate a vessel to the Columbia river and up to the city of Portland on the south and to Cape Spencer in Alaska on the north, and of course necessarily through Puget Sound and up through the straits to Alaska —a limit probably of 1,500 or 2,000 miles, which is surely sufficient for all purposes of coasting trade and larger than is given to the captains on the Atlantic ocean.

Hon. Mr. ELLIS—I should like to ask a question. The United States people consider the coasting trade extends from the northern boundary of the United States, St. Croix river, up to their limit on the Pacific. I presume our idea is to allow the coasting trade to go round Cape Horn. It doesn't seem like coasting, but how are we placed with regard to that right or privilege or whatever it may be ?

Hon. Mr. TEMPLEMAN—They will be classed as sea-going.

Hon. Mr. ELLIS—But the United States coaster can go right on to California ; and are we putting our men in any different position?

Hon. Mr. POWER—If the hon. gentleman will look at the chapter of the revised statutes he will see the expression ' coasting voyage ' when the revised statutes were passed included a voyage between Canada and Newfoundland or the United States of America. In those days the practice of going round Cape Horn had not been recognized, but this Act was amended year after year so as to extend the limits of the coasting voyage until it got so far that a coasting certificate would enable a master to take a vessel around Cape Horn. There is probably no more difficult or dangerous navigation in the world than the navigation round the Horn, and when the present chairman of the Board of Examiners of masters and mates came here he felt that this was not a coasting voyage, and that no such examination as was required for masters and mates of coasting vessels should allow a master or mate to take a vessel round Cape Horn, and his first intention was to make the examination for a coasting certificate nearly as difficult as the present examination for the master or mate of a sea-going ship ; but when he came to look at the thing a little more closely he was satisfied that the better way was not to create a class as he proposed to do at first, this home trading voyage, but to define a coasting voyage as being something like a coasting voyage, and to preserve the rights of those who now have certificates, which are preserved in the second clause, which the hon. gentleman in charge of the Bill has just moved ; and I must say I think the line taken by the department seems more consistent with convenience and common sense than the old provision.

Hon. Mr. ELLIS—I will not dispute the point any further, but I should like to impress this ; that the United States people claim that 'coasting voyage' means anywhere on the United States coast. Now are we not abandoning something by this provision ?

Hon. Sir MACKENZIE BOWELL—No, there can be no question about that. The mouth of the Columbia certainly is in the United States. Whether there are any ports between the boundary line that divides the state of Washington from British Columbia, I am not prepared at this moment to say, but there certainly can be no coasting after you cross the line into the United States. They will not permit it. The other day a tug was fined $400 in one of the harbours of Lake Ontario, for moving a tow from one wharf to the other, across the harbour. They do not allow you to do even that, and the moment you reach the United States waters, whether it be on sea or not, it is impossible for any British vessel to do any coasting unless they subject themselves to the law. I think there is a great deal of force in what the hon. gentleman says in reference to sailing round Cape Horn. I remember dis-

tinctly when I occupied a seat where my hon. friend does, having this matter forced upon the government at that time, when constant changes were being made, and I think it was done for the very reason suggested by the hon. gentleman from St. John. I do not know much about shipping. It is only from what experience I have had in dealing with this law. I am rather inclined to think that the provision that is in the proposed measure is a good one, because if there is any place at all where a man should be a thoroughly certificated mariner, it would be going round Cape Horn.

The motion was agreed to.

Hon. Mr. YOUNG, from the committee, reported the Bill with certain amendments.

Hon. Mr. TEMPLEMAN moved concurrence in the amendments.

Hon. Sir MACKENZIE BOWELL—The Bill has been radically changed from the form in which it was originally introduced, and if there are any mariners in the Senate who understand the subject they should have an opportunity of seeing it. If those interested in sailing are satisfied, there is no reason why I should object.

Hon. Mr. TEMPLEMAN—The amendments can be concurred in now. The Bill can be reprinted, and if there is anything to be said it can be done on the motion for third reading.

The motion was agreed to.

THIRD READING.

Bill (221) An Act further to amend the Act respecting Public and Reformatory Prisons.—(Hon. Mr. Scott.)

BINDER TWINE BOUNTY BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (233) An Act respecting the manufacture of Binder Twine in Canada.

(In the Committee.)

Hon. Mr. PERLEY—I saw the other day in the press the estimated cost of manilla. For the last three years I think it has been 6 or 7 cents, and the highest was 8 cents a pound. I would like to know from the hon. Secretary of State what is the price of manilla used in the penitentiary?

Hon. Mr. SCOTT—I cannot tell the cost. It is a variable price. I asked the price they were selling the twine at from the penitentiary, and they said it was sold at about a cent a pound less than the cost, but there was no fixed price.

Mr. ELLIS, from the committee, reported the Bill without amendment.

The Bill was then read the third time, and passed.

INCORPORATION OF MINING COMPANIES BILL.

FIRST READING.

Hon. Mr. BEIQUE introduced Bill (Y) An Act respecting the incorporation of Mining Companies.

The Bill was read the first time.

Hon. Mr. BEIQUE moved that the Bill be read the second time on Thursday next.

Hon. Sir MACKENZIE BOWELL—Are we to understand this to be a special Bill for the facilitating of the incorporation of mining companies—taking them outside of the Joint Stock Companies Act that was passed the other day by this House?

Hon. Mr. BEIQUE—The object of the Bill is to permit companies to be incorporated, either under this Act or under the Joint Stock Companies Act. This Bill merely provides for the introduction into the law of the Dominion of the provisions which obtain under the Ontario Act for paid up shares. It is known that the practice in mining companies is to issue shares paid up, or partially paid up, and under the Joint Stock Companies Act it cannot be done. My object in introducing the Bill is to adopt these provisions which are to be found in the Ontario Act, and, I might say, in the laws of Nova Scotia and other provinces, providing for the issuing of paid up shares, or non-assessable stock, and it will be left optional to such company to organize either under this Mining Act or under the Joint Stock Companies Act. The Bill is very short. There are only three or four provisions and one of the first clauses provides that the Joint Stock Companies Act shall apply, except the provision be incompatible with the provisions of this Bill.

Hon. Sir MACKENZIE BOWELL—I hope the hon. gentleman will be able to give us good reasons why this privilege should be given specially to mining companies and not to all other meritorious enterprises seeking incorporation in this Dominion.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, August 19, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

LABOUR TROUBLES IN BRITISH COLUMBIA.

MOTION.

Hon. Mr. LOUGHEED moved:

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid on the Table of the Senate, the evidence taken, and report made by the commission appointed to inquire into the question of labour troubles or disputes in the province of British Columbia.

He said: Can my hon. friend the Secretary of State give me any information with reference to the report which I have asked for in this motion?

Hon. Mr. SCOTT—I understand from my hon. colleague that it has been received. I was not aware of it.

Hon. Mr. LOUGHEED—I understand the commission reported about three months ago, and that the report is tied up in the Printing Bureau.

Hon. Mr. SCOTT—I do not think that can be so.

Hon. Mr. LOUGHEED—If it has been in suspense so long, I think it is time it should be laid on the Table.

Hon. Mr. SCOTT—Is it not the result of the inquiry made by Mr. King, who went over the matter two or three months ago?

Hon. Mr. LOUGHEED—The Chief Justice of British Columbia and Rev. Dr. Rowe were the commissioners, I think.

Hon. Mr. SCOTT—I will find out all about it.

Hon. Mr. BEIQUE.

Hon. Mr. TEMPLEMAN—I might explain that the report is in the hands of the printer. It was made about three weeks ago—not more. It is not more than three months since the commission was appointed. The report is now in the Printing Bureau and would have been laid on the Table of parliament before this but for the fact that the chairman of the commission, Chief Justice Hunter, had wired down that there were a few corrections he desired to make, and that delayed it a couple of weeks, but I was advised by the Minister of Labour the other day that it would be laid on the Table of the House this week, probably Friday or Saturday, so that I am quite sure my hon. friend can get it at that time.

GRAND TRUNK PACIFIC RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. DANDURAND moved the second reading of Bill (64) An Act to incorporate the Grand Trunk Pacific Railway Company. He said: I suppose I am not expected to give much of an explanation of the Bill. Its object is to obtain powers to build a railway from a point in New Brunswick through the province of Quebec, touching the city of Quebec, to Winnipeg, and thence to Port Simpson on the Pacific coast. The company is asking for these powers, but the Bill provides for the right of the company to lease any part of the railway on that part of the line that will be built by the government of Canada. Practically this Bill will cover the building of the western section from Winnipeg to Port Simpson. As to that part of the road, I know that already both sides of this House are committed to the opinion that the west needs more railways, and the idea has been commended already in this Chamber of building a road from Edmonton straight to the Pacific coast. I shall not dilate upon the details of the Bill and the powers asked for. They are general powers. I content myself merely with moving the second reading, seconded by the Hon. Sir Mackenzie Bowell.

The motion was declared carried.

Hon. Mr. McMULLEN—Before the second reading of this Bill, I consider it my duty and privilege, as a member of this House, to

discuss the whole question as regards the necessity for the construction of a line from Moncton to Port Simpson.

Hon. Mr. ELLIS—I rise to a point of order. I do not wish to interrupt the hon. gentleman, and I should like to hear a good speech, which I am sure the hon. gentleman will deliver, but we have voted that this Bill be read the second time, and I would ask what the hon. gentleman is speaking to?

Hon. Mr. McMULLEN—I rose immediately before the Speaker put the question, and I think I am entirely within my right. We have a right to discuss the question of the prudence of constructing a line of this kind. I am entirely within my right to discuss it, and I desire to make some remarks upon this Bill. We know that a Bill is under discussion in the other House to which I do not intend to make any reference whatever. I simply refer to the necessity and advisability of the construction of a new line of railway, and the granting of a charter therefor, from Moncton via Quebec and Winnipeg, to Port Simpson. I have given, I may say, in my humble way, a great deal of consideration to this question, and have come to the conclusion that, from a national standpoint, the construction of such a line is an absolute necessity. I believe that Canada cannot have that line one moment too soon, whether it is constructed under this charter that we are now about to consider, or constructed by the government. I think that that line, as a measure of safety to Canada, is an absolute necessity. Take the position of the Dominion to-day in the case of war. Suppose that we had a conflict with the United States, which we earnestly hope may not occur until the day that the sun rises and sets for the last time —we earnestly hope that we shall continue to live on the best possible relations with our friends to the south of us,—but suppose anything should happen, in what position is Canada to-day ? We know from day to day that incidents do transpire between nations, as well as between individuals, that bring about a conflict of arms, and if that should occur, what would Canada's position be ? We can all remember our experience at the time of the Red river trouble some years ago. We had a great deal of difficulty at that time in getting troops from the east to the west. We know that application was made to the United States for the use of their waterway and canals at Sault Ste. Marie, and that that request was denied. We know that in order to send troops and supplies to the west we had to send them overland under very great difficulties, and it was a wonder that the troops got to the Red river at all. In case of difficulty between Canada and the United States, what is our position ? We have a lock at the Sault, but that lock might be destroyed. We do not know that it could be available for us in the case of war. We have the Canadian Pacific Railway, but we know that the line hugs the shore of Lake Superior for about 150 miles, and is liable to be destroyed at many points by a gunboat, and soldiers or supplies could not be transported by that route. We know that the treaty of 1817 between Britain and the United States has been in force virtually ever since it was ratified, only for a short period. In 1864 the United States gave notice of their intention to abrogate that treaty. Owing to the trouble that took place on the border of Quebec, by the St. Albans raiders, the United States got very much embitered, and gave notice to abrogate the treaty of 1817. After the trouble was over, the United States withdrew that notice, with the result that the treaty has been in force till the present day. Under that treaty no gunboats, no men-of-war are to be kept upon any of our inland lakes, saving and except on Lake Erie, each country is permitted to have one ; and on Lake Huron and Lake Superior each country is permitted to have two.

That is the condition of affairs. We know that the United States has made application recently for a recast of that whole treaty. For what purpose ? For the purpose of enabling her to build men-of-war on the inland lakes. She also proposes another thing that is going to very seriously interfere with the defensive position of Canada. It is proposed to widen and deepen the Erie canal all the way from Buffalo to Albany. An application is about to be made for a grant of one hundred millions of money for the purpose of deepening and enlarging that canal, so that her ships of destruction can come up when that canal is widened from the Atlantic ocean. Supposing the present treaty remains as it is, her ships of war could come up that canal

to Buffalo and all the way to Lake Superior, and destroy our lake cities and present railway inter-communication. These dangers stare us in the face, and under those conditions, I claim that it is wise that Canada should look to her future safety. Our present railway service is good—none can be better or more efficient, and I am sure there has never been a line constructed on this continent that deserves more credit and has rendered more desirable service to any country or state than the Canadian Pacific Railway has done for Canada.

Hon. Mr. FERGUSON—Hear, hear.

Hon. Mr. McMULLEN—It is a credit to Canada, and it has brought credit to Canada and has done a great deal for it, but unfortunately, as I said before, 150 miles of that road is right along the lake shore where it is open to destruction at any moment if the United States choose to invade this country. Then, in that case our east would be completely shut off from the west. We could not send up troops. We could not send any assistance whatever. Now, that is not a desirable position for Canada to occupy. It is a most unfortunate position. People may say there is no danger of war with the United States. Well, I earnestly hope there is not. I earnestly hope that I will live out the remainder of my days and that every member of this House will live out his days, and I should be glad to see some of them live to be as old as Mathusela—I hope we shall all live out our days and never see war with the United States, but after all there is a certain danger. We can remember the unfortunate difficulty between France and Germany in 1870-71, that trouble arose out of a clear sky. There was no indication whatever that war was going to take place, but simply because Prussia, of her own motion, placed a prince that was objectionable to France on the throne of Spain, what was the result? A most disastrous conflict between those two powerful nations, and terrible destruction of life and property—one of the greatest wars that took place during the century which has just passed. We do not know when trouble may arise between nations. We claim to be part and parcel of a very important empire, and we are proud of it. We believe that England will fight for us the same as we have fought for her in the recent Transvaal war. We believe she would—that she looks upon Canada as one of the brightest gems in the English Crown, and she has a right to, but after all Canada must begin to look after herself. She must begin to feel that she is getting out of her teens, and is attaining maturity, and able to maintain for ourselves our independence and dignity and to go forword in the growth and development of our country as we hope to do, and also to take steps in the direction of protecting ourselves, our homes and country. It is our right to do what we can to facilitate inter-communication between the provinces, and to meet and help and assist each other if any difficulty should overtake us. I contend that is the duty of Canada, and in view of that, we cannot construct the road that is now proposed a moment too soon. Therefore, I am in favour of giving the charter that is now sought by my hon. friend. The United States, I know, is very anxious for more military and naval glory. I am quite satisfied of that. I have travelled through that country. I have been in their banqueting halls, I have met with them, and their soldiers are full of the glories of their conquests in the recent war with Spain. I do not think they will ever be satisfied until such time as they have a conflict with some other country, and if possible another victory. I have no doubt that they think they are prepared to beat England any day, and if anything should arise to bring about a conflict, Canada's soil would be the place where the battle would be fought. There is no question about that. The United States is adding largely to her navy, spending eighty million dollars a year on it, and on her army over one hundred million a year. She is spending on her navy more than any other nation in the world except Great Britain. She is making a very strong navy and equipping her army in the most efficient way. She has 114,354 of a standing army. Under those conditions, it is not wise or prudent for Canada to sit down and look forward to unending peace. On reading over the Premier's speech on the question of the construction of this line, I came to the conclusion that, when he said it was not a time to think but a time to act, something of the ideas I now express must have been in his mind. I have

not the slightest doubt that he has looked over the whole field and sees that Canada is not in a desirable position as a nation if any trouble should arise, and that he has concluded that the construction of this road is a necessity. For my part, I certainly think it is. Besides that, the United States is not a country that we can look to as the most highly civilized and the most law-abiding in the world. We know they have their own troubles. We know they have the negro trouble that threatens them every day. During the Boer war England lost in soldiers by the use of firearms and explosives and disease 21,000 men. During the same two years and a half in the United States 31,000 people were sent to an untimely grave by lynch law, by the murderous use of firearms, and by suicide—31,000 persons went to untimely graves in the United States in the same time that the Boer war took from England 21,000 of her men in the Transvaal. If any person doubts my statement upon that point, he can look up the records for himself, and he will find that it is correct. That is the nation alongside of which we live. That is the condition of things there, and I say, under those circumstances, that Canada is perfectly justified in looking into the future and making some provision for any unfortunate disaster that might overtake her. As far as Manitoba and the Northwest are concerned, the press of the United States from time to time make remarks about the enormous resources there and the desirability of securing the trade. They are full of it. They are desirous that the trade of that country should go to St. Paul and Chicago instead of Toronto and Montreal, and other eastern cities of Canada. Now, I think parliament is justified in making a move to retain the trade of that part of Canada for ourselves. I do not look forward to the new line of railway, when built, whether by the government, or under the charter that is now before us for consideration, becoming a very important avenue for the export of the surplus produce of that section of the country. I have given the question some considerable attention, and I think the waterway will largely monopolize the export of wheat, at least during the seven months of navigation. No railway, in my humble opinion, can compete with the waterway, and in that case I think the cream of the whole trade of the Northwest will come down by our great lakes and canals; still there may be a very considerable trade to be done along the line of the railway, and also in carrying in supplies; but whether the road will pay from that standpoint or not, or whether it should become a burden on the people of Canada in the future to maintain it, the same as the Intercolonial Railway is a burden, we cannot do without it.

Hon. Mr. DOMVILLE—Not a burden.

Hon. Mr. McMULLEN—We must have it merely, because we cannot protect and defend ourselves as a nation without it under existing transport accommodations. Therefore, in my humble opinion, we must have that road. I read with very great care and considerable interest the address of the leader of the opposition in the House of Commons with regard to this whole question. He suggested that in place of the construction of this line, the Intercolonial Railway should be continued to Depot Harbour on the Georgian Bay, and that the waterway could be used. He also suggested that the Canadian Pacific Railway along the north shore of Lake Superior, should become the property of the Dominion and be used in conjunction with the Intercolonial Railway. From my standpoint, that would never suit the country. It would never accomplish the purpose that I have in view—the scheme that I say is necessary on the part of Canada, is to construct a road which will give us intercommunication between the provinces without being liable to being cut off by any collision between us and the United States. We know along the north shore of Lake Superior there is an immense rocky range back to the north to where the arable land, or land at all fit for settlement is found, over which it would be impossible to carry troops or supplies. That, of itself, may prove of considerable advantage to us some day, because when this line is built it will be so remote from any possible attack from the United States side, that it will be absolutely and entirely safe. I do hope, therefore, that this Bill will pass, and that the line will be built. I regret that the Moncton section has been tacked on to it. I am not prepared to say that that was a necessity. I think the country might be able to get along

without that, but in view of the condition that exists, in view of the dangers to which we are subject, I am willing to swallow even the Moncton section before I will do without the road at all. I want the road from Quebec to Winnipeg if we can get it without the other section to Moncton, but if we cannot get it, I am prepared to take the whole route rather than have none. I would rather that our friends in Nova Scotia would not press on the government as strenuously as they have the construction of that section. I presume it must have been with a view to meeting their request that this Bill includes a clause for that purpose. But, after all, if we cannot get this interior transcontinental line without that, then I am willing to take the project as a whole. I do not wish to detain the House further. I wanted an opportunity of expressing my views on the whole question, and I think they are justified on the second reading of this Bill. I therefore take the opportunity to lay my views before the House. They may be laughed at or sneered at, but after all, we are justified in seriously and prudently considering our own position as a nation, and while, as I said in the introduction of my remarks, it is to be hoped the day is far distant when trouble may arise between us and the United States, notwithstanding that fact, we will not be discharging our duty to ourselves and to our homes, and those who will follow us, if we do not take steps to guard our homes and our country if an invasion should occur, and we would be responsible if we did not take this step to secure the construction of this road, whether it is built by the Grand Trunk Pacific Railway Company or by the government. I have honestly and seriously considered the whole question and I look upon it as a national necessity.

Hon. Sir MACKENZIE BOWELL—In seconding the motion of my hon. friend for the second reading of this Bill, I did not intend to say a word about it. I wish it to be understood that in doing so I am not committing myself to all the provisions of the Bill, in defence of which my hon. friend has made so eloquent a speech. As to the Bill itself I see no objection to it. While dissenting from a portion of the other Bill to which my hon. friend has alluded—that is the government measure—I am fully in accord with the necessity for another transcontinental road, and having said that, I compliment my hon. friend on the loyal speech he has made. It strongly reminds me of speeches I have heard from ultra-loyal Conservatives and blue-blooded Tories in the past. I hope he will continue in that line, because it is a spirit which ought to actuate every Canadian.

Hon. Mr. LANDRY—Before the motion is carried, I should like to know if we have a copy of this Bill in French? It is one of the most important Bills of the session, and we should have the French edition of it before the motion is carried.

The SPEAKER—The question is on the motion for the second reading.

Hon. Mr. LANDRY—I have raised an objection that the Bill is not printed in French.

The SPEAKER—The hon. gentleman raised an objection after the motion was put and he is too late.

Hon. Mr. LANDRY—How could I raise an objection to a motion before the question is put?

The SPEAKER—The hon. gentleman has very often taken an objection before a motion was put, but he did not do so on this occasion.

Hon. Mr. LANDRY—I want justice to be done. I have raised the objection that this Bill is not printed in French, and cannot be read the second time to-day.

The SPEAKER—I am in the judgment of the House——

Hon. Mr. LANDRY—I want the House to understand that we want to have this Bill printed in French, and I do not want to be deprived of my right.

Hon. Mr. ELLIS—The question was put by the Chair, and the motion was carried that the Bill be read the second time. After that motion was carried, the hon. gentleman from North Wellington rose to address the House, and I objected to his speaking at that time. The motion has really been carried.

Hon. Mr. FERGUSON—The hon. member for Wellington made a long speech on the question. Surely it is not considered that

he spoke after the question was put? It was open for him to make that speech, and if it is open for a member to make a speech on the question, surely an hon. member may raise a point of order.

Hon. Mr. LANDRY—I do not see why the hon. Speaker should have two conflicting rulings.

The SPEAKER—The hon. member has spoken already three times on this question of order, though he has no right to do it. I am in the judgment of the House. This is a technical objection taken by the hon. gentleman from Stadacona. I say the time to take that objection is before the question is put by the Chair, and I am in the judgment of the House.

Hon. Mr. LANDRY—I want to call the attention of the Speaker to the fact that I do not think he has a right to call me to order. The House has that right, not the Speaker.

The SPEAKER—I am not going to discuss the matter with the hon. gentleman. The Speaker, as a member of the House, has the same right to an opinion on a question of order and has the same right to call the attention of the House to a question of order as any other member. I declare the motion carried.

Hon. Mr. LANDRY—On a division.

The Bill was read the second time.

RAILWAYS LAW CONSOLIDATION BILL.

SECOND READING POSTPONED.

The Order of the Day being called for the second reading of Bill (21) An Act to amend and consolidate the law respecting railways.

Hon. Mr. LANDRY—Before the question is put, I raise the question that this Bill is not printed in French.

Hon. Mr. SCOTT moved that the order be discharged and that it be placed on the Order paper for to-morrow.

The motion was agreed to.

Hon. Mr. LOUGHEED—May I say to my hon. friend from Stadacona, I think it is exceedingly unfortunate that a technical objection should be raised to an important Bill of this kind. While I thoroughly appreciate the rights of the French members, to have such a Bill printed in French, yet there is nothing else before the House to-day, and we should make some progress. This Bill must go to a Committee of the Whole, and it is unnecessarily postponing the business of the House to defer the second reading on a technical objection.

Hon. Mr. LANDRY—We will have plenty of time to attend to all the business on the Order paper. I want the government to understand that when they bring Bills before this House, they must have them in proper form. I took objection before, and my objection was put aside on the ground that it was not raised in time. I have taken the point of order in time now. We will see who will gain by this.

The motion was agreed to.

RAILWAY DEBTS BILL.

SECOND READING POSTPONED.

The Order of the Day being called for the second reading of Bill (155) An Act respecting the jurisdiction of the Exchequer Court as to Railway Debts.

Hon. Mr. LANDRY—Before the question is put, I raise the same objection as I did to the previous Bill.

Hon. Mr. BEIQUE moved that the Order of the Day be discharged and that it be placed on the Orders for to-morrow.

The motion was agreed to.

INCORPORATION OF BOARDS OF TRADE BILL.

SECOND READING POSTPONED.

The Order of the Day being called for the second reading of Bill (X) An Act to amend the Act respecting the incorporation of Boards of Trade.

Hon. Mr. LANDRY—Before the question is put, I raise the same objection that I did to the previous Bills. This Bill is not printed in French or in English.

Hon. Mr. BEIQUE moved that the Order of the Day be discharged and that the Bill be placed on the Orders for second reading to-morrow.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, August 20, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

VACANCY ON RAILWAY COMMITTEE.

MOTION.

Hon. Sir MACKENZIE BOWELL—The House is aware that a vacancy has occurred on the Railway Committee by the lamented death of our friend the late Senator Cochrane, and in order to fill that vacancy, with the consent of the House, I move that the Hon. P. Landry be added to the Railway Committee in place of the Hon. Mr. Cochrane, deceased. I do that because the hon. gentleman was a long time on the Railway Committee and was left off either inadvertently or designedly—it would make very little difference which. As a committee man, we always found him very useful, and as the committee meets to-morrow, if the House consent, I would make the motion now. If I have to give notice, lest some hon. gentleman should take objection to the fact that it is not printed in French, I have the motion prepared also in French.

Hon. Mr. TEMPLEMAN—I think the hon. gentleman should read the motion in French.

Several hon. MEMBERS—Read it in French.

Hon. Sir MACKENZIE BOWELL—There is a practice in this House that occasionnally members will say 'dispense,' and I will take advantage of that.

Hon. Mr. FERGUSON—Dispense.

Hon. Sir MACKENZIE BOWELL—I will dispense, and I do it with regret that I am not able to do justice to the French language. If there is no objection I make the motion now.

Hon. Mr. WATSON—Was the Hon. Mr. Cochrane on the Railway Committee ?

Hon. Sir MACKENZIE BOWELL—Yes, I would not have made this motion if he had not been.

The motion was agreed to.

FREEDOM OF LABOUR BILL.

THIRD READING.

The Order of the Day being called :

Resuming the adjourned debate on third reading (Bill S) An Act to amend the Criminal Code, 1892, respecting Free Labour.—(Hon. Mr. Dandurand.)

Hon. Mr. DANDURAND—I had occasion to state a couple of times that I was somewhat afraid that the proposed legislation would not reach the end that the hon. gentleman who is promoting this Bill has in view. The hon. gentleman desires to prevent the breaking of the peace in time of strike. I am quite sure that we are all in accord in desiring the same end. The only weak point that I see in the Bill is in the fact that it has in view the repression of an illegal act, and I have been asking myself if the law could not have been framed to render impossible the breaking of peace in time of strikes. The Bill, as it reads, makes amenable to the penal law, three or more parties who, being together in a time of strike, for a purpose in sympathy with the strike, if one of them commits an offence against the law, it renders liable to arrest all the parties who are present and surrounding the offender.

Hon. Mr. CLORAN—I rise to a point of order. The hon. gentleman says 'three or more persons assembled in sympathy with the strike.' As I read the Bill, there is no such statement of the facts.

Hon. Mr. DANDURAND—I am giving what I understand to be the object of the Bill. As I have already stated, the Bill is repressive, and I thought we could make it a preventive law. The hon. gentleman promoting this Bill said he was desirous of presenting as perfect a measure as possible to this House, and invited criticism, and modifications if we had any to offer. I am not ready to offer a Bill in complete form as it should be presented to this Chamber, but I have already mentioned the fact, that I thought a Bill could be framed to give power to magistrates, mayors and sheriffs, in times of strikes, where the strikes and non-strikers are apt to come in conflict on the streets and public places of the city, to prohibit the assemblage of more than a certain number of people, say six or eight, on the streets of the city. What we have had

to contend with has been the assemblage of men, who apparently, were peaceable and bent upon doing what was right, but coming in contact with non-strikers, men who wished to work and were working, broke the law, and with hue and cry followed the parties who were not in harmony with them and assaulted them. My idea—and if I am in this Chamber next session I may try to crystallize it into a Bill and present it to this Chamber—would be to thus prevent a meeting of people on the streets of a city when there are certain kinds of strikes, wherein contending parties are apt to come in conflict, and where the peace and order of the city may be broken by such a meeting of the contending and conflicting parties. The object of such a Bill as I have suggested, on the whole, produces as complete an effect as the Bill of my hon. friend, but what I do feel is that the hon. gentleman's Bill may be a good Bill to repress a tumultuous assembly and give certain power to the police to arrest all those connected with a tumultuous assemblage, but it seems to me it could perhaps go in a somewhat different direction and reach the same end, by preventing the assembly of people during times of certain strikes. We have at present on our statute-book—and I read it the first time I spoke on this subject—the old Vagrant Act, incorporated in the Thompson law, which defines a vagrant thus :

> Every one is a loose, idle or disorderly person, or vagrant who
> (e) loiters on any street, road, highway or public place, and obstructs passengers by standing across the footpath, or by using insulting language, or in any other way ;
> (f) causes a disturbance in or near any street, road, highway or public place, by screaming, swearing or singing, or by being drunk, or by impeding or incommoding peaceable passengers ;
> (g) by discharging firearms, or by riotous or disorderly conduct in any street or highway, wantonly disturbs the peace and quiet of the inmates of any dwelling-house near such street or highway.

So a meeting of people on the streets of the city can be dispersed, but the difficulty we had to deal with in the strike of street car motermen and conductors in Montreal, was that the parties did not loiter, but were moving in a procession, apparently in a peaceable manner, until they came in contact with the moving cars, and then they assaulted the men employed in running those cars. We have nothing in our law at present which covers the case of men moving in one direction or the other, and we can only disperse them when they become an uncontrollable and tumultuous assembly. Then, if they commit an overt act—if they break the law and become a danger to the citizens, the Riot Act can be read. The form of that proclamation, which is read by the mayor or sheriff, or justice of the peace, is as follows :—

> Our Sovereign Lady the Queen charges and commands all persons being assembled immediately to disperse and peaceably to depart to their habitations or to their lawful business, upon the pain of being guilty of an offence on conviction of which they may be sentenced to imprisonment for life.
>
> God Save the Queen.

This is after the law has been broken, when the people who have gathered are beyond control. The line upon which I should like to work, and will, at all events, try to draft a Bill, is that such a proclamation should be made when certain kinds of strike take place in municipalities and cities—not by reading the Riot Act, but simply by a proclamation issued by the magistrates. I do not intend to dissent more than to that extent from the Bill of the hon. gentleman. As I said before, and as he has himself stated, it cannot become law this session, and we will have an opportunity next session to have a friendly discussion of the question.

Hon. Mr. CLORAN—I find this Bill in its present shape and wording is still more incomprehensible than it was on its first drafting. It has been shorn of many of its dangerous limbs, but the trunk that is left is still more dangerous than the whole body when it was born. I would ask my legal confreres in this House to understand the full value and meaning of the words of this Bill. I heard the hon. leader of the opposition, at a former stage of this Bill, say that he could not comprehend it, as he was not a legal authority, but here are the words :

> If at any time when a strike is in progress three persons or more assemble for any purpose, and if while they are so asembled any unlawful act of violence——

Hon. Mr. BEIQUE—I rise to a point of order. The hon. gentleman has not the Bill as it has been reprinted.

Hon. Mr. CLORAN—Then the officers of the House are to blame. This Bill has been

put in my hands as the hon. gentleman's last expression on this matter.

Hon. Mr. BEIQUE—I have the Bill as amended and reprinted in Committee of the Whole.

Hon. Mr. CLORAN—I sent for the last copy of the Bill, and this is what has been handed to me.

Hon. Sir MACKENZIE BOWELL—I may state that the Bill in my hands is exactly in the wording of the Bill read by the hon. gentleman just now. It purports to be reprinted as amended in Committee of the Whole. I was following the hon. gentleman closely, and I see that my Bill is exactly the same as the one he is reading.

Hon. Mr. FORGET—I sent for a copy of the Bill a few minutes ago, and the one I received is exactly the same as the hon. gentleman has read it.

Hon. Mr. CLORAN—The officers of the House must be on strike. They do not carry out the wishes of the promoter of the Bill (S) marked 'printed as amended' in my hands. I shall not vote for a Bill that I have not seen. We are discussing here a matter of very great importance to citizens of the Dominion, and we do not know what we are discussing.

Hon. Mr. BEIQUE—I have on my file Bill (S) marked 'printed as amended in Committee of the Whole,' and this Bill does not read as the hon. gentleman has commenced to read clause 4. The Bill has this portion :

4. If at any time when a strike is in progress, three persons or more assemble for any purpose which may reasonably be deemed connected with, or in sympathy with such strike, and if while they are so assembled, any act of violence, &c.

Hon. Mr. CLORAN—I accept the interpretation of the Bill given by the hon. promoter, and I take decided objection to the wording of this Bill in behalf of the liberty of the citizen, not on behalf of my own personal views. I take a decided stand against this honourable House and this parliament putting on the statutes of our country a Bill which is a clear infringement of the liberty of the subject. The clause reads :

If at any time when a strike is in progress three persons or more assemble for any purpose——

We all have a right to assemble for any purpose which is not unlawful——

An hon. MEMBER—Read the other part.

Hon. Mr. CLORAN—The clause proceeds :

Which may reasonably be deemed connected with——

Now, who is going to decide whether it is reasonably connected with the strike. Is it the hon. promoter, or the hon. gentleman who puts in the objection ? If he were on the field of strike I should probably allow him to be the judge of my actions, but who is going to reasonably deem that I am connected with the strike? Is it the policeman or the magistrate ? It is the man who is going to arrest me, and who is he ? By whom is he employed ? Is he a special constable sworn in for the purpose? I say that this clause is one that this honourable House cannot accept under the circumstances. I am not opposed to the object which the hon. gentleman wishes to attain by this Bill. I do not want to be assaulted on the streets during times of strike. I do not want to have threats made against me during time of strike. The law should provide proper means whereby the safety of the person should be maintained and upheld, but this law does not provide proper means. It is an instrument of tyranny in the hands of irresponsible men, of special constables, of ordinary constables. They are the men who are to judge the conduct of myself and two or three friends on the street. There is a strike in progress. There are four or five hundred men viewing the condition of things as they are passing in a public place, or on the public streets. Take the instance of a strike on a street railway line, and which is the cause of this Bill. A car comes down. There are four or five hundred people on the street. One individual among those four or five hundred throws a stone, or strikes a blow at the motorman or conductor, or utters a threat. I happen to come along innocently with two friends. I stand on the outskirts of that crowd and the policemen come on the scene. They are not witnesses of who committed the crime, but from the very fact that an unlawful act was committed I am liable to arrest. I am liable to be brought to jail, spend my evening there, arise in the morning, send for a lawyer and witnesses to prove my good char-

acter, and that I was not interested in the strike—that I had nothing to do with the unlawful act. I say that that is an absurd condition of things to place any citizens in. Four or five hundred people are to be declared guilty ipso facto because one drunken man or one over-zealous man throws a stone or hits another man. It is a position that this House cannot afford to make the citizens of this country accept. And that is the result of this Bill. We cannot accept that position. Having had an opportunity to administer the laws of this country, I say it is not fair to place the powers which this Bill gives in the hands of ordinary men. It is not right to our citizenship. It is not respecting our liberty of assembly, and on these grounds I protest sincerely and earnestly against this measure, not, as I have said, that I am in favour of violence or threats or unlawful means. By no means, but, as I stated to gentlemen outside of this House, it is dangerous to enact a general law on the strength of a particular fact. Laws should not be general and made to apply generally because of a certain act which occurred in a certain town, and this Bill, as has been suggested, was born out of the results of that strike in Montreal, and it is to be applied to all the toiling masses in every part of this Dominion, and not only to them, but even to common spectators who happen to be with such gatherings of men in public places in our cities and towns, and on that ground I am radically opposed to it and for no other reason. The hon. promoter of this Bill in his remarks alluded to the freedom of action of labour. It strikes me that that question is not thoroughly understood even in this honourable House. The question of labour and capital is the greatest question of the day. It is occupying the minds and is the study of great men, of men in high position, of men who have at heart the welfare of human society, and I was proud here, two or three weeks ago to hear the hon. leader of the opposition quote the words of the man who was best of all entitled to speak in the name of society the late pontiff of illustrious memory, Leo XIII. If this House would take his Encyclical Letter, entitled '*Rerum Novarum*', read it and study it, they would find in it lessons of wisdom, lessons upon which sound legislation could be passed in regard to all relations which exist between labour and capital. They would find therein lessons relating to the relations between labour and capital. They would find lessons in regard to the duty of the state towards labour and labour's right and labour's duty towards the state. They would find therein the question which has troubled my mind, a question upon which I was not decided, a question of labour and fair wages. Let them read the document laid down therein, in the encyclical, and they will find words that will astonish them. They say labour must be free. Certainly labour must be free, but labour has its rights and capital has its duties towards labour. They would find also therein lessons in regard to the rights of association and of public dealing. These are points upon which I should like to call the attention of the Senate for a few minutes—not that I wish to communicate my own feelings in the matter, but to give to this honourable House, and through this honourable House to the country and to the public and labouring masses of this country, what I consider the best and the soundest doctrine in regard to this great question of labour and capital. Take for instance the first point, the relations between labour and capital, what is said ? The pontiff who is now dead wrote as follows:

> The great mistake that is made in the matter now under consideration, is to possess oneself of the idea that class is naturally hostile to class ; that rich and poor are intended by nature to live at war with one another. So irrational and so false is this view that, the exact contrary is the truth. Just as the symmetry of the human body is the result of the disposition of the members of the body, so in a state it is ordained by nature that these two classes should exist in harmony and agreement, and should, as it were, fit into one another, so as to maintain the equilibrium of the body politic. Each requires the other ; capital cannot do without labour, nor labour without capital. Mutual agreement results in pleasantness and good order ; perpetual conflict necessarily produces confusion and outrage. Now, in preventing such strife as this, and in making it impossible, the efficacy of Christianity is marvellous and manifold. First of all, there is nothing more powerful than religion (of which the church is the interpreter and guardian) in drawing rich and poor together, by reminding each class of its duties to the other, and especially of the duties of justice. Thus religion teaches the labouring man and the workman to carry out honestly and well all equitable agreements freely made, never to injure capital, nor to outrage the person of an employer ; never to employ violence in representing his own cause, nor to engage in riot and disorder : and to have nothing to do with men of evil prin-

ciples, who work upon the people with artful promises, and raise foolish hopes which usually end in disaster and in repentance when too late. Religion teaches the rich man and the employer that their work-people are not their slaves; that they must respect in every man his dignity as a man and as a Christian; that labour is nothing to be ashamed of, if we listen to right reason and to Christian philosophy, but is an honourable employment, enabling a man to sustain his life in an upright and creditable way; and that it is shameful and inhuman to treat men like chattels to make money by, or to look upon them merely as so much muscle or physical power. Thus, again, religion teaches that, as among the workmen's concerns are religion herself, and things spiritual and mental, the employer is bound to see that he has time for the duties of piety; that he be not exposed to corrupting influences and dangerous occasions; and that he be not led away to neglect his home and family or to squander his wages. Then, again, the employer must never tax his work-people beyond their strength, nor employ them in work unsuited to their sex or age. His great and principal obligation is to give to every one that which is just. Doubtless before we can decide whether wages are adequate many things have to
men and masters should remember this—that to exercise pressure for the sake of gain, upon the indigent and destitute, and to make one's profit out of the need of another, is condemned by all laws, human and divine. To defraud any one of wages that are his due is a crime which cries to the avenging anger of heaven. Behold, the hire of the labourers . . . . which by fraud has been kept back by you, crieth; and the cry of them hath entered the ears of the Lord of the Sabbaoth. Finally, the rich must religiously refrain from cutting down the workman's earnings, either by force, by fraud, or by usurious dealing; and with the more reason because the poor man is weak and unprotected, and because his slender means should be sacred in proportion to their scantiness.

Were these precepts carefully obeyed and followed would not strife die out and cease.

Now, there is the solid truth expounded. We admit that labour and capital must go hand in hand, and the legislature of a country should not be called upon to pass laws in favour of one section against the other. When laws are passed they should be made to apply generally and universally, and I contend that the law under consideration violates one of the conditions which is necessary for good legislation, the right in reference to the duty of the state. The pontiff wrote as follows:

There is another and a deeper consideration which must not be lost sight of.

To the state the interests of all are equal, whether high or low. The poor are members of the national community equally with the rich; they are real component parts, living parts, which make up, through the family, the living body; and it need hardly be said that they are by far the majority. It would be irrational to neglect one portion of the citizens and to favour another; and therefore the public administration must duly and solicitously provide for the welfare and the comfort of the working-people, or else that law of justice will be violated which ordains that each shall have his due. To cite the wise words of St. Thomas of Aquin: As the part and the whole are in a certain sense identical, the part may in some sense claim what belongs to the whole. Among the many and grave duties of rulers who would do their best for the people, the first and chief is to act with strict justice—with that justice which is called in the schools distributive—towards each and every class.

But although all citizens, without exception, can and ought to contribute to that common good in which individuals share so profitably to themselves, yet it is not to be supposed that all can contribute in the same way and to the same extent. No matter what changes may be made in forms of government, there will always be differences and inequalities of condition in the state; society cannot exist or be conceived without them. Some there must be who dedicate themselves to the work of the commonwealth, who make the laws, who administer justice, whose advice and authority govern the nation in times of peace, and defend it in war. Such men clearly occupy the foremost place in the state, and should be held in the foremost estimation, for their work touches most nearly and effectively the general interests of the community. Those who labour at a trade or calling do not promote the general welfare in such a fashion as this; but they do in the most important way benefit the nation, though less directly. We have insisted that, since it is the end of society to make men better, the chief good that society can be possessed of is virtue. Nevertheless, in all well-constituted states it is a by no means unimportant matter to provide those bodily and external commodities, the use of which is necessary to virtuous action. And in the provision of material well-being, the labour of the poor—the exercise of their skill and the employment of their strength in the culture of the land and the workshops of trade—is most efficacious and altogether indispensable. Indeed, their co-operation in this respect is so important that it may be truly said that it is only by the labour of the workingman that states grow rich.

Justice, therefore, demands that the interests of the poorer population be carefully watched over by the administration, so that they who contribute so largely to the advantage of the community may themselves share in the benefits they create—that being housed, clothed, and enabled to support life, they may find their existence less hard and more endurable. It follows that whatever shall appear to be conductive to the well-being of those who work should receive favourable consideration. Let it not be feared that solicitude of this kind will injure any interest; on the contrary, it will be to the advantage of all; for it cannot but be good for the commonwealth to secure from misery those on whom it so largely depends.

Now, there is the foundation, the only wise, true foundation, on which to build our laws—justice towards all, privileges to none, distributed justice, as he calls it. Then as far as labour, where wages are concerned, this doctrine may astonish many, but let me give it to this honourable House

and the country. This is what he says on the right of the labourer to fair wages :

Employers' moral obligation to pay fair wages.

We now approach a subject of very great importance and one on which, if extremes are to be avoided, right ideas are absolutely necessary Wages, we are told, are fixed by free consent ; and, therefore, the employer, when he pays what was agreed upon, has done his part, and is not called upon for anything further. The only way, it is said, in which injustice could happen, would be if the master refused to pay the whole of the wages, or the workman would not complete the work undertaken ; when this happens the state should intervene, to see that each obtains his own, but not under any other circumstances.

This mode of reasoning is by no means convincing to a fair-minded man, for there are important considerations which it leaves out of view altogether. To labour is to exert one's self for the sake of procuring what is necessary for the purposes of life, and most of all for self-preservation. In the sweat of thy brow thou shall eat bread. Therefore, a man's labour has two notes or characters. First of all, it is personal ; for the exertion of individual power belongs to the individual who puts it forth, employing this power for that personal profit for which it was given. Secondly, man's labour is necessary ; for without the results of labour a man cannot live ; and self-conservation is a law of nature, which it is wrong to disobey. Now, if we were to consider labour merely so far as it is personal, doubtless it would be within the workman's right to accept any rate of wages whatever ; for in the same way he is free to work or not, so he is free to accept a small remuneration or even none at all. But this is a mere abstract supposition ; the labour of the workingman is not only his personal attribute, but it is necessary ; and this makes all the difference. The preservation of life is the bounden duty of each and all, and to fail therein is a crime. It follows that each one has a right to procure what is required in order to live ; and the poor can procure it in no other way than by work and wages.

Let it be granted, then, that, as a rule, workman and employer should make free agreements, and in particular should freely agree as to wages ; nevertheless, there is a dictate of nature more imperious and more ancient than any bargain between man and man, that the remuneration must be enough to support the wage-earner in reasonable and frugal comfort. If through necessity or fear of a worse evil, the workman accepts harder conditions because an employer or contractor will give him no better, he is the victim of force and injustice. In these and similar questions, however—such as, for example, the hours of labour in different trades, the sanitary precautions to be observed in factories and workshops, &c.—in order to supersede undue interference on the part of the state, especially as circumstances, times and localities differ so widely, it is advisable that recourse be had to societies or boards such as we shall mention presently, or to some other method of safeguarding the interests of wage-earners ; the state to be asked for approval and protection.

Men strike, not because they want to do violence or injury to society ; they strike in the interests of humanity ; they strike in the interests of their children and their homes, and it is proposed that the arm of the law, by concealed efforts, such as are attempted by the promoter of this Bill, shall strike them down. In face of this document, I stand here and tell this Senate it cannot be done. On the right of association I quote to you what the late pontiff wrote :—

Civil society exists for the common good, and, therefore, is concerned with the interests of all in general, and with the individual interests in their due place and proportion. Hence, it is called public society, because by its means, as St. Thomas of Aquin says, 'Men communicate with one another in the setting up of a commonwealth.' But the societies which are formed in the bosom of the state are called private, and justly so, because their immediate purpose is the private advantage of the associates. Now, a private society, says St. Thomas again, is one which is formed for the purpose of carrying out private business ; as when two or three enter into partnership with the view of trading in conjunction. Particular societies, then, although they exist within the state, and are each a part of the state, nevertheless cannot be prohibited by the state absolutely and as such. For to enter into 'society' of this kind is the natural right of man ; and the state must protect natural rights, not destroy them ; and if it forbids its citizens to form associations, it contradicts the very principle of its own existence; for both they and it exist in virtue of the same principle, viz., the natural propensity of man to live in society.

There are times, no doubt, when it is right that the law should interfere to prevent associations ; as when men join together for purposes which are evidently bad, unjust, or dangerous to the state. In such cases the public authority may justly forbid the formation of associations, and may dissolve them when they already exist. But every precaution should be taken not to violate the rights of individuals, and not to make unreasonable regulations under the pretense of public benefit. For laws only bind when they are in accordance with right reason, and therefore with the eternal law of God * * * Let the state watch over these societies of citizens united together in the exercise of their right ; but let it not thrust itself into their peculiar concerns and their organization, for things move and live by the soul within them, and they may be killed by the grasp of a hand from without.

The hon. gentleman (Mr. Beique) intimated himself that the House of Commons would not pass this Bill. Then why ask this body to stand in a position of antagonism to the rights of labour ? We do not want crime committed either by labourers or capitalists, but this Bill is taken as an expression of animosity against the rights and privileges of labour. As I stated in some remarks I made a week ago, there is not a single organ of public opinion in the Dominion that has come out and endorsed

the hon. gentleman's Bill. I have here on my desk many organs of public opinion denouncing this Bill, not only as a bad one, but as iniquitous. From Vancouver to Halifax, the voice of the masses, as expressed through their organizations, is against this Bill, and the hon. gentleman has not been able to show us that public opinion, or the needs or the requirements of public safety, demand the passage of this Bill. On the contrary, the public feeling of this country is against it, and I hold, under the circumstances, the hon. gentleman ought to withdraw it, and give his colleague, the hon. gentleman from De Lorimier (Hon. Mr. Dandurand), a chance to draft a Bill which will meet the exigencies of the situation—that will meet the exigencies of a crowd gathered together for the purpose of committing a crime—as he said, a measure preventing crime, not through repression, which leads to the arrest of the innocent and guilty together. There may be 500 persons in an assembly, 499 of whom are against any criminal act, and because one drunken or crazy individual commits an illegal act, they are all to be held guilty and liable to be brought before the courts of the country and required to establish their innocence. That position I am radically opposed to, and I hope that the hon. promoter of the Bill will accept the advice of the hon. gentleman from De Lorimier, and leave the matter over for further consideration, and draft a Bill which will be more in accordance with the condition of things in this country.

Hon. Mr. BEIQUE—I shall trouble the House only a few minutes to say that I am sorry this Bill is the occasion of somewhat exciting the hon. member who has just spoken. He may have his own way of appreciating measures that come before this honourable House, but it seems to me he should not deny an equal right to other members. Without following the hon. member on the grounds over which he has travelled, which are very foreign to this Bill, I have had occasion already to state in what spirit the measure was presented. I desire to refer to a book which I read a few days ago with which I am in entire accord, a book published within the last two or three months by a man who has been connected with one of the leading United States universities for thirty years, and who, for the last twenty years has devoted his entire energy, and I may say, the best part of his life to the study of labour questions. I refer to a book which has been published under the title of Social Unrest, written by John Graham Brooks.

Hon. Mr. SULLIVAN—Where is he from?

Hon. Mr. BEIQUE—The United States. Without quoting extensively from this book, I shall take the trouble of reading three or four short passages which embody the true doctrine, and which will show in what spirit this question, in my humble opinion, should be approached. The author refers at the outset of the book to the Gospel of Wealth published by Andrew Carnegie, from which he cites this passage :

> The right of the workingmen to combine and to form trade unions is no less sacred than the right of the manufacturer to enter into associations and conferences with his fellows, and it must sooner or later be conceded. Indeed, it gives one but a poor opinion of the American workman if he permits himself to be deprived of a right which his fellow in England long since conquered for himself. My experience has been that trade unions, upon the whole, are beneficial both to labour and to capital. They certainly educate the workingmen and give them a truer conception of the relations of capital and labour than they could otherwise form. The ablest and best workmen eventually come to the front in these organizations.

Now, these are the very opinions which I had the honour to express when I introduced this Bill, and I find in the same book an approval of the other opinion which I had the honour to express, that nothing is so detrimental to the welfare of trades unions as the breaking of the peace, and I read from the same book, page 10 :

> Not only socialists but many of our most influential trades union leaders, have grown into larger opinions than they can yet enforce upon their followers. They are as a unit upon the importance of keeping every contract their unions sign with employers. They are as a unit against all violence against non-union men. They are often helpless before the impulsive action of some local union, but their unquestioned policy is to strengthen their organization at these weaker points.

Then, on page 149, I find the following :

> Labour leaders have learned that they cannot and ought not to succeed by personal savagery against property or persons. I have never heard more honest and passionate pleadings for law and order than from trade union officials addressing their own men in time of strikes. At such a moment John Mitchell said to his miners : 'If you want to spoil your own cause and lose every sacrifice you have made for yourselves and your families, give way to your tem-

per and commit some violence. Just a few outbreaks like this and the public goodwill, to which we must look in last resort, will fail us, and we shall deserve to lose it.' These words were not spoken for outside use, but to his own men in council. Nor are they exceptional among the more disciplined leaders in this country.

Then, on page 356, I find the following :

The sin and the weakness of the trade union has been (1) in its attitude toward the non-union man ; (2) in its sullen aversion to new inventions ; (3) in its too willing assent to check the output of work ; (4) in its tendency to discourage the best endeavour among the better and stronger workers ; (5) in its too free use of the sympathetic strike ; (6) in a far too reckless use of the boycott. The worst of our unions are guilty or every one of these counts against them. The average union is guilty in the case of part of them, but the best and strongest unions have already risen pretty clearly and cleanly above them all.

Then on page 359 the author quotes from a paper published by the labour unions, November 22, 1902, containing the following words :

Browbeating or violence on their part cannot be defended. Where that is resorted to the ethical purpose of the movement becomes obscure and hatreds are engendered that offset the brotherly spirit upon which it is founded. No matter how serious the evils to be combatted, barbarism cannot be overcome by more barbarism. If the benefits of the union cannot be made apparent to the non-member, and if the influence which they can exert collectively is insufficient to induce him to join, then their cause has little strength.

The last reference to which I desire to call attention is on page 374, where the author sums up his opinion on the question in the following words :

On the need of industrial reconstruction ; on the defects of the wage system ; on the need of extending legal regulation, there is now a very remarkable consensus of opinion among able writers, economists, business men, labour leaders and socialists trained by experience. This general acquiescence does not, of course, extend to details or to methods. It gives us, nevertheless, so broad a ground of common sympathy and understanding, that it should be made the basis of a new educational and experimental activity.

It was inspired by those doctrines, which in my humble opinion are sound doctrines, that I came to the conclusion that nothing would be so much in the interests of labour unions as to protect them against violence and against the excitement under which they naturally labour in times of strike. Notwithstanding the criticisms that I have heard, and to which I have paid attention, and after the full consideration I have given the subject, I must confess that this measure is the most moderate and preventative that I am able to devise. In times of strike, when violence has taken place, the labour unions have disclaimed being the authors of that violence. They have repeatedly asserted that the acts of violence were committed by persons who did not belong to their organization, by evil-disposed persons who interfered merely for the purpose of breaking the peace. Therefore, they are interested when an assemblage such as is described in the Bill takes place, and when it is for the purpose mentioned in the Bill, and when acts of violence are committed—as are also mentioned in the Bill, and as are necessary to bring it within the four corners of the Bill—they are interested to have the guilty parties prosecuted in order that they may be an example to others, and in order that the peace may be better preserved. The hon. member for De Lorimier has expressed the intention of trying to draft a better Bill than mine—a Bill which will better attain the object in view. He will be at liberty to do so. He has already had some time to do it, but so far he has not presented such a Bill. It is only when we have a draft of the measure that we can compare it with the one which is under discussion, but I have not heard anything which, in my humble opinion, should induce me to assent to the request which has been made by the hon. member for Victoria, to withdraw the Bill. I insist on the motion for the third reading.

Hon. Mr. BERNIER—I thought the hon. gentleman would have acceded to the request made to him, to postpone this measure until next session, but since he has not done so, as I intend to vote against the Bill, I wish to explain why I should do so. The hon. gentleman has given us some reason, and has tried to explain the spirit in which he has introduced this Bill. We are not very much concerned about the spirit ; there is nobody who thinks the hon. gentleman means mischief, but the Bill must be considered on its merits. There is nobody in this House, or outside of this House, that would countenance violence in time of strike, but really this Bill seems to go too far. In the first place, as drafted, there are some difficulties of construction about it. Leaving that aside, however, it seems

to me the Bill violates two principles which are sacred principles with British subjects. First, it is an excessive curtailment of the right of meeting. British subjects, under British institutions, have that right of meeting, and it is considered one of their most sacred rights. I say the Bill is an excessive curtailment of that right. In the second place, in the administration of the criminal law, any one who makes an accusation must establish his charge. The onus of proof is upon him. Here it is the reverse. You oblige a man to establish his innocence before the courts. That is a reversal of a general principle in our criminal law, and should not be countenanced.

Hon. Mr. DeBOUCHERVILLE—The Bill provides, in case of a riot at a meeting, it becomes an unlawful assembly. That is already provided for in the Criminal Code. But there is another objection. Under the law, people attending such a meeting, who do not take any part in the general tumult, are informed by the mayor that they must disperse before they are liable to arrest. Why does not the hon. member make the same provision here? A person may be at a meeting with the best intentions, and still he may become a member of an unlawful assembly under this Bill, and through that fact, be subject to arrest. It is strange that people should not be informed before arrest that they must disperse. Will the hon. gentleman tell us why he did not put such a clause in the Bill—that the parties in the assembly should be informed that the assembly is unlawful?

Hon. Mr. BEIQUE—I understand that the hon. member asks why, in framing the Bill, I did not provide for notice to be given to the people not to assemble.

Hon. Mr. DeBOUCHERVILLE—No, but to disperse.

Hon. Mr. BEIQUE—I have tried the best I could to frame a law which would have a practical effect, and it is designed to deal with assemblies of a kind that we have had some experience of—in the case of the longshoremen's strike, for instance. At that time ten or fifteen persons would assemble, and the police authorities could not be everywhere at one time. If the parties thus assembled had to be notified, the Bill would be without effect. The Bill is not directed against five or six persons congregating on the street at a time of strike. People cannot be prevented from doing that, but what is to be guarded against is acts of violence committed in times of strike, and people should be warned to be careful not to associate with persons who commit acts of violence. I direct the attention of hon. members to this fact, that the Bill makes it the duty of all persons assembling in connection with a strike, to see that those with whom they are meeting keep the peace. That seems to be a reasonable and right principle of legislation.

Hon. Mr. McHUGH—I have spoken a couple of times on this subject already, and I rise now merely to put myself on record as being opposed to the proposed legislation. To my mind, it deprives the labour unions in towns and cities of the right of assembling at a time when they have most need to meet to transact legitimately the business for when they are out on strike—meeting together perhaps to bring about a settlement with their employers—perhaps inviting their employers to come to it. Some evil disposed person, not belonging to the organization, may get into an assembly of that kind and create a disturbance and all at the meeting become liable to arrest and imprisonment until they establish their innocence. I do not think any one can say this Bill does not go that far. If there is any time when labour organizations require to meet, and meet for legitimate purposes, perhaps to bring around a settlement of a strike, it is at the time the strike is on. There is no difficulty in an officer of the law assuming that people who meet are in sympathy with the strike, and if some evil-disposed person gets in and creates trouble he will get the whole assembly arrested. I do not think it is the intention of the promoter of the Bill to bring about anything of that kind. The hon. gentleman says he is in sympathy with labour. The very book he quoted from said labour organizations are in this country to stay—that England had been a long way in advance of this country in that direction. I believe they have done a great deal of good. They have done harm also. Evils have followed strikes, but we must consider

the good they have done to labour, and if evils have followed in their trend it is our duty to encourage the organizations to reform those abuses, instead of trying to crush out that which has been of advantage to the labouring classes. There has never been any good bequeathed to man that evils did not follow in its train. The duty of this country is to elevate the labouring classes to a higher standard, and when they commit acts of violence to point out to them that it is only by keeping within the law that they are going to have the sympathy of the community, and that it is only in that way they can succeed in obtaining their just demands from organized capital. The hon. gentleman, the promoter of this Bill, said a moment ago that it was not his intention to injure labour organizations. I say that this Bill goes as far as I have stated—that it is going to destroy the right of meeting. People may be meeting for a legitimate purpose, to bring about a settlement, but if this Bill is enforced, it will deter them from meeting in the open and they will have resort to secret meetings. It is better to meet these people and discuss their grievances with them in the open than have them meet in secret. We ought to encourage them instead of passing arbitrary legislation such as has been before this House on more than one occasion this session.

Hon. Mr. ELLIS—The hon. gentleman who is promoting this measure, and who will not withdraw or let it stand over for a time, read to us from a book, 'The Social Unrest,' a number of quotations with regard to labour unions, which any hon. gentleman would approve of, and which, if he addressed them to labour unions, would be looked upon as sound advice. The first extract which the hon. gentleman read was advice to unions to keep within the law, but the hon. gentleman is proceeding to make the law so hard that it will be next to impossible for labour unions to keep within the law, or for any private person who may be, at the time, within the radius or influence of a strike. The principle of his Bill is objectionable, and I quite agree with the hon. gentleman from Manitoba (Hon. Mr. Bernier) that it goes much further than any law on the statute-book to curtail the right of British subjects to assemble.

Hon. Mr. McMULLEN—I did not intend to say a word upon this Bill, simply because I had expressed my views upon a previous occasion, but the hon. member who has brought it before this House deserves not only the thanks of this Chamber, but the thanks of the law-abiding and peace-loving citizens of this Dominion. We all know what exhibitions of rowdyism have taken place during strikes both in Montreal and Toronto. I am quite sure my hon. friend's object has been to frame a Bill to put a stop to such outrages, and he has bestowed his ability upon it, ability that is recognized and respected, I believe, by every member of this House. He has given his time and ability to prepare this Bill and put it in such shape that it would meet similar conditions, if they should ever occur, in Toronto, or Montreal, or any other city or town in this Dominion. My hon. friend realizes as well as I do, and as well as any other members of this House, that exhibitions of rowdyism, abuse and destruction of property that have taken place should not be tolerated in this law-abiding country. I have never seen a more contemptible exhibition of rowdyism and destruction of property in my life than I witnessed in Toronto at the time of the street car strike. In Montreal, a friend of mine, whom I know well, a man in good standing and reputation, told me he had witnessed in Montreal the most disgraceful exhibition of rowdyism he had ever known, and that even those that were brought in from the outside for the purpose of helping to carry on the business of that large commercial city were followed by boys and others crying out 'scab' and using language of the most offensive and disgraceful character. If any one can put a law upon our statute-book that will put a stop to all that kind of thing, it is a most commendable act. We do not want trades union outrages here. We know very well that they belong to the other side largely, and the evils that have resulted we can see every day by the public press of the United States. Lives are sacrificed by allowing such lawlessness and rowdyism to prevail. We do not want it here. I am sure the labour organizations do not want to be brought into disrepute by people making use of stones and brickbats as the only arguments they have to back up the cause they claim

they want to defend. If there are those who are in sympathy with the use of stones and brickbats, we want the law to go so far as to lay hold of them and prevent that. My hon. friend behind me (Hon. Mr. McHugh) says it will stop all gatherings for the purpose of discussing and trying to settle strikes when they occur. I cannot see how any sensible man can come to such a conclusion. It only declares that where two or three are assembled for a purpose, and if while they are assembled, an act of violence is committed, they are liable to be arrested. Does my hon. friend mean to say that there is danger that men on strike, while assembled in a hall, will incur risk of arrest, that one will commit an act of violence against another ? If he did, under the present law, he would be liable to be arrested. My hon. friend from Montreal (Hon. Mr. Dandurand) has suggested that the Bill should be withdrawn and left over till next year, and that next session a Bill might be introduced for the purpose of preventing acts of violence and destruction of property. With all due respect to the legal mind of my hon. friend, you cannot frame a Bill that will prevent murder or stealing. You can prepare a measure that will visit certain punishment upon men proved guilty of certain things, but you cannot frame a Bill that in the first place will preclude the possibility of men committing these offences. If my hon. friend likes, during the recess, to exercise his legal ability—and I confess he is possessed of a large amount of it—in improving this Bill of my hon. friend, there is nothing to prevent him doing so. If he thinks this Bill does not come up to the standard he considers necessary to meet the condition of things to which we have been subjected, then let him improve the Bill and introduce it next year. But I think the members of this House are doing themselves an honour, and rendering a service to the law-abiding and peace-loving community of this Dominion, when they show by their votes and by their acts that they approve of any legislation that will put a stop to rowdyism, the throwing of stones and brickbats and the destruction of property such as has been witnessed in Montreal, Toronto and other places. In passing such legislation they are doing a duty to this country and an honour to this House.

Hon. Mr. McMULLEN.

The House divided on the motion, which was agreed to on the following division :

CONTENTS :

Hon. Messieurs

Baker,	Landry,
Beique,	Lougheed,
Bolduc,	Lovitt,
Bowell,	McMillan,
(Sir Mackenzie),	McMullen,
Carling (Sir John),	McLaren,
Casgrain (Windsor),	MacKeen,
Dever,	McKay (Truro),
Dobson,	Merner,
Edwards,	Owens,
Forget,	Power (Speaker),
Fulford,	Pelletier
Frost,	(Sir Alphonse),
Ferguson,	Robertson,
Godbout,	Vidal,
Kerr (Toronto),	Wood.—31.
Kerr (Cobourg),	

NON-CONTENTS :

Hon. Messrs.

Bernier,	Landerkin,
Boucherville, de	Legris,
Casgrain	McDonald (C.B.),
(de Lanaudière),	McGregor,
Coffey,	McHugh,
Church,	Poirier,
Cloran,	Scott,
Dandurand,	Templeman,
Domville,	Watson,
Ellis,	Yeo.—20.
Fiset,	

The Bill was then read the third time, and passed.

THIRD READINGS.

Bill (192) An Act to enable the city of Winnipeg to utilize the Assiniboine River water power.—(Hon. Mr. Watson.)

Bill (160) An Act to incorporate the Stewart River Development Company.—(Hon. Mr. Young.)

MINING COMPANIES INCORPORATION BILL.

SECOND READING.

Hon. Mr. BEIQUE moved the second reading of Bill (Y) An Act respecting the incorporation of Mining Companies. He said : As will be seen, this Bill consists of only six clauses. One of the first brings into the Bill all the provisions of the Companies' Act of 1892, except such portions thereof as are in conflict with the provisions of this measure. The object of the Bill is to permit mining companies, which may be incorporated under the Companies' Act, to be incorporated under this Bill, and to obtain the right of issuing shares partly paid up—in other words, to sell shares at a

discount. Anybody who has given attention to mining matters can testify to this, that the value of a mine is always uncertain, and mining properties are, as a rule, dealt with by means of large capitalization divided into very small shares—one dollar shares; and as there is a great deal of risk involved in such enterprises, as a rule, there is a corresponding benefit by issuing shares paid up or partially paid up. In framing this Bill, I have followed and borrowed the provisions of the law in Ontario. A similar law exists in the province of British Columbia. The scrip for the shares must be marked in order to protect the public, and it is to be made plain and prominent that there is no personal liability on the shares, and that the shares are not assessable. It appears to me that it would be a good provision to put on our statute-book. Our mining wealth in this country is very important, and the development of it should be encouraged, provided we adopt proper safeguards. I think we should encourage the formation of companies. I know a number of companies that are incorporated in the United States, or under the law of Ontario, under the British Columbia Act, or in England under the Companies' Act, because they cannot find on our statute-book machinery having sufficient elasticity to permit their organizing in such a way as they may be enabled to enlist the co-operation of capitalists. That is the object I have in view in submitting this Bill to the House.

Hon. Sir MACKENZIE BOWELL— I wish to ask the government how far this Bill interferes with the Act already on the statute-book, granting patents to companies —mining or any other companies—whether the government accept this as an amendment to their Act?

Hon. Mr. SCOTT—So far, no mining company has sought incorporation under the Companies' Act outside of companies from England or the United States, who, under another Act, come in and obtain licenses to carry out the powers contained in the original charters. The Bill in no way disturbs the Companies' Act other than it will now limit the Companies' Act, in dealing with mining companies, to the provisions contained in this Bill. Of course, hereafter, if a mining company applies, all the clauses of the Companies' Act will apply except those set forth in this Bill. That is, they will be allowed to issue paid up stock at one dollar per share—allowed to sell their shares at such a discount as they please—all those peculiar features that usually accompany the incorporation of mining companies.

Hon. Mr. LOUGHEED—While I am not prepared to say that I emphatically oppose the principle of the Bill, yet I must say that I am greatly in doubt as to the propriety of passing this legislation. It seems to me, in the first place, unnecessary to pass it, inasmuch as there is legislation on the statute-book of most of the provinces, somewhat of the character embodied in this Bill, If that is the case, it seems to me that sufficient facility has been afforded to mining enterprises under provinical Acts for the issuance of that class of stock which has been referred to by the hon. gentleman who has introduced this Bill. This class of legislation is scarcely germane to the Dominion Joint Stock Companies' Act, inasmuch as mining enterprises are not peculiarly of a federal or Dominion character. They are provincial enterprises, which are virtually run and may be provided for under provincial legislation, and as I have already stated, legislation is to be found on most of the provincial statute-books in the Dominion relating to this subject. I doubt very much the wisdom or good policy of passing further legislation to assist in the over-capitalization of such mining enterprises. My observation is that notwithstanding the facilities that have been afforded under provincial legislation to permit of the issuance of paid up stock, when the stock actually has not been paid up—that that fact has not largely, or to any substantial extent, contributed to solid or satisfactory mining development. The whole trouble of to-day, not only in the mining world, but in the commercial and financial world, is largely, if not entirely, due to the over-capitalization of companies assisted by this kind of legislation. My hon. friend has referred to the facilities which have obtained in New Jersey whereby companies can readily secure all the machinery for this class of business. We know very well that the State of New Jersey has been able to realize a very substantial sum from applicants throughout

the whole of the American continent by reason of the elasticity of their legislation in this direction. The unsatisfactory state of the stock market in the United States to day, owing to the combines and trusts which have been formed there, is almost entirely due to the facilities which have been given to fictitious enterprises and fictitious capitalists through this class of legislation. I say without hesitation, that elasticity of corporate law not only in the state of New Jersey, but in the other states of the Union, and to some extent in the Dominion of Canada, has contributed very largely to the slump which has taken place in the stock market and the stagnation which we find in the financial world to-day. If there is any class of enterprise which should be safeguarded by legislation, and to which the parliament of Canada should apply its best attention, it is the protection of the pubilc against the many fictitious mining enterprises which are placed upon the market, and which are simply flotation schemes, and which yield a very large profit to the promoters without their risking anything in the first instance. I doubt if there is any class of enterprise, that appeals so readily to the gambling instincts of the investor, or the small financial man, as a mining enterprise. There is no enterprise that can be painted with so many roseate hues and such satisfactory returns in the embryo state of development as mining enterprises, and there has been no class of enterprise in Canada for years past in which such enormous amounts have been spent to put into a hole in the ground and into the pockets of promoters who never spend a dollar in the enterprise, as this particular class. It seems to me this Bill might be intituled an Act for assisting the promoter, instead of the investor in mining enterprises, and until I am convinced that the legislation which is to be found on the statute-books of the province, has not reached a desirable state to assist mining enterprises, I am not prepared to say that the Dominion parliament should extend its legislation in a similar way to what the provinces have done, with, I am satisfied, the same unsatisfactory results. I therefore regret to say that I cannot view the necessity of this legislation in the same way as my hon. friend from Montreal.

Hon. Mr. BEIQUE—I am considerably in accord with some of the remarks that have been made by the hon. gentleman from Calgary. I believe, as he does, that over-capitalization has been a great source of trouble in the United States, and should be prevented as much as possible. I am of opinion that our Companies' Act should be rather more strict than it is. Although such is my opinion in connection with ordinary enterprises, I nevertheless believe that mining properties are an exception, for this reason, that the value of a mining property cannot be ascertained beforehand. Everybody who goes into a mining venture necessarily goes into a gambling venture, to a certain extent, because it is impossible to ascertain, until a property has been developed to some extent—I may say to a considerable extent—what there is in the mine. We have seen mining properties that I could name, which were believed to be worth millions and millions of dollars, but on a sudden the mineralized vein was lost and the property became valueless. Therefore, there being so much risk involved in dealing with these properties, it is necessary to enlist the co-operation of capitalists to adopt the means embodied in this Bill that are adopted in France, in England and everywhere in dealing with mining properties, and that is the reason why I have prepared this Bill. The hon. gentleman from Calgary knows that in 1898 the North-west Territories passed a law of the very same nature as this. In 1897, the province of British Columbia passed a Bill of the same kind. In the same year the province of Ontario also passed legislation of the same nature, after a mature study of the question ; and with the experience that they have been enabled to acquire in mining matters, I have come to the conclusion that legislation of this kind is advisable. The hon. member stated that he considered the provincial Acts sufficient for the requirements of the country. In the province of Quebec, and in some of the other provinces there is no such law. Of course, this Bill can only be availed of by companies dealing with properties in more than one province. If a company is formed merely for the purpose of dealing with a property situated in one province, it cannot take advantage of this law ; but I know of companies that own mining properties in several provinces, and I fail to see why they should be compelled to organize under a foreign law, or go to the expense of asking for a special

Act of parliament to enable them to properly organize to carry on their business.

Hon. Mr. LANDRY—I would call the hon. gentleman's attention to this fact: Mines in different provinces do not stand, in regard to legislation, in the same position as a railway. A railway which runs through two or more provinces is a federal enterprise; but the proprietor of mines is proprietor of the lands on which they are found, and for the purpose of law, the proprietor is a land owner in each province where his mine is situated, and there is nothing to connect the interests he holds in the different provinces. I do not think we should in this parliament pass such legislation, and I should like, before the Bill is read the second time, that the hon. mover satisfy us that we are within the limits of our jurisdiction.

Hon. Mr. BEIQUE—The objection which the hon. member raises, might be raised against the Joint Stock Companies' Act. The Joint Stock Companies' Act is for the purpose of incorporating and deals with and applies to commercial companies and companies of all kinds; but they must, when they incorporate, in order to give jurisdiction to the parliament of Canada, declare their intention of carrying on their operations in more than one province. Otherwise it would not be within the power of the hon. Secretary of State to issue the letters patent. It will be the same with this Bill. It will apply only to such companies as intend to carry on their operations in more than one province.

Hon. Mr. LANDRY—But there might be this difference: one applies to commerce and the other to property in a province.

Hon. Mr. YOUNG—That difference does not arise.

Hon. Sir MACKENZIE BOWELL—Is not this Bill framed for the purpose of enabling these mining corporations to issue and sell their shares at a nominal sum, and then, no matter what debts the company may incur thereafter, the creditors would have no claim whatever against the shareholders.

Hon. Mr. McKAY (Truro)—That is the way they are now in each province.

Hon. Sir MACKENZIE BOWELL—That is what I understand the hon. gentleman desires to provide for in case of a Dominion charter. Is that advisable? The fourth clause says distinctly that no liability in excess of the payment paid, or agreed to be paid to the company, for shares therein shall attach to any holder of such shares, and then it goes on to provide in subsection 2 that they shall not be subject to any call for any purpose. Every one who seeks subscription for shares knows that they will in many cases offer you any number of shares at ten cents on the dollar and some as low as five cents on the dollar. You pay the five or ten cents for a share purporting to be worth one dollar, but you will not under this Bill be held for any further liability. Under this Bill, no matter what debts may be incurred by the company on the supposed value of the property, or the names of those who constitute the company, there is no security for them. We all know further that the present Lieutenant Governor of British Columbia, Sir Henri Joly, published a letter that he had received an offer of some fifty thousand dollars of stock in one of these mining companies, for the use of his name, which he indignantly refused to accept. He is not the only one who has had offers of that kind, I have had gentlemen come from British Columbia and offer me the greatest inducements if I would only give my name to the prospectus, in order that they might sell the stock on the strength of my name and other names which have some reputation in the Dominion. Every one commended Lieutenant Governor Joly for what he had done—that is, every one who had no desire to enter into these fraudulent arrangements. The present stagnation in the mining industry in British Columbia has arisen, I believe, as much from the reasons which I have given as anything else. It is true the labour difficulties have had something to do with it. As a rule I believe it is the duty of this parliament to set its face against any such flotations as that to which I have called the attention of the House. I have no doubt there are a number of public men in this country who have occupied prominent positions, and who are well known, whose names are being used in the manner I have indicated they desired to use the name of Sir Henri Joly, whom not only everybody respects but every one who knows him believes to be a thoroughly

honest, straightforward, honourable man in his private and in his business life. It is that kind of thing, I believe, this Bill is intended to encourage, and the results of which have been so well, pertinently, and forcibly pointed out by my hon. friend from Calgary. I hope the hon. gentleman who has introduced this Bill will furnish some better reasons than any he has advanced before he asks us to adopt it. I have watched the operations of these companies a great deal, from the fact of the personal applications which have been made to myself, and I know to others, for no other purpose than to impose on the community without a shadow of a prospect of getting anything out of the mines they were attempting to exploit. I think it is our duty to stop such a practice as far as we possibly can. The Companies' Act is none too strict or too severe, and I earnestly urge, for the reasons I have advanced, that no further concessions be made in this respect.

There is this about it; if you pass this Bill and a mining company is operating in each province, they will have to pay an extra tax. However, that is their business. Whether it is constitutional or not, I am not prepared to say, but I am almost inclined to think that the hon. Secretary of State concurs in the views I have put before this House. You obtain a charter under the Dominion Company's Act for carrying on business in the province of Ontario. Whether that applies to Quebec I am not sure, but I know the province of Ontario insists on the payment of a fee for permission to carry on business, and you have to make a return and pay an additional fee to the province in order to carry on your business, though you have a charter from the Dominion which gives you the right and power to carry on business in any portion of the Dominion. Whether that is constitutional or not, I would have to leave to the lawyers to decide. But they justify the tax on the ground that the Confederation Act gives them the power to levy taxes for certain purposes, and they call that, I think, under the law an extra-judicial patent of incorporation, or something of that kind, and consequently they tax you for it. However, that is a matter for mining companies to consider for themselves if this becomes law, but the advantage which this would give them would much more than compensate for any extra fee that the different provinces might impose upon them when they attempt to carry on business in a province.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. BEIQUE—I should like to draw the attention of the hon. leader of the opposition to this fact; that the safeguard which exists under the Companies' Act, whereby any company is prevented from commencing operations before a sum of ten per cent of the authorized capital has been subscribed and paid up to an extent of $30,000, will apply to this Bill, which makes it much more conservative than the local Act to which he has referred.

Hon. Mr. LOUGHEED—Would my hon. friend explain under section three of the Act how he takes telegraph and telephone companies out of section five of the Joint Stock Companies' Act, so far as the provisions of this Bill are concerned? It does not seem to me that telegraph and telephone companies are in any sense germane to the subject of this Bill, and yet a very radical change is proposed to be made in the law dealing with tramway, telegraph and telephone companies.

Hon. Mr. SCOTT—I should like to ask my hon. friend this question: Under his interpretation of this Bill, does a mining company desiring to be incorporated necessarily come under this measure?

Hon. Mr. BEIQUE—No.

Hon. Mr. SCOTT—I refuse to incorporate companies unless under certain terms that are really not named in the Companies' Act. Where a company had a capital of $100,000. I objected to allow the shares to be less than $100. Where they were $50,000 and under $100,000, I allowed the shares to be $50, and where the amount was less than $50,000, I allowed them to make the shares $25. I made that a rule. I thought it was a very good rule to lay down, because in companies where they had small shares, the opportunity for gambling prevailed to a very great extent under the semblance of a really honest mining company.

Hon. Mr. BEIQUE—Answering the question of the hon. Secretary of State first, I think it is quite plain under this Bill that parties could either ask to be incorporated under the Joint Stock Companies' Act or un-

der this Act, and of course the hon. Secretary of State might adopt rules to which the applicant would have to submit. To answer the question of the hon. gentleman from Calgary, I will call his attention to the fact that it is tramway, telegraph and telephone lines for the purpose of the company only.

Hon. Mr. SCOTT—On their own property.

Hon. Mr. BEIQUE—Yes. It is to limit them.

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

RAILWAYS LAW CONSOLIDATION BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second readoing of Bill (21) An Act to amend and consolidate the law respecting Railways. He said: The voluminous pamphlet hon. gentlemen see before them, entitled the Railway Act, is a Bill to revise, amend and consolidate the Railway Acts that stand upon the statute-book. The Railway Act was last consolidated in 1888 and since that time very considerable changes have taken place, and from year to year amendments have been made. Those amendments are revised and somewhat improved in the consolidation now before the Senate. The important feature, however, of the Bill is the transference of the work at present performed by the Railway Committee of the Privy Council to a new board called the Railway Board of Commissioners. Hon. gentlemen will probably be aware that for some years past there has been a considerable agitation to change the tribunal that should have cognizance of the various disputes that arise in regard to the operation of railways, and last session a Bill was brought in. It went no further than the House of Commons and was dropped. The important changes in reference to the transference of the business formerly performed by the Railway Committee of the Privy Council to the new tribunal was the result of inquiry and of a report made by Mr. McLean, who was said to be an expert in such matters and who examined the systems of other countries, more particularly that of the United States, and a good many of the suggestions connected with the formation of the new tribunal are due to his report. Similar changes have taken place in other countries. In England, as far back as 1873, the control and management of the railways was vested in a board, and the powers conferred on that board were very largely increased in 1888, when two commissioners were named, with salaries of £3,000 sterling, to deal with all questions arising out of the operation of railways. The two commissioners were aided by a judge of the High Court in the realm. Where a question arose in England it was an English judge. Where it arose in Scotland it was a judge of the highest court in Scotland, and the same with Ireland. This judge became associated with the two commissioners. The operation of the Act has been very successful in England, but of course the circumstances there are very much more circumscribed than here, and questions that arise in Canada do not come to the surface in Great Britain. There also has been in operation in the United States for many years a board said to have the control of the operations of railways. The central board is known as the Interstate Commerce Commission, which has its headquarters in the city of Washington. Each individual state also has a state board. I may say the system there has been somewhat of a failure, due probably to two causes. In the formation of the board a very great conflict arose between two railway companies who are very powerful in the United States, and those interested in the transportation of the products, and so the powers allotted under the statute to this board of commissioners have been so circumscribed practically and by the decisions of the courts that have over ridden them, as to render their work—I will not say valueless—but minimizing the result that had been expected, to a very low degree. One of the causes in the United States, probably, was the fact that the commissioners were underpaid. Strange to say, in a country like the United States where the mileage is greater than that in all Europe, and where the work is of a very heavy character, the pay of the commissioners of the Interstate Commerce Commission is $7,500 a year. Considering that there are railway presidents in the United States receiving $50,000 and $75,000 a year, one can quite conceive the temptation—perhaps temptation is too strong a word to

use—but the inadequacy of placing men in so important a position with such a small salary. In the state board, of course the pay is in many instances even very much less, and that is described as one of the causes why the operation of the law has not been attended with that success that was anticipated. The present Bill proposes to place all railways in Canada under the control of this board of railway commissioners except the Intercolonial Railway, which is a government railway. That is excluded, and the Canadian Pacific Railway to the extent of the question of tolls, because, as hon. gentlemen will remember, under their charter they are entitled to a tariff on their line proper which would yield them up to ten per cent before their tolls can be restricted by any tribunal, that is, by the Railway Committee or any board we may constitute. Outside of that, of course the operation of the road, in regard to the classification of freights and discriminating rates, and the variety of subjects that come before a tribunal of that kind, would come within their jurisdiction even in regard to the Canadian Pacific Railway. The board will consist of three persons, appointed for a term of ten years, and only removable, as Lieutenant Governors of provinces are removable, for cause. Their decisions on all matters of fact will be final. I find that under the English law a similar provision prevails. The decision in regard to jurisdiction, however, will be appealable to the Supreme Court. The pay of the commissioners will be as follows; the chief commissioner to receive $10,000 a year, and the two commissioners of the board $8,000 a year. The secretary will receive a salary not exceeding $3,500. The jurisdiction of course will be very large. In clause 25 there is a short enumeration of some of the powers to be confided to this tribunal. The board may make orders and regulations limiting the rate of speed of the railway trains in cities and towns, the use of steam whistles, passing from car to car, coupling of cars, sheltering of employees, fire protection generally, all matters relating to tariffs and tolls, the classification of freight rates, the question of the long and short haul, the question of rates where there are rival lines and where water carriage comes in competition with the rails, and every possible question arising in connection with the operation of a railway will be vested in this board. There will be an appeal from the board in all matters except matters of fact, of which they are to be the sole judges, to the Governor in Council. The matters embraced in the Railway Act are considerable—in reference to the insolvency of railway companies, and how railways may be sold that have become embarrassed, and how proceedings are to be taken against them. That forms a chapter in a volume. The Bill, of course, outside of the important changes to which I have adverted is largely a matter of detail. A great deal of the Bill is matter which is simply re-enacted. Portions of the Act have been amended. The Bill before the Senate very clearly shows the clauses to which amendments are made. In some instances the amendments are clerical and a rearrangement, and in some instances important changes have been made which can be pointed out to the House in committee. I regret very much that the Bill had not been printed in French, but on inquiry I found the fault was due entirely to the translators in the other House. The Bill will be distributed in French to-morrow, and I will name Tuesday a suitable day for the House to go in committee and consider all the details. In a Bill of this magnitude, hon. gentlemen are quite free to take any action they choose in reference to the Bill in the committee stage.

Hon. Mr. FORGET—Does the Bill cover electric tramways also?

Hon. Mr. SCOTT—No, except where they cross a railway under the control of the parliament of Canada at points of intersection, where they come together. There the board would have power to interfere and regulate the modes of crossing, but only to that extent.

Hon. Mr. FORGET—The passing of the Bill will put the Railway Committee of the Privy Council out of existence.

Hon. Mr. SCOTT—Oh, yes; they go out of existence altogether.

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

Hon. Mr. SCOTT moved that the Bill be referred to a Committee of the Whole House on Tuesday next.

Hon. Sir MACKENZIE BOWELL—As has been indicated by the hon. Secretary of State, this Bill is of more than ordinary importance. It is a consolidation of the whole of the Railway Act, with the addition to it of the appointment of a railway commission for the purpose of settling all disputes and difficulties that may arise in connection with the running of railways. As the hon. gentleman indicated, it being a combination of the different laws in existence in the different portions of the world, I understand and believe that it contains clauses that are not in any Railway Act either in England or the United States. I want it to be understood that I am not complaining of the consolidation of the Act, nor am I complaining of the appointment of a commission. Speaking for myself, I am rather in favour of that, and there are a large number of clauses in this Bill to which little or no objection would be taken and it might go through the Senate much more rapidly than it passed through the other House; but there are contentious clauses in it. There may be members of the House who can apprehend the actual meaning of some of these clauses, and how they will affect corporations that are in existence, and I should have been much better pleased, and I think it would be much more satisfactory, if the hon. gentleman would have allowed this Bill to be referred to the Railway Committee, where we could hear for our own information the opinions of the railway experts who really understand what the effect of some of these clauses would be upon the working of the railways. Here we may discuss it for ourselves, and unless we have some experienced railway men among us, or unless the hon. gentleman himself could explain what effect certain clauses would have upon the companies, or the operation of the railways, we ought to be in a position to call upon those who really know what the effect of enactments of this kind would be upon their companies, I understand very well that the practice is for government measures to be referred to a Committee of the Whole House, but it very often happens that important Bills are referred to standing committees, to be more fully considered. When I had the honour of introducing a Bankruptcy law, a Bill of some two or three hundred clauses, after full discussion upon the second reading, I took the responsibility of referring it to the Committee on Banking and Commerce, where we had the advantage of the experience of managers and cashiers and presidents of the different banking institutions of the country, and the effect was a number of changes and amendments and changes which would not otherwise have been made in the Bill if it had been confined to the consideration of the House itself. I have no desire to cast reflections upon any of the members of the House by insinuating that they do not fully know what the effect of this legislation would be upon the railways, but I think I am speaking within the mark when I say that the most of us—I know I can say so for myself—do not understand what effect certain clauses in this Bill would have upon the operation of the railways. It has been suggested that the non-contentious clauses might be passed in committee of the House, reserving those which we do not thoroughly understand to be considered by the Railway Committee. I think that would be a most unusual course to pursue—the referring of certain clauses to the Railway Committee, while the House itself in Committee of the Whole adopted the others. If the hon. gentleman has no serious objection, or if he thinks it would not impede the passage of this Bill, I would respectfully suggest that he should allow it to go to the Committee on Railways and Canals. I think we will get through the Bill much more satisfactorily than we otherwise would. There is one clause in the Bill which we will all understand, and that is where it compels railways to give passes to members. I think that is a most objectionable clause.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—And if any word of mine, or any motion, could strike out that clause, it will be stricken out. I am not arguing that question now, but I merely give it as an illustration. It is a vicious provision to be placed in any Bill, and for one I shall not be prepared to accept that clause. I have no desire, in making these remarks,—and I wish the hon.

Secretary of State to understand that distinctly—to impede the progress of the Bill through the House, I make the suggestion because I think it is in the interests of the Bill itself and of those who are affected by it.

Hon. Mr. SCOTT—I fully appreciate the spirit in which the observations have been made by my hon. friend opposite. When it was considered in the other House it was not referred to a committee. Had it been considered necessary when the Minister of Railways was present himself, who of course was much more familiar than I can be with the various clauses, that course might be taken. I am quite willing to adopt the suggestion that we should go through the non-contentious clauses at first, and any hon. gentleman desiring a clause to stand over for future consideration, that clause can stand. We will probably get rid of 95 per cent, or a larger proportion, of the Bill without any serious discussion, because I think the changes as to 95 per cent of the Bill can be readily pointed out. The change of jurisdiction from the present tribunal to an independent tribunal wholly apart from the government—to gentlemen of the highest standing, necessarily, that could be selected, would meet with general favour, and therefore, that particular and important change would not meet with very serious discussion; but I quite recognize that the huge interests that are affected by it ought certainly to have a voice. I have no doubt through certain channels, both in the other Chamber and in this Chamber, they will be able to explain their views in regard to the various questions that come up, and all the members of the Senate will therefore have an opportunity of hearing the views of the railway companies. I have no desire, in the slightest degree, that they should be prejudiced. On the contrary, we are all anxious that this Bill should be fair, both to the public and to the companies themselves. The tendency, no doubt, is in the direction of getting the most we can out of the railway companies, but there is such a thing as killing the goose that lays the golden egg, and therefore one has to be most cautious and careful in legislating on a subject of this kind. The railways are for the benefit of the public, but at the same time we have to recognize that the railways must receive such remuneration for their services as will enable them to give the public that fair and reasonable service that we all have a right to expect. I have no doubt we will be able to have the whole subject thoroughly discussed in a committee of this Chamber, particularly as I believe the contentious clauses will be reduced to a very narrow limit.

Hon. Mr. SULLIVAN—Could we not get expert information in a Committee of the Whole as well as in the Railway Committee?

Hon. Mr. SCOTT—I have no doubt the railway companies will be able to find ways and means of putting that information before us in papers that may be printed.

Hon. Mr. SULLIVAN—If the questions which are of a scientific nature, and not so easily understood by all the members of the committee, were put aside, it would take a short time to have these thoroughly examined afterwards.

Hon. Mr. DANDURAND—I have suggested that some of the clauses that the railway companies have taken most objection to should be discussed in a factum published by the interested party, and distributed to members of the House, who will all be equally informed as to the nature and value of the objections. After we have gone through the most, or 95 per cent of the clauses, when we come to those clauses which are more especially debatable, then if, as the hon. leader of the opposition suggests, it should be found impossible to refer those questions to a special committee once we are in Committee of the Whole House, we at all events could do what the Minister of Railways did in the other House, and instead of delegating a certain number of representatives to this Chamber to listen to an argument, we could perhaps give a few sittings informally to the gentlemen representing the diverse interests in a committee room, when we have no other committee meetings, and hear the arguments pro and con on these four or five important clauses. I do not think there will be more. So that when we reach that stage of our proceedings, we can perhaps suggest a method.

Hon. Sir MACKENZIE BOWELL—There is this difference between this body and

the lower House upon that question. In this matter they did not refer the Bill to the Railway Committee, but the Minister of Railways and Canals, who consolidated this law and who was, I may say, the father of it, had its clauses at his fingers' ends, and when it was desirable to discuss any of these contentious clauses with the officials of the railway companies, he gave them audience and was then enabled to convey it to the House. If the hon. Secretary of State would take that responsibility—he informed us that he was not much better acquainted with the details than some of the rest of us—we would be placed in precisely the same position as the lower House. I understand the Secretary of State to say that the clauses upon which debates may arise could be postponed and considered, but they would have to be considered at an adjournment of the committee, where those affected by it would not have an opportunity of addressing the meeting. The object in referring those clauses, I suppose, would be to enable the members of the House to consult with those affected by them in order to arrive at a decision as to whether they were correct or not. I presume that is the object of the suggestion made by the hon. Secretary of State. I think the other suggestion would be better, but if he thinks not, we will have to act upon his suggestion.

Hon. Mr. BERNIER—It might be well to refer the Bill to a committee. But there is this difficulty; those who are not members of the Railway Committee would not be able to avail themselves of the information given by the experts.

Hon. Sir MACKENZIE BOWELL—They could attend.

The motion was agreed to.

INCORPORATION OF BOARDS OF TRADE ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. BEIQUE moved the second reading of Bill (X) An Act to amend the Act respecting the incorporation of Boards of Trade. He said: This is a very short Bill. I have introduced it at the request of the Chamber of Commerce of Montreal. They have organized under the General Act, and their board consists of 24 members, and for the purpose of continuity of acting, they propose to renew the board each year, and the object of the Bill is to enable them to make up a number equal to that of the outgoing councillors.

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

The Senate adjourned.

THE SENATE.

Ottawa, Friday, August 21, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

A QUESTION OF PRIVILEGE.

Hon. Mr. LANDRY—I rise to a question of privilege. I gave a notice yesterday which read as follows:

That in view of the important effect which the construction of the proposed transcontinental railway will have upon the future of Canada; that an humble address be sent to the Premier, Sir Wilfrid Laurier, &c.

Somebody took upon himself to correct the motion I made, and to substitute the following:

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid upon the Table of the Senate, copies of all letters received by him from senators, protesting against or approving of the government policy in re the construction of said National Transcontinental Railway.

As a matter of fact, that was not the wording of my notice of motion, and I want the necessary corrections made, so that my notice of motion will be in the form in which I presented it; and I desire that it should be stated that nobody in this House, or outside of it, has any right to alter a notice which I give. I want that matter to be decided.

Hon. Mr. McMULLEN—I am not accurately posted in the rules of this House—not so much so as I was in the rules of the other House, but I know that where notices of motion or questions were put in, they were always corrected so as to come before the House in proper form. If it is a question regarding some document in the possession of the government, it certainly should be addressed to His Ex-

cellency. In every case we adopted that course, and I presume whoever made the alteration here followed that course, and I fancy that would be the rule here, because that is the rule in the other House, that wherever any return is asked for that affects a department, or any document in the hands or possession of the government, it is usually done by an address to His Excellency for a return.

Hon. Mr. LANDRY—But I think I ought to know better than the hon. gentleman what I was asking for. I ought to know who has the document I referred to, and it was for that reason I put in my motion that an address be presented to the hon. Premier, asking him to be kind enough to lay it on the Table. If he refuses, all right.

Hon. Sir MACKENZIE BOWELL—The practice mentioned by the hon. gentleman from Wellington never was carried so far as to change the meaning of a motion on the paper. If there were any technicality, or a word were improperly used, the Clerk would always put it right. But in this case, the motion of the hon. gentleman was asking the Premier to lay on the Table of the House correspondence which he might have received—if he had any—from any member of the Senate in reference to the transcontinental railway. But it has been materially changed, and makes the address to the Governor General praying that His Excellency will lay on the Table of the House copies of correspondence he may have had on this subject. The House will at once see the two motions are totally different. The Speaker should communicate with the Clerk to ascertain who it is that takes on himself the responsibility of changing the whole meaning of a motion, of which notice has been given in the House. If a motion be irregular—if it be disrespectful, then the attention of the House is called to it and it is set aside; but this is a vastly different thing. In this case, the hon. member read a notice asking for certain information from the Premier. Of course, the representative of the government could say he has no information of the kind, or if he has it is private, or whether it is private or not, that he would not give it; but here is a motion deliberately changed, making it a motion for an address to the Governor General, which the hon. gentleman says he never intended, not supposing or thinking that the Governor General had any such correspondence.

Hon. Mr. LANDRY—I do not believe he had any.

Hon. Mr. SCOTT—Does my hon. friend remember, in his long parliamentary practice, that a motion has ever been carried in either branch of parliament calling on any minister to produce a letter addressed to him? I have never known a case similar to that. This notice is in the form that is always used. It is usual to point out some particular paper or document that the mover of the address believes is available, and in that way it is reached; but letters or papers addressed to Sir Wilfrid Laurier, that do not go to the Council, are not papers that this House has a right to demand. It is only letters of an official character. Certainly private correspondence is not brought down on an address. I may say I have never heard of any such correspondence. There might have been without my knowing it. I should be very glad to make the inquiry.

Hon. Mr. LANDRY—If the Premier is willing to produce the correspondence, am I forbidden to ask for it? What is the rule?

Hon. Mr. SCOTT—It is asked for in the ordinary way.

Hon. Mr. LANDRY—At all events, the motion has been changed. I rose to a question of privilege, that my motion has been changed. I want it to appear as I gave it. We will discuss the other point another day.

Hon. Mr. FERGUSON—The explanation given by the hon. Secretary of State might be a good explanation, or an answer when my hon. friend's motion is presented; but that does not touch the point before us. The hon. gentleman has raised a question of privilege, that his motion has been changed so as to entirely alter its meaning, and make it perfectly valueless for the purpose he has in view. It is the changing of a motion that is before us, not whether the motion of the hon. gentleman was in the usual form or the best way of reaching the object he has in view, or whether it was in the power of the government to answer it. The question is, why was this motion

changed in such a way as to radically alter the import of it.

Hon. Mr. SCOTT—For the reason, I presume, that in the way it was first written out, it would be absolutely valueless.

Hon. Mr. FERGUSON—It would be the hon. gentleman's place to point that out, but not to change my hon. friend's motion. It would put the Secretary of State in a good position to say that the motion was irregular, if it was such a weak motion as that, but why has it been changed without notice to the hon. gentleman who gave it ?

Hon. Mr. WATSON—When the hon. gentleman from Stadacona asked for some information, he was supposed to give notice in the usual way. No officer in this House could possibly put an order on the paper asking practically for Sir Wilfrid Laurier's private correspondence, and he would naturally say there must have been some correspondence addressed to Sir Wilfrid Laurier, as Premier, on the transcontinental railway question, which the hon. gentleman desires, and he would naturally set it properly on the Order paper.

Hon. Mr. LANDRY—Who did that ?

Hon. Mr. WATSON—I do not know, but there is no officer who is familiar with the rules of the House who would put on the paper a motion asking for private correspondence of the Premier. I do not think any one ever heard of such a proposition being made before. We might as well ask for private correspondence, addressed to the leader of the opposition, or any private member of this House. It seems to me it would be folly to place an order on the paper asking for letters addressed to Sir Wilfrid Laurier or any member of parliament.

Hon. Mr. FERGUSON—The aim of the hon. gentleman from Stadacona was to ask for letters addressed to the Premier. It is changed so as to call for letters addressed to His Excellency.

Hon. GENTLEMEN—No, no.

Hon. Mr. FERGUSON—Oh, yes. It is letters received 'by him'—that is, by His Excellency, when the hon. gentleman's request and object was to get letters addressed to the Premier. The motion has been so radically changed that it defeats the entire object of the hon. gentleman's notice.

Hon. Mr. POIRIER—This point is rather serious, not that there may be anything in the question put—it may be absolutely out of order. I am not discussing that point, but I seriously call the attention of the powers that be to the fact that somebody is assuming that motions should not be placed on the orders except in a certain way. I consider it an impertinence, simply an impertinence, to have acted in that way. There is a mode of procedure which obtains among gentlemen assembled together, either in a club or in the House of Commons, or in the Senate. If there was anything in that motion that should not appear, the party who impertinently altered it should have consulted the mover and pointed out to him the irregularity and have the matter properly arranged ; but for any one, either an employee or senator, whoever he may be, to take upon himself to change a motion, to assume that he knows what is wanted better than the one who gave the notice—to take upon himself the changing of a motion without having the courtesy to consult the party who read it, I say is a breach of privilege. Such assumptions by parties have been made during this session. I will not make any complaint myself, but I have been treated here as if I was simply a third-class clerk in the service of the Senate. We have privileges, and if we allow any member to be treated the way the hon. gentleman has been treated in this instance, any of us—the Speaker, the leader of the government, or the leader of the opposition—may be treated in the same way. We are all here on a par, and I say when a motion is irregular, irrelevant or not in proper form, the attention of the mover should be called to it, and no one, whether he be a senator or not, should take it upon himself to change it, as has been done in this case.

Hon. Mr. VIDAL—It must be remembered that a very similar question was before us the early part of the session, or last session, and it must surely be remembered by all present that a special order was given that any member giving a notice of motion should read that motion in the House. Now, did not the hon. gentleman from Stadacona comply with that rule ?

Hon. Mr. LANDRY—Hear, hear. I did.

Hon. Mr. VIDAL—He read that motion, and surely if it was not in proper form, that was the time that objection should have been taken, and if an error had been committed, it should have been corrected. It is surely very unwise and improper that a document, furnished by a member, should be altered by anybody without the sanction of the House. An opportunity was given in the reading of it; why was no objection taken then? Was not that the time when, if it was wrong, the error could have been pointed out and corrected? I hold the hon. gentleman has a perfect right to charge that a breach of privilege has been committed on this occasion.

Hon. Sir MACKENZIE BOWELL—I merely want to call attention to the remark made by the hon. gentleman from Portage la Prairie. I hope this House will not for a moment accept the doctrine laid down, that the Clerk of this House, or any other official has a right to change a motion which a senator may make. It is not only preposterous, but an outrage upon the privileges of parliament. The hon. Secretary of State has made a very lame defence. I do not say that, when the motion was put before the House, that defence would not be proper and legitimate, but that is not the question before us just now. The question might arise, when the motion of which my hon. friend from Stadacona gave notice was read, whether it was of a character that would justify an answer, or whether it was of an improper character. I have obtained the original, which I hold in my hand, and we will see the difference. The original reads:

> In view of the important effect which the construction of the proposed transcontinental railway will have upon the future of Canada, that an humble address be presented to the Premier, &c.

Surely no one will say that a member of this House, or any individual, has not a right to make that request if he pleases. It is for the Senate to say if it is improper, and the majority could rule it out of order. The notice continues:

> Presented to the Premier respectfully requesting him—

Not the Governor General.

> —to cause to be laid upon the Table of the House, copies of all letters received by him from senators protesting against, or approving of, the government policy in re the construction of said national transcontinental railway.

There is nothing discourteous in that motion. It is very courteously written, if I understand the English language, and it would be a question for the hon. Secretary of State, if he thinks otherwise, when the motion was made, to say that it was an improper motion; or, if the Premier has received letters he could say, that is his business and not ours. That motion has been changed to read as follows:

> That in view of the important effect which the construction of the proposed national transcontinental railway will have upon the future of Canada:—
>
> That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid upon the Table of the Senate, copies of all letters received by him from senators, protesting against or approving of the government policy in re the construction of said national transcontinental railway.

This is a motion asking the Governor General to lay upon the Table letters received by him upon the question.

Hon. Mr. McMULLEN—Does that not include his cabinet?

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. McMULLEN—Yes, it does. My hon. friend should know it does.

Hon. Sir MACKENZIE BOWELL—I know better.

Hon. Mr. McMULLEN—I know it does.

Hon. Sir MACKENZIE BOWELL—I understand the English language. If I were putting a motion of that kind upon the paper, for documents received by the government, I should so word it. This motion says 'received by him' in the matter, and surely the long experience of my hon. friend from Wellington should teach him that the position he takes is not only irrelevant and altogether—I was going to say nonsensical—but I will not do that, because that would be disrespectful. We want to know who took upon himself the responsibility of making that change.

Hon. Mr. POIRIER—That is the question.

Hon. Mr. SCOTT—Perhaps in the meantime it will relieve the situation if I say to my hon. friend that if he sends me the notice I will see Sir Wilfrid and ascertain

if he has any document which can be laid before parliament.

Hon. Mr. LANDRY—That would be a very cheap way of getting out of the present difficulty. But I decline to accept the proposal. I want my motion put in the form I gave it.

Hon. Mr. SCOTT—We are losing valuable time.

Hon. Mr. McMULLEN—In reply to the hon. leader of the opposition, I certainly think that when the Governor General is requested to lay on the Table of the House any official document which may be in his possession as Governor General, it includes his cabinet as well as himself. Then, in regard to the resolution, notice of which my hon. friend gives, it is a mandate to the Premier of this Dominion to bring before this House certain private correspondence of his own for the inspection of the members of this Chamber. I do not know who changed the resolution.

Hon. Sir MACKENZIE BOWELL—There is not a word in it about private correspondence.

Hon. Mr. McMULLEN—Correspondence addressed to himself by any member of this House on a certain subject.

Hon. Mr. LANDRY—How does the hon. gentleman know it is private?

Hon. Mr. McMULLEN—When it is addressed to himself, it is certainly private. When that notice was read by my hon. friend, it was open for any member of this House to take exception to it. It had to come before the Speaker, and those who are supposed to exercise supervision and have, owing to their position, a corrective power vested in them, are supposed to place the motion in such a shape as will bring it within the rules of this House. I say that a command from this House to Sir Wilfrid Laurier to bring down virtually his private correspondence is not a motion that should be passed by this House. I do not see why we should command—because it is a command—and whoever revised the resolution came to that conclusion, and in order to put it in proper form to bring it within the purview of this House properly, they made it an address to the Governor General, asking for copies of any letters that had been addressed to the Governor General. That is quite correct, and there is no objection to anything of that kind, but you might just as well ask this House to pass a resolution that the communications that passed between Lady Laurier and Sir Wilfrid Laurier should be placed on the Table.

Hon. Mr. SCOTT—I have been informed that this change was made by a junior clerk in the Senate, and not by one in authority, and I presume he did it unwittingly. I confess since it has been read it is not yet in the proper form, even if it were intended to be put in official form; but we have discussed it to a sufficient degree, I think, now, and might attend to some other business. I would be very glad to make the inquiries, and if there are any papers that could be laid before parliament they will be brought down.

Hon. Sir MACKENZIE BOWELL—That will do.

Hon. Mr. SULLIVAN—That ends the matter.

Hon. Sir MACKENZIE BOWELL—I hope it is understood now that the Speaker, or the Clerk of the House, will give those clerks instructions that they are not to tamper with any motion read before the House. It is not for a junior clerk to do it; it is for the Speaker or the Clerk.

The SPEAKER—I have been made aware since this discussion began that none of the clerks at the Table interfered with the motion of the hon. gentleman, but with respect to the junior clerk who did make the change, I think it only fair to say that I can readily understand how the clerk should make the change; because I do not think that there is any precedent in the records of either House for such an address. The address should be to His Excellency, and that address might have gone on and prayed that His Excellency cause to be laid on our Table copies, and so on. When the hon. gentleman read the notice, I did not catch it.

Hon. Mr. LANDRY—I think the next time I will be obliged to read it in French. I read that one in English.

THE SENATE RESTAURANT.

Hon. Mr. LOUGHEED—Before the Orders of the Day are proceeded with I would like

to direct the attention of the Senate to a report which has been circulated not only in the press of Ottawa, but throughout the press of the Dominion with reference to the conduct of the Senate restaurant. It will have been observed by hon. gentlemen that the keeper of the restaurant has been fined by the Ottawa police magistrate for selling liquor without a license within the precincts of this House. It seems to me to be consistent with the dignity of this body that some steps should be taken to properly regulate the Senate restaurant, and more particularly to prevent a recurrence of anything of the character which has just happened. It is alleged that strangers have the right of entry to the Senate restaurant through the corridors of this House, that they drink with impunity in the precincts of the Senate, and that all this is done without a license. The obtaining of a license is out of the question, but it seems to me if the keeper of the Senate restaurant is selling liquor to strangers, proceedings should be taken to prevent the privileges of the Senate from being dragged into the police court, as it has been done on this particular occasion. The conduct of the Senate restaurant for a long time, has been anything but satisfactory to members of the Senate, and it certainly has not been in harmony with the traditions of our body. We know it has been open to and run for the public instead of being for the use of the members of this body, as was intended. These privileges are now as open to the public as to members of parliament, the members of this body might as well go into a public hotel and seek to exercise the privileges of the travelling public as to go into the restaurant and endeavour to enjoy any exclusive privileges in that institution. The regulation of the Senate restaurant by the Restaurant Committee has not been satisfactory. At one time, I understand the restaurant was administered by the Contingent Committee, and although I for a number of years was on the Restaurant Committee, yet we found it almost impossible to regulate the restaurant in accordance not only with our own wishes but with the wishes of the Senate. Financial and other difficulties came up and we found it difficult to arrive at a happy solution of the difficulty. I do not think it would be out of place for the Senate or for the Contingent Committee to take up this question and deal with it in a practical way. A considerable amount of money is spent year after year in maintaining the equipment and appointments of the restaurant, and certainly no corresponding advantage is derived by members from that expenditure. I hope the Senate will see some way of solving this difficulty and preventing a repetition of what has already appeared in the newspapers.

Hon. Mr. SCOTT—I entirely concur in the views expressed by the hon. senator for Calgary, and feel somewhat mortified at the unhappy incident which has been described in the public press. A similar incident occurred some eight or ten years ago, and a good deal of indignation was expressed by the Senate that the bar was so abused that strangers were admitted freely. It has become, in recent years, like an ordinary taproom in any part of the city, because I have frequently seen strangers entering the corridors and going through there as a matter of right. Under these conditions, it is only the natural and necessary sequence that this unfortunate incident should be brought up in the police court, tending to discredit the character of the Senate very much. I should hope that the committee having charge of the restaurant will see that hereafter strangers are not admitted, and that the restaurant is there for the convenience of the Senate alone, and if the privilege is abused, it is only proper that it should be exposed.

Hon. Mr. BERNIER—There is no doubt, as the law stands at present, the police magistrate who fined the restaurant keeper was right, but it seems to me an anomaly that the provincial authorities should be able to run through and control the precincts of the parliament of Canada. We should be able to control our own business here. The incident is suggestive of another question. We know that in the United States, the seat of government is a separate district by itself, under the operation and control of the federal authorities. It might be a good thing to see if we could not adopt the same system here—erect this into the district of Ottawa, the parliament of Canada to have control over their own business.

Hon. Mr. WATSON. A short time ago, some hon. members may have seen criticism of the notice put on the entrance to the Senate. I may say the Clerk put that notice there for the very purpose of trying to restrain the public from coming in and making a thoroughfare of our corridors and going down into the restaurant.

Hon. Mr. SCOTT—I think the man at the bar of the Senate restaurant ought to be dismissed. If there is any earnestness or sincerity in the matter, that man ought to be dismissed promptly.

Hon. Sir ALPHONSE PELLETIER—In the absence of the chairman of the Restaurant Committee, being a member of the committee myself, I think I owe some explanation. This morning the committee met and steps have been taken to inform the caterer that the rule must be observed that no outsiders can have liquor in the restaurant. In this unfortunate case the caterer is not so much to blame as appears. Two waiters, whose conduct had been so bad that he was obliged to dismiss them, out of revenge went there purposely and got liquor, and denounced the caterer. It is an unfortunate incident which will not occur again, and this morning the Restaurant Committee met for the purpose of reminding the caterer that only members should have liquor at the restaurant.

THIRD READINGS.

Bill (226) An Act to amend the Act respecting Certificates to Masters and Mates of Ships.—(Hon. Mr. Templeman.)

Bill (212) An Act to incorporate the Alliance Bank of Canada.—(Hon. Mr. Domville.)

Bill (X) An Act to amend the Act respecting the incorporation of Boards of Trade.—(Hon. Mr. Béique.)

SECOND READING.

Bill (158) An Act to incorporate the St. Chrysostôme Railway Company.—(Hon. Mr. Young.)

KELLER HEATER COMPANY'S BILL.

SECOND READING.

Hon. Mr. WATSON, in the absence of Hon. Mr. Dandurand, moved the second reading of Bill (231) An Act to confer on the Commissioner of Patents certain powers for the relief of the Keller Heater Company of Canada, Limited.

Hon. Mr. FERGUSON—I think we ought to have an explanation of a Bill of this kind. We have dealt with the Patent Act, and have come in a general way to the relief of almost anybody and everybody in Canada who has any disability with regard to patents. There may be odds and ends omitted in the relieving by that general law passed this session, but we ought to know what they are. I think it is due to the House we should have some explanation of why we are proposing to legislate a patent into new life after it has expired by ordinary process of law. It is not altogether right that gentlemen, in the course of their legal practice, wherever a difficulty of this kind may arise, should come to parliament to get relief. Whenever a case arises in professional practice they think it is all right, and it may be all right, but this House should look carefully into measures of this kind, and see that we are not overriding, in a wholesale manner, a general law.

Hon. Mr. YOUNG—This question came up before the Committee on Standing Orders. This is a Bill which was presented to the committee without any notice or compliance with the usual forms, and the explanation given was this, that a patent which had issued some time ago, and which had been sold to other parties, had been allowed to lapse some five days before the purchasers were aware of it. The parties who sold were the ones who should have protected the extension of the patent, and they had neglected to do so. The amount involved in the extension was only some twenty dollars. The emergency has arisen only recently, and it is a case to which I think the consideration of the House might fairly be given on account of the very recent discovery of the patent having lapsed. Application was at once made to parliament for the relief proposed by this Bill. In another place it was considered so reasonable and fair that although the time for receiving petitions for Private Bills had expired, the House reopened the way for the introduction of this Bill and allowed it to proceed. I agree with the hon. gentleman from Prince Edward Island that we should not be called upon to legislate in every case of

this kind, but this happens to be a case in which injustice would be done to holders of patents if this Bill were not passed, and no injustice could be done to others, because immediately on noticing that the time had lapsed, the holders of the patent took steps to procure legislation, and the Bill provides that no party shall suffer through this measure. I think this is one of the exceptions, which the House will readily recognize.

Hon. Mr. FERGUSON—I have noticed since the hon. gentleman rose that only five days elapsed after the expiration of the patent until their notice was called to it, and then they acted promptly.

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

JURISDICTION OF THE EXCHEQUER COURT AS TO RAILWAY DEBTS BILL.

SECOND READING.

Hon. Mr. BEIQUE moved the second reading of Bill (155) An Act respecting the jurisdiction of the Exchequer Court as to railway debts. He said: Railway companies have important obligations to fulfil towards the public, and it seems to me it is important that machinery be prepared and adopted for the purpose of compelling the carrying out of such obligations. As it is, the sale of a railway in case of insolvency is very disastrous to the parties interested, it has to be done in such a cumbrous way, and the shareholders and bondholders—especially the bondholders—are very much interested. The object of this Bill is to adopt such machinery as will facilitate the avoiding of those objections and provide for the appointment of receivers, and give power, under the authority and direction of the court, to the receiver to protect the railway and bring the railway to a sale, if necessary, in the interests of the parties interested.

Hon. Mr. CASGRAIN (de Lanaudière)—At this stage of the Bill I simply wish to draw the attention of the hon. gentlemen of the Senate to the very wide difference between this Bill and the Act it is intended to replace. This Bill is intended to repeal an Act respecting the jurisdiction of the Exchequer Court as to railway debts passed in 1899, and in that Act, very properly, the bondholders are the only persons that I can see who can apply to have their mortgage foreclosed, and who are vested with the road. By this Bill, not only the bondholders, but the stockholders, to my mind, appear to be forgotten altogether—not as the Bill was originally drafted, but owing to an amendment to clause 6 of the Bill. However, there are so many objectionable clauses in this Bill that if it is to become law it should receive the very close attention of this honourable House. At the very outset, in clause one, under this Bill every railway in any province can be brought under the operation of this measure by simply declaring it to the general advantage of Canada. Consequently, all railways would fall under the operation of this Bill. Its provisions are very severe in many respects. In subsection A of clause one, it says at the instance of the Minister of Railways and Canals, or of any creditor of any person, &c. I should think this would require a great deal of explanation. Then, in the same clause, without specifying whatever may be the reason, action may be taken, if the operation of the road is suspended in any portion thereof for ten days. It is well known that the breaking down of even one bridge would render a railway, under this Bill, liable to foreclosure. If this Bill becomes law, I would probably suggest that the time be extended to at least thirty days. It would be a very short time, indeed. This spring the Great Northern Railway had the misfortune to have had one of the wooden approaches of its bridge over the St. Maurice river burned, and the iron bridge collapsed, and it was some four weeks before that road was open to traffic. Consequently, under the operation of this Bill, as I understand it, the company could be brought before the Exchequer Court on an application to close the road. Then in clause 8 concurrent jurisdiction is given—that is to say, the parties may apply to the Provincial Court or to the Exchequer Court, I have been inquiring from some lawyers promoting this Bill and have failed to get one good reason why the laws in force in the various provinces do not give satisfaction, and why these cases should be taken from the provincial courts and brought before the Exchequer Court. It has been also alleged by the hon. gentleman from de

Salaberry that new machinery must be created. I understand the machinery is now in operation and has been in operation for a long time, but I am informed that this legislation has in view some special and private case—some special road, and if that is the case, it would be much better, and if I am permitted to say so, it would be more frank, to come before parliament and mention the road that is aimed at by this Bill. I wish to call the attention of the Senate also to another fact. We have before us a Railway Bill with 311 clauses. We are actually considering that Bill. The ingenuity of the lawyers of the Railway Department has been applied to that measure all through the long months of the winter to try and cover all cases which may arise. I really believe we have enough clauses already, or clauses enough could be put into the General Railway Act to deal with this very question. This is a most unfortunate time to introduce such a Bill when we are actually engaged in the consideration of the Railway Act. I would also draw the attention of the House to clause 6 of this Bill, which provides that the railway may be put under sections 5 and 6 of the Winding-up Act, and subsection 2 of section 1 of the Winding-up Act provides that the Act does not apply to railways. All those who have had any experience with the railway companies, know the difficulties and annoyance that railway companies are subjected to, and for my part I must say I believe it was wise to exclude railways from the operations of the Winding-up Act, Notwithstanding that, according to this legislation the Winding-up Act would be applied to railways. Then again, I might draw more especially the attention of this honourable House to lines 43 and 44 of clause 6 on the second page of this Bill, which read as follows :—

> But such transfers to trustees shall not exclude such railway from the provisions of this Act.

The roads are transferred, as every one knows, according to the provisions of sections 94, 95 and 96 of the Railway Act. The whole machinery is there provided very plainly in order to give a positive guarantee to the bondholders. The section recites that under certain conditions bonds shall be issued, and those bonds are protected and are a first lien on the road. They are specially protected, and I do not know really what their position would be in the case of a transfer to the trustees. Bonds are issued and it is provided that they must be deposited in the Department of the Secretary of State. In that trust deed the names of the trustees are mentioned, and those are the only persons entitled to deal with the railway if the railway is in default in the payment of interest on those bonds, and it is a guarantee. The bondholders, however, often live at a great distance from where the road is operated. When this Act becomes in force, they would require to keep legal gentlemen constantly employed to watch their interest, not knowing at what time they might be brought before the Exchequer Court and their interests and their rights sacrificed. I object to this Bill in toto, and I may say I would object most strongly to having this Bill not exclude such transfers to trustees from the provisions of the Railway Act. I must say the Bill, in its present shape, contradicts itself, because in subsection (B) of clause 1 it is provided that nothing herein contained shall in any way affect the provisions of sections 94, 95 and 96 of the Railway Act, and at the other end there is an amendment tacked on, as follows :

> But such transfers to trustees shall not exclude such railway from the provision of the Act.

Consequently, there is a direct contradiction. I know it was not drafted that way. Those are the lines that are supposed to affect any special case, and therefore I call special attention to this Bill, which is rather a lengthy one, compared with the Act repealed, and covering something like 15 or 20 lines at the outside, the very best guarantee to people with foreign capital invested in this country, because such legislation as this, in my humble opinion, would have the effect of rendering the bondholders generally very diffident about putting their money into any railway enterprise that could be brought under the operation of the Winding-up Act for a mere paltry debt, and why should railway debts be looked after more than any other debts ? In comparison, what immense amounts of money are expended on railways. I do not think there is any other business in Canada, or elsewhere, in which people have

lost so little in proportion as those who have had debts to collect from railways. The railway is a permanent affair, established almost forever, and those who have claims against railways—I am not speaking of railway promoters or shareholders—those that have supplied material and so on, are generally well protected, and better than other people who have debts to collect against other institutions. Therefore, I do not think special legislation should be passed as to railway debts.

Hon. Mr. LOUGHEED—It seems to me this Bill does violence to a well-established principle, namely priority of claim by creditors, and is calculated to disturb very seriously the financial market with reference to the flotation of small railways. This principle is introduced into the Bill that the first bondholders of a road can be set aside at the instance of a subsequent creditor, and their administration of a road ousted, and the road placed in the hands of a receiver or an official of the court There is no protection whatever for priority of claim by the bondholder in administering the road. One can very readily conceive of the bondholders of either a small or a large railway entering into possession of that road, and relying absolutely upon a proper administration of its operation by competent officials. They are at once proceeded against under this Bill. If there should be a subsequent creditor, that creditor, no matter whether he is a small or a large creditor, would apparently, under this Bill, so far as I have been able to read it hurriedly, have the right to come in and invoke the authority of the Exchequer Court. Proceedings would be set in motion; the administration of the road by the bondholders ousted; the road possibly put in the hands of incompetent officials, and thus the whole property would be sacrificed. It seems to me if the law is put in that condition, it will be next to impossible to finance a railway in the Dominion of Canada, because we know that capital is always sensitive to the law dealing with its protection, and if it becomes self-evident from a perusal of the law that their administration of the road, which up to the present time has been regarded, I might say, as sacred, in the event of their obligations not being met, can be ousted by some court official, or some interested party, then I say it would be impossible to succeed in financing such an undertaking. The mischief, it seems to me, which would be perpetrated by this class of legislation would lie in this : that small creditors, or a group of creditors, for the purpose of getting possession of the road, might readily sacrifice the interests of that road by ousting the bondholders, by putting in their own receivers, and eventually selling the road at a sacrifice, cutting down the value of the bonds to a very great extent. It seems to me this Bill is capable of permitting such mischief to be carried out, and until I can learn from my hon. friend some abuses that have arisen, and that have not been reached by the present law, I will still remain somewhat unconvinced that this change in the law is necessary.

Hon. Mr. BEIQUE—The hon. member for Calgary will notice that by subsection (B) section 94, 95 and 96 of the Railway Act are to remain in full operation. It is there stated that nothing herein contained shall in any way affect the provisions of sections 94, 95 and 96 of the Railway Act. These provisions provide for the issuing of bonds, and for the appointment of trustees who are entrusted with the protection of the interest of the bondholders. Sections 95 and 96 provide that certain rights must not be exercised by the promotors, but must be exercised by the trustees and in the name of the trustees. Therefore, it amounts to this, that the bondholders are treated as a class. They are treated as shareholders in the company, and they have to deal conjointly in the name of the trustees, and it is for that reason that these provisions are respected by the first section of the Bill. The hon. gentleman says that this Bill may be open to abuse, because it might interfere with the protection of bondholders. For my part, I am prepared to recognize the interest of bondholders in the railway companies, but they are not the only interests which should be protected. The interests of the public should also be protected, and my hon. friend asked me if I had in mind such interests as cannot be protected by the present law. I have in mind two railways that have been in the hands of insolvent promotors, who have allowed the railways to be closed, to

the detriment of the public, and they have kept the privileged debtors, to the amount of half a million and more, from being paid a cent, and there is no machinery to reach them. There has been a law of this kind on the statutes of Quebec for a number of years, but from the fact that most of the provincial railways have been transferred to the jurisdiction of the Dominion parliament, the question is raised now as to whether this law can reach those railways which, although built originally under the jurisdiction of the province, have been declared to be in the general interests of Canada; and therefore, this Bill is intended to provide the necessary machinery, for the holders to foreclose the road. But under our law in Quebec, they have to sell the road, and in the meantime the road has to be in the hands of the sheriff, and there is no official properly vested with proper authority to protect the road in an efficient way and keep it in operation in the interests of the public. As to whether there are some provisions which should be amended in the interests of bondholders, or in the interests of other parties, these are questions which will arise in committee. The hon. gentleman from de Lanaudière is, I am afraid, under the impression that he represents a lame company, and this lame company is intended to be reached by this Bill. I am quite satisfied that the Bill will not reach his company. The last part of section 6 cannot override the special provision to which I have referred at the end of subsection (b) of clause 1. Then he has referred to matters of detail which should come up only when the House is in Committee of the Whole. The principle of the Bill is yet to be adopted. I will call the attention of the hon. gentleman to the discussion which took place in the House of Commons. It was on the 7th August, and the very provision to which my hon. friend takes exception, subsection 2 of clause 1, was introduced at the request of the leader of the opposition in the House of Commons, because he thought, very properly, that the provincial courts should not be ousted of any jurisdiction which might belong to them. This clause was discussed at length by the hon. leader of the opposition and a number of other members of the House of Commons, and as will be seen from a reading of a report of the debate in the House of Commons, this Bill has received very serious consideration in that House, not only on the 7th August, but also on a subsequent day. Certain clauses of the Bill were reserved for the purpose of being specially examined by the Minister of Justice, and amendments were proposed at a subsequent sitting. This Bill was introduced by a private member, the member for St. John and Iberville, but was taken up as a government measure by Sir Wilfrid Laurier, who moved, on the 7th August, I think, that the Bill be transferred from the Private Orders to the Government Orders, and he himself moved for the second reading of the Bill. The only thing I have to say is that the roads referred to by my hon. friend are quasi public corporations. They have obligations to perform to the public. One of the obligations is to keep their road in operation for the service of the public, and when they are unable to do it, there should be machinery whereby a receiver will be appointed to see that the interests of the public will be protected.

Hon. Mr. ELLIS—I should like to ask, with regard to the subsection of clause 1, which gives the federal court jurisdiction in the province which it had not before, what is the effect of that?

Hon. Mr. SCOTT—The Exchequer Court will have jurisdiction under the Railway Act in cases of that kind.

Hon. Mr. BEIQUE—This Bill is confined, as will be seen from the first paragraph of the clause, to railways which are under the jurisdiction of the federal parliament. Therefore, railways that are exclusively under the jurisdiction of any of the provincial legislatures are excluded from the operation of the Bill, and it was only because there was a doubt as to whether the provincial court had not some powers over these railways that the amendment, which has become subsection 2, has been adopted at the suggestion of the hon. leader of the opposition in the Commons.

Hon. Mr. FERGUSON—I do not intend to discuss the Bill at this stage. The salient points, I think, have been very well discussed by hon. gentlemen, and I presume it is not proposed to oppose the second reading of the Bill, but to allow it to go into committee. I wish, however, to call the at-

tention of the hon. gentleman who has introduced it to what I think is an inaccuracy in the title. The Bill is intituled 'An Act respecting the jurisdiction of the Exchequer Court as to railway debts.' The Bill is more than that. The principal part of clause 1 deals with the jurisdiction of the Exchequer Court generally, extends it, not with regard to railway debts, but with regard to railways generally, and I think my hon. friend will notice that in order to make the title of the Bill harmonize with its contents, some little change will be necessary when we get into committee.

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

The Senate adjourned.

THE SENATE.

Ottawa, Monday, August 24, 1903.

The SPEAKER took the Chair at Eight o'clock.

Prayers and routine proceedings.

CORRESPONDENCE *RE* NATIONAL TRANSCONTINENTAL RAILWAY.

MOTION.

Hon. Mr. LANDRY moved:

That in view of the important effect which the construction of the proposed national transcontinental railway will have upon the future of Canada:—

That an humble address be presented to the Premier, respectfully requesting him to cause to be laid upon the Table of the Senate copies of all letters received by him from senators, protesting against or approving of the government policy in re the construction of said national transcontinental railway.

Hon. Mr. SCOTT—I spoke to the Premier to-day and asked him whether he had any correspondence he could lay on the Table, and he said he had not.

Hon Mr. LANDRY—He had none to lay on the Table?

Hon. Mr. SCOTT—He had no official correspondence.

Hon. Sir MACKENZIE BOWELL—I understand the answer is that he had no official letter to lay on the Table. Is that the answer?

Hon. Mr. FERGUSON.

Hon. Mr. SCOTT—Yes. He had no official correspondence to bring down. He had no correspondence, practically, he said, that could be brought down.

Hon. Sir MACKENZIE BOWELL—That would be brought down?

Hon. Mr. SCOTT—That could be brought down.

Hon. Sir MACKENZIE BOWELL—I think 'would' is the better word.

THIRD READINGS.

Bill (135) An Act to incorporate the Quebec, New Brunswick and Nova Scotia Railway Company.—(Hon. Mr. McSweeney.)

Bill (189) An Act to incorporate the Canadian Telephone and Telegraph Company.—(Hon. Mr. Ferguson, in the absence of Hon. Mr. McMullen.)

RAILWAYS LAW CONSOLIDATION BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (21) An Act to amend and consolidate the law respecting railways.

(In the Committee.)

Hon. Mr. SCOTT—As this Bill is somewhat voluminous, I do not suppose it will be required that the chairman of the committee shall read every clause. I shall be glad to call attention to any new clauses of the Bill and any material alterations from the law as it is to-day. Large portions of the Bill are, of course, taken from the Railway Act, and in some instances the changes are only verbal; in other instances they are material. As I mentioned on the second reading of the Bill, I propose that the clauses which are known as controversial clauses shall stand over, and this evening we will only take such clauses as there may be no objection to. Of course, any senator wishing a clause to stand over, may say so, and it will be allowed to stand.

Hon. Mr. LANDRY—Why are not the new clauses printed in such a manner that we would know that they are new?

Hon. Mr. SCOTT—It would be a matter of exceeding difficulty to do so; some of the changes are merely verbal.

On subclause (b) of clause 2,

Hon. Mr. BEIQUE—On reading the Bill hurriedly I noticed that the expression 'by-law' is used to include resolutions in all cases, and I think it should not be so. I would ask to have this subclause stand over, because I propose to move an amendment. I find that later on in the Bill there are references to by-laws of municipal bodies granting privileges to a railway company to operate in the streets of a town or city. Surely it is not intended to grant a power of that kind by a simple resolution of a municipality, and therefore there should be an exception made.

Hon. Mr. LOUGHEED—I presume any hon. member would have the right to ask for the reconsideration of any clause if it becomes necessary to discuss the application of a prior clause to a succeeding one.

Hon. Mr. SCOTT—Oh, yes.

Hon. Mr. LOUGHEED—I think that will be granted by the Chamber.

Hon. Sir MACKENZIE BOWELL—What struck me when I heard it read was, how far the word 'resolution' should be construed to mean a by-law. Under the Acts governing companies of this and other kinds, you have to propose a distinct by-law and pass it sometimes by a mere majority, and other times by a majority of the stock, or whatever it may be. Under this clause, would any ordinary resolution authorizing the appointment of any servant or authorizing the secretary or the manager to do a certain act, be construed into a by-law, as if formally passed in that shape? Would that not be the effect of the clause as it stands?

Hon. Mr. LOUGHEED—We cannot tell till we reach it. I would suggest that the interpretation clause should stand until we go through the Bill. As a matter of fact, the interpretation clause should follow a Bill, although it precedes it, because we are discussing matters now as to the application of which we have no knowledge. The application of the interpretation clause clearly depends upon the contents of the Bill, which we have not yet reached.

Hon. Mr. YOUNG—Would not a municipal council be bound by the Municipal Act in so far as the by-laws allowing railways to encroach on the highways are concerned?

The interpretation clauses were allowed to stand.

On clause 3,

3. This Act shall apply to all persons, companies and railways (other than government railways) within the legislative authority of the parliament of Canada, and shall be incorporated and construed, as one Act, with the Special Act, subject as herein provided.

Hon. Mr. WOOD—Before this clause is passed, I should like at least to express the regret which I feel that it exempts from the operation of this Act government railways. This, of course, only applies to the Intercolonial Railway. I should be glad if the hon. leader of the House could give us any reason why the Intercolonial Railway should be exempted from the operation of this Act. From what consideration I have been able to give, I really can see no good reason why this Act should not apply to the Intercolonial Railway or any other government railway, as well as to any other railway of the Dominion. The provisions of this Act, which are applicable to all railways, relate generally to the safety of the employees and of the travelling public upon the railway. They also relate to the regulation of traffic and afford a tribunal by which disputes arising between different railway companies, or between railway companies and their patrons, can be cheaply and easily and satisfactorily adjusted. Really, I can see no reason why, if a commission is necessary or desirable in the case of any railways, it should not be equally desirable and advantageous as far as a government railway is concerned. I am aware that under the Act hitherto in force, government railways have not been included, but up to the present time we have had no commission, and the only tribunal which served as a court of appeal from the railway authorities was the Railway Committee of the Privy Council, and I can see that there would be some reason in excluding from the operation of that Act a government railway, because the Minister of Rail-

ways and the chief superintendent, or chief engineer at Ottawa, are the leading spirits of the Railway Committee of the Privy Council, and it would only be appealing from the minister to the minister himself and his colleagues; but where we have taken a new departure and have appointed a special tribunal to deal with these matters, it does appear to me that, if it is an advantage in regard to any railway it is of the same advantage in the case of government railways. There appear to be some special advantages in the case of a government railway which would not apply to an ordinary railway. Whether the opinion has any just grounds for existing or not, there undoubtedly is, in the portion of the country through which the Intercolonial Railway passes, a feeling more or less prevalent that certain persons who have influence with the government—any government which may be in power at any particular time—may be able to obtain special advantages on the Intercolonial Railway. Some think that advantages as to rates, and privileges with regard to cars, and a variety of favours of this kind are often granted by the party in power to their friends who may be patrons of the railway. I am not saying whether all these grounds of suspicion have something solid to rest upon or not, nor am I saying that they exist any more under one government than they do under another, but that such feelings do prevail is a fact which, I think, no one who has lived in the maritime provinces will deny. At the present time a person who has any grievance, or feels that he has any grievance of this kind, has no tribunal to which he can appeal. People can refer their cases to the minister, but they are not likely to get very much redress if it is a political matter. If the favour is given to a friend because he is a political friend, the person who feels that he has a grievance will not be likely to get any redress by appealing to the person who has granted the favour for that reason. Therefore, under present circumstances, they have no redress, and it appears to me—and one of the reasons why I felt strongly in favour of this measure was that those who are patronizing the Intercolonial Railway under these circumstances, if it was brought within the provisions of the Act, would have a tribunal to which they could appeal and present their grievances, and have a fair and impartial hearing. It appears to me that this is a very strong reason why the Intercolonial Railway should be included with all the railways of the Dominion, and come within the provisions of this Bill. It appears to me too that it would be an advantage from another point of view; that is, from the government's point of view. If the rules and regulations established by the Railway Commissioners were applicable to the government railway, even the minister himself would have no power to vary from those rules, or to give any one exceptional advantages. The officials of the Intercolonial Railway would be obliged to conform to the rules the same as the officials of any other railways, and in that way the Minister of Railways would be relieved if very influential friends were disposed to bring any undue pressure to obtain any privilege, or favour, or unfair advantage over any of their competitors. These are the reasons which have influenced my mind and led me to the conclusion that in making this new departure, in establishing this new tribunal, it was most important that, if it was to be a useful tribunal—as I hope it will be, if the men that are appointed to fill these offices are the men best qualified to discharge the duties which fall upon them—the government railways, as well as all other railways, should be included in the provisions of the Bill, should be subject to any statutory regulations which this Bill imposes. I anticipate that the hon. leader of the House may be reluctant to make any changes, especially an important change of this kind, in the Bill at this stage, but I should hope it is not altogether too late, and that we might take this matter up and give it consideration. If they will do so, I should be very glad if this clause of the Bill could stand. That, however, will rest with the leader of the House. If he is willing to take up the matter and give it the consideration which I think it requires, I should like to see the clause stand.

Hon. Mr. SCOTT—The matter has been discussed, I may say, to some extent, and I am not quite prepared to combat all the reasons my hon. friend has urged, but the principal item was originally adopted for

the reason that it was thought that the tribunal of the Minister of Railways himself and the government of the country was a fairer one; nothing more fair could be adopted, and I presume the clause has been continued, as it has been from the beginning, rather out of deference to our friends from the maritime provinces. If they are quite prepared to allow the Intercolonial Railway to be handed over to the Railway Commission—I am not speaking for the government, but simply speaking for myself—I should not hesitate to make that change. The clause must go in the meantime, unless my hon. friend wishes it to stand. I do not think there will be any change made at present. I shall be very glad indeed to submit the views expressed by my hon. friend on the subject to my colleagues.

The first subsection was allowed to stand.

On clause 5,

5. All the provisions of this Act relating to any subject or matter within the legislative authority of the parliament of Canada, and for greater certainty, but not so as to restrict the generality of the foregoing terms, all provisions relating to railway crossings and junctions, highway crossings, through traffic, offences, penalties and statistics, shall apply to all persons, companies and railways, whether otherwise within the legislative authority of parliament or not. 51 V., c. 29, s. 4, Am.

Hon. Mr. BEIQUE—Clauses 5, 6 and 7 raise the question of municipal rights. I am aware that the Railway Act did the same thing, to a considerable extent, but because this parliament has in the past encroached on provincial rights that is no reason we should, in passing this Bill, follow the same course. It is my intention to move that clauses 5 and 7 be struck out, and that clause 6 be amended. I propose that the first line of clause 6 be struck out and to add after the words 'every railway' in the second line the following words :

Steam or electric street railways and tramways.

By adding at the end of the clause the following words :

In respect only to such connection, or crossing, or to through traffic thereon, or anything pertaining thereto, and this Act shall apply.

The object of the amendment would be to limit the provision of this Act under clause 4 to all railways declared to be worked for the general advantage of Canada. The declaration was made in the Act passed in 1888 that all railways crossing or connecting with government railways, or with the Canadian Pacific Railway or the Grand Trunk Railway—railways declared to be for the general advantage of Canada—that from the mere fact that they cross these railways or connect with any of these railways they become ipso facto works for the general advantage of Canada. When we come to discuss this provision, I shall be able to show that there are provisions in this clause which would be ultra vires of this parliament. The British North America Act states what is necessary to give jurisdiction to this parliament if the work is a local work. And under clause 5, without declaring it is a work for the general advantage of Canada, the provision is that because one railway crosses another it will fall under the legislative authority of the parliament of Canada. Surely that would not be sufficient to give authority to this parliament, and moreover, it seems to me we should limit the operations of the Act on local works to such things as are necessary for the good working of the railways, which are for the general interest of Canada. I am ready to acknowledge, that as far as crossings are concerned—as far as the connections are concerned, and all works pertaining to these things, they should fall under this Act; but, it does not follow that all the works of the local company should fall under the Act.

Hon. Mr. SCOTT—It is only with reference to crossings or traffic. If they become carriers they must be under the jurisdiction of the board. They surely must have that control over all crossings, more particularly where traffic is carried.

Hon. Mr. POWER—I move that clauses 5, 6 and 7 stand.

Hon. Mr. SCOTT—Any proposed amendment should go on the Order Paper.

Hon. Mr. LOUGHEED—Might I ask my hon. friend the meaning of the clause. In the first line it says 'all the provisions of this Act,' and in the fourth line 'all provisions relating to railway crossings, &c.' It would appear at first the intention was to apply all the provisions of the Act to this

class of railways, and then the limiting clause is put in the fourth line, enumerating the class to which it shall apply. Is it meant to be a restrictive clause ?

Hon. Mr. SCOTT—They have copied a part of it from the old Act, and they have put in definite restrictive words. I think it is clear enough what is the intention.

Hon. Mr. LOUGHEED—But if you pass a general clause, and afterwards qualify it by a clause of limitation, as has been done in this clause, it will lead to conflict.

Hon. Mr. SCOTT—It is limited to certain subjects.

Hon. Mr. LOUGHEED—There cannot be any doubt as to what class of railways may come within the legislative authority of the Dominion of Canada. That being decided, the Act goes on to say, all the provisions of the Act shall apply, and in the next breath by implication restricts the application.

Hon. Mr. SCOTT—It seems to me where no conflict has arisen for twenty years under a statute, it is better not to change it. I have never heard any dissent from the interpretation of this clause. I think it is better to adhere to the law where it has not been open to any objection.

Clauses 5, 6 and 7 were allowed to stand.

On clause 8,

Hon. Mr. POWER—I submit that there is a sort of awkwardness in the wording of this clause, beginning at line 31.

Each commissioner shall hold office during good behaviour for a period of ten years from the date of his appointment.

I think it would be a better way to say he should be appointed for a period of ten years, depending on his good behaviour. Then, after saying the commissioner shall hold office for a period of ten years, the clause goes on to say :

But may be removed at any time by the Governor in Council for cause.

That is inconsistent. Then it goes on to say :

And shall cease to hold office upon reaching the age of seventy-five years.

Hon. Mr. LOUGHEED.

Then the clause goes on :

Each commissioner, on the expiration of his term of office, shall be eligible for reappointment.

That would apply to a man who has reached seventy-five as well as the rest.

Hon. Mr. POIRIER—Oh, no.

Hon. Mr. POWER—I think a portion of that clause should be redrafted.

Hon. Mr. SCOTT—I confess the clause is not in the best language, but it could not be plainer than it is.

Hon. Mr. POWER—There is no provision authorizing the resignation of a commissioner.

Hon. Mr. SCOTT—It is not necessary. Any commissioner can resign when he wishes.

The clause was adopted.

On clause 10,

10. Not less than two commissioners shall attend at the hearing of every case, and the chief commissioner, when present, shall preside, and his opinion upon any question, which in the opinion of the commissioners is a question of law, shall prevail. In any case where there is no opposing party, and no notice to be given to any interested party, any one commissioner may act alone for the board.

Hon. Mr. FERGUSON—This is a remarkable clause. I have not been able to see anything in the Bill which provides that the chairman shall be a lawyer ; but this clause indicates that it is evidently meant that he shall be a member of the legal profession.

Hon. Mr. SCOTT—That was the intention.

Hon. Mr. FERGUSON—It declares that the opinion of the chairman on a question of law shall overrule that of his two colleagues. Surely it means not only that the chairman shall be a lawyer, but a very great lawyer. I think it would be very much better to declare precisely in the Bill that the chairman of the board shall be a lawyer, because that is evidently what this clause points to. In my humble opinion, it is very much more important that the chairman of the board shall be a first-class railway expert. The question must be determined to be a point of law by the commissioners ; in that case, the other two may overrule the chairman, and if they want to prevent

his having the supreme control over this question, the two would agree, and declare it is not a point of law, and take it out of his jurisdiction. This clause should stand over for further consideration, because it is a most extraordinary provision.

Hon. Mr. SCOTT—When this Bill was being introduced, it was the intention that the chief commissioner was to be a lawyer—a railway lawyer, if possible.

Hon. Mr. POWER—These announcements should be inserted in the Act.

Hon. Mr. PERLEY—Have the commissioners been appointed yet?

Hon. Mr. SCOTT—No. This is really a formal clause. I mentioned when the Bill was introduced that the chief commissioner was to be a railway lawyer.

Hon. Mr. FERGUSON—But it is not so stated in the Bill. The clause should stand over.

Hon. Mr. PERLEY—The clause should stand over, because if it is going to imply that the commissioners should all be lawyers, I want a farmer on the commission.

Hon. GENTLEMEN—Hear, hear.

Hon. Mr. POIRIER—Why?

Hon. Mr. PERLEY—I want a farmer on the commission. The farmer is the man who pays most of the expenses, and why should not a farmer be on the commission?

Hon. Mr. DANDURAND—I heard in the other House the announcement that one of the three commissioners should be conversant with farming even if he is a lawyer.

Hon. Mr. BEIQUE—I would suggest to introduce in the third line the words, 'if the chief commissioner be a lawyer, his opinion, &c.'

Hon. Mr. SCOTT—If that is all that is needed, I have no objection.

Hon. Mr. CLORAN—I understand there will be one lawyer, one farmer and one railway man on the commission. The chances are that the lawyer would have the farmer or the railway man with him. Why not leave the decision to the majority of the commission?

Hon. Mr. DANDURAND—I hope the hon. gentleman is not serious in suggesting that on a question of law the legal member of the commission should be overruled by two laymen.

Hon. Mr. CLORAN—As the clause stands, the two laymen can overrule the lawyer.

Hon. Mr. FERGUSON—You may be sure the laymen will show due deference to the lawyer's opinion on a point of law. I hope that no board will be constituted under this Act of men who will not be able to grapple with a question of law, and that the laymen appointed will be competent to deal with all questions as well as a lawyer. If a man of first-class ability is placed on it, though he may not be trained as a lawyer, he will soon be able to grapple with legal questions, and his opinion ought to be entitled to equal weight with the opinion of the chairman.

Hon. Mr. LOUGHEED—The clause is quite clear, that the two commissioners must agree that the question is a question of law. That is to say, if the chief commissioner proposes that the question is a question of law, it is not a question of law except the other two commissioners agree with him. Consequently, if any one commissioner should hold that it is a question of law, and another disagree, it is not a question of law. Whether they are farmers or lawyers, or railway men, they must all agree.

Hon. Mr. MACDONALD (P.E.I.)—Suppose two commissioners decide it is not a question of law?

Hon. Mr. LOUGHEED—Then it is not a question of law.

Hon. Mr. BEIQUE—A majority of the commissioners must agree upon the fact that it is a question of law.

Hon. Mr. LOUGHEED—No, not the majority, but the whole of them.

Hon. Mr. BEIQUE—Well, the whole of them, but after they have agreed it is a question of fact. As to what would be the effect, the question will have to be decided by the chief commissioner.

Hon. Mr. LOUGHEED—We have not come to that yet.

The clause was allowed to stand.

On clause 11,

Hon. Mr. BEIQUE—I should like to draw attention to this fact; that it is stated in this clause that interest or affinity shall not disqualify any of the commissioners. I have very strong doubts as to whether it is advisable that a commissioner be not disqualified, however slight his interest may be. Suppose the commissioner is the brother, or the father, of one of the parties interested, he is not disqualified. We are creating a tribunal of judges to pass judgment upon very important questions, and I draw the attention of hon. gentlemen to the question as to whether it is advisable to go as far as that.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. CLORAN—I do not think there is any objection to this clause. It is a wise provision. We have it in our provinces, and judges who are interested by reason of kin, must step aside and allow others to take their place.

Hon. Mr. POWER—This clause is the reverse of that.

Hon. Mr. BEIQUE—The clause provides that he is to be replaced only if he applies, and if he chooses to sit, although interested, he would not be disqualified.

Hon. Mr. SCOTT—The clause reads 'upon the application of such commissioner or otherwise.'

The clause was allowed to stand.

On subclause 2,

2. No commissioner shall hold, purchase, take or become interested in, for his own behalf, any stock, share, bond, debenture or other security, of any railway company subject to this Act, nor shall, directly or indirectly have any interest in any device, appliance, machine, patented process or article, or any part thereof, which may be required or used as a part of the equipment of railways, or of any rolling stock to be used thereon; and, if any such stock, share, bond or other security, device, appliance, machine, patented process or article, or any part thereof, or any interest therein, shall come to or vest in any such commissioner by will or succession, for his own benefit, he shall, within three calendar months after the same shall so come to or vest in him, absolutely sell and dispose of the same or his interest therein.

Hon. Mr. POIRIER—I would suggest that in line 30 after the word shall, the words 'directly or indirectly' be inserted, because otherwise there is a loophole, and the commissioner may be indirectly interested.

Hon. Mr. SCOTT—There would be no objection to that.

Hon. Mr. PERLEY—That would prevent a railway man serving on the commission.

Hon. Mr. POIRIER—Yes.

Hon. Mr. YOUNG—The commissioner might have stock in some company when he was appointed, and he would have to divest himself of it.

Hon. Mr. SCOTT—Yes.

Hon. Mr. PERLEY—Did I not understand that the government had asked Sir William Van Horne to act as commissioner?

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. POIRIER—That was the transportation commission.

The amendment was adopted, and the clause was allowed to stand.

On clause 12,

Hon. Mr. DANDURAND—What necessity is there to require the commissioners to reside at the capital?

Hon. Mr. POWER—We do not want to have them living at Montreal, because they would not do any business on Monday.

Hon. Mr. DANDURAND—I thought this was Monday, and that we were working here?

Hon. Mr. FERGUSON—He is going to be required to work for more than three days in the week.

Hon. Mr. DANDURAND—The answer given by the Speaker is not a satisfactory one, because I would like the commission to sit in Montreal and work six days a week.

Hon. Mr. POWER—The objection which I have to this clause is different from the objection of my hon. friend from de Lorimier. The clause says 'or within such distance as the governor in council at any time determines.' Suppose the governor in council came to appoint this commission, and looking round for a really good lawyer to act as chairman of this commission, selected the hon. gentleman who sits beside me as that lawyer.

Hon. Mr. POIRIER—They would make a mistake.

Hon. Mr. POWER—And then they would alter this regulation so that the commissioner would live in Montreal and the difficulty would arise again.

Hon. Mr. LANDRY—Might I inquire what is the meaning of the expression 'consistent with this section.'

Hon. Mr. LOUGHEED—It will permit them to sleep occasionally.

Hon. Mr. CLORAN—Does not that clause mean twenty-four hours a day? Why not let them have some time to sleep?

The clause was adopted.

On clause 16,

Hon. Mr. BEIQUE—It seems to me there is some contradiction in this clause. They may sit separately and the quorum is fixed at two; I fail to see how a board, the quorum of which is two, can sit separately when the board is composed only of three members.

Hon. Mr. SCOTT—There is a provision that in unimportant matters one party may act.

Hon. Mr. WATSON—The commissioners themselves decide that they may sit separately.

Hon. Mr. CASGRAIN (de Lanaudière)—Later on in the Bill there are many things which can be done by one commissioner.

Hon. Mr. FERGUSON—What is to happen in case a question of law arises where there is only a bare quorum present and the chief is not one of them?

Hon. Mr. POWER—The last two lines read as follows:—

17. There shall be a secretary of the board, who shall be appointed by the Governor in Council, shall hold office during pleasure, and shall reside in the city of Ottawa. It shall be the duty of the secretary to attend all sessions of the board, to keep a record of all proceedings conducted before the board or any commissioner under this Act, to have the custody and care of all records and documents belonging or appertaining thereto, or filed in his office, and to obey all rules and directions which may be made or or given by the board touching his duties or the governance of his office. Sub. for 51 V., c. 29, s. 9.

No vacancy in their body shall impair the right of the remaining commissioners to act.

Under the interpretation clause if two commissioners died, one would have all the powers of the whole commission.

The clause was allowed to stand.

On clause 17,

Hon. Mr. LANDRY—If the commissioners sit separately I want to know how the secretary could keep a record of all the proceedings before the board?

Hon. Mr. SCOTT—I hope my hon. friend is not really serious. I have sent for the English Act. The duties are all described in twelve or fifteen paragraphs, because they have been too particular in drawing up the Act, and it seems to have been the cause of severe criticism. It is to be presumed the men will be men of common sense and will perform their duties in a sensible way as sensible men.

Hon. Mr. MACDONALD (P.E.I.)—I do not see how one secretary can record the proceedings of three separate courts which the commissioners hold.

Hon. Mr. SCOTT—They would have the power to appoint temporary assistance at any time. The only officers appointed by the Governor in Council are the commissioners and the secretary. They would of course have stenographers and other officers, depending on their duties as they arise from time to time. At first it will be a simple body, but I have no doubt it will grow and be a considerable staff. They will have the appointment of any officials, with those named here, with full power to carry out the law.

Hon. Sir MACKENZIE BOWELL—Is there any authority given in the Bill to appoint clerks?

Hon. Mr. CASGRAIN (de Lanaudière)—They can appoint all the officers needed under the Act.

Hon. Mr. MACDONALD (P.E.I.)—I think we should have some idea of what it is going to cost the country. As we go on we find that the officers mentioned in the Act are not all that may be required. There will be many others required to make it work satisfactorily. I believe myself that it is a retrograde step, that we might better remain as we are and let the Privy Council act as they have been doing heretofore, and that we should not spend an immense amount of money in order to bring this Bill into effect when the same thing can be done by the Railway Committee of the Privy

Council without any assistance from the country.

Hon. Mr. SCOTT—If my hon. friend had any experience of proceedings before the Railway Committee of the Privy Council, he would find they are really not adequate to the work. Wholly apart from the Intercolonial Railway, we have about 14,000 miles of railway, and very intricate questions are arising which have to be disposed of. Take the classification of freight—long and short hauls, railway crossings, and fifty other things of that sort—the Railway Committee is not really in a position to master every case—they have not the same experience. They had to appoint commissioners in England and in the United States. The cost this year is estimated approximately at $100,000. That amount is put in the estimate to meet the expenses. Whether it be that or not, I do not know, but that is the estimated cost.

The clause was adopted.

On clause 20,

20. The chief commissioner shall be paid an annual salary of ten thousand dollars, and the other two commissioners shall be paid each the annual salary of eight thousand dollars. The secretary shall receive a salary to be fixed by the Governor in Council, not less than twenty-five hundred dollars and not more than thirty-five hundred dollars, annually. Such salaries shall be paid monthly out of the unappropriated funds in the hands of the Receiver General for Canada.

Hon. Mr. POWER—Of course, we cannot alter this clause, but I quite agree with some hon. gentlemen in my neighbourhood who think the salaries are too small for the duties which have to be performed. These commissioners will have to deal with great railway companies who control vast sums of money and exert a great deal of influence; and I think the salaries ought to be such as, in the first place, will enable the country to secure the best talent, and in the next place, will put the commissioners out of reach of temptation. I know some hon. gentlemen may say that the premier of Canada is paid a smaller salary that the chief commissioner under this Bill will receive. All I have to say is that the premier of Canada and his colleagues should receive more respectable salaries than they do. The difficulty is, in this country, when we get a salary fixed it is so hard to increase it—that is, provided it is not the indemnity of members.

Hon. Mr. MACDONALD (P.E.I.)

Hon. Sir MACKENZIE BOWELL—Any one who has paid much attention to human nature, will come to the conclusion that the man who could be tempted at $10,000 would be tempted at $20,000.

Hon. Mr. WATSON—Outside of the question of temptation altogether, I do not believe it would be possible for the government to get men of experience and ability that should compose this board. The Canadian Pacific Railway and the Grand Trunk Railway pay now $50,000 a year to their president. As far as Sir William Van Horne is concerned, he was cheap at that. I do not think it will be possible to get a man fit to fill the position specified on this board for the amount mentioned in the Bill. It seems to me that this is a very important measure, and if the expectations of parliament in passing it are to be realized, the gentlemen composing this board will be worth a great deal more to the people of Canada than the sums here provided for. We must secure the best talent that can be found in Canada, and I should think at least double the salaries mentioned here would be required to secure men of ability to fill the position.

Hon. Mr. SCOTT—The hon. gentleman has been a member of the House of Commons, and I suppose he knows the opinion of the majority of the members of that House in regard to salaries. It has been recognized for many years that many of our most important officials, judges and others, have not been adequately paid, yet no prime minister, from the time of Sir John Macdonald down, has been able to induce the House of Commons to increase the judges' salaries, and the salaries of other officials. I quite agree with the sentiments which have been expressed, but had higher figures been decided upon, it is very questionable if the House of Commons would have passed them.

Hon. Mr. FERGUSON—We might save the time spent in discussing this question, because clearly we cannot amend the clause. It is not a work of administration these men are called upon to perform, but rather to adjudicate. The government does not look for such men as Mr. Hayes or Sir Thomas Shaughnessy. They are not the sort of men

who are wanted; certainly they could not be got for such a salary.

The clause was adopted.

On clause 23, subsection 2,

2. The decision of the board upon any question of fact, and as to whether any company, municipality or person is, or is not, a party interested within the meaning of this section, shall be binding and conclusive upon all companies and persons, and in all courts. Sub. for 51 V., c. 29, s. 11.

Hon. Mr. LOUGHEED—It seems to me a most extraordinary power to give this court that their finding on a fact shall be absolutely conclusive. While the finding of facts made by a jury is regarded by most courts, or accepted as conclusive in a sense, yet the right is reserved to a court to investigate the evidence, and if they see the evidence does not bear out the conclusion on the facts found by the jury, they can find otherwise. That is a well established principle of law, in fact running from the highest courts of the realm down to the lowest, and to depart from that principle with reference to this particular tribunal seems rather unreasonable to my judgment.

Hon. Mr. SCOTT—But this is only on a very immaterial point.

Hon. Mr. LOUGHEED—It may be a very material fact involving possibly large sums of money, and yet there is no possibility of reviewing the evidence taken by these commissioners by an appelate court.

Hon. Mr. SCOTT—It is whether a party making a complaint has sufficient interest in the matter to warrant them taking it up or not.

Hon. Mr. FERGUSON—It is upon questions of law as well as upon all questions of fact.

Hon. Mr. SCOTT—It is to be read with the limitation and qualification in the last two lines. Hon. gentlemen will find a clause further on providing that when this question of fact comes up there is an appeal from the board.

Hon. Mr. LOUGHEED—My hon. friend will observe the clause deals with the jurisdiction of the board. The clause is sufficiently comprehensive to embrace a finding on any question of fact.

Hon. Mr. YOUNG—This is to provide a board who shall deal with all these matters in a direct, simple, cheap and easy way. Our great trouble at present is, that an ordinary individual cannot afford to go to law with a railway company. They may take him to the Privy Council if it suits them. I am in favour of giving extraordinary powers in deciding questions of this kind, and stop the dragging of cases from court to court. No one, unless he is a millionaire, is able to cope with a railway company or a big corporation. Get the right men on this board, give them all the power possible, and shut off appeals, so far as it can be reasonably done, so that their decisions will be final, and then a man, when he does get into a dispute with a railway company, will know how far they can go.

Hon. Mr. LOUGHEED—Elaborate provisions are made for appeals from this tribunal, but you are placing in the hands of three men, who possibly may not be as qualified to weigh questions of fact as a court may be, the power to find conclusively on every fact with which they have to deal. That may involve the public on very serious considerations. It seems to me that when an appeal lies to the appelate courts, those courts should exercise the same rights or the same powers as they would in the most important litigation which comes before them.

Hon. Mr. YOUNG—What good will the commission be if such appeals are allowed?

Hon. Mr. POWER—As there is a marked difference of opinion with reference to this subclause, we had better let it stand.

Hon. Mr. ELLIS—I agree with the hon. gentleman from Killarney (Hon. Mr. Young) that on all matters of fact there should be no appeal. Take clause 41, the same principle applies. I, for one, am prepared to stand by that principle, and let the decision of the commission be final on all questions of fact.

The clause was adopted.

On clause 24,

24. The board may, of its own motion, or shall, upon the request of the minister, inquire into, hear and determine any matter or thing which, under this Act, it may inquire into, hear and determine upon application or complaint, and with respect thereto shall have and may exercise the same powers as, upon any application or complaint, are vested in it by this Act.

Hon. Mr. CASGRAIN (de Lanaudière)—These complaints should be made on oath. How is a board going to proceed on a verbal or written complaint if nobody is ready to substantiate it with an oath. A railway company, against which a complaint may have been made, would have to employ a lawyer to defend themselves at an expense of several hundred dollars, perhaps for a groundless complaint. I believe all complaints should be under oath, so that the person who makes the complaint shall be amenable to the law if he makes a false statement.

Hon. Mr. SCOTT—Does the hon. gentleman suppose these men will take up every application which shall be made to them, whether any grounds for it are shown or not ?

Hon. Sir MACKENZIE BOWELL—The commissioners may be of the character the hon. gentleman suggests, but this clause is imperative. It says any complaint made shall be investigated in a certain way. The point is, whether a frivolous complaint made verbally would compel the commissioners under this clause to investigate.

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL— I see no power given them to decide what is to be considered a legitimate or illegitimate complaint. It ought certainly to be in some shape or other to justify the action of the commissioners.

Hon. Mr. DANDURAND—As I read it, it seems to me the board shall only act at the request of the minister himself.

Hon. Mr. YOUNG—This clause deals entirely with the board acting on its own information, or information which the minister may give. Therefore, I think it is safe to say the board will not act on any frivolous complaint, nor will the minister request them to do so.

Hon. Mr. POIRIER—There is something unsatisfactory in this arrangement. Here we create a board which has as much power and authority as the Supreme Court, and in some respects more, and its finding is final. Only certain cases, as we all know, can go to certain courts—the cause of action must amount to large sums—but here we have the possibility of any one going to this court on any futile or baseless pretext. If it is, as the hon. Secretary of State says, left within the powers of the judges to decide what cases they shall admit or reject, that state of things is wholly unsatisfactory to me. Those men may be partisans, and I do not see why we should give them power, if I go before them, to say 'No, we will not hear your case,' while another person, with perhaps a trifling cause of action, will be received and his case heard. There is something unsatisfactory in that state of things, and I should like the clause to stand.

Hon. Mr. FROST—Would they not still have recourse to the courts if they were turned out by the commission ?

Hon. Mr. POIRIER—I do not know how that would be. The point I object to is, after the explanation we have had from the hon. minister, that it is left with the commissioners themselves to accept or reject a cause. That is too much discretion. In the Supreme Court the judges cannot reject a cause of action if the amount is large enough and the proper procedure has been followed; but here, we are giving this board, besides the privilege of judging finally on facts, the power to accept or reject, as they think fit, any cause brought before them.

Hon. Mr. FROST—But if a case is rejected by this commission, the parties aggrieved still have recourse to the courts of law.

Hon. Mr. POIRIER—But can the courts force the commissioners to act on their decision ?

Hon. Mr. DANDURAND—The hon. gentleman does not suppose this Bill will take from the courts of the land the right to try a suit against a railway ! This commission simply discharges the duty heretofore discharged by the Railway Committee of the Privy Council.

Hon. Mr. POIRIER—Notwithstanding that, we are giving this board the option of acting on their own will or fancy, in such a way, as I said before, as is to me wholly unsatisfactory.

The clause was adopted.

On clause 25, subclause 3,

Hon. Mr. BEIQUE—I think the words 'or company' should be added in the second line after the word 'person,' and the same

in the last line. The Act deals with a company or person in certain clauses. I move that the clause be amended in that way.

The amendment was agreed to.

On subclause 4,

4. The board may review, rescind, change, alter or vary any rule, regulation, order or decision made by it, whether previously published or not. 51 V., c. 29, s. 18, Am.

Hon. Mr. POWER—This is a sweeping authority. I think there should be some limit. This was intended to apply to the Railway Committee of the Privy Council. The new tribunal is simply a board, and it would be an awkward thing if, when a case was under consideration, some regulation was altered without notice.

Hon. Mr. SCOTT—There would be very much more uniformity under the commission than under the Railway Committee.

Hon. Mr. DANDURAND—There is no court of law that has not the right to recall or rescind its regulations. It is not to be supposed this board will act otherwise than according to common sense. They must have the power to rescind the law and modify their regulations.

Hon. Mr. CLORAN—Supposing they decided in my favour to-day, and want to decide otherwise the day after, what am I to do?

Hon. Mr. DANDURAND—It is to be assumed the government will appoint men with common sense.

Hon. Mr. WATSON—I am strongly of opinion that the board ought to have power to regulate the running of trains; that is, the time cards for making connection with different railways.

The clause was adopted.

On clause 28,

28. Any notice required to be given to the company, or to any company, municipality, corporation, co-partnership, firm or individual may be, and shall be deemed to be sufficiently given or served by delivering the same, or a copy thereof.

Hon. Mr. POWER—It seems to me that the language of this clause needs improvement. It says 'any notice required to be given to the company.' We are not dealing with any particular company. The clause goes on to say: 'or to any company, municipality, co-partnership firm or individual.' The first 'company' ought to be stricken out, and it should be 'any notice required to be given to any company.' I suppose the mistake has arisen from the fact that this long clause was taken out of a previous Act which dealt with a particular company. This is a general Act and deals with all sorts of companies and corporations.

Hon. Mr. SCOTT—The expression 'company' means the railway company, and includes any person having authority to construct or operate a railway.

Hon. Mr. POWER—The hon. gentleman has not thrown much additional light upon the subject. I have looked at the definition, and the definition does not throw any light on the subject. The expression 'company' means a railroad company; it does not say the railroad company.

Hon. Mr. SCOTT—The railroad company means any railroad company.

Hon. Mr. LOUGHEED—The term 'or any company' might mean some company not a railroad company, but a joint stock company.

Hon. Mr. POWER—'A company' is defined, and it means a railway company.

Hon. Mr. SCOTT—It is the particular railway company you are dealing with at the time.

Hon. Mr. POWER—There is no particular railway company mentioned at the time.

Hon. Mr. LOUGHEED—Look at subsection (c.) There is a distinction drawn between the company, meaning a railway company, and any company other than a railroad company.

Hon. Mr. POWER—I move that that clause stand. It needs to be gone over carefully.

Hon. Mr. BEIQUE—The same expression is used all through the Bill.

Hon. Mr. DANDURAND—I never saw a clause more explicit than 28, defining the notices to be served on all kinds of companies, municipalities and corporations.

The clause was allowed to stand.

On clause 34,

34. Notwithstanding the repeal by this Act of the said 'The Railway Act,' and amending Acts, all orders of the Railway Committee of the Privy Council in force at the time of the passage hereof, may be made rules or orders of the Exchequer Court, or of any Superior Court of any province in Canada, and may be enforced in all respects, as near as may be, in the same manner as provided by this Act in the case of similar orders by the board ; and all penalties forfeitures and liabilities attaching, under this Act, to the violation of any regulation, or disobedience to any order of the board, shall apply and attach to any violation of, or disobedience to, any regulation or order of the Railway Committee of the Privy Council occurring after the passage of this Act, in all respects, as near as may be, as if the same were a regulation or order of the board.

Hon. Mr. LOUGHEED—Why may not it be made an order of the Supreme Court as well as of the Exchequer Court or Superior Court ?

Hon. Mr. SCOTT—The Supreme Court is a court of appeal. The Supreme Court of the territories would come in as a Supreme Court.

Hon. Mr. LOUGHEED—I refer to the Supreme Court of Canada.

Hon. Mr. BEIQUE—I would draw attention to this point—whether we should strike out the words 'occurring after the passage of this Act.' This commission is to take the place of the Railway Committee of the Privy Council, and is vested with all the rights heretofore applying to that Railway Committee, and it seems to me the penalties under this Act should apply to all violations whether they occur before the passage of this Act or not.

Hon. Mr. CASGRAIN (de Lanaudière)—There may be regulations of the Railway Committee of the Privy Council still in force.

Hon. Mr. BEIQUE—There is a provision in this Bill to this effect, that all the rules are to remain in force until they are changed as if they had been passed by the board under this Act. The board would have no authority to pass on violations committed before the passage of this Bill.

Hon. Mr. POWER—Clause 33 provides that these regulations made by the Railway Committee of the Privy Council shall continue in force until repealed. Then clause 34 provides that the penalty shall be enforceable in the same manner as if the regulations had been made by the board. I think if we struck out these words some question might arise whether the penalty could be enforced. I do not see that any harm can arise from leaving them in.

Hon. Mr. BEIQUE—The hon. gentleman does not understand the point that I am making. It is this : the rules that are now in force, adopted by the Railway Committee of the Privy Council, may give rise to violations of these rules, and whether the violation is committed before the passage, or after the passage of this Bill, should make no difference, and therefore we should not keep these words in ; because if we keep them in, the board will be unable to deal with violations committed a day, or five days, before the passage of this Act, because it is limiting it to violations occurring after its passage. I move that the words 'occurring after the passage of this Act' be struck out.

The clause was allowed to stand.

In clause 42,

Hon. Mr. SCOTT—I have an amendment to subsection 3 of this clause :—

The finding or determination of the board upon any question of fact within its exclusive jurisdiction which cannot form the subject of an appeal, shall be binding and conclusive upon all courts.

As they had it originally it was absolute.

Hon. Sir MACKENZIE BOWELL—If that stands for consideration, we might also refer back to clause 23, subsection 2. That subsection, I understood, was allowed to stand, so in considering the one we can consider the other.

Hon. Mr. SCOTT—The lawyers of the railway companies took no exception to that, and they considered it very critically.

Hon. Mr. BEIQUE—The principle involved in the first paragraph of clause 42 is very different from the principle involved in the third subsection, and is much more objectionable, to my mind, because it is wiping away all the authority of chose jugé. A suit may take place between a railway company and an individual ; a trial will be had and judgement rendered, and the railway company, let us suppose, wins its case : the same question will come up before this

board, and the judgment will avail only as a prima facie case as far as facts are concerned, and it will be open to the board to render a decision entirely contrary to the decision rendered by the court. It seems to me it is contrary to all principles and for my part I shall surely object to that principle being applied.

Hon. Mr. SCOTT—It is not intended to override the judgment of the court. The board will not override the decisions of the court.

Hon. Mr. BEIQUE—If the hon. Secretary of State will read the first part of the clause he will see :

42. In determining any question of fact, the board shall not be concluded by the finding or judgment of any other court, in any suit, prosecution or proceeding, involving the determination of such fact, but such finding or judgment shall, in proceedings before the board, be prima facie evidence only.

Therefore I say it is clearly wiping out the effect of the judgment, because it is a decision on a question of fact.

Hon. Mr. LOUGHEED—It seems to reinforce subsection 3 of clause 23, in which their finding is not only on a question of fact, but they are able to set aside the finding of a court. It seems an extraordinary power to give a court to make its decisions conclusive on all questions of fact—that they may ignore the finding of the higher courts of the Dominion, composed of judges more capable of weighing questions of fact than any other tribunal that could possibly be established.

Hon. Mr. POWER—As I understand, the hon. Secretary of State wishes this clause to stand.

Hon. Mr. SCOTT—I wish to have clauses 42, 43 and 44 stand.

Hon. Mr. POWER—I understand the counsel who represented the different railway companies, have distributed to some members of the Senate, typewritten, or printed documents showing the clauses to which they object and the reasons for their objection. If such documents have been distributed, the distribution should be general, so that every member of the committee should be able to read them before the committee meet again, and to judge for himself as to their value. I do not think it is fair that the distribution should be confined to certain members of the committee.

Hon. Mr. SCOTT—The gentlemen who represent the several railways of Canada were very anxious indeed that this Bill should go to the Railway Committee, or some special committee. I did not feel that I could concur in that, because there were many senators who wished to hear the discussion, and for that reason I did not send the Bill to the Railway Committee. It did not go to the Railway Committee of the House of Commons. The same result might be attained, if the senators were present at a meeting at which these various clauses could be discussed by the representatives of the railway companies. It would be informal. They said they would like to have an opportunity to address the Senate, and they asked that these three clauses be reserved, and on some convenient day they would be glad to meet the Senate in the Railway Committee of the House of Commons, and give their reasons why they object to particular clauses. There are probably ten or twelve clauses objected to. I said : 'If you give me a memorandum of the clauses and your views on them, I will facilitate your having an opportunity of stating to the Senate your reasons for objecting to the clauses in the shape in which they are.' I asked them to hand me their reasons, at all events.

Hon. Sir MACKENZIE BOWELL—The suggestion thrown out by the Speaker is not only correct, but it is advisable that the course he suggests should be followed. The parties representing the railways have made certain suggestions, and there is no reason why they should not be printed, as they have been furnished to some members of this House and circulated among the senators, and every one could then come to a better conclusion than by having the ideas thrown out by those who approve of the suggestions made, or who might object to them. I would suggest to the hon. gentleman the propriety of having them printed and circulated.

Hon. Mr. DANDURAND—A representative of one of the railways, if not of all the railways, acted on my suggestion that a factum should be printed and distributed

to members, so that we could be on an equal footing. A promise was made to me that a factum should be printed and distributed before Tuesday.

Hon. Mr. YOUNG—What about the other interests ? Will they have the same privilege ?

Hon. Mr. SCOTT—Certainly.

Hon. Mr. FERGUSON—That need not retard our work at all. We could hold over the contentious clauses until the printing is done.

Hon. Mr. SCOTT—We have only now come to the clauses to which they object, and I have drawn attention to them and have asked that these particular clauses be held over. I said I thought I could remove the objection the railways had to one clause. I read my amendment to the counsel of one of the railway companies, and he quite approved of it.

Hon. Sir MACKENZIE BOWELL—If these reasons are printed and circulated, then those who are opposed to their views will understand the objections they have to meet.

Hon. Mr. FERGUSON—I am afraid you will have a practical difficulty. The printing of these amendments would have to be done in a way to make them intelligible.

Hon. Mr. DANDURAND—The railway companies could simply say, 'we object to such a clause,' mentioning the number without printing the clause, and give their reasons.

Hon. Mr. SCOTT—The object of asking the senators to meet them was for the very purpose of giving their reasons on these particular clauses. They really do not amount to more than seven or eight, and they ask that they might have the opportunity of representing to the senators their reasons for objecting to these clauses, and for making certain suggestions.

Hon. Mr. POWER—I would suggest that no worse place could possibly be selected for the hearing than the Railway Committee of the House of Commons. The acoustic properties of that room are the worst I know of, and it would be very much better, if the counsel are to address the members of the Senate, that we should meet in this chamber in the forenoon. We could hear very much better.

The clauses were allowed to stand.

On clause 48,

48. The board may appoint or direct any person to make an inquiry and report upon any application, complaint or dispute pending before such board, or any matter or thing over which the board has jurisdiction under this or the Special Act. 51 V., c. 29, s. 12, Am.

Hon. Mr. POWER—I do not feel clear as to the desirability of giving this unqualified power to the board. This is one case where the provision which applied to the Railway Committee of the Privy Council is applied to the present board, and the cases are somewhat different. The commission will have the machinery for making these inquiries and will have a staff. They can appoint experts to do things. Now, this clause gives them general power to direct any one to make an inquiry. There should be some restriction upon that. If the board have men in their own employ, members of the regular staff who can make an inquiry, these are the persons who should do it and outsiders should not be called in at their discretion.

Hon. Mr. CASGRAIN (de Lanaudière)—These inquiries may be made at a very great distance from Ottawa. It may be a small matter, and they may employ some one in British Columbia, for instance, or the maritime provinces, to inquire whether the gate of a railway fence is a substantial one, or some other mere matter of detail, and that is why the board should delegate its powers to make an inquiry at a distance.

Hon. Mr. DANDURAND—The hon. gentleman does not answer the objection of the Speaker, who says that the inquiry should be made by a member of the staff, if possible ; but the hon. gentleman forgets that even an engineer, or surveyor may be required, and I do not suppose the board will have a complete staff of engineers.

Hon. Mr. BEIQUE—This clause is a general clause, and seems a very proper one. The inquiry may have to be made in Europe —outside of the country altogether.

The clause was adopted.

Hon. Mr. FULFORD, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, August 25, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

TRANSPORTATION OF CROP OF NORTH-WEST TERRITORIES.

INQUIRY.

Hon. Mr. SULLIVAN—I desire to ask the hon. Secretary of State whether any of last years' crop of cereals in the North-west Territories and Manitoba has been detained for want of shipment Has there been any congestion, so-called, or blockade ? And if so, where has that existed ?

Hon. Mr. SCOTT—I have seen the information—it is open to every hon. gentleman—that the wheat has all been taken out—I understood so—some time ago. I have not heard of any complaint to the contrary.

Hon. Mr. SULLIVAN—My reason for asking was that several times in conversation, and especially with a gentleman who is in a high position as a clergyman in this country, it was stated that none of the crop of last year—or very little— had been taken out at all.

Hon. Mr. SCOTT—That is quite wrong.

Hon. Mr. SULLIVAN—And that is my reason for asking.

LOCATION OF TRANSCONTINENTAL RAILWAY.

INQUIRY.

Hon. Mr. LANDRY inquired :

What is the precise place in the province of Quebec whence the railway will start which the government wishes to build from Quebec to Moncton in order to make part of the chain of the national transcontinental railway, and at what place in the province of Quebec will this road leave that province to penetrate the province of New Brunswick ?

What distance in miles will the road be between these two places ?

Hon. Mr. SCOTT—The place in the province of Quebec where the railway will start from will be the city of Quebec. I am unable to define the place that it will leave the province of Quebec and cross into New Brunswick, because the line has not been surveyed.

Hon. Mr. FERGUSON—Hear, hear.

Hon. Mr. SCOTT—And it is quite impossible to give my hon. friend the distance here, because that would depend on the survey.

Hon. Mr. FERGUSON—Hear, hear.

Hon. Mr. TEMPLEMAN—Hear, hear.

Hon. Mr. FERGUSON—The hon. gentleman does not know a good many other things about it.

Hon. Mr. LANDRY—The hon. gentleman says it will leave the city of Quebec.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—That is one point, but where will the other point be ?

Hon. Sir MACKENZIE BOWELL—Moncton.

Hon. Mr. SCOTT—I cannot say till a survey is made.

Hon. Mr. LANDRY—The hon. gentleman said a moment ago that the line will start from Quebec.

Hon. Mr. SCOTT—It will cross over on the Quebec bridge.

Hon. Mr. LANDRY—But that is not in the city of Quebec.

Hon. Mr. SCOTT—I stated it would go to the city of Quebec.

Hon. Mr. LANDRY—But the bridge is at a point between Three Rivers and Quebec.

Hon. Mr. SCOTT—If I know anything of the topography of the country, the bridge is about eight miles west of Quebec.

Hon. Mr. THIBAUDEAU (Rigaud)—No ; two or three miles.

Hon. Mr. LANDRY—My hon. friend is entirely mistaken.

RAILWAYS LAW CONSOLIDATED. BILL.

(In the Committee.)

The House resumed in Committee of the Whole consideration of Bill (21) An Act to amend and consolidate the law respecting railways.

On clause 52,

52. The head office of the company shall be in the place designated in the Special Act, but the company may, by by-law, from time to time, change the location of its head office to any place in Canada. The directors of the company may establish one or more offices in other places in Canada or elsewhere. 51 V., c. 29, s. 32, Am.

Hon. Mr. POWER—I should like the Secretary of State to give the reason for the change in this clause. The change is 'but the company may, by by-law from time to time, change the location of its head office to any place in Canada.' In the special Act some place is given as the place for the head office of the company. It seems to me that if a railway company select some place by their Act of incorporation to be their head-quarters, that that should continue so until parliament alters it.

Hon. Mr. SCOTT—If my hon. friend will refer to the special Acts of incorporation of railways, he will find that the company is empowered by by-law to change the place of head-quarters.

Hon. Mr. BEIQUE—There should be added 'notice thereof to be given to the secretary of the board who shall keep a register for the purpose.' There should be a record to show where the head-quarters are if changed by by-law.

Hon. Mr. DANDURAND—I should like to call the attention of the Senate to clause 53 concerning provisional directors. My attention is drawn to the fact that there is no such provision for replacing provisional directors in case of death, absence or resignation, as there is to replace permanent directors, or annual directors by clause 73, The point would appear to be somewhat unusual, because a provisional board of directors should not be quickly replaced; but we have had this session to pass a Bill mainly to allow the replacing of provisional directors who had died since incorporation. Apparently they had not hurried up in organizing, but perhaps it would be well to incorporate the provision of clause 73 in clause 53.

Hon. Mr. BEIQUE moved that clause 52 be amended by adding at the end of the first sentence the words:

Notice thereof to be given to the secretary of the board, who shall keep a register for the purpose.

The clause as amended was adopted.

On clause 53,

Hon. Mr. LOUGHEED—Instead of amending this clause I would suggest that when we come to clause 73 we amend it by simply providing for directors or provisional directors.

The clause was adopted.

On clause 58,

58. Municipal corporations in any province in Canada duly empowered so to do by the laws of the province, and subject to the limitations and restrictions in such laws prescribed, may subscribe for any number of shares in the capital stock of the company; and the mayor, warden, reeve or other head officer of any such corporation holding stock to the amount of twenty thousand dollars or upwards, shall be ex-officio one of the directors of the company in addition to the number of directors authorized by the Special Act, unless in such Special Act provision is made for the representation of such corporation on the directorate thereof. 51 V., c. 29, s. 38, Am.

Hon. Mr. SCOTT—The only change in this clause is that the board is substituted for the directorate. It is clearly a mistake.

Hon. Mr. POWER—With respect to this clause, take the case of a great railway like the Canadian Pacific, it does not seem symmetrical that a municipal corporation which subscribes $20,000 should be entitled by this law to appoint a director of the company. Where the capital of the company is so immense, and the number of directors comparatively few, I think it is out of proportion that for the $20,000 the corporation should receive this director.

Hon. Sir MACKENZIE BOWELL—They would have a representative if they only had ten dollars.

The clause was adopted.

On clause 61,

61. At least four weeks public notice of any meeting shall be given by advertisement published in the 'Canada Gazette,' and in at least one newspaper published in the place where the head office is situate, in which notice shall be specified the place and day and the hour of meeting; all such notices shall be published weekly, and a copy of such 'Gazette' containing such notice shall, on production thereof, be sufficient evidence of such notice having been given. 51 V., c. 29, s. 41.

Hon. Mr. BEIQUE—The first part of the clause provides for the publication of the notice in the 'Canada Gazette,' and in one newspaper in the place where the head office is situated. And the latter part of the clause says that all such notices shall be

published weekly and a copy of such 'Gazette' shall, on production, be sufficient evidence of such notice having been given. I think we should add the words 'such "Gazette" and newspaper.'

Hon. Mr. KERR (Toronto)—We do not want to encumber the records of the company if they give the notice. Exception could be taken that the notice was not given in another paper. The record in the 'Gazette' would be sufficient.

Hon. Mr. POWER—It sometimes happens that some unexpected occurrence renders it desirable that a meeting should be held at perhaps shorter notice, and would it not be possible to make some provision for cases of urgency so that a special meeting could be held without this long notice?

Hon. Mr. SCOTT—This applies to a great variety of cases, and in many of them the shareholders are in Europe.

Hon. Sir MACKENZIE BOWELL—It seems to me the suggestion of the hon. gentleman from De Salaberry is the correct one. I do not see how it is going to encumber the records. If that amendment be not made, it may possibly occur that no notice will be given in a newspaper in the county or part of the province which would be most interested in the construction of the work. The evidence before the commission should be that the notice provided in this section had been published in the locality affected as well as in the 'Canada Gazette.'

Hon. Mr. KERR (Toronto)—The hon. gentleman, I think, misses the point. If you are taking any proceeding where it is necessary to prove the regularity of your meeting, the 'Canada Gazette' will be prima facie evidence. The newspaper in the particular locality might soon go out of existence, but the 'Canada Gazette' can always be had.

Hon. Mr. BEIQUE—I think this clause 61 should make it permissable to the company by by-law to provide for shorter notices.

Hon. Mr. KERR (Toronto)—It has to be four weeks.

Hon. Mr. POWER—I think the suggestion made by the hon. gentleman from Toronto is a good one, that instead of being sufficient evidence it should be prima facie evidence.

Hon. Mr. SCOTT—Can any one say that this clause has created the slightest inconvenience in thirty years? If it has not, it would be better to leave it alone.

The clause was adopted.

On clause 64,

Hon. Mr. BEIQUE—This clause gives the form of proxy which is for a general meeting. I would suggest that in line 41 the following words be added 'or at a given meeting,' so as to permit the limiting of the proxy to one special meeting.

Hon. Mr. SCOTT—That is entirely a matter for the party himself. He is not bound by that form of proxy. He can give any proxy he likes. He need not follow it word for word.

Hon. Mr. LOUGHEED—Surely a shareholder would have the right to limit his proxy to any particular meeting?

Hon. Mr. KERR (Toronto)—So he can.

The clause was adopted.

On clause 73,

73. In case of the death, absence or resignation of any of the directors, others may, unless otherwise prescribed by the by-laws, be appointed in their stead by the remaining directors; and, in case such remaining directors do not constitute a quorum, then by the shareholders at a special meeting to be called for that purpose; but if such appointment is not made, such death, absence or resignation, shall not invalidate the acts of the remaining directors. 51 V., c. 29, s. 51.

Hon. Mr. LOUGHEED—I move that after the word 'directors' in the second line, the words 'or provisional directors, as the case may be,' be inserted.

Hon. Mr. McMULLEN—I think it is a mistake to amend the clause as suggested. The sooner you get rid of the provisional directors the better.

Hon. Mr. KERR (Toronto)—I agree with the hon. gentleman from Wellington.

Hon. Mr. POWER—There is a change in this clause from the existing law. The added words are 'and in case such remaining directors do not constitute a quorum, then by the shareholders at a special meeting to be called for that purpose.'

Hon. Mr. LOUGHEED—There might be a vacancy on the board which would require special legislation unless provision is

made for it; I quite agree as to the undesirability of continuing provisional directors, but there is a necessity for them until the regular board can be appointed. It has been suggested we might include the amendment in the interpretation clause for directors.

Hon. Mr. KERR (Toronto)—That is always a dangerous thing to do.

The committee divided on the amendment, which was rejected, and the clause was adopted.

On clause 91,

91. The directors may, with the sanction of the shareholders of the company, at a general meeting, declare a dividend to be paid out of the net profits of the undertaking. 51 V., c. 29, s. 69, Am.

2. Such dividend shall be at and after the rate of so much per share upon the several shares held by the shareholders in the stock of the company. 51 V., c. 29, s. 70, Am.

Hon. Mr. SCOTT—There is a slight change in this clause. In the existing law the dividends are declared at the annual meeting. Under this clause the dividends may be declared at a general meeting.

Hon. Sir MACKENZIE BOWELL—That would in every case delay the declaration of the dividends.

Hon. Mr. SCOTT—I think the old law is better.

Hon. Sir MACKENZIE BOWELL—The law provides that if the company pay a dividend that has not been earned, each director would be liable for the amount. This clause prevents the directors from declaring a dividend until they have received the sanction of the shareholders. There is a very great difference. The directors would have to come to the annual meeting and make a report to the shareholders showing exactly what had been earned, and that they were justified in recommending a dividend, and then it would be for the shareholders to authorize the payment of a dividend. If this be not done, the directors cannot do so. This may be a greater protection for the shareholders, but it would delay the declaration of the dividend.

Hon. Mr. McGREGOR—Would it not be better to make it read that the directors should have the power to declare a dividend when it is ratified by the shareholders. It is sometimes important for the shareholders to know what the dividend is going to be, where it is not convenient to call a meeting, and if the directors understood their business they would not declare a dividend unless they knew that they had the money to pay.

The clause was adopted.

On clause 105,

105. The directors may sell, either by public auction or private sale, any shares so declared to be forfeited, upon authority therefor having been first given by the shareholders either at the general meeting, at whch such shares were declared to be forfeited or at any subsequent general meeting; and any shareholder may purchase any forfeited share so sold. 51 V., c. 29, s. 83, Am.

Hon. Mr. POWER—There is a change there. I simply rise to ask for information. I am not familiar with the working of joint stock companies, and certain words have been left out. The clause says :

The directors may sell either by public auction or private sale any shares so declared to be forfeited.

In the existing law these words follow :—

Or any unissued shares.

I just ask why these words are left out. I assume there is good reason for it. As the law stands now, the directors can sell unissued shares which are, I suppose, what they call treasury stock, and this clause only deals with shares which have been declared to be forfeited.

Hon. Mr. LOUGHEED—It seems to me if they are going to declare a forfeiture they will issue the stock and sell it. They cannot very well sell what has not been issued. True there is a right or equity to have the shares issued, but it seems to me it is better to omit these words.

Hon. Mr. BEIQUE—I draw attention to the fact that the last line is altogether unnecessary, as it is provided for in the same terms in the following section. So that it will be better to strike out those words.

Hon. Mr. POWER—What harm will it do to leave the words in? The existing law provides that the directors may sell either by public auction or by private sale, and in such manner and on such terms as to them may seem meet, any shares so declared to be forfeited. Then in the existing law we have the words ' or any unissued shares.' If shares have not been apportioned, under

the law as it stands the directors can sell those shares. Under the Bill before us, they have not that power any longer, and I simply ask why it is taken away.

Hon. Mr. SCOTT—It should not be given to shareholders except at a general meeting of shareholders. It is treasury stock, and it is left there sometimes for many years, and it is only by the authority of the shareholders that it should be allowed to be sold.

Hon. Mr. POWER—There is this provision at the end :

Provided that authority for such sale and for the issue of the stock should be first given at a special general meeting of the stockholders for the purpose.

So that the directors cannot do anything wrong. They have to act under the direction of the shareholders. I want to know why this power was taken away. I suppose there is some good reason for it, but I have not heard it yet.

Hon. Mr. BEIQUE—The principle which is embodied in the section is not connected with the forfeited shares, therefore the clause as it stands is properly drafted, but I think that we should insert in this Bill the same provision as existed in the old law, because otherwise it is giving power to the directors to go and subscribe shares themselves if they are not issued, and it seems to me it was a good provision which had the effect of preventing directors from taking advantage of subscribing for such shares without authority from the shareholders.

Hon. Mr. LOUGHEED—I think it is entirely unnecessary that such a provision should exist. If a shareholder makes default in the payment of shares, the company should sell those shares. Having done that, there is no necessity to invoke any other power ; such a power as mentioned by the hon. Speaker would not be invoked. It cannot be subject to any abuse as it is, but as it stood before it was certainly mystified by reason of shares not having been issued which should have been issued. Why not just leave it as it is ?

Hon. Mr. BEIQUE—The hon. gentleman does not seem to understand the point that I have been trying to make. We have been dealing with shares which have been issued and forfeited, and I think the clause is properly drafted ; but for any shares which have never been issued by the company, it should not be left to the power of the directors, who have a more intimate knowledge of the company's affairs than the shareholders, to subscribe those shares themselves without authority from the shareholders, and without the shareholders being afforded the same privilege as themselves.

Hon. Mr. LOUGHEED—That is an entirely different subject.

Hon. Mr. BEIQUE—They have provided a new clause for that.

Hon. Mr. LOUGHEED—That is a different subject and is in no sense germane, but that senseless provision was embodied in the old Act. I do not doubt the propriety of my hon. friend's suggestion, but it is in no way akin to this clause.

Hon. Mr. POWER—The present clause is better drafted, but as the hon. gentleman from De Salaberry says, there should be some provision made to meet the case which the existing law undertook to meet about the unissued shares. It can be done later.

Hon. Mr. LOUGHEED—But there cannot be a forfeiture of unallotted stock.

Hon. Sir MACKENZIE BOWELL—I suppose a shareholder had 100 shares, and was a defaulter, but that previous to the default another 100 shares, or a proportion of the shares, had been alloted to the present holders of shares, and these shares were then at the time at a premium, what would become of the share which had been alloted ? Did not the old law make provision to meet a case of that kind, so that in selling the shares upon which there was a default they could also, under the old law, sell the shares which had been alloted to the defaulter, and they being at a premium, he, in that case, I suppose, would get the benefit of it, but it strikes me that must have been the reason for the provision in the old law. That is what suggests itself to me. I think the proposed law is better.

The CHAIRMAN—A man is not going to default if the shares are at a premium.

The clause was adopted.

On clause 109,

109. All shareholders in the company, whether British subjects or aliens, or residents in

Canada or elsewhere, shall have equal rights to hold stock in the company, and to vote on the same, and shall be eligible to office in the company. 51 V., c. 29, s. 87.

Hon. Mr. POWER—In some special acts there is a provision that the majority of the directors should be British subjects. Under this clause, unless there was some special provision in the Act, the majority of the directors may be aliens.

Hon. Mr. SCOTT—No.

Hon. Mr. POWER—As the clause reads, a majority of the directors may be aliens.

Hon. Mr. SCOTT—That interpretation has not been given it.

The clause was adopted.

On clause 111, subsection 4,

4. The power of issuing bonds conferred upon the company hereby, or under the Special Act, shall not be construed as being exhausted by such issue; but such power may be exercised from time to time, upon the bonds constituting such issue being withdrawn or paid off and duly cancelled; but the limit to the amount of securities fixed in the Special Act shall not be exceeded: Provided that no power to issue or dispose of any such securities under any Special Act of the provincial legislature, in connection with a railway coming under the legislative authority of the parliament of Canada, shall be subsequently exercised without the sanction of the Governor in Council. 51 V., c. 29, s. 93, Am. by 55-56 V., c. 27, s. 4, Am.

Hon. Mr. BEIQUE—I desire to call attention to a judgment which placed on this subsection a construction which, to my mind, is not the proper construction. As I read the section, it means this, that the bonds may be issued from time to time. For instance, the company is authorized to issue bonds to the extent of say $20,000 a mile, and they issue only $10,000 a mile. A second issue of $10,000 a mile may be made without withdrawing the first issue. Of course, the second issue might be only a second mortgage, but the judgment I have in mind held that in a case of that kind, the first issue had to be withdrawn. It might be better to adopt another wording to make the clause perfectly clear, and not open to any construction of that kind. I, therefore, suggest that this subsection 4 be allowed to stand.

The subsection was allowed to stand.

On clause 112,

112. The company may secure such securities, by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future, or both, as are described therein; but such property, assets, rents and revenues shall be subject, in the first instance, to the payment of any penalty then or thereafter imposed upon the company for non-compliance with the requirements of this Act, and next, to the payment of the working expenditure of the railway.

Hon. Mr. BEIQUE—This clause should provide, I think, for the payment of municipal taxes, as being a first charge upon the property. It is well known that in the United States municipal taxes for large amounts are collected from railway companies, and no doubt in years to come railway property will be taxed in this country more heavily than it has been in the past. Anyway, to whatever extent it may be taxed, it seems to me the municipal tax should be a preference charge.

Hon. Mr. SCOTT—It is now.

Hon. Mr. McMILLAN—It is so in Ontario.

Hon. Mr. LOUGHEED—Would the federal parliament have authority in any way to interfere with the rights of property in regard to municipal taxes? In no sense would legislation we would pass here affect those rights.

Hon. Mr. BAKER—Even if we had the right, would it be proper to impair the value of bonds by stating that on the face of them?

Hon. Mr. BEIQUE—The whole Bill is dealing with property which is declared property for the general advantage of Canada.

Hon. Mr. LOUGHEED—Only so far as this parliament can legislate.

Hon. Mr. BEIQUE—This parliament says what should be the first charge upon the property, and it raises the question as to whether this parliament, in the exercise of its power, could not override the municipal Act. There may be considerable doubt. Why not make it clear?

Hon. Mr. POWER—I think that clause had better stand.

Hon. Mr. SCOTT—For what reason?

Hon. Mr. POWER—Because just at the present moment this very question of railroads and municipal taxation is exciting a

great deal of interest, and the question raised by the hon. gentleman from de Salaberry may be, in the near future, a very important one. It may be that a local legislature can tax a railway which comes under the jurisdiction of this parliament, but at present there is some doubt about it.

Hon. Mr. SCOTT—Oh, no, I never heard a doubt expressed.

Hon. Mr. LOUGHEED—This is only a domestic matter so far as the railway is concerned.

Hon. Mr. POWER—I am not expressing any strong opinion about the matter, one way or the other, but I simply say the question raised by the hon. gentleman from de Salaberry is a very important one, and we had better be sure it is settled in the wisest way. It has been stated that we could not do anything to oust provincial jurisdiction. I direct the attention of the committee to subsection 4, of this clause :

Such mortgage, deed or other instrument need not be registered under the provisions of any law respecting registration of instruments affecting real or personal property.

Here this very same clause undertakes to oust the provincial jurisdiction.

Hon. Mr. LOUGHEED—But we have not got down to that yet.

Hon. Mr. POWER—I do not think the hon. gentleman from Calgary is quite as dull of apprehension as he pretends to be. If we cannot oust the jurisdiction of the local legislature under the first subsection, can we under the fourth subsection ?

The clause was adopted.

On subclause 4,

4. Every such mortgage deed and every assignment thereof or other instrument in any way affecting such mortgage or security shall be deposited in the office of the Secretary of State of Canada, of which deposit notice shall forthwith be given in the 'Canada Gazette.' Such mortgage deed or other instrument need not be registered under the provisions of any law respecting registration of instruments affecting real or personal property.

Hon. Mr. LOUGHEED—I agree with His Honour, the Speaker as to that subsection. I doubt the power of this parliament to enact it. There is the other consideration, as to whether the thousands of encumbrances on a railway should not be on record in the registry offices, so that purchasers of property should know whether they are getting a clear title or not. This clause requires mature consideration.

Hon. Mr. KERR (Toronto)—Unless this provision be adopted, the effect would be that a mortgage, for instance, on the Grand Trunk Railway, would have to be registered in every county on the lines of that railway in the province at an enormous expense, whereas every one knows that mortgages of this character are registered by one instrument in the Secretary of State's office. It surely seems a convenient way of dealing with the matter.

Hon. Mr. DANDURAND—A central registry office is fixed by this law, and the whole public is aware of it. Instead of running round from office to office, there is a central one.

Hon. Mr. LOUGHEED—What I had in view was this fact, that in the North-west many small railway companies have obtained very large tracts of land. They sell their town sites and lands to the public. The registry office, therefore, will show no record of what encumbrances may be against the property. Of course, I observe that provision is made for an examination of the title in the Secretary of State's office. The question arises, however, as to whether the public should be inconvenienced to that extent.

Hon. Sir MACKENZIE BOWELL—Does the law in the North-west Territories differ from that in Ontario ? If a person has a deed of a property that is not registered, and another person examines the registry office and finds the title still, so far as the record is concerned, is with the person from whom he is buying, and he gets his deed and registers it first, he holds the property. That is the Ontario law.

Hon. Mr. LOUGHEED—There is this further difficulty, inasmuch as the government insures the title to persons in the territories, that is upon the issuance of a certificate of title, I scarcely see how this machinery is going to be worked out, except some provision is made for registration throughout the territories.

Hon. Mr. POIRIER—It may be some inconvenience for the railways to register in the counties, but it is certainly for the con-

venience of the people residing in the counties, and for my part I would rather have the railway companies put to that trouble and register in every county. I do not see why they should be exempt from a law which obliges every other person and company to register in every county where they hold mortgaged property.

Hon. Mr. POWER—There might possibly be a distinction made between the lands used by the company for right of way and stations, and lands held by the company for sale, as indicated by the hon. gentleman from Calgary, and it is worth while considering whether some provision might not be made with respect to these lands.

Hon. Mr. DANDURAND—Does the hon. gentleman from Calgary mean to say that a general blanket mortgage can be given on lands conceded to a railway company before the land is vested in the company and registered ?

Hon. Mr. LOUGHEED—No, I do not say that, but the case I have in view is this : let us assume for a moment the government issue a title to land and the company puts the mortgage on those lands, and that mortgage does not appear in the registry office in that district; when that land is retransferred, can the government insure the title to the purchaser if the encumbrance does not appear on the title.

Hon. Mr. DANDURAND—It is a clear title to the company.

Hon. Mr. LOUGHEED—The company may file with the Secretary of State their mortgage, without notice being given, after the registration of a sale.

Hon. Mr. SCOTT—If a fraud of that kind were perpetrated in the North-west, the government would be the loser. The individual would not lose.

Hon. Mr LOUGHEED—That is what I pointed out.

Hon. Mr. SCOTT—It is scarcely likely a railway corporation would commit a deliberate fraud by selling property they had no power to sell.

Hon. Mr. LOUGHEED—They would have power to sell.

The subclause was adopted.

Hon. Mr. BEIQUE—I would call the attention of the committee to subclause 3, which reads as follows :

3. The company may except from the operation of any such mortgage deed any assets, property, rents or revenue of the company, and many declare and provide therein that such mortgage shall only apply to and affect certain sections of portions of the railway or property of the company ; but where any such exception is made the company shall in such mortgage deed expressly specify and describe, with sufficient particluarity to identify the same, the assets, property, rents or revenue of the company, or the section or portions of the railway, not intended to be included therein or conveyed thereby.

This clause might open the door to a great deal of abuse and fraud. Railways must be sold, and treated as one property, and by diverting part of the railway, as is provided for in this new subsection, it would open the door to these frauds that in giving security to a creditor by leaving out some of the property, forming part of the railway, a railway which would be foreclosed under the security, would be dismantled. This clause should be carefully guarded to provide against anything of the kind—dismantling a railway.

Hon. Mr. LOUGHEED—It is absolutely essential to a railway that they should have power to mortgage portions of their property and exempt others. I might instance the case of railways owning lands in the territories. They might desire to place a mortgage on their road-bed, leaving themselves free to sell their lands. It is only right that this power should be given them. Parties lending the money should examine the securities they get ; consequently, I see no abuse to arise from this.

Hon. Mr. KERR (Toronto)—The subsection the hon. gentleman is referring to is one really in aid of the creditor. It is for the purpose of protecting the creditor. The clause which provides for the giving of a mortgage provides that the mortgage shall describe what is encumbered ; but in order that the company may not create the impression that that is all their property, if they make any exception they must describe it. It is really a protection to the creditor instead of to his detriment.

Hon. Mr. BEIQUE—The hon. gentleman is quite right.

Hon. Mr. McMULLEN—The hon. gentleman says the mortgage would have to recite

the property intended to be covered by the mortgage, and it would have to recite also the property exempted, but these provisions are not in the bond. Of course, if a person wanted to find out really what was the foundation of the security he would have to examine the mortgage.

Hon. Mr. SCOTT—They always do.

Hon. Mr. McMULLEN—Does every man buying and selling stock in a railway company always go and examine the mortgage to see what it covers ?

Hon. Mr. KERR (Toronto)—It is the practice every day.

The CHAIRMAN—The universal practice.

Hon. Mr. KERR (Toronto)—It is the practice with regard to every corporation.

The clause was adopted.

On clause 116,

116. The company may, for the purposes of the undertaking, borrow money by overdraft or upon promissory note, warehouse receipt, bill of exchange or otherwise upon the credit of the company and become party to promissory notes and bills of exchange ; and every such note or bill made, drawn, accepted or indorsed, by the president or vice-president of the company, or other officer authorized by the by-laws of the company, and countersigned by the secretary of the company, shall be binding on the company ; and every such note or bill of exchange so made, drawn, accepted or indorsed shall be presumed to have been made, drawn, accepted or indorsed with proper authority, until the contrary is shown ; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary or other officer of the company, so authorized be individually responsible for the same, unless such promissory note or bill of exchange has been issued without proper authority ; but nothing in this section shall be construed to authorize the company to issue any note or bill payable to bearer, or intended to be circulated as money or as the note or bill of a bank. 51 V., c. 29, s. 98, Am.

Hon. Mr. POWER—There is a change in this clause which I think is not desirable. The company may become party to bills of exchange and promissory notes, and there is no limitation to the amount. I think there should be some limitation. It should not be for less than $100.

Hon. Mr. KERR (Toronto)—That is covered by clause 111.

Hon. Mr. POWER—That is a different matter. No bill or note should be for less than $100.

Hon. Mr. CASGRAIN (de Lanaudière)—There is no object in that.

Hon. Mr. POWER—It has been the law for 30 years and no one has ever found fault with it, and that ought to be, with the Secretary of State, a very powerful argument.

Hon. Mr. SCOTT—If the company owes $95 it seems to me it might as well give a note for that amount, as if it was a hundred dollars.

The clause was adopted.

On clause 118, subclause (c),

118. The company may, for the purposes of the undertaking, subject to the provisions in this and the Special Act contained —

(c.) purchase, take and hold of and from any person, any lands or other property necessary for the construction, maintenance and operation of the railway, and also alienate, sell or dispose of, any lands or property of the company which for any reason have become not necessary for the purposes of the railway.

Hon. Mr. CASGRAIN (de Lanaudière)—It often happens that railways expropriate property, and after doing so find that they do not need it. I submit this clause might stand so that an amendment could be drawn providing that the original owner should have the preference of recovering back his property on refunding the money received from the company. It has happened that the company has profited by the acquiring of this property, and reselling it. So the original owner should have the preference of receiving back his land if the company do not want it.

Hon. Mr. LOUGHEED—This does not compel them to sell the land. If the original owner would give them a larger price than any other person they would be glad to sell it.

Hon. Mr. KERR (Toronto)—There is no limitation about the time. The land may be taken to-day, and it may be 25 years before it is sold, and the whole character of the property may be so entirely changed that to give it back to the original holder at the price he received for it might be entirely inadequate. I do not see how you could qualify it.

Hon. Mr. DANDURAND—And it would be inopportune, even if the suggested change were advisable, to insert it in this clause.

Hon. Mr. McMULLEN—I would suggest that if the company do not put the property to some specific use within, say three or five years from the time it was expropriated, the owner should have the privilege of recovering it back. Suppose they expropriate five acres of land for a gravel pit, out of which they are going to supply ballast. It may be a town site, or close to it, and that property may increase largely in value. I hold that if the man from whom they took that property by valuation chooses to claim it back after they have made use of it and taken the gravel out of it, they should be compelled to sell it to him.

Hon. Mr. POWER—It would be difficult to carry it out. I think, as a general thing, railway companies pay more than the market value for land, and if the owner of the land sold to one of his neighbours instead of to the company, he would not dream of saying that if the neighbour did not require the whole of the land the original owner should get it back cheaper than anybody else.

Hon. Sir MACKENZIE BOWELL—But you are applying a different principle altogether in this law. An Act which we passed during this session made provision that if the government expropriated land from a private party and did not require portions of it afterwards, you could compel him to take it back at any time before the money passed. In this case, it is quite different. The railways expropriate the land and pay for it, and as the Speaker has properly said, as a rule they pay more than a private individual would pay, and they have the right, if they do not require it, to sell it afterwards. The party from whom it was purchased certainly would have no right to claim any advantages from the construction of the road, or the purposes for which a portion of the land expropriated was utilized. If you adopt that principle, you should go further, and declare that if the property deteriorates in value, you should compel him to take it back and refund the money. But why a different principle should apply in the matter of railways and the government I am unable to understand. Of course, those who were present at the passage of the Act know very well that some of us took objection to it. I know that I did, and two or three years ago we defeated a Bill of that kind because we thought it was an injustice that might be perpetrated against the owners of land, but such an Act was passed during the present session, and it is diametrically opposed to the principle as laid down in this law.

Hon. Mr. McMILLAN—Would not the original owner of the land have a preference? Would not the situation give him a preference?

Hon. Mr. KERR (Toronto)—Quite so.

Hon. Sir MACKENZIE BOWELL—But he should have no preference in price?

Hon. Mr. KERR (Toronto)—No.

Hon. Sir MACKENZIE BOWELL—Because when he sold the land he obtained from the railway company the full value of it.

Hon. Mr. McMILLAN—But the preference in situation would give him a preference in price.

The subclause was adopted.

On clause j,

(j.) Fell or remove any trees which stand within one hundred feet from either side of the right of way of the railway, or which are liable to fall across any railway track.

Hon. Mr. POWER—That is an extraordinary power.

Hon. Mr. SCOTT—The danger of trees blowing down makes it dangerous for travelling.

Hon. Mr. FERGUSON—But this is without any reference to the property of the railway. The tree might be ten feet high and one hundred feet away.

Hon. Mr. KERR (Toronto)—It would be a growing evil.

Hon. Mr. FERGUSON—I never heard of any abuse under the section, but it is capable of abuse. The employees might go in and cut down trees and injure a man's property.

Hon. Mr. CASGRAIN (de Lanaudière)—We might put it within 100 feet on either side of the right of way.

Hon. Mr. KERR (Toronto)—But the track might have to go up close to the limit of the property in some cases.

Hon. Mr. McMULLEN—I think we should seriously consider this clause. I quite agree with the hon. gentleman from Marshfield in his remark. There are times when officials want to show their authority and possibly a quarrel would arise between an official on the part of the railroad and some parties residing in the neighbourhood, and he might vent his spleen by saying: 'I will cut down your whole orchard. The trees are within one hundred feet of the line. They are apt to stop the snow or something.' There is no provision here to remove any trees which stand within 100 feet of either side of the line of railway. If you say 'within 100 feet of the railway and liable to fall across the railway,' that would cover it. Nobody could have any objection to that. But it says:

Fell or remove any trees which stand within 100 feet of either side of the right of way of the railway, or which are liable to fall across any railway track.

If you take out the words 'or which' and substitute 'and are,' it would answer the purpose.

Hon. Mr. POIRIER—I think it would be better to strike out 'or.'

Hon. Mr. McMULLEN—That would do.

Hon. Mr. KERR (Toronto)—If you had a tree which was more than 100 feet from the track it might be just as dangerous to the public travelling on the railway and you would have no power to cut it down.

Hon. Mr. BEIQUE—I call the attention of the hon. gentleman to clause 120 of this Bill, which provides, or which is intended to provide, for the paying of damages caused by the exercise of those powers. I do not know that the clause is properly drafted, but I call attention to it. They will not cut any trees unless they require to.

Hon. Mr. SCOTT—They have to pay a good price for it. The clause has been well considered, and there can be no injury to any person. Compensation must be given, and it is all in the interest of the travelling public.

Hon. Mr. McMULLEN—I think clause 120 covers it. They have to pay for any damage done.

The subclause was adopted.

On clause 122,

122. The company shall make a plan, profile and book of reference of the railway. The plan shall show the right of way, with lengths of sections in miles, the names of terminal points, the station grounds, the property lines, owner's names, the areas and length and width of lands proposed to be taken, in figures (every change of width being given), and the bearings, also all open drains, watercourses, highways and railways proposed to be crossed or affected. The profile shall show the grades, curves, highway and railway crossings, open drains and water courses. The book of reference shall describe the portion of land proposed to be taken in each lot to be traversed, giving numbers of the lots, and the area, length and width of the portion thereof proposed to be taken, and names of owners and occupiers so far as they can be ascertained. The board may require any additional information for the proper understanding of the plan and profile.

2. The plan, profile and book of reference may be of a section or sections of the railway. 63-64 V., c. 23, s. 6—part, Am.

Hon. Mr. BEIQUE—This clause provides for the making of plans and books of reference. We have in the province of Quebec our official plans, and the property is described by numbers on the official plans, and in all documents the mention of the official number is a sufficient description of the property. I would suggest that the first paragraph of clause 122 be amended by adding the following words:

The portion of the railway comprised in each county shall be indicated on the plan and book of reference by a separate number or numbers.

Hon. Mr. SCOTT—As a matter of practice in Quebec, do they not give the cadastral number? I think they do.

Hon. Mr. BEIQUE—No, it has been quite puzzling for me as to what was the effect of this book of reference in the province of Quebec. The old law was as it is drafted in this Bill, but the book of reference, as prepared by the Crown Commissioner, is the book of reference which governs in all mortgages on real estate, and I think it is much better to make it clear that the book of reference, as far as the railway is concerned, will take the place of all other books of reference and provide for the numbering of railway property. It is very easy to assign to the portion of the railway in each separate parish a separate number. It may be more than one number.

Hon. Mr. KERR (Toronto)—Is not the number sufficient as it is?

Hon. Mr. BEIQUE—The clause is properly drafted as far as the clause is concerned, but it is for the purpose of registering and describing the property. I have had to bring to sale railway property, and the description had to be published in the official 'Gazette' and in the papers, and it extended over one hundred pages of foolscap, because we had to describe under our law in the province of Quebec. If the property is not known by official number, it has to be described by the abutting property —metes and bounds—and I had to prepare that in a special case, the Montreal, Portland and Boston Railway, where the description covered more than a hundred pages of foolscap paper. Surely we should guard against that; but it was not the only case, and, therefore, it is very easy to add that a number shall be taken for the official number. I suggest that the paragraph stand.

Hon. Mr. SCOTT—It will be limited to Quebec?

Hon. Mr. BEIQUE—Yes.

Hon. Mr. McMULLEN—It is provided that the profile shall show the grades and curves of the highway and railway crossing. What is a highway? Is it a travelled road? Is a surveyed line supposed to be a highway?

Hon. Mr. SCOTT—Every concession line is a highway.

Hon. Mr. McMULLEN—Whether opened or not?

Hon. Mr. SCOTT—As a matter of practice, they do not enforce it against the railway companies until the road is opened, but when it is opened they have to do that. The profile can only be established when the road is graded, and the company must conform to the grade. It can only deviate an inch from the grade of the road.

Hon. Mr. DANDURAND—The hon. gentleman will find in clause 1 of the interpretation Act the meaning of the word highway.

The clause was allowed to stand.

On clause 129,

129. All plans and profiles required by law to be deposited by the company with the board, shall be drawn to such scale, with such detail, upon such materials, and of such character, as the board may, either by general regulation, or, in any case, require or sanction, and shall be certified and signed by the president or engineer of the company; and any book of reference, required to be so deposited, shall be prepared to the satisfaction of the board. Unless and until such plan, profile and book of reference is so made satisfactory to the board, the board may refuse to sanction the same, or to allow the same to be deposited with the board within the meaning of this Act.

Hon. Sir MACKENZIE BOWELL—It has been suggested that this clause requires amendment. The Senate will see that the clause confines this duty exclusively to the president, and it has been suggested after the word 'president' to insert 'general manager, engineer or other executive officer' of the company. One can easily see the delay which would arise if you confine the duty of signing the document exclusively to the president.

Hon. Mr. SCOTT—I think the suggestion is a very good one, but would it not be better to read signed by the president or vice-president or general manager, and also by the engineer. It should have the signature of the engineer.

The clause was so amended and adopted.

On clause 134, subsection 2,

2. The extent of the public beach, or of the land covered with the waters of any river or lake in Canada, taken for the railway, shall not exceed the quantity hereinafter limited in the case of lands which may be taken without the consent of the owner. 51 V., c. 29, s. 105, Am.

Hon. Mr. BEIQUE—This section raises a very important question, it applies to all rivers, lakes and streams. It would apply, very rightly, to navigable rivers. The provinces have been held to be the owners of the beds of rivers. I do not know if it should not be limited to lands under the jurisdiction of the government.

Hon. Mr. SCOTT—The construction put upon it is that it applies to lands owned by the Crown as represented by the Dominion.

Hon. Mr. BEIQUE—I should like to have this clause stand. I have not sufficiently considered it.

Hon. Mr. LOUGHEED—That would be perfectly right with reference to lands in the territories. The beds of the rivers there are vested in the Crown. Supposing there should be a case in which the federal authority would dispose of the bed of a

river in the province, why should they not do so? It does not invade the right of the province; it only gives the right the federal authority has to alienate that property.

Hon. Mr. SCOTT—They would have to pay for it if the province insisted on it.

The clause was adopted.

On clause 138,

138. The lands which may be taken without the consent of the owner :—

For the right of way shall not exceed one hundred feet in breadth, except in places where the rail-level is, or is proposed to be, more than five feet above or below the surface of the adjacent lands, when such additional width may be taken as shall suffice to accommodate the slope and side ditches ;

For stations, depots and yards, with the freight sheds, warehouses, wharfs, elevators and other structures for the accommodation of traffic incidental thereto, shall not exceed one mile in length by five hundred feet in breadth, including the width of the right of way. 51 V., c. 29, s. 103, Am.

Hon. Mr. SCOTT—As the law stood, the right of way should not exceed thirty-three yards. Here it is 100 feet, and the land the company was entitled to take for stations, &c., under the law as it stood, was 650 yards in length by 100 yards in breadth. To get any further land they had to apply to the Minister of Railways.

Hon. Mr. YOUNG—Is not this an excessive limit that is provided for in this clause? Who is to be the judge of the quantity of land required?

Hon. Mr. SCOTT—It has been found in the enlargement of our railway system, that they have had constantly to get increased land for sidings. The sidings now are very much longer than originally contemplated.

Hon. Mr. CASGRAIN (de Lanaudière)—The Grand Trunk Railway of Canada has just expropriated outside the city of Montreal, half a mile in width by a mile in length. So I think this is not enough.

Hon. Mr. YOUNG—I would suggest that the words 'for the purposes of the railway' be included there, so that if they require the whole of it, they should have all the power they need.

Hon. Mr. SCOTT—The Bill specifically states what it is to be taken for.

Hon. Mr. BEIQUE—I do not object to the extent, provided it does not open the door to such abuse as a company buying, under the pretext of using the land for stations and yards, and the next day selling it for town lots.

Hon. Mr. SCOTT—They could not do that.

Hon. Mr. BEIQUE—I would suggest to amend the last paragraph, by adding after the word 'for' the words 'use only,' confining it to land used for railway purposes.

Hon. Mr. DANDURAND—What advantage would be gained? Under the word 'use' they could extend it as they please.

Hon. Mr. BEIQUE—As it is, the moment they want land for stations they have the right to expropriate, and then they can do what they choose with it; but if we add these words I have suggested I am quite sure they would not have the right to hold the land if they did not use it for railway purposes.

Hon. Mr. SCOTT—We are really only giving them 200 feet extra in breadth.

Hon. Mr. BEIQUE—But it is a mile in length.

Hon. Mr. SCOTT—It could not be used for any other purpose.

The clause was adopted.

It being six o'clock, the committee rose for recess.

After Recess.

The House resumed in Committee of the Whole consideration of Bill (21) An Act to amend and consolidate the law respecting railways.

On clause 122,

Hon. Mr. BEIQUE moved that the following be inserted as subclause 3 :

In the province of Quebec the portion of the railway comprised in each municipality shall be indicated on the plan and book of reference by separate number or numbers.

Hon. Mr. BOLDUC—I can hardly see the necessity of such an amendment, because in clause 122 it says : the plan shall show the right of way, the names of terminal points, the stations round the property lines, owner's name, the areas and length and width of lands proposed to be taken. I think that covers the whole ground just as well in the province of Quebec as in the other provinces.

Hon. Mr. BEIQUE—Perhaps that hon. gentleman was not present before the adjournment when I gave the reason. I stated that in my own experience the Montreal, Portland and Boston road was caused to be seized and the description of the property covered more than 100 pages of foolscap, because there was not an official number on the property and each separate piece of land had to be described separately ; and it is to avoid the repetition of that, that I suggest such an amendment, I have had occasion to describe railway property in that way, and it is much more convenient if the company wants to mortgage the property. It is an easy way to describe the property. Then it is described merely by official numbers, which are cadastral numbers.

The amendment was adopted.

On clause 149,

149. Any contract or agreement made by any person authorized by this Act to convey lands, either before the deposit of the plan, profile and book of reference, or before the setting out and ascertaining of the lands required for the railway, shall be binding at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land has, in the meantime become the property of a third person ; and possession of the land may be taken, and the agreement and price may be dealt with, as if such price had been fixed by an award of arbitrators as hereinafter provided, and the agreement shall be in the place of an award. 51 V., c. 29, s. 141, Am.

Hon. Mr. BEIQUE—I think this clause should be amended. It is dealing with real estate, and gives effect to a mere agreement made with one party with the owner of the land before the property is taken over by the company and before the railway is built. It seems to me it should provide for the registration of that agreement, otherwise, third parties are not protected. The land may be sold. There is nothing to show that any such agreement has been entered into.

Hon. Mr. SCOTT—It will be subject to the law of the province—no question about that.

Hon. Mr. BEIQUE—It does not say so. The terms of the clause are very express. It shall be binding on the owner for the price agreed upon for the same lands if they are set out and ascertained within one year from the date of the contract or agreement, and although such land has in the meantime become the property of a third person. It is there stated that it shall be binding on the purchaser of the property, and it does not provide for any registration. I think we should provide for the registration of that agreement.

Hon. Mr. BOLDUC—I believe the hon. gentleman is right, that this clause ought to be amended. In the province of Quebec, as he has remarked, all deeds must be registered, but this clause is so specific that I believe that even if there was no registration, the right of the company would remain good. The party who acquired the piece of land which the company would have by this clause a right to enter, would have surely recourse against the seller, but in case the seller should not be good for the loss sustained by the purchaser, the purchaser would surely be losing in that matter, and I believe the clause should stand so that the hon. member from De Salaberry could prepare an amendment to apply to the province of Quebec.

Hon. Mr. SCOTT—Have you ever heard of a case of the kind ? Because this clause has been in the statute-books for thirty years or more.

Hon. Mr. KERR (Toronto)—And it would not deprive the party of the remedy as between the parties. The vendor and the purchaser would have their remedies for the protection of the purchaser in that respect.

Hon. Mr. BEIQUE—But we have a registry office for the purpose of showing the status of the land, and I see no reason why —it is as easy in this case as in any other cases—if a railway company buys property and makes an agreement for a piece of land, that it should not be disclosed.

Hon. Mr. DANDURAND—I admit that the clause at first appeared to me very extraordinary. I had gone over the Railway Act before, but here is a railway company that makes an agreement for the purchase of a property for, say $500, gets a written document, and later on the vendor finds that there is to be a railway expropriation for a station ground, and there is a boom. He sells for $2,000 to a man who comes in, a

third party, and the railway has twelve months during which to offer the $500, the amount originally mentioned between him and the first vendor, and would rob the third party of $1,500, the difference. This is as we find it in this law. It is true the hon. Secretary of State says it has operated for thirty years or more, and we have heard of no injuries, but if I can read the clause, and it seems very clear, that would be the effect.

Hon. Mr. SCOTT—I doubt very much if it would override the registry laws of the province of Ontario.

Hon. Mr. POWER—The amendment suggested by the hon. gentleman from De Salaberry is a very simple one, and as we are amending the Bill, I do not see why we should not adopt it. I think about three words would do it. In line 32, instead of saying 'shall be binding,' it should read, 'shall, if duly registered, be binding.'

Hon. Mr. KERR (Toronto)—The objection, one can easily see, would come from the railway companies. In buying a right of way they make individual contracts, and suppose in some cases they were, as it were, held up and had to pay a high price, and then suppose they had to register it in the registry office, the result would be that the prices all along the line would be unfairly and unduly advanced, because, as is well known, the railway companies have to pay the highest price for any land they get for such a purpose. In buying a right of way I think, if this contract had to be registered, that they might be exposed to a great deal more cost than would be necessary in the purchase of an ordinary right of way.

Hon. Mr. BEIQUE—It is only to give effect to the agreement as far as the third party is concerned. Without the registration the agreement will be good between the vendor and the company, but it is to make the agreement binding upon the third party that the registration is required.

Hon. Mr. LOUGHEED—I will point out that while on the face of it it might be subject to the abuses mentioned, yet in the North-west Territory, where probably more land has been conveyed of late years than in any other part of the Dominion, it would be impossible to register a contract or agreement. Under the Land Titles Act only transfers of land and mortgages may be registered. For instance, if such an amendment were made as suggested by my hon. friend, it would not apply to the territories, where there are thousands of those transactions, and yet within my professional experience I have not seen one case where such a condition of things has arisen as has been pointed out.

Hon. Mr. KERR (Toronto)—Another difficulty occurs to me at the moment, and it is this. A man who had contracted to sell to the railway at a price and afterwards learned that his neighbour had got a higher price, would simply sell the property to another person, and then you would have a new owner on whom that contract would not be binding, and all kinds of frauds would be attempted in order to raise the price on the railway company.

Hon. Mr. POWER—I do not see how that could happen.

Hon. Mr. KERR (Toronto)—Nothing simpler. I make my contract at the beginning of an enterprise, wishing to get the railroad near my property. My neighbour is getting four times the price for his land that I am, and after the company have settled their location, I could make a transfer of my right to my friend who would then become the owner. The contract would not be binding on him, because it was not registered, and he would raise the price.

Hon. Mr. BOLDUC—All they would have to do is to register.

The clause was adopted.

On clause 154,

154. The notice served upon the party shall contain——

(a.) A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands, and describing the lands;

(b.) A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages. 51 V., c. 29, s. 146, Am.

Hon. Mr. SCOTT—The system of arbitration is changed and that accounts for the change in this particular clause. As it is now, the judge names the arbitrator, but on appeal by any party each may name one.

The clause was adopted.

On clause 163, subsection 2,

2. Such arbitrator or arbitrators shall have and may exercise with respect to such arbitration all the powers mentioned in section 49 of this Act, and section 50 of this Act shall apply to persons attending and giving evidence at any such arbitration.

Hon. Mr. CASGRAIN (de Lanaudière)—The arbitrators should not, of their own motion, call witnesses. If the parties choose to bring witnesses, well and good, but the arbitrators themselves should not have the power to call witnesses and increase the cost of arbitration in a suit. The arbitrators should know the value of property themselves.

Hon. Mr. CLORAN—Suppose they are not satisfied with the witnesses of either party?

Hon. Mr. CASGRAIN—Then they should decide on their own judgment.

Hon. Mr. SCOTT—A large amount of expense might be entailed, and surely the parties interested are the parties to call the witnesses.

Hon. Mr. LOUGHEED—It would be as unseemly for the arbitrators to call witnesses, as it would be for a court to call witnesses.

Hon. Mr. POWER—I do not see that the witnesses are called by the arbitrators.

Hon. Mr. LOUGHEED—This subsection introduces all the provisions of clause 49, and subsection (c) of clause 49 provides for the calling of witnesses, and by excepting that clause the arbitrators would not have the power. I move that the words 'excepting subsection (c)' be inserted after the word 'Act.'

Hon. Mr. POWER—I do not see why they should not have the power to call witnesses.

Hon. Mr. LOUGHEED—You might as well say the court should call witnesses.

Hon. Mr. CLORAN—Very often the court does call witnesses.

Hon. Mr. SCOTT—The objection in this case is that arbitrators very often take longer time and put the parties to greater expense than they should. If they had the excuse of calling witnesses, they could postpone a settlement until doomsday.

Hon. Mr. McMULLEN—I can easily see that the point touched on by the Secretary of State might be seriously abused, and it is well to make the amendment.

Hon. Mr. BEIQUE—For my part I do not see much objection to the arbitrators having power to call witnesses, because they may require evidence to properly enlighten their conscience, but I desire to call attention to this: I have had some experience in expropriation matters, and the costs are ruinous to the company. It has been the experience of all familiar with arbitrations, that the costs amount invariably to $600, or $800, and that is so in all cases, even when the compensation is a paltry sum of $300, $400, or $500.

Hon. Mr. SCOTT—Sometimes less than $100.

Hon. Mr. BEIQUE—And as the development of the country is promoted considerably by railways, it seems to me that railway companies should be protected to a certain extent. This abuse arises mainly on account of the fact that parties make it a profession to act on arbitrations for expropriation proceedings as expert witnesses, and they drag the proceedings, and have twenty sittings when the matter could be settled in one or two sittings; and they also get indemnified by the owners according to the amount which they succeed in obtaining from the company. It seems to me that we should consider that question and try to put an end to the abuse.

Hon. Mr. KERR (Toronto)—If we look at section 49, and subsection (c), that has been referred to, they provide for the attendance of all such persons as may be called. It is the only power I see in this Bill for arbitrators to summon witnesses.

Hon. Mr. LOUGHEED—Look at subsection 2, of the same clause.

Hon. Mr. KERR (Toronto)—It is only under (c) that they can be called by the arbitrators. A witness might not care to be called by either party, and the arbitrators are empowered under this clause to require him to attend. I want a certain number of witnesses, and the only way I can get them is to get summonses requiring them to attend.

Hon. Mr. POWER—Look at subsection 2, of clause 49.

Hon. Mr. KERR (Toronto)—I had overlooked that.

Hon. Mr. POWER—The matter to which attention has been called by the hon. gentleman from De Salaberry is one that well deserves the consideration of the government. I do not know very much about these expropriations, in a professional way, as the hon. gentleman does, but I know that the government were called upon some twenty-three years ago to expropriate a considerable quantity of barren, almost worthless land, between St. Charles and the town of Lévis. The right of way for some fourteen miles cost, I think, fully $1,400,000. The hon. gentleman has pointed out that there are in the province of Quebec, and I daresay there are in other provinces, people who make a profession of being expert witnesses in such suits.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has forgotten the fact that the value of the land acquired for the line between St. Charles and Lévis was not decided by arbitration, but by the Exchequer Court. The prices put on the land to which the hon. gentleman refers were of such an exorbitant character that the then Minister of Railways and Canals, the Hon. Mr. Pope, refused to pay them, and he did not pay one cent until the prices had been fixed by the Exchequer Court. When the survey was made for building that portion of the road, it was not supposed it would cost over half as much as had to be paid for the right of way alone, after the decision of the Exchequer Court had been rendered. I do not know that the term used by the hon. Speaker, that the land was valueless, is quite correct, but it was valueless so far as any return to the owners was concerned. However, the moment the government wanted to build the railway, the prices rose enormously, not only in the province of Quebec is this the case, but over most of the road. There are gentlemen here from Quebec who remember the incident very well, and they, perhaps, can give us an idea, if it be necessary to do so, as to the real value of the land. I know that the impression in the minds of the public was, that the government was obliged to pay after it had gone through the courts, because the evidence that was given before the judge of the Exchequer Court was of such a character that he had to decide in that way, and the government paid the awards. Now, in reference to this matter before the committee, if hon. gentlemen refer to clause 49, the power to examine witnesses is given to the board and to the minister in case he deems it necessary in any cases of this kind. The clause under discussion provides that the arbitrator or arbitrators shall have the same power as the board and the minister. The amendment made by the hon. gentleman from Calgary is to except paragraph (c) of clause 49—that is, taking from the arbitrators the power which is given to the minister and the board in subsection 3 of clause 41. The question is, should they have that power. If it is necessary to have any other witnesses than those who are being examined by the parties interested, then all the arbitrator would have to do would be to apply to the minister. I think it would be just as well that the power given to the arbitrators in this clause should be struck out.

Hon. Mr. BEIQUE—It deprives them of the power to compel the attendance of witnesses ?

Hon. Mr. LOUGHEED—No. Subclause (c) and subclause 2 deal with an entirely different matter.

The clause was amended and adopted.

On clause 167,

167. The person offered or appointed as valuator, or as sole arbitrator, shall not be disqualified because he is professionally employed by either party, or has previously expressed an opinion as to the amount of compensation, or because he is related or of kin to any shareholder of the company, if he is not himself personally interested in the amount of the compensation; and no cause of disqualification shall be urged against any arbitrator appointed by the judge after his appointment, but the objection shall be made before the appointment and its validity or invalidity shall be summarily determined by the judge. 51 V., c. 29, s. 159.

Hon. Mr. POWER—I have some doubt as to whether the arbitrator should not be disqualified in this case.

Mr. CASGRAIN (de Lanaudière)—This question has arisen very often. You could not find arbitrators if you did not have this clause. For instance, lawyers are often employed as arbitrators, and they have very frequently been employed by the company.

This provision has been in force for very many years, and is supposed to be perfectly right; otherwise you would find great difficulty to secure arbitrators who are not committed in any way. They would know very little of what they were required to do.

Hon. Mr. POWER—That would be all very well if the arbitrators were selected by the parties, but this is a party appointed sole arbitrator.

Hon. Mr. CASGRAIN—There is a sole arbitrator, or three, as the parties wish.

The clause was adopted.

Hon. Mr. McMULLEN—Clause 148 provides that the company shall not be responsible for the disposition of any purchase money for lands taken by it for its purposes if paid to the owner of the land, or into court for his benefit. Now, supposing the company takes part of a lot, worth five hundred dollars or a thousand dollars, and the value is fixed by the arbitrators; they pay over the money to the owner, and it is subject to a mortgage. Where will the mortgagee be—what will his right be?

Hon. Mr. SCOTT—The company will have to pay it over again.

Hon. Mr. LOUGHEED—They will look after that.

Hon. Mr. SCOTT—If the mortgage is on record.

Hon. Mr. McMULLEN—But this clause declares if the company pay the money to the owner they are not responsible.

Hon. Mr. SCOTT—They pay it at their peril.

Hon. Mr. McMULLEN—The clause says the company shall not be responsible for the disposition of any of the purchase money for lands taken, &c.

Hon. Mr. SCOTT—He was not the owner of the land at the time.

Hon. Mr. POWER—That is intended to cover the case of a party who is acting as trustee.

On clause 184,

184. The railway may be carried upon, along or across an existing highway upon leave therefor having been first obtained from the board as hereinafter provided, but the board shall not grant leave to any company to carry any street railway or tramway, or any railway operated or to be operated as a street railway or tramway, along any highway which is within the limits of any city or incorporated town, until the company has first obtained consent therefor by a by-law of the municipal authority of such city or incorporated town.

2. No obstruction of such highway with the works shall be made without turning the highway so as to leave an open and good passage for carriages, and, on completion of the works, restoring the highway to a good condition, as nearly as possible, as it was originally.

3. Nothing in this section shall deprive any such company of rights conferred upon it by any special Act of the parliament of Canada, or amendment thereof, passed prior to the present session of parliament

4. Every company which violates the provisions of this section shall incur a penalty of not less than forty dollars for each such violation. 51 V., c. 29, s. 183, Am.

Hon. Mr. BEIQUE—I ask that this clause stand, because I shall be able to show that it should be amended, and it should be taken in connection with clauses 5, 6 and 7. It refers to some of the same matters.

Hon. Mr. DANDURAND—On what lines does the hon. gentleman propose to amend, so that we may ponder over it?

Hon. Mr. BEIQUE—Under the clause as drafted, first of all, consent may be given by by-law of the municipality, and 'by-law' as defined in the interpretation clause, includes a resolution. Then the moment that the company has obtained consent, it would have that consent for all time to come. I think that the clause should be so amended that the consent may be given on such terms and conditions as shall be prescribed in the by-law.

Hon. Mr. SCOTT—That is so now, and that will be so under this clause. They could not get a by-law except under certain terms and conditions.

Hon. Mr. KERR (Toronto)—They will not give a consent unless it is on such terms and conditions.

Hon. Mr. POWER—But in the interpretation clause 'by-law' includes resolution.

Hon. Mr. SCOTT—Would not the better way be to amend the interpretation clause and strike out 'resolution' here?

The clause was allowed to stand.

On clause 186, subclause 2,

2. When the application is for the construction of the railway upon, along or across an existing highway, all the provisions of law at such time applicable to the taking of land by the company, to its valuation and sale and con-

veyance to the company, and to the compensation therefor, shall apply to the land required for the proper carrying out of any order made by the board.

Hon. Mr. CASGRAIN (de Lanaudière)—This is the first time there has ever been any compensation asked for crossing highways or occupying parts of highways. I do not see where that compensation should come in. It would go through a municipality, and the municipality is supposed to be benefited by the construction of railways.

Hon. Mr. SULLIVAN—Not always.

Hon. Mr. SCOTT—The clause is not properly worded. In the 8th line, instead of saying 'shall apply to the land acquired,' it should read 'to any additional land required,' and I move that it be so amended.

Hon. Mr. ELLIS—You have a street in a village or town and the railway takes that land. Why should they not only build up the street, but pay for the land as well?

Hon. Mr. SCOTT—They cannot build along a highway.

Hon. Mr. ELLIS—'Along or across a highway.'

Hon. Mr. CASGRAIN (de Lanaudière)—It is provided for in another part of the Act. It is provided that the level must be kept at a certain height and the fences so and so.

Hon. Mr. POWER—I am doubtful about some of those things of which some hon. gentlemen seem to be very certain. The subsection reads as follows:—

2. When the application is for the construction of the railway upon, along or across an existing highway, all the provisions of law at such time applicable to the taking of land by the company, to its valuation and sale and conveyance to the company, and to the compensation therefor, shall apply to the land required for the proper carrying out of any order made by the board.

As I understand it, the board makes orders under the first subsection, and the idea is that the company shall pay for the reconstruction, I should suppose, of the highway. I assume that is what this clause means, that the railway company will be obliged to pay for whatever land is necessary to relocate the highway. The hon. gentleman from De Salaberry thinks we have been treating the railway very harshly. The truth is, that up to the present time the railway companies have been 'enfants gatés' in Canada, and it is time they paid their way.

Hon. Mr. DAVID—Does not the committee think that, as the municipality is much interested in the manner in which the railway shall be constructed on an existing highway, a notice should be sent to them.

Hon. Mr. KERR (Toronto)—They cannot go there without having a by-law.

Hon. Mr. CASGRAIN—The deposit of the plans provides for that. The plans are deposited some thirty days before, and that is equivalent to notice.

Hon. Mr. ELLIS—Putting in the word 'additional' will limit the section altogether to whatever additional land may be taken, without regard to the existing conditions, when the railroad comes in. If hon. gentlemen look at the 4th section they will see that the whole section contemplates important changes in the highways. All the municipality will get will be simply payment for the additional lands taken. But if you leave the section as it is, all the conditions will be the same when that land is taken without the use of the word 'additional.' I think it is a very improper addition to the proposed law.

Hon. Mr. LOUGHEED—The law as it stands now, does not require railway companies to pay for the land on the highway crossing.

Hon. Mr. POWER—But it should.

Hon. Mr. SCOTT—They could not build a railway in this country if they had to.

Hon. Mr. ELLIS—The municipalities build their roads at considerable expense and the people are taxed for them. They are good roads. When the railway company comes to that land it has a right to consider that municipality an individual and treat it as an individual. I think it is an interference with the rights of the municipalities to take away the land which they have improved without giving them compensation.

Hon. Mr. SCOTT—The hon. gentleman must understand it would be absolutely impossible to build any railway in this country if they had to pay for these crossings.

Because if you go through a county you have to pass over fifty crossings and the townships would hold up the railway. Railways have the right to cross a highway, but they have not the right to proceed along the highway without a by-law, or without paying for it, but the law is absolutely clear in regard to the other, and that word 'additional' is there to provide for where, in the crossing of a highway, they require to carry the railway over the highway; then they must take something more than the right of way.

Hon. Mr. POIRIER—The point raised by the hon. gentleman from St. John is met by clause 184, which says that on completion of the work the company shall restore the highway to a good condition as nearly as possible as it was originally. That meets the objection.

The clause was amended and adopted.

On subclause 2,

2. Provided that where the company cannot obtain such consent from such municipal council or other authority, the company may apply to the board for leave to exercise such powers, and upon such application shall submit to the board a plan of such highway, square, or other public place, showing the proposed location of such lines, wires, and poles, and the board may grant such application, in whole or in part, and may change or fix the route of such lines, wires or poles, and may by order impose any terms, conditions or limitations in respect thereof that it deems expedient, having due regard to all proper interests; and upon such order being made the company may exercise such powers in accordance with such order, and shall in the performance and execution thereof, or in the repairing, renewing or maintaining of such lines, wires or poles, conform to and be subject to the provisions of subsection one of this section, as if consent had been obtained from such municipal council or other authority, except in so far as the said provisions are expressly varied by order of the board. 62-63 V., c. 37, s. 1, Am.

Hon. Mr. POWER—This subsection is one that I think might stand over for consideration. There should be some provision that the municipal authorities should be notified of the application. The company perhaps are not able to make terms with the council, and then they apply to this board and allege they cannot make arrangements with the municipal corporation. Then the board are empowered, without notifying the corporation, to grant the request of the company. While the board would naturally try, to some extent, to protect the interests of the municipality, as a matter of fair-play the municipal authorities ought to be heard before coming to a decision.

Hon. Mr. CASGRAIN (de Lanaudière)—Clause 31 seems to cover the notice mentioned by the Speaker.

Hon. Mr. POWER—That refers to another matter altogether.

Hon. Mr. LOUGHEED—The board has power to pass regulations, and surely they will not exercise arbitrary powers without bringing all the parties before them.

Hon. Mr. POWER—That is what I am asking—that that shall be made clear.

Hon. Mr. BEIQUE—I shall propose that a third subsection be added to this clause. On referring to the first paragraph of clause 195, it will be noticed that when the company is empowered by a special Act to construct and operate lines of telegraph and telephone, and for the conveyance of heat, light or power by electricity, the company may, with the consent of the municipality, exercise those powers. By subsection 2, it is provided that if the company cannot obtain the power from the municipality, then the board will grant leave to the company to do so. I see no objection to that being done, provided it be limited to the requirements of the company for their own business. For instance, if they require to carry their poles through any city or town, the company should obtain that power, either from the municipality, or from the board, if the municipality is not willing to grant the power. But I propose to add a third subclause in the following words:

Nothing contained in this section shall be deemed to authorize the company exercising the power therein mentioned for the purpose of selling or distributing light, heat, power, or electricity in cities, towns, or villages, without the company having first obtained the consent therefor by by-law of the municipality.

Hon. Mr. SCOTT—There is no objection to that.

Hon. Mr. DAVID—Subsection (g) of this clause provides as follows:

(g.) In case efficient means are devised for carrying any such lines or wires underground, no Act of parliament requiring the company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be deemed an infringement of the privileges granted by this Act, nor shall the company be entitled to damages in respect thereof.

That means no Act of the parliament of Canada, but in the case of Montreal, the city of Montreal was authorized by the local legislature to compel the company to put their wires underground. Is it not possible to say that no Act of parliament shall be deemed an infringement of the privileges granted by that Act, because if that is not added, the Act passed by the local legislature of Quebec would have no effect. I think, to give effect to that local Act, we ought to have some such words added.

Hon. Mr. SCOTT—I think the intention of the Act is in the direction the hon. gentleman says: even if the company were granted this privilege, if afterwards the municipality wishes to have the wires put underground, the company would have to conform.

Hon. Mr. DAVID—The clause says 'an Act of parliament,' and that means an Act of the parliament of Canada. This section does not cover an Act of the local legislature.

Hon. Mr. DANDURAND—It does not curtail the powers of the local legislature.

Hon. Mr. BEIQUE—The point is well taken. The power is given here in a general way. Power is given to lay wires in the streets of cities, and it is provided that, when an Act of this parliament is passed compelling them to place their wires underground, they shall have to do so without any compensation, and the point raised by the hon. senator from Mille Isle is this: if an Act of the same nature is passed by the provincial legislature, it would have no effect; and it seems to me these words should be added:

No Act of this parliament or of the local legislature.

Subsection (g) was allowed to stand.

Hon. Mr. YOUNG, from the committee reported that they had made some progress, and asked leave to sit again.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, August 26, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

DAMAGE TO MONTMAGNY POST OFFICE.

INQUIRY.

Hon. Mr. LANDRY inquired—

1. Has the government been informed that the Montmagny post office was severely damaged in the course of last winter, the whole roof of the building being crushed under the weight of snow, thus exposing to the four winds of heaven and to all the inclemency of the seasons the apartments especially reserved to the town council of the town of Montmagny?
2. Has the government furnished the council of the town of Montmagny another place for the regular holding of its sittings whilst waiting for the repairs of the present post office?
3. What arrangements has the government made in this matter?
4. Is it the case that the Department of Public Works (or the Post Office Department) has put a temporary awning in the place of the roof which has disappeared, and appointed a guardian to watch over this awning and prevent it from being carried away by the wind?
5. What is the name of this guardian? How much a day has he, and since when has he been receiving his salary?
6. Is it the intention of the government to make the necessary repairs to the present post office or to build a new one?
7. When will the works be commenced?

Hon. Mr. SCOTT—The answer to the first question is yes; to the second, no; to the third, none; to the fourth and fifth, no; to the sixth and seventh, the matter is under consideration.

Hon. Mr. LANDRY—There is one question which has not been answered, I think—is it the case that the Department of Public Works or the Post Office Department has put up a temporary awning, &c.?

Hon. Mr. SCOTT—I answered no to that.

THE TREADGOLD COMMISSION.

INQUIRY.

Hon. Mr. FERGUSON rose to ask the government—

Whether the commission recently issued to Judge Britton and Mr. Bell to investigate the Treadgold concession contains a provision fixing the amount of remuneration to be paid to the commissioners. If not, has the remuneration been otherwise settled, and in either case, how much does it amount to?

He said: I wish to state, in making this inquiry, that I have been told on good authority that the Treadgold Company, or the government, I am not sure which, have retained almost all the lawyers in the Yukon. My hon. friend, the Secretary of State, will be able to tell me whether the government has had any hand in it or not, but I have

been told, on what I think very good authority, that a very large proportion of the lawyers in the Yukon had been retained in the Treadgold inquiry. A telegram appeared in the Ottawa 'Free Press,' on Monday last, in which these head lines appeared :

The Treadgold commission.
Judge Britton severely rebukes the notorious Joseph Clarke for disrespectful conduct.

And then I find the latter part of the telegram declares that Mr. Clarke was acting roughly or rudely, and that Judge Britton had to severely rebuke him, and that he struck back at the commissioner, and so on. I want merely to call attention to this in connection with all the rest of the information we have with regard to this subject, and the manner in which it is being handled by the government.

Hon. Mr. SCOTT—Perhaps the hon. gentleman will allow the question to stand. I was not really able to get the information. I called for the commission and examined it, and the question of remuneration was not set forth in the commission.

Hon. Mr. FERGUSON—But the other part of the information—whether there was any allowance or remuneration settled.

Hon. Mr. SCOTT—I will let the hon. gentleman know to-morrow.

COLD STORAGE ON STEAMSHIPS.

MOTION.

Hon, Mr. FERGUSON moved :

That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid upon the Table of the Senate all correspondence which has taken place since the 1st of April, 1902, between the government of Canada, or any department or officer thereof, and any steamship company or agent of such company, engaged in the transportation of the produce of Canada from any port in Canada to Europe, regarding the ventilation of space on steamships used for storage during transportation of perishable products, such as apples and cheese.

Also, copies of all clauses in contracts with steamship companies relating to the ventilation of the holds or spaces between the decks of steamers employed as aforesaid.

Also, a statement giving the names of all steamships, and the owners thereof, which have been equipped with means of generating cold air and distributing the same through their holds and between decks, in terms of the appropriation made for such purpose during the session of 1901, or subsequently, giving the cost to the government in the case of each steamer.

Also, a statement showing the daily minimum and maximum temperatures maintained during each voyage in the holds or between the decks of steamers equipped in terms of the said parliamentary appropriation.

Also, a statement showing the comparative results in the transportation of apples between steamers equipped as above described and steamers without any special means of ventilation.

And also, a statement giving the names and owners of steamers, which it is proposed to equip as aforesaid, for the present season, and giving the port of departure from Canada of such steamers as well as those already equipped as aforesaid.

He said : I may explain to the House, this motion is for almost precisely the same information and papers that I moved for last year, and the object of the motion is to bring the information, which was brought down at the very close of last session, to date, or from April 1, 1902, to the present time, with respect to this question of the transportation of cheese, apples and other perishable products. With that explanation, I move the address, and I hope the hon. Secretary of State will try to bring down the information before the close of the session.

Hon. Mr. SCOTT—I asked in advance, expressing the hope that they would take measures to get it ready as quickly as possible, seeing it was a long address and would take time.

Hon. Mr. FERGUSON—The department will find that it only calls for papers since last year—a continuation of the same information.

The motion was agreed to.

RAILWAYS LAW CONSOLIDATION BILL.

AGAIN IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (21) An Act to amend and consolidate the law respecting railways.

Hon. Mr. SCOTT—This Bill has been changed so much in the drafting from the law as it stood, and also the Bill, since it was introduced to the House of Commons, that it has been very difficult, indeed, to follow it. My attention was recently called to the fact that subsection 2 of clause 186 was not at all clear and I was asked to put in additional words, and I so suggested to the House ; but after carefully examining it, I think the additional words rather confuse it, and the clause would be better as it

stood. The point was this: under the law as it stood railways were allowed to cross highways, but were not allowed to run along a highway. It was said that this extra land that was required, was for the purpose of building abutments in case of overhead crossings. I do not draw that deduction from it, and on reading the clause, I find it has more general application than that, and I think it is safer to leave the clause as it appears in the printed Bill. The clause reads as follows:

2. When the application is for the construction of the railway upon, along or across an existing highway, all the provisions of law at such time applicable to the taking of land by the company, to its valuation and sale and conveyance to the company, and to the compensation therefor, shall apply to the land required for the proper carrying out of any order made by the board.

I do not agree with the opinion that the extra land would be required for the crossing, and I therefore move to strike out the words I added yesterday.

Hon. Sir MACKENZIE BOWELL—Railways in the past have crossed highways, and do so at the present moment, without having to pay anything for the right of way. If that be the case how far does this clause impose a penalty of payment for railway crossings? It was never intended, I am sure, by the compilers of this Bill, that railways should be subject to pay for crossing public roads; if that be the case, why is the question of remuneration referred to in this clause, unless it be for additional property which may be required to enable them to cross a railway? If the railroad is building what we call a high level, it may be necessary to acquire the private property alongside the road, in order to enable them to build abutments, or something on which to construct their approach. In that case they should pay for the property, because it would be an infringement upon the private rights of the property-holders alongside of the road. What would they have to pay under this clause as it stands? It says:

When the application is for the construction of a railway upon, along or across an existing highway.

We know they have no right to build along a highway, unless they get special permission from the municipality through which it runs, and have to comply with

All the provisions of law at such time applicable to the taking of land by the company, to its valuation and sale and conveyance to the company, and to the compensation therefor, shall apply to the land required for the proper carrying out of any order made by the board.

Is that intended to apply to the case to which I have referred, that is, the taking of additional land, or does it compel them to pay for crossing the highway—because I know that is the view taken of it by railway solicitors, and those who have been connected with railway construction and interpreting the Acts of parliament applying to railways. That is what I should like to know before we strike it out. If it does not impose any additional charge upon the company than that which they have had to pay in the past, the position taken by the hon. Secretary of State would be all right.

Hon. Mr. SCOTT—I think not; I think it is perfectly clear the law does not contemplate their paying for the crossing. That has always been a recognized law, but, for instance, if they were to run over a highway diagonally—take along a street for some distance—there it would be only fair, because it would be an inconvenience, probably, that they should pay for any diversion that would be necessary of the highway. The highway might have to be changed in the country parts. If the diagonal line ran from right to left, they might have to widen it and therefore it would be only reasonable the company should pay. But whether the words are in, or whether they are not in, they would involve no obligation on the company other than they are obliged to perform, and I thought the clause was freer without those words. It did not seem to me the additional words carried with them any penalty on the company—that they would be equally responsible whether the words were there or were not, and therefore I thought it safer, because I see the clause was changed in the House of Commons from the original draft.

Hon. Sir MACKENZIE BOWELL—What was the original draft?

Hon. Mr. SCOTT—The original draft was very much like the law as it stands now. Clause 84 in the original draft read as follows:—

The railway shall not be carried upon, along or across an existing highway until leave has been obtained from the board.

Formerly leave had to be obtained from the Railway Committee. The plan had to

be filed, and on the filing of the plan, as far as the crossing was concerned, the Railway Committee always gave the order, but not so in regard to where the line struck the highway and followed along the highway so as to interfere with it. There it required other proceedings to be taken, and if the highway had been in any way injured, it had to be deflected, and therefore it is much safer to leave the language as it is in the draft prepared in the House of Commons. I do not think it injures the railway at all.

Hon. Mr. McMULLEN—I may just say, in regard to the remark of the hon. Secretary of State, in my connection with a railway company we dropped into a difficulty exactly of the character that he has been describing. Our line diagonally crossed the road. The result was we were called upon to provide land at each side of the crossing to facilitate a proper crossing. The municipality did not want to do it, and they called upon the railway to provide an extended crossing, and the result was that, under the Expropriation Act, we had not the power, we could not take the land because it was not for railway purposes. The result was that in order to get a settlement we had to deviate the line and strike a portion of property owned by a man we could deal with, because the man who owned the portion where we were going straight across would not sell. We could not force him to sell, because it was not for railway purposes. Under this clause as it stands, the company can force a sale. They can insist that the land is wanted for the purpose of carrying out the object in view, and the owner will have to sell, and I think it is a good provision for that purpose.

Hon. Mr. FERGUSON—I agree with the hon. gentleman from Wellington, and I understand him to say that these words, 'any additional,' should be restored.

Hon. Mr. McMULLEN—No, I suggest that the clause remain as it is.

Hon. Mr. FERGUSON—Suppose a railway in its natural line would run diagonally across a highway in such a way that the board could not permit it to run, they would give orders that the line must cross more directly, and the company would have to acquire land on both sides in order to adjust their line running in that way, and I think that is what is meant. A railway might run obliquely across a highway and the board might not be inclined to permit that. They would make an order that the company should run in such a way across that highway that the public would not suffer. I think it would enable the company to expropriate the land necessary to make the straight crossing in place of the oblique crossing, and in that case I think the words 'any additional' are better in the Act. It is not pretended that this clause is to authorize the payment for crossing a road if it is crossed in accordance with the orders of the board. If they cross in accordance with the orders given by the board, and the public interests have been guarded, it is not intended that compensation should be paid to the municipality, or to anybody. But it certainly would be in the power of the board to insist that a crossing should be made in a way that would not impede or injure the public interest, and for that purpose it might be necessary to take additional power. My view is that the words are put in for that purpose.

Hon. Mr. SCOTT—If the clause was limited to making provision for the crossing, then I could quite understand my hon. friend's contention, but there is more in the clause than that, because it says:

> When the application is for the construction of the railway upon, along or across an existing highway.

So that it covers more than a crossing, and I feel that it might be an indication that some part of the highway outside of the right angle crossing should be taken by the railway free, and that it was something beyond and additional to that they would have to pay for, and, therefore, I thought it very much safer that we should leave the clause as it stood as the Bill came up from the House of Commons.

Hon. Mr. FERGUSON—Does not the hon. gentleman think that if the clause is left as it is it will compel the payment of compensation for a road?

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. FERGUSON—I think it will be held that that is the meaning of it.

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. POWER—The case that this is intended chiefly to provide for is a case where a railway runs along a highway, and the board, when the application is made to them, order that the railway company shall provide a new highway in place of the highway which they have occupied with their rails ; and this clause is intended to provide for the taking of such land as may be necessary to make that new highway. There is really no change in the law. If any hon. gentleman will look at section 186 of the present Railway Act he will find this language :

> And all the provisions of law at any time applicable to the taking of land by such company, and its valuation and conveyance to the company, and to the compensation therefor, shall apply to the case of any land required for the proper carrying out of the requirements of the Railway Committee under this section.

It will be now the requirements of the board.

Hon. Sir MACKENZIE BOWELL—The law provides for the case mentioned by the hon. Speaker at present. I know that in the city in which I live the road was expropriated by the Grand Trunk Railway only a few years ago, and they purchased land adjoining it and diverted the lines two or three rods to the south. Of course, they had to pay the owner for the land they required, but before they had the authority or power to do it, they had to apply to the municipality of the township of Thurlow for permission, and the council passed a by-law granting them permission to divert the concession line. They had to pay for that, and so they would under any circumstances. My own impression is that the words 'any additional' which have been suggested by the railway solicitors would be much better retained in the Bill. However, it is suggested by the Secretary of State that it should stand unitl we can consider the matter.

The clause was allowed to stand.

On clause 197,

Hon. Mr. SCOTT—This is the clause relating to drainage proceedings under the provincial Act. We had better let it stand for the present.

Hon. Mr. FERGUSON—I see no reason why we should let this clause stand ; I think it is very likely members of this House have their minds fully made up on this subject. It has been fully discussed in the Senate. I do not know why we should not go through it, and at least discuss it in our own way without hearing from the railway companies, except through the circulars placed in our hands. I know my own mind is made up, and I daresay others are ready to vote upon it.

Hon. Mr. SCOTT—I understood that a tacit understanding existed that the representatives of the railway companies should have an opportunity of laying their views before the senators informally. We could not refer the Bill to a committee because many hon. gentlemen here wished to be present when the discussion went on, and a certain number of clauses were named as those that they desired specially to express their views upon. I understood that was tacitly approved of by the House, and I understood further that Friday morning had been named as the time when those views were to be expressed. I think we should carry out that agreement, and any clause that it has been decided should stand, to let it stand.

Hon. Sir MACKENZIE BOWELL—It was decided also that those who support the other view, should be given an opportunity to be heard.

Hon. Mr. DANDURAND—If the hon. gentleman from Marshfield has made up his mind upon this question, there are some—I speak for myself, at all events—who know very little about the difficulties to be encountered in the rural parts of the country upon this question.

Hon. Mr. BAKER—There are many members here who have not had the advantage of hearing the discussions which have taken place in this House upon the subject in times past.

Hon. Mr. McMULLEN—If there is any understanding that the railway people are to be heard with regard to these clauses, it is well we should keep faith with them and give them an opportunity to be heard. Possibly there are some who are interested in maintaining the clauses as they are, and they also should have an opportunity to be heard.

Hon. Sir MACKENZIE BOWELL—It was understood when this informal discus-

sion took place, that as our own room might be too small and the acoustic properties of the Railway Committee room of the other House were bad, it would be better to meet here in the morning or in the old Railway Committee room, and notice of the meeting should be given.

The clause was allowed to stand.

On clause 200,

200. The persons for whose use farm crossings are furnished shall keep the gates at each side of the railway closed when not in use ; and no person, any of whose cattle are killed or injured by any train, owing to the non-observance of this section, shall have any right of action against any company in respect to the same being killed or injured. 51 V., c. 29, s. 198.

Hon. Mr. BOLDUC—I desire to call the attention of the committee to the want of security for the landowners under this clause. In many instances the landowner does not live near the farm crossing. If I read the clause correctly, the gates must be kept closed by the landowner, and in cases where the landowner lives two or three miles from the farm, it is hard on him, if a stranger passing through his farm should forget to shut the gates, and cattle get out on the track and are killed. According to my reading of the clause, I do not think there is any recourse against the company under such circumstances. I should like to have the opinion of legal gentlemen as to whether my view is correct or not.

Hon. Mr. McMILLAN—I take the same view of it as the hon. gentleman does. Unless it is through the neglect of the landowner the gates are left open, you cannot hold him responsible. I would offer an amendment to this clause to render the owner liable only in case of neglect on his part.

Hon. Mr. SCOTT—That would be impossible.

Hon. Mr. McMILLAN—I mean in case it is not the fault of the landowner that the gates are left open.

Hon. Mr. SCOTT—The company have nothing more to do with it than my hon. friend has.

Hon. Mr. McMILLAN—The man's cattle may be in the adjoining field, and pass out on the track through an open gate. Although it may be through no fault of the owner that the gate is open, he has no recourse against the company if the cattle are killed.

Hon. Mr. LOUGHEED—Under the law as it is to-day, if the cattle of the owner within inclosed premises should get out on the highway, and commit damage, he would be liable in any event. This clause simply leaves the liability as it has always been.

Hon. Mr. McMILLAN—But this entails on him the responsibility of keeping the gates shut all the time.

Hon. Mr. LOUGHEED—To escape liability he would have to keep his gate shut.

Hon. Mr. POWER—This is the law which has been in force for a considerable number of years.

Hon. Mr. McMILLAN—And from which the farmers have suffered.

Hon. Mr. POWER—There is one change in the clause, and that is in favour of the owner. It provides that he shall be compensated for cattle which are injured. Under the existing law the compensation is limited to cattle that are killed. The railway company are obliged to go to a good deal of expense in erecting these farm crossings, and they are put there for the convenience of the farmer whose land abuts on the railway, and surely the least he can do is to take the trouble to keep the gates closed.

Hon. Mr. McGREGOR—I know great hardship has existed under that clause. A storm may blow down a fence or open a gate and the sectionmen passing may see it and not notify the owner. The railway company should be obliged either to notify the owner or close the gate.

Hon. Mr. BOLDUC—It is true this has been the law for some time, and that is the reason why I wish to have it changed. I know last year some strangers left a gate open on a farm near where I live, and two or three cattle were killed without any fault of the owner, and he had no recourse against the railway company. We know that farmers, whose farms are crossed by railways, suffer great inconvenience, and it is not fair to throw the burden on them of keeping the gates closed if they may be opened by outsiders. The amendment proposed by the hon. gentleman from Glengarry ought to be adopted.

Hon. Mr. McMULLEN—I would just say in reply to my hon. friend, that these gates are left entirely in the possession and under the control of the farmer himself. If there is any risk, or if he thinks that he runs any risk by strangers leaving those gates open—if it is a way in which people cross the railway for a short cut or any other purpose, and he is afraid of the gates being left open, he can put locks on them and then strangers cannot open them. The clause as it stands is safe and proper, and if we interfere with it we will make it worse than ever.

The clause was adopted.

On subsection 4 of clause 202,

4. Every company shall incur a penalty not exceeding fifty dollars for each day of wilful neglect, omission or refusal to obey the provisions of this section. 51 V., c. 29, s. 192, Am.

Hon. Mr. CASGRAIN (de Lanaudière)—This clause should be amended by adding after the words 'every company,' the words 'or owner.'

Hon. Mr. KERR (Toronto)—Would you make the owner liable for the neglect of the company ?

Hon. Mr. LOUGHEED—Suppose the owner refuses to obey the order of the board ? The object of the penalty is evidently to punish the owner if he refuses to obey.

Hon. Mr. FERGUSON—This could only arise in operating the railway.

Hon. Mr. DANDURAND—But what about the owner who is not included in the interpretation clause, and who might be cited before the commission for refusing to obey an order ?

Hon. Mr. KERR (Toronto)—The owner might be made liable for the fault of the company by this phraseology.

Hon. Mr. LOUGHEED—Let me cite the case of the owner of a bridge who is brought before the board at the instance of the company, say for making improvements in the bridge, or making repairs. He is ordered to make the improvements and refuses to comply. The order must be enforced in some way. The order of the board will specify who shall make the improvements.

Hon. Mr. DeBOUCHERVILLE—If the owner is not the railway company, what business has the railway with that bridge ?

Hon. Mr. CASGRAIN (de Lanaudière)—It is in case a farmer has built a bridge over a railway, and that bridge is not high enough, the order is made by the board to the farmer to raise the bridge.

Hon. Mr. DeBOUCHERVILLE—Does the hon. gentleman know of any case where a farmer has built a bridge over a railway ?

Hon. Mr. DANDURAND—Take the case of a municipality.

Hon. Sir MACKENZIE BOWELL—What has the owner to do with this ? It is the company that does the work. It does not say that the board shall impose on the owner the expense of raising or altering a bridge.

Hon. Mr. FERGUSON—It allows the company to go in and do the work without the consent of the owner.

Hon. Sir MACKENZIE BOWELL—Then it provides that the company shall incur a penalty if they do not carry out the order of the board. The object is evidently to protect the public.

Hon. Mr. DANDURAND—There is something very queer about the conclusion the hon. gentleman reaches. Here is a company which desires to have some improvements made to a bridge. The owner refuses. The company cites the owner before the board, an order goes out, and then there is a penalty against the company for refusing to obey an order that the company has sought itself. Is not the penalty directed more especially against the party who refuses to do a certain thing that the company wants done ?

Hon. Sir MACKENZIE BOWELL—That might be so, but this clause does not say so.

Hon. Mr. LOUGHEED—Let me cite the instance of the interprovincial bridge here. Assuming the top of that bridge was too low, the board would not have authority to instruct the railway company to raise that bridge. They must have jurisdiction over the owners, the company, to do it, and if the company does not obey, it is subject to the penalties of the clause. Let us assume the railway company wanted to

enter upon a work where the board had no authority to order the improvements, the order could not be carried out.

Hon. Mr. FERGUSON—I think it throws the obligation to make all these changes upon the railway company, and if they use a bridge they have to make the bridge conform with the order of the board. If the owner of the bridge refuses his consent, and they cannot do it, they have to go to the board and the board overrules the refusal of the owner. Then, armed with the power the board gives them, they are called upon to do it, and I think we are right in retaining the clause exactly as it is, because they are given the power by the board to do it without the consent of the owner.

Hon. Mr. POWER—Does not the hon. gentleman from Marshfield think that if the owner of the land refuses to allow the railway company to alter the bridge he should be subject to some penalty ?

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. POWER—I think so decidedly ; otherwise, the owner may persist in the refusal and obstruct the company, notwithstanding the order of the board.

Hon. Mr. BAKER—In that case he should be liable to a penalty.

Hon. Mr. BEIQUE—The hon. gentleman from Belleville has referred only to subsection 2, but the first paragraph of the section does not even name the company. It is worded generally. The first part of the section covers every bridge whether it be owned by the company or by some person else, such a bridge as would belong to a municipality and passing over the line of a railway, and, therefore, the order which may be given may apply to the company, or it may apply to the owner, and it is necessary that the clause should be amended.

Hon. Sir MACKENZIE BOWELL—I do not think so at all. The clause, to my mind simply makes this provision : that if it be necessary to reconstruct or alter any bridge, tunnel, erection, or structure not owned by the railway, they can do it, and if the owner of the structure refuses to give his consent, then the company applies to the board for authority to do that which the owner refuses to give his consent to do, and then, after giving that order, it provides that the company shall incur a penalty if it does not carry out the order. The owner has nothing to do with that.

Hon. Mr. BAKER—Supposing the owner still insists in spite of the order of the board, he is subject to a penalty.

Hon. Sir MACKENZIE BOWELL—No, he is not.

Hon. Mr. BAKER—Well, that is the intention of the clause.

Hon. Mr. SULLIVAN—He ought to be.

Hon. Sir MACKENZIE BOWELL—I take it that if the owner attempted to obstruct the company in carrying out the orders of the board, he would subject himself to the common law of the country, just the same as he would if any one was repairing a roadway and the man through whose farm it went tried to obstruct the work. We know in a case of that kind what the penalty would be. The law provides for that, but I think putting in the word 'owner' would not only be superfluous, but improper.

Hon. Mr. FERGUSON—It will weaken it if you insert the word 'owner.' Once the board gives the order, that settles it.

Hon. Mr. KERR (Toronto)—I think it must be so. If hon. gentlemen will look at subsection 2, they will see that it must be so. Subsection 2 reads as follows :

> 2. If, in any case, it is necessary to raise, reconstruct of alter any bridge, tunnel, erection or structure not owned by the company, and the owner of the same refuses to consent to such necessary changes.

Who is to make that ? The owner refusing, he does not do it. It is because if it is necessary to do it, the company is the only person who can do it. It throws the obligation on the company to see that the bridges are right.

Hon. Mr. LOUGHEED—Let me point out this case : assuming the bridge is a very expensive one, and that the railway company is paying very large tolls for the use of the bridge, and it is not adapted for the public traffic or requirements, will the company be at the expense of practically reconstructing that bridge and paying the tolls which they may be subject to by either statute or contract, and have no

means of reimbursing themselves for that expenditure ?

Hon. Mr. TEMPLEMAN—Look at the last two or three lines—'upon such terms and conditions.'

Hon. Mr. LOUGHEED—Let us assume the bridge is heavily bonded, the board has not any power to step in and interfere with the mortgage or the rights of the bondholders.

Hon. Mr. KERR (Toronto)—Surely it has. The right to build the bridge is subject to all the rights of the public under the Railway Act.

Hon. Mr. LOUGHEED—I very much doubt that. This simply deals with it. It says they may make an order for its reconstruction, but no provision is made for dealing with the bonds or charges which may be against that bridge, and the railway companies may have to do it at their own expense.

Hon. Mr. McMILLAN—Who is to build that bridge ?

Hon. Sir MACKENZIE BOWELL—The company.

Hon. Mr. McMILLAN—Is it the owner or the company who has to reconstruct it ?

Hon. Mr. LOUGHEED—I say, the policy of the law should be to make the owner do it.

Hon. Mr. DANDURAND—Suppose the owner of the bridge has decided to reconstruct, but is stopped by the railway company who observe that he is not doing it properly, and he is cited before the board because of the manner of reconstruction, cannot the board give an order to that owner to build according to certain lines and according to law, and if he refuses to do so, should he not be amenable to law and be fined according to law under this clause?

Hon. Sir MACKENZIE BOWELL—There is no such provision as that in the clause.

Hon. Mr. LOUGHEED—Why is the owner cited before the Railway Board ?

Hon. Sir MACKENZIE BOWELL—Because he is the owner.

Hon. Mr. LOUGHEED—If some obligation is not to be thrown upon him, why is he cited before the board ?

Hon. Mr. BEIQUE—My own construction of subsection 2 is exactly in accord with the contention of the hon. gentleman from Calgary, but leave aside subsection 2, then subsection 4 applies equally to the first paragraph of clause 202. That first paragraph may affect the owner or may affect the company, and therefore it seems perfectly clear that if you want to have the law complete, if you want to reach all parties interested, you must add the words 'or owner.' To save time, it seems to me that in matters of this kind, it should be sufficient at the outset to call the attention of the hon. Secretary of State, and let the matter be referred to the Law Clerk.

Hon. Sir MACKENZIE BOWELL—Would the hon. gentleman explain to the committee upon what conditions the owner should have the penalty imposed upon him? What is he to neglect or refuse to do to incur that penalty?

Hon. Mr. BEIQUE—I have stated already that the first paragraph of section 202 is wide enough to cover a bridge belonging to a municipality or belonging to a private party or belonging to an electric railway company and passing over the property of the railway. Suppose a bridge is too weak, or too low, or for other reasons requires to be reconstructed, and an order is given by the board to the owner of that bridge, it does not concern the company. The company is not affected by the order, and if you do not add the words 'or owner,' then the board would not be able to accomplish the object.

Hon. Mr. POWER—This clause substantially re-enacts subsection of section 192 of the Railway Act. That section provides that if the work is to be done by somebody it must be done.

Hon. Mr. FERGUSON—The old law is precisely the same as we have it here without the word 'owner.'

Hon. Mr. SCOTT—I will submit it to the law department, if the House desires.

The clause was allowed to stand.

On clause 205,

205. In every case in which the parliament or Canada votes financial aid by way of subsidy or guarantee towards the cost of railway construction, all mechanics, labourers or other persons who perform labour in such construction shall be paid such wages as are generally

accepted as current for competent workmen in the district in which the work is being performed ; and if there is no current rate in such district, then a fair and reasonable rate ; and in the event of a dispute arising as to what is the current or fair and reasonable rate, it shall be determined by the minister, whose decision shall be final.

Hon. Mr. CLORAN—I move that after the 26th line of this clause the following be added :—

Notwithstanding any contract previously entered into.

We have had difficulty in British Columbia, where contractors make contracts with men and bring them into these districts at lower wages than the government are paying. This question has been raised in the courts, and I think, as the government is desirous that workingmen should get fair and full wages, that this addition should be put in.

Hon. Sir MACKENZIE BOWELL—That would not be fair.

Hon. Mr. CLORAN—The Minister of Justice and the courts of the country are having trouble on that point. The government are anxious the workmen should get fair wages. The contractors are able to make contracts outside, either in the United States or in foreign countries, and bring the workmen into Canada and pay less wages than the government want to pay them.

Hon. Mr. DeBOUCHERVILLE—There is also the case where workmen are brought in by contractors and are not paid at all. I can cite a case where 100 Italians were employed by a man who paid them nothing. It was under the Mercier government, and the government took upon themselves to pay them. I do not know that they had the right to do so. It is very hard to have those poor people working for weeks and getting nothing.

Hon. Mr. SCOTT—I think the last sentence of the clause covers it :

And in the event of a dispute arising as to what is the current or fair and reasonable rate, it shall be determined by the minister, whose decision shall be final.

Hon. Mr. DeBOUCHERVILLE—But the company will say they are not bound to carry out the contractor's bargain, and I think there should be something in the law, that if they do not pay in a certain number of days they should be punished.

Hon. Mr. SCOTT.

Hon. Mr. SCOTT—If hon. gentlemen would reflect, they would see that all the contracts that are entered into now contain what is called the fair-wage clause—that the fair-wages in the locality shall be paid to the labourer. It is pretty well guarded.

Hon. Sir MACKENZIE BOWELL—That is contracts entered into by the government, not in all cases of private contracts, but it would rather be a stretch of authority if we were to pass a law now to annul contracts which were made before the passage of this Bill. There would be no safety for a man who would take a contract under the circumstances, and on no account ought we to pass a retroactive clause of the kind suggested by the hon. gentleman. There is no possible means of reaching the case that is cited by my hon. friend from Montarville, where the contractor is the employer. If he cheats the employee there is no means of compelling him to pay unless he sues him for it. I know the practice was, under the late government—and I think it has been carried out under the present government—that where a road has been subsidized by the government, and the contractor has failed to pay, they have withheld the bonus until those whom the contractor has failed to pay were paid. The principle prevailed in the canal system. That is a provision that might be made in this law—that where aid is given by the country for the construction of a road that all bonuses should be withheld until those employed in the construction of the road were paid, and that is as far as you can go.

Hon. Mr. DeBOUCHERVILLE—Does the hon. Secretary of State approve of what the hon. gentleman says ?

Hon. Mr. SCOTT—It has been the practice, but I prefer not putting it in an Act of parliament.

Hon. Mr. DeBOUCHERVILLE—Where do you put it ?

Hon. Mr. SCOTT—In every contract.

Hon. Mr. DeBOUCHERVILLE—But why not say they shall put that in the contract ?

Hon. Mr. SCOTT—You cannot draw a hard and fast line like that.

Hon. Mr. DeBOUCHERVILLE—It is hard to see 100 men working for a month and not receiving a cent.

The clause was adopted.

On subsection 6 of clause 207,

6. The board, upon being satisfied that public convenience will be served thereby, may, after obtaining a report of an inspecting engineer, allow the company to carry freight traffic over any portion of the railway not opened for the carriage of traffic in accordance with the preceding provisions of this section.

Hon. Mr. SCOTT—This is a departure from the old law and, I think, a very wise one. Before a road is opened for carrying passengers, they may allow freight to be carried.

The clause was adopted.

On subsection (c) of clause 211,

(c) To securely couple and connect the cars comprising the train, and to attach the engine to such train with couplers which couple automatically by impact, and which can be uncoupled without the necessity of men going in between the ends of the cars.

Hon. Mr. SULLIVAN—Does that only apply to passenger trains ?

Hon. Mr. SCOTT—In the old law it referred only to passenger trains, but this includes all trains.

Hon. Mr. SULLIVAN—It should apply to all trains. Automatic couplings are applied to all trains in the United States. It is only in Canada that cars are without them.

Hon. Mr. SCOTT—The first part of this clause applies exclusively to passenger trains, but I find the provision refers to all trains.

The clause was adopted.

On clause 214, subclause 3,

3. Every person aggrieved by any neglect or refusal in the premises shall, subject to this Act, have an action therefor against the company, from which action the company shall not be relieved by any notice, condition or declaration, if the damage arises from any negligence or omission of the company or of its servant.

Hon. Mr. SCOTT—There is an objection to this. The objection is the use of the term 'without delay.' It is urged that at times, when there is heavy traffic, the railway companies must give precedence to perishable goods, and the company might be subject to a penalty under these words. I thought we might use the term 'with due care and diligence,' or 'with reasonable diligence.'

Hon. Mr. LOUGHEED—Why not say 'without unreasonable delay.'

Hon. Mr. FERGUSON—I confess I like the words as they are in the clause.

Hon. Mr. SCOTT—That is peremptory.

Hon. Mr. SULLIVAN—I know a road, the Kingston and Pembroke Railway, which should be put in proper condition without delay.

Hon. Mr. FERGUSON—People often suffer heavy loss by reason of these delays and you cannot make the law too stringent.

Hon. Mr. SCOTT—This year the traffic was so heavy that there was a congestion of freight on nearly every railway line on the continent. It would not be fair to make the railways responsible for the consequences when money could not buy sufficient rolling stock.

Hon. Mr. LOUGHEED—I move to add the word 'unreasonable' before the word 'delay.'

Hon. Mr. POWER—I am disposed to agree with the hon. gentleman from Marshfield, because 'without delay' would be construed naturally as meaning without unreasonable delay. If a company were able to show that the delay was unavoidable, no court would hold them liable ; but if you say 'without unreasonable delay,' then you tempt them into delay and they would have various reasons to show why there was delay, while the burden of proving the delay unreasonable would be placed on the other party. I think the better way is to leave the clause as it is.

Hon. Mr. SCOTT—I think not. The better way is to take the law as it is.

Hon. Sir MACKENZIE BOWELL—I know what the judges decide in customs matters. They take the wording of the law, not what we might suppose was a reasonable construction of it.

Hon. Mr. DANDURAND—Will not the matters dealt with in this clause, as well as all the others, be under the supervision of the board, and will they not make regulations to cover the modus operandi of the company ?

Hon. Mr. SCOTT—No.

Hon. Mr. WATSON—I hope that change will not be made. Railway companies do take all the advantages they can in delaying freight.

Hon. Mr. EDWARDS—Is it to their advantage to delay traffic ?

Hon. Mr. WATSON—It is certainly to the disadvantage of their customers if they delay freight. Take last year, for instance : the difference in price between wheat in elevator in Manitoba and wheat on car was seven cents per bushel, which was a direct loss to the farmer. The company say : 'We have so much rolling stock, and we will not provide any more, because with it we can carry out this crop by the time the next crop comes in,' and the grain remains in the country at a loss of millions of dollars to the farmers in the North-west. Railway companies are supposed, and have been supposed in the past, to take care of the freight and forward it without delay, and we hope that the commissioners under this Act will see that the railway companies furnish sufficient accommodation to take care of the traffic of the country. That is what we expect from the operation of this Act, and we do not want to put anything in the Act that will give the railway company any excuse under this Act. If we are going to fix up this Bill to suit the railway companies, and leave it to the discretion of the board, then the board will not be of much use to the public.

Hon. Mr. SCOTT—The board has not control over that. It is a matter for the courts.

Hon. Mr. WATSON—Then the court should compel the railway companies to furnish rolling stock for the traffic. They are common carriers, and have had large subsidies, and I think the board should have wide powers to compel these railway companies to furnish sufficient accommodation on their roads.

Hon. Mr. EDWARDS—I am not one of those interested in any railway corporation, but I am largely interested as one having a great deal for railways to carry, and I must say that, in my opinion, the railways are being very considerably hampered by this kind of legislation. What were the conditions last year ? The conditions last year in the east were that shippers had to wait for some three or four months for cars—I myself, in fact, asked for cars in August and they were not supplied until March this year. Now, I would have exactly the same complaint to make, but what were the conditions ? The conditions were that all the cars were absorbed in the carrying of freight from the west. Gentlemen who wish to impose on railways such onerous conditions are very unfair. What is the condition so far as the west is concerned ? Simply this : An abnormal crop is raised there, and they desire to impose a condition by which railways are compelled to carry that crop out of the country in two or three months' time. In the best interests of the people in the North-west themselves the sooner they make provision whereby they can store their crop for a certain period of time, not forcing the carrying of it out of the country speedily, the better for the North-west. They force their grain upon the market in a very short space of time, and depress the market. It is much more in their interests to do exactly as we do in this portion of the country, store their grain for a time, and sell it as the market requires. But these gentlemen in the west force it on the market ; not only do they disturb the whole traffic of the country, but they disturb everything in the carrying trade for the benefit of one section of the country. These conditions are not fair. Railway companies are in just the same position as manufacturers, or the farmers themselves. They cannot undertake to do an abnormal and impossible thing. They can only do what is possible, and the conditions desired by a number of our North-west friends—and they have my sympathy and best wishes—are impracticable and should not be insisted upon. Railway corporation should have fair-play. and conditions should not be imposed on them which are impracticable.

Hon. Mr. BEIQUE—This is a very important clause both to the railway companies and the people at large, and it should be dealt with only after very serious consideration. To my mind, introducing into this clause the word 'unduly,' or 'unreasonable,' or 'unnecessary' would be to defeat the object of the clause. It should stand as it is, but a proviso should be added, giving power

to the board under special circumstances to relax the rules to some extent. That proviso, of course, should be worded with a great deal of care, so as to do justice to the railways and to the public. It is well known, as has been stated, that at times there is such an accumulation of traffic that the railway companies cannot cope with it. They are simply unable to carry it at once, and they should not be left at the mercy of the public and exposed to all sorts of suits for damages; but, on the other hand, the rules should be such that unless relaxed by the board the public would be guaranteed that their goods would be carried promptly, and therefore that the object of the first portion of the clause would be secured. I suggest that the clause be allowed to stand.

Hon. Sir MACKENZIE BOWELL—I have no objection to it standing, but it seems to me the suggestion of the hon. gentleman is about as impracticable a one as you could put in the law. A glut of traffic arises at a particular time. How is the board to decide whether it should relax this regulation or not? The board is at Ottawa; the difficulty arises at Winnipeg or Calgary; how can the board deal with it? We should either make it imperative, as it is in the Bill, or give reasonable time for carrying it out. 'Without unreasonable delay' is clear enough, or 'without unnecessary delay,' whichever word you wish to use. The word 'unreasonable' or the word 'unnecessary' with the words which follow, would be quite sufficient, and with the words used further on in the clause, 'with due care and diligence,' I think we are imposing on the railways all that is necessary for the protection of the public. The fourth subclause, to which my attention has been called, meets another case altogether. It says:

> 4. If in any case such accommodation is not, in the opinion of the board, furnished by the company, the board may order the company to furnish the same within such time or during such period as the board deems expedient, having regard to all proper interests. 51 V., c. 29, s. 246, part Am.

I take it that means if a certain number of cars are not available at the time, or they have not sufficient cars to carry the freight offered to them, then the board comes in and orders the company to furnish the cars and do the work.

Hon. Mr. DANDURAND—The phrase that follows the one that we are speaking about, 'and shall without delay and with due care and diligence,' sufficiently qualifies the expression 'without delay,' because if the company acts with due care and diligence I think it will do its duty under this clause.

Hon. Mr. EDWARDS—Who is going to determine that?

Hon. Mr. DANDURAND—With this qualification I do not know what harm there would be to add 'without undue delay.'

Hon. Mr. FERGUSON—This refers to two things. The delay is with reference to the forwarding of goods, the due care refers to the handling. I think the words 'without delay,' on full consideration, would be better qualified as has been suggested. There are different kinds of freight, and railway companies have a right to recognize the difference between goods which are perishable, and goods which are not perishable, and they should have some discretion in giving a preference to perishable goods. If you put in the word 'unreasonable,' it would meet that case.

Hon. Mr. McMULLEN—The clause as it stands meets the case fully. I endorse the remarks made by the hon. gentleman from Rockland (Hon. Mr. Edwards). The railway in our section last year could not furnish cars to shippers for several weeks, and the general reply was, that during the fall so many cars had to be sent to the North-west to meet the demand of Manitoba, that shippers in our section had to wait. That was the general answer given to applications for cars. Railways are anxious to forward all the freight given to them, just as quickly as they can. It is a loss to a railway to keep a car on the track loaded. Railways will earn more money by rushing forward their freight, and utilizing their rolling stock when traffic is abundant, than by leaving their cars standing on the sidings. I think some of the complaints of our hon. friends from the west are unwarranted. I believe honestly the Canadian Pacific Railway have done everything in their power to meet the enormous increase in traffic in the last two years. They virtually have had three crops to handle in two years. The company fur-

nished all the rolling stock they could, and did everything in their power to relieve the congestion. Our friends in the west should be grateful when they know that shippers in the east were left without cars for months, in order to meet the demands of the North-west. I know cases in which goods were lost for want of cars, and the reason given was that the cars had to be sent to the North-west. We should not interfere with this clause. It is drastic enough as it is, and if we attempt to make it more so, we will only injure it.

Hon. Mr. SULLIVAN—With due deference to the hon. gentleman from Wellington, I take a different view from his on this question. This clause does not refer to cars; it only refers to the proper placing of freight in storehouses, and facilities for receiving and despatching freight. It has no reference to cars. As to the remark of the hon. gentleman from Rockland (Hon. Mr. Edwards), the information I have from the hon. gentleman from Wolseley (Hon. Mr. Perley) is quite different. He says the farmers of Manitoba and the North-west do not rush their grain to the trains. They have granaries, in which they store their grain. The farmers of Manitoba are far more intelligent and possess more foresight than the hon. gentleman from Ottawa credited them with. Only yesterday the hon. gentleman from Wolseley went over the whole subject with me. The farmers get money from the banks and understand how to take care of their crops, and keep their grain until they get facilities for shipment to purchasers. If this clause refers to having the proper appliances at each station where goods are received, and has no reference at all to the cars, then I consider a great deal of this discussion has been quite unnecessary.

Hon. Mr. POWER—The hon. gentleman from Kingston is quite right. The clause says:

> Shall without delay and with due care and diligence, receive, carry and deliver all such traffic, and shall furnish and use all proper appliances, &c.

The point is this: it is not to carry alone, but to receive, and carry and deliver after it reaches the terminal point. We had better not do anythig to qualify 'without delay.' The hon. gentleman from Rockland (Hon. Mr. Edwards) tells us something about the abnormal condition of things last year in the North-west. Without dealing with abnormal conditions, I should like to give the hon. gentleman a little experience we had in the lower provinces, particularly before the Drunmmond County road was acquired by the government, at the time when freight had to be handled by the Grand Trunk Railway, as well as by the Intercolonial Railway. Forty-eight hours is sufficient time in which to carry freight from Montreal to Halifax, but instead of that, the freight usually took a fortnight.

Hon. Mr. FERGUSON—It takes that yet.

Hon. Mr. POWER—The Grand Trunk Railway allowed their cars intended for the Intercolonial Railway to stand on a siding at Richmond, and forwarded their own cars to Portland, allowing the freight intended for the lower provinces to remain standing on the sidings. We have a kind of apple in Nova Scotia which is very much prized here in the west, but there is a risk in attempting to send them here in the fall, because they are liable to be detained en route for days, and spoiled. This clause, no doubt, has been very carefully considered in the other House; we can trust the railway companies to take care of themselves, and we should take care of the public.

Hon. Mr. EDWARDS—I disagree absolutely with my hon. friend from Kingston, and also with the hon. the Speaker. Cars are named here, but freight is only carried by car, and this clause certainly deals with the carrying of freight. It is not simply the caring for, and delivering; it is delivering by car that is meant. I am not fully conversant with the rules of the House, and I do not know the extent to which we can refer to matters which are dealt with in the other Chamber, but last year this matter was very fully discussed there and demands were made which were, in my judgment, ridiculous. There is no doubt there was an enormous crop last year. It had risen very materially over the crops of former years, and the demand was made that cars should be supplied at once to carry the grain to the sea-board. What were the conditions? The conditions were that all over the continent of America railways were taxed to their ful-

lest extent because of the great commerce—the great industry everywhere. Trains were packed to their utmost and the building of cars was being carried on as rapidly as possible. The various railway companies had built a large number of cars. The Canadian Pacific Railway and Canada Atlantic Railway and other roads had all they believed to be requisite, but they were found not to be sufficient to meet the demand of these gentlemen. The argument I made there, and the argument I make here now, is this : if railway companies are forced to supply an abnormal number of cars at one time for carrying any quantity of freight, and these cars are to lie idle at another period of the year, it creates a condition whereby the shipper pays a great penalty for the keeping of these cars idle, for the reason that the traffic has to be crowded into two, or three, or four months, which should extend over ten or twelve months, and that condition imposes a very great loss to the shipper because he is the man who has to pay for it in the end. I remember the argument used there very distinctly, that the railways should supply cars and supply them at once. It was asking for an utter impossibility. Our railways want to do all the business they can do, just as we as individuals want to do all we can do, but to ask for an impossibility is, to my mind, an absurdity.

Hon. Mr. ROBERTSON—There cannot be any doubt about that.

Hon. Mr. EDWARDS—Of course my free trade views prevail always, and I do think that a clause like this, instead of being in the Bill, should be stricken out entirely.

Our railways are enterprises for the purpose of making money, if possible, for the stockholders, and they do not desire to neglect their business any more than we desire to neglect our business, and I for one am unable to see why conditions should be made to surround railways that do not surround other enterprises in this country. Some claim that these restrictions are justified because the railways are subsidized—well, why is a railway subsidized in Canada ? A railway is subsidized in Canada because our population is so sparse that it is perfectly impossible to find private capital to build railways until Canada is very much more densely populated than it is to-day. Now the subsidy that is given is a subsidy which should be commensurate with the requirements, and not a subsidy which means that the railway company is to pay back the Canadian people anything at all. The railway should only get such a subsidy as is right, and it should be under no obligation to pay back to anybody anything, and I dissent absolutely from the condition whereby the rates are fixed for railways by the government or any other tribunal in Canada. The proper condition, and the only true and sound condition is that competition should rule in all these things. That is the only true and sound position, and there are besides this clause, a great many clauses in this Bill hampering the railways, placing them under unfair conditions. The railways should be free agents, just exactly as manufacturers and commercial men are free agents. We have no right to legislate the rates for which railways shall carry freights any more than we have the right to legislate the price of wheat or anything else.

Hon. Mr. WATSON—I just wish to say a few words, and I do not need to apologize for saying them after the remarks we have heard with regard to the west. My hon. friend from Rockland tells us that railways are subsidized, and why ? Because the settlement of the country is sparse, and the government have to subsidize railways to secure the service required by the people in the country. For that reason, we expect to get a service, because our railways are subsidized. The hon. gentleman from Wellington says we expect unreasonable things in the west. I wish to inform the hon. gentleman that last fall, when we were asking for cars, we were told they were required for Ontario and we could not get them. Last year the Canadian Pacific Railway placed all the cars they could at the disposal of the farmers for wheat. There was some little delay in the threshing season, and when they were holding the cars for wheat the British Columbia lumbermen complained, and the result was the British Columbia lumbermen sent down a deputation here and got a preference on cars for British Columbia lumber, and the cars were rushed over there. It got late in the season, and a cry was raised that people were going to freeze if they could not get coal, and the prefer-

ence was given for coal and lumber, and wheat had to stand still. That was the condition of things. It was not so much a shortage of cars as of locomotives. The cars were strewn along the tracks for weeks for want of locomotives.

Hon. Mr. SULLIVAN—It was an abnormal crop.

Hon. Mr. WATSON—What about the crop the previous year ? The same condition existed.

Hon. Mr. SULLIVAN—It was abnormal too. It ran from fifteen bushels an acre up to forty. No railway could foresee that.

Hon. Mr. WATSON—The crops had been abnormal for the last ten years.

Hon. Mr. DANDURAND—Could the hon. gentleman tell us what effect the ten million that was provided for rolling stock has had ?

Hon. Mr. WATSON—I can say that it will be required, and more. I am satisfied that in the next four or five years there will be two hundred million bushels of wheat to move out of that western country, and you have to provide for it, and you have to provide by your legislation that these railroad corporations, which are supposed to furnish accommodation for the public do furnish that accommodation, and possess the rolling stock. The hon. gentleman from Rockland asks why should you expect railroad companies to furnish cars that they would have to use only three or four months in the year and have them standing idle the remainder of the year ? He might as well ask why has a farmer to use his binder only a few days in the year and have it lying idle the rest of the time. The rates charged for the service are sufficient to pay for that short season, and as long as the rates are charged the company could afford to furnish the rolling stock. We expect this commission will compel them to furnish that rolling stock and accommodation. The hon. member from Rockland says he is a free trader, and that competition should regulate everything. I do not know if such a thing exists here or not, but at the present time we have a lumber combine in the North-west—lumbermen and saw-mill men.

Hon. Mr. WATSON.

Hon. Sir MACKENZIE BOWELL—He was not connected with that.

Hon. Mr. WATSON—I do not know, and these men are not doing business independently. They have a lumber combine.

Hon. Sir MACKENZIE BOWELL—What has that to do with this ?

Hon. Mr. WATSON—And they force up the price of lumber two or three dollars a thousand. I will say this about the Canadian Pacific Railway, that they reduced the freight on lumber from British Columbia, but the lumbermen raise the price of lumber to the difference in the extra freight, and let the farmers suffer. I think this clause should stand. I do not think any board will require anything unreasonable of a railway corporation. It is very important that the farmers of the North-west should get their crop to markets as quickly as possible. It requires about 62 per cent of the receipts of the crop to pay expenses, and the farmer surely knows his own business. Last year on account of the shortage of rolling stock for getting the grain to Port Arthur in sufficient time to go by water to the east, some five or six million bushels of wheat were shipped all rail at 19 cents a bushel from there to Montreal. That should not be, and the farmer knows his own business. I venture to say that 50 per cent of the grain grown in Ontario sold in the fall months before the 1st January. The people in the west want to participate in the market. The best season to dispose of the grain is in the fall, and we want to get our grain to market. I trust the committee will see fit to let this clause stand as it is, so that the commission will have all power possible to force the companies to furnish rolling stock for the transportation of goods.

Hon. Mr. FERGUSON—Before any hon. gentleman rises to reply to the exhaustive speech of the hon. gentleman from Portage la Prairie, I should like to suggest to the hon. Secretary of State and the leader of the opposition whether they cannot make an arrangement as to the time next week to have a vote taken on this clause.

Hon. Mr. KERR (Toronto)—Railway companies have great privileges in Canada. They have the monopoly of being the com-

mon carriers of this country, and I should like to know why they should not be treated like any other white men and be responsible for delay. A common carrier would be responsible for delay in delivering goods, and if he would be responsible, why should not a railway company be held responsible also ? That is all apart from the question of whether the goods are to be brought from the west to the east or the east to the west. It is a proposition which is a good one, I think, everywhere, and which seems to me to solve the whole problem. Treat these common carriers who have the monopoly the same as those who have not.

Hon. Mr. EDWARDS—I am not speaking for railway companies; I am on the other side, but I want to deal fairly with railway companies ; the railway companies have one single advantage, and that alone, and that is the right of expropriation. Beyond that they have nothing. I want to answer my hon. friend on the lumber question. I desire to tell him that in this part of the country there is not to-day, and there never has been, and I do not think there ever will be, a combination among lumbermen in so far as affecting the price of lumber.

Hon. Mr. WATSON—I am speaking of the west. I do not know anything about the east.

Hon. Mr. EDWARDS—I have no doubt in the west a great many wrong things prevail, and good as they are and great things as they are doing for Canada, they wish to impose upon many parts of the country other things that are wrong.

Hon. Mr. BEIQUE—When I made a few remarks a short time ago, I had not read paragraph 4 of this clause, and I find it is amply sufficient. It answers the very purpose which I had in view. It seems to me the clause should stand as it is. Under subsection 4 the board has all the necessary power to provide for abnormal conditions, and unless there are abnormal conditions the company should be compelled to comply.

Hon. Mr. WATSON—I just wish to say that I have no apology to make for the time I occupied, and with respect to the suggestion made by the hon. gentleman from Marshfield, that the leaders on both sides should consult. I took the opportunity, a few moments after the hon. gentleman from Marshfield had subsided, to occupy the time of this House, and I should say, so far as the hon. gentleman from Rockland is concerned, that his last reference to the west is very unfair. I should like to ask the hon. gentleman where any member from the west has suggested anything unfair or unreasonable. These clauses have been carefully considered in the House, and carefully discussed by the minister who introduced them, and I consider that it was from the experience the ex-Minister of Railways has had, and the experience of the members of the House of Commons have had with these carriers in the west, that they prepared that clause, believing they were giving a power to this commission that the west has been demanding for years with the expectation that they would give some relief on the matter of transportation.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman ought to know, whether he does or not, that the Minister of Railways was overruled in very many of these provisions, that he is not at all in accord with many of these clauses that the hon. gentleman is now advocating with so much vigour and vim.

Hon. Mr. WATSON—The minister was in favour of this clause.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman instanced the ex-Minister of Railways and Canals and his experience to justify our accepting this law as it is now before us. My reply to that is that the Minister of Railways was not in accord with many of these clauses as shown by the discussion in the House, and if he were that is no reason why we should accept it. As to my hon. friend from Toronto, if what he contends is correct, that the railway companies are common carriers and the common carriers are punishable for any neglect of duty, then there is no necessity for this provision, because as common carriers they are subject to the law which governs common carriers and would have to abide by the penalty.

Hon. Mr. FERGUSON—The amendment suggested by the hon. gentleman from Calgary should meet the views of the House. I do not think we can get anything better

than inserting the word 'unreasonable' between 'that' and 'delay.'

Hon. Mr. POWER—That is the hon. gentleman's opinion ; but we shall let the vote decide.

Hon. Sir MACKENZIE BOWELL—Yes, and he has as good a right to it as the hon. Speaker has to his.

The House divided on the amendment, which was lost on the following division : Contents, 20 ; non-contents, 13.

Hon. Sir MACKENZIE BOWELL—As there is a division in the cabinet, the Secretary of State voting one way and his colleague (Hon. Mr. Templeman) the other, I should like to ask the hon. Secretary of State what course he intends to take on this very important question ?

Hon. Mr. TEMPLEMAN—We will take a recess.

Hon. Sir MACKENZIE BOWELL—We know difficulties have arisen in the past, and two or three resignations have taken place on account of differences of opinion. What are we to expect under the present circumstances. I hope the Secretary of State will retain his position as it will be no loss particularly to the other hon. gentleman if he loses his position, because there is no salary attached to it.

Hon. Mr. SCOTT—The Secretary of State intends to take a reasonable view of the situation.

The subclause was adopted.

On clause 214, subclause 3,

214. The company shall, according to its powers, furnish, at the place of starting, and at the junction of the railway with other railways, and at all stopping places established for such purpose, adequate and suitable accommodation for the receiving and loading of all traffic offered for carriage upon the railway,—and shall furnish adequate and suitable accommodation for the carrying, unloading and delivering of all such traffic,—and shall, without delay, and with due care and diligence, receive, carry and deliver all such traffic, and shall furnish and use all proper appliances, accommodation and means necessary therefor.

2. Such traffic shall be taken, carried to and from, and delivered at such places, on the due payment of the toll lawfully payable therefor.

3. Every person aggrieved by any neglect or refusal in the premises shall, subject to this Act, have an action therefor against the company, from which action the company shall not be relieved by any notice, condition or declaration, if the damage arises from any negligence or omission of the company or of its servant.

Hon. Mr. POWER—The hon. gentleman from de Salaberry asked me to move an amendment on his behalf, to insert before the word 'notice' in the 13th line the word 'contract.'

Hon. Mr. SCOTT—I do not know what the effect of that would be. I would not like to consent to that.

Hon. Mr. POWER—I do not think the managers of railway companies should be allowed to vote on these questions.

The clause was adopted.

On clause 220,

220. A check shall be affixed by the company to every parcel of baggage, having a handle, loop or suitable means for attaching a check thereupon, delivered by a passenger to the company for transport, and a duplicate of such check shall be given to the passenger delivering the same. 51 V., c. 250, Am.

2. In the case of excess baggage the company shall be entitled to collect from the passenger, before affixing any such check, the toll authorized under this Act.

3. If such check is improperly refused on demand, the company shall be liable to such passenger for the sum of eight dollars, which shall be recoverable in a civil action. 51 V., c. 29, s. 251, Am.

Hon. Sir MACKENZIE BOWELL—What is the meaning of 'improperly refused' ?

Hon. Mr. POWER—It is the old law.

Hon. Mr. FERGUSON—How is the excess of baggage to be determined ? Is that left to the will of every company ?

Hon. Mr. SCOTT—No, there are regulations.

Hon. Mr. FERGUSON—But what is the amount of baggage ?

Hon. Mr. SCOTT—I do not think there is any statutory provision on the subject.

Hon. Mr. FERGUSON—Should not the board have jurisdiction ?

Hon. Mr. SCOTT—I assume they would have.

Hon. Mr. FERGUSON—So that there would be uniformity in that respect ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. YOUNG—The board have to fix the toll, so they would regulate that.

Hon. Mr. DANDURAND—Subclause 2 speaks of excess baggage. What is that excess baggage ?

Hon. Mr. CASGRAIN (de Lanaudière)—One hundred and fifty pounds.

Hon. Mr. DANDURAND—Is it mentioned in the Act ?

Hon. Sir MACKENZIE BOWELL—There must be a provision somewhere.

Hon. Mr. McMULLEN—While we are on the question of baggage, I think there should be some provision in this Act that would enable the board to require railway companies to put up in each baggage car a set of rules directing how baggage is to be handled by the porters in and around stations. There is an immense quantity of trunks and baggage absolutely ruined by reckless handling. I am sure the railway company would not sanction such destruction if they were only witnesses to it or knew it was done. The board should have power to direct that some rule should be hung up in each baggage car pointing out the duty of baggage handlers, how they should handle baggage, and that a trunk should not be thrown out on a platform recklessly. I have seen trunks hurled clean out of the car and broken, and their contents turned out on the platform, through sheer carelessness and because the baggageman was not compelled to handle the baggage carefully. I say a trunk should not be allowed to fall on a platform further than twelve inches. The railway company's employees should carry it that distance before dropping it, but where trunks are thrown on a platform many of them are ruined and their owners are put to very great inconvenience. I do not believe the railway companies are aware of the destruction of baggage that takes place. I do not think they would encourage it, and I fancy they would be quite willing to agree to any reasonable set of rules that would prevent reckless destruction of property.

Hon. Mr. LOUGHEED—Does my hon. friend fancy that if the railway company put up a notice of that kind it would have the effect of preventing reckless handling of baggage ?

The clause was adopted.

Hon. Mr. FULFORD, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again after recess.

Hon. Sir MACKENZIE BOWELL—Is it not well that we should settle what the practice should be when a Committee of the Whole rises at recess, with the intention of resuming after recess? In the House of Commons the practice was when we were in committee and there was no arrangement to proceed with other business, the chairman of the committee rose, the Speaker took the chair and said 6 o'clock, and left the chair, and then the commoners retired. When the House reassembled at eight the Speaker took the chair and vacated it and the chairman resumed his duty in committee. That has been the practice in the Commons and we carried that out to a certain extent last night, but a different practice is followed now. We propose to go on at once, but remember it is the same sitting. We are continuing this present sitting. The chairman has reported to the Speaker that the committee rises, reports progress and asks leave to sit again. The Speaker says 'when,' and the Secretary of State answers 'as soon as we reassemble.' This is neither in accord with practice or rule.

Hon. Mr. DANDURAND—At eight o'clock.

Hon. Sir MACKENZIE BOWELL—But that is a continuation of the same session, and it seems to me the practice that has prevailed in the other House ought to prevail here. I see no reason why it should not. I am not finding fault with what has been done, but I think it is well that we should have it distinctly settled. My hon. friend from Killarney has been Speaker of the House in Manitoba. I do not know what the practice was there, but I should judge from the approval he is giving by the shake of his head the practice I have described prevails in Manitoba.

Hon. Mr. YOUNG—The hon. gentleman is quite correct.

At six o'clock, the Speaker left the chair.

After Recess.

The House resumed in Committee of the Whole, consideration of Bill (21) An Act to amend and consolidate the law respecting railways.

On clause 224,

Hon. Mr. SCOTT—There is a change in the law there. As the law stands the engi-

neer is obliged to either sound the whistle or ring the bell before coming to a railway crossing. I see in this clause he must do both.

Hon. Mr. McMILLAN—It is a wise provision.

Hon. Mr. SCOTT—The railway people have some observations to make on this, and we had better let it stand.

Hon. Mr. McMILLAN—They generally ring the bell and sound the whistle.

Hon. Mr. YOUNG—They cannot take too much precaution in crossing highways.

Hon. Mr. LOUGHEED—It is a question if they whistle whether the bell can be heard.

Hon. Mr. YOUNG—The whistle is of short duration and the bell is kept continually ringing until the train has crossed the highway.

Hon. Mr. McMILLAN—There are two crossings not far from my residence and when trains are passing they both ring and whistle. I think it would be well to insist on having both.

The clause was allowed to stand.

On clause 227,

Hon. Mr. SCOTT—There are new features about this clause. As the law now stands a train cannot pass through any thickly-populated portion of a city at a speed greater than six miles an hour. In the Bill, that is increased to ten miles, and in some cases they may even exceed that. The board has power over it.

Hon. Mr. McSWEENEY—Where the track is properly fenced they can go at any speed they like.

Hon. Mr. LOUGHEED—The board can afterwards limit it.

The clause was adopted.

On clause 235,

Hon. Mr. SCOTT—There is a very great improvement in this clause which will be welcome, I fancy. Hon. gentlemen have noticed, when accidents occurred on railways the officials of the company are dumb. As the law stood, the company were not required to give particulars except within forty-eight hours, and now as soon as the head office receives information they must give it to the board.

The clause was adopted.

On clause 238,

238. Every company shall cause thistles and all noxious weeds growing on the right of way and over land of the company adjoining the railway to be cut down or to be rooted out each year before the plants have sufficiently matured to seed.

Hon. Mr. SCOTT—There is an improvement in this. Railway companies are only required under the present law to destroy weeds on their right of way where the line runs through a cleared country.

Hon. Mr. YOUNG—It would be just as well if they were required to destroy, by burning or some other way, these foul weeds after rooting them out, because we know that certain plants, although they may not have seeded, can by the roots be spread and do as much harm as though they went to seed.

Hon. Mr. LOUGHEED—There is a subsequent clause which provides for the disposal of inflammable material on the right of way, and I apprehend that would cover the difficulty pointed out.

Hon. Mr. SCOTT—We might make it 'rooted out and destroyed.'

Hon. Mr. FERGUSON—If weeds are rooted out any time before the seeds mature, that should be ample.

Hon. Mr. WATSON—We have a weed in Manitoba generally known as French weed. It is given that name, I believe, on account of its being so prolific. It is a weed that will bloom in the fall and will actually ripen the seed in the spring. You can pull that weed when it is in bloom and lay it down and the seed will mature. There is no way to destroy it except by burning. The company should, when they cut or pull those weeds, burn them.

Hon. Sir MACKENZIE BOWELL—Will this not meet the case : it says they must be destroyed before they go to seed.

Hon. Mr. WATSON—The weed to which I refer is seeding from the spring until the fall. It is a very noxious weed and should be destroyed. No farmer in the west thinks of cutting or uprooting them without burning them.

The clause was amended and adopted.

On clause 241,

Hon. Mr. POWER—The hon. gentleman from De Salaberry called attention to the fact that there should be some time limit in the appointment of a constable—that the constable should not be appointed indefinitely—that he should be appointed for some fixed period. I bring the matter to the notice of the committee. It seems a reasonable proposition.

Hon. Mr. LOUGHEED—Then at the expiration of his time, when possibly some very serious difficulty may arise necessitating the presence of a constable, they may forget to reappoint him. I think he should continue to act until dismissed.

Hon. Mr. FERGUSON—There is provision in the fourth subsection of this clause for his dismissal.

Hon. Mr. ELLIS—I notice there are to be two jurisdictions in New Brunswick in making these appointments. I think it should be confined to the justice of the peace.

The clause was adopted.

On clause 8,

Hon. Mr. McMULLEN—I am sorry I was not in the House when this clause was passed. I was south some two years ago, and I found that in the state of Texas they have a railway commission board. J. H. Regan, who was Postmaster General in Jeff Davis' cabinet during the rebellion, is chairman of that board. He is a very aged man, and Texas being strongly democratic has always elected him to that position. I was inquiring into the rates there, and found that it cost 34 cents to carry 100 pounds of agricultural implements 200 miles in that state, when it only cost 18 cents to carry the same quantity 200 miles in Georgia. I inquired why there was such a discrepancy in the rates charged in Georgia when compared with the rates charged in Texas, and I learned that J. H. Regan, who was chairman of the board, had no less than seven relations of his own in the employment of different railways at very high salaries, and the result was that he gave the railways, in the matter of rates, what they wanted, and they gave him in return the appointments that he wanted for his friends. I do earnestly hope that nothing of this kind will occur here. I am sure the Governor in Council, in appointing commissioners, will take care that men of good reputation and high standing will be appointed to the board. But if the public are to reap any benefit under this Act, it should contain a provision that any member of the board that applied to a railway company for any favour on behalf of himself or any relation, should forfeit his office. I merely give you the experience of what they do south. I do not say that it will come to be the experience of people here; but we are justified in guarding against such abuses in our country. It is deplorable to think that by the influence which railways exercise over such men, the public have to pay whatever rates they may think fit to charge.

Hon. Mr. DANDURAND—Some of my colleagues with whom I discussed the clause from time to time feel very much as if we should amend it, and when it comes to a later stage, very likely I shall move an amendment.

Hon. Mr. SCOTT—The clause was allowed to stand when it came before us.

Hon. Mr. DANDURAND—I propose to disqualify a commissioner from sitting on questions where he is interested.

Hon. Sir MACKENZIE BOWELL—The suggestion was adopted before the clause was allowed to stand over, that no commissioner should directly or indirectly be interested.

On clause 255,

Hon. Mr. DANDURAND—The companies ask that this clause be allowed to stand. There was an addition made in the other Chamber to subclause 3, and the companies ask that the three last lines be struck out, and I understand that the clause is to be allowed to stand.

The clause was allowed to stand.

On clause 258,

In all cases a fraction of a mile in the distance over which traffic is carried on the railway shall be considered as a whole mile. In estimating the weight of any goods in any one single shipment on which the toll amounts to more than the minimum, or 'smalls' toll, any fraction of five pounds shall be waived by the company, and any fraction above five and up to ten pounds shall be deemed ten pounds by the company; and in estimating the tolls to be charged in passenger tariffs, any fraction of

five cents less than two and a half cents shall be waived by the company, and above two and a half cents shall be considered as five cents by the company. 51 V., c. 29, s. 229 Am.

Hon. Mr. SCOTT—There is an amendment to be made to this clause in line 44, to insert 'five pounds or.'

Hon. Mr. POWER—The hon. gentleman means any quantity less than 5 pounds, and any above 5 pounds and up to 10 pounds is a fraction of 10 pounds, so that if you have more than one-half of 10 pounds you charge for 10 and if you have less you do not charge at all.

Hon. Mr. WOOD—I think if the word 'quantity,' instead of the word 'fraction' was used, it would make the case very much clearer and avoid the difficulty which hon. gentlemen are referring to. Any quantity less than 5 pounds should be waived by the company and any quantity above 5 and up to 10 should be 10 pounds.

Hon. Mr. SCOTT—Supposing there was 5 pounds, there is no provision at all for it.

Hon. Mr. SULLIVAN—I suppose this is a regular railroad regulation and we had better leave it as it is.

Hon. Mr. POWER—One effect which this amendment will have will be this: under the clause as it stands here, 5 pounds would not be anything, and under the amendment 5 pounds would be the same as 10 pounds.

Hon. Mr. FERGUSON—I think that the amendment suggested by the railway people is perfectly right, that any fraction shall be waived by the company, and 5 pounds and any fraction above 5 up to 10 shall be deemed 10 pounds.

Hon. Mr. POWER—The amendment which has been made causes 5 pounds to be dealt with as 10, and the Bill as it stands causes 5 pounds to be treated as nothing.

The amendment was adopted.

Hon. Mr. FERGUSON—I have an amendment to propose in the second last line of the clause. Strike out the word 'above' and make it read 'two and one-half cents or more shall be considered as five cents.'

Hon. Mr. POWER—I assume the committee understand this is another change in favour of the company. Under the Bill as printed 2½ cents would be considered as nothing and above 2½ cents would be considered as 5. This makes 2½ cents considered as 5.

Hon. Mr. DANDURAND—We are giving 2½ cents to the company.

The clause was amended and adopted.

On clause 268, subsection 2,

2. Any goods carried or being carried from Canada through a foreign country into Canada, in violation of this section, shall, before being admitted into Canada, be subject to customs duties, as if such goods were of foreign production and coming into Canada for the first time, and, in case such goods are of a kind which would not otherwise be subject to any customs duties hereunder, shall be subject to a customs duty of thirty per centum of the value thereof; and if any such duty is paid by the consignor or consignee of such goods, the same shall be repaid to the persons so paying, on demand, by the Canadian company or companies. Any law to the contrary is hereby repealed or amended in so far as is necessary to give effect to this section.

Hon. Mr. FERGUSON—I do not understand this clause. It seems to be a customs regulation.

Hon. Mr. WATSON—It is a guarantee that the railway company will bond the goods. The railway company, of course, if they travel through a portion of a foreign country, must bond the goods.

Hon. Mr. POWER—I think this is a penalty imposed on the railway company for not filing its tariff, that is all. If they do not file the general tariff, then they have to pay duty on the goods.

Hon. Mr. SULLIVAN—There seems to be a contradiction there.

Hon. Mr. POWER—If goods were shipped from Canada to Manitoba, through the United States, this would apply.

Hon. Mr. FERGUSON—It would apply to goods passing from the maritime provinces through the state of Maine, to the province of Quebec, but why should this penalty be imposed?

Hon. Mr. LOUGHEED—This refers to two or more companies carrying goods.

Hon. Sir MACKENZIE BOWELL—This penalty is to be imposed unless the company file with the board a joint tariff. A great deal of goods go from Montreal to British Columbia through the United States. This clause imposes a customs duty of 30 per cent as a penalty for not filing a joint tariff, and it provides it may be paid back again.

The clause was adopted.

On clause 275,

275. No contract, condition, by-law, regulation, declaration or notice made or given by the company impairing, restricting or limiting its liability in respect of the carriage of any traffic, shall relieve the company from such liability, except as hereinafter provided, unless such class of contract, condition, by-law, regulation, declaration or notice shall have been first authorized or approved by order or regulation of the board.

Hon. Mr. SCOTT—The companies wish to add after the words 'any traffic' the words 'to which this Act applies.' It was pointed out to me that it was not intended, where goods were shipped from Europe, that that portion of the contract outside of Canada should be affected.

Hon. Mr. DANDURAND—I suppose the hon. Secretary of State could tell us what is the traffic to which this does not apply ?

Hon. Mr. SCOTT—As I said before, where goods are coming from a foreign country, this Act would not apply to that portion of it affected by the ocean route. Take the case of transmission of goods to Liverpool from Toronto or Montreal—we do not take cognizance of that.

Hon. Mr. FERGUSON—But having come in an ocean ship from a foreign country, as soon as it comes within the jurisdiction of Canada this Act will apply to it.

Hon. Mr. SCOTT—Yes, it applies to all traffic within Canada.

Hon. Mr. FERGUSON—Is the hon. gentleman sure, in the case of goods coming from a foreign country, that this would not entirely except it from the provisions ?

Hon. Mr. SCOTT—It applies to all traffic in Canada, whether it originates in Canada or outside.

The clause was amended and adopted.

On subsection 3,

3. Nothing in this Act shall be construed to prevent the carriage, storage or handling of traffic free or at reduced rates for the Dominion, or any provincial or municipal government, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the carriage, free or at reduced rates, of destitute or homeless persons, transported by charitable societies, and the necessary agencies employed in such transportation ; nor to prevent the issuance of mileage, excursion or commutation passenger tickets, or the carriage at reduced rates, of immigrants or settlers and their goods or effects, when coming from foreign countries, or any member of any organized association of commercial travellers with his baggage ; nor to prevent railways from giving free carriage or reduced rates to their own officers and employees, or their families, or for their goods and effects, or to members of the provincial legislatures or of the press ; nor to prevent the principal officers of any railway, or any railway or transportation company, from exchanging passes, or free tickets with other railways, or railway or transportation companies, for their officers and employees and their families, or their goods and effects ; provided that the carriage of traffic by the company under this subsection may, in any particular case or by general regulation, be restricted, limited or qualified by the board.

Hon. Mr. POWER—Would the United Kingdom be classed among the foreign countries ? Because, if it is not, there is no power to exempt the emigrants from the United Kingdom.

Hon. Mr. SCOTT—I do not think it would be construed that way.

Hon. Mr. POWER—I should say coming from the United Kingdom or foreign countries.

Hon. Mr. DANDURAND—Could the hon. leader of the opposition tell us whether in the Customs Act the expression 'foreign country' does not include Great Britain ?

Hon. Sir MACKENZIE BOWELL—In the tariff and customs regulations Great Britain is treated as a foreign country.

Hon. Mr. LOUGHEED—We might put in the Interpretation Act that foreign countries mean anything outside of Canada.

The clause was allowed to stand.

On subclause 5,

5. The company shall furnish free transportation upon any of its trains, for members of the Senate and House of Commons of Canada and for any of the members of the board, and for such officers and staff of the board as the board may determine, with their baggage and equipment, and shall also, when required, haul free of charge any car provided for the use of the board.

Hon. Mr. DANDURAND—The railway companies desire to have this subclause stand over. I think the companies insist upon adding 'members of the House of Commons and Senate and their families !'

Hon. Sir MACKENZIE BOWELL—Then if you make that provision you should say if they travel by night they should have a pullman, and if the journey exceeds six hours, they shall furnish breakfast, dinner

and supper, because if we are to have a free ride we might as well have meals free.

Hon. Mr. WATSON—Night and day and private car.

Hon. Sir MACKENZIE BOWELL—Yes, when you are travelling with your family. I do not know what other hon. gentlemen think about it, but unless it is proposed to let this clause stand, I shall move that the following words be struck out: 'For members of the Senate and House of Commons of Canada.'

Hon. Mr. McKAY (Truro)—Can the hon. gentleman get a seconder?

Hon. Sir MACKENZIE BOWELL—I do not know; if it is not tested in committee, I shall test it in the House. With respect to the members of the commission, I think that is a very reasonable provision. Those who have the whole management of the railways under their charge should have free transportation. I have no objection to that, but I do think, for the credit of members of parliament and of the Senate in particular, we should not allow this to be made the law of the land. I know that it is said 'why, you accept passes'; so does one gentleman accept a lunch from another. That is a matter between a gentleman who invites and a gentleman who accepts, and if the railway companies think proper to extend a courtesy to any one, whether he is a member of parliament or not, it is for the one to whom the courtesy is extended to receive it or reject it. I think in that respect you should no more ask a company, or a body of men who have invested their capital in the construction of a railway, to carry members of parliament free any more than you should compel an individual to entertain certain persons at his home. That is the view I hold, and I hope the Senate will seriously consider the matter. My own intention is, if the committee do not strike out this clause, to take the course I have already indicated, and if that is defeated, I shall take occasion to move that it shall not apply to senators, acting, as I consider, in accord with the dignity of this House. The other House can take what views on the question they please.

Hon. Mr. DANDURAND—I think this question can be examined from a higher point than the one taken by the hon. gentleman. If the railways were built altogether with private money the companies would undoubtedly have a right to say: 'You cannot exact privileges from us,' but I should like the hon. gentleman to point me to one company that has not come to parliament for heavy subsidies, double subsidies in very many instances; so that we can say that if parliament had, from the inception of all those railways, imposed a condition that they should carry members of parliament free, they would have accepted the obligation in exchange for the subsidies and bounties given to them. To-day, hon. gentlemen may tell me that no such obligation has been imposed upon them, but everybody knows there is hardly a company—and especially the large companies—that has not had occasion to come and ask for privileges, bonuses, subsidies and so on, for lines and extensions, and which will appear again for privileges of one kind or another. So that we are not in the position of parties holding up railway companies and forcing them, because of the power we hold, to grant privileges. I am simply discussing this academic question, for we all know we receive yearly passes from railway companies. We are not legislating for to-day only; we are legislating for the future. I know that there is considerable of a sentiment in the country, more especially in Ontario and in Toronto, where some newspapers hold that members of parliament should not receive passes and should not be under any kind of obligation to railways. Is this proposed legislation not a complete answer to the argument that members of parliament should not be under a compliment to a railway even for a pass? It seems to me this question can be examined from two sides. Just now, I may say, till I hear the representatives of the railways on this question, that my inclination is to urge settling the question once and for all, not for to-day only, but for the future. There will be an immense expansion in this country. Railways will be built through the land. We will soon have a second transcontinental railway, and a third one if we live 20 years, and we will see railways running through to the Pacific and up to Hudson Bay, and it is as well to impose

on all companies for the future, the obligation of carrying members free.

Hon. Mr. DRUMMOND—The address of the hon. gentleman is admirable, but he might extend it a little further. The moneys which these companies have received are public moneys, not contributed by members of parliament but by the whole country; just extend the argument further, and you will have obliged the railways to furnish passes, not only to members, but to every taxpayer in the Dominion, and there you are. I think it is ignominious to put on the statutes a provision that members of parliament are to be carried free by the railways. It certainly should do away with the mileage allowances now given to members, and if the hon. gentleman persists in his view, I shall move as an amendment that a taxpayer who has contributed towards the construction of any railway be included in the free pass arrangement.

Mr. McMULLEN—I differ from my hon. friend (Hon. Mr. Dandurand) although I sit on the same side of the House with him. I do not think the basis on which he places his argument for free passes for members is one that I could defend on a public platform; that is, that because we give these railways subsidies and subventions of one kind and another, they in return should treat members so generously as to carry them all over the country free. I think we should not do that. Every one will admit that there is no country in the world in which railways obtain legislation cheaper than they do in Canada. We know that it costs about as much to obtain a charter in England as to build a short road here. They pay members of certain committees a fee for every committee they attend—I think it is a guinea for each attendance. That is not the case in this country.

Hon. Mr. SULLIVAN—Does the hon. gentleman mean to say that the members of committees in England are paid by promoters for their services?

Hon. Mr. McMULLEN—Yes.

Hon. Mr. SULLIVAN—And it is so understood?

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. McMULLEN—And I say that in this country railways generally obtain their Bills very reasonably. It costs them little or nothing.

Hon. Mr. McKAY (Truro)—Therefore, they ought to carry the members.

Hon. Mr. McMULLEN—And in past years the members of parliament have not been overpaid. The indemnity which has been granted them I can honestly say—and I sat in the House of Commons for twenty years—taking one year with another, has not enabled members to save very much. It would not count even into hundreds, out of the sessional indemnity, when they attended to all the duties devolving upon them, unless it was a very short session. This year's session is the longest session held in Canada for twenty years, and I do not think any one will go home with a decent surplus in his pocket. We are putting through a very large amount of legislation, and the railway companies are getting a very respectable share of it. I quite agree with the hon. leader of the opposition, that it is humiliating for us to put a clause in a Bill saying that railways must give us free passes, and I shall vote to strike out the clause. In the past railways have dealt generously with myself personally. Every year I received complimentary passes from the Canadian Pacific Railway and Grand Trunk Railway as a member of the House of Commons. Since I have been in the Senate, I have received the same, but I say that for me to sit here and vote for a Bill that will force them to concede as a right what is now granted to me as a compliment, would be humiliating and I am not prepared to vote for it. I say to my hon. friend the leader of the opposition that if he will move to strike out this clause and cannot get any other member to second his motion, I shall do so. I do not see why we should force the railway companies to give us free passes, although I quite admit that they get from the parliament of Canada legislation cheaper than in any other country in the world. For that they have treated members of parliament very generously. They have given us passes from year to year. Now, what more do we want? If they do not like to continue it, all right. Then there is another feature of it which I quite agree with, and that is, if members are going to continue to receive

free passes, and we are going to establish it as a right by Act of parliament, if we are honest to our country we should cut off the mileage. It is not right to have on the statutes of this country a provision in the law that a member of parliament is to be carried free by the railways, and at the same time that he shall receive mileage for coming here to attend parliament. If we are going to pass this Bill we had better dock the mileage; if we are not going to pass the law, leave the mileage as it is.

Hon. Mr. SCOTT—This clause was to stand. We had better not go into a discussion of it now.

Hon. Mr. SULLIVAN—The whole Senate should pass on this.

Hon. Mr. ELLIS—We ought to settle this ourselves. We ought not to allow the railway people to come here and assign reasons why this should be struck out or kept in. It would be humiliating to us under any circumstances. Whatever we do, let us do it on our own judgment and let the railway people have nothing to do with the matter.

Hon. Mr. SCOTT—I understand that is what the railway people propose to do. Subsection 4 was the only portion of this clause they wished to be heard on. It is an ungrammatical expression to which they call attention.

Hon. Mr. POWER—The hon. gentleman is mistaken. There is a whole page covered with objections dealing with this railway pass question.

Hon. Mr. POIRIER—I am not very particular about discussing this point, but it has caused me to reflect before to-day. Listening to the argument of the hon. gentleman opposite (Hon. Mr. McMullen), I wish to say, to be logical we should not receive free passes. I am strongly of that opinion. It is more humiliating to be under an obligation to a company than to pass legislation such as exists in many countries of Europe, making it obligatory on the railway companies to carry members of both Houses free for all time to come. We stand here in many instances as judges, and we receive bribes.

Hon. GENTLEMEN—Oh.

Hon. Mr. McMULLEN.

Hon. Mr. POIRIER—I call a bribe anything that we receive as a present from persons who are seeking legislation from parliament.

Hon. Mr. SULLIVAN—Do not say that.

Hon. Mr. POIRIER—I do not think the hon. gentleman is immaculate in that respect. We receive passes, which are equivalent to bribes. I have myself, on many occasions, found myself in an embarrassing position when two companies were here before us, one of which had given me a pass and the other had not, and I had to consider legislation affecting them both. It made me reflect whether I was not biased by the fact that I held a pass from one of them, and I went this far, that for two or three years I refused passes from railway companies.

Hon. Sir MACKENZIE BOWELL—Quite right.

Hon. Mr. POIRIER—Because I thought in my conscience I could not give an independent vote as between a company which had not bribed me with a pass and the company which had. I found in all cases I was leaning towards the company whose pass I had in my pocket. I say, therefore, to be logical we should pass an amendment forbidding members of parliament from receiving passes from companies which come before us, or exclude us from sitting as judges as between companies, some of which have given us passes and some of which have given none. Considering what has been done in England—considering this as a matter of policy not only for us but for the country at large, and for the higher independence of both Houses, I would vote for retaining this clause and making it obligatory for all companies to provide members of both House with passes. We are not, perhaps, so much affected as the other House; we must bear in mind that members of the other House have very often to come during recess to Ottawa—they have to travel on public business and are put to great expense. They, more than senators, have a reason for being granted free transportation upon all railways. I repeat, if we strike out this clause, I would vote for an amendment prohibiting members of either House from accepting a pass from any railroad. Let us be logical and have the cour-

age of the convictions that we all, more or less, have in our hearts. We all like to have free passes. I do not believe there is any one, excepting the hon. gentleman from Kingston (Hon. Mr. Sullivan) who does not like to travel on free passes. If that is the case, and if we are in the future to travel on passes, let us have it in the law. As for the mileage allowance, I should like to ask my hon. friend, who admits that he has a free pass, what ground he has for claiming mileage if he actually travels free? Let us keep this clause in the Bill, and make it obligatory for railroads all over the Dominion to give us free transportation.

Hon. Mr. WATSON—In replying to the statement made by the hon. gentleman from Montreal (Hon. Mr. Drummond) a good many years ago in the House of Commons, I advocated exactly what is in this Bill, that members of parliament should be provided with free passes. Railway companies have made it a rule to grant free passes, particularly to their friends who supported their legislation. I have a pass, and I had the experience of being one of three in the House of Commons who were refused passes for a number of years because we did not support legislation for a certain corporation. I do not think any member of parliament should be placed in a position to not receive the same privileges that other members do, and I for one advocated then, and I advocate now, that what the railway companies do in practice, they should be required to do by law. I know in the country a great many people say that members of parliament are influenced in the stand they take on legislation affecting railways by favours granted them by railway corporations. That would be removed entirely if we enacted that members of parliament should be allowed to travel on railways in Canada free, as we do travel to-day. The hon. gentleman from Montreal stated that, to be logical, we ought to go further and move that all the ratepayers be allowed to travel free because the subsidies to railways have been paid out of the taxes of the people. The representatives of the people are entirely different from the ratepayers. The representatives are required to leave their business and attend to the public business here. I think they do it fairly well, and they do not stand in the same position as their constituents. It is important that members of parliament should acquaint themselves with all portions of the Dominion of Canada, and we are not all millionaires—we cannot all afford to take a private car, or go off for a three or four weeks trip at the expense that travelling involves in this country, though it would be a good thing that members of parliament should acquaint themselves with all portions of the Dominion. A great many of us have to vote on questions that come before us without local knowledge of the country through which new lines are to be built. If we could travel at the lowest possible cost, we would no doubt travel and learn more about the country, and for that reason I am in favour of every member having free transportation. It has been suggested that the mileage be struck out. I do not know whether the mileage was intended to pay our transportation or not; but I know this, the gentlemen who receive passes where others do not, draw their mileage. The man who is living in Montreal, or even Toronto, is not in the same position as the man who comes from British Columbia or Manitoba or the North-west Territories. The additional mileage received for travelling to and from the capital does not recompense him— he is out of pocket much more than those who live in Ottawa and draw no mileage. The inconvenience of being away from home for months is very considerable. I venture to say the hon. gentleman from Calgary, for instance, could not go home and return for less than $40 even when travelling on pass. For that reason I am in favour of the mileage being retained, and also in favour of the clause of this Bill which provides that members of parliament should have free transportation on all railways in Canada.

Hon. Mr. SULLIVAN—I honour the sentiment of the hon. gentleman from Belleville in moving to strike out this clause. I believe he acted from the best of motives and the finest sense of honour, and I give him credit for it. If there is anybody in this country who, beyond others, has a right to get a pass on any road from one end of the country to the other, it is Sir Mackenzie Bowell.

Hon. Mr. POIRIER—Why?

Hon. Mr. SULLIVAN—Because he does more work than any other member of this

House—because he has examined more critically into the legislation connected with railways, and above all has taken more care about railway legislation and spent more hours in the committee room and in this House looking into such legislation, than any other member. There are relative degrees of merit in the Senate, as there are relative degrees of honour. This has been drawn from me by the hon. gentleman saying what he did. I consider Sir Mackenzie Bowell is facile princeps so far as being entitled to honour. That is enough on that point. When the hon. gentleman on my left (Hon. Mr. Poirier) talks about his conscience, it really amuses me. I cannot go so far as that. It is astonishing to me that this hon. gentleman, a moral and pious gentleman no doubt, has year after year taken these passes and time and again voted on railway legislation, and never said a word about it. At least, I never heard him say a word about it until now.

Hon. Mr. POIRIER—I sent back my passes for several years, but bad associations prevailed.

Hon. Mr. SULLIVAN—Any man who is so easily affected by a bad example must have a mighty poor conscience. We are taking passes year after year and I thought it was rather an ugly way to be getting transportation, and I felt some qualms of conscience about taking this mileage, but I would rather have this, on my word of honour, than to be getting passes and the public not know it. Let the public know it, and that we get it as a right. Think of the labours the railroads impose on parliament. Nineteen-twentieths of the legislation of this session is for railways, and would not a railway send a free pass to any man to come down and attend to their business? Is it not proper that railways should pay a man who comes to look after their business?

Hon. Sir MACKENZIE BOWELL—The country gives us an indemnity for that.

Hon. Mr. SULLIVAN—Yes, but the ordinary individual is interested in legislation, only in a general way. The railroads are corporate bodies, and we know that corporations have no souls to be saved, and some say no bodies to be injured. To require them to furnish free transportation to members of parliament is not like taking money from any one. It does no injury to any one; it is conceded as a right, and passes are being taken by every member of both Houses. It is too late in the day now to oppose a practice which is universal, and the manly, straightforward way is to do it openly and take the consequences. If the members of the board think it is wrong for members to accept passes, I shall throw the passes back in their faces. I feel that the railways give passes, not with the object of bribing any one. How can they bribe? All the railways give passes. I have twenty or thirty. I never use but one. It never affects my vote and I do not see how the mere favour of a pass can affect any man's vote. I give them back all the money. My wife travels with me, and unless she was granted a similar favour, it would be very little benefit to me. I should like if there was any other way of getting rid of this question. I think the mileage should be done away with, because it does not look right to accept a pass and collect mileage. I honour the sentiments of my hon. friends, Senator Drummond and Sir Mackenzie Bowell. I believe they are acting from conscientious and honourable motives, but it seems to me that this is the better way to deal with the question.

The motion was agreed to.

Hon. Mr. FULFORD, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again.

BILL INTRODUCED.

Bill (147) An Act to incorporate the Toronto and Hamilton Railway Company.—(Hon. Mr. Kerr, Toronto.)

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, August 27, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE TREADGOLD COMMISSION.

INQUIRY.

Hon. Mr. FERGUSON inquired :

Whether the commission recently issued to Judge Britton and Mr. Bell to investigate the Treadgold concession contains a provision fixing the amount of remuneration to be paid to the commissioners. If not, has the remuneration been otherwise settled, and in either case, how much does it amount to ?

He said : Yesterday, when this order was called I made some observations in reference to an unseemly occurrence which the newspapers had reported from Dawson in connection with the sitting of the Treadgold Commission. I find in yesterday's newspaper there is another incident of the same character, showing conclusively that this investigation is not shedding any lustre upon the bench of Canada inasmuch as one of the members of the bench is a member of that commission. The report of the Ottawa 'Free Press' is as follows :

Graham Campbell offered a most flagrant insult to Commissioner Britton. The latter had refused to order the production of certain papers at the suggestion of Mr. Campbell, saying he had no authority to do so. 'You have no authority' Campbell insolently observed, 'What authority have you.' 'I have the authority' replied Mr. Britton, 'to commit you for contempt.' 'I have shown no contempt' Campbell muttered, 'I have considered you beneath contempt.' Commissioner Bell heard the sotto voce insult, and Campbell was called back and given a verbal castigation. He would have been committed but for the intervention of Judge Britton.

As that is reported, it does not add anything to Judge Britton's credit.

Hon. Mr. DANDURAND—What has that to do with the question the hon. gentleman has put ?

Hon. Mr. FERGUSON—It has to do with the Treadgold Commission. I am quite free, in connection with that, to refer to the Treadgold concession and how the investigation of it has been proceeding. I am asking a question with regard to that subject and calling attention to these occurrences that are almost daily reported in the papers in despatches from the Yukon, showing that the judge is getting into collision with people there.

Hon. Mr. TEMPLEMAN—Might I ask my hon. friend to point out wherein that detracts from Justice Britton's position or his fitness to adjudicate on the case? Wherein does that detract from Judge Britton—the fact that a man named Campbell insulted him ?

Hon. Mr. FERGUSON—This is reported from an unfriendly source to Mr. Campbell, and when Mr. Campbell asked what authority the commissioner had, it was his place to explain his authority and not to have told him : 'I have authority to commit you for contempt.' I think it was the place of the commissioner to make that explanation.

Hon. Mr. TEMPLEMAN—What explanation ? Explain his commission to a man named Campbell ?

Hon. Mr. FERGUSON—Certainly.

Hon. Mr. TEMPLEMAN—I have the advantage of my hon. friend inasmuch as I know Graham Campbell.

Hon. Mr. FERGUSON—It is the fashion with some people, if anybody differs from them, to impugn them at once. I do not say my hon. friend does that always, but that is the view that is running through his interruption. Mr. Clarke—the notorious Joseph Clarke as he is called in the telegrams to the 'Free Press,' was a candidate in the last election for the Yukon. It is common for some newspapers to detract from the respectability of a man who differs from them, and say at once he is notorious, and that he is not the man he ought to be. My view is that it was the duty of the commissioner to have made an explanation to Mr. Campbell, and not to have flung his authority in his face that he could commit him for contempt. I only mention it in this connection to show that it is unseemly that a judge should be placed in a position of that kind, where he is becoming embroiled with the citizens of the Yukon. My questions, however, bears incidentally on this, and therefore I have a right to refer to it. Even if I had not given this notice, it would not have been out of order to make this reference to the incident. My question bears on another point, and it is this: I want to ascertain the remuneration that Judge Britton and Mr. Bell are to receive for their services. I am anxious to ascertain that from this view: These gentlemen are sent there to adjudicate on a question between the government of Canada and their opponents, and between the Treadgold concessionaires and the owners of certain rights

in the Yukon and with regard to the impolicy or good policy of issuing that Treadgold concession. After all that has occurred, and the public opinion asserted on this question, I cannot think it wise if the government have placed a judge in the position of coming in to decide on a matter affecting the policy of the government, as between the government and their opponents, and holding the remuneration over with the possibility that it should be made high or low just in proportion as the report would be pleasing or the reverse to the government. I think that is wrong and cannot be justified. The government should have fixed the amount of remuneration before the appointment was made. Possibly that may be my answer; if so, I am satisfied.

Hon. Mr. SCOTT—I am sorry my hon. friend indulged in the remarks he did before receiving a reply to his inquiry. The remuneration to Judge Britton is $2,000, besides all his expenses, a specific sum. He will be a month travelling backwards and forwards at all events.

Hon. Mr. FERGUSON—Does the hon. gentleman think it is seemly that a judge should be conceded that large sum in addition to his salary? Is his salary running on as a judge?

Hon. Mr. SCOTT—Yes, and I think any fair-minded public man will not draw the deduction my hon. friend has drawn; but, on the contrary, that they would rather think that $2,000 is probably under the mark for a man going to that place for two or three months. Two thousand dollars is not too much for him. With regard to Mr. Bell, I am not able to give the desired information. There was no Order in Council about it. I think the arrangements were made by the Department of the Interior, and Mr. Sifton being away, I was unable to get the facts. I was, therefore, only able to give my hon. friend the amount paid to Judge Britton.

Hon. Mr. DANDURAND—I am sorry my hon. friend should take advantage of the fact of a judge going to the Yukon to make a report, and of the incident of a witness being saucy to him, a judge of the High Court of Justice of Ontario, to cast reflections on him. If it pleased the hon. gentleman to go into the judicial records through our courts from the Atlantic to the Pacific, and pick up such reports of encounters between judges and witnesses, and between judges and lawyers, he would find plenty of such incidents, but, he would need to have something more than the simple fact that there was such an encounter, to say it was discreditable to the judge. Here is a judge charged with the power to investigate a case, a witness makes a disparaging remark—speaks in an unbecoming way to the commissioner—be the party a witness or lawyer,—does the hon. gentleman think a member of this Senate would be justified in saying that the judge's action as reported was disparaging to the bench? The discipline is in the hands of the courts, and that discipline must be maintained by the supreme authority of the judge. It matters very little what reports come here to the press, I think it is unworthy of the situation that the hon. gentleman from Marshfield occupies to take a simple telegraphic report in the press, coming from a place thousands of miles from here, and say: 'Here is how a judge is acting,' and I suppose we are expected to draw the conclusion that the judge should not have been sent to the Yukon. Before a member of this Senate brings anything before the House about a judge's conduct in the courts, he should verify the facts, and wait until at least he has some oral or written evidence about it. The hon. gentleman has simply taken advantage of a telegram published in the newspapers, to try and discredit a judge of a High Court of Justice in Canada.

Hon. Mr. FERGUSON—I would state in reply to the hon. gentleman that I have not made any attack on a judge of this country acting in his capacity as a judge. If I had done so, and the circumstance to which I referred had happened in any court where that judge had proper jurisdiction, and where he was discharging the duties belonging to a judge of the courts of the county, I would be doing wrong; but when the government of the country place a judge in another position although, making him a commissioner to investigate a semi-political question, he is just as open to criticism as any man in the community and I shall not hesitate to avail myself of the right to discuss his conduct.

Hon. Sir MACKENZIE BOWELL—Notwithstanding the display of indignation of the hon. gentleman from de Lorimier (Hon. Mr. Dandurand) and the display of temper from my hon. friend from British Columbia (Hon. Mr. Templeman), I compliment the hon. gentleman from Marshfield for having aroused this indignation for once. The hon. gentleman from Victoria (Hon. Mr. Templeman) has hitherto enjoyed the reputation of being the most inoffensive senator in the House, but on this occasion, when the name of Mr. Campbell was mentioned, he fired up as if a little dynamite had been placed under him. I am glad to find the hon. gentleman has some temper, and that he can show it when he thinks it is necessary. Notwithstanding the indignation of the hon. gentleman who sits behind him (Hon. Mr. Dandurand), I propose to call the attention of the Secretary of State to a telegram received by the leader of the opposition in the lower House (Mr. Borden, Halifax) and to ask him whether he has any information on this subject that he can give to the Senate. The Hon. Mr. Borden received this telegram :

Dawson is Excited.

Mr. Borden asked the attention of the government to the following telegram he had received :—

Dawson, August 26.

Commission refuses the people's solicitor access to concession files brought from Ottawa by special official. Put question in House. Ask that commissioners be instructed by wire to produce them as the inquiry is baulked. A mass meeting was held here to-night and the people are greatly excited.

(Sgd.) W. A. BEDDOE.

Mr. Fielding's reply was that he had no personal knowledge of the matter, but would cause inquiries to be made. I should like to know whether inquiry has been made, or whether the hon. gentleman has any knowledge of it, and if he has not, if he will acquaint himself with the fact and inform the House ? I need scarcely say a charge of the kind made against the commissioner, who happens to be a judge—and I say it with a great deal of caution, after the lecture to which we have just listened—that he refuses information which I think should be at the disposal of every one, is rather a serious matter. If my recollection serves me right, the conditions on which the Treadgold concession was made have been laid before the House, and why the commissioner should refuse to produce it to those who are acting on behalf of the opponents of the Treadgold concession I cannot imagine.

Hon. Mr. SCOTT—I have heard nothing of the receipt of a telegram except what I saw in to-day's paper. I read it in the 'Citizen,' and have heard no more about it. Knowing Judge Britton as I do, I must say he will be slow to withhold any paper which should be open to everybody. Of course, all papers in connection with the inquiry are public property, and I have no doubt he exercised a proper discretion in the course he has taken. I attach very little importance in the telegrams from Dawson. People are excitable there, and sometimes say more than they are warranted in saying. If I get any more information on the subject I shall be glad to give it to the House.

Hon. Sir MACKENZIE BOWELL—I have had as long an acquaintance with the commissioner—I will not use the word 'judge' for fear I shall be accused of attacking the judge—as my hon. friend, and my opinion of him as to his excitability and his character altogether differs from that of the hon. gentleman.

TRANSATLANTIC MAIL BOATS.

INQUIRY.

Hon. Mr. LANDRY inquired :

Has the government lately been or is it in negotiation with any one whomsoever for the establishment of a fast line of transatlantic mail boats ?

If the answer is in the affirmative, with whom has it been or is it in negotiation ?

In the negotiations, past, present or future, what speed has been demanded or will be demanded by the government from the mail boats of the fast line ?

Between what ports is this oceanic service to be made ?

When is it to be inaugurated, approximately?

Hon. Mr. SCOTT—This motion had really escaped my attention, but I am not aware that there is any recent information with regard to the fast line. Certainly, there is no immediate action being taken with regard to the fast line. However, I shall make further inquiry, and if there is any additional information to be had, I will give it to my hon. friend to-morrow.

Hon. Mr. LANDRY—We will let the motion stand until to-morrow.

THIRD READING.

Bill (152) An Act to incorporate the Southern Central Pacific Railway Company.—(Hon. Mr. Templeman.)

RAILWAYS LAW CONSOLIDATION BILL.

AGAIN IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (21) An Act to amend and consolidate the law respecting railways.

On clause 275, subsection 5,

Hon. Mr. McMILLAN—When this subsection comes up I wish to move an amendment in the following words :

Provided, however, that the company shall not be liable for any injury that the person so travelling may sustain while travelling on said railway.

That is the provision we have in the passes that are issued to us at present, and if we are going to force the railways to carry members of parliament all over this country free, they ought to be protected then as they are now when they grant us passes.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman should add to the notice that the companies should pay members $10 a day to cover expenses travelling.

The clause was allowed to stand.

On clause 276,

276. When the company owns, charters, uses, maintains or works, or is a party to any arrangement for using, maintaining or working vessels for carrying traffic, by sea or by water between any places or ports in Canada, the provisions of this Act in respect of tolls shall, so far as they are applicable, extend to such vessels and to the traffic carried thereby.

Hon. Mr. SCOTT—It was requested that this clause should be allowed to stand, but I think the point taken is a trifling one and possibly we might consider whether we could accept the amendment. It will be noted that it has reference to transport from points within Canada, but part of the transport by sea. It is very well known that there are vessels that sail from Montreal for points on the other side of the Atlantic and call at Quebec and other points en route, and therefore it might read better if the last line referred to the traffic only and not to the vessels. It does not seem to me it is really worth considering further. I do not think there should be any objection to the amendment.

Hon. Mr. POWER—The same care should be exercised where steamship lines on Lake Superior, for instance, connect with railways at both ends. There should be the same protection afforded passengers on vessels as on trains. With respect to tolls, there is no reason why the same rule should not apply to the tolls for freight on board those vessels as to the freight on trains ; and the clause says ' only so far as they are applicable.' I do not see how that is going to do any harm, and, further, I have this feeling : that measure has come up from the House of Commons where it was considered carefully, and where the interests of the public were probably considered rather more than the interests of railway companies ; and while it is our duty to see fair-play, we can trust the railway companies, as a rule, to take fairly good care of their own interests while it is the duty of the parliament to look after the interests of the public.

Hon. Mr. LOUGHEED—The objection that has been raised is not the one referred to by my hon. friend, but it is that the tolls should extend to the vessels. The object is that the tolls should extend to the traffic on vessels just in the same way as the tolls extend to the freight carried by the cars. The tolls do not extend to the cars, and they should not extend to the vessels. The tolls should be made applicable simply to the traffic.

Hon. Mr. SCOTT—It did seem to me the other was the common-sense reading of it.

Hon. Sir MACKENZIE BOWELL—It is refreshing to hear the hon. Speaker pay so much deference and respect to the Bill as it came from the House of Commons, particularly when we look at the Order paper and find that he himself has given notice to amend one or two clauses. Persons who take a different view from him on this particular question might, I think, with all due deference to other members, have an opportunity to express their views. The objection taken to this clause has not been fully pointed out. The objection is, will it not be interpreted to affect the tolls and freight upon vessels leaving a Canadian port, say Montreal or Quebec for Europe.

Hon. Mr. LOUGHEED—No, it is between any places in Canada.

Hon. Sir MACKENZIE BOWELL—I know that, but the objection is taken to the clause for the reason I have suggested. The interpretation put upon it by those who are interested in the traffic is that it might possibly be construed to convey a different meaning and have a fuller force than parliament intended it should.

The clause was allowed to stand.

On clause 279, subclause 7,

279. The company or any director or officer thereof, or any receiver, trustee, lessee, agent or person, acting for or employed by the company, who, alone or with any other company or person, shall wilfully do or cause to be done, or shall willingly suffer to be done any act, matter or thing, contrary to the provisions of or to any order, direction, decision or regulation of the board made or given under this Act in respect of tolls, or who shall aid or abet therein, or shall wilfully omit or fail to do any act, matter, or thing thereby required to be done, or shall cause or willingly suffer or permit any act, matter or thing, so directed or required thereby to be done, not to be so done, or shall aid or abet any omission or failure, or shall be guilty of any infraction of any such order, direction, decision or regulation, or any of such provisions of this Act, or shall aid or abet therein, shall for each offence be liable to a penalty of not more than one thousand dollars, nor less than one hundred dollars. 51 V., c. 29, s. 241, Am.

7. No prosecution shall be had or instituted for any penalty provided under this section, nor shall any action be commenced for any treble damages under this section without the leave of the board first being obtained.

Hon. Mr. POWER—This is a new clause and there is a principle involved which deserves some consideration. Under this clause, no matter how great a wrong has been done to a shipper, he could not bring an action unless with the concurrence of the board, 'the consent of the board first had and obtained.' A person whose rights have been interfered with may be living in Prince Edward Island or British Columbia, the Yukon, or any other remote part of the country, and it may not be easy to get at the commission. The board may be having a holiday, or something of that sort. I am not saying that this provision is wrong, but it is an important one, and a very serious limitation of the rights of the person who may have been damnified, and the committee should not pass it without understanding it.

Hon. Mr. McMULLEN—I really think this clause should receive very serious consideration at the hands of this committee. It completely ties up any action being taken until the consent of the board is obtained. You cannot do anything until you obtain the consent of the board.

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. McMULLEN—These two clauses tie matters up and you cannot do anything until you obtain the consent of the board. I do not really see that it is a prudent enactment. It is going a step too far charging the board with an amount of onerous duties which I think it should not be burdened with.

Hon. Mr. DANDURAND—Should not the last paragraph, subclause 7, stand, with the suggestion that the hon. Secretary of State would examine into the economy of this clause and tell us what prompted the drafter of it to prepare this clause ?

Hon. Mr. LOUGHEED—We have already passed a similar clause to subsection 7, with reference to the institution of actions against the company for other breaches of the provisions of this Bill, whereby it was provided an action should not be instituted without first obtaining permission of the board.

Hon. Mr. DANDURAND—But we know that this is not an exclusive jurisdiction that the board has. I have only hurriedly read part of this clause ; is it to apply to all actions generally ?

Hon. Mr. LOUGHEED—This deals with the question of delays. In the event of the company not complying with subsection 5, a prosecution may be brought against the company and treble damages awarded, leave first having been given by the board.

Hon. Mr. FERGUSON—I think it is very much in the interests of persons prosecuting to come before the board, because the board would use its judgment in not allowing them to get into deep water, which they would be very apt to do.

The subclause was adopted.

On clause 303,

Hon. Mr. POWER—Under the Act of 1888 returns are to be made to the minister, and the same provision is contained in these clauses. The returns are all to be made to the minister. It seems to me, inasmuch as the board of commissioners has been substituted for the minister to a very consider-

able extent, that the returns should be made to the board as well as to the minister.

Hon. Sir MACKENZIE BOWELL—Why?

Hon. Mr. POWER—Because the board has to deal with the railway business.

Hon. Sir MACKENZIE BOWELL—But the minister has not to deal with the returns. The return I take it to be simply an accurate account of the business of the year as provided in the schedule, and the reason for sending them directly to the minister is that he could have them included in the departmental reports.

Hon. Mr. SCOTT—They are printed at once.

Hon. Mr. LOUGHEED—The object is to lay the returns before parliament.

Hon. Mr. DANDURAND—Besides, the board sits in Ottawa, and can very easily acquire the information.

Hon. Mr. POWER—That is not the whole story. If the hon. gentleman will look at clause 304 he will see that provision is made for weekly returns. Those do not appear in the annual report of the minister.

Hon. Mr. ELLIS—I rather agree with the Speaker that the board should be in possession of the returns. The commissioners in the United States have got such information. The board apparently, have nothing to do with this at all. I think it is a defect.

The clause was adopted.

On clause 309, subsection 5,

5. Any information furnished to the board by any such return, or any evidence taken by the board in connection therewith, shall not be open to the public, or published, but shall be for the information of the board only; and if any official or servant of the board, or any person having access to or knowledge of, any such return or evidence shall, without the authority of the board first obtained, publish or make known any information, having obtained the same, or knowing the same to have been derived, from such return or evidence, he shall be liable, on conviction, to a penalty not exceeding five hundred dollars for each offence, and to imprisonment not exceeding six months in the common jail in the county where such conviction is had.

Hon. Mr. FORGET—Does this mean that if the information was asked for in the House the minister could not give it?

Hon. Mr. KERR (Toronto)—That is quite apart from the minister. This is information for the board—quite different from the information for the minister.

Hon. Mr. FORGET—If I wanted to know what the board has heard on a certain day, does the hon. Secretary of State say that the minister could not give me the information? Is the board not responsible to parliament?

Hon. Mr. SCOTT—Oh, yes. Any information acquired by the board would be obtained just in the same way from the minister.

Hon. Sir MACKENZIE BOWELL—There is no question that parliament is paramount and overrides anything of this kind. If parliament ordered information to be given, even though it were privileged as provided in this clause, the minister would have to bring it down. There is no law paramount to parliament.

Hon. Mr. SULLIVAN—I suppose it would be wise to suppress any false return or information.

The subclause was adopted.

On clause 310,

310. The following Acts of the parliament of Canada are hereby repealed:—
Chapter 29 of 51 Victoria;—the whole, except section 306.
Chapter 28 of 53 Victoria;—the whole.
Chapter 51 of 54-55 Victoria;—the whole.
Chapter 27 of 55-56 Victoria;—the whole.
Chapter 27 of 56 Victoria;—the whole.
Chapter 53 of 57-58 Victoria;—the whole.
Chapter 9 of 59 Victoria;—the whole, except section 2.
Chapter 22 of 61 Victoria;—the whole.
Chapter 37 of 62-63 Victoria;—the whole.
Chapter 23 of 63-64 Victoria;—the whole.
Chapter 31 of 1 Edward VII;—the whole.
Chapter 32 of 1 Edward VII;—the whole.

Hon. Mr. POWER—There is one point to which it is well to direct attention. This clause provides that certain Acts of the parliament of Canada be repealed. It states that chapter 29 of 51 Victoria shall be repealed—the whole except section 306. Now 306 reads as follows:—

The Intercolonial Railway, the Grand Trunk Railway, North Shore Railway, the Northern Railway, the Hamilton and North-western Railway, the Canada Southern Railway, the Great Western Railway, the Credit Valley Railway, the Ontario and Quebec Railway, and the Canadian Pacific Railway, are hereby declared to be works for the general advantage of Canada.

Of that much of it there can be no question. Then the section proceeds :

And each and every branch line of railway now or hereafter connecting with, or crossing the said lines of railway, or any of them, is a work for the general advantage of Canada.

The tendency of the policy to-day is to say that a railway shall not be deemed to be a work for the general advantage of Canada simply because it crosses one of these railways, and the House ought to know that in passing this clause it is ratifying that provision. A road which is chartered by a province, which runs from one point to another in a province and has no other connection with one of these roads except that of crossing it, is under this provision a work for the general advantage of Canada. I think that is an important question.

Hon. Mr. BEIQUE—The whole of this clause should be reserved, because we can pass upon it only after we have finally passed the previous clauses.

Hon. Mr. DANDURAND—The hon. gentleman from De Salaberry has a notice of amendment which would cover the case mentioned by his honour the Speaker.

Hon. Mr. LOUGHEED—We are repealing the whole Railway Act, a law many times amended, and we are letting this one section stand; why should you not embody that clause in the present Bill and wipe it out of the statute-book, particularly as we are consolidating the statutes, and the other one also which deals with resolutions, by-laws &c. ?

Hon. Mr. CASGRAIN (de Lanaudière)—While we are discussing railways declared to be for the general advantage of Canada, it has been suggested to me by some one in the legislature that railways which have received subsidies, and in some cases large subsidies, from the legislature should not be declared railways for the general advantage of Canada without the consent of the legislature which has subsidized them. Take the road that is being built from North Bay by the Ontario government northward at an expense of three million dollars, by a stroke of the pen that road might be declared for the general advantage of Canada, and thereby the Ontario government would lose all control over that road which it has built with moneys coming from the Ontario treasury, and it would be advisable for some legal gentleman who takes an interest in the consolidation of this Railway Act to draft a clause by which roads would only be declared for the general advantage of Canada with the consent of the legislature which has subsidized these same railways.

Hon. Mr. LOUGHEED—The difficulty I see in amending the law as it at present stands is this: How will the board have jurisdiction over railway crossings and over traffic rates where you have, for instance, a continuous line of railway, a provincial road joining a federal road ? We have made provision in this Bill for traffic rates along that continuous line. Clearly there would have to be some understanding between the provinces and the federal government by which the province would abdicate a certain amount of its functions so as to permit the federal authority to exercise jurisdiction in that direction. The same would apply to crossings, but would you make a crossing of a provincial road over a Dominion road without the intervention of the federal authority ?

Hon. Mr. DAVID—All these questions will be discussed with clause 6. Amendments have been prepared to that effect.

Hon. Mr. BEIQUE—I have given notice of an amendment which covers it.

Hon. Mr. DANDURAND—I thought the suggestion of the hon. gentleman who raised this question would be that the federal government should not declare that a provincial railway will henceforth become a federal railway without previously reimbursing the provinces the amount of the subsidies they have voted those railways.

Hon. Mr. LOUGHEED—Why should you do that ? The province gets the advantage of the railway.

Hon. Mr. DANDURAND—I know; the hon. gentleman did not state that. This is a question of public policy which cannot be incorporated into this Act, but the question is now before us. It has always been a quandary to me to see that the federal parliament could lay its supreme hand upon a work that has been subsidized and built by provincial money without compen-

sating the province for the amount spent by that province.

Hon. Sir MACKENZIE BOWELL—Carry the principle a little further and go to the municipalities as well, and reimburse the municipalities which have given money in aid of railways.

Hon. Mr. DANDURAND—The municipalities have been directly interested in the building of the railways for their own advantage, but the provinces have advanced money for the building of those railways, substituting themselves for the federal powers and attending to federal duties. It seems to me the federal government should have built all those railways. The provinces felt they should help certain needed railways, and it seems to me when the federal government comes in and declares that provincial work is for the general advantage of Canada, the province should be reimbursed.

Hon. Mr. LOUGHEED—That is entirely contradictory to the position the hon. gentleman and the hon. member for De Salaberry have taken; that is, that the province should reserve to itself the right to build and regulate their own railways and to exercise exclusive jurisdiction over their railways within the boundaries of the province. It seems to me it would be much better that in the Dominion of Canada there should be only one railway governing body.

Hon. Mr. DANDURAND—I am not inviting the federal government to take that stand and to take jurisdiction over all the railways, but when they do so I want to know why the province should not be reimbursed.

Hon. Mr. CASGRAIN (de Lanaudière)—I did not say one word about reimbursing any money, but what I did say was that when the province has subsidized a road very heavily it has certainly a moral lien on that road, and in common justice, that road should not be taken from its jurisdiction without its consent.

Hon. Mr. KERR (Toronto)—There are two classes of cases, it seems to me, to be considered in connection with this matter. One is where the province builds and owns the road; the other is, where they have subsidized a road. Whatever question there may be, following on the line of what has been said heretofore, as to taking over the control of roads which have been subsidized, there should be a very clear line of demarcation where the province builds and owns its road through its own territory, where it operates the line itself or leases it. That is certainly a class of cases in which there should be an exception made to this Act.

Hon. Mr. BEIQUE—I did not intend to draw the attention of this House to the amendment of which I have given notice, but as the hon. gentleman from Calgary has brought up the question to some extent, I may explain the object that I have in view in suggesting the amendment to clauses 5, 6 and 7 of the Bill. The question as to whether the whole of the railway system in the Dominion should be made to fall under the jurisdiction of the Dominion parliament is, of course, a very large question and a question of policy for the government which cannot be properly considered by us in dealing with this Bill. In fact, the local legislatures have been incorporating railway company after railway company and nobody has ever attempted to question their right to do so. Therefore, the Dominion government and the local governments have been proceeding under the assumption that when it is exclusively a local road the power belongs to the local parliament, and the jurisdiction of the Dominion parliament extends to that road only when the Dominion parliament declares it although a local work, to be a work for the general advantage of Canada. Now, it seems to me that in discussing this Bill we are not ready to discuss that very broad principle. I repeat it is a question of policy which should be fully considered, if it is to be considered at all, jointly by the Dominion government and by the local governments. Now we have only to apply, as I understand it, the spirit of the constitution in dealing with the present Bill, and it seems to me that would be dealing with it within the spirit of the constitution by amending clauses 5, 6 and 7, as I have submitted, and as I will presently show. We should be ready to admit the powers of the Dominion government and the powers of the local legislatures to the extent that I have mentioned, and therefore if we admit, as has been admitted all along, that the local legis-

latures have jurisdiction over local railways, then they should not be ousted of that jurisdiction by a stroke of the pen except for very good reason, and we should, on the other hand, extend the power of the Dominion parliament to a reasonable measure, and therefore as far as crossings and as far as connections of local railways with railways that are under the exclusive jurisdiction of the Dominion parliament are concerned, it seems to me that the jurisdiction of the Dominion parliament should control those crossings and connections, because it would not be practicable to have such matters left under the control of the board under this Bill, and to leave it also under the authority of the Railway committees of the local legislatures, because the two powers might clash and it would not be workable. We must decide either for one or the other, and although in favour of provincial rights, I think that in a matter of this kind it is the Dominion power which should prevail. I therefore propose, when the House is again in Committee of the Whole, to move that sections 5, 6 and 7 be struck out and replaced by the following —

5. Every railway, steam or electric street railway or tramway, the construction or operation of which is authorized by a special Act passed by the Legislature of any province, now or hereafter connecting with or crossing a railway which, at the time of such connection or crossing, is subject to the legislative authority of the parliament of Canada, is hereby declared to be a work for the general advantage of Canada in respect only to such connection or crossing or through traffic thereon or anything appertaining thereto, and this Act shall apply.

This would be adopting the principle that as far as any crossings of that kind, or any connections of that kind, or through traffic on those local railways are concerned, the works would be considered a work for the general advantage of Canada, and would fall under the exclusive jurisdiction of the Dominion parliament or of the board.

Hon. Mr. SCOTT—That will be in lieu of the notice the hon. gentleman has placed on the Order paper ?

Hon. Mr. BEIQUE—Yes.

Hon. Mr. LOUGHEED—You would propose bringing the company within the control of the board, so far as the enforcement of penalties is concerned ?

Hon. Mr. SCOTT—In reference to all matters pertaining to crossings ?

Hon. Mr. LOUGHEED—And traffic ?

Hon. Mr. BEIQUE—If the hon. gentleman will notice, to be sure that everything will be covered, I say :

In respect only to such connection or crossing or through traffic thereon, or anything appertaining thereto.

Hon. Sir MACKENZIE BOWELL—How would that affect local traffic ?

Hon. Mr. BEIQUE—It would not affect local traffic. Local traffic should remain under the jurisdiction of the local legislature.

Hon. Mr. POIRIER—Does that mean that the whole line will not come under the jurisdiction of this parliament, but simply the restrictions that I understand are mentioned here ? It seems hazy to me.

Hon. Mr. McMULLEN—I do not know that it is necessary to extend this discussion very far. In the first place, I largely agree with what the hon. gentleman from Calgary said.

The CHAIRMAN—The discussion is entirely out of order. We were discussing clause 310. Shall that clause stand ?

The clause was allowed to stand.

The CHAIRMAN—Shall the committee rise and report progress ?

Hon. Sir MACKENZIE BOWELL—I wish to call the attention of the hon. Secretary of State to clause 268, the clause with reference to traffic passing from Canada through another country and entering Canada. This clause provides that the joint tariff must be agreed upon by the different companies, and must be filed with the board. It goes on, under the subsection :

Any goods carried, or being carried from Canada through a foreign country into Canada in violation of this section——

That would be failure to file their joint tariff. It proceeds :

—shall, before being admitted into Canada, be subject to customs duties as if such goods were of foreign production and coming into Canada for the first time——

If this joint tariff had not been agreed upon and filed with the board, the goods would be subject to duty as if they were foreign goods. Then it goes on :

—and in case such goods are of a kind which would not otherwise be subject to any customs

duties hereunder, shall be subject to a custom duty of thirty per centum of the value thereof——

Now follows what I want to call attention to :

—and if any such duty is paid by the consignor or consignee of such goods the same shall be repaid to the persons so paying, on demand by the Canadian company or companies. Any law to the contrary is hereby repealed or amended in so far as is necessary to give effect to this section.

Now, there is no provision here as to how the party who has violated the conditions is to get the money back, but there is a declaration that this joint tariff must be filed with the board, and if it is not filed, then the goods, though they are Canadian, are subject to a customs duty ; even if they are free goods, they have to pay 30 per cent duty. Then it provides that on demand for refund of that money, it shall be given. What is the value of that clause as it stands ? It only makes the man pay the money to-day and he may demand it back to-morrow, though he may have violated the law. It is of no value unless as a penalty imposed upon the company.

Hon. Mr. LOUGHEED—The government collect the duty, then the company have to repay it.

Hon. Mr. CASGRAIN (de Lanaudière)—The company is out of pocket by it.

Hon. Mr. LOUGHEED—The government collect the duty the same as if the goods were dutiable in the first place. Then the government, having collected the duty, the company, evidently from this section, could not recover the duty back from the government, but have to pay it themselves.

Hon. Mr. CASGRAIN (de Lanaudière)—The company pay the duty as a penalty.

Hon. Mr. SCOTT—It is by no means clear.

Hon. Mr. WOOD—I take it to mean this : The duty, I assume, is collected, not from the company in the first place, but from the consignee or consignor of the goods, and after he has paid it, the company are obliged to refund it to the consignee or consignor.

Hon. Mr. LOUGHEED—And the government is ahead the 30 per cent.

Hon. Mr. FERGUSON—And the 30 per cent is collected even though the goods would be otherwise admitted free of duty.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. LOUGHEED—It is a unique penalty, and a very substantial one.

The CHAIRMAN—There are thirty-seven clauses reserved, either in part or in whole. Does any one wish to go back to them ?

Hon. Mr. POWER—I think it was the general opinion that these clauses could be better considered at a later day, when the amendments will be in print, and we have heard from the representatives of the railway companies.

Hon. Mr. FERGUSON—A large number of those were held over, not for reference to the representatives of the railway company, but simply at the request of members who wished to consider them more fully. If we could take up some of those, and get them disposed of, we could advance the work.

Hon. Mr. McMULLEN—I want to give notice of an amendment. I understand clauses 10 and 11 were reserved. I want to give notice of an amendment which will be subsection 3 of clause 11. It is as follows :

Any member of the board accepting any gift or favour for himself, or any relation or friend, not provided for in this Act, or exercising his influence on behalf of any relative or friend, with any railway company or officer for any position or favour, shall thereby forfeit his seat as a member of the board.

Hon. Mr. POIRIER—Might not the hon. gentleman at the same time give us an interpretation of the word 'friend,' and put it in the interpretation clause. It is a very vague expression.

Hon. Mr. BEIQUE—There is a matter of very considerable importance which the hon. gentleman from Killarney called my attention to, and I know that he intended to bring it before the House. Under this Bill the railway companies are prohibited from giving passes in order that they may not discriminate or give any advantage to certain persons over others. It is well known that railway companies give facilities which tend to help colonization. For instance, they carry freight at considerable reduced rates for colonization parties, or parties who visit the North-west for the purpose of gaining valuable information. These are matters which tend considerably to help the development of the North-west, and the country in general, and it seems to me we

should try to provide for cases of that kind, before we deal with the Bill finally.

Hon. Sir MACKENZIE BOWELL—Is not that provided for by subsection (c) of clause 275 ?

Hon. Mr. WATSON—One word might be added to the clause to cover the ground. In the ninth line of that subsection insert the word 'extended.' They might get permission from the board. Take, for instance, the congress of the Chambers of Commerce held in Montreal the other day ; if the company wished to extend the courtesy of the road to them, they could not do so under the wording of this clause.

Hon. Mr. FERGUSON—The suggested amendment would only apply to the class of reduced tickets or passes already described in the clause. This is a different class of cases, and I think it is desirable something should be done to make some such provision as has been suggested.

Hon. Mr. WATSON—The object is, that the board in their discretion might extend the right to railroad companies to give passes.

Hon. Mr. FERGUSON—That would only extend what is already described ; but this is a new clause.

Hon. Mr. WATSON—I would not make it a clause at all. Give the board permission, as I have suggested.

Hon. Mr. BEIQUE—I had no time to draw that clause clearly. I merely direct the attention of the House to the subject in order that they may be better prepared to deal with it when we meet again.

Hon. Mr. CASGRAIN (de Lanaudière)—It is a pity to let the clause stand for just adding one word. Give them power to apply to the board. Supposing they wished to take immigration agents from the old country over their line, they could apply to the board and get permission to give these people free transportation.

Hon. Mr. LOUGHEED—Under what principle are we legislating to prevent railway companies from issuing passes to whomsoever they wish ? Hon. gentlemen must consider the fact that this Bill actually precludes a railway company from issuing a pass except to particular classes enumerated in clause 275. The question is whether it is good policy to make such a provision. It cannot be said in the issuance of a pass that it is a discrimination ; yet it seems to me the Act is so framed that it operates in that way.

Hon. Mr. CASGRAIN (de Lanaudière)—It is a great relief to railway companies to be able to point to the law when they are asked to issue passes, and say, 'we are sorry, but the law forbids us.'

Hon. Mr. FERGUSON—It might also hamper them in a very great degree. Many railway companies have large tracts of land for settlement and their desire and object is to get them settled. I know it is the custom in the North-west for the Canadian Pacific Railway to give passes to large parties from the United States and from the older provinces of Canada in order to induce people to visit the North-west to examine the lands and report to others. Now, I do not think there is anything in the clause which would cover that, and merely introducing the word 'extended,' as suggested by the hon. member, would not create a new class as desired.

Hon. Mr. SULLIVAN—The word 'qualified' would cover it.

Hon. Mr. FULFORD, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again.

MARITIME RAILWAY AND TRANSPORTATION COMPANY'S BILL.

SECOND READING.

Hon. Mr. FROST moved the second reading of Bill (180) An Act to incorporate the Maritime Railway and Transportation Company.

Hon. Mr. YEO—Before this Bill is read a second time, I think the hon. gentleman in charge of it should give some information in regard to it. It seems to me the Bill calls for large powers, particularly with reference to steamship transportation. Of course, if the hon. gentleman intends that the steamship company should ply between Cape Breton and New Brunswick and Great Britain or any other part of the world, that might be all right, but if it is intended to ply between Prince Edward Island and the mainland, we should certainly have some explanation. Hon. gentlemen of this House who have been here for some time will

know that the question of winter communication between Prince Edward Island and the mainland is a very important matter for the people of that province. At the time that province entered into confederation with the Dominion, it was one of the stipulations that the Dominion should give Prince Edward Island communication, winter and summer. With respect to summer communication, I do not think we have very much to complain of, but we cannot say quite so much with regard to our winter communication. Although the Dominion government has done a great deal to improve that service, a great deal remains yet to be done. Soon after we entered into confederation, the then Dominion government, led by Alexander Mackenzie, provided a steamer to navigate the straits of Northumberland. The old 'Northern Light' was put on that service and did a great deal of service and demonstrated that the straits of Northumberland might be navigated in winter. The government which succeeded Alexander Mackenzie, the government of Sir John A. Macdonald, built the 'Stanley' and put her on that service, and she has done remarkably well, and rendered good service, and the present government have provided another steamer, the 'Minto,' so that at the present time we have two steamships for that service. Although they have rendered very good service, still, we cannot say that it is anything like perfect. During the past winter there was a good deal of interruption, and consequently a good deal of loss was entailed, particularly with perishable freight. For some weeks the service was interrupted, and the shippers were put to serious loss. For many years the principal route was between Pictou, Nova Scotia, and Georgetown, Prince Edward Island, and that route gave fair satisfaction, but in the western part of Prince Edward Island we are always contending that a better route might be obtained by Cape Tormentine, New Brunswick, to Summerside, or, failing Summerside, Cape Traverse. There are many advantages in connection with the western route. Between Summerside and Cape Tormentine, it is only a little more than one-fourth of the distance between Pictou and Georgetown. Summerside is the second town of importance we have in Prince Edward Island. It is a town where a great deal of business is done and in which there are business establishments second to none in the maritime provinces. The people are very anxious to give the route for Cape Tormentine a trial. During the winter of 1902, the Minister of Marine and Fisheries sent the ship 'Stanley' there. She was put on and it always takes some time to get things thoroughly established. but after she got fairly under way she rendered good service. Last winter she was put on the same route again. She was late in getting there; navigation had closed two or three weeks before she was put on the route, and she was at a great disadvantage, because the freight that had accumulated there had to be sent through other channels, so that when she got there she started under unfavourable circcumstances. A very severe winter set in. Hon. gentlemen will remember that last winter in the east was one of the most severe winters we have had for several years. Perhaps partly from an error in judgment of those in charge, and perhaps partly owing to the severe winter, the service was not satisfactory, but I do not think that should condemn the route, because if she had been on the other route between Pictou and Georgetown, there would have been a stoppage for some considerable time. Now the western route should have a fair trial. If it is found impracticable, it need not be continued. Summerside has a good natural harbour, and there is a break-water there in course of construction. For some reason or other, the parties who had the contract have not gone on with the work. However, I have no doubt that in the course of a short time that work will be gone on with and completed, and by confining the water in the channel it may considerably help the navigation in the winter. If it is not found practicable to make Summerside the winter port, it is thought that Cape Traverse, on the Prince Edward Island side, and Cape Tormentine, on the New Brunswick side, would be certainly good. The distance is only some eight miles between the two provinces, and there is a great advantage in making this the winter route, because the old ice boat service is conducted between these two points, and if at any time the winter steamer should be caught in the ice and unable to perform

the service, the boats would be there to carry mails and passengers. It is thought to be a very feasible route. I have understood that one object of the Bill is to endeavour to perform this service, but any one acquainted with it knows that it is impossible for any company to perform the work. It is a work requiring a large outlay and it is a risky undertaking. There would require to be an expensive pier built, and no company would undertake the work. That must be done by the government and the government alone. For this, and many other reasons the people of Prince Edward Island do not feel that this work should be taken hold of by any but the government. Hon. gentlemen may ask: 'Why not let the company go on? If they do not perform the service no harm will be done.' But the harm will be done in this way, if the company incorporated to do the work makes a beginning, even if the beginning be very small, and let it stand, they could say to the government: 'You have given us this charter and we have started to perform the service, and we do not think you should come in and do the work we are going to do.' Of course, the people of Prince Edward Island look to the government to see that this service is properly carried out. The service has been improved and we look for further improvement. We hope that as each year passes, the government will improve the service and make it better than they have ever given before. Hon. gentlemen who are living on the mainland, who have the advantage of the same communication summer and winter, can scarcely realize what a disadvantage it is to live on an island where we are surrounded by ice, perhaps half or one-third of the year at least. They can scarcely understand the great disadvantages which we labour under, and therefore I will ask them to take this matter into consideration, and not to treat this subject as they would dealing with the other provinces. This is perhaps the most important thing which Prince Edward Island has to deal with. In summer we can get along very well, while navigation is open. We have the steamers, and they render good service, but it is very different in winter. We in Prince Edward Island are strongly opposed to interference on the part of any company. We do not want a company to pretend to do the work which should be performed by the government. I do not wish to say one disrespectful word in regard to the gentlemen whose names are mentioned in the Act of Incorporation. They are respectable men so far as I know. One of them is an hon. member of this House. I do not think there is any one of them who would like to put any money into this project, and of course, this work requires a large outlay. I should be glad to hear an explanation from my hon. friend from Smith's Falls. I do not wish to interfere with the Bill in any way, except in so far as it applies to the service between the mainland and Prince Edward Island.

Hon. Mr. FROST—I might just say in explanation that I am not the promoter of the Bill. My name only stands on the Bill at the request of a friend in the House of Commons. I have no interest in the Bill further than that. I am sorry to be found in opposition to my hon. friend who has just resumed his seat, a gentleman for whom I have the very highest regard and respect. I did not know, until I heard his explanation, that this company was going to conflict so very seriously with the service already in operation between the mainland and the island. Therefore, hon. gentlemen will kindly understand what my position is in regard to this Bill which stands in my name.

Hon. Mr. SCOTT—I think we all fully appreciate the difficulties Prince Edward Island labours under during the winter season, and the obstacles which interfere with rapid transit between the mainland and the island. Both the present government and the government which preceded it, have made pretty active efforts to keep the navigation open, but even with modern appliances they found themselves unequal to cope with the difficulties which prevailed last winter. I do not think my hon. friend need fear that the incorporation of this company is in any way going to disturb existing arrangements. It is a very serious undertaking, and unless they are prepared to offer something very much better than is afforded now, it is not at all possible that any serious progress will be made. We are accustomed to find companies incorporated here from time to time, and incorpor-

ation is the last we hear of them, and possibly that may be the case with the present one.

Hon. Mr. ROBERTSON—We do not like to risk that in this case.

Hon. Mr. SCOTT—But it will not place the island in a worse position if the Bill passes.

Hon. Mr. FERGUSON—This Bill is one to which the people of Prince Edward Island, I think I can say are almost universally opposed. They do not want this incorporation at all. I have some reasons to present to the House in opposition to the Bill, and in support of the view taken by my hon. friend who has just spoken, and I move that the debate be adjourned.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, August 28, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READING.

Bill (158) An Act to incorporate the St. Chrysostôme Railway Company.—Hon. Mr. Young.

RAILWAYS LAW CONSOLIDATION BILL.

POSTPONED.

The Order of the Day being called,

House again in Committee of the Whole on (Bill 21) An Act to amend and consolidate the law respecting Railways.

Hon. Mr. SCOTT—It was understood that this order would be discharged and stand over until the report of the proceedings this morning had been printed. We cannot make any headway until hon. gentlemen have had an opportunity of considering it. We could take it up on Tuesday.

Hon. Mr. FERGUSON—Why not Monday ?

Hon Sir MACKENZIE BOWELL—Surely members who listened to the discussion this morning do not want to read a report of it.

Hon. Mr. SCOTT—Well, Monday.

Hon. Mr. FERGUSON—And a vast number of clauses were not discussed at the meeting this morning.

Hon. Mr. LOUGHEED—The amendments proposed by the hon. gentleman from De Salaberry will take a day or two if we go into them.

The motion was agreed to.

INCORPORATION OF MINING COMPANIES BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (Y) An Act respecting the incorporation of Mining Companies.

(In the Committee.)

Hon. Mr. POWER—There was some discussion at the previous stage of this Bill, and there seemed to be a feeling that the Bill might interfere in some way with the rights of the provinces. I think we might amend this first clause by adding to it something to this effect—that the Act should apply only to companies within the exclusive jurisdiction of the parliament of Canada.

Hon. Mr. BEIQUE—What companies are within the exclusive jurisdiction of the parliament of Canada ? The object of the Bill, as I have explained, is to facilitate mining companies being incorporated by letters patent of the Dominion, instead of their being incorporated in foreign countries, when they offer no guarantee whatever. I call attention to the fact that under clause 2 of the Bill it is stated :—

2. The provisions of the Companies Act, 1902, as amended by chapter of the statutes of 1903, shall be considered as incorporated in this Act, except such portions thereof as are in conflict with the provisions hereof.

When a company is incorporated in virtue of this Bill, if it passes, the form of the stock certificate has to disclose that there is no liability, or if there be a liability, what is the amount of it. The written notices —in fact, all the literature of the company —letter headings and other papers, have to bear these words, 'no personal liability.'

I call special attention to clause 5. Under the Companies Act it is incumbent on all

companies to make certain returns, but I thought it would be important, as far as mining companies are concerned, that these returns be more complete than they are, and therefore I have suggested this as clause 5 :

5. In addition to the facts to be stated in the returns mentioned in the section 89 of the Companies Act, 1902, every mining company incorporated under this Act shall state the number of shares, if any, issued totally or partially unassessable and to what extent.

Then, I call more especial attention to clause 6 :

6. If any person in any return, report, certificate, balance-sheet or other document required by or for the purposes of this Act, wilfully makes a statement false in any material particular, he shall be liable on conviction on indictment to imprisonment for a term not exceeding six months, with or without hard labour, or on summary conviction to imprisonment not exceeding three months, with or without hard labour, and in either case to a fine of one hundred dollars in lieu of or in addition to such imprisonment as aforesaid.

All these provisions, except clause 5, have been borrowed from the Mining Act of Ontario, and it seems to me that they are exceptionally good provisions, and that if this Bill is passed it will offer a much better guarantee to the public than exists in the absence of it. A great number of companies incorporated under the law of New Jersey and other states of the neighbouring country, do business here without affording any security to the public. It seems to me we should facilitate the incorporation of mining companies in Canada in order to avoid, as far as possible, incorporation under foreign law, and we should endeavour to get from the companies doing business in Canada, proper guarantees. I hope that the hon. member will not insist on his amendment. It would entirely nullify the object of the Bill. Under the constitution this legislation can operate only as far as companies are incorporated for the purpose of carrying on business in more than one province. If it is merely for local purposes, it should incorporate under the provisions of the provincial law.

Hon. Mr. LOUGHEED—Upon the second reading of this Bill I took the liberty of making some rather extended observations with reference to the principle embodied in the Bill. I certainly have not changed my mind since with reference to the subject. The objection which I see to this Bill lies in the facilities it affords to the capitalization of fictitious companies. It admits of the issuance of paid-up non-assessable stock to parties who have not contributed in any sense whatever to the capital of the company, and it is a mischief which I took the liberty of pointing out the other day. I take no second place to my hon. friend in my desire to see the development of our mining resources throughout the Dominion, and yet at the same time, I am bound to point out that much of the difficulty, in fact, much of the depression which to-day exists in mining enterprises is very largely due to the exploiters of mining projects, who, in the first instance, get hold of a mining property, capitalize it at a very large amount beyond its value, issue stock paid up and non-assessable under the provincial laws, and then expect the public to contribute a small sum compared with the amount which should be contributed to the opening up of mining enterprise. This being the case, we find the mine in most cases crippled, and those who have subscribed for stock liable for calls, finally wiped out by reason of the financial difficulties which inevitably arise under that condition of affairs. That is the case throughout British Columbia and the North-west Territories, and in fact throughout all the provinces of the Dominion where mining is carried on to a large extent. It is desirable that people going into mining enterprises should face the obligation which must necessarily confront them in the proper development of the industry which they have in view, and if part of the shareholders, or a very large section of the shareholders, are able to issue to themselves paid-up stock without the assumption of any liability, and employ a very small proportion of the capital which is paid in towards indifferently opening up the mine, the consequence is bound to be as I have pointed out. Another consideration which might be given to this Bill lies in this fact : that there are very few mining enterprises of a federal character—that is to say, the laws of the province afford all the facilities necessary, in my judgment, for the opening up of any mining enterprise in the Dominion, and it is very seldom you find a mining company owning mining property in more than one province. If they do, the laws of that province are sufficiently wide, it

seems to me, to permit of the investment of capital and the operation of such schemes as we have in view in this Bill.

Hon. Mr. BEIQUE—To carry out the object the hon. gentleman from Calgary has in view, the laws of Ontario, British Columbia and the North-west Territories would have to be repealed, because he will admit that the laws in these two provinces and in the North-west Territories are exactly in the direction mentioned in the Bill.

Hon. Mr. LOUGHEED—I do not dispute that.

Hon. Mr. BEIQUE—And these provinces are the provinces which are mostly interested in mining enterprises. Nevertheless it has been considered advisable in those provinces—and I think by almost unanimous consent—that in order to facilitate the working of mining companies, on account of the risk that there is in that kind of enterprise, it is necessary to offer those inducements. I have no desire to again state the reasons I urged on the second reading of the Bill in that respect. It would be necessary also to close the door to any companies coming here and carrying on business in the Dominion when they are incorporated in England or in the United States, or under the laws of any other country permitting paid-up shares to be issued. It has been the policy of the Dominion parliament, as well as of the provinces, to permit foreign corporations to carry on their operations in this Dominion, and it is a well-known fact that we have any number of companies who are incorporated in the States who come and carry on business here. Anybody can obtain in the state of New Jersey or several of the other states, letters of incorporation which will give the very same powers that are mentioned in this Bill without any of the guarantees. Therefore, I fail to see what objection there can be, so long as there exists local legislation on the matter, and so long as we do not deem it advisable to close the door to foreign corporations being incorporated with those powers to carry on business here. And I cannot see what objection there can be to having companies which are interested in more than one province obtaining those powers. I do not think it is necessary—it arises from the constitution—but I see no objection to state that it shall apply only to companies that carry on business in more than one province.

The clause was adopted.

Hon Mr. BEIQUE—I propose to add the following clause at the end of the Bill :—

This Act shall apply only to companies operating or owning property in more than one province of the Dominion.

Hon. Sir MACKENZIE BOWELL—That clause would enable them to carry on their operations if they owned property in any other portion of the Dominion without working it. All they would have to do would be to own a property in Quebec, and they could carry on their works in British Columbia or Ontario or any other province. I do not see the value of such a provision. If you buy ten feet of land in one province it would enable them to carry on operations in another province.

Hon. Mr. SCOTT—Owning and operating would be the better expression.

Hon. Mr. BEIQUE—Owning and operating mining property, I will amend the proposed clause to read in that way.

The clause was amended and adopted.

Hon. Mr. ELLIS, from the committee, reported the Bill with an amendment, which was concurred in.

The Senate then adjourned.

THE SENATE.

Ottawa, Monday, August 31, 1903.

The SPEAKER took the Chair at Eight o'clock.

Prayers and routine proceedings.

THIRD READING.

Bill (231) An Act to confer on the Commissioner of Patents certain powers for the relief of the Keller Heater Power Company, Limited.—(Hon. Mr. Dandurand.)

RAILWAYS LAW CONSOLIDATION BILL.

HOUSE AGAIN IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (21) An Act

to amend and consolidate the law respecting railways.

(In the Committee.)

On clause 2,

Hon. Mr. SCOTT—An amendment was moved by an hon. senator in reference to subsection (b). The subsection reads :

The expression by-law includes a resolution.

The proposal was to make it read :

Except when referring to municipal bodies the expression by-law includes resolution.

I do not know who suggested this amendment, but it does not commend itself to my judgment. A by-law and a resolution are attended with very different ceremony and very different consideration.

Hon. Mr. POWER—Hear, hear.

Hon. Mr. SCOTT—A by-law is a proceeding by a company that is not passed on the mere motion of the mover or seconder, but ordinarily receives perhaps a second reading, and at all events it has to have the name of the president, or vice-president, or one of the heads of the corporation, and usually the secretary, and it must have a seal. A resolution is more a hap-hazard proposition committed to a body of men and is carried yea or nay, and does not receive that solidity of thought or judgment that a by-law does.

Hon. Mr. BEIQUE—It was I who made the motion.

Hon. Mr. SCOTT—My proposition would be to exclude resolutions altogether.

Hon. Mr. POWER—Hear. hear.

Hon. Mr. SCOTT—because where it is defined that an Act of a company must be marked by the ceremony of a by-law, it would be going too far to say that if they passed a resolution it would have the same virtue and the same force as a by-law. I do not concur in that view and I do not think it is a wise provision, and therefore I would be disposed to favour the proposal of my hon. friend as far as it goes. He said it shall not refer to Acts by a municipal body, but I would go further and say that even as far as railway companies are concerned, a resolution ought not to be attended with the same weight and force as a by-law.

Hon. Mr. POWER—I am very glad to hear the Secretary of State express himself in that way. As I understood the hon. gentleman from De Salaberry the other day, he entertained very much the same opinion as has been expressed by the hon. minister in charge of the Bill. The hon. gentleman from De Salaberry thought that he would minimize the evil by the addition which he proposed, but if hon. gentlemen look at clause 80, they will find that is really the only place in the Bill in which resolutions are referred to :

The directors may make by-laws or pass resolutions from time to time for the following purposes.

There is no necessity for introducing 'resolutions' into the interpretation clause, and making them equivalent to by-laws on account of that clause ; but if hon. gentlemen look at the heading on page 80, 'by-laws, rules and regulations' they will find that by-laws, rules and regulations are treated as something different from resolutions there, and I think the making of a resolution equivalent to a by-law will simply lead to confusion. I am glad the hon. Secretary of State proposes to strike out this paragraph (b). It is calculated to do nothing but harm.

Hon. Sir MACKENZIE BOWELL—What limitations does the hon. gentleman propose to make ?

Hon. Mr. BEIQUE—As this clause (b) reads, the expression 'by-law' includes resolutions. I gave notice that I would ask that it be amended by substituting for that clause (b) the following :

Except when referring to municipal bodies, the expression 'by-law' includes 'resolution.'

But I quite agree with the suggestion of the hon. Secretary of State, and think it would be much better to strike out this paragraph altogether.

Hon. Sir MACKENZIE BOWELL—There seems to be but one opinion on this question, particularly with those who have had any experience at boards. In striking out that subclause, it would be well also to strike out the few words in clause 80, because those who have been on those boards know you can often get a snap resolution passed, which might be of very great

importance, and as clause 80 provides for the issuing of stock, and different other important matters, we should at once strike out the word 'resolution' in that clause, in order not to give power which are taking from the interpretation clause.

Hon. Mr. ELLIS—Should not there be another meaning altogether? Would not one object be to prevent those companies acting by resolutions when they should have by-laws?

Hon. Mr. BEIQUE—I understand we are not dealing with clause 80 at present.

The amendment was agreed to.

Hon. Mr. SCOTT—I had a memo. opposite clause (f):

The expression 'court' means a superior court of the province or district.

I do not know whether any one wishes to make a change in that?

Hon. Mr. LOUGHEED—That is the law as it is at present. It has never been subject to any objection.

The clause was adopted.

On subclause (r),

The expression 'legislature of any province,' or 'provincial legislature' means and includes any legislative body other than the parliament of Canada.

Hon. Mr. POWER—I suppose there is no doubt about the meaning of this, but the question is whether this expression might not include a town council, for instance.

Hon. Sir MACKENZIE BOWELL—How does that affect the North-west Territories?

Hon. Mr. LOUGHEED—They are a legislative body. They pass laws.

The clause was adopted.

On subclause (cc),

Hon. Mr. POWER—At the end of that paragraph it says:

And generally all such charges, if any, not above otherwise specified, as in all cases of English railway companies, are usually carried to the debit of revenue as distinguished from capital account.

That will involve considerable knowledge of English practice on the part of the commissioners.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. SCOTT—It is the same as the law is now.

Hon. Mr. LOUGHEED—It is the old law.

Hon. Mr. FERGUSON—It is only where there is no specific provision in the Act, and that will only be for something that cannot be foreseen.

The clause was adopted.

On clause 3,

Hon. Mr. WOOD moved:

That section 3 be amended by striking out the words 'other than' and substituting the word 'including' in lieu thereof, in the second line of the first clause thereof.

The effect of this amendment is to bring the Intercolonial Railway and other government railways under the provisions of this Bill. I have looked through the Bill and also through the Act respecting government railways, and I think that this simple amendment will bring the government railways under the provisions of this law, and will not in any way interfere, as far as I can understand, with the operation of the government railways under the authority of the minister as they are now managed. It will be observed that this change does not interfere with the administration of the affairs of the Intercolonial Railway or other government railways by the Minister of Railways as the affairs of these railways are now administered. There will be no change so far as the engagement of employees or framing the tariff, and the general management of the railway are concerned. From my study of the Act, the Minister of Railways and the chief superintendent will have the same powers and perform the same duties as the president and board of directors of a private railway. From my study of this Bill and of the Act respecting government railways, I do not see that this change will interfere in any respect with the management of the government railways. They still remain under the control of the Minister of Railways as they are at the present time. The Minister of Railways and his officials occupy the same position, so far as government railways are concerned, and perform, I believe, precisely similar duties as a president and directors of an ordinary railway company. They have the administration of all the affairs

of the railway, and the effect of this amendment is only to bring those railways under the provisions of this law, so far as relates to the duties of the new commission, which is to be appointed. In the remarks which I made the other day, when this subject was up, I pointed out the advantages which, it appeared to me, would result from this change. There is in those provinces through which the Intercolonial Railway runs some feeling—in some cases, no doubt, there is reason for the feeling, and perhaps in the majority of cases there is no good ground for the feeling—existing, that under the present system friends of the government, whatever government happens to be in power, are receiving certain advantages, or enjoy privileges which the general public do not enjoy to the same extent. It would have the effect, if this amendment were adopted and the government railways brought under the provisions of this Act, of removing any feelings of that kind which exist at the present time. It would, at all events, give any one who has any complaint to make, so far as unfair treatment, favouritism or discrimination is concerned, an opportunity of presenting their case to the tribunal which has been created to hear and determine such cases. Having the evidence submitted to this tribunal, the whole matter would be made public and, no doubt, if they had a good cause of complaint it would be corrected, and if they had not, the public would know and they would no doubt be convinced themselves that they had no just cause of complaint. That is one very important advantage which would result from bringing the railways under the provisions of this Bill. From a government standpoint, if I were a member of the government or responsible for the management of the railways, I should certainly feel it a very great advantage to have the railways brought under the provisions of this Bill. It would place the Minister of Railways and the officials of these railways in a position that if a friend unduly pressed for any favour or privilege, the matter would necessarily have to be referred to this commission and dealt with by them, and it would be a great relief to the Minister of Railways and to all who are responsible for the management of the government railways. So far as the commission deals with the appliances which are to be provided by the different railways for the safety of passengers and the safety of employees, I see no reason why the same appliances which are useful and proper on other railways should not be adopted by the government railways. Indeed, it appears to me from every point of view very desirable that the government railways should be included under the provisions of this Bill, and I was glad to note, after the remarks which I made the other day, that the Secretary of State intimated that it was a subject to which he would give serious consideration, and at the time he did not see any objection to bringing the government railways under the provisions of the Bill. I hope this amendment may commend itself to the favourable consideration of the House, and that the government will consent to have this change made and our government railways brought under the provisions of the Bill.

Hon. Mr. SCOTT—The hon. gentleman is quite correct in saying that the bringing of government railways under the control of the commission would not in any way change the proprietory rights the government now have. They would stand in the same position towards the government railways that the board of directors stands to the ordinary railways of the country. I presume the reason why the government railways have not been brought under the Bill is that the governments are paternal. They want to do what is fair and right and just, and it is supposed they should be trusted to carry out the very best principles that would be fair to all, and on that basis it was not thought at all proper or necessary that the government railways should be included. Of course, there are very many questions that arise that are in a sense technical and have to be disposed of under present conditions by the head of the department. As years go on, no doubt there will be more complex questions arising, such as the haulage by other roads over the Intercolonial Railway, or the Intercolonial Railway hauling over other roads holding different positions. I dare say there is a good deal of interchange of freight now, and as years go on no doubt there will be a good deal more of it. The fair distribution of tolls between the Intercolonial Railway and the other roads that connect with it, and all those ques-

tions, are no doubt quite important, and if the railway were not directly under the control of the commission no doubt the government would be able to avail itself of the judgment and views of the commission. It is for hon. senators to express their views on the subject, and we are all free to do as we please in the matter.

Hon. Sir MACKENZIE BOWELL—The reasons advanced by the hon. Secretary of State are, to my mind, some of the strongest reasons for adopting the amendment. The hon. gentleman says that technical questions may arise in the management of the road affecting freights and other matters, with which experts in railway matters alone could deal. It is not to be expected that the minister would be as well fitted to perform that duty as a board appointed for that purpose, and whose special duty would be to institute an inquiry into the effect of any traffic arrangements which might be necessary in order to carry out the proper exchange of freight to the different roads to which the hon. Secretary of State has called attention. Then, as has been very properly remarked by the mover of the amendment, it would relieve the government and political head of the department of responsibilities which it would be much better that they should not exercise than to keep it within their powers. When the hon. gentleman spoke upon this question before, he said the maritime province members objected to bringing this road under the management of the board. The suggestion, I think, which would be carried to the minds of every one would be that the maritime province people feared that there might be some interference with the freight rates which would be to their disadvantage. Now, if we want to relieve the country of the incubus which the Intercolonial Railway has been in the past upon the revenues of the country, the sooner it is placed upon a business basis the better for the country, the better for the road, and the better for those who live upon this line and who seek to take advantage of it. From my short experience in the Railways and Canals Department, I should look upon this as a very great boon, to be relieved of this particular part of the duties which pertain to the minister for the time being. The pressure which is brought upon the minister from political friends, more than from political enemies, is that which he has to fight against, and much more strongly and determinedly than the pressure from the other side. It has been well pointed out by the hon. senator from Westmoreland that it will not interfere with the power, authority and responsibility of the government. It will relieve them of that technical duty, as it has been termed by the Secretary of State, which obtains in the management of the road. It will be in the interests of the country, as well as in the interests of the department and the government themselves, if they could see their way clear to accept the amendment placing all railways under the control and management of the board. If the board is to be of any advantage to the country, it should relieve government ownership of roads from the difficulties which surround it now in the proper management of the railway, particularly in the interchange of freight and other matters. Unless there are political reasons—and which I fear very much are the reasons which have influenced the government in the course they have taken in this matter, to justify the government in the course that they will pursue in reference to government railways, I would urge them in their own interest, as well as in the interest of the public, to accept the amendment and bring all railways, whether owned by the people through the government or by private companies, under the provisions of this Bill.

Hon. Mr. CASGRAIN (de Lanaudière).—There seems to be a misapprehension in this matter. Does the hon. gentleman from Westmoreland mean by the amendment, that the Intercolonial Railway would be run by the Railway Commission ?

Hon. Mr. WOOD—No.

Hon. Mr. CASGRAIN—Simply that the same rules would apply to all railways ?

Hon. Mr. WOOD—Yes.

Hon. Mr. CASGRAIN—But the administration of the government railway would still be left with the Minister of Railways and Canals ?

Hon. Mr. FERGUSON—Yes, in just the same way.

Hon. Mr. WOOD—As I understand, the government railways would be in the same

position as any railway incorporated under a special Act. For instance, the Grand Trunk Pacific Railway, which we are now incorporating, would be in the same position as the Intercolonial Railway. That is, the minister and his officials would have all the management of the government railway, as the president and directors of the Grand Trunk Pacific Railway would have of their line. They would engage all the employees ; they would make out their rules and rates for freight and passengers, and these would be approved by the board of commissioners, and enforced. The only difference, so far as freight rates and passenger rates go, as far as I can understand by a study of the Bill, would be, if it came under the provisions of this measure, publicity would be given to those rates. The new law requires that all tariffs shall be submitted to the board of commissioners, and approved, and that then they shall be posted up in public places about the stations so that every one can have access to them, and know what the tariffs are. That would be the only change, so far as the tariffs are concerned. The Minister of Railways would frame his tariff, so far as the government railways are concerned, just as he does at the present time, and just as the president or directors of any company would frame the tariff of their road.

Hon. Mr. CASGRAIN—Under one clause of this Bill, the Governor General in Council has a right to revise anything done by the board.

Hon. Sir MACKENZIE BOWELL—Anything ?

Hon. Mr. CASGRAIN—Apparently, as I read the Bill, there is an appeal to the Governor in Council.

Hon. Mr. WOOD—There is the right of appeal, but not to revise.

Hon. Mr. CASGRAIN—If there is a right to appeal, it surely must carry the right to revise. Subsection 2 of clause 44 provides :

2. The Governor in Council may, at any time, in his discretion, either upon petition of any party, person or company interested, or of his own motion and without any petition or application therefor, vary, change or rescind any order, decision, rule or regulation of the board, whether such order or decision be made inter partes or otherwise, and whether such regulation be general or limited in its scope and application ; and any order which the Governor in Council may make with respect thereto shall be binding on the board and all parties.

3. An appeal shall lie from the board to the Supreme Court of Canada upon a question of jurisdiction, but such appeal shall not lie unless the same is allowed by a judge of the said court upon application and hearing the parties and the board ; the costs of such application shall be in the discretion of the judge.

Hon. Sir MACKENZIE BOWELL—That would keep the road more clearly under the control of the government then.

Hon. Mr. FERGUSON—But the minister could still administer the road as a company could.

Hon. Mr. LANDERKIN—As there has been a considerable change in the establishment of a board, however, desirable the amendment hon. gentlemen wish, would it not be better to wait until we see the result of the Railway Commission in operation for a year or two before we take such a drastic step as this ? It may be well to ascertain how beneficial or otherwise the change that has been made will be upon railways, and would it not be well for this House when the Bill has come to us in this form, and when it was not adjudged wise to take altogether this drastic step to allow it to remain until we profit by the experience of the board for a year, or perhaps two years, and then, if it be a proper time, and a judicious thing for this body to move, if the experience of that board is beneficial in the conduct and management of railways, a change could be made.

Hon. Mr. FERGUSON—I agree with much of what has been said by my hon. friend from Westmoreland, as to the many advantages which would certainly arise from the government railways coming under the jurisdiction of this board, the same as other railways of Canada. I fear, however, that there would require to be a good deal of careful consideration of the whole Bill to find whether its provisions would exactly fit into that state of things. The suggestion that has been made about the power given to the Governor in Council, under clause 44, I do not think would be at all fatal ; but it is necessary if such an important change as this is made, for the Department of Railways and the government to go over the whole Bill carefully, and see whether some other consequential changes would not have to be made. It is well this proposal

of my hon. friend from Westmoreland has been made, because it seems to me, from looking at the clauses 266 and 267, that a lack of application of this Bill to the Intercolonial Railway is going to interpose somewhat serious obstacles in the way of efficiently carrying out the work of the board itself. If hon. gentlemen will look at clause 266 they will find it provides for joint tariffs being agreed to by different railway companies, where there is a continuous route over two or more railways, and then 267 reads this way :

267. In the event of failure by such companies to agree upon any such joint tariff as provided in the next preceding section, the board on the application of any company or person desiring to forward traffic over any such continuous route, which the board considers a reasonable and practicable route, or any portion thereof, may require such companies, within a prescribed time, to agree upon and file in like manner a joint tariff for such continuous route, satisfactory to the board, or may, by order, determine the route, fix the toll or tolls and apportion the same among the companies interested, and, may determine the date when the toll or tolls so fixed shall come into effect, and traffic shall be carried by the companies in accordance therewith.

The point I wish to make is, where the government railway comes in between two or more railways between whom it is desirous the board should enforce a joint tariff, and the board having no power over the government railways, what are they going to do ? Where is the applicability of this Act in such a case as that—and that applies to nearly all the railways in the lower provinces ? The Intercolonial Railway is the only connecting link between the railways of Nova Scotia and some of those in New Brunswick and the railways of the rest of Canada, and it is not in the power of the board to enforce a through rate, say over the Grand Trunk, the Intercolonial and the Windsor and Annapolis Railway, which I imagine it would be very desirable that this board should have the power to do. Its power could not be operated from the fact that it would have no control over the Intercolonial, the link connecting the Windsor and Annapolis Railway and the Grand Trunk or any other western system—the Intercolonial Railway would interpose, and the authority of the board would not operate in the way of enforcing a through rate over those lines. It seems to me there are several roads to which this difficulty applies, I have only mentioned one of them, but there are other roads in the maritime provinces, where I can see these provisions of the law would be inoperative, because the government railway interposes, and the board has no control over the government railway. It is possible there may be other difficulties, practical ones like this standing in the way of the operation of this railway law, with the government railway left out. It seems to me, from the casual thought which I have given to it, that it is very desirable that the government railways should be included. There seems to be no substantial reason why they should not be included. The government would stand under this Act—if it were so arranged—as an owner, in the same position as a company would stand in relation to a private road, and the board would come in with all the authority in connection with the government road that it possesses over other roads, and it would relieve the government itself of a great deal of difficulty. There would be this difficulty I have pointed out to the House, where the Intercolonial Railway interposes between a railway in Nova Scotia and railways in the west if it is not brought under the jurisdiction of the Act.

Hon. Mr. POWER—At first sight there is a great deal to be said in favour of the amendment proposed by the hon. gentleman from Westmoreland. One of the strongest arguments which can be urged in favour of it is that which has just been stated by the hon. gentleman from Marshfield, but I do not think that the difficulty with respect to joint tariffs is a very serious one. Inasmuch as the freight tariff on the Intercolonial Railway is a low one, there is never going to be any serious difficulty in arranging joint tariffs with other roads. I am not aware that there has ever been any serious difficulty on the part of the Intercolonial Railway in the past, and I do not think there is likely to be in the future. We are not here as legislators to consider the comfort and ease of the government in general and the Minister of Railways in particular. The sympathy which has been shown to the government and the Minister of Railways is quite gratifying, but after all we are not considering them so much. It is a fact that the adoption of the amendment suggested by the hon. gentleman from Westmoreland, would relieve

the government and the Minister of Railways to a certain extent. This commission would be a kind of buffer between the minister and the public who might have reason to complain of the way in which the Intercolonial Railway was operated. While that would be true, it would not diminish, as far as I can see, in any way, the control of the government and the minister over the railway. The rates, under certain limitations, the appointment of the employees of the road —these things would still be in the hands of the government, and the change would not take the railway out of politics. If you could effectually take the Intercolonial railway out of politics it would be a good thing; but the fact of giving this commission certain rights to deal with the Intercolonial Railway would not have that effect. A very serious difficulty is indicated by the hon. gentleman from de Lanaudière. The Minister of Railways is given a certain control over the commission, and the effect, I think of bringing the Intercolonial Railway under the control, or supposed control, of the commission, would be to introduce the political element into the commission, and that would be a very undesirable thing. These commissioners would be appointed by the government, and if they undertook to interfere with the government in the management of the Intercolonial Railway, you would immediately bring about the danger of friction and difficulty between the government and the commission, and the commission would go to the wall as a matter of course. There would be a further tendency, I think, on the part of the government to be careful that the commissioners were men not likely to interfere with the government management of the Intercolonial Railway. My own impression is that including the Intercolonial Railway under the operation of this third clause, would do serious mischief to the efficiency of the commission, and would not very much benefit the Intercolonial Railway. That is the feeling I have. If the Intercolonial Railway were taken out of politics altogether, and if the management and control of the Intercolonial Railway were placed in the hands of the commission, then that would be a different proposition, and one for which a great deal could be said; but I honestly do not think the amendment moved by the hon. gentleman from Westmoreland would do very much good, and it would be calculated, by producing conflict and friction between the government and the commission to do a good deal of harm.

Hon. Mr. LOUGHEED—I presume there is no question attracting so much public attention to-day as the nationalization of all public utilities, and particularly of railways. It seems to me the consideration of this feature of the case might well be imported into this question. I suppose a more opportune time was never given to the government of Canada to make a practical experiment of the working out of this important question, than through the introduction into this Bill of some provision by which there should be a different administration of the Intercolonial Railway. We very well know that the pressure of party influence brought to bear on the administration of the Intercolonial Railway, as it is under the present government and as it was under the late government, prevents it from being a business enterprise, and will continue so, and if anything operates against the popularity of the question of the nationalization of railways or of all public utilities, it is the actual exhibition, such as we have annually before us, of deficits which arise from time to time with reference to the working of the government railways. Now, while I am fully aware that including the Intercolonial Railway in this clause would not satisfactorily work out the question of the nationalization of that road, yet it certainly would have a very important bearing upon it and would lead to an economical administration of the road by the government. If the control or litigation of tariffs and tolls would lie with the board, it therefore must necessarily fall on the government of the day administering that road, to administer it in the most economical way, so that the same rules or principles which would be applicable to other roads of the country which are run on a business basis would be equally applicable to the Intercolonial Railway. At the present time there is no such pressure brought to bear on the administration of the road as could be brought to bear on it by this commission. I think the experiment is one that would be watched with very great interest by the

people of Canada, and it might lead, in the course of a very short time, to the Intercolonial Railway being placed under a commission. There has been an opinion on the part of business men in the Dominion—in fact on the part of the public of the Dominion—that the Intercolonial Railway should long ago have been placed in commission and administered absolutely independent of the government of the day; and until that is done we cannot hope for satisfactory results from a financial standpoint. So long as the Intercolonial Railway, the largest and most important public work that we have in Canada to-day, administered by the government, is administered in the very unsatisfactory way in which it has been with financial deficits piling up year after year, so long will there be a postponement of the nationalization of all public utilities. I very much regret that the government did not make this experiment in introducing this Bill, because it would have been watched with very great interest by the people of Canada.

Hon. Mr. DOMVILLE—I do not think the maritime provinces are looking for any such experiment as that suggested by my hon. friend from Calgary. The Intercolonial Railway was built, if my hon. friend will remember, at a time when it was considered to be an imperial road. It was run north of New Brunswick because it would be out of the way of danger from foreign invasion and the British government guaranteed part of our debt. When we went into confederation, it was with the idea that it was to be a government road, and to place it in the hands of a commission would be far from what was intended, and would not satisfy the maritime provinces. In all the speeches which have been made here, we have been led to understand that the government development is in the North-west. We are all aware that the North-west is a great country. We have had ocular demonstration that it is going to be perhaps the greatest country on earth. It has produced some of the greatest men; but at the same time we in the maritime provinces have sent you up the very best intellects you have had. I could go back to the days of Joe Howe, Tupper and Tilley. They were in the van, if not the vanguard. My hon. friend from Westmoreland who moved the amendment is talking, perhaps, to please some of his friends whom I do not know anything about. I do not think he is talking to please himself. He is interested in a small railway down there. Its interests are dependent on the Intercolonal Railway. If his views were carried out—and I am not prepared to say they are his views—would he hand the little railway over to the Intercolonial Railway? I think there is a Bill coming up in the other House which is advocating, in the long run, that it shall be part of the Intercolonial Railway. It is called a transportation company. But if you can get underneath and look below, you will see it is to join with and to gain its prosperity from the prosperity of the Intercolonial. If I understand the question he advocates, that the Intercolonial Railway should be handed to the commission, as a representative from the province of New Brunswick, I say that the maritime provinces will never submit to that going into a commission. If it was built, as it was, for an imperial road, if it was built in order that the maritime provinces might throw their part into the Dominion, that they might be recognized when they came into confederation as an integral part of the Dominion and that this road was to bind and make them one, they never contemplated that at this hour of the day the road should be placed under a commission to be administered by some party—I do not care whether it is Conservative or Liberal—that their interests should be jeopardized, if I may put it that way, that their interests should be placed in the hands of a commission, to buffet them around and do as they like. The suggestion should not be considered at all. The road should be worked under the terms of confederation when that was an imperial road, and that, I think, is where we should stand to-day.

The committee divided on the amendment, which was lost on the following division: contents, 15; non-contents, 26.

The clause was adopted.

On clause 10,

10. Not less than two commissioners shall attend at the hearing of every case, and the chief commissioner, when present, shall preside, and his opinion upon any question, which in the opinion of the commissioners is a question of law, shall prevail. In any case where there is no opposing party, and no notice to be given to any interested party, any one commissioner may act alone for the board.

Hon. Mr. BEIQUE—This was borrowed from the English Act, and under the English Act, one commissioner is called the ex-officio commissioner. He has to be a judge, and therefore the Act is quite logical, but clause 10 should be amended by adding in the third line after the word 'and' the following: 'if the chief commissioner is a lawyer.'

Hon. Mr. FERGUSON—There would be nothing in the Act to prevent the government appointing two lawyers—in fact they might appoint three lawyers. Lawyers manage to squeeze themselves in if there is any position like this, and it would not surprise me a great deal to find three lawyers appointed. In that event, what would we have? One would be supreme on all questions of law and yet the other two might be better lawyers than he was.

Hon. Mr. CLORAN—Supposing the lawyer was a farmer?

Hon. Mr. FERGUSON—In that case we would not give him credit for being a very good farmer. If the chief commissioner is to be a lawyer, let the Act say so distinctly and then that his opinion shall carry on points of law.

Hon. Mr. POWER—I take the same view as the hon. gentleman from Marshfield. The rules of the Senate allow us to reconsider a clause which has been adopted. I am not going to ask the committee to reconsider it now, but I ask to be allowed to submit my own idea as to the way in which this particular difficulty and some other difficulties might be got over. When we were dealing with clause 8 in the committee before I called attention to what I thought was the somewhat unskilful way in which the clause had been drafted, and I simply have made a rough draft of what I think should be in that clause and the committee might consider it at some future time. The clause reads as follows:—

8. The Railway Committee of the Privy Council is hereby abolished and, in lieu thereof, there shall be a commission, to be known as the 'Board of Railway Commissioners for Canada,' consisting of three members who shall be appointed by the Governor in Council, at any time after the passing of this Act, and from time to time as vacancies occur. Such commission shall be a court of record, and have an official seal, which shall be judicially noticed.

I should strike out all the words in the clause after 'noticed,' and insert the following:

(2) The term of office of a commissioner shall be ten years, but a commissioner may be removed by the Governor in Council for cause before the expiration of such term. A commissioner shall be eligible for reappointment on the expiration of his term of office: provided that no commissioner shall be capable of holding office after attaining the age of 75 years.

Then subclause 3 would be as follows:

(3) One of such commissioners shall be a barrister of not less than ten years' standing, shall be appointed by the Governor in Council, and shall be entitled to hold the office of chairman as long as he continues a member of the board. Another of such commissioners shall be a railway engineer of not less than seven years' standing; and the third commissioner shall be an experienced farmer, or business man. One of such two last mentioned commissioners shall be appointed by the Governor in Council deputy chairman of the board.

I think 'chief commissioner' is a clumsy expression. If that change is made in clause 8 then the amendment the hon. gentleman suggests to clause 10 would be unnecessary, except to call him the chairman instead of the chief commissioner. An additional proposition is to strike out the words 'chief commissioner' wherever they occur and substitute the word 'chairman.'

Hon. Mr. KERR (Toronto)—If we made that change in this clause we would have to change several clauses.

Hon. Mr. LOUGHEED—Could not my hon. friend be persuaded to make one of those a railway man?

Hon. Mr. POWER—I might have said 'railway engineer.' A railway engineer is generally a civil engineer. With respect to the suggestion made by the hon. gentleman from Toronto as to the term chief commissioner occurring in a great many places, as a matter of fact it only occurs in a couple of clauses. I am not moving in the matter. The hon. Secretary of State says that this clause has been passed. I took the precaution to say, before I made the suggestion, that under our rules any clause could be reconsidered before the Bill has been reported.

Hon. Sir MACKENZIE BOWELL—There is one serious objection to the proposition of the hon. gentleman from De Salaberry. The chairman of this commission might be—and it seems to me it would be much better that he should be, a practical railroad man.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—And to my mind, a young man who has risen from the lower ranks in railway employ until he has acquired a position which would justify the government in appointing him to this commission would be infinitely superior to a lawyer, though he might have had ten years' experience at the bar. He might have had ten years' experience, and might stand number one at the bar, and still might never have had any railway experience. If he is to be a lawyer simply for the purpose of giving his opinion as to whether the question under discussion in the commission is a question of law, then my hon. friend's position, it strikes me, might be correct, but there are other duties which would pertain to the chairman, other than that of dealing with questions of law.

Hon. Mr. ROBERTSON—Much more important.

Hon. Sir MACKENZIE BOWELL—Much more important, as my hon. friend says, and a railway man who had given study to this question would of necessity, if he was fit for the position, have a thorough knowledge of what the railway law is, and it is only the railway law and the effect of it on the transportation that he would have to deal with. A moment's reflection will suggest to the hon. gentleman that there are other qualities besides a knowledge of the provisions of the law to be considered in the appointment of these commissioners. The suggestion made by the hon. Speaker, it seems to me, would destroy the whole effects of the Bill. The changing of the wording might be all right enough, but when he comes to select the parties who are to constitute the board, he leaves out the qualities that are necessary to make that board of any service whatever, and that is a thorough knowledge of transportation, and of railway management, and how to settle little difficulties in matters of tariff and interchange of traffic. That is the way it strikes me, although not a railway man.

The clause was adopted.

On clause 11,

Hon. Mr. POWER—I do not think that clause should be carried in its present form. The first paragraph reads as follows:

11. No commissioner shall be disqualified to act, by reason of interest, or of kindred or affinity to any person interested in any matter before the board; but whenever any commissioner is interested, or of kin or affinity to any such person, the Governor in Council may either, upon the application of such commissioner or otherwise, appoint some disinterested person to act as commissioner *pro hac vice*.

There apparently, unless the commissioner himself applies to be relieved, or unless the Governor in Council act on their own motion, if the commissioner, or his brother or sister or cousin or aunt was interested in the matter coming before him, he would be capable of sitting. If two or three words were inserted after the word 'commissioner' in the beginning of line 26, that difficulty might be got over. You might say 'on the application of such commissioner or any other person.'

Hon. Mr. DANDURAND—Will the committee accept the principle embodied in the first part of the clause? I move that the first two lines be struck out so that the clause may begin with the words 'whenever any commissioner.'

Hon. Mr. SCOTT—Does it make any difference in the sense?

Hon. Mr. DANDURAND—It says that a commissioner who is interested in a case may sit in that case. That is contrary to the principles which govern our judiciary in the provinces.

Hon. Mr. SCOTT—In certain cases you would compel some one else to act.

Hon. Mr. LOUGHEED—It would be optional with the Governor in Council to permit, or not permit, the commissioner to act in such cases. If it were unimportant, I presume the commissioner might act.

Hon. Mr. DANDURAND—We should affirm that he should be disqualified by reason of interest, but I should leave the remainder of the clause which gives discretion to the Governor in Council to appoint another commissioner.

Hon. Mr. BEIQUE—The principle involved in the clause seemed to me very extraordinary, but on further examination I noticed that it affected only the railway company. It is in favour of any of the other parties except the railway company, because under subclause two of the same clause it is pro-

cided that no commissioner shall be interested in any railway company, and therefore the parties, in proceeding before the commission, are protected to that extent, that no commissioner can be interested in a railway company, and the railway companies who have scrutinized this Bill thoroughly have not raised any objection to this clause. If it is to be amended, it will have to be redrafted, and we would have to define the degree of kindred or affinity which would disqualify——

Hon. Mr. SCOTT—First cousin, or second cousin.

Hon. Mr. BEIQUE—Otherwise we cannot leave it in an indefinite way—either adopt it that way or define what it shall be.

Hon. Mr. CASGRAIN (de Lanaudière)—I think the clause should be adopted in this way. It is always open to any party to object to a commissioner if he thinks he is interested. The hon. gentleman from de Lormier (Hon. Mr. Dandurand) would make it imperative upon the Governor in Council to disqualify him in these cases. Therefore I would move that the clause be adopted as it stands.

Hon. Mr. KERR (Toronto)—A great many of the acts of the commissioners may be quite perfunctory and mere formal matters and as to these it would be a matter of indifference whether there was relationship, but where it comes to a matter of substance, either party can ask that the commissioner do not sit.

The clause was adopted.

On clause 16,

Hon. Mr. BEIQUE—I move that the words 'together, or separately or either,' in line 18 and 19 be struck out, because as it stands it is contradictory in terms. It is stated that they may sit separately, and it is stated also that the quorum of the board shall be constituted of two members. In another clause, there are certain things which can be attended to by one commissioner, so I move that these words 'together or separately' be struck out.

Hon. Mr. SCOTT—They are small matters that a single commissioner may adjudicate on.

Hon. Mr. BEIQUE—That is specially provided for in the Bill.

Hon. Mr. SCOTT—This is a very wide clause, and is intended to give wide discretion.

Hon. Mr. BEIQUE—This clause is contradictory in terms, because it is stated in the same clause, any two members of the board shall constitute a quorum.

Hon. Mr. POWER—Clause 10 says so too.

Hon. Mr. KERR (Toronto)—That has reference to any complaint made which has to be determined in open court. That is, an open court sitting which must consist of not less than two.

Hon. Mr. SCOTT—But a commissioner may be required to adjudicate on a matter to which both parties consent. By arrangement the parties may be satisfied. One commissioner may go down to a particular locality and settle a dispute. I would not like to narrow it.

The clause was adopted.

On clause 25,

Hon. Mr. POWER—Hon. gentlemen will remember that representatives of the railway companies laid a great deal of stress on the side and end ladder question. The point I wish to make now is this, that under this clause the commissioners have power to deal with that matter, paragraph (f), provides:

(f) With respect to the rolling stock, apparatus, cattle-guards, appliances, signals, methods, devices, structures and works, to be used upon the railway so as to provide means for the due protection of property, the employees of the company, and the public.

Hon. Mr. WOOD—Also under paragraph (c).

Hon. Mr. POWER—Yes, probably.

The clause was adopted.

On clause 111, subsection 4,

4. The power of issuing bonds conferred upon the company hereby, or under the special Act, shall not be construed as being exhausted by such issue; but such power may be exercised from time to time, upon the bonds constituting such issue being withdrawn or paid off and duly cancelled; but the limit to the amount of securities fixed in the special Act shall not be exceeded: Provided that no power to issue or dispose of any such securities under any special Act of the provincial legislature, in connection

with a railway coming under the legislative authority of the parliament of Canada, shall be subsequently exercised without the sanction of the Governor in Council. 51 V., c. 29, s. 93, Am. by 55-56 V., c. 27, s. 4, Am.

Hon. Mr. BEIQUE—I would suggest that the line

'upon the bonds constituting such issue being withdrawn or paid off and duly cancelled,'

be struck out. The reason is that, under a judgment it has been held that when a company had commenced to exercise the power, they could not continue to exercise them without withdrawing the bonds, or paying off the first bonds issued, although the power had not been exhausted. For my part, I could not reconcile myself to that opinion, and, if we were to pass this Bill after that judgment had been rendered, it would be taken as a judicial interpretation to which we had agreed. The words are not necessary, and the clause would be much clearer.

Hon. Mr. SCOTT—But if one class of securities may be withdrawn from the market, why should not the company have the right to issue others ?

Hon. Mr. BEIQUE—This would not affect that right.

Hon. Mr. KERR (Toronto)—You issue the new bonds for the purpose of taking up the old bonds.

Hon. Mr. YOUNG—They must cancel or withdraw the old ones before they issue new ones.

Hon. Mr. KERR (Toronto)—As it is here, it is the converse of that. The phraseology of this clause may be interpreted to mean that you cannot issue new securities until you have paid off and duly cancelled all the old ones, whereas the issue may be for the purpose of taking them up and paying them off.

Hon. Mr. SCOTT—This would not violate that principle. It could be done pari passu—one bond paying off the other.

Hon. Mr. KERR (Toronto)—The bonds have to be issued before they can be made use of and sold.

Hon. Mr. LOUGHEED—The 31st and 32nd lines explain it :

But the limit to the amount of the securities fixed in the special Act shall not be exceeded.

Hon. Mr. POWER—That is sufficient protection.

Hon. Mr. LOUGHEED—Even though they issue a part of the securities, they can, at any time, issue the remainder. I think the hon. gentleman from De Salaberry is right ; the words in the clause are misleading. The words I have read fully explain it.

The committee divided on the amendment, which was adopted : contents, 20 ; non-contents, 10.

Hon. Mr. WOOD—It appears to me, from reading this clause a second time, that the meaning of the words used here is that the directors may, in the first place, issue securities to the full amount that they are authorized to issue under the special Act, and that this clause 4 is intended to convey this idea —after they have issued the full amount of securities permitted by the special Act, their power to issue securities shall not be considered to be exhausted, but they can reissue securities to the amount authorized by the Act, on the first securities being withdrawn.

Hon. Mr. SCOTT—That is the intention.

Hon. Mr. KERR (Toronto)—The clause as it now stands amended surely means exactly that.

The clause as amended was adopted.

On clause 130,

Hon. Mr. BEIQUE—I suggested that this clause should stand, because I thought it might be necessary to have a paragraph, or subsection, to say that the plan, as thus modified on account of deviations, would be deposited as provided in clause 128.

The clause was adopted.

On clause 149,

Hon. Mr. BEIQUE—There are certain articles of the Code of the province of Quebec which should be added to this clause.

Hon. Mr. LOUGHEED—Why not say the laws of the province of Quebec ?

Hon. Mr. BEIQUE—Under the law of registration it is required that documents of a certain nature be registered in a certain way and other documents in another way. It states also that a registration may have

such and such effect according to the article, so I refer to the articles advisedly.

Hon. Mr. LOUGHEED—If that is pertinent to the province of Quebec, why not provide similarly for registration in the other provinces ? This clause does not deal with the subject of registration ; then, why specifically provide for registration in the province of Quebec ?

Hon. Mr. POWER—It is just this. There was some objection made to accepting the hon. gentleman's amendment generally, and he wished to provide for his own province.

Hon. Mr. LOUGHEED—The hon. gentleman might as well say, according to chapter so and so of the province of Ontario, and section so and so of some other province, and go over the whole of the provinces in that way. If it is good for the province of Quebec, it should be equally good for the other provinces.

Hon. Mr. SCOTT—I think it is a great mistake not to leave the clause as it stands. It is going to embarrass very much the building of railways. We know that when plans are filed, the price of land goes up very much. The only way to do is to go and make your bargains quietly with the individuals, and you have a chance to get right of way for a reasonable price. If you do not, the price of land goes sky high, and it is well known it is better to pay excessive prices than to go to arbitration.

The clause was amended and adopted.

On clause 174,

Hon. Mr. BEIQUE—I have given notice of the following amendment to this clause :

That subsection 2 of section 174 be reconsidered, and that the said subsection be amended by striking out the following words :

'Where the lands are situated elsewhere than in the province of Quebec,' in the first and second lines thereof.

That subsection 3 of the said section 174 be struck out and replaced by the following : -

'3. Where the lands are situated in the province of Quebec, the notice shall be published as required by article 1069 of the Code of Civil Procedure ; and the provisions of articles 1072 and 1073 of said code shall also apply.'

That subsection 4 of said section be also reconsidered, and amended by adding, in the first line thereof, after the words 'all such claims filed,' the following words :—'and (in the province of Quebec) all other claims appearing from the registrar's certificate,' and that said subsection 4 be further amended by striking out the words 'or judgment of confirmation.'

Hon. Mr. POWER—I should like to ask the hon. gentleman why he proposes to make the amendment in subsection 2. As I understand, the hon. gentleman's amendments are intended to affect the province of Quebec alone.

Hon. Mr. BEIQUE—But there is no necessity of having these words left in subsection 2, because my amendment provides for it fully.

Hon. Mr. POWER—It only provides for the province of Quebec, and when the lands are situated elsewhere than in the province of Quebec, you do not want to meddle with them.

Hon. Mr. SCOTT—It would be better to leave subsection 2 as it is, because you would disturb the other provinces.

Hon. Mr. BEIQUE—I do not insist on amending subsection 2.

Hon. Mr. LOUGHEED—I, for one, must object to the form of amendment, introducing specific articles of a provincial code into a general law. There is no precedent for it. I doubt if you can, in the whole of our statutes, find any precedent of that character. In the first place, the provincial statute may be repealed or amended from time to time, and those sections may, after a time, not be applicable in the slightest degree as they purport to be to-day. In the next place, persons perusing the statutes of the Dominion will know nothing of the specific provisions of the law of the province of Quebec, and so far as this House knows to-day, they may not be applicable in the slightest degree. How are we to know, sitting as a committee, without these sections to which my hon. friend refers before us, that they are in any way applicable to this clause ? I do not doubt for a moment the accuracy of my hon. friend's argument in their favour ; but at the same time, we are going it blind—we are swallowing those sections without knowing whether they apply to this clause. On the broad ground, I object to introducing any specific sections of a provincial Act, unless we have the statutes before us and know what we are dealing with.

Hon. Mr. DANDURAND—If the general law covers all the provinces of the Dominion, there is one special province where

the law is supposed to be somewhat different from the others. Now, when we come to this law which affects the province of Quebec, is it not more logical to be precise about it, and when we find that a certain clause of the Bill, of a general nature, affects adversely, or does not reach its end when it affects the province of Quebec, should it not then be amended in order to fit into the local conditions and the law of the province of Quebec? Now, the hon. gentleman objects to a special article of our provincial code, or statutes, being mentioned in this clause, because he has not got it before him. Should he not trust to the fact that the members from the province of Quebec agree to the amendment?

Hon. Mr. LOUGHEED—If my hon. friend will say 'according to law in the province of Quebec,' we know that the judiciary of the province of Quebec will see that the law is interpreted according to the law of Quebec; but when we select specific articles of the code, two or three hon. gentlemen of the House may discuss the application of these sections without our knowing anything about them.

Hon. Mr. BEIQUE—The hon. gentleman takes exception to the course which I suggest because he is not familiar with the system of codification. When we deal with a code of laws, we deal with a system of laws which applies, as far as procedure is concerned, special remedies for different classes of things, and if the suggestions of my hon. friend were followed, it would not convey anything at all applicable to the laws of the province of Quebec it would have no meaning. I would defy any barrister in the province of Quebec to understand what it would mean, or any judge to give effect to it. The hon. gentleman says that this is exceptional legislation. I can not quote a precedent at the moment, but will undertake to-morrow to cite a good many cases in the statutes where, as a necessity, references are made to the laws of the province of Quebec, and I can make it now—not a law in existence at present, but if you refer to the old Insolvent Act, you will see that there are specific references made to the Civil Code, and the Code of Civil Procedure in the province of Quebec as of necessity. We have to take this Bill as it is presented to us, and there is clear evidence here, as far as this section is concerned, that the draughtsman did not know anything about the law of Quebec. It is stated in this clause that the law of confirmation of titles shall apply. The law of confirmation of titles in the province of Quebec means this: that when a property is sold, and if the title is to be confirmed, notice is given that on a given day application will be made that the title shall be confirmed, and any one interested either as mortgagee or otherwise, or as creditor of the debtor, may be present, and bid over any price mentioned in the title. Surely it is not the intention that the railway company shall be made to pay a larger price than the price agreed upon. The intention of the Bill is that the parties be called upon to file their claim, and that all parties interested be properly notified. Now, we have the Registration Law in the province of Quebec which exacts that certain notices shall be given, so that all parties interested may protect their rights. We have also this, that if claims appear, from the registrar's certificate, the court is obliged to take cognizance of those claims, and to collocate them, and it is for that reason that, as a matter of necessity, I suggest the references to the code that I have mentioned. I could refer my hon. friend to the code which I have under my hand, where he can see for himself the articles which are referred to, and where he will see that these articles are properly applied to the case in question.

Hon. Mr. FERGUSON—It would seem to me, from the exception that is made with regard to the province of Quebec, that it is recognized there is a necessity for a provision being made for Quebec different from the other provinces, and it is very probable that my hon. friend is right that the clause as printed is not the best that could be drafted, and that a better one might be put in the Bill, and I think that is what should be done. My hon. friend would have no difficulty in drawing a clause which would cover the case, and we should enact what should now be the law.

Hon. Mr. POWER—That is what my hon. friend has done.

Hon. Mr. FERGUSON—I think I understand what he proposes, which is that some

articles in the Quebec code shall govern in this matter. Is that not it?

Hon. Mr. BEIQUE—Merely when the property taken is in the province of Quebec.

Hon. Mr. FERGUSON—I think I am right. The hon. gentleman wishes certain articles in the code of the province of Quebec enacted as the law of the Dominion, simply describing them by the number they bear in the code of Quebec. It seems to me that is quite dangerous, because some changes in the legislation might be had in the province of Quebec behind the back of the Department of Railways, and some persons might move there for an amendment to these clauses to carry out some particular object in view, and it is the handing over of the power to legislate on this particular matter from this parliament to the provincial legislature that is objectionable. It seems to me the safe course to pursue would be for the hon. gentleman to draft a clause which would be the law in the province of Quebec, and not take the code, which is liable to be amended by the legislature of the province at any time, without that consideration which an amendment to the Railway Act would involve if attempted in this House. When a question is raised in this House of an amendment to this Act, attention would be called to it and everybody would know about it. I do not know that there is any danger, but it seems to me it is open to the danger of some change being made in the legislature of Quebec without any consideration of the point which would seriously affect Dominion law

Hon. Mr. DANDURAND—The hon. gentleman would like that the provisions referred to in the hon. gentleman's amendment would be incorporated.

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. BEIQUE—I may be allowed to refer to clause 146 which reads as follows

146. The powers, by the last two preceding sections conferred upon rectors in possession of glebe lands in the province of Ontario, ecclesiastical and other corporations, trustees of land for church or school purposes, executors appointed by wills under which they are not invested with any power over the real property of the testator, administrators of persons dying intestate, but at their death seized of real property, shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of the company. 51 V., c. 29, s. 138, Am.

Here is a provision which is made exceptionally for the province of Ontario, and we have to deal with a matter for which a separate provision should be made for Quebec.

Hon. Mr. KERR (Toronto)—The case is not parallel. The exception taken there is only to the case of people who are merely life tenants of the property, and therefore a notice to them would not be notice to those who are beneficial owners of the property. It is only saying that in Ontario the real beneficial owner shall be notified and not the person in possession.

Hon. Mr. LOUGHEED—The law makes provision for this class of cases, and I apprehend if there had been any grievance under the old law we would have heard of it. I would point out in vindication of the Bill, which we on this side of the House seem called upon to defend, that the application of the section as it is at present drafted in the Bill seems to be quite clear, because he at once selects the articles of the code which are peculiarly applicable to this clause of the Bill. Then if my hon. friend, as a member of the bar of Quebec can do that, surely the judiciary of Quebec can do it equally well. I think that is one of the clearest arguments that the clause is sufficiently clear to dispense with the necessity of mentioning any articles in the code.

Hon. Mr. KERR—These specific articles of the code may be set out literally or in effect.

The clause was allowed to stand.

On clause 184,

Hon. Mr. DAVID—I move that subclause 3 of clause 184, which deals with railways on highways and the consent of the municipality, be struck out. The subclause reads as follows:

3. Nothing in this section shall deprive any such company of rights conferred upon it by any special Act of the parliament of Canada, or amendment thereof, passed prior to the present session of parliament.

I should like to know the reason for the insertion of that subsection. Whether it is there or not makes no difference. There is some special reason, some subtle design, which I do not know. I do not see why that clause should remain in the Bill. No

company would be deprived of the right which it will have to acquire, in virtue of this clause, even if that subclause is not there. That subclause adds nothing to the rights of the company. If they have obtained the consent of the municipality, they are in possession of that consent, and this clause will have no retroactive effect, and will not deprive the company of the rights which they may have acquired, so I do not see why this subsection is here more than in fifty other places. If there is a reason to put it here, there is a reason to put it in two hundred other clauses of the Bill.

Hon. Mr. LOUGHEED—I recall our going through a clause providing that the general act would prevail notwithstanding anything in the special act, unless it was specially provided for in the special act. I think there is a clause of that character in the Bill and it might possibly be to meet that condition of affairs that this subclause is introduced.

Hon. Sir MACKENZIE BOWELL—It seems to me that there must be some reason for this subsection being included in this clause. There must be a special reason for it; and if there is any company that has rights which has been conferred upon them, either by special act of the parliament of Canada or amendments thereof, surely there can be no objection to the retention of this clause in order to preserve those rights. If there were no danger of the rights being interfered with, this clause would not have been placed here, and if there are any rights existing conferred upon any company, they certainly ought to be preserved. We are not supposed to interfere with what, as I would infer, this clause provides for, the retention of vested rights, and it ought to remain. If the interpretation put upon the general law by the hon. gentleman who has moved the amendment be correct, then the retention of it can do no harm, and if there is no doubt as to the provisions of the whole Bill as to the preservation of vested rights, it ought to be in.

Hon. Mr. WATSON—I understand this matter was discussed freely in the House of Commons, and that the provisions contained in clause 184 are taking away the rights and that the General Railway Act gave power at that time to construct tramways and so on. They had the power under the General Railway Act and I understand this clause was put in because subclause 1 of clause 184 took away the rights provided for in the Railway Act, and for that reason, after taking them away, they put in subclause three to say that nothing in this section shall deprive the subject who had rights before.

The subclause was adopted.

On clause 193,

193. Whenever any municipality or corporation has authority to construct, operate and maintain a telephonic system in any district, and is desirous of obtaining telephonic connection or communication with or within any station or premises of the company, in such district, and cannot agree with the company with respect thereto, such municipality or corporation may apply to the board for leave therefor, and the board may order the company to provide for such connection or communication upon such terms as to compensation as the board deems just and expedient, and may order and direct how, when, where, by whom and upon what terms and conditions such telephonic connection or communication shall be constructed, operated and maintained.

Hon. Mr. BEIQUE—This clause provides for telephone system connections with the stations on such terms as the board may direct. I move that the first line be made to read as follows:

Whenever any municipality, corporation, or incorporated company has authority to construct.

Hon. Mr. SCOTT—There is no objection to that.

Hon. Mr. CLORAN—If a capitalist wanted to establish a telephone company, he would not have the right to do so under this clause.

Hon. Mr. KERR (Toronto)—Any individual who started a company would require to have a telephone station.

The clause was amended and adopted.

On clause 195, subclause (g),

(g) In case efficient means are devised for carrying any such lines or wires underground, no Act of parliament requiring the company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be deemed an infringement of the privileges granted by this Act, nor shall the company be entitled to damages in respect thereof.

Hon. Mr. DAVID—I move that after the words 'parliament of Canada' the following words be added:—

Or of the local legislature.

I gave the reasons for this the other day. If these words are not added, the inference will be that an Act passed by the local legislature will be an infringement of the rights granted by this parliament. It will mean the parliament of Canada will have the right to oblige a company to put its wires underground, but the local legislature will not have the same right. The corporation of Montreal has been authorized by the legislature of Quebec to compel the telephone companies in Montreal to put their wires underground. If this subclause is passed as it is, and if the city of Montreal, by virtue of the power granted to it by the provincial legislature, try to compel the telephone companies to put their wires underground, the company would have a right to say no ; subsection (g), section 195 of the Railway Act applies to Acts of the parliament of Canada, but not to an Act passed by the local legislature. There is no restriction to the power which we have. You cannot do away with the general power which we have to lay our lines where we like and oblige us to put all wires underground. That requires an Act of the parliament of Canada.

Hon. Mr. SCOTT—I do not think we can very well repeal a statute of the province of Quebec by an Act of the parliament of Canada. Under this Bill no Act of the parliament of Canada would interfere, supposing an order were given to put all telegraph, telephone and electric light and power wires underground. I do not think it would be wise for us to disturb any arrangement between any municipality and the province of Quebec.

Hon. Mr. CLORAN—I quite agree with the hon. Senator that a local Act should have effect on municipal bodies, but this clause does not destroy the power of a local legislature to pass an Act. It simply says that if parliament pass an Act to force the wires underground, there would be no action for damages.

Hon. Mr. BEIQUE—I agree with the suggestion made by the hon. gentleman from Victoria. If it is necessary to make provision for the case of an Act of the parliament of Canada being passed, is it not equally necessary to provide for an Act of the local legislature ? I suggest that this paragraph be made to read as follows :—

No Act of the parliament of Canada or of any of the provinces, or by-law passed by any city, town or incorporated villages requiring the company to adopt such means and abrogating the right, &c.

Hon. Mr. KERR (Toronto)—That is going pretty far, to say that after the people have established their system a by-law may be passed which shall compel them to change it. That is giving a great deal of power to the municipality.

Hon. Mr. LOUGHEED—What is my hon. friend's interpretation of that clause ?

Hon. Mr. BEIQUE—Let us take the first paragraph :—

195. When the company is empowered by the special Act of the parliament of Canada to construct, operate and maintain lines of telegraph, telephone, or for the conveyance of light, heat, power or electricity, the company may with the consent of the municipal council or other authority having jurisdiction over any highway, square, or other public place, enter thereon for the purpose of exercising the said powers, and, as often as the company thinks proper, may break up and open any highway, square or other public place, subject, however, to the following provisions :—

Then it provides that the consent of the municipality for the erection of poles and wires shall be obtained.

Hon. Mr. LOUGHEED—But we are discussing subclause (g).

Hon. Mr. BEIQUE—Subclause (g) provides for this, that although this consent has been given by the municipality, if we pass an Act of parliament requiring that the wires be put underground, then it will not be taken as an infringement of this Act and the company will not be entitled to any compensation. If there is any occasion to provide for that in case an Act of parliament is passed, it seems to me there is an equal reason to provide for it in case an Act be passed by a local legislature. Suppose we leave it as it is, will not the inference be, from the fact that it was necessary to provide for the case of an Act of parliament being passed, that if it was not an Act of the parliament of Canada, then it could not be effective, it would be taken as interfering with this Act of the parliament of Canada.

Hon. Mr. LOUGHEED—Under the British North America Act, the building of tele-

graph lines is exclusively within the authority of the federal parliament. I understand my hon. friend to say, and, of course, he concedes this parliament can legislate so as to prevent or preclude railway companies from taking advantage of this clause—that is to say, if an Act of this parliament of Canada is hereafter passed, the railway companies must comply with the provisions of that Act.

Hon. Mr. SCOTT—And have no claim for damages.

Hon. Mr. LOUGHEED—I understand my hon. friend to contend that provincial legislatures and municipalities and other smaller bodies should be placed in the same position of being able to legislate railway companies out of whatever right they might have under this Bill as the parliament of Canada would have. That is what it amounts to. My hon. friend can scarcely seriously expect us to subscribe to such a proposition as that.

Hon. Mr. BEIQUE—I do, and I do it advisedly. The reason why I support the hon. gentleman from Mille Iles is this: we cannot contemplate that a matter of this kind will be regulated by an Act of this parliament. It is a thing which will be done by large cities, and not even by Act of the provincial legislature. It is a matter which is being done by large cities. The city of Montreal is actually considering the advisability of passing a by-law adopting a provision by which the wires, which are strung all over the city, shall be placed underground, and if the city of Montreal passes a by-law of that kind, why should not any railway, to which power has been granted by the parliament of Canada to place poles in the streets of the city for the purpose of carrying their wires —why should not these railway companies be reached as well as any other companies which are the creations of the local legislatures or other bodies? It seems to me we should not contemplate that an Act of parliament would be passed for the purpose, but it will be to the advantage of cities which may pass by-laws requiring wires to be placed underground, and what is taking place in Montreal to-day will probably soon take place in the city of Toronto also. It is known that these poles and wires are serious obstacles in the streets of large cities. They become so numerous that they are dangerous to the public safety, and it is important, in the public interest, that they be placed underground. It has been done in the United States in all the large cities; it has been done in London and Paris and other large cities in Europe, and why should we not make a provision that would assist large municipalities to do likewise and protect the streets by requiring companies to place their wires underground? They should not be enabled to single out any individual corporation, but pass a general by-law requiring all such companies to place their wires underground. Railway companies, like other corporate bodies, should be required to submit to any such by-law.

Hon. Mr. SCOTT—As a rule, in recent years, in giving charters to telegraph and telephone companies, we have invariably placed them under the jurisdiction, so far as wires and poles were concerned, of the municipalities. There may, however, be cases—I cannot see any at present—in which this parliament may have to give exclusive powers to a particular company. If we have, it is for this parliament to revoke the privilege that we have given, and this clause makes it apparent that whenever it has been satisfactorily established that the wires can be placed underground, that then this parliament can repeal the privilege heretofore granted them without their having any claim on the municipality for compensation. I think that is as far as we can go; we are treading on dangerous ground if we go any further.

Hon. Mr. LOUGHEED—It is all a matter of contract anyway between the company and the municipalities. The company cannot, even under this clause of the Bill, go into a municipality without entering into a contract, and of course will have to subscribe to any terms the municipality may impose. Consequently, the remedy is easy. The municipality can compel the company to comply with any subsequent Act.

Hon. Mr. DANDURAND—It is not always a matter of contract, because I have known cases where corporations have overridden the municipal power by obtaining from the legislature extraordinary powers

and the right to do practically as they pleased with the streets of a large city like Montreal.

Hon. Mr. CLORAN—Do I understand that this clause gives power to override a municipal by-law? I would vote for wires going underground, and I cannot for a moment see that this clause will prevent any municipality from forcing companies to put their wires underground.

Hon. Mr. SULLIVAN—This will not apply to any conditions which at present exist in cities, so far as poles are concerned.

Hon. Mr. CASGRAIN (de Lanaudière)—Yes.

Hon. Mr. SULLIVAN—Would they be bound to remove their poles and wires?

Hon. Mr. SCOTT—If by an Act of the parliament of Canada these poles are required to be moved, then they will have no claim for damages because in former years we gave them that right. We can at any time take it away from them. If a particular case comes up, it will be proper to consider it, but I do not like these leaps in the dark, passing a clause in a general way.

Hon. Mr. POWER—I do not see why we should be so very tender as to the risk of interfering with these railway companies. Under this Bill, 'company' means a railway company. As it is at present, these railway companies have their wires on poles, and in a city or a large town, that is a very objectionable condition of things. It would be much better that the wires should be underground. Now we say here that this company, which has been created by parliament, shall not have a right to sue for damages if the parliament declares that the wires shall be put underground; and I really do not see any reason why we may not go a little further, and say if a local legislature passes a general Act requiring telegraph and telephone wires to be put underground that it shall not give the company ground for bringing a suit for damages. I should be disposed to go that far, to insert after the word 'parliament' 'or by the provincial legislature.'

Hon. Sir MACKENZIE BOWELL—What is the object of having divided authority in a matter of this kind?

Hon. Mr. FERGUSON—These qualifying words would still remain—

In case efficient means are devised for carrying any such lines or wires underground.

We might have this: the parliament of Canada might not think efficient means had been found, and the municipality might determine they had efficient means, and the provincial legislature might come to another decision, and all acting differently: whose law was to prevail?

Hon. Mr. SULLIVAN—Whichever acted first.

Hon. Mr. BEIQUE—Hon. gentlemen will readily understand that it is not likely an Act of this parliament or an Act of the legislature will be passed to govern these things. All that the Act will do will be to authorize municipalities to take action, as was done by the local legislature of the province of Quebec: it was an Act of the province which authorized the city of Montreal to provide means to compel all the companies having poles and wires in the streets, to remove their poles and place their wires underground; but it is not the Act itself which compels, because the Act would be a general Act affecting the whole province. An Act of the Dominion parliament would affect the whole Dominion. We cannot contemplate that an Act of the kind will be passed. What will be done will be a by-law, and really, what is important to provide for is, not for the passing of an Act, but for the passing of a by-law by a city. Exception is taken to my first suggestion, I acknowledge with some reason, that it should not be extended to incorporated villages, or even to towns; I have, therefore, restricted the wording of my amendment to cities. But it seems to me, as thus restricted, that the amendment should be adopted.

Hon. Mr. CLORAN—I would suggest an amendment in case efficient means are devised for carrying the wires underground, no Act of the parliament of Canada shall interfere with municipal or provincial legislation requiring the company to adopt such means.

Hon. Mr. LOUGHEED—In what way would the province pass legislation imposing on a railway company provisions of this kind? Such an Act would certainly be

beyond the competence of the provincial legislature.

Hon. Mr. BEIQUE—It is because I realize that it would not be within the province of the local legislature, or of the municipality, which exercises only delegated power from the legislature, to pass any such by-law, that I suggest we provide for it.

Hon. Mr. LOUGHEED—How are we to provide for it? Does my hon. friend contend we can delegate authority to the provincial legislature?

Hon. Mr. BEIQUE—Surely it cannot be seriously contended that this parliament is encroaching upon municipal rights—because this parliament, I claim, is encroaching on provincial rights when it provides for the doing of such and such things in cities, or in streets or in public places in such cities—when this parliament encroaches upon these municipal rights, is it not open to this parliament to say, 'You shall do so and so respecting a by-law?' You have it in every clause of the Bill. What does this clause say? It shall be done with the consent of the municipality. Is that delegating powers? It is not delegating powers, but it is recognizing the powers of the municipality, and therefore it seems to me that is perfectly within the power of this parliament to say that we recognize by this clause, the powers of all railway companies which are under the jurisdiction of the parliament of Canada to do such and such things—to place poles and wires in streets of cities and towns, but in case any incorporated city find that efficient means have been discovered to place the wires underground, and direct that they shall be placed underground, then it shall not be considered as an infringement of this Act.

Hon. Mr. CLORAN—The hon. gentleman mentioned that telegraphs are under the exclusive jurisdiction of parliament. What about wires which carry electricity for heat and power and other purposes?

Hon. Mr. LOUGHEED—This applies only to lines of railway companies.

Hon. Mr. CLORAN—But the railway companies may have such wires, and consequently we have a mixed question. I am in accord with hon. senators who seek to preserve municipal rights, and municipal rights must be respected even at the expense of our dignity in parliament, and that is why I suggested the amendment to apply to lines of all kinds.

Hon. Sir MACKENZIE BOWELL—Who is to be the judge of the efficiency?

Hon. Mr. CLORAN—Common sense and the safety of the public.

Hon. Sir MACKENZIE BOWELL—That is what many do not possess.

Hon. Mr. CLORAN—I think we do not go too far in saying in case efficient means are found, no Act of parliament shall interfere with the municipality or the provincial legislature, requiring a company to adopt such means and abrogating the right given by this section to carry lines on poles, and no such action shall be deemed an infringement. I think you are safeguarding municipal rights. Municipal corporations to-day can force a company to place its poles where they think proper.

Hon. Mr. SULLIVAN—No, they cannot. They put them where they like.

Hon. Mr. CLORAN—They can force the company to regulate the height of poles. If the municipal corporations can regulate all these things, why cannot the municipal corporations be allowed the right to regulate the putting of wires underground? I am in favour of that provision.

Hon. Mr. FERGUSON—It may be considered very great presumption for a layman to give an opinion on a question of this kind, which is really a constitutional question, but I really think, from the examination that we have given the subject, that if we pass this amendment and the parliament of Canada were not to legislate upon it, in the direction indicated, any action by a municipality, or by a province, would not stand, because we must be the supreme judges when this condition of things arises, that is the devising of means for putting lines underground, and supposing we legislated adversely to what the province would do, I am sure, under such circumstances as that, the Act of the province would not prevail.

Hon. Mr. LOUGHEED—I appreciate the necessity of preserving the integrity of the municipality and their being permitted to

exercise their rights quite as freely as this parliament, but the question that runs through the whole of our policy is that with respect to railways and telegraph lines; there must be one exclusive governing body and there cannot be more. That principle is found throughout the British North America Act, and it is found in the Bill we are discussing and there is no departure from it. The hon. gentleman from De Salaberry talks about parliament encroaching upon the rights of municipalities. I point out to my hon. friend that a municipality is as sovereign, so to speak, in the exercise of its rights, as this parliament is in the exercise of its rights. Under the British North America Act, power is given to the provinces to legislate with reference to municipalities and nothing that this parliament can do, if it sat from the 1st of January to the 31st of December, could detract one iota from the rights which may be exercised by municipalties as given them by the provinces. My hon. friends talked about our encroaching upon the rights of municipalities. They have not seriously considered the terms which they have used. I say this parliament could not encroach upon the rights of municipalities; they are as sovereign as we are in the rights which pertain to them under the law which has created them, and as far as this section is concerned, it seems to me it would do violence to a well established principle which runs from beginning to end of the Bill, namely, that there must be one governing body with respect to railways, and that body this parliament.

Hon. Mr. BEIQUE—I think the amendment should be more carefully drafted. Power should be given, in my humble opinion, to incorporated cities as suggested, but provided it be not open to them to single out any company, provided the by-law is a general by-law, and if I may be allowed to add just one word, the hon. gentleman from Calgary says that this parliament shall not interfere with the rights of the municipality. I can refer him to the discussion which took place in the other House and to the opinion expressed by the Minister of Justice when he supported the doctrine that this parliament could interfere with the rights of municipalities; but you have it in this very Act. I could point out several clauses where the rights of municipalities are interfered with. When this parliament authorizes a railway to pass along the streets of a municipality, whether they consent or not, is not this parliament interfering with the rights of the municipality?

Hon. M. LOUGHEED—Because we have the power to do it.

Hon. Mr. BEIQUE—Surely this parliament within its jurisdiction is supreme, and when this parliament legislates within its jurisdiction, whether it is an encroachment on municipal rights or not, the Act takes effect, and it is because these provisions are encroachments upon municipal rights that I suggest municipal rights be protected to a reasonable extent.

Hon. Sir MACKENZIE BOWELL—If there is a railway company existing created by this parliament, why should you have a divided authority as to its management between the local and municipal authorities? If you go on legislating in this style, you will find no person who will invest money in anything of the kind. The Confederation Act places the control of the granting of charters for the erection of telegraph lines under the jurisdiction of this parliament. If I understand the proposition, it is this: that though the authority be in this parliament, it is desired to give certain power and authority, not only to the provincial legislature, but also to the municipalities, to declare what shall be done, which may be in contravention of the provisons of this Act. This clause provides that if it be shown to the government that efficient means have been found to place these wires underground, then they will give the authority to place them underground, and the companies shall have no claim upon the municipalities or any one else for damages which accrue to them. That is what it implies, and it does seem to me that, in dealing with questions of this kind, that authority should be left in the parliament that grants them the power, and not divide it between two or three bodies. This would not interfere with municipal rights. Municipal rights are those which are conferred by the provincial parliaments in their incorporation. There is a general law, I suppose, in Quebec as I know there

is in Ontario, that where you erect a municipality, a village or a town or a city, and they have all the powers thereby conferred, This parliament cannot interfere with them and we never would think of interfering with them. In this case, the clause had better stand as it is, both in the interest of municipalities, and the interests of those who have invested their money in these enterprises.

The clause was allowed to stand.

Hon. Mr. FULFORD, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again.

GRAND TRUNK PACIFIC INCORPORATION BILL.

NOTICE OF AMENDMENT.

Hon. Mr. WATSON—I beg to give notice that when the third reading of Bill (64) An Act to incorporate the Grand Trunk Pacific Railway Company is moved, I will move that we insert the words 'Governor in Council' before the words 'as to the location on Lake Superior.' The object is for the government to have control of the terminals on Lake Superior.

Hon. Sir MACKENZIE BOWELL—I thought that proposition was made in committee and rejected.

Hon. Mr. DANDURAND—No.

Hon. Sir MACKENZIE BOWELL—I know the hon. gentleman from Marquette proposed it, but whether he withdrew it or not, I do not remember.

Hon. Mr. DANDURAND—It was not taken into consideration. The hon. gentleman thought it passed with my amendment, but it did not.

The Senate adjourned.